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CAN PERSISTENT OFFENDERS ACQUIRE VIRTUE?

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Abstract: *Most offenders, even persistent offenders, eventually desist from crime, and the fastest period of deceleration in the frequency of offending is in the early twenties. This paper summarises results from a longitudinal study of desistance from or persistence in crime in this age range, illustrated by three case histories. A key finding is that, because of their deep prior engagement in crime, would-be desisters from repeat offending need to make many adjustments to their patterns of daily life. The authors explain why virtue ethics has been found to be a valuable resource in theorising these results.*

Key Words: virtue ethics; desistance; persistent offenders; reflective values; agency ; Sheffield Desistance Study.

Criminology is a young subject, and not surprisingly its initial focus was upon explaining how criminal careers begin and develop, rather than how they cease. However, in the last twenty years, this has begun to change, and a richly interesting research literature on 'desistance from crime' has developed. From this research, it is now well established *first*, that almost all offenders, even persistent offenders, eventually stop offending; and *secondly,* that, in the case of persistent offenders, this process usually occurs gradually, rather than suddenly, because the daily routines of the people involved have in all sorts of ways become linked to possibilities for offending, and it takes time and sustained effort to alter these habits.[1]

In an attempt to enhance research-based understanding of these matters, we set up the Sheffield Desistance Study, the fieldwork for which began in 2003.[2] In this study, we

[1] For an overview of the desistance literature see A.E. Bottoms 'Desistance from Crime' in Z. Ashton and R. Shuker (eds.), *Forensic Practice in the Community* (London: Routledge, 2014).

[2] The Sheffield Desistance Study is conducted at the University of Sheffield School of Law. It was funded from 2002 to 2007 by the Economic and Social Research Council as part of a Research Network on the Social Contexts of Pathways in Crime (SCoPiC). The subsequent work of Anthony Bottoms on the Study was assisted by a Leverhulme Trust Emeritus Research Fellowship.

recruited a sample of 113 recidivist male offenders born in the years 1982-84, whose average age at first interview was 20 years 9 months. We chose to restrict the age range of the sample in this way because we wanted to understand more fully the processes of desistance from or continuation in crime in the early twenties – a period during which, earlier research had shown, there is an especially rapid deceleration in the frequency of offending. Our research design involved keeping track of the progress of these young men, over approximately a three year timespan, by interviewing them in depth four times, at intervals of 9-12 months. Naturally, there were some instances in which the interviewee no longer wished to participate; and in other cases we lost contact. Nevertheless, the re-contact rates were good for a recidivistic sample of this kind: 87% at the second interview, and 78% at both the third and fourth interviews. Fortunately, too, those who completed the fourth interview had very similar characteristics to those who did not.

The characteristics of the Sheffield sample have been described elsewhere, but briefly, most of these young men had both a high level of criminal experience and significant social problems in their background. For example, at the time of the first interview, offenders in the sample had on average been convicted in the criminal courts (including the youth court) on eight separate occasions for a 'standard list' offence[3]; also, 82 per cent of the first interviews took place either in a prison or a young offenders' institution. As regards social background, the men had a profile of lack of achievement sadly familiar in samples of delinquents: for example, about half had been excluded from school for at least a month during their school career; 86 per cent had left school without any qualifications; and about 60 per cent had had no job of any kind in the year before the first interview.

As we had expected from the characteristics of our sample, most of the men (80%) had at least one further conviction during the follow-up period[4]; yet, as we had also expected from earlier research, there was, over the period of the Study, a definite diminution in the

[3] 'Standard list' offences include violent and sexual offences, robbery, burglary, theft, fraud, criminal damage and drugs offences, but not most motoring and administrative offences.

[4] Criminal justice agencies in England and Wales routinely use a well-validated risk assessment tool known as 'OGRS' (the Offender Group Reconviction Scale), which gives for each offender, at conviction, a percentage probability of reconviction within two years. In the Sheffield Study, the mean OGRS score of sample members was 77%, and the median 83%.

frequency of recorded offending (from an average per person of 8.2 standard list offences per year in freedom immediately before the first interview, to 2.6 in the period from Interview 3 to the end of the study). As is standard practice in research on criminal careers, we also used a measure of self-reported criminality at each interview, and this too showed that most men reduced their offending, though some sustained or even increased it. Regression analyses on both recorded and self-reported criminality showed the influence on later offending of two main kinds of factor: first, the total amount of prior criminality at the time of the first interview (the more prior crime, the less likely was the participant to stop); and secondly, the current social circumstances of the offender's life. In brief, therefore, the lesson to be drawn from these analyses – a lesson which is entirely consistent with that from the desistance literature more generally - is that the past is important, but it is not necessarily decisive. Sometimes even those with extensive prior criminality start to desist; but we found that a great deal seems to depend both on their own commitment to change, and on the wider social circumstances in which they find themselves.[5]

