

'One Hundred Years of Probation'

by Dr Maurice Vanstone

In a brief summary of the history of the probation service in the United Kingdom, it is easy to overestimate the part it has played in the criminal justice system - it is after all a relatively small component - but equally, it is easy to dismiss or under value its importance as a symbol of the value of rehabilitation in the process of dispensing justice. It is a small, sometimes marginalised agency, but there is little doubt it has made a significant contribution to keeping the flame of rehabilitation alive even now in the current punitive culture.

Accepting that makes it is easy to justify its position as a moral good in the process of implementing criminal justice (Celnick and Williams 1991) but, as I came to understand when researching its history, this is only a partial truth for the story is much more complicated than that (Vanstone 2007).

CURRENT PREDICAMENT

My starting point for a brief re-telling of this story of the past hundred years is the Service's current predicament. It is, indeed, ironic that in this centenary year the future of the probation service is more uncertain than any other time in its history. Moreover, it is worrying that the Italian criminologist Enrico Ferri's warning about the corrosive effect of 'a blind worship of punishment' (to his students in the University of Naples at the beginning of the 20th century) should resonate so clearly at the beginning of the 21st century (Ferri 1971).

It may be true that the process of politicising crime which has gathered pace over the past 30 years or so and its contribution to what Anthony Bottoms termed popular punitiveness will have finally and irrevocably undermined the original ideal of probation (Bottoms 1995). However, it is also possible that the Service with its unique history of performing fundamentally important functions, such as providing information to the courts and supervising probationers and ex-prisoners in the community, will yet survive.

Although uncertainty does prevail, two things are clear: firstly, in recent times there has been an unprecedented increase in the powers of the Secretary of State to determine who in the public and private sector fulfils probation purposes; and secondly, in the future, both the processes and structure of the supervision of those people who become offenders will continue to change.

A MORE COMPLICATED STORY

In the context of probation history the current situation should not be entirely surprising. The Service has a long history of responding to political expectations, albeit more implicit than those we experience today. This is why the centenary year is an apposite time not only to celebrate its history but to analyse it in a way that provides us with a fuller understanding of that history. The traditional humanitarian story and the way it attributes the origins to on the one hand, the police court missionaries and on the other, pressure for penal reform by a homogeneous movement motivated by humanity and Christian principles, is not enough. The past hundred years is best reflected upon against the background of the influences and pressures (political, social and cultural) that were dominant during that period.

ORIGINS AND THREATS TO SOCIETY

The concept of probation emerged from the pioneering work of Recorders Matthew Davenport Hill and Edward Cox, the Church of England Temperance Society, and American pioneers in Boston, Massachusetts, most notably John Augustus but also Mrs L P Burnham. Possibly, she was the first female probation officer and, perhaps unsurprisingly given the gendered nature of traditional histories, a forgotten figure (Vanstone 2007). Of those, Hill may be an even more significant figure that previously thought because there is evidence that he used his system of release on recognizance with adults as well as juveniles, thus bringing it closer to probation as we know it. Of course, there is a wider international history to be acknowledged too, but I think it is generally accepted that probation as we know it originated in the United Kingdom and America (Bochel 1976; King 1969; McWilliams 1983).

Probation began its life at a time in criminal justice history when, as Garland (1985) has argued convincingly, there was a new found interest in who the person who had offended was and why were they an offender.

In a sense, attention had shifted away from the crime and the appropriate 'just deserts' response, to exploring why the crime had been committed and what could be done to stop it happening again. However, it is important to remember that this new found curiosity was linked to long-standing concerns about the perceived threat - in its many manifestations - posed to society by the moral degeneracy of the poor (and particularly the idle and undeserving poor). A dalliance with eugenics hitherto has been a largely ignored aspect of probation history (Vanstone 2007). Concerns about moral degeneracy and the attendant baggage of eugenics are located in the writings and activities of key individuals (such as William Tallack and Thomas Holmes, both at one time secretaries of the Howard Association) and organisations (such as the Church of England Temperance Society and the Howard Association who were leaders in the movement to promote the introduction of probation).

THE TRIUMPH OF SOCIAL SCIENCE

A short address such as this is not the place to unravel completely the complexities of this analysis, but it is an analysis which necessarily needs some attention here if we are to understand the full story of probation. Curiosity needed satisfying, needed answers, and as Rose (1985, 1996) has shown the relatively new science of individual psychology was conveniently placed to provide them. It provided the necessary theories and tools to assess, categorize and place deviants (in whatever form they took). Probation practice, steeped as it was initially in Christianity, jostled for its place in the new penal project and thus began to court the fledgling theories of social science. This was not new because according to Thomas Holmes (1902) all London police court missionaries had their heads measured by a professor of phrenology. Religious argument and motivation survived well into the century but it was recognised that in the struggle to counter the threat of moral degeneracy, social action was a better bet than saving souls (McWilliams 1983).

