

3.1 Resettlement, reintegration and desistance in Europe

Fergus McNeill, Hannah Graham

Pre-print author copy of book chapter in edited collection, cite as:

McNeill, F., & Graham, H. (2018) 'Resettlement, reintegration and desistance in Europe' in in Dünkel, F., Pruin, I., Storgaard, A., & Weber, J. (eds.) (2018) *Prisoner Resettlement in Europe*, London: Routledge.

<https://www.routledge.com/Prisoner-Resettlement-in-Europe/Pruin-Dunkel-Storgaard-Weber/p/book/9781138721234>

1. Introduction

This chapter explores the implications of the different aims and approaches to prisoner resettlement in the European jurisdictions examined in this book, considered in the light of research about desistance from crime and how it appears to be best supported. The first section briefly synthesises parts of the country chapters in this collection to illustrate a range of aims of and approaches to resettlement. In providing this partial and illustrative synthesis, we do not claim any expertise in the justice systems of the countries profiled in this collection. Instead, reading into our colleagues' accounts, we reflect not just on explicit aims and formal structures of resettlement but also on what may be inferred as its implicit or latent aims and informal structures. What language and terminology is used? What themes emerge from how resettlement and re/integration are constructed and supported in different ways in different places?

The second section draws upon contemporary desistance scholarship, using previous work (both our own and others and, in particular, Graham and McNeill, 2017; McNeill, 2012; McNeill and Schinkel, 2016) to consider the implications of these different constructions of resettlement for re/integration and desistance from crime. Notions of citizenship and belonging are central to our understanding of these two processes (resettlement and desistance) in which personal capabilities, social relations, structural conditions and legal rights play key roles (see Graham, 2016; Graham et al., 2015; McNeill, 2016; Weaver, 2016).

2. Aims and approaches in Europe

This section reflects on how prisoner resettlement is framed in different European jurisdictions. The country chapters suggest some differences in the types and levels of service available to people leaving prison, and in the resettlement priorities reflected in these services. These differences will have implications for desistance and re/integration processes.

2.1 The language(s) of resettlement

In this collection, the country chapter authors were invited to reflect on language and terminology in response to the question ‘What is in a name?’ The responses coincide with a more broadly observed pre-occupation with ‘re-words’ in criminology and criminal justice. Re-settlement. Re-habilitation. Re-entry. Re-formation. In French, re-insertion (see Herzog-Evans, this collection). In Dutch, re-classification and re-socialisation, with the latter meaning ‘preparing for return to society’ (see Boone and uit Beijerse, this collection). In Greek, social re-integration and social re-adaptation, with the latter carrying connotations of correctionalism and social control (see Anagnostaki, this collection). In Hungary, not one but four terms are commonly used – resettlement, rehabilitation, resocialisation and reintegration – often interchangeably and unreflexively, ‘even though these terms describe distinct legal, psychological and penological concepts’ (Nagy and Vig, this collection).

Critical criminologists have challenged criminology’s and criminal justice’s pre-occupation with these ‘re-words’ (e.g. Carlen 2012). The common arguments are, first, that these words spring from the (philosophically) liberal assumption that there is a just order in which the ‘offender’ was once habilitated, integrated and settled and, secondly, by implication, that the challenge is replacing him or her in that social order; making him or her fit back in. To put this more figuratively – we focus on reshaping the ‘offender’ and/or on reshaping the gap, but we don’t see the bigger picture of the structures that shape both the square peg and the round hole.

A third, related critique concerns the ways in which these terms themselves represent a form of symbolic domination through language; one which has material consequences for those who are its objects. Resettlement and reintegration are (perhaps) not their language or the language of their experiences; rather this is the self-justifying rhetoric of the system that ensnares them.

How might we respond? We could abandon these terms – but we suspect that approach would risk both surrendering these terms to others within the criminal justice system and marginalising ourselves in public dialogue and debate. Our preference and approach has been to interrogate and seek to redefine these terms; to challenge not the words themselves but the ways in which they are understood and employed. Indeed, drawing on desistance research, we argue that we need to develop models, policies and practices that attend not so much to ‘correctional’ understandings of rehabilitation aimed at individual transformation, as to mutual moral reparation, to judicial rehabilitation linked to restored civil rights and status, and to social integration too.

In the second section of this paper, we try to clarify some of these conceptualisations and offer our own prescriptions. For present purposes however, it is important to note that language frames purposes and approaches in ways which extend further than which ‘re-word’ is preferred. An example from Sweden stands out for the ethos it appears to succinctly communicate. Persson and Svensson (this collection) observe that the Swedish Prison and Probation Service, Kriminalvården (2017), has a vision statement of ‘bättre ut’ or ‘better out’. This statement serves as a fundamental value base and motivation for its staff. It can be interpreted in two symbiotic ways. ‘Better out’ communicates the

intention that those who serve a prison sentence in Sweden are meant to be better when they come out than when they entered prison, in the sense of being prepared and ready to lead a better (and more law-abiding) life after the sentence is served (Persson and Svensson, this collection). Read in this way, Kriminalvården's vision implies a focus within Swedish prisons and probation on rehabilitation and normalisation.

