WHO OWNS RESETTLEMENT?
TOWARDS RESTORATIVE RE-INTEGRATION

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Abstract
Nils Christie famously described conflicts as “property”. In this essay, it is argued that re-integration is also “property” owned by communities and not resettlement agencies. Although the interest in resettlement among criminal justice agencies in recent years is to be welcomed, it should be remembered that the actual work of re-integration is done by ex-offenders, their families and other members of their communities. The basic components of a “restorative” model of re-integration are outlined.

Key Words resettlement, re-integration, restorative, reentry

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Introduction

In 1976, a young Nils Christie gave a brilliant plenary talk at the opening of Sheffield University’s Centre for Criminological Studies which he titled “Conflicts as Property”. The talk was later published in the British Journal of Criminology (Christy, 1977) and went on to become one of the foundational pieces on which restorative justice has been based (see e.g., (Auld, et al, 1997; Marshall, 1999; Morris, 2002). Although I will be nowhere near as profound, I would like to use Christie’s model as my starting point in this discussion of community re-integration of former prisoners.
Christie’s talk is most impressive considering just how audacious he was in introducing the “conflicts as property” theme. Although he had been invited to Sheffield to open a new institute for criminology, this is how he begins his talk: “Maybe we should not have any criminology. Maybe we should rather abolish institutes, not open them. Maybe the social consequences of criminology are more dubious than we like to think.” I can just picture the look on the faces of Tony Bottoms and the other Sheffield criminologists at this point. And if I were as brave a thinker as Christie, I might begin this discussion of ex-prisoner re-integration with a similarly unexpected argument that “Maybe we don’t need more resettlement projects, maybe we need less. Maybe the more agencies we have that are supposed to deal with the problem of re-integrating offenders, the less communities actually work to re-integrate offenders on their own”. But I won’t say that. Christie might, though (see also Bazemore and Erbe, 2004; McKnight, 1995).

At least, back in his 1976 talk, Christie argued that the State is made up of “professional thieves”. On this surface, this isn’t a terribly controversial point. Yet, Christie was not just talking about politicians stealing corporate donations or squandering tax payers’ money; he was interested in the ways in which the State steals “conflicts”. He writes:

Conflicts ought to be used, not only left in erosion. And they ought to…become useful, for those originally involved in the conflict. Conflicts might hurt individuals as well as social systems. That is what we learn in school. That is why we have officials. Without them, private vengeance and vendettas will blossom. [Yet] we have learned this so solidly that we have lost track of the other side of the coin: our industrialised large-scale society is not one with too many internal conflicts. It is one with too little (p. 1).

Christie argues that conflicts are valuable commodities that have been taken away from their rightful owners (victims, offenders and communities) and given over to lawyers, insurance companies, and the criminal justice system. He writes,

The big loser is us – to the extent that society is us. This loss is first and foremost a loss in opportunities for norm-clarification. It is a loss of pedagogical opportunities, …a loss of opportunities for a continuous discussion of what represents the law of the land (p. 8).

He goes on to sketch the beginnings of what has since become internationally recognised as a community-based, informal justice alternative to mainstream criminal justice.

Yet, if conflicts are property – that is, if conflicts present this crucial opportunity for community development that Christie claims they do (along with Durkheim, Braithwaite and others) – then what of re-integration? Is re-integration also property? And, if so, “Who owns re-integration?”
There is something wonderful about the verb “to re-integrate”. The State can be said to be in the business of “rehabilitating” or “reforming” offenders. The State, however, cannot be said to be in the business of “re-integrating” individuals. Professionals cannot re-integrate anyone no matter how much training they have. Ex-offenders can re-integrate themselves and communities can re-integrate ex-offenders. But the most that the State can do is to help or hinder this process (see McNeill, 2006). Re-integration happens “out there”, when the professionals go home.

