INTRODUCTION

The culture of punishment: a critical approach

ICIP
International Catalan Institute for Peace

ICIP's founding principle has been to act as an instrument which, "in line with the tradition of fostering and constructing peace, promotes the values and practice of a culture of peace, of human security, disarmament and the pacific resolution of social conflict and tension".[1] We understand the culture of peace, which is the *raison d'être* and pillar of each and every one of our actions, asa set of values, attitudes, traditions and modes of behaviour and ways of life based on respect for life, ending of violence and promotion and practice of education, dialogue and cooperation among individuals, groups and states .[2] The culture of war, which tends to be understood as a competitive pattern of behaviour among societies and states and making of difference the most violent and destructive weapon, is often presented as its opposite. However, from our position of pacificism, we argue that the antithesis of peace is not war but violence in its many manifestations. Hence, in order to uphold a culture of peace, we believe that it is important to analyse and understand how punishment, dominance, repression, and control are presented today. Although they are expressions of violence, they are also key structural elements of human relations.

The culture of punishment has appeared in many forms and with many intensities throughout history, and it continues to be one of today's predominant cultures, thus routinely nourishing beliefs and practices around the world, and taking the specific form of a mainstream trend: punitivism. As an ideology, punitivism shapes both our personal relationships and public policy models, especially in the fields of security and justice. Although numerous studies argue for constraints and raise questions about the

negative consequences of opting for an abuse of punitive,[3] coercive, and vengeful measures, we are living in a permanent contradiction where we reject some forms of violence and defend or praise others.

At ICIP we therefore believe that it is necessary to understand and reveal how the culture of punishment in general, and punitivism in particular are expressed because they are trends that normalise and reinforce violence thus severely limiting the options for constructing a peaceful society. Punitivism is a symbolic system that has material consequences, many of them violating human rights, although we are not always aware of it. In fact, many punitive expressions, like prisons, video surveillance, and police forces, remain unchanged, or they are on the rise, and they often seem to be beyond question. This monograph has been produced with the following concern in mind: what is it that sustains punitivism over time and, in particular, why?

"Punitivism normalises violence and has consequences for human rights. Why has this trend been maintained over time?"

With this issue we aim to question and examine the culture of punishment and punitivism in all their dimensions, which is to say in both legal terms and social behaviour and attitudes. We hope, on the basis of our understanding and the evidence, to reveal the problems of what is not working, and also to defend what is working from the standpoint of ethics and science as an indispensable relationship. Hence, we explore the sociocultural and institutional aspects, historical roots, and present consequences of punitivism. At the same time, however, we also ask whether there are more humane, just, and effective alternatives for dealing with violence. And if so, what are they? Accordingly, we explore the positions and experiences that do not concur with punitivist tendencies while also indicating their limitations. Therefore, in order to assess the possibilities of transforming societies from a perspective of peace, we have sought to offer a theoretical and practical selection of works that brings us closer to radically different forms of security and justice, starting from frameworks that imbibe

from anti-punitivism, as well as human rights and democracy.

In the first article, "Alternatives de seguretat" (Security Alternatives) Sandra Martínez, head of the ICIP Areas of Work, reflects on how, in interrelated ways, peace, security, and justice are named and deployed from the perspective of punitivism. The basic question raised from this starting point is whether working from a position of anti-punitivism can help to redirect the weaknesses and failures of current policies.

Next, the politician and criminologist Albert Sales provides a framework for the main debate related to this, asking if, when tackling crime and violence, investment should be made in punitive or in social policies. He gives a brief historical description of punitive populism and also explores the implications of some punitive formulas, among them prison overcrowding, instrumentalisation of victims, and whipping up fear. In the latter regard, the criminologist, Paz Francés, analyses in the third article how fear becomes a political instrument for manipulating public opinion and poses the question of the responsibility of the media and political parties in producing myths and a mental framework that favours the punitive discourse.

"We question the culture of punishment in all its dimensions. Are there more humane, just, and effective alternatives for dealing with violence?"

The philosopher Clara Serra considers the challenge feminism faces in trying not to fall for such manipulation and asks how violence can be managed without resorting to a penal system that perpetuates inequalities and vulnerability. She suggests inquiring into alternative, complementary, victim-focused strategies that are also committed to working with men and masculinity. The article by the conflictologist Noe Ayguasenosa also adopts this ethical standpoint when placing the ethics of care at the centre of community relations and the public model for managing insecurity and injustice. Also discussing the effectiveness of restorative and transformative justice in contrast with the shortcomings and failures of merely retributive justice are Teiahsha Bankhead and Rachel V. Brown, both of them heads of organisations that promote successful

restorative practices in schools, communities, and the juvenile justice system.

Throughout, these articles take us through the similarities and differences that appear over time and in various societies and countries. In fact, despite the contextual divergences, the lawyers Claudia Cesaroni and Paola Zavala reflect on prisons as the ultimate expression of punitivism and mainstay of penal control mechanisms around the world. Hence, is the increasing number of prison inmates due to changes in penal policies or to a real increase in crime? In response to this question, Cesaroni invites us to think critically about life imprisonment and, in doing so, writes about two murders that happened in Argentina with very unequal consequences. In turn, Zavala discusses the key elements of an alternative justice system while also considering the failures of heavy-handed policies in Mexico and their high levels of impunity.

To conclude, and complementing the central articles, we interview Howard Zehr, a leading reference in the field of restorative justice. By means of a summary of his books and extensive career, Zehr reveals the light and dark areas of these practices, explaining why they are the exception rather than the rule, and offering evidence about whether other kinds of security and justice are necessary and possible.

"If violence is to be transformed and prevented, it will be necessary to change from investment and trust in punitive mechanisms to adopting social mechanisms"

All the articles comprising this monograph speak in favour of "anti-punitivism", understood and championed here as a philosophy, a way of life, and a means of political struggle. In the endeavour of transforming and preventing violence, this number shows consensus about the need to change from investment and trust in punitive mechanisms to adopting social mechanisms. Although the authors speak from different angles and with a range of nuances, they all coincide in presenting punitivism as a simplistic and highly ineffective response when dealing with the complexity and many causes of conflict. There is also agreement over the need to include social justice

and collective responsibility as part of managing violence and fostering a decent life for everyone, and they concur when they examine the ethical and moral implications of the debates presented.

ICIP would like to thank all those who participated in this monograph as they remind us of the need to include, at the heart of these discussions, doubts, and proposals, both the people who are most directly affected by violence, and the specialists who strive to combat it—and transform it—in their daily work. We are also grateful because we believe that every one of them, coming from the domains of positive peace, human security, and restorative justice, work to promote them, while also encouraging critical analysis and constructive debate about the culture of punishment. And we thank them, above all, because they bring us closer to making a culture of peace even more desirable and tangible.

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[1] Law 14/2007 of 5 December, creating the Institut Català Internacional per la Pau (in English, llei_1407_ang.pdf (icip.cat)).

[2] Declaration and Programme of Action on A Culture of Peace. Resolution 53/243 by the General Assembly of United Nations, October 1999.

[3] In this monograph, we have respected, in the original texts and translations, the usage made by each author of the terms. In some articles, "punitivism" is presented as referring to a "paradigm" and "punitivist" as a "tendency", while "punitive" is used as a complementary adjective. In others, however, "punitive" appears in the sense of routine use of punishment, and "punitivism" and what is described as "punitivist" would refer to an abusive trend or approach.

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