

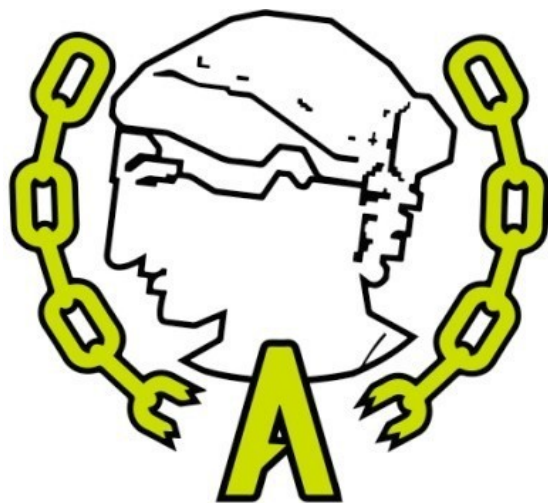
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**Have prisons learnt from Covid-19?
How the world has reacted to the pandemic
behind bars**



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N. 1/2020 HAVE PRISONS LEARNT FROM COVID-19? HOW THE WORLD HAS REACTED TO THE PANDEMIC BEHIND BARS

edited by Susanna Marietti and Alessio Scandurra

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The social revolution of fraternity against the virus of identitarian ideology

Patrizio Gonnella¹

1. The virus of identitarian ideology

The individual, political and social effects of the coronavirus will probably be understood when the pandemic is over and largely digested. What world will we inherit? Will sovereignists also need a resuscitator and oxygen? Will financial globalisation resume its race towards the annihilation of local markets? Will the welfarist model once again find a place, as would be natural, in the public project of social democracies? Will inter-generational and international social solidarity, shattered by decades of brutal policies based on social exclusion and by neo-liberalist choices that have set the young against the old and indigenous against foreigners, return to be considered a value to be pursued? Will the delicate balance between health and economy be treated with greater kindness and reasonableness than in a past steeped in monetarist greed and savage privatisation? Will human rights be removed from superficial discourses, rhetorical speeches and celebratory praises and turned into unshakable rocks able to withstand the test of time? Will freedom of movement be

reconsidered on a universal scale? Will mass incarceration still be the only criminal policy on both sides of the Atlantic ocean? Will collective and mimetic desires for violence and repression still govern the public agora?

A few months after the beginning of the pandemic that forced us to live in a condition of partial compression of our traditional liberal conquests, we have unfortunately been able to more or less realise that it will not be a virus with club-shaped spikes that will suddenly bring us back our lost solidarity. The virus, however, has so far had some merit. It has, for example, confused the theorists of political and punitive sovereignty. It has eroded anti-solidarity certainties that until some time ago seemed unquestionable. It has not overturned the identitarian paradigm, it has not interrupted the long nationalist and racist wave, but it has shuffled the cards. Identity is always a bad thing. In the name of identity, rights are denied, doors are closed and human beings are excluded from life opportunities worth living. The identitarian obsession is the evil of contemporary societies. The individual

response to the virus and the policies to contain the epidemic are profoundly different. There are those who, although positive, are asymptomatic, those who get away with a little fever, those who need oxygen, those who end up in intensive care and those who die. Faced with the obligation not to leave the house, some are all in all happy sublimating their Oblomov syndrome, some become anxious, some have claustrophobic attacks, some panic. We are all different, a result of biology and biography. We are all different. Identity - at the registry office as in life - is individual, it is never collective.

Identitarian ideology is the most serious social-political disease in recent decades. Not only has it been the disease, but also the poisonous, nationalist and xenophobic treatment of the processes of economic and financial globalisation. Identitarian ideology feeds on the same neo-liberal cancer cells that have produced metastasis in the soft body of globalisation. At the time of the protests in Seattle in 1999, in Naples in 2000 and Genoa in 2001, a large and stratified ecological, libertarian, Catholic and progressive movement contested the risks and dangers of globalisation, without being fascinated by the anti-globalist neo-nationalist sirens. It is possible to be cosmopolitan without being neo-globalist. Unfortunately, that large and composite movement was brutalised by the repressive action of governments and the complicity of violent and marginal sectors of the movement itself. Violence produces violence, in an inextricable vicious circle that multiplies itself as if it were an epidemic, and has the ultimate effect of making the State's violence, which is serious because it is political, plastically legitimate.

