ESCAPE ROUTES

CONTEMPORARY PERSPECTIVES ON LIFE AFTER PUNISHMENT

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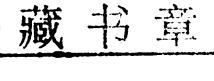
EDITED BY
STEPHEN FARRALL, MIKE HOUGH,
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Escape Routes: Contemporary Perspectives on Life After Punishment addresses the reasons why people stop offending, and the processes by which they are rehabilitated or resettled back into the community. Engaging with, and building upon, renewed criminological interest in this area, *Escape Routes* nevertheless broadens and enlivens the current debate. First, its scope goes beyond a narrowly defined notion of crime and includes, for example, essays on religious redemption, the lives of ex-war criminals, and the relationship between ethnicity and desistance from crime. Second, contributors to this volume draw upon a number of areas of contemporary research, including urban studies, philosophy, history, religious studies, and ethics, as well as criminology. Examining new theoretical work in the study of desistance and exploring the experiences of a number of groups whose experiences of life after punishment do not usually attract much attention, *Escape Routes* provides new insights about the processes associated with reform, resettlement and forgiveness. Intended to drive our understanding of life after punishment forward, its rich array of theoretical and substantive papers will be of considerable interest to criminologists, lawyers, and sociologists.

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Contents

Life after punishment

Identifying new strands in the research agenda

Stephen Farrall, Mike Hough, Shadd Maruna and Richard Sparks

For the past few years, the four of us have been fortunate enough to have been involved in the organisation of a series of seminars devoted, in one way or another, to the consideration of the lives of some of those people who have found themselves caught up in the criminal justice system. The first two of the seminars were held at Keele University and were paid for by the Department of Criminology there.[1] A subsequent six seminars were funded by the Economic and Social Research Council (ESRC) as part of a seminar series devoted to the exploration of 'life after punishment'.[2] These six seminars have now resulted in two collections of essays; one of which is this volume.[3] A further seminar, devoted to a review of criminal careers research in Europe was also held in Keele.[4]

In this introduction, we will not only introduce the essays selected for inclusion in the current volume (which is of course only right and proper for such a venture), but we also want to take this opportunity to summarise what we feel we learnt about life after punishment[5] from our involvement in these seminars. Of course, it would be quite impossible to summarise and distil all that was said in over 40 presentations (not counting the formal responses made by discussants) or the discussions generated amongst attendees, and so we will have to content ourselves with 'cherry-picking' the highlights and key messages which came out from both specific papers and from across the discussions we held.

In this respect, we highlight three key areas for consideration. These are: (a) dissecting the processes associated with desistance and rehabilitation; (b) the role of the criminal justice system and similar bodies in these processes; and, finally, (c) new and previously under-researched areas of enquiry into desistance that are emerging.

The processes associated with desistance

One of the most difficult tasks facing those wishing to leave behind a criminal past is proving to those around them that they are 'more than just the sum of their crimes'. This observation was made at the very outset of the series by Shadd Maruna. Somewhat unusually for a seminar series on 'life after punishment', Maruna's opening lecture focused on the life of Tookie Williams who, as a victim

of California's death row, never had the opportunity to experience life after prison. Maruna argued, however, that Williams's efforts to prove to the state of California and in particular to Governor Arnold Schwarzenegger that his life was worth preserving provided a hugely useful lesson in the challenge of developing a 'redemption script' for oneself after involvement in notorious criminal activities. Indeed, in many ways, this theme set the tone for contributions throughout the series as a whole. The topic was most poignantly returned to by Monica Barry in a later seminar in recounting the death of a young man she had worked with in a social work capacity who took his own life the night before he was due to be released from prison. Feeling that he would only ever be seen for the crimes he had committed rather than the person he was trying to become, Willy MacDonald hung himself.

