Reklassering in an abolitionist perspective

paper to be presented at the International Conference on Prison Abolition, june 24 - 27, 1985, at the Free University of Amsterdam

by: Victor Blankevoort, member of the staff of the national office of the A.R.V., 's-Hertogenbosch (General Reklassering Association)

"Reklassering in an abolitionist perspective"

Should the dutch "reklassering" be transformed into a probation-service, or should it remain an independent, client-oriented support-institute, working inside as well as outside the penal system?

That's the central issue in the ongoing discussion on the future of dutch "reklassering". The question was raised 3 years ago when the government announced plans to reorganize the "reklassering", in order to cut growing expenses, to improve management and increase productivity in this 'non-profit sector' of the penal system.
For american and british colleagues these objectives will ring a bell.
Yes, we too have a conservative government, adopting a no-nonsense, no-frills approach to social problems.
It's penal policy so far produced increased prison-capacity, increased prison-sentences, increased fear of crime, increased overt and covert police-surveillance and of course, an increased demand from the public for more severe punishment.

At first the government's plans for a new setup for the "reklassering" did not seem to fit in this policy.
It stressed that "reklassering" should remain in the hands of private organizations, the State only providing the necessary funding.
It stressed the need for decentralization and the reduction of the overhead, thus permitting the work to be organized and priorities to be defined in accordance with varying local circumstances.
The model proposed looked attractive, promising to cut 'red tape', to reduce inefficient overlap, to reduce the distance between policy-making and the execution of it.
The organizational frame-work was finally agreed upon in november 1984, after two years of negociations.
Negociations that were in fact one continuous struggle for power, between the Ministry of Justice and the private organizations involved. It created one of the finest examples of 'bureaucratic warfare', with casualties on both sides, people injured for the rest of their life, creating a permanent atmosphere of distrust, turning friends into foes.
And the war is not over yet.

Although it was agreed, last november, that the largest private organization (the A.R.V.) and the State were to go on with the proposed reorganization "their love-affair has turned into a bad marriage", as one observer noted.
They actually signed a two-page contract, which included a reference to a dozen appendices totaling over two-hundred pages.
A lawyer's nightmare.
But now that parties are so closely bound together their differences at least are visible.
It is perfectly clear for instance, that the State has no intention whatsoever to give up any of its controlling power.
On the contrary, its main objective is to get a better grip on the "reklassering". Not just financially, to which end an elaborate set of norms has been formulated. Not just organizational, to which end plan-procedures and management-information systems have been prescribed. Not just with regard to the quality of the 'product', to which end an inspection empowered with full-dressed authority is formed.
The objective is 'total control', including policy-making, definition of priorities, the decision on what is "reklassering" and what it is not.
One of the intentions is to bring back "reklassering" inside the penal system, taking its share in the exercise of formal control; in short, to turn "reklassering" into a probation-service.

These intentions became very clear in the course of the most recent discussions on the <u>aim</u> and the <u>means</u> of the 'new' "reklassering". They took place, up until now, inside the A.R.V., not only the largest "reklassering"-organization, but also, much to the "chagrin" of its contracting partner -the friendly State of the Netherlands- a democratic organization, with a General Assembly, to which both working-members and outside-members of the association may be elected. The General Assembly is the highest authority in the association, its task to 'check' the policy set out by the board of directors.
One of the conditions set by the General Assembly, before allowing the board of directors to sign the contract, was that it would have to give final approval to the statutes of the new organization.
In november the board accepted this condition. A decision they would deeply regret in march, when the new statutes were first discussed.

Then everybody could see in print what changes were actually proposed. And the reasons given for these changes.
Then it became very clear these changes were not simply meant to 'update' the statutes of the A.R.V.
The proposed changes were simply meant to undo the "reklassering" from twenty years of its history. To accept them would mean going back in time even longer and to give up the independent position the "reklassering" has acquiered over the past 25 years.
In order to appreciate the meaning of the proposed changes we therefor have to go back also. Back to 1974.

In 1974 the statutes presently 'governing' the A.R.V. were laid down. They were formulated after long deliberations on the position the "reklassering" should have in the field of criminal justice.
But they were not merely ideological statements.
They also translated a number of important changes that had taken place in the relation of the "reklassering" to the penal system over the preceding ten years.

