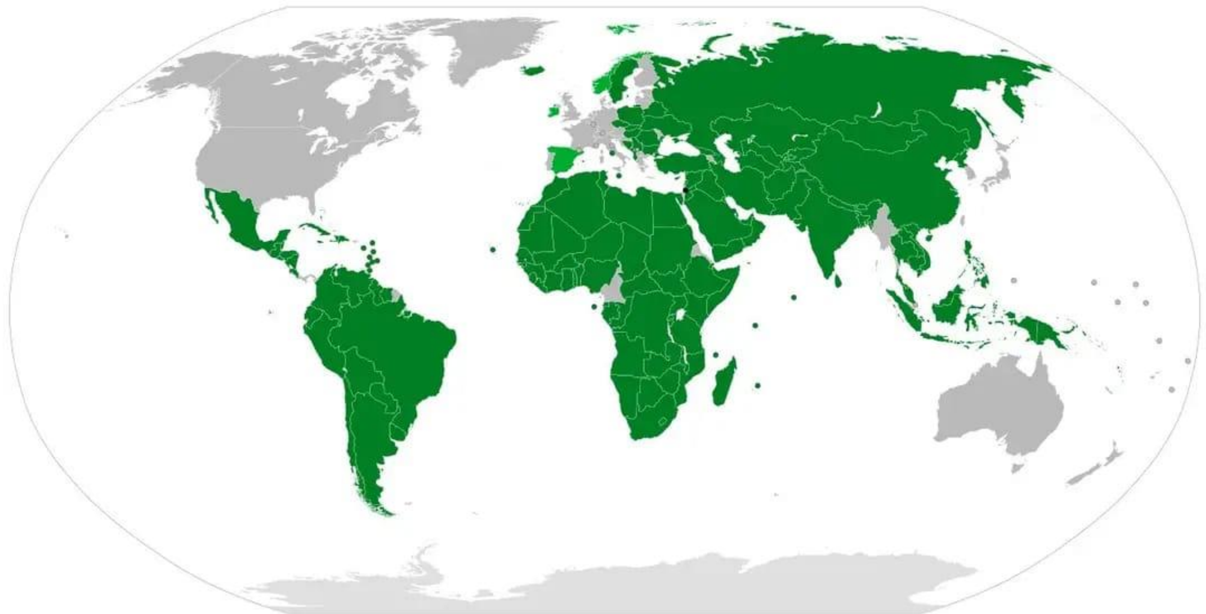
EUROPEAN GROUP
FOR THE STUDY OF DEVIANCE & SOCIAL CONTROL

An international network working towards social justice, state accountability and decarceration since 1973

www.european-group.org

Join us here: EG on Facebook
Or here: EG on Twitter

Coordinator team 2022–2026: Simone Santorso, Maryja Šupa



NEWSLETTER | 2024 (4) May

In this News Letter:

Hi folks! 3

Primodos 2024: The Quest for Justice Continues – shared by Sharon Hartles 4

Public Statement of the Institute for Criminology at the Faculty of Law Ljubljana on Palestine and related issues in the EU – shared by Iva Ramuš Cvetkovič and Jager Matjaž 11

Presidential panel: 'What's A University For? The Role of Academia in Tumultuous Times' at the American Society of Criminology annual meeting in San Francisco, Nov 13-16 – shared by Tony Platt 15

BRIQUE PAR BRIQUE, MUR PAR MUR. Une histoire de l'abolitionnisme penal by Gwenola Ricordeau, Joël Charbit, Shaïn Morisse – shared by Shaïn Morisse 16

RACE AND JUSTICE SEMINAR SERIES: Destination UK: Asylum Destination Factors as 'Technologies of Subjectivation' – shared by Monish Bhatia 18

We must persist! Towards a global criminology of war. 19

Call for papers: Criminological Encounters, special issue 19

Permanent Peoples' Tribunal on State and Environmental Violence in West Papua -shared by David Whyte. 20

Anniversary seminar in honour of Professor Anne AlvesaloKuusi – shared by Johanna Vanto 21

Special session from the Fear and Looting Working Group 22

European Group Statement In Solidarity With Palestine 57

News from the world 58

Call for Papers: Justice, Power and Resistance 59

Hi folks!

📩 Our latest newsletter is here, and it's packed with interesting material and contributions. Inside, you'll find exciting calls for papers, a deep dive into the legal battle involving over 100 claimants affected by Hormone Pregnancy Tests (HPTs), a supporting statement to Palestine from the University of Lubjian, a round table reflecting on the role of academics in shaping justice, some global news updates, and lots more goodies you won't want to miss

We're also thrilled to introduce the Fear and Looting Working Group's contribution in this edition – it's going to be fantastic!

A big shoutout to the F&L crew for their amazing work in putting this together.

The first draft of our annual conference program will be released next month. Stay tuned for updates 👓

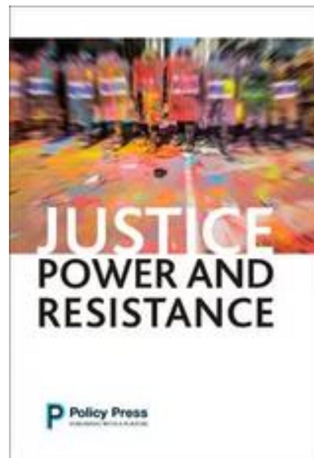
In solidarity,
Simone & Maryja

Upcoming EG conference!

The 52st annual conference of the European Group will take place **in August 27-29, 2024 in Vilnius.**

See the full call for papers at the Conference webpage

Contributions welcome!



Justice, Power and Resistance" the journal initiated by the EG and dedicated to the critical analysis of justice, power, social harms, and resistance accepts articles, interventions and book reviews.

Contributions from EG members are very welcome!
More info: Call for submissions

Primodos 2024: The Quest for Justice Continues – shared by Sharon Hartles

This post originally appeared in the OU Blog

Image courtesy: The Association for Children Damaged by Hormone Pregnancy Tests (ADCHPT).

In the aftermath of the extensive legal battle involving over 100 claimants affected by Hormone Pregnancy Tests (HPTs) and defendants including Bayer Pharma AG, Schering Healthcare Limited, Aventis Pharma Limited, and the Secretary of State for Health and Social Care, the reverberations persist.

Since Mrs Justice Yip's judgement on 26th May 2023, denouncing the proceedings as an 'abuse of process', our attention shifted towards examining the ongoing consequences of the Primodos scandal.

As the forthcoming Annual General Meeting of the Association for Children Damaged by Hormone Pregnancy Tests (ADCHPT) is due to take place in Birmingham on 22nd June 2024, recent developments are scrutinised against the backdrop of legal discourse.

A mere three months following the collapse of the high court battle, Sky News reported that claimants faced potential liability for costs exceeding £10 million. Lawyers representing the government's Department of Health and pharmaceutical giant Bayer delivered a stark ultimatum: agree to forego any future legal action or risk shouldering substantial bills. This ultimatum, labelled as 'bullying and intimidation' by Marie Lyon, Chairwoman of the Association for Children Damaged by Hormone Pregnancy Tests (ACDHPT), left Primodos-affected families facing an agonising choice: surrender their right to seek justice or face financial ruin.

While Minister for Women's Health Maria Caulfield's offer to meet with affected families may suggest a willingness to address their concerns, the harsh reality remains unchanged. Despite Maria Caulfield's reluctance to witness individuals deprived of justice due to financial constraints, systemic barriers within the legal system persist, perpetuating inequality.

The defendants—Bayer Pharma AG, Schering Healthcare Limited, Aventis Pharma Limited, and the Secretary of State for Health and Social Care—enjoyed privileged access to the legal system due to their vast financial resources, whereas Primodos-affected families encountered daunting financial obstacles.

The demand by the government's Department of Health and Bayer to quash future legal claims underscores a troubling prioritisation of legal closure over factual scrutiny. This demand requires claimants to forego any

future legal action, disregarding contestations (inconsistencies, alterations, contradictions, discrepant findings, and omissions) within the available scientific data at the time (as evidenced by the IMMDS Review Oral Hearing, Sky News Interview, and MP letter), regardless of potential future evidence.

This highlights a disturbing trend where the interests of powerful elites eclipse the pursuit of truth and justice. Let us not overlook that the Expert Working Group (EWG) chose to exclude the summary estimate from its report, notwithstanding twelve out of fifteen estimates indicating an association between Primodos and malformations (as evidenced below).

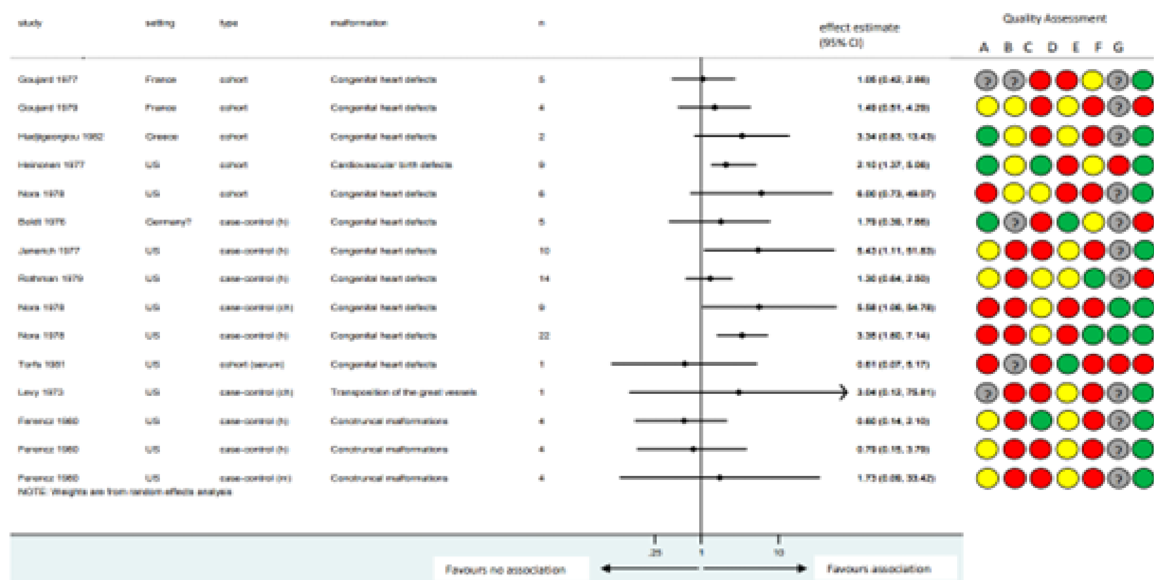


Image courtesy: All-Party Parliamentary Group Hormone Pregnancy *A Bitter Pill: Primodos, The Forgotten Thalidomide* report – published 27th February 2024, p.20.

Let us not ignore the alterations made to the draft by individuals not affiliated with the Expert Working Group and Commission on Human Medicines (CHM), which raise legitimate concerns about external interference.

Let us also remember that the Expert Working Group's report played a pivotal role in the court case involving over 100 Primodos-affected claimants, which was dismissed because the judgment determined that the position on causation had not "materially changed in the claimants' favour" since the previous litigation in 1982.

What led to the exclusion of the summary estimate in the meta-analysis from the Expert Working Group (EWG) report? Who stands to benefit the most from removing evidence suggesting an association between Primodos and malformations from the published report?

The Primodos injustice once again took centre stage when Sky News reported in December 2023 new scientific evidence spearheaded by Professor Bengt Danielsson. This evidence concluded that Hormone Pregnancy Tests could cause a range of congenital problems, such as malformations and defects, and initiate

a failed abortion process. Faced with renewed scrutiny, Women's Health Minister Maria Caulfield committed to examining the new evidence.

On 7th February 2024, the Patient Safety Commissioner, Dr Henrietta Hughes, unveiled *The Hughes Report*, a comprehensive strategy for addressing harms from medicines and medical devices. Despite identifying a

'clear case for redress' for the thousands affected by 'avoidable harm', Primodos was notably absent from this review.

Image courtesy: Patient Safety Commissioner – Listening to patients *The Hughes Report* Options for redress for those harmed by valproate and pelvic mesh - published 7th February 2024

The report explicitly stated that 'Our terms of reference did not include the issue of hormone pregnancy tests', a decision attributed to the Department of Health and Social Care (DHSC). In late 2022, Minister for Women's Health Maria Caulfield, while defining the project's terms of reference, omitted Primodos from the focus of redress, citing legal litigation as the reason. However, the case for redress for Primodos had already been established in *the First Do No Harm Report*. *The Hughes Report* aimed to explore how to provide redress options, making the exclusion of Primodos objectionable.

Marie Lyon, who attended the launch, later expressed her disappointment, stating in The Guardian, 'I feel betrayed by the patient safety commissioner, by the IMMDS [Independent Medicines and Medical Devices Safety] review, and by the Secretary of State for Health – all three have betrayed our families because, basically, they have just forgotten us.'

Marie Lyon speaking at the Patient Safety meeting in Parliament on 7th February 2024. Photo courtesy: Marie Lyon, ACDHPT Chairwoman.

Considering the renewed interest in Primodos sparked by the emergence of new evidence and the Minister's commitment to investigate, Professor Heneghan has remained dedicated to raising awareness about the issue. His most recent contribution, 'The Primodos Scandal - Part 6' published on 27th February 2024, builds upon the series initiated with parts 1 to 5 (Part 1, Part 2, Part 3, Part 4 and Part 5) released throughout June 2023. These instalments presented compelling evidence and challenged the findings of the *Expert Working Group Report*. He emphasises the necessity for legal scrutiny of Primodos, a position Professor Heneghan continues to champion even in the face of the setbacks encountered in the court cases. Building on this momentum, on 29th February 2024, Yasmin Qureshi, MP, officially launched the report titled "*A Bitter Pill: Primodos, The Forgotten Thalidomide*," as part of the work of the All-Party Parliamentary Group (APPG) on Hormone Pregnancy Tests. The APPG on Hormone Pregnancy Tests, comprising over 133 MPs and Peers, stands as one of the largest cross-party groups in Parliament.

Photo courtesy: All-Party Parliamentary Group Hormone Pregnancy *A Bitter Pill: Primodos, The Forgotten Thalidomide* report – published 27th February 2024

It represents the collective interests of numerous constituents affected by the drug Primodos. Established in 2012 and led by Yasmin Qureshi MP, the group's primary objective is to raise awareness of the challenges faced by families impacted by Primodos.

APPG report on Primodos Scandal unveiling at Westminster on 7th February 2024. Photo courtesy: Marie Lyon, ACDHPT Chairwoman.

The launch event at Westminster introduces the *APPG's report*, which provides the evidence that the Government chooses to ignore, delves into the human toll of Primodos, and emphasises regulatory inadequacies, examining the Expert Working Group and The Independent Medicines and Medical Devices Safety (IMMDS) Review.

Led by Chair Yasmin Qureshi MP and Vice Chairs Hannah Bardell MP, Sir Ed Davey MP, and Sir Jacob Rees-Mogg MP, the cross-party group recommends implementing measures to address what it terms 'one of the most significant medical frauds of the 20th century' urging the Secretary of State to act accordingly.

Recommendations

We call on the Secretary of State to implement the following recommendations:

(a) To set up an independent review to examine the findings of the 'Expert Working Group':

(i) Appointed scientists must have a background in, and detailed understanding of this technical area.

(ii) Any selection and appointment of experts must be independent and in consultation with the families affected by Primodos to ensure they have trust and confidence in the process.

(iii) As set out in the IMMDS review, this must be independent of the MHRA which has taken a defensive approach to this issue.

(iv) Where it is necessary to peer-review the draft report, this should be reviewed by an independent panel of experts to avoid the potential of undue influence.

(b) To review the compelling new evidence published in the 'Reproductive Toxicology' journal as set out in chapter 6.

Image courtesy: All-Party Parliamentary Group Hormone Pregnancy *A Bitter Pill: Primodos, The Forgotten Thalidomide* report – published 27th February 2024 – Page 33

During a parliamentary debate on 18th April 2024, Yasmin Qureshi pressed Maria Caulfield on whether she would commit to commissioning an independent review of the Commission on Human Medicines' Expert Working Group's report on Hormone Pregnancy Tests.

In response, Maria Caulfield merely expressed 'sympathy' for families who 'believe' they have suffered due to using Hormone Pregnancy Tests, stating definitively that there are no plans to initiate an independent review of the Expert Working Group's findings.

At best, her response demonstrates a lack of proactive action to address the concerns raised. At worst, it reflects a dismissive attitude towards legitimate calls for an impartial review, potentially exacerbating distrust in the government's commitment to transparency and accountability.

Notwithstanding the government's steadfast stance, media coverage continues to shed light on the plight of Primodos-affected families. On 7th May 2024, Bristol Live published an article featuring Tracy Whiting, 53, from St George, who believes her lifelong health issues stem from the hormone pregnancy test pills her mother took while pregnant with her.

Tracy Whiting's experiences, alongside countless others, serve as poignant reminders highlighting the human toll of this medical injustice, and the devastating impact of Primodos, amplifying the urgency for accountability. Despite persistent challenges and resistance, the voices of families impacted by Primodos and their advocates resound, calling for acknowledgement and justice.

In anticipation of the impending backbench business debate scheduled for 6th June 2024, where the All-Party Parliamentary Group (APPG) for children damaged by oral hormone pregnancy tests will convene in the Main Chamber of the House of Commons, Marie Lyon, Chairwoman (ACDHPT), has mobilised efforts to rally support from individual members of the group.

Marie has actively reached out to all 113 MPs who are part of the APPG, urging their attendance at the debate to represent their constituents' interests. This discussion, specifically focused on addressing the issues surrounding Hormone Pregnancy Tests (HPTs) with a particular emphasis on the Primodos scandal, serves as a crucial platform for raising awareness, addressing systemic failures, and demanding accountability for the injustices endured by these families.

Marie Lyon's call to action underscores the urgency to ensure that the voices of those affected by Primodos are heard and that their quest for justice is supported at the highest levels of governance. It is crucial that everyone who believes in truth and justice watches the debate and shares what they see and hear on all social media platforms. This engagement is vital in amplifying the voices of those impacted by Primodos and in advocating for meaningful change and accountability within the healthcare system. Marie Lyon kindly provided the following statement reflecting on the urgent need to ensure that the voices of those affected by Primodos are heard and supported.

"It has been an incredibly challenging time for our families, who were left distraught by the forced withdrawal from our legal action against Bayer/Schering and the UK Government Regulators in October 2023.

To witness these families, who have waited years for Bayer and Government Regulators to acknowledge the damage caused by Primodos, finally lose all hope that they will ever see justice for their children is truly heartbreaking.

Our families are suffering, with no hope that their children will receive the care they desperately need as their health continues to deteriorate.

The absence of humanity and decency in our political system, which seems to abandon elderly parents and damaged children, leaving them in despair and without hope, is deeply troubling.

Who will step up to take responsibility and ensure that these families receive the justice they so rightfully deserve?

I am committed to continuing the fight on behalf of affected families. A backbench business debate is scheduled in the Main Chamber of the House of Commons, in full view of the public and the media, on 6th June 2024.

We urge every MP to attend, representing both their constituents and our families, and to use their voices to demand an Independent Review following the publication of the APPG (All-Party Parliamentary Group) Report."

Approaching the Annual General Meeting of the Association for Children Damaged by Hormone Pregnancy Tests (ACDHPT) in Birmingham on 22nd June 2024, the imperative for action intensifies. Against the backdrop of resilience and advocacy, steadfastness is required. Each moment necessitates renewed commitment; every voice raised in solidarity strengthens the movement.

While the road ahead may be challenging, the dedication of affected families to truth and justice remains unwavering. Continuing to shine a light on the Primodos scandal ensures that the echoes of injustice are met with the resounding call for accountability, redress, and reform.

To learn more about the Association for Children Damaged by Hormone Pregnancy Tests (ACDHPT) campaign and keep up to date with news, visit primodos.org.