Background to the Desistance Process

The Sheffield Desistance Study has both a quantitative and a qualitative dimension, and the interview schedules contained a mixture of 'closed' (tick-box) and more open questions. This mixed methodology has allowed us to include in the study a number of matters of relevance to those with an interest in ethics; so, for example, the abstract of one of our papers reports that the men in the sample had 'surprisingly conformist values, for example with regard to future aspirations (employment, housing, etc.) and to the importance of staying within legal boundaries', although a 'dissonance between values and behaviour' was frequently also observable.[6] That same paper includes a short section on 'virtue ethics and the obstacle-strewn society'[7], in which we identified virtue ethics as a valuable way of thinking about the processes of change that some of the men experienced, while also

[5] All the above details about the Sheffield Desistance Study are reported more fully in A.E. Bottoms and J.M. Shapland, 'Steps towards Desistance among Male Young Adult Recidivists', in S. Farrall, M. Hough, S. Maruna and R. Sparks (eds.), *Escape Routes: Contemporary Perspectives on Life after Punishment* (London: Routledge, 2011).

[6] J. Shapland and A.E. Bottoms, 'Reflections on Social Values, Offending and Desistance among Young Adult Recidivists', *Punishment and Society,* 13 (2011), pp. 256-282, at 256.

[7] Ibid., pp. 275-77.

emphasising the many difficulties that they typically encountered when trying to change (for example, relating to employment, the pull of still-criminal friends, and the general difficulties of social reintegration for those with criminal records). The principal purpose of this paper (to be addressed in its final sections) is to explain in greater depth why we have found a virtue-ethical approach to be a valuable way of conceptualising our data about processes of change in the men's lives. Before we can address that issue, however, we must first (in the remainder of this section) say a little more about the significance of the fact that our sample were *young adults*. Then, in the next two sections, we will offer three brief case-histories that will hopefully bring to life some of the realities that we are trying to analyse; and we will also say more about the *process* of trying to change, which is the topic that above all else led us to an interest in virtue ethics.

In an initial, tentative, paper that we wrote about desistance (during the fieldwork stage of the Sheffield study), we suggested that that there might be merit in inverting the traditional theoretical focus of criminological studies, which has rested primarily upon 'criminality' and 'becoming criminal'. Almost all children are socialised into pro-social norms, and even persistent offenders usually try to prevent their children from following in their footsteps. Therefore, people usually start from (broadly speaking) a position of conformity, and given the prevalence of desistance processes, this is where they return, usually after a criminal career lasting less than ten years. Accordingly, it might be more appropriate for criminologists 'to start from the position whereby conformity is the anchor and the more important concept'.[8] That position was empirically strengthened when our later research results showed that the persistent offenders in our study had, even at the beginning of the research, predominantly conformist underlying values.[9]

Looking at criminal careers in this way emphasises the importance of the period of adolescence and young adulthood, which is when, in most cases, criminality develops and then subsides. Persistent offending usually (although not invariably) begins in adolescence

[8] A.E. Bottoms, J.M. Shapland, A. Costello, D. Holmes and G. Muir 'Towards Desistance: Theoretical Underpinnings for an Empirical Study', *Howard Journal of Criminal Justice* 43 (2004), pp. 368-89, at 380-81.
[9] Shapland and Bottoms, 'Reflections on Social Values', pp. 262-68.

or before[10]; and those who have begun offending before puberty very often entrench their criminality in adolescence through the establishment of strong bonds with delinquent friends.[11] For offenders as well as for almost everyone else, however, the subsequent period of young adulthood brings with it a process of reappraisal of one's life. Questions are raised, such as: 'What kind of a life do I want to lead as an adult? What kind of job will I get? Who will I share my life with? Shall I carry on with the kinds of activities I've been pursuing in the last couple of years?' So it can be an unsettled time, but it is also one that often leads to significant changes in self-understanding.

A possible statistical pointer to the effects of this kind of generic life-appraisal can be gleaned from research into criminal careers by two Dutch authors. Their analysis confirmed the findings of many other researchers that specific changes in life circumstances (such as marriage or steady employment) did indeed have a crime-suppressive effect in the lives of persistent offenders. However, they also pointed out that these particular effects accounted for only a relatively small proportion of the overall reduction in offending in young adulthood. Accordingly, they concluded that 'much of the effect age has on crime remains unexplained' by existing research[12]. It is a plausible hypothesis (although of course one that needs to be tested) that the generic self-appraisals often undertaken in young adulthood make an important contribution to the overall age effect.

When young adults who have become repeat offenders undertake self-appraisals of this kind, the gulf between their present situation and how they would like to live can be stark. Take, for example, the case of 'John', described in one of our previous papers[13]. When we first met him, at age 20, he was in a young offenders' institution (YOI), having been convicted on nine separate occasions since a first caution at the age of 11. He had recently split up with a girlfriend; he had never had a job; his mother, who he loved, had severed relations with him because of his offending and drug-taking (heroin and crack); and as a

[10] There is robust statistical evidence that an early start to a criminal career predicts a higher probability of continuance.

[11] M. Warr, *Companions in Crime* (Cambridge: Cambridge University Press, 2002).

[12] A. Blokland and P. Nieuwbeerta, 'The Effects of Life Circumstances on Individual Trajectories of Offending', *Criminology, 43* (2005), pp. 1203-40 at 1233.

