Inmates and University in Italy and Spain: non-traditional students on the margins

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Abstract

The increase in the educational level of prisoners contributes to the reduction of recidivism, to the improvement of social ties and then to the promotion of public safety. However many obstacles (legislative, organizational, cultural) de facto restrict full access of prisoners to the higher levels of education, even until this day.

In this paper, first we discuss the right to education in the specific field of university studies in Italy and Spain, identifying similarities, differences, limits and contradictions of the regulations in force in both countries, within the framework of international law. Within this particular cultural, educational and inter-institutional dimension, which takes place in many Spanish and Italian prisons, we compare some available statistical data and we describe in general terms the experience in the two countries, with a special focus on the new learning technologies.

Indeed, the ICT has brought new tools for inclusive and active learning, particularly relevant to the contexts of isolation (geographical, physical, social or cultural). Besides, the e-learning appears effective to promote continuity of academic career for those entering or leaving prison.

Key-words: prison education, university, non-traditional students, e-learning, rehabilitation.

1. The prison as learning community

Inmates who attend university may be considered non-traditional students, presenting one or more of the features that are usually attributed to this definition: break between high school and university, full time job, part time attendance of university, independent financial situation, presence of children or dependants other than own partner, to be a single parent, to have a GED (not a high school diploma)[1]. Moreover, for all the students in prison, each stage of the training process (choice, enrolment, didactics, individual study) is strongly influenced and limited by the space in which they are forced. The (physical, socio-cultural, professional) environment and its (official, unofficial, explicit and implicit) rules determine for all the imprisoned people a marginal condition that, beyond the different orientations of the criminal law, was and continues to be a summary of the prison sentence, where *the wall* – the fundamental instrument of containment and control – is not only its symbol but also its deeper raison d'être.

Both the Italian (1948) and Spanish (1978) Constitutions give new foundations to this instrument of physical, social and emotional discontinuity: not afflictive methods and rehabilitative purposes (respectively art. 27 par. 3 and art. 25 par. 2). Actually, across the whole Europe the modern constitutional laws aim to transform the totalizing and alienating isolation of the old prison in a mitigated discontinuity, that should produce change and reintegration, returning gradually to weave the broken knots with society through activities such as work and education. In the prison reforms

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[1]   The US National Center for Education Statistics (NCES) found that 73% of all undergraduate students have a least one of these characteristics (Choy, 2002). However, unlike the majority of prisoners, university students in jail do not seem to come from carrier failure in school, as reported by Spanish (Bardisa Ruiz & others, 2003) and English sources (Champion & Edgar, 2013).

of both the considered countries the attention to education (not only in the formal field) extends up to represent one of the pillars of the new conception of the inmates' treatment: an individual project, initiated on the basis of a free consent of the condemned person and led through multiple sectors of intervention (learning, cultural activities, employment and vocational training, sports, religion).

The legislative requirements (that identify the primary and inalienable goal of the penalty in the social reintegration), its implementing regulations, as well as the moral suasion of international organizations, such as the Council of Europe, are greatly contributing to overcome a culture of affliction and segregation, but not without difficulties and delays. From a historical point of view, the movement between the categories of continuity and discontinuity could help to outline the not linear evolution of the concept and practice of imprisonment: nowadays, to some extent, it is changing the relationship between the correctional institutions and the outside world, more and more osmotic, as well as the image – always imbued with complex meanings – which the prison casts on the society. On another level of analysis, continuity and discontinuity can be interesting interpretive tools of the curriculum of prisoners and staff, always within a horizon leading to the radical transformation of prisons in contexts and situations able to produce reintegration, where the different involved (old and new) professional cultures should engage in the search for difficult but necessary collaborations-mediation for the development of authentic educational communities.

In this paper we discuss specifically of convicts who are enrolled at university: they represent a minority of students in prison and a very small slice of inmates. However academic study in prison is a phenomenon increasingly important numerically, that should be further encouraged, because it is extremely significant from a symbolic point of view (being the result of an individual choice that implies a substantial and long-term commitment), as well as from a pragmatic point of view (representing a considerable opportunity for re-employment and a chance of transformation of the prison environment itself), this way, summoning up the concepts of discontinuity and continuity, according to a complex relationship, now complementary, now circular.

Being education a constitutional right, in the first place we will analyse it from a legislative point of view, considering what the main international (par. 2), Italian (par. 3.1) and Spanish (par. 3.2) laws have decreed about the higher education in prisons. Secondly we will trace sketchily the situation in the two compared countries, focusing on the main statistical data (par. 3.3), then on the practices and on the emerging models, paying special attention to e-learning (par. 4), which is an ever popular mode to conduct university studies, both inside and outside the prison, thanks to the spread of Information and Communication Technologies (ICT).

