

In Romanian history, the nineteenth century represents the process of renewal in all Romanian society compartments. Delayed, in the Romanian area over a century, due to the wars, temporary occupation or foreign domination, the Romanian modernization process has evolved in parallel with that of the national revival. Therefore, the penitentiary system manifested an increasingly greater interest for its demarcation as a defining system in the fight against crime and for the first time, reforming the offenders.

Therefore, the present research is a possible starting point for a more comprehensive investigation on a segment of the institutional history, especially of the penitentiary institution, very little known for the Romanian historiography. We have tried to analyze the transformations incurred by this institution during the nineteenth century and how it perceived the main moments of Romanian history in this period: the establishment of the Organic Regulation, the Union of 1859, Prince Carol I of Hohenzollern coming to lead the country, if it had influenced positively or negatively.

In our approach we have leaned especially on the dungeons condition's study and also on the detainees' fate (aiming to be a actual recast of their condition) using the year 1831, respectively the elaboration of The Organic Regulation and the year 1914, the moment of passing the prisons' administration from under the jurisdiction of the Ministry of Interior to the Ministry of Justice, as boundaries - thresholds of the Romanian penitentiary system evolution. Thus, in 1831, although the first *Dungeons Regulation* was developed the Romanian Country, establishing that the vizier was replaced by the prisons' magistrate, in Moldova the situation remained the same, in 1914 we noticed a major change on the administrative organization of the prisons' system, the prisons' management being passed from the Internal Affairs to Justice.

Regarding the specialized studies dedicated to offenses, some brief references and sometimes without historical truth can be found in several works of synthesis, where the study of the penitentiary system plays a quite significant role, but without any documentary foundation - I. Chiș¹ and Gr. I. Dianu². Extensive research on prison legislation and criminal legislation, these two sides being always related, have been carried out by C. Rădulescu³,

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¹ I. Chiș, *Istoria penitenciarelor – ieri și azi*, București, 2003.

² Gr. I. Dianu, *Istoria închisorilor din România. Studiu comparativ. Legi și obiceiuri*, București, 1900.

³ C. Rădulescu, *Studiu penal comparat asupra trecerii administrațiunii închisorilor sub dependența Ministerului de Justiție*, București, 1910.

Constantin Eraclide⁴, Traian Pop⁵. Another reason for tackling this issue is the fact that for 75 years works have not been published strictly on the subject approached in our study (the Romanian penitentiaries problem in the nineteenth century), those that have occurred, however, were treating the dungeons' condition and detainees living, sporadically. In addition, it was preferred legislative approach on this topic over the historical one.

In order to accomplish an accurate image as much as possible of the penitentiary universe from that time we opted for studying the specific sources of modern age matching them, after a rigorous analysis, with the special works concerning the topic of prisons. Therefore, The Parliamentary Annals of Romania came in handy, through which we were able to discover why the dungeons and the detainees issue became a hot topic discussed by the authorities of those times and which were the solutions for that matter. Also, by analyzing these Annals, we watched what proportion of revenues and expenses related to prisons have influenced the country's budget and whether there was a difference between the amount intended for the expenses with improvement of the dungeons' condition and the detention of the convicted and the incomes obtained out of their labor. For the period between 1831-1852 Annals gave us information regarding the projects designed to regularize the situation of prisons, which either have remained in the initial stage (The Project sent by The Prisons' Magistrate on 13 November 1831, to the "Great Steward"⁶; The project for the implementation of the Dungeons Regulation of 25 May 1835)⁷, either have been materializing as less significant regulations (*Project for the sentences of the dangerous detainees in dungeons* as of 29 December 1832⁸, *The Regulations' Draft* for accomplishing the dungeons' rules from January 21, 1833⁹).

Given the fact that the Archives sources are a must for a well prepared study, our research is based on information from the National Archives of Iasi, respectively *The "Official Gazette" Collection, Parliamentary debates of the Assembly of Deputies and the Senate*. Those information helped us in analyzing the extensive discussions held on the draft

⁴ Constantin Eraclide, *Studii practice asupra dreptului criminal, conținându o schiță despre influența reciprocă a legilor și a moravurilor. Explicațiune teoretică și practică a Codicelor penale și de procedură criminală*, vol. I, București, 1865.

⁵ Traian Pop, *Drept penal comparat. Penologie și știință penitenciară*, vol. III, Cluj, 1924.

