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The Phenomenon of Social Oppression According to Adam Podgórecki¹

Zjawisko opresji społecznej w ujęciu Adama Podgóreckiego

Abstract

Adam Podgórecki was one of the most outstanding Polish sociologists of the second half of the 20th century. One of the issues that he has comprehensively analysed was the problem of human-induced social oppression. This concept was understood as an external or internal restriction of the available options of human behaviour with regard to an individual or group of individuals. According to Adam Podgórecki, not only does oppression affect the cognitive options of the available types of behaviour and expands the possibilities of human behaviour (as these can be legal and illegal), but it also limits, sometimes in the literal sense, the physical possibilities of behaviour. Moreover, it can often occur inadvertently. An interesting aspect of his theory is pointing to the fact that law often becomes the main mechanism of social oppression. The aim of the article is to present the phenomenon of social oppression in A. Podgórecki's view, which may help eliminate it from social life. At first, the essence of social oppression according to Adam Podgórecki will be explained, followed by a presentation of related phenomena, the significance of the law for the phenomenon of social oppression, and a description of the methods used to study it. The article has been written using the method based on the analysis of the available literature on the subject, critical analysis of A. Podgórecki's works, and the historical method.

Keywords: social oppression, social repression, sociology of law, law, social exclusion

Abstrakt

Adam Podgórecki był jednym z najwybitniejszych polskich socjologów drugiej połowy XX wieku. Jednym z zagadnień, które poddał kompleksowej analizie, był problem spowodowanej przez człowieka opresji społecznej. Pojęcie to rozumiał jako zewnętrzne lub wewnętrzne ograniczanie przez człowieka

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¹ This article expands on the issues raised by the author: A. Przylepa-Lewak, *Wkład Adama Podgóreckiego w powstanie i rozwój socjologii prawa*, Lublin 2020, p. 290–305.

dostępnych opcji ludzkiego zachowania jednostki lub grupy. Opresja, według Adama Podgóreckiego, wpływa nie tylko na opcje poznawcze dostępnych rodzajów zachowań i nie tylko poszerza możliwości zachowania człowieka (ponieważ mogą one być legalne i nielegalne), ale także ogranicza, czasami w dosłownym tego słowa znaczeniu, fizyczne możliwości zachowania. Dodatkowo może mieć miejsce w sposób częstokroć niewidoczny i niemal nieuświadamiany. Ciekawym aspektem jego teorii jest zwrócenie uwagi na fakt, iż częstokroć prawo staje się głównym mechanizmem społecznej opresji. Celem artykułu jest próba prezentacji zjawiska opresji społecznej w ujęciu A. Podgóreckiego, co może być pomocne w dążeniu do jego eliminacji z życia społecznego. Artykuł powstał przy wykorzystaniu metody analizy dostępnej literatury przedmiotu, analizy krytycznej prac A. Podgóreckiego oraz metody historycznej.

Słowa kluczowe: opresja społeczna, ucisk społeczny, socjologia prawa, prawo, wykluczenie społeczne

Introduction

Professor Adam Podgórecki² was one of the most eminent Polish sociologists of the second half of the 20th century. He created and carried out many pioneering research projects in the field of sociology of law, largely based on his meticulous empirical research. Undoubtedly, Adam Podgórecki's intellectual achievements are considerable and innovative in many respects. In some circles, Adam Podgórecki is considered a co-author of the contemporary concept of the sociology of law. He is well known not only in the community of legal sociologists but also among sociologists and legal theorists. He educated numerous devoted students in Poland and abroad who continued many of his projects.

The most important areas of his creative achievements, covered by his numerous works, are the sociology of law, sociological theory, methodology of social engineering, and sociology of morality.

Exploration within the sociology of law and juxtaposing some basic regularities concerning the social determinants of law and its impact on social life led Adam Podgórecki to propose and disseminate the theory of the involvement of science in combating various social pathologies. This became another subject of his interest. He saw the need to develop interdisciplinary practical knowledge, the objective of which would be to propose more efficient methods and means of counteracting negative aspects of social life than those practiced at that time.

² For more details on Professor Adam Podgórecki's life, see, *inter alia*: A. Kojder, *Podgórecki Adam*, in: *Idee naukowe Adama Podgóreckiego*, eds. J. Kwaśniewski, J. Winczorek, Uniwersytet Warszawski. Instytut Profilaktyki Społecznej i Resocjalizacji, Warsaw 2009, p. 22–37; D. Wicenty, *Wokół projektu biografii Adama Podgóreckiego: wyzwania koncepcyjne, metodologiczne i społeczne*, "Przegląd Socjologii Jakościowej" 2013, vol. 9, no. 4, http://www.qualitativesociologyreview.org/PL/Volume24/PSJ_9_4_Wicenty.pdf (accessed: 06.12.2023); A. Kojder, Z. Cywiński, *Socjologia prawa. Główne problemy i postacie*, Wydawnictwa Uniwersytetu Warszawskiego, Warsaw 2014, p. 306–310; J. Kurczewski, *In Memoriam. Adam Podgórecki*, "Studia Socjologiczne" 1998, no. 3, p. 13–17; idem, *Adam Podgórecki*, in: *Socjologia na Uniwersytecie Warszawskim. Fragmenty historii*, ed. A. Sulek, Instytut Socjologii UW, Warsaw 2007; A. Przyłepa-Lewak, *Wkład Adama Podgóreckiego...*, p. 11–24.

