

Desistance research and critical criminology: a conversation

Desistance-Forschung und Kritische Kriminologie: Eine Konversation

Critical criminologists in Germany have been criticized for dealing with desistance research. In the opinion of *Peters* (in this volume) both perspectives of research are outright incompatible with each other. This critique is based on a certain understanding of the labeling approach that is prevalent in German-language critical criminology. From this perspective, crime is understood exclusively as an attribution. Desistance research is then perceived as a backlash towards an etiological understanding of crime. *Peters* addresses his critique especially towards the reception of *Maruna's* work that in *Peters' eyes* takes crime for "real" (as of a behavioral quality) and supports the hegemonial normative system. As opposed to this, critical criminology and desistance research seem to coexist quite peacefully in international criminology – with *Maruna* being one of the most prominent proponents of their combination. However, their relation to each other is usually not analysed and discussed. Therefore, *Christine Graebisch* asked *Shadd Maruna* for his respective contribution. It resulted in the following conversation.

Keywords: critical criminology, desistance research, offender rehabilitation, narrative criminology, labeling approach

Kritische Kriminolog:innen in Deutschland wurden dafür kritisiert, sich mit Desistance-Forschung zu befassen. Nach Meinung von *Peters* (in diesem Heft) sind beide Forschungsperspektiven miteinander vollständig unvereinbar. Diese Kritik beruht auf einem bestimmten Verständnis des Labeling Approach, das in der deutschsprachigen Kritischen Kriminologie vorherrscht. Aus dieser Perspektive ist Kriminalität ausschließlich als Zuschreibung zu verstehen. Desistance-Forschung wird dann als Zurückspringen auf ein ätiologisches Verständnis von Kriminalität verstanden. *Peters* richtet seine Kritik speziell auf die Rezeption von *Marunas* Arbeiten, die nach *Peters* Meinung Kriminalität als „real“ (also als mit einer Verhaltensqualität versehen) annehmen und das hegemoniale Normensystem unterstützen. Im Gegensatz dazu scheinen kritische Kriminologie und Desistance-Forschung in der internationalen Kriminologie eine friedliche Koexistenz zu führen – wobei *Maruna* einer der prominentesten Vertreter:innen ihrer Kombination ist. *Christine Graebisch* fragte *Shadd Maruna* daher nach seinem Beitrag dazu. Dies mündete in die nachfolgend abgedruckte Konversation.

Schlüsselwörter: Kritische Kriminologie, Desistance-Forschung; Straffälligenhilfe; narrative Kriminologie; Labelingperspektive

Christine Graebisch (CG): Whatever “critical criminology” means to you personally – do you think a perspective on desistance can contribute anything to it?

Shadd Maruna (SM): Great question. Let me re-word it this way: I think that studying desistance causes one to become a critical criminologist. I can't think of anyone who really pours themselves into the work of desistance research who doesn't emerge out of it as a committed critical criminologist even an abolitionist. (Most of us were of course inclined that way prior to the work as that is what attracted us to those questions). So, there must be some relationship there.

I would go even further and say that the fundamental insights of desistance research overlap massively with the critical perspective. I think back on David Matza's book “Delinquency and Drift”. That was a bible to a lot of us in the early days of desistance research as well as the early days of 1970s critical criminology. (What did Stan Cohen say about Matza's two books containing all the questions that would animate critical criminology for the next three decades?). So, in a sense you could read Matza and decide to be either a critical criminologist or a desistance researcher or both.

I'd even go as far as saying the growth of desistance theory and research has improved the case for critical criminology, for abolitionist ideas, for transformations of justice in society. That is, whatever critical criminologists might think of those of us who do desistance research, I bet our research comes in rather handy in making the cases that critical criminologists want to make.

CG: I agree that studying desistance bridges a way to becoming a critical criminologist – or even an abolitionist. However, with this answer you have twisted my question. As a critical criminologist, I would say that looking at the criminal justice system rightly should turn anyone to becoming a critical criminologist and even abolitionist – from whatever perspective observing. So, the question would remain whether it is necessary to study the desistance literature if one already defines herself as a critical criminologist.

