

**“VIRTUE’S DOOR UNSEALED IS NEVER SEALED AGAIN”: REDEEMING  
REDEMPTION AND THE SEVEN-YEAR ITCH**

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Blumstein and Nakamura’s policy essay “Processes of Redemption Should Be Built into the Use of Criminal-History Records for Background Checking” is ground-breaking in many ways. The innovative and rigorous data analysis makes a considerable contribution in addressing a crucial social issue. The policy options outlined – pardons, certificates of rehabilitation, The Rehabilitation of Offenders Act in the United Kingdom – are badly under-discussed in US criminology, and augment the wider literature around ex-prisoner reentry. The authors’ primary contribution, however, may be their daring use of the hugely important concept of “redemption” in both their title and the body of this work.

Redemption is something of an elephant in criminology’s living room. Outside of criminology, redemption is a ubiquitous concept (see McAdams, 2006). As a *New York Times* critic put it: “There is no public narrative more potent in America today -- or throughout history - - than the one about redemption” (Kakutani, 2001). As consumers of literature and popular fiction, Americans in particular almost insist upon a redemptive arc for our main characters (see

Nellis, 2009)<sup>1</sup>, and of course redemption features as a central (even *the* central) concept of almost all the major religious traditions.

The need for redemption in society is obvious: “There has to be a way to restore people to good standing so that they’ll be motivated to return to cooperation with all of the other cooperators in the population” (McCullough, 2008, p. 109). Without the chance of redemption, “every failure results in guilt from which there is no exit.” (Smith, 1971, p. 206). Hannah Arendt (1958, p. 213) talks about this as the “burden of irreversibility” in *The Human Condition*:

Without being forgiven, released from the consequences of what we have done, our capacity to act would, as it were, be confined to one single deed from which we could never recover; we would remain the victim of its consequences forever, not unlike the sorcerer’s apprentice who lacked the magic formula to break the spell.

With some notable examples (e.g., Bazemore, 1998; Braithwaite, 1989; Cullen, 2007; Travis, 2002), criminology has not addressed the question of how those who have been punished for wrongdoing can redeem themselves and reseal “virtue’s door.” When I have used the term redemption in the past (e.g., Maruna, 2001), I have been told (by both secularists and the faithful) that I am incorrectly co-opting a religious term that has no relevance to a social scientific study of crime. One colleague told me to “Leave redemption to God.” Another said that he stopped reading a draft I sent him when he got to the words “redemption” and “forgiveness” (which was particularly unfortunate because I used those words in the title of the paper). He said the paper sounded too “church-y” for his tastes. This is quite an irony. After all, could there be anything more “church-y” than sin, punishment, damnation, an “eye for an eye?” Historical work on the origins of the prison clearly demonstrates that religious thought and

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<sup>1</sup> As just one example: To the shock and dismay of some film critics, popular surveys routinely find that the decidedly average *The Shawshank Redemption* is currently America’s “all-time favorite” film, see <http://www.imdb.com/chart/top>.

religious movements “were not simply contributing factors but provided one of the primary sources of motivation and direction for the creation of the new U.S. penal system in the late eighteenth century” (O’Connor, Duncan & Quillard, 2006). In other words, the “too church-y” ship has sailed long ago for the study of “corrections” whether we choose to admit it or not. So, if we are going to have secular damnation, surely we also need to have some form of secular redemption to restore such persons’ civil status. One of the remarkable contributions of this paper by Blumstein and Nakamura is not only to recognize this, but also to apply the same scientific rigor to the question of redemption that criminologists have long utilized in the study of penology.

At the same time, legitimate concerns could be raised about the way that redemption is defined by Blumstein and Nakamura and their application of criminological science to the issue. I am in the process of writing a book about redemption at the moment and have been staggered at the lack of clear definition for the term in both the theological and secular literatures. As such, Blumstein and Nakamura do the literature a service by providing a working definition for the concept in their paper. However, their definition – “the process of ‘going straight’ and being released from bearing the mark of crime” – suffers from its compound, two-part nature. Essentially, they argue that redemption involves two, related, but clearly separable processes. The first is what is commonly called “desistance” in the criminological literature – although this is a term that is not without its own definition difficulties (cf. Laub & Sampson, 2001; Maruna, LeBel & Immarigeon, 2004). The second might be thought of as official forgiveness, de-stigmatization or de-labeling by the state.

