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DYSFUNCTIONALITY OF THE FAMILY ENVIRONMENT AS ONE OF THE REASON FOR RECIDIVISM

Abstract. The family as a basic social cell, the first human life environment, plays a fundamental role in securing needs, transferring social patterns and protecting its members. Taking into account the different family models that exist in the modern world, apart from traditional and reconstructed families, we also distinguish dysfunctional families, which does not immediately mean that they are pathological ones. Properly populating parental functions is one of the most important tasks of the family. It is a family that creates educational, caring and socializing environment for a child, where the characteristics of its personality and identity are evolving, as well as social norms are assimilated and associated with adequate sanctions. Family type and model can have a significant impact on the emergence of criminal behavior in adulthood. The author's studies in the years 2007–2011 show that family relationships are the most significant factor in the biographies of prisoners. Besides, it has been shown that to start criminal activities and subsequent returns to such activities, they correlate with educational problems and numerous addictions in the family (from alcohol, drugs, psychoactive substances, gambling, etc.). The dysfunctions that arise as a result of the socialization process and the building of daily relationships can be linked to the entry into the criminal way of a young man, and thus foster a return to negative habits and recidivism in the future. The article aims to show the relationship between the being brought up in the dysfunctional family and the entrance to a criminal path, which may also be regarded as one of the causes of later recidivism of individuals.

Keywords: family, recidivism, patterns, relations.

1. Introduction

In the literature, a lot of different definitions of the family may be encountered. I will cite the chosen ones, which in my opinion are widely used. Józefa Brągiel regards the family as a “basic, natural and primary environment that has a huge impact on shaping the personality of the child, development of his abilities and the capability to achieve success” (Brągiel 1994: 12). Stanisław Kawula, however, considers the family as “pedagogical institution” (Kawula 2004: 30).

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Intense changes in social, economic and technological life cause that family models are undergoing numerous transformations. And so: according to Kawula, the following families may be distinguished: exemplary, normal, families still efficient pedagogically, families inefficient pedagogically, pathological families (Kawula 2007: 180–182). Zbigniew Tyszką, on the other hand, indicates conditions that should be fulfilled in order to be able to refer to appropriate functioning of the family. Those include:

1. A collection of living conditions (allow to meet the biological, developmental needs of the child).
2. Working time and parents' free time (how long they work, how much time they have and how much they devote to the child?).
3. Parents' social and cultural level, upbringing skills, education, social and cultural activity, attitude to the world of values, worldview, moral principles.
4. Harmonious living of parents.
5. Proper organisation of family life (Tyszką 1980: 38).

When the above conditions are not met, there may be a number of irregularities and dysfunctions which I will indicate below.

2. Dysfunctional family

Nowadays, dysfunctional families are also said to function in society, but which is worth emphasizing does not mean that they must be pathological families. Working with families in various areas of social life, I would like to emphasize that dysfunctions, i.e. some kind of difficulties can appear for various reasons. In some families (with whom I worked), these were crisis events, for which the members had no influence, for example, loss of a loved one as a result of an accident, fire or permanent disability that occurred suddenly, to situations related to family transformation, divorce, separation or serving a penalty of deprivation of liberty by one parent. The above situations, so different from each other, had in common one sudden change, which caused that the existing life had changed dramatically. Thus, the dysfunctionality of the family covers various areas of social life and can affect every human being at different time in life.

Arkadiusz Przybyłka defines a dysfunctional family as “such, in connection with social life it is regulated by a set of rejected values, norms and patterns of behavior, which are the objects of intergenerational transport in the course of socialization processes, covering the same group” (Przybyłka 1999: 35).

Kawula, characterizes her as a “group of members who cannot perform their parental functions sufficiently well, i.e. one that is unable to meet their duties and responsibilities towards their children and other family members, and to successfully solve their processes and crisis situations” (Kawula 2006: 87).

Henryk Cudak underlines that:

Imitation and identification are the natural mechanisms of child socialization. The child learns behavior patterns from parents, follows their example and often imitates them. In dysfunctional families in which conflicts occur, aggression, violence, alcoholism, and educational difficulties in children and adolescents appear and develop. Emerging educational difficulties are expressed in contacts with peers in a family, school and local environment. In peer groups they show emotionality, anger, conflict, aggression, arrogance in behavior, violence and brutality towards the weak (Cudak 2011: 13).