2. Prison education and university: notes of international law

In 1955 the United Nations (UN) adopted the Standard Minimum Rules for the Treatment of Prisoners, that sanctioned, for the first time on a global level, the contrariety to penal treatment that are prejudicial to human rights and dignity. They were inspired by the principle of accountability of the condemned (free and conscious participation to treatment) in preparation for his/her return to the outsider world as an active force. Furthermore, the UN Rules singled in education, in the broadest meaning of the word (from the physical education to the cultural one, from the religion to the school), the main vehicle for the development of the person as a whole, through a project that takes into account his/her economic, social and cultural past (arts. 65, 77, 78).

The Council of Europe welcomed the UN resolution, integrating it in a text known under the title of European Prison Rules (EPR). Issued for the first time in 1973 (R (73) 5), then updated in 1987 (R [87] 3) and in 2006 (R [06] 2), they cover all aspects of everyday life of the inmates: the theme of premises, hygiene, food, medical care, discipline, leisure, education, rehabilitation, as well as various questions concerning the prison staff. The EPR are not the only Recommendation of the Council of Europe on the penitentiary issue or on the prison education but their advanced character,

their programmatic nature and the progressive reception of previous recommendations helped to make them the main source of Continental law in this field. On the question of education in prison, the RPE (from art. 77 to art. 82 in the '73 and '87 versions, art. 28 in the 2006 version) essentially echo the approach of the UN Rules. Although the EPR, as well as the UN Rules, never mention explicitly the university, we will highlight a few points most involved with the academic study, referring to the 2006 version.

The par. 4 of art. 28 encourages to fully equalize education to work, even from the point of view of pay, so preventing the economic penalty arising from the choice of studying instead of working. This is a particularly relevant aspect with regards to the higher education, that can absorb a considerable part of the day and that proves difficult to reconcile with a job. The par. 7 of art. 28 draws attention to the need to integrate the prison education into the public system of education and vocational training, following two policies: on the one hand, making compatible the careers, so to promote continuity after the release; on the other hand, imparting education out of the prison as much as possible. Finally, the paragraphs 5 and 6 of art. 28 recommend to each prison to make available to all convicts a comprehensive library ("adequately stocked with a wide range of both recreational and educational resources, books and other media"), which is hoped to be organized "in co-operation with community library services".

The specific theme of the university had not been addressed directly even in the 17 points which made up the Recommendation No. R (89) 12 on education in prison, which, however, was emanated together with an explanatory memorandum: an analytical report, compiled by a committee of experts, that observes the prison education systems of the member countries according to two circuits: external and internal to prisons. This time the university is mentioned in both paths: in one case, briefly, to promote once again the integration with the public education system outside the prison; in the other case, more extensively, to analyse and recommend opportunities and best practices across the European prisons, with a strong focus on traditional and electronic distance learning, as well as on access to MOOCs (Massive Open Online Courses), which could be offered by many public universities at the present time and more and more in the future.

3. University study in prison: profiles of the Italian and Spanish legislation

We have already given an account, in the first paragraph, of the constitutional foundations of the Italian and Spanish regulations about the prison sentence, Therefore, now we will focus on the laws in force, on their implementing regulations and amendment acts, evaluating how, and to what extent, the two lawmakers have taken action to ensure and encourage the academic study in prison. We will focus in particular on the three issues raised in the European context: equalization of education and work, integration into the public system, presence of libraries and supports to study.

3.1. The laws and the actors in Italy

The Italian L. n. 354/1975 (henceforward OP: *Ordinamento Penitenziario*) embodies, and in some ways anticipates, the principles that were successful at the international level: humanity and dignity of the conditions of detention; rehabilitative purpose of the treatment; permeability of the prison, through the involvement of *civil society* in intramural activities (art. 17), as well as fostering inmates' contacts with the outside (arts. 18, 21, 28, 30). The latter were raised to real pedagogical tool for the *re-educational treatment* (art. 15), together with the work (art. 20), the religion (art. 26), the participation in cultural, recreational and sports activities (art. 27). The penitentiary institution is called upon to ensure the provision of appropriate equipment and environments (art. 12 par. 1), including the obligation to set up a library (with books and magazines), managed with the participation of the prisoners themselves (art. 12 pars. 2-3). Education, understood as *cultural and*

professional training (art. 19), has a prominent role: recalling that the obligation to establish courses of primary education and literacy was already provided for by L. n. 535/1958, the OP pays special attention to the secondary school and to the higher education. About the university studies, the par. 4 of art. 19 states that "the attainment of university courses and equivalent must be fostered and the attendance at school courses by correspondence, radio and television must be favoured".