Although this may also imply a correctional logic (that the 'faulty' offender needs to be bettered prior to release), in certain respects, 'Better Out' perhaps reflect 'Nordic penal exceptionalism' (see Ugelvik and Dullum, 2012; Pratt and Eriksson, 2013). As Persson and Svensson put it, the phrase implies a recognition of prisoners' right to be supported, like all other citizens. A positive interpretation of this more progressive vision is that it communicates a penal rationality of avoiding imprisonment (diversion), or for using it as sparingly as possible and not for long periods of time (decarceration) (Persson, 2018). This might mean both using community sanctions and measures instead and, if a custodial sentence is to be imposed, then using early release mechanisms wherever possible. Persson and Svensson (this collection) observe that the number of new prisoners each year has halved in Sweden in the last 25 years. Interpreted in these ways, Kriminalvården's vision for staff and service provision seems to simultaneously enshrine exceptionalism and penal minimalism through diversion and decarceration *and* through normalisation and recognition of rights to re/integration support. Yet, notwithstanding this positive vision, even Sweden is not immune to the effects of neoliberal ideologies on penal cultures; we should still ask to the extent prisoners can be expected to be 'better' when they come out of prison if they have been confined in a coercive institution, no matter how exceptional the conditions and practices within some Swedish prison facilities may be (see Barker, 2013; Smith and Ugelvik, 2017). We discuss this Swedish vision and this example not in an evaluative sense therefore, nor to make any normative claims. Rather, as we will see below, it provides a point of contrast to mission and vision statements elsewhere which, explicitly or implicitly, promote an institutional and professional pre-occupation with risk and public protection, perhaps without sufficient regard for supporting people leaving prison to enjoy good lives in community.

2.2 Three contrasts in prisoner resettlement

Our review of country chapters suggests three contrasts that warrant critical reflection here: (1) in the *types of agencies* offering resettlement services, as in France and England and Wales in recent years, (2) in the *types of services and approaches* offered, as in the Netherlands and some Scandinavian countries, and (3) in whether resettlement prioritises *supervision or support*. Looking at the country chapters for examples of these contrasts helps us get beneath the surface of overarching national or jurisdictional narratives about prisoner resettlement. For example, they illustrate how some services have strict eligibility criteria; as such, their conditionality compels us to question the extent to which they characterise a *national* approach. Secondly, these examples help us to critique how exclusion from support may be simultaneously justified and obscured in practice. Thirdly, they help us to explore the complex relationships between (welfare) support and (penal) supervision in different places.

In England and Wales, recent years have seen a shift from a relatively established narrative about prisoner resettlement within public probation services, to a more complex and problematic array of services and practices. Since 2015, under the ‘Transforming Rehabilitation’ agenda, the language of rehabilitation and resettlement has been co-opted to promote sweeping organisational changes and part-privatisation. Padfield’s analysis (in this collection) demonstrates how this has been done and with what consequences. These include a pronounced divide between public sector services (e.g., the new National Probation Service) and private sector agencies (e.g., contracted out Community Rehabilitation Companies (CRC’s) working within 21 ‘contract package areas’, as well as private sector corporations offering electronic monitoring tagging). This divide affects how prison-based and community-based throughcare and resettlement services are offered and to whom. Burke and Collett (2016) describe this as ‘organisational bifurcation’, with some being supervised and supported by statutory public services and the rest by private sector organisations and sub-contracted third sector organisations (charities), under hybridised contractual service provision arrangements.

Padfield cogently argues that the risk paradigm has come to dominate uses of language and the practices of resettlement services in ways which frustrate or inhibit desistance processes and prospects. In England and Wales, the level of assessed risk of harm determines which agency offers supervision and support, with the National Probation Service supervising high-risk offenders. Padfield’s account here resonates with recent research by several others on the increased complexities and major failings resulting from this bifurcation, amid a serious and deepening ‘penal crisis’ and series of scandals in England and Wales (Burke and Collett, 2016; Moore and Hamilton, 2016; Nellis, 2017; Taylor et al., 2017). Her Majesty’s Chief Inspector of Probation for England and Wales, Dame Glenys Stacey, has recently criticised Transforming Rehabilitation as creating a ‘two tier and fragmented service.’ Inspections suggest that, in general, the National Probation Service is offering more effective supervision and support than privatised services, observing that ‘most CRC’s are struggling’ and that ‘deep-rooted problems prevail’ (HM Inspectorate of Probation for England and Wales, 2017: 5-6). Such structural and institutional problems can of course differentially affect desistance and re/integration processes and prospects.

The Netherlands offers different practical examples of bifurcation of options and conditionality of services, where resettlement experiences and access to services or release options are contingent on eligibility. Boone and uit Beijerse (this collection) explain how conditional release is only available to some prisoners (in 2015, 93% of prisoners were ineligible) and, where even if prisoners are eligible, release and support may be omitted or postponed on the grounds of behaviour during the prison sentence; ‘if the risk of recidivism cannot be restricted sufficiently or if he or she is not willing to meet the conditions’. The penitentiary programme, an initiative aimed at early release and ‘a smooth transition from prison to a free society’, appears to be a useful feature of the Dutch approach to prisoner resettlement. However, an inspection of the programme showed that many prisoners who are eligible do not take part in it, and the prisoners who do take part in it are,

‘mainly prisoners with relatively few problems who did not require any special interventions to present only a limited risk of recidivism. Prison inmates who exhibit problematic behaviour during their incarceration, use drugs or need special care are not selected for a penitentiary programme. These difficult prisoners would have benefited from specific interventions or treatments but are not selected, the necessary programmes are not made adequately available to them, or the risks of failure are estimated as being too high, or so the Inspection Service noted (Inspection Service on the Use of Sanctions 2006, p. 33-37)’ (Boone and uit Beijerse, this collection).

Given what is known about rates of substance misuse in offending populations, as well as the prevalence of vulnerabilities and complex needs, significant amounts of people in these categories may be excluded from particular initiatives and early release. Therefore, the overarching picture of the Dutch approach to resettlement as it is described by Boone and uit Beijerse in this collection has a variety of positive features, including desistance-oriented principles such as individualisation and strengths in inter-agency collaborative work to prepare prisoners for return to society. Yet, these positive features do not seem to be available to all who need or could benefit from them.

