

# **Resisting punitiveness: An academic activist in Europe**

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## **Prisons, values and human rights**

Over the past decades prison research in Europe has been led and shaped by women scholars. Sonja Snacken and Kristel Beyens in Belgium, Pat Carlen and Allison Lieblich in the UK, and Laura Piacentini on Russian prisons, all share a deeply humanistic approach to their subject and subjects. They did not stop at walls and gates, but all directly ventured into the belly of the beast ‘prison’ and crossed the boundaries into a (mostly) male world of prison officers and prisoners, where women were a rare sight. Like their predecessor and also pioneer Elizabeth Fry in 19<sup>th</sup> century Britain, they brought back from their involvement a new and innovative understanding of the institution and its inhabitants, as well as engagement with reform and political and public debate. Their research and scholarship transcended the compassion of 19th century prison reformers like Elizabeth Fry. What they showed us was a microcosm with porous walls to society outside, however, a microcosm in which inequality, power and tensions were condensed and focused. Foremost, they offered profound insights into prisons as moral microcosm where morality and moral values are engrained in the everyday performance of this institution and are perhaps laid bare and visible more than in life outside.

Among this group Sonja Snacken stands out for being decisively ‘European’ in her values, engagement and ‘academic activism’ as she recently told young colleagues at Griffith Criminology Institute. Her native bi-lingual Belgium certainly is a country where European perspectives are more easily developed than in other places, and being a lawyer and criminologist, she easily straddles the local and ‘continental’ with an international and social science perspective. Her engagement with prisons as institutions and the

lives of their inhabitants, thus quite naturally developed into an engagement with human rights of prisoners. It is her outstanding achievement that she translated what she had learned about the moral universe of prisons into the universal values of human rights and human dignity. She realised early on that human rights constitute a practical morality and a practice of morality within prison regimes. Consequently, her approach to the thorny issue of punishment has not been philosophical or political, but practical, or better practically humanistic – ‘academic activism’ as she sees it. Shaping, implementing and monitoring human rights and human dignity in the everyday life of Belgian as well as European prisons has been her very cause – and still is – for which she has worked over the past decades. Particularly, her engagement concerned those groups who are marginalised among the marginalised: high security, foreign, elderly, mentally ill and disabled prisoners. Her work for the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) since more than two decades has convinced her of the importance as well as strength and weaknesses of our values in the way we punish and treat those whom we punish. Here, as much as human rights are universal, Sonja Snacken explicitly means European values, and the European institutions that support and strengthen these values.

At a time when many colleagues thought and feared that European countries would follow the US on a path to mass incarceration, she was convinced that Europe had firewalls against such a development. In 2010, then posed as a question, her article exuberates the strong conviction that Europe can resist punitiveness – and it finally did. Even as the US are slowly climbing down from mass incarceration, European imprisonment rates never came close. How could Europeans and European states resist punitiveness? At the core of European resistance, Sonja Snacken – together with her colleagues Els Dumortier and Tapio Lappi-Seppälä, located the specific formation and structure of the European welfare state and its underpinning value, solidarity, to which she refers as a ‘typical European value’ (Snacken, 2010, p. 280). It is worth to quote here from the document that she uses herself: the European Commission’s (2008) ‘Renewed Social Agenda: Opportunities, Access and Solidarity in 21st Century Europe’:

Europeans share a commitment to social solidarity: between generations, regions, the better off and the less well-off and wealthier and less wealthy Member States. Solidarity is part of how European society works and how Europe engages with the rest of the world. Real equality of opportunity

depends on both access and solidarity. Solidarity means action to help those who are disadvantaged.

A British Academy report concurs and identifies ‘a set of fundamental social and political values – liberty, autonomy, solidarity, dignity, inclusion and security – that penal policy should support and uphold rather than undermine. Such values should guide our treatment of all citizens: ... we should behave towards offenders ... as citizens whose treatment must reflect the fundamental values of our society’ (2014, p. 17).

Sonja Snacken posed the question how this commitment to solidarity translates into less punishment, less imprisonment and better prison regimes and conditions in Europe. As so many others, she also inspired Johanna Schönhöfer and myself to test empirically whether the different facets and dimensions of solidarity in fact reduce punitiveness across European countries.

