


HISTORY AND PHILOSOPHY OF SOCIAL CONTROL

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PUNISHING WITHOUT PURPOSE: PENOLOGICAL PESSIMISM AND THE POSTMODERN CRISIS OF SOCIAL CONTROL

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Abstract

The article examines penological pessimism as the dominant intellectual and practical logic governing contemporary social control in postmodern societies. Proceeding from a political science rather than a strictly legal perspective, the study challenges what the author terms penological over-optimism – the axiomatic faith, embedded in classical criminal law tradition, that the declared goals of punishment (deterrence, rehabilitation, correction, and general prevention) are both achievable and correctly formulated. Drawing on Nietzschean philosophy, Foucauldian genealogy, and the Marxist political economy of punishment developed by Rusche and Kirchheimer, the article argues that more than two and a half centuries of reformist ambition have failed to deliver on their foundational promises: prisons punish without correcting, probation systems supervise without transforming, and criminal justice institutions structurally reproduce the social inequalities they were designed to overcome.

The article traces the moral and philosophical underpinnings of this failure, demonstrating how the classical school's reliance on morality as the legitimating basis for penal systems inevitably gave way to nihilism – a process Nietzsche identified as the logical outcome of any exclusively moral value system. The collapse of the rehabilitation paradigm has created a normative vacuum in prison and probation policy, filled not by a new philosophical justification but by the pragmatic rationalism of risk management, incapacitation, and population containment. This postmodern turn – panoptic and disciplinary in nature – operates largely without adequate moral or political justification and does not appear to require one.

The author introduces the concept of active pessimism as an epistemological corrective – not a counsel of despair but a demand for intellectual honesty in penological research and prison and probation policymaking. The dominant logic of contemporary social control, the article concludes, is not the logic of reform but the logic of containment: the neutralisation of risk, the management of surplus penal populations, and the perpetuation of institutional power. Acknowledging this reality candidly is presented as the necessary precondition for constructing a more truthful and effective science of social control in the 21st century.

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Keywords: penological pessimism, social control, rehabilitation paradigm, active pessimism, classical school of criminal law, penitentiary policy, panoptic discipline, nihilism, punishment theory, criminology, deviance.

Introduction

This article is deliberately positioned as more philosophical than empirical; however, this philosophy is exclusively practical and pragmatic in nature. This approach is fundamental: it reflects the belief that philosophical analysis of penal institutions can be no less useful to practitioners than statistical studies of recidivism or comparative analysis of the effectiveness of correctional programmes. The starting point is the thesis that the conceptual gap between the declared goals of punishment and their actual achievement is not a technical problem but primarily an ideological one.

The initial methodological position of the article is that theoretical scepticism about the declared functions of punishment – that is, penal pessimism in a broad sense – is not destructive nihilism but a necessary intellectual prerequisite for any serious reform of the penal system. It is in this sense that the article appeals to the broad tradition of critical penology, defending its practical significance.

Theoretical Framework and Methodology

The present article proceeds from a deliberately pluralistic theoretical basis, assembled not for the sake of eclecticism but out of a conviction that the pathologies of contemporary punishment require multiple diagnostic instruments to be adequately understood. No single theoretical tradition, however powerful, is sufficient to account for the full complexity of the phenomenon under examination. The methodology adopted here is therefore *inter-paradigmatic*: it draws upon materialist political economy, post-structuralist genealogy, classical penological idealism, philosophical pessimism, and empirical criminological research, treating each as a partial but indispensable lens.

The first and foundational theoretical resource is the materialist framework developed by Georg Rusche and Otto Kirchheimer in *Punishment and Social Structure* (1939). This seminal work constitutes the methodological bedrock upon which much of the article's critical analysis rests. Rusche and Kirchheimer compellingly demonstrated that forms of punishment are not expressions of abstract justice or moral progress but are, in their historical specificity, functions of labour market conditions and class relations. The penal apparatus, in this framework, serves to regulate surplus populations, maintain labour discipline, and reproduce the social hierarchies upon which capitalist production depends. This approach remains methodologically indispensable for understanding why the contemporary expansion of prison populations occurs in direct parallel with the deepening of social inequality – a correlation that moralistic or juridical accounts of punishment are structurally unable to explain.