The situation of dysfunctional families is so serious and widespread that therapies for adult children from dysfunctional families have been conducted for several years.

The syndrome largely concerns abnormalities in the child's upbringing system, especially taking into account the influence of possibilities of roles that a young man plays in the family inadequately matched to the age. The child has the right to childhood, to carelessness, the opportunity to make mistakes, to victories, but also failures. Unfortunately, dysfunctional families very often experience a disorder in the area of the child's function in the family. Then, we talk about the parentification phenomenon. Katarzyna Schier emphasizes that "in order to survive emotionally, the child must start the care system with respect to carers, instead of receiving care from them" (Schier 2017: 16).

Often the oldest child in the family takes on the role of a "hero", must look after younger siblings, more is demanded from him/her, and particularly stiff boundaries are set for him/her, while, for example, younger siblings in a much shorter time with less self-involvement get exactly the same profits.

An important problem in the context of the reversal of roles is also the fact that the parents exert excessive influence on the child in the sphere of life achievements.

These are very specific expectations for children, on the part of parents: children are expected to achieve successes where parents have failed. This form of placing their needs by adults in their own children does not cause indignation or even social amazement. There are a lot of examples to be mentioned: from the school achievements of children and later academic studies, studying abroad, gaining academic degrees and prestigious professions, and gathering material goods and wealth to specific features of the external appearance (Schier 2017: 47).

It should be stressed that parents are responsible for raising their children, and the excess of expectations and reversal of roles in the family can have very serious consequences in adult life, both the child and the parent. However, as long as the upbringing is not based on the principles of democracy, mutual respect and understanding, numerous dysfunctions will notoriously arise, and there is even a high probability that they will be reproduced on the principle of a modelling method for subsequent generations.

In my research, I have met prisoners who have pointed to a number of dysfunctions of the environment from which they came. Among this group were

both first punished juveniles, but also recidivists. And this group was particularly interesting for me, considering the aspect of education and internalization of certain norms and values.

3. Recidivism in the light of law

“Recidivism” comes from the Latin word *recedere*, which means “to fall again”. According to the Dictionary of the Polish language, recidivism is: “a criminal offense committed by a person already punished”¹. According to Andrzej Marek,

[...] recidivism in the criminological sense is the phenomenon of return crime occurring in society, and in the individual dimension – the repeated or multiple committing of crimes by the same person. Criminological recidivism – apart from regarding the deed as a crime by law – is independent of formal criteria, and also whether the recidivist has been convicted for a crime, whether he has served his sentence or even whether his crime or crimes have been detected (Marek 2003: 314).

Referring to Art. 64. Subsection “Basic and multiple recidivism”² we read that:

Art. 64 § 1. If the perpetrator sentenced for intentional offenses to imprisonment commits within 5 years after serving at least 6 months of punishment intentional crime similar to the offense for which he was already convicted, the court imposes the penalty provided for the perpetrator offense in excess of the lower the statutory limit of the threat, and may measure it to the upper limit of the statutory threat increased by half.

§ 2. If the perpetrator previously convicted under the conditions specified in § 1, who held a total of at least one year imprisonment and within 5 years after serving in whole or part of the last punishment commits again a deliberate crime against life or health, crime of rape, robbery or other offenses committed with the use of violence against a person or the threat of its use, or bringing a man unconscious or vulnerable, the court imposes a penalty of up to twice the statutory minimum threat to the upper limit of the threat increased by half.

§ 3. The penalty of imprisonment imposed pursuant to § 1 or 2 may not exceed 25 years of imprisonment.

§ 4. The tightening of the penalty provided for in § 1 and 2 does not apply to crimes in danger of imprisonment, the lower limit of which is higher than 5 years.

§ 5. In particularly justified cases, when even the lowest penalty imposed on the basis of § 2 would be disproportionately severe due to the degree of guilt and the degree of social harmfulness of the perpetrator’s act, the court waives the application of the penalty specified in § 2.

According to the data of the Ministry of Justice in 2009–2015 the percentage of recidivists increased in relation to the total number of convicted persons. The conclusions from the analyses presented in the ministerial paper are as follows:

- Out of a total of 373 542 legally sentenced in 2011, adults – 95,248 have committed a crime again in the next 5 years, which is 25.5% of all convicts;

¹ <https://sjp.pwn.pl/slowniki/recydywa.html> (accessed 8.01.2019).