Thanks to his extensive research, he was recognised as the founder of the Polish school of social pathology and the initiator of sociological research in this area.³ In 1969, he published *Patologia życia społecznego* [*Pathology of Social Life*], which was undoubtedly the first study of this type in the then communist countries. The author did not limit himself to details, but presented certain manifestations of social evil in a comprehensive way. It is worth noting that the definition of social pathology that he proposed is the one most often referred to in the literature on the subject. In the book, Podgórecki examined various aspects of social pathologies such as crime and deviancy, stressing that social oppression often results from the inefficiency of legal and administrative systems. He also introduced the concept of institution pathology in Poland, referring it also to the functioning of state institutions, which then became the subject of studies carried out by his followers – Jerzy Kwaśniewski and Andrzej Kojder.⁴

The culmination of Adam Podgórecki's work in the field of social pathology and deviation was the analysis of the problem of man-induced social oppression, which he addressed in his study published in a renowned series *Contribution in Sociology*, titled *Social Oppression*.⁵ He used to explain the reasons behind the study by the fact that, although an orientation geared towards the disclosure, description, and analysis of conflicts in society had been developing since the 1960s, there was no systematic inquiry into the problem of man-induced social oppression.⁶

³ The issue of social pathology was closely related to Adam Podgórecki's academic career, because, starting from 1969, he headed the Team for Research on Social Norms and Social Pathology at the Institute of Sociology of the University of Warsaw, and in 1973 he started working at the Institute of Social Prevention and Resocialization (IPSiR), of which he was the originator and co-organiser, and where he managed the Department of Sociology of Norms and Social Pathology. See e.g.: A. Kojder, *Podstawy socjologii prawa*, Oficyna Naukowa, Warsaw 2016, p. 138; A. Kojder, *Podgórecki Adam...*, p. 22–23; O. Halecki, *Prof. dr hab. Adam Podgórecki (1925–1998)*, <http://halecki.org/wybitni-polacy-w-kanadzie/prof-dr-hab-adam-podgorecki/> (accessed: 19.11.2023); K.A. Ziegert, *Adam Podgórecki's Sociology of Law: The Invisible Factors of the Functioning of Law Made Visible*, "Law & Society Review" 1977, vol. 12, p. 151–180.

⁴ J. Kwaśniewski, *Patologia struktur władzy i nadużywanie prawa w instytucjach polskiego państwa*, Referat przedstawiony 14 marca 2011 r. w ramach debaty Koła Naukowego Filozofii Prawa i Filozofii Społecznej pod patronatem WPiA UW; idem, *Patologie instytucji państwa i prawa w posttotalitarnej Polsce*, "Profilaktyka Społeczna i Resocjalizacyjna" 2013, no. 21, p. 225–232; A. Kojder, *Patologia instytucji*, in: *Dziesięciolecie Polski Niepodległej 1989–1999*, ed. W. Kuczyński, Fundacja Księgi Dziesięciolecia Polski Niepodległej: United Publishers & Productions, Warsaw 2001, p. 1018–1019; idem, *Podstawy socjologii prawa...*, p. 279; idem, *Zło szczególne: patologia instytucji*, "Rzeczpospolita" 06.10.1998, <http://archiwum.rp.pl/artukul/195934-Zlo-szczegolne-patologia-instytucji.html> (accessed: 05.12.2023).

⁵ A. Podgórecki, *Social Oppression*, Westport 1993.

⁶ Similarly to Adam Podgórecki, many other sociologists and social theorists have dealt with issues of social oppression. Here are a few of them: P. Bourdieu, *La distinction: critique sociale du jugement*, Minuit, Paris 1979; idem, *Outline of a Theory of Practice*, Cambridge University Press, Cambridge 2019; M. Foucault, *Discipline and Punish: The Birth of the Prison*, New York 1997; idem, *The*

As he himself pointed out, filling this “blank spot” in sociology, which is the absence of studies on social oppression, was possible primarily thanks to the rapid development of a new scientific discipline, which was the sociology of law.⁷ Thus, he was the first researcher to attempt a comprehensive description of the phenomena of oppression, repression, and persecution. First of all, he analysed man-induced oppression, observed especially in the modern era.

Adam Podgórecki's concept of social oppression provides a critical framework for understanding how laws and social structures can perpetuate inequality and limit individual freedoms. His emphasis on empirical research, the role of cultural norms, and the importance of intellectual resistance offers valuable insights for both scholars and practitioners aiming to address and mitigate social oppression.

The purpose of this article is to present and analyse the phenomenon of social oppression as conceptualised by A. Podgórecki. It aims to explore how social and legal structures can perpetuate inequality and restrict the freedoms of individuals and social groups. Podgórecki suggests that the law often becomes the primary mechanism of social oppression, which is a key element of his analysis. Additionally, the article seeks to identify tools that could be useful in combating social oppression and ultimately remove it from social life.