I would also agree that desistance research was helpful in renewing and spreading some important insights connected to critical criminology. This is also true for labeling approach. However, it is a certain type of labeling approach that is prevalent in desistance research that we would consider as an etiological version of it. It finally deals with causes of crime and includes stigma and a process of internalizing attributions into theories on why people do (not) stop to offend. From a critical criminologist's perspective, this means losing all the progress that a sociologically based criminology has achieved during the last decades. Again, it seems, we deal with behaviour of individuals, even more so within the concept of agency, and we help the criminal justice system to hold them responsible. Critical criminologists in Germany have long refrained from this, taking a stricter and epistemologi-

cally based labeling perspective, analysing discourses on and attributions of crime instead. Is there any reason why we should return to dealing with criminal behaviour of offenders – even if this time with a minus sign in front – as desistance?

SM: OK, this is getting a bit more combative than I had anticipated. Look. Let me very quickly wave a white flag and surrender here. In no way was I trying to imply in my previous answer that any German critical criminologist (or anyone of any stripe) “must” or “should” embrace desistance research. Honestly, if you have got all the criminology you need, then “you do you” as the young people say in the U.K. I was happy to defend desistance research from a sweeping critique, but God knows I am not an evangelical. People should take it or leave it. No one is under any obligation to read or teach our research ... or any research.

You ask, is it “necessary to study the desistance literature if one already defines oneself as a critical criminologist” and the answer here is “of course not”. But then again, to paraphrase you earlier in that paragraph, the same could be said for any bit of research evidence. Some committed critical criminologists require no evidence at all to sustain their beliefs! Now I’m being combative, but we know that this is true.

You ask if there is any reason “why we should return to dealing with criminal behaviour of offenders – even if this time with a minus sign in front – as desistance?” Again, I’m not asking anyone to do anything, and I certainly won’t be responsible for setting Germany back after decades of progress. I am an American by birth who lives in the U.K. By all means, do everything you can to avoid importing any criminal justice ideas from these places. Yours is a far more civilised society. I am the one who should be learning from your social theorists and critical criminologists.

But I will “twist” your question if I may and answer a different one: is there any justification for studying the lives of people who have moved away from criminal behaviour? This, after all, is what I do for a living. To that question, I would answer yes. I think it is important to study lives (you call them behaviours, but desistance research involves almost no behavioural analyses that I can think of) because people have them – because they are real, and messy, and fascinating, and, yes, important.

I teach in a prison every Friday. I think you said that you might do something like this, too. I have done so for many years. I assign my students readings that are macrolevel theoretical readings in critical criminology outlining the intersecting oppressions of capitalist society. I also assign them desistance readings about real people’s lives living under those intersecting oppressions – how they think, how they feel, yes and even (shudder at the thought) agentic choices they make under these often impossible situations. Some of these stories are tragic, some sublime. But all of them part of the pantheon of what

it means to be recognizable human. I won't tell you which readings they prefer – as anyone who works in prison can answer that. The point is that human beings have lives, we have agency, we have thoughts, we make mistakes, we make amends. These things (redemption, stigma, self-hatred, abuse, shame, love, jealousy, rage) are the stuff of all great literature, they are the stuff of our therapy sessions, our autobiographies, they are the stuff of our real lives as they are lived. It is the stuff of labeling theory, too (even if those are the bits of the theory that have been removed by some theorists).

If a social science wants to call itself a social science and yet deny these things exist – wish away the very things that make us human – in the name of some macro theory of society, well, that's fine. You do you, as I say. But I see no reason that says they can't co-exist. That is, one can study the lives of real people and also be a committed critical criminologist. That's all that most desistance researchers are trying to do.

