Higher Education Changing Reality of Palestinian Security Prisoners in Israel

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Abstract

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Israeli law defines the role of the imprisonment system as: "To detain prisoners within a secure and appropriate facility while preserving their dignity, fulfilling their basic needs, and their ability to become part of the society when they finish their time". According to this perception, Israeli prisons offer rehabilitation programs, including educational ones, which are tailored to the different population needs. This article presents some of the debates relating to the implementation of this law among Palestinian security prisoners, and the latter's right to higher education during their imprisonment. Can higher education change prisoners' reality? Will the educational programs within prison cells change prisoners, especially Palestinian security prisoners' perceptions, thinking and life style? This article shows that efforts need to be made to provide education paths to those security prisoners if we wish to help them abandon the route of terror and become and bridge for future discussions between nations.

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Key words: Higher education programs; security prisoners; imprisonment law; education rehabilitation programs; human rights.

1. Introduction

This article deals with the question of the existing practice allowing for academic higher educational study as a means of rehabilitating criminal and security prisoners within Israeli prisons. The research world is often occupied by the question of whether education contributes as a tool to rehabilitate prisoners, mainly as studies referring to criminal prisoners. The challenge facing us is to examine the ability of the educational system in prisons to serve as a means of changing patterns of

thought and value perceptions of security prisoners, where the basis for the crimes for which they are imprisoned derive from ideological motivations.

From the outset, it is important to point out that this refers to a volatile and politically sensitive subject that touches on many areas outside the practical question of a recipe to integrate prisoners, defined as security prisoners, into the educational framework in prisons. However, this subject reveals a system of additional considerations and influences on a wide range of other areas including the differences between criminal and security prisoners, the place of education in the tapestry of prisoners' lives and whether this refers to the rights of humans, whomever they are, to realize their abilities and expand their horizons through the acquisition of education during their imprisonment.

2. Theoretical Views of Education Programs in Prison

Today there are 17,434 prisoners in Israeli prisons, of which 6,900 are residents of the Palestinian Authority (Merkel, 2016), areas which are under Israeli control and were conquered during the Six Day War in 1967, and are made up as follows: 5,598 political prisoners and 1,302 security prisoners. A security prisoner is defined as *"a prisoner who has been convicted and sentenced for committing a crime, or imprisoned on suspicion of committing a crime, which due to its nature or circumstances was defined as security offense, or whose motive was nationalistic"* (Commission Ordinance Number 04.05.00, translated from Hebrew). Classification of a prisoner as a security prisoner is an administrative decision taken by the prison authorities, and is not defined in law, and relies on the propensity of the crime to harm the security of the public or the state.

The essential role of imprisonment in Israel, as defined in its basic strategic documents is to *"keep prisoners and detainees under safe and appropriate detention, securing their lives and dignity and providing their basic needs, Provide corrective measures to all prisoners (in case any of these measures is suitable for the prisoner) in order to improve their ability to be absorbed by society once being released"* (http://www.ips.gov.il/Web/En/About/Vision/Default.aspx, 01.08.2016). In line with this social target, many rehabilitation programs suitable for varied populations are found within prison walls. Education programs constitute an important component of prisoners' rehabilitation and as a tool to *prepare prisoners to reintegrate into the community as effective and law abiding members* (http://www.publications.parliament.uk/pa/cm200405/cmselect/cmhaff/193/193.pdf).

Between treatment and rehabilitation frameworks, one can find a variety of educational programs - some of which are basic and aimed at the broad segment of prisoners to enrich them and help pass the time. The rest are within an educational framework that focuses on instilling formal education (Cecil, Drapkin, MacKenzie & Hickman, 2000) headed by academic education through higher education learning at the Open University, using distance learner and personal study combined with study meetings within prison walls.

In a joint study carried out by the Israeli Prison Authority and the Hebrew University of Jerusalem (Hasayasi, Weisbord et al., 2014) that dealt with the organization of existing corrective programs, it emerged that educational programs in prisons and the benefits derived from them relied on a research

foundation based mainly on optimistic and ideological theories alongside moral developmental theories. According to researchers who support these theories, educational activities enable prisoners to adopt abilities and habits that help develop a legitimate lifestyle removed from the criminal world (MacKenzie, 2008). These researchers believe that acquiring education leads to moral advancements amongst learners that forms a basis for making appropriate moral judgments in circumstances faced (Ubah & Robinson, 2003).

Moral developmental theory refers to the moral load provided to prisoners by educational programs. This theory relies on the assumption that studies in humanistic areas reinforce prisoners' moral and conscientious attitudes through their deliberations about moral dilemmas set before them (Lockwood, 1991). Hackman (1997) argued that prisoners, who were integrated into educational frameworks whilst in prison, will feel that society is interested in their return to society and as such, will be released and return to community life with positive feelings. On the other hand, prisoners who did not participate in significant educational activities and did not acquire tools to help them improve their quality of life will return to society with negative feelings, in a way that increases the likelihood that they will return to crime and continue to be a danger to society. As a result, we recognize the importance of integrating prisoners into educational rehabilitative processes to create a safer society (Coylewright, 2004).

