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Punitive education – Prison paradigm

Abstract: Punitive education - Prison paradigm. Could it be possible to practice a successful personality development in the closed world of prisons? What is the social function and role of prisons? The representation of the loss of liberty theory of the new European prison model and the process of putting it into practise is indicated to be still a running project in our days. The compulsory educational practise of the closed total institutions is questioned by the paradigm changes, occurred during the last decades. It also queries the effectiveness of the system. The modern approach of Correctional Services tries to push the limits of the traditional prison conception, as it realized its limits and its inefficiency. Instead of the paradigms of punishment, reprisal and deterrence, new ones appeared, such as treatment, education and rehabilitation. According to the theories of the education-centred prisons, the isolation of convicts is not for their own sake but for the realization of the planned learning possibilities in an appropriate place. The principle is to make place for voluntary help and responsibility by the help of consultative and supportive expansions, instead of passivity. Prisons as social institutions try to treat and solve immanent contradictions. Among these, emerging the contradiction of punishment and education, the contrast of compulsion and voluntariness, and the opposition of isolation and openness. Could it be a successful rehabilitation for resistant as well as for the limited or fully cooperative convicts in an institution, where the main characteristics of the assistance are indifference and compulsion. Maybe it is just a utopia to create more socially useful prisons.

Could it be possible to practice a successful personality development in the closed world of prisons? What is the social function and role of prisons? The prison's social change of functionality and attempts for way-searching (Fligeauf 2008) are quite important questions nowadays. Prison is part of the social network (Farrington, 1992) and owns extended social relationships and the changes are created by several channels and connections. The concept of prison is a symbolic representative formation at different levels, which includes subjective and objective elements (Fligeauf, 2008). It appears in philosophical questions, in social behaviours, in common knowledge at the level of effective behaviour.

Prison is known as the imprint of social control, as the scene and also the impersonator of social-institutional communication. The substantive component of communication is correlation. Crime is a social feature as much as the reaction to it. The society, by the fact of detention, tries to convey a message about the consequences of their crimes to convicts. They want them to understand that they are bound to take responsibility for their crimes and that they have to accept the loss of their liberty, as an established fact by society.

The paradigm of prison is such a theoretical system, which defines and describes the main points in the process of imprisonment in a coherent way and reveals its causes, its progress and its consequences. I mean the followings by the concept of prison paradigm (by Kuhn): an institutionalized consensus, being made in a period about what the subject, the function, and the limits of a given field of knowledge are. (where the scholarly valid and invalid limits between questions are, respectively by what conditions could any standpoint be accepted to be scientific) The paradigms of prison are accepted and valid explanatory principles, which prevail in a self-reflexive way at several levels (researchers, decision-makers, society, prison staff, convicts). In consideration of the extent limits of the script I will not touch upon any further conceptions of prison paradigm (treatment, exploitation, control), obviously the phenomenon of imprisonment indicates complex problems. I try to demonstrate the contradictions of interdependence of the punitive and the educative prison paradigm through this essay. On the examined fields, specific prob-

lem focuses have been appeared, systematically locking into each other on the grounds of response to the emerging problems in a determined situation. (Kuhn 1984) The speciality of the paradigm changes is that the multiplying paradigms crawl into each other because of the effect of anomalies having only indirect connection earlier.

Punitive paradigm

Sin and penalty are the same age with humanity. Punishment and reprisal served as deterrence after committing a crime or offending against the law. The punitive paradigm rests on the thesis that the society has the right to punish the perpetrators. The revenge is personal and not necessarily commensurable to the injuries of the victims, while the reprisal is impersonal and balanced (Lewis Lyons, 2005). The imprisonment had a long history; prisons have been important items in the social punishing system for centuries. The history of imprisonment has gone through significant changes during centuries until it has won its current form. Before the XVIII. century, prison was identified to be only a part and not the most essential part of the punishing system. As the prison reforms have made an appearance, prisons were considered to be the most „humane” way of punishing. In the „modern” concept of punishment, some elements are missing (deportation, public humiliation, capital punishment). The dominant principle became the loss of liberty in the place of corporal punishment and rather focuses on soul instead of body in connection with punishment. In the development of prisons more social interest serving aspects have came to light.

Making harmless:

During the time that the prisoner has spent between the walls of prison, became incapable and could not hurt anyone. The main aim is the protection of the society and the obstruction of perpetrators. In this sense the prison help unambiguously with decreasing delinquency, although, not with every kind of crime (in certain cases, such as: drug dealing, other participants take up the vacant places of the captive people).

