


(Postmodernist) / Neoliberal Influence on Penal Policy and the Prison System vs. Prison Life Quality*

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Global changes in the social, economic, and social spheres, initiated forty years ago, have altered the key outlines of penal policy at both macro and micro levels, which has also affected the prison system and the prison community. In the domain of penal policy, the key consequences are reflected in the demands for more efficient law enforcement and harsher punishment, penal populism, the affirmation of victims' rights, with an emphasis on the safety of the social community. The consequences of shifting the purpose and goals of punishment at the societal level, as well as corporate and managerial regulation within prison institutions, alongside classification assessment instruments for convicted persons, have reshaped the previous (traditional) roles and relationships between prisoners and professionals. The treatment of convicted individuals is increasingly characterised by distance, a lack of genuine care and interest. Contemptuous and impersonal attitudes toward convicted persons have emerged as common methods of treatment in prisons, impacting the moral dimension of the individual. The primary aim of this paper is the critical consideration of the consequences of neoliberal changes that have occurred within prisons. In this context, the author emphasises the importance of moral and social climate, its measurement, and improvement. The prison social climate is reliably measurable, which provides the opportunity to identify a good prison, one whose moral impact is satisfactory. The moral impact of a prison is precisely made up of interpersonal relationships and the material components of treatment, which create a gradation of the prison experience, determining it as less or more painful, inhuman, or humiliating. Better understanding and management of the prison social climate is an essential aspect of improving safety in prisons and the effectiveness of the execution of prison sentences.

* This paper was presented by Ljeptosava Ilijić as part of her plenary session at the International Scientific Conference "Life in Prison", organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Ilijić, Lj. (2024). (Postmodernist) / Neoliberal Influence on Penal Policy and the Prison System vs. Prison Life Quality. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference "Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues"* (pp. 359–372). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.02>

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KEYWORDS: penal policy / treatment / moral and social climate / interpersonal relationships / humanity

Introductory Considerations

The process of the neoliberal shift, initiated in the 1970s (Harvey, 2005), prompted profound global changes not only in the social, political, and economic spheres, but also in the domain of penal policy and criminal law (Ilijić & Pavićević, 2020). Deregulation, privatisation, and the withdrawal of the state from many areas of social welfare are just some of the general characteristics of neoliberalism (Harvey, 2005). Market mechanisms have become the most effective ways of securing goods and services in all areas (Peacock et al., 2018; Xenakis & Cheliotis, 2018), including healthcare, education, and penal policy (Cumminis, 2015). As Wacquant (2009) notes, changes are evident in the shift from a protective, collective model to a disciplinary model and individualisation. This change also involves the expansion of the penal system and criminal justice – police, courts, and the prison system – alongside the reduction of expenditure on social protection (Cumminis, 2015). The growth of social insecurity and the expansion of the penal state are prominent features of the neoliberal political project (Wacquant, 2008, 2009). In the domain of penal policy, key effects are reflected in the demands for more efficient law enforcement and harsher punishment, penal populism (Garland, 1996, as cited in Stevanović & Ilijić, 2009), the involvement of civil society in crime control, the affirmation of victims' rights, with an emphasis on security of the community (Cheliotis, 2013; Zedner, 2002, as cited in Stevanović & Ilijić, 2009).

The aim of this paper is to critically assess the consequences of the neoliberal influence on the prison system. In particular, the author focuses on examining the changes that have occurred in both the field of penal policy, the goals of punishment, treatment and its contents, as well as in the field of relationships between prison staff and prisoners. Furthermore, in the context of the changes in the prison system, the author highlights why the moral and social climate in prisons is significant and how it can actually represent a *revitalisation* of the concept of resocialisation and humanity.

The moral components of the relationships of professional workers towards convicted persons, professional treatment, fairness, consistency, legitimacy, are just some of the components of the prison social climate that make a distinction (between prisons or prison wards) and make prison life *more or less difficult to endure* (Liebling, 2011). In other words, the concepts of trust, relationships, legitimacy, and security are “key to the dynamics within a prison, and confirm that issues of interpersonal relationships within treatment are one of the most important aspects of prison life” (Liebling, 2011, p. 545).