⁶ *Analele Parlamentare ale României*, II, partea I-a, *Obicinuita Obștească Adunare a Țerei Românești. Legislatura I, Sesiunea I, 1831-1832*, Anexa Nr. 46, București, 1892.

⁷ Idem, V, partea I-a, *Obicinuita Obștească Adunare a Țerei Românești. Legislatura I, Sesiunea IV, 1834-1835*, Anexa Nr. 80, București, 1895.

⁸ Idem, II, partea I-a, *Obicinuita Obștească Adunare a Țerei Românești. Legislatura I, Sesiunea II, 1831-1832*, Anexa Nr. 78, București, 1892.

⁹ Idem, III, partea I-a, *Obicinuita Obștească Adunare a Țerei Românești. Legislatura I, Sesiunea II, 1832-1833*, Anexa Nr. 84, București, 1892.

regarding The Penitentiary Law of 1/13 February 1874. We, therefore, identified the main changes proposed, the arguments and the counter-arguments in their support as well as the major amendments that have been sanctioned. The "Official Gazette" Collection, by its issues from 1874, have provided us the full text of the law and the regulations elaborated that year.

In order to highlight what stage was the crime at the end of the nineteenth century we had used the judicial statistics of the time¹⁰ which allowed us to see what category of convicts was growing, presenting a real danger to the society. Identifying those categories allowed to discover the gaps in the prison system. Increasing the number of recidivists among minors caught our attention in particular, the situation was created due to the lack of primary education in prisons. The real problem was actually the "tiny pay" for the instructors and the priests.

We were able to evaluate the penitentiary system's condition in the first two decades of the twentieth century, by studying and analyzing the reports of prison directors (C. Radulescu's work¹¹), some of those being addressed to the Ministry of Justice. Those reports have helped us distinguish the specific measures which have been applied as a result of the 1874 Law provisions.

The work plan, the extent of the chapters and the approach manner were determined by the documentary material found.

Throughout the paper, we followed the legal aspect of crime, and their impact on the modern society, and not least on the individual itself. Starting from offenses, delinquencies and penalties, we entered the depth of the prison complex universe, which determined our perspective to change and the analysis became more extensive than estimated at the beginning of the work.

Trying to shape an image of what the penitentiary system in the nineteenth century meant, we focused on studying detainees and the prison developments, as an institution, for The Central Prison Of Iasi. The prison's location in 1830 has not undergone major changes until 191 and has remained the same at the "Green Bridge". For a better organization of this institution, Prince of Moldavia, Grigore Al. Ghica, asked the French government to help reform the prison system. The answer came by sending Perrieres F. Dodun that on 24 November 1855 made the first "Settlement for prison administration in Iasi".

¹⁰ Tanoviceanu, I., *Criminalitatea în România după ultimele publicațiuni statistice*, Extras din Analele Academiei Române, seria II, tom XXXI, Memoriile Secțiunii Istorice, București, 1909.

¹¹ C. Rădulescu, *Raport general asupra închisorilor centrale și aresturilor preventive pe anul 1907-1908*, București, 1908.

After the approval of The Penitentiaries Law on 1 February 1874, Iasi penitentiary as an institution was intended to align itself with the standards required by the regulations in force. In this way they tried to arrange workshops for prisoners, a special attention was given to arrested patients in nursing by purchasing drugs with a minimum of 30% discount in order to reduce costs. Necessary medicines during 1891-1903 was covered by every pharmacy in town to end up unfair competition between them at that time.

We noticed from the sources we have used, that special attention was paid to the arrested regarding religious education: they made all the appropriate steps to ensure that the prison chapel to have available all the necessary things to conduct religious services.

For early twentieth century, we found, by analyzing the records of the inspection reports that at the Central Penitentiary were about the same issues the National Prisons Administration of the Ministry of Justice face today: delaying the issuance of the arrest warrant, the detainees' transferring and their physical treatment.

To conclude, we can say that the prison system has seen real progress in terms of laws enacted to regulate the situation of prisons. Their implementation has experienced many financial obstacles (as we mentioned above, the lack of budgetary resources), administrative (specialized personnel), but also regarding the improvement of the existing penitentiaries or building another prisons, in accordance with the 1874 law, namely: the mixed cellular system (auburnian) and not the common imprisonment, system yet encountered in our society at the end of the nineteenth century and early twentieth century.