An equally important theoretical resource is the intellectual legacy of Michel Foucault, above all his genealogy of disciplinary power as set out in *Discipline and Punish* (1975). Foucault's contribution is not merely supplementary to the Rusche-Kirchheimer framework; it operates at a different analytical register. Where the materialist tradition foregrounds economic function, Foucault shifts the focus from the question 'how to punish?' to the more fundamental question: *why did punishment assume its distinctly modern institutional forms in the first place?* This genealogical reorientation opens analytical space for exploring the relationship between punishment, normalisation, the production of docile subjectivities, and the exercise of knowledge-power. For the purposes of this article, Foucault's concept of *panoptic discipline* is especially significant, as it permits an analysis of how contemporary penal institutions – including probation, electronic monitoring, and risk assessment tools – function not as instruments of rehabilitation but as mechanisms of surveillance and population management.

Pitirim Sorokin's *penological idealism* appears in this theoretical architecture as a deliberate counterpoint rather than a refuted thesis. Sorokin's work, with its insistence on the moral dimension of punishment and its attention to the retributive and deterrent functions of penal sanction, represents the most intellectually serious variant of the classical tradition that the article engages critically. His presence in the argument serves a specific methodological purpose: it guards against the risk that critical penological analysis degenerates into what might be called cynical positivism – a stance that, in dissolving all normative claims into structural functions, ultimately forfeits the capacity for moral judgment. Sorokin's idealism is not accepted at face value; it is treated as a necessary reminder of the moral stakes involved in the critique of punishment.

The central theoretical figure of the article is Friedrich Nietzsche, whom the author proposes to read as one of the earliest and most penetrating penal pessimists. This interpretive claim may initially appear

provocative, given that Nietzsche is not conventionally situated within the penological canon. However, the reading advanced here rests on a solid textual foundation. In the *Second Essay of On the Genealogy of Morals* (1887), Nietzsche undertakes a radical genealogical deconstruction of the concept of guilt, demonstrating that it originates not in moral law but in the material relationship between creditor and debtor. By tracing the concept of guilt/debt to its pre-moral, economic origins, Nietzsche systematically undermines the legitimacy of any justification for punishment that appeals to the idea of just retribution. Guilt is not a natural moral fact; it is a historically contingent social construction whose genealogy exposes the violence concealed within the apparently neutral language of moral desert.

The relevance of this Nietzschean analysis to contemporary penology is, in the author's view, both under-recognised and decisive. Nietzsche's legacy remains conspicuously marginalised within the mainstream penological literature, where it has been displaced by more immediately policy-relevant frameworks. This marginalisation is, the article argues, a symptom of the very intellectual evasion it is the task of penological pessimism to diagnose. For it is precisely the Nietzschean perspective that most accurately reflects the deep structural contradiction at the heart of contemporary penal systems: the declared *goals of punishment* – correction, resocialisation, the protection of society – are systematically at variance with the actual practice of punishment, which functions to reproduce and deepen social marginalisation. The Nietzschean view does not offer a utopian corrective to this contradiction; rather, it demands intellectual honesty about its intractability.

Robert Martinson and his celebrated thesis that '*Nothing Works*,' first advanced in his 1974 report on correctional programmes, occupies a methodologically specific and historically pivotal place within the article's theoretical framework. Martinson's contribution is empirical rather than philosophical: his systematic review of the rehabilitative literature produced the uncomfortable finding that correctional programmes consistently fail to demonstrate measurable, systematic reductions in recidivism. Despite numerous subsequent attempts at reinterpretation – including Martinson's own partial retraction – the thesis retains a powerful diagnostic validity. It captures an observable phenomenon: the absence of robust evidence that the penal system's declared rehabilitative function is achievable under existing institutional conditions. When situated alongside Nietzschean scepticism and the Marxist political economy of Rusche and Kirchheimer, Martinson's empirical findings constitute a third, convergent line of argument in favour of penological pessimism.

Taken together, these theoretical sources inform a methodological orientation that might be characterised as critical-genealogical. The article does not proceed by testing empirical hypotheses against a data set, nor does it offer a systematic comparative analysis of penal policies across jurisdictions. Its method is, rather, that of intellectual history and conceptual critique: it traces the genealogy of penological idealism, examines the conditions of its internal collapse, and analyses the discursive formations that have succeeded it. The collapse of the rehabilitation ideal, which accelerated significantly in the 1970s, is treated not as a contingent policy failure but as a theoretically significant event that illuminates the structural limitations of the classical tradition.

