

## *Correctionalism, Desistance and the Future of Probation in Ireland*<sup>i</sup>

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**Summary** This paper argues that desistance research should provoke a reconsideration of the essential character of interventions with adults involved in offending behaviour. It begins by discussing broad accounts of the characteristics of late-modern penal systems as the background to an exploration of current developments in probation policy and practice. In particular, the discussion develops some contrasts between 'welfarist rehabilitation' and 'correctional treatment' as competing (but inadequate) paradigms for probation practice. In the context of these contrasts, the situation of probation in Ireland receives particular attention. Possible implications for practice of some important desistance studies are then developed, in order to stimulate discussion and debate about the extent to which desistance research might challenge the correctionalism that is emerging most clearly in England and Wales, but also in Scotland, Ireland and other jurisdictions. In the conclusion, bearing in mind persistent rumours about the possibility of organisational developments in Ireland that might mirror those in England and Wales, the prospects for more constructive developments are considered.

**Keywords** Correctionalism, Welfarism, Rehabilitation

### **Introduction**

The main argument of this paper is that the findings of a relatively neglected and intriguing form of criminological research (into 'desistance' from offending) should provoke a reconsideration of the essential character of interventions with adults involved in offending behaviour. The analysis explores selective aspects of probation policy and practice in Ireland (both sides of the border), as well as in England and Wales and in Scotland. The paper begins by sketching aspects of the contemporary 'correctional scene', locating certain current developments in probation policy and practice within broader debates about the characteristics of late-modern penal systems. Set against this backdrop, the situation of the probation services in Ireland is briefly reviewed.

Having thus summarised some important aspects of the social, political and professional contexts into which the findings of desistance research have begun to be disseminated, the paper goes on to explore some of the key messages from the research. Possible implications for practice of some important desistance studies are then developed, in order to stimulate discussion and debate about the extent to which desistance research might challenge the correctionalism that is emerging in probation policy and practice in Ireland and in the UK. In the conclusion, I try briefly to explore the prospects for more constructive developments in Scotland and in Ireland.

### **The New Penology: From Rehabilitation to Correction**

Recent accounts of the changing nature of penal systems and practices in late modern western societies highlight the significance of the shift from a 'penal welfarism' pre-occupied with the rehabilitation of offenders to a 'new penology' pre-occupied with the management of crime and risk (Garland 2001)<sup>ii</sup>. Though the story told in such accounts is rich and complex, most pertinent here are the implications of this 'penal transformation' for how we view and treat offenders. Feeley and Simon (1994) suggest that 'old penology' is essentially about individuals - their culpability, their guilt, the diagnosis of their deviance, discovering and applying the proper treatment. They observe that 'one of its central aims is to ascertain the nature of the responsibility of the accused and hold the guilty accountable' (p173). The 'new penology' in contrast focuses on groups, and is 'concerned with techniques for identifying, classifying and manag-

ing groups assorted by levels of dangerousness' (p173). Because crime is seen as inevitable and because individualised interventions are viewed with scepticism as to their efficacy, the new penology seeks cost-effective methods aimed at regulating groups as part of a strategy of managing and minimising danger.

For Garland (1996), these new strategies arise from the predicament of the late modern state: how can its political authority survive the limits of its ability to protect its citizens from crime? One of the state's responses to this situation is 'hysterical denial' in which there is an 'emphatic re-assertion of the old myth of the sovereign state' (Garland 1996, p449). From this there emerges a criminology 'of the alien other', different from 'us', a 'suitable enemy' for the state to expressively attack. This stands in stark contrast to the 'criminology of the self' which underlies more pragmatic adaptations in approaches to crime prevention and reduction. Here, the criminal is seen not as different from other citizens, not as a 'poorly socialized misfit', but as an 'illicit, opportunistic consumer', as 'situational man' (p451-2), whose opportunities to benefit from crime must be curtailed. As Garland notes, these differing criminologies have different uses:

'One is invoked to routinize crime, to allay disproportionate fears and to promote preventive action. The other is concerned to demonize the criminal, to excite popular fear and hostilities, and to promote support for state punishment. The excluded middle ground here is precisely the once-dominant welfarist criminology which depicted the offender as disadvantaged or poorly socialized and made it a state responsibility... to take positive steps of a remedial kind' (p461-2, emphasis added).

Rehabilitative ideologies and techniques had been central to what Garland (1996) describes as penal welfarism's 'solidarity project' and to probation's mission with regard to adult and juvenile offenders. Perhaps one of the court missionaries' enduring legacies was an essentially altruistic attitude towards the offender (Pease 1999). Originally, their souls were to be saved in their best interests. Then, their ills were to be diagnosed so that they could benefit from 'treatment'. Alternatively, they were to be diverted from custody and helped with their personal or social problems (Bottoms and McWilliams 1979). Whereas in these eras the supposed broader social benefits of this work in terms of reduced victimisation were a welcome and important by-product, in contemporary probation they have become the products.

