

## **Chapter 16 A moral in the story? Virtues, values and desistance from crime**

**Fergus McNeill and Stephen Farrall**

### **Introduction**

In this chapter, we draw on theories of desistance and research into desistance to argue that ceasing to offend is a process that involves the development of the motivation, capacity and opportunities to live well, in both a moral and a prudential sense. We present an argument that supporting people to desist from crime is likely to require forms and styles of penal practice that model ways of being and becoming 'good'; and that central to such practice are questions of the legitimacy of criminal justice processes and of the moral performance of practitioners. In developing these arguments, our aim is to contribute to policy and practice debates about how best to configure and deliver key penal institutions and practices, particularly those associated with sentencing and sanctioning. However, since those institutions and practices inevitably reflect and refract their social, political and cultural contexts, the question of how to support the acquisition of virtues in the process of desistance inevitably forces us back to questions about the values, virtues and vices of society itself.

The relationship between virtue and necessity – between the moral and the prudential – has been much debated in moral philosophy. Although some philosophers draw a clear distinction between the two, for example, in Immanuel Kant's insistence that only actions motivated by a sense of duty can be morally praiseworthy, others regard the two concepts as overlapping. Indeed, Aristotle's account of ethics implies that we cannot truly flourish as human beings unless we live well in the moral sense, so being a good or virtuous person is inevitably good *for* a person: Virtue is a necessity if we are to live a life that is good for us.

The relationship between necessity and virtue is also frequently discussed in literature. Though the origins of the phrase 'to make a necessity of virtue' may be unclear, its most famous use was by Shakespeare in *Two Gentlemen of Verona*. The scene in question finds our hero Valentine, having been banished (unjustly) by the Duke of Milan, wandering in a forest, where he is set upon by other outlaws. But although these outcasts are living beyond the law, and beyond the state, they seem

somehow to know virtue (and beauty) when they see it. Moreover, seeing virtue, they seek it and willingly submit to it.

#### First Outlaw

[...] But to the purpose--for we cite our faults,  
That they may hold excus'd our lawless lives;  
And partly, seeing you are beautified  
With goodly shape and by your own report  
A linguist and a man of such perfection  
As we do in our quality much want--

#### Second Outlaw

Indeed, because you are a banish'd man,  
Therefore, above the rest, we parley to you:  
Are you content to be our general?  
To make a virtue of necessity  
And live, as we do, in this wilderness?

#### Third Outlaw

What say'st thou? wilt thou be of our consort?  
Say ay, and be the captain of us all:  
We'll do thee homage and be ruled by thee,  
Love thee as our commander and our king.

[...]

#### VALENTINE

I take your offer and will live with you,  
Provided that you do no outrages  
On silly women or poor passengers.

#### Third Outlaw

No, we detest such vile base practises.  
Come, go with us, we'll bring thee to our crews,

And show thee all the treasure we have got,  
Which, with ourselves, all rest at thy dispose.<sup>i</sup>

Shakespeare's observations on human character were often acute, sometimes anticipating the development of subsequent social science, but is it reasonable to suppose that experiencing virtue and even beauty can have a similar effect on contemporary 'outlaws'; on people who have offended? While it seems unlikely that such exposure to virtue could be a *sufficient* condition in and of itself of producing positive change, there are reasons to suggest that it might nonetheless be a *necessary* one.

In a recent film about desistance from crime, one of the most compelling moments features Bobby Cummines OBE, founder of UNLOCK, the National Association of Reformed Offenders. Bobby explains the starting point of his desistance process in a way that resonates with the Shakespearean scene above:

I was lucky. I had a good probation officer and a good education officer in prison who said to me 'You're worth more than that' and gave me a bit of belief in myself. And also, in a way, being banged up all that time, and seeing people that was kind to me, and there was prison officers as well, and people when I came out that were really supportive of me, and they were just decent people. And I saw the beauty of society, and the beauty of those people in society, cause my world was an ugly world. We didn't trust no-one, we injured each other – it was a violent and terrible dark place I was in and life meant nothing. But to see these people that was really there for no other reason than they was nice people – I saw the beauty of society, and I wanted to be part of that beauty. I wanted to be part of *that* society, not the society I was in.<sup>ii</sup>

This seems to be a contemporary example of exposure to virtue and beauty prompting and supporting change, but it is only one example. To explore the evidence for and arguments about the role of virtue in supporting desistance further, we begin with a brief overview of some research about the process of desistance from crime itself, examining the relationship between the moral and the prudential in the desistance process. Next, we move on to our substantive focus on what we know from research

about how desistance is best supported, exploring what role the virtues and values of practitioners may play in the process. We conclude the chapter by suggesting some of the ways in which the cultural, social and political contexts of contemporary criminal justice might militate against the modelling of virtue by criminal justice practitioners, and thus the acquisition of virtue by those they supervise and aim to support.

