

*Civil Society Organizations and Social Rehabilitation:
The Case of 'Antigone' in Italyⁱ*

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Abstract

This chapter overviews the monitoring activity of the Italian penitentiary system that Italian NGO *Antigone* has been carrying out since 1998. This allows to reflect on the gap between the theoretical purposes of detention under the Constitution and the reality of daily prison life. During its visits to Italian prison facilities, *Antigone* documents many aspects of prison life, including the organisation and the main features of social rehabilitation activities. Through an analysis of legislative sources, court rulings and the findings of prison monitoring, the authors reflect on the distinction between the declared normative purposes of punishment and its actual function. As the chapter makes clear, prison reality too often appears to fall far from the pursuit of social rehabilitation.

I. The Unbridgeable Gap between Prison in (Legal) Theory and Prison in Reality

The role of a civil society organization such as *Antigone* sits in the space between what a sentence is meant to be and what it actually is. A civil society organization unveils such a space, making it visible to public opinion and politicians alike, as they are often unaware or even indifferent to the issues that affect prisons. As the visits across Italian prisons conducted by *Antigone* over the years (the so-called Observatory, see below) and the resulting reports clearly show, prison does not serve the functions that is meant to fulfil. It never does, in no society and no penal system. In some periods and some parts of the world, the reality of prison comes closer to the theory that inspires it; in other periods and other parts of the world, prison moves away from its theoretical grounds. Yet, the goal of prison as a punishment, as is formally stated in the law, is a horizon that is hard to reach. This goal, in some of its interpretations, is strongly tied up with social rehabilitation.

Yet, to understand the essence of prison as a punishment, it is foremost useful to make a historical, legal, and philosophical premise about the keywords that underpin such an essence:

freedom, dignity, sovereignty, and security. This premise allows us to understand that the ‘ought-to-be’ of prison sentences is never fully realised in reality. The ‘prison issue’, and the gap between the declared normative purpose of punishment and its actual function, lie in this dramatic conflict between freedom and dignity, on the one hand, and sovereignty and security, on the other.

John Stuart Mill famously argued about the boundaries of individual freedom and the powers of interference by the community (Stuart Mill [1859] 2014). The community must protect itself, as Stuart Mill wrote. Only the need for self-protection can justify any compressions of freedom. Thus, the only purpose for which any power can be legitimately exercised over members of a civilized community, against their will, is to avoid doing harm to others. For coercion or punishment to be justified, the actions from which someone is deterred or for which someone is punished are those causing harm to someone else. The only conducts for which one is accountable to society are behaviours affecting others. This is the essence of the liberal tradition that lies at the origin of modern criminal law and the application of prison sentencing. A cornerstone of the doctrine that Luigi Ferrajoli famously named ‘*garantismo penale*’ (Ferrajoli 1989) (akin to the ‘due process’ principle in the Anglo-American tradition) is, therefore, that the law is a protective shield for everyone’s freedom. The law is meant to act as a barrier against unjustified excesses of the power to punish, on the grounds that freedom is a primary good. Freedom can be compressed or denied only when necessary to protect society: even in such a case, the power to punish is neither absolute nor unlimited.

Freedom and dignity lie at the core of the penal ideology that we inherited from Cesare Beccaria. In Chapter XX of *Dei Delitti e delle Pene*, Beccaria wrote, “[t]here is no freedom whenever the laws allow a human being to cease to be a person and become a thing” (Beccaria [1764] 2014). For Beccaria, the degradation of human beings to objects leads to the loss of freedom. Without dignity, there can be no freedom. There is a cause-and-effect relationship between freedom and dignity. If dignity is lost, then freedom is also lost. Yet if human beings lose their freedom, they do not thereby lose their dignity; however, much of that dignity may be at the risk of undue violations and compressions.