Under this emerging formulation, the offender need not (perhaps cannot) be respected as an end in him- or herself; he or she has become the means to another end. He or she is not, in a sense, the subject of the order, but its object. As Garland (1997) argues, rehabilitation today is no longer an over-riding purpose, it is a subordinate means. As such, it is more carefully targeted, rationed and subjected to evaluative scrutiny. It is offence-centred rather than offender-centred; it targets criminogenic need rather than social need. Fundamentally, Garland (1997) argues that probation 'staff now emphasise that 'rehabilitation' is necessary for the protection of the public. It is future victims who are now 'rescued' by rehabilitative work, rather than the offenders themselves' (p6).

It might be argued against the novelty of this development that the 'rehabilitative ideal' (Allen 1981) has often been directed at society's interests rather than those of offenders. As McWilliams and Pease (1990) note, Archbishop William Temple in 1934 delineated the community's three purposes in administering punishment, in order of priority:

- (i) the maintenance of its own life and order
- (ii) the interests of individual members generally
- (iii) the interest of the offending member himself [sic] (Temple 1934, p22-3).

McWilliams and Pease (1990) stress however that historically probation's distinctive role within criminal justice and within rehabilitation has been focussed on the third purpose, without which, Temple (1934) argued, punishment deteriorates into vengeance. Thus, probation as rehabilitation served a moral purpose on behalf of society in limiting punishment and preventing exclusion by working to re-establish the rights and the social standing of the offender. Perhaps arguing against the tide of the times in England and Wales, McWilliams and Pease (1990) went on to prescribe the restoration of rights-based rehabilitation (as opposed to the utilitarian rehabilitation involved in treatment) as the central philosophical ideal of the service. Irrespective of the potency of their argument, the contemporary focus on public protection entails a quite different rehabilitative ideal, essentially utilitarian and correctional in nature.

Along with this ideological reformation of rehabilitation as a correctional endeavour undertaken in the public interest come recent organisational changes in the UK jurisdictions too complex to review here in any detail (Robinson and McNeill 2004). However, in Nelli's (1999) terms, the shift 'Towards "the Field of Corrections"' is an integral part of New Labour's modernization agenda for the criminal justice system. In England and Wales, the closer structural alignment of the newly centralized National Probation Service with the Prison Service in England and Wales has lately been cemented by the appointment of Martin Narey, former Director-General of the Prison Service as 'Commissioner for Correctional Services' (Harding 2003). At the time of writing, the impact of the far-reaching proposals in the Carter Report (Carter 2004) remain to be seen, but the Home Secretary has already enthusiastically accepted the proposal to establish a new National Offender Management Service, incorporating prisons and probation (Blunkett 2004). The name and the objectives of the new service clearly capture some of the characteristics of the new penology; it is a centralised endeavour, targeted at but not for offenders (the 'others') – rather it exists to manage them and in so doing to provide a service to the law-abiding public (the 'us'). Its objectives are to punish offenders and to reduce re-offending (Blunkett 2004, p10), affirming respectively the expressive and the instrumental aspects of the new penology, as well as its correctionalism.

To summarise the impact of the changing nature of penalty on interventions with offenders, Figure 1 (below) presents an ideal-type contrast of how such interventions might have been constructed under a purely welfarist ideology and of how they may be constructed under an unfettered correctionalism. This contrast is intended not to accurately describe any past or present state of penal affairs; rather its purpose is heuristic in highlighting and contrasting the implications of the two ideologies. It should be immediately obvious that neither paradigm is morally or theoretically adequate as a basis for work with offenders.

*Figure 1: Ideal-type contrast of two paradigms for work with offenders*

	<b>Welfarist Rehabilitation</b>	<b>Correctional Treatment</b>
Causes of crime	Primarily structural: social and economic	Primarily individual/familial
Responsibility for crime	Primarily the state's	Primarily the offender's
Characterisation of criminal	Unfortunate individual for whom assistance is required	One of a deficient and/or dangerous group (classified by risk) from whom society is to be protected
Characterisation of practice response	Offender-oriented assistance and protection from further avoidance of damage by the 'system'	Public-oriented punishment, management and treatment
Characterisation of rehabilitation	Rights-based restoration of citizenship	Utilitarian re-education for citizenship
Practice focus	Diversion from custody, practical help, advocacy, seeking opportunities	Enforcing punishment, managing risk, developing skills through (enforced) treatment
Intended outcomes	Re-integration of the offender	Punishment of the offender and protection of the public

### **Rehabilitation and Correctionalism in Ireland and Northern Ireland**

The different systemic contexts for probation in Ireland and Northern Ireland might have been seen as a protective factor against the adoption of the crude reductionism of correctional approaches and of increasingly punitive penal politics. Although an analysis of the relevance of the accounts of penal transformation outlined above for Irish contexts is beyond the scope of this paper, at first sight the current organisational settings and histories of probation in these two jurisdictions might seem likely to at least inhibit the development of unfettered correctionalism.