Services within the Netherlands are unlikely to be alone in ‘cherry picking’ (through eligibility criteria and discretionary decision-making) those prisoners who they think will be most likely to ‘succeed’. These examples of bifurcation of approach in the Netherlands are not raised here because they are remarkable per se, but as illustrations of how an emphasis on risk and public protection affects which prisoners get which measures. Boone and uit Beijerse (this collection) critique this, noting a lack of evidence to support some of the more punitive post-release measures which suggests that their real purpose is public reassurance in response to high profile controversy and public anxiety. Their excellent analysis of both the rhetoric and reality of the ‘Pushing back recidivism’ approach in the Netherlands, the implementation of which radically changed prison and probation practices, makes for compelling reading, especially in relation to the drop-out rates and lack of meaningful participation that are revealed upon closer scrutiny (see Boone and uit Beijerse, this collection). Furthermore, the stringency and conditionality of some early release requirements may, in some cases, increase the possibility of revocation and recall, frustrating and postponing the resettlement process (see Boone and Beckmann, 2018 on revocation and recall in the Netherlands).

How and by whom resettlement services are delivered, and who is eligible to receive them are clearly complex and important questions. But this last observation – about revocation and recall – points to an arguably more fundamental question: How is the relationship between support and supervision constructed in law, policy and practice? Though it is beyond the scope of this chapter to provide an answer based on a comparative analysis of the country chapters, it is important to note here that the support/supervision distinction is often elided in resettlement systems in unhelpful ways. Arguably, although the two practices are locked together in almost every jurisdiction, they serve different logics or at least set different priorities. A focus on *reintegration support* might imply recognition of the duty of the state to mitigate the unintended, adverse consequences of imprisonment and to do everything

it can to ensure that the (legitimate) punishment ends and that the citizen is restored and requalified as such. A focus on *reintegration supervision* might imply that the state has enduring doubts about the returning citizen's fitness for social integration and wants to hold on to some control of that process (including the right to reverse it through revocation and recall). In the latter case, the *de facto* punishment is continuing, at least insofar as the citizen is not yet fully free of the penal net, even if he or she is also receiving practical and meaningful support.

The way in which imprisonment and release are legally constructed has an important bearing here. Arguably, the state should only have the right to supervise post-release those whose legally imposed custodial sentences have *not* expired (or those who judges sentence directly to post-release supervision in addition to imprisonment); in such cases, early release can be a mechanism for *both* support and supervision. Where custodial sentences *have* expired (and no post-release supervision has been judicially ordered), we would argue that support can and should be offered but that compulsory supervision would be illegitimate. Indeed, one of us (McNeill) made this argument when the Scottish Government brought forward a Bill which became the Prisoners (Control of Release) Act 2015 (see McIvor, Graham and McNeill, this volume). The original Bill would have created a situation where long-term prisoners (serving over 4 years) could have 'maxed out', serving their whole sentence in prison, and being released with neither supervision nor support. We argued that providing support was an obligation the state must recognise but that supervision could not be extended beyond the original sentence expiry date, prompting the Government to amend the legislation so that the latest possible release would be 6 months before that date.

Overall, the aims and approaches to prisoner resettlement featured in this collection highlight two prominent emphases. Some systems pursue resettlement predominantly as a way to try to manage risk and reduce reoffending, as in England and Wales. In such systems, a broadly utilitarian logic is applied; resettlement is seen as a means to an end, and the end in question is the public good. On the other hand, there are rationales of resettlement as part of rights-based rehabilitation for those whose punishment has been served (Rotman, 1990), as in Norway and Sweden. In practice, most systems accept and seek to apply both logics. However, a simple way to surface the tension between them is to ask: Who is resettlement for – the returning prisoner or the public? There is, unfortunately, no simple answer: Both sets of emphases are needed. Resettlement policy, law and practice have to balance human dignity, human rights, public safety and desistance from crime (Kazemian, 2015.)

3. Implications for desistance and re/integration¹

Community re/integration processes matter for *all* people leaving prison. The brief illustrations offered in the last section imply that there may be markedly different supports offered, opportunity structures for and lived experiences of resettlement both within and between jurisdictions, depending

¹ This section draws mainly on McNeill and Schinkel (2016) which provides a more extensive discussion of the complex relationships between imprisonment and desistance.

on how resettlement systems and their subjects are constructed by policy, law and practice. Moreover, depending on country and on individual facility, prisoners may be transitioning from widely contrasting levels of institutionalisation and, depending on who supports them, engaging with contrasting levels and types of service provision in the community. All of these variations – in the points of departure, directions of travel and resources for the reintegration journey – will affect desistance processes and prospects.

3.1 Desistance from crime

We see desistance as a process of human development in social context; one that involves moving *away* from offending and *into* compliance with law and social norms. Maruna and Farrall (2004) draw an important distinction between *primary* and *secondary* desistance; the former relates merely to behaviour, the latter implies a related shift in identity. Shifts in identity and self-concept are thought to be important in securing longer-term, sustained changes in behaviour as opposed to mere lulls in offending, especially for people who have been heavily involved in offending and/or heavily criminalised. One of us (McNeill) has also suggested the concept of *tertiary* desistance; referring not just to shifts in behaviour or identity but to shifts in one's sense of belonging to a (moral) community. Based on an emerging evidence base (for example, Laub and Sampson, 2003; Bottoms and Shapland, 2011; Weaver, 2013), the suggestion here is that since identity is socially constructed and negotiated, securing long term change depends not just on how one sees oneself but also on how one is seen by others, and on how one sees one's place in society. Desistance is a social and political process as much as a personal one.