### **Desistance from crime: prudence or morals?**

In the 1980s, reflecting wider trends in sociology, Clarke and Cornish (1985) suggested that ex-offenders made a rational decision to cease offending. Clarke and Cornish touched on desistance only briefly (1985:172-3), producing a hypothetical decision tree to show how a burglar may decide to stop burgling. Notably, they were not arguing that burglars suddenly become moral or virtuous; rather, their model implied a shift in their calculations about their best interests – in other words a shift in prudential thinking. While Cornish and Clarke did not present any data to support their theoretical model of desistance, one study which did was that by Cusson and Pinsonneault (1986). The data came from qualitative interviews with 17 ex-robbers. The influential factors identified by the authors included: shock (such as being wounded in a bank raid); growing tired of doing time in prison; becoming aware of the possibility of longer prison terms and a reassessment of what is important to the individual. All of these are factors are described in terms of a 'decision' to give up crime; but only the last of them perhaps invokes what we might immediately recognise as 'morality-based' or 'meaning-based' reasons for going straight.

Similar findings have been reported by other researchers; Leibrich (1993: 56-7), Shover (1983: 213) and Cromwell *et al* (1991: 83) all note that desisters experienced a period of re-evaluation before desisting. But of course, while it is true that many individuals (especially those with prolonged engagement in crime) may make decisions to stop offending, it is not clear that these decisions are always 'seen through', nor that these decisions alone are sufficient for desistance. A change in the way that one weighs up one's choices (whether morally or prudentially) does not always produce a change in behaviour (as anyone who has every tried to stick to a diet, an exercise regime, or any form of religious observance can attest).

A contrasting theory which emerged in the late 1980s and early 1990s was that proposed by Gottfredson and Hirschi (1990). Their general theory of crime was intended to account for all crimes, at all times and extended to include other risky behaviours. Their argument was that those people who are most likely to offend are often found to be impulsive risk-takers who exhibit low levels of self-control. The origins of low social control, they argue, lie in the poor parenting and socialisation practices employed (or not employed) by many offenders' parents. The suggestion is that the 'criminal propensity' of any one individual is instilled early in their lives, but remains relatively stable across their life course. This propensity can be eroded or cemented over time; socialisation is a life-long process. But even when socialisation does make an individual less impulsive, low control individuals remain as *relatively* low control individuals in comparison with their same-age peers. The somewhat depressing conclusion of Gottfredson and Hirschi's position is that life-events such as marriage, child-rearing and employment make little difference to criminality, since criminality is determined by self-control which itself is determined by early childhood experiences.

Gottfredson and Hirschi argued that, while criminality remains relatively stable over the life-course, the opportunities to commit crimes over time become over time less and less frequent. Thus reductions in offending reflect changes in opportunity structures. Such a deterministic stance is, of course, somewhat at odds with rational choice perspectives, and it seems to take *individual* morality out of the picture altogether. That said, it is worth noting that morality may still be in play here, in the sense that the determining social and cultural contexts of individual offending (i.e. restricted 'opportunity structures') can be cast as the result of our collective moral and political choices. In any event, Gottfredson and Hirschi's arguments caused much debate in criminology with a recent review of the competing theories of desistance (Ezell and Cohen, 2004:259) finding little to support the key tenets of their theorising.

Taking a somewhat different approach, Sampson and Laub's theory of age-graded social control (1993) explores the notion of the bond between an individual and society. The bond is made up of the extent to which an individual has emotional attachments to societal goals, is committed to achieving them through legitimate means, believes these goals to be worthy and is able to involve themselves in the

attainment of such goals. Although these are not the terms that they choose, we could conceive of their account as being one that elucidates the acquisition of the virtues of good citizenship (see also Farrall and Calverley, 2006: chapter 6). After all, our social bonds in a sense both reflect and construct the reciprocal rights and responsibilities that full membership of a social group or community entails.

