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**PROBATION AS A FIELD  
OF STUDY INSTITUTION  
AND PROFESSION**

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## **Argument for the second edition, in English**

Just a few years after the publication of the first edition of this book, the changes due to the dynamics of the social life, in general, and of the criminal execution practice, in particular, have determined me to analyze certain completions and additions, especially oriented towards the role of civil organizations. They have gradually acquired that important role, complementary to governmental institutions, which resolves a series of problems which cannot be resolved through the available resources of the network of state controlled organizations.

In the specialized literature of Romania, there have appeared a series of valuable papers that prove the maturity and legitimacy of the probation institution on one side and a better use of the resources we have, for the realization of justice. For this reason, this second edition of this book does not relate to the prospects for imminent change of both codes, criminal and criminal procedure, but the principles that they were based on.

Not least, the educational essence of probation constitutes a fundamental principle of the Romanian judicial system reform, being the defining elements of the systems of law in the member states of the European Union. That is why, in order to extend the communication platform at European level, with profile institutions, including the academic field, I appreciated that this second edition, brings in an English version, not only the benefit of a review or

extension of those mentioned above, but also an increased visibility of the Romanian specialists concerns addressed to this area.

It is clear that, in a sanctioning modern European system, the effective alternatives to custodial sentence – and probation has a special place in this respect – have a particularly complex role and are based on the principle of integrated interventions, according to which, the success of any action depends on the degree of involvement of the community.

Finally, I address a thought of appreciation to my students and colleagues from the University, that motivated me to realize this demarche, and to my friends with whom I wrote the first pages of history of the institution of probation in Romania and who today are specialists, educators and researchers recognized at an international level.

I address a word of gratitude, to Diana-Laura Dragomir and Spria-Cristiana Bianu, two young psychologists, for their direct support given for the translation and adaptation of this volume in English.

The Author



## Foreword

Ignored for ideological reasons until 1998, probation entered Romania following the cessation of the Bolshevik type social experiment. In this context, it was affirmed as a sequence of the new social experiment (ongoing) to create a social structure, able to resonate with those existing in democratic societies. In the institutional compatibilization process of our social system with the Western one, which entails the community management of justice, probation was revealed to be a resource, equally theoretical and practical, of pragmatically continuing the lucid structural reform of the Romanian social space.

In these coordinates, as a discipline, institution and profession, probation has beneficially associated to the community opening of higher education, situated at the point of a significant restructuring of its curricular offer.

In particular, my experience in the field in University the center of Timisoara has given me enough arguments to support the thesis that probation, as a study discipline and profession, is situated in the area of social-humanistic interdisciplinarity for the following reasons:

1. Psychology has as an object of study the individual as a manufacturer of self, respectively a manufacturer of personality, and focuses its epistemic object on the identity resources of the self, with its adiacentral openings;

2. Sociology also studies the individual, but in his community position, respectively the individual as a producer of the social, of social structures and managerial

contacts. Social innovation, organizational and managerial creation resources, as well as the institutional culture that legitimize the socializing fund constitute major landmarks of the epistemic object specific to sociology;

3. Social work has the role has the job of correcting the socialization deficit of individuals with social necessities, in the perspective of providing them with solutions in order to be integrated in the local and regional social space.

4. Probation, as a social science applied to the justice field, entails the combined contribution of psychology, sociology, social work, legal and local administration. This interdisciplinarity argues convincingly for the essentially communitarian character of probation, the individual both upstream and downstream of the legal status of his movement being, in fact, subject to civic monitoring of the community. In addition, probation is his only chance at civic rehabilitation at a community level, through an activity during which he can objectify other dimensions of his personality.

During its short history in Romania, probation went through three stages:

- The philological stage, in which constructing the specialized language was a priority, by resolving the confusion regarding the terms probation "officer" and "counselor", in favor of the latter. The term counselor is compatible with the spirit of the Romanian language, but also more relevant for the action it represents and which is, in fact, qualified counseling made by those who have the prerogatives of evaluating offenses committed outside or against the law.
- The epistemic stage, in which the redefinition of the psycho-sociological identity of the probation

counselor profession in the complementarity area of legal and social sciences was done.

- The stage of semantic and methodological reconstruction, in which the present paper is placed, conceived as a meeting point between western specific tradition and the Romanian tradition which is still in its creation stage.

At the hour of its modernization, probation should retain the amount of tradition that that will allow it its own identity, and the amount of future that stimulate professional preoccupations for the efficiency of the stringently necessary renewals. Although, for the moment, instead of assuming its prerogatives, in our sick and anxious world, probation still needs to make an effort to prove its purpose, we are convinced that the preoccupations of probation counselors, in their whole, can contribute to the construction of a new, possible paradigm for the evaluation of the changes taking place.