[13] Bottoms and Shapland, 'Steps towards Desistance', pp. 67-68. The names given to all the cases described in this paper are, of course, fictitious.

consequence, he had been homeless and sleeping rough, which he found both physically and emotionally difficult. Not surprisingly, when asked in the first interview to describe the good things in his life at that time, he answered 'nowt'. However, to a further question asking him to say what kind of person he would like to be in a few years' time, he answered very articulately: 'Confident. Hardworking. Trustworthy. A good person to get in with'. In a later interview, he also revealed anxieties about a future that he feared, shuffling in and out of prison and having no friends.[14] From this kind of reappraisal, a determination to desist can emerge, and in John's case it did emerge.

John was not alone. When we asked the 'desired self' question in the first interview ('what kind of person would you like to become?'), the answers overwhelmingly centred on normality, with the great majority of comments focusing on 'going straight', being a 'family man', 'living a normal/regular life', and being a 'good person'.[15] Yet, for this sample, the road to 'normality' was never going to be simple, given their criminal histories, their lack of qualifications and work experience, and (in some cases) their histories of addiction. In the remainder of this paper, we shall examine how they tackled this process of hoped-for change.

Case Histories and the Mechanisms of Change

In this section, we offer three varied case histories. Two of the men described claimed by the end of our research study to have desisted, while the third – despite some expressed good intentions – had relapsed into serious crime. After describing each case, we offer a brief interpretative comment. In the first two (desisting) cases, this comment focuses on the mechanisms that seem to have led to compliance in that particular case.[16] For this

[14] On the concepts of the 'feared self' and the 'desired self' in relation to pathways to desistance, see R. Paternoster and S. Bushway, 'Desistance and the "Feared Self": Toward an Identity Theory of Criminal Desistance', *Journal of Criminal Law and Criminology,* 99 (2009), pp. 1103-1156.
[15] Shapland and Bottoms, 'Reflections on Social Values', p. 262.
[16] On the importance of mechanisms for social scientific explanation, see P. Hedström, *Dissecting the Social: On the Principles of Analytic Sociology* (Cambridge: Cambridge University Press 2005).

purpose, we will use the fourfold typology of mechanisms of compliance put forward a decade ago by one of us[17], which can be summarised as follows:

(i) *Instrumental compliance:* that is, compliance motivated by self-interested prudential calculation (as when potential offenders are influenced by deterrent threats);

(ii) *Normative compliance:* that is, compliance arising from the subject's being influenced by the accepted norms of the society or of a local context; and/or through emotional attachments to people with prosocial values (e.g. a partner or relative) [18];

(iii) *Situational compliance:* that is, compliance arising from the physical or social context of the immediate situation, with no explicitly instrumental or normative dimension;

(iv) *Habitual compliance:* that is, compliance that has become ingrained over time in the life and practices of a given person.

Kevin

At the time of his first interview, 'Kevin' had never received a custodial sentence, despite a substantial criminal record acquired over a relatively short period (three years). Kevin's criminality continued, and he actually served four short prison sentences during the research period, mostly for assaults, which were linked to what he admitted was a serious drink problem. In the third interview, he indicated that he was very aware of the temptations of criminality (he said his life would be 'happier' but 'less exciting' if he stopped offending). He also realised that much of his offending occurred spontaneously: 'you say [you'll] stop now, but when you get out [of prison] it doesn't happen'. At that stage, therefore, there was little evidence of desistance.

The research team lost contact with Kevin after the third interview, but we managed to find him again right at the end of the research, 22 months later. There had been important

[17] A.E. Bottoms, 'Morality, Crime, Compliance and Public Policy' in A.E. Bottoms and M. Tonry (eds.) *Ideology, Crime and Criminal Justice* (Cullompton: Willan 2002).

[18] An important further form of normative compliance arises from attributions of legitimacy; that is, compliance by citizens is more likely where they consider that people with power hold legitimate authority. This mechanism is, however, of limited direct relevance in the present context.

changes in his life, focused around his new girlfriend. He now said that he was 'always bored' when he was with his previous girl; as a result he went 'to the pub the whole time: getting drunk and then locked up'. But now, 'I'm always with [my girlfriend] so it's kept me out of trouble'. 'She doesn't drink much so I hardly drink now'. The girlfriend also had a young daughter (through a previous relationship), and Kevin said he wouldn't take drugs in front of the daughter.

Kevin claimed that he had stopped offending (apart from taking cannabis) four months before the last interview. When asked why he had stopped, he at first said 'it's just the girlfriend' but then he added that it was 'about time to change', and mentioned both 'that horrible life in and out of jail', and how he had 'sorted myself out with that job with my step-dad'. He was certain that having responsibilities had made a difference: 'looking after our lass and kid, making sure they're alright'; by contrast, he used to be just 'for myself'. 'I don't want to get locked up and lose my girlfriend, but I didn't want to stop before'.

