

# **SHARING DE-BRUTALISATION:**

**Anachronizing Crime, Punishment, Inherent Harm and Wasted Potential**

4 Volumes



Vol 1 of 4: Chapters 1 - 6

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## ABSTRACT

This study views future societies as likely to look back at punishment, the working poor and inconsistent inaccessible law just as current society looks back at their past counterparts respectively of burning people at the stake, putting children up chimneys and trial by ordeal. It considers how currently accepted brutalities, such as punishment, inherent harm, wasted potential, and even crime that is allowed to continue unabated, might be addressed in shared ways to gradually anachronise such brutalities, along with tackling the factors that could contribute to them.

It considers the degree to which common ground might be achievable in this regard, to create a shared culture of de-brutalisation. A shared, de-brutalised and de-brutalising approach to tackle brutality per se, rather than the multifarious expressions thereof, in order to prevent its disparate symptoms simply continuing as multiple wars of attrition, each taking its toll, leaving people to fight to the point that survival means having to ignore suffering or break under its weight or capitulate to its injustices.

It will be argued that continuing to deal with each individual brutality piecemeal, in isolation from a coherent whole, may constitute the greatest inherent harm and wasted potential of all.

Instead, it seeks strategies for initiating movement towards maximising the potential that exists everywhere and in everyone, while minimising the waste thereof, in order to share the de-brutalisation of the shared world and its societies, on an ongoing holistic basis, de-escalating harm and improving the lives of individuals and their societies.

It uses crime and punishment as an exemplar of broader harm and waste and deploys a questionnaire that utilised contemporary academic thinking to place notions on crime and punishment before an entire and complete cohort of offenders on probation in one probation area in one entire month to analyse both their responses to those notions and their own autonomously espoused notions.

Speaking in her own ceaseless brutality, the researcher asks whether it is acceptable to let any form of brutality, including one's own, linger to blight lives, let alone escalate to widen and deepen the blight? Whether it be brutality by an individual, an organisation or the state, and whether it be grindingly persistent and unacknowledged by society as brutal, or sudden and shocking and censoriously labelled by society as such, all brutality perhaps needs to be acknowledged, de-escalated and de-normalised, with the earliest possible shared identification of it and intervention to address it, creating a less brutal normality and preventing brutality lingering and escalating to blight more lives more deeply, to thereby try and make real and automatic the UNDHR's 'progressive measures' to enact 'a common standard' to prevent 'barbarous acts'.

## Declaration/Statements Page

### DECLARATION

This work has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any degree.

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This thesis is the result of my own investigations, except where otherwise stated.

Other sources are acknowledged by footnotes giving explicit references. A bibliography is appended.

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**SHARING DE-BRUTALISATION:  
Anachronizing Crime, Punishment, Inherent Harm and Wasted Potential**

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<sup>1</sup> As they provide enough information to identify individual participants when taken alongside date and place of universal participation

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## **Abbreviations**

Articles	Articles of the United Nations Declaration of Human Rights
ASSET	Not an acronym - a form of assessment used by YOTs
BBC	British Broadcasting Corporation
Blair	Former Prime Minister Tony Blair MP
BLM	Black Lives Matter
BME	Black and Minority Ethnic
Cameron	Former Prime Minister David Cameron MP
CCTV	Closed Circuit Television
CRB Check	Criminal Records Bureau now DBS (Disclosure and Barring Service)
DPGTD	Directorate for Public Governance and Territorial Development
DTTO	Drug Treatment and Testing order
FA	Football Association
IED	Improvised Explosive Device
IEP	Institute for Economics and Peace
ITV	Independent Television
JSIO	Joint Services Interrogation Organisation
LAC	Looked After Child (a child in care)
Major	Former Prime Minister John Major MP
May	Former Prime Minister Theresa May MP
MoD	Ministry of Defence
NEET	Not in Education, Employment or Training
NELFT	North East London NHS Foundation Trust
NHS	National Health Service
NOMS	National Offender Management Service
OASyS	Offender Assessment System
OFT	Office of Fair Trading
OGRS	Offender Group Reconviction Scale
ONS	Office for National Statistics

Par	Participant in the study
Pira	Provisional Irish Republican Army (IRA)
SEU	Social Exclusion unit
SPSS	Statistical Package for the Social Sciences data analysis software
UASC	Unaccompanied Asylum-Seeking Child
UK	United Kingdom
UN	United Nations
UNDHR	United Nations Declaration of Human Rights
USA	United States of America
WEF	World Economic Forum
WHO	World Health Organisation
YOT	Youth Offending Team

## CHAPTER 1: INTRODUCTION

Brutality is a harsh word and this researcher deliberately chooses it as such. For her, to admit brutality baldly, both personal and systemic, is central to confronting its endemic, yet largely unacknowledged, pervasive presence. The word itself is usually reserved for the most heinous violent acts. Indeed, it could be argued that it is important to reserve it for such acts, in order to set such acts apart for particular censure. Yet, for this researcher, to do so is to pretend brutality *is* something set apart. For her, the reverse is true and brutalisation is enshrined in the very fabric of current personal and systemic functioning. Even the politics and law which govern such functioning are explicitly structured, by their adversarial paradigms, to be brutal, as is their protection through militarized national defence.

This researcher's own years in military intelligence, interrogation and debrief, while being sexually abused and assaulted by her officers, gave her an intimate relationship with the brutality woven into both personal and systemic functioning. On challenging this functioning, she was investigated and sacked for being a lesbian. This challenge, and the investigation against her which it provoked, with such a challenge being perceived as a threat to be countered with a reciprocal threat, goes to the heart of the intrinsic brutality of adversarial systems of managing functioning. All the potential for empathetic constructive action to de-escalate harm is lost in the brutality integral to accusation and counter-accusation. Though some may argue that it is through accusation that brutality can be exposed and through confrontational argument that the truth of it can be considered, to this researcher the reverse is true. To her, the pressure from such combative structures to lie, defend oneself, justify oneself, accuse others, prevaricate or remain silent, rather than empathetically examining what happened and taking



constructive action to repair the harm, is a barrier to exposing, considering and ameliorating brutality. She sees such structures as inherently harmful to the empathy, constructive activity and de-escalation of harm upon which functioning might less harmfully flourish and, thus, as the source of preventable wasted human potential lost in harmful functioning. It is this that her research examines, along with the need for environments to nurture honesty to facilitate it, whilst also obliging it and its demonstration.

The research looks at the benefits to this of legal compulsion to answer all questions on narrow issues of public interest in a straightforward manner under multi-technological scrutiny. Not that such technology is infallible, nor that it should be wholly believed, but simply that it is at least more objective than human judgement and, when multiplied, can be mutually self-checking, as well as, when responses are obliged, providing subject matter for interviews. As a former military intelligence interrogator and debriefer, this researcher knows the value of such ‘pressure points’<sup>2</sup> in questioning as much as she knows the importance of not relying wholly upon technology in this regard. She would agree with all those who might claim that it could lead to a temptation to trust this technology to the exclusion of all else. Indeed, it could be argued that the right to remain silent is central to justice, just as, in other spheres of public interest, where its use might be equally relevant, it might undermine such things as presentation as central to politics, as well as opacity as the entitlement of all. This researcher would not disagree with this last and would suggest that better administering honesty on narrowly pertinent issues of public interest could actually facilitate opacity on the private matters that are currently being drawn into the public domain in existing models of establishing

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<sup>2</sup> Terminology used within the Joint Services Interrogation Organisation in which she served

truth. In fact, such honesty is already legally required in driving offences, where drivers are already effectively forced to acknowledge guilt even if it means the severe consequence of losing their licence or even jail.

This researcher would not disagree with any arguments against required honesty, if operating within brutal systems and among brutal people. In brutal systems, or among brutal people, the truth may need to be hidden for survival, as in the case of this researcher whose honesty over her lesbian identity led to her sacking. It might be a shared approach to de-brutalising systems and people that could make honesty safe enough to allow for empathy, constructive activity and de-escalation of harm to flourish, which, in turn, could then go on to facilitate more sharing of de-brutalisation. It may be the degree to which honesty can safely flourish that is the measure of the unbrutality of systems and people.

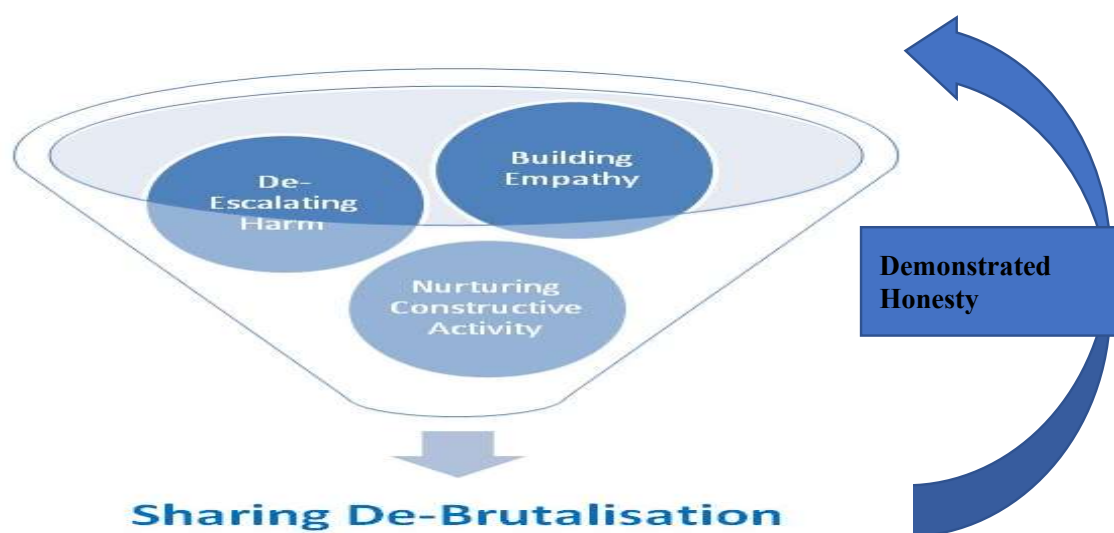


Fig. 1.1 Sharing De-Brutalisation (1)

In this regard this researcher cites her own experiences as she was penalised by brutal government systems, not for her brutalities but for her identity as a lesbian. Her job

would have been safe if she had kept that true identity hidden, as well as the truth of the sexual abuse and assaults to which she was subject. Measuring whether something, such as a lesbian identity or sexual abuse and assault, should be permitted or countered may more usefully rely on a safe honest consideration of whether that thing wastes potential or is inherently harmful, rather than on adversarial warring over it. In this researcher's case, adversarial warring over whether it was harmful and a waste of potential to sack her for being a lesbian or, conversely, to keep her, took more than 10 years of battle against the government to ask to be permitted to serve her country even though she is a lesbian. The UK courts upheld the legitimacy of sacking people for being gay and she did not get her job back, while the battle brought her life into the public domain and led to brutal headlines and stories about her in the media.

Media coverage shifted seamlessly from the positive at the outset.....



.....to the negative for the remainder



Fig. 1.2 Media

Some of these were true, advertising her brutality to the world for censure, and others were lies, demonstrating the systemic brutality of unaccountable media advertising of people's lives. The researcher's public battle led to police investigations into her, exposed by the police to the media, social service investigations into her parenting, exposing her daughter and herself to fears for the safety of their family, and launched a media platform to be utilised by friends to publicly denounce her. She faced an attritional battle over such issues, to this day without resolution, which left her unable to stand, lift her head, write coherently, smile, laugh, listen to music, function without crawling, interact with others without panicked sweating warring, parent her daughter in the manner her daughter deserved and drove her from London in an attempt to escape. It cost her young daughter a stable mother and their little family of two tens of thousands of pounds, far more than they ever recovered from the government when the UK was found, in Europe, to have violated the UNDHR<sup>3</sup>.

#### **Naïve Optimism at the Outset**



Fig. 1.3 Naïve Optimism at the Outset

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<sup>3</sup> The United Nations Declaration of Human Rights (UN General Assembly 1948)

Furthermore, that finding did not give her back her job, nor restore her good name, such as it was, nor address the abuse and assaults, nor even cover her costs, but left her with ongoing mental illness and not permitted to use her rank or wear her uniform, in the honorary way veterans are usually permitted, nor invited to veterans' events, as is customary. She is not to be made available to this country to be recalled to use her training in the service of her country, even if the country was at war, and receives no support from the MoD for the psychology injuries of her service and dismissal.

**Thousand Yard Stare**



Fig. 1.4 Thousand Yard Stare

It is within this context of being brutalised by her own country that this researcher undertakes this research on brutality. She believes that it is likely that anyone whose own government abused him/her, upheld by his/her own country's courts and media, whilst being abetted by his/her own country's military police, whom she eventually forced to investigate the sexual abuse and assaults and that then dismissed them, in one

case after an interview with an alleged attacker that lasted less than 8 minutes including all the interview formalities, would be likely to experience his/her own country as brutal. The attitude of government, courts and police, along with the failure of lawyers to properly represent her, taught this researcher to view courts, authorities and lawyers as just another layer of brutality, taking thousands of pounds of people's money for the claimed pursuit of a justice that they do not actually pursue. This realization has meant that this researcher is just one more individual effectively denied access to justice, unable to entrust any issue, or yet more money, to the courts and lawyers, and warned against attempting it by doctors, because of the mental health effects of the processes involved. This effectively means that she, along with many others in disparate but comparable situations, such as Participant 7\*, is subject to brutality from anyone at any time with impunity, as the law is not perceived, often with good reason, to be accessible to them.

**\*Participant 7:** *'I've been bottled in the face and I pressed charges and everything and the police haven't even bothered to go and arrest him. If it had been me, I'd be standing behind a load of bars, so...I don't have faith in the justice. I've been there when things have been done to me and nothing's been done about it... so... it's like... it's like catch twenty-two all the time. You've just got to be strong in this world really. Because if you don't, you'll be weak.... and more vulnerable really'*

Fig. 1.5 Participant Seven

These individuals are often then criminalized for taking the law into their own hands, as another participant described, when actually 'you've got to protect yourself' if feeling a lack of the protection of society<sup>4</sup> and its rules. This researcher herself has used violence to protect herself, her property and her right to be left alone, because she does not trust the courts to protect her. In her own experience, the law itself is not an option for

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<sup>4</sup> See the section on 'Lack of Rules-Protection' in Chapter 4

anyone who does not want to spend years being brutalised through the legal system without any restoration, even if one wins one's case. 'It is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law'<sup>5</sup> (UN General Assembly 1:1948), yet the brutality of the systems ostensibly in place to achieve this, along with the endless attritional breadth of the brutalities to be tackled, leaves few with the stomach for the endless battles to target one manifestation of brutality after another through an inherently brutal system which does not even offer the prospect of success, even in success.

This has brought the need for an holistic approach to brutalities, and their shared de-brutalisation, into sharp relief for this researcher. Without an holistic de-brutalisation of brutality as a whole, shared across peoples and systems, the 'competing demands and limited resources' (Accorsi et al 1:2001) needed to tackle each one individually will go on competing and demanding, draining limited resources, including individuals' mental health resources, without touching the brutality of the whole. In just this way 'poppy seller Olive Cooke faced an uncontrollable deluge of charity letters'<sup>6</sup> and 'took her own life' as a '92-year-old', 'distressed and overwhelmed' by the 'sheer volume' (Bingham 2016)<sup>7</sup> of the world's individual agonies. In such ways, people drown in an overwhelming sea of piecemeal symptoms of a brutal whole or ignore them, as Lessing's 'Dick' washes 'my hands of the thing' (29:1950<sup>8</sup>) lest they be overwhelmed because 'I work hard enough, don't I?'<sup>9</sup> (Lessing 78:1950).

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<sup>5</sup> The United Nations Declaration of Human Rights (UN General Assembly 1948)

<sup>6</sup> Anecdotally, this researcher's father was also drowned in charity begging letters that he could not manage, but could not bring himself to throw away either

<sup>7</sup> See <http://www.telegraph.co.uk/news/uknews/law-and-order/11605549> Bingham J., 2016

<sup>8</sup> From 'The Grass is Singing' by Doris Lessing

<sup>9</sup> From Chapter 5 'The Grass is Singing' by Doris Lessing

Likewise, with public policy, while each component of society is considered piecemeal in an individual 'silo' (Portas 2017<sup>10</sup>), rather than as part of a cohesive whole, energy may be wasted in managing harms fragmentarily, while society itself fails to be constructed as a consistent harm-minimising whole. In the same way that any lack of a consistent whole might undermine cohesive strategizing, lack of detail, when a consistent whole is promulgated, also seems likely to undermine it. A vision, whether it be Major's 'Back to Basics' or Blair's 'Education Education Education' or Cameron's 'Big Society' or May's 'Shared Society', without the detail of how to achieve that vision, might not be credible. Identifying what consistent public policy is on offer to achieve an identified type of society holistically, and the details of how individual policy areas are intended to fit within that, in order to ensure the democratic process is informed by seeing and choosing an holistic direction of travel and its means of delivery, may be the only honest political process. Furthermore, the best assessment of its authenticity might lie in it being actively demonstrated through the delivery of panoptic policies consistent with delivering it. In the same way, with the assessment of an individual, the authenticity of that individual's claims can also perhaps be best assessed by the extent to which they are actively and consistently demonstrated.

In this regard, the harm de-escalatory vision of sharing de-brutalisation is explored in this research in terms of the actively demonstrated consistency of detail-delivery that might legitimately be required of individuals, organisations and societies in shared ways if there is an authentic wish to be post-brutal. The study considers factors that seemed to emerge as brutalising the lives of its cohort and that seemed to be impeding any shared endeavour to counter that brutalisation. It discusses how consistent detail-delivery on

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<sup>10</sup> Orally in 'A Place Called Home' on BBC Radio 4



these issues might holistically replace the preventable harms that emerged in this research with the nurtured potential to be more constructively and empathetically active instead. Throughout the study the importance of ‘employment’ and ‘education’, in their broadest senses, appeared paramount in this, alongside the need to ‘re-boot’ these constructive activities where they had been lost and to foster empathy and de-escalate harms in their delivery.

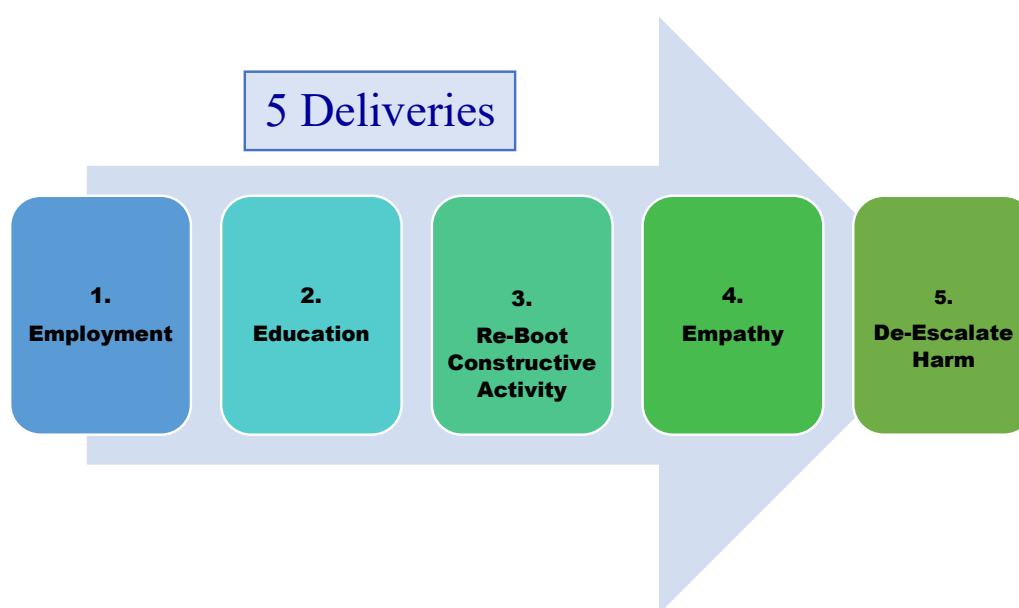


Fig. 1.6 Five Deliveries

However, if citing concepts such as ‘education’ is to be more than an undefined call for ‘Education Education Education’, then the detail of these deliveries also needs to be considered. That consideration, across the chapters that follow in line with the summary below, is linked throughout the research to the specific brutalities that emerged as pertinent in this study with possible practical ways to share their de-brutalisation. Alongside this, the practicality of ensuring that such deliveries are affordable is also considered, by relating the cited need for ‘employment’ and ‘education’ to the practical

need to create the wealth and wealth-creators to pay for the services that are to be delivered in order to achieve that same ‘employment’ and ‘education’.

Detail-Delivery				
<p><b>Employment</b></p> <p>or other Participatory Contribution as</p> <p><i>Constructive Activity</i> through work, education, training, charity work, starting a business or disseminating quality parenting or any other alternative project or contribution that suits an individual and fits with their life in rewarding, advancing, non-harming, pride-giving active pursuit of goals in non-harming ways with quality productivity in performance and as the</p> <p><b>Conduit for Sufficient Payments</b> to Fund Quality Lives, services and obliged insurance for times of need, including for health care and social care and for retirement, to</p> <p><b>Make Wealth To Fund Services</b> through constructively exercised personal responsibility, aspiration and independence to end unemployment, money without effort and effort without money</p>	<p><b>Education</b></p> <p>in a Fully Funded Full Range of</p> <p><b>Youth Opportunities and Fully Funded Lifelong Education</b></p> <p>based on advancing development of aptitudes and appetites and well-being and happiness, including a certified life preparation course, culminating in a valuing rite of passage into a consistent age of adulthood to</p> <p><b>Make Wealth Creators To Fund Services</b></p> <p>nurturing</p> <p>- Advancement Focus and Identity - Channelled Endurance in Attraction - Constructive Prominent Belonging - Appropriate Persistence, Change and Selection - Personal Responsible Activity - Resilient Faith in Personal Capacity – in <i>Constructive Activity</i> and constructive, flexible thinking fostered from childhood</p>	<p><b>Re-Boot Constructive Activity</b></p> <ul style="list-style-type: none"> <li>- take timely and sufficient action on mental and physical <b>health</b> problems</li> <li>- provide sufficient regulated access to <b>substances</b> and/or medication to enable positive functioning</li> <li>- ensure the <b>loss of gain from harm</b></li> <li>- in response to harming action, endorse <b>life preparation</b> certificates and facilitate their retaking</li> <li>- in response to harming action, provide a <b>risk-monitoring and autonomous-progress response</b> of mechanisms for demonstrated progress which allow for immediate progress to be demonstrated with swiftly responsive progressive assisted release from monitoring and containment and enabling alternatives to harm with objective action-measurements of specific harm-reduced risk-proportionate specific action to assess progress-tariffs in meeting required expectations specific to harm caused in repair-based, non-punitive, swift, early, respectful, timed and timely interventions with high-quality universally accessible service-user controlled interventions for holistic resolution with authorities as resources and containment only where monitoring cannot contain risk to share the undoing of brutalising situations non-adversarially in a shared search for effective remedy and resolution with advocacy for all.</li> <li>- ensure protection for women and children, preventing disruption to their lives, and training of <b>expertise in parenting</b></li> <li>- ensure interventions are early when quality of life is lacking to end tolerated downward life spirals, social isolation and harming social interaction with client-led appropriately timed and timely holistic action to ameliorate brutalising experiences and to build social inclusion and autonomous engagement with fully funded <b>advocacy</b> for all involved and authorities as resources for clients</li> <li>- require and monitor openness and <b>demonstrated honesty</b> on narrowly pertinent questions and actions of public relevance, including political decisions and brutality, utilizing multiple mutually checking technology as it emerges</li> </ul>	<p><b>Empathy in Equality of Diversity</b></p> <ul style="list-style-type: none"> <li>- ensure respectful and valuing <b>media</b> representation of diverse lives and respectfully expressed and heard uncensored diverse views with clear delineation between opinion and demonstrable fact</li> <li>- uphold empathetic <b>behaviour and treatment</b> in pursuit of constructive solutions/moralities/drives and desires</li> <li>- ensure compassionate <b>humanisation</b> in morality, ideology, pragmatism, politics, discussion and religion with respectful interaction and self-expression</li> <li>- support <b>quality relationships</b>, domesticities, family lives, parenting and childhoods</li> <li>- provide for cultural and political participation, self-realization and protection, including of dignity and personality, as well as freedom of thought and its expression and of movement and residence and to associate, or not, and from arbitrary interference, alongside upholding duty, including to provide humane treatment, information and respect for others and their rights, including for those marginalised by inequality and hostility to diversity, without individuals having to suffer to fight for these rights in <b>automatic implementation of the UNDHR</b> to ensure the equality of the value of lives</li> </ul>	<p><b>De-Escalate Harm in Protection Inclusivity</b></p> <ul style="list-style-type: none"> <li>- require active ethical <b>custodianisation</b> in all ownership and profit</li> <li>- provide advancing and safe contexts and locations and <b>homes</b> for all</li> <li>- enable <b>ethical delegation</b> to authority by aligning law against harm and preventing any form of exclusion from any type of protection</li> <li>- provide automated instantly accessible <b>transparent universally applied rules guides</b> easy to operate and understand, online and providing straight forward situational legal escape routes</li> <li>- enable sustainably structured technically monitored and assisted <b>driving</b> to be available for all</li> <li>- ensure policy activity involves everyone, including in defining brutality, and in creating policy, including to de-brutalise brutality, <b>building shared understanding</b>, working in cooperative ways where all voices are respectfully heard in resistance-friendliness</li> <li>- provide policy consistency in accordance with a totality of values including in consistent morality on violence in <b>consistent execution of consistent law</b></li> <li>- arrange society's institutions as <b>resources</b> for people, with institutions to represent the whole of society that provide constructive educational/training/societal/ and official experiences</li> <li>- enable <b>automatic implementation of the WEF challenges</b> in a fourth industrial revolution of non-harming industrial, ownership and business practices through shared world ‘solidarity’ in protecting the shared world and its beings, without needing individuals to have to suffer to fight for these progressions</li> <li>- only use natural capital [e.g. natural assets like land, air, water, flora and fauna] when physicalised [e.g. as industrial sites (land) industrial dustbins (air and water) industrial materials (flora and fauna)] in a manner to <b>protect and share natural capital</b></li> </ul>

Tab. 1.1 Detail-Delivery

This research considers how, without at least attempting this shared de-brutalisation in practical detailed ways, humans may simply continue to live, whether alone with themselves or alone with each other, as their own ‘hungry beating brutish one’ who is ‘the heavy bear who goes with me’ (Schwartz<sup>11</sup> 1967). Each individual, together or apart, living ‘solitary, poore, nasty, brutish and short’ (Hobbes 102:1651) lives. Such brutality of life, and the ways that tackling its preventable manifestations might be shared to anachronize any inherent harm and wasted potential within it, lies at the core of this research. It uses crime, and resultant punishment, as an exemplar of brutality and resultant counter-brutality, to highlight any self-perpetuating cyclicity of brutality, in a way which reminded Raynor (2017), when reading the study, of ‘those to whom evil is done, do evil in return’<sup>12</sup> (Auden 103-106:1940). If law does not step outside cyclical brutality and counter-brutality and embrace everyone in its protection, ‘rebellion’<sup>13</sup> may be legitimate and, indeed, ‘compelled’<sup>14</sup>.

This study considers the factors that might constitute the brutality to be avoided and how these factors might be addressed in cooperative shared ways, to gradually anachronize crime, punishment, inherent harm and wasted potential, in order to work towards sharing de-brutalisation. However, the very notion of brutality itself, namely being ‘savagely cruel, merciless’<sup>15</sup>, or even simply being ‘coarse’,<sup>16</sup> in this context treated as ‘rude, uncivil’<sup>17</sup>, might not be capable of universal shared definition, let alone

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<sup>11</sup> Delmore David Schwartz poem entitled ‘The Heavy Bear Who Goes With Me’

<sup>12</sup> ‘September 1, 1939’ by WH Auden 1940

<sup>13</sup> The Universal Declaration of Human Rights (UN General Assembly 1948)

<sup>14</sup> The Universal Declaration of Human Rights (UN General Assembly 1948)

<sup>15</sup> Two of the three definitions of ‘brutal/brutality/brutalise’ as defined by the Concise Oxford English Dictionary, Seventh Edition

<sup>16</sup> The third definition of brutal/brutality/brutalise as defined by the Concise Oxford English Dictionary, Seventh Edition, but appearing before the other two in the dictionary, though the other two have been given greater prominence here

<sup>17</sup> Two of the many definitions of ‘coarse’ as defined by the Concise Oxford English Dictionary, Seventh Edition

shared undoing. In this regard, UNDHR, as a shared standard for the collective protection from ‘barbarous acts’ of everyone everywhere (UN General Assembly 1:1948), may be an existing framework upon which sharing de-brutalisation, might be predicated. It certainly contains the core elements that feed sharing de-brutalisation, namely protection from **harm**<sup>18</sup>, playing **a constructive role**<sup>19</sup>, such as with some form of employment for adults and the active development of young people including in education, and an **empathetic**<sup>20</sup> equality in diversity.

Universal Human Rights in a Shared Society		
Constructive Activity	Empathy	De-Escalating Harm
<p><b>Article 13.</b> Everyone has the right to freedom of <b>movement and residence</b> within the borders of each state (and)... to <b>leave any country</b>, including his own, and to <b>return to his country</b>.</p> <p><b>Article 16.</b> Men and women.....have the <b>right to marry and to found a family</b>. They are entitled to equal rights as to marriage, during marriage and at its dissolution, ..... Marriage shall be entered into only with the <b>free and full consent</b> of the intending spouses.....<b>The family .....is entitled to protection</b> by society and the State.</p> <p><b>Part of Article 19.</b> Everyone has the right to ..... <b>seek, receive and impart information and ideas through any media and regardless of frontiers</b>.</p> <p><b>Article 21.</b> Everyone has the right to <b>take part in the government</b> ..... (and) have <b>equal access to public service</b> ..... (while also) <b>The will of the people shall be the basis of the authority of government...</b>expressed in periodic and genuine elections which shall be by <b>universal and equal suffrage and shall be held by secret vote</b>.</p> <p><b>Article 22.</b> Everyone ... has the right to <b>social security</b> and is entitled to <b>realization</b>.....of the <b>economic, social and cultural rights indispensable for his dignity</b></p>	<p><b>Article 1.</b> All human beings are born <b>free and equal in dignity and rights</b>. They are endowed with reason and conscience and should <b>act towards one another in a spirit of brotherhood</b>.</p> <p><b>Article 2.</b> Everyone is entitled to <b>all the rights and freedoms</b> set forth in this Declaration, <b>without distinction</b> of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, <b>no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs</b>.</p> <p><b>Article 11.</b> Everyone charged with a penal offence has the right to be <b>presumed innocent until proved guilty according to law</b> in a public trial at which he has had <b>all the guarantees necessary for his defence</b> (and) <b>No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed</b>.</p> <p><b>Article 12.</b> <b>No one shall be subjected to arbitrary</b></p>	<p><b>Article 3.</b> Everyone has the right to <b>life, liberty and security</b> of person.</p> <p><b>Article 4.</b> <b>No one</b> shall be held in <b>slavery or servitude</b>.</p> <p><b>Article 5.</b> <b>No one</b> shall be subjected to <b>torture or to cruel, inhuman or degrading treatment or punishment</b>.</p> <p><b>Article 6.</b> Everyone has the right to <b>recognition everywhere as a person before the law</b>.</p> <p><b>Article 7.</b> <b>All are equal before the law</b> and are entitled without any discrimination to <b>equal protection</b> of the law. All are entitled to equal protection <b>against any discrimination</b> in violation of this Declaration and <b>against any incitement</b> to such discrimination.</p> <p><b>Article 8.</b> Everyone has the right to an <b>effective remedy</b>.</p> <p><b>Article 9.</b> <b>No one shall be subjected to</b></p>

<sup>18</sup> Red is used to indicate **Brutalising** factors such as those that cause **Harm**

<sup>19</sup> Shades of Green are used to indicate **de-brutalising** factors such as those that involve **Constructive Activity**

<sup>20</sup> Shades of Green are used to indicate **de-brutalising** factors such as those that involve **Empathy**

<p>and the free development of his personality.</p> <p><b>Article 23.</b> Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment... (and) without any discrimination, has the right to equal pay for equal work (and) just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection (while also having)....the right to form and to join trade unions for the protection of his interests.</p> <p><b>Article 24.</b> Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.</p> <p><b>Article 26.</b> Everyone has the right to education..... free, at least in the elementary and fundamental stages (and)..... compulsory (while) technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit (with) Education...directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and.... the maintenance of peace (but also) Parents have a prior right to choose the kind of education that shall be given to their children.</p> <p><b>Article 27.</b> Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits (and).... to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.</p> <p><b>Part of Article 29.</b> Everyone has duties to the community in which alone the free and full development of his personality is possible</p>	<p>interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.</p> <p><b>Article 14.</b> Everyone has the right to seek and to enjoy in other countries asylum from persecution.</p> <p><b>Article 15.</b> Everyone has the right to a nationality (and) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.</p> <p><b>Article 17.</b> Everyone has the right to own property alone as well as in association with others (and) No one shall be arbitrarily deprived of his property.</p> <p><b>Article 18.</b> Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.</p> <p><b>Part of Article 19.</b> Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference</p> <p><b>Article 20.</b> Everyone has the right to freedom of peaceful assembly and association (and) No one may be compelled to belong to an association.</p> <p><b>Part of Article 25.</b> Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.</p>	<p>arbitrary arrest, detention or exile.</p> <p><b>Article 10.</b> Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.</p> <p><b>Part of Article 25.</b> Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.</p> <p><b>Article 28.</b> Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.</p> <p><b>Part of Article 29.</b> In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.</p> <p><b>Article 30.</b> Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.</p>
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Tab. 1.2 Universal Human Rights in a Shared Society

However, even these agreed Articles continue to be mired in endless piecemeal attempts at implementation, one by painful one, over and over again. In just such a way, their

implementation for just one group in just one job in just one country, in the researcher's case homosexuals in the military in the UK, took more than 10 years of battle to be addressed. Thus, the 'perpetual and restless desire of power after power that ceaseth onely in death' (Hobbes 79:1651) continues to have to be forced step by painful step into adherence to that to which it has already agreed in the UNDHR. In this, it may be that brutality is inherent to human beings, whether biologically, as animal drives, or socially, as moralising humans. This might inform a race-like relativity of advancement that may be inextricably bound to being better than others by means of defeating or vilifying others. This may mean that life might be innately brutal and antagonistic to sharing, as individuals, their groupings and societies vie to be superior and supreme. This would doom any attempts to share de-brutalisation, if it could not evolve, or be evolved, into something more cooperative. Any such fate, however, might only be demonstrated, or refuted, by making the attempt in the form of practical application. Furthermore, that attempt may be intrinsically worth making, regardless of whether it is successful.

This research examines any possible means by which to make any such attempt, alongside the costs, in terms of crime, punishment, inherent harm and wasted potential, of failing to even attempt it. It considers ways to break what Auden calls 'habit-forming pain', 'vain competitive excuse', 'international wrong' and 'all the conventions' that 'conspire' to turn each person and their systems into a 'fort' that 'assume(s) the furniture of home'<sup>21</sup>. Instead, being brave enough to recognize that 'we are lost in' Auden's 'haunted wood'<sup>22</sup>, seeking 'not universal love but to be loved alone', so that we can confront these states in ourselves and start to live in the

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<sup>21</sup> 'September 1, 1939' by WH Auden in *Another Time* 103-106:1940

<sup>22</sup> 'September 1, 1939' by WH Auden in *Another Time* 103-106:1940

knowledge that ‘no one exists alone’ and ‘we must love one another or die’<sup>23</sup>. In this regard, openness to our own brutalities, and to those of our systems, and taking a shared approach to addressing them may be the only way forward. The role of authorities in leading this could be vital, if individuals are not to have to continue to fight each fight one by one at such great personal cost, in the way this researcher’s experience exemplifies. Perhaps nations, or their representative UN, need to be obliged to proactively pursue consistent adherence to their own agreed Articles, across and within each jurisdiction, with a sharing de-brutalisation ‘Tsar’ asking always ‘is there inherent harm or wasted potential in what is being done and does it thereby brutalise lives?’ and acting to address it when it does.

To this researcher it seems an ‘un-deniable’ (Jefferson 1776<sup>24</sup>) truth that is ‘self-evident’ (Franklin 1776<sup>25</sup>) that it is not acceptable to let any form of brutality, including one’s own, linger to blight lives, let alone escalate to widen and deepen the blight. Whether it be brutality by an individual, an organisation or the state, and whether it be grindingly persistent and unacknowledged by society as brutal, or sudden and shocking and censoriously labelled by society as such, all brutality surely needs to be acknowledged, de-escalated and de-normalised, with the earliest possible shared identification of it and intervention to address it, creating a less brutal normality and preventing brutality lingering and escalating to blight more lives more deeply.

It is with this in mind that the word ‘brutality’, in the de-brutalisation to be shared, is specifically used in this research to confront the unvarnished situation that is currently being tolerated. It is a word that has engendered both hostility and squeamishness in

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<sup>23</sup> ‘September 1, 1939’ by WH Auden 1940

<sup>24</sup> In terms of the United States of America’s constitution

<sup>25</sup> In terms of the United States of America’s constitution

authorities, when the researcher has deployed it in practical scenarios through her charity, set up to use her findings to test sharing de-brutalisation<sup>26</sup> with its practical application. She has been told ‘I don’t like that word!’<sup>27</sup> and ‘are you sure you are happy with that word?’<sup>28</sup> and even ‘that is a terrible name’<sup>29</sup>. For her, ‘let barbarous things have barbarous names’ (Lewis 240:1971). Facing up to harsh words that confront harsh realities is part of recognizing the brutality of failing to tackle what Hillyard et al call ‘social harm’ (6:2005), including such harms as poverty (Carlen 2012), which represents a brutality that this researcher has never had to face and which this researcher’s life demonstrably tolerates in the lives of others. That is why it is where she begins and why she began from the ground, allowing her theory of sharing de-brutalisation: anachronizing crime, punishment, inherent harm and wasted potential, such as that exemplified by poverty, to emerge from exploring that brutality.

### **Literature Review and Theory of Brutality in its Social Breadth**

‘There is no doubt that poverty makes people’s lives shorter and more brutal’ (Sentamu <https://www.theguardian.com> 2011). Statistical links between murder and areas of poverty (Dorling 2005), mean anything labelled crime cannot be divorced from broader social harm (Hillyard and Tombs 2005), such as poverty and what Dorling (40:2005) calls ‘social violence’. Poverty is currently tolerated, while rehabilitation is simply rehabilitating the poor to ‘come to terms with poverty’ (Carlen 2012<sup>30</sup>). The deprivation of so many disadvantaged groups is like an ongoing punishment, with society ‘repeatedly punishing the poor’ (Carlen 2012<sup>31</sup>). People are sent to prison

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<sup>26</sup> The Centre for Sharing De-Brutalisation, Charity Registration Number:1171016, viewable on website at <http://thecentreforsharingde-brutalisation.com>

<sup>27</sup> A Northamptonshire Police and Crime Commissioner’s Officer 2017

<sup>28</sup> A Voluntary Impact Northampton Administrative Officer 2017

<sup>29</sup> A Prospects’ Charity Worker 2019

<sup>30</sup> Orally in the Eve Saville lecture on 6.11.12

<sup>31</sup> Orally in the Eve Saville lecture on 6.11.12



because ‘they are poverty stricken’, when safe housing and a job is what actually initiates becoming law abiding (Carlen 2012<sup>32</sup>). Criminal risks are inherent in poverty itself, such that people are currently being imprisoned for the risks of their social condition (Carlen 2012), such as ‘where the kids live’ are ‘where the real challenges are’ (Bilton 2012<sup>33</sup>). Their lives are blighted by difficulties from their background, says the Head of Fernhurst School (Bilton 2012).

Permitted social brutalities like poverty and other childhood harms can be addressed with the social harm approach advocated by Hillyard et al (63:2005) to address harm more broadly in its breadth of ‘perspectives’, ‘analysis’ and ‘prescription’ for healing. If ‘creating for the child an environment in which he can flourish’ (Campion 59:1985) is not universally provided, then it may beg the question ‘who is to be rehabilitated to what?’ (Carlen 2012<sup>34</sup>). If this is not considered then much harm goes unaddressed and individuals can be targeted, while social structures, like deprivation and inequality, can be ignored (Hillyard and Tombs 2005).

‘There is no moral basis for treating one-on-one harm as criminal and indirect harm as merely regulatory’ (Reiman and Leighton 83:2017). If this illegitimate basis is used then ‘normal social problems’ can be ‘hidden from view’ and the importance of ‘holding together the social fabric of the country’ lost (Hughes 2012<sup>35</sup>): the ‘intentional killer’ can be considered more culpable than the ‘indifferent killer’ (Hillyard and Tombs 11:2005) and terminology like ‘accident’ or ‘disaster’ can be used to mask the

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<sup>32</sup> Orally in the Eve Saville lecture on 6.11.12

<sup>33</sup> Orally in Panorama on BBC 11.9.12 ‘Trouble on the Estate’, BBC.

<sup>34</sup> Orally in the Eve Saville lecture on 6.11.12

<sup>35</sup> Speaking at Powers, Liabilities and Expertise in Community Safety: Comparative Lessons from the UK and Republic of Ireland, one day research colloquium at the centre for crime, law and justice at Cardiff university, 2.11.12, URBIS.

responsibility of that 'indifferent killer' (Hillyard et al 10:2005), while reserving the label crime for the law of the winners, even though crime per se does not even actually exist (Christie 1986).

'Only acts exist, acts....given different meanings within various social frameworks' (Christie 3:2004) and the understandings thereof. Indeed, 'the source of every crime' itself is actually 'some defect of the understanding or some error in reasoning or some sudden force of the passions' (Hobbes 231:1651). Therefore, it seems far more pertinent to concentrate on improving that 'understanding' and 'reasoning', alongside seeking what is authentic within the 'passions', as opposed to what is a defence of the authentic within them, to ameliorate 'crime', and other preventable brutalities, containing them where necessary while they are de-brutalised, but always focussing on de-escalating, rather than escalating, any cycle of brutal deeds with brutal responses by avoiding the latter.

Some argue the opposite and say that, without brutal responses to brutal deeds, such brutal deeds would proliferate, unchecked by the fear of commensurate levels of consequence. 'Without the whiff of fear our conscience sleeps' (Crozier 1948<sup>36</sup>). For this researcher, however, this deployment of fear to secure compliant functioning means functioning is inherently underpinned by brutality, whilst also implicitly endorsing the notion that it is legitimate to use fear as a mechanism to control functioning. In just such ways smacking a child might endorse the notion in that child that violence is a legitimate means of taking control<sup>37</sup>. Nevertheless, many still believe that such violence, sanitised as 'smacking', is an acceptable way to control children, 'because it 'sends a

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<sup>36</sup> 'St Nicholas' with score by Benjamin Britten and libretto by Eric Crozier 1948

<sup>37</sup> The Welsh Government has published a Bill on removing the reasonable chastisement defence <https://gov.wales/wales-takes-next-step-end-physical-punishment-children>

message' about unacceptable behaviour' (Ross <https://www.telegraph.co.uk> 2013), even though others argue that it is hypocritical to tell children one thing about hitting others, yet practice another (Roberts J 2013).

This inherent hypocrisy is echoed throughout the multitude of ways in which some brutalities are accepted and others are not. For example, uncaring can remain an accepted by-product of 'accepted activities' (Hillyard and Tombs 13:2005), even when it is known to risk harm, in exactly the way that 'crime' does. Any uncaring at all, constantly repeated, is known, through the mechanism Matthew and Skuse (2013<sup>38</sup>) outline, to become laid down unhelpfully into 'neural pathways'. This can set up 'patterns or habit of firing' (Matthew and Skuse 2013<sup>39</sup>) which can ingrain brutal forms of being. If brutalised pathways are created in this way, inherent harm might thus also be created, such as the overactive 'stress response' that Matthew and Skuse (2013<sup>40</sup>) describe or the conditioning of anticipatory fear responses (Andrews and Bonta 1998). Feeling under threat, such as in these ways, can then induce violence (Covington 2012) and feed brutalising cycles. Nobody's 'world' should be an 'ugly' one with no trust and 'just hurting each other' and life meaning 'nothing' (Cummins B 2012<sup>41</sup>). Nobody should have to think 'this is my last chance' (Nicola 2009<sup>42</sup>).

Any mechanisms that lead to such cultures cannot be ignored, since humans come into the world knowing less, and being more helpless, than other animals, requiring

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<sup>38</sup> 'The Trauma Recovery Model – explanation and consideration of delivery and evaluation', a paper presented orally at Welsh Centre for Crime and Social Justice Annual Conference

<sup>39</sup> 'The Trauma Recovery Model – explanation and consideration of delivery and evaluation', a paper presented orally at Welsh Centre for Crime and Social Justice Annual Conference

<sup>40</sup> 'The Trauma Recovery Model – explanation and consideration of delivery and evaluation', a paper presented orally at Welsh Centre for Crime and Social Justice Annual Conference

<sup>41</sup> Orally in 'The Road from Crime', Lagan Media Productions Ltd film for the university of Glasgow

<sup>42</sup> Orally in Cohen and Hamann 'Holloway', Television Production for ITV

stimulation to develop and being obliged to learn culture, to learn to be human, guided more by experience than genetics (Roberts A 2013). In this way, it seems unsurprising that LeBlanc et al (1988) cite a dearth of social ties and social constraints, both internal and external, as two of the four principle factors in crime, along with adolescent role and psychological functioning. Within psychological functioning, the best indication of a predisposition for delinquency is egocentric personality, made up of 'social maladjustment', 'negativeness', 'insecurity' and 'primitivity' (LeBlanc et al 5:1988), along with low self-control (Gottfredson and Hirschi 1990).

When low self-control is celebrated, such as by being equated with passion, rather than being condemned, when expressed as violence, it may only represent a celebration of brutality. An example of this might be the manner in which football commentators, such as those discussing the Mexican football team manager's past, when he 'punched' a photographer, describe this as being because he 'wears his heart on his sleeve' (orally ITV Sport 2014), rather than describing him as violent and unable to control himself. Indeed, television and other popular culture frequently sends out the 'message that aggressive behaviour' can be seen as 'a sign of strength and feistiness' in 'good characters', and even that 'the recipient deserves it' (Young 150:2012). Such popular notions that brutality deserves more brutality may simply serve to perpetuate cyclical brutality, rather than de-brutalising it. It can also perpetuate the exclusion of those perceived as 'other', such as the school bully, whose brutality is not understood, while justifying the brutality of those who are understood, such as the heroes in fiction that take revenge upon such bullies. For 'heroes', using violence without consequences to exact brutal revenge, is not only accepted, but endorsed by their heroic peers, such as when 'Hermione' hits the school bully, saying 'that felt good', while other heroes,

namely ‘Ron’ and ‘Harry Potter’, respond by saying ‘brilliant’ and ‘good punch’ respectively (Warner Brothers 2004<sup>43</sup>).

Such a culture, as partially distilled through the media, can even celebrate violence as deserved when the person treated as ‘other’ is no more than just irritating. In an advertisement, ex-footballer Stuart Pearce deliberately kicked a football into the stomach of a character, when he found that character irritating, and then celebrated the attack, while that character writhed on the ground in agony (‘Go Compare’ Advertisement 2012). Furthermore, popular culture is ‘generally trivialising of female violence’ particularly (Young 150:2012), such as when eponymous hero ‘Miranda’ punches a vicar hard enough to knock him off his feet, with no criminal consequences, while dancing along with the rest of the cast as the floored vicar sits and gets patted patronizingly on the head by another cast member (Hart 2013). This cultural ‘climate of casual....violence’ gives the impression that ‘such behaviour is acceptable’ (Young 150:2012). In such ways, popular culture appears to contradict law, contributing to blurred notions of legality. These ‘blurred’ notions of what is ‘fair, shady or illegal’ lead to ‘illegal, unfair or unethical’ practices being seen as ‘neutral, understandable or even meritorious’ (Karstedt and Farrall 1017:2006).

Others argue, however, that ‘aggressive tendencies are part and parcel of human nature’ (Milgram 167:2010). Either way, it might be worthwhile to attempt to pursue an holistic culture of ‘zero harm’ (Hunt 2013<sup>44</sup>) as an ‘always in progress’ process of ‘continual reduction’ (Berwick 2013<sup>45</sup>) of brutality. The current cost of not doing so is

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<sup>43</sup> Orally from JK Rowling's books

<sup>44</sup> Speaking about the NHS on BBC News as Health Secretary

<sup>45</sup> Speaking about offending at the National Advisory Group on the Safety of Patients in England of the NHS Review, NAG.

huge, as each individual symptom of a brutal whole is tackled one by one: just as Hyde (2012) spoke of police callouts to domestic abuse, a child taken into care, a health service use and a prison place all revolve around one brutal familial whole. It is ‘overwhelming and irrational’ for individuals to have to face a multitude of disparate services that look at each problem individually without any of them looking at the whole person and her/his situation in the round (Hyde 2012<sup>46</sup>). It leads to ‘confusion and chaos’ created by the disconnected delivery of services without reference to the whole (Hyde 2012<sup>47</sup>).

By contrast, an holistic approach could provide better services for less cost (Hyde 2012). This might entail forging a culture of ‘people development’, that allows individuals to ‘strive to achieve’ and be ‘proud, active, healthy’ (Nichol 2016<sup>48</sup>) and advancing, rather than brutalising. It might take the form of a journey to create change in lives as a whole, beyond a narrow concept of ‘offending’ (Russell 2012<sup>49</sup>). However, it would require ‘courage from everyone to soak up.....the inevitable failures and lapses along the way’ (Berwick 2013<sup>50</sup>), a courage that it can be argued it is not fair to expect from any public at risk. In this regard, it is understandable that the public remains focussed on the narrow concepts of brutality that they believe affect them, especially since, as described by the IEP<sup>51</sup> (2-3:2013), the ‘public perceptions of the threat of

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<sup>46</sup> Orally presenting the ‘putting women at the centre: developing holistic approaches for women’ paper at the Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

<sup>47</sup> Orally presenting the ‘putting women at the centre: developing holistic approaches for women’ paper at the Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

<sup>48</sup> CEO of UK Sport interviewed on Olympics BBC

<sup>49</sup> Orally presenting the ‘From the too difficult drawer to the mainstream’ Paper presented at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

<sup>50</sup> Speaking about offending at the National Advisory Group on the Safety of Patients in England of the NHS Review, NAG.

<sup>51</sup> Institute for Economics and Peace

violence' are being 'inflated'. Though 'the homicide rate' has been 'halving over the last decade', it still dominates the media (IEP 2-3:2013), while there is 'little to no attention' from the media for 'acceptance of the rights of others' or the 'equitable distribution of resources' (IEP 38:2012), which could focus attention on what might be brutal more broadly. Perhaps it is time for 'new ways to hit the government and hit the public' (Birkett 2013<sup>52</sup>). This might include attempts to 'package news that appeals to our better qualities in ways that make it more appealing and more marketable' (IEP 37:2012).

'If the media is reporting on the elements that create peace, either positively or negatively, then a society is more likely to improve on those aspects' (IEP 38:2012) and perhaps create a less brutal culture. Creating this culture could rely upon activating 'hubs'<sup>53</sup>, that play a disproportionately important role in adopting and spreading ideas (Goldenberg et al 1:2009), and 'hops' (Tadimety 54:2015), where 'everything we do or say tends to ripple' as far as 'our friends' friends' friends'<sup>54</sup> (Fowler and Christakis 8:2008). In addition, *Delphi Method*, devised to obtain the most reliable opinion consensus (Dalkey and Helmer 1:1963), may also have a role to play, such as in exploring any possible consensus over Hillyard and Tombs' definition of harms, the allocation of responsibilities for them and the search for equitable solutions to them (Hillyard and Tombs 17:2005). Any index of harm, seeking to measure what people consider to be the most harmful events (Hillyard et al 62:2005), might be facilitated by using Delphi. Indeed, the Taiwanese Government are already using a technological

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<sup>52</sup> Presenting 'Where are the prams? Media, Politics and Penal Reform: a case study of women's imprisonment' presented at Newport Centre for Criminal and Community Justice Women and Justice

<sup>53</sup> Namely people with an exceptionally large number of social ties

<sup>54</sup> 'Everything we do or say tends to ripple through our network, having an impact on our friends (one degree), our friends' friends (two degrees), and even our friends' friends' friends (three degrees)', but 'our influence gradually dissipates and ceases to have a noticeable effect on people beyond the social frontier that lies at three degrees of separation' (Fowler and Christakis 2008).

form of what might be described as Delphi to help build consensus around new laws.<sup>55</sup> This might be made even more viable by the spread of the connective technology that is not currently being maximized as a ‘collaborative medium’ to ‘change the world’ and its culture for the better (Berners-Lee 2013<sup>56</sup>). Instead it is perhaps enabling people to have dangerous ‘entirely different realities.....cocooned in information that reinforces their current biases’ (Obama 2017<sup>57</sup>). This situation became apparent to the researcher when a friend, who had been sexually abusing boys for years, told her, on being discovered and then questioned by her, that the internet nurtured an alternative cultural view that child-abuse was acceptable ‘boy-love’. Thus ‘culture trumps regulation’ (Berwick 2013), so, if the cultural context is harmful or brutal, then those within it may also be harming and brutal, regardless of regulation. As Boyle (1977) was surrounded by a world of drinking, fighting and thieving, he did the same to survive. Such actions are embedded in social and personal contexts and the local community (Farrall 2002) cultures of individuals, as ‘culture is mankind's primary adaptive mechanism’ (Damen 367:1987).

