

# SIMILARITIES BETWEEN THE HUNGARIAN CRIMINAL- PEDAGOGICAL THEORY AND THE PRACTICE RELATED TO THE CLOSED-INSTITUTION TREATMENT OF JUVENILES IN NOVA SCOTIA <sup>1</sup>

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**Abstract:** Since the Restorative Practice (and thus, the personality-improvement of the convicts) used by the Nova Scotia facility is in many ways a unique one, we will investigate the methodology behind it from the aspect of criminal-pedagogy. For this effort, we will use evaluation charts in order to 1) discover and show the personality elements requiring professional attention and 2) provide an in-depth examination of certain components within these elements. Hopefully, this method will be suitable for facilitating the comprehension of certain key attributes that are targeted during the treatment of juveniles. The study is aimed at providing an insight into the completely different practices followed by Hungary and Canada in treating juvenile delinquents with the aim of delineating measures and mapping out a trajectory for future professional efforts. As a result of our research, we will also put forth a thesis statement on the successful efforts of the Nova Scotia Youth Facility.

**Keywords:** Canada, juveniles, Restorative Practice, Waterville – Nova Scotia Youth Facility, Personality-improvement, Criminal-pedagogy

## 1. Introduction and definitions

### 1.1. Introduction

In our previous article (Ruzsonyi, 2017), we introduced a special procedure (Restorative Practice) employed within the Nova Scotia Youth Facility to facilitate the successful reintegration of juvenile detainees and summarized the operation of Youth Workers who enjoy a crucially important role within the institution. The personality-improvement of convicts – the pro-social oriented, long-term shaping of their behaviour and conduct – is a grievously difficult task within a closed institution environment. We agree with the approach of Mathys, who argues that the content of intervention, social climate and the motivation of the youth are crucial factors within this process. (Mathys, 2017) We believe that in order to plan a scientifically backed, goal-oriented intervention, a pedagogical evaluation of the structure of personality is vital.

In the introductory part of our essay – in order to facilitate a uniform way of thinking and interpretation – we provide definitions to pedagogy, criminal-pedagogy and the term of "constructive way of life".

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## 1.2. The Definition of Pedagogy

Pedagogy is a multi-disciplinary science that not only does borrow from the data and principles of auxiliary fields of sciences but also integrates and uses this material in its theoretical deductions and in practical and methodological solutions alike. Due to its dynamic nature, separate pedagogical branches may come into existence, each of them representing a dedicated field. These are characterized by the fact that related analytics usually expand onto the issues and questions of other disciplines, ensuring an all-round reveal of said questions. (Ruzsonyi, 2009)

## 1.3. The Definition of the Term Criminal-Pedagogy

Criminal-pedagogy is a special branch of pedagogy which focuses on the correctional education and personal improvement of criminally endangered people, antisocial delinquents and „professional” criminals, especially those who have been incarcerated or admitted into a juvenile disciplinary centre. Its objective is to harmonize and develop cognitive and social skills in order to provide the foundations required for a constructive way of life to facilitate the successful reintegration of its subjects. (Ruzsonyi, 2009, 304.)

## 1.4. The Definition of the Term “Constructive Way of Life”

A constructive way of life equals to the formulation of behavioural elements and the related activities that not only are valuable to society but are also effective for the individuals. (Bábosik, 1997)