The first Implementing Regulation of the OP (D.P.R. n. 431/1976) clarified that the access to university is a right of all the prisoners, both in execution of sentence and in custody. It provided that were "established the appropriate agreements with academic authorities to enable students to receive every possible help and to take the examinations" (art. 42). From the very beginning, the emerging pattern is that one of the local autonomy, in a framework of incentives and conditions that apply to all: a) possibility of exemption from work "in view of the commitment and proved profit" (art. 42); b) financial support for deserving students or economically disadvantaged (as reimbursement for fees and books) and an *award for academic performance* (art. 43).

Nevertheless, this first Regulation was silent on the concrete logistics, that is complementary to the theoretical affirmation of a right, thus limiting strongly the access to higher education: no facilitation for the entry of university teachers; educational spaces left within the discretion of the management of prisons. In addition, university students could not take the exams or, even less, attend lessons in their respective faculties, since the permission to leave the prison was granted to inmates only for exceptional and grave circumstances (art. 30 of the OP). The amendment to the par. 2 of art. 30 of the OP, by L. n. 450/1977, oriented the Judiciary Supervisory towards a wide interpretation of the rule, but continuing to exclude the study reasons. Only after more than ten years (by L. n. 663/1986, that added the art. 30 *ter* to the OP), the new *permission-prize* will accord a momentary departure from the penitentiary in order, among other things, to cultivate cultural interests and study, this way allowing the convicted university students to take the examinations in a regular session[2].

The new Implementing Regulation of the OP (D.P.R. n. 230/2000) introduced a number of significant changes on this issue, stating that the university students, as far as possible, are located "in cells and wards adapted to study, also making it available for them appropriate common rooms" (with a major impact in practical terms, considering the frequent overcrowding of Italian prisons) and providing permission to "keep, in their cells and in other rooms, study books, publications and all the learning tools necessary in their study", including "computers, tape players and portable compact disc" (art. 44). Essentially, the Italian lawmaker finally recognized the important role played in higher education field by the learning and research tools, on one hand, by cooperation and confrontation (between student and teacher, as well as between learners themselves), on the other[3].

On the basis of the provisions of art. 44 of the new Implementing Regulation, since the early 2000s have been signed numerous cooperation agreements between universities and prisons (tab. 1), although the origin of the Prison University Pole (PUPs) is situated, as often happens, not in a law but in a spontaneous practice, in this case deeply marked by the contribution of voluntary work[4].

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[2]   Unlike the exceptional permit (art. 30 of the OP), the permission-prize (art. 30 ter of the OP), because its *pedagogical-propulsive* value, can only be obtained from prisoner under execution of sentence: to present the instance, the condemned must maintain a good conduct and must not represent a risk for the society. Therefore, it takes place a preventive function on the one hand (helping to maintain and expand the affective, cultural and work interests of the convicted), on the other, an incentive function, through the mechanism of rewarding.

[3]   The D.P.R. n. 230/2000 adds an indication, albeit bland, to guarantee the continuity of education and work: whenever possible, the convicts who are engaged in treatment activities (in particular work, education and vocational training) have to be excluded from the group transfers (art. 83 par. 9).

[4]   About the origins of the PUPs and the role of volunteers, that is remarkable until today, see: Coralli (2002), Migliori (2004), Palmisano (2015). See also: www.carceretorino.it and the note n. 7 of this paper.

	Denomination	Year	Involved prisons	Participating Universities	E-learn.
	Tab. 1. The Penitentiary University Poles in Italy (1998-2015). Our processing of sources: Palmisano, 2015; Pastore (2015); www.giustizia.it; www.ristretti.it.				
1	PUP of Turin	1998	CC (*Casa Circondariale*: remand centre) of Turin	Università degli studi di Torino	
2	PUP of Tuscany	2000 2003 2010	Prisons in Tuscany	Università di Firenze / Università di Pisa / Università di Siena	
3	PUP of Bologna	2000 2013	CC di Bologna	Università degli studi di Bologna	X
4	PUP of Alessandria S. Michele / Pausania	2001 2008	CR (*Casa di Reclusione*: prison for sentence execution) of Alessandria	Università degli studi del Piemonte orientale A. Avogadro	X
5	SUP (University Prison System) of Lazio	2003 2008 2009	Prisons in Lazio	Università della Tuscia, Università di Cassino, Università La Sapienza, Università di Tor Vergata, Università di Roma Tre	X
6	PUP of Triveneto	2003	CR of Padova	Università di Padova	
7	Memorandum of undertaking DAP (Department of Penitentiary Administration) - University of Catania	2003	CC of Caltagirone	Università degli studi di Catania	X
8	PUP of Calabria	2004	CC of Catanzaro	Università Magna Grecia di Catanzaro	
9	PUP of Lecce	2004	CC of Lecce	Università degli studi di Lecce	
10	PUP of Sardegna	2004 2007 2014	CC of Sassari / CC of Alghero / Prisons in Sardinia	Università di Sassari	
11	PUP of Abruzzo	2005	Prisons in Abruzzo and Molise	Università telematica L. da Vinci di Chieti	X
12	PUP of Reggio Emilia	2005	CC of Reggio Emilia	Università di Modena e Reggio Emilia	X
13	PUP of Brescia Verziano	2006	CR of Brescia Verziano	Università degli studi di Brescia	
14	PUP of Sulmona	2006	CR of Sulmona	Università degli studi dell'Aquila	
15	*E-le@rning in carcere* (proj.)[5] / PUP della Campania	2008 2013	CR-ICATT of Eboli / Prisons in Campania	Università degli studi di Salerno / Università Federico II di Napoli	X
16	Memorandum of undertaking DAP – University of Palermo	2009	CC Pagliarelli	Università degli studi di Palermo	
17	Metropolitan PUP of Milan	2013	Prisons in province of Milan	Università Bicocca di Milano	
18	PUP of Teramo	2014	CC of Teramo	Università degli studi di Teramo	
19	PUP of Ferrara	2014	CC of Ferrara	Università degli studi di Ferrara	
20	PUP of Umbria	2015	Prisons in Umbria	Università degli studi di Perugia	

