

# Penal Issues

## CESDIP

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## Cultural Action for the Penal Population. A Research on Heritage Projects Targeting Individuals in the Hands of the Law<sup>1</sup>

**Delphine SAURIER** and **Kathia BARBIER** discuss some findings from a study of projects conducted by cultural heritage institutions and aimed at people under criminal justice authority. This study was sponsored and financed by the French Ministry of Culture and Communication.

Cooperation between the Ministry of Justice and the Ministry of Culture and Communication was inaugurated in the 1980s under the auspices of Jack Lang and Robert Badinter, who wished to give access to cultural objects of all sorts to the prison population. The first two *Culture/Justice* agreements (1985 and 1990) defined how cultural action was to be brought into prisons. They were completed, essentially in 1992 and 1995, by instructions memos, and nearly two decades were to pass before a third inter-ministerial agreement would extend that cultural action to the entire population under Ministry of Justice control<sup>2</sup>. Since 2009, this also applies to people benefiting from a non custodial sentence (a suspended sentence, probation, community service work or other). Various types of partnerships between heritage institutions and the SPIP (*Service pénitentiaire d'insertion et de probation*, the correctional administration's rehabilitation and probation department) are presently being developed, the idea being to provide "access to culture" for every person in the hands of the law, and to work toward their "rehabilitation"<sup>3</sup>.

However, all of the operations conducted, in addition to formal partnerships, do not seem to add up to something visible to the concerned ministries. For this reason, the French Ministry of Culture and Communication<sup>4</sup> sponsored a study on what is now standardly called "cultural action aimed at individuals in the hands of the law"<sup>5</sup>.

### Approach and methodology

Our objective being to go beyond the mere description of these cultural programmes (number of existing operations, identity of the institutions involved, type of personnel employed, target groups in judicial custody, type of partnership and permanency of the operations, origin of funding, etc.), we also looked at the representations, the ethical conceptions and institutional and material framework furthering – or not – the development of these operations, and of which the sponsor was unaware<sup>6</sup>. This led us to look for answers to questions such as: are Justice and Cultural Heritage department professionals familiar with the actual, institutional schemes – such as the inter-ministerial agreements – which contribute to the implementation of Cultural Heritage operations? What representations do these actors have of individuals under control of criminal justice, and of their potential relationship to the cultural heritage, and more broadly, to culture? Or again, how are the operations developed and articulated, given the combined need for "rehabilitation" and the encouragement to enjoy "delight" and "pleasure"?

The idea, then, was to apply an inductive approach in an attempt to identify the forms and requisites conditioning the inception and achievement of these cultural heritage projects. In other words, our attention was not focused on mediation and reception practices within the actual projects, but rather, on the environment, processes and actors which enabled those two worlds to meet and work together to initiate cultural heritage projects. Consequently, the study sought to fill a void in sociological knowledge: there has of course been pri-

<sup>1</sup> By "heritage projects" we mean cultural projects involving an object belonging to the national cultural heritage, such as a historic monument, a collection of folk art and traditions, or an archaeological item. These heritage projects are part of a broader series of cultural actions, including projects pertaining to literature, the plastic arts, theatre, and street art.

<sup>2</sup> For further information, see: <http://www.culturecommunication.gouv.fr>.

<sup>3</sup> Expressions in italics and between quotation marks in this text refer to those used by representatives of the Ministry of Culture as well as by the professionals working in cultural institutions either when encountered during the interviews conducted for this study or during the last two Culture/Justice sessions held on September 28-29; 2010 (National Conference on "Heritage and collective memory: what actions may be engaged for people in the hands of the law?" and October 13, 2011 (a one-day session on "A shared heritage").

<sup>4</sup> *Département de la politique des publics de la Direction générale des patrimoines*, a department of the National Heritage Directorate, working for the public propagation of art.

<sup>5</sup> This study was conducted by members of the CESDIP: Delphine Saurier (a lecturer and researcher at Audencia Group), Kathia Barbier, (doctoral student, CESDIP) and Sophie Névanen (statistician, CESDIP) under an agreement between the Ministry of Culture and Communication, the CNRS and Audencia Group. The agreement covered a six-month period beginning January 15, 2011.

<sup>6</sup> This was therefore a two-part study, both quantitative and qualitative. The quantitative part involved a questionnaire developed and administered by the *Direction générale des patrimoines* attached to the French Ministry of Culture and Communication in order to obtain a "factual" assessment of the object. The present paper is devoted to some of the qualitative findings.

son research on the practices and schemes to promote literacy, art projects and performing arts<sup>7</sup>, but the link between custodial settings and cultural heritage has received little attention so far.