Kant likewise held that, without dignity, a human being is degraded to being an object. According to his idea of dignity that arguably accounts for a juridical foundation of human rights (Kant [1797] 1965), Kant famously maintained that human beings can only be an end in themselves. Kant's accounts of human dignity are entirely negative in nature though. He does not say what human dignity is. He says what must not be done in order not to violate it. Like Beccaria, Kant warned about the limits of the power to punish. Human dignity must stand as a limit to the power to punish, a power that States would like to see unrestricted as the ultimate expression of their sovereignty. Echoing Kant's idea, Günther Dürig stated that, '[d]ignity is an irrepressible, undeniable, inalienable quality, without which human beings would be degraded to objects' (Dürig 1956).

The notion of sovereignty refers to the essence of State power, which finds its most explicit public manifestation in punitive power. Prison, with its walls, towers, bars, and gates, perfectly conveys such power to the community. Sovereignty is self-government, autonomy, and independence. State sovereignty is power. Unlimited State sovereignty is the anti-democratic and illiberal illusion of those refusing to see the risks of itⁱⁱ.

The concept of sovereignty, prompting contrasting feelings between fetishism and derision, has strongly affected the penal and prison issues in the last two centuries. In the name of sovereign power, the death penalty and, more recently, even torture have been legitimizedⁱⁱⁱ. By contrast, growing emphasis on human dignity and freedom within international human rights instruments support the idea that erosions of the State's punitive sovereignty are justified. Security lies in the same semantic field as sovereignty. In the name of security, the most macroscopic compressions of human rights and civil liberties have been justified. In the prison context, security needs have justified massive compressions of the rights of prisoners far beyond what is provided for by the law, despite the solemn declarations of respect for freedom from the highest jurisdictional authorities.

The Italian Constitutional Court in its judgment no. 349 of 1993 specified that detention does not involve the total and absolute deprivation of the rights of freedom of the person (Par. 4.2). Despite imprisonment, there should be a residue of freedom which 'is all the more precious in that it

constitutes the last area in which individual freedom can expand' (Par. 4.2). The principle of the maximum expansion of freedoms is present in a subsequent ruling of the Court (No. 317 /2009). The ruling reiterates that this principle must also apply in prison, with the consequence that limitations on the exercise of rights are not admissible unless they are justified by the inherent features of prison life — in particular those of 'order and security', strictly understood. Yet, in practice such features are conducive to restrictions of individual rights which tend to go beyond all reasonable justification.

Over the centuries, philosophers, theologians, and jurists have questioned the purpose of punishment, and thus of prison. Since the mid-Nineteenth Century, detention has been the *par excellence* penalty. Today, with its eleven million inmates worldwide, prison overwhelmingly dominates the penal field. Thus, a reflection on the purpose of punishment is inevitably a reflection on prison. Over time, there has been a lot of debate about retributive, special and general preventive doctrines. In some way, the re-educational (or social rehabilitation) purpose has always featured the public discussion about prison punishment (see Rotman, this volume). In Italy, the idea of social rehabilitation became enshrined in Article 27 of the Constitution (1948). Under this provision, punishment must always aim at the '*rieducazione*' (literally 're-education', a notion that the Italian Constitutional Court has interpreted as equivalent to 'social rehabilitation'; see Italian Constitutional Court n. 204/1974; n. 313/1990) of the convicted person, without any exceptions nor limits. This is the 'ought-to-be' of punishment in the dominant Italian legal culture. However, the reality suggests that understanding punishment and, especially, prison through rules alone results in a serious interpretative error, even if these rules are enshrined at the constitutional level.

What we referred to as the 'prison issue' lies at the crossroads of criminal law, constitutional culture, criminal policy, the socio-health dimension, architecture and urban planning, pedagogy, general sociology and sociology of law, moral and legal philosophy, but also history and geopolitics. There is prison in theory, which is investigated by legal theorists, and there is prison in practice, which manifests a very different nature. The normative-philosophical purpose of prison does not correspond to the actual function of the prison sentence^{iv}. Normative/philosophical theories of prison are not

grounded in empirical observation. Yet theorists and scholars of punishment cannot ignore that punishment in practice entails suffering, affliction, fulfils collective desires for revenge, and serves mainly to neutralize the persons being held. Prison as experienced is often far from theoretical ideas social rehabilitation, re-education, recovery, reintegration. Prison, in the words of those directly affected (as confirmed by on-field observations such as *Antigone's*, see below), is social exclusion, stigma, pain, a factory of deviance and abuses.