The PUPs, distributed fairly evenly throughout the country, usually guarantee the placement of the university students in a special ward, supplied with individual cells, equipped with common study room and subjected to a softer discipline. Universities, for their part, provide the teaching (by mail,

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[5]　On the e-learning experimental program (higher education and university) started at the CR - ICATT of Eboli in collaboration with the University of Salerno, see: Diana (2013), Suriano (2011), Arcangeli & others (2010). Both involved institutions have gained international experience through the European project Grundtvig 2009 "EEPP-E-Learning Education for prisoners and prisoners professionals".

Internet or in presence, for students in probation), the examination boards (online and / or in presence, in prison and / or at the university), a certain amount (highly variable) of tutors, online and / or in presence, allowed to access to the prisons (Pillera & González Monteagudo, 2016), as well as additional economic benefits, provided for disadvantaged students or specifically agreed for inmates.

3.2. The laws and the actors in Spain

The Spain, out of the Franco regime, rapidly produced a modern democratic legislation, approving, one year after the Constitution, its Penitentiary Act. Like the Italian one, also the L.O. n. 1/1979 (henceforth LOGP: *Ley Orgánica General Penitenciaria*) is based on the sources of international law and it is geared to the rehabilitation and social reintegration of the condemned (art. 1). Also in Spain the law allocates a key role to education and training: it is in force the obligation of establishing a library in each prison (art. 57)[6] and the duty of providing school courses as similar as possible to those attended by students outside the prison (art. 55 par. 2); it is also implemented the principle of integration with the public system for the acknowledgement of qualifications and certifications (art. 56 par. 1); finally the study is encouraged, allowing facilities to follow the related activities, both outside the institution, and, when this is not possible, inside the prison, by correspondence, radio, television (art. 55 par. 3).

The first Implementing Regulation (R.D. n. 1201/1981) decreed that university students have the right to communicate with own teachers for study reasons and for the examinations (art. 168). Almost twenty years later, the second Implementing Regulation (R.D. n. 190/1996) adds at least two relevant details about university education: a) special modifications to the penitentiary regime, due to the participation in educational programs, can be obtained by inmates (art. 124 par. 3); b) the possibility to keep in cell, always for educational or cultural purposes, personal computers without network connection and subjected to periodic inspections of the hard disk (art. 129).

Overall, the provided organizational model was not unlike the Italian one: although with vague directions, it allowed the free collaboration between prisons and universities. But the developments and the results were significantly different compared to Italy, because the historical and cultural contexts were different. In Spain the conditions for university study in prison have ripened as a result of a broad movement against Franco in the late 60's, in which university students played an active role if, in 1970, about 200 of them have tasted the political prison (Viedma Rojas, 2013). They continued to study, supported by the respective universities, and their choice became another form of opposition to the dictatorship. Until today, "although nuanced and transformed, this spirit of resistance continues to form part of the interpretation of the action" (Viedma Rojas, 2013, p. 106), that can be read as a research of continuity and normality in the discontinuity represented by the extreme experience of the prison. Indeed, in the early years of the Spanish transition, the university students in prison vanished but already at the end of the 70's they appeared again, among common inmates and especially among those from separatist armed bands (ETA, GRAPO, FRAP)[7].