In the south, probation was comparatively slow to develop, particularly as a professional service. Geiran (2004, forthcoming) provides an interesting account of the origins and history of probation in Ireland, noting that although the UK Probation of Offenders Act 1907 applied in Ireland, at the establishment of the Irish State in 1922, only one (female) probation officer was in post (in Dublin). The Dublin-based service grew slowly<sup>iii</sup> covering both the metropolitan and juvenile courts; Geiran (2004, forthcoming) notes that the number of paid officers did not exceed 6 until 1961. That said, Geiran also stresses the role of members of a variety of voluntary societies (including the Society of St. Vincent de Paul, Legion of Mary 'associates' and officers of the Salvation Army) in providing services to the district courts (including

the supervision of offenders) until the late 1970s.

In 1962, following the publication of the report of an inter-departmental committee, the professional probation service was re-established in Dublin, though the scope of the activities of voluntary probation workers was simultaneously extended, with some voluntary societies receiving formal approval as voluntary probation organisations. The role of the professional service was expanded to include prison-based work (two prison-based probation officers were appointed in 1964) and the service was renamed the 'Probation and After-Care Service'. By 1969, the staff complement of the organisation stood at only nine, but significant expansion then followed another governmental review which resulted in the decision to appoint a Principal Probation Officer, three Senior Probation Officers and twenty-seven Probation Officers. The name of the service was changed at this stage to the 'Welfare Service'. Ongoing expansion then followed and a regional structure was established in 1979, accompanied by yet another name change, this time to the 'Probation and Welfare Service' (PWS)(Geiran 2004, forthcoming).

Whether the retention of 'welfare' within the service's official title is significant in setting the tone and character of the PWS's business is difficult for an outside observer to say. Although candidates for employment in the service have never been formally required to hold professional social work qualifications (for example, the CQSW or NQSW), Geiran (2004, forthcoming) notes that over the past twenty years, most probation officers in the service have in fact had such qualifications. Moreover, since 1963 recruitment adverts have conventionally stressed possession of a degree or diploma in social science as an essential or (more often) as a desirable quality, allied with relevant experience. However, Geiran (2004, forthcoming) also notes that although the first annual report of the PWS (1981) described it as 'a social work agency serving the courts, the prisons and places of detention and some special schools on a country-wide basis' (p9), since then there have been few references to the service's social work origins in official documents.

In Northern Ireland, the Probation Service developed along similar lines to England and Wales (see Vanstone 2004) with the original officers taking the role of court missionaries. The Probation and After-care Service was formally established by the Probation (Northern Ireland) Act 1950 under the Ministry of Home Affairs. Initially, no specific training was required, but during the 1960s some Northern Irish officers joined their English and Welsh colleagues in the Home Office training programme at Rainer House in London; others trained as social workers. As in the south, the Northern Irish service expanded dramatically during the 1970s. However, these were troubled times and when the Stormont Government was prorogued in 1972, the service technically came under the auspices of the Department of Finance until the 1982 order which established the Probation Board for Northern Ireland (PBNI)<sup>iv</sup>. That order followed a government sponsored review which concluded that:

'if the service is to enjoy fully the confidence of the community, which will be essential if it is to carry out its work effectively, we consider that this can best be achieved if the community participates directly in the management of the service' (Children and Young Persons Review Group 1979, section 7.5).

Since the establishment of the PBNI, all probation officers in Northern Ireland have been trained as social workers; the Diploma in Social Work remains the core qualification. The Criminal Justice (Northern Ireland) Act 1996 (implemented in 1998), introduced significant changes to the work of the PBNI, including extension to the requirements for courts to consider pre-sentence reports; the probation order becoming a sentence of the court in its own right, as opposed to an alternative to a sentence; a new combination order including probation and community service requirements; and post-release supervision

licences for those convicted of some sexual offences. Though these recent developments mirror similar changes in England and Wales, the most interesting development in the 1996 Act was the introduction of a new sentence which was unique in Europe at the time. The Custody Probation Order, presaging more recent developments in England and Wales following the publication of the Halliday Report (2001), allows the court to reduce the time spent in prison if the defendant agrees to probation supervision on release. Similarly, in Ireland, the Children Act, 2001 provides for a range of revised sanctions for young offenders, including 'detention and supervision orders'. As the term suggests, these orders involve both periods in children's detention centres and, thereafter, periods of supervision in the community'.