CG: I am especially grateful for the second part of your answer (twist) because it comes close to what I myself would answer to these kind of questions – when they are directed at myself and others within the German discourse. However, I think these are legitimate and important questions, especially given the fact that criminology is no academic discipline in its own right in Germany. Most of the criminologists are lawyers and therefore often have a tendency to adopt the perspective of the criminal justice system on crime. It is therefore the success of a very small sociologically orientated community of researchers to have created and maintained an independent and actually alternative (constructionist labeling) perspective. For the reasons mentioned in my last question – that was not intended to be combative – they now fear that desistance research will result in a roll back and therefore ask “More than half a Century Sociology of Crime a Waste of Time” (even without question mark: Peters 2018).

Being socialized in this school of criminology in Germany, I value this perspective – however I became more and more convinced that it should not be exclusive and should be complemented by another approach that can be fruitfully informed by desistance research – as you say.

It is remarkable to me that you connect your perspective to the lived experiences of prisoners whom you meet and talk to on a regular basis. It is true that I do similar things – and exactly this is what led me to be fascinated by desistance research. It is quite obvious to me that once you have this kind of encounters and listen to real people and their lived experiences, needs and opinions, you cannot stick to simply criticizing processes of criminalization. You cannot talk to them on the basis that crime is nothing but an attribution of the criminal justice system when they suffer from being wedged within a circle of crime and punishment searching for a way out. From my experience as a researcher and lawyer mainly in prison law, convicted people will often not accept as compatible with their narrative identity, what the courts and

prison authorities say about them as a person and about the crimes they have committed. However, they have to deal with these conceptions of the legal system and the resulting coercive measures that are imposed on them. If they choose to break free from this circle by trying to desist, they are obviously accepting their crimes as real at least at their core. Who am I to then criticize them for overtaking hegemonial norms? And what would a critical criminologist expect from them? To resist and uphold the banner of pure (German) critical criminology stating that crime is not real? This would not only be unethical, it would also, as you have already said, contradict important insights critical criminology usually refers to. One is the Thomas theorem: "If men define situations as real, they are real in their consequences." Also, an interactionist labeling perspective would take internalizations of attributions into the self-concept of individuals for granted. What else could we do than accept them as a point of departure for our work as criminologists?

I guess a critical criminologist can only avoid getting swept up in this by staying away from any kind of involvement with practice. However, as soon as a critical criminologist involves herself in practice, talks to people affected by the criminal justice system or people working within the system, it becomes necessary to deal with questions beyond a "pure" labeling perspective. It is probably impossible to work inside the system, or in any practice connected to the system, without getting involved in struggles of people with this system. Existing publications on critical criminology and practice of, for example, social work in German are rare and concentrate on critically analysing developments towards risk orientation or punitiveness. When a critical criminologist, however, tries to go practice and inform herself about meaningful approaches, she will find next to nothing in the literature. The only prevalent bit of advice is that practitioners should involve themselves in political discourse about changing the system. This will, however, for the majority of jobs result in something they could do after work while for the working hours during a day, critical criminology in Germany offers little but a blank page. However, is it possible to be a criminologist and refrain from practice? I would say, it is not. Even as a professor of sociology – seemingly the profession furthest from the abysses of the criminal justice system – a critical criminologist will be involved in at least discursive and educational practice.

I am also grateful for your remark that desistance research deals with lives rather than behaviour. In your work, you deal a lot with stories in the sense of narrative criminology. Do you think that focusing on stories in social work, even inside the criminal justice system, could path a way to a practice that helps to overcome a narrow focus on risk, offense and responsabilisation?