In 1983, the first socialist government came to power and an agreement was signed between UNED (Universidad Nacional de Educación a Distancia), Ministry of Education, Ministry of Justice and Prison Administration, but this did not prevent the latter to sign several other agreements at the local level and thus to involve various universities. The policy implemented by the Socialists, marked by a cultural dynamization of the prisons, allowed an extremely rapid increase of university students among the imprisoned people (Viedma Rojas, 2013).

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[6]   The library must be appropriate to the cultural and professional needs of the inmates, moreover the LOGP admits that they can take advantage of mobile libraries, established by the Penitentiary Administration or less (art. 57).

[7]   Similarly in Italy, but on reduced scale, "in the 80's and 90's in particular, prisoners convicted of terrorism started and developed experiences of study, including exams and coming to the university degree" (Migliori, 2004, p. 28).

In the following years the number of university students among prisoners continued to increase, while, on the one hand, the role of the UNED became consolidated[8], on the other, the contribution of the University of País Vasco (UPV) rapidly emerged and, in the late 90's, it reaches a number of students close to that of the UNED (Viedma Rojas, 2013). Unlike the latter, however, the UPV always refused to sign any agreements with the Prison Administration (developing its work through the UNED Centre of Bergara); moreover, the great part of its imprisoned users was composed of members of the ETA. These elements created an inter-institutional conflict, bringing to the legal expulsion of the UPV in 2003, as a result of the amendment to art. 56 of LOGP, operated by L.O. n. 6/2003[9]. A second paragraph was added to the said article, specifying that: a) the prison administration must sign the necessary agreements with the universities, ensuring conditions, rigor, quality appropriate to this type of studies and the use of a methodology *adapted* to the prison context; b) such agreements have to be established preferably with the UNED, however preserving the possibility of accepting partnerships with other universities, in compliance with the previous rules[10].

Consequently, a specialistic and centralized model, completely managed by the UNED, was developed: indeed, from the a.y. (academic year) 2003-04, no public university took part or expressed interest in doing so, except the UPV (Viedma Rojas, 2013). Of course, the taken path reduces the diversification in learning offer and in didactics. Nevertheless, the UNED grants the coverage throughout the country, thanks to its specialization in distance learning and thanks to the local support of its *Centros Asociados* (local support centres), so enjoying rootedness and social legitimacy. Therefore, the Spanish model allows: to protect the right of access to university also with high spatial dispersion of the students; to extend the provision to a wide variety of degree programs, proposed with a flexible (andragogic and specific to prison) methodology; to ensure greater control and safety, as the UNED shares with the prison system the direct dependence by the Central State Administration.

3.3. Elements for a quantitative comparison

In addition to the juridical aspect of the phenomenon, we report in extreme synthesis also the quantitative dimension, that, as a result of the foregoing explained, is quite different in the two considered countries, as shown in fig. 1. Within a prison education system that, on the whole, is comparable to Italian one, with 27.5% of students among the prisoners during the a.y. 2012/2013, compared to 26.9% in Italy (source: www.giustizia.it and SGIP, 2014), the university study is one of the most outstanding Spanish achievements.

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[8] In 1986, according to a substantially unique model (in which only varies the financial participation of the signatories institutions), a series of agreements were stipulated between the UNED, on one hand, and the *Departament de Justícia de la Generalitat de Catalunya* (that autonomously manages the prisons in Catalonia, under the R.D. n. 3482/1983), the *Ministerio de Defensa* (for the military prison of Alcala-Meco) and the *Ministerio de Asuntos Exteriores* (to support the Spanish prisoners in foreign countries), on the other hand.

[9] The main facts of this legislative change were: "the accusations of favouritisms and academic irregularities of the UPV in favour of ETA prisoners, made by politicians of the Popular Party, prison officials, associations of victims of terrorism and media; the public declarations of a group of professors from the UPV against the pressure of the ETA on the University (so far these allegations have not been sanctioned by the courts); the intensification and the extension of the fight against terrorism to other areas of the social network of the armed bands" (Viedma Rojas, 2013, pp. 90-91).

