

A PROBATION OFFICER TOWARDS THE SPECIFIC TYPES OF BORDERLAND'S BACKGROUND PATHOLOGIES

Talking about the new coming cases of social pathology and criminality in local societies, we cannot forget to mention these specific problems of pathologies concerning the borderland itself. The very ideas of my analysis are the symptoms and causes of such behaviours in this area. I am going to tell you some details concerning this issue using both, the literature of this subject and my own working experiences.

The borderland means- the area situated near Polish-German border, inhabited by different ethnic groups. There are many definitions of "borderland". However, for our consideration I have chosen the sociological one.

According to G. Babiński *borderland* is understood in two different ways – the spatial and the social one. Its history is the very essence. Past events are significant when we talk about the relationship between the nations and their inside structure because they create the character of the borderland. Both history and "the small daily history, not the political but social, economic and local one" was the essence in creating the features of the borderland.¹

Jacek Kurzępa defines this term as the area inhabited by the representatives of various social groups, differing from one another with their cultures(...) borderland is the place where very important are- the dialogue of cultures, negotiations concerning norms and values which can help to create the new identities of people living here. Vital issues are their normative beliefs and behaviours in the face of otherness, deviations and pathologies².

Western borderland, where I have been working for over 30 years, is a specific area created after the Second World War because of the borders established in this time. People not tied with the land, history or social relations inhabited these territories. They brought with them not only their own political or historical traditions, but also their customs, beliefs and prejudices. They very often faced the world, which was usually unfriendly and had foreign culture so in other words, it was extremely difficult for them to live there. They had to find their own identity one more time.

Resembling processes took place at the other side of the border, although they had a little bit different shape.

For over 700 years, the areas of western border were shaped by the German hegemony. After the Second World War, the citizens of these lands had to emigrate. They often settled down just behind the border and they observed their neighbours not very kindly. Mutual stereotypes and prejudices disturbed the dialogue and communication. In the fifties of the previous century people living near the border tried to cooperate (they had to because of their daily life, especially in towns which were separated by the new borders, for example Gubin and Guben, Słubice and Frankfurt upon the Odra river. Although the authorities controlled it, some partnership agreements among borderlands' districts were signed. At the beginning of the 60ties the barter

¹ G.Babiński, Polish and Ukrainian borderland. Ethnic-religion-identity, published by NOMOS, Krakow 1997,p.44

² J.Kurzępa, Sociopathology of the borderland. Changes in the life of community of western borderland, Sociological stadium, University of Zielona Góra 2007,p.11-13

exchange³ boosted in local area, it only lasted until 1964 and gave people new glance for the possibilities of economic development. The opening of border in 1963 livens up mutual relations between the neighbours. Both neighbouring nations learn each other again, got to know and introduced some adjustment of these stereotypes. During that, time very visible was spontaneous and informal activity of people living there. It had its own unique character and colour, two completely different worlds existing together- the poor east with the rich west. The German Democratic Republic (DDR) was the substitute of this richness. At that, time appeared some problems concerning economical disproportions and differences of their life styles. From 1966, Poles could legally work in Germany thanks to the Polish-German agreement concerning the conditions of the employment of Polish citizens signed by the authorities of both countries. That job was very attractive because of the salaries paid in Deutschmarks, what enabled people to buy goods needed in Poland (for example diary products, women's underwear, sport shoes, clothes for children etc.). People bought them not only for their own usage but also for trade.

Signed in 1971, Polish – German agreement concerning crossing the border without any passports or visas brightened up the tourist trade. In Poland, some hotels, hostels, pensions, restaurants, bars, street markets or boutiques were built very fast and the development of services and craft was visible. Together with intensified contacts after opening of the borders the old grudges and claims appeared. These animosities were for sure strengthened by not equal treatment of Polish and German tourists. Poles had a limit for changing the Deutschmarks, strict custom laws (there were some lists of goods one could buy in Germany). At the same time German citizens did not have such problems, they often demonstrated their superiority, showed their animosity to polish people what sometimes led to some conflicts and clashes.