3. Security prisoners' academic studies

Against a background of the capture and imprisonment of the Israeli soldier, Gil'ad Shalit[1], and Hamas's refusal to allow the Red Cross to see him, a political decision was taken in June 2011 (Nir, 2011) that comprehensively revoked the possibilities for any prisoners classified as security prisoners to acquire any academic education.

According to the data held by the Israeli Prison Authority, from 2009 until the political decision to revoke the option for prisoners to undertake academic studies, i.e. 2011, more than 200 security prisoners study at the Open University each year. In 2009, 244 prisoners, in 2010, 231 prisoners (Ronen, 2013) and in 2011, 226 prisoners (Merkel, 2016).

From a review of the research literature detailed above, which refers to education in prisons, one can demonstrate another thread that links prisoners' educational activities in prison with the level of their habitual criminality. It is agreed that the rehabilitative contribution of educational programs operated in prisons and their ability to bring about a change in prisoners' attitudes, ways of thinking and lifestyles.

Expected changes are not limited to behavioral changes and reducing the levels of violence during their sentences alone, but show deeper, more significant and broader changes that allow them to abandon a life of crime, and turn to normative horizons, and change them, on their release, into productive citizens.

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[1] Gil'ad Shalit is an Israeli soldier who was kidnapped close to Gaza on 25 June 2006 by Palestinian terrorists, that belonged to the following terrorist organizations: Hamas, the National Opposition Committees and the Army of Islam. Shalit was held captive in Gaza for approximately five years and four months.

This perception leads to the structuring of educational programs as an integral part of the rehabilitative and therapeutic resources supplied to prisoners by the Israeli Prison Service as well as other prison organizations around the world. Attempts to trace studies referring to changes in the attitudes of prisoners whose crimes were ideologically motivated found nothing.

The position of the education and therapy factors in the Israeli Prison Service is that rehabilitative activities are meant to change criminal perceptions, norms and behaviors, which led to prisoners' being imprisoned and to instill corrective tools that will help them be absorbed into society as normative citizens after their release.

During the annual conference summarizing work in 2011, the Commander of the Prison Service, Lieutenant-General Aaron Franko presented recidivist data for the general population of criminal prisoners showing that the level of return to prison amongst all criminal prisoners was 62% (http://www.haaretz.co.il/news/law/1.1672691).

In contrast, the rate of recidivism for security prisoners during the same period was approximately 5.6%, a relatively lower number that the average for security prisoners, which generally stands at 9%.

Table 1. Rates of recidivism – security prisoners (2009 – 2011)

Year	Total no. of security prisoners	Number released and returned to prison	Recidivism %
2009	6699	633	9.4
2010	5672	503	8.9
2011	4118	234	5.6

Table 2: Rates of recidivism among security prisoners who participated in academic studies

Year	Total no. of security prisoners	Number participating in academic programs	Number released from those who study	Returned to prison	Recidivism among prisoners who participate in Academic studies
2009	6699	244	128	25	19.5%
2011	4118	226	75	2	2.6%

Hasayasi and Wiesbord (2014), who examined the effect of educational programs in Israeli prisons on the rate of recidivism amongst prisoners in Israeli prisons from 2004-2012 based on the component of returning to prison, found that there was no difference in this parameter between prisoners who had participated in at least one formal educational program and those who had not participated in any educational processes at all in prison. In contrast, Kim and Clark's (2013) research amongst prisoners who had taken part in **academic studies** showed that the recidivism rate amongst prisoners who had not participated in educational programs was four times higher than those who had participated in study programs, meaning academic studies seem to contribute to a reduction in recidivism rates.

Detailed analysis of the data regarding the 244 security prisoners who undertook academic studies in 2009 shows that the rate of those who were released, committed crimes and imprisoned again was 19.5% (out of 128 prisoners released, 25 were imprisoned again), i.e. one in five of those who

participated in academic studies returned to prison, whereas recidivism rates among the general security prisoners' population released at that time was only 9.4%.

An examination of data referring to 2011 reveals that among released prisoners who had participated in the academic program, only two were imprisoned again, constituting 2.6% of the total number of prisoners that participated in the academic program. On the other hand, the rate of recidivism among the general population of security prisoners at that year was 5.6%.

As shown above, security prisoners' data do not indicate that participation in academic studies contributes to reduced recidivism rates, and sometimes the rates are even higher, as seen in the 2009 data, where the rate of recidivism among prisoners who had participated in the program was higher than that in the genera security prisoners' population.