[10] The LOGP clarifies that the methodology of intervention has to be adapted to the special circumstances of the prison (art. 56 par. 2), and not vice versa, thus identifying a distance learning model that, at the present day, not only the UNED but also other universities are able to offer.
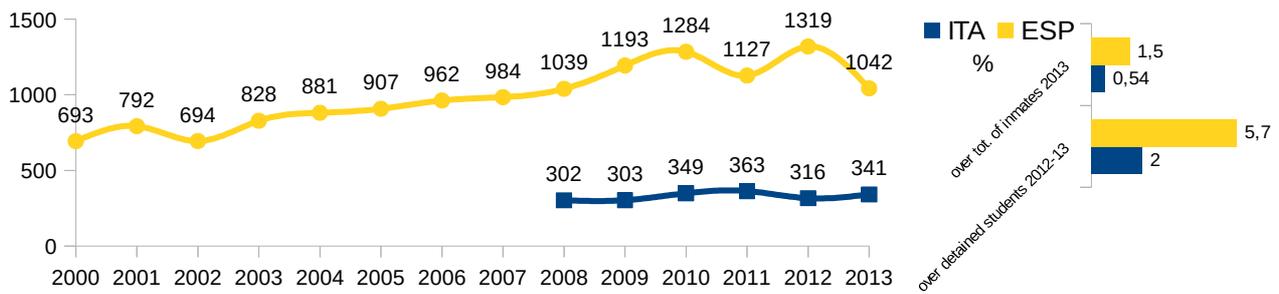
Fig. 1. *On the left*: yearly results of jailed university students in Italy (2008-2013) and Spain (2000-2013). Our processing of sources: www.giustizia.it for Italy; Viedma Rojas, 2013 for Spain. *On the right*: percentage of jailed university students in Italy and Spain (2013) over the total of students in jail (respectively 16836 and 18385) and over the total of prison population (62536 and 66765). Our processing of sources: www.giustizia.it for Italy; SGIP, 2014 for Spain. NB: the Italian data relates to December the 31st while the Spanish data relates to October the 31st each year.

The most recent data, where we can observe, during the same year, the distribution of males, females and foreigners among university students in Italy's and Spain's prisons, date back to 2009 and are summarized in tab. 2. The Italian situation stands out, with a significant over-representation of women and a serious under-representation of foreigners, compared to the relative percentages of these groups over the total of prisoners.

Tab. 2. University students in prison during 2009 in Italy and Spain, differentiated by gender and nationality. Our processing of sources: www.giustizia.it (Italy), Viedma Rojas, 2013 (students in Spain), Ministerio del Interior, 2013 (total in Spain).							**Foreigners**	
Countries	**Gender**						Over univ. students	*Over tot. inmates*
	F students	*F inmates*	M students	*M inmates*	Tot. students	*Tot. inmates*		
Italy (31/12/2009)	79 (26%)	*2751 (4%)*	224 (74%)	*62040 (96%)*	303	64791	13%	*24067 (37%)*
Spain (a.y. 2008/09)	128 (11%)	*6076 (8%)*	1065 (89%)	*70003 (92%)*	1193	76079	35%	*27162 (35%)*

4. ICT in the Italian and Spanish experiences of university learning

The use of computers, and in particular the use of the Internet, is heavily restricted in the European prisons, if not totally forbidden, due to legal, practical and cultural problems; in spite of this, the ICT, used to support (to implement or to integrate) the treatment of prisoners, appears a viable and increasingly practised methodological solution, especially in the UK, Scandinavia, Central Europe and Spain (Pillera, 2015). In Italy the e-learning has been used successfully, among others, in vocational training projects Trio (in Tuscany) and CISCO (at the CR Bollate), as well as in @URORA project, aimed at juvenile prisons (Suriano, 2011; Diana, 2013). Also the use of e-learning in university education for prisoners is now documented in most of Europe, in the Anglo-Saxon world outside Europe and in South America (Costelloe & others, 2012; Hawley & others, 2013; Champion & Edgar, 2013; Czerwinski & others, 2014). This is due to the power and flexibility of ICT in education, both in terms of the inherent characteristics of the new media (hypertext, multimedia, simulation, augmented reality, ubiquity), as in strictly educational terms (individualization of teaching, customization of times, places and instruments, opportunities for remote cooperative learning, possibility to monitor the processes), as well as in organizational and financial terms (flexibility, modularity, scalability, re-usability of the learning objects).

As regards Italy, in the tab. 1 we have already indicated the PUPs in which there are e-learning

resources for students (7 of 20)[11]. In expectation and hope that many more Italian universities develop structures and know-how related to de-materialized teaching and fulfil their third mission also entwining appropriate partnerships with (more or less distant) prisons, we would like to highlight the experience of the SUP (*Sistema Universitario Penitenziario*: University Penitentiary System), developed in Lazio thanks to the initiative taken by the regional Guarantor of detained persons (henceforth simply Guarantor), which seems to have been proven effective as organizational system and avant-gardist in experimenting with the e-learning. As elsewhere, the model adopted in Lazio is orchestrated on a regional basis but it seems extremely widespread in the territory. It consists of an institutional network that involves the PRAP (*Provveditorato Regionale dell'Amministrazione Penitenziaria*: Regional Superintendency of Penitentiary Administration), the 14 prisons in the region, the three Roman universities and those of Tuscia and Cassino, LazioDisu (the regional company for the right to education), regional institutions and the Guarantor, who claims the project through the mediating in the management of paperworks and the free providing of textbooks and teaching materials (Garante, 2013).