² Act of 6 June 1997, Penal Code Journal of Laws 2018.0.1600 uniform text.

- In about 50% of cases, the offense is re-committing in the first year after the previous judgment becomes final;
- Most people who returned to crime in the period 2011–2015 were initially sentenced to imprisonment – 33.7% and the penalty of immediate restriction of personal liberty – 32.7%.
- Out of 49 797 people who left prisons or detention centres in 2011, 40.1% (i.e. 19 973) have committed a crime within 5 years³.

4. Family in the life of convicts – fragments of life stories

The place of research was the Kraków Podgórze Remand Center, the Kraków Nowa Huta Prison and the PRO DOMO Association. I used the diagnostic survey method and the analysis of individual cases. In addition, the prisoners completed the Antonovskiy SOC 29 life orientation questionnaire.

In the research that I conducted in 2007–2011, among 146 respondents, 26 returned to the criminal path. Out of this group of 26 people, each person indicated at least two factors of dysfunction in the family, which could be the reason for re-entering the criminal path. In 2018, in my book on post-penitentiary help for people aged 60+ in the libertarian environment, it was alarming for me that 60 or even 70-year-olds in the conversation about breaking the law pointed to parental shortcomings and lack of relations with parents from the period of youth and even childhood. It can therefore be emphasized that neglecting in the area of upbringing, lack of showing affection, building mutual relations and authoritarian methods of upbringing are strongly reflected in adult life, and even in seniors' age. It is very important that the parent is present in the process of upbringing and does not underestimate the problems with which the child turns to him, because if we do not seriously treat the child, his needs and problems during childhood, we cannot expect that in the age of adolescence he will come to confide in us about his problems or loneliness. Similarly, such a person may have serious problems with communication, interaction and showing affection in adult life.

Wiesław Ambroziak emphasizes that:

in a situation where this environment provides the child with such patterns of social behaviour that are consistent with the norms and values accepted by the general public, we can observe the progressive process of socialization, that is constructive and creative adaptation to society expected behaviours. In the opposite situation, when the influences of this environment are contrary to generally accepted norms, and the individual submits to them, there is a progressive process of its social derailment (disturbed process of socialization) manifesting itself in behaviours violating moral and legal norms (Ambroziak 1983: 125).

³ <https://isws.ms.gov.pl/pl/baza-statystyczna/publikacje/download,3502,1.html> (accessed 15.01.2019).

This is a particularly accurate observation, because despite the elapsing of years, we can confidently refer it to contemporary social situations and contemporary models and styles of upbringing, where apart from those socially accepted, there are also those that do not fully fit into the normative system in force in society.

It is also worth emphasizing that the fundamental role in acquiring and consolidating socially accepted patterns is played by contact and relationship with both parents. While the bond between mother and child is completely different, absolutely not better or worse, just different than father and child, both parents and their relationship with each other affect the formation of personality, behavioural patterns. Among the many situations that I met during conversations with prisoners, most of them manifested a negative attitude towards fathers. And in the meantime, as research by i.a. Brągiel “a child feels safe, happy when his father fills his function well in the family. Poor relationship with father causes fears and constant anxiety in a child” (Brągiel 2014: 108).

I believe that this situation may be caused by many factors, from biological to social or psychological. Considering the broad spectrum of theories of upbringing, I think that the social learning theory plays a special role in upbringing: Thus, two views that are significantly different from each other in relation to the explanation of the appearance of adverse behaviours can be presented. Albert Bandura – a psychologist in the book *Theory of Social Learning*, emphasized that a person learns by observing the behaviour of other people. Thus, it is the family as the basic environment of life, and the primary social group is the place of acquiring the first social competences so necessary in adult life. Bandura’s theory focuses on the relationship between two units – the model and the observer, and relies on the observer’s repetition of the behaviour that the model observed. However, in order for this mechanism to work, four conditions should be met: 1) the observer must focus on the behaviour he is to repeat; 2) he must remember it; 3) he must be able to do it; 4) he must have motivation and the will to follow (Bandura 2007: 54–55).