Kevin's change of direction can be attributed to a number of causes. Foremost, of course, was the strong relationship with his girlfriend, leading to an important normative change from being just 'for myself' to feelings of connection to and care for his girlfriend and her daughter. But, in addition, this relationship was so absorbing that it had some explicitly situational effects: thus, because he spent so much time with his girlfriend rather than in the pub, Kevin drank much less and therefore avoided the factor that had precipitated most of his recent crimes. The relationship also had an instrumental side-effect; he didn't want 'to get locked up and lose my girlfriend'. But beyond these relational elements, there were two wider issues: first, a general, inchoate feeling, perhaps linked to the broad social changes of young adulthood (see above) that it was 'about time to change'. Secondly, getting and keeping a job is usually a vital element in survivable desistance, and
Kevin had benefitted from what sociologists call 'bonding social capital' in getting a job with his stepfather (see further below on social capital).

Len

By way of contrast to Kevin's case, it will be helpful to consider a man who took some clear steps towards desistance, but who had no girlfriend. At the first interview, 'Len' was on probation, having been convicted on seven previous occasions, including one sentence in a YOI. He had recently been 'sleeping rough' (homeless), but through the intervention of a probation officer, he had been found a place in a small hostel near the city centre. He said he felt no shame or regret for his offences, because they were mostly drug-related and 'when you're on drugs you don't care'. But he claimed that he wanted to stop now because he was 'sick of' being homeless: 'waking up, trying to find money, trying to find something to eat, stuff like that, day in, day out'.

During the research period, Len was convicted once for taking a car and then driving it while above the alcohol limit; but he also self-reported several other offences. The conviction acted as a shock: he realised that he had been taking steps towards desistance, but in this incident he had reverted to his old ways. Determined not to relapse again, and because his relationship with his mother had been improving, he moved back home, to the outskirts of the city. By the time of the fourth interview, Len said he was completely off both alcohol and drugs, and had stopped offending. He usually stayed at home seven nights a week. He now considered it very important to think before he acted, and also to 'avoid my old group of friends'. 'I'm more grown up about things, and I take more responsibility for the things I do'.

As in Kevin's case, we see several mechanisms operating to promote desistance in Len. An initial motivation was instrumental; that is, to avoid the privations associated with homelessness. Then, after taking some steps towards desistance while living at the city centre hostel, Len relapsed into crime; but his conviction for this offence acted as a further instrumental spur to sort his life out so that his behaviour was more in line with his true values. The improving relationship with his mother allowed him to move back home; and part of his motivation in doing this was to enable him to exercise better situational control of his life by going out less, thus reducing his drink and drug consumption and avoiding former delinquent friends. (This kind of tactic has been aptly called 'diachronic self-

control', because the subject is trying to exercise self-control by ensuring that anticipated future situations of temptation do not occur[19]). Throughout this process, Len was learning, normatively, to 'take more responsibility' for himself and to think before acting; and like Kevin he seemed to take pleasure in beginning to live a life more in accordance with his true values.

Zed

The third case tells a rather different story. 'Zed' had eight convictions, all except one for assault or criminal damage, and his first research interview took place while he was serving a sentence in a YOI. Unusually within this sample, he claimed to dissent from the basics of the criminal law: 'fighting happens all the time … [and] you shouldn't get arrested for it … animals don't'. But he also said that he had made a 'definite decision to stop' offending because 'I'm wasting my life in here'. Soon after the second interview he committed a further serious assault, and received a sentence of 18 months in a YOI; at this time, he also told the research team that he had begun dealing in drugs. When released, he went to live in a hostel, but he had been there only three days when some fellow residents wanted heroin, and he arranged to supply it to them. Subsequently, he 'stayed in hotels a lot', in a pattern of life financed by his drug dealing; and in the final interview he admitted that his offending had become 'more serious' recently. But he had also met a new girlfriend who he described as 'different'; he claimed that they wanted to get married in a few months' time and settle down. However, these plans were thwarted because he was again arrested for serious offences (robbery and possessing heroin), for which he received a sentence of three years' imprisonment. He commented: 'every time I get out of prison I say I'm going to change, but it doesn't happen'.

In this last comment, there is an example of a phenomenon that was very noticeable in the Sheffield study, and which was previously reported in a study of desistance in Liverpool[20]: namely, that those who are continuing in crime seem to be less *agentic* and purposeful in

[19] On diachronic self-control as part of a 'taxonomy of agent-control', see J. Kennett, *Agency and Responsibility* (Oxford: Clarendon Press 2001), ch. 5. On diachronic self-control in the context of desistance, see Shapland and Bottoms, 'Reflections on Social Values' at pp. 272-5.

[20] S. Maruna, *Making Good: How Ex-Convicts Reform and Rebuild their Lives* (Washington, DC: American Psychological Society, 2001).

the way that they perceive themselves and their evolving lives than are those trying to desist. Those still offending, unlike the desisters, tended to see crime as something that just 'happens' to them, even though they might nominally claim (as Zed did) to want to stop. By contrast, people such as Kevin and Len were, in various ways, making active attempts to shape their lives in less criminal ways.