The Effects of Neoliberalism on Penal Policies and the Prison System

Since the early 1980s, the free-market economy has generally been combined with a stricter approach to law and order, and market-oriented policies, in their efforts to reduce the welfare state, have largely accepted the idea prison sentences are an effective deterrent to crime (Cumminis, 2020; Simon, 2007). As one of the most visible and significant social and public policies of the last forty years, the mass imprisonment and development of the penal state stand out. Although the United States serves as the most drastic example², the trend towards expanding the scope of punishable behaviours is also visible in England (Cumminis, 2020), as well as in Eastern, Central European, and Balkan countries (Krajewski, 2023). Although there are different crime control policies in European countries that produce different “penal climates” (Krajewski, 2023, p. 172) and incarceration rates (Dünkel, 2017), two regions stand out as opposites. The Netherlands, Scandinavian countries (Lappi-Seppälä, 2007), and Slovenia (Flander & Meško, 2016; Krajewski, 2023) with lenient³ penal policies⁴ and the lowest incarceration rates at one end, and former communist-ruled countries in Central and Eastern Europe, which were members of the Warsaw Pact, at the other end, with a harsh penal policy.

“These differences become even more pronounced when considering the countries of the former Yugoslavia”, which were under communist rule (Krajewski, 2023, p. 198). The punitive tendencies that emerged in the US and Western societies had a strong effect in post-communist countries in Central and Eastern Europe, where, from the mid-1990s onwards, “numerous changes occurred in social and value systems, reflected in reforms of the criminal justice system and a shift towards more intensive punishment” (Flander & Meško, 2016, p. 567). The penal systems of these countries reflect their individual, but also specific historical, social, and political contexts, which influence the formation of a dominant approach to punishment and rehabilitation. While some countries implemented stricter measures, others focused more on rehabilitation and reintegration of prisoners. These differences can be observed through the prism of different ideological approaches, as well as through the changes that followed on macro and micro economic, social, and political levels.

In recent decades, Serbia has seen an increasing trend of criminal control as a form of societal reaction to criminality, rather than prevention and suppression,

² A frequently cited statistic is that the United States has five percent of the world's population and over 25% of the total number of prisoners worldwide (Cummins, 2020).

³ An example of the “milder” penal climate over the past three decades within European countries is Slovenia, which has replaced the Netherlands at the top of the European ranking of countries with the smallest prisoner population (Aebi et al., 2016; Flander & Meško, 2016).

⁴ The Scandinavian countries, as well as Slovenia, are characterised by a high level of social security, solidarity, and egalitarianism (Flander & Meško, 2016).

(Pavićević & Ilijić, 2022; Soković, 2011; Stevanović & Ilijić, 2019). It seems that the most delicate explanation of the penal tendencies in Serbia comes from the author Trpković, who states that “penal policies and norms (with a less punitive orientation) have undergone significant democratisation and have become more inclined towards punishment”, i.e., that “authoritarian elements in the executive power survived the transition to democracy and continued to exert pressure on the judiciary in ways that shifted the balance of judicial decision-making towards punishment” (Trpković, 2016, p. 370).

Contemporary trends in the sphere of socio-economic and political relations, specifically in the segment of societal responses to criminality, orient the criminal justice system towards a new security-oriented criminal law and a “new penology” (Stevanović & Ilijić, 2019). The abandonment of the rehabilitation concept in the 1970s (“nothing works”), the call for order and law in the 1980s (“law and order”), and penal populism from the 1990s are key phases in the global social response to criminality (Soković, 2011, as cited in Stevanović & Ilijić, 2019), visible also in our region.