However, within this, systemic interactions between individuals and societies will still inevitably involve individuals having agency as part of multi-variables on multi-levels (Bunge 49:2006). Individuals have at least some degree of choice and some people do manage to emerge from debilitating situations without causing harm to others (Matza 1964). It is individuals that make decisions about their own lives (Clarke and Cornish 1985) and cannot escape personal responsibility. The person committing the offence *is*

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<sup>55</sup> The Taiwan Government's digital minister Audrey Tang has created vTaiwan (‘v’ for virtual) that uses the pol.is platform to categorise people's opinions into groupings from which gamifying technology can search for common ground between groupings to a find consensus already used for 20 laws.

<sup>56</sup> Speaking on ‘Click’, BBC News 24

<sup>57</sup> Interviewed by Prince Harry on Radio 4's ‘Today’, BBC



‘the person responsible’ and the victim *is* ‘the person wronged’ (Norris 2013<sup>58</sup>). Anything that might be construed as ‘pressure’ on victims ‘to blame themselves for their victimisation’, reduces pressure on perpetrators not to victimise (Karstedt and Farrall 1016:2006) and it is important to recognize people do have choice (Chapman and Hough 1998). Some argue that it is a matter of rational choice of what and when to commit an offence, looking at an opportunity and weighing up the cost versus the benefit (Cornish and Clarke 1986). Over-arching human agency, such as this, might be seen as most potent in models that suggest that acting for a ‘reason’ is the sole ‘cause’ of that action (Wikstrom 61-105:2006).

However, ‘free will is never really free of the structures that surround it nor of the awareness of being held responsible’ (Bottoms 243:2006) and ‘past events have a powerful effect on the present behaviour’ and ‘an individual can never be considered in isolation’ (Campion 57:1985) as crimes are ‘embedded in....lives’<sup>59</sup> and in ‘life course events’ (Bloom 2012<sup>60</sup>). Thus ‘situational choice’, with an ‘interaction between life course transitions, macro level events, situational context and individual will’, incorporating ‘a dynamic view of social control, situations and individual choices that vary within individuals over time’ (Laub and Sampson 60:2003) might be most appropriate. This recognizes multiple pathways to crime, depending upon the specific controlling personal and environmental conditions that affect each individual (Andrews and Bonta 1998), making it important to move away from the simple dynamic of ‘kinds

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<sup>58</sup> Orally presenting ‘Evaluating Restorative Justice: the use of restorative justice in education’, a paper presented at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog

<sup>59</sup> Speaking of women's crimes, from which this researcher extrapolates across genders, unless overtly gender specific issues emerge, just as research generally that often deals only with men is extrapolated across genders


<sup>60</sup> Orally presenting ‘Gender-Responsive Program Development and Assessment: Implications for criminal justice practise’ Paper presented at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

of people' or 'kinds of contexts', to ideas which recognize 'the importance of human agency and choice as embedded in social structures' (Laub and Sampson 38:2003), as agency is not always a private affair (Bottoms 2006). It is often exercised in discussion with others, and always within situations, such that it is a socially, culturally and environmentally bounded concept (Bottoms 2006), where 'people make their own choices in circumstances which are not of their own choosing' (Farrall and Calverley 56:2006): conscious decisions from 'active participants' 'constructing their lives' (Laub and Sampson 38:2003) within the environments that shape the selection of acts, through what is reinforced, punished or ignored (Andrews and Bonta 1998). It would seem reasonable to think of it as a process of choice within the key 'situational mechanisms' that link an individual and his/her environment to his/her action or inaction through individuals' personal perceptions of their 'action alternatives' (Wikstrom 99:2006), in the contemporaneous environment of each person (Andrews and Bonta 1998). In this way, any self-regulation is guided by attitudes, values and beliefs, but in combination with perceived social support for an action, early learning and experience and modelling, identification and learning by way of observation of others (Andrews and Bonta 1998). To create change in such things requires a clear vision of 'a shared belief to achieve strategic change', properly delivered in a way that really reflects that vision (Russell 2012<sup>61</sup>) and the means of authentically sharing it. Without this sharing, marginality, 'defined as exclusion of the individual from at least one of the main social systems: economy, polity and culture' (Bunge 23:2006) could persist. Furthermore, any such 'imbalance' needs to be rectified if the 'class bias' in the concept of *rehabilitation* is to be addressed (Carlen 2012<sup>62</sup>).

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<sup>61</sup> Orally presenting the 'From the too difficult drawer to the mainstream' Paper presented at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

<sup>62</sup> Orally in the Eve Saville lecture on 6.11.12

A Shared Vision of Change		
<p>Requires;</p> <p>1. <b>'policy activity'</b>, rather than policy making, (Colebatch 33:2010), which, in turn, requires the shared <i>active involvement of everyone</i>, not the imposition by some onto others.</p> 	<p>Requires;</p> <p>2. <b>policy consistency</b>, rather than the contradictory subjectivity which is exemplified in Carlen's (2012) criticism of any implication that imprisonment is rehabilitative, because, in actuality, it is designed to inflict 'pain and deprivation'<sup>3</sup>. Indeed, imprisonment is 'so debilitating' that people come out of prison even less able to function than when they went in (Carlen<sup>3</sup> 2012).</p> 	<p>Requires;</p> <p>3. <b>resistance-friendly policy</b>, rather than continuing in the way in which it seems to be the case that being less connected to the state and less guided by the state usually leads to people being most effective (Evans<sup>4</sup> 2012). The most 'vibrant' groups tend to be operating in resistance to the state, with the most vibrant of these being ironically told not to link with community safety groups because of their resistance agendas (Evans<sup>4</sup> 2012). This may suggest that 'we need a different sort of state' (Evans<sup>4</sup> 2012). A state where resisting voices can be respectfully heard. Such 'voices aren't being heard' because people cannot hear those that they 'vilify' (Evans<sup>4</sup> 2012), or that they see as vilifiable.</p> 
<p>Thus;</p> <p>'activity needs actors' who are able to draw upon <i>society's institutions as resources</i> to <i>build a shared understanding</i> expressed in turn through those institutions (Gilling<sup>1</sup> 2012) in ways which authentically <i>represent the whole of society</i>.</p> 	<p>Thus;</p> <p>state actions 'must represent the totality of our values' (Christie 42:1986) consistently, even when it is difficult to adhere to this premise, because consistent adherence to these values is surely what makes them mean something and is core to legitimatising them in order to promulgate them, such as within criminal justice interventions, rather than undermining them in their very execution. Values need to be paramount in all action, so that what Weaver A (2012) describes as the 'domino effect'<sup>6</sup> might strengthen a '<i>totality of our values</i>' (Christie 42:1986) in prosocial ways rather than having the contrary such effect.</p> 	<p>Thus;</p> <p>governments need to 'bring about the conditions' for 'negotiations' with those (Neumann 138:2007) whom they currently vilify and need to make such <i>voices respectfully heard</i> instead. Indeed, 'democratic governments' 'often negotiate with terrorists' 'in practice' (Neumann 128:2007), despite their rhetoric, as they realise that those outside discussions need to be brought within them. Authorities need to 'hold out the promise of ..... a stake in the political process,' but, 'most importantly, they must remain firmly <i>opposed to the use of violence</i> for political ends' (Neumann 138:2007).</p> 
<p>But;</p> <p>building a shared understanding is threatened by profoundly differing and contradictory perspectives in society and its institutions. To some, 'tax is theft' (Rothbard 176:1982), while, to others, 'property is theft'<sup>2</sup>. Perspectives can even be internally self-contradictory, such as the way in which the Criminal Justice Act (2003) claims to be focussed on crime reduction, reform, rehabilitation, public protection, reparation and punishment, when this last might actually run counter to most of the other declared aims.</p> 	<p>But;</p> <p>'it's easy to have values when you don't have a conflict' (Lieberman 5:2005) over them, while it is hard to imagine changing if one does not see others doing it (Weaver A 2012). The part of being human that has a tendency to want to share, dominates only when working together (Roberts A 2013) in <i>cooperative ways</i>.</p> 	<p>But;</p> <p>consistency in this regard is lacking, with breaches of this moral position against 'the use of violence for political ends' (Neumann 138:2007) regularly undertaken by states in pursuit of their own ends, thus undermining any such prohibition against individuals. Just as Clinton said 'violence is never an acceptable response to disagreement'<sup>5</sup>, so such words need to be enacted consistently. Clinton's own country found that their own 'brutal behaviours' had brought her own country 'into disrepute' and 'were unacceptable in their own right no matter what the circumstances' and 'were counter-productive in the hostility that they created' (Senate Select Committee on Intelligence 511:2014).</p> 
<p>So;</p> <p><i>consistency</i> seems critical in terms of both overcoming contradiction and also in terms of being able to justify an objective route through differing subjective perspectives.</p>	<p>So;</p> <p><i>resistance-friendliness</i> seems critical to any state seeking to operate in cooperative ways and to adhere to values even in extremis</p>	<p>So;</p> <p><i>policy activity</i> needs to involve everyone in its formation and hold everyone equally to account within it</p>

<sup>1</sup> speaking at Powers, Liabilities and Expertise in Community Safety: Comparative Lessons from the UK and Republic of Ireland, one day research colloquium at the Centre for Crime, Law and Justice at Cardiff University, 2.11.12, URBIS
<sup>2</sup> verbatim Proudhon's 'La propriété, c'est le vol' (1840)
<sup>3</sup> speaking at the Eve Saville lecture 6.11.12
<sup>4</sup> speaking at Powers, Liabilities and Expertise in Community Safety: Comparative Lessons from the UK and Republic of Ireland, one day research colloquium at the Centre for Crime, Law and Justice at Cardiff University, 2.11.12, URBIS
<sup>5</sup> speaking during her visit to Ireland in 2012 as US Secretary of State
<sup>6</sup> Weaver A speaking in the documentary film 'The Road from Crime', Lagan Media Productions Ltd film for the university of Glasgow

Tab. 1.3 A Shared Vision of Change

The use of the prefix '*re*' assumes there is something of value to which to return people, but there may be no such thing and this is what needs to be addressed (Carlen 2012). Similarly, if interventions only 'fuck up' individuals' 'opportunism', stymieing their 'ducking and diving' and the 'twisting and turning' they need to survive, without offering them alternative opportunities, then interventions just further disadvantage the already disadvantaged (Williamson 2013<sup>63</sup>).

For society to be legitimate, everyone needs to be treated, as Goldman (2013<sup>64</sup>) says, as 'mainstream', rather than being limited to surviving, in the way Williamson (2013<sup>65</sup>) describes, simply within the 'context of their own cultures and their own communities'. Everyone perhaps deserves to exist beyond that, enabled to be effectively within wider society, based on what Bloom (2012<sup>66</sup>) calls 'safety, respect and dignity' for all. In this, there might helpfully be 'partnership' between individuals and the state (Haines

<sup>63</sup> Orally presenting 'Reflecting experience in youth justice in Wales, England and Europe', a paper presented at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog

<sup>64</sup> Speaking as Chair of the Evaluation of the Reach the Heights-Support into Education and Learning Youth Justice Project 2010-2013 dissemination event 28.2.13 Merthyr Tydfil and community safety and youth offending strategic manager in Neath Port Talbot.

<sup>65</sup> Orally presenting 'Reflecting experience in youth justice in Wales, England and Europe', a paper presented at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog

<sup>66</sup> Orally presenting 'Gender-Responsive Program Development and Assessment: Implications for criminal justice practise' Paper presented at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

2013<sup>67</sup>). However, if the state only seeks to control and predict (Sarantakos 33:2005) then this endeavour seems likely to be thwarted.

That is not to suggest that the state does not have a vital role ‘to maintain order’ and to show those that breach this that they will be ‘caught, convicted and punished’ (Carter 15:2003), but, rather, that such an ‘order’ needs to be safe for all. Indeed, ‘tough, credible and effective sentences’ (Carter 4:2003) do not require ‘a model of custody developed in the 19<sup>th</sup> Century’ which is not ‘particularly effective in preventing re-offending’(Coulsfield 45:2004) and does not work, even when measured against its own stated aims (Mathiesen 1990).

Furthermore, ‘it might be time to revisit what we mean by justice’ itself (Kennedy 4:2012) and the way in which society uses prison to mark the level of ‘seriousness’ of an offence (Halliday 4:2001). Indeed, Haines (2013<sup>68</sup>) argues it is more appropriate to think of offenders as ‘in conflict with the law’, rather than as ‘offenders’ at all. This might focus attention onto the law itself, not just those in conflict with it, for if, as Hillyard and Tombs (2005) argue, rules are built around the interests of certain parties, such that the notion of targeting the individual with law, especially the disempowered individual, serves the interests of those parties (Hillyard and Tombs 2005), while ignoring the interests of the disadvantaged, it may be, as Barnes (47-58:1993) says, that a ‘commitment to changing the balance of power’ in favour of users<sup>69</sup> is needed.

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<sup>67</sup> Orally presenting ‘Gender-Responsive Program Development and Assessment: Implications for criminal justice practise’ Paper presented at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

<sup>68</sup> Orally presenting ‘Gender-Responsive Program Development and Assessment: Implications for criminal justice practise’ Paper presented at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

<sup>69</sup> As the evaluation of the Birmingham Community Care Special Action Project sought to do

‘When the Law is the Enemy’ (Campion 1:1994) of any of its users then its authority is surely compromised, such as when all three estates combined against lesbians, from the executive in the form of both Conservative and Labour Governments upholding unequal employment laws that allowed for the banning of lesbians like this researcher from the military, through the legislature in the form of parliamentary select committees that silenced the researcher when she appeared before them on the subject, to the judiciary, where the UK courts upheld the sacking of people solely on the grounds of their sexual orientation. If law does not un-make harm, and align itself against it, then its marginalisation is surely a public duty which can only undermine its capacity to maintain order, let alone a safe order.

In reality, the law might actually be marginalised already. The fact that there could be ‘too many rules’ might be creating a shift from morality to the need to ‘cut red tape’ (Karstedt and Farrall 1017:2006). This could be normalising rule breaking, disrespect of rules and a ‘cynical’ response to rules (Karstedt and Farrall 1016:2006). A situation potentially further problematised, in the way Neuberger (2013<sup>70</sup>) warns, with ‘the removal of legal aid for people’, which may ‘undermine the rule of law because people will feel like the government isn’t giving them access to justice’, which ‘will either lead to frustration and lack of confidence in the system, or it will lead to people taking the law into their own hands’.

People already seem to be ‘distrustful of the state’ and its laws (Haines 2013<sup>71</sup>). ‘Only 40% of citizens trust their government’, with ‘reliability, responsiveness, openness,

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<sup>70</sup> The Judge Lord Neuberger Interviewed by the BBC

<sup>71</sup> Orally presenting ‘Gender-Responsive Program Development and Assessment: Implications for criminal justice practise’ Paper presented at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

better regulation, integrity, fairness and inclusive policy making' required to build greater trust (DPGTD<sup>72</sup> <https://www.oecd.org> 2015). 'Trust in institutions is very important' (Machura 2013<sup>73</sup>) and public confidence in the system is 'vital' (Carter 17:2003). 'Lack of trust compromises the willingness of citizens and business to respond to public policies' (DPGTD <https://www.oecd.org> 2015), while the 'decline of ethics across our great institutions', such as 'parliament, the press, the police and the city' (Kennedy 4:2012), or, at least, the exposure of that which might already have been the case, may contribute to what Karstedt and Farrall (1029:2006) call a willingness to 'nibble away at' honesty because of a belief that 'we' are also being 'nibbled away at' too.

There is a sense that everyone is out for what they can get at the expense of others, fuelling 'consumerism' and a sense of 'entitlement' (Easton 2011<sup>74</sup>), where people can pursue personal acquisition without regard to the consequences for others. Indeed, many wholly legitimate businesses abuse a dominant position in the market, such as with pay-for-delay agreements to defer generic competition and maintain high prices for patent holders (OFT 2013). Additionally, there is 'crossover between legal and illegal markets' (Davies 2013<sup>75</sup>), with 'illegality in our shops', such as illegally sourced cheap timber with 'typically more than half of all logging in some tropical countries' being 'illegal' (Boekhout Van Solinge 2013<sup>76</sup>). In this regard, just as the UNDHR's relationship with constructive activity, empathy and de-escalating harm is considered in

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<sup>72</sup> Directorate for Public Governance and Territorial Development

<sup>73</sup> Orally presenting 'A Longitudinal Study of Students' views on courts and police', a paper presented at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog

<sup>74</sup> BBC Home Editor on BBC One O'Clock News on Friday 12<sup>th</sup> Aug 2011

<sup>75</sup> Oral presentation on 'Wildlife and Timber Trafficking', ESRC Green Criminology Research Seminar Series

<sup>76</sup> Speaking at ESRC Green Criminology Research Seminar Series: Seminar 2 Wildlife and Timber Trafficking 22.2.13 Cardiff

this research in terms of harms to humans, the WEF's<sup>77</sup> relationship with these three key concepts cannot be forgotten in terms of harms to nature as inextricable from harms to humans - e.g. natural assets like land, air, water, flora and fauna - when physicalised - e.g. as industrial sites (land) industrial dustbins (air and water) and industrial materials (flora and fauna) - and the manner in which these issues affect life, as discussed in the WEF's 'focus on three key strategic challenges' (WEF <https://www.weforum.org> 2019).

World Economic Forum's Challenges in a Shared Society		
Constructive Activity	Empathy	De-Escalating Harm
1) the 'fourth industrial revolution', which might be seen as needing to ensure 'activities' within that are constructive.	2) 'Global Commons', which might need empathy in the 'consensus' it seeks.	3) countering the 'eroding' of security in its broadest sense by de-escalating harm through 'solidarity' in its pursuit.

Tab. 1.4 World Economic Forum's Challenges in a Shared Society

'It is very common that people are being threatened and being killed' as 'normal' within 'green crime' without it getting attention from media or police (Davies 2013<sup>78</sup>). All the while, the profit incentive may actually be failing to deliver improved outcomes, as profit can be a motive to cut costs at the expense of (Hart et al 1996) all else. Most crime is for 'profit' and there is a great deal of 'pressure to be seen as successful' and to 'keep up with fashion' (Shen 2013<sup>79</sup>). When the dominance of 'profit motives' and 'the pursuit of self-interest' and 'success over all other considerations' are not counterbalanced with 'awareness of common goods' and 'solidarity with others', 'anomic tendencies become pervasive' (Karstedt and Farrall 1029:2006). 'Market

<sup>77</sup> World Economic Forum

<sup>78</sup> Oral presentation on 'Wildlife and Timber Trafficking', ESRC Green Criminology Research Seminar Series

<sup>79</sup> Orally presenting 'Is there also panic about girls' offending in another part of the world?: patterns and nature of female youth offending in china' presented at Newport Centre for Criminal and Community Justice Women and Justice Conference



anomie' is in the heart of society itself (Karstedt and Farrall 1011:2006) with a desire for money, or 'fast money', and 'not caring' about anything or anyone (Laub and Sampson 157:2003). Thus, offenders might actually be *over*-integrated into society's ways of giving meaning to themselves and their lives through extrinsic things (Maruna 2001), as people more broadly are widely sacrificing eternal things, in a spiritual sense, to the allure of temporal things (Aquinas 1274). Similarly, people are sacrificing, in an environmental, social, health and happiness sense, to the allure of acquisition, through *overconsumption* (Leonard 2011).

When such 'economic values' enter 'daily lives' they are a 'strong predictor of anomic tendencies' (Karstedt and Farrall 1029:2006). For this to be addressed, an environment regulated to prevent anomie (Karstedt and Farrall 1025:2006) in all its forms, including, as Portas (2017<sup>80</sup>) says, putting 'kindness at the heart of business', might be needed. Without it, what Wikstrom (128:2006) calls 'exposure to criminogenic moral contexts' and surroundings with 'poor collective efficacy' that encourage a view of crime as an acceptable 'action alternative' (Wikstrom 99:2006), could describe society as a whole.

Indeed, the law sometimes codifies as legal that which is immoral when it should actually be seeking to align 'moral and legal codes' (Bunge 22:2006). Violation of law could need to genuinely entail what Wikstrom (63:2006) describes as the 'act of breaking a moral rule'. Likewise, all acts of breaking moral rules may need to be consistently outside the law, otherwise authority itself may promulgate brutalities, such as through the mechanism which Milgram (167-168:2010) describes where 'victimising others is an act of obedience to authority'. Destructive behaviour 'does not stem from

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<sup>80</sup> Orally in 'A Place Called Home' on BBC Radio 4

destructive urges but from the fact that subjects have become integrated into a social structure' that is victimising 'and are unable to get out of it' (Milgram 167-168:2010). Individuals do not victimise others 'unless the social structure of the situation was appropriately arranged' to foster it (Milgram 167-168:2010), which seems to endorse the importance of addressing social structure in all its breadth, as well as discouraging blind obedience to authority. Both these things might be facilitated by what Aspinall (2013<sup>81</sup>) describes as a universally accessible 'guide' to rights and responsibilities. If a society can legitimately claim to be a law-based society, access to such information and implementation must surely be easily available for all, such that anyone can freely access a lawyer or accountant or any other professional needed to interpret rights and responsibilities as well as a transparent guide thereto online, providing straight-forward situational legal escape routes. People need to be empowered to be able to get out of situations legally and to hold authority to account, as well as feeling, as Machura (2013) says, able to turn to the authorities when they are in trouble. In such ways, lives might no longer be left to get to the point Laub and Sampson (190:2003) describe where they are 'wasted' and 'damaged'. Without this, alienation from society and its opportunities might escalate to the point where people's 'sense of loss is profound and they will carry their broken dreams with them forever' (Laub and Sampson 195:2003). Everyone is surely entitled to an environment that protects against this 'loss' and against what Atkinson (2012<sup>82</sup>) calls 'abuse, neglect and harm', right from childhood. The nurturing that could protect against it perhaps needs to be suffused in what Hopson et al (38-48:1992) call 'emerging energy' for positive advancement, so that brain connections are made appropriately on an emotional level from the start of life (Matthew and Skuse 2013). The outside world, including the authorities that administer it, cannot be allowed

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<sup>81</sup> Speaking at the Evaluation of the Reach the Heights-Support into Education and Learning Youth Justice Project 2010-2013 dissemination event 28.2.13 Merthyr Tydfil.

<sup>82</sup> Speaking as the Children's Commissioner for England, on 19.10.12 on BBC radio 4.

to ‘crush’ progress, nor ‘contaminate’ individuals (Stevens 2013<sup>83</sup>), such as when teachers want creative students, but repress the creative characteristics they do not like in their students, killing the very creativity they seek to nurture (Bartlett 2013<sup>84</sup>).

In contrast, by improving developmental functioning (Matthew and Skuse 2013) and ‘specifically tackling’ issues of education, along with ‘income, employment opportunities, health....and access to housing’, ‘it is possible to have large improvements in peace’ (IEP 1-3:2013): the peace that might be the antithesis of brutality. Without it, people who think themselves civilised may simply be no more than what Turnbull (1972) says of the once-prosperous peoples who, when their communities were broken, scattered into bands of the hostile and starving whose solitary goal was their own individual survival. Indeed, though the public ‘has a clear view about the theory of being a good citizen’ they do not act on it (Hansard Society 6:2009). ‘Now’ might be a ‘moment to talk again about ethical standards and about the role of law’ within them (Kennedy 4:2012), as efforts need to be made to encourage citizens to ‘make the leap from good intention to positive action’ (Hansard Society 6:2009), which is not happening in the current ‘pattern’ of ‘citizenship’ (Hansard Society 51:2009), while society needs to do more to merit that by being mindful of strengthening its social capital, as advocated by Farrall (2002) without crime control being the focus (Sampson and Laub 1993), such that brutality in all its social breadth can be addressed, without limiting it to notions of crime that may only enable brutalities without such a label to flourish.

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<sup>83</sup> Speaking on ‘‘Serious Therapy’’ for Serious Women offenders: experiences of the prison-based democratic therapeutic community for women’ presented at Newport Centre for Criminal and Community Justice Women and Justice Conference

<sup>84</sup> Discussing Skidmore College research on the subject on 5<sup>th</sup> July 2013 as part of FA CPD training

<b>Strengthening Social Capital</b>	
<ul style="list-style-type: none"> <li>- concentrate on what contributes to desistance, instead of focussing on persistence (Farrall 2002)</li> <li>- address persistence as a by-product of nurturing bonds to society (Sampson and Laub 1993)</li> <li>- ensure respect for all (Machura 2013)</li> <li>- use the mechanism whereby unhelpful behaviours are learned (Farrington 1996) in social interaction through a process of communication (Andrews and Bonta 1998) to achieve the opposite, since both prosocial and antisocial behaviour can be learned and ‘contagious’ (Weaver A<sup>1</sup> 2012)</li> </ul>	
<sup>1</sup> Weaver A speaking in the documentary film ‘ <i>The Road from Crime</i> ’, Lagan Media Productions Ltd film for the university of Glasgow	

Tab. 1.5 Strengthening Social Capital

Societies and people may need to decide whether they prefer to permit selected brutalities to continue or whether they wish to tackle all brutalities holistically.

### **Defining Sharing De-Brutalisation**

Sharing de-brutalisation is defined as deciding to prefer to tackle all brutalities<sup>85</sup> holistically as an ongoing collaborative mutual advancement away from brutal functioning, rather than either moving towards it or being indifferent as to such movement. It requires openness to recognising one's own brutalities, and those of one's systems, and taking a shared approach to addressing them. It is designed to replace concepts of crime and punishment, whether labelled as such or not, whilst not shirking from constraints on liberty, where harm or waste are inherent to that liberty. It acknowledges the deep divides that exist between people's perceptions of what might be harming or wasteful, as well as the divisive and attritional way in which these are currently inconsistently and debilitatingly regulated in the ways that this research will go on to discuss.

Sharing de-brutalisation represents a decision by individuals and societies to take personal responsibility for fully tested disclosure and timely repair where any harm or

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<sup>85</sup> In terms of defining what does constitute ‘brutalities’, this the researcher attempts with some measures shown in Appendices D-H, but recognizes that this word is highly likely to represent very different things to different people, thus attaching the notion of ‘Sharing’ to any idea of ‘de-brutalising’ life.

wasted potential is inherent in any of its forms, such that these things may be honestly discussed and collectively resolved transparently and respectfully within regulations designed to break brutal cycles. It asks that the deployment of relative strength, or the curtailment of liberty, is used to protect space for that discussion, rather than to control that discussion, and that any progress therein is used to measure tariffs rather than time. It understands the importance of **constructive activity**<sup>86</sup>, **empathy**<sup>87</sup> and **de-escalating harm**<sup>88</sup> within this process and sees UNDHR<sup>89</sup> as a long-unmaximized opportunity to improve the dissemination of these components, which, together with considering the WEF's challenges, might facilitate sharing de-brutalisation.

Components for the Facilitation of Sharing De-Brutalisation			
Constructive Activity		Empathy	De-Escalating Harm
Employment	Education (including diverse opportunities for Young People)	Equality of Diversity	Preventing any form of Exclusion from any type of Protection
Conceptualised within The Universal Declaration of Human Rights			
Constructive Activity		Empathy	De-Escalating Harm
<ul style="list-style-type: none"> <li>- employment, free choice of employment, protection within it, just and favourable conditions and pay, supplemented as necessary, to provide a dignified working existence with time for rest and leisure<sup>90</sup></li> <li>- freely founding a family that is protected<sup>91</sup></li> <li>- taking part in a government and public service authorised by the public<sup>92</sup></li> <li>- social security and realization of economic, social and cultural rights as part of dignity and free development of personality<sup>93</sup></li> </ul>		<ul style="list-style-type: none"> <li>- equality and diversity in dignity, freedom, nationality, behaviour, property and rights, always remembering that young people are inalienably part of the 'all' and the 'everyone' to which the UDHR refers)<sup>99</sup></li> <li>- freedom of thought, conscience and religion and to change religion or belief, and, alone or in community, in public or private, to manifest religion and belief in teaching, practice, worship and observance<sup>100</sup></li> <li>- freedom of opinion and expression without interference<sup>101</sup></li> <li>- freedom of peaceful assembly and association<sup>102</sup></li> </ul>	<ul style="list-style-type: none"> <li>- prohibition on exclusion from protection, including from incitement against them<sup>109</sup></li> <li>- prohibition on slavery, servitude, torture and cruel, inhuman or degrading treatment or punishment, and on arbitrary arrest, detention or exile<sup>110</sup></li> <li>- equal recognition in law and effective remedy in law and full equality in a fair and public hearing by an independent and impartial tribunal to determine his rights, obligations and any criminal charge<sup>111</sup></li> <li>- life, liberty and security for all<sup>112</sup></li> </ul>

<sup>86</sup> Shades of Green are used to indicate De-Brutalising factors such as those that involve Constructive Activity

<sup>87</sup> Shades of Green are used to indicate De-Brutalising factors such as those that involve Empathy

<sup>88</sup> Red is used to indicate Brutalising factors such as those that cause Harm

<sup>89</sup> United Nations Declaration of Human Rights

<sup>90</sup> Articles 23 and 24 of The Universal Declaration of Human Rights

<sup>91</sup> Article 16 of The Universal Declaration of Human Rights

<sup>92</sup> Article 21 of The Universal Declaration of Human Rights

<sup>93</sup> Article 22 of The Universal Declaration of Human Rights

<ul style="list-style-type: none"> <li>- free compulsory education for full development of the personality, the strengthening of respect for human rights and freedoms and to promote understanding, tolerance, friendship and peace, while respecting parents prior right to choose their child's education, followed by generally available technical and professional education and higher education accessible on merit.<sup>94</sup></li> <li>- participation in cultural life, a share in scientific advancement and its benefits and the authorship of what they produce<sup>95</sup></li> <li>- freedom of movement and residence<sup>96</sup></li> <li>- freedom to seek, receive and impart information and ideas through any media and regardless of frontiers.<sup>97</sup></li> <li>- everyone has duties to the community<sup>98</sup></li> </ul>	<ul style="list-style-type: none"> <li>- absence of compulsion to belong to an association<sup>103</sup></li> <li>- presumption of innocence until proved guilty according to law with all the guarantees necessary for his defence<sup>104</sup></li> <li>- no one shall be held guilty of any penal offence on account of any act or omission which is, or was, not a penal offence<sup>105</sup></li> <li>- protection against and prohibition on arbitrary interference with privacy, family, home or correspondence, and attacks upon honour and reputation<sup>106</sup></li> <li>- asylum from persecution<sup>107</sup></li> <li>- motherhood and childhood are entitled to special care and assistance and all children shall enjoy the same social protection<sup>108</sup></li> </ul>	<ul style="list-style-type: none"> <li>- a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services<sup>113</sup></li> <li>- security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control<sup>114</sup></li> <li>- a social and international order in which rights and freedoms can be fully realized<sup>115</sup></li> <li>- everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society<sup>116</sup></li> <li>- no state, group or person may aim to destroy rights and freedoms<sup>117</sup></li> </ul>
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Tab. 1.6 Components for the Facilitation of Sharing De-Brutalisation

## Linking The Concept of Sharing De-Brutalisation into Current Literature

Sharing de-brutalisation recognizes that ‘all of us want to be better, to be fulfilled, and we are desperately seeking to use our potential and become something more’

<sup>99</sup> Articles 1, 2, 15 and 17 of The Universal Declaration of Human Rights

<sup>100</sup> Article 18 of The Universal Declaration of Human Rights

<sup>101</sup> Part of Article 19 of The Universal Declaration of Human Rights

<sup>102</sup> Part of Article 20 of The Universal Declaration of Human Rights

<sup>109</sup> Article 7 of The Universal Declaration of Human Rights

<sup>110</sup> Articles 4, 5, 9 of The Universal Declaration of Human Rights

<sup>111</sup> Articles 6, 8 and 10 of The Universal Declaration of Human Rights

<sup>112</sup> Article 3 of The Universal Declaration of Human Rights

<sup>94</sup> Article 26 of The Universal Declaration of Human Rights

<sup>95</sup> Article 27 of The Universal Declaration of Human Rights

<sup>96</sup> Article 13 of The Universal Declaration of Human Rights

<sup>97</sup> Part of Article 19 of The Universal Declaration of Human Rights

<sup>98</sup> Part of Article 29 of The Universal Declaration of Human Rights

<sup>103</sup> Part of Article 20 of The Universal Declaration of Human Rights

<sup>104</sup> Part of Article 11 of The Universal Declaration of Human Rights

<sup>105</sup> Part of Article 11 of The Universal Declaration of Human Rights

<sup>106</sup> Article 12 of The Universal Declaration of Human Rights

<sup>107</sup> Article 14 of The Universal Declaration of Human Rights

<sup>108</sup> Part of Article 25 of The Universal Declaration of Human Rights

<sup>113</sup> Part of Article 25 of The Universal Declaration of Human Rights

<sup>114</sup> Part of Article 25 of The Universal Declaration of Human Rights

<sup>115</sup> Article 28 of The Universal Declaration of Human Rights

<sup>116</sup> Part of Article 29 of The Universal Declaration of Human Rights

<sup>117</sup> Article 30 of The Universal Declaration of Human Rights

(Lieberman 1:2005), utilizing these desires to anachronize crime, punishment, inherent harm and wasted potential in line with the relevant literature for each of these elements, as summarised below.

<b>Anachronizing Crime, Punishment, Inherent Harm and Wasted Potential</b>		
<b>Anachronizing Wasted Potential</b> – by enabling individuals to utilise ‘potential’ in de-brutalised ways to become ‘fulfilled’ without crime		
<b>Potential wasted in HOMES in:</b>  - poor use of leisure time (Rogers 1981)  - the ‘self-esteem’ needed for enthusiasm and motivation (Swansea YOT <sup>118</sup> 2008) are not being nurtured	<b>Potential wasted in SOCIETIES in:</b>  - lack of employment (Halliday 2001)  - criminal activity to ‘build self-esteem’ when self-esteem is low (Kaplan 253-77:1978)	<b>Potential wasted in INDIVIDUALS in:</b>  - low motivation (SEU 2002)  - poor self-organisation (SEU 2002)
<b>Fulfil Potential in HOMES by:</b>  - Nurturing flourishing with the ‘stable lives’ that are needed to foster the ‘reflective emotionality’ (Bottoms 268:2006) that enables potential to flourish.  - Designing childhoods for ‘flourishing’ with ‘stable, affectionate and mature’ relationships, in which ‘the child usually has little difficulty in developing a sense of self-respect and self-discipline’, allowing each child ‘to negotiate the more difficult aspects of life’ and to ‘make the most of what is available to him’ (Campion 59:1985).  - Giving all children ‘access to a full range of entitlements’ (Haines <sup>119</sup> 2013).  - Ensuring that interventions ‘get the mother’ engaged when it comes to working with children, because ‘the mother’s the most important person’ (Ferguson <sup>120</sup> 2015) to most children’s life	<b>Fulfil Potential in SOCIETIES by:</b>  - Seeking and obtaining the most appropriate services for people and building their skills (Andrews and Bonta 1998).  - Creating a bond between individuals and their society and sharing and involving everyone in society’s goals (Sampson and Laub 1993).  - Promoting community integration (Underdown 1998), as the most critical process for achieving in the long term (Laub and Sampson 2003).  - Promoting social bonds, along with social capital and prosocial involvement, appears to help promote experiences, activities or states of affairs that are strongly associated with well-being and higher levels of	<b>Fulfil Potential in INDIVIDUALS as:</b>  - People need ‘to see the logic’ of what is to be done and professionals need ‘the time’ and ‘the skill’ to engage with people and to ‘set’ people ‘up to succeed’ and to ‘work holistically’ with people who tend to see their own shortcomings as ‘barriers’ (Aspinall <sup>121</sup> 2013) with ‘joined up’ (Halliday 2:2001) in ‘more integrated ways to that end’ (Halliday 11:2001) that it is effectively ‘extending entitlement’ (Haines <sup>122</sup> 2013) for all.  - ‘Interventions need to replicate the sequence of normal development’, building trusting relationships with adults, just as a child would, as young people with chaotic lives, aggression, poor sleep, inappropriate relationships and substance use first need ‘structure and routine’, such as regular bedtimes and meals (Matthew and Skuse <sup>123</sup> 2013)

<sup>118</sup> Speaking in a Presentation by Swansea YOT at Swansea University in November 2008

<sup>119</sup> Presenting ‘Children first in youth justice, A report on Children First in Youth Justice’ by Case, S. and Haines, K., at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog, April 2013

<sup>120</sup> Speaking in the documentary ‘Sir Alex Ferguson: secrets of success,’ for the BBC.

<sup>121</sup> Speaking at the Evaluation of the Reach the Heights-Support into Education and Learning Youth Justice Project 2010-2013 dissemination event 28.2.13 Merthyr Tydfil

structures. ‘Three quarters of mothers believe that they have primary responsibility for childcare in their home’ (EHRC Working Better Initiative 11:2009) and ‘women are still the primary carers in our society’ (Family Friendly Working Hours Taskforce 19:2009).	personal satisfaction and social functioning (Ward and Maruna 2007).  - Ensuring interventions, such as school or criminal justice interventions, expressly improve lives, to ameliorate the concerns Mair (2004) raises over trends towards the greater intrusiveness of sentences.	before they can fulfil their potential.  - Any efforts to protect or heal, could work best, as Bottoms (2004) says of offender-based interventions, if they are run by enthusiasts with well motivated groups in which individuals can take part.
<b>In order to</b> - be able to expect the <b>constructive activity</b> <sup>124</sup> from people that can enable them to utilise their potential and fulfil themselves by learning to ‘understand and take control of their lives’ (Chapman and Hough 44:1998)	<b>In order to</b> - be able to expect the <b>constructive activity</b> <sup>125</sup> from people that can enable them to utilise their potential and fulfil themselves by learning to ‘commit themselves to making the most of new opportunities’ (Chapman and Hough 44:1998)	<b>In order to</b> - enable people to <b>RECOVER</b> and to be <b>constructively active</b> <sup>126</sup> in utilising their potential to become fulfilled by and in that recovery. ‘No two journeys’ are ‘the same’ and ‘users’ need to be ‘treated with respect and dignity’ and to be involved in deciding the ‘direction’ of things and enabled to ‘control the pace of achieving their goals’ with a sense of ‘hope’ ‘focussing on one’s whole life’ (NELFT 1-10:2008).
People do things for reasons that they choose, at least to some degree, rather than causes over which they have no control (Hughes 1980) to any degree, and the problems perceived by the client need to be elicited, explored and clarified (Reid and Epstein 1972). The client needs to own the process, taking responsibility for the problem and participating in naming and solving it and in shaping the tasks to be undertaken (Reid and Epstein 1972).	<b>RECOVERY</b> is closely associated with social inclusion (Shepherd et al 2:2008), structured to help ‘you live the life you want’ and find ‘opportunities’ and make ‘the most of them’ and be seen ‘as a whole person’ as part of ‘helping everyone have a meaningful and satisfying life’, ‘being listened to’ and ‘empowered’ and having ‘a life doing things of value’ with ‘autonomy’ and ‘control’ and ‘making meaningful choices which enable a positive future’ (NELFT 1-10:2008).	<b>RECOVERY</b> means ‘building a meaningful and satisfying life, as defined by the person themselves’, with ‘each person seeing how they can have more active control over their lives’ and ‘seeing how others have found a way forward’ (Shepherd et al 2:2008), while ‘finding and maintaining hope’, establishing ‘a positive identity’, ‘building a meaningful life’ and ‘taking responsibility and control’ (Andresen et al 586-594:2003).
<b>Anachronizing Inherent Harm</b> – by ensuring lives are not inherently being harmed by their environment, but, rather, are being provided with an environment where individuals can ‘be better’ and ‘become something more’ without the need to fear punishment		
<b>Harm inherent in HOMES in:</b>  - upbringings in ‘immature, anxious, confused, unreasonable or rigid’ attitudinal environments	<b>Harm inherent in SOCIETIES in:</b>  - the absence of the equality and fairness that contribute to well-being, along with	<b>Harm inherent for INDIVIDUALS in:</b>  - the absence of the friends, health,

<sup>122</sup> Presenting ‘Children first in youth justice, A report on Children First in Youth Justice’ by Case, S. and Haines, K., at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog, April 2013

<sup>123</sup> Presenting ‘the Trauma Recovery Model – explanation and consideration of delivery and evaluation’ at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog, April 2013

<sup>124</sup> See Constructive Activity in Table 1.6 and also in the chapters on constructive activity

<sup>125</sup> See Constructive Activity in Table 1.6 and also in the chapters on constructive activity

<sup>126</sup> See Constructive Activity in Table 1.6 and also in the chapters on constructive activity



<p>can lead to situations where individuals ‘react in an inappropriate manner’ and ‘even perhaps violently’, as well as losing their ‘natural enthusiasm and drive’ (Campion 59-60:1985). This can make it ‘more difficult to understand what is expected’, ‘develop a sense of’ personal ‘competence’, ‘respond positively to new and stimulating situations’ and ‘adapt to difficult ones’ (Campion 59-60:1985).</p> <p>- neglect, inconsistency and harshness in the pivotal family environment, embedding uncontrollable behaviour that becomes more difficult to manage and thus managed less and thus more deeply embedded (Andrews and Bonta 1998). Mothers had said <i>finally</i> someone has ‘knocked on the door’ to try and address their kids’ problems and ‘turn them in a different direction’ (Williamson<sup>127</sup> 2013).</p> <p>- poor parenting (Swansea YOT 2008) in the important role that the family plays in what is learned (Farrington 1996) cannot be overstated. Thus, it seems important to see everyone as being a Child in Context (Campion 1985) of their family with a strong intergenerational element in offending (Davis 2012)</p> <p>- antisocial behaviour is transmitted from generation to generation (Menting 2012) and there is ‘intergenerational transfer of trauma’, involving sexual, physical, and emotional abuse and neglect (Shepherd<sup>128</sup> 2013)</p> <p>- ‘low maternal supervision’, ‘parental emotional instability’, ‘high residential mobility’ and ‘hostility between father and son’, representing weak parental attachment, and ‘high risk childhoods’, increase the risk of crime Laub and Sampson 107:2003).</p> <p>- the inconsistent and harsh parenting that all longitudinal studies have found correlate with offending (Andrews and Bonta 1998).</p>	<p>the absence of the things that matter the most to people, such as work and a decent environment (Matheson 2011).</p> <p>- the absence of the whole of society sharing the responsibility of child rearing (Atkinson<sup>129</sup> 2012), including as part of making that need understood across society.</p> <p>- damaging relationships with society at large, such as with Olwen, a domestic abuse survivor and unemployed single mother on benefits and drugs who has four children from different fathers and who says she has ‘better things to do...than looking for a job’ (Page<sup>130</sup> 2012) and has not worked for 8 years (Bilton 2012). She has a daughter who is also an unemployed single mother on benefits and another daughter who is involved in antisocial behaviour because there was ‘nought to do’ (Bilton<sup>131</sup> 2012). Olwen says ‘you can only teach them’ (Page<sup>132</sup> 2012), though she only stopped her daughter’s antisocial behaviour when threatened with losing her house (Bilton 2012). It is this risk of losing her home which Olwen described as awful, not the trouble her daughter is causing to others. Olwen says, ‘if I keep her in she can’t get <i>accused</i> any more’ (Page<sup>133</sup> 2012), thus tacitly suggesting such accusations are unfounded. Olwen’s son is in a unit for difficult children and is permanently excluded from mainstream school and she keeps him off school, saying she ‘didn’t want outside influence in him’ as she does not like schools (Page<sup>134</sup> 2012), yet Olwen tells her son to ‘fight me like a man’ (Page<sup>135</sup> 2012). Olwen is ‘pissed off’ about having to go into the job centre, as work is ‘just a headache’ that gets in the</p>	<p>financial security and family that contribute to well-being, especially with regard to the things that matter the most among these, including health and relationships particularly (Matheson 2011).</p> <p>- ‘neglect’ that can lead to a failure to develop (Matthew and Skuse<sup>137</sup> 2013), even if that neglect is ‘benign’ (Williamson<sup>138</sup> 2013). ‘Benign neglect’ could become a ‘malign indifference’ that ‘consigns and condemns’ young people to a ‘bleak future’ (Williamson<sup>139</sup> 2013). Any fear, that might countermand activating such interventions, described by Williamson (2013) as the fear of ‘sucking people into the system prematurely’, may need to be overcome, as there is ‘a strong case for early intervention’ (Williamson<sup>140</sup> 2013).</p> <p>- ‘chaotic lives’ that can represent an inherently harming environment by fostering ‘reactive emotionality’ (Bottoms 268:2006).</p> <p>- the 13 risk areas for offending identified as low IQ, low verbal IQ, extroverted, adventurous, egocentric, aggressive, tantrums, being a difficult child, early onset, arrest frequency, unofficial delinquency, parental instability and parental crime and/or alcohol abuse (Laub and Sampson 2003).</p> <p>- ‘giving birth at too young an age puts at risk the well-being of both mother and child, with the mother ‘at greater risk of dropping out of school, of unemployment, of poverty, and welfare dependence – so helping to perpetuate</p>
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<sup>127</sup> Presenting ‘Reflecting experience in youth justice in Wales, England and Europe’, paper presented at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog, April 2013

<sup>128</sup> Presenting ‘More sinned against than sinning? Girls, Anger and Serious Childhood Trauma: reflections from Lambeth Youth offending team’ presented at Newport Centre for Criminal and Community Justice Women and Justice Conference 2013

<sup>129</sup> Speaking on 19.10.12 on radio 4 as the Children’s Commissioner for England, BBC

<sup>130</sup> Speaking on Panorama BBC 11.9.12 ‘Trouble on the Estate’, BBC

<sup>131</sup> From Panorama BBC 11.9.12 ‘Trouble on the Estate’, BBC

<sup>132</sup> Speaking on Panorama BBC 11.9.12 ‘Trouble on the Estate’, BBC

<sup>133</sup> Speaking on Panorama BBC 11.9.12 ‘Trouble on the Estate’, BBC

<sup>134</sup> Speaking on Panorama BBC 11.9.12 ‘Trouble on the Estate’, BBC

<sup>135</sup> Speaking on Panorama BBC 11.9.12 ‘Trouble on the Estate’, BBC

<p>- 'large families and erratic/harsh methods of discipline' were identified as childhood structural and process risks of criminality (Laub and Sampson 98:2003).</p>	<p>way and she says 'you're having a laugh' (Page<sup>136</sup> 2012) as she could not manage a job because she is on antidepressants and struggles to cope (Bilton 2012).</p> <p>- 'poorer backgrounds', 'doing less well at school' and having 'narrower career prospects' tend to be associated with being a 'teenage mother' (Adamson 23:2013).</p>	<p>disadvantage from one generation to the next', while having a teenage mother can in turn lead to 'greater risk of poverty, of poor health, and of underachievement at school' (Adamson 23:2013).</p>
<p><b>Quality HOME environment by:</b></p> <p>- Protecting and providing the 'good connections' with other people, including family, needed for well-being (Matheson 5:2011). 'Health, good connections with friends and family' and 'good connections with a spouse or partner' are all central to well-being (Matheson 5:2011).</p> <p>- Identifying high risk children and deploying effective interventions, using education programmes and family intervention programmes (Andrews and Bonta 1998), that do not criminalise children (Shepherd<sup>141</sup> 2013), but that take a 'preventative and whole family approach' (Maguire<sup>142</sup> 2012). Such an approach is now being advocated, 'looking at families and context' and taking a 'team around the family approach' with 'joint assessment' and 'building trust' with a 'whole system approach' (Maguire<sup>143</sup> 2012), with 'bespoke' strategies to build on the strengths of individuals and families and to build 'positive outlooks and hopefulness' and to 'minimise the harm caused by those whose parenting is compromised' (Davies<sup>144</sup> 2012).</p> <p>- Understanding that the first 3-5 years of life is</p>	<p><b>Quality SOCIETY environment by:</b></p> <p>- Protecting and providing the 'good connections' (Matheson 5:2011) with the community and work colleagues. 'Job satisfaction and economic security', alongside quality 'present and future conditions of the environment' are all important to well-being (Matheson 5:2011).</p> <p>- Protecting and providing the 'sustainable development' that 'recognises that the three 'pillars' of such, 'the economy, society and the environment – are interconnected' as part of well-being (Matheson 19:2011).</p> <p>- Using approaches that are 'diversionary' and 'inclusionary' and that are 'improving the quality of ...lives in a very broad sense' (Haines<sup>148</sup> 2013) to tackle harm holistically.</p> <p>- A 'joined up' service between different service providers which is now recognized and being developed to</p>	<p><b>Quality INDIVIDUALS' environments as:</b></p> <p>- It is important to model anti-criminal expressions, reinforce offenders' anti-criminal expressions and disapprove of pro-criminal expressions, whilst demonstrating alternatives with a firm but fair authority (Andrews and Bonta 1998).</p> <p>- 'A sense of purpose and fulfilment, relationships with family and friends, leisure time, job satisfaction, and a sense of community' as 'strong themes' in well-being (Matheson 17:2011).</p> <p>- Individuals need 'stable relationships with others' (Campion 59:1985). The lack of such things can harm as much as any more direct harm such as offending. Therefore, those who work effectively with offenders and their harming establish high quality relationships with those offenders (Andrews and Bonta 1998).</p>

<sup>137</sup> Presenting the 'Trauma Recovery Model – explanation and consideration of delivery and evaluation' at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog, April 2013

<sup>138</sup> Presenting 'Reflecting experience in youth justice in Wales, England and Europe', paper presented at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog, April 2013

<sup>139</sup> Presenting 'Reflecting experience in youth justice in Wales, England and Europe', paper presented at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog, April 2013

<sup>140</sup> Presenting 'Reflecting experience in youth justice in Wales, England and Europe', paper presented at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog, April 2013

<sup>136</sup> Speaking on Panorama BBC 11.9.12 'Trouble on the Estate', BBC

<sup>141</sup> Presenting 'More sinned against than sinning? Girls, anger and serious childhood trauma: reflections from Lambeth Youth offending team' presented at Newport Centre for Criminal and Community Justice Women and Justice Conference 2013

<sup>142</sup> Speaking in a Presentation as Head of Family Support in the Welsh Government presentation to Children and Families of Offenders seminar on the 4<sup>th</sup> October 2012

<sup>143</sup> Speaking in a Presentation as Head of Family Support in the Welsh Government presentation to Children and Families of Offenders seminar on the 4<sup>th</sup> October 2012

<sup>144</sup> Speaking in a Presentation of Wales Probation Trust presentation to Children and Families of Offenders seminar on the 4<sup>th</sup> October 2012

