

To what extent is desistance from crime ultimately an individual rather than a social act?

Louise Ward

Abstract:

The Criminal Justice System historically has focused on the causation of offending, however, in recent years there has been a shift in research from this focus on why people commit crimes to how and why individuals stop committing crime. Promoting desistance has now become a foundational principle of the Criminal Justice System. This article will focus on the three theories of desistance – individual and agentic; social and structural; and integrated to answer the question of to what extent is desistance a social or individual act. Firstly, this article shall explore what desistance is and highlight the varying nature of definitions surrounding the concept. Following this will be an overview of why and how desistance is hard to measure and the issues that come along with this. This article will then move on to the fundamental explanations of why individuals desist (agency and socio-structural) and the contradicting processes of doing so, comparing and contrasting their strengths and limitations throughout. Finally, the integrated/interactionist approach will be utilised to argue that desistance may not be solely an individual or social act but a mix of both.

Keywords: desistance, agency, socio-structural, criminality, offenders

The concept of desistance has long been pointed out as “unusual” by a plethora of scholars (Maruna, 2001: 17) due to the fact that it is meant to capture the lack of behaviour rather than the presence of it, making it very difficult to measure and observe. This has led to a range of definitions being created and discussed, all varying in different ways. When trying to define desistance two primary types of definitions are used – operational and conceptual definitions. Conceptual definitions “seek to illuminate what is meant by a concept” (Rocque, 2021: 6) so trying to answer the question of what is desistance? On the other hand, operational definitions tend to focus on how a concept is measured in research. Rand (1987) defined desistance as the number of crimes and the seriousness of crime before and after life events, this would be an operational definition because he is arguing that the number of crimes is a way to measure desistance.

Meanwhile, Farrall and Bowling (1999: 253) argue that desistance is “the moment that a criminal career ends” which would be a conceptual definition due to the fact it does not highlight how to measure desistance, it only focuses on what it is. Both definitions however have their own respective flaws for example, in Rand’s definition, how do we measure the seriousness of a crime, what is classified as a life event, and it also does not mention the end of any criminal behaviour. Farrall and Bowling’s definition can also be picked apart, for example, how do we define and measure a “moment” and how can we know if the criminal behaviour has ended? Laub and Sampson (2001: 11) differentiate between the meaning of termination and the meaning of desistance, with termination being “the time at which a criminal stops offending” and desistance being “the causal process that supports the termination of offending”. However, Maruna and Farrall (2004) disagree with this, arguing that this combines the causes of desistance with desistance itself. Instead, using Lemert’s (1951) idea of primary and secondary deviance, they argue that this can be applied to desistance, creating a more dichotomised definition where there are two distinguishable phases – primary and secondary desistance. They define primary desistance as any part in time where the individual does not commit any crimes, meanwhile, secondary desistance is seen as the movement from the initial behaviour of not offending to a non-offending role or identity (ibid). Nugent and Schinkel (2016) developed this concept further with their idea of act desistance when the individual is not offending, identity desistance when the individual adopts the non-offending role or identity and then finally relational desistance when the change is recognised by others. As shown here, definitions of desistance vary widely which is a real issue for the concept.

The lack of consensus creates a lack of consistency, with operational and conceptual definitions differentiating from each other greatly. Another limitation of this is that the government favour research that can be applied widely to everyone, however, desistance is not able to do this due to it being a very individualised process. The issue of defining what desistance is also has an impact on how desistance is measured and conceptualised. When trying to outline how desistance is conceptualised, we need to consider a number of things – is it an event? When an individual has stopped offending is that it? Or is it more of a slow process with hiccups along the way (Rocque, 2017; Kazemian, 2007)? This brings in the debate of whether desistance is a static or dynamic process.

Early work surrounding desistance focused on a static approach where it was argued that once the offender stops committing crimes they have then desisted and that is it done (see Farrington and Hawkins, 1991; Loeber et al., 1991; Warr, 1998 etc.). However, there are a number of limitations surrounding a static approach that Bushway et al. (2003) identified – the selection of the cutting point, heterogeneity of offenders and the onset of desistance. Bushway et al. (2003:

131) argue that the cutoff point between the pre- and post-periods “is entirely arbitrary” and they are usually chosen because of the nature of the sample, making comparisons extremely difficult. Furthermore, individuals who may have very different crimes they have committed with seriousness varying widely are all treated the same (ibid), for example, someone who has committed one crime in their criminal career is treated the same as someone who has committed a series of crimes in their career.