The shift towards retributivism, which began in the final decades of the 20th century, measures punishment according to merit, based on two main criteria – the severity of the crime (focus on serious crimes) and recidivism (repeating criminal acts) (Pavićević et al., 2024). The retributive approach focuses on the crime itself, not the perpetrator, without considering “diagnosis, treatment, and/or rehabilitation”, and does not predict future criminal activities or focus on deterring offenders and potential offenders as prevailing elements in decision-making about punishment (Miller, 1990, p. 22, as cited in Pavićević et al., 2024; Sloan & Langly, 1990). Retributivism tends to result in the tightening of penal policy, not so much because it advocates for such type of punishment, but because it is compatible with the consequences of consistent punishment, i.e., the “*desire for penal practice to be as punitive as possible*” (Whitman, 2003, as cited in Pavićević et al., 2024, p. 40). Furthermore, retributivism does not address what the conditions of life in prison should be, nor what status convicted persons should have, i.e., what kind of treatment is desirable in each individual case. Instead, it vaguely discusses “the duties of the convicted persons, the function of punishment, what benefits are achieved through its execution, and which rights are protected through punishment” (Flandres, 2010, p. 98, as cited in Pavićević et al., 2024, p. 42). The goal of punishment is no longer the correction of criminal behaviour but the management of the risk that crime (and the individual) poses to society (Simon & Feeley, 2003, p. 79; Vacheret et al., 1998, p. 43).

The practical implications of new tendencies in the context of the prison system primarily focus on managing, supervising, and controlling certain groups of individuals (Feeley & Simon, 1992; Ilijić & Pavićević, 2020; Robert, 2001), which implies a shift to different work methodologies focused on assessing the risk of future criminal behaviour, and a different approach to prison management

– focused on a managerial approach. Prison management and the correctional philosophy in the era of mass incarceration have become increasingly professional, bureaucratic, actuarial, and rational, shifting the focus towards impartial classification and control of prisoners, and away from rehabilitation and treatment (Feeley & Simon, 1992; Garland, 1990).

(Im)moral Components of the Approach/Attitude to Convicts

Neoliberal effects have left profound consequences on the organisation of prison life, replacing the previous authoritarian oversight with a softer, indirect, and negotiable regulation that requires “dynamic security” and “decent and stable” regimes within prison communities (Liebling, 2004; Peacock et al., 2018, as cited in Pavićević et al., 2024). On a practical level, prison governors have responded to the challenges of housing and controlling the rapidly growing prison population by prioritising managerial professionalism, bureaucratisation, and the physical environment of prisons, losing sight of the previous penological rehabilitation ideals (Feeley & Simon, 1992; Garland, 1990). The new discourse in penological practice, instead of discussing individuals in need of therapy/treatment or morally irresponsible persons who should bear the consequences of their actions, focuses on the criminal justice system, aiming to achieve systemic rationality and efficiency, with the goal of sorting and classifying, separates dangerous from less dangerous convicts, and rationally applies control strategies (Feeley & Simon, 1992). In this process, tools used include “indicators” and “predictions” (Gordon, 1991) of the risk associated with certain categories of the prison population – in other words, individual treatment/diagnosis adapted to the individual has been replaced by aggregate classification systems, which serves the established primary goal of incarceration, control, and supervision (Gordon, 1991).

The consequences of shifting the focus of punishment on the social level, along with the introduction of corporate and managerial regulation in prison institutions, has reshaped the relationships between convicts and professional staff, altering their previous (traditional) relationships and roles (Ilić et al., 2024; Kreager & Kruttschnitt, 2018; Pavićević et al., 2021). Kruttschnitt & Gartner (2005) point out that “changes in penal ideologies have reflected on the micro level – in the experiences of the female prisoners” (Kruttschnitt & Gartner, 2005, p. 158). Societal attitudes emphasizing punishment and the incorrigibility of offenders are reflected in the behavior of prison staff, leading to weakened trust between professional staff and convicts (Kruttschnitt & Gartner, 2005; Liebling & Arnold, 2012), as well as the elimination of many rehabilitation programs from prison practices (Kruttschnitt & Gartner, 2005). Some authors state that the political context of modern penal policy has eroded solidarity and cohesion within the convict community (Kreager & Kruttschnitt, 2018).