<p>‘key’ to attachment and difficulties with this can create problems (Matthew and Skuse<sup>145</sup> 2013). In ‘good care giving relationships’ a ‘secure base’ is developed which sets up attachment, confidence to feel safe to explore the environment and a positive ‘internal working model’ of feeling lovable and deserving and that others are trustworthy (Matthew and Skuse<sup>146</sup> 2013).</p> <p>- working with a family must include everyone, even those who are hard to access such as members of that family who are in prison (Clutton 2012).</p> <p>- Improving people's capacities as parent and spouse (Farrall 2002), improving parenting (Esmee Fairbairn Foundation 2004) and intervening to treat the whole family therapeutically (Gordon et al 1992) can help.</p> <p>- building stronger families can reduce offending (Davis 2012)</p> <p>- Even parents with a serious criminal past ‘want the best for their kids’ (Haines<sup>147</sup> 2013) so supporting parents, rather than imposing ‘parenting orders’, can tap into this.</p>	<p>facilitate life improvement (Davis<sup>149</sup> 2012).</p> <p>- Taking a stepped approach to intervening early to prevent minor offending escalating and nipping it in the bud, such as the Dragon Project, which issues a letter as step one, being successful in preventing repetition or escalation in about 84% of cases, and a personal visit and brief assessment, as step two, being successful in about 90% of the remaining cases (Swansea YOT Swansea University Presentation 2008). Work is also done with young people considered to be at risk of offending, but who have not yet come into the criminal justice system and the Swansea YOT have a 79% success rate on young people completing their outreach programme (Swansea YOT Swansea University Presentation 2008).</p>	<p>- Prevention and early intervention are critical (Russell 2012), such as the way ‘Giuseppe’ and ‘Billy’, both described their offending as starting much earlier than it was recorded to have done (Laub and Sampson 209:2003). The former described as late onset violent, despite speaking of having been violent much earlier, and the latter having a record of offending starting at age 15, despite a self-report of offending starting at age 6 (Laub and Sampson 2003).</p> <p>- ‘responsibilising adults’ (Haines<sup>150</sup> 2013) to affect their own lives.</p>	
<p><b>In order to - to de-escalate both harm and harming in lives<sup>151</sup></b> to provide an environment where individuals can ‘be better’ and ‘become something more’ without the need to fear punishment</p>	<p><b>In order to - to de-escalate both harm and harming in lives<sup>152</sup></b> to provide an environment where individuals can ‘be better’ and ‘become something more’ without the need to fear punishment</p>	<p><b>In order to - to de-escalate both harm and harming in lives<sup>153</sup></b> to provide an environment where individuals can ‘be better’ and ‘become something more’ without the need to fear punishment</p>	
<p><b>Anachronizing Crime</b></p> <p>– by replacing it with effective alternatives, as well as considering the appropriateness of what is lawful, and what is not, such that the law is consistently aligned against brutality, but without criminalising labels or punishing sentences</p>			
<p><b>Shaping Alternatives</b></p> <p>The apparent preference</p>	<p><b>Brutal Lawfulness</b></p> <p>Individualistic self-advancement</p>	<p><b>Holistic Non-Criminalisation</b></p> <p>Desistance from crime is, as</p>	<p><b>Non-Punishing Sentences</b></p> <p>It might be useful to look outside</p>

<sup>148</sup> Presenting ‘Children first in youth justice, A report on Children First in Youth Justice’ by Case, S. and Haines, K., at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog, April 2013

<sup>145</sup> Presenting the ‘Trauma Recovery Model – explanation and consideration of delivery and evaluation’ at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog, April 2013

<sup>146</sup> Presenting the ‘Trauma Recovery Model – explanation and consideration of delivery and evaluation’ at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog, April 2013

<sup>147</sup> Presenting ‘Children first in youth justice, A report on Children First in Youth Justice’ by Case, S. and Haines, K., at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog, April 2013

<sup>149</sup> Speaking in a Presentation of Wales Probation Trust presentation to Children and Families of Offenders seminar on the 4<sup>th</sup> October 2012

<sup>150</sup> Presenting ‘Children first in youth justice, A report on Children First in Youth Justice’ by Case, S. and Haines, K., at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog, April 2013

<sup>151</sup> See De-Escalating of Harm in Table 1.6 and also in the chapter on de-escalating harm

<sup>152</sup> See De-Escalating of Harm in Table 1.6 and also in the chapter on de-escalating harm

<sup>153</sup> See De-Escalating of Harm in Table 1.6 and also in the chapter on de-escalating harm

<p>amongst some to take illicit drugs because they are ‘cheap’ and give a ‘quick rush’ (Bilton<sup>154</sup> 2012) might need to be addressed to anachronize crime, either by providing this ‘rush’ through other means or by legalising drugs within appropriate contexts. Any other similar individualistic immediate ‘desires’ and ‘ideologies’ (Bottoms 278:2006), like that of a ‘quick rush’ from unearned money, may exemplify what Karstedt and Farrall (1015:2006) describe as the danger to society when people become ‘sovereign consumers’ who ‘actively choose when to conform’ and ‘when to deviate’. If that choice is made without regard to the effect on society or on other people or indeed other sentient beings it seems likely to lack <a href="#">empathy</a><sup>155</sup>.</p>	<p>in a deregulated environment, where people ‘express their grievances’ by being ‘willing to withdraw compliance if they feel aggrieved’, has led to an ‘anomic situation’ (Karstedt and Farrall 1016:2006) that runs counter to <a href="#">empathy</a><sup>156</sup> and that seems likely to facilitate not only crime but also brutalities considered lawful or at least not unlawful. Such social disintegration makes people callous and antisocial (Turnbull 1972) including in ways that the law allows. It enables the targeting of ‘suitable enemies’ (Christie 1:1986) rather than addressing society’s problems more broadly. A psycho-socio-economic approach and a systemic view, where social factors and crime have ‘multiple and frequent reciprocal causation’ might be preferable (Bunge 20:2006). ‘At any one time, every person and every social system is both recipient and effect of a large number of stimuli’, with ‘as many crime mechanisms as types of crime’ (Bunge 20:2006).</p>	<p>Dixon<sup>157</sup> (2012) says, like ‘raising a child’. It needs the whole community to be part of it, in order to integrate individuals holistically (Dixon 2012), allowing people to ‘develop’ as part of ‘many social systems all at once’ (Bunge 24:2006), with a full breadth of consistently de-brutalising and empathetic influences. An abolitionism notion of crime (Bianchi and Van Swaaningen 1986) might mean taking a more intimate, familial approach to addressing crime (Christie 1986) that is built upon familial <a href="#">empathy</a><sup>158</sup> and the nurturing of more of it. Indeed, ‘cultures in which the ‘family model’ is applied to crime control, both within and beyond the family, will be cultures with low crime rates’ (Braithwaite 57:1999). High quality direct service to people and families at risk, mobilising those who are at risk, so they can exercise power in ways supportive of their prosocial interests (Andrews and Bonta 1998). When ‘social control’ is ‘carried out by a person who does not give the situation the meaning of having crime control as its primary purpose’ it may be more helpful (Christie 71:2004).</p>	<p>sentencing to identify the need for ‘wider crime reduction strategies’ (Halliday 11:2001) to include <a href="#">empathy</a><sup>159</sup> building. Prevention and improved detection and swifter justice all seem helpful (Halliday 2001), such that there is the ‘increased likelihood of detection and conviction’ that reduces crime, whilst sentencing severity has ‘only a limited marginal effect in reducing crime’ (Coulsfield 5:2004). It is the ‘risk’ of getting caught that has a more significant deterrent effect than the ‘severity’ of what happens once one is caught (Green et al 2004). It is deterrence through detection that reduces offending, along with a sanction (Farabee 2005) that is supported by implementation strategies and the social contexts likely to maximise their effectiveness (Bottoms et al 2004). Any sentences need to be appropriate to a civilised modern society (Mathiesen 1990).</p>
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### Anachronizing Punishment

– by replacing it with effective alternatives while consistently challenging any brutality of action right from the outset and seeking solutions and protections rather than punishments

Effective Alternatives	Challenging Brutality	Seeking Solutions	Seeking Protections
<p>It is important that offenders are not seen as something other (Maruna 2001), but, rather, can be treated with <a href="#">empathy</a><sup>160</sup>. Within this ‘nurturing and</p>	<p>70% of women prisoners<sup>163</sup> had at least one child, so there is a need for child-friendly, locally-based responses that welcome children, where</p>	<p>Change is not so much what offenders need as an escape route from the past to the present (Maruna 2001). Without this escape route prison might</p>	<p>Where confinement is needed, any confinement might need to legitimise itself by providing opportunities, such as to re-evaluate choices and life styles</p>

<sup>154</sup> From Panorama BBC 11.9.12 ‘Trouble on the Estate’ on BBC

<sup>155</sup> See [Empathy in Table 1.6](#) and also in the chapter that discusses [empathy](#)

<sup>156</sup> See [Empathy in Table 1.6](#) and also in the chapter that discusses [empathy](#)

<sup>157</sup> From the ‘The Road from Crime’ film by Lagan Media Productions Ltd film for the university of Glasgow

<sup>158</sup> See [Empathy in Table 1.6](#) and also in the chapter that discusses [empathy](#)

<sup>159</sup> See [Empathy in Table 1.6](#) and also in the chapter that discusses [empathy](#)

<sup>160</sup> See [Empathy in Table 1.6](#) and also in the chapter that discusses [empathy](#)

<sup>163</sup> In USA prisons

<p>informal social control', to facilitate the process of desistance from crime' by 'strengthening .....social support systems' (Laub and Sampson 249:2003) might be a helpful alternative to punishment. Within this a 'therapist style' can provide 'rationale for the intervention, acknowledging clients' feelings and providing them with choices' and with 'positive feedback, rather than criticism' (McMurran and Ward 295-311:2004). It can praise 'approximations to success, along with teaching skills for improvement' in 'an interested and caring' way (McMurran and Ward 295-311:2004) that take account of learning styles and ability (Underdown 1998) and allow access to practise what is being learned (Bloom 2012), while maintaining and reinforcing learning by facilitating continued pro-social support (Raynor 2004). The very broad and general nature of Restorative Justice gives it room to develop (Norris 2013) and to encourage constructive and responsible (Underdown 1998) alternatives to crime through appropriate non-punitive responses to it. In fact, there is some evidence that the less the intervention the better, with 70% of under 18s cautioned not re-offending within two years<sup>161</sup> (Mair 2004), while 'most people who commit a first offence do not commit another' (Coulsfield 84:2004). Furthermore, there is considerable variation in patterns of offending and little capacity to predict its course (Ezell and Cohen 2005).</p>	<p>mothers can live with children while on a constructive programme (Bloom 2012) to prevent the brutalisation of families and to help de-brutalise any brutality in parenting. Only 5% of children remained in their own home when their mothers are imprisoned (Russell 2012). 75% of imprisoned mothers had no previous conviction, all but one were in there for non-violent offences, for 86% it was the first time separated from their children and the average sentence was only for 95 days<sup>164</sup>, yet the negative impact on mother and child, their relationship, her role as mother, their relationships with others and with society and the lost family accommodation and jobs and resultant debt problems (Masson 2012), all for a period too short to effect progress, appeared pointlessly destructive. Surely a society embedded in <a href="#">empathy</a><sup>165</sup> would consider such systems unacceptable and brutal. It is possible to improve parenting, but mothers who had been in prison had worse parenting skills than equivalent mothers from poor neighbourhoods (Menting 2012). Imprisoned mothers had made 'wrong decisions in difficult situations' and prison had worsened their existing problems and introduced new problems to the mothers lives so that they returned with the same or more problems when they re-entered society from prison (Masson<sup>166</sup> 2012).</p>	<p>only be 'creating problems it is trying to mend' and repeating and reinforcing abuse (Covington<sup>168</sup> 2012). Thus, the discourse may need to shift onto talking to people about their 'wellbeing' in an 'holistic' way (Marouga<sup>169</sup> 2012) with a more 'welfarous' justice system and 'broad well-being agendas' (Henry<sup>170</sup> 2012). This might usefully incorporate the mutual support and self-discovery that create change, including finding meaning and purpose in life by helping others avoid one's mistakes (Weaver A 2012), as one is in a position to be able to be authentically <a href="#">empathetic</a><sup>171</sup> about those mistakes. Alongside this might usefully be 'training in social skills' and 'active participatory problem solving' (Home Office: viii 1997). There are substantial individual differences in criminal conduct (Andrews and Bonta 1998) and each person is coming from their own thought processes, thus the use of a normative or typical person, against which to measure and assess others, means programmes are not targeted at real live individual people, but at an average which is not reflective of individuals, since one size does <i>not</i> fit all (Hannah-Moffat 2012). 'What works may be very different for each individual. No one size fits all' (Shepherd et al 2:2008). A personalisation of services, which shifts focus onto an individual (Hyde 2012) and sees each person as an individual with unique needs (Chapman and Hough 1998) and which reflects 'diversity, diversion,</p>	<p>in a safe, structured environment, away from temptation (SEU 2002). Opportunities for people to learn positive behaviour (SEU 2002) including <a href="#">empathetic</a><sup>175</sup> behaviour. Opportunities to change the way they see themselves and the story they tell about themselves (Stevens<sup>176</sup> 2013). A 'real opportunity' to 'settle' prisoners into society for the first time in their lives (SEU 4:2002), with a new sense of social responsibility arising in people while in prison (Deakin<sup>177</sup> 2012). Thus, education needs to be at the heart of any detention (Hawkins 2013) and any such detention needs to be within therapeutic communities, where people are 'residents' not 'prisoners' (Stevens<sup>178</sup> 2013). This approach is nevertheless extremely 'tough' and 'demanding' and has a huge 'bearing down' on individuals, in the way Carter (3:2003) requires, as everything residents do is commented upon all the time by the community and everything is up for discussion (Stevens 2013). Thus, it might need intensive preparation in advance of it, as the inability to manage amongst others, such as Crowley describes (2013) the need to do one to one work to help people to be ready to manage a group, cannot be overstated. Indeed, it may also need to be followed up by 'intensive support and supervision on release' too (Esmee Fairbairn Foundation 51:2004), while remembering that effective programmes</p>
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<sup>161</sup> Mair quotes the Audit Commission 1996

<sup>164</sup> 'The Spiral effect of a first short prison sentence on mothers'

<sup>165</sup> [See Empathy in Table 1.4 and the chapter that discusses empathy](#)

<sup>166</sup> Presenting 'The Spiral effect of a first short prison sentence on mothers' Paper presented at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

<sup>168</sup> Presenting 'Trauma Matters: creating services for women' paper at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

<sup>169</sup> Presentation at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

<p>Desisters and persisters can only be reliably predicted using 'promotive factors' of two types, namely sanction factors, such as greater belief in getting caught and low use of physical punishment, and peer factors, such as good relationships with peers and low peer group use of drugs/alcohol (Stouthamer-Loeber et al 897-918:2004).</p> <p>From 'nothing works' (Martinson 22-54:1974), grew a general recognition that 'something works' (Hedderman and Sugg 51:1997), which eventually demonstrated that 'punitive interventions were ineffective' and 'that offenders were not beyond redemption' (Cullen 1-42:2005). There is now an increasing realisation that the quality of the community service experience is enhanced when offenders see it as worthwhile through high levels of contact with beneficiaries, opportunities to acquire new skills and work that is seen as having intrinsic value for the recipients and which is reintegrative and involves reciprocity and allows reciprocal relationships' of 'trust, confidence and appreciation of other people</p>	<p>Individuals might need to relive the childhood sequence they missed, before they can function as an adult and it would be unethical to get people to talk, or be released to function, without re-parenting, as they would only return to their dysfunctional strategies (Matthew and Skuse 2013). Most importantly to the notion of de-brutalisation, it is low risk of physical punishment that is the greatest predictor of desistance (Stouthamer-Loeber et al 897-918:2004). Taking a 'recovery approach'<sup>167</sup>, making it a personal process over which individuals can exercise personal agency, rather than a 'treatment' approach where treatments are imposed by professionals (Shepherd et al 1:2008), while strengthening protective factors, like positive authority figures, families and relationships, healthy life style, prosocial associates and activities, employment, prosocial attitudes and personal skills, might help protect against the risk of criminality (Werner and Smith 1992) and other brutalities.</p>	<p>desistance and dignity' is needed (Gelsthorpe<sup>172</sup> 2012), supported by encouraging offenders to 'stop and think before acting', 'consider the consequences', 'develop alternative ways of responding to personal problems' and 'consider the impact of their actions on others' (Raynor and Vanstone 272-284:1996). 'Helpful supervision makes a big difference' to 'all aspects of delivery'<sup>173</sup> (Raynor<sup>174</sup> 2013) and the quality of service delivery is critical to its effectiveness (Andrews and Bonta 1998). With conferencing, also, it appears to be the quality of the experience that is crucial (McIvor 2004). 'Self-management' is important, but with professionals there to be 'on tap not on top' for a person's 'journey of discovery' as 'people do not recover in isolation (Shepherd et al 2:2008).</p>	<p>cannot be delivered in prison unless the sentence is 'sufficiently long' (Coultsfield 39:2004). Offenders should be encouraged to consider the 'cost benefit' of offending, and how offending inhibits the achievement of their goals, to address ambivalence over change (McMurran and Ward 295-311:2004), rather than being permitted to continue to pursue impulsive decision-making. They also need to be clear about requirements and motivated to participate (Underdown 1998). Personal motivation (Farrall 2002) and allowing offenders some control over the process of treatment, by allowing them to choose the issues that need addressing and how they will be addressed, is key to motivation (Miller and Rollnick 2002). 'We learn best when we know our own needs' (Hopson et al 38-48:1992). Self-change necessarily involves the motivation to change, so offenders may need to be permitted agency and choice in terms of participation and content if rehabilitation is going to be successful (Ward and Maruna 2007).</p>
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<sup>170</sup> Speaking at Powers, Liabilities and Expertise in Community Safety: Comparative Lessons from the UK and Republic of Ireland, one day research colloquium at the centre for crime, law and justice at Cardiff university, 2.11.12, URBIS

<sup>171</sup> See Empathy in Table 1.4 and the chapter that discusses empathy

<sup>175</sup> See Empathy in Table 1.4 and the chapter that discusses empathy

<sup>176</sup> Presenting 'Serious Therapy' for Serious Women offenders: experiences of the prison-based democratic therapeutic community for women' presented at Newport Centre for Criminal and Community Justice Women and Justice Conference 2013

<sup>177</sup> Presenting 'Narratives of Desistance: motivations behind desire to desist and barriers to fulfilling hopes on release' Paper presented at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

<sup>178</sup> Presenting 'Serious Therapy' for Serious Women offenders: experiences of the prison-based democratic therapeutic community for women' presented at Newport Centre for Criminal and Community Justice Women and Justice Conference 2013

<sup>167</sup> As exemplified by Shepherd in the discussion of managing mental health issues, from which it may be useful to extrapolate for cross-disciplinary learning.

<sup>172</sup> Summing up the Women, Crime and Criminal Justice Practise Conference of 2007 and then introducing the issues that need addressing now to be looked at this conference in 2012

<sup>173</sup> JS3 Jersey Supervision skills study by Peter Raynor with Pamela Ugwu-dike and Maurice Vanstone

<sup>174</sup> Presenting 'New developments in service evaluation and 'What Works' ', a paper presented at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog, April 2013

(McIvor 2004) and when the 'executive capabilities' (Wikstrom 101:2006) of service users, through whom 'personally mediated control operates' (Andrews and Bonta 79:1998), is enhanced and 'the role of one to one supervision' is not 'neglected' (Raynor <sup>162</sup> 2013).			
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Tab 1.7 Anachronizing Crime, Punishment, Inherent Harm and Wasted Potential

Anachronizing crime, punishment, inherent harm and wasted potential could be the payoff for a culture underpinned by sharing de-brutalisation.

Sharing De-Brutalisation		
Compassion and Candour	Safety at its Broadest	Humanising Holism
<ul style="list-style-type: none"> <li>- A culture of 'compassionate care' and a 'duty of candour' (Hunt<sup>1</sup> 2013) across all public or other shared arenas.</li> <li>- A vision based around the 'Six C' values of Care, Compassion, Courage, Communication, Competence and Commitment (Cummins J 13:2012).</li> <li>- An 'emphasis on and commitment to common values throughout the system by all within it, with readily accessible fundamental standards and means of compliance, no tolerance of non-compliance and the rigorous policing of fundamental standards, openness, transparency and candour in all the system's business' (Francis 65:2013).</li> <li>- 'Strong leadership and other professional values, strong support for leadership roles, a level playing field for accountability, information accessible and useable by all, allowing effective comparison of performance by individuals, services and organisation' (Francis 65:2013).</li> </ul>	<ul style="list-style-type: none"> <li>- 'Community planning' for the 'community safety' and benefit of all, rather than a 'crime fighting agenda' (Henry<sup>2</sup> 2012) to protect the few.</li> <li>- Planning that provides for the important role for schools, health service, businesses, and indeed everyone, in tackling the situations that may lead to offending (Esmee Fairbairn Foundation 6:2004) and instability, such as poverty, treating safety as relevant in the broadest possible terms.</li> <li>- Ensuring 'community planning' (Henry<sup>2</sup> 2012) for a stable environment for everyone.</li> </ul>	<ul style="list-style-type: none"> <li>- Integrated service with an 'holistic and multi-disciplinary approach', providing services in a one-stop-shop (Bloom<sup>3</sup> 2012).</li> <li>- Addressing holistically criminogenesisic life paths with skills orientated, multimodal (Losel 1995) concrete behavioural approaches (Lipsey 1995) in a 'place of safety' with a 'human touch', 'pragmatic and positive' and 'holistic', using a strong personal relationship with the individual service user, that is responsive to that person and never passes her/im on elsewhere, but coordinates the multifarious contacts s/he will need (Hyde<sup>4</sup> 2012) in a 'teamwork structure' (Grayling<sup>5</sup> 2016) with a 'single commissioning' source (Hyde<sup>4</sup> 2012).</li> </ul>
<sup>1</sup> speaking as Health Secretary on BBC News on the 26 <sup>th</sup> March 2013 in discussing the NHS <sup>2</sup> speaking at Powers, Liabilities and Expertise in Community Safety: Comparative Lessons from the UK and Republic of Ireland, one day research		

<sup>162</sup> Presenting 'New developments in service evaluation and 'What Works'', a paper presented at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog, April 2013



colloquium at the centre for crime, law and justice at Cardiff university, 2.11.12, URBIS

<sup>3</sup> presenting 'Gender-Responsive Program Development and Assessment: Implications for criminal justice practise' at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

<sup>4</sup> presenting 'putting women at the centre: developing holistic approaches for women' at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

<sup>5</sup> speaking as Justice Secretary on the One O'clock News 6.12.16, BBC

Tab. 1.8 Sharing De-Brutalisation

The following chapters discuss the possible components in this, both in terms of the academic issues upon which the research's questionnaire was based and the grounded issues that emerged from participants themselves. They explore brutality, in all the forms and systems in which it seemed to appear, and they look at how sharing de-brutalisation, and the detail-delivery thereof, might replace brutal action with constructive action, such as the employment and education that emerged within this, alongside empathy and de-escalation of harm, as central to it.

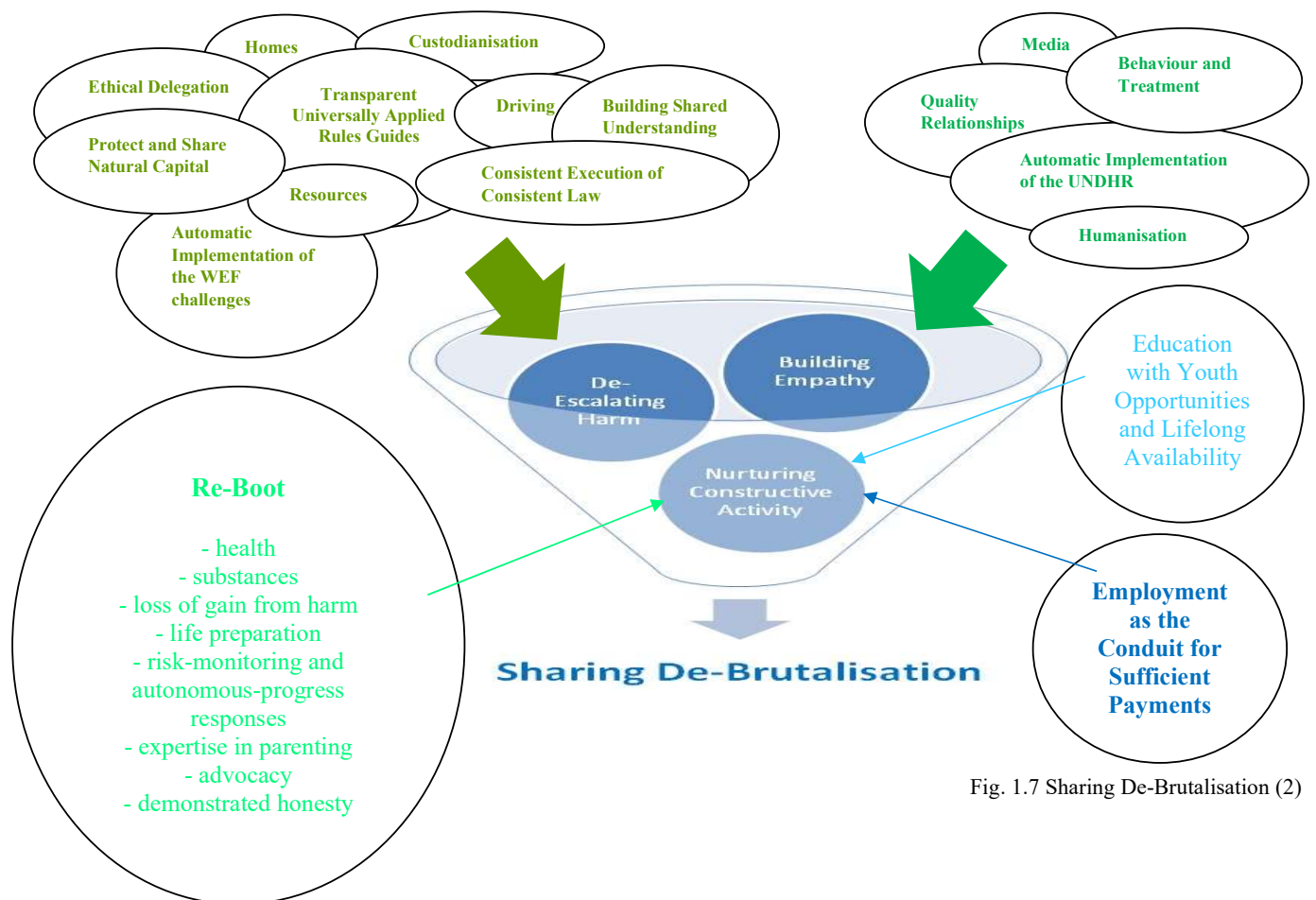


Fig. 1.7 Sharing De-Brutalisation (2)



Each suggestion forms one piece in a mosaic, no piece of which is to be considered as suggested without all the other pieces accompanying it, to build an holistic vision of possible areas of overlapping and recurring concern upon which to consider possible policy discussion, as the researcher remembers standing outside a polling station on the day she was elected<sup>179</sup>, conscious only<sup>180</sup> of her lack of any such vision within which to act, if, as she was, elected<sup>181</sup>, just as she had felt equally unprepared to serve a political function in terms of crime and punishment specifically when appointed to the Liberal Democrats' Crime in the Community Committee under Nick Clegg MP, their Shadow Home Secretary at the time.



Fig. 1.8 Unformed Politics

<sup>179</sup> As a County Councillor for Pembrokeshire County Council

<sup>180</sup> Her election agent asked her what was the matter, since he was sure she would be elected, and she replied that it was that which made her feel sick.

<sup>181</sup> She was elected and had a mental breakdown forcing her to resign shortly after that, never having recovered from her 10-year battle with the MoD

It was her desire to avoid unformed politics in any future direction, as well as a desire to see her own brutality and brutalisation producing something positive, that motivated this research. Academically exploring the matters at issue is, for her, about considering how this might shape policy, with the policy suggestions that arise from the matters that appeared as pertinent detailed in each chapter summary from chapter 3 to chapter 10. Firstly, however, the next chapter reflects upon any human universality facing such policy challenges and examines the methodology used to examine any such universality to enable the research to ask of any matter raised herein -

Could it...  
Brutalise Lives?  
Change?

## **CHAPTER 2: METHODOLOGY AND UNIVERSALITY IN BRUTALITY**

The methodology used by this study treats brutality, and its de-brutalisation, as universal challenges, of which crime and punishment are only one exemplar. It uses this exemplar to try and establish factors that may brutalise lives, or, conversely, de-brutalise them, more broadly. These factors, and how their de-brutalisation might be shared, emerged from the research in both open discussion as well as literature-led questions.

### **Methodology**

A cohort of offenders on probation was used to explore what might brutalise, or de-brutalise, life. This population was chosen because it comprises those visibly potentially responsible for brutality through crime and visibly potentially brutalised through punishment. A questionnaire was compiled from academic literature on brutalised and brutalising lives, as exemplified by punishment and crime respectively, to guide conversations with this population.

A cocktail of factors was distilled from this literature as a first draft questionnaire to be piloted within a cohort selected from this population. Proper piloting is indispensable (Raynor 2004) and the individual selected for the pilot was selected at random from the randomizing computer programme random.org. This pilot resulted in only minor changes to the questionnaire, allowing the pilot respondent (Participant 37) to be analysed with the remainder of the cohort. Thus, *every* individual that fell into a tightly defined cohort was interviewed and included.

The Cohort		
<p>- <u>All</u> adult offenders with a supervision order, suspended sentence, concurrent or consecutive term of imprisonment, adult custody, community order, deferred sentence or IPP public protection order in the <i>whole</i> of one probation centre area<sup>1</sup> in England, who had a supervision requirement that commenced during one <i>entire</i> month<sup>2</sup> in 2010, such that their commencement or prison release date was within that month, and who had received an order length of 12 months or longer.</p>		
Size of Cohort	Avoiding De-Humanisation of Cohort	Avoiding Skewing of Cohort
The small size of the cohort prevented significance tests being undertaken. Thus, the findings can only be suggestive of possibilities rather than categorical conclusions. The depth of interview with the small number of individuals was prioritised over short interviews being conducted with a large number of individuals. For this purpose, the sample size was large for a qualitative study and can be considered as valuable in this regard, with the cohort originally totalling 40 in number, comprising 33 men and 7 women.	The only information that the researcher had with regard to each participant was their name, age, gender, whether they had been released from prison or commenced probation without a prior prison sentence and their OGRS (The Offender Group Reconviction Scale <sup>3</sup> ) score, used in this research as the broad measure of possible criminality. This ensured that the interviewer approached each interviewee with as few preconceptions as possible, engaging with the person, not the specific offences they had committed.	The researcher went to great lengths to access every single individual in the identified cohort in order to try and prevent the study being skewed in favour of more accessible and amenable individuals. It was considered to be of the utmost importance to interview this <i>entire</i> cohort, albeit that some interviews were curtailed, to provide a database distorted as little as possible by the absence of anyone. In this way, the research sought to address the difficulties of establishing evidence through qualitative means because of the problems of sample selection and generalisability (Maruna and Copes 2005).
Adjustments to Cohort	Approaching the Cohort	Delivery to Cohort
However, 3 of the men were transferred to other probation authorities, as their residential addresses were outside the catchment area for this probation centre. They were, therefore, removed from the cohort, as being outside the study catchment area, leaving a working cohort of 37 participants. The original participant identification numbers 1 to 40 were retained on the transcripts <sup>4</sup> made of each interview, but the 3 invalidated participants, 1,10 and 14, were removed from the database. Every member of the revised cohort of 37 was then allocated a participant number of 1 to 37 in that dataset.	Each member of the cohort was initially approached by their probation officer to ask if they were willing to take part. It was noticeable to the interviewer that some probation officers broached the subject with their clients in a more positive manner than others. Where the probation officer approached their clients with positivity, they got an immediate approval. Conversely, where probation officers were neutral or overtly discouraging regarding participation, such as saying to their clients ‘you don’t want to do this research, do you?’ participation was initially refused. This seemed to endorse the notion that potential exists that is currently being wasted through inherently harmful engagements. This seemed to be further endorsed when the initial-refusers met the interviewer personally and all then agreed to take part.	The researcher delivered the questionnaire <sup>5</sup> to each individual in this cohort face-to-face in semi-formal interviews. Given that the <i>whole</i> of the cohort was interviewed, whilst, nonetheless, bearing in mind that not everyone answered every question, not all questions were relevant to everyone and some of the cohort were unable to complete the interview due to time or other constraints, it may be possible to draw some conclusions with regard to offenders as a whole, and, beyond that, to the brutalised and brutalising more broadly.

Tab. 2.1 The Cohort

<sup>1</sup> The probation centre in question is detailed in the Confidential Data Appendix in the Appendices Available, which are available for viewing only where appropriate and are not included within this thesis

<sup>2</sup> The month in question is detailed in the Confidential Data Appendix in the Appendices Available, which are available for viewing only where appropriate and are not included within this thesis

<sup>3</sup> An offending risk assessment tool used in England where the study was undertaken

<sup>4</sup> Transcripts are held in the Appendices Available, which are available for viewing only where appropriate and are not included within this thesis, since they contain information that may allow participants to be identified

<sup>5</sup> See Questionnaire at Appendix A

There were only seven females<sup>6</sup> in this study (participants 3, 4, 5, 17, 20, 24, 27). Of these, 4 had children, one of whom was also expecting another child, while a 5th was expecting her first child. Thus, 5 out of 7 of the women in this study had children present or imminent, namely 71% of the females in the study. These women were all the primary carers of those children, potentially suggesting the importance of any equality for women requiring the diversity of special provision to protect women and their children, as well as, perhaps, training of expertise in parenting, to try and end society's current apparent tolerance of any downward life spirals that might be associated with this situation.

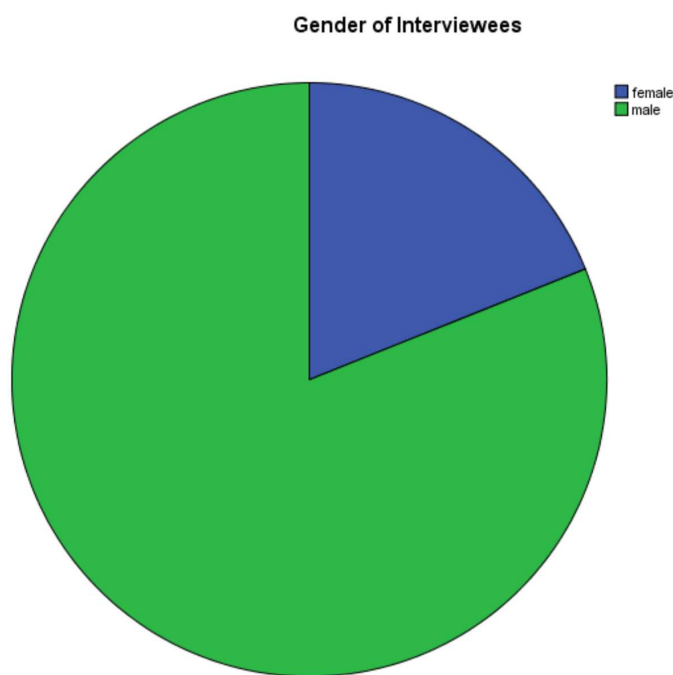


Fig. 2.1 Gender of Interviewees

Women only made up 19% of the cohort, endorsing the way that being male is 1 of 6 risk factors for criminal behaviour, which also include being under 24 years old with a

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<sup>6</sup> Gender is treated as a biological description with distinct characteristics and consequences from birth, such that treating the biologically unlike as like is unscientific, as well as potentially unfair where biological differences, their characteristics and consequences from birth make a difference, though none of the cohort identified as any gender that might challenge this definition.

criminal record, delinquent associates and a family relying on benefits and without a constructive use of free time (Rogers 1981). Though the preponderance of males in the study thus reflects the preponderance of male offenders, it does not reflect the proportions of each gender in society more broadly. Thus, it is important to bear in mind that findings will be dominated disproportionately by male responses.

Individuals have no control over their gender, age or the family into which they were born, namely half of Rogers' risk factors, which appears to emphasize the importance of taking account of these forms of diversity to protect the authenticity of equality. However, people do have at least some control over any family, criminal record, life on benefits, associations and use of time that they acquire for themselves later, albeit that these are likely to be shaped by the factors over which they have no control. Most noteworthy in these latter, when considered alongside the fact that 71% of the women in this study had children present or imminent and that all of these were the primary carers of those children, could be the family into which children are born. This appears to underline the risk of allowing ongoing downward life spirals for parents to potentially affect their children. Nevertheless, there is an enormous variability over time in criminal offending and major life events, with a great deal of that variation being within rather than between individuals, though there is a downward trend with aging (Laub and Sampson 2003).

When that aging was compared with gender, the female participants appeared to show a slightly greater tendency towards youth than the cohort as a whole<sup>7</sup>. There were no female participants over 44 years of age, while over half were in the 18 to 26 age range.

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<sup>7</sup> The small number of women in the cohort meant that there were insufficient numbers of females to consider whether this was suggestive of females desisting younger than males.

The older participants were all male, and their numbers declined with each age grouping, while, for women, numbers declined at ages 27- 35, but increased again at ages 36-44.

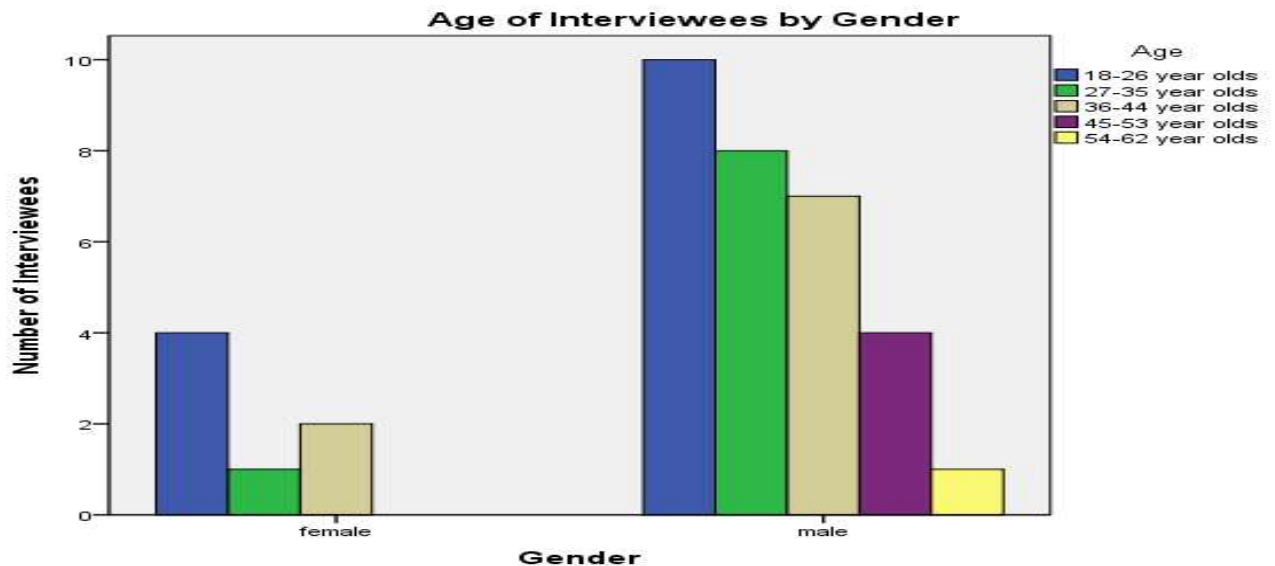


Fig. 2.2 Age of interviewees by gender

This might suggest a ‘lull’ in offending for women in their late twenties and early thirties, which may then rekindle in their late thirties and early forties<sup>8</sup>. This could be related to childcare responsibilities being at their peak in the lulled age range, but lessening during a later phase of life as their children get older. Any such lull might represent an opportunity to engage with women over their lives, within and beyond child-rearing, such as by facilitating educational opportunities to improve their child-rearing and their lives beyond, or adjacent to, that child-rearing. Ignoring, in the treatment of women, the way in which women's lives frequently diverge from men's, due to this often-greater primary childcare role, is likely to represent inequality, rather than equality.

<sup>8</sup> The small number of women in the cohort meant that there were insufficient numbers of females to say this with confidence.

However, whether the cohort was considered by gender or not, the largest grouping was in keeping with the known-prevalence of youth in the offending population (Zamble and Quinsey 1997). The expectation is that offending diminishes with age (Steffensmeier and Streifel 1991) and the study's youngest grouping, 18-26-year olds, emerged as the most numerous.

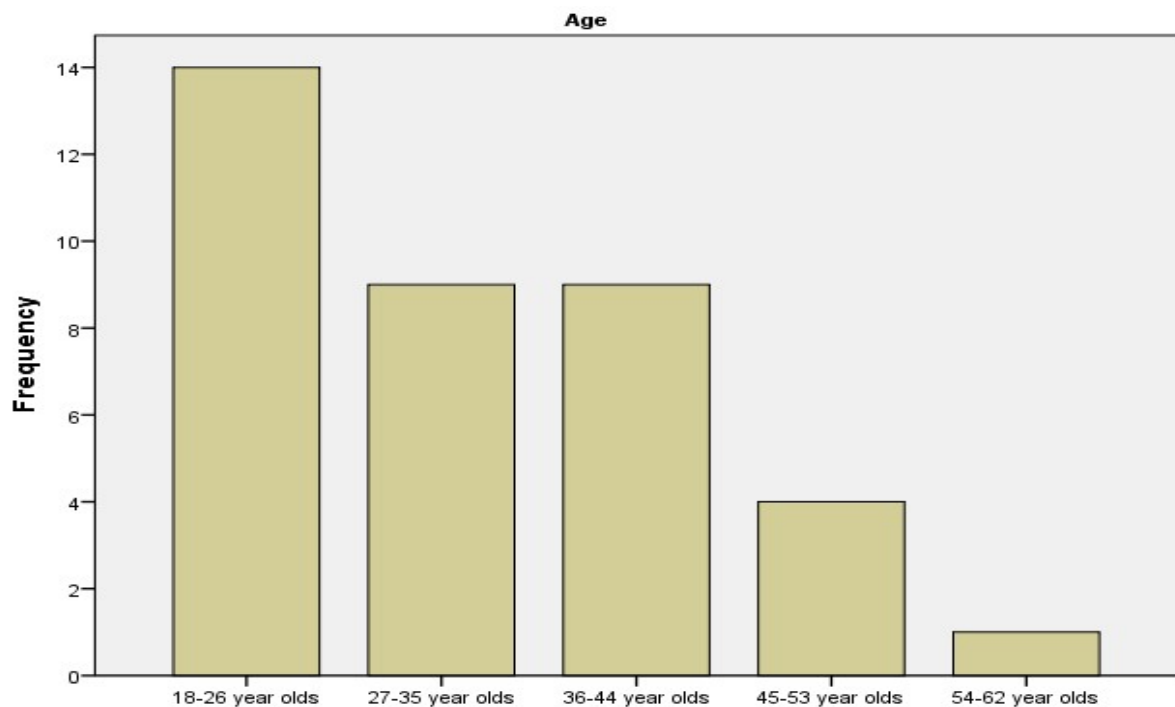


Fig. 2.3 Age

87% of the cohort was under 45 years old and only 1 participant was older than 53, with no one being older than 62 years of age. This appeared to endorse the notion that all offenders eventually desist and it's only a matter of rate and age of desistance (Laub and Sampson 2003). Despite this, however, half of the cohort was actually aged between 27 and 44 years of age, with only 38% younger than that and 13% older, whilst it also needs to be borne in mind, age-wise, that the interviews were conducted over a 10-month period.



### The Effect and Use of Age within this Study

The interviewees had been divided into age bands by equality of length of band, with each age band covering 9 years. The participants' age was taken as their age on the last day of the month on which their supervision requirement commenced, upon their release from prison or direct, which was the last day of the month used to select the cohort for the study. As the age allocated to participants, therefore, relates to the age at the time of participants' commencement and interview, within a 10-month window, not necessarily the time of their offence, greater regard to age may be given when considering the **type of responses** given rather than when considering the **timing of the offence**. Similarly, given that the minimum probation period which participants in this study had been allocated was 12 months, the interviewees had each been at a very different stage in the probation process over the course of the 10 months in which interviews took place.

Tab. 2.2 The Effect and Use of Age within this Study

The protracted nature of this period arose due to the considerable effort taken to ensure even the least accessible members of the cohort were interviewed. This might be particularly important given that, alongside being young, the other best predictors of recidivism could be several arrests, which commence when young, being criminally versatile, abusing substances such as alcohol and having low educational attainment (Zamble and Quinsey 1997). All of these may also be symptomatic of individuals who might be less engaged with wider society, and thus less accessible for interview, whilst, at the same time, being particularly relevant to this study for the same reason. Working to prevent the exclusion of any such individuals from the study itself, was, therefore, central to the entire thrust of the research. Nevertheless, the cohort, being 81% male and 87% younger adults, was predominantly reflective of a distinct section of society, namely young adult males. This is the section of society predominantly associated with criminality (Andrews and Bonta 1998). In this respect, the study may principally represent a particular sub-culture in society, one of young adult male offenders, potentially undermining the researcher's claim to be able to extrapolate beyond this group and representing one of the study's weaknesses.

The study assumed that it is viable to treat crime as a brutality and punishment as brutalising and that both can exemplify these things more broadly and a dataset was thus produced from the interviews of offenders on probation, using the interview schedule questionnaire shown at Appendix A as a framework for discussion. This questionnaire was intended as a guide to steer the interviews, in order to attempt to cover consistent topics and to ensure any issues considered relevant from the academic literature were raised with participants and collected for the dataset. It was not used to constrain participants, but as a launch pad for them.

Where participants had additional thoughts that they wished to contribute, these were also included within the dataset, and time was provided for participant-led narrative throughout the process. Participants' views, through the discussion in the informal questionnaire interview structure, gave rise to additional variables, on top of those directly linked to specific questionnaire questions, this time as grounded theory from the cohort's experiences rather than from the academic sources used to structure the interview. This meant that not only the narrow questionnaire responses could be analysed, but also an extra layer of grounded issues and broader views as well, unconstrained by specific questions. With nearly 300 questions, plus subparts thereof, including both open and closed questions, and more than 700 variables compiled both directly from these questions and from the wider themes that emerged across participants' narratives, a broad view of the holistic situation in the lives of the cohort was produced.

People who are being studied 'can also theorise about and have views on their lives as constituted in society' (Hughes 63:1980) and this study examined these views and also

offered ‘some possibilities for other people's consideration’ (Gomm 20:2004), such that, through ‘naturalistic generalisation’, the participants had the opportunity to learn about themselves from being given access to the experiences of others (Gomm 12-14: 2004) through the research-based questions, as well as verbalising their own experiences. However, just because *many* people *say* something, it does not mean it is correct. It might be simply symptomatic of a herded culturally habitualised knee-jerk response, rather than an authentically considered perspicacious response. *One* person may be as likely to provide a perspicacious response most reflective of the authentic essence of the entirety of a group as those echoing any herd knee-jerk response ostensibly reflective of that group. That one person may be the one most able to express and understand the essence of that group. Thus, what one, or few, respondents say is looked at alongside what the many say.

Furthermore, inevitably, all the participants' comments, whether question-led or freely espoused, went through the sieve of the researcher's interpretation to classify them as discrete variables. Indeed, the researcher participated in the process that was being researched and was committed to a shared goal with, and attempting to empower, ‘users’ (Greenwood and Levin 203:1998), in this case the participants. She contributed of herself in reflexive ways (Davies 1999). She used her military interrogation and debriefing training and experience to attempt to identify where understanding was not clear or where additional information may be important to build on any answer or comment made by participants and to solicit as much viable information as was ethically possible. She took a discursive approach to the administration of the questionnaire to try and ensure a genuinely mutual understanding of meaning between researcher and participant. This attempted to address the differences in understanding

that can arise (Maruna and Copes 2005). However, it also meant that each interview was conducted slightly differently, with all the inconsistencies inherent within that. The use of the same interviewer throughout did, though, assist with consistency, though it was inevitable that each interviewee would experience the same person in different ways.

The length and depth of each interview was very demanding on the participants, but the way in which they all rose to the challenge was testament to the innate functioning ability of humans, even within blighted lives. This seemed to endorse the way huge potential exists that is currently being wasted through inherently harmful existences, such as those characterised by crime and punishment.

The ‘cocktail’ approach of combining researcher, participant and academia, recognised the complexity of variables that make up individuals, their circumstances and their views of those circumstances. Each ingredient of the cocktail was categorised and sorted into variables, as outlined in the analysis notes in Appendices B-H covering analysis notes parts 1-7. These variables were entered into SPSS to enable the use of the quantitative methods that allow for generalization (Sarantakos 2005), with qualitative ones in a complementary role to assist in bringing different aspects of the investigation together (Hammersley 1992), forming a multi-strategy approach (Bryman 2004).

This Research's Multi-Strategy Approach	
It adopts the advice of Ward and Maruna (2007) to try and make intentions and rationale...transparent (Ward and Maruna 2007), including by incorporating some of the Ward and Maruna suggested ideas (where credited within the questionnaire). In this regard, the interviewer interacted on a personal level with the interviewees in search of greater clarity in mutual understanding.	It attempts to use many different means of data collection and analysis that can provide for a more rounded holistic study (Hakim 1987) with a methodological eclecticism that can provide for a much more sophisticated exploration of the issues (Devine and Heath 1999). In this regard, this research used varied types of question and supplementary information and a variety of measures and analysis of that information.

Tab. 2.3 This Research's Multi-Strategy Approach

In terms of ethics, the research adhered to the British Society of Criminology Statement of Ethics (2015) and was granted ethical approval by the Ethics Committee of the School of Human Sciences of Swansea University and was undertaken within the research faculty of that university.

#### **Ethics and Ethical Confidentiality**

- The researcher/interviewer arranged and received an enhanced CRB check.
- A full risk assessment was undertaken
- Swansea University provided insurance cover in relation to any risks presented by the study.
- All storage arrangements for data were approved by the researcher's supervisor.
- After discussion with her university, the researcher arranged to store all hard copies of data in locked cabinets and all electronic data on devices in locked cabinets. Material was also stored, with university permission, on the researcher's university P drive.
- When secretarial services were used, confidentiality and security of data was made clear to service providers, in the manner discussed with the university, and names of participants were not used.
- All written communication referred to participants by a designated list number with no use of participants' names and no names sent by email.
- A master list, allocating a number to each name, is held by the researcher, who keeps that master list in a secure locked filing cabinet.
- The researcher was mindful that participants might feel humiliated by being categorised as an offender for the purposes of the study, especially as the researcher had no history of criminal convictions and was upper middle-class therefore, the researcher sought to ameliorate this by referring to some of her own undetected offences, when conducting interviews with participants.
- The emotional well-being of participants was uppermost in the researcher's mind while conducting the interviews. She wanted to ensure she fully valued every participant and their feelings, prioritising this above maintaining neutrality.

#### **Example of prioritising valuing every participant above maintaining neutrality**

**Interviewer:** That is an incredible achievement.

- The researcher/interviewer sought to vacate any moral or intellectual high ground by acknowledging her own fallibility.

#### **Example of researcher acknowledging her own fallibility**

**Interviewer:** ..... recording equipment, to point out is the CCTV which you know is always there and I've switched on the film and the tape that you've kindly allowed me to put on at least I think I have, I'm just having a crisis of confidence I'm not very good with technology... yes, I have, I'm better at it than I thought.

- The following principles underpinned interaction between interviewer and interviewee;
  - a) Providing compassion, praise, respect and gratitude where appropriate.
  - b) Joining the interviewee as a fellow human being in a shared recognition of the shortcomings within us all.
  - c) Not looking at any probation notes with regard to the interviewee, to ensure each interviewee was treated as a fellow human being, not an offender with any specific offending history.
  - d) Respecting the interviewees by pitching the questions at an educated level so as not to patronise participants, whilst automatically explaining meaning when using any language that may not be easily accessible.
  - e) Reading, as well as showing, the questionnaire to provide both visual and oral cues for the questions.
  - f) Challenging things she saw as requiring challenge, but with a light-hearted non-censorious approach.

Tab. 2.4 Ethics and Ethical Confidentiality

All the interviews, though private one-to-ones between researcher and participant in a private room, were held within the precinct of the participants' probation centre, where alarm strips were available along all the walls and CCTV was in operation. The interviewee and interviewer sat side-by-side with the questionnaire in front of them on the table before them. No personal contact details for the researcher were available to the participants, only her name and the Centre of Criminology and Criminal Justice at Swansea University. Contact was always made through the probation service. The researcher provided and discussed an introductory letter with each participant at the outset of each interview, immediately prior to commencing each interview, and did not commence the interview until the participant had signed that introductory letter.

### **Introduction**

I am conducting research into the opinions, attitudes and choices of people who are currently subject to probation supervision and I understand that you have very kindly agreed to take part in this interview to help with this research. I am extremely grateful to you for this kindness.

Your opinions are of great value to me and I would really appreciate it if you would allow me to interview you, using film and tape recording, and also to refer to your records.

Your anonymity will be protected and your contribution treated in confidence. Only comments relating to any imminent danger to you or to others would need to be raised beyond the privacy of our conversation.

I would like to recognize your assistance with a £10 voucher with my thanks for your help. I very much hope that you will decide to take part and I would welcome an opportunity to discuss any concerns you might have.

Yours with my thanks,

Liz Campion

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I'm willing to take part in this study as outlined above and I have had an opportunity to discuss any issues or concerns I might have.

Name.....

Signature.....

To be retained for research records  
A copy to be retained by the participant

Fig. 2.4 Introduction

Once the letter had been signed the researcher conducted the interview, which lasted variously between approximately 2 and 4 hours. The interview was then concluded with a debrief, which followed the format of the debrief letter below. The participants signed the letter and received a £10 voucher in recognition of their time and contribution.