In the 80ties, we could observe another regress in Polish – German relations and again not equal treatment of both nations. When Poles wanted to travel to Germany (DDR), they had to show their individual invitation signed by German police and their duty was to have a passport. The same time German tourists crossed the border without any limits. Some of them came because of trade, tourism, and others to see their old houses often suggesting they would like to come back there one day. Such behaviours caused tensions and frustrations, old animosities came into existence. Provoking different incidents against Poland increased bad moods⁴. They needed ten more years to calm down and fight old prejudices and stereotypes.

Despite the great number of misunderstandings, life near the border went on according to Latin saying “pecunia non olet”

In the 90ties, the initial years of political transformation, Poland underwent deep social changes; they reached the economy, politics and culture. These changes caused the creation of the new social order. The process of transition from the real socialism to free market economy and democracy gave the people new capabilities. Unfortunately new social problems grew up, such as unemployment, poverty, the development of pathological and criminal behaviours.

In the area of borderland, people focused their hopes for “fast money, cooperation and exchange in economy, politics and culture (both formal and informal ones). And there in the past fifteen years were a lot of opportunities and danger, ups and downs, successes and failures of people living there.”⁵ This problem was visible especially in the 90ties when Gubin inhabited by 18.797 citizens⁶ was one of the largest street markets where came not only tradesmen from the whole Poland but also the eastern border. They came there driven by the easiness of earning a lot of money. In a few months, they made and lost their fortunes, particularly in nightclubs or casinos.

Not all of them could turn up themselves in “the new reality”. The impulse of solidarity of the 80ties and transformation of political system aroused in the society hopes for “better

³ Barter- a kind of indirect exchange of goods, without using money, www.filantropia.org.pl

⁴ S.Ciok, The influence of borderland and cross-border cooperation for local and regional development of the western areas[in] The role of

⁵ J.Kurzępa, op.cit. p.19

⁶ District of Krosno Odrzańskie, www.pow.krosno-odrz.pl

days”, in the meantime with years people felt disappointed because of their unfulfilled hopes and expectations. The basic problem of Gubin, Krosno Odrzańskie and other borderland’s towns and villages were worse and worse living conditions, it was mainly because of reduction of military garrisons, inefficient restructuring of workplaces in the field of industry and agriculture which finally were eliminated. The growth of unemployment, disturbing life stability caused fast impoverishment and rise of disappointment, which was especially noticeable in rural areas after the liquidation of state farms and cooperatives.

People did not have their working places and what comes next they lacked the money to live, everything caused the reduction of the incomes of local tradesmen, craftsmen and even the budget of towns was reduced. These limitations especially affected educational and cultural institutions example; in Krosno Odrzańskie with its 19.509 citizens⁷ the authorities closed down the community centre, the cinema, the garrison club what limited the access to after- school activities for children. The local park situated in an old German cemetery became a place of their meeting and their one entertainment was drinking beer. Those limitations affected other areas of their lives such as education and protection of health.

The limitation of workplaces and often too unreasonable conditions of admission to work were too high for productive people of middle generations especially those from small towns and villages. The reality imposed new demands and made them change something as far as professional and daily life is concerned. Having no work people had to struggle for survival, however those struggles were not always agreeable with the customs or laws. Borderland tempted their citizens to great number of activities, which were both legal and illegal ones. Being brave and resourceful was of vital importance.

The most important values shaping the life in the borderland became “economic wellness, own family business, the success measured with money and estate conditions”⁸.

Those times we can name the birth of so called “*juma*”⁹, it was an occupation typical for people living near the border. At first, they shoplifted in Germany and later smuggled the goods to Poland. Foreign countries tempted because of their attractive lifestyles and wealth. It was easily to get goods straight from the shop’s shelves; the most popular were ex brand name clothes, shoes, underwear, cosmetics, small household equipment, alcohol, coffee or even the chocolate bars...