Essence of Social Oppression According to Adam Podgórecki

The word “oppression” derives from Latin, and its spelling in the original language is *oppressiō*. Social oppression means exclusion, marginalisation, or even annihilation of certain social groups, mainly in order to emphasise the superiority of the oppressors, make them privileged, and keep them in power. In modern Polish language, the word “oppression” (*opresja*) means a difficult and dire situation or trouble.⁸

Social oppression is a term that describes the relationship between two groups of people, in which regular abuse and exploitation takes place. Since

History of Sexuality, New York 1978; A. Giddens, *The Constitution of Society: Outline of the Theory of Structuration*, University of California Press, Berkeley 1984; L. Song, *Social Capital and Psychological Distress*, “Journal of Health and Social Behavior” 2011, vol. 52, no. 4, p. 478–492; W. Pinxten, J. Lievens, *The Importance of Economic, Social and Cultural Capital in Understanding Health Inequalities: Using a Bourdieu-Based Approach in Research on Physical and Mental Health Perceptions*, “Sociology of Health and Illness” 2014, vol. 36, no. 7, p. 1095–1110; E. Goffman, *Stigma: Notes on the Management of Spoiled Identity*, Prentice-Hall, New York 1963; H. Marcuse, *One-Dimensional Man*, Beacon Press, Boston 1964. Each of these researchers has made unique contributions to the understanding of social oppression, analysing different aspects of power, social control and resistance.

⁷ A. Podgórecki, *Social Oppression...*, p. 1, 13.

⁸ A.E. Cudd, *Analyzing Oppression*, Oxford University Press, Oxford 2006.

social oppression is something that occurs between people, it should not be confused with the oppressive behaviour of individuals. Social oppression refers to oppression which is inflicted through social measures, and which also has a social dimension, affecting entire categories of people. This kind of oppression includes the systematic maltreatment, abuse, and exploitation of a group (or groups) of people by another group (or groups) and occurs when one group has authority over another in society through the control of social institutions, along with laws, customs, and social norms.⁹ It should be added that it is a very broad concept and can be considered from numerous perspectives, as it touches upon various areas of social life. It covers various forms, including racial, gender, ethnic, religious, and economic discrimination. Oppression mechanisms can be both structural and interpersonal. Structural mechanisms include social, legal, and economic systems that favour certain groups over others. Interpersonal mechanisms, on the other hand, are acts of aggression, violence, or exclusion by individuals or groups of people who have greater power or social position.

As regards the conception proposed by A. Podgórecki,¹⁰ it should be first noted that he used to stress that mental and physical pressures, as well as economic or political exploitation or tyranny have also been scientifically analysed. Generally speaking, in the situation of economic oppression, victims are forced to provide work or services, or even surrender goods. Under political oppression, the oppressed are subordinated to the patterns of institutional hegemony and dominated by those in power. In the case of social oppression, the targeted persons are pressurized to comply with the norms imposed on them.¹¹

Man-induced or socially generated oppression, despite being ubiquitous like power, often remains unrecognised. A characteristic feature of man-induced oppression is the adoption of the concept of “free will” as a basic assumption. The existential idea that the individual can be the “master of one’s own fate” and even that he or she is “destined to be free” radically changes the perception

⁹ See: A. Crossman, *What Is Social Oppression?*, <https://www.thoughtco.com/social-oppression-3026593> (accessed: 02.12.2023).

¹⁰ His work on social oppression has been cited by researchers such as: A. Zybortowicz, *Anty-Rozwojowe Grupy Interesów: zarys analizy*, in: *Kręgi integracji i rodzaje tożsamości*, eds. W. Wesołowski, J. Włodarek, Wydawnictwo Naukowe Scholar, Warsaw 2005, p. 299–324; M. Łoś, A. Zybortowicz, *Privatizing the Police-state. The Case of Poland*, Macmillan Press, London 2000; R.A. Pape, *When Duty Calls: A Pragmatic Standard of Humanitarian Intervention*, “International Security” 2012, vol. 37, no. 1, p. 41–80; M. Caparini, H. Born, *Democratic Control of Intelligence Services: Containing Rogue Elephants*, Routledge, New York 2016; M. Łoś, *The Technologies of Total Domination*, “Surveillance & Society” 2004, vol. 2, no. 1, p. 15–38; K. Onur, *Exit the President Coercive Institution and Regie Breakdown in Tunesia*, London 2021, https://kclpure.kcl.ac.uk/ws/portalfiles/portal/168048128/2021_Kara_Onur_1337824_thesis.pdf (accessed: 10.05.2024); M.L. Marjanović, *Sistematika sociologije prava u istočnoevropskim zemljama*, “Zbornik radova Pravnog fakulteta” 2005, vol. 39, no. 3, p. 429–449.