**Debrief**

Thank you so much for taking part. I am hugely grateful to you for your time and your honesty. I would welcome an opportunity to let you have a copy of the final research report once it is completed. Without your help it would not have been possible.

If there are any comments or views that you would like included in the final research report I would like to consider including them.

Any comments or views you would like included:

.....

.....

If there are any issues or concerns that have arisen for you during the interview would you like to discuss them with me now?                      Yes/No

Any issues or concerns that arose for you during the interview:	
.....	
Do you have any comments that you think I should bear in mind for any future interviews?	
Comments:	
.....	
Would you be prepared to allow me to interview you again in the future?	Yes/No
Thank you so much for all your help.	
Liz Campion	
Name.....	
Signature.....	
To be retained for research records	

Fig. 2.5 Debrief

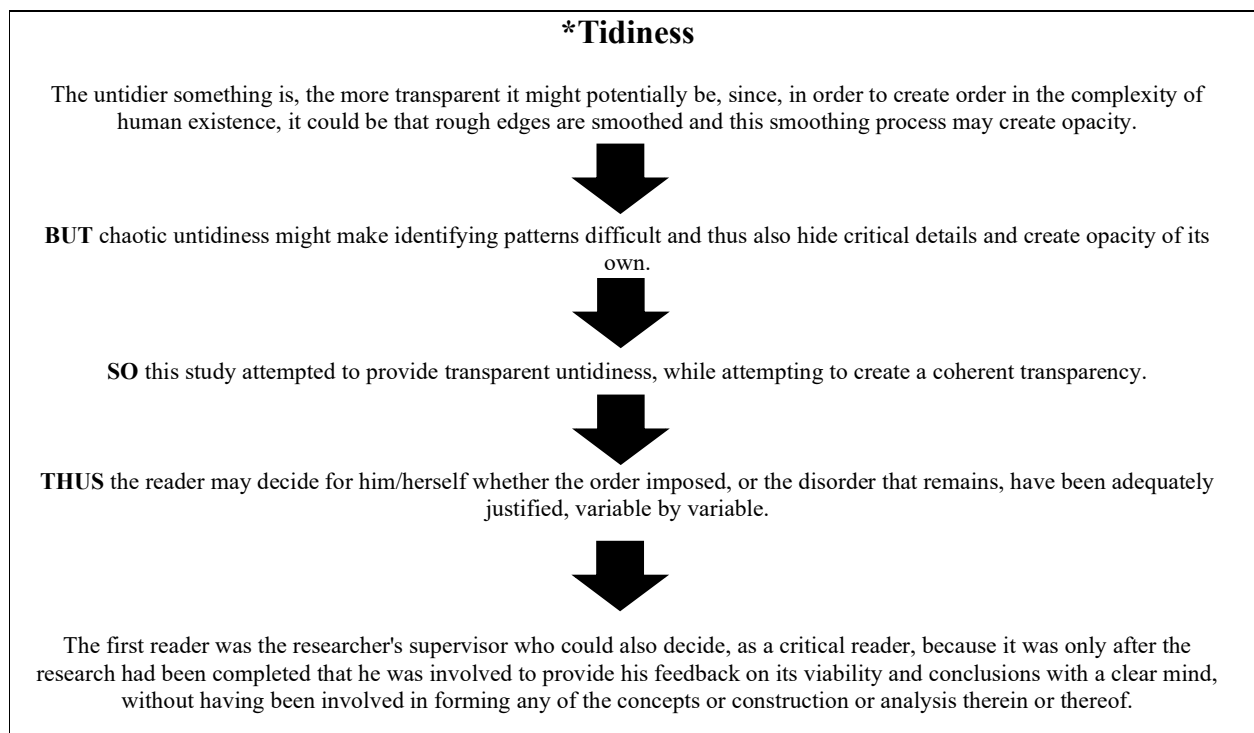
The interviewer did not ‘dumb-down’ the debate, but made any demanding language or concepts accessible. The high expectations that the researcher entertained, in terms of the degree of linguistic ability of participants, appeared to be merited, though it might also mean some degree of misunderstanding. The researcher believed these high expectations were important, more important, along with other human considerations, than anything else, and wanted to ensure a meeting of equals as equals, as far as that is ever possible. Furthermore, discourse analysis was used to attempt to minimise the effects of contamination, such as where participants were provided with lists from which to select, but treated such lists, as Ward and Maruna (2007) warn, as tests.

In this way, the problem with any type of humanity of presence is that answers are likely to be tainted by wanting approbation, particularly since the interviews were conducted within the probation offices, where participants might be particularly susceptible to wanting to be circumspect.



By interacting with participants on a human level, giving normal human reactions, rather than sanitised professionalised ones, the researcher sought to minimise sanitisation of responses, while being mindful of any potential for such de-professionalised humanity to lead responses. This discursive humanising approach was taken to help put the statistical findings into a real life context (Yin 1994), to perhaps deepen knowledge of particular aspects or causes and to help identify change (Hakim 1987), as well as to try and ensure the whole of a live situation, and its meaning, is not lost in the research (Yin 1994). Since what participants say of their reasoning is merely data, to be analysed, rather than an explanation of their reasoning in itself (Laub 1983), the discursive approach attempted to seek an understanding of what might lie behind what was said, in order to attempt to glimpse an explanation of that reasoning. In this regard, the language that was suggested to participants during some of the questionnaire, from which they could select language they felt was applicable to them, was subsequently considered in language groupings to attempt to consider participants' general priorities, rather than specifically accepting the veracity of particular words chosen, although specific words were also considered. This approach was adopted throughout this study in order to attempt to see beyond specific selections made.

When suggested answers were offered, it was not to impose them but to flush out broader responses. Thus, final categories were not necessarily the same as the suggested answers, but incorporated participants' own additions and the researcher's interpretations thereof. Similarly, conditional responses were also delineated from both negative and positive responses throughout the study. The dataset thus incorporated a mixture of types of data grouping that overlapped variables and presented information in a number of variable formats, some 'tidy'\* and some less so.



Tab. 2.5 Tidiness

Each variable was considered in comparison to OGRS scores<sup>9</sup>, to compare groups of participants by their levels of possible brutalised functioning, broadly defined by level of OGRS Score. Likewise, their level of employment was used to consider their possible level of *de*-brutalised functioning. Additionally, any lack of sensitivity of variables to changes in level of offending risk, along with any relationships between low offending risk and variables and any omnipresent applicability of a variable, were used to suggest the possible applicability of factors across humanity more universally. These usages were part of a number of working assumptions in the study.

<sup>9</sup> The Offender Group Reconviction Scale - An offending risk assessment tool used in England where the study was undertaken

### Working Assumptions of Study

- The study assumes that it is feasible to use OGRS scores to consider universality of findings beyond offenders and, alongside employment, to measure types of functioning.
- The study assumes that it is feasible to extrapolate from offending to wider brutalities or from low offending risk, absence of offending-risk-sensitivity and ubiquity of presence to the wider population.
- The study assumes that it is feasible that offenders on probation can be used to understand hidden, but comparable, brutalities within wider society.
- The study assumes that it is feasible that crime *is* a brutality and punishment *is* brutalising and that both can exemplify these things more broadly.
- The study assumes that it is feasible that findings, unless gender was overtly a factor, were mutually transferable between the genders. Thus, comments by women or comments by men, unless gender was an overt factor in the comments, were treated as universal to both genders.
- The study assumes that it is feasible that the offenders in this study represented a sample of citizens in society whose offending has been identified, pursued and punished, and that it is in this identification pursuit and punishment that they differ from the wider population, rather than in the act of offending itself.
- The study assumes that it is feasible that offending is a universal pursuit undertaken to differing degrees by every citizen in society, as well as within large sections of the authorities, such as 'parliament, the press, the police and the city' (Kennedy 4:2012) and that for ordinary ostensibly 'non-criminal' individuals, it might be only a matter of 'another year's undetected crime'<sup>10</sup>, as 'you and I may nick stuff from work and I do' (Williamson 2013<sup>11</sup>), but get away with it. The only difference could be that those labelled 'criminal' may be the ones that got targeted for catching or committed offences that were prioritised for catching or simply the ones that got caught. Thus, this study considers it legitimate to draw some universal lessons from the participants in this study and assumes that it can do so, using this cohort of offenders on probation as an exemplar of the brutalised and brutalising.

Tab. 2.6 Working Assumptions of Study

Another such working assumption was that a cohort of offenders on probation might exemplify others more broadly who might also be brutalised and brutalising. In this respect, offending was assumed to be a manifestation of brutalising society and punishment of being brutalised by society.

### An Exemplar of The Brutalised and Brutalising

The cohort of offenders on probation may be an Exemplar of The Brutalised and Brutalising by virtue of the fact that:

1. They are a group of individuals who have potentially brutalised society, by offending, and who are being potentially brutalised by society, by being punished.

<sup>10</sup> A frequently cited sentiment expressed amongst the researcher's military colleagues during her service in the military

<sup>11</sup> Orally presenting 'Reflecting experience in youth justice in Wales, England and Europe', paper presented at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog,

2. Criminality could exist at a cusp, where individuals and society come up against each other, and it may be here that there is the highest risk of brutality and the greatest challenges for de-brutalisation.
3. The possible overt brutality of criminality might help make brutalities, that could be opaquer, but nevertheless present, within the population more broadly, transparent for exploration.
4. They may represent a group for whom the most difficult moments of existing might be now.
5. They are at the mercy of their society, by virtue of being subject to its punishments, having also placed society at their own mercy, by virtue of offending against it.
6. Being a cohort subject to criminal justice punishments after the commission of offences, might represent an exemplar of the brutalised and brutalising.
7. 'Crime' might exemplify an individual *choosing*, to at least some degree, to remain outside any broadly shared social enterprise, such as society, and *choosing*, to at least some degree, to brutalise it instead. In this regard, offending behaviour might represent behaviour that might exemplify individuals who may have particular problems with coexisting without brutality. This could further add to the relevance of using this cohort to highlight difficulties that may surround coexisting without brutality more generally. Complementing this, 'punishment' might exemplify an individual being *placed*, to at least some degree, outside society, in a way which might only widen any fault line that crime could already represent. Where people come up against society in ways such as this, there could be lessons to be learned about both people and society and their interface more broadly.
8. Offending, by its very definition, describes behaviour that runs counter to any regulated interface, since it describes behaviour that is counter to the laws that regulate that interface. Laws that are designed, ostensibly at least, to protect both individuals and society, within the regulated shared social enterprise that might define notions of society. Thus, using an offending cohort, as a means to consider the viability of other shared social enterprises, such as sharing de-brutalisation, that could also be designed for that same purpose, may assist in exposing any potential problems that might lie therein.
9. Crime, and the punishment thereof, is used to illustrate the potential damage being done by failing to so share. Damage that may exist across and between cultural divides, with criminality only being one outward demonstration of problems that could lie undetected amongst the remainder of the population. A visible symptom of broader inherent harm and wasted potential, as well as a visible demonstration of brutality.
10. This research seeks to go beyond the consideration of offenders as a distinct group of individuals outside broader society. It does not see 'offender' as separate and different from other people. It views offenders in general, and the participants of this study in particular, as *One of Us*<sup>12</sup> (Campion 1994), exemplifying issues relevant to anyone facing differing manners of coexistence that may be in direct conflict with each other and which could be resulting in brutality. Participants are treated as only being distinct from wider society by virtue of the fact that they had been called to account for their offending and by virtue of the fact that they were being repeatedly called to account for their lives as a whole at probation.

Tab. 2.7 An Exemplar of The Brutalised and Brutalising

Making such an assumption is one of the intrinsic weaknesses in the study.

### Weaknesses in the Study

#### Weaknesses in Assumptions:

- The assumptions upon which the study is based were not tested prior to the study to ensure their legitimacy in this role.
- The use of OGRS scores to consider any universality of findings and also, along with employment, to measure types of functioning, were not previously tested either.
- Untested assumptions, along with assuming that offenders on probation can be used to understand hidden, but comparable, brutalities within wider society, all amounted to weaknesses.
- Assuming crime is a brutality and punishment is brutalising and that both can exemplify these things more broadly.

<sup>12</sup> Retitled 'When the Law is The Enemy'

**Weaknesses in Transferability:**

- Any transferability to wider society of any findings from this study might be compromised by those in this study having been called to account for offending and being repeatedly called to account over life action or inaction in probation. Being repeatedly called to account may lead individuals to have to provide explanations for their lives that are acceptable to themselves, and their sense of their own dignity, and also to their idea of what those calling them to account might also find acceptable, in a way that may be less true for wider society.
- Given the fact that the entire cohort were offenders, it also needs to be borne in mind that, even if attributes do not appear to be sensitive to changes in level of OGRS score, they may still be particular to offenders as a whole, even if not to the *level* of offending risk.
- The absence of comparator groups (Maruna and Copes 2005).
- The absence of replication, since evidence comes by replication (Losel SCOPIC Conference 2007)
- The fact that the cohort was mainly made up of a particular group in society, namely young adult male offenders, with the cohort being 81% male and 87% younger adults.

**Weaknesses in Missing and Selective Information:**

- The OGRS score was not available for all the participants and, where it did exist, the sample contained different proportions of individuals at each offending risk level, creating an imbalance between offending risk levels, often worsened when dealing with subsections of the sample.
- There were inconsistencies in participants' self-reporting, along with difficulties in deciding when to include selections made during conversational building of understandings between interviewer and participant and when to exclude them as having failed to achieve that understanding.

**Weaknesses in Piloting:**

- The pilot, conducted with only Participant 37, was far too small to be effective.

**Weaknesses in Scale and Proportion:**

- The small size of the whole cohort prevented any definitive statistical analysis of the data, a situation worsened where the sample size was reduced still further, when dealing with subsections of the sample where not every participant had supplied an answer.
- Though the low proportion of women in the study may be representative of the low proportion of women within the offending population, it meant that, when extrapolating to wider society, the results were strongly tilted in an unrepresentative way towards males.
- Some participants remained particularly opaque by curtailing their interviews.

**Weaknesses in Time Constraints:**

- The researcher had wanted to consider any common factor between curtailed interviewees, such as pressures of having to get to work or mental health pressures on concentration, but there was insufficient time to explore this.
- Much detail in general was left unexplored, including much nonverbal communication.
- Film was made of interviews where permission was given for this, but there was insufficient time to consider the many ways examining this would have added to clarifying meaning and deepening the study of responses as intended.
- Trying to examine so many variables meant that each one was not allocated enough time for examination. There was simply too much data to which to do justice within the time pressure of the process.
- There was insufficient time to consider the way in which those with a medium OGRS score did not always appear to be represented in an expected ascending or descending order of sensitivity to variables in some instances.
- Due to constraints on participants' time and concentration, given the lengthy and detailed nature of the questions, questions asked had to be prioritised in certain instances and this may mean that there is an inbuilt bias in terms of those who struggled to be able to allocate sufficient time to sustain the entirety of the interview. This was dealt with by attempting to prioritise questions so that some could be dispensed with where time was becoming an issue. This prioritisation was, however, done on an ad hoc basis, as interviewees' concerns with regard to time would become apparent at differing points, adding to the problematic nature of some of the results.

**Weaknesses in Interview Conduct Differences:**

- Differences in the conduct of each interview, such as when discursively seeking shared understanding, interfered with consistency across the interviews.
- Inevitably the differing nature of personal relationships between interviewer and interviewee and any emotive intrinsic gut response each to the other will inevitably affect any interview.
- The general volatility of mood across interviews, and between interviewees, creating inconsistencies between interview

conditions and participants' normal condition. 86% of participants undertook the interview in a positive or neutral mood<sup>13</sup>, whilst 51% described their usual mood in these positive or neutral terms<sup>14</sup>. This suggested that undertaking the interview and/or arriving at probation, where the interviews were conducted, placed participants into a more positive and stable frame of mind than was normally the case. This may be problematic for the study, in terms of potentially producing more positive and stable responses to questions than might ordinarily be the case on a 'usual' day for these

#### **Weaknesses in Interview Structure:**

- The length of the interview was very demanding on the participants, potentially leading to lost concentration and to responses to questions being affected by tiredness, especially in the latter stages of the interview.
- The complexity of the interview is likely to be confusing at times.
- Participants' level of willingness and ability to express themselves is likely to differ.
- Responses were often being sought to theoretical situations rather than real life situations (Maruna and Copes 2005) respondents.
- Sanitising the environment in order to isolate variables, when examining human functioning, is impossible. Thus, everything is served to the reader through the researcher's understanding.

#### **Weaknesses in Linguist Usage:**

- The rationales that lie behind the usage of the same words, even after efforts were made to secure a mutual understanding, are nevertheless likely to remain to at least some extent misunderstood.
- Respondents' language, specific words chosen and answers themselves might be made for their effect rather than their honesty.
- Even where words could be considered quite straightforward and self-explanatory, there will always be a difference of interpretation of those words which may mean that like is not always being compare with like nor grouped with like when considering participants' relationships with the concepts particular words could represent. This might particularly be the case when it comes to words like 'cooperation' that actually have more than one potential meaning even in terms of the dictionary alone, let alone more personalised interpretations.
- However carefully the researcher might define her own personal understanding of concepts and the language used to represent those concepts, participants are likely to have a completely different understanding of the same concepts and language and therefore the widest possible inference, including contrary inference, is considered as far as possible and practical within interpretation of data.
- The differing usages to which participants may attribute language, when they use it in response to the researcher, might never represent a shared language usage nor represent a shared understanding of meaning.
- With such a protracted interview incorporating much complex language, and addressing complexities of language in compressed time, it could be particularly the case that definitions of concepts, and thus any shared understanding of those concepts, may be blurred or lost.

#### **Weaknesses in Location:**

- Since interviews were conducted at probation services offices, the participants in this study might have been more likely to have sought to minimise any criminal activity being undertaken or may not have wished to admit to any such activity.
- The overt security CCTV in the interview room, which the interviewer pointed out to each participant, as well as the researcher's own recording devices, for at least one of which none of the participants refused permission, were all likely to have added to the 'situational demands' of an 'interview situation' that can create evidential problems (Maruna and Copes 2005).

Tab. 2.8 Weaknesses in the Study

Other weaknesses were spotted by the interviewees. There was also some praise for the interviewer and a suggestion that the same interviewer should conduct all the

<sup>13</sup> What sort of mood would you say you are in today?

<sup>14</sup> How would you describe your usual mood?

interviews<sup>15</sup>.

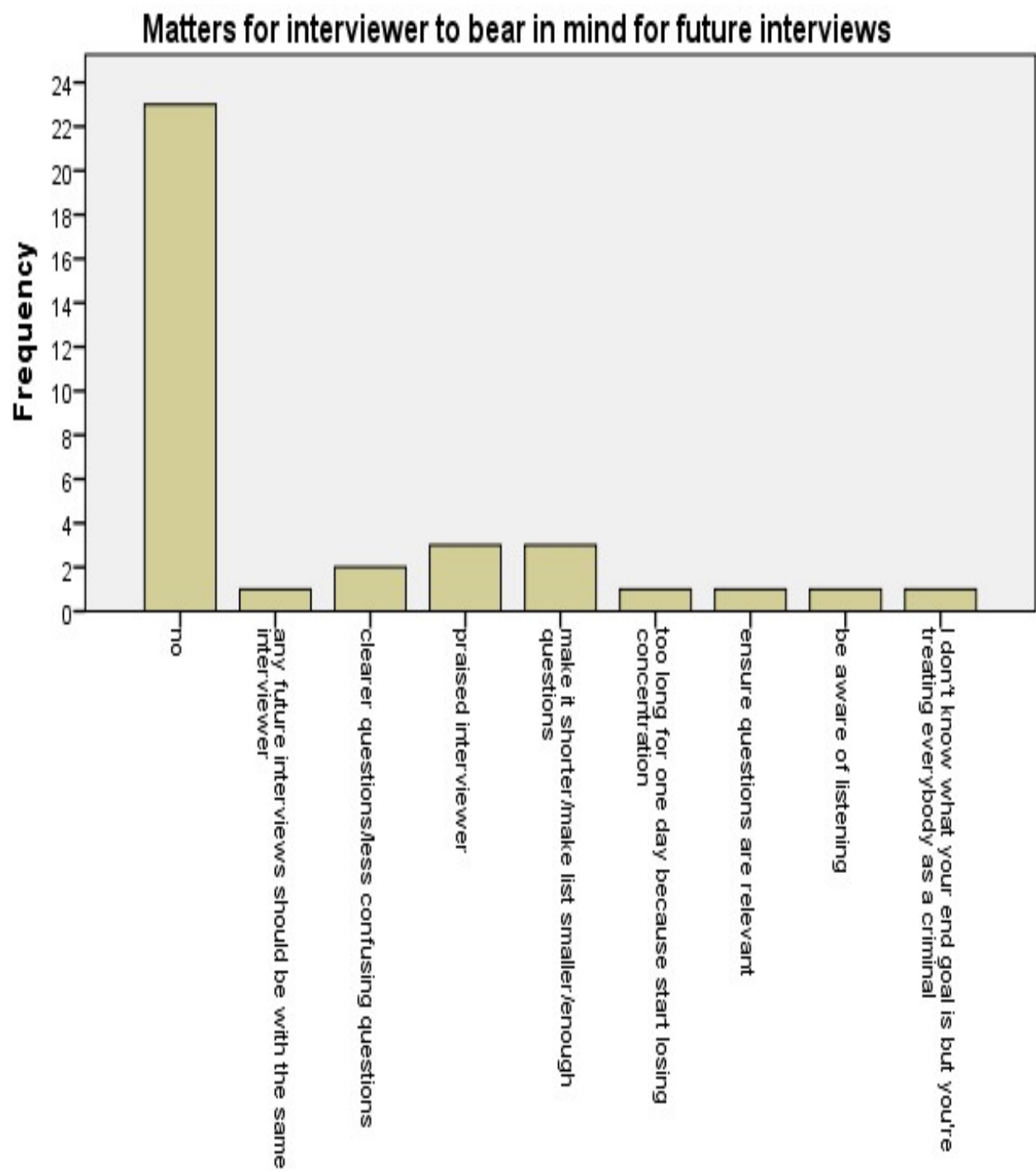


Fig. 2.6 Matters for interviewer to bear in mind for future interviews

<sup>15</sup> Which is what happened

One participant said ‘I don't know what your end goal is but you're treating everybody as a criminal’. In this, he raised issues of the ethical implications of the emotional consequences to participants, in terms of endorsing their sense of being a criminal when being studied as such. His pain at being treated as a criminal, simply by virtue of participating in a study of offenders, raises concerns with regard to other such offender-focused studies, which may be perpetuating individuals' offending identities and inadvertently harming them in this way.

This participant was upset because, ‘no matter what’ he said, the study continued to treat him as a criminal, but he did not acknowledge this upset, attacking the research instead. He depersonalised his objections by using generalising language, such as ‘thousands of types’ of people offend, behaviour classified as offending is normal and that the cohort should be broadened to the general public to ensure participation in the research does not characterise participants as criminals. He also applied a rational non-emotional personal explanation of his objections, saying he was no different from others without any inherent criminality, as well as a scattergun of rationalities against the study, which it is appropriate to provide in full below.

This Participant's Comments
<p><b>He said it was interviewer's choice whether to include his comments in the research findings and his comments are included anonymously here:</b></p> <p><b>His core message was that this research is</b> ‘not a double-blind trial. I'd like that to be stated. That's it's concentrated on a criminal element and not general aspect. I think you need to use that as part of your introduction’ and the research should ‘have more definition first’ so ‘you're running through guidelines, you're not wavering all over the place’ and it should be explained ‘in the report, so that if somebody reads it they'll realise as soon as they read it they think ah, they're not dealing with everyone, just dealing with a specific side’.</p> <p><b>His full commentary started with</b> ‘I don't know what your end goal is but you're treating everybody as a criminal,’ followed by ‘Everything is geared towards... being a criminal. With the questionnaire you're treating everybody as a criminal straightaway when there's, no matter what they say you're trying to find an excuse or reason for why they did it, I think through that you were trying to find an excuse for a reason why I did what I did. There isn't one. So you're hunting</p>



down... I mean you're trying to blame friends, family, trying to... whether it was if I lived in a council flat, I had 18 children and stuff like that, you're trying to find an excuse for it. You're trying to find a reason but nine times out of ten there is no reason. That's true of most the people I met while I was in there, \_\_\_\_ spur of the moment things, ok I did something and I've got to pay for it, you're trying to find a reason for doing something on the spur of the moment. First question should be is this something you've done a lot, if they say no then tear up the questionnaire. You're looking for reasons why things go wrong yet it could be the fact that some guys standing up there having a drink and someone feels his girlfriend up and he turns round and hits him in the face, it's not something that I would do but if he hits him in the face and kills him then he's going to end up doing time for a spur of the moment thing. I think 90% of men would respond with violence on the spur of the moment. If you were standing next to me and someone felt you up and I was out with you, then I'd have to... I would feel that part of my duty to go and say sorry mate, can you stop doing that and then if he throws a punch and I throw one back, then if I knock him out or he hits his head on the table and falls down and kills himself, so purely for my self-respect and respect for you, I've ended up killing somebody and you could end up doing prison for it. It's not a social up bringing... actually it probably is, yeah it is a bad point because I was raised right. You've done all your research and you've sifted through endless other papers and peoples' comments, by doing that, you're just following the trend. You don't want to re do what other people have done or use other research or just go straight at it. You're gauging what you do on what everybody else's scale. You could take that questionnaire and go to the town centre and drag somebody aside \_\_\_\_ you'd probably have more luck getting straighter answers from people out in the street. You could have done this survey out there instead of in here. Your captive audience. Everybody out there does exactly the same as you, speeds down the road. Might have stolen a sweet. ... eight or nine or whatever and learned right from wrong because of it so. To get a balanced report, you need to have... the other side. To someone who hadn't gone through it. I think you'd be much better off getting... the thoughts of somebody out there and thinking how probation deals with people. Much fairer. If you'd asked me a year ago what I thought probation services would have been like... it's irrelevant to me, I know it's about thousands of types, take thousands of types, I come in here, I have a chat, I'm not going to re-offend, my crime was done 6 years ago, I've been working in the same job ever since, knowing my business \_\_\_\_ problem with me, they understand that I \_\_\_\_ and I got caught out and that's all there is to it so it hasn't made any role on me so I come in here I say hello, thank you very much, goodbye, you know, yeah lovely nice sunshine and how was your holiday. I think I probably typical. Let's hope I was dealt a really shit hand, I hope I am. I think there's got to be thousands of people out there exactly the same as me... got to be. I don't use probation services.... probation services uses me. I think it uses me by keeping track of me that's all, I come in here and see whoever I had to see I've had several probation officers interview me since I've been here you know.... Probation officers have not been any use in any way at all I don't need them. I didn't need anything at the start but like I say I was under the cosh for 5 years before, I pleaded guilty at the first chance and four years later I got sent down, it should have been done in the first year, shouldn't have waited four years for me to get sentenced when I pleaded guilty. Probation has done absolutely nothing for me apart from take from take my Thursday mornings up. If I was doing any work, my hourly rate is £480 an hour so taken an hour out of my day, admittedly they've been very good. I mean for me to go and stand somewhere for an hour and put my professional opinion over, it's going to cost somebody a lot of money. Fair play to them here at the end of the day because they've been really good to me and I said well I'd like to do it on a Thursday morning, I'd like to do this, I'd like to do that and they said yes, that's fine, they said would you like an evening meeting I said no because I can't guarantee I can make it, I said I know that Thursday's I go into work at eight o'clock, I come up here at ten o'clock and ten past ten I'm back in the office or on my way out to go and do my job. But it's also taken those other two hours out where I should be off doing stuff trying to rush my way round so. And the court case doesn't finish for the people \_\_\_\_ so but... I'm still under the cosh for it. It has affected all my finances. I think if you get my view of probation from the inside and somebody's view of probation on the outside, then you've got a comparison. I don't think you're running a blind trial. Everybody's looking for a cash deal, \_\_\_\_ a painter and decorator, do you pay him... I'd probably pay in cash and if you pay in cash you're propagating it. I understand they're working within margins but like I say, it's not a double-blind trial. I'd like that to be stated. That's it's concentrated on a criminal element and not general aspect. I think you need to use that as part of your introduction.'

**Question from researcher: specifically, what do you want me to do?**

**Answer;** I don't know nothing specific I just think that you need to mention that it is a, you know, it's not a trial by jury sort of thing, you need to run through and work \_\_\_\_ I'm not here to be all and end all, I'm here to concentrate on \_\_\_\_ have more definition first

**Question from researcher: So people, so when, so it's clear to people I'm just concentrating on that?**

**Answer;** Yeah. You're running through guidelines, you're not wavering all over the place

**Question from researcher: Right, so concentrate on the criminal element and not the general aspect, should be explained to participants, yeah?**

**Answer;** And in the report. So that if somebody reads it they'll realise as soon as they read it they think ah, they're not dealing with everyone, just dealing with a specific side of them.

Tab. 2.9 This Participant's Comments

This participant's view of himself as normal, and his use of attack when feeling upset, both go to the heart of this study. In the former instance, as an expression of the universality of humanity regardless of offending status. In the latter case, as a demonstration of the way in which attack is used when feeling under attack. This latter exemplifies the importance of addressing attack without counter-attack, instead looking at any sense of being under attack as a brutalisation to be shared in its de-brutalisation: shared through constructive action, such as discussion, empathy within that discussion and the de-escalation of the harm causing the sense of attack. This participant was one of many who spoke in great detail and at great length. At the other end of the spectrum were some who curtailed their interviews.

### **Curtailed Participants**

Due to curtailment, some participants were unrepresented at various data collection points. Likewise, the pilot interviewee, Participant **37\***, was also absent at various points in data collection, as his questionnaire differed very slightly from that of the other participants.

#### **Curtailed Data Points and the Participants to which they Relate**

Curtailed Participants; **18\*\***, 21, **29\*\*** and **\*37** were missing from Childhood Treatment Experiences Variable 595 as neither of the component measures were available for them.

Curtailed Participants; **11\*\***

This participant had not been asked any of the questions in either the autonomy of management or of problem solving and there may be some significance in this, in that he may have engaged least with the study. He was also missing from all cooperation autonomous engagement variables and all the relationship measures. Neither did he appear in any of the measures for treatment received or offered.

Curtailed Participants; **11\*\*** and **18\*\***

These participants had not been asked any of the questions that made up the Autonomously Engaged Socialisation Measure and there may be some significance in this, in that these participants constituted those that engaged least with the study and, therefore, questioning of these particular participants needed to be curtailed.

Curtailed Participants; 6, 8 and **18\*\***

These participants had not been asked any of the questions in Talents and there may be some significance in this, in that these participants constituted those that engaged least with the study and, therefore, questioning of these particular participants needed to be curtailed.

Curtailed Participants; **11\*\***, **18\*\***, 28 and **29\*\***

These participants had not been asked any of the questions in Self-Policing and there may be some significance in this, in that these participants constituted those that engaged least with the study and, therefore, questioning of these particular participants needed to be curtailed.

Curtailed Participants; 4, **18\*\***, 22, 26, **29\*\*** and 32

These participants had not been asked any of the questions that made up the overall Problem Awareness Measure.

Tab. 2.10 Curtailed Data Points and the Participants to which they Relate

It was the trio of participants **\*\*11, 18 and 29** that had a pattern of regular curtailment, and these participants could be of particular interest for this reason. They were all male, but so were the vast majority of the participants<sup>16</sup>. Their ages ranged broadly, with Par 11 in the 54-62-year-old group, Par 18 among the 18-26-year olds and Par 29 among the 27-35-year olds. Therefore, age did not appear to relate to playing a less than full part in the research, though Par 11 was the only participant over the age of 53, so his absence from portions of the research is of particular concern to the findings and any age-related relevance of them.

In terms of OGRS score, this was only available for Participant 29, who had a high OGRS score, which might, in a very limited way, suggest that an increased risk of criminality could be related to unwillingness to play a full part in social participation, such as this research perhaps exemplifies. However, both this participant and Participant 18 were fully working, which may suggest that shortage of time, due to pressure of

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<sup>16</sup> Only 7 of the 37 participants were female

work, might also play a part in curtailing the interview, which could in turn suggest that working full time might compromise the opportunities of individuals to be heard and represented in society more broadly, such as by participating in this research. With only Participant 11 of this trio not prosocially involved in society through employment, as well as being the only individual in the whole cohort over the age of 53, it might be that, though offending generally peters out with age, individuals who continue to offend into their fifties might have given up on all social participation, from work to engagement such as in this research.

**Analysis**

SPSS was used as the data analysis tool in which to place variables.<sup>17</sup>

Quantifying Variables
<ul style="list-style-type: none"><li>- Percentages were rounded up from 0.5 upwards and rounded down from beneath that figure.</li><li>- Percentages were always the valid percentage of those who answered any particular question.</li><li>- Each participant represented 2.7% of the 37 participants, rounded to 3%, in the same way that all other percentages were rounded.</li><li>- Halfway points on scales were not offered, in order to try and encourage individuals to make a decision about which half of a scale was applicable to them.</li><li>- A halfway point was, nevertheless, created in some instances by interviewees themselves and, when this was the case, it was included.</li><li>- References made by participants, even where no apparent correlation existed, as well as where it did, were included in the findings, as the absence of correlation might be as relevant as its presence.</li></ul>

Tab. 2.11 Quantifying Variables

Firstly, the raw answers given to each question were entered into SPSS as raw variables. These were then grouped to reflect types of response, creating processed variables for use in analysis. Since all the questions in the questionnaire were drawn from previous academic research, the database acted as a compendium of such research. Other

<sup>17</sup> See SPSS dataset in the Appendices Available

variables were also formed, this time on a grounded basis using interviewees' elaborative remarks made throughout the interview. This dual mechanism, across the two layers of expertise, namely academic, through the medium of questions based upon previous research, and experience, based upon the supplementary information provided by participants, were used to attempt to establish a broad basis from which to draw possible interpretations. Participants' remarks comprised expanded answers and interjections, which were placed into a personalised remarks grid, one for each participant, as shown at Appendix H. This grid was designed to sort remarks into the 12 themes, and their opposites, that had emerged from this supplementary information as grounded examples of **brutalisations\*** and **de-brutalisations\***.

<b>*Brutalisations</b>		<b>12 Paired Emergent Themes</b>		<b>*De-Brutalisations</b>	
Emotional/Psychological States <sup>18</sup>	Physical States <sup>19</sup>	Emotional/Psychological States	Physical States	Emotional/Psychological States	Physical States
Educational/Training Experiences <sup>20</sup>	Societal/Official Experiences <sup>21</sup>	Educational/Training Experiences <sup>24</sup>	Societal/Official Experiences <sup>25</sup>	Educational/Training Experiences <sup>24</sup>	Societal/Official Experiences <sup>25</sup>
Independency <sup>22</sup>	Dependency <sup>23</sup>	Independency <sup>26</sup>	Dependency <sup>27</sup>	Independency <sup>26</sup>	Dependency <sup>27</sup>
Need for Money/Possessions as Provision	Desire for Money/Possessions as Acquisition	Sufficiency of Monetary Provision	Desire for Monetary Advancement	Sufficiency of Monetary Provision	Desire for Monetary Advancement
Solutions/Moralities/Drives/Desires	Use of Substances: Alcohol/Drugs	Solutions/Moralities/Drives/Desires	Avoidance of those Substances	Solutions/Moralities/Drives/Desires	Avoidance of those Substances
Aggressive/Violent/Unempathetic/Uncaring/Repressive Behaviour to Specific Others	Aggressive/Violent/Unempathetic/Uncaring/Repressive Treatment by Specific Others	Gentle/Peaceful/Empathetic/Caring/Encouraging Behaviour to Others	Gentle/Peaceful/Empathetic/Caring/Encouraging Treatment by others	Gentle/Peaceful/Empathetic/Caring/Encouraging Behaviour to Others	Gentle/Peaceful/Empathetic/Caring/Encouraging Treatment by others

Tab. 2.12 Twelve Paired Emergent Themes

<sup>18</sup> Inc anger, frustration, depression, stress, anxiety, moody, bad days

<sup>19</sup> Inc injury, illness, disability, discomfort

<sup>20</sup> Inc injustice, unfairness, waste, mistreatment, ineffectiveness, neglect, difficulties, uncared for, barriers to education and training (including lack of empathy etc from educational authorities)

<sup>21</sup> Inc injustice, unfairness, waste, mistreatment, ineffectiveness, neglect, difficulties, uncared for, barriers, little to gain (Excluding Education/Training) in society and officialdom (inc unempathetic authorities etc)

<sup>22</sup> Brutalising/harmful/wasteful independency Inc isolating self, refusing help, defying outside world, I don't need, resenting having to do things for self, using the negative for independence or negative as good sign of independence

<sup>23</sup> Brutalising/harmful/wasteful dependency Inc choosing unhelpful role models or leaders, easily led astray, need others to act for him/her, need circumstances to change for him/her, powerless, hopeless, sense of always being or doing wrong, bored, nothing to do nor sought of self, no time, can't do, laziness, no interest, delay, inaction, waiting, don't know what to do or how to do it, no direction, not attending to things, avoiding things, abdicating responsibility,

<sup>24</sup> Debrutalising/understanding sharing/constructively active educational and training (Excluding sentence related Education/Training) (if actively doing it or done it, not simply aiming)

<sup>25</sup> Debrutalising/understanding sharing/constructively active within society and officialdom (Excluding non-sentence related Education/Training) (if actively doing it or done it, not simply aiming)

<sup>26</sup> Debrutalising/understanding sharing/constructively active independency Inc engaged autonomy, self-reliance in living the debrutalising/understanding sharing/constructively active life wants (if activated)

<sup>27</sup> Debrutalising/understanding sharing/constructively active dependency Inc seeking the debrutalising/understanding sharing/constructively active life wants, motivated/guided/needling others/circumstances (if activated)

Their definitions are also included in Appendix H, as is the narrative grid into which remarks were then placed for quantitative counting and entry into SPSS. Where explanation of context was needed, remarks were expressed as ‘You ask me X and I say Y’. In addition, where context for answers is necessary, the read back of the question in summary was also included within the remarks, such as saying ‘regarding Z’. Remarks were then built into first person sentences to provide context, flow and understandable meaning. Broad groupings were employed, as well as two measures of intensity to allow for the broad-brush nature of calculating that intensity.

The scoring mechanisms for these are shown on the scores grid in Appendix H. They were developed by this researcher for this research to try and minimise the respective problems in using either quantitative or qualitative methods. They attempted the development of quantitative indexes derived from qualitative information (Maruna and Copes 2005).

### Calculating Intensity

**One Measure of Intensity** = Arrow Score<sup>28</sup>

Arrow Score<sup>29</sup> was one measure of intensity and represented intensity as per the total number of arrows throughout each individual's Narrative Grid for each theme.

Arrows were accumulated by:

<sup>28</sup> See Arrow Count and Remarks for each individual in the Appendices Available, where the multicoloured remarks in the Red-Headed **Brutalisation** Columns and their opposites in the Green-Headed **De-Brutalisation** Column are detailed

<sup>29</sup> See Arrow Count and Remarks for each individual in the Appendices Available, where the multicoloured remarks in the Red-Headed **Brutalisation** Columns and their opposites in the Green-Headed **De-Brutalisation** Column are detailed

1 <sup>st</sup>	Each statement that was relevant to one theme at one time was counted as one within the Narrative Grid, regardless of how many specific points were raised within it because some respondents were far more verbally expressive than others.
2 <sup>nd</sup>	Groupings were then formed using proportions of remarks rather than outright numbers thereof because even if only one respondent mentioned something even only once it still needed to be given weight and value as some matters may exist that are only noticed or expressed in tiny amounts, whilst nevertheless actually going to the heart of matters more truly than frequently expressed views might.
3 <sup>rd</sup>	One arrowhead was planted in each individual's Narrative Grid to link that statement in its entirety to the theme to which it related.
4 <sup>th</sup>	The arrowheads were then counted – in order to further attempt to address the greater detail some participants provided as opposed to others, but without skewing the study in favour of participants who used more words to say the same thing as others.
5 <sup>th</sup>	Whenever a themed statement was punctuated by the occurrence of a different theme, a new arrow was applied if the original theme was then returned to by the speaker.
6 <sup>th</sup>	Counting interrupted arrowheads was then used to measure intensity– because it measured the number of times a person returned to the subject after a potential distraction to another subject, rather than the length of time a respondent talked about something.

#### Second and Complementary Measure of Intensity = Overall Score<sup>30</sup>

Overall Score<sup>31</sup> complemented the Arrow Score for each participant by representing whether or not a particular theme appeared at all and, if so, to what degree.

Overall Score<sup>32</sup> was compiled by:

1 <sup>st</sup>	Deploying a '√' if a theme was present or a '0' if it was not.
2 <sup>nd</sup>	The ticks were coloured red if the brutalised version of the theme was present and green for the de-brutalised version.
3 <sup>rd</sup>	A numeral replaced a tick when the number of occasions on which that theme arose on a page of the Narrative Grid was 5 or more.

The Overall Scores and Arrow Scores for each individual are provided at Annex G. These were used to give each participant his/her Brutalisation and De-Brutalisation Score, utilizing the mechanisms outlined in Appendix D.

Tab. 2.13 Calculating Intensity

<sup>30</sup> See Brutalisation and De-Brutalisation Narratives and Overall Scores for each individual in the Appendices Available, where the multicoloured remarks in the Red-Headed Brutalisation Columns and their opposites in the Green-Headed De-Brutalisation Column are detailed

<sup>31</sup> See Brutalisation and De-Brutalisation Narratives and Overall Scores for each individual in the Appendices Available, where the multicoloured remarks in the Red-Headed Brutalisation Columns and their opposites in the Green-Headed De-Brutalisation Column are detailed

<sup>32</sup> See Brutalisation and De-Brutalisation Narratives and Overall Scores for each individual in the Appendices Available, where the multicoloured remarks in the Red-Headed Brutalisation Columns and their opposites in the Green-Headed De-Brutalisation Column are detailed

Likewise, another scoring devise was also created, this time giving each participant a score for each of the functioning **assets** and functioning **liabilities** in their lives, as illustrated in Appendix E. These functioning assets and liabilities were distilled from individuals' discussion of their **contexts\*** and their desire to **advance\*\*** those contexts.

<b>*Participants' Contexts</b>									
<b>Options</b>									
<b>What is available to me?</b>									
Capacity	Visualisation	Changeability	Habit	Choice	Decision-making	Access	Rights	Time	
<b>Autonomy</b>									
<b>Am I able to exercise self-government, personal freedom, freedom of the will to exploit my options?</b>									
Self-knowledge	Self-policing	Self-care	Self-ownership	Talents	Persistence	Management	Problem-solving	Problem-awareness	
<b>Engagement</b>									
<b>Am I able to engage with others to exploit my options?</b>									
Cooperation	Collectivised	Socialisation	Relationships	Treatment	Helped	Cherished	Cherishing	Helping	
<b>**Participants' Advancement</b>									
<b>Advancement</b>									
<b>Am I going to advance myself?</b>									
Aspiration	Motivation	Action	Planning	Strategies	Stages	Movement	Expression	Happiness	

See Appendices B and C for composition

Tab. 2.14 Participants' Contexts

All the factors cited by participants as impeding or facilitating their functioning within these parts of the research were collected and categorised to enable them to be scored.



Categories for Functioning Assets and Functioning Liabilities	
Functioning Assets Earned Acquisition Normalities; Work as Positive or Normal, Domestic Relational Normalities Education as Positive or Normal Positive Active Happiness Actively Positive Behaviour Aspirations to Improve/Better Self Intrinsic Positive Experiences	Functioning Liabilities Unearned Acquisition Negative View Of Work Dependency On Others Functioning Problems; Focussing Difficulties Unreadiness Poor Focus/Concentration Laziness/Inertia Learning/Education Difficulties Visceral Difficulties Physical Problems Mental/Emotional Issues Substance Use Aggressive/Violent/Unempathetic/Uncaring/Repressive Behaviour Impediments To Advancement; Treatment Difficulties Official Interventions Aggressive/Violent/Unempathetic/Uncaring/Repressive Treatment Practical Difficulties Lack Of Money Being Unable Or Not Allowed To Drive Current Location Housing Needs

Tab. 2.15 Categories for Functioning Assets and Functioning Liabilities

This functioning **asset/liability** dichotomy was considered, as was the **de-brutalisation/brutalisation** dichotomy. These pairs were also combined and considered together, as shown in Appendix F. The **assets** were combined with the **de-brutalising factors**, while the **liabilities** were combined with the **brutalising factors**. These combinations created manifold additional variables with which to further explore the data using SPSS, in order to attempt to form a picture of some possible factors at play in the brutalisation and de-brutalisation of individuals and their functioning, alongside any universal applicability therein.

### Universality from Participants

There appeared to be some evidence that some universality, beyond punished criminal participants, might have at least some degree of legitimacy. In this regard, levels of

harm-sensitivity<sup>33</sup> did not appear to be related to levels of OGRS score. Additionally, the degree to which individuals thought that rules protected them, or not, seemed not to be related to offending risk either. 29% of those with a low OGRS score had an unequivocal faith in the universal mutual protection of rules, as compared to the virtually identical 30% of those with a high such score<sup>34</sup>.

This research considered variables like these, that appeared unrelated to offending risk, as most likely to be universally applicable, along with variables that appeared to be universal across all respondents<sup>35</sup>. In this latter regard, there seemed to be a universal sense of morality in at least some respects amongst all respondents<sup>36</sup>. None of them unequivocally believed it acceptable to hit people and there appeared to be an understanding amongst all participants of some degree of moral imperative required when adopting physical force. Furthermore, every single respondent agreed unequivocally that stealing was unequivocally wrong, when asked about it directly, which suggested a totality of consensus around the morality of the sacrosanct nature of ownership. Even if these moralities were not adhered to, they appeared to be universal, namely physical force had to be justified and ownership of property was sacrosanct.

Furthermore, falsely claimed motivations and moralities were also ubiquitous<sup>37</sup>, suggesting that their existence may be just as universal as the existence of morality itself. For all participants, solutions/moralities/drives/desires were spoken of, without equal, more often than any other factor, in either a brutalising or de-brutalising way, and

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<sup>33</sup> See Harm-Insensitivity Section in Chapter 4

<sup>34</sup> See Lack of Rules-Protection Section in Chapter 4

<sup>35</sup> Notwithstanding the fact that the whole cohort were convicted of crimes and experiencing punishment for that, which might mean that responses that are universal to this cohort may still not be applicable beyond what defines this cohort or the relative degrees of recidivism risk therein.

<sup>36</sup> See The Universal and Differing Moralities in Understanding Brutality Section in Chapter 3

<sup>37</sup> see Chapter 3: Universality And Difference In Understanding Brutality

usually in both. These, along with dependency, in both brutalised and de-brutalised forms, and societal/official experiences in brutalised forms and in all but one instance in de-brutalised forms, appeared to be omnipresent brutalising and de-brutalising factors for all participants.

Additionally, none of the participants allocated to themselves the notion that considering offending through the linguistic medium of causing harm would encourage them to offend. Indeed, none of them attributed an anti-socialising effect on themselves personally of the notion of causing harm, as a linguistic description for offending. All the participants, to at least some degree and at least at some point in their lives, appeared to think of themselves ‘as a person who wants to improve their life’. None, excluding those who cited all possible options, cited the option this study used to measure absence of motivation in such regards.

Moreover, a clear divide appeared to exist between harmers and harmed, with harmers more likely to be more criminal. Nearly two thirds of those that *caused* ‘more’ harm had a high offending risk, whilst only one third of those *in receipt of* ‘lots’ of harm did so. Therefore, when considering any universality beyond offending that might be drawn from an offending cohort, high offending risk might legitimately be thought of as perhaps representative of increased risk of causing harm more broadly, such that this might legitimise the notion that OGRS score could represent a more widespread propensity for harm beyond an offending cohort alone. Indeed, though offending is used by this study as a possible *example* of brutality, there are likely to be many disparate types of brutality beyond it, just as offending itself might not always take a brutal form.

One alternative form of brutality might be aggressive, but not necessarily criminal, behaviour, for, when aggressive behaviour was compared with levels of offending risk, it appeared to remain relatively constant regardless of OGRS Score. Around half of participants at each risk level made mention of such behaviour and around half did not. Indeed, it was, perversely, only at *low* risk that the proportion of such behaviour was slightly over half.<sup>38</sup>

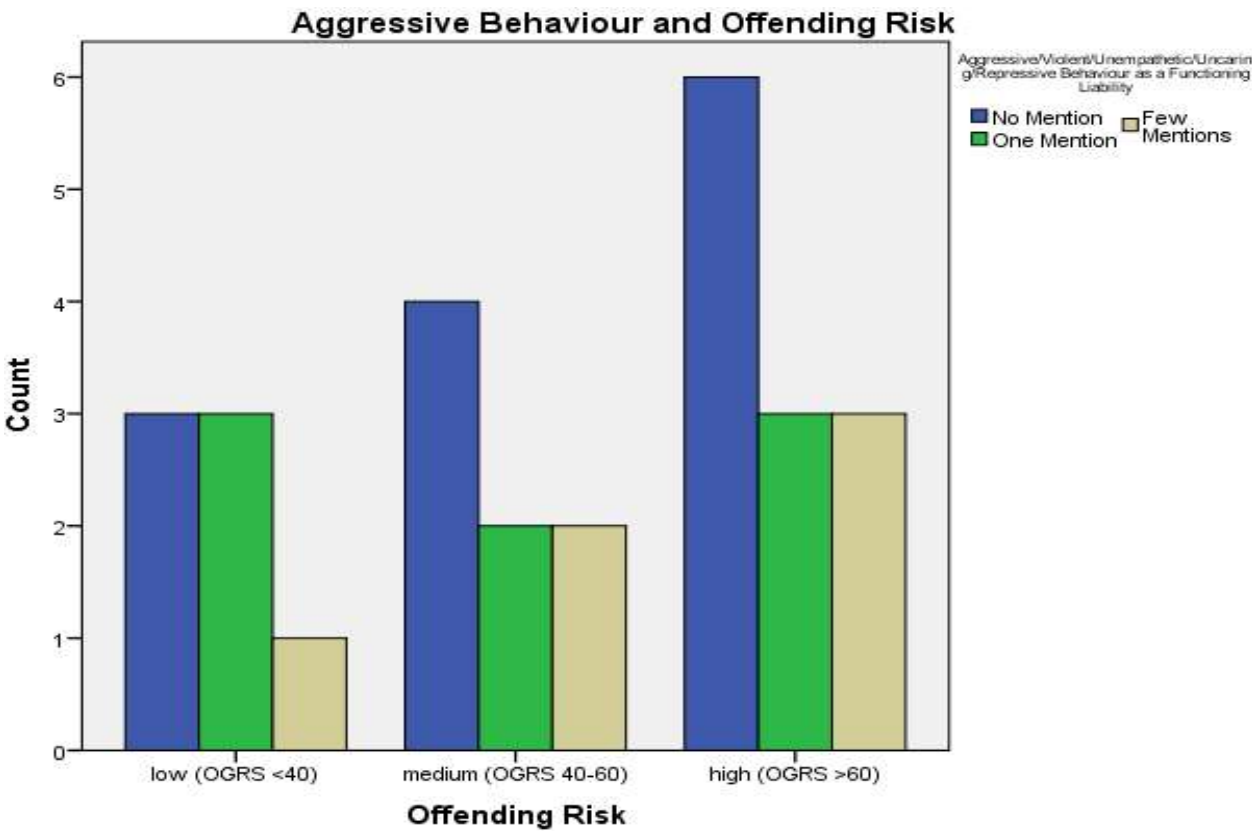


Fig. 2.7 Aggressive Behaviour and Offending Risk

Converse to such negative behaviour, negative treatment might also be worth considering with regard to any universality of brutal experiences therein. Negative

<sup>38</sup> Any caveat that this last might suggest that the lower the risk of an individual the more willing they may be to own up to such behaviour might be offset against the same being true of claims of causing harm as opposed to being in receipt of harm

treatment commanded an overall majority of all participants' experiences of treatment at all risk levels, in terms of its brutality being in excess over the de-brutality of positive treatment. Likewise, negative treatment predominated over positive experiences in terms of functioning assets and liabilities too. Such excesses in brutal treatment over de-brutal treatment, did *not* appear to be related to offending risk, potentially suggesting that brutalising treatment may predominate broadly over de-brutalising treatment, and also over intrinsic positive experiences of others, across society potentially as a whole. Furthermore, the lack of relationship between a prevalence of negative social/official experiences and offending risk, might indicate that a prevalence of negative social/official experiences might actually be normal within wider society, whilst also further endorsing the possible universality of the prevalence of brutal experiences and of brutal conditions.