'Learning to Live a Non-Criminal Life'

Desistance research projects have been conducted using a variety of methodologies, and each approach has its strengths and weaknesses. In the Sheffield Desistance Study, we chose to adopt a prospective research design with a sample of (mostly) persistent young adult offenders, and this method has allowed us to focus in particular on the early stages of desistance.[21] From this perspective, it has become very apparent that, for those who have been deeply involved in crime, *desistance is a process of learning to live a non-criminal life when one has been living a largely criminal life.*

Attempts to desist usually start either with a realisation that one's current situation is far from desirable (a 'push' factor, as in the cases of Len and John), or with a glimpse of a more satisfying life (a 'pull' factor, as in Kevin's case). But this initial step is only the beginning of a process. The clear evidence of our study is that, if they are serious about changing, those who have been deeply involved in crime need to start making many adjustments to their patterns of daily living – for example, concerning where to live, who to mix with, which places to visit, or how to respond in particular situations of temptation. They will also often encounter obstacles, and sometimes (as in Len's case) they will experience definite setbacks. But if desistance is successfully accomplished, gradually a different pattern of activities will take shape, which in time will become routine. Often, too - and of special interest for the purposes of this paper - this will be accompanied by changes in the moral evaluation of past behaviour. An example of this occurred in John's case. In the first interview, he said that 'I don't regret no

[21] One main alternative research design has involved obtaining retrospective accounts from those who have successfully desisted. Such a methodology facilitates the analysis of completed desistance to a greater extent than our study could capture, but research projects of this kind have not usually been able to describe the important first steps towards desistance, not least because of the well-known phenomenon of incomplete or faulty recall of events that occurred a considerable period beforehand.

crimes I've done …. not my victims or nothing'; but by the fourth interview, his view was more nuanced. Looking back, he said that while he used to enjoy the offending lifestyle ('money, having drugs and that'), he now felt remorse for the effects of his past actions: 'burglaries and that – I feel sorry for the people I did it to, and people I've robbed'.

The important topic of 'obstacles to desistance' requires some elaboration. A key statistical finding of the Sheffield Study was that an index of 'obstacles', self-identified by the men themselves, was one of the most powerful predictors of the level of offending at the end of the study period (if more obstacles were self-identified, later offending was more likely)[22]. Very interestingly, also, three of the four most frequently identified 'obstacles to going straight' were basically financial: they were (i) lack of money; (ii) 'opportunities for easy money'; and (iii) lack of work.[23] Employment is a critical issue; persistent offenders who are serious about desistance quite often experience a reduction in income, so if legitimate work cannot be found, the temptation to re-offend can be very high. But employment, of course, is not solely within the control of the would-be desister; hence, obstacles to desistance are at least in part a function of local economic and social conditions. This raises important ethical and political questions about the extent of society's responsibility to assist would-be desisters to regain a role as full members of society.[24] It also explains why, in the absence of social conditions facilitating employment, the availability of local 'social capital' (exemplified by Kevin obtaining a job with his step-father) can be so crucial to the life-chances of individuals wishing to desist.[25]

But obstacles can be surmounted, and what we see in the cases of both Ken and Len at the end of our study period is the apparent beginning of a *habit* of compliance which seems pleasing to the desisting subject. We will explore this more fully in the next two sections.

[22] Bottoms and Shapland, 'Steps towards Desistance', pp.62-66.
[23] The fourth was very different: it concerned the excitement or 'buzz' that offending can bring. .
[24] See S. Farrall, A.E. Bottoms and J. Shapland, 'Social Structures and Desistance from Crime'. *European Journal of Criminology*, 7 (2010), pp. 546-570.
[25] 'Social capital' should be distinguished from 'human capital'. 'Human capital' refers to the capabilities of an individual, for example his/her work skills or parenting skills. 'Social capital' refers to the social context for the activity in question; for example, a probation service might enhance the social capital of its supervisees by improving its capability for helping them find suitable work. 'Social capital' is often subdivided into 'bonding social capital' (derived from family or similar links, as in Kevin's obtaining work with his stepfather) and 'bridging social capital' (providing links to general social resources, as in the probation example above).

Why Virtue Ethics?

We are now in a position to consider whether, and if so how, the resources offered by the broad field of 'virtue ethics' might be of assistance in the social-scientific quest for a deeper understanding of desistance processes. For those committed to a strong version of the fact-value distinction, that might seem to be an unlikely possibility, given that social science is in the business of explanation (based on facts), while ethics necessarily involves value-based discourse. However, while one must certainly always pay close attention to the type of claims being made, we would argue that there can be a helpful mutual interaction between these two fields of study. Thus, for example, the ethical theorist Valerie Tiberius (to whose work we shall return) has used some findings from psychological research in her quest to develop a more 'empirically informed [normative] ethics':[26] and, given that human beings are sometimes motivated by ethical concerns, it seems clear that work in the field of normative ethics might in principle offer some helpful insights that are relevant to the development of social scientific explanations.[27]