New managerial concepts in establishing prison discipline, which call for *decency*, courtesy, and respect in treatment, are in fact characterized by superficiality and “the absence of a deeper recognition of human dignity” (Liebling & Crewe, 2013, p. 298), along with a lack of focus on the individual’s personality and moral self (Auty & Liebling, 2020; Hulley et al., 2012; Liebling & Crewe, 2013). Reshaping the identity of convicted persons is achieved indirectly through treatment policies that encourage the convicts to take responsibility, self-regulate, and self-discipline, and integrate *positively* into the prison regime (Crewe, 2009; Peacock et al., 2018). In this context, the transformation of the individual’s identity is reduced to the rigid, superficial development of marketable skills (Pavićević et al., 2021), and this is certainly not an identity transformation, nor a path to realizing the identity of growth (Liebling, 2012; Szifris, 2017). These neoliberal treatment policies “offer convicts a pseudo-autonomous space while simultaneously enabling them to use this autonomy in specific ways, for which they are rewarded” (Ilić et al., 2024; Pavićević et al., 2021, p. 115). In such a context, the relations between professional prison staff and convicts can be described as “playing a game” (Hoskins, 2013), which suggests the existence of mutual distrust, but also institutional contempt for the moral character of convicts. As Liebling notes, when such relations (based on distrust and contempt) are present, professional prison staff does not become familiar with or recognize the individual’s personality but instead perceives them as *dangerous and inscrutable* (Liebling, 2015). In such an environment, new generations of professional prison staff are less inclined to “like” the convicts and instead maintain distance, while, on the other hand, convicts accept the labels and categories assigned to them, which, realistically speaking, diminish their actual chances for (conditional) freedom (Liebling, 2011). Convicts fear “soft power” – the cold assessment of risks (Liebling & Crewe, 2013, p. 301). This approach individualizes convicts while also encouraging them to form new identities and groups based on new criteria (Liebling & Crewe, 2013).

The treatment of convicted persons is increasingly characterized by a lack of genuine concern for them, which does not only imply dehumanizing treatment, extremely poor physical conditions, or cruel behavior (Weill & Haney, 2017). Contemptuous and impersonal attitudes toward convicted persons emerge systematically as frequent methods of treatment in prisons, causing severe damage to the individual’s personality and affecting the moral dimension of the personality (Pavićević et al., 2024). As stated by Hoskins (2013), showing contempt implies a disregard for perpetrators of criminal acts as moral individuals, suggesting that they are incapable of change and are less valuable or even worthless. Contempt can actually create a distance that is not necessarily filled with emotions like anger or resentment, but rather with some form of emotional coldness and rejection, which leads to a loss of motivation to engage with or care for convicts. In this sense, “contempt reflects a kind of rejection, giving up on a person, in the sense that they are assessed as unworthy of effort, denying their

potential for moral (self)reformation, repentance, and forgiveness” (Hoskins, 2013, as cited in Pavićević et al., 2024, p. 53). This treatment based on contemptuous attitude towards convicts essentially disqualifies the individual as a moral agent, leading them to eventually give up the possibility of personal moral reform. In the prison context, contemptuous and demeaning attitudes towards convicted individuals contain within them a strong and much broader message, as they actually represent the condemnation of the social community, which is expressed through the actions of penal institutions (Pavićević et al., 2024).

Moral and Social Climate in Prisons or *What Really Matters?*

In recent decades, the value of measuring the social and moral climate in prisons has been increasingly recognized “mainly as a managerial tool, but also as an indicator of the decency of conditions” (Harding, 2014, p. 166) in the prison environment. Research in the field of social psychology has significantly contributed to a better understanding of the impact that contextual factors have on the behavior of individuals (Bennett & Shuker, 2018). One of the most sophisticated instruments for *Measuring the quality of prison life* (MQPL) identifies “what is really important to convicts” (Liebling & Arnold, 2004), and “does not *a priori* determine what researchers assumed to be important” (Harding, 2014, p. 165). The instrument provides empirical evidence about the real, practical articulation of the meaning of the concepts of *dignity, humanity, trust and security* in prison life (Liebling, 2011), and the moral quality of prison life and the possibility of its measurement have opened a new field for improving treatment and handling of convicts (Pavićević et al., 2024).