SM: Thank you for this fascinating clarification and I apologise for getting defensive. And yes, of course, the questions you are posing from a critical criminological perspective are definitely legitimate and important. Far from a

“waste of time”, the sociology of crime is the foundation that my colleagues and I have built our careers upon. Just like yourself. In truth, I agree with everything you have written above and cannot say it much better myself (but I will try to do so, or this will be too short a response):

In short, I think the desistance perspective offers one way (not the only way) that one can both adhere to a critical labeling theory position and also engage with the lived experiences of actual people. It is funny that you mention “critically analyzing developments towards risk orientation or punitiveness” as being two of the only permissible pursuits of the “pure” critical criminologist. After all, if someone were to summarise my (albeit meagre) contributions to the world in my half century of life the epitaph would likely read something like: “This person spent his time developing desistance theory and... critically analysing developments towards risk orientation or punitiveness.” Literally, that is what I do in almost every lecture I deliver, every paper I write – at least that is what I set out to do, however successful I am. So, desistance research and critical criminology have the same ultimate aims and concerns in common, at least as I practice them.

I guess one possible difference is “where” and “how” we do this work. As a criminologist here in the U.K., there is kind of an expectation that one gets her “hands dirty” (a curious and telling phrase I realise) engaging in the lives of real people. This is not to say we all work inside the justice system (although, yes, many of our students will) but rather that we actively engage with people in that system. I do this as a volunteer teacher inside a prison, as an advisory board member on several ex-prisoner-led organisations, as a researcher, as a consultant, and in a variety of other roles inside and outside the system. When engaging in these ways, system actors know well that, as a desistance-focused academic, I will be challenging both their risk orientation and their punitiveness. You can see their eyes rolling almost as soon as I enter a room because they know already this is where I am going to come down. Indeed, I can think of one occasion where I angered a well-known German psychologist to the point that he wanted to physically throttle me for challenging his risk orientation and punitiveness.

Personally, I don’t often win these battles (again one need only look at the desperate state of the prisons and probation in the U.K. to see that I have failed to achieve my own critical goals). Still, I feel obligated to try. And I know that, were the critical criminology professors in the room with me on these occasions, they would have supported my side – maybe even bought me a beer afterwards.

Of course, they are usually not in the room, and that is totally fair. Indeed, this system engagement itself (my being in such rooms) is looked down upon as “selling out” by some critical purists. I can totally understand that, too. A person absolutely does risk cooptation (and worse) doing this work inside such a problematic system. I get this. And I can give examples of ways that the concept of desistance and even my own writings have been misused and

co-opted in prison and probation contexts. My (least) favourite example of this: once I was in a prison and I asked a senior psychologist (who had never heard of me) if the prison supported engagement with the arts (a controversial prison theatre project was under threat at the time). Her response was: “No, we are ‘desistance focused’ in this prison, all activities need to be aimed at changing criminogenic factors related to offending.” Now suffice it to say this is not what “desistance focused” means. Indeed, if anything, my desistance colleagues and I are usually accused of being over-enthusiastic about bringing the arts to those in the justice system. Yet, the lesson of those sort of interactions to me is not that I should engage less, rather that we need to engage more and do a better job of getting our message across in a way that people understand it.

So, what are these key messages that are so controversial (even “neoliberal”?) from desistance work? I can think of two big ones that animate all of my work.

A) People in the justice system are fundamentally like the rest of people outside the system. There are no “good guys” and “bad guys”, there is no “us” and “them” — just people who are vastly more alike than they are different. So if we want to understand these lives (or “promote desistance”) we should start with this understanding and imagine ourselves walking in these shoes and how we would react to the threats, fears, isolation, stigma, and bureaucratic complexity inherent in the justice system.

B) People are not static, we are dynamic creatures capable of growth, capable of change. Indeed, change is to be expected. People can and will surprise you. (Thankfully or else life would be incredibly tedious and predictable). So, our efforts to predict the future (assessing “risk”) will always be highly imperfect. From all that we can tell from longitudinal research, the social construct of “criminality” is not a stable trait of persons or personality, rather it is an episodic, situational, extremely short-lived, and (above all) very common, especially among the young and those who have been marginalised and socially excluded. To judge a person’s whole self or “character” on the basis of such life events would be like assessing a person as being permanently “a carrier of contagion” just because they once contracted Covid or the flu.