Crucially, this collapse did not produce a rethinking of the goals of punishment. It produced, instead, their further *declarative inflation*. The rhetoric of rehabilitation gave way to the rhetoric of risk management – a shift that, the article argues, is no less ideologically charged and no more demonstrably effective than its predecessor. The decline of classical penological guidelines opened the institutional field to colonisation by managerial and financial logics that operate without adequate moral or political justification and, increasingly, without requiring one. It is this process – the substitution of governance rationality for moral reasoning in the administration of punishment – that penological pessimism, as developed in this article, sets out to name, describe, and refuse to normalise.

Research

The specificity of modern penal policy requires research into the phenomenon of *penological pessimism* in terms of the social control practices of postmodern society and the peculiarities of the formation of penitentiary policy in modern states.

Research into the essence and goals of social control policy without taking this category into account at the current stage of development of European penology would be more than incomplete. Our previous scientific research on the impact of globalisation on social control policy has mainly focused on the periodisation of historical development and the peculiarities of the transformation of European penal concepts and corresponding supervisory and punitive practices. However, this part of our research is related

to an attempt to formulate prognostic ideas that highlight further trends in the development of these concepts and theories, as well as their practical implementation in 21st-century society.

As we begin to present our thoughts in the context of this article, we must first express our concern about the following.

We would like to emphasise that the study of postmodern penal systems and contemporary prison and probation policy requires a political science approach in order to free this field from the abstract and highly formalised methods commonly used in legal science, from what we might call penological over-optimism.

Today, legal science considers itself a monopolist in the study of prisons and probation, placing itself in a closed circle of formal thinking, where openly romantic penological hypotheses are accepted as axioms. In turn, such a mindset is 'consumed' by formal criminal law science, creating largely formulaic formal legal studies with corresponding conclusions, whose authors do not dare to question the following statements: 1) the objectives of punishment established in criminal law cannot fail to be achieved; 2) the objectives of punishment established by law cannot be incorrectly or even falsely defined from the outset.

Such penological *over-optimism* applies to all objectives of punishment without exception (punishment, general and special prevention). However, such scientific and legal optimistic fiction is most evident in the goal of rehabilitating criminals (regardless of how this goal is formulated in criminal and prison legislation).

If we consider the goals of social control measures for deviants as a system, it can be argued that traditional classical views on them and the corresponding symbols are characterised by stability and immutability. At least, such mythical images are created by domestic criminology and criminal law science.

For them, everything is simplified to the maximum – without limits. Even if we talk about the '*crisis of punishment*', which is sometimes mentioned in domestic criminological literature (although this crisis has characterised European and American penal systems for over 50 years), this issue still does not seem to be a problem for domestic science. The introduction of new rehabilitation techniques (although their novelty is questionable), adequate funding of national criminal justice systems, respect for human rights (or at least an exemplary reflection of human rights activities), numerous programmes and projects of international organisations, conditionally innovative projects such as mediation or restorative justice, the widespread introduction of a very vivid probation brand with corresponding maximum (even aggressive) social advertising – all this and more, at first glance, ensures that the traditional goals of punishment (punishment, general prevention, special prevention, correction), '*nurtured*' within the framework of the classical school of criminal law, remain afloat in the turbulent Eurocentric penological sea.

Both theoretical grounds for criticising the traditional classical *goals of classical punishment* (for example, the lack of clear criteria for measuring the achievement of these goals) and practical arguments (for example, the increase in the number of prisoners worldwide in both absolute and relative terms, which is incomprehensible to classical interpretation, despite the announcement of large-scale campaigns for the wider use of alternative punishments and probation and the official recognition of the inability of prisons to serve as an instrument for achieving the declared goals of punishment) still cannot break through the strong armour of criminal law conservatism, which criminal law science and criminology continue to optimistically praise. Moreover, we emphasise that they continue to extol it rather cynically.

Perhaps it cannot be otherwise. Great subjects, as Nietzsche said, require that we "either remain silent about them or speak with grandeur: grandly, that is, cynically and with purity" (Nietzsche, 2014, p. 23). What else but a wealth of knowledge about the goals of punishment and the "means of achieving them" can speak for itself with such grandeur?