Deterrence:

It can be defined from different sides. The Enforcement of Punishment system has a deterrent competence and in this way reducing crimes. Those, who are considering commit a crime have to reckon with the consequences of prison. This allows them to reconsider the consequences of their crime and to come round before it would be too late (general deterrence).

The prison conditions have to be comfortless (expressly painful) in order to be a retentiveness for perpetrators, to make them give up their delinquent lifestyle and in this way after getting out they would not want to commit another crime (specific deterrence).

Reprisal:

Crime needs reprisal and the society accepts prison as a way of punishment. If the government would not apply this, then the suffered people would take revenge themselves and dispense justice.

The direct outcome of the reprisal is abuse, causeless violence, brutality in prisons and revenge. The definition of inhumanity can be written down as a kind of corporal and spiritual violence beyond the necessary punishment. The violent retribitional consciousness is common inside prisons (Fligeauf, 2008). The staff rules the lives of criminals by threat and violence, on occasion continues the punishment to hold up the confidence that the seclusion is not enough for criminals. In the whole system of the prison, a kind of hierarchy came into being, in which the staff will fill up the upper positions. It is called binary system (in which the prisoner is pitiful and vicious) because of the polarization. The fact of the punishment degrades the perpetrators and placing participants of the oppressive power on higher positions and polarizing the bipolarization in the system (J. S. Logan, 2008). The process of „retributive degradation” is an important social function of punishment, by reason of this, the rehabilitation is overshadowed. Nowadays

the punitive paradigm gathers ground due to the increasing social pressure as a reason of the feeling of endangerments, and threat together with radicalized jurisdiction (Bosworth, 2009). Any kind of punishment, which is used to control the captives, will be too moderate to the audience, who are influenced by the media. Hence, the representatives of reprisal punishment (politicians, decision-makers) get into dominant positions and build a new penology doctrine on a powerful and protective culture (Garland, 2001).

Educational paradigm

In the idea of the prison reform, the notion of the teaching and managing appears in XIXth century, first as an opportunity, later as an aim.

The function of the imprisonment is to help to reintegrate to the community later, to prepare for freedom. Certain imprisoned people leave the law enforcement institution one day and try to begin a „new life” outside the walls.

The ideal of the social reintegration, the „treatment” approach (proper treatment) appears again in the 70’s concerning the prison ideas. The treatment means measures that are personalized to the needs of the convicts and their aim is the direct influence (positive change). The treatment concerns the institutional programme of prisons; effective transformation of the law enforcement is expected from the humanization of the programme, from professional and efficient educational partial programmes and from the voluntary participation of the convicts. The emphasis is on the social reintegration of a convict and forming his law-respecting behaviour; crossing the view that the aim of law enforcement is to endorse the prejudice fixed in the law. The humane and consequent treatment is the base of personality development and the formation of the behaviour expected by society (Módos, 1998).

According to the philosophy of education-oriented prisons, the isolation of the offenders is not autotelic, it happens to have the possibility at the right place and in the right conditions for the accomplishment of the intended and planned educational process. The changing personality of imprisoned serves that they will be able to integrate into social communities and stay away from committing crime in the social communities after being freed (Módos, 2003). Important feature of successful reintegration is the basic education, training and development of personality. The functional use of the educational norm is a key feature of rehabilitation programme (Ruzsonyi, 2003).

Prison paradoxes

I represent the stance that the paradigmatic approaches of imprisonment try to manage immanent contradictions and this generated crisis. Crisis emerges as the faith in the paradigm is weakened and we try to think about the phenomenon in another way.

In its recent form, the aim of law enforcement and imprisonment is dual. It is penal as it isolates the convict through the validation of prejudice (imprisonment) and accomplishes the protection of society on the one hand, on the other hand it is educational as its aim of reintegrating into society and avoiding decline is a stressed element too.

In prison concepts education, the intention of forming the offenders’ personality appears next to deterrence and offset. Social retorsion appears in imprisonment as penalty – this is how society rules over those who do not keep the norms that apply to everyone.