These potential demonstrations of universally normalised brutality are discussed in detail throughout this research, along with their opposites. In this latter regard, just as the wider 'public' had seemed to understand 'being a good citizen' (Hansard Society 6:2009), the participants also seemed to do so. None of the participants demonstrated a total lack of any degree of autonomously engaged socialisation, suggesting a possible universality of propensity for autonomously engaged social operation inherent within individuals, since it appeared present universally even amongst those classified as offenders. Indeed, none of the participants, when asked about what they thought society could learn from them, said they did not want to contribute any gift at all to society. Even those who felt they had nothing they were able to give, did not reject the notion of giving, saying instead 'never been in that situation, I'm a good person, eventually hopefully people can get something out of me, don't know what' or 'don't know/not

sure’ or ‘nothing/nothing much/not a lot’ or ‘it’s never going to happen, one person can’t change the world’. In this way, 49% of respondents appeared to see themselves as without a gift to offer, but not without a desire to give. Another 41% offered an offending-related gift, but only 11% of participants appeared to be able to offer a non-offending-related gift.



Fig. 2.8 Offending or Non-Offending Related Gifted Social

The problem appeared to be, not an absence of ‘willingness’ (DPGTD 2015 <https://www.oecd.org>) to give, but an absence of non-offending-related areas of expertise or experience to gift. This would seem to endorse the premise that offenders may not differ from wider society in terms of their nature, but only in terms of their lack of opportunities or perceived lack thereof. There appeared to be unanimity amongst participants about their potential to utilise opportunities if provided with them. None of the participants believed they would not achieve being ‘better’, being ‘fulfilled’ and

‘using’ their ‘potential’ to ‘become something more’ (Lieberman 4:2005), in exactly the way Lieberman said was universal to humanity as a whole. Even the one participant who had thought this Lieberman concept was meaningless, still believed he would achieve it, and all other participants said the aims of the concept were at least partly true for them. Furthermore, given the fact that being exposed to elements on the list below might be brutalising to anyone, these factors, cited as related to offending by previous research, may mean that offending is a normal response to brutalising situations and thus it is reasonable to extrapolate in some respects from offenders to wider society.

<b>Compendium of Issues</b>	
<b>Research<sup>39</sup> suggests that the following factors may play a part in becoming an offender, which of these do you think applies to you?</b>	
	<ul style="list-style-type: none"> <li>- Anti-social/criminal friends</li> <li>- Finds lots of reasons to get angry</li> <li>- Anti-social thinking and attitudes</li> <li>- Sees lots of reasons to justify breaking the law</li> <li>- Rejects the law</li> <li>- Tolerates or approves of poor conduct or law-breaking behaviour in others</li> <li>- Long history of crime, starting young and including different types of offences, even while under sentence</li> <li>- Alcohol and drug use and alcoholism</li> <li>- Disorganised life</li> <li>- Aimless use of leisure time</li> <li>- Mental health issues</li> <li>- Young, male and part of a minority group</li> <li>- Biological and genetic and health factors</li> <li>- Indifference to the opinions of others</li> <li>- Unstable marital history</li> <li>- Tendency to reject others or feel rejected by others</li> <li>- Low level of education</li> <li>- Long periods of unemployment</li> <li>- Long periods of reliance on welfare benefits</li> <li>- Little effort at school</li> <li>- Lack of interest and easily bored at school</li> <li>- Not worried about future work when at school</li> <li>- Poor behaviour and truancy at school</li> <li>- Attended a badly run school with high levels of poor conduct in it</li> <li>- Little affection or unity at home when growing up and now</li> <li>- Little supervision or discipline at home when growing up and now</li> <li>- Neglect or use at home when growing up and now</li> <li>- Brought up in a lower-class neighbourhood with high levels of crime</li> </ul>

<sup>39</sup> This list is a compendium of issues raised as possible offending factors across literature considered upon which to base the questions in the Questionnaire put to participants

- Brought up by people with little education, low skill jobs or no jobs, family criminality and/or on benefits
- Brought up by people with poor parenting skills
- Low intelligence and poor with words
- Emotional instability
- When frustrated gets resentful and angry
- Egocentric and selfish
- Moral immaturity
- Poor problem solving
- Not good at coping with things
- Misconduct from a young age
- Lying, stealing, sex and drug and alcohol and tobacco experimentation and aggression from a young age
- Lack of hard and determined work and effort with things
- Restless, adventurous, impulsive, enjoys risk, pleasure seeking, daring
- Prone to negative emotions
- Being part of a gang in adolescence and now
- Has many friends with drug or alcohol problems
- Bullying or being bullied
- Parents approving of or not tackling your problem behaviour
- Lack of guilt
- Delays in development
- Callous, hard hearted behaviour
- Wanting attention and difficulties in paying attention
- Behaved worse as a child whenever you were disciplined
- Not good at getting things done
- Poor ability to plan for the future
- Early puberty
- Bad things happening to you in your life
- Poor social skills
- Withdrawn personality
- Aggressive
- Positive attitude to drugs and alcohol use
- Drug dealing
- Weapon use
- Unemployment
- Parents with alcohol or drugs problems
- Born into a large family
- Has a teenaged or single mother
- Poor relationship with partner
- Feeling isolated from other people
- Has stressed parents
- Several changes in who parented you as a child
- Physical punishment as a child
- Inconsistent discipline as a child
- Poor relationship with parents
- Your parents had low hopes of you
- Poor supervision of you by your parents
- Poor communication with people around you

Tab. 2.16 Compendium of Issues

Having said that, however, the fact that it is difficult to see how anyone might not find at least one of the issues on the list relevant to their own experience of life to at least some degree, while not everyone becomes categorised as an offender, could suggest the



reverse, namely that such factors may be criminogenic to some people but not others, perhaps indicating a distinct difference between those categorised as offenders and wider society. However, it might only be a matter of the number of such factors that accumulate which actually makes the difference. It is this last hypothesis that appeared borne out by the way individuals seemed to demonstrate resilience to brutalisation until the level of it reached 2-3 times that of de-brutalisation. Thus, participants might simply reflect universal risks to the achievability of sharing de-brutalisation if the factors against it become overwhelming. This research goes on to outline and discuss this finding, along with the study's other pertinent findings.

One of these latter was the way parity of occurrences of functioning assets and liabilities seemed to be more common than an extremity of either, irrespective of offending risk, with around half of individuals at all offending risk levels in this state of balance. This could suggest a universal prevalence of an equilibrium in brutalising and de-brutalising factors that might make marginal factors more decisive than they would otherwise be. These marginal factors could be those factors which peak at medium offending risk. Regardless of where factors peak, the importance of any universality from participants might lie in the opportunity they may represent to offer an insight into people and societies at a point where any conflict between them is potentially measurable. In this respect, the individuals studied are overtly in a place where their relationship with society has been measurably compromised, through being punished by society for offending against society. Indeed, it was a torn social outlook, defined as the lack of perceived mutuality of interests between an individual and society, as opposed to the reverse shared such outlook, which appeared to be related to high offending risk<sup>40</sup>. This

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<sup>40</sup> See the Social Exclusion Section in Chapter 4

may endorse the idea that offending might be seen as an exemplar for other forms of breakdown with society, such that participants could be demonstrating what might be universally possible more broadly in such situations. Especially, perhaps, since no participant denied having a right to use the services for which society pays, thus possibly indicating a universal sense of the benefits of belonging to society, potentially regardless of feeling disconnected from it. This might form a basis upon which to build shared social outlooks such as sharing de-brutalisation across society as a whole.

Moreover, the manner in which no one<sup>41</sup> awarded the lowest score to the possibility of changing suggested that hope as to change, of at least some degree, might be another basis upon which to universally build different ways of doing things. Additionally, none of the participants said causing harm by their actions did not matter at all, nor only mattered a little, suggesting harming may matter, to at least some extent, universally. Indeed, harm is not the sole preserve of criminality. In this regard, even whilst one participant claimed her child was her ‘world’ and ‘comes first no matter what’ and, even whilst knowing that it ‘is good really’ not to smoke, she still smokes and is not criminalised for doing so.

### **Participants' Sense of their Own Universality**

Just as smokers are not likely to think of themselves as ‘criminal’<sup>42</sup>, despite doing harm, participants frequently did not view themselves as ‘criminal’<sup>43</sup> either. Participants saw themselves with a sense of their own universality with others in society and they frequently did not see themselves as outside the universality of social norms, including

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<sup>41</sup> When asked how possible change felt

<sup>42</sup> Which they are, of course, not under the terms of the law

<sup>43</sup> Despite being ‘criminal’ under the terms of the law

in terms of the law. In this respect, one participant wished to distance himself from an offending identity by stating that ceasing to offend was irrelevant to him, as he viewed it as a given. Other participants specifically distanced themselves from the application of the word 'crime', and its synonyms, when asked about words that could be used to describe offending. Participants frequently denied any criminal identity, related any criminal identity only to being caught or being tricked into committing crime, differentiated themselves from being a real offender, created distance between themselves and an offending identity, denied having a lot of criminal activity in their lives, rejected the suggestion that offending was a pattern for them and said 'I am not an offender' or that they were not a 'real criminal' or not 'a really bad criminal' or not 'a criminal' or 'I don't really think there was much wrong with what I did' or 'I never let society down'. Moreover, one participant, in his debrief comments, drew attention to the questions in the research that did *not* apply to him, highlighting his non-offending identity, while other participants also highlighted their non-offending identities and positioned themselves in the mainstream of society. They viewed themselves as 'people' and 'good people' and as responsible members of society, not characterised by their offending.

Even deliberate conscious crimes seemed viewed as 'mistakes', without a sense of responsibility, but just part of nonetheless 'law-abiding' lives. These 'mistakes' or 'struggles' or 'stupid things' or 'problems' worthy of 'compassion' were such that 'everybody out there does exactly the same'. A criminal identity was unacceptable to participants, as a means of defining themselves, because they saw themselves as no different from the rest of society. There was an underlying concern and resentment at being seen as anything other than the same as the rest of society, which even extended

to some hostility to, or concern with, the concept of the interview itself and its premises and how it might inherently characterise them as an 'offender', rather than as a person.

83% of this offending cohort, comprising all those who had commenced probation in the whole of one month in the whole of one probation centre area who had received an order length of 12 months or greater either direct or after release from prison, claimed tiny levels of criminal activity in their lives. 94% placed themselves below the halfway point on a scale of criminal activity and 97% placed themselves at or below halfway in terms of criminal activity. None of the cohort claimed there was a lot of criminal activity in their lives and none felt completely unable to stop offending. Some thought stopping offending may not represent a change at all, as they did not consider themselves to be offenders or considered their alleged offences to have been one off incidents or part of their past.

None of those who were asked about the efficacy of the protective measures they themselves cited to deal with their own personal recidivism risk, claimed no efficacy at all for their protective action. None of the participants who had acknowledged a role for habit in offending to any degree, said it was not a breakable habit, while the rest had said it was not a habit at all. Furthermore, when the cohort was asked 'what does looking at' the list of factors that might contribute to becoming an offender 'make you think', some participants specifically went out of their way to distance themselves from the concept of being an offender. In addition, when participants were asked 'if I said that research suggested offenders tend to get into a negative emotional state just before they start to offend again, would you think that was relevant for you', 44% of participants appeared to reject the premise of the question which suggested that offending was a pattern for

them. Moreover, when participants were asked 'if I said that research suggests that 'all offenders eventually stop offending' it's only a matter of how quickly and at what age, when do you think you will stop?', one participant said 'I am not an offender. I didn't know I was offending. My friends involved me'. Two participants, when asked 'would continuing to offend help or hinder you achieving your goal(s)?', specifically responded by saying they were not offenders.

One participant said 'I know what offending is because' her child's 'dad' is 'always in and out of jail, *that's* an offender'. In such ways, even as the offenders in this study did not want to be treated as something other, they, at the same time, pointed the finger at other offenders as being something other, saying '*that's* an offender' about actions that were not theirs. In this way, they did see certain things as unacceptable, even if their own actions were acceptable. They themselves were not 'doing proper crime', which was things done by others, such as 'thieving stuff or nicking someone's stuff' or 'burglary' or 'drug dealing', when it was not them doing it. In this there did not seem to be consensus amongst those that the law calls criminal as to what does constitute a crime, with one individual claiming that stealing constituted crime, while another contradicts this by saying that shoplifting, which is stealing, does not constitute crime. For this latter participant, however, other forms of stealing are considered crime, namely burglary. Nevertheless, though acknowledging burglary as a crime, and also acknowledging having undertaken it herself, she still does not consider herself to be a criminal, because she has not undertaken this particular crime 'for ages'. For this individual, the label of criminal expires if criminality shifts from stealing from individuals to stealing from businesses.

Additionally, when shown a crimino-victim scale, two individuals placed themselves wholly on the victim end of the scale, conceding no element of criminality for themselves, and 9% said they were neither criminal nor victim. Another participant said 'I'm not really a criminal' despite shoplifting and 'I ain't a victim', while another said 'I am' only 'a criminal because I've been done for that'. Thus, a fifth of participants in this context either denied any criminal identity altogether, or, in the last case, based any criminal identity upon being 'done' for it rather than upon the criminal behaviour itself. The notion of being a criminal appeared to be seen as merely a legal construct, without any moral or factual underpinning, which means that 'I'm a criminal' if 'the law says I'm a criminal'. Thus, even while it is technically the case that crime is only that which is so labelled by law, this notion that criminality may only be a socially imposed label in this way, or indeed the way in which 'stupid things' cited, such as 'shoplifting and stuff', are not necessarily seen as criminal, could further highlight the lack of consensus in what people consider to be wrong.

However, only one participant selected 'crime is an acceptable choice', from an offered list, and he made it clear that this view was now in the past and that 'it wasn't obviously' an acceptable choice at all. None of the participants selected 'there was nothing wrong with what I did', though one did say 'I don't really think there was much wrong with what I did'. In this way there did appear to be some willingness to accept some degree of wrongness, even if there was not 'much wrong' and any wrongness was insufficient to acquire the label 'criminal'. There did, therefore, appear to be an awareness of the unacceptability of certain actions, even whilst there was a sense of the acceptability, or relative acceptability, of their own actions. There was a belief that it was wrong to criticise them for those actions, as society should 'learn from' them 1) to show

‘compassion’ and understanding for people with ‘problems’, not ‘point the finger’ just because they themselves don’t have ‘that problem’, 2) that sometimes ‘good people’ can ‘flip’ and act out of character, which is not indicative of their general being even whilst it does not excuse it, 3) that punishment needs to be timely otherwise it interferes with people moving on, 4) that ‘people’ can change, and 5) not to ‘judge a book by its cover’ because even people who offend are not ‘all bad’. Participants viewed themselves as people, no different from other people who might not have ‘*that* problem’ but who may have other problems, and who should be allowed to move on and can change.

One participant said ‘I never let society down’<sup>44</sup>. Another positioned himself as a member of society who wants to work and wants to be a good parent and who, though he could also commit offences, seeks to consider his own and society’s situation fairly and constructively, rather than being an offender *per se*<sup>45</sup>. Yet another participant said, in his debrief comments, ‘not to judge people’, while another said in hers that ‘people have struggles’ and ‘everybody has their own individual reasons why they do things’ and ‘some things don’t make people bad, it’s just the way life is to some people’.

It appeared to be of paramount importance to one participant, when considering his debrief comments, that criminality is understood to be only one ‘element’ and ‘side’ of him. He did not want to be treated ‘as a criminal’ and should be heard when saying he is not a criminal. Further to which he went on to argue that ‘*everybody* out there does exactly the same as you, speeds down the road, might have stolen a sweet (at) eight or nine (years old) or whatever and learned right from wrong because of it.’ He resented the way in which this research perpetuates his identity as an offender, by including him

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<sup>44</sup> When asked ‘Do you think you should do what is right by society, even if society lets you down?’

<sup>45</sup> In his debrief comments

in an offending cohort. He himself clearly wished to position himself in the mainstream of society, where, 'if you'd asked me a year ago what I thought probation services would have been like (I would have thought) it's irrelevant to me.' Furthermore, he undermines notions of offenders as an homogenous and discreet group distinct from wider society, because there are actually 'thousands of types' of people who offend. He normalises himself as someone who simply has 'a chat' about the weather in probation, is polite, is 'not going to reoffend', whose crime was a long time ago and who is 'working'. He even normalises offending per se, returning to the notion of the criminality of 'everybody', with the normality of offending behaviour and its universal role, not only being in everyday lives, but also integral to sustaining everyday lives. In this regard, 'everybody's looking for a cash deal, a painter and decorator, do you pay him, I'd probably pay in cash and if you pay in cash you're propagating it. I understand they're working within margins'. This seems to chime with the report that Easton (2011) made of public perceptions of universal criminality, such as the way in which the bankers had got away with making massive losses without taking responsibility and MPs had been allowed to get away with fleecing the country (Easton 2011). Thus, though offender's claims of their universality could simply represent a form of what Sykes and Matza (1957) call neutralization, enabling them to remain part of the mainstream moral community (Bottoms 2006) by making excuses for the past while claiming control for the present and the future (Maruna 2001), those claims could nevertheless be valid, given the nature of society as a whole that has been discussed in these first two chapters of this research. Therefore, this cohort of offenders' understandings of what might brutalise or de-brutalise life is considered in terms of any possible universality, as well as possible differences, with people more broadly. It is with this in mind that this research unfolds over the following chapters.



## CHAPTER 3: UNIVERSALITY AND DIFFERENCE IN UNDERSTANDING BRUTALITY

Any universality or differences within understandings of brutality might be central to facilitating or problematising the sharing of its de-brutalisation respectively. This chapter considers these universalities and differences in terms of morality, including in relation to the most controversial elements of this research, as well as in terms of equality in diversity.

### Literature Review and Theory of Universality and Difference in Understanding Brutality

Individuals ‘are unlikely’ to have ‘a universally agreed understanding’ of meaning or of ‘what they are seeking to achieve’ (Mitchell 58:2010), such as in terms of brutality and perceptions thereof. Even if safety from brutality, such as ‘community safety’ (Bowden 2012<sup>1</sup>), exists at all, which Bowden questions, it might have different manifestations for different people (Bowden 2012), all with differing perceptions of it.

Perceptions
<ul style="list-style-type: none"> <li>- Perception is ‘an outcome of the interaction between the individual and the setting’ (Wikstrom 2006<sup>2</sup>) which might be cyclical, with each perception, setting or individual triggering a matching response from others that could mutually perpetuate.</li> <li>- ‘The individual is linked to his environment through perception’ (Wikstrom 2006<sup>3</sup>), while de-brutalising perceptions can come late, such as when Abby (2009<sup>4</sup>) says ‘it hits you at the last minute’, or they can be debilitating, such as when Shauna (2009<sup>5</sup>)</li> </ul>

<sup>1</sup> Speaking at Powers, Liabilities and Expertise in Community Safety: Comparative Lessons from the UK and Republic of Ireland, a one-day research colloquium at the centre for crime, law and justice at Cardiff university, 2.11.12, URBIS.

<sup>2</sup> Paper Orally presented ‘Assessing the Role of Individual Differences and Environment in Crime Causation’ at SCOPIC Conference, Cambridge, December 2006

<sup>3</sup> Paper Orally presented ‘Assessing the Role of Individual Differences and Environment in Crime Causation’ at SCOPIC Conference, Cambridge, December 2006

<sup>4</sup> In ‘The Trouble With Girls’ screened by the BBC

<sup>5</sup> In ‘The Trouble With Girls’ screened by the BBC

says ‘I feel trapped’ and ‘stuck in a rut’, or they can be fatalistically distant, because, as ‘Lucy’ (in Hughes 2009<sup>6</sup>) says, ‘everybody has to hit their own rock bottom’.

Tab. 3.1 Perceptions

Simply getting everyone ‘round the table’, including ‘civil society, business, government (and) academics’, to discuss such things, is extremely difficult (Davies 2013<sup>7</sup>). It took years to even define ‘illegal timber’ (Davies 2013<sup>8</sup>), let alone start addressing the brutalities Davies outlines as inherent within it. Addressing such brutalities may be facilitated by heralding any advances therein, since, as the IEP (37:2012) say, if ‘society isn’t aware of the positive advances that might be occurring.....then such lack of knowledge’ might compromise progress. Heralding de-brutalising advances might also attribute social status to such advancement, further promulgating de-brutalisation.

Heralding Advances and Social Status	
Examples thereof:	The Importance thereof:
<ul style="list-style-type: none"><li>- The publicity given to the FA’s ‘Respect’ anti-racism campaign builds social status for those whose ethnicity might represent a risk to their social status.</li><li>- The ING Direct ‘Decency’ Awards gives status to those who display decency towards others.</li></ul>	<ul style="list-style-type: none"><li>- Social status is likely to be critical to social control, because it influences bonding and affects ‘appropriateness of constraints’, ‘receptivity to prosocial models’ and ‘allocentrism’ (Le Blanc 2006).</li><li>- Absence of social status can be ‘an indirect explanation of deviant behaviour’ (Le Blanc 2006).</li></ul>

Tab. 3.2 Heralding Advances and Social Status

Without social status, individuals might not see their crimes as undermining society, but as part of redress against a society that undermines them (Tittle 1995). There can be a deep sense of injustice in offenders who do not expect, nor feel they deserve, prison and who are left with a sense of resentment towards society (Masson 2012). Taking

<sup>6</sup> In ‘The Trouble With Girls’ screened by the BBC  
<sup>7</sup> Giving an oral presentation on Wildlife and Timber Trafficking, ESRC Green Criminology Research Seminar Series.  
<sup>8</sup> Giving an oral presentation on Wildlife and Timber Trafficking, ESRC Green Criminology Research Seminar Series.

seriously any such perceived sense of injustice (Laub and Sampson 2003) and resentment, as well as enhancing individuals' social status within that process, could be vital to achieving credibility for social controls, such as those represented by sharing de-brutalisation. Without it, people may continue to ask not 'what is right and wrong' but 'whose side are you on?' (Easton 2012<sup>9</sup>). 'Why do I want to be in your game?' when 'I don't like your society because you treat me like rubbish, so I'll create my own society and now I'm going to treat you like rubbish' (Cummins B 2012<sup>10</sup>).

Everyone needs to be able to accede to what government is trying to achieve (Cameron 2012) in a common society. This is likely to be difficult if there are inconsistencies between actions and beliefs (Maruna and Copes 2005), such as when law and social acceptability diverge.

<p><b>Example Inconsistency Between Law and Social Acceptability</b></p>
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<p>Even when sexual activity with children under the age of 16 was already illegal, it was not taken seriously nor were victims allocated social status nor protection against these illegal, but socially acceptable, actions, to the point that a song 'Oh Carol' (Smokey), overtly celebrating such sexual activity, was placed in the UK charts. Much brutal sexual injustice went unaddressed for decades, followed by a subsequent plethora of brutal retrospective action, such as Police Operation Yewtree that commenced in October 2012, against individuals who committed, or might have committed, such illegal, but accepted, brutalities over the decades.</p>
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Tab. 3.3 Example Inconsistency Between Law and Social Acceptability

Addressing such mismatches might require government 'by explanation', 'taking the public with us' to ensure people understand and are persuaded by what Government is trying to do (Cameron 2012<sup>11</sup>). This might helpfully be reciprocal, so that, when Bowden (2012) asks who should be involved in shaping such policies and their

<sup>9</sup> BBC News on Friday 19.9.12

<sup>10</sup> Speaking in 'The Road from Crime', Lagan Media Productions Ltd film for the University of Glasgow.

<sup>11</sup> Speaking as Prime Minister on 22.10.12 in answer to questions following his speech to the Centre for Social Justice.

attendant ‘thinking’ (Bowden 2012<sup>12</sup>), the answer becomes everyone and in every way.

Shared Policy Shaping
<p>- The democratization of the process of identifying ‘what is security’, as an ‘extension of forms of democracy and citizenship’ (Bowden 2012<sup>13</sup>) that equally values ‘the diverse needs and experiences of all individuals’ (Hilder and Kemshall 441:2013) and sees people's differences of view as enhancing insight into understanding, rather than as a threat to it.</p> <p>- An ‘holistic and socially contextualised’ administration of justice with an engaged state that helps try and improve things for all its citizens (Evans 2012), where everyone is involved in challenging ‘what is thought, and the way it is thought, to generate creative, informed and inclusive discussions to counter the ideological underpinnings’ (Quilliam 2014 <a href="https://www.quilliaminternational.com">https://www.quilliaminternational.com</a>) of all brutalities.</p> <p>- A state that shares knowledge to empower individuals (Oldman 2013) for a collaborative discussion to build positive relationships (Ward and Maruna 2007) that promote learning and influence (Andrews and Bonta 1998) and understanding (Coulsfield 2004) in everyone and that challenge any perpetuation of any vicious cycle of unfair behaviour and any erosion of good practises and normative standards (Karstedt and Farrall 2006).</p> <p>- A conferencing approach that confronts individuals with the perspectives of other people and undermines neutralizing views (Braithwaite 1999), not just of those currently labelled offenders, but of everyone.</p> <p>- An approach that rejects ‘excluding the excluder’ (Norris 2013<sup>14</sup>) and seeing anyone as ‘an outlaw’, but, rather, sees everyone as ‘part of the community, being a citizen’ (Taxman 2012<sup>15</sup>) where everyone feels they belong (Weaver A 2012).</p>

Tab. 3.4 Shared Policy Shaping

If the world is built without fostering this ‘shared sense of belonging’, then ‘cultural insularity and extremism’, as ‘products of the failure of wider society’ (Quilliam 2014 <https://www.quilliaminternational.com>) to involve everyone, may persist. It is perhaps a society with ‘inclusive citizenship’ with everyone ‘as citizens with rights and responsibilities’ in ‘moral reciprocity’ between society and its people (Carlen 2012<sup>16</sup>), as well as between people themselves, in human solidarity and empathy that is required (Sentamu 2015). If

<sup>12</sup> Speaking at Powers, Liabilities and Expertise in Community Safety: Comparative Lessons from the UK and Republic of Ireland, one day research colloquium at the centre for crime, law and justice at Cardiff university, 2.11.12, URBIS.

<sup>13</sup> Speaking at Powers, Liabilities and Expertise in Community Safety: Comparative Lessons from the UK and Republic of Ireland, one day research colloquium at the centre for crime, law and justice at Cardiff university, 2.11.12, URBIS.

<sup>14</sup> Speaking at ‘Evaluating Restorative Justice: the use of restorative justice in education’, a paper presented at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog

<sup>15</sup> Speaking in ‘The Road from Crime’, Lagan Media Productions Ltd film for the University of Glasgow.

<sup>16</sup> Speaking in her Eve Saville lecture 6.11.12.

individuals can put themselves into the position of others and can see others as fellow human beings, beyond any differences between them, then a universality of humanising empathy might be created as a cohesive foundation on top of which differences might be played out without the loss of humanity itself. When labels, such as ‘criminal’ or ‘immigrant’, are attached to people it can undermine a sense of kinship between people. Conversely, among people who ‘know too much’ about someone to apply such a ‘label’ (Christie 6:2004), kinship can be seen instead. In this respect, the public were far more supportive of specific *types* of immigrant than of those labelled immigrant per se (Ford et al 2011). What mattered was *whom* people visualised when they heard a term like immigrant (Ford et al 2011) and whether it was someone with whom they felt any kinship.

#### Universality in Humanising Empathy

- If any label is applied to people, such as in terms of offending, it perhaps needs to allow individuals to identify as ‘*reformed* offenders’, rather than ‘*ex-offenders*’, to make it easier for people to find work, make ‘more people become sympathetic’ (Cummins B 2012<sup>17</sup>) and help create a humanising empathy in that reform.
- Tackling issues must not cause ‘stigmatization’ (Braithwaite 55:1999), especially when labels can mean a new ‘sentence begins when you come out of jail’ with discrimination (Cummins B 2012<sup>18</sup>). People need to feel they have left any label of offender behind (Weaver A 2012), or, better still, never acquired it in the first place, with ‘education rather than stigmatisation’ (Evans 2012<sup>19</sup>).
- Taking responsibility must not be a blame-laden burden (Maruna 2001) nor be open-ended nor out-casting of the ‘person’, but, rather, needs to be ‘*reintegrative*’ not ‘*disintegrative*’ and must be a ‘means of making citizens actively responsible’ through ‘freely chosen compliance’ as opposed to ‘coerced compliance’ (Braithwaite 10:1999).
- Rather than a blaming condemnation script, where individuals feel doomed to deviance and doomed to their current situations, a redemption script may be much more constructive (Maruna 2001). A redemption script can help individuals claim control for the present and future by making sense of their lives with a positive self and purpose (Maruna 2001).
- Providing help without people first having to be allocated a criminal identity (Hannah-Moffat 2012<sup>20</sup>), or, indeed, any other type of separating identity, such as under the terms of the 2010 Equalities Act, might be important to prevent division between those labelled to get help and those more likely to be paying for that help through their taxes.

<sup>17</sup> Speaking in ‘The Road from Crime’, Lagan Media Productions Ltd film for the University of Glasgow.

<sup>18</sup> Speaking in ‘The Road from Crime’, Lagan Media Productions Ltd film for the University of Glasgow.

<sup>19</sup> Speaking at Powers, Liabilities and Expertise in Community Safety: Comparative Lessons from the UK and Republic of Ireland, one day research colloquium at the centre for crime, law and justice at Cardiff university, 2.11.12, URBIS

<sup>20</sup> Presenting “Good Intentions, Questionable Inventions: Theorising gender-based risk/need assessments” at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

- Avoiding criminality becoming the focus of a person's identity is helpful (Hannah-Moffat 2012<sup>21</sup>) 'because everyone had labelled me like that' it became 'my job in life' (Cummins B 2012<sup>22</sup>), leaving such groups 'lumped into *that* great big pot' (Powell 2012<sup>23</sup>) separated from the rest of humanity and artificially simplifying a messy reality (Laub and Sampson 2003).

- Treating everyone as 'fully entitled citizens' with 'rights' and deserving 'respect' and 'fairness' (Machura 2013<sup>24</sup>) and helping people 'get out of the role' of offender, so they can take on positive roles instead (Stevens 2013<sup>25</sup>), such as ensuring work is perceived to have 'been of value to themselves or to the beneficiaries' of that work (Coulsfield 42:2004), such that it nurtures a sense of achievement, accomplishment and contribution to their communities and/or others in their situation (Maruna 2001) and can help build humanising empathy *for* communities as well as *from* communities.

Tab. 3.5 Universality in Humanising Empathy

Therefore, it is perhaps useful to work with people as 'individuals', not as a label such as 'offender', treating them as one would like to be treated oneself (Powell 2012<sup>26</sup>). This might helpfully include protecting and empowering their sense of self or identity, rather than imposing treatment (Ward and Maruna 2007), as 'it is difficult to change people' ('Lucy' in Hughes 2009<sup>27</sup>) in an imposed way. Indeed, the most important issue neglected in the debate over what works is discussion with offenders themselves about what they think helps them desist (Ward and Maruna 2007).

Offenders are actually the expert and need to be considered as such (Raynor 2004), while ideas can be offered as 'possibilities' for 'people's consideration' and people can learn about themselves from being given access to the experiences of others (Gomm 12-20:2004). Thus, improving communication, including through counselling (Farrall 2002), motivational interviewing (Miller and Rollnick 2002) and mediation with

<sup>21</sup> Presenting "Good Intentions, Questionable Inventions: Theorising gender-based risk/need assessments" at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

<sup>22</sup> Speaking in 'The Road from Crime', Lagan Media Productions Ltd film for the University of Glasgow.

<sup>23</sup> Speaking in 'The Road from Crime', Lagan Media Productions Ltd film for the University of Glasgow.

<sup>24</sup> Presenting 'A Longitudinal Study of Students' views on courts and police', a paper presented at Welsh Centre for Crime and Social Justice Annual Conference, Gregynog

<sup>25</sup> Presenting 'Serious Therapy' for Serious Women offenders: experiences of the prison-based democratic therapeutic community for women' at Newport Centre for Criminal and Community Justice Women and Justice Conference

<sup>26</sup> Speaking in 'The Road from Crime', Lagan Media Productions Ltd film for the University of Glasgow.

<sup>27</sup> Speaking in 'The Trouble With Girls', BBC.

reparation, which last, when used, tends to leave offenders affected by the court experience to a greater extent (McIvor 2004), might all be helpful contributors to the process. Inclusive communication, along with learning to be assertive not aggressive (Stevens 2013), vocalizing to facilitate belief (Lieberman 2005) in themselves and their futures within a society where they can express themselves, where views that ‘press for expression’ do not have to ‘find release’ in ‘violence’ (Milgram 1966:2010) or through pejorative terms, such as ‘grass’ and ‘stitched up’ (Traffic Cops 2012<sup>28</sup>), could be part of a way forward. In such ways, poor interpersonal skills could be improved (Halliday 2001) and an opportunity to express views could be provided (Machura 2013) on all sides, such that no one feels silenced within processes nor subject to imposed solutions over which they have no say.

Currently, women particularly seem subject to treatments and policies into which they do not have much input, with their own assessment of their circumstances lost in the process (Hannah-Moffat 2012). In the same way, ‘adults conspire to discuss the child and his problems as though others had no part in them’ (Campion<sup>29</sup> 57:1985). An authority-imposed solution to ‘problems’, may do the same to everyone and both genders. Unless everyone is included in what Lederach (1995) calls the ‘*set*’, all sharing the creation of the culture Lederach (1995) describes as ‘the shared knowledge and schemes created by a *set* of people for perceiving, interpreting, expressing and responding to the social realities around them’, then brutal interactions between differing perceptions thereof might only continue unabated: continue to forget ‘that the fruits of the earth belong to us all, and the earth itself to nobody’, such that humanity remains ‘undone’ by this forgetfulness (Rousseau 1754).

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<sup>28</sup> Orally on 2.10.12 on Dave Sky channel 111

<sup>29</sup> This researcher's mother, whose academic life started inspirationally late

## Culture

### Culture as potentially divisive in a globalised world:

Culture is ‘the collective programming of the mind which distinguishes the members of *one* category of people from *another*’ (Hofstede 51:1984), which could explain the ‘challenges of citizenship, identity and belonging in a globalised world’ (Quilliam 2014 <https://www.quilliaminternational.com>) where one category of people may be collectively programmed against another in a world shrunk by globalisation. That is not to say that the heterogenous diversity of cultures should be absorbed into one homogenous entity, but, rather, that the intertwined cultures in such a world might helpfully share a universal underpinning, such as the cross-cultural sharing of the de-brutalisation of the shared world. An underpinning that embeds differences within a universal whole.

### Overcoming culture as potentially divisive in a globalised world:

In a globalised world, what Damen calls culturally ‘learned and shared human patterns or models for living’, that ‘pervade all aspects of human social interaction’ (Damen 367:1987), may need to have a gel shaped by everyone. Just as culture is ‘passed on from generation to generation independently of the biological genes’ (Parson 8:1949) and constitutes ‘historically created designs for living, explicit and implicit, rational, irrational, and non-rational, which exist at any given time as potential guides for the behaviour of men’ (Kluckhohn and Kelly 78-105:1945), so these ‘guides’ perhaps need to be legitimized by a mutually respectful shared shaping thereof, as well as a universal accessibility thereto. ‘A configuration of learned behaviours and results of behaviour, whose component elements are shared and transmitted’ (Linton 32:945) as a ‘learned and shared behaviour of a community of interacting human beings’ (Useem and Useem 169:1963).

Tab. 3.6 Culture

Within this there is likely to be a requirement to take account of both universalities and differences across characteristics like gender.

Gender	
Gender Specific Policy	
There is ‘the need for a distinct, radically different, visibly led, strategic, proportionate, holistic, women-centred, integrated approach’ for women (Corston 79:2007), but, perhaps, also for men. When there is a lack of a distinct policy for specific groups, such as with regard to gender, this represents a lack of equality not equality (Asher 2013). Equality, with diversity treated as the same, is not always equality (Hannah-Moffat 2012).	
Male	Female
<b>Maleness and Violence:</b> <p>Anxieties over maleness, acceptance and status can make men vulnerable and some become immersed in violence and offending (Matza 1964). Moreover, the type of brutality faced by men and women seems different, such as the way the greatest risk to males in the military is from the enemy, while, for females in the military, it is</p>	<b>Femaleness and Violence:</b> <p>Indeed, it is relational expressive violence which accounts for most serious women offenders on long sentences (Stevens 2013) and sex features as a means or a cause or a motive for violence in young women (Shen 2013), with women without social networks of relationship struggling to deliver on</p>



from the men with whom they are serving (Covington 2012). Similarly, in civilian life, the greatest risk to men is from strangers, while, for women, it is the person with whom they are living (Covington 2012).	their ‘positive scripts’ and ‘grasping at any support that was emotional’ (Deakin 2012 <sup>30</sup> ). Moreover, 4 out of 5 women in prison are there for non-violent offences* (Stevens 2013), many of them leaving children outside, as their ‘families serve sentences too’** (Asher 2013 <sup>31</sup> ).
*Despite women being predominantly ‘the least dangerous and most vulnerable’ offenders, convicted mostly of ‘non-violent property or drugs-related offences’, with their ‘drug use often associated with that of boyfriends and other significant men’, and **a significant number of foreign single mothers imprisoned for trying to import drugs as ‘mules’, leaving vulnerable unprotected children far from their mothers in countries like Jamaica (Esmee Fairbairn Foundation 47:2004), women nevertheless receive harsher sentences than men for equivalent crimes (Russell 2012). Indeed, across society more broadly women appear to receive harsher treatment, such as the way Birkett (2013) describes social media as tending to especially unleash barrages of abuse against women.	
<b>Maleness and Re-Offending:</b>  Males are five times more likely to reoffend than females (Andrews and Bonta 1998) and boys commit more offences than girls (Shepherd 2013).	<b>Femaleness and Re-Offending:</b>  Nevertheless, it is offending girls who have higher ASSET scores <sup>32</sup> than offending boys on average*** (Shepherd 2013).
***This seems to occur because, ‘although some risk factors for male and female offenders are similar, they tend to differ in weight, so that the level of a given risk factor needed to make a woman likely to offend is often greater than the level associated with offending in men. This has two consequences: women are generally less likely to offend, but the minority who do are likely to have higher levels of criminogenic needs than similarly offending men - also often a wider range of needs, which is the rationale for holistic services for women who offend’ (Raynor 1:2017).	
<b>Maleness and Harm:</b>  11.4% of male offenders present a serious risk of harm to the public (Flaxington 2012), which, if the genders were treated equally, should translate into circa 200 women being in prison, when in fact it is more than 4,000 (Russell 2012).	<b>Femaleness and Harm:</b>  By comparison, only 3.4% of female offenders present a serious risk of harm to the public (Flaxington 2012), a proportion nearly 4 times lower than men, while 52% of women in prison in NI in 2010 were there for non-payment of fines (Kerr 2012). Indeed, women may be more sinned against than sinning when it comes to harm.****
****Traumatised girls are almost all brought up in an environment that is misogynistic (Shepherd 2013), with trauma being 1 of women’s 4 distinct pathways into crime, alongside substance abuse, mental health and economic marginality (Bloom 2012), with high rates of mental health problems, domestic abuse, victimisation and substance abuse among women offenders (Flaxington 2012).	
<b>Maleness and Social Expectations:</b>  Some male socialisation can create particular problems and contradictions, including the way men can be asked	<b>Femaleness and Social Expectations:</b>  In terms of female socialisation, the way in which ‘women are seen as more culpable than men’ may

<sup>30</sup> Presenting “Narratives of Desistance: motivations behind desire to desist and barriers to fulfilling hopes on release” at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

<sup>31</sup> Presenting ‘Criminal Justice Responses to Women’s offending’ at Newport Centre for Criminal and Community Justice Women and Justice Conference

<sup>32</sup> The ASSET assessment tool is used on young people to assess risk of re-offending, in a similarly way to the manner in which OASyS is used for adults and the risk of harm.

to respond in treatment by expressing their feelings and asking for help in contravention of everything they have been brought up to believe about being male (Covington 2012). This might trigger particular difficulties for men, as it could feel alien to men socialised to respond with violence (Covington 2012). Even though Weaver A (2012) hated the violence against his mum, he learned that this was the way to have power.	be because they are seen as challenging social norms (Shen 2013 <sup>33</sup> ). Women can be considered as 'other' or as 'outsiders' and as 'mad', with women more likely than men to be sent for psychological evaluation as part of the criminal process and more likely to be considered unfit to stand trial for psychological reasons and more likely to be given a sentence that may include psychological treatment (Jaber 2013 <sup>34</sup> ). However, just as any over-pathologizing of women might discriminate against them, any under-treatment of male psychological problems might also discriminate against males.
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Tab. 3.7 Gender

Recognising differences is part of delivering equality (Asher 2013) and 'different treatment is very important in achieving equity' (Hannah-Moffat 2012<sup>35</sup>), as differences, like 'gender, make a difference' (Bloom 2012<sup>36</sup>), as can differences like age.

Age	
<b>Youth:</b>  -Offending seems to diminish with age (Steffensmeier and Streifel 1991) and all offenders eventually desist (Laub and Sampson 2003). It's only a matter of rate and age (Laub and Sampson 2003), with the age crime curve peaking when it does because 'the adolescent experiences strong new drives and has new aspirations at about the same time that the parental and social rules begin to relax', while brain maturation to go with it does not arrive until about 22 years old (Bunge 8-27:2006). It is then that 'lessons from negative experiences' can be learned and can lead to 'marked desistance' in the twenties (Bunge 8-27:2006).	<b>The other end of the age spectrum:</b>  Offenders over 50 years old <sup>37</sup> tend to experience accelerated aging and accompanying health issues (Hageman and Annison 2013). They can have much fear of release from prison, health and weight problems, conflict with other generations and struggles over dignity and shame, but they also experienced being the listening mother to the younger women, from whom they heard 'much distressing stuff' (Hageman and Annison 2013 <sup>38</sup> ).

Tab. 3.8 Age

<sup>33</sup> Presenting 'Is there also panic about girls' offending in another part of the world?: patterns and nature of female youth offending in China' at Newport Centre for Criminal and Community Justice Women and Justice Conference

<sup>34</sup> Presenting 'Legal and Literary Narratives: female criminality and the question of agency' at Newport Centre for Criminal and Community Justice Women and Justice Conference

<sup>35</sup> Presenting 'Good Intentions, Questionable Inventions: Theorising gender-based risk/need assessments' at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012.

<sup>36</sup> Presenting 'Gender-Responsive Program Development and Assessment: Implications for criminal justice practise' at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012.

<sup>37</sup> In this instance imprisoned females in The Ruby Project

<sup>38</sup> 'The Rubies project at HMP Eastwood Park' presented at Newport Centre for Criminal and Community Justice Women and Justice Conference

When given an opportunity to draw up their own personalised ‘wellbeing agreement’, older women said<sup>39</sup> they would feel well if society would ‘respect every person as a unique individual’, ‘treat each other with the dignity we want for ourselves’ and nurture skills, talents, crafts, interests, creativity and companionship (Hageman and Annison 2013). These wellbeing agreements might usefully translate into a wider use of such agreements to share de-brutalisation more broadly. Any such shared agreement is likely to rely heavily upon mutual respect. Thus, amongst those who do not model this ‘respect’, there may be a need to recognize that they might not be ‘in the right profession’<sup>40</sup> (Cummins 2013<sup>41</sup>) if they are working with people in any form at all, from police to teachers, as well as the nurses to whom Cummins specifically refers. Working with people needs relationships that nurture and repair individuals, so that people can get to the point where they are ready and able to be empathetic (Matthew and Skuse 2013) and to undertake constructive activity to de-escalate the harm in their lives. This perhaps means it is important to set aside narrow dystopian views of crime reduction in favour of one linked to urban regeneration (Evans 2012), as well as other forms of regeneration (and generation). Greater education and involvement of ordinary citizens to build better understanding of the criminal justice system, and those caught up in it, and the role everyone can play in improving matters (Esmee Fairbairn Foundation 2004) surely cannot be omitted.

Without this better understanding, the public is unlikely soon to abandon the notion of punishment, as there is a deep-seated attachment to punishment as a response to wrong doing (Roberts and Hough 2002). Nevertheless, the public might, in fact, be far less punitive than policy makers believe (Roberts and Hough 2002), especially if they

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<sup>39</sup>‘Wellbeing agreements’ were part of the Ruby Project for imprisoned women over 50 years old

<sup>40</sup> Speaking of nursing

<sup>41</sup> Interviewed on Radio 4 interview, BBC.

understand that punishment or deterrent-based interventions actually lead to increased offending (Andrews et al 1990) and that the promise of reduced offending resides more in prevention and treatment than in variations in official punishment (Andrews and Bonta 1998).

The lack of understanding for ‘criminals’, seeing them only as ‘troublemakers’, in the way a police officer ascribed to himself *before* he became a member of Swansea YOT<sup>42</sup>, may highlight the antipathy which is born of lack of understanding. It was when this police officer started working with young offenders as *whole people* with YOT, that his understanding of them grew (Police member of Swansea YOT 2008). As Weaver A (2012<sup>43</sup>) says, ‘I was trouble’ to the teachers, who did not see the violence at home and thus did not understand why he was ‘trouble’.

Troublesome immoral actions can result from failure to make a proper judgment or failure to act on the proper judgment made, either because of weakness of will or some form of compulsion to do otherwise or because it was never truly the intention to act properly in the first place because of a failure to evaluate properly or because of recklessness (Bottoms 2006). It could be important to draw a distinction between persistent offending due to recklessness and persistent offending due to weakness of will, because, in the latter case, the offender can be seen as being ‘part of the ordinary moral community’, as they could intend to go straight but are unable to resist temptations (Bottoms 243-287:2006). Enrolling citizens within the moral community of their society may be critical to effecting morally-based methods of orchestrating functioning, such as sharing de-brutalisation.

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<sup>42</sup> Acronym for Youth Offending Team, from which a police member from the Swansea YOT team spoke in 2008 in a presentation at Swansea university

<sup>43</sup> In ‘The Road from Crime’, Lagan Media Productions Ltd film for the University of Glasgow.

Moral Community
<ul style="list-style-type: none"> <li>- People might range along a scale from ‘moral absolutes’, through ‘situational ethics’ and ‘neutralizations’ to ‘rebellious absolutes’ (Norris and Dodder 545-5:1979) and might retain belief in their own morality by ‘reconstructing the conduct, obscuring personal causal agency, misrepresenting or disregarding the injurious consequences of actions, vilifying the recipients of their maltreatment and by blaming and devaluing them, along with providing ‘moral justification’ for their crimes, or by using ‘euphemistic language’ to negate their criminality or creating an ‘advantageous comparison’ or ‘attributing blame’ elsewhere (Bandura et al 364-74:1996).</li> <li>- Everyone might benefit from a ‘process of conscience building’ to facilitate ‘positive changes in both attitude and behaviour’ by confronting individuals with ‘the reality of the harm they have caused’ (Esmee Fairbairn Foundation 39:2004) and their anti-social attitudes (Halliday 2001), whether through actions currently labelled crime or in myriad other ways.</li> <li>- It is likely to be important to prevent moral disengagement arising from displacing responsibility, diffusing responsibility, distorting consequences, dehumanizing victims and assuming the role of victim (Bandura 1990).</li> <li>- It could be useful to ensure that responses to antisocial behaviour are carried out by members of the community with ‘high moral expectations of its citizens’, ‘publicly expressed’ to ‘deliver superior crime control’ (Braithwaite 10:1999) and more morally based governance of functioning.</li> <li>- Honesty is needed on all sides in facing up to the potential illegitimacy of thinking in terms of the existence of any moral community unless, as Carlen (2012) describes, there is honesty over the need to educate the poor in better ways to address the wrongs of their lives, as personal <i>and</i> social change need to be linked to empower and educate people as to how to change the world to affect their lives (Carlen 2012).</li> </ul>

Tab. 3.9 Moral Community

### The Universal and Differing Moralities in Understanding Brutality

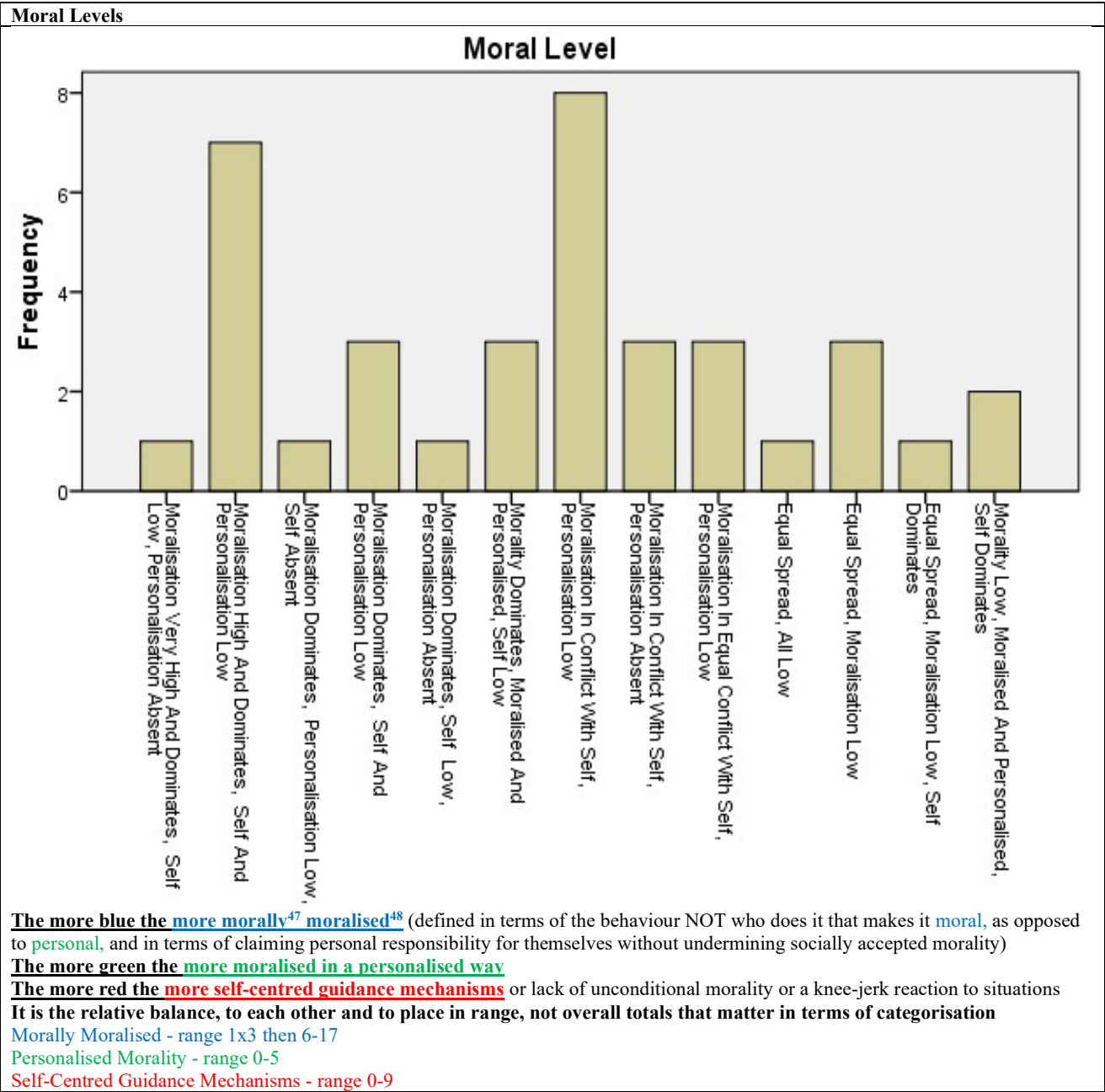
This research seems to show that it is possible to move towards a more morally based method of orchestrating functioning. In this regard, moral<sup>44</sup> moralisation<sup>45</sup> was ubiquitous in this study. All the participants seemed to be imbued with at least some of this type of morality, which was defined as the morality of generally accepted standards of behaviour, irrespective of who carries out that behaviour, alongside claiming personal responsibility for that behaviour without undermining socially accepted morality. This moral moralisation<sup>46</sup> was universal, with between 6 and 17 of the 22 moral measures used to demonstrate it, alongside one outlier still citing 3 such measures, present in all participants. Indeed, ‘there is a lot of evidence....that the moral beliefs of most offenders

<sup>44</sup> **Following accepted standards of behaviour** as defined in the Paperback Oxford English Dictionary, Seventh Edition and the second definition there cited for ‘moral’

<sup>45</sup> The notion of moralising, and any noun created from it, is used to denote being imbued with morality rather than necessarily, commenting upon morality or doing so in a disapproving way.

<sup>46</sup> See the responses in blue in the figure below

are quite conventional’ Raynor (1:2017), in line with neutralisation theory (Sykes and Matza 1957) and the theory of subterranean values (Matza and Sykes 1961).