Explanations of why people cease offending are often divided into ontogenic theories which stress the importance of age and maturation, sociogenic theories which stress the importance of social bond and ties, and narrative theories which stress the importance of subjective changes in identity (Maruna, 2001). Recently, in an important review of desistance research, Bottoms (2014) has suggested a fourth set of explanatory factors that are more situational in character (see also Farrall, et al., 2014). Bottoms argues that various aspects of our social environments and of our situated 'routine activities' provide importance influences on our behaviour.

Although desistance research itself is diverse and there is much debate *within* the field, some critical criminologists (e.g. Baldry, 2010) have become wary both about whether desistance research might represent another 'responsibilising' discourse and about the over-generalisation of theories of desistance across diverse populations. In fact, this second point has begun to be addressed seriously by desistance researchers themselves (e.g. Calverley, 2012; Farrall, et al, 2014; Glynn, 2014; Sharpe, 2012; Weaver and McNeill, 2010; Graham, 2016). The issue of responsibilisation is more complex. While it is true that some desistance theorists have offered rational choice explanations of the process, most are highly critical of such perspectives. And even those desistance researchers who have come to stress the role of personal agency in desistance processes (e.g. Giordano et al., 2002, Maruna, 2001,

Farrall and Calverley, 2006; Doekhie, et al., 2017) tend to stress an interactionist perspective in which social structural factors are seen as important.

3.2 Desistance and penal policy and practice

Many criminologists have recently engaged with practitioners, ‘ex-offenders’ and others in the shared task of exploring the implications of desistance research for policy and practice (McNeill 2003; 2006; 2009; 2012; McNeill and Weaver, 2007; 2010; Graham, 2012; Rodermond, et al., 2016). Desistance research has obvious appeal to policymakers concerned with reducing reoffending and its associated economic, human and social costs. As such, desistance research has had much to say to questions not just of how resettlement might be best supported, but also to how probation and prisons might best operate. Broadly speaking, ‘desistance-based’ policy and practice recommendations have tended to centre on the following themes:

1. For people who have been involved in persistent offending – and who have been persistently criminalized and penalized -- desistance is a complex and difficult process, so we need to be realistic about these difficulties, and to expect and manage lapses and relapses.
2. Since the process is different for different people (even if there are many common threads), interventions need to be properly individualized and tailored to the circumstances of the individual and to their subjective apprehension of resources and opportunities for positive change.
3. Since desistance is relational, interventions need to work on, with and through professional and social relationships (and not just through individualized programmes). Developing social capital (meaning networks of reciprocal relationships) is crucial to supporting desistance.
4. Since desistance often involves developing hope for the future, interventions need to work to nurture hope and motivation. Since hope seems to be connected to developing a sense of ‘agency’ (meaning the capacity to govern one’s life), interventions should seek to identify and mobilise personal strengths and self-determination, encouraging the acquisition of a sense of agency.
5. The language of policy and practice matters; to the extent that it entrenches criminalized identities, it may frustrate desistance. We need to mind our language, as well as ensuring that we recognize and celebrate progress, so as to reinforce the development or redevelopment of positive identities (see McNeill and Weaver, 2010).

In the recent chapter already referred to above, Bottoms (2014) suggests that we need to add to this list interventions that attend to the routine activities and social environments of offenders. In other words, we need to provide practical supports and activities that enable and sustain change.

But perhaps as importantly, desistance researchers have argued that over the last 20 years our approaches to punishment and rehabilitation (including resettlement) have become too narrowly focused on supporting personal change, partly as a result of an unhelpful synergy between narrow conceptions of evidence-based practice and the managerialisation of criminal justice since the late 1980s. One of us has argued in previous papers (McNeill, 2012, 2014) that this focus on ‘personal’ or ‘correctional’ rehabilitation has led to neglect of three other forms of rehabilitation – moral, social and judicial. The central argument here is that no amount of personal change can secure desistance if change is not recognized and supported by the community (‘social rehabilitation’), by the law and by the state (‘judicial rehabilitation’). Without informal (social) and formal (legal) recognition, legitimate opportunities, for example for participation in the labour market or in social life, will not become available and return to offending may be made more likely. In some cases, the failure in state punishment to attend directly to the need for moral rehabilitation (the settling of debts between the offender, victim and community) may also undermine personal, social or legal rehabilitation. These four forms of rehabilitation are often interdependent, so that failing to attend to any of the four undermines any investment we make in the other three, reducing the likelihood of successful desistance. For example, the development of the motivation and capacity to live a better life (for example, through gaining educational or vocational qualifications in prison) may be of little use if opportunities to live differently are limited after release (for example, because of a hostile community or exclusion from the labour market).

Consequently, we have begun to argue that penal policy and practice needs to reconsider how it frames its goals (McNeill, 2016; Graham and McNeill, 2017). Studying and supporting desistance eventually forces us to address the complex question not of what people desist *from*, but what they desist *to*. Without a clear vision of the intended destination (re/integration), it is hard to map a route to reintegration (resettlement), even if we know a lot now about the journey (desistance). We suggest that the concepts of citizenship, integration and solidarity may have much to offer in addressing this question; perhaps a positively framed set of goals for resettlement operationalising these concepts (and a positive set of metrics for judging their successes) may help us move beyond the counter-productive preoccupation with risk and reoffending that we noted above.