In addition, there are several ways you can support the campaign:

- Follow ACDHPT on Twitter
- Follow ACDHPT on Facebook
- Encourage your MP to join the APPG for hormone pregnancy tests.
- Donate to ACDHPT campaign
- Contact Marie Lyon

Public Statement of the Institute for Criminology at the Faculty of Law Ljubljana on Palestine and related issues in the EU – shared by Iva Ramuš Cvetkovič and Jager Matjaž

INŠTITUT ZA KRIMINOLOGIJO
pri Pravni fakulteti v Ljubljani

Poljanski nasip 2 SI-1000 Ljubljana Slovenija
Tel. : +386 1 42 03 242 Fax : +386 1 42 03 245
E: inst.crim@pf.uni-lj.si W : www.inst-krim.si

Izjava Inštituta za kriminologijo pri Pravni fakulteti v Ljubljani o situaciji v Gazi in na preostalih okupiranih območjih Palestine ter s tem povezanih kršitvah temeljnih človekovih pravic in svoboščin znotraj Evropske Unije

Raziskovalci Inštituta za kriminologijo izražamo žalost in ogorčenje nad situacijo v Gazi ter na preostalih okupiranih Palestinskih območjih. Pridružujemo se številnim opozorilom, da to, kar se dogaja v Gazi, izpolnjuje zakonske znake kaznivega dejanja genocida.[1] Verjetnost genocida je v svoji odločbi 26. januarja 2024 ugotovilo tudi Meddržavno sodišče v Haagu.[2]

Obenem izražamo resno zaskrbljenost nad propagiranjem enostranskega narativa o situaciji z omejevanjem pravic do svobode izražanja in mirnih protestov, zagotovljenih z nacionalnimi ustavami, Evropsko konvencijo o človekovih pravicah ter z Mednarodnim paktom o državljanskih in političnih pravicah. Omejevanju teh pravic smo priča v državah zahodnega sveta, vključno z nekaterimi državami Evropske Unije. Zaskrbljeni smo zaradi zatiranja miroljubnih študentskih in drugih protestov z uporabo sile[3], arbitrarnih aretacij protestnikov[4], kriminalizacije protestnih sloganov[5], ter odpovedi in prepovedi številnih akademskih, umetniških in drugih dogodkov, ki stremijo k odprti razpravi v zvezi s trenutno situacijo v Gazi in na drugih okupiranih palestinskih ozemljih[6]. V mislih imamo npr. prepoved nedavnega kongresa o Palestini v Berlinu[7], odpovedi pogodb o delovnem razmerju kritikom ravnanj izraelske vlade na Univerzah in drugih znanstveno-raziskovalnih organizacijah[8], zavrnitev objav akademskih člankov, ki obravnavajo omenjeno tematiko[9], in druga represivna ravnanja nekaterih državnih organov, ki predstavljajo hude posege v temeljne pravice posameznikov.

---

[1] Glej poročilo posebne poročevalke OZN Francesce Albanese z naslovom *Anatomy of a Genocide* z dne 25. marca 2024. Na tveganje genocida je že kmalu po 7. oktobru 2023 opozorilo več kot 800 akademikov z relevantnih znanstvenih področij: https://twailr.com/wp-content/uploads/2023/10/Gaza-public-statement-and-signatories.pdf, temu pa so sledili še številni znanstveni prispevki, ki so prišli do podobnih zaključkov (glej, na primer, Segal, R. & Daniele, L. (2024) *Gaza as twilight of Israel exceptionalism: Holocaust and genocide studies from unprecedented crisis to unprecedented change*. Journal of Genocide Research 1-10; Lederman, S. (2024) *Gaza as a Laboratory 2.0*. Journal of Genocide Research, 1-6). Poleg vsega tega obstoji tudi dokaj obširen korpus znanstvenih del, ki so bila izdana pred 7. oktobrom, ki prav tako utemeljujejo izvajanje genocida (na primer Pappe, I. (2006) *Genocide in Gaza*. V: The Plight of the Palestinians: A Long History of Destruction (201-205). New York: Palgrave Macmillan US; Lendman, S. (2010) *Israel's slow-motion genocide in occupied Palestine*. V: The Plight of the Palestinians: A Long History of Destruction (29-38) New York: Palgrave Macmillan US).

[2] Glej ICJ *Order from 26 January 2024 on the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip* (South Africa v. Israel).

[3] https://www.reuters.com/world/europe/pro-palestinian-protesters-occupy-amsterdam-university-overnight-local-media-2024-05-08/; https://www.aljazeera.com/news/2024/5/8/in-the-us-south-pro-palestinians-face-crackdown-on-campus-and-in-streets-2; https://www.aljazeera.com/news/2024/4/1/we-jews-are-just-arrested-palestinians-are-beaten-german-protesters.

[4] https://www.theguardian.com/world/article/2024/may/08/pro-palestine-student-protests-campuses-europe-arrests-police; https://www.nbcnews.com/news/us-news/2000-people-arrested-nationwide-palestinian-campus-protests-rcna150446.

[5] https://edition.cnn.com/2024/01/28/europe/europe-germany-hamas-crackdown-free-speech-intl/index.html; https://www.i24news.tv/en/news/international/europe/1699528989-berlin-criminalizes-slogan-from-the-river-to-the-sea-palestine-will-be-free.

[6] https://www.theartnewspaper.com/2024/03/13/german-museum-director-at-centre-of-row-over-cancelled-candice-breitz-exhibition-steps-down; https://www.artnews.com/art-news/news/germany-art-scene-israel-war-gaza-1234700551/.

[7] https://www.dw.com/en/german-police-shut-down-pro-palestinian-conference/a-68810306; https://www.aljazeera.com/news/2024/4/12/germany-cancels-pro-palestine-event-bars-entry-to-gaza-war-witness.

[8] https://www.aa.com.tr/en/world/german-research-institution-parts-ways-with-professor-critical-of-israel/3131748; https://www.theguardian.com/education/2024/apr/10/nancy-fraser-cologne-university-germany-job-offer-palestine.

[9] https://www.theguardian.com/education/2023/nov/22/harvard-law-pro-palestinian-letter-gaza-israel-censorship#:~:text=Harvard%20journal%20accused%20of%20censoring%20article%20alleging%20genocide%20in%20Gaza,-This%20article%20is&text=A%20prestigious%20journal%20published%20by,because%20editors%20feared%20a%20backlash.

Nesprejemljivo je, da se tudi v državah Evropske Unije nad akademiki, ki opozarjajo na grozote, ki jih Izrael izvaja v Gazi, izvajajo neformalni prikriti nadzor na javnih in celo zasebnih družbenih omrežjih, hudi pritiski in sankcije v obliki odpovedi akademskih udejstvovanj, zaposlitev ali celo aretacij. Akademsko okolje je in mora ostati primarni prostor za svobodno oblikovanje in izražanje (kritične) misli, vsak akademik pa ima v svojem delovanju ne le pravico, temveč tudi dolžnost odzivanja na resne družbene probleme s svojega raziskovalnega področja znotraj relevantnega zgodovinskega in družbenega konteksta. Inštitut za kriminologijo trdno podpira vse domače in tuje akademike, ki so kljub bolj ali manj očitnim pritiskom in sankcijam uspeli zbrati pogum in nadaljevati svoje delo. Pozivamo k varovanju akademske svobode in splošne svobode izražanja in protesta s strani državnih organov ter javnih institucij, ki morajo zagotavljati pogoje za varno in kvalitetno akademsko delo. Menimo, da bi Slovenija kot država članica Evropske Unije morala jasno izraziti skrb nad tovrstnim dogajanjem v preostalih članicah EU, še posebej v Nemčiji, Franciji in na Nizozemskem, saj ima napad na akademsko svobodo v eni državi članici uničujoče učinke za celotno akademsko skupnost Evropske Unije.

Pri tem ugotavljamo, da omenjeni posegi v temeljne človekove pravice in svoboščine pogosto temeljijo na neupravičeni instrumentalizaciji obtožb antisemitizma. Antisemitizem je oblika rasističnega sovraštva, ki se je do skrajnosti materializiral v nacističnem holokavstu, in je kot tak nesprejemljiv in nevaren. Kljub porazu Nacizma v drugi svetovni vojni pa v družbi še kako prisoten, zato je nujno vsakršne primere antisemitizma strogo obsoditi in se nanje ustrezno, tudi (kazensko)pravno odzvati. Absurdno pa je enačenje kritike dejanj države Izrael z antisemitizmom. To enačenje specifične politične garniture z judovstvom ni le netočno in zavajajoče, temveč tudi izredno nevarno na več ravneh, tako za judovsko populacijo kot tudi za nujno potrebno demokratično javno razpravo, ki postane s tem izredno omejena. Najhujše posledice pa ima tovrstna zloraba izraza antisemitizem seveda za Palestince, saj jih oropa pravice do jasnega opozarjanja na lastno trpljenje in nazadnje pravice do življenja. Na Inštitutu za kriminologijo zato odločno zavračamo instrumentalizacijo IHRA definicije antisemitizma, usmerjeno v utišanje glasov, kritičnih do dejanj države Izrael.

Nazadnje izražamo solidarnost in podporo globalnim študentskim protestom, ki obsojajo izraelsko nasilje, okupacijo in genocid ter zahtevajo premirje, vključno s slovenskimi študenti, ki so se jim pridružili. Poudarjamo, da sta svoboda izražanja in protesta temeljni človekovi pravici in eden od ključnih stebrov demokratične družbe.

Kolektiv Inštituta za kriminologijo pri Pravni fakulteti v Ljubljani

Ljubljana, 10. 5. 2024

INSTITUTE OF CRIMINOLOGY
at the Faculty of law Ljubljana

Poljanski nasip 2 SI-1000 Ljubljana Slovenia
Tel. : +386 1 42 03 242 Fax : +386 1 42 03 245
E: inst.crim@pf.uni-lj.si W : www.inst-krim.si

Statement by the Institute of Criminology at the Faculty of Law Ljubljana on the situation in Gaza and other Occupied Palestinian Territories and the related violations of fundamental human rights and freedoms within the European Union

We, the researchers of the Institute of Criminology, express our sadness and outrage at the situation in Gaza and in other Occupied Palestinian Territories. We join the numerous warnings that what is happening in Gaza meets the legal definition of the crime of genocide.[1] The plausibility of genocide has also been established by the International Court of Justice in The Hague in its Order of 26 January 2024.[2]

At the same time, we express our strong concern about the propagation of a one-sided narrative on this situation through the restriction of the freedom of expression and right to peaceful protest, granted by national constitutions, the European Convention on Human Rights and the International Covenant on Civil and Political Rights. We are witnessing restrictions on these rights in countries across the Western world, including some countries of the European Union. We are concerned about the repression of peaceful student and other protests through the use of force[3], the arbitrary arrest of protesters[4], the criminalisation of protest slogans[5], and the cancellation and banning of many academic, artistic and other events that seek to openly debate the current situation in Gaza and other Occupied Palestinian Territories[6]. Examples of such worrisome restrictions include the shut-down of the recent Palestine Congress in Berlin[7], the termination of the employment contracts at Universities and other scientific research organisations when individuals are vocally critical of the Israeli Government's practices[8], the refusal to publish academic articles dealing with the aforementioned issues[9], and other repressive actions

---

[1] See the UN Special Rapporteur Francesca Albanese's Report *Anatomy of a Genocide* from 25 March 2024. Warning of the risk of a genocide being perpetrated in Gaza was issued soon after 7 October 2023 by more than 800 academics from the relevant scientific disciplines: https://twailr.com/wp-content/uploads/2023/10/Gaza-public-statement-and-signatories.pdf, and was followed by many scientific contributions, reaching similar conclusions (see, Segal, R. & Daniele, L. (2024) *Gaza as twilight of Israel exceptionalism: Holocaust and genocide studies from unprecedented crisis to unprecedented change*. Journal of Genocide Research 1-10; Lederman, S. (2024) *Gaza as a Laboratory 2.0*. Journal of Genocide Research, 1-6). Additionally, an extensive corpus of scientific works from before 7 October 2023 refers to a genocide as well (such as Pappe, I. (2006) *Genocide in Gaza*. In: The Plight of the Palestinians: A Long History of Destruction (201-205). New York: Palgrave Macmillan US; Lendman, S. (2010) *Israel's slow-motion genocide in occupied Palestine*. In: The Plight of the Palestinians: A Long History of Destruction (29-38) New York: Palgrave Macmillan US).

[2] ICJ *Order from 26 January 2024 on the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip* (South Africa v. Israel).

[3] https://www.reuters.com/world/europe/pro-palestinian-protesters-occupy-amsterdam-university-overnight-local-media-2024-05-08/; https://www.aljazeera.com/news/2024/5/8/in-the-us-south-pro-palestinians-face-crackdown-on-campus-and-in-streets-2; https://www.aljazeera.com/news/2024/4/1/we-jews-are-just-arrested-palestinians-are-beaten-german-protesters.

[4] https://www.theguardian.com/world/article/2024/may/08/pro-palestine-student-protests-campuses-europe-arrests-police; https://www.nbcnews.com/news/us-news/2000-people-arrested-nationwide-palestinian-campus-protests-rcna150446.

[5] https://edition.cnn.com/2024/01/28/europe/europe-germany-hamas-crackdown-free-speech-intl/index.html; https://www.i24news.tv/en/news/international/europe/1699528989-berlin-criminalizes-slogan-from-the-river-to-the-sea-palestine-will-be-free.

[6] https://www.theartnewspaper.com/2024/03/13/german-museum-director-at-centre-of-row-over-cancelled-candice-breitz-exhibition-steps-down; https://www.artnews.com/art-news/news/germany-art-scene-israel-war-gaza-1234700551/.

[7] https://www.dw.com/en/german-police-shut-down-pro-palestinian-conference/a-68810306; https://www.aljazeera.com/news/2024/4/12/germany-cancels-pro-palestine-event-bars-entry-to-gaza-war-witness.

[8] https://www.aa.com.tr/en/world/german-research-institution-parts-ways-with-professor-critical-of-israel/3131748; https://www.theguardian.com/education/2024/apr/10/nancy-fraser-cologne-university-germany-job-offer-palestine.

[9] https://www.theguardian.com/education/2023/nov/22/harvard-law-pro-palestinian-letter-gaza-israel-censorship#:~:text=Harvard%20journal%20accused%20of%20censoring%20article%20alleging%20genocide%20in%20Gaza,-

by certain state bodies. All these examples constitute serious violations of the fundamental rights of individuals.

It is unacceptable that, even in the countries of the European Union, academics who draw attention to the atrocities committed by Israel in Gaza are subjected to informal covert surveillance on public or even private social media accounts, severe pressure and sanctions in the form of dismissal from academic activities, termination of employment or even arrest. The academic environment is and must remain the primary forum for the free formation and expression of (critical) thought, and every academic has not only the right but also the duty to address and respond to serious social problems in their field of research within a relevant historical and social context. The Institute of Criminology firmly supports all academics, domestic and foreign, who, despite more or less apparent pressures and sanctions, have gathered the courage to continue their work. We call for the protection of academic freedom and the general freedom of expression and protest by the state authorities and public institutions, which must guarantee the conditions for safe and quality academic endeavours. We believe that Slovenia, as a Member State of the European Union, should clearly express its concern about such developments in other EU Member States, especially in Germany, France and the Netherlands, as an attack on academic freedom in one Member State has devastating effects for the entire academic community of the European Union.

We note that these encroachments on fundamental human rights and freedoms are often based on the unjustified instrumentalisation of accusations of anti-semitism. Anti-semitism is a form of racist hatred, which materialised to the extreme in the Nazi Holocaust, and is as such unacceptable and dangerous. Despite the defeat of Nazism in the Second World War, it is still present in society, which is why it is imperative that any instances of anti-Semitism be condemned in the strongest possible terms and responded to appropriately, which includes a (criminal) legal response.

It is absurd, however, to equate criticism of the actions of the State of Israel with anti-semitism. This equation of a specific political entity with Judaism is not only inaccurate and misleading but also extremely dangerous on several levels – for the Jewish population as well as for the much-needed democratic public debate. The latter becomes extremely limited due to such misuse of the term. However, the most devastating consequences of such misuse are, of course, faced by the Palestinians, since it deprives them of the ability to clearly express their own suffering and, ultimately, of the right to life. At the Institute of Criminology, we therefore strongly reject the instrumentalisation of the IHRA's definition of antisemitism, aimed at silencing voices that are critical of the actions of the State of Israel.

Finally, we express our solidarity and support for the global student protests aiming to condemn Israeli violence, occupation and genocide and calling for a ceasefire, including the Slovenian students who have recently joined them. We stress that freedom of expression and freedom of protest are fundamental human rights and are among the key pillars of a democratic society.

The collective of the Institute of Criminology at the Faculty of Law Ljubljana

Ljubljana, 10. 5. 2024

This%20article%20is&text=A%20prestigious%20journal%20published%20by,because%20editors%20feared%20a%20backlash.

Presidential panel: 'What's A University For? The Role of Academia in Tumultuous Times' at the American Society of Criminology annual meeting in San Francisco, Nov 13-16 – shared by Tony Platt

What's A University For?
The Role of Academia in Tumultuous Times

We live in tumultuous, divisive, dangerous, and uncertain times. Academia in many countries has been propelled into controversies about human rights, war, freedom of speech, role of the judiciary, racism, anti-Semitism, and authoritarianism. In the United States, university presidents are under political attack; faculty grapple with how to handle controversial debates in the classroom; and ideas (such as Critical Race Theory and Settler Colonialism) have become politicized and contested. Criminology is in the thick of this crisis, addressing such topics as the resurgence of law and order, police killings, rightwing politicization of the legal system, attacks on reproductive and gender rights, war crimes by states, and culture wars. The proposed panel addresses how these issues are variously affecting research, teaching, administrative policies, and public criminology. Drawing upon participants from different countries/regions will provide a comparative perspective and deepen our understanding of the current crisis.

Participants

Dr. Smadar Ben-Natan, a socio-legal scholar who practiced as a lawyer in Israel, specializing in human rights, criminal justice, and armed conflict. Currently a lecturer at the University of Washington, Seattle, in August she will join the faculty of the School of Global Studies and Languages at the University of Oregon, Eugene.

Zeynep Gönen, Associate Professor, department of Sociology and Criminology, Framingham State University. She left Turkey in 2017 after a widespread criminalization campaign was carried out against "Academics of Peace" who opposed the Turkish government's military operations on Kurdish cities in 2016.

Christina Heatherton, Elting Associate Professor of American Studies and Human Rights, and Director of the Social Justice Institute at Trinity College. Author of *Arise! Global Radicalism in the Era of the Mexican Revolution* and co-editor of *Policing the Planet: How the Policing Crisis Led to Black Lives Matter*.

Nikki Jones, professor and chair of African American Studies, University of California, Berkeley, is the author of *Between Good and Ghetto: African American Girls and Inner-City Violence* and *The Chosen Ones: Black Men and the Politics of Redemption,* which received the Michael J. Hindelang Outstanding Book Award from the American Society of Criminology in 2020.

Tony Platt, Center for the Study of Law & Society, UC Berkeley, is the author of thirteen books, including *Beyond These Walls: Rethinking Crime and Punishment in the United States* (2019) and *The Scandal of Cal: Land Grabs, White Supremacy, and Midseducation at UC Berkeley* (2023).

Nadera Shalhoub-Kevorkian, professor at the Institute of Criminology, The Hebrew University, Israel; Global Law, Queen Mary University, London; and Visiting Scholar, Harvard Divinity School. Author of several books, including *Incarcerated Childhood and The Politics of Unchilding*. Involved in campaigns "to end the inscription of power over Palestinian children's lives, spaces of death, and women's birthing bodies and lives."

For further information: amplatt27@gmail.com

BRIQUE PAR BRIQUE, MUR PAR MUR. Une histoire de l'abolitionnisme penal by Gwenola Ricordeau, Joël Charbit, Shaïn Morisse – shared by Shaïn Morisse

Il y a d'abord une évidence: les services que les prisons sont censées rendre ne compenseront jamais les torts qu'elles causent. Depuis les années 1960, ce constat d'un immense gâchis a amené un vaste mouvement à œuvrer à l'abolitionnisme pénal: en finir avec toutes les prisons, mais aussi avec les autres institutions qui forment le système pénal, comme la police et les tribunaux. Ce projet politique poursuit ainsi un objectif ambitieux : rendre vraiment justice aux victimes et répondre à leurs besoins, en plus de prévenir les violences systémiques et interpersonnelles.

En prenant appui sur les trajectoires transnationales des mouvements politiques qui ont mis au cœur de leur démarche la critique radicale du système carcéral et judiciaire, cet ouvrage, le premier du genre en langue française, offre une documentation indispensable pour inspirer les luttes contemporaines.

Table des matières

Vous pouvez passer commande pour une copie du livre en suivant ce lien.

BRICK BY BRICK, WALL BY WALL. A History of Penal Abolitionism.