Whereas in 2009 the data show that one in five prisoners who participated in the study program returned to prison, which is a high rate compared to that of security prisoners who did not study at that time, the 2011 data shows a reversed trend: a 2.6% rate of recidivism was recorded among those prisoners who were released after having participated in the academic program – a decrease of over 50% of the general rate of security prisoners (5.6%).

Security prisoners define themselves as ideological prisoners, that is to say that in their opinions, they carried out their crimes as a result of ideological convictions that they were justified and deep seated belief that it was the right way to achieve what they wanted.

As long as a prisoner is defined by security factions as a security prison, so they hold onto the same ideologies, and therefore it is neither worthwhile nor logical to allocate resources, as limited as they are, to rehabilitative activities. However, the more genuine remorse these prisoners express about their activities and abandon the ideological path that formed the basis of their evil doing, the more open their possibility to turn to the prison authorities and security factors for a change in their classification from security to criminal prisoners and as such, to benefit from appropriate therapeutic processes.

Another issue that must be discussed is the question of whether classification of prisoners as security prisoners constitutes a legitimate obstacle to the right to undertake higher education, taking into account the accessibility to higher education allowed to criminal prisoners.

The decision to block the Open University study route to security prisoners' damages, so it seems, their fundamental human rights and their natural right to realize their ambitions for personal and professional development. These human rights do not end at prison gates.

The position of security prisoners is that the rationale on which imprisonment is based is focused on limiting their freedom of movement and negating their freedom. Stopping their higher education whilst criminal prisoners continue to study, constitutes unacceptable, inappropriate and unjustified damage to their legal rights, whose origin is in the country's desire to avenge their actions, which in itself is degrading and insulting.

In contrast to security prisoners' position, that of the state is that there is a fundamental difference between security and criminal prisoners. The opportunity to acquire higher education during imprisonment is a benefit, and not the fundamental right of prisoners. The state is not obliged to provide security prisoners any benefits or privileges not required by law. Moreover, it has been found that prisoners' privileges have been exploited for evil by terrorist organizations, for example for the

prohibited passing of monies, messages and other means to prisoners in order to strengthen their people in prison and even to direct terrorist activities.

Despite the fact that there is a possibility, in Prison Service orders, for prisoners to declare that they have abandoned terror as a bases for changing their classification to criminal prisoners, and as such, to receive a personally appropriate rehabilitation basket, it appears that employing this process is very rare, in that as stated, security prisoners are steadfast in their hostility to the existence of the state of Israel. Therefore, it appears that there is no justification to allocate the system's resources to activity that in essence is a privilege and not a right given to prisoners who perceive themselves as enemies of the state and whose aim is to destroy it.

Prisoners, on their part, are not interested in any links with national prison organizations therapeutic factors, which they perceive as representative of the state. Any connection between them and anyone wearing a uniform is seen by them as cooperating with state authorities. Prisoners, in their classification as security prisoners, are not entitled to any organized rehabilitative or allaying care and therefore spend most of the day in the company of their studying companions whose focus is predominantly on religious studies. The probable outcome is that prisoners who enter prison strongly sympathizing with radical Islam will, the longer they are imprisoned, become more attached to it and are likely to be negatively spiritually awakened and become graduates of the 'university of terror'.

Studies support the acquisition of education as a basis for moral change (Arbuthnot & Gordon, 1986; Lockwood, 1991). It appears that studies in the humanities such as: philosophy, history and literature can help and support rehabilitative processes, because it is assumed that these subjects reinforce peoples' consciences, particularly when they are required to deal with moral dilemmas. Mapping the study areas and courses in which security prisoners participated, it appears that the most common were: genocide, democracy and dictatorship and Islam - historical introduction to the religion, which reinforce the explanation that the ideological aspect is significant in how one views the contribution of care. Although the data does not point to a definite contribution of academic studies to the rate of recidivism among security prisoners in Israel, an examination by name of the security prisoners who completed their academic qualification during their incarceration shows that some of them took up key positions in terrorist organizations that in time to come, in the hope that peace negotiations will take place between the state of Israel and the Palestinians, they will certainly have influence on the final outcome of any agreement and a basis for creating normalization between the sides. As a representative example, one can point to Taisir Bardini, who completed his graduate degree in prison and serves today as a member of the Fatah (PLO) Central Committee in Gaza and is responsible for prisoners, and Zaher Jabarin, who completed his undergraduate degree at the Open University serves today on the Hamas council in his place of residence, Qatar, and is advisor to the head of Hamas's political bureau, Khaled Mashal.

4. Conclusions

As a prison warden for many years under whose command security prisoners have been jailed for long sentences, I am convinced that efforts must be made, even if statistical data reveals that their

chances are small, to integrate security prisoners into organized and open educational activities, not because it is in their interests alone, but also because it is in the national public interest to exploit every chance that these prisoners, who have acquired education and normative values will be helped to abandon the route of terror and become and bridge for future discussions between nations.

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