That partly explains why social science triumphed, but it emerged dominant also because very early on in the probation project, probation officers began the pursuit of professional status. I do not wish to put a cynical edge on this because the writings of some of those officers demonstrate that a thirst for understanding about how to best help people stop offending drew the Service to a wider knowledge base; however,

that was part of what Rose (1996) describes as the new range of theories and techniques introduced to regulate and control the behaviour of those who were judged to threaten social order.

AN INDIVIDUAL FOCUS AND FOLK THEORIES

Inevitably, professionalisation brought with it the growth of administrative and organisational structures, but it is important to recognize that for most of the 20th century the individual endeavours of probation staff and teams dictated the nature of the work. Of course, training was an essential element in the process of professionalisation, and that training promoted casework with its psychodynamic theories and premise that crime is a disease. So, from the 1930s through to as far as the 1970s we can trace the adaptation of casework by prominent practitioners into a variety of what I would call folk theories.

When eventually challenged - most famously by the Bottoms and McWilliams' Non Treatment Paradigm (1979) - the notion of treatment was replaced by an approach still focused on changing the individual and relying on psychological interpretations but more concerned with principles of collaboration, equality, and freedom of choice. Undoubtedly, particularly in the later stages of this first hundred years, some Services and practitioners attempted to deal with the structural problems faced by offenders (and undoubtedly, the Service and NAPO have been in the forefront of the development of antidiscriminatory policies and practice), but such work has been the exception rather than the rule (Drakeford and Vanstone 1996; Lewis et al 2006).

A CONCERN WITH EFFECTIVENESS

The latter stages of the first hundred years (and you might spot a degree of optimism in that phrase!) has seen among other things: the re-designation of probation as punishment; the removal of the consent principle; and as far as practice is concerned, research into the effectiveness of probation in reducing offending, work with groups, and the cognitive-behavioural model assuming a dominant position. This latter development, in particular, has been embroiled in controversy with critics arguing that it has provided the impetus for a policy agenda characterised by managerialism and actuarialism. (There may be some element of truth in that claim, but surely helping people who get into trouble to think in

different ways, make less harmful decisions and resolve problems more effectively and more pro-socially has always been the essence of probation practice.)

So, do these developments represent an end to humanitarianism or an opportunity for the Service to make a continuing and significant contribution to criminal justice? There are several reasons why I choose the latter:

- there is no other viable way to help people stop offending than working on their offence-related problems;
- evidence tells us that those problems are ineluctably bound up with the familiar personal and social issues, which have been the essence of probation work throughout its history;
- dealing with those problems is inextricably linked to reduction of harm to both the individual offender and the wider community (and what could be more humanitarian than pursuing that goal?); and
- among other things, this 100 year history tells us that social justice depends not just on promoting individual welfare but also on addressing community needs - and an informed, confident probation service that manages (rather than allows itself to be driven entirely by) political agenda can integrate both dimensions.

CONCLUSION

What is most striking about reflecting on Service history at this centenary is that current proposals to reform the Service are occurring within a similar set of configurations to those that existed at its birth. (We have our modern folk devils, for example, Hoodies, to be fearful of). There are however some significant differences:

- currently, the humanitarian element and what might be described as humanistic values lie in the shadows cast by criminal justice;
- the threat to social order is expressed in terms of undue leniency and insufficient punishment rather than an excess;
- victim empathy is properly given more emphasis but punishment and risk are the dominant concerns;

- it is more difficult to fit a non-punitive approach to reducing re-offending (however much it challenges attitudes and behaviour harmful to victims) into a criminal justice scene dominated by prison;
- early probation served class-biased political purposes but it served philanthropic and humanitarian purposes too whereas in its proposed modern form it is in danger of serving only the populist political needs of whatever government is in power; and
- today, probation workers are involved routinely in work with dangerous, persistent and drug dependent offenders, and therefore there is a need for attention to the surveillance and policing aspect of its role without losing sight of a version of community justice which has some focus on the welfare of those who commit crime.

So, there are plenty of reasons for pessimism, but I end on an optimistic note. Probation staff who make up the probation service work with troubled and troublesome people in ways that help them stop offending and lead constructive lives, and one of the main lessons of this particular history is that ultimately the success of such rehabilitative work depends on probation workers having positive, genuine, empathic and constructive relationships with those they are trying to help. Therefore, as long as we charge people with that task, that basic work will have to continue, and given its history, it surely makes sense for the probation service to carry it out.

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