At the beginning of its existence “*juma*” were considered youth’s tomfoolery, thefts for fun and the opportunity to experience something fascinating. They joined the groups, even the whole classes went for ‘*juma*’. The Germans did not prepare for such a massive attack of barbarism¹⁰. Fortunately, ‘*juma*’ quickly stopped being treated as fun. People noticed that they could make profits because the prices in both countries were completely different, and what is more Poland did not have such goods in its shops. All moral values were rejected and such behaviour was justified by society because ‘they robbed the Germans, who were rich although they lost the war’. The teenagers who made a living for the whole families by stealing were called resourceful and not simply the thieves. Nobody asked where the money was from. Buying those goods people did not care that they came from thefts, sometimes even the adults were the agents who gave alibis to the thieves. Krosno Odrzańskie gained the name of “the capital city of *juma*”¹¹. As far as the law was concerned “*juma*” was careless because Polish jurisdiction did not include punishments for the crimes committed abroad.

In short time “*juma*” changed into professional criminal groups specialized in stealing certain products such as for example cars, mountain bikes, electronic devices or gold. They started to

⁷ District of Krosno Odrzańskie, *ibid*.

⁸ J.Kurzepa, *op.cit* p.54

⁹ J.Kurzepa, *The youth of the order-Juma*, Lubusky Societific Society , Zielona Góra 1998

¹⁰ P.Smoleński, *Today's Reich*, Gazeta Wyborcza nr 239, Publisher 12-13.10.2002 p 11

¹¹ *Ibid*.

commit crimes in other countries of European Union. They stole everything needed in Poland. This profession was very involving.

However life was not so nice, such stressful lifestyle caused problems with alcohol and drugs. When they had a chance to stop and leave this unfortunately came back¹², it is probably because 'the black market' demoralised them and it was difficult to work honestly for average salaries. It was not easy to leave their business and social relations.

At the end of the 90ties 'juma' started to decrease. Some of them sentenced in prisons in Poland or other western countries, others were in hospitals drying out or killed 'at work', they even had problems with the real mob and nothing was heard about them¹³. In some cases, they grew up and became decent people. Germany and other Countries started strict struggle with 'the polish thieves' using even guns (in 1997 few of them were shot in Belgium and the Netherlands stealing gold). The business became unprofitable and with time died a natural death.

Another profitable activity near the border became smuggling of alcohol, cigarettes, drugs and even people. In the space of last twenty years, not only families but also border villages made a living by smuggling. The border let to earn money to petty smugglers called 'the ants', 'the camels' or 'the dromedaries' as well as organised international criminal groups – called the gangs. They smuggled everything what was needed and made profits. Within years, those criminal groups were better organised and according to the saying, "there are no borders for crime" spread for Europe, Asia and the Near East. Good examples are cases concerned with stealing and smuggling cars or people.

The cars stolen in the Western Europe or Poland very quickly found their new owners abroad in the eastern countries. Their system was not even so complicated. The customer ordered a specific brand of the car, the agent ordered to find it, 'the scout' gave the information to the thieves, and they stole it and delivered to certain place called 'the hollow'. A lot of car services cooperated with the smugglers (changing the numbers or painting the car), the offices preparing new documents, some transport or convoy companies. The researches carried by Jacek Kurzępa in 1997 have shown that only in Krosno Odrzańskie for 15 car services seven of them cooperated with the criminals, in Cybinka 4 from nine. There were also some repair garages offering complex service – adjusting the car to smuggling of cigarettes, alcohol or drugs.¹⁴

At the turn of 1997-2005 the wave of refugees from the eastern border, the countries of former Union of Soviet Socialist Republic, Asia or the Near East was moving through Poland using well-organized net of international cooperation. Poland was only the transit country to the United Europe. J.Kurzępa described the detailed scheme in his book titled "Sociopathology of the borderland"¹⁵ and there is not a need to mention it once again. In fact, many different people made money on this first were the gangsters from the central part of Poland. The second group to earn was the people who lived near the border: the owners of those hollows where refugees were kept and the bodyguards who kept an eye on them. Very significant were the local guides who knew the territories and working system of Polish and German officers. The smugglers paid money also to the taxi drivers, forgers of documents and even some officers of the frontier guard called "the moles" or even policemen.