As part of the experience of the SUP Lazio, the project "Teledidattica - Università in carcere", created in 2006 and designated as best practices by the Ministry of Justice, consists of an operating agreement between the CC Rebibbia NC, the University of Tor Vergata, Laziodisu and the telecommunications company Fastweb, with the coordination of the Guarantor (Garante, 2013). It makes available, within the Roman prison, three whole degree programs (Humanities, Law, Economics), that currently count about 40 of the 113 university students involved in the SUP (http://web.uniroma2.it). The lessons are progressively videotaped in their natural setting (using special lecture halls at University of Tor Vergata) and then uploaded into a platform, that is accessible from two specifically equipped classrooms inside the prison of Rebibbia NC. Here the students can use computers, projectors, a multimedia library and a teleconferencing system, that is dedicated to the online tutoring and to examinations: the first is guaranteed, at least monthly, even in presence, by means of disciplinary tutors who access to the prison; the second can be taken in presence (with the commission that goes to the prison or, vice versa, through the granting of a permit) or, when it is necessary for security reason, directly online (through the conference call but with the presence in jail of a member of the examination board)[12].

In Spain, despite many universities offer degree courses or master online since several years, the UNED, as we saw earlier, is currently the only entity authorized to provide university education to the inmates, which are distributed in about 90 prisons (Viedma Rojas, 2013). The PEUCP (*Programas de Estudios Universitarios en Centros Penitenciarios*: University Study Programs in Penitentiary Centres) of the UNED offers to convicts: information, orientation and enrolment service; in some prisons, exam simulations for access to *Curso de Acceso Directo* (Direct Access Course), reserved for people over 25 years old; support to use of the e-learning platform aLF

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[11] Speaking about the relationship among Italian universities, Italian prison and ICT, we report that, in 2007, an agreement was signed among the CR of Alessandria, the Department of Informatics at the University of Alessandria and the Faculty of SMFN (*Scienze Matematiche, Fisiche e Naturali*: Mathematical, Physical and Natural Sciences) at the University of "Piemonte Orientale - Amedeo Avogadro", in order to commission software development to the students in that prison. In addition it is important to remark that the University of Padova, by signing a declaration of intent with the Ministry of Justice in 2013, has pledged to study the experiences, to promote the discussion and to gather proposals, in order to establish a national strategy for university within the prisons. Among the first results of the work, the elaboration of some guidelines for the signing of new agreements between prisons and universities and the national conference of Padova "I Poli universitari in carcere" (Palmisano, 2015). Finally, we have to underline that one of the latest Circulars of DAP (n. PU-0366755, issued on 02.11.2015) recognizes the importance of new media as a tool for personal growth and as a support to complex pathways of treatment; consequently it announces the creation of a centralized infrastructure (managed through a white-list system) to allow a great part of convicts to navigate a selected group of websites and it regulates the accession to these workstations.

[12] Data source: *Progetto Pilota di Teledidattica "Università in carcere"* (www.ristretti.it/areestudio/cultura/scuola). Within the SUP of Lazio, the use of e-learning is not limited to the CC of Rebibbia NC: in fact, the Department of Law of the University of "Roma Tre" has announced the creation of MOOCs to be put at the disposal of regional prisons; moreover, the agreement between de Guarantor and the online University "Unitelma Sapienza" allows every convict in Lazio to freely enrol to degree programs or to take single examinations (Palmisano, 2015).

(www.innova.uned.es/servicios/alf), in those prisons where it is installed; the assistance of the closer *Centro Asociado* UNED, for students serving sentences in open prison system (CIS)[13] or on probation or on parole (http://portal.uned.es). Research has found several similarities between the main sociological variables recorded for jailed students and for the rest of the students at UNED, in particular with regard to the distribution by age (Bardisa Ruiz & others, 2003). Furthermore, the favourite degree programs in the Spanish prison are substantially the same of the rest of the UNED students and they coincide only partially with the preferred degree among Italian inmates (tab. 3).

Tab. 3. Subject areas most frequented by Italian and Spanish inmates, enrolled in a degree program. Our processing of sources: www.giustizia.it for Italy; Gutiérrez Brito & others (2010) for Spain.