As we shall see in the next section, this afflictive nature does not stop at illegal practices but also permeates non-constitutional rules, thus creating a legal clash between what punishment should be under the Constitution and what punishment actually *is* in its every-day reality. Too often, as *Antigone's* prison observations have shown over the years, a person in prison is in fact reduced to an object and deprived of their dignity. Such a reality naturally runs against any prerequisites for the pursuit of social rehabilitation.

II. The Role of Civil Society in Uncovering the Normative and Concrete Ambiguities around Social Rehabilitation

The discrepancy between what prison is meant to be and what it actually is may be observed at several levels. The work of civil society organisations is essential to help uncover and reduce such levels of discrepancy. One major level of discrepancy lies within the law itself. While the Italian Constitution frames the deontology of punishment in terms of respect for human dignity and social rehabilitation (see above) (Art. 27.2 Cost.), non-constitutional norms – from primary laws to administrative circulars which regulate the concrete life in detention – contain prescriptions or regulatory gaps that appear to run afoul of the constitutional mandate of socially re-integrating convicted persons. Accordingly, over the years civil society organisations like *Antigone* have been working on uncovering these contradictions and towards the promotion of normative reforms. Hence, civil society campaigns have often contributed to the advancement of laws in the direction of the protection of prisoners' rights, including their constitutional right to social rehabilitation.

In what follows, we shall report some examples taken from Italian penitentiary history to illustrate how powerful the campaigning work of civil society organisations can be to unveil the contradictions that hinder the social rehabilitation of people in custody. As mentioned, non-constitutional norms like codes and administrative regulations can incorporate an idea of punishment that does not conform to its constitutional purpose. For example, Italian prison law (*Legge sull'Ordinamento Penitenziario No. 354/1975*) implicitly prohibits prisoners from having a sexual life, requiring that prison visits, including with significant others, must always be carried out under the visual supervision of custody staff (art. 18). The prohibition of sexuality— with all the relational, psychological, and behavioural problems it creates— eventually results in a violation of a person's right to social rehabilitation. Accordingly, rules prohibiting prisoners from having a sexual life in prison mark a clear distance of the reality of punishment from its stated constitutional purpose.

Another example concerns communications. New technologies, such as Skype, have exceptionally entered prisons in Italy, as in many other countries in the world, for the first time with the Covid-19 health emergency. For decades before, prisons had no computerized means of connecting with the outside world, although administrative permissions were sufficient to fill at least part of this gap. Contacts with the outside world is one of the most relevant elements of social rehabilitation. In view of the risk that such technological 'benefit' might soon be curtailed, *Antigone* is carrying out a massive campaign for the preservation of technological communications for people in prisons even after the end of the pandemic emergency.

A third example in which the activism of civil society groups makes up for the failures of prison life concerns the criminalisation of torture. Until July 2017, Italy failed to adopt a law criminalizing torture. With the laws available until then, those who perpetrated abuse and violence in prison could not be adequately prosecuted. A long campaign^v carried out by *Antigone* at many different levels strongly contributed to the approval of the law (L. No. 110/2017) that finally introduced the crime of torture in the Italian Penal Code.

Another level of discrepancy between the declared purpose of punishment and its reality, is between codified rules that regulate prison life (all of them, which in this new perspective represent the ought-to-be of the punishment) and the daily practice in prisons. Such discrepancies can be spotted and reduced in two main ways: first, through national or international courts' decisions concerning prison sentences and, second, with the direct observation of the living conditions in prisons through prison monitoring. Civil society plays an essential role in both.