In his opening presentation (and more generally, see Maruna 2001), Maruna argued that individuals like Williams or MacDonald need to find ways of re-narrating their past lives in order to make those histories consistent with who they are in the present and want to be in the future. This led to discussions about the role that apologies and other expressions of remorse play in the rehabilitation process and the extent to which elements of what can be described as 'creative self deception' are compatible with genuine reform. Taking responsibility for past actions (which is perhaps what is at the heart of an apology) appears at first glance to be at odds with some forms of re-biographing described by Maruna and others (see Maruna and Copes 2005; Maruna and Mann 2006). Yet, somehow, ex-offenders need to find a way of walking this knife-edge; like a performance artiste on a tightrope, they have to find a way of taking responsibility for (at least some of) their past actions and yet find a way of doing this without damaging too greatly their sense of themselves as someone worthy of having a future. Failure to achieve this – in extreme cases – may lead to outcomes similar to those of Willy MacDonald.

For Maruna, the answer here was to separate 'passive responsibility' from 'active responsibility' (see e.g. Bovens 1998; Braithwaite and Roche 2001). Whereby the former is about holding people accountable for what they have done in the past, the latter is about expecting them to make things right in the future. Maruna argued that ex-offenders could resist some of the pressures of passive responsibility by focusing on active efforts to 'make good' in the present. Tookie Williams's efforts to negotiate a gang peace in southern California and the series of books he wrote for young people to try to discourage their involvement in criminal behaviour typify precisely this approach to 'apologise' through one's actions rather than just words. However, these efforts (portrayed in the HBO movie *Redemption* in 2004) were clearly not enough to persuade that other Hollywood figure, Governor Schwarzenegger, who argued that Williams's plea of innocence for his crimes showed that he refused to take responsibility (i.e. passive responsibility) for what he had done.

Indeed, Hollywood's role in promoting or discouraging support for ex-prisoners was a theme that emerged numerous times over the seminar series. We found ourselves returning to a tension between films about prisons and ex-offenders

(which typically present positive and sympathetic images of ex-cons in leading roles), and the wider media hostility toward prisoner release. Two papers during our series touched on ex-prisoners in film; one, by Chris Deacy is included in this volume; the other, by Mike Nellis, was published in the special edition of *Theoretical Criminology*, (2009) 13(1), that emerged from the series. Both papers demonstrate that some of the most popular films in cinema history have often portrayed ex-convicts in positive ways. Often, as Nellis notes (2009: 142) such films invite viewers to focus on the resolution of the private moral agonies associated with release and reform. Many of the heroes and heroines of these films come to realise that although there is nothing they can do about the past, they can make the future better (although this may require the use of self-destructive violence, as is the case in *Sling Blade*, 1996). One particularly interesting aspect of Nellis's paper was the divide between the portrayal of how black and white ex-prisoners forge paths away from crime. For instance, he argues that for black ex-prisoners, popular films typically emphasise individual, rather than social or collective, processes of reform and help (see also Calverley 2009, described below).

Although our seminar series took place entirely in the UK, we were very fortunate to be able to draw upon the expertise of those scholars who were visiting the UK during the lifespan of our project, such as Denis Bracken. Along with colleagues in Canada, Bracken has been involved in an evaluation of a programme aimed at intervening with Aboriginal gang members living in Manitoba (see Bracken *et al* 2009). This research is of considerable interest as it is one of the few programmes to explore ways of working with First Nationals who have become embroiled in crime. Bracken and his colleagues have had to grapple with how structural, cultural and biographical processes of both criminalisation and reform need to be addressed in such circumstances. Moreover, because of the emphasis on ceremonies placed by both wider Aboriginal cultures and by the programme they helped to evaluate, Bracken and colleagues have illustrated how de-criminalisation rituals may work in practice (see also Braithwaite and Roche 2001; Maruna 2001). Bracken and his colleagues address the question of how the desisting aboriginal offender overcomes the 'double problem' of building up the various forms of social capital necessary to support the decision to desist, within a society which not only does not provide significant support, but actively reinforces negative identities through racism and stigmatization.