This was done through interviews with the staff of cultural institutions involved in setting up projects targeting individuals under criminal justice control and with their counterparts in the Justice department (workers in the probation and rehabilitation and the Youth Protection services). Having sampled cultural establishments, we contacted the staff involved, who in turn shared with us the contact details of the Justice Department agents with whom they worked. The institutions were selected among respondents to a questionnaire developed by the *Département de la politique des publics* and administered to 1,800 cultural establishments. A small selection, as diverse as possible, of eleven of the latter, was made on the basis of the following criteria: gender of sentenced population, their age, type of operations developed, type of cultural establishment and type of establishment to which their target group is attached. Eight establishments responded favourably to our request, and 16 interviews were conducted with 23 professionals from the Culture and Justice administrations.

### The eight establishments and the projects they ran

Most of these establishments are museums (over-represented among respondents to the questionnaire): the Caen *Musée des Beaux-Arts* (Fine Arts Museum) and the Saint-Étienne *Musée de la Mine* (Museum of Mining), which both organise several cultural projects yearly, for adult male and female prison inmates<sup>8</sup>; the Saint-Étienne *Musée d'Art Moderne* (Museum of Modern Art) and the Paris *Musée du Louvre*, whose projects, covering several years, were aimed at men and women, adults and juveniles, in custody or serving sentences within the community; the *Écomusée du Perche* (Ecology Museum of the Perche region) at Saint-Cyr-la-Rosière, which took in one juvenile sentenced to a restorative measure; and the Seine-et-Marne *département* museum at Saint-Cyr-sur-Morin, which organized a lecture for men imprisoned at the Melun prison, also on a single occasion. The sample also included the *Cité Internationale de la Bande Dessinée et de l'Image* (the International Centre for Comic Strips and Pictures) located in Angoulême, which organises long-term projects every year, for juveniles under PJJ supervision, as well as the Lyons municipal archaeological department, which conducts several projects a year for people sentenced to community

service work under the Lyons SPIP supervision, as well as for juveniles sentenced to restorative measures. The projects offered by these establishments aim at raising awareness of individuals under control of criminal justice about subjects related to their cultural heritage. Architecture, the folk arts and traditions, the fine arts, strip cartoons and archaeology are broached through visits to exhibits, creative workshops, encounters with artists, and training courses.

### Findings

#### *Unique situations and varied projects*

Factual analysis of the cultural heritage projects selected for our investigation represented the first level of observation and study of how operations take shape. The first finding was that the patrimonial projects promoted by the eight cultural establishments were characterised by extreme diversity except with respect to bringing agencies together, which was usually initiated by the correctional services.

First of all, each partnership arises in a unique way. Sometimes projects are set up because grass roots actors have a specific demand (such as having a youth under PJJ supervision taken into an internship in a cultural facility); at other times some administrative agency takes the initiative, via specific local agreements operating at the municipal or regional level, or within the regional bureaux for cultural affairs, and so on. The institutional intentions expressed in the *Culture/Justice* agreement and the wide range of possible programmes it allows have apparently not yet really, widely, propagated, despite individual efforts. It is as if that agreement did not generate any systematic process, at the national level.

Similarly, the projects reviewed were also the outcome of variable and varied decision-making processes. When the partnerships were not intended for the long term, the commitment of Culture and Justice Departments professionals was limited. These projects are therefore generally recycled versions of activities previously offered to other groups attending that cultural facility (such as temporary exhibits, lectures, etc.). Conversely, when the actors meet with the intention of establishing a formal partnership over a more or less long term, they engage in more consistent prior exchanges so as to set up collective decision-making processes. Such processes assign roles to the various participants in accordance with their skills and fields of expertise. As a rule, the professionals from the cultural facility make proposals for the form and content of the projects, while the SPIP professionals validate – or reject – these proposals depending on the profile of the sentenced offenders involved.

As for the form and content of the projects, considerable variety was found although lectures and workshops are the main forms proposed in prison. These two activities are considered quite complementary, since they combine the need for and stimulation of concentration (at lectures) and the development of creativity (in

workshops). Many Culture and Justice Departments professionals claim that the organisation of an outing at a museum for the inmates who have already participated in the project would be an ideal high point for this type of venture, although most of them add that such a visit can hardly ever be envisioned.

Moreover, the content of the projects very often coincides with the current program in each cultural establishment or facility. Culture department professionals are anxious to reinvest the work they put into each new programme, and to “*open the public to the museum*”; for the prison personnel, it is a way of returning sentenced offenders to their status as ordinary citizens and securing them a tie to the local territory, with a view to their rehabilitation. Often the projects are “*playful*” or reflect everyday experiences, or again they may have a material goal (producing something that will belong to the participants). This is an intensified reflection of what the expectations and habits of those groups usually attending cultural institutions are supposed to be.