3.3 Imprisonment, release and desistance

The experience of imprisonment in general denies people the ability to manage their own lives and may therefore delay maturation (Liebling and Maruna, 2004); it often damages positive social ties and weakens bonds between prisoners and society; it tends to cement spoiled identities rather than nurturing positive ones; and the routine activities of life in prison, even if rendered ‘purposeful’ by well-intended regimes, are by definition some way distant from desistance-supporting routines that may need to be established in the community. For these reasons, desistance researchers and penal reform groups have argued for reduced reliance on custody as a sanction (e.g. McNeill and Weaver, 2007; Hough, Farrall and McNeill, 2012).

Nonetheless, ever since the emergence of imprisonment as a punishment, policymakers, practitioners and reformers have (admittedly to varying degrees in different times and places) been attracted to the idea that institutions may, under certain circumstances, exercise some 'reformative' effect. A few desistance studies do seem to provide good news for those seeking to sustain this hope, suggesting that imprisonment sometimes does play a positive role in desistance. Giordano et al (2002) reported that some of their interviewees found in imprisonment a 'hook for change'. Aresti et al (2010) found that 'defining moments' happened within the prison, where reflecting on the length of time they had to serve, and on the impact on their sense of self of the prison environment, led prisoners to re-evaluate their lives and their plans for the future (see also Ashkar and Kenny, 2008; Barry, 2006; Comfort, 2008; Farrall and Calverley, 2006; Graham, 2012).

By contrast, Sampson and Laub's (2005) research suggests that imprisonment might have some value in bringing about desistance by 'knifing off' prisoners from their usual lives. While this has many adverse consequences (as noted above), it may mean that someone wrapped up in a pattern of persistent offending is cut off from their usual identities and opportunities on the outside, creating the space to form new ideas about the future.

In recent research examining the meaning of long-term imprisonment in Scotland², Schinkel (2014) found that, while 'knifing off' the outside world was reflected in the prisoners' accounts, it was only a specific group of prisoners who ascribed transformative power to their prison sentence when they were interviewed just before release. For those who had not been imprisoned before (especially when their sentence was for a first offence), imprisonment was a temporary dip in an otherwise positive life story. Those with more serious histories of offending, but with significant resources on the outside (such as savings, family support or their own accommodation) expected these resources would help them to turn their life around. By contrast, the most disadvantaged group of prisoners, those who had spent most of their adult life (and often their teenage years) in institutions and prisons tended to be resigned to further imprisonment, and therefore did not need to explain a change in their life course.

However, those who wanted to desist, but who had a significant criminal record and few resources, often positioned their most recent sentence as transformative. The aspects of imprisonment this group of prisoners credited with their transformation varied; some referred to the various opportunities on offer or said they had benefited from time to think. Others positioned themselves as more passive in the transformation process, crediting the interventions of staff, or the impact of cognitive behavioural offending behaviour programmes. Whatever the source of the transformation, they imbued their imprisonment with transformative power because they had no other way to explain their future desistance. With few resources, there was nothing else to stand between them and their histories of significant offending *but* their imprisonment.

² For this study, 27 narrative interviews about their perceptions of the legitimacy and purpose of their sentence were conducted with six men at the start of their sentence, twelve men at the end of their sentences and nine men on licence after release.

Sadly however, Schinkel's interviews with (other) men on license after serving long-term sentences showed that few achieved what we have called 'tertiary desistance', where people have desisted in the eyes of others and are re-accepted into the community (Schinkel, 2014, Nugent and Schinkel, 2016). The majority of these men described living a bleak existence. They attributed this to their isolation, to feeling under surveillance and to withdrawing from social participation -- this being the only way for them to avoid further offending (see Shapland & Bottoms, 2011, on diachronic self-control). They also spoke of their inability to secure a new identity and routine. The men felt most keenly the lack of employment, which their criminal records and the economic downturn had made almost impossible to secure. Their inability to move forward towards the lives they wanted (of employment, their own house and a stable relationship) meant that many of the men on license were stuck in a kind of half-life that looked like desistance (at least in the primary sense that they were not offending), but they did not feel their lives were meaningful or that they were socially integrated. Their inability to achieve 'early goals' (Aresti, 2010) meant that they lost any sense of progression and their prison-based hopes had been displaced by uncertainty about how their story would work out. For these men 'tertiary' desistance was essential to secure their happy endings (and perhaps to maintain primary and secondary desistance), but it was proving exceptionally hard to secure.

We devote attention to Schinkel's study because its findings go some way towards identifying what is needed from prison regimes and resettlement services to support desistance – at least for long-term prisoners. At the same time, Schinkel (2014) recognises diversity in the prison population. While those with resources or minimal histories of offending will likely be able to desist despite the negative consequences of imprisonment, other groups need more support not only to develop any hope of desistance, but also to have solid ground on which to base these hopes. Crucially – and in line with the principles of desistance-based policy and practice referred to above -- interventions in the prison need to be tailored to the individual but also to reach beyond the prison gates, having positive consequences for sustaining or renewing a life outside. Ideally, obstacles upon release, such as a lack of accommodation, employment and support, need to be tackled before release. These sorts of practical help might engender greater hope in those who are less committed to a future of desistance while also making desistance more achievable for those who desire it.

4. Conclusions: Resettlement and Desistance

The first section of this paper used examples from the country chapters in this collection to illustrate the importance of four key questions:

1. **Who is responsible for delivering resettlement?** Most European systems continue to see resettlement services as part of the executive functions of the state, even if these services need to be organised with the support of civil society associations, including third sector organisations. In a few places – most notably in England and Wales – large elements of resettlement have been contracted out to the private sector (sometimes operating with or

through third sector organisations), but this grand experiment seems to have met with little success to date.