## **Solidarity and punishment**

In the discussion of criminologists, welfare values have often been confounded with what has been termed collectivistic values (Karstedt, 2006). Collectivistic values, however, promote the exact opposite, namely support confined to the in-group, mostly family and kin, rather than reaching out to others and strangers; they thus underpin the welfare of a small collective rather than society in general. Contemporary welfare is based on solidarity values as described by the European Commission (2008), and as such on encompassing values. Solidarity has many faces, including volunteering for help, donating to help others and the welfare state’s support for those in need, namely the unemployed, the elderly, families or the disabled. A very general definition framing these different facets is ‘the willingness to contribute to the welfare of other people’ and the acknowledgment of a ‘shared fate’ and that ‘we need each other’ (van Oorschot and Komter, 1998). Solidarity has a calculating, affective and structural dimension, and is defined as much by those who exert solidarity as by those who are (prospective) recipients. Calculating solidarity is based on the realisation that our fates depend on each other; affective solidarity is led by genuine concern for others, and a sense of moral duty, fairness and reciprocity, some might say empathy. Structures of solidarity and support are based on proximity (e.g. family and kinship networks), identity (e.g. ethnic groups) and deservedness, i.e. characteristics of the recipients. Solidary action is contingent on the

characteristics of the recipient and the situation they find themselves in, and it is easy to see that offenders and prisoners constitute a particular group of recipients. For solidarity with this group it is important, whether they are perceived as innocent and not responsible, or suffered from unfair treatment; it is also important that they are seen as part of our moral universe and signal willingness to change or show remorse.

We used imprisonment rates, a rating of prison conditions and prison admission rates between 2010 and 2013 for 26 European countries, across all regions of Europe, in order to measure punitiveness. Our measures of solidarity values included measurements of willingness to contribute (e.g. taxes), of moral duty and genuine concern (e.g. donations), of fairness to those who are less well off, of reciprocity and inclusion (e.g. rejection of neighbours with criminal record), and of general public spiritedness. We used data from the European Value Survey and European Social Survey, the World Giving Index, and Political Party Manifestos between 2004 and 2012 (all information available from author).

Our findings suggest a differential impact of solidarity values on our three dimensions of punitiveness. Turning to the impact of solidarity values on imprisonment rates, we find that generally values of reciprocity and fairness, and of social justice, significantly reduce prison populations; in contrast to a more calculating solidary attitude, affective attitudes like moral concern for others do not have any impact. Countries where citizens are generally willing to contribute, and support fairness and equality, are commonly less punitive in terms of their incarceration rates. The results for admission rates reflect those for imprisonment. However, we find that where offenders are perceived as undeserving and citizens are more willing to exclude them (e.g. no neighbour with criminal record), admissions to prison are significantly higher. Surprisingly, according to our results, prison conditions are hardly influenced by solidarity values. However, the affective dimension of solidary values stands out. In countries where citizens have a general concern for others and feel a moral duty to help, prison conditions are significantly better than elsewhere. In contrast, where citizens are willing to exclude offenders and see them as undeserving, prison conditions are significantly harsher: they obviously support tough prison regimes in their countries.

These results support Sonja Snacken's insistence on values and human rights in the penal realm. She is right in assigning a prominent role to welfare and solidary values and actions supporting European versions of the welfare state in keeping imprisonment at comparably lower levels and prison conditions better and more humane. General social values of

solidarity define penal policies and thus penal outcomes across Europe, and the different dimensions of solidarity like inclusion, fairness and reciprocity, all are important in building a firewall against punitiveness. They are decisive in recognising prisoners ‘as citizens whose treatment must reflect the fundamental values of our society’ (British Academy, 2014, p.18) and their right to lead a life of dignity even when in prison. This is a lesson that reaches far beyond prison walls and the penal realm, and in many ways strengthens our European identity and belief in these values. Sonja Snacken’s inspirational academic activism has advanced these values since many years and has laid out the path for future generations of criminologists and activists.

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