Sampson and Laub's theorising posits that engagement in offending is more likely when this bond is weakened or broken. In addition to this, they argue that at various points during the life-course, formal and informal social institutions help to secure the bond between the individual and society. For example, for adolescents, school, the family and peer groups influence the nature of the bond between many young people and their wider communities, while employment, marriage, and parenthood operate in a similar way for adults. These institutions and the relationships between individuals that they encourage, help the formation of those social bonds in and through which create social control is generated. Thus one of their key insights is that avoidance of crime is the result of relationships formed for reasons *other than* the control of crime.

Sampson and Laub argue that changes in the individual's relationship with these various institutions are an inevitable feature of modern life, and, as such, are key to understanding engagement in offending over the life-course. While much continuity in an individual's life can be observed, key events can trigger changes in an individual's bond to society and hence pattern of offending. Similarly, because many relationships endure over time, they can accumulate resources which can help sustain conventional goals and conformity (e.g. emotional support between marriage partners, Laub et al, 1998). In contrast to Gottfredson and Hirschi, who see low levels of self-control as the end of the matter, Sampson and Laub argue that levels of criminal propensity are open to influence, and that these influences are often the result of informal social control. Furthermore, unlike rational choice theorists who saw desistance as the result of a decision, Sampson and Laub's approach enables one to view desistance as the result of a process which stretches over time and is not based purely on calculative (or prudential) decision-making, but rather is organic and relational.

More recently still, Maruna aimed to '... identify the common psychosocial structure underlying [ex-offender's] self-stories, and therefore to outline a phenomenology of desistance' (2001: 8). In this respect he argued that 'to desist from crime, ex-offenders need to develop a coherent, pro-social identity for themselves' (2001: 7). He found that desisters amongst his sample displayed an exaggerated belief that they could control their own futures in some way, and, in addition, a zealous sense of purpose to their 'new' lives. The persisters, on the other hand, 'shared a sense of being doomed or fated to their situation' (2001: 11). Desistance, then, was bound up in a process by which ex-offenders came to see themselves as essentially 'good' people who, often through little fault of their own (2001: 12), acted in 'bad' ways. These previous 'bad' ways and the former 'bad' identity, rather than being something to be ashamed of, Maruna argues, are employed by desisters as a means for re-making sense of their lives and as the basis for making a positive contribution to society (2001: 12); from offender, to desister, to 'wounded healer'. This process of reconstruction of a moral or virtuous story about oneself – where the 'real me' is a morally good person -- is particularly pertinent for our purposes here.

Giordano *et al* (2002:999-1002) outlined a four-part 'theory of cognitive transformation', which integrates some of these themes. In their account, the desistance process involves: a 'general cognitive openness to change' (which might involve both prudential and moral re-appraisal); exposure and reaction to 'hooks for change' or turning points (which may link to social bonds); the envisioning of 'an appealing and conventional 'replacement self'' (which suggests narrative transformation), and; a transformation in way the actor views deviant behaviour (which implies a re-appraisal of attitudes and perhaps values). In relation to openness to change, several other scholars researching desistance (e.g. Cusson & Pinsonneault, 1986, Farrall & Bowling, 1999) have noted that a period of reflection and reassessment of what is important to the individual would appear to be a common feature of the initial process of desistance. We have already noted that in itself this is insufficient (Giordano *et al*, 2002:1001, Farrall 2002:225); what is also needed is the exposure to some opportunity to change, and the individual identifying this change as offering a potential 'way out' and then acting upon this. This leads on to the third stage in Giordano *et al*'s schema, the individual's ability to imagine or conceive of themselves in a new (and conventional) role doing new things. The imagined better

self or good self must be both credible and authentic to the would-be desister. Finally, the process is completed (they argue, 2002: 1002) when old behaviours are no longer seen as desirable or relevant. Giordano et al, following work on the relationship between agency and structure (e.g. Farrall & Bowling, 1999) argue that 'the actor creatively and selectively draws upon elements of the environment in order to affect significant life changes' (2002:1003). In this way, they work towards a model of desistance which draws agency and structure together (see also Maruna & Farrall, 2004; Farrall, et al., 2011).