Description of the book (English):

Firstly, there is an undeniable truth: the services that prisons are supposed to provide will never compensate for the harm they cause. Since the 1960s, this acknowledgment of immense wastefulness has spurred a widespread movement towards penal abolitionism: putting an end not only to all prisons but also to other institutions comprising the penal system, such as the police and the courts. This political project thus pursues an ambitious goal: to truly deliver justice to victims and meet their needs, in addition to preventing systemic and interpersonal violence.

Drawing on the transnational trajectories of political movements that have placed the radical critique of the prison and judicial system at the core of their approach, this work, the first of its kind in French, provides indispensable documentation to inspire contemporary struggles.

You can place an order for a copy of the book by following this link

Translation of the table of contents (English):

Preface
To those who scrutinise history to push ideas forward 7
INTRODUCTION. PUTTING AN END TO ALL PRISONS......................................13
From one scandal to another 14
Then came penal abolitionism 18
The origins of abolitionism 23
Writing the history of abolitionism 27

1. ABOLITIONISM IS A STANCE *[About the ideas]*
Some of the founders 37

Criticism of the concept of "crime" 48
Activist roots of abolitionism 53
Abolitionist strategies 57
From prison to punishment 71
And the police? 74

2. FREEDOM IS THE CRIME THAT CONTAINS ALL CRIMES. *[About France]*
Prisoner revolts and prison reforms 80

Abolitionist struggles and movements 92
Strategic and organisational debates 103

3. UNION, INSTITUTIONAL AND REVOLUTIONARY ABOLITIONISM IN WESTERN EUROPE *[other European countries]*
South and North: the beginnings 122
Union abolitionism 133
Institutional abolitionism.................................. 146
Revolutionary abolitionism 156
Facing the penal intensification 165

4. PRISONS ARE THE NEW PLANTATIONS *[About the USA]*
Prisons are universities for revolutionaries 175
Beyond the critique of mass incarceration 187
The rise of transformative justice 191
Defund, disarm, dismantle...196
Achievements and cooptations...201

5. THINKING ABOLITIONISM
New fronts of struggle 207
Challenges and tensions 221
Waves and cycles 231
Circulation, filiations and influences 235
An abolitionist geography 247

CONCLUSION. FREE THEM ALL
The impact of 2020 on abolitionism 253
One story, many stories 257
Acknowledgements 261
Frequently asked questions about abolitionism 263
Bibliography 281
Further reading 303

RACE AND JUSTICE SEMINAR SERIES: Destination UK: Asylum Destination Factors as ‘Technologies of Subjectivation’ – shared by Monish Bhatia

Date: 13th June 14:00-15:30 (GMT)

Speaker: Dr Tesfalem Yemane, University of Liverpool.

Bio: Dr Tesfalem Yemane works as a Post-doctoral Research Associate at the University of Liverpool. He works on an ESRC funded Channel Crossings research project that aims at examining and understanding the small boat crossings in the English Channel. Tesfalem completed his PhD at the University of Leeds. For his PhD research, Tesfalem built on postcolonial and decolonial scholarship on migration and examined the case of Eritrean refugees and asylum seekers in the UK.

Twitter: @thyemane

Join Zoom Meeting via this link

We must persist! Towards a global criminology of war.

Call for papers: Criminological Encounters, special issue - shared by Hanna Wilkinson & Teresa Degenhardt

.

This special issue expands the criminological imagination around a 'criminology of war' to provide critical insights into the multiple and ongoing conflicts around the world, including Sudan, the Democratic Republic of the Congo, Palestine, Israel, Ukraine, Russia, Syria, Libya, Ethiopia, and Yemen. Commissioned by Criminological Encounters (De Backer, Melgaço & Volinz, 2023), we invite contributions to analyse current conflicts through critical perspectives, collectively offering interventions around how to understand current dynamics and persistent ones, as well as contributions on how to research, resist and the heal harms of war in a global context.

We encourage articles that are the product of the 'encounters' between criminology and other disciplines such as international relations, politics, history, anthropology, geography, philosophy, sociology, educational studies, and law. Artistic interventions, book reviews and ideas for commentary style discussions are also welcome. We especially invite emerging voices from the Global South, Middle East, and from diverse and indigenous populations, along with more established scholars to submit their abstract for consideration for a special issue to be published in May 2025.

We welcome critical interdisciplinary pieces on war, which may include:

- analysis of ongoing genocides, particularly in the Global South
- calls to respond to war and conflict through the international criminal justice system
- theoretical insights into the colonial mechanics and ideologies underpinning atrocity
- technologies of war and artificial intelligence
- the role of social media to support narratives of war and to challenge state denial
- the impact of war and crimes against humanity on women, queer people, people with disabilities, and people facing intersecting vulnerabilities
- the destruction of the environment, the occupation of land, the pollution and health crises that war brings about, particularly through state-corporate powers
- visual methods to explore the role of art, culture and emotion in armed conflicts
- criminalization of mass mobilization, protest, and restrictions to human rights

Research articles - 6,000-8,000 words including a bibliography (peer-reviewed)

Short articles - 1,500-3,000 words including a bibliography (peer-reviewed)

Artistic interventions - accompanied by 150-500 words of description

Book reviews and commentaries - 1,000-3,000 words including a bibliography

Submission process and timeline: Please send a 500-word abstract and short biography to info@criminologicalencounters.org, Hannah.Wilkinson@nottingham.ac.uk and T.degenhardt@qub.ac.uk by 14th June 2024. Decisions will be communicated with authors by the 12th of July 2024. Full draft articles, artistic interventions, book reviews and commentaries are to be submitted by 29th November 2024 for publication of the special issue in May 2025. The full call for papers can be accessed here

Permanent Peoples' Tribunal on State and Environmental Violence in West Papua -shared by David Whyte

The Centre for Climate Crime and Justice at Queen Mary University of London will host a Permanent Peoples' Tribunal on State and Environmental Violence in West Papua on 27th-29th June.

A panel of 8 Tribunal judges will hear evidence from a large number of international NGOs and local civil society organisations, and will hear from individuals who have witnessed human rights violations and environmental destruction.

West Papua hosts the third largest rainforest in the world and it is currently under threat from industrial development. Because of its significance to the planet, the ongoing state repression and environmental degradation in the region affect us all.

This Tribunal will seek to make the discussion about the protection of this rainforest more visible to the world by exploring the deep connection between democracy, state violence and environmental sustainability in West Papua.

Professor David Whyte, Director of the Centre for Climate Crime and Climate Justice said:

There are good reasons to host this important event in London. London-based companies are key beneficiaries of industrial development in West Papua and its huge gold and metal reserves are traded in London. The Tribunal will expose the close links between state violence, environmental degradation and profiteering by transnational corporations.

The prosecution will be led by prominent Dutch barrister Fadjar Schouten Korwa. She said:

With a ruling by the eminent Permanent Peoples' Tribunal on the crimes against the Indigenous Papuan people of West Papua and the failure of the state of Indonesia to protect the Indigenous Papuan people from human rights violations and impunity, we hope for a future without injustice for West Papua.

The Permanent Peoples' Tribunal on State and Environmental Violence in West Papua seeks to initiate a series of events and discussions throughout 2024 and 2025 that aim to engage the UN Human Rights Council and international civil society organisations.

The Indictment that will be considered by the Tribunal can be found here

Anniversary seminar in honour of Professor Anne AlvesaloKuusi – shared by Johanna Vanto

We warmly welcome you to the **anniversary seminar in honour of Professor Anne AlvesaloKuusi this October**!

Thursday, 24 October 2024 at 14.00–17.30, Turku (Finland), Faculty of Law at the University of Turku, lecture hall Calonia 1 (Caloniankuja 3, 20014 Turku)

Preliminary registration, DL 17th of May 2024: https://konsta.utu.fi/Default.aspx?tabid=88&tap=18496

The event is planned to be mostly in English, but it might contain some sections in Finnish. We will clarify this upon the definitive registration, the link to which will be sent out to the preliminarily registered attendees. After the anniversary seminar, it is possible to continue the evening at a restaurant from 6 p.m. (admission card arrangement). Further information on the restaurant and the after-party will be provided before the definitive registration.

Lämpimästi tervetuloa **lokakuussa 2024 professori Anne Alvesalo-Kuusen kunniaksi järjestettävään juhlaseminaariin**!

Torstai 24.10.24 klo 14.00–17.30, Turku, luentosali Calonia 1 (Caloniankuja 3, 20014 Turku)

Alustava ilmoittautuminen 17.5.2024 mennessä: https://konsta.utu.fi/Default.aspx?tabid=88&tap=18496

Tilaisuutta suunnitellaan pääasiassa englanninkieliseksi, mutta se sisältänee myös suomenkielisiä osioita. Vahvistamme asian ennen sitovaa ilmoittautumista, jota varten lähetämme linkin alustavasti ilmoittautuneille.

Juhlaseminaarin jälkeen on mahdollista jatkaa iltaa ravintolassa klo 18 alkaen (illalliskorttijärjestely). Tarkempaa tietoa ravintolasta ja jatkopaikasta luvassa ennen sitovaa ilmoittautumista.

Special session From the Fear and Looting Working Group

THE SUBHUMANS OF THE EARTH

Videoconference intervention by [redacted] at), on January 20, 2024, at the Faculty of Social Sciences of the University of Zaragoza (II Seminar of La Fábrica de lo Social: *Don't Look Up*, fourth session: "The social question as racial question").

Good afternoon, everyone,

My name Is [redacted] I am a PhD student in the University of Zaragoza, and also a researcher an[redacted]er in University in Palestine.

I know that the title of today's session is "the social question as a racial question", I am aware that we can go through this very important topic on a theoretical level, and I know that this might be what many of you are expecting, but I apologize because **I cannot discuss or understand anything away from the context of Israeli ongoing genocidal war against my people everywhere**, especially that what we are enduring today is not only a social question, but also an existential one as our whole physical presence in our land is threatened.

Please note that when I said "I cannot discuss or understand anything away from the context of Israeli genocidal war against my people everywhere", I meant *everywhere* because there is an Israeli un-declared war on the West Bank and against the Palestinians inside Israel that no one is shedding light on.

It's enough to know that hundreds of Palestinians were killed and more than 8,000 have been arrested in the West Bank since the 7th of October. Those prisoners are subjected to the worst torture techniques that anyone can imagine. Many of them have already died under torture.

Now, to stay as close as I can to the subject of the session, "the social question as a racial question", I will try to dig into this notion in the colonial context that we are subjected to here in Palestine.

In fact, the question of race as a colonial invention is not exclusive to the Palestinian case, but rather it is a very basic, if not primitive, *colonial condition* that has not only made the whole colonial act possible, but also made it appear as a necessary act to "civilize the uncivilized", to "bring about enlightenment to those savages living in the darkness", to "bring modernity to those backwards", to "bring scientific methodology and replace this backward indigenous knowledge production".

The notion of race in the colonial context initially came as a result of the *colonial binaries* that the classic colonial bowers invented in order to dominate the colonized groups, and to maintain their epistemic, social, economic, and political hegemony.

But not only that, these racial binaries (black, white, yellow,..) were created to serve as the ideological framework that has not only justified the domination of a group on another group, but also demand (call for) this domination as a moral duty on the shoulders of the colonizer towards the colonized, as said by the Peruvian sociologist Aníbal Quijano.

This organic relationship between colonial binaries and the issue of race has been deployed, by the colonial bowers, as a social construct to divide the world into different superior and inferior races. Why?

Simply because this racial division of the world can easily situate the inferiority of conquered and dominated people in a natural position of inferiority, thus totally neutralizing the colonial and bower relations between the

colonized and the colonizer. And as a result of that, it becomes natural to consider, for instance, the phenotypic traits of the dominated and their culture's features as inferior, as Quijano said.

Within this framework, this social construct of the race leads to the creation of social identities (black, white, yellow….), geopolitical identities (African, European, Asian…), ethnic identities and other different identities. And now, the *East-West* binary, for instance, does not simply indicate for directions or geographical locations, but it is loaded with various connotations that indicate discrimination, prejudices, and exclusion. The binary *black-white* binary does not simply reflect differences of the skin colours, but it's loaded with various social and cultural racial perceptions.

Please read *Orientalism* by the Palestinian academic and intellectual Edward Said. It's worth mentioning here that although these colonial techniques (colonial divisions and racial binaries) were meant to be used and deployed by the *Centre* in the *Periphery*, as they initially were created to subjugate the Periphery, but they have also come to shape perceptions among the people of the Centre towards those in the Periphery.

In your context, in the context of the Centre, these social divisions and racial colonial binaries serve nowadays as a "feeder" for the far-right populist discourse, where instead of addressing the root causes of the social and economic injustices that are keeping you poor, depressed and marginalized, they want you to believe that the other "racial" groups (Muslims, immigrants, Roma people, black people…) are the ones to blame. Those lazy inefficient people want to steal your jobs and destroy what is left of your social welfare system, etc. This system that has no answers to your social and economic questions, uses those racial binaries to make you believe that you are fighting in the wrong battlefield, meaning that it is not neoliberal policies and economics that are to blame, but the other victims of the system (Arabs, Muslims, Blacks, Roma people…).

Look at Trump against Mexicans and Muslims in the US, where he managed through this populist discourse to convince the majority of Americans that the reason behind their social and economic problems is actually the Muslims who are coming to the US, particularly from 5 Arab countries. And then the second reason involves immigrants from South America. Look at Marine Le Pen in France, who also used these racial divisions in her presidential campaign, and recently in the Netherlands with the same approach. These colonial binaries that were initially created to serve in the Periphery are now serving the dominant economic elites in the Centre, through removing suspicions about social and economic capitalist policies – the real causes of poverty and injustices –, and to create the populist illusion that other races and groups are responsible.

Now, back to the colonial context, as these divisions and colonial racial binaries were clearly and profoundly built on a racist racial base during the colonial era (until mid-20th century), it took a softer or more elegant shape in the era of coloniality or post-colonial era, meaning after the end of direct military colonization acts. It was instead replaced by a clear "division of labour", if we may say, clearly resulting from the old previous exact same social and geopolitical identities and divisions, as the ascendancy of the colonial concept of race has transcended the historic era on which it was created, to shape our current world and reality. And since we are meeting in a university, I will give you an example of these *superior-inferior* colonial divisions within the academic work.

As said by Muhammad Mamdani, who is currently serving as the Chancellor of Kampala International University (Uganda), in joint projects between researchers from Uganda and EU, usually local researchers are asked to collect samples or data, and then data analysis and study is always assigned to Europeans. Mamdani says that white Europeans are able to, for instance, supervise and direct local researchers who have to learn from them. He adds that the ideological justification for this practice is that Westerners can think rationally, while locals/indigenous tend to read the world through spirituality. This is how a clear differentiation between colonized and colonizer, rational and spiritual, is clearly established, even if colonizers do not express that in their rhetoric. Division of labour is based on this dynamic.

This sort of theoretical framework and colonial conceptualization of the world was important for me to try to understand why it is acceptable for the civilized world to kill 13000 Palestinian children in Gaza during the last 115 days of genocide.

Or why we, Palestinians, have to prove that we are dying, and that our children are still under the rubble, and that our homes are being bombed, and that our beloved ones are dying under torture in the Israeli prisons.

Or why it is too much to ask for a ceasefire after 4 months of ongoing genocide.

Or why the whole civilized world tolerated the Israeli colonization crimes and atrocities during the past 75 years, but it took them three minutes to condemn the Palestinian resistance that broke out of a concentration camp called Gaza on the 7th of October.

Or why History suddenly started on the 7th of October.

Or why the ICJ called for the immediate release of the 120 Israeli prisoners in Gaza but said nothing about the 10,000 Palestinian prisoners in Israel, many of which have spent more than 40 years in prison.

Or why the court didn't call for ceasefire. Or why is fine to starve to death in the 21st century. Why is it fine to eat cats and rats on the 21st century?

Or why Germany is supporting the Israeli case in the ICJ. Or why the US and the UK have been sending weapons to Israel since day one of the war.

Or why Palestinian, Iraqi, Afghan, Sudanese and other refugees are not welcome. Why I am always asked to condemn my own people, my own resistance but no one is condemning the Israeli fascist colonization...

I have dozens of other questions but I don't want to waste your time. I will go straight to the answers.

The answer is really crystal clear after all what happened: we are the *Homo Sacer* of this era.

The analysis I provided in the beginning, combined with the experience that we are living in this moment, make it possible to say that we are those inferiors who can be killed or colonized without any consequences.

We are the uncivilized who dared to resist the civilized white European Israeli colonization.

We are the inferiors who refuse to submit for the superiors. We are the human animals and sub- humans of the earth as many Israeli and western officials articulated. We are a group of inferiors who are refusing the colonial superior paradigm.

The following are real statements and remarks by different Israeli officials, believe me it's not a joke, these are real statements about an entire group of twelve million, the Palestinian people, on the 21st century:

- "I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel, everything is closed". "We are fighting human animals, and we are acting accordingly" (Israel's Defence Minister, Yoav Gallant).
- "There will be no electricity and no water (in Gaza), there will only be destruction. You wanted hell, you will get hell" (Maj. Gen. Ghassan Alian).
- "There is one and only (one) solution, which is to completely destroy Gaza before invading it. I mean destruction like what happened in Dresden and Hiroshima, without nuclear weapons" (Moshe Feiglin).
- "There should be two goals for this victory: One, there is no more Muslim land in the land of Israel… After we make it the land of Israel, Gaza should be left as a monument" (Amit Halevi, a Likud member in parliament).
- "Nakba to the enemy now! This day is our Pearl Harbour. We will still learn the lessons. Right now, one goal: Nakba! A Nakba that will overshadow the Nakba of 48. A Nakba in Gaza and a Nakba for anyone who dares to join!" (Ariel Kallner, a member of Israel's parliament).
- "Erasing all of Gaza from the face of the Earth. Gaza needs to be wiped out" (Knesset member Galit Distal Atbaryan).
- "It is an entire nation out there that is responsible "It is not true this rhetoric about civilians not being aware, not involved. It's absolutely not true. They could have risen up. They could have fought against that evil regime which took over Gaza" (Israeli president Herzog at a press conference).

Now, after hearing all these fascist remarks, close your eyes and imagine I was the one who said them against

Israel.

Thank you

“If I die, you must live to tell my story."

by Ignasi Bernat and Roser Rodríguez

Ignasi Bernat is an Honorary Senior Researcher at the CCCCJ. This is a translation of an article from El Diaro.

The televised genocide we have been witnessing since last October is part of a long process of Israeli settlement colonialism against the Palestinian people. European universities, however, generally remain silent, unable to name what we are witnessing.

The brutal level of violence unleashed by the State of Israel forces us to consider the immediate and long-term objectives of this intervention. The intensity of this aggression has particularly targeted the Palestinian civilian population, with more than 25,000 dead and over 60,000 injured. More than 85% of the civilian population has been displaced. Yet, the violence has been directed specifically against civilian facilities such as schools, universities, hospitals, desalination plants, residential buildings, UN workers, journalists, and more. The total destruction of the Gaza Strip seeking not only the claimed disappearance of Hamas but seeks to make it impossible for the Palestinian population to continue living in their own territory, compelling them to accept voluntary expulsion. The destruction of the Palestinian education system, especially higher education, plays a crucial role in this policy of population expulsion. The silence of public universities speaks volumes about their neglect of functions as a fundamental institution for criticism and freedom of expression. University institutions and higher education must be protected and recognized as sanctuaries free from colonial violence. They support the Palestinians’ ability to create their collective memory and write their history. Every Gazan university has been completely or partially destroyed since October, including the Islamic University of Gaza, Al-Azhar, Al_Aqsa, Al-Quds Open University, Palestine University, Al-Israa University, Gaza University, Palestinian Technical College, Palestinian Nursing College, and Arab College of Social Sciences. They have been targeted with drones, tanks, explosives, direct and indirect airstrikes. 90,000 students in Gaza can no longer access university education, with 60% of schools and all universities in Gaza partially or totally destroyed, erasing educational opportunities for children and young people.

The Islamic University of Gaza after an Israeli bombing attack

In the West Bank, the Israeli army regularly conducts raids, with numerous incidents in recent times. Since 1982, over 2,000 students from Birzeit University in the West Bank have been imprisoned, and more than 30 students from that university have been killed under Israeli occupation. During this phase of the conflict Israel is escalating its violence against universities throughout Palestine. On January 15th, the Israeli army raided the campus of An-Najah University in occupied West Bank, arresting 25 students. Attacks on students, professors, and education institutions are happening across all Palestinian territories.