<sup>47</sup> **Following accepted standards of behaviour** as defined in the Paperback Oxford English Dictionary, Seventh Edition and the second definition there cited for ‘moral’

<sup>48</sup> The notion of moralising, and any noun created from it, is used to denote being imbued with morality rather than necessarily, commenting upon morality or doing so in a disapproving way.

Using the 22 measures below		
<p>424 from 258 Which is more important to you, doing what is right or doing what is best for you?  1=Right  2=Now Right  4=Partner/spouse  3=Mixed  5=Self</p> <p>259 How does that fit with the offences you committed? (Not asked of 424.5 therefore 424.5 individuals are awarded <u>double</u> self-centred guidance mechanism points above)  1=doesn't fit at all/not very well,  2=what I did was wrong/I didn't do what was right,  9=it was wrong,  7=in the past have done things best for me and part of trying not to reoffend and learning is to try not to put self first and realise it's better to do what's best for others,  3=it doesn't fit at all but at the time doing what was right wasn't important, because it's hard to with my situation because my life's completely different now than it was,  4=I thought I was doing what was right for me at the time but I was confused,  5=I didn't do what was right because I was under the influence of substance abuse,  6=at the time it was doing what's best for me, now, I'd say what is right for me is getting a job,  8=I've got a child, I have to feed her, it's not just a buzz, I feel guilty but sometimes I've got no choice, I'd love to do the right thing and it be best for me but it's not always possible,  10=substance abuse  11=I only commit offences when I am not in a relationship with my partner/spouse,</p> <p>48 Do you agree with these statements? You shouldn't hit people  1=emphatically says believes wrong,  2=says believes wrong,  3=believes it depends on the circumstances,  4=believes there is nothing wrong with it,</p> <p>49 Do you agree with these statements? You shouldn't shout at people  1=emphatically says believes wrong,  2=says believes wrong,  3=hesitantly says it's wrong or goes on to subsequently seek legitimate situations when it could be legitimised,  4=believes it depends on the circumstances or sometimes or yes and no,  5=believes/partially believes there is nothing morally wrong with it/not necessarily/no,</p> <p>50 Do you agree with these statements? Some things belong to other people and you don't have the right to take them  1=emphatically says believes wrong,  2=says believes wrong,  3=believes it depends on the circumstances,  4=believes there is nothing wrong with it,</p> <p>619 from 51 How old were you when you first thought.....? Your moral view regarding hitting people  1= before entering school  2= school-age experience  3=experience within adulthood  4=ongoing lack of unconditional morality</p> <p>620 from 52 How old were you when you first thought.....? Your moral view regarding shouting at people  1= before entering school  2= school-age experience  3=experience within adulthood  4=ongoing lack of unconditional morality</p> <p>621 from 53 How old were you when you first thought.....? Your moral view regarding things belong to other people and you don't have the right to take them  1= before entering school  2= school-age experience  3=experience within adulthood  4=ongoing lack of unconditional morality</p> <p>54 If you have done any of those things that you think are wrong, why have you done them? (recoded to 325)  6=not thinking,  22=to show people not to bother me,  1=don't think I ever have gone against my own moral standards,  8=because I didn't think they were wrong at the time,  9=young and stupid,  10=doing what boys do and not thinking about consequences,  16=in retaliation/as punishment/in response to a perceived wrong,  19=lack of judgement, lapse in concentration, lack of control and other side equally to blame anyway,  2=self interest and greed,</p>	<p><b>Naming</b>  230 What if 'crime' was called 'failure' instead of crime? For example, if I said that 'By offending you showed you were a failure' Would it put you off offending or make you more likely to offend? (recoded to 412)  230.5=put me off offending because I believe that's true, I think offending is failure isn't it,  230.10=there is no difference between calling it crime or failure,  230.11=I already feel that about my offence so doesn't apply to me, but good for those who take glory or habitual offenders who relish life of crime and feel it has some worth,  230.12=feels like it was a failure to have done it,  230.14=some things are crime, they're not failures, they are too serious to be just failures, they're crimes,  230.13=don't know if it would put me off or not but don't want to be classed as a failure, but being classed as a criminal is worse,  230.21=when using substances it doesn't matter what it is called,  (all BLACK below exempted as inapplicable)  1=put me off offending,  2=probably put me off offending,  3=might put me off offending because no one wants to be a failure,  4=it would really/probably put me off because it would really hurt/be more hurtful/sink in more to be called a failure,  6=made/make me feel worse about myself,  7=would not put me off offending,  8=don't know,  9=considers this question irrelevant to him/her and his/her situation,  15=feeling like a failure made/would make me offend in the first place and to reinforce that by calling me a failure would made/make me feel worse about myself,  16=make me more likely to offend because it could make me feel worse about myself,  17=make me feel angry and anyway feeling like a failure made/would make me offend in the first place,  18=make me more likely to offend,  19=it would just make you... you'd be a criminal for the rest of your life,  20=feeling like a failure made/would make me offend in the first place and would make me more likely to offend again,  231 What could it be called that might put you off offending? (recoded to 413)  3=nothing else really, it's just crime so call it that or offending is offending or crime's a good enough word,  6=call it a 'wrong',  9=saying I was letting people down and hurting people would've helped me realize I was hurting the victim and help stop me,  4=got child/ren and know what offending is cos their dad always in and out of prison, that's an offender, I don't want that perception of me,  11=using criminals as guinea pigs for medical experiments instead of using innocent animals,  5=something you don't want to be called like a druggie,</p>	<p><b>Rules</b>  252 Do you think rules are useful?  1=yes,  2=they're meant to be useful but I don't have much faith in them,  3=some,  4=no,  253 Do you trust rules?  1=yes,  2=I suppose so,  3=mostly,  4=some,  5=as much as anybody else,  6=not always/not all the time,  7=no,  255 after 254.1-4 (yes) Why would you break the rules and deprive others of that protection?  5=it was wrong, showed weak character, not the character strength to do things correctly, not able to turn to others for help, depressed,  15=put in those terms I wouldn't want to but it goes back to the other statement, it was an act of loss of control,  16=it's just the way it was, I lost control and I didn't think ahead, I didn't think there would be consequences,  4=said one word selfish,  3=I made some bad choices and mistakes,  21=because I was an idiot,  1=broke pathetic rule and didn't realise, I always follow rules, I was being selfish because had to get to work to pay bills, but I'm peed off with it,  8=rules are made to be bent but not broken and it's just a trick question, life is just full of rules and I was just sticking up for myself,  18=I don't, it was just an awkward situation, most of my crimes are violence, fighting, mostly work related violence, bouncer work, fighting, all that,  12=I didn't know I was offending or it wasn't me that was offending,  20=some people can't stick to rules can they, they write their own rules,  6=I don't like rules, well I didn't, but rules are rules, I didn't really use rules, but now I think rules are useful because they make you think,  10=substance abuse,  11=wasn't thinking</p>

<p>3=support self when no opportunities, no home, hungry and join fights cause felt right to join to support family/friends,  4=became a violent person after abuse as a child which made the littlest thing make my mind go black and I'd just snap,  5=the bad influence of the place I live and the people around me,  12=spur of the moment/heat of the moment,  13=pressure and/or stress,  14=anger, stupidity and youth,  15=many reasons specifying having a laugh and losing temper and retaliation,  17=anger, maybe they've done something disrespectfully to me,  18=momentary lapse, rage and self defence,  20=I enjoy substance abuse and I like getting out and meeting people when selling substances,  21=because of or under the influence of substance abuse,  11=anger, lost control of self/anger/emotion/temper, short fuse, fly off handle,(varies as applicable with par 2 being morally moralised, while pars 6 and 23 are self-centred guidance mechanisms)  7=I don't know, (exempted as inapplicable)  <b>425 from 260Do you think you should do what is right by society, even if society lets you down?</b>  1=Yes  2=Uncertain  3=No  4=Won't Happen(exempted as inapplicable)  <b>153 Research from other sources has previously gathered these statements from offenders. Which of these statements do you think would be true for you?</b>  153.1-2 'I would never hurt a kid or rob an old lady' and/or 'I want to go the right way' but not with 'Shoplifting isn't even a crime to me'  153.4-9 'I would never hurt a kid or rob an old lady' and/or 'I want to go the right way' but not with 'Shoplifting isn't even a crime to me'  153.11 'I would never hurt a kid or rob an old lady' and/or 'I want to go the right way' but not with 'Shoplifting isn't even a crime to me'  153.13-14 'I would never hurt a kid or rob an old lady' and/or 'I want to go the right way' but not with 'Shoplifting isn't even a crime to me'  153.16-29 'I would never hurt a kid or rob an old lady' and/or 'I want to go the right way' but not with 'Shoplifting isn't even a crime to me'  153.31-33 'I would never hurt a kid or rob an old lady' and/or 'I want to go the right way' but not with 'Shoplifting isn't even a crime to me'  153.35 'I would never hurt a kid or rob an old lady' and/or 'I want to go the right way' but not with 'Shoplifting isn't even a crime to me'  153.15='Shoplifting isn't even a crime to me'  153.30='Shoplifting isn't even a crime to me'  153.34='Shoplifting isn't even a crime to me'  153.36='Shoplifting isn't even a crime to me'  <b>(all BLACK below exempted as having not cited a moral statement)</b>  153.3  153.10  153.12  153.37 missing  <b>277 Research suggests that the following factors may play a part in becoming an offender, which of these do you think applies to you?</b>  277. 14= Sees lots of reasons to justify breaking the law and/or Positive attitude to drugs and alcohol use but not with Anti-social thinking and attitudes, Rejects the law, Tolerates or approves of poor conduct or law breaking behaviour in others, Moral immaturity and/or Lack of guilt  277.19= Sees lots of reasons to justify breaking the law and/or Positive attitude to drugs and alcohol use but not with Anti-social thinking and attitudes, Rejects the law, Tolerates or approves of poor conduct or law breaking behaviour in others, Moral immaturity and/or Lack of guilt  277.21 = Sees lots of reasons to justify breaking the law and/or Positive attitude to drugs and alcohol use but not with Anti-social thinking and attitudes, Rejects the law, Tolerates or approves of poor conduct or law breaking behaviour in others, Moral immaturity and/or Lack of guilt  277.2= Anti-social thinking and attitudes, Rejects the law, Tolerates or approves of poor conduct or law breaking behaviour in others, Moral immaturity and/or Lack of guilt  277.4= Anti-social thinking and attitudes, Rejects the law, Tolerates or approves of poor conduct or law breaking behaviour in others, Moral immaturity and/or Lack of guilt  277.6-9= Anti-social thinking and attitudes, Rejects the law, Tolerates or approves of poor conduct or law breaking behaviour in others, Moral immaturity and/or Lack of guilt  277.12-13= Anti-social thinking and attitudes, Rejects the law, Tolerates or approves of poor conduct or law breaking behaviour in others, Moral immaturity and/or Lack of guilt  277.15-18= Anti-social thinking and attitudes, Rejects the law, Tolerates or approves of poor conduct or law breaking behaviour in others, Moral immaturity and/or Lack of guilt  277.22-23= Anti-social thinking and attitudes, Rejects the law, Tolerates or approves of poor conduct or law breaking behaviour in others, Moral immaturity and/or Lack of guilt</p>	<p>7=something negative that carries nothing but negativity, no glory in it, and specific to specific crimes eg rapist or paedophile,  8=being called a low life,  15=couldn't call it anything that would put me off,  16=it wouldn't matter what it was called because all that mattered was that I was gaining from crime,  17=I don't think it matters what it's called really, people are still going to do it,  18=it wouldn't matter what it was called because I was on abused substances,  <b>(all BLACK below exempted as inapplicable)</b>  1=endorses failure saying says failure is a powerful enough word or a good word or I'd hate to be called a failure,  2=don't know or can't think of anything or there isn't anything,  10=every crime has a different name so I just suppose depending what crime,  14=using derogatory words wouldn't put me off, it would just put my back up,  12=the thought of going to prison is what puts me off,  13=I don't know what to call it, but what matters is getting people onto courses to tackle their problems,  232if 'crime' was called 'weakness' instead of crime? For example, if I said that 'By offending you showed you were weak' Would it put you off offending or make you more likely to offend? (recoded to 414)  3=it might put me off, it can be a sign of weakness,  4=put me off offending because offending is a weakness,  6=yeah maybe yeah, failure, weakness, it's all the same sort of thing,  11=feels like it was weak to have done it,  12=don't know if it would put me off or not but don't want to be classed as weak, but being classed as a criminal is worse,  10=I don't see it as effective or as ever happening but I suppose it might put me off but you'd just get people saying a weakness was it, I took five coppers out, knocked the shit out of them and then you're calling it a weakness,  <b>(all BLACK below exempted as inapplicable)</b>  5=weak is suitably negative,  7=I'd want to show people that I'm not weak by stopping offending, do it right, show everyone that I'm not weak, that's all I can do,  8=would not put me off offending,  9=it would just aggravate or undermine or provoke people to call them weak,  1=put me off offending or de facto put me off offending,  2=probably put me off offending,  233What if 'crime' was called 'causing harm' instead of crime? For example, if I said that 'By offending you caused harm' Would it put you off offending or make you more likely to offend? (recoded to 415)  1=it would put me off offending and make me realize what I was doing,  4=would put me off because I would certainly not like to be described as somebody who causes harm to other people,</p>	<p>straight because of substance abuse,  19=to survive, to get things, I lived that sort of life, rules didn't apply to me, no rules at home, wasn't used to rules, didn't like them,  2=blames government and foreigners, says only wants to abide by laws that protect him not others, victims deserved his crimes though theoretically saying laws should protect everyone, but no point in rules people can't keep, but accepts he's done wrong and accepts punishment,  17=things just happened on the spur of the moment,  7=they're there to be broken,  9=some rules don't suit me,  13=don't know,  14=I don't know, silly really,  <b>255 after 254.5-7(no) therefore 'What else could protect you better?'</b>  25=staying away from criminogenic situations,  27=I made a mistake,  22=better rules,  26=nothing can, you've got to protect yourself,  28=nothing, I don't know, nobody listens to rules, I don't really like or believe in or listen to rules,  23=don't know, (exempted as inapplicable)  24=there isn't anything better, (exempted as inapplicable)  <b>256Do you always know what the rules are? (recoded to 422)</b>  256.5=well you know what's right and wrong, but with regard to knowing the rules I suppose so,  256.6=sometimes don't know but use common decency, if you think it's wrong it's probably wrong,  256.7=to some extent, but thought s/he would be understood in the situation s/he was in,  <b>(all BLACK below exempted as inapplicable)</b>  1=yes,  2=de facto yes with I'm not stupid/ I'm not a kid,  3=mostly,  4=I would say yes, I think, I mean most of it is commonsense I think isn't it,  8=not always,  9=no or not really,  10=no, they're changing laws constantly and don't tell you so how do you</p>
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277.25-26= Anti-social thinking and attitudes, Rejects the law, Tolerates or approves of poor conduct or law breaking behaviour in others, Moral immaturity and/or Lack of guilt 277.29-32= Anti-social thinking and attitudes, Rejects the law, Tolerates or approves of poor conduct or law breaking behaviour in others, Moral immaturity and/or Lack of guilt <b>(all BLACK below exempted as having not cited a moral statement)</b> 277.1 277.3 277.5 277.10-11 277.20 277.24 277.27-28 277.33-34 missing <b>624 from 240 What do you think best describes the offences you have been punished for?</b> 624.1-5=rejected offending 624.6=did not reject offending 624.7-8 excluded or missing	I would feel that did not reflect who I am, 5=if it was causing harm it would put me off, 6=it would put you off if you agreed what you had done was actually harmful, 7=offences don't always cause harm, 8=would not put me off offending, 9=I knew it could have or did cause harm when I did it, 10=whatever you call it is all the same, 11=whatever way you say it is going to put me off, 12=some people want to cause harm, 13=it might put me off offending, but when you are abusing substances you don't care about anything but those substances, 14=it wouldn't matter what it was called because all that mattered was that I was gaining from crime, <b>(all BLACK below exempted as inapplicable)</b> 2=put me off offending, 3=might put me off offending,	know you're breaking the law, <b>257 Does the existence of rules keep everyone safe? (recoded to 423)</b> 3=supposed to/they try to/I suppose that's the idea, 4=I suppose you've got to have rules, 5=if people abide by them, 6=not everybody, not people who are prepared to break them, 9=no because it is failing to stop crime, <b>(all BLACK below exempted as inapplicable)</b> 1=yes, 2=I believe so/I suppose so/ I'd like to think so/I think so, 7=not completely, 8=no or not really,
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Fig. 3.1 Moral Levels (1)

In comparison to this omnipresent **moral moralisation**, an alternative **personalised morality**, where an action's morality differs based on who carries it out, only ranged between 0 and 5 measures cited and a **self-centred guidance mechanism**, replacing moralities altogether, was only cited on between 0 and 9 occasions. Thus, this research suggested some cause for optimism in the moral potential of citizens, upon which sharing de-brutalisation would rely, since moral moralisation surfaced far more often than personalised or self-centred alternatives and was represented in everyone's thinking to at least some degree, unlike its personalised or self-centred substitutes.

However, for only 35% of participants moral moralisation dominated with little or no personalised or self-centred replacements to it. The remaining approximate two thirds of individuals might therefore struggle over this type of morality. These moral strugglers could include the 38% of participants potentially experiencing an internal

competition between moral moralisation and self-centred guidance mechanisms,<sup>49</sup> the 8% doing so in respect of moralised and personalised moralities<sup>50</sup>, the 8% controlled by self-centred guidance mechanisms<sup>51</sup> and the 11% experiencing internal competition between all three approaches to morality<sup>52</sup>.

The importance of morality, of at least some sort, in tackling offending, and, by extension, other brutalities, was suggested by the way 86% of those with a low offending risk had a dominance of morality of either sort or of moral moralisation<sup>53</sup> itself. Conversely, only 17% of those at high offending risk did so. Furthermore, only 11% of those whose moralisation was in conflict with their self-centredness had a low offending risk. Two thirds of this last group had a high such risk and both those for whom self-centredness dominated had a high risk. Indeed, the only participant with very high levels of moralisation had a low risk. For 83% of those with a high offending risk their moralisation, or other morality, did not dominate and 80% of those whose morality or moralisation were low had a high offending risk, while none had a low such risk.

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<sup>49</sup> Comprising 30% for whom Moral Moralisation and Self-Centred Guidance Mechanisms were at levels, relative to each other and to their place within their respective ranges, that might suggest they may be in conflict with each other for dominance, with little or no role for personalised morality and the 8% for whom this conflict for dominance between Moral Moralisation and Self-Centred Guidance Mechanisms, with little personalised morality, appeared to be equal in terms of overall numbers as well as relative numbers.

<sup>50</sup> Comprising 8% for whom morality, both moralised and personalised, dominated, alongside little in terms of Self-Centred Guidance Mechanisms.

<sup>51</sup> Comprising 3% for whom moralisation was low and 5% for whom both forms of morality were low

<sup>52</sup> Comprising 3% for whom there appeared to be an equal spread of attitudes across all three morality levels and the 8% for whom this equal spread was accompanied by a low level of moral moralisation in terms of overall numbers

<sup>53</sup> No OGRS score was available for Moralisation Dominates, Personalisation Low, Self-Absent

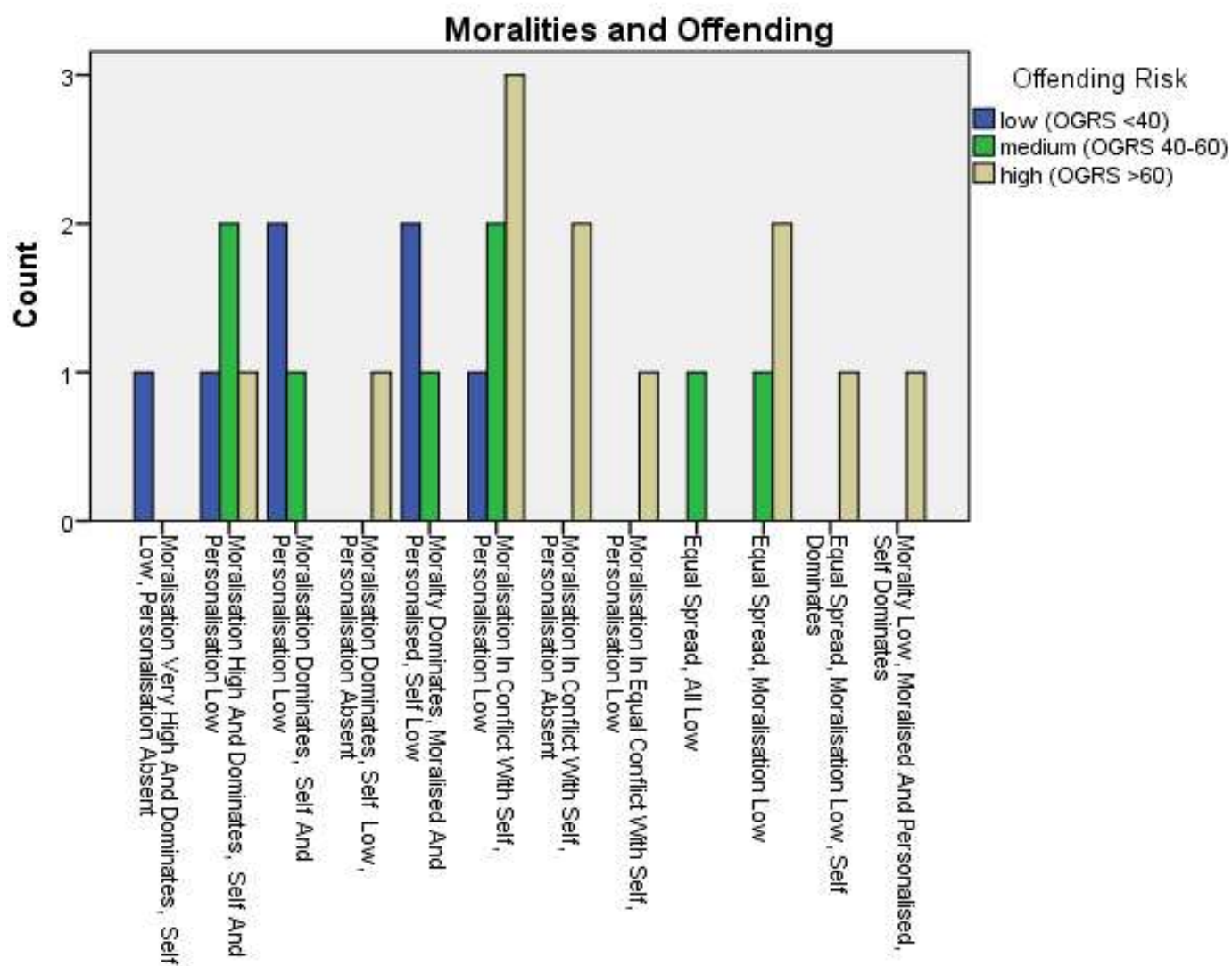


Fig. 3.2 Moralties and Offending

Therefore, promulgating a morally based outlook, even if it is personalised rather than purely moralised, could be critical to de-brutalising society. This might endorse the benefits of focussing more assuredly on the moral dimension of all actions, such as delivering on universal moral agreements, like the UNDHR.

In terms of promulgating specifically morally moralised behaviour, only 24% of

participants made *only* morally moralised ‘naming’ reference to offending<sup>54</sup>, and only 8% did so in terms of ‘rules’<sup>55</sup>. This suggested that three quarters of participants, namely those who made reference to morality of *both* sorts or to its alternatives in ‘naming’ offending, did not take an undiluted morally moralised position in this regard, rising to 92% when it came to ‘rules’. This perhaps endorses the need to better legitimise both rules and language in more morally consistent terms.

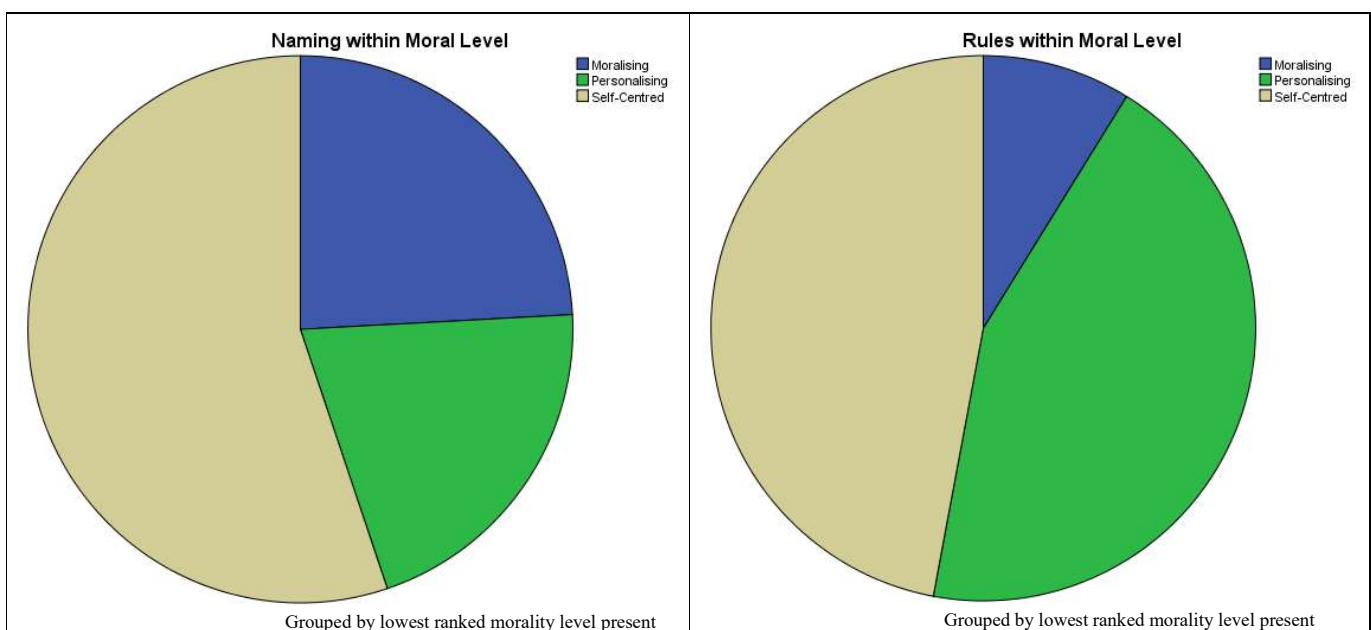


Fig. 3.3 Moral Levels (2)

On at least one occasion, 21% of participants personalised their morality when ‘naming’ and 44% did so with ‘rules’, while 55% made at least one reference to self-centred guidance mechanisms, as an alternative to morality within ‘naming offending’, and 47% did so within discussion of ‘rules’. This reluctance, in up to around half of respondents, to accept the need to adhere to rules, and to name non-adherence accordingly in morally

<sup>54</sup> As compiled in Variable 707

<sup>55</sup> As compiled in Variable 708

unambiguous ways, setting aside the overt selfishness of self-centred guidance mechanisms and the subtler personalised morality, might only be addressed by moral consistency across all spheres of society. It is this consistency that might better legitimise the rules and the language that shape society. Consistent execution of consistent morality might embed the equality of the value of all lives and undermine any claimed merit in personalised or self-centred alternatives.

Within these latter, it appeared to be the overt selfishness of self-centred guidance mechanisms, not the subtler personalised morality, that seemed linked to offending. 70% of those with a high offending risk included at least one self-centred guidance mechanism 'naming' in place of morality and 91% did so in terms of 'rules'. Thus, brutality, such as offending, may be related to an overt, and thus possibly shameless, selfish disregard of morality, rather than an excusing personal legitimizing of such conduct. Indeed, personalisation appeared more related to low offending risk, in terms of rules, than even moral moralisation did, with 86% of low risk individuals personalising the morality of rules. This might suggest that the ability to personalise rules-based interpretations of morality could be even more useful to de-brutalisation than blindly endorsing the moral status quo of rules. This creative propensity could be utilized to challenge inconsistencies in rules, such as through better deployment of the UNDHR, while the role of shaming, outlined by Brathwaite (1999), might possibly be endorsed as a means to tackle the more overtly shameless self-centred guidance mechanisms, albeit that this latter runs counter to this researcher's instincts.

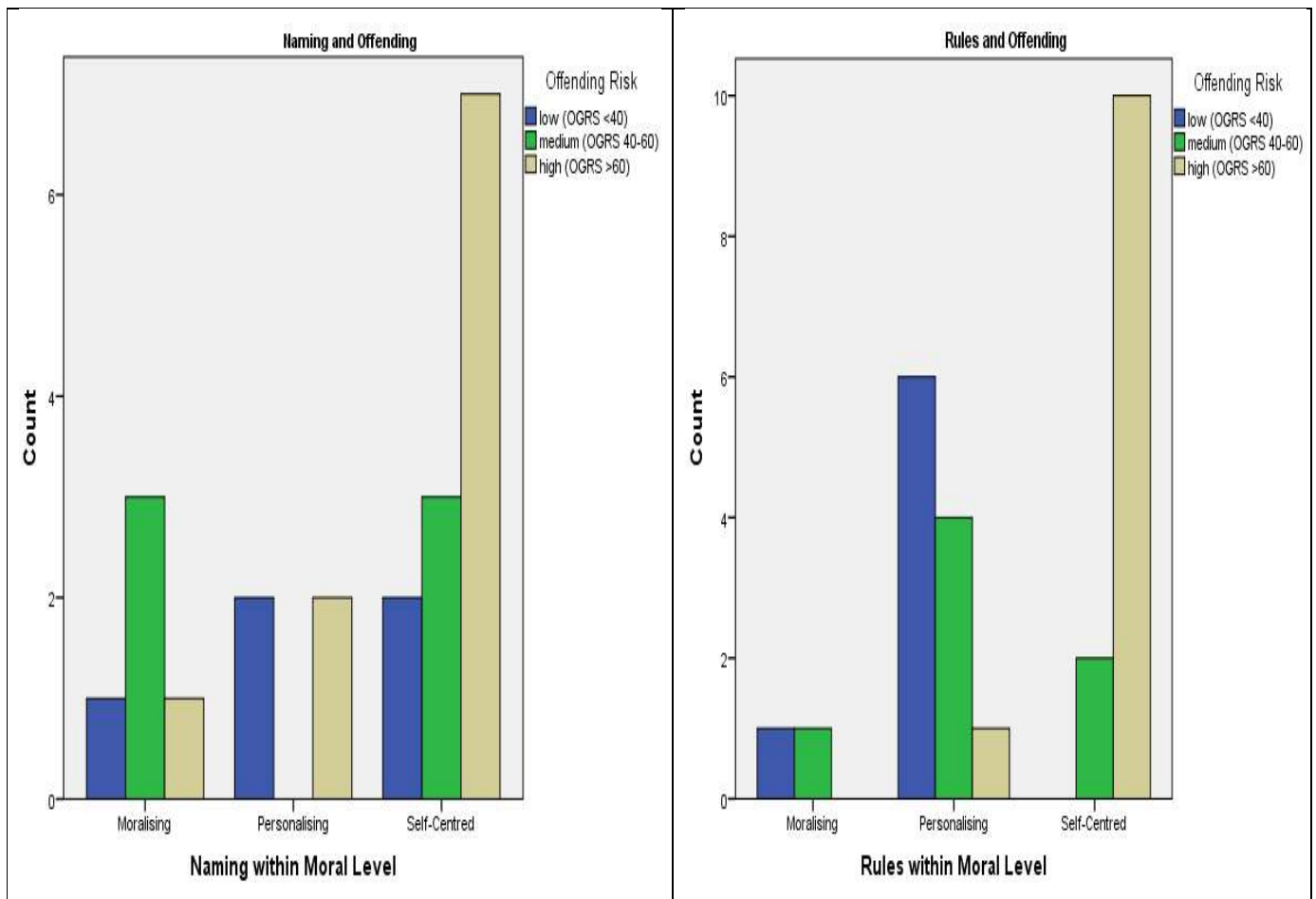


Fig. 3.4 Naming/Rules of Offending

### *The Role of Rules Part 1*

The usefulness of rules appeared to be overwhelmingly endorsed even by those deploying self-centred guidance mechanisms. 91% of participants said rules were useful and only 3% totally rejected that usefulness. Alongside this, two participants highlighted the need for the improved credibility of rules, respectively saying rules are *‘meant to be useful but I don't have much faith in them’* and *‘some’* are useful. This need for the improved moral credibility of rules, appeared to be reinforced by the way in which, when *trust* in rules specifically was considered, the proportion of participants

accepting rules unequivocally dropped from the nearly all participants who believed rules were useful, to just over half, at 55%, who actually trusted rules.

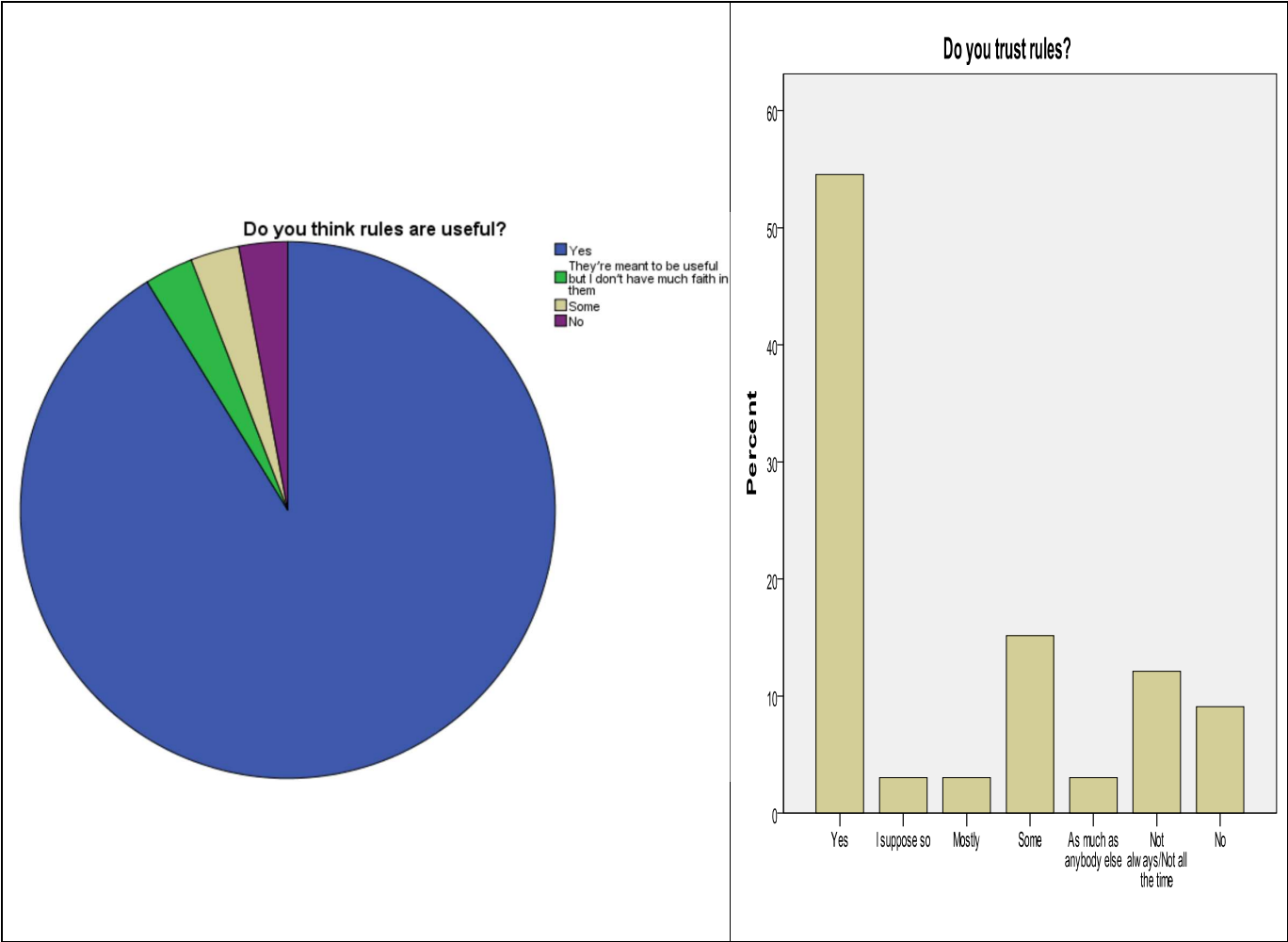


Fig. 3.5 Rules

89% of those who unequivocally trusted rules thought unequivocally that rules *protected* them, whilst only 33% of those whose trust in rules was short of unequivocal thought this. In this way, the credibility of rules may hinge, at least in part, upon their ability to protect everyone, even the potentially most disenfranchised.

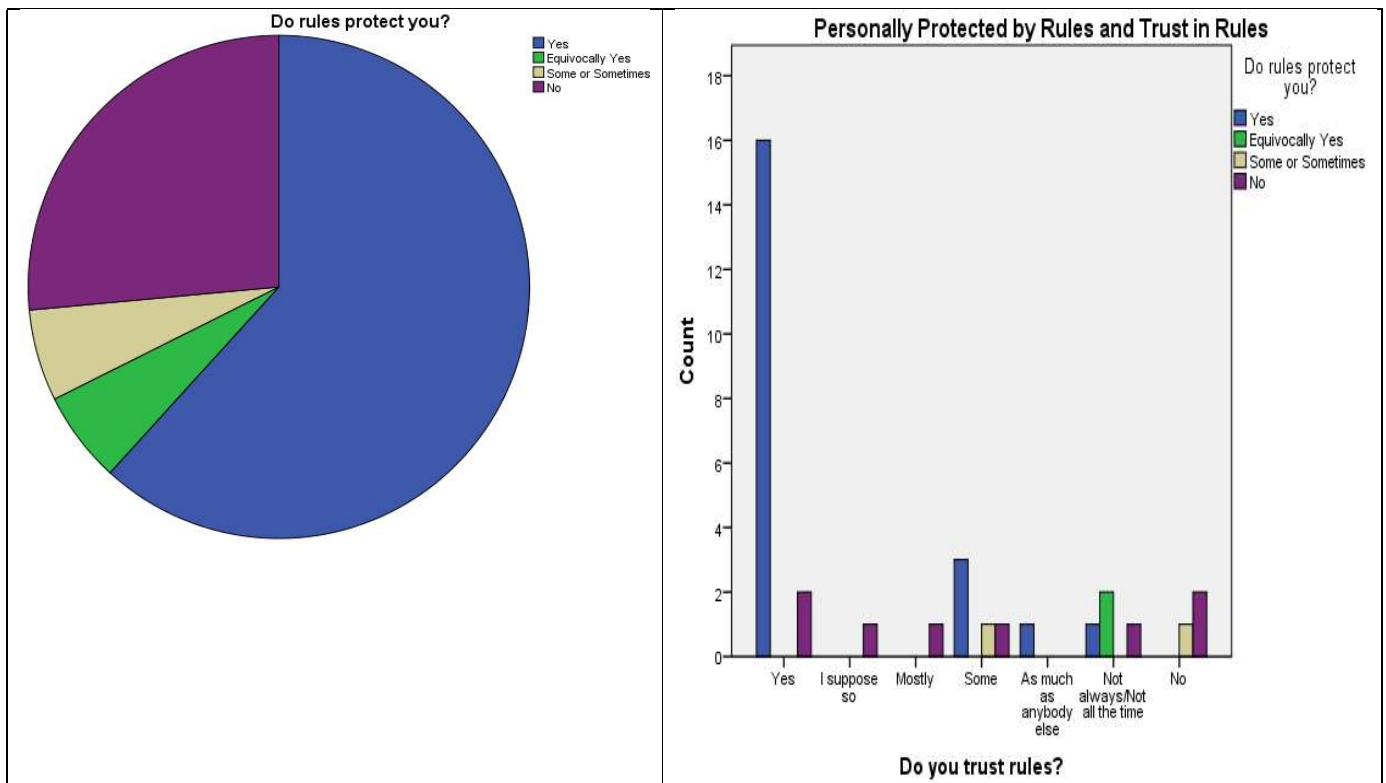


Fig. 3.6 Do rules protect you?

Those who thought rules protected them to any degree<sup>56</sup>, or who at least did not exclude that possibility, were asked why they would therefore break the rules and deprive others of that protection. The explanations given for depriving others of the protection of the rules that they themselves thought, to at least some degree, protected them, appeared to draw attention to the relevance of 1) seeing rules as **valuable\***, 2) the **intentions\*** of individuals with regard to rules, 3) the **general responsibility\*** that those individuals felt in terms of breaking those rules, 4) **specific reasons\*** for breaking those rules and 5) their **interaction with the consequences\*** of breaking rules.

<sup>56</sup> See Rules-Protected Participants Section in Chapter 4



* <u>value of the rules</u>	* <u>intentions with regard to rules</u>	* <u>general responsibility for breaking the rules</u>	* <u>specific reason for breaking the rules</u>	* <u>interaction with the consequences of breaking the rules</u>
Of the 24 participants to whom this question applied, 7 participants (29%) drew attention to rules in terms of <b>value</b> ;	Of the 24 participants to whom this question applied, 9 participants (38%) drew attention to rules in terms of <b>intentions</b> ;	Of the 24 participants to whom this question applied, 12 participants (50%) drew attention to general <b>responsibility</b> for rule breaking;	Of the 24 participants to whom this question applied, 11 participants (46%) drew attention to specific <b>reasons</b> for rule breaking;	Of the 24 participants to whom this question applied, 3 (13%) referred to <b>consequences</b> in terms of punishment, 2 (8%) were unable to interact with <b>consequences</b> in terms of producing any narrative to explain what they had done and 1 (4%) felt that even being asked the question, in terms of a <b>consequence</b> of his actions, was a 'trick';
<ul style="list-style-type: none"> <li>- laws should protect everyone</li> <li>- rules are rules</li> <li>- I don't like rules, - didn't like them,</li> <li>- life is just full of rules</li> </ul>	<ul style="list-style-type: none"> <li>- I always follow rules</li> <li>- I don't break the rules</li> <li>- I didn't really use rules</li> <li>- they're there to be broken</li> <li>- rules are made to be bent but not broken</li> <li>- rules didn't apply to me</li> <li>- wasn't used to rules</li> </ul>	<ul style="list-style-type: none"> <li>- didn't realise</li> <li>- I didn't know I was offending</li> <li>- I was being selfish</li> <li>- selfish</li> <li>- blames government and foreigners</li> <li>- accepts he's done wrong</li> <li>- What I did was wrong</li> <li>- I made some bad choices and mistakes</li> <li>- it wasn't me that was offending</li> <li>- I was an idiot</li> <li>- it's just the way it was</li> <li>- things just happened on the spur of the moment</li> <li>- it was just an awkward situation</li> <li>- I lived that sort of life</li> <li>- no rules at home</li> </ul>	<ul style="list-style-type: none"> <li>- had to get to <b>work</b> to pay bills</li> <li>- most of my crimes are violence, fighting, mostly <b>work</b> related violence, bouncer work, fighting</li> <li>- victims deserved his crimes against them (<b>provocation</b>)</li> <li>- I was just sticking up for myself (<b>provocation</b>)</li> <li>- weak character, I did not have the character strength to do things correctly (<b>personal failing</b>)</li> <li>- not able to turn to others for help (<b>personal failing</b>)</li> <li>- depressed (<b>personal failing</b>)</li> <li>- loss of control (<b>personal failing</b>)</li> <li>- I lost control (<b>personal failing</b>)</li> <li>- <b>substance use</b></li> <li>- wasn't thinking straight because of <b>substance use</b></li> <li>- to <b>survive</b></li> <li>- to get things (<b>acquisition</b>)</li> </ul>	<ul style="list-style-type: none"> <li>- I'm peed off with it</li> <li>- accepts punishment</li> <li>- I didn't think there would be consequences</li> <li>- I didn't think ahead</li> </ul>
<ul style="list-style-type: none"> <li>- some rules don't suit me</li> <li>- pathetic rule</li> </ul>	<ul style="list-style-type: none"> <li>- some people write their own rules</li> <li>- some people can't stick to rules can they</li> </ul>			
<ul style="list-style-type: none"> <li>rules are useful because they make you think</li> <li>no point in rules people can't keep</li> <li>put in those terms I wouldn't want to</li> <li>only want to abide by laws that protect me not others</li> </ul>	<ul style="list-style-type: none"> <li>rules are useful because they make you think</li> <li>no point in rules people can't keep</li> <li>put in those terms I wouldn't want to</li> <li>only want to abide by laws that protect me not others</li> </ul>			<ul style="list-style-type: none"> <li>- don't know</li> <li>- don't know, silly really</li> </ul>
				<ul style="list-style-type: none"> <li>- it's just a trick question</li> </ul>

Tab. 3.10 Why would you break the rules and deprive others of that protection?

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\*\*\*accepting the price to be paid or when they saw no inevitability of being \*\*\*\*called to account nor of any \*\*\*\*\*requirement to improve understanding of why they offended, then the process may not be optimal. All of which suggests the importance of improving the chances of being called to account, but also of delivering a response to brutal activity that goes beyond a passive acceptance of a price-tag for crime to establish understanding of what happened instead, but in a way that does not cause disgruntlement. In terms of the morality of thereby attempting to uphold any rules, consent might be central to this, as well as to both avoiding disgruntlement and facilitating an ambiance in which to build understanding. In terms of the credibility of the rules to be upheld, aligning rules consistently against brutality might improve the perceived \*value of rules, as well as any \*intentions and \*responsibility towards them, while potentially countering the legitimacy of finding \*specific reasons to break them. The chances of consenting to take part and the moral credibility of doing so, might be enhanced by focussing on re-launching opportunities for constructive activity within a consistently non-harming environment, rather than taking a punitive approach to any lapse in that constructivity.

#### *Re-Booting Constructive Activity*

In order to re-launch constructivity when it has been lost, assuming that humans are not actually born without it, there surely needs to be constructive activity actually available for people. Without decently paid employment and/or free life-long education as constructively active conduits for sufficient payment for decent lives, it is hard to see how there can be an authentic exit strategy for a programme of 're-booting constructive activity', or, indeed, for any desistance programme of any sort, as there would not be any guarantee of the availability of decent constructive activity to replace crime.

Chapter 8 covers the importance of employment as a constructive activity, while chapters 6 and 7 cover transitioning to, and nurturing of, that constructive activity respectively. The areas of need to be targeted to enable that transition and nurturing are explored as this research unfolds, but, at this stage, it might be useful to outline the principles involved, as detailed in the re-booting constructive activity table below.

From the eight potential principles cited across 3 sections in that table, all of which had emerged throughout the research as important to enabling the re-booting of constructive activity, a personalised menu could be tailor-made by each service-user. This could accommodate differences between individuals and empower each individual to authentically take personal control of a personally chosen direction supported by authorities in the role of resources for that individual. In this way, the consent of each service-user, and the credibility to them of whatever is undertaken, might lie at the heart of proceedings. However, both consent and credibility are likely to be threatened respectively by unwillingness or incapacity to take on a constructively active role in society. In this respect, over and above the ethics of requiring consent and credibility for any programme, there is also the ethics of protecting others from repetitive brutal activity when there is no willingness or no capacity to desist. In this regard, chapter 9 considers the building of empathy to tackle unwillingness and the de-escalation of harm to tackle incapacity, but that does not lessen the necessity of protecting others during any such processes. Therefore, though re-booting constructive activity to replace brutal activity should do everything possible to follow a consensual and credible path towards a service-user determined exit-point, society must retain the right to protect its citizens from each other as well as from itself. Chapters 10 and 11 deal with these issues, but the contentious principles that underline how this might be done are considered here.

## Re-Booting Constructive Activity

### 1. Provide Resources Sufficient to Effectively Meet Need in Forms Wanted by Service-Users regarding:

- health
- substances
- advocacy

### 2. Likewise, but requiring the set outcome of taking/re-taking a course:

- life preparation - re-taking a Life Preparation Course to remove an endorsement thereon
- expertise in parenting - taking a parenting course including measures to protect women and children and their lives

### 3. Likewise, but requiring a 'safety of others' outcome:

- loss of gain from harm - the return of any material gain from harm
- demonstrated honesty - use of mutually checking multi-technological monitoring on issues of public relevance
- risk-monitoring and autonomous-progress responses - responding to harming actions by providing mechanisms for demonstrated progress which allow for immediate progress to be demonstrated with swiftly responsive progressive assisted release from monitoring and containment and enabling alternatives to harm with objective action-measurements of specific harm-reduced risk-proportionate specific action to assess progress-tariffs in meeting required expectations specific to harm caused in repair-based, non-punitive, swift, early, respectful, timed and timely interventions with high-quality universally accessible service-user controlled interventions for holistic resolution with authorities as resources and containment only where monitoring cannot contain risk to share the undoing of brutalising situations non-adversarially in a shared search for effective remedy and resolution with advocacy for all.

Tab. 3.11 Re-Booting Constructive Activity

One of the most contentious of these principles is requiring progress to be made in de-brutalising activity by those convicted of brutal activity. Any justification for this relies wholly upon the state duty to protect citizens from each other, as much as from itself. Thus, it can only ever be the safety of others, rigorously demonstrated and readily challengeable, with high-quality universally accessible provision to achieve progress if required, that can frame its remit. This remit need not be undertaken within a custodial setting, indeed ideally it is not, given what it seeks to achieve, but it must surely be able to provide sufficient monitoring to deliver protection to others in alternative ways if custody is not employed.

Though there are both universal and differing perceptions of morality and progress therein, the monitoring of those whose concept thereof demonstrably and repeatedly does not prevent them from causing harm to others is surely the duty of any society, whether that be harm caused by government, industry or individuals. Progress in diminishing any repeatedly demonstrated risk to others might be a legitimate goal, but, as Raynor warns, ‘progress-led tariffing carries risks’ (Raynor 1:2019) how ever legitimate the goal may be. Nevertheless, the UNDHR requires that ‘everyone shall be subject’ to ‘limitations as are determined by law’ to secure ‘due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society’, and ‘only’ and ‘solely’ for these purposes (UN General Assembly 8:1948). Bearing this in mind, the principle arguments against progress-tariffing are considered in the table below, in which a risk-monitoring\*\*\*\* and autonomous-progress\*\*\*\*\* model emerges to attempt to ameliorate those risks through a combination of objective progress measures on very specific harming actions, proportionality to the risk of harm and rigorously demonstrated and readily challengeable evidence on actions tangibly demonstrated as harming. This might unfold as a response to harming action\* that combines objective action-measurements\*\* of specific\*\*\* harm-reduced\*\*\*\*\* risk-proportionate specific action progress-tariffs\*\*\*\*\* in repair-based, non-punitive, swift, early, respectful, timed and timely interventions with high-quality universally accessible service-user controlled interventions for holistic resolution with authorities as resources and containment only where monitoring cannot contain risk. The aim would be sharing the undoing of brutalising situations non-adversarially in a shared search for effective remedy and resolution with advocacy for all involved and required expectations that are only specific to the harm caused. It is vital to remember always that progress-tariffing

must be very specific and related to a very specific harming action and must expect only very specific progress in that very specific harming action to prevent it becoming all pervasive. Equally, it must always urgently be expediting escape, such as by providing mechanisms for immediate demonstration of progress with swiftly responsive progressive assisted release from monitoring and/or containment enabling alternatives to harm.