Liebling (2004) moves beyond the framework of legitimacy with the concept of *moral performance*, highlighting that “prisons are much more than power relations” (Liebling & Arnold, 2004, p. 474). The moral effect of prisons consists precisely of the interpersonal and material components of treatment, which create a gradation of the prison experience, determining whether the prison experience is less or more painful, inhuman, and degrading (Liebling, 2011).

Organizations in which interpersonal structures allow groups of individuals to oppose one another, where an atmosphere of distrust, competition, and suspicion prevails, can generate mutual hostility, aggression, and resentment (Sherif & Sherif, 1969, as cited in Bennett & Shuker, 2018). The opposite happens where groups are allowed to identify common, shared goals, where groups cooperate and work towards a common realization, without favouring personal interests. In other words, variations in the social climate produce different impacts on the behavior of individuals, but also on the functioning of the community and institution (Bennett & Shuker, 2018).

The idea of the importance of moral climate in prisons is inspired by abstract and philosophical reflections that need to be applied to real and complex lives, thereby providing them with meaning and value. The moral dimensions of the quality of prison life highlight the type and manner of interpersonal relationships that expand the moral capacities of participants in prison life (Liebling, 2021, as cited in Pavićević et al., 2024). These are relationships that foster the strengthening of interpersonal relationships and the recognition of the convicted individual as a unique person. The differences in the relationships that prevail are actually the differences between humane and inhumane treatment and approaches to the personality of the convict (Pavićević et al., 2024). Prison treatment (i.e., interpersonal relationships within treatment as one of the most important aspects of prison life) (Liebling, 2011) is viewed from the perspective of moral philosophy, where humanity, fairness, trust, and openness are considered the most significant drivers of positive outcomes, such as the identity transformation of the convicted individual (from criminal to non-criminal) and the transformation from a survival identity to a growth identity (Liebling, 2012; Liebling & Arnold, 2004; Pavićević et al., 2024; Szifris, 2017).

The extent to which the prison environment is perceived as conducive to personal development and autonomy, as well as the degree of perceived suffering of imprisonment, is actually a consequence of the perceived treatment. Prisons produce a higher degree of suffering according to the perceptions of convicted individuals, when indifference in dealings, inconsistency in the use of authority, and bias prevail among professional prison staff (Crewe et al., 2011; Liebling & Arnold, 2004).

The prison experience is not a uniform experience (Liebling & Maruna, 2005), and prisons differ precisely in their moral and relational climates that stem from the manner in which the staff treat the convicted individuals and the manner in which prison staff use their authority. These components significantly affect convicts' assessments of the fairness of treatment (Liebling, 2011).

Research documents the fact that perceived legitimacy and fairness affect the behaviour of convicts, i.e., producing effects on the respect for order and discipline in prison (Gadon et al., 2006; Sparks & Bottoms, 2008), as well as well-being, welfare, and development (Ilijić et al., 2024; Milićević, Ilijić, Pavićević et al., 2023; Liebling & Arnold, 2004).

The social and moral climate of prisons predominantly determines the final outcomes of applied rehabilitation treatments (Bosma et al., 2020; Harding, 2014; Ilijić et al., 2020; Međedović et al., 2024); in other words, the quality of prison life affects prisoners' behaviour in prison (Bosma et al., 2020; Liebling & Ludlow, 2016) and after release—it affects recidivism (Auti & Liebling, 2020).