This violence against educational institutions comprises three distinct but interconnected phenomena: the destruction of educational infrastructure in Gaza, the assault and siege of universities in Gaza and the West Bank, and the harassment and attacks on professors and students supporting the Palestinian cause in the Israeli university system. In Spain, this phenomenon has been termed “scholasticide.”

The systematic destruction of Palestinian universities not only includes buildings and facilities but also targets university professors, with 94 professors killed. Many of them have been specifically targeted for attacks. For example, Dr. Said Al-Zubda, the president of the Gaza College of Applied Sciences, was killed on December 31st, along with his family, in an Israeli airstrike. Renowned psychology professor Dr. Fadel Abu Hein, specializing in mental health, was killed on January 23rd by Israeli army snipers. Another notable case is the assassination of poet and university professor Refaat Alarer on December 7th, along with his family, in a drone airstrike. Professor Alarer, known as the ‘voice of Gaza,’ wrote a poem titled “If I die, you must live to tell my story,” which should deeply resonate with our conscience.

Such a level of genocidal violence would not be possible without the complicit silence of many institutions. Therefore, it should also alarm us that our public universities have remained silent for over three months while witnessing the destruction of Palestinian universities and the killing of our Palestinian counterparts. This complicit silence is evidence of the academic freedom crisis we are experiencing, unprecedented in the last forty years. The fear of speaking out seems to pervade most departments and faculties, fearing the consequences of opposing universities aligned with European and Western institutions. It's true that most European universities suffers from all the ills of neoliberal academia, such as an obsession with metrics, rankings, accreditations, papers, positions, and funding, compounded by endemic issues like departmental clientelism and nepotism, abuses of power, and decades of job insecurity. Yet if we lose our ability to intervene in public life and critically debate in classrooms about colonialism, North-South inequalities, international law, war crimes, and human rights violations due to fear of censorship and cancellation, it will be the death of the university. Even if our chairs, department heads, deans, and rectors have the power to deny us the necessary funding for our research and positions to retain our jobs, we must now break the silence in the face of this genocide as academics and workers in an institution that must guarantee criticism, thought, and freedom of expression.

UNIVERSITY, GENOCIDE,

AND THE ACADEMIC PROSPERITY GUARDIANS

Daniel Jiménez Franco Marta

Venceslao Pueyo Elena Matamala

Zamarro Manuel Delgado Ruiz

members of **University Network for Palestine [***]

(published 7.02.2024 - original version in Spanish *here*)

> *Some speak, some discourse, some cry, there are even those who feel happy with the ongoing genocide. In either case, only those who drive the Nakba do something. And this is how a people can be erased before our eyes – which, however, can no longer see anything (Rodrigo Karmy Bolton).*

Settler Colonialism and Settlement of Collaborationism

This text has been written from the depths of moral nausea and the nerves of political embarrassment. It does not intend to repeat empty phrases on the evils of violence or to recite humanitarian proclamations, but to connect those of us who need to *do something collectively* because we cannot endure so much hypocrisy disguised as morality, so much disgust disguised as formalism, and so much banality invoking democracy. A University Network for Palestine is being set up to coordinate the joint organization of academic events in as many universities as possible, four months after the beginning of the last and bloodiest chapter in the 75-year history of the ethnic cleansing of Palestine at the hands of a genocidal colonial project called Zionism, an alibi called State of Israel, and its godfather the Axis of Genocide *a.k.a.* "international community".

The Zionist criminal machine – *which is the most modern and unhinged product of centuries of supremacism, massacres and looting perpetrated from-for-by Europe and its favorite offspring in the name of development and prosperity* – continues to shoot, raze, burn, amputate, poison, bleed, steal, demolish, torture, lie, rejoice in immunity, promise not to stop (*Amalek*!) and criminalizing any obstacle in their path. Israel's geopolitical role is only the tip of this criminal machine's spear. The scope of its *business-as-usual* remains enormous, although its health weakens.

On the other hand, the Palestinian people have resisted for more than a century, day after day, generation after generation, overcoming absolute horror. Every minute of survival, with every meter of resistance, they make their way to liberation. Absolute horror is not just having to bury as many charred babies as the aggressor's arsenal decides. Absolute horror is also closing wells with cement, poisoning aquifers and banning rainwater. Absolute horror is Israel promising and executing a "second" Nakba after decades denying the existence of the first. Absolute horror is a loved one's message: *the worst thing that can happen to you is to be arrested, death is much better*. But the "human animals," those who live so far from our "garden," respond to the horror with superhuman poetry:

From under the rubble left by the missile, they extract a semi-conscious child who, before waking up, raises his little fingers in triumph.

How about the gardens of our academy? Any answers? A feint of opposition? A certain outraged critical mass? Any desperate *not in my name*? A more or less hypocrite *we did not know what was going on*? There have been signs, acts, gestures, lists of signatures, dignified declarations – none of them at the institutional level – but the overwhelming displays of support, complicity, justification, equidistance, collaborationism and

intellectual indignity give a good account of the state of play. As we can witness live, in as much detail as we want, the unbearable truth of a huge massacre, a repeated prescription to "not mixing science and politics" turns us into *the* subhumans:

Dodging the debris left by every missile, a distracted battalion of academics walks, averting their eyes from the witnesses of their misery.

The message sent by this distraction is very clear:

Keep dying, if it has to be, as long as we feel safe here.

If we had to attend every day the funeral of a child killed by Zionism in Gaza in the last four months, we would spend the next twenty-seven years. Every day for twenty-seven years. The number of children killed in Gaza in four months far exceeds the sum of *all* Israelis killed by the Palestinian Resistance since 1948. Something to demand in the face of this reality? The dominant rhetoric and our institutional loyalties remain intact. The peculiar (and non-existent) right to defend oneself of an occupying regime that can exterminate generations without batting an eyelid continues to be scrupulously respected. If the International Court of Justice does not demand a halt to the bleeding, who am I to do it? It's the market – armaments, energy, everything – project financing, "knowledge transfer", "innovation", "collaboration"... Newspeak and the institutional tone adorn the pathetic reaction of the academy before absolute horror: condemning all forms of violence as if it condemned gravitational force, explaining that violations of international law are not nice, ignoring their null consequences, and writing soporific articles on concepts such as *terrorism* or *anti-Semitism*, to take the two most overused and profitable examples.

From the weariness and laziness that both terms produce at this point, two brief notes are worthwhile. On the one hand, the concept of *terrorism* does not refer to any analytical category. It is still a word with five hundred definitions that only serves to understand one thing: the label is distributed and redefined by the very power that invents it. We bury serious debates under piles of platitudes and stupidities repeated a thousand times. Can anyone explain with a minimum rigor what this device called *terrorism* is, what it is for, who it serves, how many versions it has, and how they work? What is the historical root of the term? 1789? The 1970s? 2001? 2023? Mandela ceased to be a terrorist, according to the US, in 2008. In 2024, it is UNRWA's turn. When Yemen enforces the UN Security Council's R1674 on the *responsibility to protect*, it automatically becomes (again) a dangerous terrorist hotbed. Which forms of terrorism should we condemn and which should we not? Or worse: does anyone care about that anymore? We forget, however, that occupying and colonizing is illegal. We accept that violating dozens of UN resolutions makes Israel a beacon of the developed West, and seven thousand corpses rotting under the rubble in Gaza are the collateral damage of the collateral damage of the "only democracy in the Middle East". It is those who recommend "not mixing science and politics" – as if that were possible! – who lost the intellectual shame necessary to discuss, analyze, dive into genealogies, ask questions and dare to listen to the answers. Critique pushes us to dig into the root of processes, and that's what *radical* means.

On the other hand, the pathetic sleight of *anti-Semitism*. Only the proverbial self-centred academia will keep on wasting time with presumptuous rants to justify that we are not anti-Semites. Of course we are not. Period. Spanish dictionary: *descendant of Shem in the biblical tradition; belonging to one of the peoples that make up the family formed by the Arabs, the Hebrews and others*. Period. The past four months have shown that such word became a broken tool in the hands of Zionism. Period. The majority of Zionists on the planet are not Jewish. Period. The majority of that sixty percent of Jews living outside Israel are not Zionists. Period. Added to that is the fact that the vast majority of Israel's Jewish citizenry is not *Semitic*. Enough.

Much merit and many congratulations

The reactions to this genocide have exposed three stains that permeate the daily lives of our academic fauna and flora.

One. We splash proudly in a puddle of intellectual destitution gagged by the coloniality of power. An astonishing process of *epistemic frost* has emptied our language, opening the abyss between words and material reality. Does anyone remember when we decided to turn the systematic slaughter of thousands and thousands of children into a "humanitarian catastrophe"? Why does the Axis of Genocide "intensify its operations" and the thousands of corpses are people "killed in the course of the conflict"? Why do we throw away the most basic definition of *war* to justify the canonical catalogue of genocidal aggression by appealing to the "right to defend oneself" of those who have been perpetrating that aggression for decades? We have gone this far at the cost of a meritorious effort.

Two. With the soundtrack of our values playing like a scratched record, selective doses of amnesia season mountains of resumes raised in the heat of a peculiar moral economy. Who does still remember the first months of the war in Ukraine? Who does remember that definition of racism we discussed the yesterday in the classroom? How many academic careers have been built on flowery decolonial analyses or lustrous researches on equality, tolerance, and fundamental rights?

Three. The stickier smudge on academia assigns a role to every subjectivity produced by the colonial academic market. One of these profiles refuses to admit that colonial occupation is a crime (a simple truism), therefore avoids acknowledging that resisting is fair, even though *[the UN General Assembly] reaffirms the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation by all means at its disposal, including armed struggle; [...] also the inalienable right of the Palestinian people and of all peoples under foreign occupation and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without foreign interference...* (R45/130, 68th Plenary, 14-12-1990). Indeed, every occupied population has the right to resist colonial occupation by all means at its disposal. The ratification of this right took place thirty-three years ago, after centuries of evangelizing, civilizing and democratizing massacres, all of them in the name of values that legitimize, justify and naturalize the invasion, dispossession and humiliation of entire societies, under a notion of "just war" that no one buys anymore in the vast majority of the planet.

Instead of admitting these truisms, not a few excellent authorities make an effort to censure any pronouncement on human rights that invokes the statutes of each institution. They do so, curiously, in the name of the brilliance and splendor of the institution itself. Many of these hard-working censors are the same reputed gentlemen sitting on the hierarchical heights of our university's respective fiefdoms. The less modest will keep on reminding us that they are "the real democrats" and that "they ran ahead of the greys" [T.N: Spanish slang to refer to those who were attacked by the Francoist police, whose uniforms used to be grey]. More and more of us today will be able to say that we *ran before those who ran before the greys*. Others focus on tearing down flags and banners in the name of the sacred hygienist order. Others cut off communications regarding the genocide of Palestinians on institutional internal channels. Others work on super-interesting research and write super-cool articles on postcoloniality, decoloniality, and *caulifloroniality*, but they seem to have sworn, by the glory of their self-esteem, that there will be no genocidal conflict to hinder their careers. Others know what to say, but they're always "really busy". Others, the practitioners of a paltry photosynthetic virtue, remain as visibly affected as cows staring at a train.

Such a picture places us in the worst position that history will save for those who, faced with a genocide broadcast live and high definition, were able to do much but decided to do nothing. By our actions we will be known. As a majority of European states unconditionally collaborate with the genocide. As those who come

to the defense of Israel before the International Court of Justice. As the "guardians of prosperity" in the Mandeb Strait. As the ICJ itself giving the last rites to the idea of justice. As the kingdom of Spain expressing

concern while continuing to support the genocidal machine. As the EU committing suicide – again – while reciting the fallacy of the "two-state solution".

The very notion of universal justice, founded and destroyed by the West, has already sent us its last warning. Congratulations to the guardians of academic prosperity in the kingdom of Spain, among whom we all inevitably are included.

[*] *The aim of the #RUxP is to coordinate at the state level the organization of academic events in denunciation of the permanent Nakba that began in 1948 with the ethnic cleansing of Palestine and continues with the ongoing genocide, as well as to support motions aimed at suspending all cooperation with Israeli universities and companies in departments, councils and cloisters of the Universities of the Spanish State. The departments of Geography and Social Anthropology of the University of Barcelona, together with the Department of Physical Education of the University of Valencia, have already asked their rectorate to suspend relations, and the faculty of the Polytechnic University of Catalonia was the first, on January 31, to demand that the government of its University do the same.*

More information in ***redxpalestina@gmail.com***

Francesca Albanese, Relatora Especial de NNUU para los Territorios Palestinos Ocupados, se dirigió a la comunidad universitaria del Estado español el pasado miércoles 10 de abril a través de una conexión simultánea con 55 salas en 43 universidades organizada por la **Red Universitaria por Palestina**.

Resumen

El 10 de abril 2024 a las 12:00h, Francesca Albanese (Relatora Especial de Naciones Unidas sobre la situación de los Derechos Humanos en el Territorio Palestino Ocupado desde 1967) expuso un análisis de la situación actual en Gaza y Cisjordania a la luz del Derecho Internacional. Su exposición como referente y experta sobre las condiciones de la ocupación en Palestina tenía como objetivo discutir "qué y cómo hacer" para cumplir, como personal de la comunidad universitaria, con la obligación moral, legal y política que toda persona y toda sociedad debe asumir ante esta situación. En su último informe, la relatora analizó como las atrocidades perpetradas en Gaza objetivamente habían cruzado el umbral para calificarlas como *genocidio* (ver *Anatomía de un genocidio*, 25 de marzo 2024).

El acto tuvo lugar por conexión simultánea síncrona en 43 universidades del Estado español e incluyó una presentación de la Red Universitaria por Palestina (*RUxP*), seguida de la contribución de la Relatora y un turno de preguntas. El acto continuó en la mayoría de los nodos participantes con paneles de debates entre integrantes de las comunidades universitarias española y palestina o contribuciones, relatos y testimonios situados sobre el genocidio en Gaza. A continuación resumimos el análisis de la RUxP sobre el transcurso del acto en todo su contexto estatal, teniendo en cuenta la participación en las universidades, los apoyos institucionales que respaldaron el acto, las propias recomendaciones de la Relatora Francesca Albanese y las líneas claves que emergieron en las mesas de debate o los coloquios posteriores a su conferencia. En el último epígrafe expondremos las cinco exigencias que desde la RUxP queremos trasmitir a los equipos rectorales de todas las Universidades del Estado español, a la CRUE y al Ministerio de Ciencia, Innovación y Universidades.

1.- *Participación*

Asistencia por universidades

En el acto participó una representación del 86% de las Universidades públicas del Estado español (43 sobre 50). El nodo principal de difusión fue la Universidad de Barcelona, desde donde se transmitió el enlace a la videoconferencia síncrona. En cada universidad colaboraron personal docente investigador (PDI), personal técnico, de gestión, administración y servicios (PTGAS) estudiantes y colectivos organizados, participando directamente unas 3.300 personas en el conjunto de las actividades.

Apoyos institucionales

El acto contó con la asistencia y/o participación de integrantes de los equipos rectorales en las Universidades de Sevilla, Córdoba, Pública de Navarra, Zaragoza, La Laguna y Lleida. En otras contó con la presencia y/o el apoyo de decanatos o vicedecanatos: Universidad de València (Campus Burjassot y Tarongers), Complutense (Campus Somosaguas), Las Palmas de Gran Canaria, Málaga, UNED, Granada, Almería y A Coruña. En la Universidad de Oviedo, integrantes del equipo rectoral asistieron a la concentración que precedía el acto, pero no a la conferencia. Observamos que los equipos de gobierno universitario o sus decanatos apoyaron el acto en 15 de las 43 universidades, un tercio del total.

2.- *Síntesis*

Las líneas claves de la conferencia de F. Albanese quedaron recogidas por la presentación del informe *Anatomía de un Genocidio*, donde destacó tres apartados fundamentales:

1. La deshumanización del pueblo palestino.

2. La intencionalidad ostentosa de aniquilarlos.

3. El exterminio del grupo humano de Gaza.

Esos tres puntos, según enfatiza el informe elaborado por la señora Albanese, se enmarcan a su vez en la necesidad de analizar el genocidio en curso (ejecutado durante los últimos seis meses en los más estrictos términos de su definición legal) como la fase más extrema de lo que numerosas organizaciones de DDHH abordan como *Nakba permanente*: un régimen de ocupación colonial que el estado de Israel impone en Palestina desde su misma fundación y que sólo puede comprenderse en ese contexto de 76 años de dominación, negación sistemática de derechos fundamentales (incluido el derecho básico e inalienable al Retorno de la población expulsada a sus hogares – art.11 R-194 AGNU), segregación racista y limpieza étnica.

A nuestra pregunta *qué se puede hacer desde las Universidades*, Albanese respondió que la Universidad es un lugar de intelectualidad donde hay masa crítica y una obligación de asumir la formación cívica de la ciudadanía, por lo que es la Universidad al completo la que tiene que sentirse interpelada. Se trata de una cuestión de humanidad coherente con su misión formativa y su necesario papel de salvaguarda de los Derechos Humanos. La recomendación trasladada por la Relatora a la comunidad universitaria fue establecer una red de ***Universidades Libres de Apartheid***, denominación que implica la ruptura de convenios y colaboración con las instituciones israelíes que practiquen el apartheid contra la población palestina (que son todas las universidades e institutos de investigación del Estado israelí, como bien explica la antropóloga Maya Wind, de la University of British Columbia, en su libro *Towers of Ivory and Steel. How Israeli Universities Deny Palestinian Freedom*).

[enlace a la grabación de la intervención de Francesca Albanese el 10 de abril de 2024]

3.- *Conclusiones*

La Red Universitaria por Palestina, con representación en más de 40 universidades públicas del Estado español, eleva las siguientes cinco demandas a los equipos rectorales, a la CRUE y al Ministerio de Ciencia,

Innovación y Universidades:

1. Una condena clara y explícita de la CRUE contra la destrucción deliberada de las Universidades palestinas en la franja de Gaza y los ataques a profesorado, estudiantes y personal universitario llevados a cabo por Israel.

2. Una exigencia de alto el fuego inmediato y permanente que permita todas las intervenciones humanitarias necesarias en la franja de Gaza.

3. La dotación de recursos económicos para la recepción y protección de estudiantes y personal académico en Palestina, actualmente en situación de riesgo, y para la participación en la reconstrucción de las universidades de Gaza, así como la adopción de medidas por parte de las Universidades españolas para contribuir a la recuperación de sus centros y programas de enseñanza.

4. Evitar cualquier fórmula de colaboración con las Universidades israelíes que se relacionen con el genocidio en Palestina, practiquen el apartheid con las/os estudiantes palestinas/os, sean conniventes con el genocidio o contribuyan a las estrategias israelíes de expansión, colonización, anexión, expolio de recursos y modificación de la composición demográfica del territorio palestino ocupado, pues son contrarias al Derecho Internacional. Todo ello exige la suspensión, con efecto inmediato, de la cooperación con instituciones académicas israelíes, empresas y centros asociados públicos o privados mientras Israel continúe ejecutando sus ataques a la población palestina, tanto en Gaza como en Cisjordania, incumpliendo sus obligaciones como fuerza ocupante.

5. La ruptura de relaciones diplomáticas con Israel por parte del Gobierno de España, así como la solicitud de suspensión del Acuerdo de Asociación UE-Israel por incumplimiento de las cláusulas de dicho acuerdo en materia de respeto a los Derechos Humanos, la detención y el bloqueo inmediato por el Gobierno de España de todo suministro de armas a Israel y la rescisión de todas sus relaciones comerciales.

Siguiendo la recomendación realizada el pasado 10 de abril por la Relatora Albanese, junto a iniciativas como las llevadas a cabo por las Universidades Noruegas o en la Universidad Nacional de Irlanda en Galway (NUI Galway), entendemos que el cumplimiento de estas cinco medidas por cualquier universidad del Estado español permitirá identificarla como "Espacio Libre de Apartheid", asociándose a la Red de Universidades del mismo nombre.

Ahora con más fuerza que nunca, volvemos a solicitar a todos los equipos rectorales de las Universidades públicas del Estado español que se sumen a las indicaciones de la Relatora de Naciones Unidas para los Territorios Palestinos ocupados desde 1967 para hacer efectiva la legalidad vigente en materia de prevención de genocidio, apoyando a la comunidad universitaria en la defensa efectiva de los derechos humanos allí donde sea necesario. En estos momentos tan oscuros, el lugar más señalado y necesario es Palestina, y Gaza su localización particular.
La comunidad universitaria, en su conjunto, ha de hacer todo lo posible para detener este genocidio, más aún cuando no es sólo nuestro consenso ético o nuestra pura humanidad lo que nos obliga, sino la mismísima letra del Derecho Internacional.