Again, these were Matza’s insights in “Delinquency and Drift” and his 1961 paper on “subterranean values”, so we can hardly make a claim to originality with these, but they are the primary insights animating the contemporary excitement around desistance from what I can tell.

Finally, you ask if there is a connection between these desistance principles and my interest in stories. That’s a great question. I think there is, yeah. Not all desistance researchers are as obsessed with narratives as I am, but it is interesting how many are. Partially this is because desistance itself is a brilliant story. It is the story of personal redemption and that is a story on which much world literature is based around (think Goethe’s “Faust”). But partially

because along with ritual (another one of my interests), story is at the heart of what makes us human. When we situate desistance (and indeed crime itself) in the world of storytelling (where both concepts firmly belong) we transform it from a behaviour to be predicted using risk assessment algorithms to the realm of the human. After all, as critical criminologists we know that crime and desistance have no ontological reality beyond the meanings associated with them in story form (and hints of crime and justice can be found in almost every story), so this is surely appropriate. Stories also humanise the tellers. It is why one of the great acts of violence of the justice system is when it does not allow the victimised or the accused to tell their stories. Likewise, this is why the “correcting” of people’s stories in the name of rehabilitation can be experienced as so degrading.

I don’t typically treat stories that people tell as perfectly accurate representations of the truth. I also don’t treat them as “cognitive distortions” or some sort of manipulation. Our stories are subjective renderings of the truth that give meaning to our lives. They are not themselves records of objective reality, but they give an insight into the way humans experience and understand the world that is frankly without comparison. They are, as you say, ‘real in their consequences. Some 8-item psychometric scale may be easier to analyse but it cannot come anywhere near stories in terms of rich, deep insights into human subjectivity. This is why we read autobiographies, why we read novels, why we palpably need the arts (music, theatre, poetry) to survive – in prison or anywhere else. I can never quite fathom how some of my social science colleagues can spend their day reading Kafka, attend a showing of “Les Miserables”, then listen to Nina Simone on the drive home, and still wake up the next day and decide that the best way to understand human lives is to distribute a 2-page survey to a random section of probationers asking them items from a legitimacy scale. No, I’m much happier to learn about people from listening to stories and observing rituals.

On the other hand, you ask if this narrative-based methodology can overcome the pressures toward responsabilisation and risk for those working in the justice system? That’s a bigger question. As I hinted at with my point about “correctional therapy”, there is story-work that is completely hostile and fits perfectly with a responsabilisation ethos. People are told that they have to tell certain stories. They are not allowed to “blame others” or (worse) to “make excuses” for their actions. In other words, they are denied all of the usual tools of storytelling, and instead forced to rework their stories through the muzzle of responsabilisation: “I made bad choices, it was all my fault.” All in the name of therapy! So, no, working with narratives is not a panacea in that sense.

That said, I can say for certain that people who genuinely do take the time to listen to other people’s stories, in whatever capacity, usually do leave that experience with a more humanised and empathetic understanding of the people caught up in the system. I often think of three examples (one from New York

and two from England) of former police officers who pursued Ph.D. research in criminology that involved some life story interviews. All three of them had, of course, spoken to hundreds and hundreds of justice-impacted people over their careers, but they had never sat down and listened, truly listened, to anyone tell their story for more than a few minutes. When they finally did, as postgraduate students, they found the experience rocked the ontological foundations of their very existence. Everything they thought they knew, all of the flimsy narratives that got them through the day, helped them do their work as police officers over a period of decades, exploded before their eyes after three or four mediocre life story narratives. I loved seeing that. I see that over and again with Ph.D. students of all backgrounds. It is one of the joys of this work that we end up learning more about ourselves than the people we are ostensibly studying.

Indeed, much the same has happened with this conversation. This interrogation has really helped me to clarify my own thoughts as to how desistance research fits my own socio-political values, which is not something I have spent near enough time thinking about. It has been a real pleasure having this discussion with you. Hopefully, it has been clarifying for readers too.

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