2. **Who is to be resettled?** The organisation of national and local prison and resettlement services reflects law and policy determinations about which types of prisoners *must* (and which *may*) be subject to post-release supervision and/or support. Many systems prioritise prisoners who have served longer sentences, who may have become more institutionalised and whose prior offending provokes greater concern about public safety. Systems of supervision and support for those who have served short sentences – a group which often includes people involved in persistent offending and with complex needs – is much more variable. Nationality and citizenship status also has a bearing on the question of who does and does not receive resettlement supervision and/or support.
3. **What is resettlement for?** The ‘and/or’ in the previous sentence conceals the complex relationship between (penal) supervision and (welfare) support in resettlement processes. Though rarely formally intended *as* punishment, compulsory post-release supervision limits the rights of citizens in important ways and is in this sense a continuation of the process of *punishing* (see McNeill and Beyens, 2016). That said, supervision is usually cast not as part of a retributive calculus of just deserts but as part of a reoffending-reducing utilitarian project. Support, on the other hand, can be construed, we argue, as a right that follows from the state’s duty to ensure that punishment ends. Therefore, whereas supervision is often focused on reducing risks, support can be cast in terms of supporting rights claims.

In the second section, we summarised evidence about desistance from crime and what sorts of practices seem best able to support it. Though that set of arguments also implied a utilitarian logic (though now framed positively as supporting desistance and reintegration [partly] to reduce reoffending), in fact it highlighted the inter-dependency between instrumental and normative ways of thinking about resettlement. Without clarity about the kinds of reintegration to which desistance might lead, it is difficult to design the kinds of resettlement support that might help people get there. And it turns out that pursuing reintegration effectively requires much more than effective interventions to support personal development; it entails a set of normative commitments about the restoration of civil rights and status after punishment, and more fundamentally about the kinds of communities we want to nurture. Resettlement is not entirely the remit of professionals or systems. Individual change, and professional work to support it, can be too easily trampled by failure to attend to the social, cultural and political dynamics at play in community re/integration.

Making sense of progress towards these ends in examining approaches to prisoner resettlement across Europe is both difficult and important work. Many of the country chapters in this collection have dutifully centred on resettlement law and policy, and on the services and approaches used in their respective European countries. To finish with one final example, Johnson and Fridhov (this collection) ground their discussions of prisoner resettlement in Norway by recognising the citizenship of prisoners and the implications of the ‘principle of rights’ and normalisation for resettlement processes. They state ‘it is difficult to avoid recognising attempting the benefits of rehabilitation and resettlement’

in the sense of government and wider community support for and engagement with it, ‘especially when the question is asked, “who do you want to be your future neighbour?”’

Perhaps we might offer another complementary question: ‘what kind of neighbours do *we* want to be?’, accepting that all neighbours begin as strangers and nearly all people in prison return to live in local communities, as is their right. This question can be asked of us all, irrespective of whether we have experiences of criminalisation and punishment. The very notion of tertiary desistance and the processes of becoming and belonging that it involves implicate a range of people, foregrounding the relational and structural contexts of desistance (McNeill, 2016). More broadly, we need to think of re/integration as *multilateral* process; none of us can integrate ourselves in a community (See McNeill, 2017).

Sakalauskas (this collection) highlights Michael Tonry’s critique of how prisoners are perceived and responded to in Baltic countries, including Lithuania. Tonry (2014: 23) argues that ‘the former Soviet view of prisoners as class enemies and social enemies is likely for a good while yet to engender a fundamental lack of sympathy with the interests and experiences of prisoners.’ Perhaps this critique may have some resonance beyond the Baltic countries, to some extent at least. If we want people to desist from offending, we should not construct and respond to them as so-called ‘social enemies.’ The harms that criminalisation and penalisation create inevitably find their way into communities, carrying important implications for desistance and resettlement processes.

Perhaps prisoners are not the only citizens needing ‘re-socialisation’. We conclude this chapter with poignant remarks by prominent European social theorist, Zygmunt Bauman, calling for fear-based, enemy-focused ways of thinking and acting in Europe to be re-framed, and for neighbours and communities, systems and countries to recognise our parts in integration processes. In critiquing what he refers to as ‘the tribal model of community’ and the device of ‘us and them’, Zygmunt Bauman (2016, 2017) calls for ‘integration without separation’ to transcend a ‘crisis in humanity’ and its associated social, political and moral panics. While his comments here – like the concept of ‘multilateral integration’ -- relate to migration (forced or otherwise), they are similarly piercing when re-framed and applied to the integration of people leaving prison and re/establishing lives in communities:

‘Divisions and conflicts between people are as old as humanity. There was always an intermixing process of integration and separation. Separation was always the guiding instrument of the integrating effort. If you wanted to integrate people, you have to point to their joint enemy, joint other... The stranger who is against ourselves that we need to watch and be vigilant and to defend ourselves [against]. For the first time, we are in a situation where we have to commit to the next step on the road to *integration without separation*... There are no remaining enemy against whom we will integrate. It’s a new situation that is unpractised and untested so far.’ (Bauman quoted in Marishane, 2017; our emphasis in italics)