Red Universitaria por Palestina

www.redxpalestina.org/

redxpalestina@gmail.com

@RedxPalestina

The Spanish university in the face of genocide: silence and clamor

Irina Fernández Lozano. Professor of Sociology. UNED (Madrid)

(published 14.04.2024 - original version in Spanish *here*)

"Thousands of families have lost loved ones or have been wiped out. Many could not bury and mourn their relatives, forced instead to leave their bodies decomposing in homes, in the street or under the rubble. Thousands have been detained and systematically subjected to inhuman and degrading treatment. The incalculable collective trauma will be experienced for generations to come". **Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese. 25 March 2024.**

The functions of the universities are: (...)

f) The generation of spaces for the creation and dissemination of critical thought.

h) The training of citizens through the transmission of democratic values and principles.

Organic Law 2/2023 of 22 March on the University System (LOSU), Article 2.

The 10th of April 2024 was a beautiful day for the Spanish university: it brought together a few thousand souls to listen simultaneously, from more than 50 locations all over Spain, to the same voice.

The voice that united us was none other than that of the UN Special Rapporteur on the Occupied Palestinian Territory, Francesca Albanese, a clear and direct woman, who, without breaking her voice, summarised for us as much as one can summarise the ample evidence available that would demonstrate that the State of Israel is currently committing a crime of genocide. The misnamed "Gaza war" (actually one-army war) launched under the pretext of self-defense against the terrible attacks perpetrated by Hamas on 7 October (which killed just over 1000 people), has left more than 80 children killed *every day* for half a year (more than 12,000 in total, as far as is known), in a context of almost total destruction of all types of infrastructure, including most hospitals and all universities. A catalogue of horrors that we are not going to detail in this article, but which, preferably at a moment of good mood, you can read in the rapporteur's own words, in her report *Anatomy of a genocide.* Genocide in the 21st century. So close that it blinds us.

The writer of these lines confesses that this event was the closest thing to the *illusion* that a group of adults has breathed into her in the last six months, affected as I have been and am by acute anthropological pessimism. But not all of the Spanish university community, starting with its authorities, shared this "illusion". It is worth dwelling on the reactions to talk of *genocide* in the present continuous, because these reactions, like those of the rest of society and governments to what is happening in Palestine, are part of a chapter of history that is currently being written.

The Spanish university in the face of genocide: seeing is not believing

The event was cancelled at the Faculty of Law in Seville because it was considered to have "political content", and was criticised, to say the least, for the same reason by the teaching staff of other faculties. Imagine the audacity: inviting a jurist, appointed rapporteur by the United Nations Human Rights Council, to a law school. Clearly, the reason given for cancelling the event does not hold water, as politics is constantly discussed at the university - most of the time, of course, with neither pain nor glory. The event and its reactions have shown us in all its harshness a cruel reality: it does not matter how obvious the violation of human rights is if

the violator holds power. Power needs to perpetuate itself and, in order to do so, it also tries to dominate one essential weapon: the construction of the narrative. At the university, we can agree to observe five minutes of silence after a murder, if the person who commits it is a *nobody*: the *nobody is* not even aware of it. We can also agree to hold an event to demand the fulfilment of the SDGs in the university, not because of the relevance and urgency of the SDGs (which they have) but because, so abstract, they slip through our fingers like water from the fountain before we put it in our mouths, and we do not know what to do with them, although we still love them. At the university we can, at last, agree to protect a flower in the faculty garden from being cut, not because of the flower's importance (which it has, poor thing) but because its protection, in reality, it is as white as the spring clouds that I observe from my window as I write these lines: it does no harm to anyone. But we cannot agree on how to inform the university community about the genocide being perpetrated by a *friendly state*, because to common sense they try to impose the narrative that in this political conflict we have-to-be-neutral.

Much will be written, be assured, about the forms this silence has taken: from its most radical form (pro-Israeli fanaticism: anything goes but anti-Semitism), evident above all in Germany, a country still marked by collective trauma, which also reaches its universities, to the collective anesthesia in the face of suffering in the so-called global south and particularly in the Middle East: the pain of a mother in front of her dead daughter, if she wears a veil, seems less painful after so many years of seeing it.

The clamour

Alongside the silence, the clamour, and its strength: there was an eagerness to listen to the rapporteur because students go to university, among other reasons, to help them understand the world. Many of the more than fifty locations were fully booked and the universities are slowly but surely suspending relations with Israel, because in the light of their own ethical codes and statutes, these relations are now simply untenable. I conclude with a final message to the students potentially reading these lines: if you were unable to attend the event, watch the video of the rapporteur's speech, which is available here. Remember also your history classes in high school, when you were told about the reasons for the origin of the League of Nations or the United Nations. You are probably young and your minds and souls are less burdened with prejudices than the professors who "taught" you so much at university. So I add nothing more. You be the judge

IV CONGRESO LA SOCIEDAD PUNITIVA

Fac. de Ciencias Sociales y del Trabajo/ Fac. de Filosofía y Letras

Lunes 15-A

***Fac.CC.SS. Aula 1, 18:00h. LA ESCUELA DE CRIMINOLOGÍA CRÍTICA DE BARCELONA**

Iñaki Rivera – OSPDH Universitat de
Barcelona Pedro Santisteve – abogado penalista,
fundador de ASAPA

Martes 16-A*

***Fac.CC.SS. Aula 5, 10:00h. LA CUESTIÓN CARCELARIA: HISTORIA Y PRESENTE**

Iñaki Rivera y Pedro Santisteve

*

Fac.CC.SS. Sala de juntas, 12:00h. PARA QUÉ ESTUDIAMOS LA CÁRCEL

Estíbaliz de Miguel – EHU/ Universidad País Vasco (presenta Sofía Guillén – LFS)

*

Fac.CC.SS. Sala de juntas, 16:00h. SEGURIDAD, FRONTERA Y CAZA DE PERSONAS

Ignacio Mendiola – EHU/ Universidad País Vasco (presenta Raquel Pulido – LFS)

*

Miércoles 17-A

***Fac.FyL Aula 3.3, 10:00h. RAZÓN POLICIAL Y TRABAJO SOCIAL**

Pablo Lópiz y Daniel Jiménez – Unizar

*

CC.SS. sala de juntas, 16:00h. CAPITALISMO RACIAL

Aitor Jiménez – EHU/ Universidad País Vasco

*

Fac.CC.SS. Sala de juntas, 18:00h. LA CRIMINALIZACIÓN DEL TRABAJO SEXUAL

Kenia García – Colectivo de Prostitutas de Sevilla/ ¡Regularización Ya! (presenta Pablo Lópiz – LFS)

*

Jueves 18-A

***Fac.CC.SS. Aula 9, 12:30h. EL GOBIERNO DE LA INCERTIDUMBRE**

David Vila (Universidad de Sevilla) y Javiera Farias (Universitat de Barcelona) (presenta Mario Nieto – LFS)

*

Fac.FyL Aula 4.3, 16:00h. CONFLICTO NO ES LO MISMO QUE ABUSO

Laura Macaya (Asoc. Genera, Barcelona) y Belén Soto (Hamaca, Barcelona) (presenta Dunia Mahmaz – LFS)

*

Fac.FyL Aula 4.3, 18.00h. CRIMINOLOGÍA Y COLONIALISMO

John Moore – prof. jubilado UWE-Bristol, Newman-Birmingham y Hertfordshire (Reino Unido) Carlo Gatti – Turku University (Finlandia)

*

Viernes 19-A

***Fac.CC.SS. Seminario 5, 10:00h.**

LA PENA DE PRISIÓN: REINTEGRACIONES Y DESINTEGRACIONES

Alejandro Rubio (Univ. Pompeu Fabra) y Diego Ruedas (UNED)

ACCESO LIBRE Y GRATUITO A TODAS LAS SESIONES

****
****

Martes 30 abril, aula 11, 18:00h

[en colaboración con la Red Universitaria por Palestina]
GENOCIDIO E INTIFADA

Rodrigo Karmy Bolton – Centro de Estudios Árabes Universidad de Chile
José Luis Ledesma Vera – Universidad Complutense de Madrid
Ahmed Attaallah – Birzeit University, Ramallah, Palestina

THE BOLOGNA-BARCELONA AXIS BETWEEN CRIMINAL LAW DOGMATICS AND CRITICAL SOCIOLOGY OF PUNITIVE CONTROL. HIDDEN CONTINUITIES AND APPARENT OVERCOMINGS[1].

Carlo Gatti

University of Turku

ABSTRACT

This article aims to highlight the importance of the link between Bologna and Barcelona, consisting of an epistemic and methodological convergence in the approach to the criminal question and, in particular, to the problem of penal selectivity. If on the one hand, this link cannot be eliminated, on the other it is exposed to attempts at obfuscation by the dominant legal and criminological ideology, which is even reflected in autobiographical contingencies that add an anecdotal dimension to the discussion. At the same time, the recovery of this link imposes a reflection on the contemporary criminological debate, since the distinctive features of Italian-Iberophone critical criminology clash with some premises of the most recent and advanced trends in terms of critical potential, in particular the zemiological approach. One example is the role that criminal dogmatics plays within the sociological analysis of the penal system following Franco Bricola's lesson and the meaning of this methodological choice in terms of transdisciplinary and political radicalism. We conclude that better coordination between critical traditions is needed: one that aims at overcoming linguistic barriers and starts with a systematic review of the existing critical arsenal before any headlong rush.

Baratta's "miracle"

"If today in Italy, Spain and in the immense Latin America a critical criminology exists which is neither clinical nor administrative, but rather - although minoritarian -proudly critical in the strict sense, this is solely to be ascribed to the role played by Sandro, only to that" (Pavarini, 2022: 9)[2]

Despite some historiographic simplifications induced by the schematism of (and probably the genuine enthusiasm and

[1] This paper is an updated version of the first English translation of the original Spanish published in *Crítica Penal y Poder* (No. 25/2023) https://doi.org/10.1344/cpyp.2023.25.44853 This version features some integrations and adjustments to an audience potentially more heterogeneous in cultural background. The text is not meant to be any 'manifesto' of the Working Group, nor does it represent the idea of each and all of its members on every matter addressed. That being said, all of us come from the same intellectual tradition and face similar obstacles when it comes to putting in connection terms that are very often not just outputs in different languages, but conceptions based on different initial premises. This is the only reason why many points are expressed using the first-person plural.

The inclusion of this text in the EG newsletter is an opening step in a long-term project of translation of many key texts from the neo-Latin tradition that have never been translated into English. This article cannot be a substitute for that, but it somehow starts that work by providing ad hoc translated excerpts, at the same time as its main argument itself is an explanation of why that wider translation work is needed. As said on the occasion of the first publication, the text stems from a long-lasting dialogue with Juan Manuel Ternero about the theoretical significance and the current role of critical criminology. The occurrence that gave the decisive push to write down these reflections was the Conference "Meridian Perspectives on the Criminal Question" held in Bologna on 11-12 September 2023

[2] Translated by the author, as are all the other direct quotes throughout the paper, except the excerpts from works whose titles appear in English in the final list of references

gratitude behind) this statement, Pavarini's exergue allows us to establish a premise about the route proposed here: if the subject to be dealt with is the history of the entanglements between Bologna and Barcelona, the gravitational center of this history is to be Alessandro Baratta. Indeed, Pavarini's words clarify two crucial aspects: first, the paternity of the intellectual operation that we designate today as the 'critical sociology of penal control'[3], implying a more restrictive meaning *("critical in the strict sense",* as Pavarini himself states) compared to the generic one progressively acquired by the syntagma 'critical criminology'; second, the epistemic commonality of the critical criminology traditions from Italy, Spain and Latin America.

Acknowledging Baratta's historical and theoretical centrality does not detract from the importance of other contributions, and it is precisely on these more 'peripheral' aspects that we want to focus here by drawing a transmission chain that, springing from the original impulse of Franco Bricola, passes through Baratta, nourishes several generations of Bolognese scholars and imprints on the Barcelona experience through biographical, editorial and institutional vicissitudes that coalesce around the figure of Roberto Bergalli in the Catalan capital from 1980 onwards and which we have tried to summarise briefly in the chronogram below:

Decade 1957 - 1967	After the Law Degree in Rome (1957), Baratta moves to Freiburg, where he meets Bricola at the *Max Planck Institute for the Study of Crime, Security and Law*
1967	Both of them get full professorship: Baratta in Came1ino, Bricola in Sassari
1967-1972	First Seminars in Bologna, where Baratta is invited by Bricola and first introduced to the Bolognese circle.
1972	First Project financed by the CNR and directed by Baratta and Bricola (Thomas Mathiesen, Jock Young, David Greenberg, among others, collaborate on the project)
1973	First Annual Conference of the *European Group for the Study of Deviance and Social Control* in Florence.
1974	Baratta returns to Saarbriicken
1975-1980	Publishing life of *'La Questione Criminale'*in Bologna (joint direction by Baratta y Bricola)
1980	Bergalli ani.ves in Barcelona
1983	- In Bologna, the journal *Dei Delitti e delle Pene* is launched (first under Baratta's direction and in a second step under the joint direction of Baratta and Pavarini). - Bergalli's *Critica a la Criminologia* is published as an epilogue to the Spanish version of Pavarini's *Control and Domination.* - *El Pensamiento Criminol6gico. Un analisis critico,* under the direction of Bergalli, Bustos and Miralles is published in the Hispanophone countries
1984-1985	Strut of the *Common Study Programme in Critical Criminology*

[3] To refer to the same concept, in this text, I will employ a range of expressions used as synonyms. Even if some of them put more emphasis on the linguistic aspect (literary output prevalently in Italian and Spanish), while others emphasize the distinctive content of this critical criminology 'in the strict sense' (i.e., critical-materialist sociology of penal control), they all designate here the same intellectual experience. These nominal variants will be: *'critical sociology of penal control', 'materialist sociology of penal control', 'Critical sociology of punitive control', 'Critical Italian-Hispanophone criminology', 'Critical Italian-Iberophone criminology'.* Baratta's Tenn *'integral model of penal science'* will be also used with the same meaning.

1986	- First translation (from Italian to Spanish) of Baratta's *Criminologia Critica y Critica del Derecho Penal* (by Alvaro Btinster) - The jomnal *Poder y Control* (in a way forernnner of *Critica Penal y Poder)* is launched in Barcelona

Establishing this reference period allows us to make two additional points, whose perempto1y tone, without the chronogram provided above, might otherwise sound a bit daring: 1) Barcelona cannot be understood

without understanding Bologna; 2) although, as we have said, Baratta is the gravitational center of this sto1y, Bologna cannot be understood without taking Franco Bricola as the starting point.

The 'invisible' persistence of the bond today: notes from a direct experience

Bricola's work has been the starting point also in my own experience. However, eveything happened without receiving any external suggestion to engage in Bricola's reading and ignoring the consequences for me of that 'encounter' in the long nm. In referring to biographical contingencies, I am not trying to overstate and give them any significance that they do not have at all. The point is rather to provide a reconstruction, although anecdotal and autobiographical, able to express something about the Bologna-Barcelona axis. It is an experience that demonstrates the coexistence of two tensions, apparently contradicto1y, that ti·averse this nexus and the way it is (not) na1rnted: on the one hand, my story proves the extraordina1y stiength of the Bologna-Barcelona link; on the other, it also speaks volumes about the acadeinic-institutional attempt to obfuscate it. The combination of these two tensions is probably the cause of what could be defined as an 'invisible force', yet not exhausted; the same force that led me to Barcelona at the end of summer 2016 as an lmexpected effect of having stmted to deepen, a couple of years earlier, Franco Bricola's theo1y of crime. I go back to the period of the fieldwork for my Master's thesis in Law. At that time, I was struggling to transpose two key principles, learnt by my professor of Public Law Giuseppe Ugo Rescigno[4], into the sphere of criminal law: 1) a theory of the State based on the dialectical method which, in my opinion, should be crucial to the study of any articulation of State power; 2) a methodological commitment whereby the jurist is a scientist who, when addressed with a question, has to seek an answer, not just any answer, but rather one grounded in positive law. This aspect marks a fundamental difference between the jurist (understood as the legal scholar) and the judge. Indeed, according to Rescigno (2011, 6):

"When examining a question, the jurist always assumes that the facts comprising that question have already been proved. The judge's task, on the other hand, is primarily to verify the facts, and it is precisely here that the hardest problems and controversies arise for the judge in the eyes of ordinary citizens who evaluate the judicial decisions. This is, in my opinion, the most important difference between the judge and the jurist, which is hardly ever highlighted and thematised (it is worth noting how in law faculties students are not taught how to carry out fact-finding research, but rather law is taught as a set of rules to be applied to facts described in abstract terms)".

[4] To my knowledge - and my great regret – Giuseppe Ugo Rescigno never came into direct contact with the Bolognese circle. In part, the lack of documented contacts can be explained by the fact that Rescigno, in his lectures or writings, never delved into specific questions regarding the punitive system. It is also true, however, that he did have public disputes with Luigi Ferrajoli over the theory of constitutional democracy of the latter (Rescigno, 2008). Ferrajoli, for his part, has regularly collaborated with the Bolognese circle and has always maintained a direct relationship with Baratta since the 1960s, when they both worked at the Institute of Legal Philosophy at the University of Rome "La Sapienza" (Ferrajoli, 2014, 13). This has not prevented very different positions between Ferrajoli and Baratta on the prospects for reform of the penal system and on questions of the general theory of law and the state. Baratta's positions on these last issues appear much more akin - being virtually identical in matters of state theory - to Rescigno's (Baratta, 1986; Rescigno 2006).

It is only in this sense that the jurist's commitment is to be understood as a scientific one according to Rescigno, that is, the interpretation of an empirical object - the positive law – guided by predetermined rules which are delivered to the jurist as an objective element. Not at all 'scientific' in the sense of a metahistorical naturalisation of the data objectified in the legal statements. While overtly clarifying his position as a revolutionary Marxist, Rescigno explained that his main conflict was not with interpreting rules written by others (ibidem, 9). In fact, he specified:

"What rules will my ideal jurist of an ideal communist society apply? Of course, not those arbitrarily invented by him/her, but those established by the constitution and the laws of the communist society as the binding rules for him/her as well as for others [...]*".*

The point of irreducible tension between his scientific role as a jurist and his political stance had rather to do with other substantive aspects:

"Starting from the premise that revolutionary practice (making the revolution) and revolutionary politics (that is, preparing for the revolution in non-revolutionary times) are two different things, revolutionary practice and law are incompatible. I have always thought, and still think, that they are irreconcilable, since if I succeeded in making the revolution, I would necessarily run afoul of established law. [...]*"* (ibidem*,* 1).

And yet:

"I do not live in a communist society, and the task of the jurist is not to invent rules that seem fair to him/her but to answer questions in a pertinent and well-argued way based on the law in force" (loc. cit.).

"The dramatic point for me is that these laws can be unjust for my criteria of justice and injustice, as unjust can be constitutions, starting with the Italian one. [...]*"* (loc. cit.).

"I have already explained elsewhere that the Italian Constitution is a bourgeois constitution, which in no way opens the way to socialism as some have claimed, but I have never considered the Italian Constitution morally intolerable. Indeed, in moral terms, and without any irony, it is a constitution full of good intentions [...] *I can of course participate in the game of interpretation, but I have to do so in good faith, following the conviction that legal provisions and constitutions, as empirical data, communicate something'* (ibid*,* 12).

Armed with a dialectical theory of the state and a conception of positive law as an empirical datum subject to the "game of interpretation" in the terms outlined by Rescigno, I had begun to project this baggage into a field of the criminal law system particularly conducive to technical disquisitions, while also being profoundly political and contiguous to the theory of the state: crimes against public order. My way of following Rescigno's teaching unfolded in two fundamental guidelines that I considered the most appropriate ones for putting my purpose into practice: the inquiry into the historical-political meaning of the harm principle[5] (Von Hirsch, 2003) in the Criminal Justice System (*nullum crimen sine iniuria*) and, correlatively, the critical reconstruction of the so-called - in the Latin-Germanic countries - *legal interests protected under criminal law* ('*Rechtsgut'* in the German tradition)[6].

[5] 'Harm principle' is also referred to as 'principle of harmfulness' throughout the text to adhere more to the nomenclature in use in Neo-Latin countries ('principio di offensività', in Italian; 'principio de ofensividad' or 'principio de lesividad' in Spanish).