Poland had to tighten its frontiers in the period of accessing the European Union and the effects were immediately noticeable. In 2000 the House of Justice in Krosno Odrzańskie received about 160 cases against people who illegally crossed the border (art.264 of penal code), it was about 20,25% of all cases. In 2004 as much as 45, 92% cases of the whole were the offences from art.264, and in 2007 we had only about six, 35% of them.¹⁶ Joining the Treaty of Schengen and abolishing of direct passport control caused this declination.

¹² J.Kurzępa op.cit p 189

¹³ P.Smoleński, op.cit

¹⁴ J.Kurzępa op.cit p212

¹⁵ J.Kurzępa op.cit p216-221

¹⁶ The Court of Justice In Krosno Odrzańskie, p 51g

Another well-paid job near borderland was prostitution and earning money from it. In Gubin of the 90ties with its 18.797 citizens were about 25 nightclubs. Those places were the synonyms of brothels, the taxi drivers, doctors, hairdressers or beauticians were “employed”. Adults as well as juveniles took part in this because the easiness of making money was temptation. In such agencies controlled by organized criminal groups worked women from Poland, Ukraine, Belarus, Romania and Bulgaria. This so-called “sex-business” had international range- the agencies exchanged the girls. Other group of streetwalkers was women working near the roads leading to the border or in the car parks. This phenomenon developed with the approval of local societies who also made some profits renting their flat for hours. The next group consisted of young boys and girls (researches by J.Kurzępa, the sociologist from The University of Zielona Góra¹⁷). Polish penal law does not mention prostitution as a crime. We can just presume that people working the oldest world’s profession do it of their own free will. Among the prostitutions and their protectors there probably is one unwritten contract, that is the reason of such a small number of cases concerning the topic.

The border brought income not only to organized criminal groups, also petty smugglers, people selling the scrap or tradesmen earn a living this way. It is usually the work for middle generations, poor educated or unemployed. They ride their bikes with trailers to Germany and collect the scrap (which they later sell in Poland), the household products from so-called “displays”¹⁸ and later trade in Poland. They even hire themselves to some order-keeping petty jobs. Their area is limited only to Gubin and nearby region.

The unemployment has been quite permanent phenomenon and taken the structural character on the both sides of the border. Within 17 years of transformation, the situation at the labour market is still poor. At the end of 2007 the rate of unemployment in krośnieński district has come to 28, 3%. There were registered about 1.297 of unemployed people per 19.509 citizens, and 285 people under the age of 25. Without any right to benefit were still 1071 people. 2562 of unemployed people were registered in Gubin, the town with 18.797 citizens and 453 people under 25 years old. There were about 2.194 people without the right to a dole¹⁹. The rate of unemployment has minimally decreased for since last year, unfortunately in Poland there is still lack of well-paid jobs; and “for 600zl per month nobody wants to get up”. It is difficult to estimate how many people are registered as unemployed, ‘the black economy’ is unexplored, ‘spadework’ exists, and it is officially accepted.

Joining the UE has not fundamentally changed the life near the border- “Europe has always been here with all its advantages and disadvantages.”

Looking at some social changes we cannot forget to mention so called ‘mechanisms of public control as far as the norms and rules are established. The relativity of moral values without any difference between the good and the evil has spread. Stealing has not been something improper, in general, the thief should be punished, but in the case of ‘juma’ such behaviour was accepted and very often, they became examples for others. Their way of earning money was called resourcefulness because petty thefts and smuggling is not blameworthy quite the contrary it proves “care of the households”. The employer who employs people without any registration commits crime but in reality, nobody is surprised.

