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Prison counselors in France: a changing profession and its moral dilemmas

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Abstract
This article deals with the changes in the profession of prison counselors in France. Formerly in charge of alleviating pains of imprisonment, they gradually became more specialized on the «individualization of sentences»: providing a criminological assessment of the offender to advise parole judges on the opportunity of an early release. This change in the mission was reinforced by a change in the recruitment, favoring law graduate over social workers. I emphasize in this paper on the moral dilemmas entailed by these shifts: how did they reshape the relation of prison counselors to their clients?

Keywords: prison counsellors, sentencing, prison reform, moral sociology.

Resumo
Os técnicos de reinserção social nas prisões em França: uma profissão em mutação e os seus dilemas morais
Este artigo trata das transformações no trabalho de técnico de reinserção social das prisões em França. Outrora com a tarefa de suavizar o sofrimento ligado à reclusão, estes profissionais especializaram-se progressivamente na «individualização das penas»: Trata-se de produzir uma avaliação criminológica dos condenados a fim de aconselhar os juízes de execução de penas quanto à oportunidade de uma medida de liberdade condicional. Estas mudanças de missão foram reforçadas por modificações no seu recrutamento, favorecendo os juristas em vez dos trabalhadores da área social. Este artigo coloca o acento nos dilemas morais criados por estas transformações: como reconfiguram elas a relação destes técnicos prisionais com as pessoas de que se ocupam?

Palavras-chave: técnico de reinserção social das prisões, execução de penas, reforma prisional, sociologia moral.

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Resumé

Les conseillers pénitentiers em France : une profession en mutations et es dilemmes moraux

Cet article traite des transformations du métier de conseiller pénitentiaire en France. Autrefois chargés d'adoucir les souffrances liées à l'incarcération, ces professionnels se sont progressivement spécialisés sur l' « individualisation des peines » : il s'agissait alors de produire une évaluation criminologique des condamnés afin de conseiller les juges d'application des peines quant à l'opportunité d'une mesure de libération anticipée. Ces changements de mission ont été renforcés par des modifications du recrutement, favorisant les juristes plutôt que les travailleurs sociaux. Cet article met l'accent sur les dilemmes moraux créés par ces transformations : comment reconfigurent-elles la relation des conseillers pénitentiaires aux personnes dont ils ont la charge ?

Mots clés : conseillers pénitentiaires, application des peines, réforme des prisons, sociologie morale.

> "*It will be like the US: we will have a leather jacket, a gun, a badge, and we will be probation officers. That's their idea, I think.*"

This is how Fanny Bignon, a prison counselor in a Parisian jail, expresses her concern regarding recent changes in her profession. After a law degree, she entered the prison administration because she wanted to be "useful" and help the most needy; she was trained by an old prison counselor who had entered the prison administration in the 1970s to embody a "counter-power" to the repressive authority and assist the disadvantaged in prison. But between 2008 and 2011, a series of reforms attempted at «refocusing» prison counselors on the "core mission" of the Administration of Corrections: the execution of sentences and the prevention of recidivism. Prison counselors are now considered "experts" in sentencing, and play a central role in the individualization of sentences.

Individualization of sentences is a key mechanism in the French penal architecture. During the past two decades, French prisons have been severely criticized for inhumane conditions of detentions and overcrowding; at the same time the prison population increases because of repressive police[1]. In this context «individualizing» sentences enables the judiciary to reduce time behind bars and decide for alternate sentences (electronic tag, parole, probation…). Prison counselors provide information and advice for these decisions: they are thus playing a key role in the system. At the same time, they are at the heart of the contradictions of the system: its contradictory tendencies towards punitiveness and humanization.

1 Between 2002 and 2012, prison population increased from 48 594 to 64 787 (source: French Administration of Corrections).

Prison counselors, who were previously identified as a marginal but compassionate actor in the prison system now become more central but have to endorse the repressive role of the institution.

This article is about this process of changing professional identities, how on that matter public policies intersect with changing demographics in the profession, and the consequences of these shifts in the relation to prisoners. How does becoming a "probation officer" entail a specific "moral color" to the job?