[6] I'm here referring to the legal concept of 'Bien jurídico' (in Spanish) or 'Bene giuridico' (in Italian). The literal translation into English would be 'legal asset/good', but such an expression risks being scarcely indicative of the semantic scope of the concept. Indeed, in the legal systems resorting to it, this concept is closely linked to the theory of crime and works as the main rationaliser of criminal law protection. Requisite of the legal interests at issue is their social relevance, which is precisely what justifies the recourse to criminal prosecution and the intervention of the State in the event of their infringement. Therefore, more than 'legal asset' a more appropriate translation, reflecting the substantive contents, should be '*Fundamental interests/situations worthy of protection by means of criminal law*' (Kaiafa-Gbandi in Weyembergh & Galli, 2013, p 88). This seems confirmed by the fact that in their countries of origin, they are also referred to as 'criminally relevant interests within the legal system'. The last definition has the merit of bringing out the historical significance of the theoretical elaboration of this concept, that is, overcoming the Enlightment's conception of criminal Law as a merely punitive branch of individual rights laid down in other spheres of the legal

When organising the first selection of bibliographical materials, I discovered that a rich output based on the same pillars that I was following in my work already existed. Deepening the research into the core themes of my thesis, I thus began to familiarise myself with the names of Manes, Donini, Mazzacuva, Pavarini, Sgubbi, Melchionda, Canestrari, here listed in merely chronological order of discovery. Their reading soon led me to the unifying factors of all of them: Bologna as the geographical setting and Bricola's theory of crime as a common theoretical anchor.

The work for my thesis thus began to feed on readings, searches for new materials and intellectual detours into areas not directly related to the curricular completion of the Master's degree in Law. One of these 'drifts' was about exploring Bricola's biography, which inevitably led me to Baratta's life story because of the many initiatives they engaged in together, in particular the founding of the journal '*La Questione Criminale*' in Bologna in 1975. The impact of the latter was so disruptive that, in parallel with my thesis, I came to establish a new workstream - outside of any academic bureaucracy - on what I was probably pursuing more than anything else: a Marxist philosophy of law declined as a sociology of penal control. However, I was very disappointed when my venture was abruptly interrupted by the discovery that Baratta's major work[7] was not available either in the commercial circuits or in any public library in my city (Rome). The circumstance that both my hometown and my *alma mater* were the same ones as Baratta added a touch of surreality to the situation, to the point that I became obsessed with finding out more about that story. I realised from the very first moment that the silence shrouding that literary filiation was not an unfortunate circumstance, but a calculated result. I then came to a decisive finding: some of Baratta's writings – including his main book - did exist and were accessible online, but, somewhat inexplicably, only in Spanish. What's more, that same Spanish version of his book was the key textbook of a Master's course taught in Barcelona. These two circumstances were not mere accident, and I soon realised that the existence of that Master's programme and that of the Spanish version of Baratta's *Criminología crítica y crítica del derecho penal* were two facets of a single story. To sum it up in a sentence, this is how - starting from Bricola's theory of crime, and without forgetting the original prompt from Rescigno's lesson - I ended up in the Master's course created by Bergalli in Barcelona.

The Bolognese legacy: what lesson for us?

Any pretension to explain the Bolognese legacy in all-encompassing terms, rather than sticking to specific facets of that experience, is a daunting task which may only seem feasible without a correct perception of the cultural phenomenon at issue. There is probably no question of criminal law doctrine – spanning from general theory to hermeneutic disputes over provisions of the Criminal Code or the Constitution - that since the 1960s has not passed through the lens of the Bologna School and on which Bricola and his disciples have not proposed an innovative reading, yet always technically meticulous and refined. The distinctive feature of the Bolognese intellectual production that we want to highlight here is the capacity for constant integration between hermeneutic-doctrinarian reflection, questions of legal theory, and openly political theses, sometimes more akin to revolutionary projects than reformist positions. Our reason for highlighting this aspect of the Bolognese experience willbecome clearer later, when we develop a critique of those refoundational theses within the field of critical thinking which advocate an "overcoming" of the narrowness of critical criminology itself through - among other lines of action - the rejection of notions and categories coming from fields of knowledge historically subordinated to the official criminal policy, such as criminal dogmatics. The insistence on the figure of Bricola, while recognising Baratta's central role in the destiny of critical criminology for all the Ibero-Italian speaking world, responds to this same argumentative strategy. Indeed, while in this respect Baratta's role is unanimously recognised (at least in the Italian/Spanish speaking contexts), Bricola remains often in the background due to the mostly 'technical' nature of his contributions in the analysis of

system (Civil law, Administrative Law, Trade Law etc.) and recognising a qualified status to those legal interests deserving the maximum possible protection within the institutional architecture. For the sake of brevity, the German term *Rechtsgut* will be frequently used throughout the text to refer to the same concept. Analogous notions employed in other legal traditions are 'Oikeushyvä' in the Finnish context and 'Dobro prawne' in the Polish one.

[7] The reference is to Baratta' s (1986), *Criminología crítica y crítica del derecho penal. Introducción a la sociología jurídico penal*. Buenos Aires: Siglo XXI. This text is the fundamental book where Baratta's materialist sociology of penal control is deployed through the scrutiny of the main steps in the history of criminological thought. The literal translation of the title would be: '*Critical Criminology and Critique of Criminal Law. Introduction to Criminal-legal Sociology*', but, to my knowledge, no English version of the book has ever been edited.

criminal policies and the systematic 'delegation' to Baratta of philosophical duties. However, such an oversimplified account arbitrarily deprives Bricola's work of political significance – overlooking the fact that Bricola's positioning on dogmatic matters was often the prelude to a stronger and better-grounded questioning of criminal policies in their entirety - and hinders the understanding of the synergic action on two different flanks (legal technique and socio-philosophical reflection), each one indispensable to the other.

Thus, resuming the historical contextualization started above, it can now be added that, while Barcelona cannot be understood without Bologna, neither can Bologna and Bricola's work (1973) be understood without considering the particular institutional setting of post-war Italy, marked by the strange coexistence of a pre-constitutional penal

code (the Rocco Code) and a Constitution that was the product of a political process of violent suppression of the legal order under which that same penal code had been created. This explains both the prolificacy of the Bologna circle and the innovative nature of its contents, revealing a constant search for a hierarchical overturning of the classical categories of analysis of criminal dogmatics. The approach to the problematic coexistence between the Code and the Constitution relied on the acknowledgement of the primacy, in political-criminal terms, of the constitutional principles as the only condition for the substantial realisation of the principle of *ultima ratio* (Donini, 2011, 50). Therefore, the prominence of the Constitution in such an institutional scenario had to do, first and foremost, with the awareness of a political commitment springing from the experience of the anti-fascist resistance. However, this political awareness was not a clause to circumvent the need for a legal sustainability of the interpretative solutions given to dogmatic issues; it was rather an integral part of legal hermeneutics, insofar as the primary function of the political mandates enshrined in the Constitution were the only possible basis for establishing – both in positive or negative terms - what could be subject of criminal law protection and under which conditions. The Constitutional Charter gave rise to a science of the limits to criminal intervention inspired by a radical idea of 'guarantism', not as a set of mere procedural limits, but rather as a substantial limit to the interests criminally prosecutable. Within this architecture, the Constitution was the only positive text in which the selection of these interests could take place and be based[88].

Otherwise, the historic and political process that had led to the establishment of the Constitution would have been emptied of any practical meaning.

In short, Bricola understood that the game would be played around the legal interests receiving criminal-law protection, more precisely the political selection of the interests that could be protected by means of criminal law. As mentioned above, adopting the Constitution as the technical tool for this operation never meant waiving sociological reflections on penal control and power relations in society. Indeed, even starting from a seemingly only 'technical' issue like the epistemological status of the constitutional principle of harmfulness (*nullum crimen sine iniuria*) – which was inseparable from the definitional problematisation of the legal interest subject to criminal-law protection - the political battle could penetrate and gain traction in a traditionally - and only illusorily - 'aseptic' terrain, such as legal dogmatics. The status of legal interests, like 'public order', whose definition had always been extremely thorny even from a dogmatic perspective, was thus politically challenged first through technical-legal allegations. These counterarguments, even when could not become dominant doctrinal positions, were anyway unsettling the foundations of the traditional ideology of criminal law, which began to be systematically defeated on its own terrain by the exposure of a structural contradiction involving the entire legal system.

This structural contradiction, pointed out by both Rescigno and Baratta, reflects the structural necessity for the legal

[8] This is, in a nutshell, Bricola's (1973) thesis known as 'Constitutional theory of the legal interest protectable through Criminal Law', in Italian 'Teoria Costituzionale del bene giuridico'. As explained above, when jumping between different languages, the most arduous task is the translation of the concept of '*Bene giuridico*', which corresponds to the German *Rechtsgut*. The core of Bricola's theory is that only those interests endowed with constitutional relevance can be the object of penal protection. This never turns into any positive obligation for the lawmaker to introduce penal protections (it represents a necessary precondition, not a duty). Furthermore, it is a first-level enablement from a Constitutional point of view, which always needs to be accompanied by other legal requirements for a certain conduct to be Criminally relevant.

system to be supported by a permanent contradiction between the image that the system proposes of itself and its real functioning. This mismatch between stated principles (equality and defence of common interests) and their realisation (substantive inequality) is not, to a dialectical analysis of society, an unfortunate and contingent discrepancy, but a necessary condition for the system to keep functioning exactly in this unequal and selective way. Indeed, without this contradiction between 'declared form' and 'actual content', the law could not perform its real function of producing and maintaining inequality in the social system, since its existence - if its real purposes were overtly declared - would be continually threatened by crisis of legitimacy. Therefore, questioning the effective receptiveness to constitutional precepts of the dominant doctrine and jurisprudence, as well as denouncing their substantial circumvention by the retention of criminal offences breaching minimum requirements of harmfulness and materiality according to Constitutional standards, was a prodromal moment to the study of structural contradictions within society.

Although criminal dogmatics is not enough in itself to grasp the structural contradiction described by Baratta and Rescigno, which always requires an empirical survey beyond positive law, nevertheless, Bricola's technical-legal operation has a double potential. *First*, it proves the existence of a first contradiction, internal to the positive law system, between different levels of the legal system (the Constitution and the criminal legislation in force). This denotes how the contradiction between 'form and substance' tends to emerge already in the form of a conflict between programmatic norms and applicative provisions, that is, a contradiction within the same formal dimension of the legal experience. *Second*, since a key passage is the study of the structural contradiction between the stated principles allegedly informing the legal system (the self-representation of legal ideology) and its real functioning, a legal dogmatic analysis is the only non-arbitrary way to fix the meaning of the first term. Put differently, only by establishing the meaning of the stated principles in a 'scientific' (in Rescigno's terms) manner, can one then properly assess the scope of the contradiction and thus corroborate its structural nature in dialectical terms.

In this specific aspect, Bricola is the confirmation - even more than Baratta - of how criminal dogmatics can prepare the ground for a critique that transcends doctrinal diatribes and leads to a radically political confrontation: suffice it to remind, by way of examples, that the mandate of *La Questione Criminale* was the definition of a criminal policy of the working-class movement or the fact that Bricola's analysis of law in force has been openly defined by his disciples as a Marxist critique of positive law (Donini, 2011, 46). The history of the Bolognese *Gruppo Penalistico* shows that the understanding of the systemic dimension in which penal control is inscribed can perfectly encompass a first hermeneutic-textual step, without implying any 'subscription' by the interpreter to the Criminal Law ideology. Thus, the main epistemological transformation achieved by Bologna's critical criminology is the shift from a criminology synonymous with the aetiological theory of criminality to a criminology as a theory of the penal system, the latter being understood in a sociological and not a technical-legal sense. For Baratta (1980: 27), in fact:

"The penal system is not only a static complex of rules but rather a dynamic complex of functions (i.e., the criminalisation process) involving the activity of various official bodies, from the legislator to the criminal enforcement bodies and the informal mechanisms of social reaction".

However, criminal law dogmatics remains an inescapable element of that system to be analysed, since only by scrutinising the textual result of the defining mechanism behind criminalisation (that is, the systematic study of what is selected as 'crime' and the reason for the inclusion/exclusion in it of certain spheres of life) can the informal operators and the official agencies that administer criminalisation be detected and their role understood in light of the patterns of exploitation and subordination in capitalist society. Moreover, following Baratta (1980: 31), it is precisely dogmatics that *"provides the conceptual tools necessary to convert the decisions of the legislator into the programmatic decisions of the judge"*; in addition, dogmatics represents an *"important factor in the professional training of the judge and of the cadres who act in other sectors of the system"* and *"directly influences criminal legislation, to which dogmatics provides not only the logical categories that contribute to rationalise official decisions but also intervenes directly in the Criminal Policy orientation of these decisions"* (loc. cit.).

The development of sociological analysis, therefore, does not entail any preventive rejection of legal dogmatic

categories as a condition for overcoming criminal law; it rather builds on analysing the official legal system as a subsystem embedded within a broader mechanism of selectivity and social control, with the first being inexplicable in isolation from the latter. In short, if the analysis of an object is a necessary condition for overcoming it, criminal dogmatics is an essential tool required to organise part of the knowledge of this wider object of study corresponding to the penal system in the sociological sense. This is the teaching of Bologna's circle and the cultural background that fostered the emergence of Alessandro Baratta's Marxist sociology of penal control.

Current criminological debates and new headlong rushes

In the previous pages, we have traced a route that, starting from the recovery of the link between Bologna and Barcelona, has sought a historical and theoretical (but also anecdotal) foundation for this connection. The point of view is that of an observer who, generationally, has neither contributed to nor assisted in its construction, but still

has been able to directly experience *a posteriori* the persisting effects of this nexus. The history of this bond reveals the existence of two apparently divergent tensions, also traceable in my personal experience: on the one hand, the persistent strength of the link; on the other, various attempts – even at an institutional level - to occult its visibility. This latter aspect is mostly the result of intentional operations of obfuscation conducted by declared political adversaries, inside and outside academia. However, in the current scenario, further tendencies, even internal to the critical thinking, may contribute unintendedly, but not just for this ineffectively, to make the situation even more complicated when it comes to pushing aside the legacy of the Bologna School and its role in the foundation of a "*critical criminology in the strict sense*", to use Pavarini's expression. Consequently, the 'Bologna-Barcelona' line runs the risk of being obfuscated by possible misunderstandings and lack of (also linguistic) coordination among critical sectors of criminology. One distinctive argument of the current most progressive proposals - precisely lamenting the narrowness of any criminology - is that full emancipation can only be achieved with the abandonment of the criminological field and the subsequent foundation of new fields of knowledge (such as 'zemiology').

In addition, the current linguistic monopoly of English, which operates both in contemporary output and, retrospectively, as regards historiographical selections, means that the Italian-Iberophone critical tradition (*i.e.,* the materialist sociology of penal control) is often not recognised in its historical significance as the carrier of a theoretical baggage of its own. In this way, by ignoring the historical context that led to its emergence and the characterisation of its contents, the tradition at issue is 'forcibly' subsumed under the historical vicissitudes of 'the' critical criminology that Anglophone operators tend to recognise as such: merits and limits of the latter are then mechanically extended to the former and both end up being subjected to a single historiographic accounting.

As outlined above, the progressive and emancipatory potential of cutting-edge approaches like 'zemiology' builds on premises somehow antithetical to the Bolognese lesson. More precisely, zemiology tackles the problems of the selectivity of crime management, and the consequences that the punitive apparatus entails for society, from the questioning of the very idea of crime, since the mere fact of keeping the word "crime" implies the validation of the process whereby certain social acts are defined and labelled as criminal. Thus, keeping the lexical reference to 'crime', even in critical analysis, reveals an insufficient problematisation of the conventional nature of criminal law, while at the same time contributes to covering up a vast range of actions which, without receiving any qualification of criminal disvalue by the legal system, produce harmful effects for society on a much larger scale than any inter-individual conduct qualified as criminal. On this basis, arguing for the need to abandon the idea of criminology, Hillyard & Tombs observe that: "*criminology perpetuates the myth of crime*" (2004: 11). Indeed, in their words:

"…no matter how deconstructive, radical or critical a criminology is, in the very fact of engaging in criminology, this at once legitimates some object of 'crime' […] *While criminology may have, and criminologists certainly have been, responsible for important and progressive theoretical and practical work, the efforts of over 100 years' focus on the object of crime have been accompanied by a depressing and almost cyclical tour around a series of cul-de-sacs in search of the 'causes' of crime"* (ibidem, 28).

Hence the need to adopt as a unit of analysis the concept of 'social harm' and the consequent need to establish a

new field of study: 'zemiology', which is detached, also in its name, from any reference to the legal concept of 'crime'. It is not a coincidence, moreover, that one visible effect of the success of the zemiological paradigm is the progressive discursive rejection of categories of analysis proceeding from fields of knowledge that, in creating 'disciplinary cages', hinder a comprehensive understanding of social reality (criminology, criminal law, and positive law in general).

But do these proposals represent an overcoming of criminology limitations? We answer that they do not, at least if we include in the reasoning the Italian-Hispanophone critical criminology. Indeed, the criticisms made from zemiology hold validity on the condition that 'criminology' is used there as a synonym for the 'aetiological paradigm'. This is not to deny the great value of the concept of 'social harm' as a descriptive and methodological prism to establish an approach opposed to that of aetiological criminology. Moreover, precisely from a materialist sociology of social control, we consider that talking about *social harm* is nothing more than talking about capitalism and its (apparently only) collateral effects. However, precisely for this, the idea of 'social harm' is not a break with the past

in organising knowledge about social phenomena: what our perplexity is about is precisely this basic misunderstanding, not the very idea of 'social harm' or its valuable analytical use.

It has been made clear above how the fact that Bricola and Baratta's operation was routed by categories from positive law has a meaning opposed to the legitimation of criminal law ideology, being simply a condition for a methodological foundation of the sociology of penal control. At no point do these authors endorse the official justifications for the mechanisms of criminal definition; nevertheless, the sociological study of the penal system cannot ignore what the penal system considers worthy of punishment, nor the steps and arguments through which this selection takes place.

Likewise, the analysis of positive law does not imply the ascription of ontological consistency to crime. In this respect, we want to draw special attention just to Baratta's critique of the fallacies of positivist criminology. His argument, even nowadays, seems to us somehow more incisive than those raised by zemiology towards 'criminology' when thought of as one undifferentiated whole. Baratta (1989: 16) reminds us that traditional criminology's claim to elaborate a theory of the causes of crime is "*epistemologically unjustified*", since "*a search for causes is not possible for objects that are defined through social or institutional norms, conventions or evaluations*" (loc. cit.). Applying the causal-naturalistic method of knowledge to such objects produces a reification of the results of these normative definitions. Conventional objects are thus artificially converted into data pre-existing their definition and estranged from social and institutional reactions, whereas ideas such as 'criminality' or 'criminal' are not possible without the intervention of institutional and social processes. It is precisely within this instrumentality for official criminal policy that etiological criminology plays an "*auxiliary function also vis-à-vis criminal law dogmatics, to which the first provides the anthropological and sociological notions necessary to give an ontological and naturalistic foundation to the conceptualisations which, starting from the positive penal law, are carried out by legal dogmatics*" (Id., 1980: 16).

However, outside the positivist framework of etiological criminology, the subjugation to legal dogmatics and official criminal policy is not a necessary by-product of any intellectual operation that does not preventively get rid of legal categories. Such an assumption would conceal the emancipation that, precisely in this respect, the critical sociology of penal control achieved in comparison to traditional criminology. Nor does the integration of dogmatics as a 'subsystem' in the analysis of the penal system in a sociological sense mean a denial of the purely conventional nature of legal definitions or validation of their results as ontological realities.

Returning to the supposed 'disciplinary closure' of any criminology and the proposal to overcome it through 'post-criminological' refoundations, it should be also clarified that starting from criminal law categories does not imply either that the analysis begins and ends within the boundaries of the penal system or that legal notions are taken as scientific descriptions of reality. Indeed, such a methodological step does not deny the existence of a network of power relations that transcend the penal system, even taking logical and functional priority over it; nor is it a way to cloak structural problems of society - poverty, unequal access to primary resources, unemployment, pollution by large companies, illnesses induced by precarious living conditions, forced migrations, evictions as a result of financial

speculation, etc. - which normally evade the radar of the criminal justice system and are likely to cause far more damage to society than the majority of acts legally defined as crimes. These phenomena, it is true, are not thematised as specific objects of study by the critical sociology of penal control; however, neither are they dissimulated, nor the analysis is abstracted from them. Every phenomenon symptomatic of the injustice of capitalist society, as well as the shape assumed by power relations beyond the content of legal provisions, is rather a background knowledge which is not enunciated insofar as presupposed. Consistently, the critical sociology of punitive control does not consider the denunciation of structural mechanisms of exploitation, accumulation, and production of inequality as any new finding or further inputs to what Marxist analysis already highlights. Instead, its real task is to explore the specific function of the penal system within the gears of capitalist society, in the full knowledge that the latter are based on processes that primarily occur at the economic base of society and that, of course, are not exhausted in the mechanisms of criminalisation.