Why are projects so heterogeneous? We feel this chiefly reside in the variety of cultural and custodial facilities and the different profiles of actors involved in this interaction, as well as in the lack of a *real*, comprehensive public policy regarding these projects.

#### *Partnerships: the rich local expertise is lost at the national level*

As we have seen, projects are usually the outcome of partnerships between cultural and correctional institutions, be they national or decentralised structures, communities or citizens' groups. Sometimes, but not always, these partnerships take the form of a contract, within or outside of the *Culture/Justice* agreement, with the signing of charters, agreements or the creation of steering committees, which specify the nature of the partnerships and the duties and commitments of each party. According to respondents, these contractual forms may provide recognition for the partner(s), or help to galvanise them, or again, they provide an in-depth understanding of what is being done in the area (this is useful for the Regional Bureaus of Cultural Affairs, for example).

Formalisation of partnerships may be achieved through a great variety of procedures, then, with anchorage in different institutions, and with all sorts of motivations. These forms correspond to local needs and therefore partially or totally lack visibility at the national level. The outcome is a loss of the wealth of expertise, solutions and arrangements built up and acquired by the actors involved, and which could, otherwise, be a source of inspiration for other situations and structures. But how could this be otherwise? Proffering culture to people under criminal justice control rests on a strong ideology and political and institutional determination, but it remains marginal with respect to organisational forms and budgets. This, then, is

<sup>7</sup>See FABIANI J.L., SOLDINI F., 1995, *Lire en prison : une étude sociologique*, Paris, BPI, 1995 ; SIGANOS F., 2008, *L'action culturelle en prison. Pour une redéfinition du sens de la peine*, Paris, l'Harmattan.

<sup>8</sup>Our focus on action within custodial environment is due to the fact that most of the projects in our sample were of that type, which does not mean that they were representative of the totality of existing projects.

one of the reasons why projects are developed locally, often in isolation. In our respondents' eyes, access to a structured nationwide exchange through which actors would be informed and efficient procedures systematised is non-existent or minimal. Nonetheless, a broader, more comprehensive conception of projects, based on grass roots experience, might help to improve the actors' commitment, making for more long-term action, and providing understanding of its impact not only on individuals but on social cohesion within a territory and in small cultural facilities... In other words, it would bolster some truly political options.

#### *A rocky terrain*

If gaining an overview of how partnerships are structured is a laborious process, the practical reality is even more arduous. With the Rehabilitation and Probation Officers' job increasingly focused on the evaluation and rehabilitation of people under criminal justice control<sup>9</sup> and the tendency for the Culture department to take museums outside their walls and thus multiplying target groups, Cultural Heritage and Justice department actors seem to have difficulty finding time to conceive cultural projects, and even more so to develop and sustain them.

The Culture department professionals we interviewed are an illustration of this. They view cultural heritage action aimed at people under criminal justice control as a full-fledged mission, but often a secondary or even a sporadic one. All of them, including the head of the establishment, the person in charge of the public, mediators, and lecturers, are eager to reach out to this "new" public, but claim they can only do so within the limits of the projects they already handle, and especially welcoming museum visitors. This is because in these professionals' practices and representations, the (material) cultural heritage is cared for primarily to be exhibited. In this context, according to the actors most directly involved, voluntary action is the rule, along with a sort of "faith" in the utility of these projects: "not grudging their time" is not unusual for these professionals. Now, they all discover that if projects are to be effective, it is essential that they take the time required to think them out, to implement them, attend to them, and be trained for them. The lack of time, experienced by all, is all the more unfortunate since the actual confrontation between the two spheres, the cultural and the custodial, is usually a huge additional hurdle. How can these two extremely dissimilar organisational rationales be reconciled? When the partner-to-be represents an obstacle or induces self-protection, how can representations be changed? Culture department professionals for example, may experience a real shock

when confronted with the prison world whereas professionals of "custody", be they senior officials or rank and file correctional officers, are not the initiators of projects, but must nonetheless accept them. Prisons Administrations agents reactions may now be positive, when they are interested and convinced of the value of the projects, now negative, when they view the projects targeting the inmate population as useless, or even more, when these projects arouse jealousy.

Moreover, some of the people interviewed (in both the Culture and the Justice departments) mentioned the hostility of some of their colleagues. This seems to suggest that the obstacles encountered by these actors are much more than mere organisational, institutional and practical difficulties, since they may also be ideological.