These new sentences could be interpreted as simply further, albeit novel, efforts to reduce the population in prison/detention and, as such, as congruent with probation's history. However, they might alternatively be read as evidence of the blurring of the traditional distinction between community and custodial penalties which is increasingly evidenced in England and Wales. This is a blurring which combines with proposed organisational changes to suggest a steady drift in the direction of correctionalism (see McNeill 2004). Following the Belfast Agreement (1998), the Report of the Criminal Justice Review Group (2000) made 293 recommendations (all accepted by the UK government) which included, significantly in this context, the appointment of a Justice Oversight Commissioner who reports annually on the progress of implementation relating to the recommendations<sup>4</sup>. The peculiarities of probation's situation in Northern Ireland should caution against this appointment as reflecting any intended change in the organisation of probation (in the direction of close organisational links with the prison service). In the Republic of Ireland however, there are signs of an emerging preoccupation with seamless sentences and a more 'joined-up' justice system, reflecting current debates in England and Wales, and in Scotland. This preoccupation, in turn, has provoked much debate about the most appropriate organisational structures within which to deliver custodial and community based sanctions. For example, the Taoiseach's speech (Ahern 2002) at the launch of a National Economic and Social Forum Report on the Reintegration of Prisoners (NESF 2002) emphasised that the prison service and the PWS should take the initiative in developing more effective collaboration.

A correctional drift in probation policy discourses is also reflected in the fore-fronting of the language of risk and public protection. For example, the PWS's Strategy Statement defines the agency's mission as being to 'foster public safety and promote the common good by challenging the behaviour of offenders [and] advancing the recognition and use of community based sanctions, thereby reducing the level of re-offending' (PWS 2001:5). Although the promotion of community based sanctions may be seen as recognising and promoting the welfare of offenders (by meeting their offending-related needs by seeking to minimise the un-necessary use of prison), the PWS's mission is not primarily offender-oriented. Rather, in its focus on 'public safety' and 'the common good', it identifies the wider public as the intended beneficiaries of the service. The PBNI's current Corporate Plan (2002-2005), echoing similar policy statements in England and Wales and in Scotland (National Probation Service 2001, Justice Department 2001), forefronts public protection (alongside professionalism and partnership) as one of its three key themes. As with probation services in other jurisdictions (Robinson and McNeill 2004), this reflects the PBNI's closer involvement, in partnership with other agencies, in the assessment and management of risk, particularly with regard to more serious and potentially dangerous offenders. In Northern Ireland, closer working with other agencies also reflects significant changes in the political situation as a result of the peace process.

Though there is therefore perhaps relatively little evidence of any imminent or dramatic changes in service structures in Ireland (north and south), it may be instructive to examine the current debate in Scotland where, 'criminal justice social work' has been the responsibility of Local Authorities since the Social Work

Scotland Act 1968, despite being funded largely by the Scottish Office and, more recently, the Scottish Executive. The 2003 Election campaign for the Scottish Parliament signalled changes to the organisational context of probation in Scotland. The Scottish Labour Party's Manifesto election campaign in May 2003 (eight months ahead of the publication of the Carter Report (2004) in England and Wales) promised,

'We will set up a single agency – the Correctional Service for Scotland - staffed by professionals and covering prison and community based sentences to maximise the impact of punishment, rehabilitation and protection offered by our justice system' (Scottish Labour 2003).

The Partnership Agreement between Scottish Labour and the Scottish Liberal Democrats, published following the elections, moderated this position slightly:

'We will publish proposals for consultation for a single agency to deliver custodial and non-custodial sentences in Scotland with the aim of reducing reoffending rates' (Scottish Executive 2003).

COSLA (the Convention of Scottish Local Authorities) and ADSW (the Association of Directors of Social Work) responded to the Labour manifesto commitment by pledging to fight 'tooth and nail' against the proposed measures, arguing that there was no justification for such changes and no evidence that they would work to cut re-offending (The Scotsman, 9th May 2003). Following the election, they also commissioned a report from the International Centre for Prison Studies to explore whether the available international evidence supports the proposed organisational changes. A recent speech by the report's author suggested that:

'There is no evidence that particular organisational arrangements for the delivery of criminal justice provision in any one country lead to higher or lower use of imprisonment or affect re-offending rates. There is a strong argument for a close collaboration between the management of offenders in custody and in the community. There is also strong evidence that a clear national policy direction involving all players, allied to effective local delivery of services, is important. The need to make sure that offenders have access to the relevant facilities which already exist in the community is crucial' (Coyle 2003, p12).

While the debate and consultation has continued, the First Minister has repeatedly made clear that 'the status quo is not an option' (McConnell 2003, p21). That said, although it does appear that being governed by New Labour in London and Edinburgh has produced some predictable convergences of penal ideologies and related policy and organisational changes north and south of the border, the influence of correctionalism in Scotland is, thus far, somewhat more attenuated than in England and Wales (McNeill 2004, Robinson and McNeill 2004). Thus the striking of the balance between correctionalism and rehabilitation in practice in Scotland, and perhaps in Ireland, may yet prove more amenable to some of the evidence from desistance studies to which we now turn.