The vaccine against globalisation is certainly not the identitarian response or violent street rebellion. Nationalist identitarian ideology is based on social exclusion, inequality, discrimination based on ethnicity, status and census. The answer to neo-liberalist globalisation is not violence against things and people but the non-violent cosmopolitanism of ideas and rights, the overcoming of the myth of sovereignty, with solidarity and inclusive universalism. The excesses of the free market and nationalism should be contrasted with non-violent indignation and mass solidarity. The same solidarity which, despite the spread of the virus, we have not yet been able to see reappearing in our shattered societies. The pandemic has taught us that we are all different, but all in the same situation of risk. It has shown us the injustices of a market that does not allow free access to treatment and vaccines. It has made us understand how important it is to invest in the universal social and health care system, in territorial health policies, in employment in the service sectors and public employment. It is unbelievable that if the world stops for one month the economy falls to pieces producing mass unemployment. Something is wrong with this system that needs to run to survive. But we cannot expect individual scared citizens to become aware in a solitary way of the need to regain lost cosmopolitan solidarity. This objective, however, should be precisely that of intermediate social bodies and democratic, ecological, Christian-social or, generally speaking, left-wing political forces.

2. Insecurity and virus

In recent years, the actions of left- and right-wing governments have been

indiscriminately characterised by security policies. Individual security has been elevated to a fundamental right despite the absence of such a constitutional norm. Security is a subjective condition. Faced with the virus that travels around cities or what happens in certain neighbourhoods or public parks, the perception of risk changes from subject to subject. Much will depend on life experience, age, gender, private and public stories, and the media. To feel individually safe means to feel free from dangers, risks, difficulties, unpleasant events, or something similar. Security policies have traditionally been entrusted only to repression agencies (police, courts, prisons) taking for granted that security means the absence of crime. During the lockdown in Italy, we have seen a significant reduction in all crime rates (except for cybercrime or mistreatment in the family), yet individual feelings of insecurity have not changed. The risks of contracting the disease have only led to a change in the object of fears and dangers. The cards have been reshuffled, as have the hierarchies of personal problems and collective anxieties, which have subsequently turned into perceptions of insecurity.

Security policies in the era of neo-liberal identitarian ideology have been anti-solidarity policies, aimed at social exclusion, based on the paradigm of war. War has been declared on drugs, zero tolerance has been proclaimed, walls have been raised against migrants.

The post-pandemic solidarity challenge should be the one that cancels the old one-dimensional concepts of security while characterising and qualifying it as a composite and articulated security: social, health, welfare, work, food, human.

Making a person feel safe in a holistic way means offering him/her care, attention, income, work, and also protection from risks of aggression. Insecure life at the time of the virus has produced a pause in the policies of intolerance. It is easy, very easy to go back. Instead, in a sort of ecological, nonviolent and welfarist reconversion of public priorities, the old warlike, useless, inhuman, selfish model of security that has nothing to do with people's deep security needs must be deconstructed. It is necessary to avoid being overwhelmed by that anti-pedagogical axis between political forces and the people which, overcoming all technical, scientific, statistical, cultural and social mediation, has intended to satisfy securitarian drives, not inspired by human solidarity.

3. Empathy and imprisonment

All around the world, we have been for some time prisoners in our homes, forced to taste fragments of detention. Until now, however, this global and permanent state of imprisonment has not translated into greater sensitivity and empathy towards those who are suffering periods of incarceration in prisons. Tastes of deprivation of liberty experienced by almost the entire population of contemporary democracies have not been able to make them more empathic about the unnatural and pathological essence of the prison condition. Being locked up at home, at least up to now, has scarcely favoured the public consolidation of less cruel and divisive ideas of humanity. The Manichean way of distinguishing human beings between good people (deserving dignity and solidarity) and bad people (prisoners, from whom it is legitimate to take away dignity, solidarity and even

health since, all things considered, they have brought on themselves the condition of imprisonment) remains prevalent. For empathy to produce solidarity effects there is necessarily a need for strong, authoritative mediation by socially legitimate pedagogical agencies. The political parties (also on the left), not recently and probably not only in Italy, have given up this function, probably no longer having the ideological strength or moral credibility. Instead, they have fed a slippery and demagogic vicious circle on social and traditional media, which sees them in direct and permanent connection with individual citizens, users and followers. Solidarity and human empathy with prisoners are therefore not naturally produced. They require the high intermediation of those who explain, rationally and emotionally at the same time, that punishment is always suffering and that any division between friends and enemies (criminals) is outside desirable human coexistence, as well as being illegal, unjust and immoral. The only person who tried to play the role of mass social mediator was Pope Francis.