¹¹ A. Podgórecki, *Social Oppression...*, p. 1.

of man-induced oppression from the traditional belief that human existence is about suffering and inflicting this suffering.¹²

A. Podgórecki criticised the definitions and typologies of oppression listed in the literature, e.g. exploitation, marginalisation, helplessness, cultural imperialism, and methodical violence. He pointed to their numerous defects in that they are value-laden, tautological, lack precision, and are not supported by empirical data. The researcher understood the concept of oppression as: “an external or internal human limitation of the available options for human behaviour of an individual or a group (if the individuals belonging to that group identify themselves with the group).” This definition stresses that oppression can come from outside or “from within”.¹³

According to Adam Podgórecki, oppression affects the cognitive options of the available types of behaviour and expands the possibilities of human behaviour (as these can be legal and illegal), but also limits, sometimes in the literal sense, the physical possibilities of behaviour. Moreover, it can often take place in an invisible manner, almost inadvertently. That is why it is sometimes treated as a natural and not questionable situation. Oppression is understood here as a constant, almost unconscious limitation of existing possibilities, or a limitation of available alternatives. Oppression can take many forms: legal, economic, political, ideological, cultural, or existential, and these forms are mutually reinforcing. For example, the essence of totalitarian regimes (to which A. Podgórecki paid the most attention) is ideological oppression, when there is a monopoly on acceptable beliefs and related practices.¹⁴

At this point, it is worth mentioning the assumption made by A. Podgórecki that in a situation in which the conflict takes the form of a legal struggle, its effects are easy to recognise, as they are specific. If a conflict is a clash of opposing social forces, its consequences are generally multidimensional, vague, and entail unexpected consequences. However, oppression always reveals an ongoing conflict and appears when there are at least two opposing sides pushing for contradictory views. In such a situation, the degree of oppression shows how far the oppressor is able to move and how much the oppressed can tolerate, indicating the ratio of forces of both sides. In extreme situations, the oppressed may actually be stronger and aware of their potential, they may deliberately hold off their attack until they can destroy their enemies. As a rule, however, the stronger party oppresses the weaker party. It is worth noting that, in Adam Podgórecki's opinion, human rights do not come from either “natural”

¹² Ibidem, p. 2.

¹³ Ibidem, p. 6.

¹⁴ Ibidem; A. Kojder, *Podgórecki Adam...*, p. 32.

or “divine” sources, but arise out of a type of oppression directed against those who sought these rights.¹⁵

Phenomena Related to Social Oppression

According to Podgórecki, in the history of mankind, individuals and small groups were initially subjected to direct oppression in their face-to-face interactions. This type of oppression was then replaced by anonymous pressure exerted by formalised social structures. The original functions of the institutions of social control also changed in the same direction. Traditional social control measures, such as the authority of the family, tribe, and community, have radically changed their objectives. Moreover, instruments of control held by institutions, organisations, and various formal structures based on rational behavioural models have replaced traditional social control measures, while these new, rational ones have successively overwhelmed people in a different, unprecedented way.¹⁶ In these increasingly rationalised conditions, law began to play a decisive role in shaping the image and reality of the “new world” and “new civilisation”. Therefore, law and its pathologies appear to be the main instrument of social oppression.¹⁷

According to A. Podgórecki, when oppression becomes a matter of formal, abstract, and rationalised means of coercion, social control enters the psyche of the individual through various social constructs with greatly amplified effects. Individuals are more or less forcibly socialised to approach and accept a new environment as a natural kind of environment. The essential feature of this type

¹⁵ A. Podgórecki, *Social Oppression...*, p. 7.

¹⁶ At this point, it is worthwhile to briefly present three levels of social control distinguished by A. Podgórecki: primary, secondary, and tertiary. Primary control is the influence that a small social group exerts on its members toward compliance with the behaviours prescribed by generally accepted norms in a given situation. This type of control is based on community bonds developed through long-term, multifaceted contacts in various areas of social life. Secondary control, on the other hand, does not have individualistic features established in face-to-face relationships, and is characterised by formalism, impersonalism, an extensive apparatus of formal control, as well as the existence of a system of clearly solidified and recognised sanctions. The essence of the tertiary level of control is that it treats already existing social control measures as elements that can be used to obtain the results currently defined by those who are able to seize them at a given moment. The control seeks, in principle, to attain goals which are not generally known or recognised by the public, and is implemented by means which may include elements of manipulation. See: A. Podgórecki, *Kontrola społeczna trzeciego stopnia*, in: *Problemy profilaktyki społecznej i resocjalizacji*, ed. H. Dziewanowska, Wydawnictwo Uniwersytetu Warszawskiego, Warsaw 1976.

¹⁷ A. Podgórecki, *Social Oppression...*, p. 7; J. Příbáň, *A Sociological Critique of ‘Socialist Jurisprudence’: on Podgórecki’s Contribution to the Study of Totalitarian Law and Society*, “Societas/Communitas” 2013, vol. 15, no. 5, p. 183–189.