Beginning with the courts, decisions of both national and supranational courts provide accurate descriptions of the reality of prison life. A clear example lies with the well-known judgment in the case of *Torreggiani* (ECtHR no. 43517/09), where the European Court of Human Rights found a violation of Article 3 of the European Convention (prohibition of inhuman and degrading treatment or torture) due to the overcrowding in Italian prisons. The judgment in *Torreggiani* laid bare the widespread degrading conditions of Italian prisons such as, among others, "serious problems with the distribution of hot water [and] heavy metal bars placed on the cell windows, which prevent air and daylight from entering the rooms." (Par. 58)

The Court eventually observed that 'the serious lack of space [...] constituted in itself treatment contrary to the Convention.' (Par. 77) In particular, the Court 'consider[ed] that the conditions of detention in question, also considering the length of the applicants' imprisonment, subjected the persons concerned to an ordeal of an intensity exceeding the inevitable level of suffering inherent in imprisonment' (Par. 78). This pilot judgment, whose effects go beyond the individual case, sheds light on the fact that normal imprisonment produces far more suffering than is necessary to protect society. Importantly, *Antigone* largely contributed to the path leading to the judgment by submitting a number of appeals before the Court and helping many inmates to submit their own. Thus, when the work of civil society succeeds in leading to judgments like this, it has the great merit of revealing the contradictions of prison thus promoting a model of detention that is more in accordance with the actual pursuit of social rehabilitation.

In another proceeding involving **alleged** abuses on the part of prison staff against several detained persons, in which *Antigone* participated by filing a complaint with the Public Prosecutor's Office, **the magistrate in charge of the preliminary hearing ('giudice per l'udienza preliminare [G.U.P.]')** of the Court of Turin reported verbatim that 'the [prison officer], together with two other unidentified guards, entered [the prisoner's] cell and, after having asked [a detainee] if he wanted to take a shower, attacked him with violent slaps on the face and the neck, at the same time insulting him by calling him 'Shit'; the following morning, while delivering a letter from his girlfriend, [the prison officer] forced him to say aloud: 'I am a piece of shit'; on the same morning, at around 1.30 p.m., [the guards] forced him to stand in the corridor of the section where he was assigned, with his face turned towards the wall for about 40 minutes, insulting him repeatedly [...] all conduct involving inhuman and degrading treatment for the dignity of the detained person' (our translation) (G.I.P. del Tribunale di Torino, Proc. n.12841/19).

The reported cases illustrate that this, too, is the reality of prison — a reality that is very far removed from what punishment is meant to be under the Italian Constitution. Prison is violence, fear, terror, torture—instead of a place filled with respect for dignity and social rehabilitation. The widespread abuses of prison environments appear to underline a relationship of superiority between the prison authority and the individuals in custody. All too often, violence is the method of governing prison life. The work of civil society helps to uncover and combat such hidden informal punishments.

Moving our discussion to prison monitoring, we first need to clarify that empirical observation of prisons is hardly neutral. Observation is a practice that conditions the object and the subjects observed, modifies behaviour and practices, sometimes only for the duration of the visit, sometimes in a more penetrating and lasting way. Hence, prison monitoring can be a stimulus to reduce the gap between the constitutional dimension of punishment and punishment effectively experienced in prison. Prison observation is a tool for knowledge, criticism, and transformation. In addition to its cognitive function, observation also serves a preventive function: it restores society with a role of

guarantor of the constitutional purpose of punishment, helping to reject the idea that custodians are the exclusive owners of the bodies of people they hold.