Spain (2010)		Italy (2010)		Italy (2014)	
Law	21%	Humanities	24,6%	Politics and sociology	29.5%
Tourism	19.4%	Law	23.2%	Law	24.2%
Psychology	8.4%	Politics and sociology	20.9%	Humanities	18.4%
History	7.7%	Economics and Statistics	10%	Agricultural science	4.8%
Business admin. and management	6.5%	Agricultural science	5.7%	Engineering	3.6%
Social education	6.3%	Engineering	4.2%	Economics and Statistics	3.1%

With the spread of ICT, also the methodology of the UNED has evolved, first in direction of the digitization of contents, then towards their de-materialization and delivery across the Internet. But these innovations have entered much more slowly in prisons (Callejo & Ramón Bautista, 2003): now aLF services also inmates for the entire UNED's learning offer (only some degree courses that require laboratory practice are excluded from PEUCP), but not all prisons are yet equipped and trained to maintain secure workstations and Internet connections. In addition, some studies (Bardisa Ruiz & others, 2003; Vázquez Cano, 2013) identified serious weaknesses: primarily, a frequent total ban of electronic contacts between prisoner and teacher; at the same time, a strong limitation (in terms of time and contents) in accessing the computers, Internet and even aLF itself, to take advantages of interactive didactics and to carry out the homework. As a result, often only the educator has access to the platform and he/her downloads the teaching materials, while the inmate experiences the online interaction exclusively as a bureaucratic channel.

5. Conclusions

In the interpretation of the reasons leading the prisoners to the decision to pursue university studies, the benefits provided for by law in Italy and in Spain often take on a certain importance. However, as Alessandro Margara wrote ten years ago, in the introduction of the yet cited Migliori's book, the appeal to interests, environments and persons other than prison carries weight without doubt: "there is also the idea of acquiring abilities and, to some extent, dignity, [...] to regain recognition of own individuality and identity. [...] The study produces stimuli and commitments and this is also a dynamic of awakening, so to speak, from the metaphorical sleep in which the prison plunges many of its users […], even though, of course, these new stimulations have to be attended so that they do not turn into frustration" (Migliori, 2004, p. 17). The theme of the learning experience as discontinuity, rupture and generative opportunity emerges once again and – on the flip side – that one of the continuity of the intervention, with strategies of accompaniment in the post-detention.

Concerning the evidences examined in this comparison, the advantages and limitations of the two national models – the Spanish one, that could be called *centripetal*, and the Italian one, that can be defined *territorial* – are summarized below, through a grid for the SWOT analysis (tab. 4).

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[13]   The Spanish CISs (*Centros de Inserción Social*: Social Integration Centres) were introduced by R.D. n. 190/1996.

Tab. 4 - Comparison between the Italian and Spanish patterns of university education in prison.		
	Spanish centripetal model	**Italian territorial model**
Strengths	The learning offer is complete and homogeneous along the country: possibility to study without being transferred to another prison. Methodological specialization.	Specially equipped university centres in prison (PUP). Contacts between teachers and students and among students are facilitated. Activation / enhancement of local resources. Horizontal integration with the public education system.
Weakness	Poorly equipped study areas, often lacking in computer stations. No access to in-presence learning for inmates in closed prisons.	Right to access to university study is *prison-based* (activation of PUP is delegated to local initiative). The learning offer is fragmented. Discomfort in the transferring to another prison. Under-representation of foreigners among university students.
Opportunities	Activation / enhancement of local resources. Opened prison (CIS): horizontal integration with the public education system and external attendance. Synergy with the territorial vocations.	Synergy with the territorial vocations. Improvements can come out from local experimentation. Emerging interest: recent declaration of intent between the University of Padova and the Ministry of Justice; Circular of DAP n. PU-0366755 issued on 02.11.2015 (possibility of Internet access by inmates).
	Further development of distance learning through e-learning. Redoubling of the learning offer through MOOCs. Strengthening of the learning support to foreign detainees through web resources produced in their own countries. Networking of prison libraries with national / civic circuits.	
Threats	The security policy limits the access to online teaching and contacts with teachers and tutors of the UNED. Centralization and vertical integration do not encourage innovation and experimentation.	To consider the university as a secondary issue. Instead: a) it express a great symbolic value as social redemption; b) Spain demonstrates that the number of university students can substantially growths; c) higher education impacts on placement and, consequently, on recidivism.
	No support policy in the post-detention to facilitate the continuity of the studies. Prison security policy severely restricts access to Internet resources, important sources for the study and research.	

The two models of university education in Italian and Spanish prisons, dynamically adapting to the changes experienced by the prison and society, have responded, in some way, to the major requirements emerged in the European regulations (equalization of education and work, integration into the public system, specific resources and support materials), albeit with accents on different, probably complementary, aspects. The Spain, particularly, has done a remarkable work at the continental level, at least for breadth of the interested users and length of the experience. Nevertheless, in both countries, as noted by many researchers (Coralli, 2002; Bardisa Ruiz & others, 2003; Viedma Rojas, 2013), the discretion, which is granted to the individual prisons and their management, in the authorization of helps and facilitation for higher education appears excessively wide, such that the transformative power of the learning is still subordinated to the requirements related to security, control, punishment.

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