### **Supporting Desistance: Rehabilitation or Correctionalism?**

This section of the paper draws heavily on earlier efforts to explore the relevance of desistance research for probation and youth justice practice (McNeill 2002, McNeill 2003, McNeill 2004, McNeill and Batchelor 2004). Here however, the focus is on assessing whether this research supports broadly rehabilitative or correctional paradigms for intervention with offenders. The preliminary argument offered here is intended to spark further discussion and debate. This seems important and necessary not just because

of the currently proposed organisational changes on both sides of the Irish Sea but because, despite the obvious fact that desistance from offending is arguably the key process which probation services exist to stimulate and support, the impact of the research on practice has been surprisingly muted.

Maruna (2000) provides one possible explanation for this by arguing that until recently theories of desistance have offered little specific assistance to practitioners as to what they should actually do to encourage change. However, he also notes that a similar problem around seeking ways to interpret and use research in driving policy and practice arises in connection with the much more influential 'what works' research, since:

...such research tells us little about individual differences among client experiences in the process... Every individual encounters and interprets unique social interactions within a program setting... every intervention consists of thousands of different micro-mechanisms of change... By concentrating almost exclusively on the question of 'what works', offender rehabilitation research has largely ignored questions about how rehabilitation works, why it works with some clients and why it fails with others. (Maruna 2000, p12, emphasis in original)

Maruna argues that desistance research can and should redress these deficits in the 'what works' research by identifying processes of reform and helping in the design of interventions that can enhance or complement offenders' efforts to change. Recognising the limitations of each form of research (both desistance and rehabilitation) on its own, Maruna proposes a marriage of the two; with the desistance research's focus on the success stories of those that desist offering an 'individual-level view' that, in partnership with the rehabilitation literature's identification of general practices that seem successful, can better inform understandings of the change processes involved. The need for such an individualised approach to exploring desistance is supported by studies that reveal significant age and gender differences in patterns of and reasons for desistance (Graham and Bowling 1995, Jamieson, McIvor and Murray 1999).

However, another reason for the muted impact of desistance research may be that this emphasis on the 'individual-level view', particularly in studies of narrative accounts of desistance, is arguably an inconvenient one for increasingly centralised services pursuing managerial agendas. Robinson's (2001) analysis of the appropriation of 'what works', originally a grass-roots practitioner movement, by the political centre in England and Wales (in the form of the Home Office's 'What Works Initiative') highlights the significance of the interactions between 'knowledge' and managerial power in the pursuit of 'evidence-based practice'. The centralisation and reification of 'what works' that she describes echo what Clarke and Newman (1997) have termed managerialism's 'isomorphic' tendencies; that is, its production and reproduction of uniformities of thought and practice. Perhaps as a consequence, according to some critics, aspects of the 'what works' research itself and of the assessment tools and intervention strategies developed to implement it have lacked sensitivity to diversity, for example in terms of gender and ethnicity (see, for example, Kendall 2002).

In the context of the National Probation Service for England and Wales, the problems of 'scalability' (Carter 2004); that is, of turning the small scale successes of pioneering programmes into effective standardised practices in large-scale public bureaucracies, are beginning to be felt. Neglect of the individual-level view (and thus of diversity) may be amongst the reasons for this. Arguably, underlying the problem of scalability is a misconception about the relative importance of programmes and processes in developing effective practice. The methodology of the meta-analyses used to generate evidence about 'what works' necessarily produce generalisations about the relationships between programme design, programme deliv-

ery and, crucially, programme effectiveness (for a review of these meta-analyses see McGuire and Priestley 1995). This produces two important problems. Firstly, though the pursuit of evidence-based principles is useful and necessary, it is an inherently homogenizing approach that predictably struggles to cope with the heterogeneity of offenders to which practitioners must respond on a case-by-case basis. Secondly, even at their best, 'what works' studies tend only to address questions about which types of rehabilitative programme seem to work better than others in which contexts and with which particular target groups. While these are important questions, they conceal a flawed underlying assumption; that it is the qualities of the programme that are at the core of the pursuit of effectiveness.

The research on desistance by contrast, particularly those studies that focus on ex-offenders' narratives (Burnett 1992, Maruna 2001), addresses a different and broader range of questions about how and why people pursue and achieve changes in their lives. Indeed, desistance studies generally recognise that desistance itself is not an event (like being cured of a disease) but a process. Desistance is necessarily about coming to cease offending and then to refrain from further offending over an extended period (see Maruna 2001). Moreover, these studies suggest that this process of change, as well as being inherently individualised, is also rich and complex, sometimes ambivalent and contradictory, and not reducible to the simplicities of applying the right 'treatment' at the right 'dosage' to cure the assessed 'criminogenic needs'. For example, although desistance studies have revealed that certain life events (like securing employment or becoming a parent) can prompt reconsideration of a criminal career, it appears that success in seizing such windows of opportunity depends on the subjective meanings that the individual concerned attaches to these life events (Farrall 2002). Neither these events nor individual's subjective interpretations of them are 'programmable' in any straightforward sense.