The above theory is the total opposite of Cesare Lombroso’s theory, who was considered to be the author of biological determinism and came to the conclusion that moral irregularities are more evinced in children than in adults, but have the same causes as resulting from genetic burden (Stankiewicz 2016: 223–239). It is worth noting that the Lombroso’s theory met with a wave of criticism among many representatives of the world of science. Maciej Szostak emphasizes that:

it would be difficult to accept the thesis that basing on the physical appearance of a human being we are able to characterize and assess its possible social activities. This theory is a violation of all principles of good social coexistence and the guiding principle of equality of people, constituted in the social consciousness already in the age of enlightenment (Szostak 2000: 91).

5. Social functioning of recidivists in adult life

Observing the social functioning of inmates – recidivists, during cultural and educational workshops, or lectures in various penitentiary units, I state that the family environment, to a large extent, has an impact on the emergence of criminal behaviour. Below I am going to quote some of them:

[...]I am in prison for the 4th time. I have already served 12 years, now 4 left, I could never count on my family, father drank, beat me and my siblings, and my mother, which is inconceivable for me, kind of defended us, but she never opposed him, she just cooked him dinners. He always demanded so much from us, he never praised us for anything, always only chased to work or work in the field. We were just supposed to be obedient and that's how it was, and as I was almost 15 years old, and I grew almost bigger than he was, I started a fight and defended my mother when he hit her and I beat him. Later, he threw me out of the house, I was in a few places, until I came to penitentiary for thefts, the first time I was 18 years old. It was only in hoosegow that I trained, I finished school, then I started working at large, but there was always too little, because it's hard all by oneself. Later, bad company, in which I got and prison again. My father never visited me, and my mother, as she came, spoke about him well. I could not understand it... You know, there was nothing like praising children, 'cause for what, to learn is a duty and nothing extraordinary here, if someone got a poor grade he got beaten at once, and constant work in the field and dealing with siblings. I did not have any childhood. There was a moment that I wanted to start a family, but somehow it did not work out yet. I see that I am just as explosive as my father; I don't want to be like that, and then I am [...] (Andrzej, age 45).

[...]my house was a real hell, hunger, fuss, cold and always we had nothing. And my friends at school had this and that, and a man wanted it too, and that's what I'm here today (Marek, age 31).

Maybe there was no violence in our home, but there was alcohol and fights over which I could not sleep and learn, problems in school because I was always afraid that I did not know what would happen in the evening. And always saying that I'm working for you, you piece of shit, you have to learn and do what I say. He always compared me to other colleagues, and when I came from school, he did not ask me what's up, but what grade Michał, Piotrek and others got. He did not praise anything, generally my father had his world and maybe that is why we are indifferent to each other to this day (Sebastian, age 26).

These are only several statements of the prisoners, which, however, significantly emphasize the essence of the problem which is the disruption of bonds and relationships, which results in the appearance of dysfunctions at various levels of life.

6. Environmental conditions of the stigmatization of recidivists

In the theory of stigma,

stigmatization is the identification of a personal or social trait leading to the exclusion of an individual. Life is organised by various social structures and scenarios appropriate for this order. The essence of stigmatization is the social marking of a stigmatized group and

individuals. Stigmatization is therefore socially “suggested” and does not result from the behaviour of the person, but distinguishes its characteristic features formed by this stigma. In general, stigma pushes other traits of a person (e.g. intelligence, honesty, goodness, etc.) to the background, highlighting only the ones related to the stigmatization and belonging to a group defined by stigma. One can suggest here an example that people with disabilities have a lower social status because they have lower self-esteem – the opposite! – They have lower self-esteem because they have lower status⁴.

The return of a prisoner to the family environment often leads to anxiety and fear from neighbours, which also affects the image of the convict’s family. People are afraid to live in so-called pathological districts, work with former prisoners (Niewiadomska 2007: 174–275).

It is worth mentioning that there are also people who want to free themselves from the stigma and they have been referred to as ex deviant. Such a person seeks to “cleanse” himself/herself from his previous roles, and wants to start a new life. However, it should be remembered that time is needed to internalize new norms and values. And the next challenge is to gain social trust, through living in accordance with the applicable normative system, which is a long-term process, but what is worth emphasizing possible and bringing satisfactory results (Urban 2000).