Similar findings have been obtained in research on the quality of life in prisons in Serbia⁵ (Ilijić et al., 2024; Međedović et al., 2023; Međedović et al., 2024; Milićević, Ilijić, Pavićević et al., 2023), where an adapted version of the MQPL was used in Serbian (Milićević et al., 2024; Milićević, Ilijić, Vujučić et al., 2023). The professionalism of prison staff is one of the central characteristics of convicts' quality of life (Međedović et al., 2023), which is also a key aspect of the prison's social and moral climate, related to misconduct in prison (Međedović et al., 2024). From the perspective of convicts, professionalism of the professional prison staff was rated the lowest (below the acceptable threshold value) (Milićević, Ilijić, Pavićević et al., 2023; Ćopić et al., 2024). These findings require particular attention, as well as work on the practical implementation of measures aimed at improving staff professionalism, prison work transparency, but also better organisation, consistency, and fairness in the treatment of prisoners (Ćopić et al., 2024). In terms of well-being, welfare, development, and individual quality of prison life, our results indicate variations in the way convicts assess different aspects of these dimensions and the prison environment. Convicts rated well-being, welfare, and development less positively compared to living conditions in prison, family contact, and security. However, their experiences in these areas were still more positive than their perceptions of harmony and professionalism in the prison system. On the other hand, female prisoners perceived well-being and development as very low, similarly to their perceptions of professionalism (Ilijić et al., 2024). Findings also indicate inconsistent interpretations by respondents regarding their identity in the prison environment. While some convicts stated that they were able to adapt and retain their identity, others reported frequent struggles with the limitations they faced in prison. Additionally, there were concerns about the punitive nature of prisons, with some prisoners viewing their time in prison primarily as punishment (Ilijić et al., 2024).

Instead of a Conclusion

Prison management practices in which the strategy of informing about security risks prevails are experiencing managerial failure, as opposed to approaches that treat challenges in prison management as the management of people and their problems, beyond popular ideological discourses (Williams & Liebling, 2023). Implementation of *new treatment practices* in prisons for over two decades now has provided ample room for reflecting on the effects and critically analysing

⁵ The research within the PrisonLIFE project was conducted in five correctional facilities (Sremska Mitrovica Correctional Facility, Požarevac-Zabela Correctional Facility, Niš Correctional Facility, Belgrade Correctional Facility, and the Correctional Facility for Women in Požarevac) during the period from March 2022 to February 2023, on a sample of 737 convicted individuals.

existing prison practices, while also opening space for the improvement of certain prison policies regarding the treatment of convicts.

The consequences of new practices and the application of soft power in prisons are greater than initially assumed, and their impact on the dignity and humanity of both the convicted individuals and the professional prison staff highlights the necessity for reforms that would consider the importance of the moral dimension of prison life (Liebling & Maruna, 2005).

The moral aspects of prison life, as well as the recognition of convicts' moral feelings, elude standardisation assumed by the application of human rights (Pavićević et al., 2024). What convicts experience in prison life is often far from what is regulated by legal frameworks (Liebling, 2011).

Increasingly intensive research into the quality of prison life allows existing knowledge about what does (or does not) yield results in prison contexts to be integrated, aiming to achieve a better understanding of moral and immoral penal practices (Liebling, 2011). Better understanding and management of prison social climate are essential aspects of improving prison security and the effectiveness of prison sentences (Bennett & Shuker, 2018).

The hypothesis that a positive social and moral climate in prison improves the outcomes of applied treatments has been documented by numerous studies, with the key point being the fact that the social climate of prisons is reliably measurable. This gives us the opportunity to identify a *good prison*, one whose moral performance is satisfactory (Harding, 2014). Moral concepts, such as dignity, justice, and recognition of personality, as well as moral virtues such as kindness in relationships with others, respect, and trust, represent the greatest incentives for progress, as confirmed in previous research on prison communities (Liebling, 2021, as cited in Pavićević et al., 2024).

Acknowledgment

The paper was produced as a result of the project *Assessment and possibilities for improving the quality of prison life of prisoners in the Republic of Serbia: Criminological-penological, psychological, sociological, legal and security aspects* (PrisonLIFE, Grant No. 7750249) funded by the Science Fund of the Republic of Serbia.

This paper represents the result of author's engagement in accordance with the Working Plan and Programme of the Institute of Criminological and Sociological Research, 2024 (based on the contract No. 451-03-66/2024-03/200039) with Ministry of Science, Technological Development and Innovation.

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