The operationalization of cosmopolitanism in criminological research with a specific focus on European detention conditions

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Outline

• Background

• Cosmopolitanism
  -> Operationalization

• Europe as a normative actor

• Conclusion
Title PhD project: State punishment in cosmopolitan Europe

• Increasing role of Europe as a penal actor
  • Transfer from the national to the transnational European level

• Globalization
  • Increased global connectivity
  • Rise and gradual juridification of cosmopolitan values
  • Network of international bodies
  • Role of the nation state?
  • Rise of new paradigms in social sciences: cosmopolitanism

• Discussion in penology: divergence versus convergence
Cosmopolitanism

- Countering methodological nationalism

- An appreciation of difference where diversity is not the problem but rather the solution
  - Certain level of norms to regulate the treatment of difference
  - Common problems need common solutions

  -> Human Rights
  - Conventions
  - ECtHR & CJEU
  - Semi-judicial mechanisms: PC-CP, CPT

Key in developing European detention norms and standards
Operationalization

• Focus on the European level (countering methodological nationalism)

• Actor approach -> Cosmopolitan elites creating European detention norms (Policy entrepreneurs)
  
  » Focus on the creation of ideas <-> transfer of ideas (policy transfer)

  » Key questions:
  • Which actors are involved in this process?
  • What are the norms, ideas, background, principles of these actors?
  • What binds them and what divides them?
  • How do these actors look at their ‘task’

• Institutional approach
  • Understanding decision making & policy processes
Europe as a normative power

• After WW2: new legal and normative order
  • ECHR

• CoE
  • European Prison Rules (PC-CP)
  • CPT
  • ECtHR

• EU
  • Facilitator for interstate cooperation in criminal matters
  • Justice and Home Affairs: unity in diversity
  • Mutual Recognition (MR) principle
    • Assumption: every Member State is equally good because they all ratified the ECHR
  • Green Paper on Detention -> detention conditions can have a direct impact on the MR principle -> Only introduce minimum standards -> race to the bottom?
  • Reception Conditions Directives for asylum seekers <-> Practice
Conclusion

• Cosmopolitanism: including otherness based on common norms

• Juridification of cosmopolitan values: human rights

• Focus on the European framework
  • Countering methodological nationalism

• Operationalization of the concept of cosmopolitanism:
  • Actor approach: the process of norm creation by a cosmopolitan elite
  • Institutional approach: policy and decision making process