Pairing these two processes together into a single definition makes some sense and is consistent with popular usage of the word redemption in English. One says, “I have redeemed

myself” or the White Sox “redeemed themselves this season after last year’s terrible performance.” In other words, we do typically think of redemption as involving an intentional change in behavior on the part of an actor or actors. Yet, Blumstein and Nakamura are right that redemption is more than *just* behavioral change (hence, more than “reform” or “rehabilitation”); it also “requires ratification by others” (Hieronymi, 2001, p. 550). That is, one says “I redeemed myself *in the eyes of my family*” or else the White Sox have “redeemed themselves *in the eyes of their fans*.” It is the “eyes” that matter here with redemption. In a theological context, the eyes belong to one’s god; in a secular context, presumably it is the eyes of the State that matter. Berkeley legal scholar Meir Dan-Cohen (2007, p. 117) refers to practices such as forgiveness and pardon as “revisionary practices” – all “perform the same function: the cessation of a range of appropriate negative responses triggered by a wrongful action.” What does one have to do to earn the state’s official forgiveness?

It is on this crucial issue that I worry about the assumptions underpinning Blumstein and Nakamura’s definition and their empirical model. Desistance (the first part of their two-part definition) is explicitly passive, by definition. That is, the word refers to an absence of some behavior (in this case, crime). Typically, when one thinks about redeeming oneself, we think of doing something to “make amends,” or “make good” on some debt. Imagine that you get drunk and publicly insult someone at a conference. You could redeem yourself by not insulting the person in the next seven or eight times you see them. Eventually, by behaving professionally over a long period of time, you can disabuse even those with very thin skin that you are a complete jerk. On the other hand, you could also expedite this whole process considerably by apologizing, making some gesture of reparation (offering to help edit a manuscript, buying them

a drink). Both processes get to the same result (proving to others that you are not an irredeemable bully), but the passive strategy takes a good deal longer than the active strategy.

In both their definition of redemption and their empirical model, Blumstein and Nakamura opt for the slow strategy of redemption and seem to shut the door on expedited models, which I find puzzling. Blumstein and Nakamura's phrase "estimation of redemption times" sounds awkward precisely because redemption is not commonly understood as the passive passage of time. It usually involves doing something. An individual who has made a mistake does not usually redeem himself simply by not making another mistake for a period of time.

Likewise, according to Blumstein and Nakamura's model, "Redemption has been reached" when "the risk of reoffending has subsided to the level of a reasonable comparison group." Here the authors appear to change their definition of redemption to refer to some estimated change in a person's likelihood of re-offending. Risk and redemption are not concepts that are commonly associated with one another, but the idea appears to be that people should be officially forgiven when it is safe to do so from an empirical standpoint (when their pattern of behavior makes their risk level similar to the rest of us). Yet, risk is not an "internal" characteristic of persons. Although there is certainly a role for agency in the desistance process (see Laub & Sampson, 2003; LeBel, et al., 2008), structural and social forces also play a substantial role in desistance as well. As has long been recognized, reintegration is a "two-way street" involving not just changes and adjustments on the part of the person returning from prison, but also on the part of the community and society welcoming him or her.

As such, there is something of a "catch-22" involved in Blumstein and Nakamura's risk-based model of redemption. In order to be officially forgiven, in this model, an individual has to successfully desist from crime for a substantial period of time. Yet, it can be awfully difficult to

successfully desist if a person cannot get a decent, straight job, qualify for loans or housing assistance, or even rent a room<sup>2</sup> because of a criminal conviction (see e.g., Archer and Williams, 2006; Gerlach, 2006; Holzer, Raphael & Stoll, 2006; Lucken & Ponte, 2008; Thacher, 2008; Travis, 2002). Although former prisoners no longer face “civil death,” it is difficult to avoid the conclusion that with the growing number of obstacles before them the “released offender confronts a situation at release that virtually ensures his failure” (McArthur, 1974, p. 1). Likewise, if someone *has* managed to desist from crime for a half-decade or more, they most likely have been reintegrated and are comfortably employed. In such cases, the opportunity to expunge one’s criminal conviction may be symbolically meaningful, but have little impact on recidivism.<sup>3</sup>

Desistance is both a cause and a consequence of reintegration. The two processes occur simultaneously and the one reinforces the other. Blumstein and Nakamura appear to recognize this problem in other parts of their paper. At one point, for instance, they argue that “The findings of redemption times will be of considerable value in enhancing redemption opportunities and consequent employment opportunities.” Here, “redemption opportunities” presumably refer to the things typically thought of as comprising of reintegration (jobs, housing, social networks), but of course, all of these things would be enhanced by official forgiveness and the opportunity to move one from one’s past mistakes.