From this brief account of some theoretical perspectives on desistance, we can see that although criminologists have tended to examine the process through psychological or sociological perspectives, moral dimensions of desistance are not difficult to discern. This is hardly surprising since desistance is by definition about moving from behaviours that are routinely morally condemned (at least by many people and institutions) to behaviours that are (at least) expected of and (often) celebrated in 'good citizens' (being a good parent, a good neighbour, a hard worker). Yet few desistance scholars have engaged directly with moral philosophy or ethics.

A notable exception is to be found in the work of Tony Bottoms and Joanna Shapland, which has drawn on concepts from Aristotle's ethics to make sense of and theorise empirical research on desistance from crime. Bottoms and Shapland (2011), for example, have used Aristotle's concept of 'akrasia' (weakness of will) in accounting for the fact that even the very persistent offenders involved in their Sheffield desistance study express (and appear to hold) strikingly conformist goals and values. Far from being 'wicked' people (which for Aristotle means people who explicitly reject 'the good'), the akrates (weak-willed people) know what is right but are often unable to resist temptation. More to the point, they note that the young men in their study often had very many temptations to resist. Bottoms and Shapland (2011) cast these temptations as obstacles to desistance that arise from the social and cultural contexts and conditions in which their research participants lived.

For Aristotle, being and becoming a good person is about the development and embodiment of virtues or qualities of character. There are two *intellectual* virtues that we require to live the good life; these rest alongside more easily recognisable *ethical*

virtues (like courage or temperance). The intellectual virtues are *sophia* (which is usually translated as wisdom and combines discernment and knowledge) and *phronesis* (which is sometimes translated as 'practical wisdom' and sometimes as prudence). The pursuit of wisdom and happiness requires both of these virtues; *phronesis* facilitates *sophia*. In a much quoted passage, Aristotle writes:

Whereas young people become accomplished in geometry and mathematics, and wise within these limits, prudent young people do not seem to be found. The reason is that prudence [*phronesis*] is concerned with particulars as well as universals, and particulars become known from experience, but a young person lacks experience, since some length of time is needed to produce it (*Nicomachean Ethics* 1142 a).

In other words, knowledge of and commitment to certain values and aspirations is not sufficient in and of itself to produce a life lived in conformity with those values and aspirations. Abstract knowledge of what is good is not enough to *be* good. Being or becoming good takes time and practice; we need to work out what it means day-by-day, and that both requires and facilitates the development of practical wisdom. Perhaps most importantly for our purposes, Aristotle holds that *phronesis* is both necessary *and* sufficient for being virtuous, since it is impossible to be both akratic and *phronetic*; to be both weak-willed and practically wise (or prudent). Desistance from crime, we might suggest then, is fundamentally about moving from an akratic to a *phronetic* state; from weakness of will to practical wisdom. It is about making well-informed decisions based on imperfect knowledge; about weighing up pros and cons and rights and wrongs. But such decision-making – and the development of practical wisdom – as we have already noted above, is not easy, and for most people involved in persistent offending, it is made much harder by the practical and social obstacles that they face. Putting it another way, it is not easy being or becoming virtuous in a vicious place, or when vicious people surround you, or where people or institutions treat you viciously. On the other hand, not least in the light of the experience of Bobby Cummines reported above, it may be easier to become virtuous for those who are exposed to virtuous people and institutions.

### **Virtues in the Making: Supporting Desistance**

What then can be done to support transitions towards virtue? Perhaps slightly surprisingly, there has been relatively little research which has adopted insights from desistance and focused on how probation or social work supervision has helped probationers cease offending. One of the earliest studies was that undertaken by Julie Leibrich (1993). Leibrich interviewed 48 men and women who had been supervised by probation officers in New Zealand and who had remained conviction-free for about three years after the start of their probation order. Very few of the people Leibrich interviewed spontaneously reported that probation supervision had been of help in terms of their desisting from crime (1993: 172), and half of the sample reported that they had not got anything out of the sentences (1993: 182). Those who felt that they had got something out of the experience tended to emphasise the chance to talk things through with someone (1993: 182-84). In short, from this early foray, probation supervision did not appear to be a particularly large element in accounts of change away from crime.