I conducted research between 2009 and 2011 in two jails for male adults in the Parisian region: Dugnes jail, which contains 2000 prisoners, and Broussis jail, 900 prisoners. Both are jails with high overpopulation rate, high turnover of prisoners (short sentences, transfers), and high turnover of staff.

I was allowed to conduct interviews with prisoners and staff, to observe their interactions but also to observe moments of decisions on the "individualization" of sentences: especially parole boards. My study happened at a moment of high tensions between prison counselors and their hierarchy. While I had not intended on studying this profession specifically, the intensity of the debates on "what the profession should be" was compelling. And it seemed to me it was a relevant lense to investigate on the ground the meaning of contemporary criminal policies[2].

I base my theoretical framework on Bourdieu's notion of "field" (Bourdieu, 1986, 1993). A field is a social space defined by a relative autonomy: specific rules, hierarchies, values, skills and capitals. An hypothesis is that the "State" is made of the intersection of different "fields" that influence each other but also cultivate some autonomy (Bourdieu, 2012), thus explaining contradictions in public policies that cannot be reduced to a coherent strategy of population control. Moreover, people's "habitus" in a given field shape public policies in specific ways: this is shown by a growing body of ethnographies of "street-level bureaucrats", for example Dubois on social services (Dubois, 1999) or Spire on immigration administration (Spire, 2008). My participation to a collective program with Didier Fassin added another dimension to it: the emotional dimension, the attention to moral feelings and moral subjectivities, inclination to compassion or repression in the practice of the agents actually implementing public policies (Fassin et al., 2013).

My argument is that anxieties about the professional identity of prison counselors illuminate tensions and contradictions of contemporary liberal ethics. I will first describe how the profession shifted, then analyze the "liberal" moral dilemmas these shifts entailed.

2 Bouagga, 2013.

1. Shifting the profession: from social work to judicial bureaucracy

First I would like to quickly retrace the origins of prison counselors, to help a better understanding of the scope of contemporary changes and debates: why some prison counselors define themselves as "social workers" while others want to distantiate from this image?

The origins of social intervention in prison dates back to 19th century charity took on mostly by religious congregations. This humanitarian intervention was meant to attenuate the violence of the institution and help prisoners reenter society afterwards. Prison social services were institutionalized in 1945 when, after the Second World War, the "Welfare state" was developing and prison was redefined as an institution whose primary goal was the reformation of offenders, in line with the anti-punitive philosophy of the "Defense Sociale Nouvelle" (Faugeron & Le Boulaire, 1988).

In addition to caseworkers (*assistante sociale*), a new profession is created to embody this mission: correctional educators. Between 1950s and 1990s, they are not numerous (few hundreds up to a thousand) but they embody the protective role of the State (Faget, 1992). They also embody anti-authoritarian tendencies: in the 1970s, many young idealists become educators to be on the prisoners' side, and destroy the prison from the inside.

However, facing the need to better coordinate prison and probation services (which were very underdeveloped in France compared to other countries), the Administration of Corrections engaged in a major reform in 1999 and created, out of prison social workers, and probation social workers, a unified body of "insertion and probation counselors". The "service d'insertion et de probation" (SPIP) supposedly coordinates the supervision of offenders in prison or outside.

But beside this "top-down" narrative, there is another narrative of the changes occurring: the narrative of changing demographics. After the 1999 reform, correctional social workers (prison and probation) almost tripled. The new generation of counselors differed from the previous one: more women, a higher level of education, and an educational background in law rather than social work. While the new generation saw itself as more "professional" and denounced older prison counselors as "permissive hippies", the older generation saw the arrogant new-comers as "failed judges", as phrased during interviews.

Both evolutions (the legal one and the sociodemographic one) led to changes in the vision of the role of the prison counselor. It shifted from a feminine, caring role in the prison, to judicial bureaucracy and punitive distanciation[3].

3 These transformations are studied in recent academic work (Chauvenet, Gorgeon, Mouhanna, & Orlic, 2001; Larminat, 2012; Bouagga, 2012; Razac, Gouriou, & Salle, 2013).