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<sup>2</sup> In a systematic study of ex-prisoners without housing, Bradley and colleagues (2001, p. 8) found that “discrimination due to a criminal record” was the most frequently cited reason for homelessness.

<sup>3</sup> Some evidence for this argument might be found in the low take-up rate of application-based system of pardons in Canada. In Canada, former prisoners are eligible to apply for pardons after remaining crime-free over a specified waiting period, and almost all applicants are successful, yet only a tiny fraction actually apply. Ruddell and Winfree (2008) estimate the take-up at less than 5 percent of those convicted between 1996 and 2002.

There is, therefore, something problematic about using empirical data based on other ex-prisoners' past experiences of desistance as guides for the future treatment of ex-prisoners. One runs the clear risk of reifying existing experiences, as if there were something magical -- or rather "internal" or biological -- about these patterns of behavior. So, for example, if empirical research suggests that that it takes people born into Cohort X around 7 years before their risk levels are the same as individuals who do not have a record, then employers might (justifiably) interpret this by not hiring someone in Cohort Y who has only 3 or 5 years desistance since a conviction. Yet, this behavior on the part of employers, presumably, will then add to the difficulties such people face and could conceivably lead to a self-fulfilling prophesy.<sup>4</sup> After all, we know from reliable empirical research that Cohort X faced considerable discrimination in attempting to reintegrate and desist from crime (many of which were caused by their criminal records). If Cohort Y were treated differently (i.e. had fewer obstacles in their path to reintegration), presumably their "time to redemption" (or dynamic risk score) would be different as well (Western, 2002).

Consider this. There is another use of the term "redemption" in common parlance that is neglected in Blumstein and Nakamura's paper: the idea of "redeeming lost souls." Typically, this means reaching out to others who have not changed their behavior, who have not desisted or made amends, but still sending the message that they have intrinsic value. The idea behind this sort of redemption, which Arendt refers to as "Christian charity," is that by extending such

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<sup>4</sup> Here it is notable that the authors point out that seven years seems to be a common restorative period for states and national associations at the moment due to the arbitrary view that "5 years is too short and 10 years is too long." It is no small irony, then, that seven years also turned out to be the length of time identified by Kurlychek and colleagues (2006) in their research as the magic number identified in the empirical research. This could be coincidence or it could be the arbitrary rule of thumb of a society has itself become a sort of self-fulfilling prophesy.

messages of hope to individuals, they will then change their behavior. This use of the term essentially reverses the chronology from Blumstein and Nakamura's model: providing unconditional forgiveness first, then expecting desistance to follow. It is doubtful that the state could ever act as a "redeemer" in this sense of the word (although it is not uncommon for former prisoners to credit prison or probation employees for taking it upon themselves to make such efforts to reach out to "lost" prisoners). Yet, at the same time, as Blumstein and Nakamura themselves suggest, gradual "redemption opportunities" could be made available to those in the early stages of desistance (even before the "seven year itch"). That is, if long periods of desistance from crime (and the low risk scores that accompany such patterns) is society's desired outcome, it may make sense to experiment with forgiveness even before  $T^*$  or  $T^{**}$  years.

In conclusion, Blumstein and Nakamura are absolutely right that criminological discussions of redemption "should be based on reliable empirical evidence." Yet, as an aspect of the justice process, redemption (like its sibling concept "punishment") requires a normative analysis as well. That is, a system of pardoning offences (like a sentencing framework) needs to be based not just on empirical grounds (of "what is"), but also on normative grounds of what ought to be (what is right, fair and just). In this regard, the expansive literature on restorative justice provides an ideal model. Future normative research might address questions about what is required for an individual to be forgiven of various crimes (Can individuals "speed up" the redemption process? Can they "earn" forgiveness through acts of reparation, restitution and community service? Or is discrimination on the basis of a criminal record ever even legitimate?), as well as empirical questions such as what impact these forms of forgiveness (pardons, rituals of reintegration, certificates of rehabilitation) have on patterns of desistance. To be sure, more research is needed on these issues and the field is therefore deeply in debt to Blumstein and

Nakamura for this remarkable, pioneering analysis of a crucial topic. I hope it generates considerable debate.