Even so, the role of the punitive system and its formal and informal operators can only be understood as part of a social control mechanism whose main purpose is not the repression of illicit acts, but the management and

reproduction of class conflict. This approach does not exclude inroads in topics external to the penal system. However, these reflections are mediated by surveying how the penal subsystem is grafted and contributes to the functioning of the system as a whole, thus enabling a more exhaustive and enriched understanding also of those phenomena rightly recalled by social harm literature as objects of study culpably concealed by the criminological tradition. It is worth remembering that the ultimate benchmark of Baratta's 'integral model' of criminal science is not individual rights, but the study of the practical needs that underlie them (Baratta, 2001), as well as the way the satisfaction of these practical needs is organised in a given society according to its relations of production and distribution. Only on this basis does it make sense to examine how law intervenes, directly or indirectly, in that provision.

What we have in the critical sociology of punitive control is then a different transdisciplinarity, perhaps less apparent, insofar as 'mediated' by the effort to understand the specific role of the penal system within the overall goal of social control in class society. And yet, despite its lower flashiness, the transdisciplinarity of the ‘integral model of penal science’ (Baratta, 1980) seems to us more effective than that of the zemiological critique, which instead builds on the rejection of certain terms or categories in order to transcend legalistic or criminal-positivistic limitations. However, this represents an 'aprioristic' transdisciplinarity, whose greater breadth of vision would be self-evident in the discursive abandonment of notions and concepts coming from legal ideology; at the same time as it equalises various traditions of thought that have previously used these concepts, even when the purpose of some of them was exactly to delegitimise – also epistemologically, like in Baratta’s case
- the object of official criminal policy.

To compare the different transdisciplinarity of the two approaches, one could resort to the metaphor of a torch. Taking the aetiological paradigm as the target of critique, this could be represented as a torch that points towards the legally defined crime with the pretension of ‘reconstructing’ its causes. Therefore, under the aetiological paradigm, the conventional nature of crime is concealed, while the naturalistic laws of causality are artificially applied to the object of such a legal definition operation. A first possible opposition to such an aetiological bias is the ‘social harm’ approach, whose guiding principle, in this specific matter, consists in questioning the light perimeter of traditional criminology and seeking new delimiters alternative to legal definitions. These definitional parameters are meant to centre, rather than on legal categories, on the harmful consequences of a variety of actions regardless of their legal qualification or the legal status of their perpetrators (that is, individual or corporate actors). In this way, phenomena traditionally beneath the legal – and hence the criminological - radar can be highlighted.

On the other hand, a different path is the strategy of the Italian-Hispanophone critical criminology, which, metaphorically speaking, consists of taking the torch and overturning the directionality of the light beam. More precisely, with the materialist sociology of penal control, what happens is not a ‘progression by expansion’, but an overcoming by dialectical opposition. Indeed, the final enlargement of the light beam is only a mediated result of

the initial overturning, which transforms those traditionally considered the 'natural administrators' of this light (i.e., the agents of the penal system) into the ones towards whom the light is now directed. It is through this dialectical path that the materialist sociology of penal control emancipates itself from the legalist horizon and eventually integrates the understanding of the punitive system into the broader analysis of the material and ideological power structures of capitalist society.

At a closer look, the transdisciplinary 're-foundation' of zemiological critique, which promotes an estrangement from anything that refers to legal categories, confuses the need for an initial semantic delimitation of the object of study with a supposed moral endorsement to the definitional mechanism of crime and the 'solutions' offered by the official criminal policy. However, such an assimilation of positions is somehow arbitrary, since it automatically attributes to any use of the term 'crime' also the judgement of disvalue embedded in the institutional use of it by the agents of the Criminal Justice system. After all, resorting to the term 'crime' to refer to the material substratum receiving criminal qualification by the legal system is the only coherent way to analyse the institutional mechanisms that target and intervene on that substratum, as well as the model of social control inherent to the institutional countermeasures designed for that purpose. If Bologna teaches us anything, it is that it is not the greater discursive

remoteness from criminal dogmatics that ensures a more radical political positioning.

Social harm: a real way out of criminal law?

Besides questioning the idea that any criminology would be inevitably 'complicit' with reinforcing an aetiological approach to crime, another perplexity of ours has to do with the specific path followed to theorise zemiology's emancipation from any previous criminological rationality, that is, the assumption of the idea of 'social harm' as the keystone of the argument. Leaving a more detailed discussion on this for future occasions, we feel the need to put forward, even at this stage, a few observations. Our feeling is that the attractiveness of the notion of 'social harm' as the leverage point for full emancipation from legal-criminological bottlenecks can probably take hold in a context, such as the British one, whose legal tradition, for different historical processes and contingencies, has not rationalised criminal protection – nor the realisation of the *ultima ratio* principle - on the basis of a concept analogous to that of '*Rechtsgut*', privileging instead a rationalisation of crime and punishment in terms of punitive appendixes of individual rights[9]. We state this because 'Social harm' is, in fact, a conceptual container structurally analogous to that of '*Rechtsgut*' or 'legal interest/asset'[1010], whose key elements are precisely high social relevance - indispensable for a sanction to have a criminal nature – and the occurrence of a provable substantial injury. The analogy rests on the fact that the *Rechtsgut* in criminal-legal dogmatics, like 'Social harm', is a conceptual envelope that can be filled with very different contents, as historical experience shows. For its part, the social harm approach does not outline criteria for a systematic definitional distinction between 'social harm' and the interests that traditionally fall under the penal system protection. We are not alluding here to exemplary lists of phenomena qualified as social harms, which do appear extensively in zemiological literature. We are rather wondering what the reason should be - if not mere criminal policy decisions - why these same phenomena could not be the object, under different

[9] In this respect, it must be recalled that the thematization of the *Rechtsgut* expressed the historical need, in the 19th century, to overcome the Enlightenment's concept of 'crime' as a one-to-one correspondence with the violation of subjective rights. This theoretical shift was necessitated by the impossibility of subsuming under the Enlightenment paradigm criminal offences established to protect situations not ascribable – even *pro parte* - to subjective rights owned by the individual (e.g., offences against religious sentiment or public morality). At the same time, such a reconceptualization was needed to justify the qualified status of the interests secured through criminal sanctions, and in view of which the punitive action of the State should be activated. Indeed, the Enlightenment's argument relegated criminal law to a purely sanctioning branch of precepts laid down in other areas of the legal system. In outlining one of the first definitions of *Rechtsgut*, Binding (1890: 357) relates this to "*everything that the legislator considers valuable as a prerequisite for the healthy life of the legal community, in whose unchanged and undisturbed maintenance the community has an interest in the opinion of the legislator, who intends to protect it through its rules against undesired damage or endangerment*".

[10] The reference is, of course, to the legal 'asset'/'interest'/situations' corresponding – in terms of the same rationalising function - to the German *Rechtsgut* in the Spanish and Italian-speaking traditions. For more details, See footnote 5.

circumstances, of legal-criminal protection in the traditional sense. To express it in the form of questions: *is there any structural characteristic in the phenomena presented as examples of social harms ruling them out, by logic and rational necessity, from the possibility of being objects of criminal law protection in a conventional sense*? *Is there an insurmountable limitation intrinsic to the categories of criminal law dogmatics or does the selection of what is to be prosecuted is rather the result of decisions based on political convenience?* Far from being an academic rhetorical exercise, these questions seem to us crucial to locating the problem and thus elaborate practical and political countermeasures. The traditional justification of criminal protection lying in the injury of a legal interest qualified by its social relevance (*Rechtsgut*) does not present - in its own conceptual architecture - intrinsic or otherwise insurmountable limits that would invalidate *in asbtracto* the inclusion of virtually all 'social harms' in the area of criminal law protection. Are we thereby arguing that criminal protection is the most reasonable and desirable solution? We are not, and in fact, this has never been the sense attributed to the study of legal dogmatics by authors such as Rescigno and Bricola. What we are questioning is the actual emancipatory potential of the idea of 'social harm' as a qualitatively novel way to overcome the rationale for the selection of the phenomena worthy of protection.

In this respect, it can be very illustrative to quote Baratta's words when denouncing the contradiction of Criminal Law ideology (that is, to demonstrate how, even when adopting the official categories of the legal system itself, a fundamental contradiction emerges): "*The effective degree of protection and the distribution of criminal status is independent of the* social harm *of the actions and the seriousness of the offences, in the sense that these do not constitute the main variables of the criminalising reaction and its intensity*" (1980: 29). It should be noted that what is being disputed here by Baratta is the illusory (ideological) correspondence between the social harm caused by certain conducts and their actual criminal prosecution; however, the fact that social harm is already one of the official justifications to which the system resorts to rationalise its intervention is not questioned. The real question is what should be considered harmful to society and why, which Bricola had probably already grasped in focusing so much on developing the 'Constitutional theory of the legal interest protectable through Criminal Law' (see footnote 7). Put differently, the problem here is not the nominal label of the container ('Social harm' or '*Rechtsgut*/legal interest worthy of penal protection'), but rather the definition of the content, since the very concept of legal interest worthy of penal protection already incorporates a judgement of disvalue based, *in abstracto*, on social harmfulness. At the same time, the appeal to social harmfulness alone does not guarantee anything in terms of more democratic consequences, as demonstrated by the ease with which the concept of *Rechtsgut* thematised by the neo-Kantians in the 1930s could be placed at the ideological service of even the Nazi regime[11].

There are, however, two areas that at the abstract-analytical level seem to testify – by definition - different radii of action between *Social harm* and the *Rechtsgut*/*legal interest secured under criminal law*. These two areas apparently reveal detection capabilities exclusive to the zemiological prism and correspond to 1) the production of harm related to the functioning of the penal system itself; 2) an array of actions/situations whose authorship could not be reconstructed according to the traditional scheme of the causal link of criminal responsibility, and whose harmful effects for society could only be fully understood when thought on a collective scale.

As for the *first range of situations* apparently traceable only through the social harm lens, a distinction should be made between two subcases: 1a) individual actions of institutional operators who abuse their legal prerogatives; and 1b) the harm production, at a systemic level, related to the ordinary functioning of the penal system itself. In the first subcase, needless to say, the extant legal tools lend themselves perfectly to tracking individual responsibilities; plus, in terms of legal rationality, no conflict arises for a legal system wishing to pursue personal abuses by those who hold qualified positions in it. The experience of several legal systems demonstrates the perfect viability of regulatory provisions addressing these situations, as long as the political intention to establish them exists. A separate problem – which however is not the issue in this subcase - is whether such conducts are systematic or episodic in nature, or whether they are effectively denounced, investigated, prosecuted, punished, etc or not in a given system. The real point here is whether or not legal measures of this kind may have a rational place in a legal system and be

[11] In this regard see: Schwinge, E. (1930) *Teleologische Begriffsbildung im Strafrecht*. Bonn: L. Rohrscheid

fully justifiable from an intra-systemic perspective. Moreover, the formal prosecution of these conducts, which do not feature structural differences - at the abstract dogmatic level - with other criminal offences (except for the subjective condition of the perpetrator, qualified by the exercise of public functions), is a condition for the credibility of the criminal justice system and the legal system as a whole.
Regarding the second subcase, namely, the systemic damage caused by the ordinary and law- compliant functioning of the punitive mechanisms[12], it is obvious that Law cannot, so to say, prosecute itself. In other words, at the same moment as the criminal justice system is construed as a producer of harm in itself, a position of frontal opposition to positive law is taken. The legal system could never consider its own institutional 'reaction' to what the same system classifies as unlawful, as 'illegitimate'. To get out of this impasse, it is worth reiterating that it was precisely Baratta's *critical sociology of penal control* the one that analysed the functioning of the penal system (in a meta-legal sense) as the specific object of its study, in accordance with a dialectical analysis of society. Therefore, the decisive issue is not so much the possibility for a legal definition and prosecution - under the same legal order - of these harm-producing institutional practices. For the reasons already mentioned above, a speculation of this kind would make very little sense.

Nevertheless, once again, is the Bolognese-Barcelonian tradition the one that shows how this acknowledgement does not preclude coming to the analysis of the structural contradiction between officially declared functions of the criminal justice system and those actually performed, consisting in the perpetuation of the inequalities of capitalist society and, needless to say, in the production of harm and suffering. Note, however, that the structural production of harm is a fundamental premise rather than a finding to be inductively fitted into a universal category ('social harm'), whose recurrence is converted into the culmination of the reasoning. What is more, such a premise is a necessary condition for a full overcoming of the technical-legal horizon, whose categories are thus exposed as tools of ideological domination within a broader conflict involving public and private powers, class dialectics and state dialectics. All this means that the ordinary functioning of the penal system can be perfectly construed in terms of a deliberate factory of pain, suffering, affliction, desocialising segregation and exclusion - which blatantly contradict the objectives the system claims to pursue - even without starting from any general idea of social harm, focussing instead on the penal system as one concrete mechanism of harm production. In this sense and leaving out further nuances that would transcend this essay, we can affirm that the framing of the penal system as a mechanism of harm production on a macro-social scale was not first enabled by the social harm approach. Nor are all previous theoretical productions for the mere fact of being formulated under the name of 'criminology' – and for that reason – accusable of short-sightedness or even active legitimation of the same object of aetiological theories. As for the *second area of* phenomena, these are instead situations that, due to their collective scope, cannot be reduced to violations occurring in the private sphere of specific individuals. This is also why the traceability of these situations would be exclusive to the zemiological prism. However, the structural analogy mentioned above between 'social harm' and 'legal interest secured through criminal law' proves crucial here. We are dealing, in fact, with actions that tend to elude the traditional scheme of the causal link in criminal law and whose harmful effects can only be grasped by looking at society as a whole, rather than at specific victims. At the same time, there is no doubt that the fundamental structure of criminal offences continues to reflect, in most cases, the inter-individual archetype of crime, while anything deviating from this framework encounters major obstacles to be formally detected by the legal system. However, the same question raised above should be reiterated: *is this an intrinsic limit to criminal law rationale*? If this were the case, one could easily justify refoundational projects - such as zemiology - basing the solution to situations otherwise 'undetectable' on the need to get as far away as possible from legal categories. In raising this point, we are not implicitly taking the side of penal legalism as the most desirable solution: we only want to investigate to what extent the fragmentariness of penal protection is to be traced already in the theoretical construct of criminal law, or whether the reasons for this asymmetrical protection should be found outside abstract legal reasoning. The point, again, seems decisive to us, as opting for one conclusion or the other inevitably determines the assessment of emancipation proposals and the solutions promoted by these.

In this respect, we would like to recall a famous dispute, all internal to penal doctrine, between Luigi Ferrajoli, on the one hand, and the criminal law professors Giorgio Marinucci and Emilio Dolcini, on the other. The explanatory power

[12] Christie (1981) already speaks in this sense of the crime control system as a deliberate pain-delivery process.

of their discussion lies in the fact that none of the actors intends to disavow legal dogmatics. In fact, in going through this dispute, our intention is not to adhere to the content of Ferrajoli's theory of rights. The point is, rather, to observe how a staunch defender of the thesis whereby the content of rights is the historical expression of the 'weakest' as opposed to the 'law of the strongest' characteristic of the state of nature[13] (Ferrajoli, 2012: 106) advocates criminal protection against new forms of criminality not reducible to the old subsistence criminality. Interestingly, he justifies this position precisely on the grounds of the idea of 'legal interest' to be protected under criminal law, while also clarifying his distance from Baratta, defined as "abolitionist" (Id. 2000: 126). This last cue further demonstrates how even positions consistent with the tradition of formal-legal reasoning – and criticising

Baratta from that standpoint - come to justify the protection under criminal law of new areas of social life by leveraging the very idea of legal interest (*Rechtsgut*) and the related principle of harmfulness.

The crux of the dispute between the aforementioned professors is the accusation by Marinucci and Dolcini that Ferrajoli's position of 'minimum criminal law' could not ensure sufficient protection in the face of new forms of crime that have led to a "*mutation of the criminal question*" (Ferrajoli, 2000: 125), such as environmental crime, crimes of public authorities, and major economic and financial crime. According to Marinucci and Dolcini, Ferrajoli's position falls short when in his masterpiece '*Diritto e Ragione*'[14] he affirms that "*our principle of offensiveness*[15] *allows us to consider as 'goods'* – here in the sense of Rechtsgut [note of the author] - *only those interests whose injury is realised in an offence to other persons in flesh and blood*" (Ferrajoli, 1989: 481). Ferrajoli's reply, for the purposes relevant to us, is very revealing, as he claims that in no way the statement at issue means that, according to his theory of 'minimum criminal law', legal interests worthy of penal protection would be only individual interests and not, for example, collective and social rights (Id. 2000: 127). Ferrajoli adds, without leaving any room for misunderstanding, that the real issue is precisely about an overly restrictive conception of the *Rechtsgut* inherited from the Enlightenment tradition and inadequate to justify the criminalisation of conducts offending public and collective goods. In rejecting the alleged impasse attributed to him, Ferrajoli recalls how his interlocutors speak about economic and environmental crime as characterised by mass victimization that directly or indirectly offends very large groups of people, to the point that these crimes:

"undermine the very conditions of physical and economic survival of more or less large groups of people, if not even of the whole human race" (Marinucci & Dolcini, 2002:161).

Without denying the content of this assessment, Ferrajoli comes to raise the following question:

"And what are these people if not real people of flesh and blood, whose immunity from such offences is what I indicate, in the first criticised definition, as a legal interest worthy of criminal law protection? (Id. 2000: 127).

The interesting part of this exchange - for what concerns us here - is not so much to advocate one or other of the disputing parties, but rather to recognise the clear rationalisation, in light of criminal law categories, of phenomena analogous to those referred to by social harm literature. Nor is this a subject that had never been dealt with before, since it was the same Bologna school, in several issues of *La Questione Criminale*, that already in the 1970s began to

[13] This is an opposite view of the Marxist reconstruction of Baratta or Rescigno (2008). According to Marxist theory, any right comes to be established only at the moment when its contents are the expression of a position of force. In other words, contrary to Ferrajoli's assertion, law always crystallises situations of established supremacy and can only be modified by changing the composition of the latter. Recounting law as an expression of the voice of the weak who achieve formal protection is a purely ideological and anti-historical operation. In this sense, see Rescigno's (2008) reply to Ferrajoli himself on the historical meaning of fundamental rights and the latter's theory of constitutional democracy. For his part, Baratta (1980: 38) affirms that "criminal law is, like all other fields of law, not only the concrete result of mediation but also of the conflict between material interests and not very rarely of the preponderance of the particular interests of powerful groups over general interests".

[14] Ferrajoli, L. (1989), *Diritto e Ragione. Teoria del Garantismo penale*. 5ª ed. (1998). Roma: Laterza. The translation of the title would be 'Law and Reason. Theory of penal Guarantism (*Garantismo*)'. The book is an encyclopaedic work comprising more than 1000 pages and, as far as we know, has never been translated into English.

[15] The 'principle of offensiveness' (*principio de ofensividad* in Spanish) is synonymous with the principle of harmfulness (*principio de lesividad*) mentioned above.

raise the question of '*actions to protect collective interest'* (Bricola, 1976) and '*the penal protection of diffuse interests*' (Sgubbi, 1975). From a legal-logic standpoint, these questions do not determine *per se* any departure from - or overcoming of - criminal dogmatics, nor necessarily lead to the 'creation' of new fields of knowledge in order to make those phenomena visible and thinkable in their real magnitude. Moreover, the solution here takes place within penal dogmatics, without any reference to disciplines such as critical sociology of punitive control that, while referring to legal categories in specific aspects, are meta-legal in scope.

What is more, not only Baratta's theory is not endorsed to support Ferrajoli's point, but is even overtly dismissed as "abolitionist". In this sense, legal dogmatics asserts its self-sufficiency for substantiating the relevance and traceability of these, so to say, *collective Rechtsguts*. Also the chronological elements provide us with indirect information: first, the dispute took place between 1999 and 2000; second, Ferrajoli refers to theories of his own developed in 1989, a highly prolific moment for the entire critical sociology of penal control of Italian-Iberophone inspiration, well before the debate on the zemiological approach had begun and, as already mentioned, with the Bologna school having raised the issue in doctrinal terms as early as in the 1970s.