However, this stability, which, frankly speaking, is more like stagnation, ignores the political pessimism that has engulfed knowledge about punishment and other instruments of social control. The stability and conservatism of traditional classical theories of punishment, which have always been beyond doubt, and the corresponding punitive practices have been knocked off their pedestal of political stability as a result of the influence of postmodern political pessimism.

The pessimism of scientific knowledge regarding established theories of social control and methods of implementing corresponding social control and surveillance practices is felt particularly acutely today. It is accompanied by many striking, yet sad examples, which are to a greater or lesser extent linked to the political collapse (no longer even decline) of the rehabilitation paradigm. This collapse has created a vacuum in the justification of prison and probation policy that corresponds to the existing social control practices of postmodernism.

Penological pessimism could not help but 'affect another *favourite*' of the classics, namely *general prevention* – the foundation of the classical school of criminal law with its inherent rationalism of choosing between '*profitable*' and '*unprofitable*'. General prevention has always had a weakness in that one person is used as a tool to intimidate others. And, as Nietzsche pointed out, when a person is used in this way, guilt is not punished. The guilt lies with the educators, the environment, us, but not with the criminal. This is probably why postmodern political and penological discourse has freed itself from many artificial or at least debatable provisions, the objectivity and right to exist of which have always been in doubt – '*humanisation*', '*criminal rationalism*', '*correction*', '*rehabilitation*', '*reducing crime through punishment*', '*crime prevention*', and '*education through criminal law*'.

This applies equally to the purpose of criminal punishment. Punishment in the classical interpretation of criminal law does not even notice that it looks much worse in its apparent progress than the ancient principle of talion.

All of the above-mentioned goals of social control measures are models of *integrity*. This is how they are presented in the light of classical criminal law views. However, we must not forget that it is integrity, as Nietzsche rightly said, that usually throws the first bundle of wood into the fire under the feet of the convicted person.

Consequently, the vacuum of moral justification for total social control over deviants in the context of already established postmodern penalism has been filled with pragmatism and rationalism, but this pragmatism and rationalism are primarily associated with certain practical steps that do not have adequate political justification and, perhaps, do not even require it at all (Yagunov, 2013, p. 117-118).

In the context of this political vacuum, with the application of punitive and social control practices, it is interesting to observe how classical criminal law eagerly and impatiently awaits the arrival of a new messiah in the form of a philosopher or criminologist, who will subsequently be called '*outstanding*', who will give the stagnation of classical views on social control a second life through a certain new revolutionary work or study, which, in turn, will rid the classical school of the moral devastation and disappointment that arose as a result of the rapid revival of ideas once branded as '*unscientific*' and anathematised positivist in nature and the introduction of corresponding penal practices (mainly panoptic-disciplinary in nature) based on them.

The reasons for this political-penological pessimism are more or less understandable; at least, we can adopt the Marxist ideas developed by Rusche and Kirchheimer and later presented in an original way by Foucault. However, it seems that the main issue is the concentration of pessimism and the limits of its influence on contemporary penological theories (if it is possible at all to apply the words '*concentration*' and '*limits*' to the category of pessimism). In addition, the question arises as to how healthy this pessimism in general and its concentration are for contemporary Western and Western-oriented penology.

This raises another question, the answer to which requires the use of comparative analysis methods, which will focus on the scholasticism and ephemerality of the rehabilitation paradigm that has filled and continues to fill penal law in the interpretation of the classical school, and, on the other hand, the radicalism and even aggressiveness of postmodern neo-positivism of the panoptic-disciplinary type.

On the one hand, one may ask: is the collapse of the rehabilitation paradigm a tragedy or, perhaps, a comedy? For a long time, European penal law was artificially saturated with '*humanisation*', the idea of which was to be the driving force behind the transformation of the corresponding modalities of social control. Humanisation served as a guide to penological progress. Any other conceptual penological idea is sedition: *Nichts als Fortschritt*.

On the other hand, how dangerous is the '*infusion*' of concentrated panopticism for the health of society itself? Is it advisable to fight it? If so, how?

We are not sure that we can find an exact answer to this question.