The existence of civil society organisations such as *Antigone* in Italy with its Observatory on prison conditions (hereinafter ‘the Observatory’), would be critical for overseeing the conditions of prisons and the work of prison administrations in every country. By the same token, it would be fundamental that Ministers of Justice and/or Departments of Correction in any legal systems allowed for organisations like *Antigone*. Within the international panorama, there is widespread awareness of the need to provide for forms of prison monitoring at a supra-national level (as is in the case of the inspection role of the European Committee for the Prevention of Torture, whose reports constitute an extraordinary source of knowledge on detention practices in the Council of Europe area), or within individual States (as is in the case of National Preventive Mechanisms for the prevention of torture) (Rogan, this volume). The work of civil society groups like *Antigone* does not overlap with that of the mentioned institutional organisations tasked with prison monitoring but virtuously complements it, thereby producing a valuable synergy. The large informality which characterises the workings of civil society organisations like *Antigone* — including the absence of any confidentiality constraints— contribute strongly to making the prison system more transparent while ensuring societal control over prisons in a way that guarantees against abuses and arbitrary exercise of power. For instance, during the outbreak of the pandemic, *Antigone* was one of the main sources of information to the public about the situation in Italian prisons.^{vi} Still, in November 2021, *Antigone* visited the psychiatric section of the *Sestante* wing at the *Lorusso e Cotugno* Prison in Turin, and found people living in an extremely degraded situation, with no real medical care but an immoderate distribution of drugs. Following and thanks to *Antigone*’s report on this inhuman situation to the media (Marietti 2021), this prison section has finally been closed down.

Admittedly, although observation by civil society groups can contribute to bringing the prison sentence closer to its purpose of social rehabilitation, prison in its concrete reality will hardly ever be able to fully serve this purpose. Prominent scholars who have lived the experience of imprisonment

decoded its ambiguities regarding its rehabilitative functions. Among many others, Vittorio Foa, who was incarcerated during the fascist period, demythologised the rehabilitative purpose of imprisonment with the following words:

‘Prisons are a world apart. (...) the necessary hierarchical structure combined with their specific function creates a particular condition of systematic arbitrariness. The prisoner is passively in the grip of his custodians. Supervision and custody must show a tough and severe face to prisoners (...). The prisoner cannot regain confidence in humanity and the law in today’s prisons (...). Prison makes itself repellent to free human beings. Today I also belong to the wide world of the indifferent’ (our translation) (Gonnella, Ippolito 2019).

Altiero Spinelli, who had a similar experience in fascist prisons, echoed this sentiment:

“no matter how much one wishes to transform and improve prisons, they cannot substantially change it. Of course, it is possible to improve the quality of food, make the cells and dormitories more hygienic, provide more leisure and work, and the like. Yet this does not alter the essential fact of keeping human beings in cages, prevented from developing a normal life” (our translation) (Gonnella, Ippolito 2019).

Expanding on Spinelli’s words, without life normalcy, no social rehabilitation can ever be possible.

III. *Antigone* Prison Observatory: Working Methods and Achievements

The need for resolving the ambiguities that surround prison sentences and the underlying conflict between (prison) law in books and (prison) law in action motivates every aspect of the activities of the Observatory on prison conditions — ranging from the planning of the visits to detention facilities, to the items of our data collection system, to the information we collect and the dialogue we seek to establish with inmates during the visit, up to the use of the collected data. In the remainder of this chapter, we go through these stages to describe the work of our Observatory in more detail.

On the annual planning of its activities, the Observatory overviews the major structural or contingent critical issues that the prison system is experiencing, thereby setting the focuses of the Observatory's work for the following months and updating its data collection system accordingly. Such focuses normally include both an assessment of the evolution of already observed issues within a certain institution or in the system as a whole, and the observation of newly introduced specific focuses in the database. For instance, in 2017 and for several years, the Observatory collaborated with the United Nations Refugee Agency (UNHCR) office in Rome, to survey the conditions of foreigners in detention. Likewise, following the closure of forensic asylums (*Ospedali Psichiatrici Giudiziari* [OPG]) in 2013, the Observatory has continued to overview the emergency of the management of psychiatric patients in prison and refined surveys on psychiatric wellbeing and access to treatment in collaboration with mental health professionals. Moreover, since the beginning of the pandemic, the Observatory has been collecting data on the spread of Covid-19 in prisons and the institutional measures adopted to prevent potential outbreaks. Lastly, from 2019, the Observatory has increased its survey of the conditions of women detention, an issue that does not properly qualifies as an emergency but is still largely neglected in the Italian debate.