In the UK, the first tentative steps towards injecting insights from desistance research into a consideration of the impact of probation supervision were taken by Rex (1999). Although Rex's study lacked data on whether or not the probationers in her sample ( $n = 60$ ) had actually ceased offending or not, her study did throw some much needed light onto both what happened during supervision sessions and how it contributed to desistance. For some, simply being on probation was enough of a deterrent for them to cease offending (p369), for others getting help on how to solve problems in their lives was more important (p373). However, practical assistance was not readily forthcoming and often probationers had to rely on their own social networks to meet their employment and housing needs (p374). From Rex's study, one takes the message that displaying an interest in the lives of the probationers is an important first step towards building the sort of relationship which will foster and promote desistance (p375). Significantly, probation officers' concern for probationers as people tended to underlie the development of loyalty (an important virtue, of course) amongst probationers.

Farrall's studies of the desistance/persistence of almost 200 men and women on probation in England (Farrall, 2002; Farrall and Calverley, 2006) have provided rather more substantive findings. Initially at least, his findings were rather downbeat; while

tackling problems relating to accommodation, family relationships and employment were key to assisting desistance from crime, few probation officers appeared willing to engage in assisting probationers with their efforts. This was despite the fact that, when officers did assist probationers with these problems, they were more likely to be successfully resolved (2002: 160-63). However, such findings did not lead Farrall to conclude that in probation 'nothing works', rather he emphasised the fact that successful desistance was the product of individual motivation, social and personal contexts, probation supervision and the meanings which people hold about their lives and their behaviours. However, although a follow-up study of members of the same sample (Farrall and Calverley 2006) produced, in general, similar findings, it also started to uncover some ex-probationers who had become more willing to *retrospectively* attribute more influence to their experience of supervision (see 2006: 42-67). Whereas previously probation's input had been dismissed, some ex-probationers were starting to see the value of what they had taken from probation. At the time of writing, a further follow-up of this sample is being conducted and initial findings suggest a greater degree of awareness and acceptance on the part of former-probationers that the period of supervision had played an important role in their desistance (Farrall, 2011).

Drawing on these empirical studies, and on desistance scholarship more generally, one of us, in advancing a 'desistance paradigm' (McNeill, 2006), has sought to outline ethical arguments for such an approach. One strand of ethical argument in that paper concerns the virtues that practitioners may have to display in order to support desistance. Virtue-based approaches to ethics (including professional ethics) have experienced something of a resurgence in recent years (Pence, 1991). While professional education in many fields involves attention to questions of ethics and values, and engages with codes of ethics or values, virtue ethics suggests a shift in focus. It moves us away from the question 'what ought I to do?' or 'what principles must I adhere to?' to the question 'what sort of person should I be?' As McNeill (2006: 52) noted:

One of the merits of desistance research is that by asking offenders about their experiences both of attempting desistance and of supervision, progress is made towards answering the question that a

would-be 'virtuous' offender manager might ask: What sort of practitioner should I be? The virtues featured in responses from desisters might include optimism, hopefulness, patience, persistence, fairness, respectfulness, trustworthiness, loyalty, wisdom, compassion, flexibility and sensitivity (to difference), for example.

In the context of an ongoing study of the meaning of quality in probation supervision, led by Joanna Shapland at the University of Sheffield, we have had the opportunity (indirectly) to explore what sorts of virtues probation practitioners identify as being crucial to their work. In an extensive review of the extant literature (Shapland, et al., 2012), we noted that different approaches to thinking about quality reflect different ways of conceiving of 'the good'. One strand in the probation literature implicitly or explicitly defines quality principally in terms of its consequences; good practice is whatever practice is associated with delivering the required outcomes, often cast as reductions in reconviction. This approach is broadly utilitarian approach (as advocated by Jeremy Bentham and John Stuart Mill); it is concerned with maximising utility or bringing about the greatest good for the greatest number. However, even in the era of 'outcomes', utilitarian approaches are usually moderated somewhat by another way of thinking about quality; one which stresses adherence to certain inviolable ethical standards. Moral philosophers refer to such an approach as 'deontological' or duty-based; an approach commonly associated with Immanuel Kant. Thus, for example, while we might eliminate all reoffending by executing all offenders, we might consider it wrong – either because the harms caused would outweigh the harms prevented (a utilitarian calculation) or because it would violate the principle of proportionality (a deontological concern).