The penalty of imprisonment is the isolation of the convict from society. The expectations of society towards prison system are: the protection of society, the safe isolation of the offenders during the time of imprisonment (avoiding their escape, the violation of the peaceful system of society) on the one hand, to have positive changes in their later way of life, offer the possibility of social reintegration on the other hand. This situation already carries some contradictions: isolate someone and then make him the part of society with full rights, it is a difficult and complex matter. The recent educational practice in prisons does not give a clear, traceable perspective to social reintegration. The closed institutional system can assume the responsibilities in security

nut not in education. Most of the cases, the offenders decline, the way of life do not have a positive turn.

Thank to the lack of motivation of change, volunteership and cooperation, the personality change in the desired way fails, the compulsory conditioning of prisons exists until a strong external control works.

The contradictory features of paradigms can be seen in the table below:

1.table. The comparative analysis of the paradigms discussed from more points of view

	<i>Punishment paradigm</i>	<i>Teaching paradigm</i>
Mood of approach	Conservative approach	Liberal approach
In time	Historical tradition	treatment, neotreatment
Principle	Offset, punishment, inhuman treatment, retribution	Placing back and humanistic treatment
Approach	normative	individual, based on the recognition of the personality (classification)
Nature of the task	security, law enforcement task	Social task
Aim	Social elimination isolation	Social replacement Forming and improving personality
Additional effects	devaluation of self-image (prisoner status)	Forming a positive self-image, Improving self esteem
Dominant scientific areas	Security knowledge security supervisor has an enhanced role	Pedagogical –psychological knowledge Teacher has an enhanced role (human area)
Roles	Bipolar roles (asymmetry): good-bad	Symmetrical, client
Relation system	Force, strict rules	volunteership, partnership
Hypothesis	stagnation, level off	change, intervention
Type of institution	Closed institutes	Open institutes
Effects on the level of the system	Expansive deprivations	Reduction of harm
Effect	dependence prisonisation	independence law-abiding manner of living
Result	reclimatization	resocialization, rehabilitation
Social effects	Social rejection, prejudice and stigmatization	Social acceptance and affiliation

Summary

The institutional status of the prison (and the system of law enforcement) calls the attention to the serious contradictions, insoluble social - human problems. Crimes nowadays are among the most frequent and most serious social problems. It's an important question is how society sanctions convicts. But it is essential to think over the scope of paradigms and their potential of application.

I tried to prove in the study that because of the slide of the paradigms and their parallelism it is not able to fill any of the functions in prison system. Deterrence does not work because of the reform ideas and the negative environment of the prison prevents the efficient educational work.

The main point of resocialization should be that the former offender „gets good”, will not commit crime anymore. This would come true through „education” (positive personality forming) – maintaining and developing the self-respect and the sense of responsibility of the imprisoned, forming the feeling of being socially useful are the main points of the process. Education cannot be an aim in itself, only the instrument of reintegration of the convict after being freed and substantiation of law-abiding and constructive way of life.

The intention of changing prison conditions on the field of law enforcement is expressed mainly in declaration and formal signs, the image of the real usage show something totally different. Neither society, nor jurisdiction is sensitive enough to put major emphasis on managing the future of convicts either because of ethical or because of professional reasons.

Recent state of prisons contains a series of fake measures that serve rather to ease society, not to give a real treatment and solution to the problem. If the aim of the penalty is the deterrence and discouraging then the grounds of the system is questionable. Prison cannot end crime and it can be debated if it has a holding-back power.

It is naivety to believe that the people, who are resistant and not able to change and cooperate, can be successfully rehabilitated with the help of an institution that has the characteristic of constraint and neutrality. We should think the question over – it is possible that the principles and the paradigms themselves are invalid and unrecoverable in this context.

Nowadays, the spreading of penal paradigm can be seen, while the spreading of penal rigour, tolerance results heavy social debates (Wacquant, 2001). It affects greater amount of imprisonment of offenders and more strict social retorsions. It has to be noted that widespread imprisonment is in connection with the growing of imbalance in society, lack of work, hopelessness in social situation. Segregational imprisonment is based on social-cultural prejudice in many cases, tries to keep away a marginalized group, make it easier to pull it out from the body of society.

Dominance of the penal paradigm still holds on for all that researches on imprisonment in different countries cannot find a connection between the growing population in prisons and the changing of crime rates

The existence of the ideas based on treatment, humanly deal in prisons is power. It is used for shading, hiding the stressed and sensible existence of social sanctions and punishment. Maybe hypocrisy is so hidden and elusive that this prevents to front the situation.

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