## References

- Archer, D. & Williams, K.S. (2006). Making America 'The Land of Second Chances': Restoring socioeconomic rights for ex-offenders. *New York University Review of Law and Social Change*, 30, 527-584.
- Arendt, H. (1958). *The Human Condition*. Chicago: University of Chicago.
- Bazemore, G.(1998). Restorative justice and earned redemption: Communities, victims, and offender reintegration. *American Behavioral Scientist*, 41, 768-813.
- Braithwaite, J. (1989). *Crime, Shame and Reintegration*. Cambridge, UK: Cambridge University Press.
- Cullen, F.T. (2007). Make rehabilitation corrections' guiding paradigm. *Criminology & Public Policy*, 6(4), 717-728.
- Dan-Cohen, M. (2007). Revising the past: On the metaphysics of repentance, forgiveness, and pardon. In A. Sarat & N. Hussain (Eds). *Forgiveness, Clemency & Mercy*, (pp. 117-137). Stanford: Stanford University Press.
- Gerlach, E. (2006). The background check balancing act: Protecting applicants with criminal convictions while encouraging criminal background checks in hiring. *University of Pennsylvania Journal of Labor & Employment Law*, 8, 981-1000.
- Hieronymi, P. (2001). Articulating an uncompromising forgiveness. *Philosophy and Phenomenological Research*, LXII, 529-555.
- Holzer, H.J., Raphael, S. & Stoll, M.A. (2006). Perceived criminality, criminal background checks, and the racial hiring practices of employers. *Journal of Law and Economics*, 49, 451-480.
- Kakutani, M. (2001, Feb 4). Faith Base: As American As Second Acts and Apple Pie. *New York Times*, p. D1.
- Kurlychek M.C., Brame, R., & Bushway, S.D. (2006). Scarlet letters and recidivism: Does an old criminal record predict future offending? *Criminology & Public Policy*, 5, 483-504.
- Laub, J. & Sampson, R. (2001). Understanding desistance from crime. *Crime and Justice: A Review of Research*, 28, 1-70.

- Laub, J. & Sampson, R. (2003). *Shared Beginnings, Divergent Lives: Delinquent Boys to Age 70*. Cambridge, Mass.: Harvard University Press.
- LeBel, T.P., Burnett, R., Maruna, S., & Bushway, S. (2008). The chicken or the egg of subjective and social factors in desistance. *European Journal of Criminology*, 5, 131-159.
- Lucken, Karol & Ponte, Lucille, M. (2008). A just measure of forgiveness: Reforming occupational licensing regulations for ex-offenders using BFOQ Analysis. *Law & Policy*, 30: 46-72.
- Maruna, S., Immarigeon, R., & LeBel, T.P. (2004). Ex-Offender Reintegration: Theory and Practice. In S. Maruna and R. Immarigeon (Eds.) *After Crime and Punishment: Pathways to Ex-Offender Reintegration*, (pp. 1-25). Cullompton: Willan.
- Maruna, S. (2001). *Making Good: How Ex-Convicts Reform and Rebuild Their Lives*. Washington, DC: American Psychological Association Books.
- McAdams, D.P. (2006). *The Redemptive Self: Stories Americans Live By*. New York: Oxford.
- McArthur, A.V. (1974). *Coming Out Cold: Community Reentry from a State Reformatory*. Lexington, MA: Lexington Books.
- McCullough, M.E. (2008). *Beyond Revenge: The Evolution of the Forgiveness Instinct*. San Francisco: Jossey-Bass.
- Nellis, M. (2009). The Aesthetics of Redemption: Released Prisoners in American Film and Literature. *Theoretical Criminology*, 13, 129-146.
- O'Connor, T.P., Duncan, J. & Quillard, F. (2006). Criminology and religion: The shape of an authentic dialogue. *Criminology & Public Policy*, 5, 559-570, p. 561.
- Petersilia, J. (2003). *When Prisoners Come Home: Parole and Prisoner Reentry*. New York: Oxford University Press.
- Ruddell, R. & Winfree Jr., T. (2006). Setting aside criminal convictions in Canada: A successful approach to offender reintegration. *The Prison Journal*, 86, 452-469.
- Smith, R.W. (1971). Redemption and politics. *Political Science Quarterly*, 86, 205-231.
- Thacher, D.(2008). The rise of criminal background screening in rental housing. *Law & Social Inquiry*, 33, 5-30.
- Travis, J. (2002). Invisible punishment: An instrument of social exclusion. In M. Mauer and M. Chesney-Lind (Eds.), *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*. New York: The New Press.
- Western, B. (2002). The impact of incarceration on wage mobility and inequality. *American Sociological Review*, 67, 526-546.