Working as a probation officer, I often have many dilemmas as far as the good and the evil is concerned. A probation officer is a part of society where his charges live that is why he/she should be tolerant and flexible when he/she estimates the situation and possibilities to accomplish duties sentenced by the court.

¹⁷ J.Kurzępa, The youth of the borderland- „pigs” or prostitution of juveniles , Impuls, Kraków 2001

¹⁸ „displays” – used household products put in front of the houses in Germany for municipal services to utilization, often Poles take them first

¹⁹ The Office of Employment in Krosno Odrzańskie, December 2007, www.pow.krosno-odrz.pl

The supervised people deriving from the “old juma” aged about 30 now; face various problems with readjusting to the new reality (unfortunately some of them have not managed). A lot of them have come into conflicts with the law or society. We can also notice that many of them are unemployed, addicted to alcohol or drugs or live with a feeling of grievance, what is more their ambitions are often far from their education. They are not used to working regular hours or do not want even work at all.

The standards of life at two parts of the border have become equal, the animosities have stopped and the Germans have not started to purchase Polish lands as it was supposed to happen. Even the trade with second-hand things is not profitable enough, about 10% of the supervised by probation officers in Krosno Odrzańskie have emigrated to England, Ireland, Italy, Spain or Norway.

Since about two years, probation officers have noticed the decrease of penal cases (from 1615 in 2005 to 1541 in 2007) as well as the participation of women in criminal cases has fallen down from 245 in 2005 to 118 in 2007. Similar situation has been observed with the juvenile crimes (from 611 in 2005 to 357 in 2007); the qualification of cases taken to court has also changed. There are more cases connected with driving or riding a bike under the influence of alcohol (about 40% in 2007) or using drugs or being aggressive.²⁰

Since the implementation of professional probation in 1995, the number of supervisions carried out by probation officers for adults in Krosno Odrzańskie has gradually grown up. On average one officer had 230 cases, 136 of them concerned constant surveillance. The growth in number of cases caused the growth in number of people employed as probation officers, from 6 in 2000 to 14 in 2007. Thanks to this the number of cases for each officer has fallen down to 201 for one officer (70 of them were constant cases)²¹. The quality of educational and rehabilitational interaction has been changed for the better, more time could be devoted to individual work with the supervised. So far, the work of probation officer has been based mostly on control-repressive measures. Nowadays the profession of probation officer is of vital importance, we should not simplify it only to controlling the convict. His/her job is to resocialize and help in social readaptation; resocialization should be understood as a process of educational and psycho-corrective interaction. The very aim of the supervision is to gain such a situation when the person put on probation will not commit any further crimes and his/her behaviour will be in accordance with the law and not necessarily only with the norms and standards of life accepted by the society. This is very difficult and responsible job, every person can make mistakes in his/her life but it does not mean that must do wrong all the time. Everyone can get lost but it does not mean that his/her whole life would be the same. One of the basic rules in resocialization is that we do not condemn the person but his/her deeds. The probation officer must remember that in his/her work plays different roles towards the convict: is a mediator, an advisor, a tutor, an inspector and a lawyer. A probation officer should be a good organiser of resocializational process. On one hand, he/she should motivate the supervised to change his behaviour and show him different opportunities like place of work, education or therapy but on the other hand probation officer must cooperate with different organisations and institutions that can help his/her charge. The guardian should also influence on the supervised in order to he/she ‘take the proper decisions and be responsible for them.’ I am against telling the supervised what to do using my strength and threat of penal responsibility. According to me by working in this way, we can gain our aims but it will be only ‘a Pyrrhic victory’.

Joining the United Europe allowed us to use different types of structural funds and assistance programmes. One can gain information in Work Office or some Social Help Offices, if one wants he/she can find a proper offer for himself/herself in Poland as well as abroad..

²⁰ Statistical data of The Court of Law In Krosno Odrzańskie

²¹ Statistical data of Probation Officers Office, The Court of Law In Krosno Odrzańskie