Words Matter
This might be why the word re-integration is so little used today. In the United States, criminal justice professionals have agreed to begin using the term “offender reentry” and hardly ever talk about re-integration anymore. This term was chosen – through a very deliberate process initiated by the Clinton Administration’s National Institute of Justice – almost entirely for its lack of connotations. As a descriptive term, literally meaning the movement of persons from one situation (i.e. incarceration) to another situation (i.e. release), “reentry” conjures no particular images and can therefore be used to mean almost anything. In the United Kingdom, the favoured word has been “resettlement”, which likewise has a variety of possible meanings and interpretations. (Few dare to utter the word “rehabilitation” which still carries the stain of the “nothing works” backlash of the 1970s and 1980s). So, when politicians tell us that they are in favour of better funding for prisoner reentry or resettlement (as George W. Bush did in a recent “State of the Union” Address in the United States), it is never quite clear just what it is they are endorsing.

In his tremendous history of parole in the United States, Jonathan Simon (1993) argues forcefully for a need for a coherent theory in resettlement practices. Simon argues that, unlike in the pre-“nothing works” era of “therapeutic parole”, resettlement work today has no compelling narrative for what it does or how it works. That is, there is no clear theory behind how resettlement is supposed to work in today’s society beyond what Maloney et al call the “rather bizarre assumption that surveillance and some guidance can steer the offender straight” (Maloney, Bazemore and Hudson, 2001, p. 24).

This cynical view is shared by many of those on the receiving end of resettlement help as well. I received a funny letter the other day from a prisoner at a Welsh prison, which I will share with you:

Dear Dr Maruna:

I have read with great personal interest your article in Safer Society where you discuss resettlement of offenders. …I have contacted approximately seventy organisations that indicate they have involvement with resettlement, yet none of them seem able to offer any help and/or advice on just what they consider a resettlement plan to be. Someone from NACRO did offer some very brief thoughts, but unfortunately not what I was expecting from the major UK resettlement organisation. May I enquire,
most carefully, from your most learned self [The sarcasm is literally dripping off the page at this point] just where I may obtain appropriate guidance and information? Surely somewhere in the UK, there must be someone/somebody who has a vague idea of what they perceive to be an acceptable resettlement plan.

He finishes the letter with a postscript "I already have a copy of PSO 2300-Resettlement, along with Prison Rule 52-Resettlement", just so I don’t try to fob him off with the official bumf.

Unfortunately, I could not help him much. I told him that the UK Association of Chief Officers of Probation recently defined ‘resettlement’ as:

A systematic and evidenced-based process by which actions are taken to work with the offender in custody and on release, so that communities are better protected from harm and re-offending is significantly reduced. It encompasses the totality of work with prisoners, their families and significant others in partnership with statutory and voluntary organisations (cited in Morgan and Owes 2001, p. 12, italics added)

So, basically, resettlement is everything and nothing, and the only theory behind it is that it has to involve stuff that works.

The biggest risk about the use of meaningless words is that they run the risk of meaning different things to different audiences. The example I always give of this is what happened with the “reentry” discussion in the US. In 1999, the Clinton Administration had proposed a relatively large-scale effort to address some of the needs of people coming out of prison under the banner of the “Young Offender Reentry Initiative” (OJP 2001). Somewhat remarkably, the Bush Administration upon taking office largely adopted Clinton’s plan – but the Bush team put its own spin on the idea. The Bush staff changed the name from the Young Offender Reentry Initiative to the “Serious and Violent Offender Reentry Initiative” (OJP 2002), and consequently toughened up the language of risk and control in their version of the proposal. Whereas the Clinton Administration’s call for proposals emphasised the problems of substance abuse, mental illness and stigmatization, the Bush Administration’s reworking focused on minimising the risks posed by the “most predatory” ex-convicts. To the Republican Party in the US, supporting “reentry” means keeping a tighter watch and a shorter leash on ex-prisoners.