4. The theology of fraternity and dignity in Pope Francis

On 3 October 2020, Pope Francis made public the Encyclical *Fratelli tutti*, on fraternity and social friendship. The word *security* appears twelve times in the Encyclical letter, never to endorse old concepts of repressive inspiration.

Some examples of the use of the word *security*: “There is a kind of *local narcissism* unrelated to a healthy love of one’s own people and culture. It is born of a certain insecurity and fear of the other that leads to rejection and the desire to

erect walls for self-defence. Yet it is impossible to be *local* in a healthy way without being sincerely open to the universal, without feeling challenged by what is happening in other places, without openness to enrichment by other cultures, and without solidarity or concern for the tragedies affecting other peoples. A *local narcissism* instead frets over a limited number of ideas, customs and forms of security; incapable of admiring the vast potential and beauty offered by the larger world, it lacks an authentic and generous spirit of solidarity. Life at the local level thus becomes less and less welcoming, people less open to complementarity. Its possibilities for development narrow; it grows weary and infirm. A healthy culture, on the other hand, is open and welcoming by its very nature; indeed, a culture without universal values is not truly a culture”. Or: “We also need to ask ourselves how sustainable a stability based on fear is, when it actually increases fear and undermines relationships of trust between peoples. International peace and stability cannot be based on a false sense of security, on the threat of mutual destruction or total annihilation, or on simply maintaining a balance of power (...). Fear and resentment can easily lead to viewing punishment in a vindictive and even cruel way, rather than as part of a process of healing and reintegration into society. Nowadays, in some political sectors and certain media, public and private violence and revenge are incited, not only against those responsible for committing crimes, but also against those suspected, whether proven or not, of breaking the law (...). There is at times a tendency to deliberately fabricate enemies: stereotyped figures who represent all the characteristics that society perceives or

interprets as threatening. The mechanisms that form these images are the same that allowed the spread of racist ideas in their time”.

Pope Francis’ fraternal social theology contrasts enmity with friendship, destabilises the criminal law of the enemy, replaces revenge with reasonableness and false security with solidarity. Fraternity is also a legally relevant proposal. It destabilises identitarian law and proposes a right that is not content to guarantee only a few (the local, the honest, the Christian) as its vocation is cosmopolitan. The sense of fraternity led Antigone to violate the cruel law of men who would have wanted to prevent her from burying her traitorous brother Polynices, taking responsibility for it. Hers, like that of Pope Francis, is not a familistic fraternity, but a universal human fraternity. A few months before the publication of the Encyclical letter, on 10 April 2020, Pope Francis placed prison, with its profound injustices and irremediable contradictions, at the centre of the television globe. Prisoners, former prisoners, children of prisoners, parents of prisoners, innocent and guilty inmates, victims of prisoners, judges of prisoners, guards of prisoners recounted the penalty of imprisonment. They were all protagonists of the Paduan prison community who were given a universally amplified megaphone. That multi-voiced story, in Italy alone, had about eight million viewers. One of the voices selected by Pope Francis whispered her experience to the believers as follows: “As a prison educator I see people entering jail deprived of everything: stripped of all dignity because of the crimes they have committed, stripped of all respect for themselves and for others. Every day I see

how they become more and more dependent behind bars: they need me even to help write a letter. These are the unsettled lives entrusted to my care: helpless, frustrated by their weakness, frequently deprived of even the ability to understand the wrong they have done. At times, however, they are like new-born babies who can still be formed. I sense that their lives can start over in another direction, definitively turning away from evil. My strength, however, is fading day by day. Encountering daily all this anger, pain and hidden malice ends up wearing down even the most experienced of us. I chose this work after my mother was killed in a head-on collision by a young drug addict: I decided to respond immediately to that evil with good. But even though I love this job, I sometimes struggle to find the strength to carry on. In so sensitive a service, we need to feel that we are not abandoned, in order to be able to support the many lives entrusted to us, lives that each day run the risk of ruin”.