of environment is the shift from external control of the person's body and social environment (attitudes, roles, status, etc.) to a new unprecedented internal and actual control. This control (a ubiquitous, totalitarian control) is instilled directly into the psyche of the individual, as it is the individual who is the target of the modern civilisation, and such a technique of social control will ensure that the behaviour of individuals is in line with the core values of the social order. The new means of social control "overwhelm" people in new and unprecedented ways, and the influence of the control is constantly growing. This advanced type of control tends to include in the available resources the individual self, the self of each human being. In other words, it is inclined to include, under its strategic control, those categories of self that are considered the most valuable elements of human life. In Carl Gustav Jung's terminology, the self is the centre of psychic life and the entire psyche. From the level of the unconscious, it attempts to direct the psyche of the individual. It is the axis around which the human psychological structure is organised. It is responsible for the flow of information from the conscious to the unconscious and vice versa.¹⁸ Selves are formed as a result of the expectation of socialisation processes intended to ensure that their effect, continuously tested through a process of trial and error, will be beneficial to society as a whole.¹⁹ As a result, the individual is controlled not from the outside, but from within, which is the very centre of his or her existence. In order to throw more light on this phenomenon, A. Podgórecki undertook to develop his own classification of social selves.²⁰

He distinguished the following types of self: (1) instrumental "me" – goal-oriented, which in times of accelerated social change plays a leading role in enabling the individual to get through various obstacles and dangers created by contemporary circumstances of social life.²¹ In such situations, the individual can be influenced by instilling the conviction that all methods are allowed to survive, even illegal ones²²; (2) facade "me" – such self can be used by people who want to demonstrate their enormous possibilities, even though they do not have them. This is intended to impress others; (3) the mirror image of "me" – the self associated with the facade type of self that provides the person with information about how he or she is perceived by others, and allows the person

¹⁸ See: C.G. Jung, *Aion. Przyczynki do symboliki Jaźni*, transl. R. Reszke, Wrota, Warsaw 1997; O. Vedfelt, *Kobiecość w mężczyźnie: psychologia współczesnego mężczyzny*, transl. Piotr Billig, ENETEIA – Wydaw. Psychologii i Kultury, Warsaw 2004, p. 23.

¹⁹ A. Podgórecki, *Social Oppression...*, p. 18.

²⁰ See: *ibidem*, p. 8, 19–33.

²¹ It is misleading to think that the instrumental attitude is usually destructive, individualistic, as it can also be constructive, e.g. in the case of an MP who cares about the welfare of a larger group. See: *ibidem*, p. 18.

²² This type of self is related to the problem of a "dirty community" discussed by A. Podgórecki in his studies; see: A. Podgórecki, *Socjologiczna teoria prawa*, Interart, Warsaw 1998, p. 89–92.

to determine whether the image of his or her personality matches a predetermined model. The consequence may be the assessment of reality using the other person's perspective; (4) principled "me" – a self that is focused exclusively on adherence to established norms. It forms the basis of a legalistic way of thinking and the basis of formalistic behaviour; (5) the ideal "me" – includes an individual perception of self-image, indicating how it should be and not how it is. The ideal "me" is built on the most precious human dreams and the most sacred moral values. This type of self can help preserve human freedom, but it can also be one of the strongest forms of oppression. It can become a tool of torture. The ideal "me" keeps repeating: "you are still not good enough, not only do you have a long way to go, but in fact you will never be able to reach the goal"; (6) the true "me" – includes all the material and physical factors that affect the life of the individual (e.g. health, character traits, wealth); (7) dependent "me" – if someone has not been able to create their own outlook on life and believes that the lives of others are more exciting than their own, if they identify themselves with the views that were prescribed by others, then they can accept someone else's "me" as their own; (8) private "me" is the most effective identifying symbol of all the selves.

The private "me" plays a major role in regulating people's behaviour. It is known only to a given person, it includes the person's own opinions, views, and intimate experiences, free from the influence of others according to the principle of "what is private, is valuable." If someone controls something that is private, they are in possession of something that has special value. Hence, not only individuals, but also governments, especially totalitarian ones, use many technical and psychological strategies to enter the private self, which gives them an opportunity to blackmail someone. The actual or potential oppression can be twofold: the knowledge about the private "me" may be used to force someone to behave in a certain way or the consequences of disclosing obtained secrets may be used.²³

A. Podgórecki, when analysing this issue, noted that in discussing the problem of social control and oppression, we generally refer to supervisory tools such as the police (including secret services), courts of law, bureaucratic apparatus, power elites, education, religion, political ideology. Such tools play a diverse and important role in supervision and complement each other in the effort to bring human activity to the expected standards. Some of these institutions use techniques that are visible and manifestly abhorrent, while others use techniques that are subtle and attractive to individuals. This catalogue of different strategies includes not only torture and promotions, but also toxic psychological manoeuvres in the form of malicious gossip or intrigue, and, on the other hand,

²³ A. Podgórecki, *Social Oppression...*, p. 31–33.

flattery and compliments. As a result of its noticeability, such pressures were described in more or less detail using a specialised analysis of human relations in diverse social conditions. However, A. Podgórecki emphasised that it is easy to overlook that special kind of control that hides deep in the human psyche. It is based on patterns that are embedded in the human soul, work automatically, and can be stronger than all the institutions that are spectacularly oppressive or, as he wrote, seduce imperceptibly, imposing social conformism all the time.²⁴