However, we will at least try to raise this question for discussion, using the categories of pessimism and nihilism.

Nietzsche wrote that "nihilism is the thoroughly thought-out logic of our great values and ideals, because we must first experience nihilism in order to be convinced of the true value of these 'values'" (Nietzsche, 1999, p. 34). In the future, "we need to find new values" (Nietzsche, 1999, p. 34).

Perhaps this opinion of the eminent philosopher indirectly concerned the issue of substantiating penological theories and the fundamental principles of forming penitentiary policy. However, it is this statement that most accurately reflects the subject of our research, which is related to the moral devastation of supervisory and punitive practices as a component of the social control system due

to the prolonged absence of proper political and moral justification in them. Instead, these practices were filled with outdated, often dead absolutes, which, in turn, were immediately rejected because of their unnaturalness and social irrelevance. There is no new morality yet, but penological practice does not accept any morality.

This is what most accurately identifies the decline of classical values in the sphere of social control over deviants and the application of appropriate social control measures. And perhaps the aforementioned rationalism and pragmatism, which filled the penal landscape of postmodernism and displaced the semi-religious cult of the classics, have deliberately left this field empty, providing time and opportunities to create a new philosophical justification for postmodern penological theories for appropriate social control and punitive practices.

For now, we have a high concentration of penological pessimism associated with the decline of morality, which was once the basis of the classical school of criminal law.

Classical theories of criminal punishment were based on a *continuous exchange of moral categories*, which were evaluated through the categories of reason, and, according to Nietzsche, it is precisely the belief in the categories of reason that is the cause of nihilism: "We measured the value of the world in terms of categories that relate to an imaginary world... Ultimately, all the values we tried to present to the world ensured its devaluation" (Nietzsche, 1999, p. 44).

As Nietzsche rightly pointed out, "any exclusively moral system of values leads to nihilism" (Nietzsche, 1999, p. 46). Meanwhile, the classical school of criminal law was exclusively a moral system, and this applied to both consequentialism and retributivism. The long-standing attempt to reflect on morality in criminal law without falling under its spell, without trusting the insidiousness of its beautiful signs and symbols, did not succeed in European penal law. Morality played the same role for European criminal law as the sirens did for ancient Greek sailors in ancient mythology. At one time, European criminal law was enchanted by the sweet song of morality, the consequences of which it is now trying with great effort to overcome, coming face to face with the cruel pragmatism of postmodern criminal law.

European penological theories and corresponding sentencing, prison, and probation policies, nurtured in classical traditions and based on relevant legends, myths, and political symbols, have always sought to achieve victory: moral victory over the 'criminal' and theatrical victory over 'crime'. Classical views have constantly sought answers to the question: how can we besiege 'crime' with 'warning', 'prevention', 'counteraction', or 'prophylaxis'? This is reminiscent of a meeting of generals and senior officers of the general staff before a decisive battle that is supposed to put an end to this 'enemy'. Meanwhile, *having enemies* is the oldest human habit and, therefore, human beings' strongest need. Therefore, as Nietzsche rightly pointed out, "what is punished is never punished. Our crime against criminals is that we treat them like scoundrels".

The question of 'free will' becomes even more acute. And this is against the backdrop of the fact that, at the same time, 'humanity' has reached enormous proportions in our society and seems to have filled the penal landscape to the maximum. However, all these attempts to 'find and defeat' the 'enemy' have always been characterised by a high degree of immorality. In a philosophical sense, we believe that Nietzsche best reflected this: "The victory of the moral ideal is achieved by the same immoral means as any other victory: violence, falsehood, slander, injustice" (Nietzsche, 1999, p. 141). Applying the above to the penological field, we can mention the problem of *socialisation-based violence* (Shipunova, 2002, p. 66). It is this category that actually formed the basis of the concept of rehabilitation of dangerous deviants, which, in turn, serves as the purpose of punishment in any criminal code based on classical principles, even though there is often a substitution of concepts: when a criminal is required to change himself, he may declare such readiness, while all he is capable of is adapting to the conditions imposed on him by his *moralisers* or 'educators'.

Therefore, Ancel, justifying the criminal's right to social rehabilitation, rightly emphasises that in the case of social rehabilitation of criminals, the state may implement certain measures to return the criminal to society, but it cannot infringe on the individual (Ancel, 1970, p. 261).