As is well known, in the first half of the twentieth century normative ethics was dominated by the divergent traditions of consequentialism (especially utilitarianism) and Kantian ethics (deontology). A series of contributions by various moral philosophers (not all of whom shared the same ultimate commitments)[28] then led to a remarkable renaissance of interest in classical moral philosophy and its virtue-centred approach, in particular Aristotle's *Nicomachean Ethics.* Thus, by the end of the century a major primer on normative ethics had already placed virtue ethics alongside consequentialism and Kantian ethics as one of *Three Methods of Ethics.* [29]

[26] V. Tiberius, *The Reflective Life: Living Wisely within our Limits* (Oxford: Oxford University Press 2008), p.vii; see also pp. 38-40.
[27] For simplicity, this paragraph has assumed a strong fact-value distinction, but that assumption is now subject to significant challenge both within philosophy and within social science: see for example the 'Symposium on Facts, Values and Social Sciences' in *Social Science and Modern Society,* 50 (2013), pp. 543-609.
[28] The main contributions are reproduced in R. Crisp and M. Slote (eds.), *Virtue Ethics* (Oxford: Oxford University Press, 1997), chs. 1-8.
[29] M.W. Baron, P. Pettit and M. Slote, *Three Methods of Ethics* (Oxford: Blackwell 1997).

The Cambridge philosopher Raymond Geuss has suggested that:

> one of the great merits of Bernard Williams's work[30] is to have pointed out that 'ethics' has traditionally meant two distinct things: (a) the attempt to say something about what the 'good life' for me would be, and (b) the attempt to say something general about how people should regulate their behaviour toward one another …… Western philosophy begins [in classical Greece] with the attempt to show the close connections between plausible answers to the two questions: the *only* way for me to live a truly happy life (it is claimed) is to do so in the context of acting towards others in morally well regulated ways.[31]

What the late twentieth century debates showed clearly was that the dominant moral philosophy of the preceding period had largely lost sight of the first of these questions (the individual's quest for virtue), and that much would be gained by reconsidering this tradition. Exactly how one might best return to a virtue-centred approach was and is, however, philosophically a very complex issue – and one that is beyond both the scope of this paper and the competence of its authors. Instead, we shall consider here three aspects of a virtue-centred approach that, we believe, are particularly relevant to the study of desistance: namely (i) its primary focus on dispositions rather than acts; (ii) its relationship to the question of how people should act towards others (as highlighted in the quotation from Raymond Geuss, above); and (iii) its alignment of reason and desire.

Consequentialism, and some versions of Kantianism, are primarily focussed on *specific situations,* and on the appropriate moral action within that situation (perhaps expressed as a moral obligation). For people like those in our research sample, that kind of act-specific focus is indeed sometimes highly relevant: in Zed's case, for example, things might have turned out differently if he had declined his fellow hostel residents' request for heroin. But over and above such specific situations, the men in the Sheffield sample were, during the time that we were studying them, repeatedly asking themselves the virtue ethicist's more general question: 'how should I live my life?'.[32] The study of the early stages of desistance,

[30] B. Williams, *Ethics and the Limits of Philosophy* (London: Fontana 1985; Routledge 2006).
[31] R. Geuss, *Outside Ethics* (Princeton: Princeton University Press 2005), pp.76-77, emphasis in original.
[32] Williams, *Ethics and the Limits of Philosophy,* ch. 1, describes this as 'Socrates' question', following Socrates' comment to Thrasymachus in *Republic,* 352D: 'we must look more closely at the matter, since what is at stake is far from insignificant: it is how one should live one's life'

it seems clear, will make little progress unless social scientists recognise the importance of this question for many offenders, as a prequel to attempted change.

But secondly, we must note again Geuss's summary of the classical position: ' the only way for me to live a truly happy life … is to do so in the context of acting towards others in morally well regulated ways'. In the Sheffield study, the importance of this comment was repeatedly exemplified. Desistance certainly begins with the question 'what kind of life should I lead?', but it is not long before this evolves into a better understanding of how the subject's life interconnects with those of others. Accordingly, we found that desisting respondents would often speak about becoming more mature; feeling a stronger sense of responsibility for others (such as partners or children); or feeling remorse about the harm they had done to past victims.

Thirdly, there is the important question of the relationship between reason and desire, which in turn raises the issue of what we mean by the term 'virtue'. In his admirable textbook on ethics, Jonathan Jacobs has defined a fully 'virtue-centered theory' as one which 'maintains that moral value is grounded in certain excellent states of character (the virtues) and that actions have moral worth through being exercises of those states of character'.[33] He further explains that in Aristotle's view:

> Neither reason alone nor sensibility alone is adequate to explain morally relevant human action. The virtuous person enjoys acting well, finding it naturally pleasing. Given the agent's desires, his conceptions of worth, and the way that he appreciates situations, he is concerned to do what virtue requires because that is what informs his conception of the good …… He does not have to resolve conflicts between morality and desire, or morality and feeling.[34]

This sounds admirable, but in its pure form it also seems rather remote from the lives of most of our desisting research subjects, who did not aspire to 'excellent states of character', and who – despite acquiring greater 'maturity', 'responsibility' and the like (see above) - had mostly not reached the stage where they could honestly say that there were, for them, no

[33] J. Jacobs, *Dimensions of Moral Theory: An Introduction to Metaethics and Moral Psychology* (Malden, MA: Blackwell 2002), p. 161.
[34] Ibid., p. 50.

conflicts between morality and desire. Do we therefore have to conclude that 'virtue' is out of their reach, and hence that a virtue ethical approach is irrelevant to the explanation of desistance?