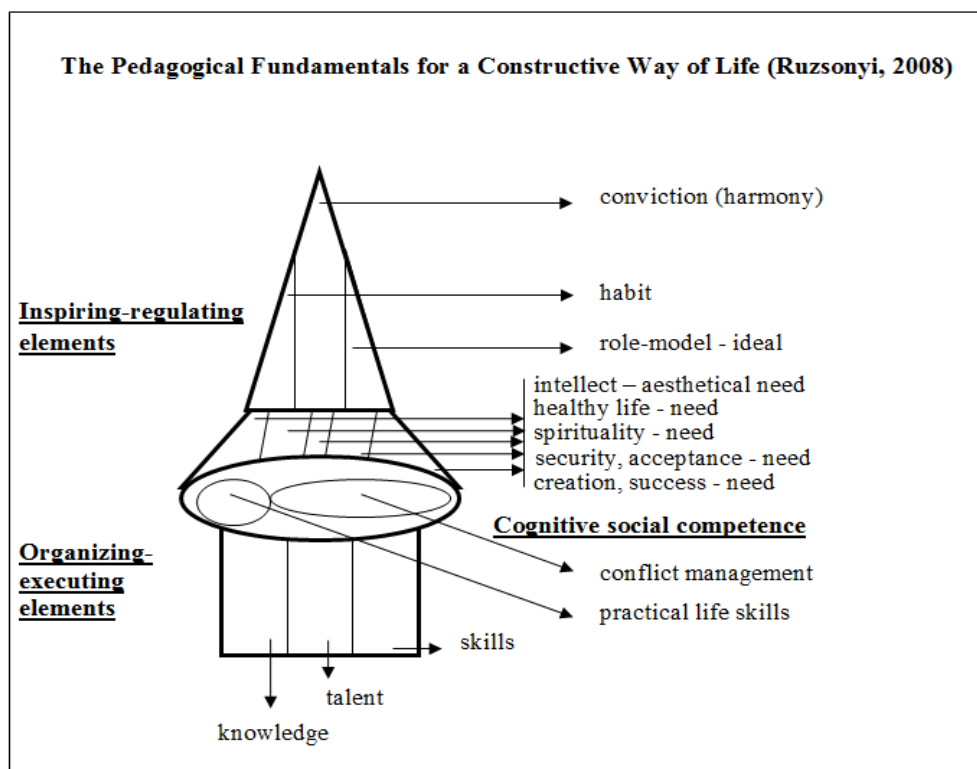


Figure 1. The pedagogical fundamentals for a constructive way of life (drawn by the author)

## 2. Personality-improvement and the Restorative Practice

### 2.1. Personality-improvement

For an easier comprehension of the process of personality-improvement, it is worth using the Hungarian evaluation chart (Ruzsonyi, 2008) that is becoming more and more accepted by criminal-pedagogical professional literature focusing on the topic of creating a law abiding, constructive way of life.

In the following part, we will provide a glimpse into the group of elements that constitute an individual's personality (inspiring-regulating elements, cognitive-social elements, organizing-executing elements) and will explore the pedagogical activities that can be used to establish or shape the elements contained within the main components and will delineate the elements of the Canadian practice.

### 2.2. Inspiring-Regulating Elements

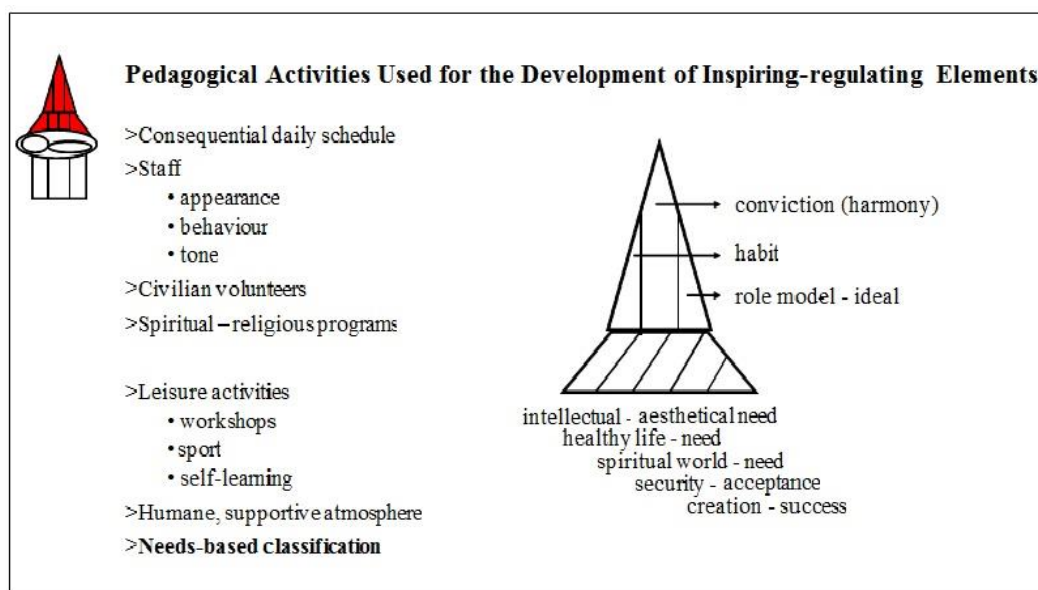


Figure 2. Pedagogical activities used for the development of inspiring-regulating elements (drawn by the author)

The inspiring-regulating elements encompass the motivational-necessity formulae. This ingredient is directly responsible for the social quality of the activity and it has a direct influence on whether a person uses his or her organizational-executive skills for a socially beneficial enterprise, or practices an antisocial activity. The development of these elements depends on the professional organization of the educational process. The importance of the creation of behavioural customs is supported by evidence which proves that the reason behind the criminals' failure of developing useful ways of reacting to events is the fact that they had no opportunities to observe and practice socially acceptable behavioural habits. (Sarason and Ganzer, 1979) In our case, this means the enforcement of a coherent daily schedule. The best form of this approach is the practice used within the Waterville institution: the strict but rich and entertaining daily activities of the juveniles is pre-planned and organized in phases taking into account their ages and the related special needs, providing useful and continuous feedback in the meantime.