Finally, in order to better identify the covert, but nevertheless crucial, forces of social control, A. Podgórecki, concluded that it was necessary to analyse various kinds of techniques to ensure the compliance of society's behaviour with the core values of the social order. One of the most important techniques of this kind is just implanting in the psyche of each member of society the right kind of a socially functioning "me" (self). Social systems are the product of different types of human "me", individual selves, they shape different types of self and are themselves shaped by them. It can be stated metaphorically that the pool of existing selves in a given social system is its superstructure. Adam Podgórecki confronted this subjectivist point of view with the results of research and came to the conclusion that the two typical modes of behaviour in situations of oppression are withdrawal (in the sense ascribed to it by R. Merton) and hyperconformism, i.e. extreme submissiveness. Above all, the social sense of lawfulness; namely, compliance with the law, is degraded.²⁵ The sense of the rule of law (that is, the social sense of the rule of law) can be degraded in situations of social oppression for several key reasons. Under conditions of oppression, individuals may be forced to obey the law not out of recognition of its moral value, but out of fear of the consequences of disobedience. When the law is seen as a tool of oppression, its moral legitimacy is undermined. Additionally, when the legal system is used by dominant groups to maintain inequality and suppress dissent, individuals may lose faith in the justice of the law. Oppression can lead to the erosion of traditional social and moral norms that have been the foundation of compliance with the law. As individuals become increasingly focused on survival under oppression, they may neglect or ignore these norms, further degrading society's sense of the rule of law. Extreme compliance (hyperconformism) in response to oppression can lead to a situation in which people obey the law not because they accept it, but because they feel compelled to. This, in turn, leads to mechanical, unreflective compliance, which undermines a true understanding and respect for the values the law is meant to protect. When oppression becomes pervasive and internalised, individuals can adopt attitudes that reinforce their enslavement, rather than challenging it.

²⁴ Ibidem, p. 18.

²⁵ Ibidem, p. 57–60; A. Kojder, *Podgórecki Adam...*, p. 32.

Instead of being an instrument of justice, the law becomes a way to perpetuate the status quo, which makes it appear unjust and repressive.

Significance of Law for the Phenomenon of Oppression

A. Podgórecki viewed law not merely as a system of rules but as an instrument that can be used to oppress certain groups while benefiting others. He believed that the legal system often reflects the interests of dominant social groups, thereby maintaining and legitimising existing power structures. This perspective aligns with critical legal studies, which emphasise that laws are not neutral but are embedded in social power relations. He noted that the change in forms of oppression from direct oppression to that resulting from anonymous pressure from formalised social structures is also accompanied by a change in the role of law and its numerous pathologies. Law becomes the main mechanism of social oppression. In formalised structures, legitimised situations of oppression are created by positive law.²⁶ A similar role in structures with a low degree of formalisation is played by intuitive law. As A. Podgórecki used to point out, it would be a mistake to assume that only official (positive) law can perform oppressive functions because intuitive law can also play an oppressive role.

As he argued, the law constitutes a solidified (established in a specific form) oppression. As duties are basic components of law and since they constrain human behaviour, then, to the extent that constraints on human behaviour constitute oppression, law oppresses human behaviour. The elusive phenomenon of power should be understood as the relationship between duties and rights manifested in certain spheres of human behaviour. As a result, the more duties, the more oppression, and the more rights, the less oppression. The heavier the oppression, the stronger the power, and the weaker the power, the more lenient the oppression.²⁷

According to Adam Podgórecki, law is oppressive in a threefold sense. Firstly, it is oppressive in itself, because it limits the available options for human action, quite often physically enforcing certain types of behaviour. Secondly, it prosecutes

²⁶ A. Podgórecki understands positive law as the law that is enacted or recognised by authorities that have the tools to impose their will when it comes to the content and application of the law. Intuitive law is the law based on voluntary cooperation, based on the awareness of one's rights and duties in relation to other people. See more: K. Motyka, *Socjologia prawa: Od Petrażyckiego do Podgóreckiego*, in: *100 lat socjologii w Katolickim Uniwersytecie Lubelskim Jana Pawła II*, ed. W. Szymczak, Towarzystwo Naukowe Katolickiego Uniwersytetu Lubelskiego Jana Pawła II, Lublin 2018, p. 251–255; idem, *Leon Petrażycki and Adam Podgórecki: On the Reception of the Psychological Theory of Law in Poland under Communism*, in: *Leon Petrażycki. Law, Emotions, Society*, eds. E. Fittipaldi, A.J. Treviño, Routledge, New York 2023, p. 50–57.