The "reklassering" was professionalized in the early fifties, when qualified social-workers took over from volunteers. It meant the introduction of the social-casework-method and the adoption of a therapeutic perspective inside the penal system.
This development was greatly influenced by the dominating view on 'the criminal' as a deranged person, mentally or socially. Criminal psychiatry provided the theoretical framework for the mentally disturbed criminal and the clinique the place where he was to be treated. Criminal pathology meant to give a similar framework for the analysis of the socially deranged criminal. His treatment would come from the ambulatory social work.
In his pre-trial report the "reklassering" was to inform the judge on the pathological aspects in the personality-structure of the accused, in order to allow 'made to measure' sentencing,and to inform the court on the possible help the "reklassering" could offer.
In this therapeutic model the acceptance of surveillance by the"reklassering" on the part of the client was very often imposed as a condition to a probationary sentence.
The fact that help was imposed on the client was no obstacle.
On the contrary, the interests of the penal system and the "reklassering" formed a perfect match. The professional care for the client legitimates the penal system, which in turn produces a growing number of clients for the "reklassering", thus allowing a steady growth

On the contrary, the interests of the penal system and the "reklassering" formed a perfect match. The professional care for the client legitimates the penal system, in its turn producing a growing number of clients for the "reklassering", thus allowing a steady growth of this 'forensic' institute.

The therapeutic model is characteristic for the "reklassering" in the fifties and the first part of the sixties. Then changes that had taken place in other types of social work start to influence "reklassering" as well. In the sixties a growing number of social workers take consciousness of their role in the societal structure. The problems of the client are no longer seen a purely individual , but are brought in relation with social and structural problems characteristic for society as a whole.
Social movements aiming at societal reform in one way or another grow in number and importance. A critical perspective is developed with regard to welfare-organizations themselves as well as with regard to their functioning in relation with the institutes maintaining established social order.
Organizations are democratized and'alternatives' to be developed.
Social work will have to undo itself from its authoritarian and paternalistic character.
The penal system does not escape from the critique.
Its role in the maintenance of social order is criticized and its disfunctioning in the handling of conflicts.
A movement for penal reform brings together theory and praxis. At the universities theories on deviant behaviour and the role of the penal system in reproducing criminal behaviour open up a new perspective.
The answer to crime is not to punish the individual, but structural reform and social action. The penal system should not send people to jail to set an example, but solve the underlying conflict.
As for the "reklassering" these influences are particularly visible in the relation to the client and in the relation to the penal system.
The client is no longer seen as a subject to be treated, but as a person to be supported in his search for an acceptable way of living. People cannot be forced to change their behaviour.

If the client is to be helped in any way, this can only be realized in co-operation, in a relation of trust, where help is accepted and not imposed. This view on how to assist people is no longer compatible with the formal task of surveillance and so the relation of the "reklassering" with the penal system has to change as well.
In a relatively short period of time the "reklassering" is able to undo itself from a number of supervisory and controlling tasks.
The articulation of a client-oriented approach also includes attention to client-network systems as well as their social conditions.
Special projects are established for groups, younger people, neighborhoods where cumulative social problems are seen as the as the major cause of crime.

These changes in perspective became widely accepted and in those years a decline in the relative importance attached to the penal system may be observed almost generally.

On a structural level the "reklassering" supports the movement for penal reform and joins the demand for alternatives to prison-sentences, for decriminalization and depenalization.
The acceptance of this perspective was expressed in another way yet.
In 1974 the four major private organizations agree on a merger which will bring them together in the A.R.V., regrouping about 500 professional social workers in one nationally organized association. This provided an excellent occasion for the reformulation of the aim and the means of the "reklassering".

The statutes adopted by the A.R.V. described the position of the "reklassering" in its relation to the penal system in a member of ways.
Its aim was formulated as:

> "To improve the well-being of members of society, insofar as such well-being is related to the existence and functioning of the penal system".

Three interrelated means were defined as different ways of realizing this aim .

The "reklassering" would:

- offer help to people in their own setting, as well as assistance in the setting of the penal system; and

- render services to the authorities involved, especially by informing them about the situation of their clients, but only insofar as these services were also useful to the help offered to the client.

This last part was especially important, and it still is, as we shall see, because it expresses the client - oriented approach in which the "reklassering" had chosen to work.
But the "reklassering" was not only to work on an individual level.
As a third way of realizing its aim the statutes defined:

> "The influencing of opinions, relationship and structures within society, including the penal system, as well as developing alternative reactions to criminal conduct".