We believe that this conclusion can be avoided. We should note in this connection that the term 'virtue' in the current discussion has a technical connotation, which mainly serves to distinguish it from other approaches in normative ethics. Accordingly, we should not pay too much attention to the implication in everyday speech that to be 'virtuous' is to be close to an ethical ideal. We can also be greatly encouraged by Christine Swanton's definition of a virtue as: '*a good quality of character, more specifically a disposition, to respond to, or acknowledge, items within its field in an excellent or good enough way'*.[35] Two features of this definition seem to be of special importance for the study of desistance : first, that a response within a given field that is 'good enough' may still count as virtuous; and secondly, that we do not have to look for a fully formed 'character' to detect virtue – rather, a 'disposition' will suffice. On that basis, steps towards virtue were certainly being taken by men in the Sheffield sample; and we can also note that both Kevin and Len were beginning to 'enjoy acting well' – that is, aligning reason and desire – and to '[find] it naturally pleasing' – as Jacobs (see above) suggests that virtuous subjects will.

We may develop these points a little further with the help of Valerie Tiberius. Similarly to Swanton, she suggests that virtues might be described as 'more like habits and problem-solving strategies than like the robust character traits' of Aristotelian ethics; and, that being the case, we are not precluded from 'attending to the role of situational factors', which may in time lead to character development.[36] In our view, Tiberius is right – even straightforward situational compliance (such as diachronic self-control, as exercised by Len) can develop over time into a disposition in Swanton's sense; as also, of course, can the kind of normative attraction that Kevin experienced in the presence of his girlfriend. Indeed, we noted when discussing these two cases that in each of them one could discern several mechanisms promoting compliance; but we can now see a little more clearly that these

[35] C. Swanton, *Virtue Ethics: A Pluralistic View* (Oxford: Oxford University Press, 2003), p. 19 (emphasis added).
[36] Tiberius, *The Reflective Life*, p.18.

mechanisms were beginning to work together to generate a new mechanism, that of *habit* – which we have encountered before in a sociological context, but which in more ethical language might also be described as a disposition, or virtue.

Charting a Path towards Virtue

The title of this article asks: 'Can persistent offenders acquire virtue?'. The simplistic answer is 'yes', if only because most persistent offenders do actually desist and so come to lead a more virtuous life. Given, however, that at the beginning of the Sheffield Study most men held largely mainstream societal values while still offending, a more nuanced version of the question might be 'How do persistent offenders in early adulthood chart a path towards a more virtuous life,in which actions reflect values ?' Phrasing the matter in this way links the question to the criminological literature on the role of 'agency' in desistance; but it also evokes again the work of Tiberius, who, unusually among moral philosophers, aims to provide a 'first-personal, process-based account of how to live'. [37]

Tiberius distances herself to a degree from the dominant Aristotelianism of virtue ethics, claiming instead, 'in the tradition of Hume, … to look to our experience as the only source of answers to our normative questions'.[38] This approach will, naturally, draw criticism from philosophers committed to different foundations for ethics; but from the point of view of illuminating a social scientific quest, the stance is potentially helpful, precisely because it 'addresses people on their own terms'[39], does not presume at what point the person begins the process, and is not teleological. Nevertheless, because individuals' experience is treated as the sole criterion for normative judgements, the approach seems vulnerable to the criticism that it is subjective, and therefore relativistic. To combat this criticism, Tiberius argues that, in thinking about the question 'what is a good life for me?' , we cannot adopt an 'anything goes' stance, because 'a good life from your point of view is a life you can affirm *upon reflection* … [and] *on the basis of the standards you take to be important*'

[37] Ibid., p.3.
[38] Ibid., p.6
[39] Ibid. p.14.

(described as *reflective values*).[40] Thus, for Tiberius there is a crucial distinction between 'reflective values' and other values; only the former are based on our all-things-considered judgements of what is normatively important to us. On this basis, and given the research results previously summarised, [41] 'desistance' and 'normality' can reasonably be regarded as the central reflective values of our sample.[42]

Tiberius argues that reflective values play two key roles in a person's moral life: they 'serve as action-guiding goals', and they also function as 'standards of evaluation … on how our lives are going'.[43] The second of these functions is well illustrated in Len's case; his fresh conviction caused him to realise that his action in taking the car was not in accordance with his reflective values, so he immediately took steps to ensure there was no repeat. But of course, if a person's reflective values are not strongly held (as, clearly, Zed's professed wish to want to stop was not) and are in conflict with other (non-reflective) values (e.g. for excitement or a free-spending lifestyle), then the reflective values will not succeed either in guiding action or in evaluating progress.