²⁷ A. Podgórecki, *Social Oppression...*, p. 117.

certain behaviours and uses the whole machinery of social control (of the first, second or third degrees) in case its rules are breached, threatening in advance to use this machinery. Thirdly, it plays a fundamental role in the distribution of various types of pressure: taxes, fees, fines, duties, tariffs, levies, etc.²⁸

One of the most distinctive features of law are its related sanctions, which may be formal, as is the case with official law, or informal, as in the area of intuitive law. Formal sanctions may be strengthened by informal sanctions. The application of informal sanctions or the public announcement of a warning that they may be used has been introduced to anchor or solidify oppression by prohibiting certain types of behaviour. In this sense, the law itself is solidified oppression. Using formal or informal (in the case of intuitive law) sanctions, it directs the behaviour towards the aim desired by the legislature. It may be helpful to point out that formal sanctions, although perceived by classical case law as primary legal factors, are only of secondary importance. They become part of the social reality only if the prestige of the law is not strong enough to provide it with the necessary support. People who do not understand the nature of the contradiction between official and intuitive law generally underestimate the importance of the prestige of the law.²⁹

As A. Podgórecki noted, when examining various legal systems, especially in a totalitarian state, the law takes on the characteristics of a solidified oppression, because it applies there conditionally, and the political authority uses it in an extremely instrumental way.³⁰ During prolonged periods of pathological rule, not only does the law openly violate traditional principles, but it also violates the moral values and intuitive attitudes of the population. The pathological totalitarian regime “injects” a “psychological venom” into these attitudes, which have a tendency, by inertia, to act in conditions where the dominant totalitarian structure has already been destroyed and cannot be eliminated in a short period of time. In the post-totalitarian era, they are autonomous and still exist as an internal negative force. It can be assumed that the mental heritage of the totalitarian era is like a “breath” held and ready at any moment, and with increasing strength to overwhelm the society involved in the rebirth process. These assumptions have been tested in the historical reality of one particular

²⁸ Ibidem.

²⁹ Ibidem.

³⁰ Ibidem, p. 117. It should be noted that A. Podgórecki, in a study preceding his *Social Oppression*, namely in *Socjologiczna teoria prawa*, carried out an analysis of totalitarian law and post-totalitarian law as solidified oppression. See also: A. Podgórecki, *A Concise Theory of Post-Totalitarianism* (Poland — 1989/1990), “The Polish Sociological Bulletin” 1991, no. 94, p. 89–100; A. Podgórecki, *Reappearance of Ex-Communist Structures as a Test for the Integrative Theory of Law*, “Polish Sociological Review” 1996, no. 115, p. 199–213; A. Podgórecki, V. Olgiati, *Totalitarian and Post-Totalitarian Law a Sociolegal Analysis*, Dartmouth Publishing Co., Aldershot 1996.

society, namely Polish society. The most frequent of these venoms, according to A. Podgórecki, are the suspicion of neighbours, family, and sometimes even one's own children, instrumental and altruistic denunciations, erosion of friendships, corruption in administration, ubiquitous dirty communities, transformation of respectful traditional symbols, negative slogans, widespread fear, reluctance to speak the truth and constant self-censorship.³¹

Adam Podgórecki's reflections on the role of law in social oppression led him to a new understanding of law, not as a set of external sanctions, as assumed in classical jurisprudence (although, from the point of view of formal law, external sanctions are its key element), but as a set of socially created selves, expressed in intuitive law, having decisive importance for the functioning of law. As a consequence, as Adam Podgórecki put it, law should be seen as a double oppression, sometimes mainly external and sometimes internal.³²

Adam Podgórecki's final conclusion was: firstly, social oppression may in some situations be purely regulative, usually criminal and repressive, and secondly, not only can social oppression be introduced into social life by means of direct instructions in the form of specific legal norms, but it may also result from the general legal culture.³³ In his analysis, Podgórecki often referred to the "invisible factors" that influence how law is perceived and applied. These include cultural norms, social expectations, and informal practices that are not codified but still exert significant control over the behaviour of individuals.³⁴

Methods of Researching the Phenomenon of Oppression

Finally, it is worth taking a closer look at the method proposed by A. Podgórecki for the researching of the phenomenon of social oppression. Its normative nature and, at the same time, the normative nature of law make it necessary to find a special research method that combines an evaluative perspective with the requirements of an empirical approach. Hence, the appropriate method for the study of the issue of oppression, according to A. Podgórecki, is a "multidimensional approach". It assumes the development of a comprehensive methodological

³¹ Ibidem, p. 101, 130. A. Podgórecki understood the totalitarian system as a social system dominated by a homogeneous ideology imposed on society by a single party with its oppressive apparatus. A post-totalitarian system, on the other hand, emerges when the one-party formula formally ceases to dominate, but the deep-rooted bureaucratic structure remains in place and the values, mores, and basic mechanisms generated under the totalitarian system continue to prevail.

³² Ibidem.

³³ Ibidem.

³⁴ All of this had an impact on the perception of the law and its prestige. See in detail: A. Przyłępa-Lewak, *Legal-Sociological Research of the Prestige of Law*, "Studia Iuridica Lublinensia" 2021, vol. 30, no. 1, p. 219–235.

and conceptual framework that enables the analysis of social issues from different perspectives, so as to better capture different facets of social reality. As he wrote:

It is impossible to see in detail a complex structure in the dark unless it is illuminated simultaneously from different angles. If the light is incident at only one angle, the resulting image is completely devoid of the intriguing complexity that characterises the whole. Such a vision reduces the actual image.³⁵

The multidimensional approach adopted by Adam Podgórecki was intended to be a counterbalance to the dominant strategy of using only abstract terms in law, aptly ordering them in pre-arranged combinations, and reinforcing one empirically worthless claim with another equally worthless claim. The multidimensional approach also has its flaws, as it does not, for example, provide any new unifying theory. Nevertheless, it reveals various, often lesser-known elements of contemporary social reality.³⁶ Such an approach is consistent with A. Podgórecki's general view of speculation in science, as he wanted to free science from it.