The implication that desistance is a permanent state is also problematic due to the fact that there are many offenders who do go on to re-offend but how would we be able to know an offender will not do this? The follow-up period is argued to be not long enough making it very difficult to know if the offender is likely to re-offend (ibid). Farrington (1992: 523) made an interesting quote regarding this – “strictly speaking, it is not until people die that we can be 100 per cent sure that they have desisted from offending”. In more recent years the static approach has become less and less favourable, with the dynamic process being generally more accepted.

The concept of desistance being a dynamic process was first argued by Fagan (1989) and expanded on by Laub and Sampson (2001). Desistance was argued to be a process not just a state and it emphasises the transition from offending to non-offending rather than the end state of non-offending (like the static approach does) (Bushway et al., 2003). Unlike the overly prescriptive approach that the static concept takes, the dynamic process sees desistance as a very individualised process where different things will work for different people, and it also recognises that it is possible that people will have different paths or trajectories to desistance. Bushway et al. (2003: 134) argue that “individuals who experience a decline in offending at different ages or those who differ in their original levels of offending should be differentiated since they may be experiencing different causal forces as they decline to low levels of offending” and by measuring the rate of offending by different groups it can create patterns surrounding offending and also patterns of desistance. A limitation to the dynamic process is that due to its individualised nature, it is very hard to measure and apply to the general population. Because of this, implementing interventions that focus on the dynamic process may also be costly and difficult. Measuring and defining desistance is still very split and argued upon by scholars which makes desistance as a concept difficult to generalise – how can we track successful outcomes without a clear way of defining and measuring desistance? A clear definition and way of measuring desistance is integral for the field and criminal justice system.

Before highlighting the individual and social theories surrounding desistance a bit of background information is necessary. Desistance is still a very new concept in that it started to gain momentum in the 1970s. The concept of desistance was briefly seen in Goring’s work (1919)

on maturational reform which argued that it was all due to biological factors and it was a natural part of puberty. However, it was not until Gleuck and Gleuck's work from 1930 to 1960 that desistance started to become something scholars saw as a crucial part of the criminal career process, leading to many theories being developed in the 1970s and 1980s and further becoming major enquiry when researching criminals (e.g. Maruna, 1997; Sampson and Laub, 1993). Many of these theories differ in explanations towards why people desist, and these can be presented under three key distinctions – individual and agentic; social and structural; and integrated. Individual and agentic explanations focus on links between age and crime, and the idea of the individual choosing to desist or not. Meanwhile, social and structural theories focus on social bonds and experiences that may affect the offender but are external to them, for example, marriage, having kids, and cutting ties with peers. Finally, the integrated approach focuses more on the interaction between individual agency and social structures, bringing both theories together to create a more balanced and thorough argument for desistance.

Understanding the agency-desistance relationship is described as the “missing link” in desistance research (Laub and Sampson, 2003: 141) which is significant due to the fact of agency being seen as one of the most important factors in desistance by some scholars. The individual and agential explanations of desistance were largely focused on in the early days with work from the likes of Gleuck and Gleuck (1950), Matza (1964) and Hirschi and Gottfredson (1983). One individual theory is the age-crime curve where it is argued that offending rates peak in late adolescence and most individuals stop offending before they reach age 30 or 40. This theory focuses on desistance being an age-related phenomenon (Blumstein and Cohen, 1987; Farrington 1986). Hirschi and Gottfredson (1983) argue that crime is universally related to age, where all people around the world will naturally start offending less as they grow older. However, Blumstein and Cohen (1987) argue that Hirschi and Gottfredson confused changes in participation with changes in the frequency of offending. The age-crime theory is critiqued by Weaver (2019: 4) due to the fact it “does not reflect divergences across or within crime types”.

As previously stated, the maturational reform theory was widely argued in early work when desistance was first accepted as a concept vital to the criminal career. These ontogenic theories focus on the idea that crime is a natural process that most people will grow out of. Gleuck and Gleuck's longitudinal study of crime and desistance was a significant theory for maturation. They argued that desistance was normal and expected and unaffected by any socio-structural behaviours. This was also similarly argued by Gottfredson and Hirschi (1990: 136) who argued that desistance is “a change in behaviour that cannot be explained and a change that occurs regardless of what else happens”. They argued that when growing up the biological changes reduce the motivation to