It may be clear from these statutes that the A.R.V. choose to work in the field of criminal justice as an independant organization of well-being, defining its tasks in the perspective of both helping the individual client and reforming the penal system.
Their formulation shows the influence of a different perspective on crime.
In fact they may even be seen as the first signs of an abolitionist perspective, tentatively formulated at the time.

Whatever their historical importance may be, they allowed a further development of the "reklassering" in a series of new activities over the past ten years, inside as well as outside the penal system, on the individual level as well as on the structural level.
They allowed, for example, setting up a system of 'early-help', experimenting with "dienstverlening" (the dutch equivalent to the C.S.O.), to cooperate with the prison-services in experiments with temporary leave for prison-inmates to experiment with victim-offender projects, conflict-settlement etc. etc.

They also allowed the creation of a special information-section at the national office, giving form to the task of informing the public on "reklassering" and influencing public opinion on crime and the functioning of the penal system.
This section produces, for instance, the monthly journal KRI, presenting a critical view on penal policy and on "reklassering".

Other areas of special importance include the support of special-interest groups and volunteers in the field of criminal justice.

The reformulation of its aim and means also allowed a further development of the theoretical perspective adopted by the "reklassering".
A new plan, setting out the policy to be developped in the eighties, was entitled "Prevention and reduction". Familiar terms for criminologists.
What was ment though was not the prevention or reduction of crime, at least not in a direct sense.
The plan was to develop a policy preventing the criminalization of events and persons involved in them and to reduce the harm caused by an intervention of the penal system.
The "reklassering" it was argued, should make a special effort in creating a number of alternatives to the penal reaction.
The alternatives should be created outside the penal system in order to intervene in an early stage of the criminalization-process.
The plan in fact, put the work of the "reklassering" in an abolitionist perspective.

The question is if it will ever be realized to its fullest extent.
Because at the start of its term the new government set out another plan. It would cut public spending and the "reklassering" would have to cut its budget by 25% over a 4-year-period.
The only way to realize such an operation without the risk of loosing a great number of jobs, was to reorganize.
And that's where the problem started.
The organizational interest was so important that everything else was set aside.
At first the private "reklassering" came up with a plan of its own. When this failed, government threatened to step in and impose its model.
Finally a plan was agreed upon which maintained the private character of the "reklassering".
The Ministry of Justice however managed to obtain a very strong position financially, in the management and plan-procedure. And it wanted even more.
The statutes of the A.R.V. would have to be revised. It was suggested this would be done without changing the position of the "Reklassering" in its relation to the penal system.
Everything would stay the same, there was no discussion. Until a few months ago.
Then the proposed statutes were examinised by the General Assambly of the A.R.V.
And it was discovered that some very important elements were missing.

For one thing the article describing the aim of "reklassering" had simply been left out.
The reason given for this omission was simple and direct: "well-being was a concept of the sixties, for the eighties it had lost its meaning".
Another important omission concerned the relation between the set of means.
It was no longer stated that services would be rendered to the penal authorities only insofar a this would be useful to the help offered to the client.
This restriction was meant to indicate the client-oriented perspective the "reklassering" had adopted.
For the State this was unacceptable. The activities of the "reklassering" on behalf of the client and those on behalf of the penal system were to be considered equally important, they were to be executed on equal footing.
This omission is, of course, of vital importance. It means the "reklassering" would no longer be a support-institute, focused on the position of the client. Instead it would have to serve the penal system even when this would come into conflict with the interest of the client.
A third change in the statutes concerned the work of the "reklassering" on a structural level.
Instead of"influencing opinions, relationships and structures within society, including the penal system ..." this third means of "reklassering" was to be:

> "influencing opinions in society on persons who have come into contact with the penal system".

The difference is clear, I presume. Trying to take away prejudice against ex-convicts is allowed, but a critical view on the penal system is not.

These changes taken together mean a fundamental change in the position of the "reklassering".
The General Assembly recognized this in march. It sent the board of directors to the Hague to negociate another formulation.
They were not succesfull.
And so, last week, the General Assembly, insisting on a change of the proposed statutes voted for an amendment.

In essence it meant the statutes of the A.R.V. were to be maintained.

The amendment was unacceptable for the board of directors. They decided tot resign.

And so, the question is still not anwered. It is difficult to predict what will happen next. It will depend on the strategy adopted. One way would be to gain the support of parliament, for example. Another way would be to start a legal procedure. A third way might be to negociate anew with the Ministry of Justice.

I wonder what strategy abolitionists would adopt.

-o-