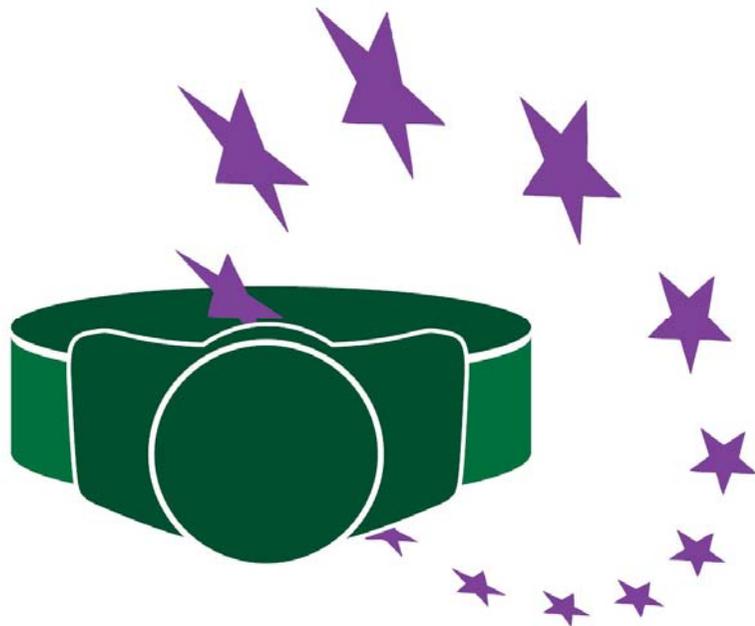


Reflections on The Future of EM in Europe

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Creativity, Effectiveness & EM



- Excellent, useful empirical research.
- Many serious, sensible, practical suggestions for (re)shaping EM use.
- Confidence that EM can be “improved” – and fears it might not be.
- A welcome new emphasis on diversity.
- An intriguing logo.

The Focus Here

Finding

- “EM has *universal appeal* because it fits or *can be made to fit* many purposes”.
- Extend understanding of its *universal appeal* (and trajectory)
- Emphasise further the issue of being *made to fit*. Made how, and by whom?

Recommendation

- “The aims of EM [should] ensure that it is used according to the principles of proportionality and necessity, in the least intrusive way and incorporating support so that it positively influences individuals and assists them to lead meaningful lives”.

Thinking about the Future

- Possible
 - Probable
 - Preferable
- “How can a person with no knowledge of the future understand the meaning of the present? If we do not know what future the present is leading us toward, how can we say whether the present is good or bad, whether it deserves our concurrence, or our suspicion, or our hatred?”
(Milan Kundera, *Ignorance* (2002, 143-4))

Social Imaginaries

cultural and mental maps/narratives of how society is, is becoming and could be

Penal Imaginaries

- Images of how “punishment” functions in society.
- An old, recursive narrative (“the pendulum swing”), with tight parameters, & resistance to innovation.
- More “here & now” than futuristic in outlook. Slow and incremental change.
- Integral (but not unique) to the state & “the penal field”
- Studied in Penology.

Socio-Technical Imaginaries

- Images of how (digital) “technologies” function in society. Inc “telematic imaginary”
- An endlessly renewable narrative, with no clear parameters & expectation of constant innovation.
- Inherently futuristic. “The next is now”. Rapid change.
- Increasingly integral to the state (e-governance); but *raison d’être* of tech companies.
- Studied in Science and Technology Studies (STS).

The “Universal Appeal” of EM

is not just a question of *penal* versatility

- Decisions about how, when and how much to use EM are made at the **intersection** of *penal* and *socio-technical imaginaries*, based on:
- beliefs about how, why & when it is apt to punish, rehabilitate and control (and the cost)
- **beliefs about how far it is appropriate and feasible to let technology encroach on/augment/replace human practices (and the cost)**
- Both beliefs change/evolve & get contested

Understanding EM as “Socio-Technical”

- EM is a customised application of various globally available digital technologies (rf, GPS, telephony, computers, internet) for penal purposes.
- EM has “technological momentum” (from outside the penal field) because it is an evolving expression of the global “information and communication (ICT) revolution” – and the matrix of digital connectedness which has become the new cultural normal for us all.
- Real-time connectedness has many channels & registers - reciprocal, collaborative, contractual. No sphere of social life is unaffected by it or the accompanying datification processes (by tech providers) – for better or worse.
- EM is **coercive connectedness** (ordered by judicial or penal authority) + datification of locatability (pinpointing; presence/absence; trails and traces within supervisory regimes).

EM as Coercive Connectedness

(and as an aspect of “e-governance”)

- Coercive Connectedness (EM) was a commercial (marketisable) and (administrative) governmental inevitability – but its forms, scale and purposes are in principle politically and professionally negotiable.
- Commercial providers of EM operate primarily with socio-technical imaginaries; they engage with penal imaginaries (and norms) only to master their market.
- To answer the question - has EM plateaued, or has its 40 year operational history just been its “early days? – requires understanding of trajectories of both penal and socio-technical (digital) change – and the broader political and economic context in which both occur.

Where Are We Now?

- The value of real-time remote monitoring/coercive connectedness as a penal technique has been accepted by policymakers (“digital” is OK; surveillance is more normal than before)
- This is socially pervasive thinking but not (yet?) hegemonic in “the penal field”.
- Punitive and rehabilitative interests, narratives & practices contend for dominance in the field.
- EM has a versatile, contingent relation to these.
- Practice happens/emerges where the interests intersect – but who gets to shape that process?

“The Fourth Industrial Revolution”

steam, electricity, electronics, AI/robotics?