There is, however, a third approach to quality, based on developing a virtue-based conception. Intriguingly, though our fieldwork did suggest a utilitarian concern with goals and outcomes, it also revealed a clear appreciation of the importance of the values, characteristics and skills that probation staff see as being crucial to quality supervision (see Robinson et al, in preparation). In essence, these findings suggest a focus not so much on the merits of any specific technical approach to securing outcomes or adhering to principles but rather on *the kind of people* that are capable of and responsible for doing the best quality probation work. Such people were

characterised according to our respondents by a combination of (largely soft/relational) skills, professional training (for those qualified staff) and experience accrued on the job, coupled with values, personal experiences and qualities that participants brought with them, which were seen as equipping people for quality probation work. It is not difficult to see the links here with Aristotle's insistence on the intellectual virtues of *sophia* and *phronesis* working on concert with the kinds of moral practice virtues suggested by McNeill (2006).

If it makes sense to suggest that those supporting the development of virtues in others must possess and display the virtues themselves, the question remains of exactly how and under what circumstances virtue can be transmitted from the supporter to the supported. Perhaps that question is best left to developmental psychologists, but what seems clear not just from desistance research but from other research, for example, on the moral performance of prisons (Liebling with Arnold, 2004), is that it is only within relationships that model the kinds of virtues described above that the formal authority conferred on the worker by the court is likely to be rendered *legitimate* in the mind of the 'offender'. Indeed, without such legitimacy, it seems that the exercise of power runs the risk of both representing and generating viciousness (see Sparks, et al., 1996; McNeill, 2009; 2010).

McNeill and Robinson (2012) have recently argued that community sanctions face particular legitimacy problems arising from several of their features. First, their purposes are perennially contested, and are often cast somewhat differently in pursuit of external legitimacy (for example, with sentencers, the public and politicians) and in pursuit of internal legitimacy (with those subject to such sanctions). For the latter 'audience', the fluid or liquid legitimacy of community sanctions is a function of their changing forms and shapes; of the ways in which they are negotiated, constructed, contested and reconstructed by the actors involved. The lived reality of being on a community sentence is relationally constructed, not architecturally bounded (as in the prison). This liquid quality can allow legitimacy to 'flow in' (when the relationship is working well and trust and loyalty have been established) but also to 'ebb away' (when promises are broken, services fail to materialise or when enforcement is perceived as unjust).

It is possible of course to exaggerate the extent to which this liquid quality is particular to community sanctions. The lived realities of being policed or imprisoned (or subject to any form of regulatory authority) are also inevitably relationally constructed. In many contexts within criminal justice (and beyond) therefore, the capacity to exercise authority legitimately seems likely to be a key virtue for practitioners (see Crawford and Hucklesby, 2012).

### **Conclusions: probation, virtue and necessity**

We have argued that it makes sense to think of desistance from crime as involving the acquisition of intellectual and moral virtues, and that supporting the acquisition of virtue probably requires the demonstration of intellectual and moral virtues. Moreover, we have suggested that such demonstration is likely to be impossible in the absence of relationships characterised by legitimacy, not least in the exercise of potentially coercive power. But, important though they are, penal practice virtues cannot be insulated from their wider cultural, political and social contexts. The transmission or communication of virtue does not happen in a vacuum.

An appreciation of these dynamics is apparent in Antony Duff's penal communications theory (Duff, 2001; 2003). Duff (2003) has argued that probation staff can and should act as moral mediators between offenders, victims and the wider community. This moral mediation speaks, at least to us, not just to seeking change in the offending citizen; not just to the development of personal virtue. Equally, it begs a series of complex questions about our collective virtues. If personal virtue is partly about the development of good citizenship, then collective virtue is about the character of the polity to which we all belong, for better or worse. In this regard, Duff (2003) argues that the existence of social injustice and, in consequence, the denial of citizenship to some, creates profound moral problems for the punishing polity. The response must be 'a genuine and visible attempt to remedy the injustices and exclusion that they [that is, some offenders] have suffered' (Duff, 2003: p194). Duff (2003: 194) suggests that this implies that:

The probation officer... will now have to help the offender negotiate his relationship with the polity against which he has offended, but by whom he has been treated unjustly and disrespectfully: she must speak for the polity to the

offender in terms that are censorious but also apologetic – terms that seek both to bring him to recognise the wrong he has done and to express an apologetic recognition of the injustice he has suffered: *and she must speak to the polity for the offender*, explaining what is due to him as well as what is due for him' (emphasis added).