Although Tiberius' processual view of values is helpful, her analysis is perhaps weaker when it comes to how reflective values can change or be strengthened. Here, we may draw upon sociological analyses of the interplay of 'agency' and 'structure' during processes of change. As we summarised this (following Mouzelis) in a previous paper,[44] at Time 1 an individual (D) will be living in a particular society with distinctive social structures ; in that context, D will carry a set of dispositions, and perceptions of the social world (Bourdieu's *habitus*),[45] some of which will have been internalised from the social structures around him/her. So what

[40] Ibid. p.10, emphasis added.
[41] See more fully Shapland and Bottoms, 'Reflections on Social Values', pp. 262-68.
[42] This would not be the case in all criminological contexts; for example, a young man brought up in a family where his father is a leading figure in an organised crime syndicate might *reflectively* value the code of conduct of the organisation, and aspire to become a leader in it. (Some would accordingly argue that this example creates philosophical difficulties for Tiberius' exclusively experience-based approach). But such outcomes are rare, even in the criminological world. This is probably because all individuals are socialised in powerful normative societal contexts, most of which emphasise mainstream pro-social values.
[43] Tiberius, *The Reflective Life*, p. 24.
[44] Farrall, Bottoms and Shapland, 'Social Structures and Desistance from Crime', pp. 550-553; N. Mouzelis, *Modern and Postmodern Social Theorising* (Cambridge: Cambridge University Press, 2008). Mouzelis' account is a synthesis and development of the work of Anthony Giddens and Pierre Bourdieu.
[45] P. Bourdieu*, Outline of a Theory of Practice*, (Cambridge: Cambridge University Press, 1977).

happens later on, at what we might call 'Time 2'? Tiberius' account suggests that changes in reflective values occur through the increased salience of alternative values as external elements impinge on one's life.[46] Though certainly not denying the importance of external events and pressures, we would rather emphasise the continual interplay between the 'action-guiding' reflective values of individuals, their non-reflective values, and their evaluation of what they have recently been doing, as they encounter and perceive new surroundings (in Bourdieu's terms, a fresh 'field'). Those new surroundings can include 'institutional structures' (such as employment opportunities, or the lack of them) and 'figurational structures' (such as relationships with romantic partners, family members, and friends). Immersion in this new field, and individuals' reflection upon their experiences in it, will very likely slightly change their reflective values; and those refined values will then feed into further action. If that action is successful in terms of progress towards the reflective values (and hence towards a more virtuous life), then such actions may be repeated, eventually creating new habitual paths (a new *habitus*); and, hopefully (see previous discussion) a sense of pleasure as these new paths are taken.

An important empirical example of these processes from our study concerned friendships with peers. At the beginning of the research, most of our respondents said that they deeply trusted their closest 'mates' (male friends). Not surprisingly, however, the great majority of those close friends themselves had criminal records, so as desistance progressed, it became important for the individual – given the overriding reflective value of becoming a non-offender - to distance himself from them (as is well illustrated in Len's case). Given also the importance of romantic relationships in many instances of desistance (illustrated in Kevin's case), there was often a clash of values between a partner and old friends. Partners generally held pro-social reflective values and led pro-social lives; so as a desisting offender tried out spending more time with them, in order to be with them and to do what they wanted, so that offender was encouraged to internalise more of their values. Thus, pro-social activity was reinforced, and delinquent friends gradually dropped. It was still an agentic choice, and at least initially it might be weak, or even on occasion lose out to the competing claims of peers; but, for would-be desisters, the wish to lead a virtuous life often

[46] Tiberius, *The Reflective Life*, pp. 78-83.

(some might think remarkably often) won through. Hence, as Tiberius put it, a person seeking true 'reflective wisdom … learns from experience … and responds appropriately'.[47] - Early adulthood is a life stage at which such refining and hooking into the best forms of action to accomplish one's virtuous life is perhaps most active and reflective. At the beginning of the study, aged 19-22, most of the men in the Sheffield Study had a general commitment to change, but they also had a very limited awareness as to how this change could be accomplished. But gradually, and often very hesitantly and with setbacks, many of them did acquire more virtuous dispositions.

In this paper, we have not discussed specifically Christian ethics, mainly because ours is an empirical study, and none of the men in our sample referred explicitly to any influence of Christianity in their lives.[48] But it might be apposite, in closing, to point to the analysis of the Christian ethicist Richard Burridge, who argues that in studying historically the ethics of Jesus, one must consider not only his 'rigorous' ethical teaching on 'the major human moral experiences', but also his practical example, which included an 'open pastoral acceptance of sinners, with whom he spent his life'.[49] On that basis, the study of offenders ('sinners') attempting to desist from crime (that is, to move towards a more ethically appropriate lifestyle) ought to be of interest to students of Christian ethics – especially as the initial steps along that path are usually (if often falteringly) made by the offenders themselves.

[47] Tiberius, *The Reflective Life*, p.34.
[48] A small number mentioned Islamic influences.
[49] R.A. Burridge, *Imitating Jesus: An Inclusive Approach to New Testament Ethics* (Grand Rapids, Michigan: William B. Eerdmans, 2007), pp. 78-79.