A feminine, caring role

Prison counselors embody protective values symmetric to the custodial functions of prison guards oriented towards security. While the latter focus more on preventing escapes, counselors have to prevent desocialization, depression or suicide. They interview incoming prisoners, make contact with the family, make sure they have access to basic items and listen to their complaints. They thus take on a traditional feminine role in a gendered division of work in the prison. But a growing discourse among prison counselors insists on distinguishing themselves from caseworkers denounced as too lenient, too caring: "we are not nannies", or "we are not caseworkers, we are judicial professionals".

Judicial bureaucracy

The new reference to a judicial professional field is for prison counselors a source of higher social prestige. The prison counselor is the one in charge of following the prisoner's file, and determine if he is eligible for early release, parole, electronic surveillance etc. : for this, prison counselors are in relation with "juges d'application des peines" (sentence implementation judge). As the 1999 decree stipulates, they "provide the judicial authority and the prison administration with relevant information to individualize sentences". The core of the job is not the encounter with the prisoner but written tasks: translating situations into legally relevant categories of eligibility or non-eligibility, phrasing legal advice, and adjusting to judicial rhythms. Prison counselors write dozens of memos per week, following the planning of judicial hearings and good-time committees. In overcrowded jails, their interactions with prisoners are often written ones: it is not rare that, lacking time, prison counselors send prisoners a check list in which they indicate what "efforts" they made (working, attending class, abiding to a therapy etc.) to deserve a reduction of their sentence.

In Dugnes, there were 24 prison counselors (including 4 with more than 10 years of service), in Broussis, just 9 prison counselors (including 1 with more than 10 years of service ; and 4 still in training). Each counselor was responsible for 80 to 120 prisoners. As one counselor phrases it, "we are just doing flow management, we cannot deal with people individually. So what we do is deciding what is urgent, who will have the priority over whom. That is an everyday moral dilemma. But you have to filter."

This situation implies a form of physical distanciation: prison counselors work in administrative offices out of prisoners' reach. And they try to avoid being contacted directly by prisoners when they walk inside the prison: the appropriate procedure is to write them to request an appointment.

The use of computer further increases the distance between prison counselors and prisoners. It is also a tool to reduce the moral dilemmas of unequal treatment, through forms of rationalization.

Punitive distanciation?

A more recent trend in the evolution of the profession of prison counselor has been the new official definition of their role as "sentence experts", implying specific skills in criminological evaluation. The influence of the Anglo-Saxon criminology is obvious in the terminology: for example, the standardized grid used to evaluate the prisoner's situation has been baptized "diagnostic à visée criminologique" (criminologically-oriented diagnosis). The horizon is a positivist "objective" technique to predict risks, like actuarial techniques in use in the US for example (Harcourt, 2007).

One prison counselor in Dugnes explained "To deal faster with cases I developed a clinical framework: I identify the penal category, the age, the socio-professional background, the family history so I can classify and prioritize them". However her acceptance of this scientific discourse is an exception: most prison counselors strongly resisted it.

The transformation of caseworkers into criminologists is indeed a double-edged sword: on the one hand it gives a higher prestige to the profession of prison counselors through an aura of scientificity. On the other hand, it puts on them the heavy responsibility of predicting the unpredictable, and gives them a responsibility in crime control.

During my fieldwork in Broussis, a dramatic crime happened in western France: a released prisoner raped and killed a young woman. Politicians (including the president himself) pointed at prison counselors for not having detected the risk and recommended specific supervision after release. Prison and probation counselors went on strike to denounce unfair accusations given their work conditions. One of the mottos of the demonstrations was "we do not have a crystal ball". The counselor's comment "we will be like probation officers" quoted in the beginning happened also at that moment when prison counselors feared of becoming like policemen.

These reactions revealed the scope of anxieties regarding the wide shifts in the profession. It also showed how moral dilemmas play in the way prison counselors implement these new policies, and shape them into practices.

2. Liberal dilemmas: conflicts about the moral role of counselors

The evolution of the official role of prison counselors has raised divisions among them. As we have seen, there is a strong opposition between two generations. More subtly, generation, political sensibility and social trajectory are intertwined into defining divergent conceptions of professional identities. The two main trade-unions, "Snepap" and "CGT" represent opposite views of what a prison counselor should be: for CGT, a left-wing union, prison counselors should remain social workers and prevent crime through social insertion. For "Snepap", a union in which supervisory staff is well represented, the only way

to stop mass incarceration is to give a "real status" to counselors and powers approaching those of a judge. Despite their antagonism they share a "liberal" conception of punishment oriented towards measures less coercive than prison.