These issues of cultural conflict were centre stage at one of our seminars – devoted to the consideration of special populations of ex-prisoners – hosted by Queen's University in Belfast, Northern Ireland. The Belfast seminar afforded the opportunity to learn (often first hand) about those men and women released from prison under the Good Friday Agreement as well as other groups of politically motivated former prisoners. Several papers were devoted to this topic (see McEvoy and Shirlow 2009, for one published example), including a presentation by former prisoners Rosena Brown and Rosie McCorley (Irish Republicans who served time for politically motivated activities). What these presentations brought

to the fore was a very timely and considered discussion of the ways in which ex-political prisoners were uniquely positioned to be able to assist in the peace-making process and the building of a new, post-conflict society. Such prisoners were amongst the very best-placed to be able to articulate arguments which, to put it crudely, favoured the ballot box over the gun. As McEvoy and Shirlow argue, far from being a burden on society, politically motivated former prisoners have been at the forefront of progressive change in Northern Ireland. The political leadership of ex-combatants from the Northern Ireland conflict stands in stark contrast to media images of both convicted 'terrorists' and of ex-prisoners and suggests a re-examination of both labels.

In a sense, the experiences emerging from Northern Ireland provide an entirely different answer to the question, so frequently asked in terms of ex-prisoner reintegration, of 'What works?' – regardless of what the word 'works' might mean in this context (and leaving aside the matter of the question mark slowly going a.w.o.l. from the 'What works?' label, giving the impression that matters of effectiveness have now been settled in the literature). In their seminar presentation, Beth Weaver and Fergus McNeill pointed out that the 'What works?' question has been asked more often than the equally important question 'Is it just?'. Such a normative issue may at first glance appear to be a rather 'academic' one (using 'academic' in a somewhat dismissive manner, of course); however, issues relating to justness (or fairness, to use a rather less clumsy formulation of these concerns) have started to gain prominence in recent years. If sentences are recognised as fair or just by whatever measure on the part of both those sentenced and the wider community, compliance may be increased in the long term (see Bottoms 2002; Robinson and McNeill 2008). There are clear connections to be made between desistance perspectives on support for offenders and procedural justice theories, now most closely associated with Tom Tyler (cf. Tyler and Huo 2002; Tyler 2003; Tyler 2007). Procedural justice theories propose specific relationships between:

- the treatment people receive at the hand of officials in the criminal justice systems;
- the resultant trust that people have in institutions of justice;
- the legitimacy people confer, as a consequence of this trust, on institutions of justice;
- the authority that these institutions can command if they are regarded as legitimate; and,
- people's consequent preparedness to comply with the law and cooperate with justice systems.

Procedural justice thinking has been applied most often within criminology to relations between the police and public. However the analyses of prison regimes by Sparks *et al* (1996) and Liebling (2004) establish convincingly that prisoners are equally sensitive to the quality of treatment they receive at the hands of prison

staff: fair and respectful treatment is a key ingredient in successful regimes. Although equivalent research on probation work with offenders has yet to be done, it seems likely that probation staff who are trusted, and who can command legitimacy from those they supervise, will have the greatest chance of securing compliance (Bottoms 2002; Robinson and McNeill 2008).

Relating to wider social contexts, a number of the papers presented during the seminars hinted at subtle variations in the processes associated with desistance and reform. Frequently, these were related to the wider social and economic contexts in which processes of reform were played out. For instance, in their study of desistance amongst offenders in the late nineteenth and early twentieth centuries, Stephen Farrall, Barry Godfrey and colleagues argued that desistance for males requires, in part, a strong, empowered female constituency in democratic society who are able to, for want of a better term, 'police' males (Farrall *et al* 2009; see also Godfrey *et al* 2007). That is, in times when gender inequalities are less pronounced than they were in the late nineteenth and early twentieth centuries, females are able to exert (willingly or otherwise) a greater degree of control over partners and husbands (and for that matter, maybe over their fathers and brothers too). Several studies have suggested that many Victorian and Edwardian marriages involved tension, violence, distrust and dislike, rather than (or as well as) romantic love (D'Cruze 1998; Hammerton 1992). Marriage today (with the increased emphasis upon romantic love) may act as a mechanism for reforming men who wish to please or win approval from their spouses. However, in the period Godfrey and colleagues studied, when economic need arguably played the key role in relationship formation, many wives' ability to control or influence the behaviour of their husbands may have been severely limited. It must be remembered that, despite any inequalities in pay that exist in contemporary society, many women in the late nineteenth and early twentieth centuries were in a far worse position; few had access for very long periods of their lives to independent sources of income, those who refrained from marriage were often dealt with suspicion and *none* had the vote until 1918. Until the 1880s women did not have the right to control their own property or wages and could be imprisoned for refusing sexual intercourse (Smith 1989: 19). Women's employment was downgraded during the industrial revolution, and many were prevented from working by trade unions, saw their work 'feminised' into low prestige jobs, and found themselves at the bottom of the class/gender hierarchy coping with a culture of female subordination to males.