One of the central tools in the multidimensional approach is social empathy,³⁷ i.e. learned understanding of other human beings surrounded by the social world, an understanding of what belongs to the social world that is alien to a given individual. In other words, social empathy enables a person to enter into a world of social existence other than their own, and this is done by experiencing, directly or indirectly, the existential specificities of other people. There is thus possible an insight into various types of socio-personal experiences, other than those belonging to one's own internal world.³⁸

A. Podgórecki wrote that if the data obtained as a result of social empathy is to be used in social practice, it must usually be transformed into dependent or independent variables. To this end, they need to be extracted from a mixture of existing matter and the flow of current events and then operationalised into constructs and concepts suitable for empirical research. As this process deprives the data of its particular authenticity and uniqueness, it is advisable to "flavour" it with everyday elements, even with anecdotes, in order to make their authenticity more visible.³⁹

In conclusion, it can be assumed that the transformation of these data into such variables allows for their systematic analysis and application in various

³⁵ A. Podgórecki, *Social Oppression...*, p. 12 (own translation).

³⁶ Ibidem, p. 13.

³⁷ A gradual introduction of the concept of social empathy can already be seen in the theories put forward by Leon Petrażycki, Henri Bergson, Anthony Giddens or Wilhelm Dilthey.

³⁸ A. Podgórecki, *Social Oppression...*, p. 12.

³⁹ Ibidem, p. 13.

fields, including the legislative process. Legislators can use the data obtained through social empathy to formulate policies and create laws that better respond to real social needs and problems. In addition, before introducing new legislation, lawmakers can use data obtained from social empathy to better understand the potential social impact of proposed regulations. This data can also help identify areas where existing laws are not working effectively or are even contributing to social problems. This allows lawmakers to make necessary changes that better reflect social needs.

Summary

The concept of social oppression according to A. Podgórecki is a complex approach to analysing how social and legal structures can act in oppressive ways to limit the freedom of individuals and social groups. Social oppression, in his view, includes the various forms of control that social institutions and the law exert on individuals, often in order to maintain the status quo and protect the interests of dominant social groups. Social oppression, defined as a regular violation of rights, freedoms, and dignity of individuals or groups by stronger or dominant forces in society, is a phenomenon that has been present throughout history. As A. Podgórecki's disciple A. Kojder wrote:

Although for centuries people have been constantly thinking about how to increase freedom of each individual and build harmonious social relations free of exploitation and oppression, at the same time they continue in their efforts to subdue the weak, take their land and captivate their minds.⁴⁰

Despite advances in human rights and social equality, oppression is still a problem in many societies around the world. Social oppression has negative consequences for both individuals and society as a whole. At the individual level, it can lead to low self-esteem, depression, anxiety, and even suicide. Oppression can also limit access to resources, education, health care, and professional opportunities for oppressed groups. On the society-wide scale, oppression can lead to exclusion but also contributes to increased social inequality, conflict, and social instability.

The result of social oppression is that groups in society are divided into different positions within the social hierarchies of race, class, gender, sexuality, and ability. Members of the controlling or dominant groups benefit from the

⁴⁰ A. Kojder, *Przedmowa*, in: *Przymus w społeczeństwie*, ed. A. Kojder, Instytut Socjologii Uniwersytetu Warszawskiego, Warsaw 1989, p. 7.

oppression of other groups through increased privileges over others, greater access to rights and resources, better quality of life, and better chances in life in general. Those who experience the burden of oppression have fewer rights, limited access to resources, less political power, lower economic potential, worse health and higher mortality rates, as well as lower overall life prospects. While some people are aware of how social oppression works in society, many are not. Oppression mainly persists through the apparent honesty of life, and the winners are simply more hard-working, wiser, and more deserving of the riches of life than others. Although not all people in dominant groups are actively involved in supporting oppression, everyone ultimately takes advantage of it as members of society.⁴¹

Social oppression boils down to systematic damage that is morally wrong, unjustified, and unfair. It is implemented through unfair social restrictions that affect the oppressed group. Due to its omnipresence in various areas of social life, its invisibility, and unawareness of its existence and social harm, it is necessary to agree with A. Podgórecki that social oppression should definitely be the object of continuous, comprehensive research and analysis, and that a comprehensive approach to solving the problem of social oppression is necessary. This requires action on many fronts, including social education, institutional reform, and support for people affected by oppression. Only by promoting tolerance, equality, and respect for the rights and dignity of each individual can we create a society that is free from oppression.

Social oppression is a complicated and complex phenomenon that is difficult to eliminate completely. Despite progress, forms of oppression still exist in many areas, including developed democracies, affecting the lives of numerous people. Striving to reduce oppression is a noble goal, but it requires continued effort, reform, and education, as well as an awareness that new forms of oppression may emerge as societies develop.

⁴¹ A. Crossman, *What Is...*, <https://www.thoughtco.com/social-oppression-3026593> (accessed: 26.05.2024).

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