Take, for just one example, the crucial issue of housing. Because of the breath-taking “one strike and you’re out” law in public housing upheld by the US Supreme Court in 2002, individuals with a single criminal conviction can be forcibly removed from and legally denied public housing and other forms of rent assistance (see Human Rights Watch, 2004). A policy like this would presumably fail to qualify under even the weakest definition of “resettlement” as it explicitly unsettles offenders leaving them homeless. As
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such, one would presume the first effort of a sane reentry policy would be to repeal these and other post-conviction penalties denying housing to ex-offenders. Instead, reentry monies are used to create new halfway houses specifically for ex-offenders. Not quite prisons, but not quite the free world, these new forms of surveillance and control (often run by faith-based organisations) replace reintegration into the mainstream with something like ex-prisoner ghettos in the name of “reentry” (Allard, 2005).

And one need not venture as far as the US to find this sort of subtle linguistic trickery either. Consider the following textbox provided under the heading of “Good Practice: Safer Resettlement” from the Multi-Agency Public Protection Arrangements Annual Report 2001-2002:

Les, aged 56, was convicted of indecently assaulting a teenage boy he had befriended and plied with drink and drugs. He was sentenced to four years custody, assessed as a high-risk offender and put on the sex offender register. On his release he was placed under licence with condition that he stayed in a hostel. However, his behaviour at the hostel in targeting a younger resident led to recall to prison before any further offending could take place. As he came up for re-release … local beat officers were briefed about his history. After some minor concerns about his behaviour, a police officer witnessed Les with a boy who appeared to be drunk. The officer saw Les kiss the boy on the cheek. Les was immediately arrested and charged with indecent assault, an offence for which he was sentenced to eight years. The MAPP’s assessment, planning, close monitoring, information sharing and early intervention meant they were able to take swift, decisive action to minimise any risk this offender posed to the public (pp. 20-21)

One might be forgiven for thinking this is a fairly devastating ending to a horrible situation, but, instead, this is the case specifically chosen by the MAPP to show how good the resettlement system can be. The MAPP’s monitoring and decisive action allowed this individual to assault a young person badly enough to merit eight years in prison at the taxpayers’ expense, and this is “safer resettlement”?

Maybe so: after all, consider the use of recalls to prison in England and Wales over the last few years as prisons and probation move toward a resettlement model of offender management. Since 2001, the number of former prisoners on licence recalled to prison has jumped from under 2,500 to around 10,000 a year by 2005 (see Padfield and Maruna, forthcoming). Could this be safer resettlement too, as in the case of Les? Certainly, when the term is not defined and there is no theory behind how resettlement is supposed to work.

**Toward Restorative Re-integration**

Unlike resettlement or reentry, the word “reintegration” is fairly well defined and at least has a well-developed theoretical underpinning. If one wants a grounding in the principles
of reintegration, one need not look much further than John Braithwaite’s (1989) widely acclaimed book Crime, Shame and Reintegration, which has become something of a biblical text for the restorative justice movement. Here, reintegration is understood as involving more than just physical resettlement into society, but also a symbolic element of moral inclusion. It is in this restorative terrain – forgiveness, acceptance, (secular) redemption, and reconciliation – that the contemporary discussion of resettlement in the UK (and reentry in the US) seems to be the most silent. Yet, at least according to the theoretical work of Braithwaite and others, it may be that this symbolic/expressive realm may just be the most important element of the reintegration process in terms of recidivistic behaviour.

The problem is nicely summarised by Robert Johnson. Johnson (2002) writes, “released prisoners find themselves ‘in’ but not ‘of’ the larger society” and “suffer from a presumption of moral contamination” (p. 319). In the face of such social exclusion, he suggests, reintegration requires “a mutual effort at reconciliation, where offender and society work together to make amends—for hurtful crimes and hurtful punishments—and move forward” (p. 328).

Yet, what would such a restorative reentry look like in practice? I would argue that restorative re-integration would require four, key elements, outlined below.

1. **Restorative Re-Integration is Community-led**
   To say restorative re-integration needs to be community-led is almost a tautology. If re-integration is not community-based it is not re-integration, frankly. Yet, whereas resettlement is typically characterised by an insular, professionals-driven focus on the needs and risks of offenders, restorative re-integration would instead seek to draw on and support naturally occurring community processes through which informal support and controls traditionally take place (see e.g., Farrall, 2004). Citizens, not professionals, would be the primary agents of reintegration.