Correctional staff – whether it is a juvenile institution or a facility for adult offenders – is almost completely without way of providing a credible role model for the inmates. Within institutions operating based on classical principles, the inmates and the staff are traditionally separate, with marginally different interests. The real virtues of the subjects remain undiscovered due to this divided nature. The Canadian example proves that with the careful choice and adequate training of staff

members coupled with a suitable organization of labour, partnerships lacking manipulation can be established. The Waterville example calls attention to the fact that youth workers are indeed crucially important factors within prison life who are capable of breaking through this century-old barrier and becoming true role models.

The professionals who convey a constructive behaviour model have to be efficient, suggestive and experienced. They should possess a certain plus in particular skills (knowledge, aesthetics, physique, capabilities etc.) when compared to the general environment. Moreover, it is very important for them to have a self-assured appearance, determined tone and presence and a consistent supportive attitude. The cooperation of charity and religious organizations coupled with the efforts of civilian volunteers can expand the scope of these persons.

The scope of needs that are realistically present in the everyday lives of prisoners is severely limited by the prison environment. This is why it is crucially important to make sure that the conditions (workshops, sport, self-education) are available within the institutions. Creating positive customs is also a problematic challenge within prison environments. The foundation of this effort would be a constructive scope of activities that addresses the supportable needs of the juveniles in question and is adequately long-lasting and comprehensive. Morning circle is a great practice which – given time – can reappear as a necessity, because it re-schedules daily life in a rhythmic manner, offers alternatives for self-expression and provides a sympathetic and attentive audience. What we consider most important though is the fact that this method allows for – even requires – the creation of a true partnership in which observing certain behavioural norms is indispensable. Most of the juveniles have never had the chance to experience such an opportunity. In Waterville they are become convinced that their cooperation as equals can render them important for others, but also to themselves.

Newell (2002), an advocate of Restorative Practice, has developed a conceptual framework to appreciate the considerable challenges of cultural changes required in implementing Restorative Practice within prison. He discusses changes in power structure (e.g., inmates taking more personal responsibility), in organizational structure (e.g., Restorative Practice renders inmates more like “partners” in shaping prison life), and the creation of new rituals and symbols (e.g., the circle and its protocols, the talking stick or its equivalent); all this in addition to preparation for release and developing victim empathy through educational programs.

### 2.3. Organizing-Executing Elements

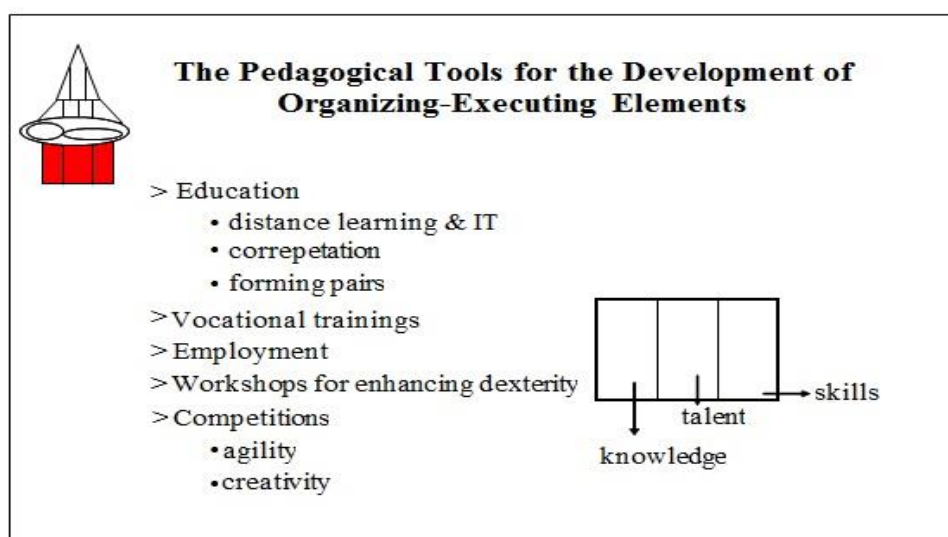


Figure 3. The pedagogical tools for the development of organizing-executing elements (drawn by the author)

This group of elements also plays a vital role in the establishment of a constructive way of life. It mainly consists of knowledge, talents and skills. It is special in a way that instead of the basic social

directions of individual activity, it determines the details of said activities. Without a sufficiently advanced organizational-executive element group, the individuals would be incapable of self-control. Without this attribute, their lives would be unstable, subject to the influences of external stimuli and would require constant support.