Progress-Tariffing: Risks and Responses	
Risks	Responses
<p>1. ‘Who will be qualified to determine sentences’ (Lewis 239:1971) and ‘who judges the progress’ and ‘how accurate are the measures’ thereof, which ‘in any case will yield probabilities rather than predictions’ (Raynor 1:2019), with ‘the pervasiveness of the discretion required by the treatment model’ (Von Hirsch 1976). It places sentences ‘in the hands of technical experts’ to ‘substitute for a definite sentence.....an indefinite sentence terminable only by the word of those experts’ (Lewis 240-1:1971)</p>	<p><b>Objective Progress Measures*****</b></p> <p>In fact, the ‘high originals’ in principle in terms of a judge ‘as a person trained in jurisprudence’ deciding on ‘deservings’ and the ‘fixings’ of an appropriate sentence have already in ‘actual’ fact ‘most times’ become ‘very imperfectly recognizable’ (Lewis 239:1971), perhaps because they are actually as imperfect in themselves as any other subjective mechanism for justice, relying as much upon ‘a person trained’ to make judgements as any *****progress-tariff would if measured subjectively rather than objectively. The ‘wide discretion’ that is ‘now given judges, correctional authorities and parole boards’ are already problematic (Von Hirsch 1976), such that an **objective measure of sentence applicability might be just as much required today as under any *****progress-tariff. Thus, in terms of the who, how, probabilities and discretion in judging progress, **objective measures might be most justifiable.</p> <p>**Objective measures might include the use of automated mutually manifold cross-checking multi-technological *****monitoring selected as relevant to ****specific risk to assess progress on that ****specific risk, such as deploying one or more of the following if pertinent to the ***specific case, including, for example, regular drug-testing, satellite car speed monitoring, tracking by tagging, phone and computer tracking and monitoring, obligations to pass various CCTV points with face uncovered, answering strictly pertinent questions under observation of several mutually self-checking response-assessing technologies or any other technical monitoring relevant to the narrowly ****specific risk demonstrated by an individual to which they may choose to agree to avoid custodial containment and which might be developed over time, such that the proof of the pudding would be in the eating regarding progress on risk with monitoring time-limited or circumstance-limited as relevant to the ****specific risk, such as needing to demonstrate driving within the speed limit for 1 month on the first offence.</p>
<p>2. ‘When release from indeterminate sentences depends on judgements about risk reduction, some people end up inside for much longer than the normal sentence for their offence, and understandably see this as unfair, while others are released in the face of continuing public concern about risk’ such as in the case of ‘Worboys’ (Raynor 1:2019). ‘Injustices like these’ contributed to notions</p>	<p><b>Proportionality to The Risk of Harm</b></p> <p>In terms of limits, if sentences are too long for offenders to think fair, too short for public concern, and if there is any injustice therein from any responses linked to progress rather than offence-related proportionality, this research focuses on the right to ‘effective remedy in law’ under the UNDHR. Proportionately is considered in terms of being in proportion to risk of repetition, as the same offence cannot necessarily be legitimately priced regardless of the risk of repetition. One act of shouting abuse at a neighbour might proportionately receive a response limited to an apology and a warning, but the same act, if it is the twentieth time it has occurred, cannot be considered in the same light. In this respect, emphasis upon the past (Von Hirsch 1976) *action, in terms of assessing proportionality and limits in any response, needs to take account of the whole of the past, not just the one action in question, such that if an act is part of a pattern then it would seem reasonable to see that in terms of demonstrating a repetitively *****harming lifestyle for which ‘effective remedy’ can surely only be protecting, in this example, a resident from an abusive neighbour until progress has been made in stopping that abuse. Dealing in isolation with an act, irrespective of what it is symptomatic of in terms of any pattern of conduct, is neither just nor fair in terms of public safety if it leaves individuals exposed to ongoing repeat *****harm.</p>

<p>of ‘proportionality’ that underpin sentencing today, such that ‘there have to be some limits to prevent people being punished for a lack of (perceived) progress rather than for the original offence’ (Raynor 1:2019).</p>	<p>This researcher finds it difficult to see the right to ‘effective remedy’ as compatible with recycling persistent harmers without regard for whether they have moved away from *****harming. She sees no ‘effective remedy’ in allowing persistent harmers to persistently *****harm. For this researcher, the unfairness lies more in failing to ****monitor (or if need be contain) those who have made no progress in ceasing to repeat a *****harm than in expecting that progress and in embedding fairness and proportionality within achieving it. This might, indeed, ameliorate public concern about the risk the justice system is prepared to allow the public to bear, if the public see that their safety is being made paramount. This researcher suggests that putting the onus on those causing *****harm to address that risk is part of building personal responsibility into systems and that the part sentences might play in this is not about quantifying punishment for an offence, but seeing that offence as a symptom to be tackled with a sentence focussed on addressing its repetition. The limit and proportionality are thus victim-centred rather than offence-centred. Crimes such as stalking and threats to kill domestic partners often leave the victim hiding in fear whilst those issuing the threat can live normal lives unhindered by ****monitoring in a system which is based on proportionality to the act rather than proportionality to the risk of harm. ‘Sometimes, the threat of violence is all the abuser needs to control you, like a terrorist’ (Lancer 2017 <a href="https://www.psychologytoday.com">https://www.psychologytoday.com</a>), in which case it is not necessarily proportionate to deal with the threat as a matter of only words, such as in a system of offence-centred proportionality, rather than as a matter of causing real harm to the victim, in the way a system based on proportionality to the risk of harm might do.</p>
<p>3. It would greatly interfere with the values of due process (Von Hirsch 1976)</p>	<p style="text-align: center;"><b>Rigorously Demonstrated and Readily Challengeable Evidence on Actions as Symptoms</b></p> <p>It might simply be a matter of a different due process, where rigorously demonstrated and readily challengeable evidence of repetitive risk is the remit for the process, rather than the remit being pricing an event in isolation, as if it was wholly detached from the mindset of the individual perpetrating it and not a symptom of that mindset. It is mindsets, how ever they may be formed, that produce action alternatives (Wikstrom 2004) and it is these *actions, when undertaken, that are symptoms of the acceptability of *****harming action alternatives to an individual.</p> <p>Just as ‘it is only as deserved or undeserved that a sentence can be just or unjust’(Lewis 239:1971), so any *****progress-tariff must be just in terms of being deserved, such that an actual *action symptomatic of harming must have been carried out, such as preaching to incite terrorism, which is an act of harming in itself as it urges harm in a manner designed to create that harm.</p>
<p>4. Responses to crime should not be for treatment nor prevention but be an unashamed punishment because punishment is deserved and is demanded by justice and acts as general deterrence that justifies suffering inflicted (Von Hirsch 1976)</p>	<p style="text-align: center;"><b>High-Quality Universally Accessible Service-User Driven Provision to Achieve Progress</b></p> <p>In terms of ignoring treatment and prevention in favour of justifying inflicting suffering as a deserved justice for general deterrence, this research demonstrates the potentially cyclical effects of inflicting suffering in chapter 11, including in one section thereof entitled ‘Brutal Cycles as a Risk to Sharing De-Brutalisation’, which discusses how inflicting suffering upon a person, for whatever reason, might simply lead that person to inflict suffering on others. In this way, inflicting suffering might act as an incentive to offend rather than a deterrence against it. Furthermore, any notion that justice per se is possible, even if this ‘just deserts’ (Lewis 241:1971) aims to deliver it, is peddling an illusion, as no amount of ‘just deserts’ can restore what has been lost, unless, if it is a restorable thing such as a theft, its restoration is part of the sentence. There can never be justice after an irrevocably *****harming *action, as the dead child or the raped woman cannot be unmurdered or unraped. Therefore, the notion that the aim is to ‘abolish justice and substitute mercy’ (Lewis 244:1971) is based on fallacious assumptions of the possibility of justice, as well as ignoring the practical nature of *****progress-tariffing and the fact that ‘mercy’ might be sacrificed as much in this model as in any other.</p> <p>Justice is often impossible, just as inflicting harm can be infectious, and, thus, failing to provide people with an opportunity for high-quality treatment and prevention interventions instead, if they wish to take them, seems perverse if the alternative to that is simply to go on cyclically punishing harm by inflicting reciprocal harm in a system of ‘price-tag justice’ where crimes are de facto accepted as long as they are paid for, without even offering people the opportunity to break the cycle and find other action alternatives. High-quality universally accessible service-user driven provision to achieve progress, as part of Comte’s sacred formula of positivism: love as a principle, the order as a foundation, and progress as a goal (Comte1848), has to be available to justify any *****progress-tariffing, as, without it, the *****progress-tariff is all its critics say it is as a trap without any way out.</p>
<p>5. Fixed sentencing (Von Hirsch 1976) is important to avoid ‘the humanitarian theory of punishment’, which is ‘a dangerous illusion and disguises the possibility of</p>	<p style="text-align: center;"><b>Specific Action-Based Measures of Specific Harm-Reduced Criteria</b></p> <p>The sentence would be fixed, in terms of ***specific **objectively measurable **action-based measurement criteria focussed exclusively on whether *****harming actions have ceased, such that, for example, if driving is now patterned as within the speed limit, as demonstrated by automated monitoring of driving, then the sentence, in this case a sentence to ****monitoring as always the preferred option, would end. Demonstrating tangible</p>

<p>cruelty and injustice without end' (Lewis 238-9:1971)</p>	<p>progress in desisting from *****harming would seem in the public interest, over and above any claim to be 'humanitarian'. Indeed, its justification is based wholly on the public interest, none of which Lewis addresses in his emotive demolition of the Humanitarian Theory of Punishment, even when attempting to address this criticism in an addendum to it in his 1971 rendition thereof.</p> <p>That is not to say that humane treatment of harmers is not advocated, nor that any element of cruelty at all should be deployed, quite the reverse, within any progress-based model, but only that this model does not deploy any claims to be humane, illusory or not, to justify it. It relies for justification solely upon the public's right to protection, rather than claiming any harmers right to be healed. Alongside this is the right for the harmer to have access to the means of healing if desired and to be treated humanely regardless thereof, but, all the while, still relying on the fact that it is the right to harm which is being challenged, not the right to go unhealed. The current system upholds the right to harm as long as you subsequently pay the fixed 'price-tag' for having done so, regardless of whether the harm is part of a pattern to be repeated. Thus, the right to end any *****monitoring, or containment in extreme cases, relies upon the individual themselves and gives them the power to end their own sentence if they are willing and able to uphold the right of others not to be subject to harm. This researcher would argue there is no injustice in expecting people to cease *****harming others and that sentences can still be fixed to fixed criteria, but might better be fixed to fixed **actions not fixed times.</p>
<p>6. It would increase sentence length and the boundaries of criminal justice (Von Hirsch 1976)</p>	<p style="text-align: center;"><b>Automated Manifold Mutually Cross-Checking Multi-Technological Monitoring</b></p> <p>If it would increase sentence length and boundaries then that would simply underline the need for it, as sentence length and the boundaries for inclusion therein would be based on repeated *****harming actions. 'I do not object to men that do not read books, nor live at all in their heads, if they are amiable' but once that amiability is lost and they become 'brutish' especially if it is 'impossible' to avoid' them that objection cannot be avoided (Smalley 230:2006) and objection must surely be made. Within this it is vital to remember that businesses and politicians et al would be just as subject to objection to *****harm and to sentences and boundaries designed to prevent it. At the heart of such sentences would be *****monitoring, not containment, with containment only where monitoring has failed.</p> <p>The cost of such *****monitoring could only be manageable if largely automated and any ethical risks of mass monitoring would need to be addressed by obliging all monitoring to be overt, such that individuals would know of and be able to challenge any sentence of monitoring and the exact nature of the *****specific monitoring being undertaken, for example online trolls would be subject only to *****specific online monitoring and only until this pattern of behaviour ceases, businesses caught polluting rivers would be subject only to factory outlet monitoring and only until this pattern of behaviour ceases and politicians spinning responses would be subject only to monitoring responses under multiple mutually self-checking response assessing technology and only until this pattern of behaviour ceases. This issue of monitoring is dealt with further in table 3.13.</p>
<p>7. Even if 'treatment is painful.....life-long.....fatal....(it) will be only a regrettable accident' as 'the intention was purely therapeutic'(Lewis 243-4:1971)</p>	<p style="text-align: center;"><b>Consent to Participation and Control of a Process to Tackle Causes</b></p> <p>The intention would not be 'purely therapeutic', the intention would be public protection with therapy as an option. There would be no treatment at all without *****consent and without personal *****control over that process. Any therapeutic treatment might well be painful in what it entails, as dealing with any painful things that need to be resolved can be painful (Stevens 2013<sup>58</sup>), but it would only be with *****consent and *****control and would not be 'delivery of pain intended as pain' (Christie 103:2004). Indeed, currently imprisonment is designed to inflict 'pain and deprivation' and is 'so debilitating' that people come out of prison even less able to function than when they went in (Carlen<sup>59</sup> 2012), while one offender said its 'painful' when his children would ask him when he was going to work (Smith 2012<sup>60</sup>), such that it may simply be providing work not prison that is the only 'treatment' needed and, as discussed elsewhere in this research, ensuring everyone has well-paid work is perhaps the only justification for prohibiting crime to earn a living at all.</p> <p>If individuals do not choose participation in and structuring of a bespoke 'treatment', whatever that treatment may entail, then there can be no justification for its imposition, even whilst any persistently harming *****actions nonetheless cannot be tolerated. No amount of personal internal pain can justify being permitted to cause ongoing pain to others simply because an individual refuses to address any inner pain causing them to inflict pain on others. In this regard, 'you may not realize that abusers feel powerless. They don't act insecure to cover up the truth. In fact, they're often bullies. The one thing they all have in common is that their motive is to have</p>

<sup>58</sup> Presenting 'Serious Therapy' for Serious Women offenders: experiences of the prison-based democratic therapeutic community for women' at Newport Centre for Criminal and Community Justice Women and Justice Conference

<sup>59</sup> Speaking at the Eve Saville lecture 6.11.12

<sup>60</sup> Speaking in 'The Road from Crime', Lagan Media Productions Ltd film for the University of Glasgow.



	<p>power over their victim. This is because they don't feel that they have personal power, regardless of worldly success. To them, communication is a win-lose game (Lancer 2017). It might be, therefore, helpful to offer the *****option to consent to a process over which *****control can be claimed, to address this view of the world, as it could nurture legitimate *****control over that to which a person is subject, to replace any hunger for an illegitimate control over others that might currently be compensating for its lack. To persistently punish *actions without providing an option to address the cause of those ***actions would seem unethical.</p>
<p>8. The view that punishment because it is 'deserved' is 'mere revenge...barbarous and immoral' is misplaced since 'cures will be just as compulsory' and thus not 'charitable' nor 'enlightened' nor 'merciful' at all as it leaves offenders 'deprived of the rights of a human being' (Lewis 238-9:1971). It is wrong to seek to 'cure' people 'against' their 'own will' as it treats those subject to it as 'infants, imbeciles and domestic animals' when being punished 'because we 'ought to have known better' is to be treated as a human person' (Lewis 242:1971)</p>	<p style="text-align: center;"><b>Human Rights Duties and A Civilised Option</b></p> <p>Punishment for an *action without providing an option to address the cause of that ***action would indeed seem to boil down to simple revenge and would indeed appear immoral, even barbarous under the second element of the definition of 'barbarous' in the Oxford Online Dictionary as 'primitive and uncivilised'. As described in the above section, any such option would not be compulsory or against a person's will, nor would it claim to be charitable or merciful, it would simply be 'enlightened' to the extent that it would prevent the 'primitive and uncivilised' practise of offering people no way out of *****actions that will only see them repeatedly punished. Moreover, if the claim is that people should be punished because they 'ought to have known better', while ignoring any problems they may have on executing on that premise and not offering any means of addressing any such problems, it would seem equally unethical. Far from treating people as 'infants, imbeciles' or 'animals', it treats people as being complex humans able to *****select and *****control an option of help if they want it and expected to take on the duties outlined in the UNDHR.</p> <p>The UNDHR overtly requires everyone to meet the 'duty' of providing humane treatment and respect for others and their rights. In this way, human rights lie at the heart of *****progress-tariffing, with the UNDHR specifically stating that social order should enable people's rights and freedoms to be fully realized, which is not the case if repeated harming is tolerated. When this comes to the issue of *****progress-tariffing in the management of harmers, the UNDHR specifically resolves any apparent conflict between the rights of the harmed and the rights of the harmer, by specifically excluding from any of the exemplifications of the 'everyone' entitled to realize 'rights and freedoms' any example of harm-causing. Moreover, the UNDHR specially states that people are 'endowed with reason and conscience and should act towards one another in a spirit of brotherhood.' Indeed, the UNDHR declares that nothing in it must be used by any state, group or person to justify 'any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms' of others. To this researcher, thus, the UNDHR is clear that it is not intended to be used to allow harmers to harm. When Lewis is talking about treating people as human, he never refers to the human victim, only the human perpetrator. In fact, the UNDHR prohibits excluding anyone from protection in law, requires security in circumstances beyond an individual's control and security for all, none of which security or protection appears to be delivered in a system where the same harms by the same harmers are repeatedly occurring as perpetrators are repeatedly returned without progress into their communities. Indeed, the UNDHR prohibition on slavery, servitude, torture and cruel, inhuman or degrading treatment appears meaningless if anyone is allowed to repeatedly execute these types of treatments within their communities and homes. That is not to forget that all these types of 'treatment' are also prohibited when taking the form of 'punishment' and thus the management of harmers must be equally mindful of ensuring that it in no way demonstrates these attributes. Help, including any necessary social services in line with the UNDHR, would be provided in response to a need demonstrated by the *****harm caused and would prevent any 'detention' being 'arbitrary' in contravention of the UNDHR, as it would have been implemented in response to a ***specific action and with the specific aim of repair. However, this would be contingent on ensuring 'equal recognition in law' and 'full equality in a fair and public hearing by an independent and impartial tribunal to determine his rights, obligations and any criminal charge' as well as in measuring progress fairly. It is also important to note that sentences may not need to incorporate detention, as risks can potentially be contained in other ways, such as with *****monitoring. Minimising any loss of the 'liberty' required in the UNDHR, but always within the context of discharging the 'duty' to protect the *****harmed from the *****harmer, as justified in the UNDHR where 'everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society'.</p>
<p>9. To determine the amount of a sentence and the principles guiding this decision it should be commensurate with the offence in order to be fair (Von Hirsch 1976)</p>	<p style="text-align: center;"><b>Part of Wider Improvements in Opportunities and Social Justice</b></p> <p>Any unfairness might actually lie in not providing individuals with excellent opportunities to progress. In this way, *****progress-tariffing is not suggested in isolation from the other social suggestions this research makes more broadly with regard to improving opportunities and social justice, including with well-paid employment and funded education available for all. It is only in this context that *****progress-tariffing is suggested as it is only within the context of a viable society that the 'principles' and 'determination' of sentences can genuinely be 'commensurate with the offence', such that the offence is seen as an action in context, with the response to it likewise in context.</p>

<p>10. There is a risk of ‘inflicting .....assaults on .....personality to be remade after some pattern of ‘normality’ ....to which I never professed allegiance’ in a process that ‘will never end until either my captors have succeeded’ or been deceived (Lewis 241:1971)</p>	<p style="text-align: center;"><b>Expect Limitations on Harm-Causing Normalities</b></p> <p>An individual's right to maintain their own personality, their own sense of normality, to select their own allegiances and to be free without the need to deceive or be broken is central to the aim of *****progress-tariffing, in that it seeks to defend the rights of victims and their communities not to have their own personalities, normalities and ways of life destroyed by repeat *****harming. It requires nothing of a perpetrator other than to allow this. Perpetrators need not take part in any programme if they do not want to do so, but they need to expect limitations upon them if they are unwilling or unable to allow others to live their own lives as their own selves unharmed. ‘Everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society’ (UN General Assembly 1948).</p> <p>If Government does not protect people then what is the point of having a government at all? Moreover, the resources spent by Government identifying harming are utterly wasted if that *****harm is simply recycled. Resources going into recycling and dealing with ongoing repeated problems, rather than solving the problems, are wasting tax-payers money and thus potentially undermining the legitimacy of collecting taxes at all. Money might be more legitimately spent on helping those progress who want to progress to optimize their personalities and normalities in directions of their own choosing, as well as to *****monitor those who wish to continue to express their personalities in harming normalities.</p>
<p>11. It would be a ‘tyranny’ where ‘good men’ would ‘act as cruelly and unjustly as the greatest tyrants’ perhaps ‘even worse’(Lewis 242:1971) while ‘disproportionate punishment for minor crimes might count as a form of brutalisation’ (Raynor 1:2019) ‘It is a long-standing principle that the State’s right to interfere with a citizen’s life has to be limited, in justice, to what the offence deserves.’ (Raynor 1:2019) ‘The idea of not releasing people until they are less risky is incompatible with a fundamental justice principle that punishment must be proportionate and limited. It risks indefinite detention for minor offences, as well as depending on fine judgements about risk which can never be fully reliable.’ (Raynor 1:2019)</p>	<p style="text-align: center;"><b>Repair-Based, Non-Punitive, Swift, Early, Timed and Timely Intervention</b></p> <p>To avoid the tyranny, cruelty, injustice and brutalisation of a punishment that might be considered disproportionately beyond what an offence deserves, interventions need to be swift, early, timed and timely, such that harming normalities can be repaired before they become a pattern. It is when a pattern of repeat offences arises that an offence can perhaps no longer be seen as a single incident but as an offending pattern for which the offence becomes the pattern itself. When the offence is the pattern, responses to that pattern can remain proportionate to this new offence even whilst that response goes beyond what an individual manifestation might deserve. Repetition might make any offence serious, as the effect on the victim and community escalates, undoing any repairing of the damage to the victim and community as the *****harm keeps being repeated. Punishment does not change any harm done if it is permitted to continue after punishment. ‘The law currently’ allows for progress-based release ‘for limited categories of more serious offender: people on life sentences, or people on IPP public protection sentences’ where ‘early release for these depends on a judgment about risk made by the Parole Board’ (Raynor 1:2019). This researcher suggests considering any repetitive pattern of offending to be serious in this way, whilst all the time seeking to address these risks through repair and *****monitoring not imprisonment. Remembering that imprisonment is not necessarily, nor indeed usually, what is at stake, as repair and *****monitoring, rather than imprisoning, is what is proposed might help alleviate some of the concerns expressed.</p> <p>There are ‘concerns about IPP prisoners particularly, as some of them have ended up serving much longer than the ‘tariff’ for their offence because they are not deemed to have made enough ‘progress’ or the right programme was not available.’ (Raynor 1:2019) In the case of appropriate interventions not being available, this researcher believes that it is a palpable breach of human rights to expect progress in personal repair without providing the means to achieve it and such a situation can never be acceptable. Even with any safe-guards in this, however, some ‘prisoners are maintaining their innocence and so never get the chance of discretionary release because they are seen as uncooperative, or they refuse programmes which assume guilt.’ (Raynor 1:2019). In this respect also this researcher does not believe such a constraint is acceptable, as progressing the repair of oneself in general does not necessarily require admission of fault over a ***specific. Expecting individuals to reduce the risk they present, and indeed to be able to take *****control of the limits of their sentence by doing so, is, this researcher would argue, reasonable. Within mental health, there is already detailed provision for who and how decisions should be made about when someone is ‘no longer a threat’, including a right of appeal when patients believe that they are being wrongly held, after being convicted of a crime associated with a ‘mental disorder’ and receiving a ‘hospital order’, which might mean serving a period of incarceration longer than that which they would have received if they had been sent to prison (Mental Health Act 1983 amended in 2007) and this researcher is not even suggesting incarceration should necessarily form part of a sentence, such that it is most likely to be release from *****monitoring that is in question, which *****monitoring might be best placed to provide the most reliable assessment of risk actually being observed in life situations rather than as speculation.</p>
<p>12. ‘It is true that the criminal justice system is letting the community down if no effort is made to rehabilitate offenders while they are</p>	<p style="text-align: center;"><b>Required Expectations of Service-Users and Providers</b></p> <p>Since rehabilitation has made little impact on the control of crime (Von Hirsch 1976), it would seem insufficient to merely make an ‘effort’ to rehabilitate offenders to prevent ‘letting the community down’. There needs to be required expectations of service-users and providers to ensure the community is not let down. The notion that</p>

<p>serving a sentence (prison or community), but the amount and duration of coercion involved must be proportionate to the offence, otherwise there is no way of distinguishing in sentencing between less serious and more serious offences' (Raynor 1:2019)</p>	<p>any 'balance to be struck' (Raynor 1:2019) might compromise on the expectation that 'everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society'(UN General Assembly 1948) simply in order for 'distinguishing in sentencing between less serious and more serious offences'(Raynor 1:2019) seems unjustified. It is the effect of the offence which seems central to the UNDHR, namely whether it inhibits the rights and freedoms of victims and the general welfare of society.</p> <p>Thus, ensuring that the 'amount and duration of coercion involved must be proportionate to the offence' (Raynor 1:2019) must be sufficient to protect the rights and freedoms of victims and the general welfare of society.</p>
<p>13. 'It may be better to live under robber barons than under omnipotent moral busybodies' as 'those who torment us for our own good will torment us without end' (Lewis 242:1971) and people would 'prefer to be tried' by a system of just deserts and finite punishment (Lewis 241:1971). Lewis argues traditional retribution is 'in the interests of the criminal' as well as society rather than trying to 'mend' or doing any 'tending' of criminals as 'sick'. (Lewis 238-9:1971). There needs to be 'limits and safeguards - e.g. sentencing needs to be proportional if it is to be just, and so any increases in tariffing through lack of progress could not exceed what is reasonably proportionate for the offence concerned (except of course for life sentences)' (Raynor 1:2019)</p>	<p style="text-align: center;"><b>Autonomous Engagement with Authorities as Resources</b></p> <p>It may be that those who live without the threat of daily crime think they would rather live under 'robber barons than under omnipotent moral busybodies', but for those who might actually already be living that way under the threat of local gangs or violent spouses, whose lives are being repeatedly ruined by abuse in the home or antisocial behaviour in the neighbourhood, the outlook might be different. Indeed, the 'omnipotent moral busybodies' might actually be currently sitting on the bench making decisions in line with their own likes and dislikes in a way that suggests the **objective measures of risk suggested earlier in this table might already be warranted. Anecdotally, this researcher was told by her solicitor that 'it would depend upon who was on the bench' as to whether she would be protected in law as a lesbian when her case came to tribunal. Furthermore, when attending court on a speeding offence in which 'the bench' urged the prosecutor to press for a harder sentence, the clerk of the court told her on leaving the court that he knew as soon as he looked at her that the judge would be hard on her.</p> <p>However, the choice may not be a binary one between these two extremes, instead it could be that it is in *****autonomous engagement that the future might lie. Through this mechanism, with services as resources for, rather than architects of, progress, those who have *****harmed might have access to the means of progress if they so wish it, in order to *****autonomously engage with a process of their own design in a direction of their own choosing. Thus, any 'torment', if that is indeed how it is to be described, that was for that person's 'own good' would be of their own choosing, while any other 'torment' to which a perpetrator would be subject, such as ****monitoring, would not be for any perpetrator's 'own good' but to protect the rights of others as required under the UNDHR. The aim is not any 'tending' of the 'sick', as that would undermine autonomy still further, but provision of access to opportunities for that *****autonomy to flourish by resourcing that *****autonomy. It also needs to be remembered that, when Lewis states that people would 'prefer to be tried' by a system of 'just deserts' and 'finite punishment', with 'retribution' as the goal, rather than any attempt to 'mend' matters, that 'just deserts' and 'retribution' might not always be compatible with 'finite punishment'. If the focus is on what an offence 'deserves' then one might be left with death for murderers as their retributive 'just deserts'. What is proportionate to murder other than death? Those who counter a ****risk monitoring and *****autonomous progress model, such as *****progress-tariffing, with the 'proportionate' and 'deserts' argument might need to be careful what they are asking for, lest they are left with sentences genuinely proportionate to the offence, rather than proportionate to the risk and the progress in ameliorating that risk. 'I can't change what has happened in the past, but I can take steps to better myself' (Chavers 2019), says a murderer serving life in the USA. If proportionate deserts, not future self-betterment, is what matters, then this professed aim is irrelevant to whether parole should ever be granted. However, Raynor appears to set life sentences outside the need for proportionality, which might suggest an offender-centricity, where proportionality can be set aside when it does not favour the offender. This might exemplify a more general academic bias in favour of what might be best for the offender rather than the victim, with 'limits and safeguards' being considered in terms of the rights of the offender rather than the 'limits and safeguards' required to protect the rights of the victim. Facilitating progress where an offender no longer wishes to be a threat to his/her victim, while ensuring robust ****monitoring where that wish does not exist, would seem to represent the least-worst way of marrying the rights of both.</p>
<p>14. It is wrong to be 'compulsorily cured' of 'states of mind which displease the Government' by 'forfeiture of liberty' (Lewis 243:1971).</p>	<p style="text-align: center;"><b>Progress-Related Tariff and Programme for Holistic Resolution</b></p> <p>As discussed above, there would be no element of compulsion to take part in any programme, while the only thing to 'cure' is the risk to others. It is the choice of each individual whether to use the resources offered to them to better themselves or not, but, if a person can eliminate *****harming others without utilizing those resources that would be wholly sufficient. Furthermore, it is not a matter of 'states of mind which displease the government', it is purely a matter of whether actions *****harm others. Finally, in response to Lewis, a ****risk-monitoring and *****autonomous-progress model need not involve 'forfeiture of liberty', if ****monitoring adequate to ensure protection is accepted by the individual posing a threat, but protection for others never forms any part in Lewis' argument. On being criticised for omitting any reference to 'protection of the community' (Lewis 247:1971), Lewis does say 'I wish society to be protected' (Lewis 249:1971) and that 'all I plead for is the prior condition of ill desert' and that any 'loss of liberty' should be 'retributive... before....</p>

	<p>other factors', such that responses come only 'when one of our neighbours has justly forfeited his right not to be interfered with' so as 'not presume to teach him.... till he has merited' it (Lewis 249:1971), which inherently undermines his own argument, as there is no suggestion that any action should be taken under any model against anybody unless it is precipitated by an *action of 'ill desert' that 'justly forfeited his right not to be interfered with' and that 'merited' interference. The actual argument is over the extent to which that 'justly forfeited...right not to be interfered with' remains justified after an *action of 'ill desert' that 'merited' interference, as well as what form that interference should take.</p> <p>This researcher would argue that it is only by the act of repetition that repetitious interference can be justified, in which respect being 'proportionate' would marry repetition with repetition. She would also argue that it may be failures to interfere while such patterns are emerging at an early stage that might lead to later apparently one-off heinous acts that might be sufficient of themselves to merit containment as the only safe interference. Avoiding getting to that point is the reason for suggesting progress-related tariffs as part of interventions for holistic resolution. The aim being to prevent an event from which the victim can never recover and the perpetrator can never again be trusted. Once a pattern of *****harm has been demonstrated to continue ongoing constant crisis management rather than ongoing help to prevent reaching that point would seem wasteful of both resources and lives. Key to this is the requirement that any progress can only be expected within an overall package of measures that addresses *****harmers within their context, such that it is irrational to expect an individual to stop causing *****harm if she/he is expected to function within a harming environment. In this respect, this researcher states unequivocally that no progress-tariffing can be legitimate if the holistic environment of an individual is not simultaneously addressed. In this way, all the measures for sharing de-brutalisation need to coexist alongside progress-tariffing for any progress-tariffing to be legitimate. The measures in question are those that emerged throughout this research as pertinent as itemised on Table 1.1 Detail-Delivery. To expect individuals to 'progress' without a progressive environment would simply be to deepen inherent social injustices.</p>
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Tab. 3.12 Progress-Tariffing: Risks and Responses

The monitoring of such progress could include another contentious principle, namely a requirement for openness and honesty, but only on narrowly pertinent questions and actions of the narrowest of public relevance, including perhaps political actions and statements as much as any overt brutality such as crime. This requirement could include the capacity to examine any such openness and honesty by monitoring both pertinent actions and responses to narrowly pertinent questions, using multiple mutually checking technology as it emerges, such as those outlined in the \*\*\*\*\*objective progress measures section in the table above and in the technology cited in the table below\*\*\*\*\*.

However, any requirement for openness and honesty would run counter to current rights to privacy and silence, with this concern considerably heightened by using technological monitoring, even mutually multiply cross-checking technology, because of the implications of this for those rights to privacy and silence as well as over the risks of

inaccuracy. Therefore, though these requirements could not only help assess progress, in addition to improving the likelihood of being called to account, the moral issues regarding the rights to privacy and to silence, as well as the risk of inaccurate results, cannot be ignored. In this regard, it is again to the UNDHR that this researcher returns when it comes to rights to privacy and silence, alongside suggesting a requirement for any technological measures of truth to be validated by the same such measures of tangible action when it comes to concerns of inaccuracy. The monitoring of words for accuracy should only be used to facilitate highly specific interviews rather than to define their outcomes<sup>61</sup>. In this former role, it does seem that they may be useful. Polygraph testing ‘elicits more information relevant to risk’ and ‘more in-depth disclosures’ such that ‘mandatory polygraph testing’ is advocated by Wood et al within the categories of offences that they investigated (Wood et al 23-25:2020).

The UNDHR is usually deployed by individuals against the state over the state's own harming conduct rather than against the state for allowing the harming conduct of its citizens to continue harming other citizens. Nevertheless, the UNDHR does provide some basis upon which to pursue citizens' rights to be protected from each other as much as from the state itself. In this respect, the UNDHR does not provide for any right to silence to hide the truth, nor even to stay silent upon the truth. Indeed, it grants rights that might explicitly run counter to such silence, actually providing for a ‘duty’ on citizens, as much as the state, to uphold the rights and freedoms of others in a spirit of ‘brotherhood,’ including a *duty* to uphold the freedom to seek and receive *information*, the right to full *equality in a fair and public hearing*, state entitlements to secure due recognition and respect for the rights and freedoms and *general welfare of everyone*,

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<sup>61</sup> This researcher relies on her experience as a military interrogator and debriefer to postulate that it is most possible to make progress in interviews when engaging in detailed and highly specific conversation with individuals, while silence and lack of specificity are both major blocks to such progress.

such that no person may destroy the rights and freedoms of others, including the right to *life and security for all*, whilst also protecting *privacy* and protecting people from attacks upon their *honour and reputation*. It ascribes to everyone *duties to the community*. To this researcher, this appears to be compatible with requiring the *duty* to provide the truth as *information* when undermining the *community*, to enable an authentically *public hearing* of all the facts in *equal and fair* access to those facts, in order to duly recognise the rights to *life and security and welfare* of victims that no person may destroy. To this researcher this appears to be more in line with human rights than any claimed right not to speak honestly when breaching the rights of others.

Furthermore, using technological monitoring of narrowly pertinent questions and actions in search of greater interviewing efficacy when seeking the truth from all witnesses, including the accused as the principal witness, might also help in the protection of the *privacy, honour and reputation* of all, which is currently breached by the broad exposing of individuals' private lives in search of what truth might be most likely. In this regard, the researcher remembers the manner in which the father of the murdered child Milly Dowler was required to answer questions regarding pornography found at his home, while the accused, Levi Bellfield, did not need to say anything. She remembers the manner in which both this child's parents were left sobbing and describing their experiences in the witness box as 'mental torture' and this researcher believes that this breached their human rights while granting Levi Bellfield spurious such rights. The right to privacy under the UNDHR might be better protected under a mechanism that narrows intrusion to the specific point at issue, by using honesty and technology, rather than exposing the entirety of an individual's life to scrutiny in trying to establish the likelihood of veracity under the current model of intrusive cross-

questioning. This researcher would welcome the UNDHR being deployed far more vigorously in such ways in support of individuals who are victims of other individuals as much as those who are victims of the state, as the UNDHR theoretically protects people from each other as much as from the state. In this respect, the right to be provided with information in a manner that minimises invasion of privacy whilst maximising accuracy, might legitimately include automated manifold mutually cross-checking multi-technological monitoring of both words and deeds in response to actions that have breached public safety in its narrowest definition only, with the risks, and responses to those risks, outlined in the table below.

Automated Manifold Mutually Cross-Checking Multi-Technological Monitoring: Risks and Responses	
Risks	Responses
<p>‘The idea of forcing people to answer questions, with unspecified technology to see if they are telling the truth’ is ‘way beyond our present capacity, and arguably contrary to human rights’ (Raynor 1:2019)</p>	<p>The matter of the ****specific technology and its capacity is dealt with later, but, in terms of human rights, the UNDHR states that ‘everyone has the right...to seek, receive and impart information and ideas’ and to a ‘social order’ that enables their rights and freedoms to be fully realized, as well as having a ‘duty’ to provide humane treatment and respect for others and their rights. Moreover, the UNDHR specially states that people are ‘endowed with reason and conscience and should act towards one another in a spirit of brotherhood.’ The UNDHR prohibits excluding anyone from protection in law, requires security in circumstances beyond an individual’s control and security for all. It also prohibits ‘cruel’ and ‘inhuman’ and any ‘interference’ that is ‘arbitrary’. It requires ‘equal recognition in law’ and ‘full equality in a fair and public hearing by an independent and impartial tribunal to determine his rights, obligations and any criminal charge’ and ‘due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society’. It protects people's right to cultural and political participation and to their dignity (UN General Assembly 1948).</p> <p>None of this can be delivered in a system that;</p> <ol style="list-style-type: none"> <li>1. does not provide effective mechanisms ‘to seek’ and ‘receive’ information that would uphold a ‘social order’ where rights, such as to be ‘protected’ or to ‘full’ cultural and political participation, can be fully realized. Such that the principle witness to an offence, namely the perpetrator, is permitted to remain silent regarding what happened or such that an electorate has to vote without politicians being obliged to provide transparent answers.</li> <li>2. does not uphold the ‘duty’ of citizens to provide victims with ‘humane’ treatment and respect in line with their ‘dignity’ by showing ‘respect’ and ‘brotherhood’ for them by telling them what happened to their loved ones or owning up to prevent them having to give harrowing evidence in court. Demanding that a state fulfils this duty would not be controversial and the UNDHR does not distinguish in this between the individual and the state. Systems or individuals that force victims to give harrowing evidence, while failing to uphold the duties of the perpetrator amounts to ‘cruel’ treatment in this researcher's view.</li> <li>3. does not ensure victims are not excluded from the protection of the law nor security in circumstances beyond a victim's control as the law does not allow victims to know if they face high risks nor to have those risks monitored.</li> <li>4. does not ensure ‘morality, public order and the general welfare in a democratic society’ by delivering ensuring demonstrable truth is spoken in court or elections, such that a government can be elected with informed consent and any ‘interference’ over an alleged offence is not ‘arbitrary’.</li> <li>5. does not allow for ‘equal recognition in law’ and ‘full equality in a fair and public hearing by an independent and</li> </ol>

	<p>impartial tribunal to determine his rights, obligations and any criminal charge’ when full information is denied the court by the right not to give evidence.</p> <p>6. does not allow for due recognition and respect for the rights and freedoms of others if individuals, from intentional to accidental *****harmers, from business to civic society *****harmers, are not required to answer for their **actions honestly.</p>
The right to silence is sacrosanct.	This right contravenes the right to ‘information’ and the duties discussed in the section above. The UNDHR is clear that nothing in the UNDHR, which does not even include the right to silence, should be used to undermine the other rights.
Articles 12 of the UNDHR protects Privacy.	Article 12 of the UNDHR states that ‘no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.’ (UN General Assembly 1948). In this respect, privacy is better protected by replacing the current practise of intrusive questioning to establish truth, with a requirement to answer questions on narrowly pertinent matters of public interest, if reasonable evidence exists as to possible culpability, which would actually be less ‘arbitrary’ and intrusive on privacy than the current system of much more broadly intrusive questioning. There is nothing in this article to permit unconditional privacy, as it only prohibits ‘arbitrary’ invasion thereof. There is nothing to prohibit technological monitoring of such answers, or technological monitoring more broadly, as long as it is not ‘arbitrary’.
The cost of monitoring those who present a risk is prohibitive, just as it is impossible to fund sufficient resources to monitor everyone on the National Security Threat List.	The cost of monitoring could only be manageable if largely automated. Additionally, the costs of investigations, trials and imprisonment could be greatly reduced if monitoring could facilitate the former and reduce the need for the latter. Likewise, if people know that they themselves can become a source of information against their own wrong-doing then acts of wrong doing may be diminished, saving the huge costs of crime to societies, businesses and victims.
The technology and its capacity and specification and accuracy are fallible.	It is true that all technology is fallible to greater or lesser degrees, such that multiple mutually self-checking technology would be needed, such that no reliance can ever be placed on anything other than the most manifold evidencing. In this respect, there are a number of technologies, all of which could be deployed together now, as well as other future such technologies, much like cricket technology uses 4 discrete technologies to monitor lbw rules and still relies in some cases on ‘the umpire’s call’. Four mechanisms are not enough even to monitor an *action, let alone words. *****Current technologies that exist which could be multiply deployed, but which the researcher does not specifically endorse, include the polygraph, cognitive polygraph, electroencephalography, eye-tracking, voice stress analysis, functional magnetic resonance imaging, functional near-infrared spectroscopy, silent talker, facial action coding systems, linguistic inquiry and word count, event-related potentials, cognitive chronometry, measurements of time taken to perform mental operations, traffic light systems, heat and movement detectors and the timed antagonistic response alethiometer. Alongside these, *****action monitoring, like the requirement to keep the face exposed to cctv, actions on pc, actions and locations on phone, tagging and the use of 5G as it unrolls, including retrospective where possible, might coexist to back up or undermine claims. **Objective accuracy might actually be improved over current lack of objective measures of accuracy as pertinent actions while conversing will be measured objectively. Even so even the strongest proponents, like Grubin (2012), only claim 80-90% accuracy so results could only ever be a basis to assist questioning not a basis to decide outcome.
There is a risk of mass surveillance as everyone and anyone is potentially a risk to others.	<p>No monitoring of questioning would be deployed without the same evidence being available as is required today prior to arrest and questioning, except where standing for political office. When standing for political office there could be an obligation to answer questions narrowly pertinent to policy prior to elections.</p> <p>Ethical risks of mass monitoring of *****actions, like the requirement to keep the face exposed to cctv, actions on pc, actions and locations on phone, tagging and the use of 5G as it unrolls, would need to be addressed by obliging all monitoring to be overt and in response to a specific *action in order to measure ***specific *****actions, such that individuals would know of and be able to readily challenge any sentence of monitoring and the exact nature of the *****specific monitoring being undertaken, for example businesses caught polluting rivers could be subject to factory outlet monitoring.</p> <p>*****Consent to monitoring might be an alternative to custody or other restricting orders, *****specifically tailored to a *****specific threat in which to make *****progress in threat reduction, for example online trolls or online paedophiles could be subject to specific online monitoring instead of being prohibited the use of their computers.</p>

Tab. 3.13 Automated Manifold Mutually Cross-Checking Multi-Technological Monitoring: Risks and Responses



The UNDHR could also be deployed far more vigorously to de-escalate broader harm, such as poverty and homelessness, as it states that ‘everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services’.

Likewise, it could be deployed to require empathy in people to ‘act towards one another in a spirit of brotherhood’ (UN General Assembly 7:1948). In these respects, the researcher states unequivocally that no requirement for openness nor honesty, technological monitoring nor progress-tariffing can be legitimate if the state environment of an individual does not justify these things by being safe in and of itself, such as by providing the safety of a ‘standard of living adequate for...health and well-being’ and providing the safety of being treated with ‘brotherhood’ therein. To expect individuals to honestly expose themselves, or to be exposed by technology, if an environment is unsafe, or to undertake progress without a progressive environment, would simply be to deepen inherent social injustices. Expecting the truth has to be earned with the quality of the response to it, as it is ‘not the amount of time’ but ‘the quality of that time’ (Leibrich 239:1993) upon which progress tariffing relies with only high quality provision justifying it. ‘The influence probation officers might exert is clearly related to the quality of the relationship’ (Leibrich 192:1993) which is critical to progress (Raynor 2013). In this way, all the suggested measures itemised on table 1.1 of chapter 1 for detail-delivery of sharing de-brutalisation need to coexist alongside any requirement for openness and honesty, technological monitoring or progress-tariffing for these to have any degree of legitimacy. The measures in question are those that emerged as areas of need throughout this research. In addition to which, the inter-relationships between these areas of need, also emerging in this research, serve to emphasise the requirement for any re-booting of constructive activity to entail an holistic

package of linked measures if constructive activity is to be re-booted in ethical ways. In this regard, practical application in some of the issues involved, confronted through the charity set up by the researcher to examine that practical application<sup>62</sup>, exposed the way that current systems brutalise individuals by catching them in ‘no-way-out’ scenarios and brutally long and complex processes, where progress is actually impossible, such as where individuals need to be earning enough to be housed in proper homes of their own, but have no prospect of being paid enough to achieve this, despite working fulltime, sometimes leaving them homeless. ‘The homeless are a huge proportion of our patients’ (ambulance crew BBC 2019<sup>63</sup>), including those who ‘got out of jail today’ (homeless patient BBC 2019<sup>64</sup>) or who have mental health problems for which authorities require them to undertake brutally long and complex processes to seek help often without result. Crisis responses, such as 999 calls, which try and prevent people ‘freezing to death on the street’, pick up the pieces (ambulance crew BBC 2019<sup>65</sup>), but do not have the cohesive ongoing capabilities to prevent situations recurring. This means crisis responses are repeatedly diverted from unforeseeable emergencies, whilst foreseeable ones consume resources without resolution. ‘We don’t leave feeling like we’ve done a good job’ because ‘we know they’re not going to be fine’ as ‘people are going to go back to that same doorway’ (ambulance crew BBC 2019<sup>66</sup>) and, indeed, the patient concerned was the subject of another 999 call again the next night. ‘How many times does that have to happen?’ (ambulance crew BBC 2019<sup>67</sup>). Any re-booting of constructive activity must surely involve a full holistic range of all the interlinked elements that emerged as pertinent in this research, where appropriate, if harm is

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<sup>62</sup> Charity Registration Number: 1171016. <http://thecentreforsharingde-brutalisation.com>

<sup>63</sup>Speaking in video Ambulance BBC 2019

<sup>64</sup>Speaking in video Ambulance BBC 2019

<sup>65</sup>Speaking in video Ambulance BBC 2019

<sup>66</sup>Speaking in video Ambulance BBC 2019

<sup>67</sup>Speaking in video Ambulance BBC 2019

authentically going to be de-escalated and empathy for those subject to harm is to mean anything concrete. Interlinked elements, such as the substance use linked to homelessness, need to be dealt with together, with another homeless patient having used alcohol prior to needing an ambulance and 85% of rough sleepers in Manchester using ‘spice’ regularly (Ambulance BBC 2019<sup>68</sup>).

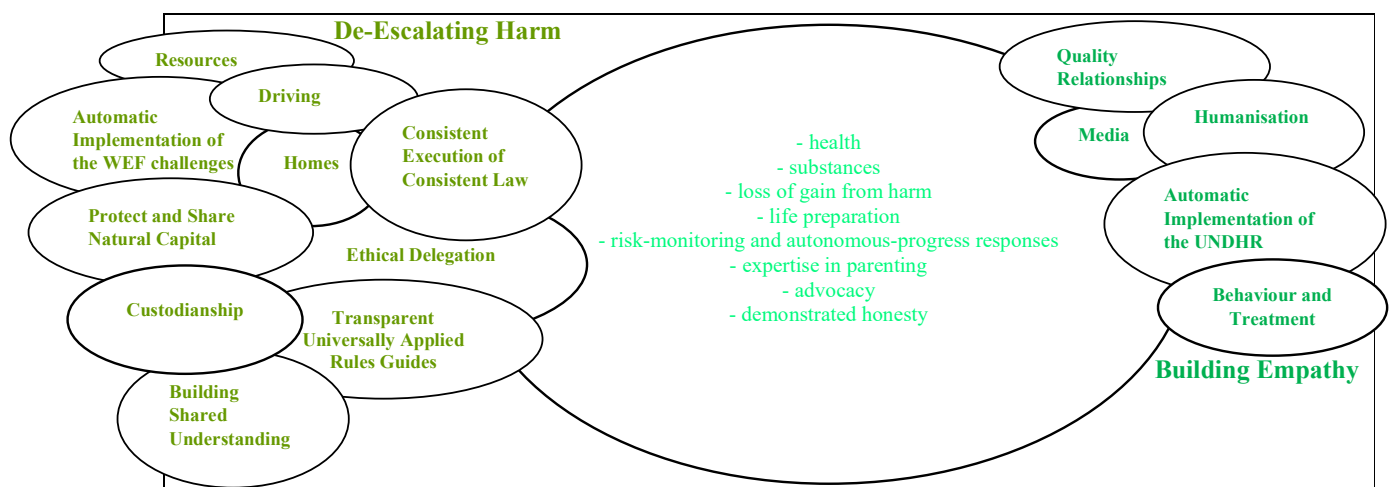


Fig. 3.7 Empathy and Harm

‘God knows why’ such issues are coming ‘through to the police’ (police officer Ambulance BBC 2019<sup>69</sup>) as there can be no progress in them without progress on de-escalating harming environments and building proactive empathy for those subject to them to escape from them. Indeed, how can rules even be policed effectively or ethically at all if the reasons to break rules are not addressed?

### *The Role of Rules Part 2*

In terms of **specific reasons**<sup>70</sup> for breaking the rules, participants cited 6 core reasons, namely work, provocation, personal failings, substance use, acquisition and survival.

<sup>68</sup>Speaking in video

<sup>69</sup>Speaking in video

<sup>70</sup> See green in Tab. 3.10 Why would you break the rules and deprive others of that protection?

### 6 Core Reasons for Offending<sup>71</sup>

- 1) **Work**, such as having had to get to work to pay bills, or work-related violence, such as saying 'most of my crimes are violence, fighting, mostly work-related violence, bouncer work, fighting'
- 2) **Provocation**, such as the victims deserved it or 'I was just sticking up for myself'
- 3) **Personal Failings**, such as 'weak character, I did not have the character strength to do things correctly' or not able to turn to others for help or depressed or losing of control of oneself
- 4) **Substance Use**
- 5) **Acquisition**
- 6) **Survival**

Tab. 3.14 Six Core Reasons for Offending

All of these reasons, and this reasoning, may need to be addressed as part of any holistic challenge to offending and, by extension, other brutalities. In this regard, the way in which the constructive activity of **work** was seen as justifying brutal activity perhaps underscores the need for greater consistency in tackling all forms of brutality, regardless of what underpins them, to better align laws with morality across all forms of activity. This might also be relevant to the **acquisition** also cited, for which only non-brutal rather than brutal routes might need to become capable of delivering on that aim. Likewise with the **survival** and **provocation** mentioned, there might also need to be effective non-brutal routes available to manage these just as much as there might need to be to acquire. At the same time, when it comes to **substance use** and **personal failings**, it could be vital to notice and respond to these early, so that they are addressed immediately and are not left to persist and escalate to the brutalisation of the individuals

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<sup>71</sup> See green in Tab. 3.10 Why would you break the rules and deprive others of that protection?

concerned and those around them, with such downward life spirals being tolerated along with the social exclusion to which they can lead.

This also seemed true of any dearth of personal responsibility for actions. In this regard, although the highest proportion of participants referred to **general responsibility**<sup>72</sup> in their explanation for depriving others of the protection of rules, with half of all those who answered this question citing this, only 6 of these individuals had taken that responsibility *upon themselves* to any degree. These 6 cited being ‘selfish’ or an ‘idiot’ or having made bad choices and mistakes or just accepting they had done wrong. However, only 4 of these 6 did so *without* detracting from that personal responsibility in any way. Thus, only 17% took full responsibility for their actions in depriving others of the protection of rules.

When it came to the **value**<sup>73</sup> of rules, the perception of their general value ranged from a positive theoretical value, in terms of ‘laws should protect everyone’, through a neutral fatalistic view of rules, in terms of ‘rules are rules’, to a negative value for rules, in terms of ‘I don't like rules’ or ‘life is just full of rules’. With respect to specific rules, when without reference to **intentions**<sup>74</sup>, the rules to which respondents referred were given a negative value, in terms of ‘some rules don't suit me’ or a ‘pathetic rule’. With regard to the intentions themselves, these comments ranged from positive intentions towards rules, such as ‘I always follow rules’ or ‘I don't break the rules’, through a neutral view, in terms of just not being ‘used to rules’, to negative intentions towards rules, such as ‘I didn't really use rules’, ‘they're there to be broken’, ‘rules are made to

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<sup>72</sup> See yellow in Tab. 3.10 Why would you break the rules and deprive others of that protection?

<sup>73</sup> See blue in Tab. 3.10 Why would you break the rules and deprive others of that protection?

<sup>74</sup> See purple in Tab. 3.10 Why would you break the rules and deprive others of that protection?

be bent but not broken' and 'rules didn't apply to me'. One participant had referred to intentions impersonally, saying 'some people can't stick to rules can they, they write their own rules'.

Where the **value** of rules was directly linked to the **intentions** of individuals, whether those intentions were implied or specified, individuals had spoken in terms of 'rules are useful because they make you think', 'no point in rules people can't keep', 'put in those terms I wouldn't want to' break the rules and only wanting to abide by laws that protect me not others. Furthermore, the way in which the first of these speakers had an evolving relationship with rules, leading in to his comments by saying 'I don't like rules, well I *didn't*, but rules are rules, I *didn't* really use rules, but *now* I think rules are useful because they make you think', could suggest the capacity to evolve that relationship.

It might be useful to build and evolve relationships with rules that ensure everyone at least sees their value and at least establishes intentions to adhere to them, if they are going to take their place in society, whilst also being empowered to change or challenge those rules, if they feel they are inherently wrong. Even those individuals who had a negatively weighted perspective on the protective quality of rules<sup>75</sup> thought that there 'isn't anything better'\* than rules, but did say there should be 'better rules'\* and that 'nobody listens to rules, I don't really like or believe in or listen to rules.'\* In this way, enhancing the credibility of rules seems important. If rules do not adequately protect individuals, it seems logical that 'you've got to protect yourself'.