   To this end, what are sometimes known as “citizen circles” or “circles of support” involving community volunteers befriending a returning prisoner have been formed in a variety of contexts (Petrunik, 2002). This sort of community support, provided by members of various religious congregations, may help to explain some of the documented success of faith-based initiatives in prisons (Johnson and Larson, 2003). That is, the higher power at work in such interventions may have less to do with the religious content of the activities and more to do with the commitment and perseverance of volunteer members of the religious congregations in welcoming and integrating returning prisoners into their flock (Maruna and Toch, 2005). Such supports ideally begin before or during the individual’s incarceration and carry on post-release. Mentoring schemes (e.g., Newburn and Shiner, 2005) are another example of this non-professional, community-based approach to real re-integration. Likewise, efforts by NIACRO and other organizations to offer direct support and assistance to the families of offenders before and after incarceration in Northern Ireland are also central to restorative re-integration.
Who Owns Resettlement? Towards Restorative Re-Integration (Sullivan et al., 2002). After all, it is these family members (and not the over-worked probation officer with an over-stretched caseload) who will be counted on to do the real work of aiding and befriending the ex-prisoner upon release (Bobbitt and Nelson, 2004).

2. Restorative Re-Integration is Reparation-based

Whenever I talk about restorative reentry, the first thing listeners tend to assume is that this is some reference to restorative conferencing, and that restorative reentry must therefore involve bringing ex-prisoners face-to-face with their victims, victims’ family members or victims’ representatives in a mediation ceremony. This could certainly be a part of restorative reentry, and of course this sort of peace-making needs to begin almost immediately in any restorative framework (Marshall, 1999). The fact that so many victims are still angry, afraid or punitive toward their assailants 5-10 years after the event, at the point of the prisoner’s release shows just how much more work needs to be done in this regard in terms of healing the pain of the criminal event, apologising and making amends for these acts.

Yet, to make the word “restorative” synonymous with conferencing or mediation is to lose its richness and meaning. Central to the restorative model is the notion of ‘making good’ (Maruna, 2001; Wright, 1982) or ‘earned redemption’ (Bazemore and Erbe, 2004). Traditionally, this is won by actively making positive contributions to one’s community in a reparative fashion, and, indeed, often this abstract “wider community” is the primary victim of many of the crimes in our justice system.

These activities have been variously labelled as “civic community service” (Bazemore and Stinchcombe, 2004) or “strengths-based reentry” (Maruna and LeBel, 2003) to distinguish them from “community punishment orders” where community service is involuntary and intended to be punitive (no “soft option”). In civic community service work, individuals are offered an opportunity to volunteer their talents on projects meant to meet community needs, build community capacity and repair the harm caused by crime. The work is demanding, but not demeaning in the sense of “hard labour”. They take on leadership roles within these projects and often work side-by-side with volunteers from the wider community who are not involved in the criminal justice system. In short they act to show that they are more than the sum of their offences.

Examples of such projects abound in the United Kingdom and Ireland, but receive too little attention. With the support of groups like the Community Service Volunteers (Edgar and Talbot, 2005), the Inside-Out Trust (Culver, 2004), and the Restorative Prisons Project (Stern, 2005), thousands of prisoners already volunteer to repair wheelchairs, furniture, bicycles, audio-tape information for blind listeners, and other good deeds. Similar projects are at work in the community, where the most good can be done, with the help of groups like the London-based ‘Payback’ organisation. In one strengths-based resettlement project, prisoners nearing release from H.M. Springhill Prison are travelling to Oxford on day release to act as “citizens advisors” (Burnett and Maruna, 2006) making their move from outcast to “good neighbour” complete.
Participating in these forms of positive volunteer work is thought to lead to a sense of hope, an orientation toward the future, and the willingness to take responsibility for their behaviour. Moreover, such demonstrations send a message to the community that the offender is worthy of further support and investment in their reintegration. Of course, former political prisoners in Northern Ireland have led the way in terms of taking on leadership positions at the highest reaches of government and society. There is no reason why this redemptive story should be consigned only to political prisoners. Ex-prisoners of all persuasions have similar leadership skills and abilities they could draw on in such roles.