This is an appealing and, in most respects, compelling account of what probation could and should be. But even the recognition of social injustice (and the promise to do something about it?) falls some way short of exposing more fundamental questions about the values and virtues of society. Richard Sennett (1998, 2006) suggests that 'the new capitalism' has produced a 'Corrosion of Character'; 'work' or 'craft' no longer provides a stable sense of identity or security' – rather, the incessant demands for flexible labour, professions and organisations that can respond to rapid changes in de-regulated and globalised markets, require us to discount and abandon our pasts and to continually re-invent ourselves. The ethical effects of this sort of 'Liquid Modernity' (Bauman, 2000) arise from the ambiguities, uncertainties and insecurities that it entails – and the materialism, consumption and opportunism that it celebrates. In this context, Jock Young (2007) has argued that crime is not so much the product of being insufficiently socialised into mainstream values as it is the product of being *too* immersed in them (while at the same time excluded from the means to succeed under these materialistic terms). The social and moral problems which Sennett, Bauman and Young identify suggest that new or late capitalist societies have devalued virtue and phronesis (prudence) so much as to make them not so much necessities as liabilities.

Returning to the Bobby Cummines quotation from 'the Road from Crime', some recognition of the wrongs done to 'offenders', and some human concern for them as struggling fellow citizens, seems likely to be a necessity if we are to engage with people in a process of change. If we don't show people virtue and phronesis (prudence) in the ways that we treat people (*especially* when they offend us), we are unlikely to convince them of the 'beauty of society' and to draw them towards good citizenship of the good society. But important though it is that practitioners model virtue, the deeper problem is that we live in a society that too often celebrates and models the viciousness that criminal sanctions invite and require 'offenders' to

abandon. The paradox for practice is that virtue is as necessary at the social and political level as it is at the individual level, and that to seek to model and support it in practice compels us to engage in politics, since we depend on one another's virtues to build the sort of polity in which we can thrive together.

## References

- Bottoms, A., and Shapland, J. (2011) *Steps towards desistance among male young adult recidivists*, in Farrall, S., Hough, M., Maruna, S. and Sparks, R. (eds.) **Escape Routes: contemporary Perspectives on Life After Punishment**. Abingdon: Routledge.
- Clarke, R. V. and Cornish, D. B. (1985) *Modeling Offender's Decisions: A framework for Research and Policy*, in Tonry, M. and Morris, N. (eds.) **Crime and Justice: An Annual Review of Research**, Chicago, University of Chicago Press.
- Crawford, A. and Hucklesby, A. (eds.)(2012) **Legitimacy and Compliance in Criminal Justice**. Abingdon: Routledge.
- Cromwell, P. F., Olson, J. N. and Avary, D. W. (1989) **Breaking and Entering**, Sage, London.
- Cusson, M. and Pinsonneault, P. (1986) *The Decision To Give Up Crime* in Cornish, D. B. and Clarke, R. V., (eds.) **The Reasoning Criminal**, New York, Springer-Verlag.
- Duff, A. (2001) **Punishment, Communication and Community**. New York: Oxford University Press.
- Duff, A. (2003) *Probation, Punishment and Restorative Justice: Should Altruism Be Engaged in Punishment?*, **The Howard Journal**, 42(1): 181-197.
- Ezell, M. and Cohen L. (2005) **Desisting From Crime**, OUP, Oxford.

Farrall, S. (2002) **Rethinking What Works With Offenders**, Willan Publishing, Cullompton, Devon.

Farrall, S. (2011) **The long-term impact of probation supervision: is it still detectable after 15 years?** Ministry of Justice Offender Engagement Seminar, London, 27 September 2011.

Farrall, S. and Bowling, B. (1999) *Structuration, Human Development and Desistance From Crime*, **British Journal of Criminology**, 39(2):252-67.

Farrall, S. and Calverley, A. (2006) **Understanding Desistance from Crime**, Crime and Justice Series, Open University Press, London.

Farrall, S., Sharp, G., Hunter, B. and Calverley, A. (2011) *Theorizing structural and individual-level processes in desistance and persistence: Outlining an integrated perspective*, **Australian and New Zealand Journal of Criminology**, 44(2): 218–234

Giordano, P. C., Cernkovich, S. A. and Rudolph, J. L. (2002) *Gender, Crime and Desistance: Toward a Theory of Cognitive Transformation*, **American Journal of Sociology**, 107: 990-1064.