We just want to put out again, to conclude, that in recognising the capacity of legal dogmatics to subsume also these kinds of situations under its logical scaffolding, we are not championing penal dogmatics and criminal law ideology as fair representations of the social reality, nor are we supporting their solutions to the social phenomena discussed in this doctrinal dispute. We are just pointing out an epistemic and practical problem: if the internal logic of penal dogmatics is not the obstacle, then the crux of the matter is not the lexical reference *per se* to categories coming from criminal law or the dismissal of any theoretical production that did not reject the term 'criminology'.

Closing Reflections

The reason why issues like the ones discussed in the previous section can be brought back into penal dogmatics is precisely the structural analogy mentioned above between the idea of '*Rechtsgut*' and that of 'social harm'. It has already been pointed out that in those legal experiences where a qualified notion of legal interest is the basic rationaliser of criminal law protection, the high social relevance of the interest at issue and the provability of substantial harm to it (*i.e*., not a mere formal correspondence between the prohibited conduct described *in abstracto* and the empirical fact under assessment) are essential requirements for substantiating a criminal prosecution. At the cost of being repetitive, our intention is not to defend the ideology of criminal law as the 'lesser evil', but to re- focus, by tabling pre-existing theoretical heritage, theoretical tendencies that are nowadays asserting themselves as the heuristic benchmark on the critical thinking (or 'postcriminological') scene.

The starting point for this questioning has been the recovery of the historical link between Bologna and Barcelona, by which the second experience cannot be understood without investigating the first one, in particular the historical, biographical and intellectual circumstances that made its appearance possible in Italy between the 1960s and 1970s. The symbiosis between Bologna and Barcelona, attested by increasing synergies and interchanges from the 1980s onwards, is nourished by a common epistemological and methodological basis in approaching 'the criminal question'. This common ground justifies the use of the expression 'Italian-Hispanophone critical criminology' as a synonym for 'critical sociology of punitive control', which both Bergalli and Baratta considered the most accurate definition of their field of study. An indisputable merit of the Barcelona experience, moreover, is having allowed, through accurate translation work, the survival of the Italian production, which after its heyday in the phase of the maximum prolificacy of its leading authors had suffered a progressive 'burial' by local academia. This has been indirectly attested by the circumstance that my first contact with Italian masterpieces like Baratta's work was only possible thanks to Spanish translations made by personalities connected to Roberto Bergalli's circle, which was also the reason for my subsequent move to Barcelona.

The anecdotal recourse to my personal experience is just a small, further demonstration of the legacy of this interconnected history, which tends progressively to emerge even when those who end up 'trapped' there have no prior knowledge of its existence. Indeed, my only initial impulse consisted in trying to transpose into the analysis of the criminal law system the teaching of my professor of public law Giuseppe Ugo Rescigno, whose theses on the theory of the state - I would later discover - coincide with those of Alessandro Baratta. My trajectory, among other things, summarises two essential features of the fate of the Bologna-Barcelona symbiosis: on the one hand, a series of obvious

attempts to conceal it, perfectly understandable from the point of view of the dominant ideology; on the other, the persistence of an unbreakable chain whereby if only one of the pieces is discovered, it is inevitable, sooner or later, that the whole mosaic is re-created again.

However, the reconstruction of this link is not intended to be any posthumous tribute. Bringing it back to light is rather a way to orient the positioning in the current criminological debate by reordering our cultural baggage. If on the one hand, the same old confrontation with declared political adversaries striving to silence any critical voice is inevitable, on the other hand, we consider it necessary to work towards a better coordination with friendly theoretical currents, undoubtedly animated by converging intentions to question and demystify the criminological-positivist ideology, as well as the legal officialdom. Among the various aspects that have marked the activity of Bologna's *'Gruppo Penalistico*', this brief essay aims to highlight the methodological function that criminal dogmatics always played in its production, both in those authors who never abandoned liberal- democratic positions, but also in other exponents of the Bolognese circle who stood out for an avowedly Marxist and revolutionary political commitment (in the same terms as Rescigno affirmed the compatibility between revolutionary politics and the scientific role of the jurist). Retracing the key steps in this history also allows us to appraise the promises of novel

emancipatory potential of new approaches that are gaining increasing strength until having become *de facto* the paradigm of reference within critical academia. Among these tendencies, zemiological critique is undoubtedly the most radical current in terms of political stance. Its open rejection of the recourse to concepts historically ancillary to official criminal policy, as well as a transdisciplinary vocation reflected in the analysis of macro-social phenomena beyond legal definitions and whose relevance is not determined by legal categories but by harm production on a social scale, are certainly suggestive and captivating. The same applies to the claim of more progressive contents compared to any previous 'criminology' which - however critical it might be - in not rejecting the linguistic use of the notion of 'crime' would legitimise the same object of study of positivist criminology.

However, reviewing the main theoretical crossroads that have marked the foundations of Italian- Hispanophone critical criminology is an intellectual exercise that brings to light at least three misunderstandings, which we consider historiographically necessary and strategically urgent for the articulation of a self-conscious critical movement.

The *first misunderstanding* concerns the solidity of the arguments mobilised by the zemiological critique against criminology as an undifferentiated whole. Here is a twofold misrepresentation: first, many of the crucial arguments put forward to distinguish in qualitative terms zemiology from 'criminology' (e.g., the subordination of any criminology to official criminal policy, the complicity of any criminology with the ontologisation of crime, etc.) prove inappropriate when applied to the Bolognese-Barcelonian critical criminology; second, somewhat curiously, the core of the criticisms levelled by zemiology at positivist criminology reiterates the arguments that Italo-Hispanophone critical criminology already made against the fallacies of the aetiological paradigm.

The *second misunderstanding* has to do with the specific path chosen by the social harm approach to achieve emancipation from criminology; more precisely, this is an overestimation of the heuristic value of the very concept of 'social harm'. Indeed, for legal cultures that construct the rationalisation of criminal law protection based on the *Rechtsgut*, it is nothing new that the assessment of criminal relevance is gauged on harmfulness to society as a whole and the recurrence of a substantial offence to the protected interest in each case. The real question, in any case, is what is to be considered harmful to society and why, which Bricola had already fully understood in his critique of positive criminal law and his theorisation of the constitutional status of the legal interest worthy of penal protection.

The *third misunderstanding* (corollary to the previous one) is the consolidation of the belief that a greater degree of transdisciplinarity is automatically obtained through the discursive rejection of concepts or definitions coming from criminology or penal dogmatics: 'disciplinary cages' by definition. However, if on the one hand, Bologna's experience denies that the radicality of the political positioning or the transdisciplinarity of the analysis has to do with the distance kept from criminal dogmatics, on the other hand, many of the questions brought up to justify the need for 'post- criminological' fields of knowledge can nevertheless be perfectly framed as legal dogmatic questions. The same goes even for those cases that are more problematic for the traditional structures of liberal criminal law. Special

mention deserves the production of social harm as a result of the ordinary functioning of the legal system: if it is obvious that in such cases it does not make sense to wonder about the possibility of applying legal dogmatics (which would be an inherent contradiction), it is precisely for these cases that we claim the specific value of the critical sociology of penal control for being a more exhaustive tool.

Unfortunately, the price of all these misunderstandings ends up being very high. Experiences such as the history of Bologna, and the 'Bologna-Barcelona' symbiosis, are thus overshadowed by theoretical proposals that, although motivated by a genuine desire to challenge traditional criminological knowledge, are based on premises that are antithetical to those of the Italo- Hispanophone tradition (the role of dogmatics, how multidisciplinarity is founded, the integrality of the idea of social harm to the ideology of criminal law, etc.). All this inhibits the appraisal of what pre-existing intellectual movements can still contribute to the current criminological debate through insights that, in our opinion, are still unsurpassed in terms of explanatory potential; at the same time, it unwittingly corroborates the fallacious equalling of very different theoretical traditions on the basis of common definitional labels (i.e., the name ‘criminology’).

The fact that refoundational paradigms - as is the case with the zemiological perspective - have become the benchmark in vast areas of critical studies inevitably makes the task harder, as besides lodging the misunderstandings mentioned above, social harm approach is also the yardstick against which the theoretical and political legacy of other perspectives tends to be defined. In this framework, the English-speaking monopoly in current scholarly production and historiographical reconstructions further contributes to obfuscating the appreciation of theoretical outputs prevalently elaborated in other languages, as well as the reconstruction of the possible connections between them. Considering all the factors at play, we must ask ourselves about the most efficient way to defend a tradition of thought that seems to end up absorbed in refoundation operations, undoubtedly praiseworthy for their inspirational ideas, but unable to identify the target. While, on the one hand, continuing to apply the paradigm of the critical sociology of penal control is for us a 'minimum duty', on the other hand, there is a risk that it may not be a sufficient effort in the light of the most recent trends within the agenda of critical studies.

Convinced that the convergence on substantive political objectives represents a great opportunity to benefit from, and not an obstacle to this coordination, we want to lay the foundations for a progressive rapprochement between critical traditions based on a much denser and more active communication, so that the articulation of a critical response can take advantage of the whole arsenal at its disposal, while we need to play our part in taking on tasks of translation and dissemination of productions otherwise destined to a silenced and ineffective storage.

References

Baratta, A. (1980), ‘Criminología y Dogmática Penal. Pasado y futuro del modelo integral de la ciencia penal’, *Papers: revista de sociología,* Vol.13, pp. 13 – 48.

Baratta, A. (1986), *Criminología crítica y crítica del derecho penal. Introducción a la sociología jurídico penal*. Buenos Aires: Siglo XXI.

Baratta, A. (1989), ‘Por una teoría materialista de la criminalidad y del control social’. *Estudios Penales y Criminológicos*, Vol. XII, Núm. 57, Servizo de Publicacións da Universidadede Santiago de Compostela, pp. 14-68.

Baratta (2001) ‘El estado mestizo y la ciudadanía plural. Consideraciones sobre una teoría mundana de la alianza’, *Debate Feminista*, Vol. 24, pp. 66-87.

Beirne, P. (1979), ‘Empiricism and the Critique of Marxism on Law and Crime’, *Social Problems. Theory and Evidence in Criminology: Correlations and Contradictions*, Vol. 26 Núm. 4, pp. 373-385.

Bergalli, R., Bustos, J. Miralles, T. (1983) en Bergalli & Bustos [dir.], *El pensamiento criminológico. Un análisis crítico*, Vol. I. Bogotá: Editorial Temis libreria.

Binding, K. (1890) *Die Normen Und Ihre Übertretung*, 2ed. Leipzig: Wilhelm Engelmann.

Bricola, F. (1973), *Teoria generale del reato*, ahora en ID., (Ed.) Canestrari, S. & Melchionda, A. (1997) *Scritti di diritto penale*, Milano: Giuffrè.

Bricola, F. (1976), 'La tutela degli interessi collettivi nel processo penale', en Giannini, M. S. *et al.*, *Le azioni a tutela di interessi collettivi. Atti del convegno di studio* (Pavia, 11-12 giugno 1974), Padua: Cedam, pp. 103–180.

Christie, N. (1981) *Limits to Pain*. Oslo: Universitetsforlaget.

Donini, M. (2011), 'La herencia de Bricola y el constitucionalismo penal como método. Raíces nacionales y desarrollos supranacionales'. *Nuevo Foro Penal*, Vol. 7, Núm. 77, pp. 43-83.
Ferrajoli, L. (1989), *Diritto e Ragione. Teoria del garantismo penale*. 5ª ed. (1998). Roma: Laterza

Ferrajoli, L. (2000), 'Sul diritto penale minimo (risposta a Giorgio Marinucci e a Emilio Dolcini)', *Il Foro Italiano*, Vol. 123 Núm. 4, pp.125-131.

Ferrajoli, L. (2012), *Filosofía del Mal y Garantismo*, en Forero A., Rivera I., Silveira H. (Eds.), *Filosofía del mal y memoria*. Barcelona: Anthropos.

Ferrajoli, L. (2014), 'Alessandro Baratta, filosofo e sociologo del diritto penale', in *Studi sulla questione criminale*, 1-2/2014, pp. 13-22, doi: 10.7383/80020

Hillyard, P. & Tombs, S. (2004), 'Beyond Criminology?', en P. Hillyard *et. al.* (eds) *Taking Harm Seriously*, London: Pluto Press, pp. 10-29.

Hirsch, Von A. 2003. Der Rechtsgutsbegriff und das Harm Principle. In R. Hefendehl, A. Von Hirsch, & W. Wohlers, *Die Rechtsgutstheorie,* Baden-Baden: Nomos, pp. 13-25.

Marinucci, G. & Dolcini, E. (1999), 'Diritto penale 'minimo' e nuove forme di criminalità', *Rivista Italiana di Diritto e Procedura Penale*, pp. 802-820. Reeditado en castellano 'Derecho Penal

«Mínimo» y Nuevas Formas de Criminalidad', *Revista de Derecho Penal y Criminología*, Núm. 9/2002, pp. 147-167.

Pavarini, M. (2002), 'Homenaje a Alessandro Baratta. Recuerdo de Sandro', *Delito y Sociedad,* Vol. 1 Núm. 17, pp. 5-10.

Rescigno, G. U. (2006), *Corso di Diritto Pubblico. Decima Edizione.* Bolonia: Zanichelli.

Rescigno, G. U. (2008), 'La democrazia costituzionale di Luigi Ferrajoli', in *Costituzionalismo.it*, Fascicolo 3| 2008, disponible: https://www.costituzionalismo.it/la-democrazia-costituzionale-di- luigi-ferrajoli/

Rescigno, G. U. (2011), 'L'ultima lezione. Come ho pensato di poter conciliare la politica rivoluzionaria e la scientificità della professione di giurista', in *Costituzionalismo.it*, Fascicolo 1| 2011 available: https://www.costituzionalismo.it/wp-content/uploads/Costituzionalismo_381.pdf

Schwinge, E. (1930) *Teleologische Begriffsbildung im Strafrecht*. Bonn: L. Rohrscheid.

F. Sgubbi (1975), 'Tutela penale di «interessi diffusi»', en *La Questione Criminale*, I-3, 439 ss.

Weyembergh, A., & Galli, F. [Eds.] (2013). *Approximation of substantive criminal law in the EU: The way forward*. Bruxelles: Éditions de l'Université de Bruxelles.

European Group Statement In Solidarity With Palestine

February 2024

We are writing as a group of scholars, practitioners and activists working towards social justice, state accountability and decarceration to reaffirm our solidarity with Palestinians in their struggle for liberation. We express our profound outrage and condemn the genocide of the Israeli state against the people of Gaza since 7 October, carried out as a collective punishment and unprecedented massacre of civilians. We are extremely concerned by the dehumanisation of Palestinians by the Israeli state, echoed in Western media as a justification mechanism for their indiscriminate killing. We also denounce the intensification of the processes of ethnic cleansing and killing of Palestinians in the West Bank, and the blanket silencing and oppression of citizens of Israel, first and foremost Palestinians, but also anti-Zionist Israelis, who attempt to protest against the war. As a group dedicated to the critical study of state violence and harm, in all its forms, we contextualise this latest reiteration of violence within the decades-long Zionist settler colonial practices in Palestine. What is happening now cannot be understood in isolation from the global structures that enable, legitimise and produce oppression, such as racial capitalism, empire and carceral projects.

We are deeply concerned and outraged by the increasing criminalisation and censorship of those who denounce crimes against humanity and express solidarity with Palestine. We also strongly support the legal action taken by South Africa before the International Court of Justice. Meanwhile, Western countries are silencing and punishing those who speak out against their governments' complicity, and their financial, military, and political support of Israel. The restriction of the rights to organise, protest, and speak as well as the deplatforming of scholars, artists, activists and workers is a violation of our basic rights and moral and political responsibilities to speak out against injustice.

We reject the conflation of criticism of the Israeli state or Zionism with anti-Semitism. Many Jewish voices opposing colonial occupation and war around the world have made it clear enough. We recognise anti-Zionism as a legitimate stance against a settler colonial and racist political movement and ideology premised on the subjugation, dispossession and erasure of Palestinians. The weaponisation of anti-Semitism tears apart communities and prevents a united front against all forms of racism.

We join the calls for an immediate permanent ceasefire and for a prisoner exchange deal.

We hope this tragic moment can be used to build the space and capacity to think and organise collectively and sharpen the tools to dismantle the structures and denounce the narratives that perpetuate oppression and violence. In the meantime, we continue to stand against the colonial genocide happening in Gaza, against permanent aggressions and human rights violations undertaken across West Bank, and in unequivocal solidarity with a free Palestine.

Ultimately, peace for all can only be achieved by dismantling Israeli settler colonialism and apartheid.

News from the world

From: Finland

Finnish government approves tougher immigration provisions: THE FINNISH GOVERNMENT on Thursday approved a series of amendments to immigration and citizenship laws for presentation to parliament. Minister of the Interior Mari Rantanen (PS) stated at a press conference yesterday that the amendments make up the first part of a legislative package designed to introduce more stringent immigration provisions in Finland. Here it is possible to read the article.

From the UK:

WHAT CAN I DO TO HELP THE STUDENT SOLIDARITY ENCAMPMENTS? Some of the encampments are open to visit (e.g. SOAS). Others have restricted access (e.g. QMUL)
1. Most important: Visit the students and tell them that you support them!
2. Take pictures of your visit and post them on your social media. (Seek permission before taking photos. The policies vary at different encampments)
3. Find out if you can be involved in letter writing to the University administration
4. Many people take food, snacks or treats
5. Many encampments keep a list of what they need. @cambridgeforpalestine currently need battery powered camping lights
6. Some encampments have been flying kites
Further information available here.

Free the Rwanda detainees!
On 29 April, the government started rounding up hundreds of people seeking asylum, taking them to detention centres for deportation to Rwanda. People have been locked up for over a month now, even though the Prime Minister announced that the cruel plan is paused, with no flights until after the election on July 4th.
And now, in a High Court hearing into a legal challenge brought by the FDA trade union for civil servants yesterday June 3rd, the Home Office revealed that there will be no flights to Rwanda until July 24th at the earliest.
All those people detained for Rwanda must be released, without delay.
Click here for images to share on social media to support the call to free the Rwanda detainees. #StopRwanda #FreeRwandaDetainees

From Argentina:

Argentine teachers go on national strike: Buenos Aires, May 23 (Prensa Latina) The National University Union Front and other labor organizations are holding a strike today to demand better wages and to denounce the Argentine government's inaction regarding the serious situation in the sector. Here it is possible to read the article in Spanish.

From: Italy

Italy plans prison crackdown that pushes Western boundaries:]
The law-and-order Italian government policy is affecting the prison system, including solitary confinement and restrictions and the introduction of a new prison potent offense. Critics argue this violates human rights, citing concerns over the potential for abuse. The article is available here.

Call for Papers: Justice, Power and Resistance

Justice, Power and Resistance is an international, peer-reviewed journal promoting critical analysis and connecting theory, politics and activism. The scope of the journal includes a range of topics including the critical analysis of social harms; theories of state power, authority and legitimacy; gendered and racialised violence; the politics of social control; class, poverty and marginalisation; the legacies of colonialism, neo-colonialism and post colonialism; penal policies and penal practices; harms of the powerful; criminalisation; comparative studies and internationalist standpoints; abolitionist perspectives, social movements engaged in direct struggles of resistance and contestation; interventionist strategies and radical alternatives promoting human rights, social justice and democratic accountability.

The editors welcome theoretical, normative and empirical studies from interdisciplinary perspectives including sociology, zemiology, geography, law, history, criminology, penology, philosophy, social policy and social theory from scholars and activists. The journal is also committed to enhancing communication and collaboration across critical and radical networks. Consequently, it welcomes open submissions in the following forms:

Research articles of 6,000 - 8,000 words (including references, notes, tables and figures)

Interventions (including short papers, campaign updates, personal reflections and (auto)biographical accounts) of up to 5,000 words (including references, notes, tables and figures)

Book reviews of up to 2,000 words (including references, notes, tables and figures)

For any questions, please contact the editors individually or at jprjournal@outlook.com .

More info available on the journal's homepage

"What matters is not to know the world but to change it."

Frantz Fanon,
Black Skin, White Masks, 1986 – Pluto Press

EUROPEAN GROUP
FOR THE STUDY OF DEVIANCE & SOCIAL CONTROL