The choice of the facilities to visit and observe follows a similar logic. On the one hand, the Observatory seeks to be more present in facilities which are known to be problematic in terms of structural characteristics, the type of inmate populations they house and the management models they apply. Moreover, the Observatory orients the choice of its visits based on the complaints that both inmates and their relatives file on a daily basis, in order to directly check on ongoing issues inside a given facility. Evidently, the Observatory monitors prison conditions even in facilities where no particular complaints have been filed. The latter scenario often occurs in prisons that have less contact with the outside community, that is when they are particularly isolated. In such cases, the visits of the Observatory, with the (however sporadic) contacts with those who work or are detained there, may be useful to open channels of communication with the outside world.

Turning now to the actual practice of our visits an important disclaimer is in order: it is no wonder that, during the visit to a given facility, prison staff tend to show the ‘highlights’ of the prison they run, such as the less crowded or better maintained detention wings, or the common areas (e.g., the library or the gym) instead of detention cells. While these shortcuts are to be expected, at the same time they clearly interfere with the purpose of our visits. To avoid this outcome, we attempt to gather information about the facility and its issues from volunteers or staff members who work there or from the reports we receive from detainees before the visit, so that we can inquiry into such issues and possibly demand access to them.

At the same time, our visits also aim to build a constructive relationship with those who live and work in prison. Admittedly, both political systems and the public opinion all over the world have constantly tended to use detention to address the most diverse social issues, filling prisons to the brim and ignoring the material conditions of those who live and work there. Over the years, prison workers have become more aware that the work of our Observatory is motivated by the intent of making the reality of prison better known and to promote greater well-being for the entire prison community, including the staff. Hence, even prison officers have come to appreciate it, and have become more inclined to show us the most problematic aspects of the place where they work, so that the general public may become aware of them and support their resolutions, possibly with some involvement by the local community.

As is clear, the data we collect aims precisely at raising public awareness on prison issues. In fact, we make public most of the information we collect during the visits by publishing them on a different section of our website, each dedicated to a single prison facility,^{vii} which normally attracts a lot of visitors who are interested in learning more about a given prison including its essential characteristics and its most significant problematic features. This tool is meant to enable the surrounding community, the local authorities and other civil society organisations to intervene and support the prison in their area in a more informed way.

Admittedly, not everything we observe is made public. In some cases, we witness situations that it is more useful to address through direct mediations with the relevant institutions, where we present the problem and urge for solutions, rather than starting a public controversy. We do so also because public controversies often result in direct reprisals on the detainees whose rights we try to protect.

In addition to the individual prison reports, every year *Antigone* publishes a report (now in its 18th edition) on the general detention conditions in Italy^{viii}. The first part of the annual report usually provides an overview of the current situation of the national penitentiary system, the most significant events of the previous year and how the prison system has changed over time in its essential features. The second part of the report is instead dedicated to a more in-depth analysis of what *Antigone* has observed during the year, as well as to more long-term issues and debates around prisons, which are not necessarily related to the news of the year.

Usually, the first part of the report is supported by a lot of data and graphs. Some of these are based on official data made available by the Ministry of Justice and other competent authorities. But for several years now *Antigone*, during the visits of the Observatory, has been carrying out in a systematic and structured way its independent data collection, covering topics regarding which no official data are available. This information is made public in the report, while being channelled in many other instances through our external communication. In recent years, most of the data collected by the Observatory has been made integrally available to researchers and academic institutions.

