

The Time of Socio-Cultural Change and the Problems of Modern Prison Service

The term “social rehabilitation” understood *ex definitione* means repeated *social adaptation*, thus the repeated *socialization* of an individual for it to function properly in the widely assumed life and social roles in an open environment. In contrast, the term “penitentiary activity” is defined as many administrative and organizational procedures taking place inside a penitentiary facility. At this point, one should ask if it is possible for penitentiary facilities to simultaneously fulfill a rehabilitation and penitentiary function without prejudice to any of them, and to properly carry out the obligations imposed by law?

It has been 25 years since the beginning of the fundamental change of the Polish civilizational and social system. The need for its modification was associated with the reconstruction of the Polish state in the political and economic sphere, and consequently also in the social sphere as a result of the collapse of the old system, and above all the “Solidarity revolution” creating a new socio-economic and political order based on the principles of the democratic state, trying to blend into the circle of “mature” European democracies.

The effects of the transformations in penitentiary activities of the last quarter of the century can be analyzed from a variety of perspectives and points of view. Undoubtedly, the effects of the *crisis of change* appeared in the sphere of axiology, theories and applications of both Polish legal and pedagogical sciences, and had consequences in sphere of its practical activity. Perhaps its cause was (is?) the historically conditioned judicial and penitentiary activity resulting on the one hand from the previous regime’s experience, and on the other, from the rules imposed by the powers dependent on social expectations often manipulated by the media. Either way, it all comes down to the essence of understanding both the concept of the punishment of imprisonment and the identification of the process of social rehabilitation and its life and social consequences for prisoners.

The problem is related to a broader issue, namely at least two distinct social attitudes that are noticeable in Poland resulting from the axiological and normative orientations resulting from combining the historical experiences of the previous century with the civilizational and cultural transformations of the last quarter of the century.

The conservative cognitive perspective recognizes deviant activity as evil in itself, assigning to it some anti-normative, anti-axiological connotations. When referring to historical and traditional rules and sources of valuation (moral standards, statutory law, ethical and sometimes religious recommendations), representatives of such attitudes believe that the most effective way to improve the situation is to increase ethical and moral, thus criminal and legal repressiveness.

This situation is based on the conviction that increasing the severity of legal regulations reduces the number of criminals and it is visible in the process of their rehabilitation. Despite the lack of scientific evidence of its validity, this historically grounded thesis is deeply rooted in the broader social consciousness. Scientific research conducted in the past several decades both in Europe and on other continents prove that there is no such connection (there are only statistically significant dependencies between the number of crimes and the effectiveness of their detection).

A specific face of social rehabilitation activity emerges from the described cognitive perspective, which can be called "the juridical face". In practice, it is characterized by excessive use of isolation and punishment measures, disproportionate to the needs and circumstances, and the conviction that such actions have in themselves pedagogical qualities. For most people who ponder such an essence of social rehabilitation, the mere fact of placing a criminal in an institution restricting their personal freedom means the initiation of a process of positive change in their behavior and attitudes, assuming that the stricter the law and the resulting action, the more effective the rehabilitation.

Criminal punishment as a result of the functioning of the legal system that is supposed to maintain social order has its psychological and social boundaries, the transgression of which yields opposite results. Social stigma and social isolation, which are supposed to stop people from criminal activities, are usually a natural part of the social life of many countries in the world, creating "ghettos" of poverty and humiliation.

The proponents of the other, liberal cognitive perspective tend to treat deviant behavior, including criminal phenomena, as an inevitable process caused by modern, rapid and poorly controlled civilizational and economic transformations (i.a. economic, educational and cultural stratification, progressive processes of virtualization of social life), pathologizing interpersonal relationships.

Representatives of this way of thinking try to explain criminal behaviors through external circumstances, which the deviant person does not control (poor family functioning, bad school, too easy access to information on the Internet, vir-

tualization of social life, progressive economic divergences, etc.). Therefore, they are generally opposed to increasing the repressiveness and severity of the actions of the judiciary system with respect to those who violate legal norms, and the solutions proposed by them are therapeutic and educational in nature. They perceive the progressing and visible bankruptcy of the traditional social pathology prevention strategies and the traditional social rehabilitation patterns based on the assumptions of behaviorism, and in their search for more effective solutions they make use of the achievements of psychiatry (psychoanalysis and neo-psychoanalysis), humanist psychology, and biomedical sciences (neurology, neurobiology, bioecology).

In this way, they actuate, stimulate and reinforce the social conviction that crime, deviations and pathologies are social diseases, and therefore counteracting them should be curative and not penal and formal. The representatives of the liberal way of thinking connect the process of social reintegration with the process of therapy, placing an equality sign between them.

It seems that the social rehabilitation effectiveness of penitentiary institutions as measured by the rate of recidivism leaves much to be desired, despite many positive new directions of action, which do not always meet the expectations. At present, the recurrence rate (so-called recidivism) referred to above is above 50%, which means that every second prisoner commits a criminal offense after leaving prison.

One of the fundamental reasons for this is that in Poland there is no comprehensive system for supporting the social re-adaptation of convicts, there are only elements of legislative and organizational nature resulting from the experiences of individual institutional actors. Thus a systematic, comprehensive and complementary manner of solving the above problem cannot be discussed. There is also no coordination between public administration bodies, non-governmental organizations and specialized public services.

We have an empirical and theoretical justification that another reason for returning to crime, and consequently to the penitentiary facility, is the lack of professional preparation of prisoners serving long-term imprisonment sentences to function in an open environment. The rehabilitation programs carried out by the penitentiary service only partially fulfill the criteria of the social rehabilitation process. These are often routine penitentiary activities, the value of which is adapted to the isolation reality and mitigation of its effects.

1. Social rehabilitation and penitentiary activities in the Polish prison system should be directed towards socio-occupational re-adaptation and reintegration of people leaving penitentiary facilities in an open environment, and not to the process of adaptation of the convicts to institutional conditions. One should subordinate the organizational structure, the methodological impact of penitentiary units and the manner and content of penitentiary staff education to this purpose.

2. Immediate actions should be taken to build a real system supporting the social and professional re-entry process of convicts leaving penitentiary institutions in Poland, with special regard to long-term prisoners. This system should be built on two institutional levels - Voivodeship and district-municipal, and in terms of organization and content it should be based on the structures of the Readaptation Field Councils and the Legal Supervision structures. This system should not be built on prison structures based on the basic and well-known principle with the empirical and theoretical justification that persons leaving penitentiary institutions should not be further stigmatized through contact with the place of punishment.

3. A large area of social rehabilitation and re-adaptation is general education and vocational training in penitentiary institutions. Education can be one of the main "driving forces" of life and socio-occupational change of convicts, as indicated by numerous empirical studies carried out in Poland and abroad. Therefore, it is necessary to intensify the training of convicts at different levels of education, including education at the tertiary level.

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