Even a slighter deficiency can trigger issues in choosing adequate behavioural alternatives and can prevent the anticipation of the consequences pertaining to them. All this can facilitate the derailment of one's way of life towards a more destructive path. (c. f. Spivack, Platt and Shure, 1976) In this case, the undeveloped state of organizational-executive elements is coupled with the significantly handicapped social skills, which is the main negative influence to quality of the inspiring-regulating elements.

In order to develop the organizational-executive elements, we have to solve the issues related to classical education and vocational training. Besides eliminating the deficiencies related to general knowledge (primary education, workshops, contests), it is crucial to extend the scope of vocational trainings and to make employment generally practiced.

## 2.4. Cognitive-Social Competence

We have already referred to the importance of competence-development as one of the most specific fields of criminal-pedagogy. Almost all personal competences (decision-making skills, reasoning, critical thinking, anger and conflict management, emotional control, etc.) can be linked to cognitive-social competence.

The group of elements called "cognitive-social competence" – as the elements dedicated to the elimination of cognitive and social deficiencies – will be inserted into the system due to the peculiarities of prison correctional pedagogy. The special characteristics of the prisoners and the pedagogical system that is largely different from the average situation (Ruzsonyi, 1998/a) requires a more specific approach and management, as the discovered deficiencies in the organizational-executive elements show that in this case, the issue extends beyond the low intellectual skills and poor material knowledge of the subjects – which are issues that can be eliminated or alleviated using formal education. In the case of the convicts, the general state of development (or the lack of) organizational-executive elements is the main factor that negatively influences the quality of inspiring-regulating elements.

During planning the process of correctional education it is vital to take into account the thinking deficiency that is generally present among the prisoners. Because of this, it is worth to take note of the cognitive peculiarities associated with them during the scheduling of cognitive and social development. It is important to be aware of the fact that before incarceration – during their socialization –, prisoners had already created an image of their environment based on their own perception which lacked the elements associated with the prosocial way of social adaptation. They had no option to observe, practice and reinforce the accepted social norms. (Sarason and Ganzer, 1979)

This is why it is very important to set consistent goals and provide suitable examples to the juveniles within a closed environment in order to help them familiarize with and later practice the behavioural norms accepted by the majority of society and the prosocial way of coping with arising conflicts. We find the Waterville practice exemplary in how it is capable to address the wrong decisions of juveniles in the right manner and how accepting they are. Disorder, aggression and verbal outbreaks against peers or the YW-s of course bring with themselves due sanctions, but those juveniles who are returned as a punishment receive help upon their reinsertion into the group in order to have them cope with the acts committed. This in the end results in them being able to comprehend their mistakes and the resulting unfolding events. (The meeting circle following reinsertion also serves this goal.) (Clairmont, 2013)

We believe that the secret of the success of the Restorative Practice programme is that the services provided in Waterville meet the criteria set by Ungar et. al. as the conditions for a successful implementation: services are (i) multi-level, (ii) coordinated, (iii) continuous over time, (iv) negotiated with users, (v) provided along a continuum from least to most intrusive and (vi) shown to be effective.

These are more likely to meet the long-term needs of youth facing the cumulative disadvantages of family, community, school and individual challenges. (Ungar, Liebenberg and Ikeda, 2014, 676.)

Cognitive-social competence is a group of elements established through the processing of information (cognitive). Its aim is to create *personal* (self-stabilization) and *social* (cohabitation, behaviour that is accepted by wider social circles) competences. In other words: cognitive-social competence is a personal and social standby mode which provides ample grounds for the evolution of human functions and serves as the pre-condition for the social operation, behaviour and development of a person. (Ruzsonyi, 1998/b) It is composed of conflict management (intrapersonal, interpersonal and social) and life experience. This group of elements is interwoven with *moral disposition*, which, on the other hand, only manifests during the practice of activities related to self or group development.