#### *The motor behind patrimonial projects, or the power of individual commitment*

In this context, which may hardly be said to be favourable, we wondered why projects did come into existence. Or in other words, what moved the actors to and through these projects? We then attempted to understand the foundations of these cultural projects through the social representations, the systems of perception and the cognitive schemes of the actors involved. Listening to them, it seems that what makes it possible to develop and sustain cultural action is a combination of individual motivations and commitments (from both Culture and Justice Departments actors), specific to individuals who believe in the social power of culture and art. The chief requisite for the existence and survival of these projects, then, seems to be of individual rather than institutional nature, as shown by the discourse of many respondents who confided their concern about the survival of existing projects within their establishment after the departure of the one or two people whose special dedication to them prevailed over organisational and ideological obstacles.

But let us look more specifically at how actors from the two ministries portray their joint mission. In-depth reading of the interviews shows that Culture and Justice Departments actors have differing perceptions of cultural projects, but that this does not seem to preclude their existence. Owing to their initial training, as well as their professional socialisation (internalisation of norms, missions, and conceptions), Justice system professionals work primarily toward "rehabilitation", whereas those from the Culture department aim at "access to the cultural heritage and to works of art". However, both groups find common ground, since the SPIP staff members we encountered (as well as those from the PJJ) view "culture" as a relevant tool for working toward "the socialisation and rehabilitation" of individuals under criminal justice control (they also refer to the importance of protecting their "right to culture"). Culture department actors, on the other hand, whose discourse also includes the issue of the "right to culture" although it

is not expressly mentioned, wish to bring "culture to prison" among other reasons in order to combat the definite social inequality in access to the cultural heritage. So the perceptions and motivations of the two groups may diverge, but are nonetheless compatible.

Last, one wonders how and why these actors are galvanised, and commit themselves to cultural action, and "struggle", as both Culture and Justice Departments officials put it, against the many obstacles mentioned throughout this paper. How is this "struggle" waged? The most significant, tangible way of acknowledging the right to culture – the same right that applies for every citizen, with the pertaining rules and duties – is by inscribing culture into the custodial facility and inscribing sentenced offenders into the museum. According to the actors we interviewed, returning this right to people under criminal justice control, and putting them face to face with it, is a path to their re-socialisation. And what these professionals "struggle" for is correcting the distortion they uncover between what they feel they are and how they feel other people see them. This is why they think it is necessary to bring culture, and even works of art, into the heart of "the correctional institution": to restore it as part of the local territory, and consequently, into the very heart of society. This is why it is also essential to bring to museums those groups that are most estranged from them, and to bring them to believe in culture: to make culture meaningful within society.

#### **As a conclusion**

Although the cultural heritage projects had different meanings for the various social actors interviewed for this survey, primarily according to their professional milieu, the meanings involved always seem to be and are understood as being complementary rather than conflicting. At the heart of these projects, each person has professional goals, institutional requirements and personal beliefs, which combine without any apparent conflict. The richness of these encounters contributes to the development of projects in spite of relatively inauspicious material, organisational and financial conditions. This is how cultural projects aimed at individuals in the hands of the law come into being.

It is also these rich encounters which bring out some basic questions, mentioned mostly in interviews, about the meaning of punishment, the meaning of culture, and the meeting of the two. How can the punitive nature of the sentence be retained when it is injected with what may be viewed as entertainment? Can culture convey a sufficiently extensive social meaningfulness as to touch the people at the margins of the heart of society? And again, what is the relevance, and above all the political legitimacy, of developing cultural projects directed at people under criminal justice control? And last, do we not still lack a necessary broader, institutional reflection on how to handle sentenced individuals and on the place of culture within

<sup>9</sup> On this subject, see DE LARMINAT X., 2011, Sentence-serving Within the Community: Caught Between Criminological Diagnosis and Flow Management, *Penal Issues*, May ([http://www.cesdip.fr/IMG/pdf/PI\\_05\\_2011.pdf](http://www.cesdip.fr/IMG/pdf/PI_05_2011.pdf)).

society, in order to find solutions to the various problems identified in this study, and begin to advance along the many paths uncovered? The fact is that while the various forms of individual commitment generated and structured by a series of social representations of culture, of penalty, of criminalising norms, of defendants, have managed to find organisational arrangements (charters, agreements, or contracts, or steering agencies) at the local level, the snag seems to reside at the national level, where a structured project, but also and above all, a structuring one should perhaps be conceived which would make it possible to go beyond mere solemn pledges.

Last, although the findings of this first exploration into cultural heritage projects aimed at individuals under control of criminal justice are already very rich, they do not provide a complete picture of our object. They incite us to pursue our work, by designing a quantitative study fitting the reality of these institutions and agencies, so as to achieve a better understanding of the actual situation.

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