

# Preface

The second volume of general penology refers in a special way to the opinions expressed in the classic studies by Bronisław Wróblewski and Leszek Lernell, according to whom penology should constitute one of the theoretical foundations of criminal policy. Lernell wrote:

because the basic task of the science of criminal policy is to search for the most effective methods and means of crime prevention, which of course include criminal penalties. The foreground to such searches is the conducting of research on the sense and *raison d'être* of criminal punishment. Penology, which is a necessary introduction to the science of criminal policy, and at the same time its theoretical foundation, is called upon to conduct such research.<sup>1</sup>

I analysed the issue of the foundations of penology and the theory of punishment related to them more broadly in the study *Podstawy penologii. Teoria kary* from 2006.<sup>2</sup> On the other hand, the range and assumptions of general penology within the penal sciences as a lecture and research field are presented in the first volume entitled *Kara kryminalna jako ogólna kategoria instytucji prawnej i społecznej*.<sup>3</sup> The basis for the systematisation of general penology is the classification of the

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<sup>1</sup> Leszek Lernell, *Podstawowe zagadnienia penologii*, Wydawnictwo Prawnicze, Warszawa 1977, p. 15.

<sup>2</sup> Jarosław Utrat-Milecki, *Podstawy penologii. Teoria kary*, Wydawnictwa Uniwersytetu Warszawskiego, Warszawa 2006.

<sup>3</sup> Cf. idem, *Penologia ogólna. Perspektywa integralnokulturowa*, vol. 1: *Kara kryminalna jako ogólna kategoria instytucji prawnej i społecznej*, Wydawnictwa Uniwersytetu Warszawskiego, Warszawa 2022.

theory and criticism of punishment, which I formulated in the paper from 2010 *Kara. Teoria i kultura penalna: perspektywa integralnokulturowa*.<sup>4</sup>

In the first volume of *Penologia ogólna* I presented the range, assumptions, and concepts of general penology, and its place in the penal sciences. I discussed the basic theoretical issues of punishment in relation to the adopted classification of the descriptive categories of the theory of punishment, the culturally integrated theory of punishment, and the imperative rationalisations of punishment. The issues discussed in the first volume are fundamental to the determination of the *differentia specifica* of criminal punishment as a measure of social control, which is the subject of separate lectures and research. The issues discussed in the second volume relate to the theoretical foundations of criminal policy. Similarly to the issues presented in the first volume, they summarise the results of research and analyses conducted by me for many years. The second volume contains both an amplification of the analyses from the first volume and, to some extent, their detailed elaboration in the context of the theoretical analyses of the foundations of criminal policy.

Some of these analyses in various forms were also discussed previously through the publication of partial results, which I note in the footnotes. It was important that the results of the multi-year studies documented the holistic research approach. It is only from this perspective that they enable the implementation of the task of penology, which was outlined by the above-mentioned Wróblewski.

In the second volume, therefore, I discuss issues from a contemporary perspective (including their historical origins), which, in my opinion, are particularly important for criminal policy. At the beginning, on selected, specific, historical examples, I outline the context of the development of contemporary penal policy. The historical introduction makes it possible for us to show a certain continuity of the very idea of criminal punishment and the fundamental changes that have taken place in the punishment process in the modern era, and in particular, those changes that result from the development of the idea of human

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<sup>4</sup> Cf. idem, *Kara. Teoria i kultura penalna: perspektywa integralnokulturowa*, Wydawnictwa Uniwersytetu Warszawskiego, Warszawa 2010.

rights and the concept of a democratic state ruled by law. I discuss the important issues of today, as in the first volume, with reference to the adopted classification of the theory and criticism of punishment. Therefore, these are primarily theoretical analyses, and not a presentation of various criminal policies from a comparative legal perspective.

Within the framework of the developed modern classification of the theory and critique of punishment, I refer in this volume to the categories of instrumental theories of punishment, conciliatory theories of punishment, the humanistic critique of penal practices, penal negationism, and populist punitiveness. The division of content between the first and second volumes, despite the fact that their specific structural framework is already outlined in the titles, is of a conventional nature. The contents of both volumes complement each other and form a coherent whole in the author's plan. They contain a proposal for the description and systematisation of the conceptual grid related to the studied issues, based on the conducted research. Their intention is primarily to constitute a penological theoretical basis for analyses of criminal policy.