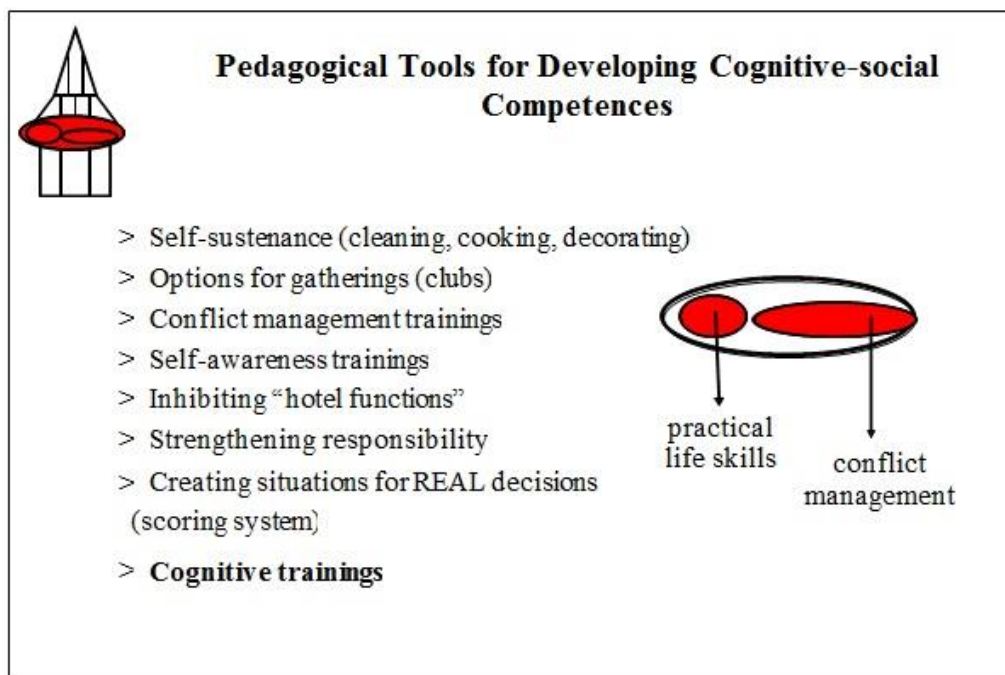


Figure 4. Pedagogical tools for developing cognitive-social competences (drawn by the author)

Cognitive-social competence is located between the inspiring-regulating and the organizing-executive elements, with several overlapping areas leading to a special interaction. The organizing-executive group of elements, in itself, does not possess any moral guidelines but its components are “coloured” by the cognitive-social competence. During its operation, cognitive-social competence can lead to the creation of social identity. This means that some of the skills and talents associated with the organizational-executive group will have an effect on the social quality of an individual’s activity. However, the presence of social skills does not automatically mean that the individual’s own organizational-executive skills will be used to the benefit of society. In other words: the development of social skills is an important, but on its own not sufficient condition for existence of socially adequate behaviour and activities. (Ruzsonyi, 2018)

Two determining – but not exclusive – components of the cognitive-social competence are practical life skills and conflict management. The related professional literature agrees on the fact that most of the juvenile delinquents are unable to cope with their conflicts in a social way. This statement is valid in the case of their intrapersonal conflicts with themselves and (realized or attempted suicide, self-harm, substance abuse), but also in the case of their interpersonal conflicts (violence, physical and verbal aggression). The suspected reasons behind this phenomenon is that most likely these are the patterns they have adopted during their socialization but the lack of temperance is also a contributing factor. They are unable to delay their reaction and instead, strive for dominance and the satisfaction of their needs through a passionate and impulsive behaviour. This impulsivity is often seen as a key variable to be measured as most cognitive-behavioural interventions target this at-risk dimension since

they are aimed at providing better information, and facilitating and encouraging better decision-making.

In Waterville a change of great significance has been introduced: during group sessions, the participants speak about their feelings and make themselves face their inner tensions (pleasure and anxiety alike) and create a dedicated plan to solve their problems. Their thinking processes are purposefully developed. What can generally be stated is that the aim of groups is to develop a positive peer culture, mature moral judgment, skills to control impulses, problem solving communication strategies, learning to correct thinking errors and to form staff/youth alliances. Rose (1998) states the group context offers a powerful means for changing the behaviour of individuals who otherwise are extraordinarily resistant to intervention. Gibbs, Potter and Goldstein (1995) confirm that youth with behavioural disorders can assist each other therapeutically when monitored through a positive group context and equipped with specific skills for giving mutual help. (Pazaratz, 2000, 58.) The development of cognitive skills within institutions is usually understood as changing the criminogenic thinking of. (Ross and Fabiano, 1985) Pearson and his colleagues found to a 26% decrease in recidivism for program participants compared to controls. (Pearson, Lipton, Cleland and Yee, 2002) In general, these types of programs<sup>2</sup> seem to be effective.