Among numerous conversations with the families of prisoners, especially in the context of their relationship with the local community, I have heard that they are afraid of stigma and exclusion. The most common stereotypes included comments such as: “this is the type of man and nothing will change it, a thug will always be a thug”, “it has always been known that he will steal like his father” or “it’s just this type of character, and it’s a waste to devote him time, his children will end up this way too”.

I am definitely opposed to such stereotypical comments. Firstly, because parents’ faults do not in any way stigmatize (or at least should not) children, and character, personality and identity are shaped throughout the life of an individual with a strong regard for the fundamental role of family upbringing, upbringing, which is a process based on diverse interactions and possibilities.

7. Post-penitentiary activities in the area of work with family of prisoners – recidivists

Post-penitentiary assistance according to Polish law should primarily consist in preparing for the process of social re-adaptation. Article 41 of the Criminal Code clearly indicates that in order to counteract the return to crime, the convicts and their families should be provided with the necessary assistance, in particular

⁴ http://edukacjaialog.pl/archiwum/2009,261/kwiecien,301/nasze_sprawy,309/stygmatyzacja_spoleczna,2199.html (accessed 25.01.2019).

material, medical, related to housing and legal counselling. Theoretically, according to § 2 of the regulation, funds may be used to cover the costs of temporary accommodation in a homeless centre, organise and finance courses in vocational training, cover costs related to specialised treatment, material help in the form of food, clothing, etc., financing public transport, covering costs related to obtaining an ID card. In practice, if we are talking about material help, the convict leaving the prison who has asked for help usually receives a one-off allowance in the form of clothing and cash benefits for the so-called return home⁵.

The dysfunctionality of the family environment undoubtedly influences the emergence of criminal behaviour and, consequently, recidivism. This was confirmed, among others, in my research and a number of interviews that I conducted with both professional and social curators, penitentiary educators, and also penitentiary judges. A family in which irregularities appear in the area of upbringing capacity, communication, addictions or numerous threats requires undisputed interdisciplinary support, which will include a number of individual and group treatments.

Disturbance of the value system, coldness of the relationship, lack of communication skills, lack of time for one another, or emotional frigidity are just a few factors that can have a significant impact on the emergence of problems for the family as a system and the whole in the future.

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DYSFUNKCJONALNOŚĆ ŚRODOWISKA RODZINNEGO JAKO PRZYCZYNA RECYDYWIZMU

Abstrakt. Rodzina jako podstawowa komórka społeczna, pierwsze środowisko życia ludzkiego odgrywa podstawową rolę w zabezpieczeniu potrzeb, przenoszeniu wzorców społecznych i ochrony jej członków. Biorąc pod uwagę różne modele rodzinne istniejące we współczesnym świecie, oprócz tradycyjnych i zrekonstruowanych rodzin, rozróżniamy również rodziny dysfunkcyjne, co nie oznacza od razu, że są to rodziny patologiczne. Prawidłowe wypełnianie funkcji rodzicielskich jest jednym z najważniejszych zadań rodziny. To rodzina tworzy środowisko edukacyjne, opiekuńcze i socjalizacyjne dla dziecka, gdzie rozwijają się cechy jego osobowości i tożsamości, a także przyswajane są normy społeczne i związane z nimi sankcje. Rodzaj i model rodziny może mieć znaczący wpływ na pojawienie się zachowań przestępczych w dorosłości. Badania autorki przeprowadzone w latach 2007–2011 pokazują, że stosunki rodzinne są najbardziej znaczącym czynnikiem w biografiach więźniów. Ponadto wykazano, że rozpoczęcie działalności przestępczej i kolejne powroty do tego rodzaju aktywności, korelują z problemami edukacyjnymi i licznymi uzależnieniami w rodzinie (od alkoholu, narkotyków, substancji psychoaktywnych, hazardu, itp.). Dysfunkcje, które powstają w wyniku procesu socjalizacji i budowania codziennych relacji, mogą być związane z wejściem na drogę przestępczą młodego mężczyzny, a tym samym sprzyjać w przyszłości powrotowi do negatywnych nawyków i recydywizmowi. Artykuł ma na celu pokazać relację między wychowaniem w dysfunkcyjnej rodzinie a wejściem na ścieżkę przestępczą, co w konsekwencji może być też uważane za jedną z przyczyn późniejszego recydywizmu jednostek.

Słowa kluczowe: rodzina, recydywizm, wzory, relacje.