Before her, a life-sentenced prisoner benefitting from an alternative measure had told his story as a former criminal prisoner because of the Mafia: “Many times that cry, *Crucify him, crucify him!* is shouted out in court-rooms and in newspapers. It is a cry I even heard against me: I was condemned, together with my father, to a life sentence. My crucifixion began when I was a child: when I think back, I see myself huddled up on the bus that took me to school, side-lined because of my stutter, with no friends. I started to work when I was young, without having a chance to study: ignorance prevailed over innocence. Then bullying stole what was left of childhood from this boy born in Calabria during the 1970s. I am more like

Barabbas than Christ, yet the harshest condemnation remains that of my own conscience: at night I open my eyes and I desperately search for a light that will shine upon my story”.

As Pope Francis had already written in a speech in 2014 addressed to the International association of penal law, scholars and jurists have a mission that must lead them to rise up as embankments against penal populism and its victims. On the day of the religious and cathartic rite of the crucifixion of an innocent man, Pope Francis breaks with Catholic tradition and his good manners, and puts, in the midst of a pandemic and freedom crisis, at the centre of the square the dignity of the *bad* man, who prison tramples on and continually puts at risk. Dignity, as Hannah Arendt and Stefano Rodotà have authoritatively written, is the right to have rights, the foundation of all human rights and fundamental freedoms. Human dignity, in its Kantian version as well as in the writings of Cesare Beccaria, is an inalienable and irrepressible right: it is the non-degradation of the person to object. It is not bound to one's own social behaviour but is inextricably linked to being a person in a biological and biographical sense. Prison inevitably hurts people's dignity. It is necessary to be aware of this. And the intellectual and moral integrity of any educator - such as the penitentiary educator, the Pope, the university professor or school teacher - cannot omit it. To have it quietly reminded, the immense audience of Catholic believers on the day of the ceremony held in a completely empty St Peter's Square has a particular value, in the sense that it aims at building empathy - for too long forgotten - between the hitherto

free people towards those who are still imprisoned. Has this warning helped to produce the game of identification and reduce the securitarian pressure that produces mass internment? Pope Francis tried this by showing loyalty to himself and his intuitions and decisions. Last but not least, when he decided to abolish the penalty of life imprisonment in the Vatican penal code with a *motu proprio* and included in it the crime of torture, defined in full compliance with the contents of the 1984 UN Convention. When Pope Francis speaks to the masses via worldwide broadcast or when he speaks to the few criminal law experts, he does not change the content of his rhetoric, although he cares to be a good disseminator by simplifying his language when necessary. However, he exposes himself in the role of an anti-populist pedagogue, knowing that penal populism produces widespread, unjust and classist imprisonment and that this, in turn, is inevitably detrimental to human dignity. The principle of *cautela in poenam* should induce judges and investigators to be more reasonable in inflicting prison sentences. Who knows if the experience of home detention has made them at least more cautious? Perhaps it was to them that Pope Francis mainly addressed the selection of the protagonists of the *via crucis*.

5. Social state-penal state, public-private, cosmopolitanism- sovereignty

It is not clear whether or not the health tragedy has taught us that to effectively tackle the risks of the pandemic we need more welfare state, personal services, public care for the elderly, supranational cooperation and state research. The penal state inherited from Reagan in the '80s,

and exploded also in Europe, made everything more complicated because the pandemic forced us to realise that not only did we need to lighten the burden of prison, but also that there were other priorities and that there was a desperate need for monetary liquidity, which could not be wasted in repressive security policies. During the hardest months of the pandemic, in Italy, the possibility of dying from the coronavirus was 416 times greater than of dying from a crime. It is now a matter of translating the statistical data, the perceptions of the few into the awareness of the majority thus sweeping away the penal populist rhetoric that, together with the liberalist one, has dominated the recent political scenario. Without the presence of public health care facilities investing in intensive care (unprofitable for the giants of private health care), without the public management of residences for the elderly and all justice services including prison services, without a cosmopolitanism of research and knowledge we would be swarmed by coffins in an incurable and hopeless universal contagion.

Notes

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