In closing I would like to point out what remains to be done as a primer priority:

1. Convincing the specialists from the justice system that probation does not usurp their rank of prestige, but it strengthens their professional identity. Demonopolization of justice, with the intake of probation, represents the soul perspective for the community administration of justice, contributing to the communitarian opening of justice, in accordance with the democratization requirements of the entire social system. The old sectarian and exclusive approach has no future.
2. The recognition of probation as being part of the modern social spaces.

3. Creating its own categorial system at a national level, both in theory and practice in the perspective of ensuring compatibility of results, both at a regional level, but also at a transborder one.
4. Combining the economical effects of the probation counselors work with the educational ones.

With reference to professionalization in this field, almost a half of century ago, Margaret Mead said: "When someone is dissatisfied with society, he becomes a sociologist, when he is dissatisfied with himself, he becomes a psychologist, when he is dissatisfied with everything, he opts to become an anthropologist."

Paraphrasing we can add: when he is convinced of being able to generate a lucid and responsible change, he aims at becoming a probation counselor.

Convinced of this truth, PhD. Mihaela Tomiță, proposed a specialty treaty that puts into use not only her experience as an academician, but also the valuable specific acquisitions due to the scientific research conducted in European and international partnership projects.

Structured on three levels: categorial system, the ongoing semantization process and the presentation of the European norms in the field compared to Romanian legislation, the treaty also presents in its final chapters, some methodological landmarks, specific to the procedural sequences practiced at the Banat community level (South-West Romania). These elements provide epistemological legitimacy to the dissemination of this thesis in University environments, while at the same time opening new dialogue opportunities with professionals from legal sciences, required by the new pluralist context of Romanian society to assume procedural imperatives of the community adminis-

tration of justice, by transforming it into a practical tool for the structural reform of the Romanian social space.

To those too engramed by duality, not necessarily cartesian, as well as to the debilitated detractors that no longer cease in repeating that the "Romanian collective mentality is impossible to be reformed, primitive etc., etc.", I have just one answer to give and in this context, I reiterate the fact that probation is an undergoing social experiment and the role of probation is not to eliminate the criminal phenomenon, but merely to contribute to the humanization of the means of managing delinquency and criminality upstream of the judicial nature of the acts of those that stray from or break juridical norms.

In the communities in which it functions, probation has made itself noted both by practical contributions to the resocialization of offenders, as well as by an increase in the general quality of civism at the level of western type communities, where the motto "in democracy law is king" generated a decrease in the rate of criminality and higher respect towards Authority, in the generic sense of this term.

Justice being a social problem, through its genesis, thus communitarian, its communitarian administration is linked to the imminent logic of the democratic management of all components of a pluralist social space.

On these coordinates, the intake of probation as an institution and profession makes itself felt by placing communities' problems in a managerial equation, by involving community itself, which in its quality as a taxpayer, ensures the financial aspect needed for the good functioning of the justice and penitentiary systems. In this context, traditional actors of those who protect legality maintain their prestige rating unaltered, benefiting also from qualified counseling, before the legal framing of those situated outside the law. In

addition, the noncustodial sentence reveals itself to be an important tool for reducing expenses generated by traditional custodial conditions, also giving economical valence to the probation services, aside from the humanistic valences invoked by us at the beginning of this foreword, in setting the expectations horizon of the beneficiaries of the present specialty treaty.

We wanted to point out some theoretical and methodological guidelines of probation as a profession, seeing as old representations of how "princely" to "do justice" ought to be left to history, present and future behavior being associated with pluralism and democratic behavior.

Education for democratic behavior, finds a natural ally in probation.. I have heard (not once) statements like: "legislating probation has not determined a decrease in crime", a statement that may be correct in itself, but is either biaselly promoted in discussions related to this topic or a diversion of gleaned segments interested in preserving the old exclusiveness view to tackling crime.. The panic of these people who want to make insignificant the outstanding efforts of social work (and of social sciences in general) in the lucid, responsible and qualified reform of the social system is unfounded. This reaction reminds me of the ridiculous panic of quill merchants after the invention of the pen (by Romanian Petrarhe Poenaru), that declared "culture is in danger! Culture will perish!" What truly died were merely the primitive representations related to culture, reduced to the commercial aspect of valuing hand written texts, in quill. From then up to the present other means of dissemination and preserving of the contents of culture were invented, social sciences proposing, even at a university level, educational offers focusing on this thematic (Communication sciences, Public opinion sociology etc.).