Perhaps traditional positivism, known thanks to such prominent figures as Lombroso, Ferri, Garofalo, and Drill, is even worse in this context. Just look at the theme of rehabilitation and 'A Clockwork Orange' by Anthony Burgess and Stanley Kubrick. *Total victory over the criminal*. The criminal is 'crushed'. But by what means? And at what cost? Therefore, we must admit that 'morality', behind which the classics have always hidden, was never a priority for positivism, which did not seem particularly concerned with it and did not even hide its contempt for it.

For example, while being a supporter of classical views on the purpose of punishment, paying great attention to the intimidating and deterrent effect of punishment and criticising the views of representatives of the positivist school, Pitirim Sorokin nevertheless sometimes actually admits to his openly *positivist views* on the essence and purpose of punishment: “Summarising the evolution of punitive measures, we can say that the formula for this evolution is a movement from infinitely cruel and brutal murders, from punishments in the form of painful mutilation, to isolation without suffering and *deprivation of the opportunity to commit new crimes*” (Sorokin, 1999, p. 303). The last phrase, in our opinion, speaks for itself. In addition, P. Sorokin, while criticising positivism, nevertheless points to “the failure of certain punishments that attempt to ‘erase’ a series of actions” (Sorokin, 1999, p. 185).

Therefore, we cannot fail to give credit to Nietzsche for his assessment of the category of ‘*correction*’, which has always been associated with morality: “General deception and self-deception in the realm of so-called *moral correction*. We do not believe that a person can *become* different if they *are not* different... Appearance changes, [*but*] not essence. Those who have become criminals by coincidence and inclination do not unlearn anything, but learn new things... For society, of course, the only thing of interest is that someone no longer commits certain acts; society removes them for this purpose to conditions in which they *can* commit certain acts... The delusion of *religious superstitions*: punishment does not atone, forgiveness does not reconcile, what has been done cannot be undone... *The technique of psychological counterfeiting*” (Nietzsche, 1999, p. 186).

One must agree that “the welfare of the herd is at the heart of all European morality” (Nietzsche, 1999: 125). Therefore, Nietzsche's opinion that the attempts of some people, who very naively decided what is ‘human’, to ‘*humanise*’ other people, are “hypocrisy, under the guise of which a certain type of people try to gain dominance” is more than reasonable (Nietzsche, 1999, p. 144).

This corresponds to Foucault's modulation concept in terms of the hidden causes of changes in penal formations, where ‘*humanisation*’ served only to distract attention from the real causes of the transformation of penal systems. There was a particular interest in establishing a certain morality, which confirms Nietzsche's thesis that “virtue must be defended against the preachers of virtue,” since they are its “greatest enemies”. As for the ‘*goals of punishment*’, “everything that is done with a specific goal can be reduced to the goal of increasing power” (Nietzsche, 1999, p. 334).

Understanding the essence of the transformation of postmodern penal law requires not so much an analysis of certain formalised data, on which modern legal science largely relies. Understanding postmodern penal law is associated with attempts to feel the *spirit* that actually characterises it. This *spirit* can only be felt through the prism of the most critical analysis of the morality of classical views on punishment, its content and goals, which today have become more than conservative and attempt to keep the penological landscape firmly under control, without even noticing how clumsy they are in this position.

European criminal culture in the postmodern era is *deeply nihilistic*. The morality of the classics has evaporated or almost evaporated, yet it was precisely this morality that ensured its rather vivid vitality for more than two and a half centuries. Considering that “scepticism about morality is decisive”, it can be stated that “ultimately [*we have*] nihilism” (Nietzsche, 1999, p. 136).

What served as the driving force behind European penal systems for more than two and a half centuries was based on a culture centred on humans as rational beings, humans who freely make rational choices (except for periods when outbreaks of biological positivism and medical rehabilitation illuminated the European penal landscape). Therefore, when analysing the transformation of European penal systems, one can sense the tension that characterises classical theories of social control, which are increasingly distancing themselves from the pragmatism and rationality of postmodern disciplinary and security practices.