But they are also both of them confronted with the limits of this "liberalism" that reduces the intervention of the state on individual destinies (Wacquant, 2009): in practice, prison counselors working in jails are rarely confronted with high-risk criminals, but with many young delinquent who will probably re-offend on low-stake felonies. They are also confronted with a mass of socially vulnerable people, coming from poor backgrounds, sometimes homeless, with mental impairments, and for a non-negligible part of them, undocumented immigrants. Far from the image of the strong gangster most clients of prison counselors are people experiencing precarity and who do not fit basic criteria for early release: having a stable address and a job.

As a prison counselor in Dugnes phrases it, "Of course it's not fair, but we feel powerless: when you are confronted with a homeless guy, there's nothing you can do for him, there are not enough social shelters outside".

In this context, rationalized methods to evaluate prisoners' situation can be interpreted by prison counselors either as a symptom of the abdication of the Welfare state, or as a realistic way to deal with clients of an overwhelmed administration.

Anne Théron, who has become prison counselor in 1975, describes the new rationalized grid for prisoner orientation: "There are five segments. Each prisoner has to fit in one segment. Segment 1 is for those who have all criteria for successful reentry while for segment 5 nothing can be done: either he is on pre-trial detention, or he is not fully aware because he is mentally weak… so nothing will be done for him: it is scary!"

As Feeley and Simon noted, in the "new penology" framework, crime control techniques are more concerned with predicting risks rather than improving people's socio-economic situation or morality (Feeley & Simon, 1992).

These managerial tendencies reinforce inequalities already playing at every stage of the penal chain (police, justice, prison). But for many prison counselors it is a way to deal with the contradictions of their job. As one counselor cited previously, "it is an everyday moral dilemma but you have to filter". Even for those who are very aware of the social consequences of their practice, the rationalization of treatment is the only realistic way to deal with daily challenges.

These attitudes entail a fundamental ambiguity in the face-to-face relation with prisoners. The same prison counselor explains her difficulty to embody the dual role her job commands: "you have to be at the same time in a caring attitude, displaying empathy, concern, while you are also evaluating and controlling!"

The bureaucratic distanciation help prison counselors reconcile these two contradictory injunctions. But they also find resource in a new hegemonic

discourse in public policies emphasizing the contractual nature of the relation between state administrations and their clients. The criticism of domination and patronizing attitudes has resulted in a liberal emphasis on consent and autonomy (Astier, 2007). A young counselor in Broussis (who was trained in law) explains how she reacts when she faces returnees in the prison: "He was caught and now he is back in jail. I will not lecture him, he will lecture himself! I will not waste my time playing the mummy, it would mean I am being too emotional". Practical dilemmas find their solution in a liberal discourse that can encompass humanistic concern for individual autonomy, and more punitive emphasis on individual responsibility. A paradox of this is a focus on control rather than social intervention. Shifting away from a "*patronizing*" figure of the caseworker, prison counselors inadvertently drift towards a policing figure.

The simultaneous insistence in the institution on its responsibility towards vulnerable prisoners is nevertheless a limit to these tendencies. It creates a contradictory injunction but also a room for resistance for those of the counselors who are more prone to social work because of their socialization of trajectory. The superposition of punitive logics and protective logics can be a resource for resistance for prison counselors, who can legitimately express concern and use their leeway to reduce the violence of incarceration: trying to arrange visits or calls with distant family, expediting the reviewing process for early release, pressuring for enrollment in activities when a prisoner seems so distressed he might harm himself. For example a prison counselor in Broussis recounted: "this morning when I was doing the intake interviews there was a young boy, very depressed. He has been incarcerated for offenses dating back to 2005. It is completely absurd!" The counselor recommended him for early release on an accelerated procedure thus putting in practice the criticism of the "absurd" system.

