

Résumé du contenu/English Summary

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Probation : aide ou contrainte ?

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RÉSUMÉ DU CONTENU / ENGLISH SUMMARY

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Among the subjects dealt with in contemporary criminology that of probation is of particular importance. It is one of the oldest and most important measures devised by the legislator to diversify the means at the disposal of the judge for rendering justice. Today's general effort to humanize the application of the laws is expressed in the introduction of probation in the legislation of most western countries. The more and more widespread conviction regarding the harmful effects of imprisonment (whether of long or short duration), the evident discrimination of the control system against the poorer and more underprivileged (psychologically and socially) of our fellow citizens, has resulted in the fairly general acceptance of probation as a measure affording preventive treatment and social justice.

It is important to remember the ideological context in which probation was adopted and developed when examining its application and giving credit those who use it, as well as when we consider the criticisms it is subject to.

In effect, whereas science progresses at a snail's pace and imposes intellectual and verbal asceticism on its followers (the wise man thinks before he speaks), ideology, on the other hand, is unbridled ! The complex and often explicit relations between science and ideology, between the justification for a political and social measure based on scientific argument, or based on an ideological argument, constitute a source of much confusion and useless discussion. The articles in this issue of our review illustrate this admirably.

Historically speaking, after the second world war, the social conscience, based on the idea of community solidarity, gave rise to the creation of the Welfare State. This was expressed, in the penal domain, by more systematic recourse to measures other than imprisonment. These included suspended sentences, probation, community work or the compensation of victims. All these measures had one thing in common : their source of inspiration. This was based on the humanitarian ideals propagated by various social reform movements. Upheld by the political parties, the media, intellectual circles and others, this ideology was sufficient-

ly strongly supported to inspire a whole series of legislative measures significant of its concern for social justice. The role of science (and at the same time criminology) in this movement was twofold : first, most criminologists shared the idea that it is necessary to promote social justice along with political justice, already realized in the western democracies. The criminologist, academic or practitioner, thus declared himself a social reformer. Next, criminology as a science dealing with crime and society's reaction to it, put to work its methods of investigation, its conceptual and theoretical apparatus, to describe, analyse and interpret the criminal's response to a penal measure that does not resort to imprisonment. As a result, this double role resulted in criminology (science as a type of action) being identified with the measures examined here.

Thus fairly radical ideological changes emerged in the field of corrections during the sixties. The increase in violent crimes, the widespread occurrence of juvenile vandalism, and above all the fear engendered by these in large sections of the population created a profound reaction in society, with demands for a more repressive system of justice. We are now witnessing the revival of neo-classical ideologies along with a renewed outbreak of neo-marxist social criticism, anti-authoritarian, but also anti-therapeutic. Among the measures criticized, naturally, is probation, which is fairly widely used in the western democracies.

It is in this perspective, therefore, that the first four articles in this issue, written by people who work in the Quebec probation services, and compiled with the assistance of the publications committee of this same service, deal with the functioning of probation, the self-assessment of the workers (often trained in criminology) and the examination of prospects for development and for adaptation to changing requirements. On reading these articles, it is clear that the ideology that gave rise to these measures is still both alive and well.

Criminological research on probation is promising, though still in its early stages. In spite of its deficiencies, probation is one of the major acquisitions of Quebec's administration of justice in the past ten years or so.

The last two articles, written by « University » criminologists, present the difficulties that today's ideological changes are

creating in the contemporary social conscience. The dilemmas are numerous and, put in normative terms, are naturally lacking a solution. The role of science as a method of investigation and evaluation however remains ; in all probability, probation is here to stay. Criminology can contribute significantly to an understanding of the ramifications of probation, both human and social, due in particular to the setting up of personality typologies and the evaluation of appropriate measures to assist them in specific situations. All indications seem to show that in Quebec professional development will go hand in hand with scientific research relevant to the practice of the above measure.

Questions concerning the moral justification of probation as well as those regarding the value of the criminological «under-taking», have certainly become more pressing since the cultural revolution of the past ten years. Exposed to the manipulation of powers it cannot control, criminological expertise is also being criticized as a professional practice which, according to Talcott Parsons, depends on the authority attached to it — authority based on the need expressed by the client who shows his dependency, on the one hand, and the theoretical competency and practical experience of the professional, on the other.

The cultural revolution is largely aimed at challenging the authority consolidating the social institutions. The value of science, the professional status of the expert — not very independent of the established authorities—, the gap between the results of scientific research and correctional and criminological practice, are all factors and contradictions that weaken the legitimacy of the role of the criminological expert/practitioner. As to the needs of «clients», the spirit of social criticism has penetrated the social conscience, even in the prisons and the halls of justice.

The «right to be different», in the eyes of some, implies the right to serve a sentence «in peace», without recourse to the «treatment» or «resocialization» offered by the criminological practitioner. All these facts contribute to the sociopolitical and moral ambiguity of today's social intervention, increasingly justified by recourse to science.

These contradictions, by all evidence, have always been presented in epistemological discussions ; what is new, however,

is the clarity of their echo in the contemporary conscience. Each generation copes with these contradictions in its own way.

As for those who « use » probation in Quebec or elsewhere, they must justify it, in their own eyes and in the eyes of those they are supposed to serve (potential victims and actual offenders), by the quality of their contribution and by their reliance on the results of criminological research.

Ideological discussion, for its part, must go on. It legitimately reflects the anxiety that exists in the face of abuses, justice infractions and the false promises so characteristic in social practice, whatever it may be. On the question of criminal justice, the stakes are even higher : are we not playing with the dignity and liberty of man ?