Finally, the observation work carried out by *Antigone* is at the basis of activism campaigns that *Antigone* periodically launches on specific issues as well as of policy proposals that *Antigone* addresses to the public administration and political bodies. For instance, immediately after the outbreak of Covid-19 pandemic in March 2020, *Antigone* put forward a set of proposals for the adoption of measures to prevent the spread of the virus in prison. In support of these proposals, we reported the findings we had documented over the years regarding the lack of space in prisons, the lack of hygiene in cells and common areas or the inadequacy of outdoor spaces — all factors that

would clearly have a significant impact on the spread of infectious diseases and that made prisons a place more at risk of outbreaks than others. The proposals immediately gained large support by other prison organisations. More importantly, the institutional measures that were eventually adopted by the government at the time (some of which are still in force today) mirrored many of our proposals.

More broadly, *Antigone* has also elaborated a series of proposals for the reform of the Italian Penitentiary Regulations (DPR no. 230/2000), the set of secondary rules that regulate in detail daily life in our prisons.^{ix} Here too, our proposals were based on the results of our observations during our prison visits. On the one hand, our proposals were a means to denounce the frequent violations of prison regulations, such as the lack of showers in prison cells or the presence of screens on cell windows. On the other hand, the direct observation of everyday life in prison allowed us to identify and advance reform proposals concerning rules that have the greatest impact on the lives of prisoners, in an effort to promote meaningful change in view of protecting the dignity of people in custody and maximizing their opportunities for social reintegration.

IV. Conclusion

All in all, the independent prison monitoring by civil society organisations, with the activities described above, may be essential to promote the pursuit of social rehabilitation in prison at various levels: first, by surveying and reporting on the activities offered to inmates in view of their return into society, thereby encouraging prison administrations to take full responsibility for their benefits and pitfalls; second, by guaranteeing a greater transparency of prison life and by raising awareness about prison life with the outside world, thereby favouring connections between the prisons and their surrounding areas and encouraging the community to be involved in the responsible reintegration of those released from prison; and, third, by acting as a preventive mechanism against potential violations of the dignity of prisoners, thereby prompting their emancipation from a life of deviancy and favouring their return to society as positive members of the community.

ⁱ Section I is authored by Patrizio Gonnella; Section II is authored by Susanna Marietti; Section III is authored by Alessio Scandurra.

ⁱⁱ Carlo Galli goes beyond the commonplaces about sovereignty (Galli 2019). He echoes the Kelsenian and Kantian notions of sovereignty as a problem.

ⁱⁱⁱ Think of the debate on the legalization of torture after the attacks of 11 September 2001, summarised by Massimo La Torre and Marina Lalatta Costerbosa (La Torre, Lalatta Costerbosa 2013).

^{iv} The distinction between purpose and function of punishment is due to Luigi Ferrajoli (Ferrajoli 1989).

^v Among other initiatives, *see, e.g.*, Vladimiro Polchi, Carceri, ‘Chiamiamola Tortura’ è la Petizione Rivolta al Parlamento: E Ci Sono Già 10 mila Firme, *La Repubblica*, 2 April 2014 at <https://www.repubblica.it/solidarieta/diritti-umani/2014/04/02/news/carceri-82541836/>

^{vi} *Antigone* carried out this information campaign through different means of communication, including 1. weekly Facebook live streaming; 2. direct communication with relatives of people inside via phone, email or social networks 3. publication of a constantly updated map with prisons outbreaks on *Antigone*'s website 4. publication of periodic brochures on *Antigone*'s website. *See, e.g.*, Il Carcere nell'Italia ai Tempi del Coronavirus: Il Lavoro di Antigone, at <https://www.antigone.it/upload2/uploads/docs/AntigoneCoronavirusIT.pdf> [last updated on 20 April 2020].

^{vii} *See Antigone*'s website at https://www.antigone.it/osservatorio_detenzione

^{viii} *See* Il Portale di Antigone sulle Condizioni di Detenzione, at <https://www.rapportoantigone.it>

^x *See* Le Proposte di Antigone per un Nuovo Regolamento di Esecuzione, at <https://www.antigone.it/upload2/uploads/docs/RegolamentoEsecuzioneProposta.pdf>

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