References

- Aresti, A. (2010): *Doing Time after Time: A Hermeneutic Phenomenological Understanding of Reformed Ex-prisoners' Experiences of Selfchange and Identity Negotiation*. PhD. Birbeck: University of London.
- Ashkar, P. J. and Kenny, D. T. (2008): Views from the Inside: Young Offenders' Subjective Experiences of Incarceration. *International Journal of Offender Therapy and Comparative Criminology* 52 (5), 584–597.
- Baldry, E. (2010): Women in Transition from Prison To.... *Current Issues in Criminal Justice* 22 (2), 253-267.
- Barker, V. (2013): Nordic Exceptionalism Re-Visited: Explaining the paradox of a Janus-faced penal regime. *Theoretical Criminology* 17 (1), 5-25 (DOI 10.1177/1362480612468935)
- Barry, M. (2006): Dispensing [with?] Justice: Young People's Views of the Criminal Justice System. In: Gorman, K., Gregory, M., Hayles, M. and Parton N. (Eds.): *Constructive Work with Offenders*. London: Jessica Kingsley, 177-192.
- Bauman, Z. (2016): *Strangers at Our Door*. Cambridge: Polity Press.
- Bauman, Z. (2017): *Retrotopia*, Cambridge: Polity Press.
- Boone, M., and Beckmann, M. (2018): Revocation and Recall in the Netherlands. In: Boone, M. and Maguire, N. (2018) (Eds.): *The Enforcement of Offender Supervision in Europe: Understanding Breach Processes*. London: Routledge, 222-235.
- Bottoms, A. (2014): Desistance from Crime. In: Ashmore Z. and Shuker R. (Eds.): *Forensic Practice in the Community*. London: Routledge.
- Bottoms, A. and Shapland, J. (2011): Steps towards desistance among male young adult recidivists. In: Farrall, S., Hough, M., Maruna, S. and Sparks, R. (Eds.): *Escape Routes: Contemporary Perspectives on Life after Punishment*. London: Routledge.
- Burke, L., and Collett, S. (2016): *Transforming Rehabilitation: Organisational Bifurcation and the end of Probation as We Know It?* *Probation Journal* 63 (2), 120-135.
- Calverley, A. (2012): *Cultures of Desistance: Rehabilitation, reintegration and ethnic minorities*. International Series on Rehabilitation and Desistance. London: Routledge.
- Comfort, M. (2008): *The Best Seven Years I Could'a Done: The Reconstruction of Imprisonment as Rehabilitation*. In: Carlen, P. (ed.) *Imaginary Penalties*. Cullompton: Willan Publishing, 252-274.
- Doekhie, J., Dirkzwager, A., and Nieuwebeerta, P. (2017): Early Attempts at Desistance from Crime: Prisoners' Prerelease Expectations and their Postrelease Criminal Behavior. *Journal of Offender Rehabilitation* 56 (7), 473-493 (DOI 10.1080/10509674.2017.1359223).
- Farrall, S. and Calverley, A. (2006): *Understanding Desistance from Crime*. Maidenhead: Open University Press.
- Farrall, S., Hunter, B., Sharpe, G. and Calverley, A. (2014): *Criminal Careers in Transition: The Social Context of Desistance from Crime*. Clarendon Studies in Criminology. Oxford: Oxford University Press.
- Giordano, P. C., Cernkovich, S. A. & Rudolph, J. L. (2002): Gender, Crime, and Desistance: Toward a Theory of Cognitive Transformation. *American Journal of Sociology* 107 (4), 990–1064.
- Glynn, M. (2014): *Black Men, Invisibility and Crime: Towards a critical race theory of desistance*. International Series on Rehabilitation and Desistance. London: Routledge.

- Graham, H. (2016): *Rehabilitation Work: Supporting Desistance and Recovery*, London: Routledge.
- Graham, H., Graham, S., and Field, J. (2015): Returning Citizens: A Quiet Revolution in Prisoner Reintegration. *Scottish Justice Matters* 3 (1): 32-33.
- Graham, H. and McNeill, F. (2017): Desistance: Envisioning Futures. In: Carlen, P. and Ayres Franca, L. A. (Eds.): *Alternative Criminologies*. Routledge: London, 433-451.
- Graham, S. (2012): *Paying It Forward: Does Community Service Activities Promote Desistance in Prisoners?* [Unpublished Masters of Criminology and Corrections dissertation], Hobart: University of Tasmania. Available online at: <https://eprints.utas.edu.au/16706/2/whole-Graham-thesis-2013.pdf> (accessed 10/01/2018).
- HM Inspectorate of Probation for England & Wales (2017): *Annual Report 2017* Manchester: HM Inspectorate of Probation for England & Wales. Available online at: <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2017/12/HMI-Probation-Annual-Report-2017lowres-1.pdf> (Accessed 17/12/2017).
- Hough, M., Farrall, S. and McNeill, F. (2012): *Intelligent Justice: Balancing the effects of community sentences and custody*. London: Howard League for Penal Reform.
- Kazemian, L. (2015): *Straight Lives: The Balance Between Human Dignity, Public Safety and Desistance from Crime*. New York: John Jay College of Criminal Justice Research and Evaluation Centre.
- Kriminalvården (2017): Klienten ska vara "Bättre Ut". <https://www.kriminalvarden.se/om-kriminalvarden/kriminalvardens-uppdrag/kriminalvardens-vision/> (Accessed 20/08/2017).
- Laub, J. and Sampson, R. (2003): *Shared Beginnings, Divergent Lives: Delinquent Boys to Age Seventy*. Cambridge, MA: Harvard University Press.
- Liebling, A. and Maruna, S. (2005) (Eds.): *The Effects of Imprisonment*. Cullompton, Devon: Willan Publishing.
- McNeill, F. (2003): Desistance Based Practice. In: Chui, W-H. and Nellis, M. (Eds.): *Moving Probation Forward: Evidence, Arguments and Practice*. Harlow: Pearson Education, 146-162.
- McNeill, F. (2006): 'A desistance paradigm for offender management' *Criminology and Criminal Justice* 6(1): 39-62
- McNeill, F. (2009): *Towards Effective Practice in Offender Supervision*. Glasgow: Scottish Centre for Crime and Justice Research, available at: http://www.sccjr.ac.uk/documents/McNeil_Towards.pdf
- McNeill, F. (2012): Four Forms of 'Offender' Rehabilitation: Towards an Interdisciplinary Perspective. *Legal and Criminological Psychology* 17 (1), 18-36.
- McNeill, F. (2014): Punishment as Rehabilitation. In: Bruinsma, G. and Weisburd, D. (Eds.): *Encyclopedia of Criminology and Criminal Justice*, 4195-4206. DOI 10.1007/978-1-4614-5690-2, Springer Science and Business Media: New York. [A final draft version of this paper is available open access online at: <http://blogs.iriss.org.uk/discoveringdesistance/files/2012/06/McNeill-When-PisR.pdf>]
- McNeill, F. (2016): Desistance and Criminal Justice in Scotland. In: Croall, H., Mooney, G., and Munro, M. (Eds.): *Crime, Justice and Society in Scotland*, London: Routledge.
- McNeill, F. (2017): *Punishment, Rehabilitation and Reintegration*. Plenary address at the British Criminology Conference, Sheffield Hallam University, 8th July, 2017. Published online at:

- <http://blogs.iriss.org.uk/discoveringdesistance/2017/08/29/punishment-rehabilitation-and-reintegration/>, accessed 16th January 2018.
- McNeill, F. and Weaver, B. (2007): *Giving Up Crime: Directions for Policy*. Edinburgh: Scottish Consortium on Crime and Criminal Justice.
- McNeill, F. and Beyens, K. (2016) (ESds.): *Offender Supervision in Europe: COST Action IS1106 Final Report*. Published online at: <http://www.offendersupervision.eu/wp-content/uploads/2016/03/Final-Report.pdf>, accessed 15th January 2018.
- McNeill, F. and Weaver, B. (2010): *Changing Lives? Desistance Research and Offender Management*. Glasgow: Scottish Centre for Crime and Justice Research, available at: <http://blogs.iriss.org.uk/discoveringdesistance/files/2012/12/Changing-Lives.pdf>
- Marishane, K. (2017): A Tribute to EU's Greatest Scholar, Professor Zygmunt Bauman. *The Blog, Huffington Post ZA edition*, 16/02/2017 http://www.huffingtonpost.co.za/koketso-marishane/a-tribute-to-eus-greatest-scholar-professor-zygmunt-bauman_a_21714411/ (Accessed 20/08/2017).
- Maruna, S. (2001) *Making Good*. Washington, DC: American Psychological Association.
- Maruna, S. and Farrall, S. (2004): Desistance from crime: A theoretical reformulation. *Kölner Zeitschrift für Soziologie und Sozialpsychologie* 43, 171–94.
- Moore, R., and Hamilton, P. (2016): 'Silo Mentalities' and Their Impact on Service Delivery in Prison-Community Transitions: A Case Study of Resettlement Provision at a Male Open Prison. *Howard Journal of Crime and Justice* 55 (1-2), 111-130.
- Nellis, M. (2017): *Grayling's Failings on Electronic Monitoring: After the fiasco, what next?* [Briefing 19], London: Centre for Crime and Justice Studies. Available online at: <https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Briefing%2019%20EM.pdf> (Accessed 18/12/2017).
- Nugent, B. and Schinkel, M. (2016): 'The Pains of Desistance' *Criminology & Criminal Justice* 16 (5), 568-584.
- Persson, A. (2018): Breach Processes in Sweden. In: Boone, M., and Maguire, N. (Eds.): *The Enforcement of Offender Supervision in Europe: Understanding Breach Processes*, London: Routledge, 250-260.
- Pratt, J., and Eriksson, A. (2013): *Contrasts in Punishment: An Explanation of Anglophone Excess and Nordic Exceptionalism*. London: Routledge.
- Rodermond, E., Kruttschnitt, C., Slotboom, A., and Bijleveld, C. (2016): Female Desistance: A Review of the Literature. *European Journal of Criminology* 13 (1), 3-28.
- Sampson, R.J. and Laub, J.H. (2005): A Life-Course View of the Development of Crime. *The ANNALS of the American Academy of Political and Social Science* 602 (1), 12-45.
- Schinkel, M. (2014): *Being Imprisoned: Punishment, Adaptation and Desistance*. Houndmills: Palgrave MacMillan.
- Shapland, J. and Bottoms, A. (2011): Reflections on Social Values, Offending and Desistance among Young Adult Recidivists. *Punishment & Society* 13 (3), 256–282
- Sharpe, G. (2012) *Offending Girls: Young Women and Youth Justice*. Abingdon: Routledge.
- Smith, P.S., and Ugelvik, T. (2017) (Eds.): *Scandinavian Penal History, Culture and Prison Practice: Embraced by the Welfare State?* Basingstoke: Palgrave Macmillan.

- Taylor, S., Burke, L., Millings, M., and Ragonese, E. (2017): *Transforming Rehabilitation* during a Penal Crisis: A Study of *Through the Gate* Services in a Resettlement Prison in England and Wales. *European Journal of Probation* 9 (2), 115-131.
- Ugelvik, T., and Dullum, J. (2012) (Eds.): *Penal Exceptionalism? Nordic Prison Policy and Practice*, London: Routledge.
- Weaver, B. (2013): *The Story of the Del: From Delinquency to Desistance*. PhD Thesis, Glasgow: University of Strathclyde.
- Weaver, B. (2016): *Offending and Desistance: The Importance of Social Relations*, London: Routledge.
- Weaver, B. and McNeill, F. (2010): Travelling Hopefully: Desistance Research and Probation Practice. In: Brayford, J., Cowe, F. and Deering, J. (Eds.): *What Else Works? Creative Work with Offenders*. Cullompton: Willan.