The Restorative Practice program that was introduced apparently transformed the prison culture. It reduced inter-prisoner violence, and resulted in less re-offending in the case of released inmates. (Schwartz, 2009 and Mirksy, 2010) Schwartz contended that a major factor in the transformation was increasing feelings of empathy and providing practical skills among the prisoners.

Besides practical life skills, such as improving personal hygiene and practicing several key elements of self-sustenance (cooking, cleaning, dishwashing), juveniles are also offered the opportunity of gathering IT-related knowledge which is nowadays indispensable.

We agree with the statements of Clairmont and Kim, who claim that “the NSYF project represented a creative initiative with significant potential implications in the long run for incarcerated youths, the role of the youth worker, and prison management” (Clairmont and Kim, 2013, 13.) and “a review of the literature dealing with Restorative Practice in prisons elsewhere has indicated that the initiative of the NSYF is indeed somewhat path-breaking in its focus on relationships and cultural patterns within the institution, and that while it may require a long-term commitment, performance measurement and quality control built in from the start, searching for better solutions in this fashion fits well with recent developments in Restorative Practice and in Corrections policy. It fits well too with the comment of John Howard in the eighteenth century – there is a mode of managing some of the most desperate with ease to yourself and advantage to them”. (Clairmont and Kim, 2013, 14.)

However, if we analyse only the significant aspect of the theoretical approach, it becomes apparent that the two shores of the Atlantic are not that far from each other.

### 3. Summary

Before briefly concluding the contents of this essay, we believe it is important to point out that the Canadian correctional system cannot be regarded as one homogenous entity. There are significant differences that lie between the federal and the provincial system of institutions and even among the provinces differing practices can be observed, with different philosophies and a varying composition of ethnicities (mostly African Nova Scotians and Aborigines) within the general population. Due to this fact – following the collection of the general characteristics and resemblances – our goal was to investigate the specialities related to incarcerated juveniles, and – within this larger group – the peculiar scope of activities of youth workers. We chose Nova Scotia and the Nova Scotia Youth Facility in Waterville as the subjects of our inquiry because previously we have had the chance to compare our practical experiences acquired 20 years ago within the institution with the current practices used by it.

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<sup>2</sup> Several programs are used for developing cognitive skills within prisons. For example, a session called „Reasoning and Rehabilitation” is a popular one.

The reason we considered it important to introduce the “Restorative Practice” coordinated and led by youth workers within the Waterville Youth Centre was the fact that the changes of the past seemed to have been unable to erase practices and correctional treatment procedures that managed to stand the test of time. Such a change was the amendment of 2003 to the Youth Criminal Justice Act and the dramatic reduction in the number of juveniles in the last 15 years (90%). For example, the facility, whose original capacity made it capable of accommodating 120 persons now houses only 24 juveniles, all of whom had been sentenced for gravely violent crimes and / or homicide. Despite their reduced numbers, the treatment of these people requires highly qualified people with ample theoretical and practical knowledge and training. Facilitating the reintegration of convicts like these proves how effective a treatment ideology can be and also underlines the expertise and professionalism of those who contribute to the operation of such a system.

Our other motive behind choosing the Waterville Youth Centre was that during its operation, it was capable of preserving the characteristically Canadian attributes and the values of „classical” treatment ideology in the rapidly changing ideological environment. We believe that a lot can be learned from this approach to discover how an institution can address the challenges resulting from the dynamically changing social and political background while still being capable of retaining its original image, values, and its fundamental goals and efforts.

Moreover, we believe that our criminal-pedagogical goal of „establishing a constructive way of life” is similar in several aspects to the efforts made on the other side of the Atlantic Ocean. Not only the efforts themselves, but also the related practice shows certain resemblances (e.g. needs-based treatment, elimination of cognitive deficiencies). From the aspect of Hungary, it is regrettable that the institutional framework within the two countries (mostly the use of youth workers, the needs-based classification of juveniles and the resulting programs, the use of restorative practice, the physical characteristics of living sections and the favourable staff-prisoner ratio) are significantly different. Our professional conviction is that the key statement to the successful efforts of Nova Scotia is the following: “*effective methods used within an effective (and suitable) organizational structure*”.

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