As such, Godfrey and colleagues conclude that marriage in the late nineteenth and early twentieth centuries may not have acted as quite the brake on male offending that it does today. Women's position in society changed considerably after the extension of the right to vote in 1928 and after the Second World War (Smith 1989). In the era they studied, few women had the vote and few worked after marriage; after changes in legislation and the social upheavals brought about by mass war, females were in a stronger position in society than they had been previously and were in a better position to informally control males, which in turn

increased their ability to support desistance (see e.g. Sampson and Laub 1993). As such it appears that male desistance, at some level, requires female emancipation in order for females to have (in male eyes) a warrantable voice and therefore be able to sway the behaviours of the men in their lives. In this respect, structures and values which enable female emancipation assist male desistance, including welfare state provision, access to birth control and political rights (all of which did much to advance the position of females of course, see Smith 1989). Male desistance, therefore, occurs through mechanisms of informal social control (à la Sampson and Laub 1993), but these rest on a bedrock of *formal* institutions and institutionalised values – such as greater levels of gender equality.

Whether one agrees or not with the mechanisms offered by Godfrey *et al*, others have also found that the precise role of marriage and employment differs according to national context. In Finland (where cohabitation between couples for several years prior to marriage is common), Savoleinen (2009: 300–01) suggests that Finnish women who live with an ex-prisoner even without marrying him may act as effective handlers in the process of cognitive re-orientations away from crime. Similarly, MacDonald *et al* (Chapter 5 of this volume) have argued that the lives and biographies of the young men and women which they have studied were hugely influenced by the arrival of heroin on Teesside in the mid-1990s following the collapse of working class employment opportunities in that area and the traditions which such employment maintained. As they write below:

> This sharp decline in previously established working-class routes to adulthood, in this place at this time, we believe, offers the best clue as to why criminality and dependent drug use became more likely for some, and why *purposeless* activity emerged from collapsed opportunity, aspiration and direction for many.

Such changes, of course, influenced those routes away from crime, both in terms of their timing and their nature. However, respondents in their samples did not appear to recognise these contingencies:

> To us, as researchers, the conditions of history, place and class are critical in understanding the biographies of our informants and the stories they told us. This 'sociological imagination', this placing of biographies in social and historical context, was, however, strikingly absent from our interviews. Time and time again interviewees refused to seek explanations of their criminal careers that went beyond their own personal failings and mistakes. Whilst in retrospect, in making sense of their lives, they might point to critical moments, contingencies and pressures that presaged criminality or drug use, overall a discourse of individual responsibility ruled.

These studies demonstrate the importance of locating respondents' lives historically and socially. It is highly unlikely that the processes involved in

desistance are universal, transcending time and space. Although there may be important commonalities, cross-cultural and cross-situational differences are equally important.

The role of the criminal justice system

In exploring life after punishment, one is inevitably forced to consider the impacts of the criminal justice system itself. Numerous contributors to the seminar series (but by no means all of them) suggested that, on the basis of their data analyses, the criminal justice system's most immediate impact was on hindering desistance from crime, retaining people within the criminal justice system for longer than might otherwise have been the case and delaying the commencement of life after punishment for them. McAra and McVie (using data from the Edinburgh Study of Youth Transitions and Crime) found evidence that early interventions appeared to encourage young people to continue offending, rather than encouraging them to desist. Their analysis suggests that rather than this simply being the case that frequent offenders start earlier and offend at a high rate, it would appear that criminal justice interventions may serve to make further offending more likely (see also Farrington 1977; Farrington *et al* 1978). Other contributors to the seminar series (e.g. Alan France, Emily Gray and Simon Merrington, Paul Turnbull and Martin Frisher) similarly reported data which suggested that interventions in themselves may be criminalising. Frisher, when discussing the psychology of desistance from drug use, noted how, in experimental conditions, penalising past bad behaviour was not nearly as effective at preventing future transgressions as rewarding and modelling good behaviour.