One particularly revealing contribution to the desistance literature is Maruna's (2001) recent study which explores the subjective dimensions of change by comparing the narrative 'scripts' of 20 persisters and 30 desisters whose shared similar criminogenic traits and backgrounds and who lived in similarly criminogenic environments. In the 'condemnation script' that emerged from the persisters,

'The condemned person is the narrator (although he or she reserves plenty of blame for society as well). Active offenders... largely saw their life scripts as having been written for them a long time ago' (Maruna 2001, p75).

By contrast, the accounts of the desisters revealed a different narrative:

'The redemption script begins by establishing the goodness and conventionality of the narrator – a victim of society who gets involved with crime and drugs to achieve some sort of power over otherwise bleak circumstances. This deviance eventually becomes its own trap, however, as the narrator becomes ensnared in the vicious cycle of crime and imprisonment. Yet, with the help of some outside force, someone who 'believed in' the ex-offender, the narrator is able to accomplish what he or she was 'always meant to do'. Newly empowered, he or she now seeks 'give something back' to society as a display of gratitude' (Maruna 2001, p87).

The desisters and the persisters shared the same sense of fatalism in their retrospective accounts of the development of their criminal careers, thus minimising their personal accountability for their pasts in a manner which is interestingly resonant of the welfarist rehabilitation paradigm sketched out above. However, in their accounts of achieving change and in their discussions of their future prospects, Maruna's findings may suggest that desisters have to 'discover' agency in order to rise above the structural forces that

bear down upon them. Maruna reads the desisters' retention of fatalistic accounts of their criminal pasts, in spite of their discovery of agency in their law-abiding present, as evidence of the conventionality of their values and aspirations and of the need to believe in the essential goodness of the 'real me' (cf. Sykes and Matza 1957).

The suggestion that this process of desistance and this discovery of agency may be prompted by someone 'believing in' the offender finds support in those studies which have explored the interfaces between desistance and probation intervention in the UK (Rex 1999, Farrall 2002). Rex (1999), for example, interviewed 21 probation officers and 60 of their probationers, 11 of whom were aged under 21 and one quarter whom were women. She discovered that probationers who attributed changes in their behaviour to probation supervision described it as an active and participative experience. Probationers conveyed the sense of being engaged through negotiation in a partnership. Given their recognition both of the need to sustain a decision to desist and of the possibility of relapse, probationers seemed more willing to 'embark' on desistance where they felt committed to and engaged in the supervisory relationship. In turn, '[t]his engagement seemed to be generated by the commitment, both personal and professional, shown by workers' (Rex 1999, p371). The 'mechanism' by which some probationers come to accept probation officers as role models, Rex (1999) suggests, may rely on 'the sense of obligation which the probation officers' support and encouragement seem to generate in probationers' (p378). She found that as many as half of the probationers she interviewed revealed feelings of personal loyalty and accountability towards their supervisors.

These findings are particularly telling because, until recently at least, the emphasis on the role of tools and programmes in developing effective probation practice has perhaps supplanted and marginalized more traditional concerns in social work with offenders around the quality of relationships involved in supporting change processes (Barry 2000, Batchelor and McNeill 2004, forthcoming). In some respects it may be that the problems of managing 'scalability' referred to above are also a product of the neglect of such human affects in the pursuit of programme effects. In Rex's (1999) study, it seemed that probationers could recognise and appreciate efforts to improve their reasoning and decision-making skills; perhaps the most common focus of intervention programmes to date. However, attempts to exert influence through cognitive approaches had to 'carry conviction in their eyes if they were to be effective' (p373). This conviction depended on the personal and professional commitment from workers discussed above<sup>vi</sup>. Another prominent feature of probationers' accounts of positive supervision was probation officers' work to reinforce pro-social behaviour (Trotter 1999). Once again, the probationers acceptance of these attempts to influence them were generated by their ability to identify advice in this regard as evidence of concern for them as people; they were thus 'motivated by what they saw as a display of interest in their well-being' (Rex 1999, p375). Given these findings, the re-emergence of recognition of the significance of individual officer-probationer relationships in contemporary discussions of probation and youth justice practice is therefore an overdue, welcome and necessary development (Burnett 2004, Holt 2000, Hopkinson and Rex 2003).

Leaving the significance of processes and relationships aside, Rex's (1999) findings also relate to the content of supervision. The findings of her study suggest that attempts to address cognitive skills seem likely to be insufficient alone since the probationers also valued guidance with their personal and social problems at least as often. Rex (1999) summarises this aspect of work as strengthening social ties. Farrall's (2002) larger and more recent study of probation and desistance reached even stronger conclusions in this regard. Farrall (2002) explored the progress or lack of progress towards desistance achieved by a group of 199 probationers. Over half of the sample evidenced progress towards desistance. Farrall found that desis-

tance could be attributed to specific interventions by the probation officer in only a few cases, although help with finding work and mending damaged family relationships appeared particularly important. Desistance seemed to relate more clearly to the probationers' motivations and to the social and personal contexts in which various obstacles to desistance were addressed. Importantly, Farrall does not conclude that probation does not work:

'The answer to the question of whether probation works is a qualified 'yes'. In many cases the work undertaken whilst on probation was of little direct help to many of the probationers, however the indirect impact of probation (i.e. naturally occurring changes in employment, accommodation and personal relationships) was of greater significance' (2002, p213, emphasis in original).