commit criminal behaviour and the capacity to re-offend is also reduced. Even though maturation is a relatively old concept, there still has been some more modern research done surrounding it. For example, Shulman et al. (2016) argued that evidence from neuro-imaging research found that reward sensitivity would peak in late adolescence and decline thereafter which suggested that individuals who are in adolescence were more prone to engage in risk-taking behaviour compared to other age groups. Weaver (2019) argues that this theory, like other individual or agential perspectives, fails to take life events into account or any other socio-structural influences. A limitation of this theory is that these explanations fail to unpack what age is (Sampson and Laub, 1993). Maruna (1997) further expands on this, arguing that age indexes a range of variables where things like life experience, biological changes and social transitions can affect the outcome, therefore age by itself cannot be an explanation for desistance. Furthermore, the term maturation has been critiqued due to its ambiguities in the way it is defined and measured (Rocque, 2015). Some overall criticisms of these individual explanations of desistance are that they are overly reductionist in that they do not account for differences individuals might face and the different pathways offenders may need but also these theories could be seen as an easy way out. These individual explanations can easily be applied and generalised to everyone which is something the government are fond of; however, it can be seen as too simplistic due to it not being able to delve into any differences people may face and experience.

The 1980s saw the emergence of agential perspectives of desistance where it was argued that the act of distance was due to decision-making that can change through ageing and experience which leads to offenders being able to analyse the benefit and the limitations of committing crime. When defining what agency is there is a variety of definitions surrounding the concept with Matza (1999: 28) arguing it is “a sense of command over one’s destiny”, while Farrall and Bowling (1999) argue that an individual has agency if they were able to “structure the behaviour of themselves and others and resist the structuring capabilities of others”.

The lack of consensus in the research means it is very difficult to know how to define and measure agency. An example of an agential approach is the rational choice theory, originally created by Clarke and Cornish (1985), where it is argued that offenders make a conscious decision to no longer offend due to the fact they want to pursue an alternative future that does not involve committing crime. This was expanded on by Cusson and Pinsonneault (1986) who argued that the decision to want to pursue another future was because of an accumulation of unfavourable experiences where the cost of offending outweighs the benefits of offending. They studied a small group of former criminals and identified shock, growing tired of prison, longer sentences, and being able to reassess what is important to them as key factors as to why they desisted. This led to

the development of the identity theory of desistance. This theory argues that individuals make a conscious decision to stop offending and change their life because of the dissatisfaction they are facing, known as a “crystallisation of discontent” (Paternoster and Bushway, 2009: 1121). Maruna (2001:7) highlighted that “to desist from crime offenders need to develop a pro-social identity for themselves” and to do this their internal narratives are key. He argues that condemnation and redemption scripts are the differences between offenders who desist and offenders who go on to re-offend.

Unlike the individual explanations of desistance, these approaches do acknowledge socio-structural factors like marriage and having children, however, they argue that these come *after* they have decided they want to change. Weaver (2015) argues that these theories still neglect the impact of social networks and relations in their role of triggering, enabling and sustaining their decision to desist. Agential perspectives have been prominent in criminology and they have been useful in the creation of youth policies and interventions (Barry, 2013), however, this is not to say these explanations have not been widely critiqued. They fail to acknowledge any other factors that may be impacting desistance, like socio-structural explanations. Also, Farrall and Bowling (1999: 261) critique these perspectives because they see the individual as “super agents” who are free to make their own decisions at all times with no external factors being able to impact them.

In comparison to the individual and agential approaches, the structural perspective of desistance is almost entirely opposite in its way of explaining why and how individuals desist. When explaining the structural theories of desistance there are two distinct types of structures – relational structures and institutional structures (Lopez and Scott, 2000). Relational structures are defined as “the nature and quality of relational arrangements of interconnection and interdependence among agents” whilst institutional structures are defined as “embodying cultural or normative expectations of behaviour” (Lopez and Scott, 2000: 3-4). In society, they are known to be three overarching structures – macro, meso and micro. In early work, the focus was on how socio-structural factors can impact the individual, which would be micro-level research, however, more recent work has started also incorporating macro and meso-level research into how desistance can be impacted by policy, governments, and wider social communities (Farral et al., 2010).

Social learning theories and differential association are examples of some structural perspectives in that they focus on factors that may affect desistance like disassociation from peers due to life events such as marriage (Warr, 1998). It was argued that the offender getting married means there will be less time spent with peer relations who may have a criminal past and therefore convincing the offender to re-offend. However, Warr never explained how or why this might occur. Laub and Sampson (2001) take this initial idea of the relationship between marriage and desistance and

expanded on it, creating the social control theory. They argue that ties to institutions of social control can encourage individuals to desist. In comparison to the individual maturation theory, this theory argues that such experiences cannot be applied to everyone universally and they can be controlled by the individual (Laub and Sampson, 2003). Matza (1964) is a key theorist of this social control theory – he argues that most young people who commit criminal behaviour are caught between social bonds of adulthood and peer subcultures with no deep attachment to either. He goes on to argue that when adult roles become available to the young offender they are more likely to desist. Laub and Sampson (2004) argue that these roles can appear by chance and therefore do not have to be down to the individual's rational decision-making. Mischokowitz (1994) disagrees with this slightly in that he argues it is the intensity and severity of the turning points, not just the turning point itself, that may have an impact on if the offender desists or not.