It was not ‘*humanisation*’ but *pragmatism*, barely concealed by ‘*humanisation*’, that forced European countries to create what is now called the ‘penitentiary system’ and ‘penitentiary policy’. ‘Corrective’ imprisonment did not appear because of the emergence of ‘*humanisation*’ and ‘central power’ but because capitalism felt an acute shortage of disciplined subjects and the need for a developed system of control over these disciplined subjects (and even more so for undisciplined subjects) and therefore created ‘factories’ for reproducing such discipline and mechanisms for collecting and accumulating relevant information.

The dominance of Western penological over-optimism and vivid European penological concepts, which have never become axiomatic, is currently having a negative impact on research into the nature of modern social control and poses a threat to both freedom and the effective protection of society (especially in the area of the formation and implementation of penitentiary policy).

Conclusions

Therefore, it was the 21st century that forced us to recognise the lack of methods for understanding the nature of deviant/criminal behaviour and exercising social control over such behaviour.

This recognition has hurt and continues to hurt the spirit of pride and over-optimism of the classical school of criminal law that has characterised Western penal culture for the past two and a half centuries. Therefore, it should be emphasised that in 21st-century society, it would be wise to reject blissful illusions about the goals of punishment and the essence of social control. It will be useful to apply what we call *active pessimism*, which is, in fact, the philosophical basis of our political science research.

Penological pessimism, as we have sought to demonstrate, is not a counsel of despair. It is, rather, a counsel of *honesty* – an intellectual posture that refuses to disguise the systemic failures of punishment behind the *comforting classical rhetoric* of ‘rehabilitation’, ‘reintegration’, or ‘correction’. Two and a half centuries of reformist ambition have produced prisons that punish without correcting, probation systems that supervise without transforming, and criminal justice institutions that reproduce the very inequalities they were designed to eliminate. The evidence of this failure is no longer peripheral; it is constitutive of the discipline itself.

Therefore, it must be acknowledged that the dominant logic of contemporary social control is not the logic of reform but the logic of containment – the management of surplus prison and probation populations, the neutralisation of real or potential risks produced by deviants, and the perpetuation of institutional power. These are not aberrations from the original project of the Enlightenment penal tradition; they are, in many respects, its inevitable culmination. To name this logic honestly is the first precondition for thinking *beyond* it.

It should also be emphasised that active pessimism does not preclude political or institutional engagement. On the contrary, it demands a more rigorous and less sentimental form of engagement – one that proceeds from realistic assessments of what penal institutions can and cannot achieve, rather than from the inherited optimism of a tradition that has consistently mistaken its aspirations for its accomplishments. The criminologist, the penologist, and the public administrator who adopt this posture are not abandoning the field; they are finally standing within it on honest ground.

Therefore, the concept of *penological pessimism* as the dominant logic of contemporary social control should be understood not as a final verdict on the human capacity for justice but as a necessary corrective – a clearing of the theoretical terrain upon which a more truthful science of social control may, in time, be constructed. If the classics gave us the ambition to reform, the 21st century has given us the sobriety to understand why reform, as traditionally conceived, has so persistently and so consequentially fallen short.

The fundamental idea of the article is to interpret penal pessimism not as passive nihilism but as an *active tool for demystification*. The author argues that the philosophical ideas in question should be presented not only as abstract considerations but also as a *practical tool*. This guide is primarily intended for practitioners – prosecutors, judges, prison and probation staff, legislators – as well as *taxpayers*, who fund the criminal justice system.

This practical orientation is conscious and theoretically sound: it assumes that any reform of penal institutions that is not based on an honest conceptual analysis of their real functions is doomed to reproduce the same pathologies. Penal pessimism in this sense is not a rejection of reform, but a necessary condition for it.

In addition, one of the key diagnoses offered by the article is the observation that the criminal justice system has long ceased to be the realm of jurisprudence and has become a sphere of politics, management, and the pursuit of material gain. The expansion of categories of deviance, the fragmentation of classes of offenders, and the constant expansion of the punitive apparatus all serve the interests of certain political elites and corporate players but in no way serve the interests of crime victims or society as a whole.

The depoliticisation of criminal justice, which we advocate, involves, first and foremost, demystifying the rhetorical constructs used to justify the constant expansion of the punitive system. Penal pessimism as an intellectual position provides the conceptual tools for such *demystification*: it requires asking not, ‘how should punishment function according to official doctrine?’ but ‘*how does it actually function and in whose interests?*’.

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