Farrall is surely right in going on to argue that interventions themselves and evaluations of them must pay greater heed to the community, social and personal contexts in which they are situated, particularly given that 'social circumstances and relationships with others are both the object of the intervention and the medium through which ... change can be achieved' (ibid. p212, emphasis added). Necessarily, this requires that interventions be focussed not, as in the correctional paradigm, solely on the individual person and his or her perceived 'deficits'. As Farrall notes, the problem with interventions based on such shaky criminological foundations is that while they can build human capital, for example, in terms of enhanced cognitive skills or improved employability, they cannot generate that social capital which resides necessarily in the relationships through which we achieve participation and inclusion in society. Vitality, it is social capital that is necessary to encourage desistance. It is not enough to build capacities for change where change depends on opportunities to exercise capacities:

'...the process of desistance is one that is produced through an interplay between individual choices, and a range of wider social forces, institutional and societal practices which are beyond the control of the individual' (Farrall and Bowling 1999, p261).

To put this in another way in the light of Maruna's (2001) study, in order to discover agency, probationers need practical help in accessing and constructing alternative futures that are meaningful to them. For Farrall, this necessitates a re-thinking both of 'What Works' and of practice. He suggests that practice should be focussed not on 'offence-related factors' but on 'desistance-related factors'. An offence focus must, of course, be necessary and appropriate given that, within any justice context, it is offending which occasions and justifies state intervention. However, being only or overly offence-focussed might in some senses tend to accentuate precisely those aspects of an offender's history, behaviour and attitudes which intervention aims to diminish. It may also, in the correctionalism paradigm, tend towards identifying the problem as one of individual 'malfunctioning'. Being desistance-focussed, by contrast, implies a focus on the purpose and aspiration of the intervention rather than on the 'problem' that precipitates it. It also tends towards recognising the broader social contexts and conditions required to support change. Thus, where being offence-focussed encourages practice to be retrospective and individualised, being desistance-focussed allows practice to become prospective and contextualised.

In sum, even this brief analysis of some desistance studies exposes the futility of the drive towards assessing offenders as bearers of risks and of managing groups of offenders through programmes to address their identified deficits. Rather the desistance research requires modes of practice that can engage productively with the inherent complexities of the interactions between people's narrative constructions of their identities and the social and personal contexts of the change processes that they experience, as well as practical help in building alternative futures. Correctionalism, it appears, is an inadequate paradigm within

which to locate such practice because its understanding of the change process is too simplistic and because its neglect of social context marginalizes vital aspects of the process of rehabilitation. That said, the determinism and paternalism of welfarist rehabilitation seems no better placed to encourage the discovery of agency and with it the prospect of 'restory-ing' and restoring oneself.

## **Conclusion**

One final and important implication of the desistance research requires some attention here. Maruna's (2001) study notes the importance for ex-offenders of achieving 'redemption' (in the sense of buying back their futures) through engagement in 'generative activities' which help to make sense of a damaged past by using it to protect the future interests of others. It seems significant that this 'buying back' is productive rather than destructive; that is, the right to be rehabilitated is not the product of experiencing the pains of punishment, rather it is the result of evidencing change by doing some social 'good'. In terms of working to support the reconstruction of identity involved in desistance, this seems to underline the relevance of the 'redemptive' opportunities that both community service and restorative justice might offer. No less obvious, by contrast, are the futility and counter-productiveness of penal measures that label, that exclude and that segregate and co-locate offenders as offenders. Such measures seem designed to confirm and cement 'condemnation scripts' and to produce 'persisters'. While the most inherently damaging measure in the regard may be imprisonment, it may also be that community penalties as constructed under an unfettered correctional paradigm might unwittingly frustrate the process of desistance in some respects. With regard to the penal measures that we chose to pursue, Maruna (2001) notes that, in some senses, societies get the offenders that they deserve. If the message sent by the nature and character of our penal institutions and interventions (and by public opinion) is that offenders are 'other', different, deficient, dangerous, unlikely or unable to change, fundamentally 'bad', beyond redemption and undeserving of help, then that message may become self-fulfilling.