Weaver (2015, 2019) highlights that these explanations tend to generalise and over-simplify their findings due to it being very difficult to gather and apply data surrounding how socio-structural factors can affect offenders as it could be different for everyone. Like the individual and agential approaches, these socio-structural explanations are also overly reductionist since they, for the most part, disregard any correlation between an individual's agency and desistance. Socio-structural theories fail to highlight how these structures affect decision-making, whilst also neglecting how the individual may respond to these impacts (Weaver, 2019). This is where the integrated theories can be very useful.

Desistance research in policy and practice remains very individualistic in focus, whilst almost completely failing to acknowledge how society can affect both offending and desisting. However, the integrated approach is a way for these two very dichotomised approaches to come together and bridge the gap between agency and structure to create a very useful, nuanced explanation as to how and why individuals desist. It should be noted that the integrated approach is still a relatively new concept, so it still needs a lot more research and development into it. Scholars have argued that desistance is an entangled and interactive relationship between agency and structure (Farrall and Bowling, 1999; Farrall et al. 2011) These theories argue that desistance occurs when an offender's attitudes, values and decision-making change and they then create new behaviours and new pro-social roles. These new transitions are not considered successful until the pro-social roles become a permanent state in society and so the person has desisted (King, 2013). However, this can be seen as problematic because how do we know an offender has changed? Can we just take their own word for it? This can link to Goffman's (1959) work on masking and the 'performed self' where he argued that we display a series of masks to others where we control and stage how we appear and behave to show ourselves in the best light possible. So, it could be argued

that some of the offenders who have desisted are simply putting on an act and their social roles have not changed at all.

A key theorist for the integrated approach is Dufour et al. (2015) who conducted a small-scale research project on 29 desisters and interviewed them on their experience with the desistance process. Their main takeaway from this research is that their data found that desistance is triggered through structural factors but then continues through agential engagement with these opportunities. However, they highlight that these opportunities must seem tangible to the offender so they can see the way they could change their lives and if these opportunities are not tangible then they will not desist (ibid). They proposed that there are three stages of desistance – the first is the structure opening where the opportunities for change have become present; the second is structure to agent where the individual must embrace these opportunities and create a new social identity; the third and final stage is agent to structure where the individual gets to a point that they do not see themselves as a ‘criminal’ and their role is now a ‘contributor’ to the structure (Dufour et al., 2015: 495). These stages propose that both agency and structure are key to the desistance process – desistance cannot start without structure present as the offender would see no way to rectify their life but then it is not till the final stage that agency is key to maintaining desistance because this is when the offender has successfully adopted one or more pro-social identities and they now start to see that their criminal lifestyle cannot be accepted any longer.

The integrated theory does have its limitations, for example, it is still a very new concept, meaning it still needs a lot of development to become a main, dominant theory of desistance because the practical configuration of agency and structure working together still remains uncertain (Weaver, 2016; Albertson, 2020). However, this approach's strengths and positives greatly outweigh its limitations. Integrated theories, unlike agential and structural, can acknowledge the complex nature of desistance and by being able to address the limitations of both approaches it can further develop the concept of desistance. King (2013) also argues that this new alternative way of explaining desistance can allow for new criminal justice interventions and provide tools for more effective practitioner support, which can further develop the practical side of desistance.

To answer the question of whether desistance is an individual or a social act, it is simply both. The integrated approach between agency and structural perspectives is an explanation that can bridge the gap between the two very dichotomised approaches. No one theory can adequately explain why and how individuals stop offending, however, agency and structure can both shed light on different aspects of desistance, thus a combination of both can gain a wider insight. Both agential and structural explanations are overly reductionist, where they only focus on one aspect and they fail to explore any other factors that may be at play – therefore, the integrated approach

gives a more detailed, nuanced explanation that looks at both sides of the argument. Since desistance as a key concept of the criminal justice system is still relatively a new idea, a lot of research is still needed into how we can further close this gap between the two explanations because it becomes very difficult if we are only focusing on two approaches that are very individualised in their thoughts. In addition to this, a solid definition and way of measuring desistance are integral to the field because as of right now these are widely contested and argued upon by scholars.

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