3. Restorative Re-integration Should Be Symbolically Rich

In a restorative model, these contributions need to be recognised and publicly “certified” in order to symbolically “de-label” the stigmatised person. This is often the most difficult facet for audiences to accept. Resettlement has become an almost entirely technical subject (indeed, it has become a highly dull subject, in my opinion, as someone who reads a great deal of research on resettlement issues). The increasingly widespread discussion of the topic in recent years basically revolves around numbers of hostel placements, number of completed offender behaviour programmes, numbers of basic skill awards, and numbers of individuals leaving prison with employment, training or education programmes organised prior to release. The talk is about multi-agency co-ordination, provision of drug treatment and counselling, release plan development, and integrated case management. It is hardly mentioned that we are talking about individuals who have been temporarily banished from their communities returning from this acute state of shame and degradation.

Yet, drawing on Durkheim, David Garland (1990, p. 32) reminds us that “The essence of punishment is irrational, unthinking emotion.” Punishment is “an expressive institution – a realm for the expression of social values and the release of psychic energy”. We make quite an impressive show or ritual of punishment – from the drama of the courtroom to descending into the cells to prisoner uniforms, the barred windows, and ‘community punishment orders’. As a society, we have become masters of what are called Status Degradation Ceremonies (Garfinkel, 1956). Yet, when it comes to resettlement, we forego all such ritual and try to make the whole process as stealthy and unpublic as possible – here’s your bus pass, go get reintegrated. And it just does not work like that. If we are going to ritualise the process of exile, we need to do the same for the return.

A number of theorists have started to write about what “status elevation ceremonies” or “reintegration rituals” might look like (see e.g., Braithwaite and Mugford, 1994; Maruna, 2001). The very idea of such things sounds awkward and strange to us, as if we are almost more embarrassed by reconciliation than we are about retribution. Yet this is a dangerous mistake from a cultural, anthropological position.
4. Restorative Re-Integration Needs Eventually to Involve Wiping the Slate Clean

Perhaps the strongest form of symbolic de-labelling an offender could receive from the State is the chance to officially wipe the slate clean and literally alter his or her past as recognition of these forms of restitution and social contributions. This sort of permission to legally move on from the stigma of one’s own past is a key component of the amnesty process that has been central to peace and reconciliation processes worldwide. Something like official forgivenness and “de-labelling” is available for most ordinary criminal offenders though the Rehabilitation of Offenders Act. Yet, more use could be made of this important last step in the reintegration process for ordinary offenders. The past cannot be taken away, of course, and nothing can undo the harm that has been done. Convictions on the other hand are merely labels given by the State in the name of punishment, and equally these can be taken away in the name of reintegration, along with a restoration of the full civil rights, liberties and duties that all of us share.

Last Words

Of course, these four components are just the earliest sketch of what restorative re-integration is about, and clearly this is an idealistic vision of what a resettlement strategy might look like. Yet, at least it is that: a vision, a coherent narrative based on a tangible, indeed testable, theory of social behaviour. And, this might be just what has been missing from all of our considerable excitement around resettlement and reentry in recent years.

So, who owns resettlement? In restorative reintegration, like Nils Christie’s vision for restorative justice, re-integration needs to be given back to its rightful owners, back to communities and the ex-prisoners themselves. Is there a role for agency work in this? Of course there is. There is a role for the criminal justice system and even for George Bush and large-scale national efforts. Yet, the role of these groups would not be to “do” the reintegration. They cannot. The best they can do is to support, enhance and work with the organically occurring community processes of reconciliation and earned redemption.

The worst they can do is interfere with these or impede the process of reintegration through invasive, heavy-handed and stigmatising interventions. Such stigmatisation and segregation of ex-offenders is especially ironic when it goes under the name of improved “reentry” or “resettlement”.
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