Gottfredson, M. R and Hirschi, T. (1990) **A General Theory of Crime**, Standford: University Press.

Laub, John H., Daniel S. Nagin and Robert J. Sampson, 1998: Trajectories of Change in Criminal Offending: Good Marriages and the Desistance Process, **American Sociological Review** 63: 225-238.

Leibrich, J. (1993) **Straight to the Point: Angles on Giving Up Crime**, Otago, New Zealand, University of Otago Press.

McNeill, F. (2006) *A desistance paradigm for offender management*, **Criminology and Criminal Justice** 6(1): 39-62.

McNeill, F. (2009) **Helping, Holding, Hurting: Recalling and reforming punishment**, the 6<sup>th</sup> annual Apex Lecture, at the Signet Library, Parliament Square, Edinburgh, 8<sup>th</sup> September 2009. Available online at:

<https://pure.strath.ac.uk/portal/files/521675/strathprints026701.pdf>

McNeill, F. (2010) *Supervision in historical context: Learning the lessons of (oral) history*, in McNeill, F., Raynor, P. and Trotter C. (eds.) (2010 forthcoming) **Offender Supervision: New Directions in Theory, Research and Practice**. Cullompton: Willan.

McNeill, F. and Robinson, G. (2012) *Liquid Legitimacy and Community Sanctions* in Crawford, A. and Hucklesby, A. (eds.) **Legitimacy and Compliance in Criminal Justice**. Abingdon: Routledge.

Maruna, S. (2001) **Making Good: How Ex-Convicts Reform and Rebuild Their Lives**. Washington DC: American Psychological Association Books.

Maruna, S. and Farrall, S. (2004) *Desistance From Crime: A Theoretical Reformulation*, **Kölner Zeitschrift für Soziologie und Sozialpsychologie**, No. 43.  
Pence, Greg (1991) *Virtue theory* in Singer, P. (ed) **A Companion Guide to Ethics**. Oxford: Blackwell.

Rex, S (1999), *Desistance from Offending: Experiences of Probation* **The Howard Journal**, 38(4): 366-383.

Robinson, G., Farrall, S., McNeill, F., Priede, C. And Shapland, S. (in preparation), *Understanding 'Quality' in Probation Practice: Findings from a study in England & Wales*.

Sampson, R. J. and Laub, J. H. (1993) **Crime In The Making: Pathways and Turning Points Through Life**, London, Harvard University Press.

Sennett, R. (1998) **The Corrosion of Character: The Personal Consequences of Work in the New Capitalism**. New York and London: W.W. Norton and Co.

In 'The Value(s) of Criminology and Community Justice', edited by Malcolm Cowburn, Marian Duggan, Anne Robinson, Paul Senior (all Sheffield Hallam University). Forthcoming from Policy Press.

Sennett, R. (2006) **The Culture of the New Capitalism**. New Haven and London: Yale University Press

Shapland, J., Bottoms, A., Farrall, S., McNeill, F., Priede, C. and Robinson, G. (2012) **The Quality of Probation Supervision: A Literature Review**. Centre for Criminological Research: University of Sheffield. Published online at: [http://www.sheffield.ac.uk/polopoly\\_fs/1.159010!/file/QualityofProbationSupervision.pdf](http://www.sheffield.ac.uk/polopoly_fs/1.159010!/file/QualityofProbationSupervision.pdf)

Shover, N. (1983) *The Later Stages of Ordinary Property Offender Careers* **Social Problems**, 31 2:208- 218.

Sparks, R., Bottoms, A. and Hay, W. (1996) **Prisons and the Problem of Order**. Oxford: Clarendon Press.

Young, J. (2007) **The Vertigo of Late Modernity**. London: Sage.

---

<sup>i</sup> (William Shakespeare, *Two Gentlemen of Verona*, Act IV, Scene I, [abridged] [http://www.shakespeare-literature.com/Two\\_Gentlemen\\_of\\_Verona/13.html/necessity](http://www.shakespeare-literature.com/Two_Gentlemen_of_Verona/13.html/necessity), accessed 30<sup>th</sup> April 2012)

<sup>ii</sup> 'The Road from Crime' (dir. Eamonn Devlin, 2012), funded by ESRC Award No. ES/I029257/1. For more information see: <http://blogs.iriss.org.uk/discoveringdesistance/documentary/>