Similarly, others (most notably Beth Weaver and Fergus McNeill) argued that models of work with offenders that emphasised 'risk' may serve only to damage chances of desistance as they left some people 'marked out' and stigmatised. Helen Beckett and others argued that risk models can also contribute to a one-sided view of individuals as deficits or burdens to society, rather than as resources capable of future good works (see also Maruna 2001; Farrall and Calverley 2006; Chapter 8 of this volume). Echoing this, Christine Knott (formerly of the National Offender Management Service) questioned whether current criminal justice systems did not focus too much on public protection at the expense of developing good and effective working relationships between probation officers and probationers. In this respect, some participants suggested that one way forward might be to develop a better understanding and approach to relapses in criminality and drug-use during periods of supervision. Fergus McNeill, for instance, pointed to the differences in which relapses are approached by the criminal justice system compared to the addiction recovery environment, where relapses are expected, tolerated and treated as an opportunity for learning. This is a far cry from the world of criminal justice where desistance is expected very quickly. In this respect, support of up to six years may be needed for some groups (e.g. ex-sex workers, as argued by Maggie O'Neill). Similarly, seminar participants like Juliet

Lyons argued for breach guidelines to allow a greater degree of discretion on the part of probation officers.

One of the most interesting papers from the seminar series, by Adrian Grounds, documented the post-prison experiences of a largely forgotten group – those men and women who have been wrongfully convicted of a crime (see also Grounds 2004, 2005). There have been very few accounts of the experience of being wrongfully convicted (Campbell and Denov 2004: 140). Despite this, a number of experiences have been highlighted, all related to the fact that almost all decisions within the criminal process following conviction take for granted the guilt of the convicted. For obvious reasons, the wrongfully convicted prisoner is inhibited from expressing remorse for the crimes for which they have been found guilty and such refusals can be interpreted as denial or hostility toward the crime's victims (Weisman 2004). Because the wrongfully convicted often maintain their innocence for much or all of their entire prison sentence, they are unlikely to be seen by the criminal justice system as having taken their 'first step' along the road to rehabilitation: namely admission of wrong-doing and remorse (Weisman 2004: 127; see also Campbell and Denov 2004: 152). As such, these individuals come to be treated as if they presented a greater risk of harm to others, and are, in terms of institutional cultures, unlikely to be able to create the identity of someone who is ready to be returned to the community. Such treatment creates troubling emotions for the wrongfully convicted and can enhance the psychological pains of imprisonment (Grounds 2004: 170). Additional stress arises from the uncertainty over their release date (and the general lack of preparedness for it), and concerns about criminal appeals processes (Campbell and Denov 2004: 140). The wrongfully convicted person's unwillingness to admit to an offence also often makes a person ineligible for early release or parole schemes. This perhaps goes some of the way to accounting for the psychiatric problems identified amongst this group of prisoners (Grounds 2004); depression, self-harm and attempts to kill themselves are all common (Campbell and Denov 2004: 148).

Grounds's studies of a number of long-term, wrongfully convicted prisoners have suggested that they experience enduring personality changes and other psychiatric problems (Grounds 2004: 168–70). These problems include always feeling 'on edge' or 'panicky', vividly re-experiencing the events surrounding their trial or experiences in prison, substance use, insomnia, and emotional problems. As with ordinary prisoners (see e.g. Meisenhelder 1985; Jose-Kampfner 1995), many of the wrongfully convicted report emotional troubles associated with visits from their family members (Grounds 2004: 170) at times arguing that sometimes *not* having such visits can be easier. Grounds also found that many of the wrongfully convicted, like other long-term prisoners, had lost practical or social skills by the time they were released. Many also experienced difficulties with their relationships with family members (who had often learned to live without the wrongfully convicted individual present, either physically or emotionally). In short, their life-courses were altered dramatically and in a way which was hard to undo. Grounds concluded that the wrongfully convicted bore more resemblance