In order to construct contemporary probation differently in the context of the correctional drift discussed above (and given the possibility of organisational changes for probation), it might be timely to review the case against correctional treatment; a case that has been made convincingly before, during earlier challenges to the character of the service posed by the loss of faith in the rehabilitative ideal. Bottoms and McWilliams' (1979) 'non-treatment paradigm' involved the retention but radical re-conceptualisation of four traditional aims: the provision of help for offenders, the statutory supervision of offenders, diverting appropriate offenders from custodial sentences and the reduction of crime. As new evidence about 'what works' emerged, this paradigm was criticised and revised in the light of new evidence about effective interventions, but significantly it was not rejected by some of the most thoughtful advocates of the new approaches (Raynor and Vanstone 1994). This was perhaps because the non-treatment paradigm was based as much on a carefully crafted critique of the moral problems posed by correctional treatment as by doubts about its efficacy. That such moral debates have become an increasingly marginalized aspect of contemporary debate perhaps reflects the post-modern condition, in which, to paraphrase Lyotard (1984), 'It no longer works because it is right; it is right because it works'.

Within what is arguably an increasingly amoral penal context, the desistance research may serve a particularly important purpose in re-legitimizing probation's original moral purpose: 'to advise, assist and befriend.' With a bittersweet historical irony, just as we seem set to progress (sic) towards 'the field of corrections', desistance research makes a necessity out of (some of) the enduring virtues of penal welfarism. In this respect, the initial findings of an ongoing study of how frontline workers understand and construct their practice are encouraging. In a recent co-authored paper (Robinson and McNeill 2004), I have presented some evidence from one such study which suggests that, although Scottish criminal justice work-

ers are prepared to adopt public protection as an over-arching purpose for their work, their willingness to do so may relate to the ways in which they are able to use this 'new' purpose to re-legitimate 'traditional' concerns and practices. Thus, for example, they often refuse to unhitch the interests of offenders from the interests of communities by arguing that meeting the needs of offenders is necessary in the public interest. Moreover, they often insist that the social work relationship itself is the prime vehicle for change and that supporting such change requires an approach which takes full account of and responds to its social and personal contexts rather than focussing narrowly on more obviously criminogenic needs and 'deficits'<sup>viii</sup>.

On the basis of this limited evidence, the penal professional context in Scotland represents perhaps fertile ground for the development of more desistance-focussed practice, particularly when set alongside the retention of penal reductionism and improving the social inclusion of offenders amongst criminal justice social work's official purposes (Justice Department 2001). Irish and Northern Irish commentators will be best placed to assess the situations and prospects for staff and users of the PWS and the PBNI. That said, it seems clear enough that it would be deeply regrettable if, in following the example of a more-centralised and correctional NOMS in England and Wales, the Irish services weakened their traditional strengths of voluntarism, partnership, pro-active community involvement and the use of social work knowledge, values and skills, just as these strengths come to be re-legitimated by desistance research. In all three 'celtic' jurisdictions, the opportunities for capitalising upon the strengths and the potentialities of current practice in promoting desistance may depend upon the current or coming debates about the most appropriate organisational contexts for interventions with offenders. If these debates produce new or existing organisations that respond to 'populist punitiveness' (Bottoms 1983) merely by developing an increasingly correctional ethos, then significant opportunities and proud histories will be lost. However, if existing organisations or new organisations can retain, develop and re-focus those aspects of Irish and Northern Irish policy and practice which seem likely to best support desistance, then the possibility of a more constructive way forward may endure.

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<sup>ii</sup> Although Garland's analysis is based primarily on the US and the UK (meaning mainly England and Wales), the relevance of his arguments for Ireland should be clear.

<sup>iii</sup> Geiran (2004, forthcoming) advises that the lack of professional appointments outside Dublin was justified on the grounds that numbers on supervision did not warrant it.

<sup>iv</sup> The PBNI is appointed by the Secretary of State under the Nolan principles of openness and equality and has a part-time chair and up to 18 members. Probation services have, since 1982, been 100% funded by the Northern Ireland Office.

<sup>v</sup> Likewise, in Ireland the Sex Offenders Act 2001 provides inter alia for court-ordered post release supervision of convicted sex offenders by the PWS.

<sup>vi</sup> While this increasing coordination of criminal justice and the emphasis on risk and protection evidence penal changes similar to those in other jurisdictions discussed above, other initiatives reflect the particular social contexts and crime problems evident in the North. Perhaps most positively in this regard, the Criminal Justice Review Group (2000) also made strong recommendations concerning the integration of restorative approaches in juvenile justice which led to the establishment of a Youth Conferencing Service.

<sup>vii</sup> The significance of these interactions between probationers' feelings about supervision and their supervisors and their response to supervision emerges further in the light of Bottoms (2001) recent work on 'compliance'. Bottoms explores four principal mechanisms underlying compliant behaviour (instrumental/prudential, normative, constraint-based and habitual/routine) linking them to different penal strategies. What is significant in this context is that Rex's (1999) findings highlight the importance of the officer's moral legitimacy in generating normative compliance from the probationer. Although there may be good reasons for using several mechanisms in pursuit of compliant behaviour, it might be that normative compliance offers the most secure basis for sustaining the desirable behaviour because it involves the internalisation of values, as opposed to merely contingent calculations of costs and benefits or the ongoing maintenance of external constraints.

<sup>viii</sup> For a fuller discussion see Robinson and McNeill (2004) p289-293.

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