- Bank of America, Bank of England, MckInsey and World Economic Forum (Davos) all predict an imminent global expansion of automation in, and disruption of, middle class occupations (part tech innovation, part austerity, part global competition).
- The coming “internet of things” – mobile and static sensors everywhere, the datification of everything – aggregating, analysing & acting on “big data”. The age of *uberveillance*.
- This milieu will empower all tech companies, intensify connectedness, normalise – and stimulate – the further expansion of EM, telecare and the “fitbit” revolution.
- This happens to some degree whether there is growth or (as some fear) recession: some human work will decline.

Current Tensions in Europe

Implications for EM

The Issues

- The persistent “democratic deficit? Whither citizenship?
- “The lure of technocracy”- the cold rule of cost-efficiency and effectiveness
- The migration “crisis”
- The austerity question
- The rise of the Right (conservatism & neoliberalism)
- British “exemptionalism”

What Might happen?

- Will transnational bodies like Council of Europe (or CEP) survive any weakening of EU – or hold it together despite weakening?
- Technocracy could strengthen EM (& penalty in general) ?
- Reframing EM in punitive terms (2 possibilities)?
- Following the English “bad example” of EM?
- Emergence of an EM immigration market (as in US)?

Punitivity, Austerity and EM

observations from the USA

- “Mounting fiscal pressures on their own will not spur communities, states and federal government to empty jails and prisons. If history is any guide, rising public anxiety in the face of persistent economic distress and growing economic inequalities may in fact ignite support for more punitive penal policies” (Marie Gottschalk, *Daedalus* 2010)

Squeezing Probation Out?

- EM does have “technological momentum” because of a) broad acceptance in the penal field) & b) the emerging Industrial Revolution 4.0.
- “Austerity-punitiveness” *could* foster a) stable or reduced use of EM (and no reduction – even a rise - in prison use) and/or b) more punitive uses of EM. There will be national variations
- In this context, “old” probation norms, ideals and interests may seem less relevant, less viable, not modern (& too costly) (as in England and Wales?)
- Vital to defend these norms, ideals and interests

Affirmations and Echoes

- EM is not the most important thing that penal systems can be doing to improve themselves, but it has to be reckoned with.
- Some forms of EM can be useful in the struggle to reduce custody and reduce criminality, but not all its penal possibilities are desirable.
- EM will only be used wisely and well if it is underpinned by and enveloped in the values and “best practices” of existing probation
- augmented by human rights and “an ethic of care” (and less emphasis on cost-efficiency).

Coda to Pandora's Box

Punishment & the Coming of Evil into the World

Greek Myth

- Pandora – perfect God-made woman + a “locked box” gift
- Sent by Zeus to further punish Prometheus, who had nobly stolen fire from the Gods.
- Prometheus' brother Epimetheus married Pandora: she innocently unlocked the box & unleashed many evils into the world.
- **Hope** - a frail thing – either stayed in the box, or was released last (myth varies)

Modern Europe

- Large scale use of EM would be like unleashing evil (and English MoJ has a locked box !)
- But EM is not inherently evil
- Prometheus stole fire to help mortals keep warm and cook – he humanised (risky) fire.
- EM can & should be humanised – deliberative Prometheus is as good a guide as hapless Pandora
- Hope **and activism** combined are good - reject ordained narratives, of EM, and write our own.

Pandora *and* Prometheus



The End

Thank You to:

- Charles Taylor for “social imaginaries”
- Pat Carlen for “penal imaginaries”
- William Bogard for “telematic imaginary”
- Josh Page (via Bourdieu) for “the penal field”
- Thomas Hughes for “technological momentum”
- Larry Elliot for “the Fourth Industrial Revolution”

Read books by:

- Jurgen Habermas (2014)
“The Lure of Technocracy”
- Evgeny Morozov (2011/13)
“The Net Delusion” and “To Save Everything, Click Here”
- Bernard Harcourt (2015)
“Exposure: desire and disobedience in the digital age”

Reducing Prison Use Matters

- There is a democratic imperative to keep full deprivation of liberty to a minimum.
 - Present (probation) means of doing so are good but not perfect (“control deficit”)
 - New penal measures are always conditioned by socio-economic (and tech) changes
 - Properly used, versatile EM-penalties could tailor control in a way that neither prison nor probation could/can do.....
 - without detriment to humanistic, democratic values
- “Custody may prevent people from harming others, but it also prevents them from doing things that are harmless. It prevents far more than is necessary”. (Nigel Walker, *Why Punish?* 1997:6140)

The Fitbit “Revolution”

- EM has been given additional legitimacy by the advent of cool, wearable tech in leisure and healthcare.
- Will EM of offenders migrate from location monitoring to behavioural or bio-monitoring? (and implants?)
- Unlikely. Some pilots. Vision won't die but won't dominate. Location monitoring can do a lot.
- But fitbits will be used for health monitoring by insurance companies and (maybe) sexual behaviour monitoring in some religious colleges.

Whose Tech Is It, Anyway?

- “THE HACKER ETHIC” – a 1990’s “cyberpunk” term for co-opting and re-purposing emerging digital technologies, premised on the audacious belief that this tech was not inherently the property of the corporations & governments who created it, and that left to their own devices, they would use it only to serve the interests of the powerful.
- Manuel Castells, grand theorist of “the network society” enabled by ICT, picked up (and dropped) the term but has remained interested in the subversive and empowering uses of digital tech.
- The hacker debate – academic and political – passed probation – and penology – by (as did debates in STS).
- In relation to EM, probation needed more of “a hacker ethic” than it had, less respect for dominant EM narratives determined by others – and more (some!) dialogue with socially progressive, innovative tech engineers