Conclusion

While a new reform of criminal law has been voted in 2014, it is interesting to dwell on the actual practice of those who implement them on the ground, and give them a specific shape. In the daily practice of counselors working in overpopulated jails, humanistic reforms for the individualization of sentences are diverted from their initial purpose by professional dynamics and managerial constraints. Prison counselors have become judicial professionals with a distant relation to prisoners.

Repositioning prison counselors from a professional field of "social work" to one of "security" means promoting new skills, styles, values. This perspective combines top-down and bottom-up approaches and enlightens the contradictory processes shaping the contemporary State. Institutions are made of overlapping fields with divergent logics, habitus, moral values. Rather than coherent

strategies of crime control, we can observe temporary equilibriums that are still debated, and a diffuse culture of liberalism with heterogeneous manifestations: humanistic and punitive aspects.

Shifts in the definition of the role of prison counselors have produced ambiguous situations in which they take on protective and punitive roles. They are caught in moral dilemmas of alleviating the pains of incarceration or being central piece of the punishing machine – a machine they know to be unequal, unfair and sometimes discriminatory.

Bibliography

ASTIER, I. (2007), *Les Nouvelles règles du social*. Paris: PUF.

BOUAGGA, Y. (2012), "Le métier de conseiller d'insertion et de probation : dans les coulisses de l'État pénal ?", *Sociologie du travail*, *54*(3): 317-337.

BOUAGGA, Y. (2013), *Humaniser la peine ? Ethnographie du traitement pénal en maison d'arrêt*. PhD dissertation. EHESS, Paris.

BOURDIEU, P. (1986), "La force du droit. Eléments pour une sociologie du champ juridique", *Actes de la recherche en sciences sociales*, *64*(1): 3-19.

BOURDIEU, P. (1993), "Esprits d'Etat. Genèse et structure du champ bureaucratique", *Actes de la recherche en sciences sociales*, *96*(1): 49-62.

BOURDIEU, P. (2012), *Sur l'Etat : cours au Collège de France (1989-1992)*. (P. Champagne, R. Lenoir, & F. Poupeau, Éd.). Paris: Seuil – Raisons d'agir.

CHAUVENET, A.; GORGEON, C.; MOUHANNA, C.; ORLIC, F. (2001), "Entre social et judiciaire: quelle place pour le travail social de milieu ouvert?", *Archives de politique criminelle*, (1): 71-91.

DUBOIS, V. (1999), *La Vie au guichet. Relation administrative et traitement de la misère*. Paris: Economica.

FAGET, J. (1992), *Justice et travail social: le rhizome pénal*. Toulouse: Érès.

FASSIN, D.; BOUAGGA, Y.; COUTANT, I.; EIDELIMAN, J.-S.; FERNANDEZ, F.; FISCHER, N.; ROUX, S. (2013), *Juger, réprimer, accompagner. Essai sur la morale de l'Etat*. Paris: Seuil.

FAUGERON, C.; LE BOULAIRE, J.-M. (1988), "La création du service social des prisons et l'évolution de la réforme pénitentiaire en France de 1945 à 1958", *Déviance et Société*, *12*(4): 317-359.

FEELEY, M.; SIMON, J. (1992), "The New Penology: notes on the emerging strategy of corrections and its implications", *Criminology*, *30*(4): 449-474.

HARCOURT, B. E. (2007), *Against prediction: profiling, policing, and punishing in an actuarial age* (Vol. 1-1). Chicago: University of Chicago Press.

LARMINAT, X. de (2012), *La Probation en quête d'approbation. L'exécution des peines en milieu ouvert entre gestion des risques et gestion des flux*. (Thèse de l'Université Versailles-Saint Quentin). CESDIP – Université de Versailles – Saint-Quentin.

RAZAC, O.; GOURIOU, F.; SALLE, G. (2013). *Les Rationalités de la probation française* (rapport Cirap). Agen: ENAP.

SPIRE, A. (2008), *Accueillir ou reconduire: enquête sur les guichets de l'immigration*. Paris: Raisons d'agir.

WACQUANT, L. (2009), *Punishing the Poor: The neoliberal government of social insecurity*. Durham [NC]: Duke University Press.