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<sup>75</sup> When asked 'Do rules protect you?' and who were thus given a different follow-up question in place of the question 'Why would you break the rules and deprive others of that protection?'. They were asked instead 'What else could protect you better?' since they had not thought that rules protected them.

What else could protect you better?	Freq
22= <i>*better rules,</i>	1
23=don't know,	2
24=there <i>* isn't anything better,</i>	1
25=staying away from criminogenic situations,	1
26= <i>*nothing can, you've got to protect yourself,</i>	1
27=I made a mistake,	1
28=nothing, I don't know, <i>*nobody listens to rules, I don't really like or believe in or listen to rules,</i>	1

Tab. 3.15 What else could protect you better?

Furthermore, if rules are not transparently clear it appears unsurprising that adherence to them is inconsistent. Only 41% of participants unequivocally claimed to know the rules\*, including 6% who apparently found the question patronisingly obvious, as if they would be ‘stupid’ or a ‘kid’ not to know the rules. This sense of the obviousness of rules appeared to be echoed by those who were, despite this claimed obviousness, less than sure\*\* of whether or not they actually did know the rules. Thus, adherence to rules could benefit from the transparency of universally applied rules backed up by an easily accessible online guide to them, as well as from the consistent execution of a consistent morality suggested earlier in this section.

Treating the law as obvious because, as respondents say, ‘most of it is common-sense’ or ‘you know what's right and wrong’ or one will ‘use common decency’ or ‘if you think it's wrong it's probably wrong’ or thinking one would be understood in the situation one is in, relies heavily on the manner in which individuals have learned to interpret such things and how they see the morality of such words as ‘decency’ and ‘common-sense’ and ‘right and wrong’, as well as how they see the law itself and the situations in which its strictures might be flexed.

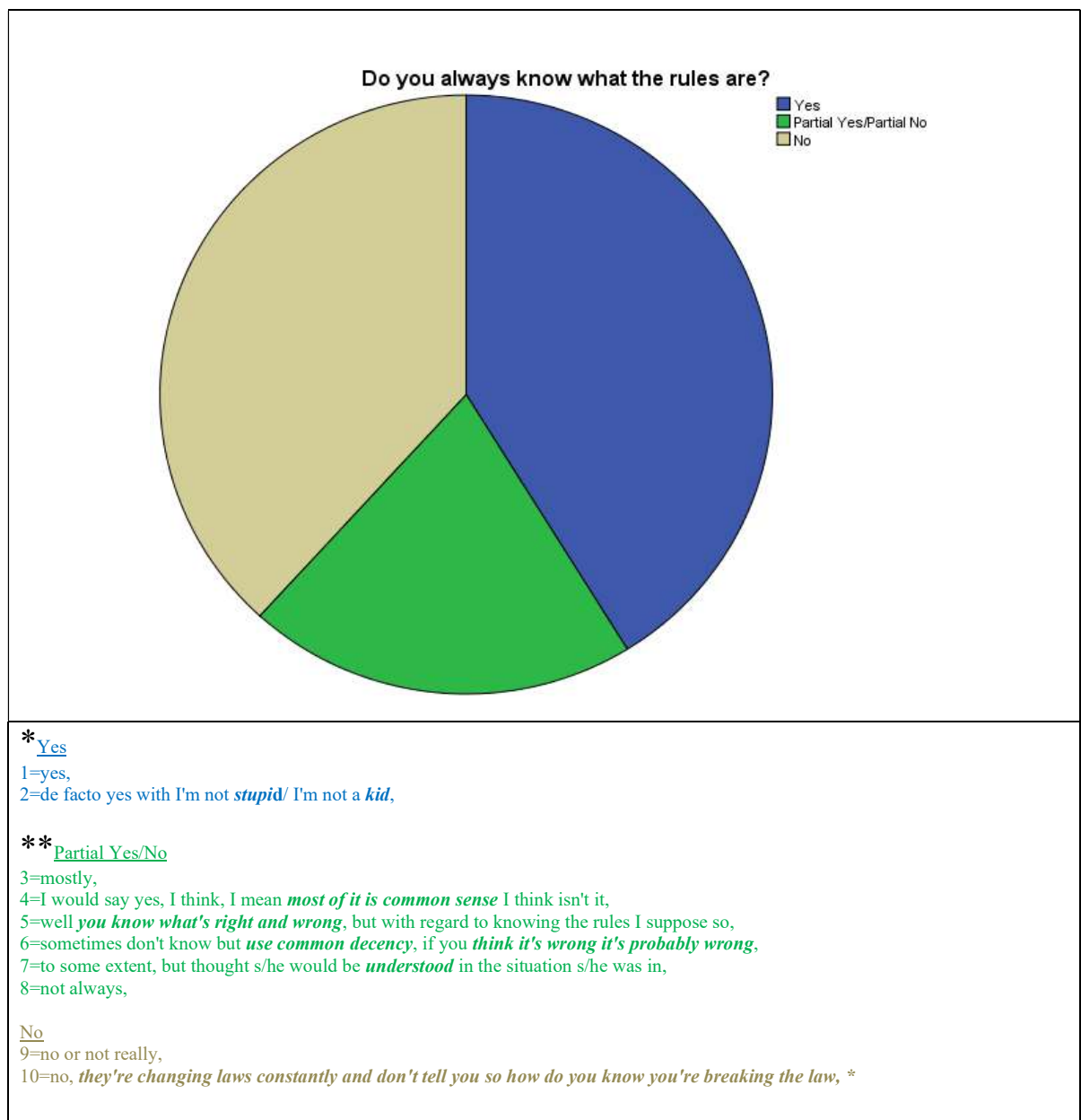


Fig. 3.8 Do you always know what the rules are?

Furthermore, the fact that *\*‘they're changing laws constantly and don't tell you so how do you know you're breaking the law’*, may, when taken together with the other complexities, make the law seem nebulous and tractable, even while it is believed to be obvious.



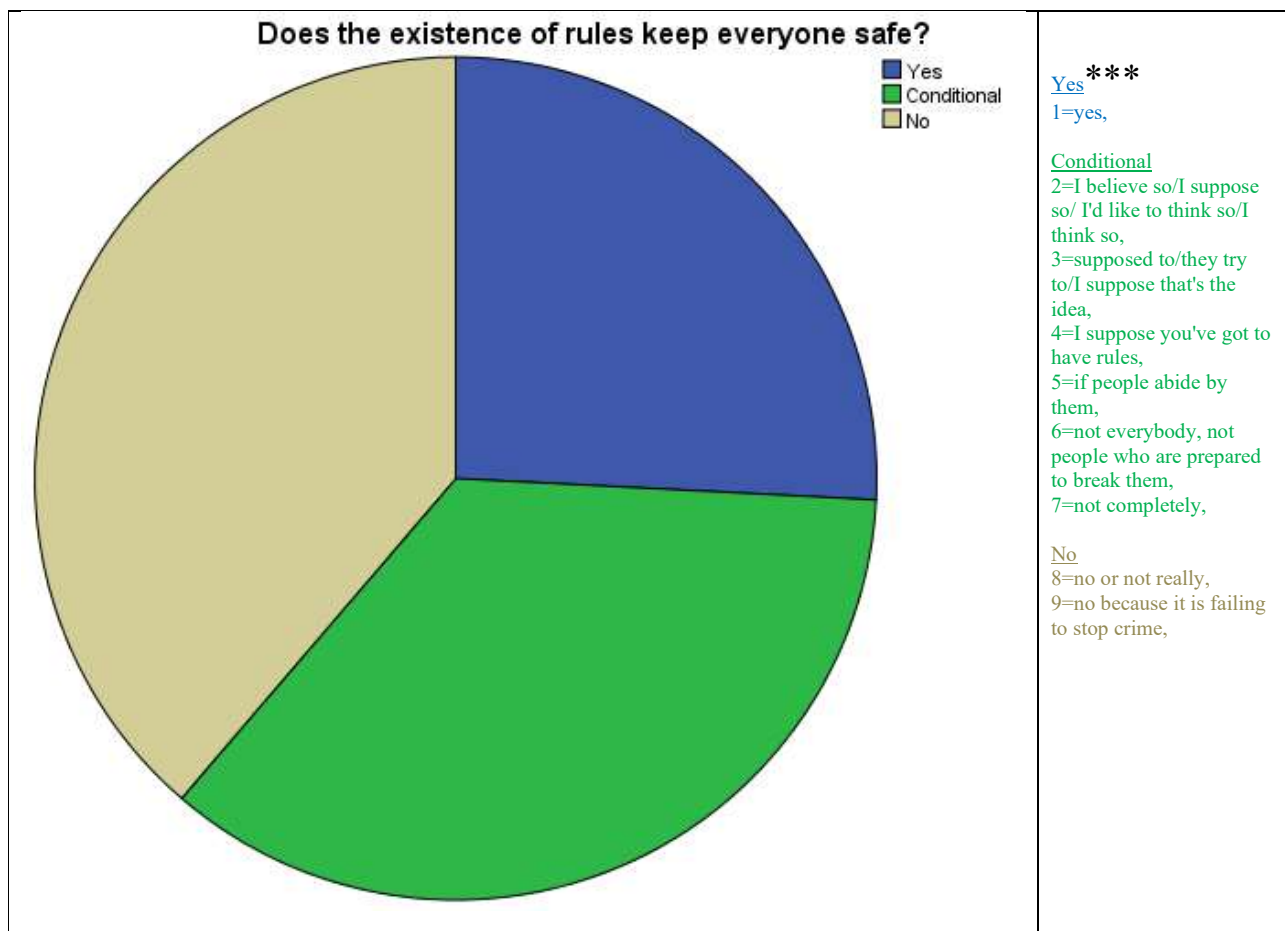


Fig. 3.9 Does the existence of rules keep everyone safe?

When this is considered in the light of the fact that only around a \*\*\*quarter of all participants unequivocally thought that the existence of rules keeps everyone safe<sup>76</sup>, a toxic cocktail may emerge. A mixture of lack of universal protection within the law and a reliance on the vagaries of personal interpretations of the law, rather than a clear accessible guide to conduct and how to protect oneself lawfully and in morally legitimate ways.

Unsurprisingly, all of those who did not trust rules said that the existence of rules does

<sup>76</sup> As the final question in this sequence of questions regarding rules

not keep everyone safe, while only one of those who did not always trust rules unequivocally said that the existence of rules keeps everyone safe. Similarly, all of those who had said that rules do not protect you, also said that the existence of rules do not keep everyone safe. In addition, only one of the 27% of participants who had given a negative weighting to the issue of whether rules protect you, unequivocally said that the existence of rules keeps everyone safe.

This apparent relationship between thinking the existence of rules does *not* keep everyone safe and mistrusting rules or feeling unprotected by rules, appeared to be echoed, in terms of any protection from rules. Only 17% of those who thought that the existence of rules does not keep everyone safe unequivocally felt protected by rules. This contrasted with the fact that 89% of those who unequivocally felt protected by rules thought that the existence of rules keeps everyone safe to at least some degree. However, this proportion dropped to 75% when it came to those who unequivocally trusted rules and 36% of those who thought that the existence of rules does not keep everyone safe actually nevertheless unequivocally trusted rules while only 27% of them did not trust rules at all to any degree.

Taken together, this could suggest that there might be a lesser association between having faith in rules as a means of universal mutual protection and trusting rules, than there is between having that faith in rules and feeling personally protected by rules. This may mean that it is particularly important that all individuals feel personally protected by rules, if notions of universal mutual protection through rules are to be fostered.

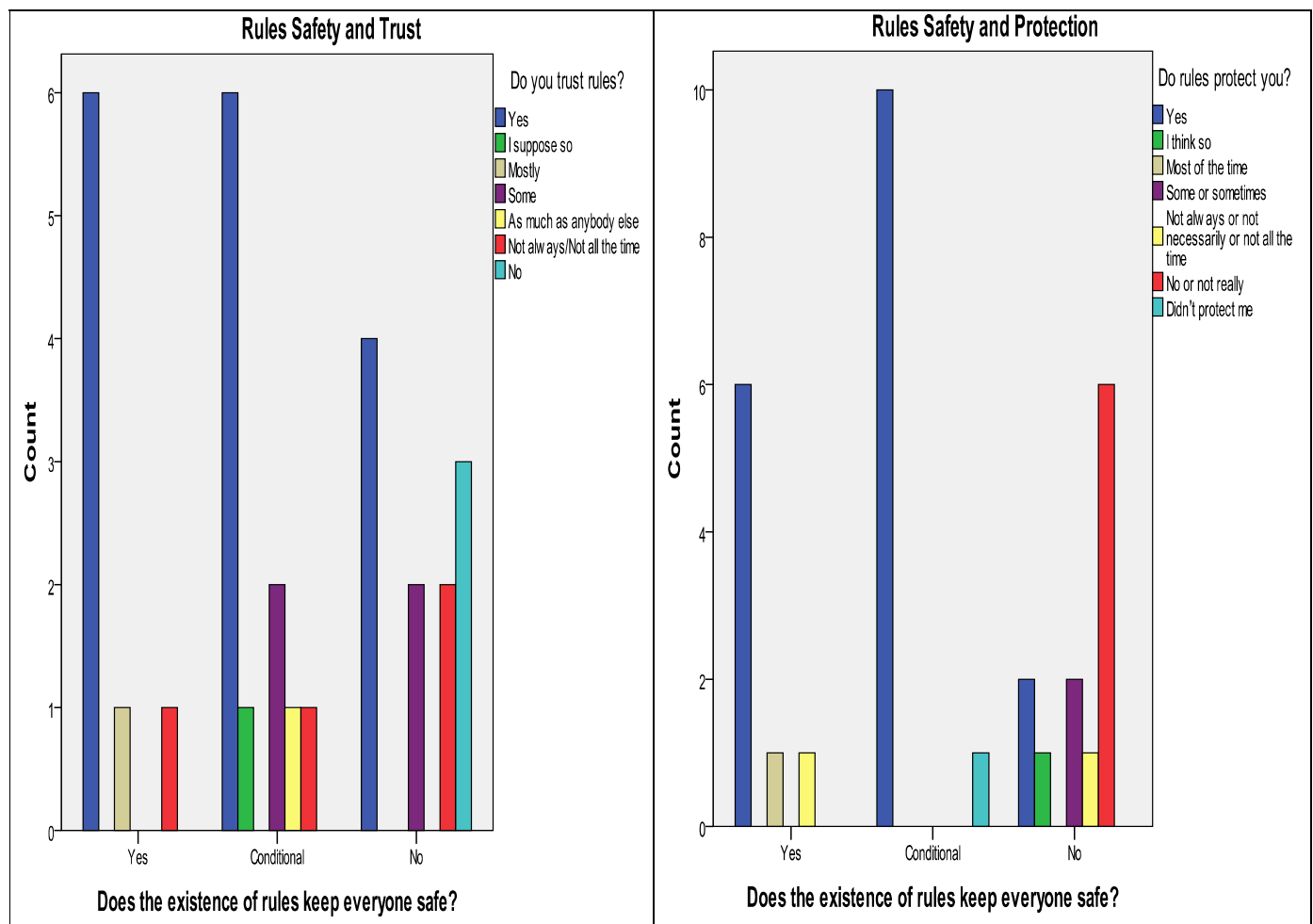


Fig. 3.10 Rules Safety and Trust/Protection

### *The Role of Naming*

Deploying the universal mutual protection of rules to secure personal protection might need to be seen as better aligned with personal dignity than deploying criminality for that personal protection. Using the word ‘failure’ when the latter is deployed might help achieve this, since using the word ‘failure’ to replace the word ‘crime’ appeared to have some potential to help foster desistance in 38% of participants.



Fig. 3.11 If 'crime' was called 'failure' would it put you off offending?

This 38% at least contemplated 'failure' putting them off offending, though, conversely, 19% said it might actually make it more likely that they offend. Nevertheless, this still

suggested that twice as many of those action-affected<sup>77</sup> by the use of the word ‘failure’ in place of ‘crime’ may be socialised<sup>78</sup> by that effect rather than anti-socialised<sup>79</sup> by it. While, among the 12% of participants for whom calling offending crime was worse than calling it failure or for whom it feels like a failure to have offended, there appeared to be an autonomous sense of the morality with which such language is imbued.

Having said that, 31% of individuals seemed action-*ins*sensitive, in terms of any language used by others to describe them or their actions, namely those who were neutral to the use of the word failure and those for whom no language would have dissuaded them from offending within the context of this question. Nevertheless, the word ‘failure’ produced a visceral response, with **\*67%** of those who chose to supplement their responses to this question speaking in **\*emotional** terms of the word ‘failure’. The views on using the word ‘failure’<sup>80</sup> ran from finding it **insufficient** to reflect offending, through **equating** it to offending, to finding morally imbued language **irrelevant**, focussing instead on effectiveness, or considering this language in practical and/or **emotional** terms, not imbuing it specifically with morality nor specifically rejecting its morality. These disparate responses to language, from these morally linguistically autonomous participants, through those action-insensitive to language, to individuals viscerally effected by language or action-affected in socialised or anti-socialised ways, may all need to be considered within any discussion of brutality and de-brutalisation, as the differing effects of the use of the same language on different individuals might critically effect outcomes from one person to the next.

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<sup>77</sup> Namely those who said the word might prompt them to act in some way, either **putting them off** or **making them more likely**

<sup>78</sup> Putting them off offending

<sup>79</sup> Making them more likely to offend

<sup>80</sup> If ‘crime’ was called ‘failure’ would it put you off offending?

When participants were then invited to suggest their own efficient naming for crime,<sup>81</sup> all those who said *no* language would put them off offending had a high offending risk and only 17% of those who did not know what language would put them off had a low offending risk. This could indicate that brutality may be associated with lack of linguistic engagement, in the same way that finding morally imbued language irrelevant to offending might also represent. For one of these latter individuals all that mattered was gaining from crime and for another all that mattered was substance use, perhaps endorsing the way in which substance use and a desire for personal gain might undermine morality. Thus, any application of transparent universal rules might need to undo any gain from brutality as well as address substance use.

Likewise, for those who, rather than choosing a naming of their own, endorsed the use of the word failure in **emotional** terms as being a powerful or good word, or being a word they would have ‘hated’ having applied to them, along with the participant that said such language would only put his ‘back up’, the focus appeared to be on effectiveness not morality. One action-focussed<sup>82</sup> participant\*\*\*, spoke both emotionally and morally, when he recommended using criminals as ‘guinea pigs’ for medical experiments instead of using ‘innocent animals’, whom he wanted to protect. The deployment of the word ‘innocent’ for animals, implied that criminals, by contrast, were not innocent and actually morally deserved all they got, while the animals did not. Thus, society may need to enhance its moral credibility by ceasing to harm the ‘innocent’, such as animals,<sup>83</sup> but also by undoing any notion that *anyone* deserves harm, such as by building empathy for all.

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<sup>81</sup> What could crime be called that might put you off offending?

<sup>82</sup> I.e; **Action not naming is what matters**, as shown in the Personal Naming and Crime table

<sup>83</sup> See ‘**using criminals as guinea pigs for medical experiments instead of using innocent animals**’ in the second ‘What could crime be called that might put you off offending?’ headed chart below on page 27

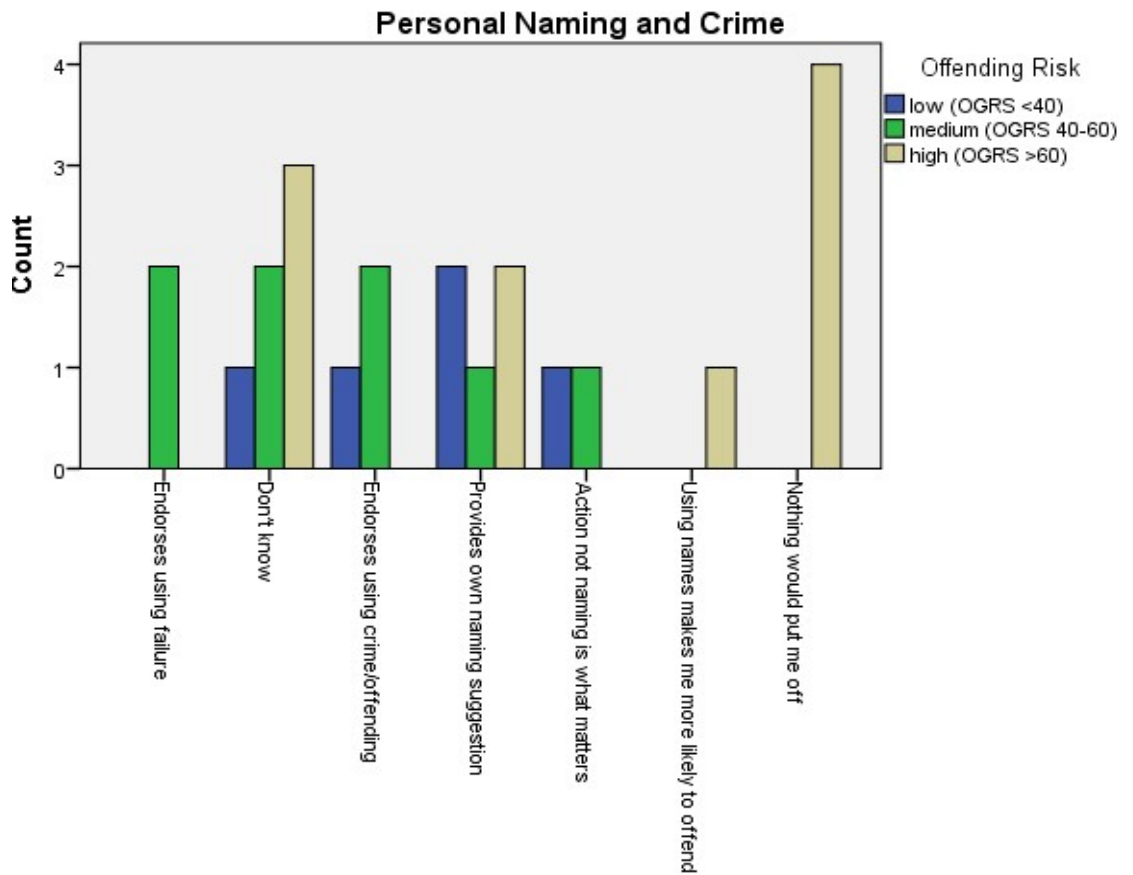


Fig. 3.12 Personal Naming and Crime

The other two action-focussed<sup>84</sup> individuals did not morally imbue action, speaking in practical terms instead, respectively advising the threat of prison as a deterrent and the rehabilitation of ‘getting people onto courses to tackle their problems’. It could be that both the practical and the moral need to be reflected in official interventions, along with enhancing linguist engagement, allowing individuals to create both appropriate language for themselves and an efficient intervention for themselves, all within a society that ceases to allow preventable harm as ‘collateral damage’<sup>85</sup> in any of its forms.

<sup>84</sup> I.e; **Action not naming is what matters**, as shown in the Personal Naming and Crime table

<sup>85</sup> Collateral damage is specifically used in terms of accidental injury to non-military people or damage to non-militarily relevant infrastructure during a military operation, but could equally be utilized for by-product damage in any operation, such as criminal justice, science, industry, education et al

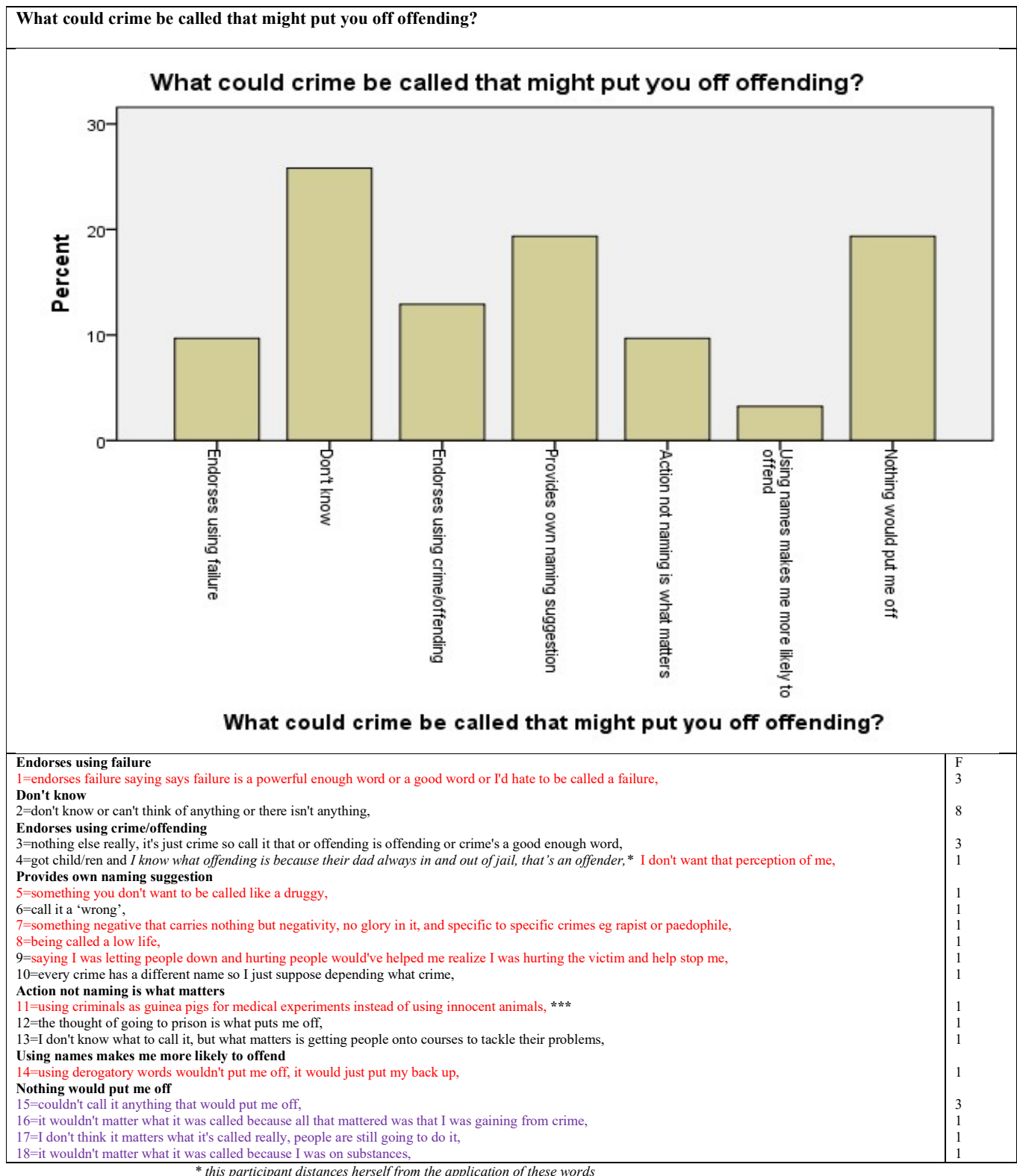
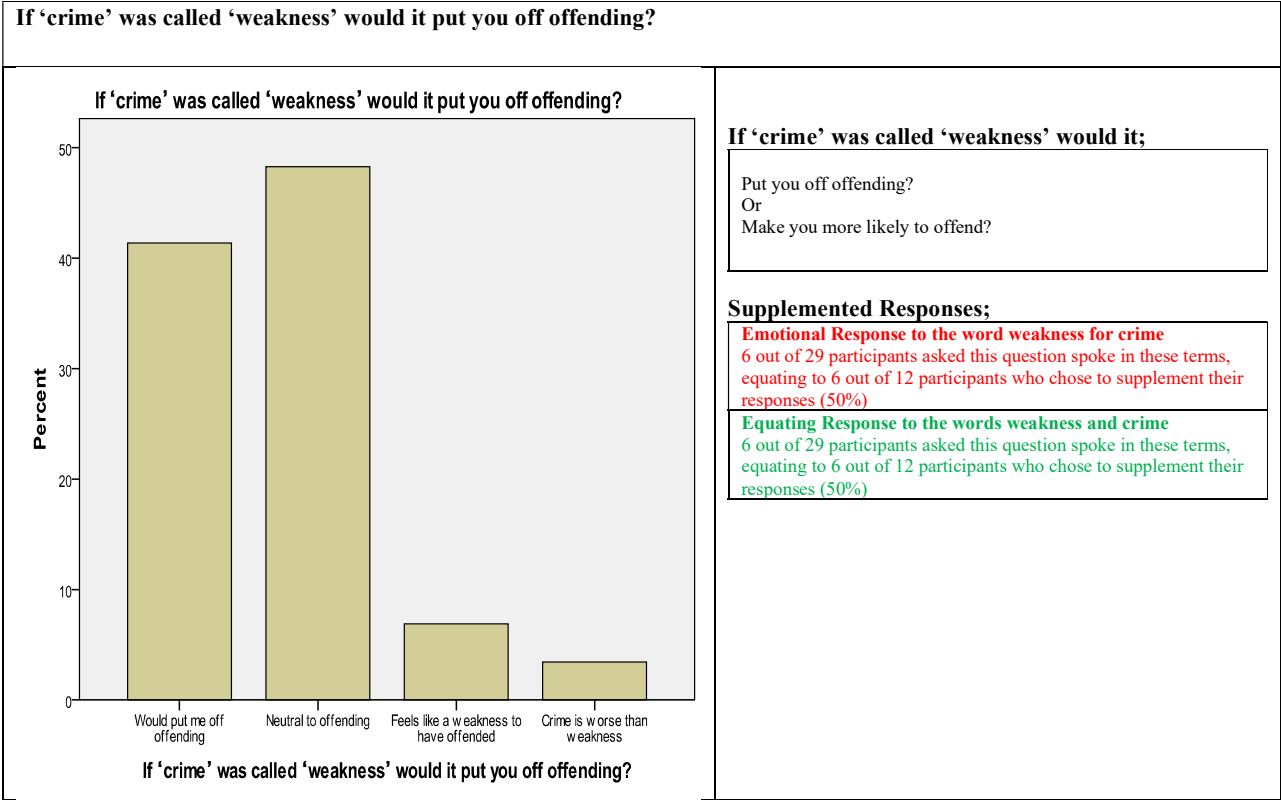


Fig. 3.13 What could crime be called that might put you off offending?



Only one of the individuals providing a naming suggestion of his own, did not imbue his suggestion with either morality or emotion<sup>86</sup>, and only one other did not engage an emotional dimension alongside the moral one, calling offending simply ‘wrong’ instead. In all, 31% of individuals responded emotionally, when asked to suggest their own desistence-promoting language<sup>87</sup>, while another 42% might be considered to be action-affected by language in socialising ways<sup>88</sup>, 3%<sup>89</sup> in *anti*-socialising ways, and 29%<sup>90</sup> may be action-*insensitive* to language itself.



<sup>86</sup> ‘I was letting people down and hurting people would've helped me realize I was hurting the victim and help stop me’, naming offenders as ‘a low life’ or something an individual does not want to be called like a ‘druggie’ or something negative that carries nothing but negativity, no glory in it, and specific to specific crimes like ‘rapist’ or ‘paedophile’.

<sup>87</sup> When no naming was specified by the interviewer for consideration

<sup>88</sup> Either Endorsed Using Failure, Endorsed Using Crime/Offending or Provided Their Own Naming Suggestion.

<sup>89</sup> Spoke of the fact that using such names made him more likely to offend

<sup>90</sup> Those who said it was Action Not Naming Is What Matters or Nothing Would Put Me Off in terms of language

<b>Using weakness would put me off offending</b>	<b>F</b>
1=put me off offending or de facto put me off offending,	4
2=probably put me off offending,	2
3=it might put me off, it can be a sign of weakness,	1
4=put me off offending because offending is a weakness,	2
5=weak is suitably negative,	1
6=yeah maybe yeah, failure, weakness, it's all the same sort of thing,	1
7=I'd want to show people that I'm not weak by stopping offending, do it right, show everyone that I'm not weak, that's all I can do,	11
<b>Neutral to offending</b>	2
8=would not put me off offending,	1
9=it would just aggravate or undermine or provoke people to call them weak,	
10=I don't see it as effective or as ever happening but I suppose it might put me off but you'd just get people saying a weakness was it, I took five coppers out, knocked the shit out of them and then you're calling it a weakness,	2
<b>Feels like a weakness to have offended</b>	1
11=feels like it was weak to have done it,	
<b>Calling offending crime is worse than weakness</b>	
12=don't know if it would put me off or not but don't want to be classed as weak, but being classed as a criminal is worse,	

Fig. 3.14 If 'crime' was called 'weakness' would it put you off offending?

When the interviewer suggested the word 'weakness', 41% of participants said that it at least might put them off offending, thus being action-sensitive to this language in socialising ways, whilst no one said it would make him/herself more likely to offend. Having said that, however, one participant<sup>91</sup> oscillated between saying 'I suppose it might put me off' whilst also counter-balancing this by, albeit in the third person, saying it might make it more likely to cause offending as *some people* might think 'a weakness was it, I took five coppers out, knocked the shit out of them and then you're calling it a weakness' in this highly emotional way. Such a role for brutality in proving strength, as well as this emotional intensity in the need to claim that strength, may need to be addressed if de-brutalisation is to be pursued. It was the deployment of the word 'harm' that appeared to suggest a way to tackle any such association between brutality and strength and to nurture alternative emotional responses instead.

<sup>91</sup> Located among the 48% in the Neutral To Offending Group, that comprised those who said the use of the word 'weakness' would make no difference to their likelihood of offending, and who had thus been classified as neutral

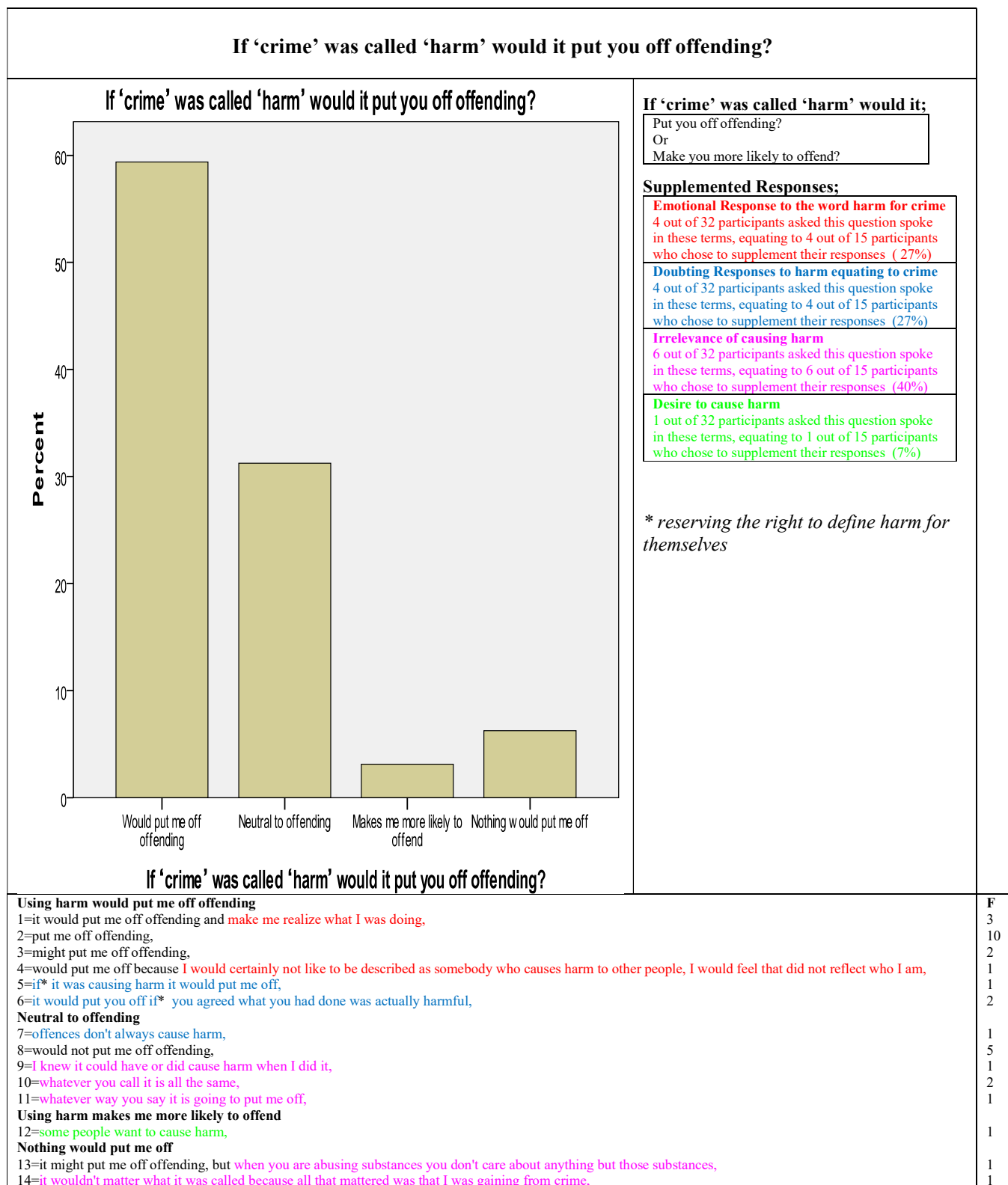


Fig. 3.15 If 'crime' was called 'harm' would it put you off offending?

All the **emotional** responses, in terms of the use of ‘harm’ in place of ‘crime’, fell into the *harm-sensitive* category, saying that using the word harm would ‘make me realise what I was doing’ or ‘I would certainly not like to be described as somebody who causes harm to other people, I would feel that did not reflect who I am’. Utilising this antipathy to harm might help de-brutalise the expression of strength and emotional intensity, by encouraging and expecting self-expression to take the form of respectful interactions instead of harmful ones.

Although emotional responses to ‘harm’ represented the smallest proportion of ‘supplementing’ individuals in any of the ‘naming’ questions, with only 27% giving an emotional response to it, compared to 67% giving an emotional response to failure, 50% to weakness and 31% when no specific ‘name’ was suggested, the emotional distinction, in terms of harm, lay in the *nature* of those emotional responses. When it came to ‘harm’, none of the emotional responses were hostile or antagonistic, unlike when any other ‘name’ for crime was considered. Indeed, in discussion of other names for offending, where no specific ‘name’ was suggested by the interviewer, an emotional desire *not* to cause harm emerged unsolicited, as ‘I was letting people down and hurting people would've helped me realize I was hurting the victim and help stop me’ or seeing crimes that harm people, like ‘rapist’ or ‘paedophile’, as being particularly heinous or speaking in terms of the harm caused to ‘innocent animals’ by medical experiments. This might all suggest that focussing on harm, when addressing brutalities, may foster an understanding of that brutality, without creating hostile and antagonistic emotions, as well as fostering the empathy for those harmed that constitutes one of the main strands of sharing de-brutalisation.

59% of participants said calling crime harm at least might put them off, thus being action-sensitive to this language in socialising ways. However, only 50% did so without reserving the right to define harm for themselves. Those who wished to define harm for themselves could be displaying moral linguistic autonomy, as well as a desire to personalise their moral stance, but they might also be demonstrating the importance of a shared debate on what is brutal and what is de-brutalising. Nevertheless, as with ‘weakness’, no one said the word ‘harm’ would make them personally more likely to offend, though one participant referred to the way this might be possible as ‘some people want to cause harm’. Furthermore, 40% of those participants who supplemented their responses on the use of the word ‘harm’, regardless of whether the notion of harm put them off offending or not, suggested that the notion of causing harm specifically appeared to be irrelevant.<sup>92</sup> Any idea that causing harm might be irrelevant, or even desirable, may be deeply worrying and perhaps needs to be addressed in and of itself before it escalates, to help enact the de-escalation of harm that constitutes another of the main strands of sharing de-brutalisation.

Those who did not specifically say that the use of the word harm would put them off<sup>93</sup> might be considered harm-*insensitive*. By contrast, the remaining participants, all of whom said that using the word harm in relation to offending would put them off offending to at least some degree, might be considered to be harm-sensitive.<sup>94</sup>

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<sup>92</sup> Saying I knew it could have or did cause harm when I did it, whatever you call it is all the same, whatever way you say it is going to put me off, when you are using substances you don't care about anything but those substances or it wouldn't matter what it was called because all that mattered was that I was gaining from crime.

<sup>93</sup> Namely 100% of participants asked this question less the 59% who said calling crime harm might put them off

<sup>94</sup> See Harm-Sensitive Participants Subsection in Introduction

Fostering this sensitivity to causing harm, along with identifying and working with those without this sensitivity, seems likely to be very important.

However, without legitimising notions of what is an offence, by aligning them to that harm, such sensitivity appears unlikely to translate into desistance. In this regard, 27% of the participants who supplemented their responses had doubted that harm always equated with crime, saying ‘*if it was causing harm it would put me off*, ‘ or ‘*it would put you off if you agreed what you had done was actually harmful*,’ or ‘*offences don't always cause harm*.’ These are views with which the researcher herself empathises, given that her offence in the military was being a lesbian, an offence that she did not consider caused harm and which thus led her to a cynical disregard for all law, preferring to protect herself, since she could not rely on the law to protect her.

Aligning legality with harm might be as critical to justifying that legality as to tackling illegality. In the latter regard, the language of harm appeared to put off six extra individuals who were not put off by the word weakness, while all but one of those who were put off offending by the word weakness were also put off by the word harm. Likewise, all but three of those who were put off offending by the word failure were also put off by the word harm, whilst the word harm put off nine extra individuals who were not put off by the word failure. The language of harm could thus be three times more effective at encouraging desistance than the language of failure, and without the disbenefits of the latter. Additionally, two thirds of those who had spoken of action, rather than language, as being all that matters with regard to desistance, also spoke of being put off offending by the language of harm, as were one third of those who had said nothing would put them off offending. This could suggest that addressing offending

by using the language of harm might have some potential to affect offenders for whom other language may not be as powerful.

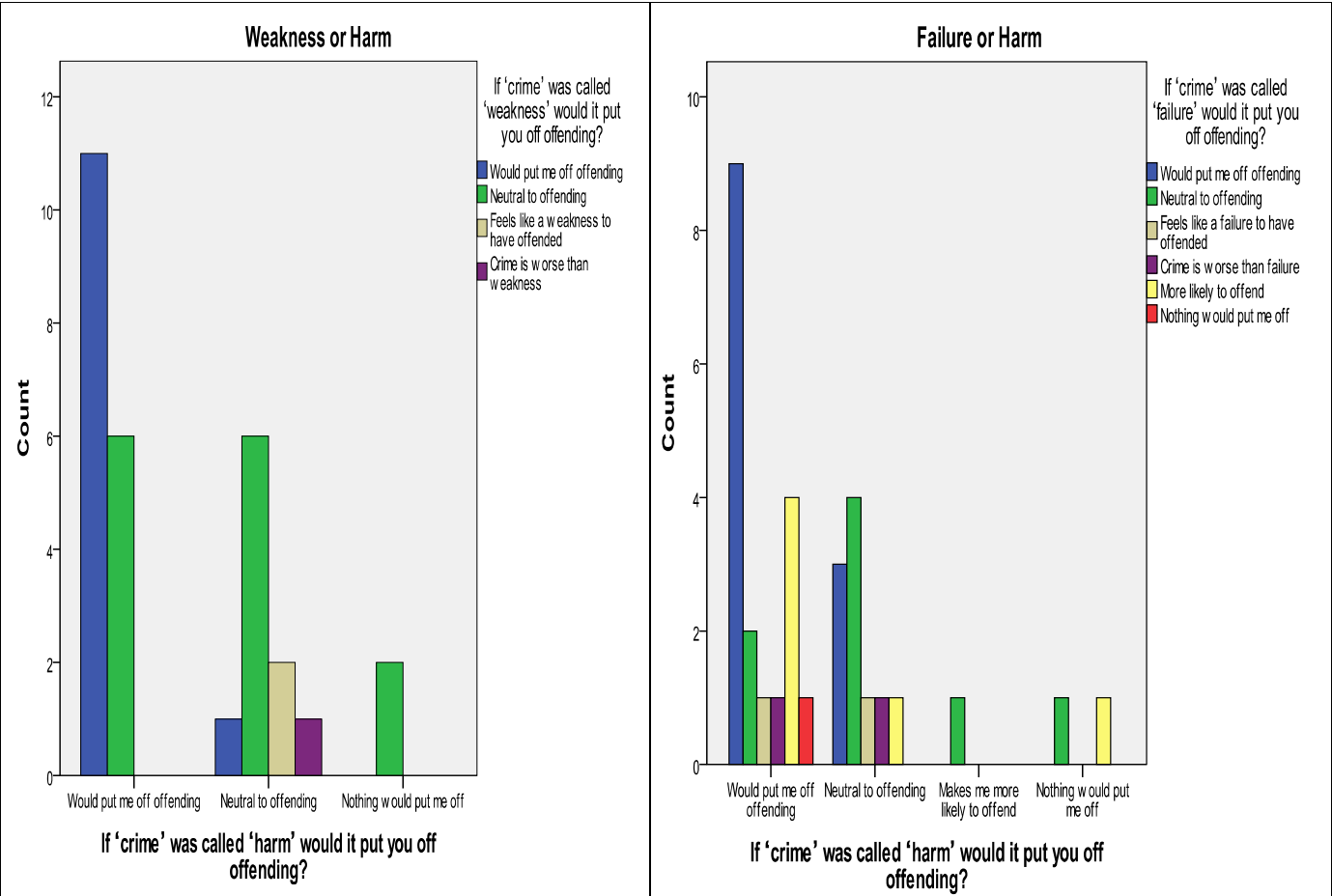


Fig. 3.16 Weakness or Harm/Failure or Harm

Taken together all of this seemed to endorse the value of focussing on harm when seeking desistance. This might support the notion of specifying de-escalation of harm, such as in progress-tariffing, to encourage constructive action from individuals to tackle their offending. Furthermore, it might also support de-escalating harm in society more broadly, to legitimise any such progress-tariffed expectation of harm-reduction in offenders, in line with sharing de-brutalisation more equitably.

When considering the desistance-effective language volunteered by participants, when no options were offered, all those who could provide their own desistance-effective naming suggestion for offending were put off offending by the **language of harm**<sup>95</sup>. This perhaps indicates that there could be some relationship between the capacity of individuals to think linguistically autonomously and their capacity to be sensitive to harm. Indeed, linguist autonomy, such as in self-expression, might represent just the sort of constructive activity that contributes another of the main strands of sharing de-brutalisation, and which any response to brutal activity might seek to ‘re-boot’. Therefore, it could be particularly concerning that only 19% of participants could formulate their own ideas on naming.

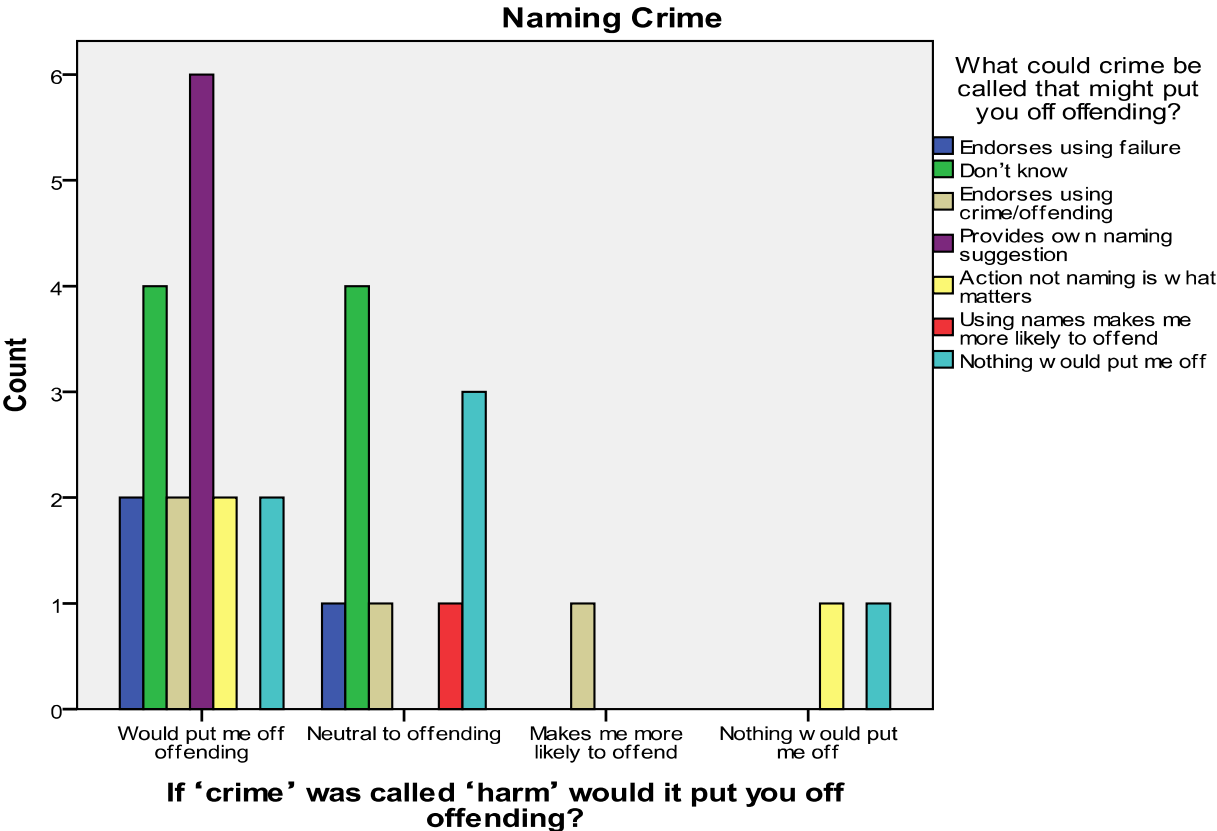


Fig. 3.17 Naming Crime

<sup>95</sup> Shown purple on the table



### Equality and Diversity in Understandings of Brutality

If formulating one's own ideas is not nurtured then it would seem difficult to identify diversity, let alone treat that diversity with equality. Having said that, all recidivism risk levels were represented, as evenly as the numbers allowed, amongst those who both provided their own naming suggestion for offending and who were also put off offending by the language of harm. This could indicate that there may be an equality of standards on causing harm and defining it irrespective of offending risk, perhaps endorsing the invalidity of non-offenders claiming moral superiority in these regards over offenders, even whilst it may also undermine any prospects of any efficacy that might result from improving such outlooks.

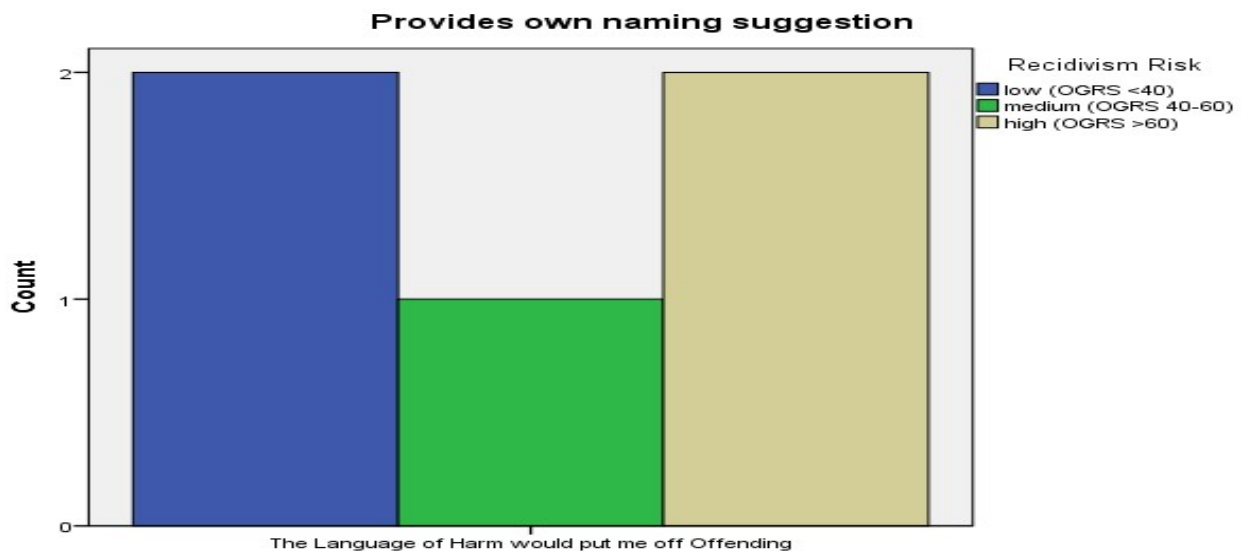


Fig. 3.18 Provides own naming suggestion

Either way, equality of diversity, might need to be cognisant of biological as well as ideological diversity. In this regard, any gender and/or age differences may need to be taken into account to ensure authentic equality, rather than blinded sameness or blinding prejudice.

### *The Role of Youth*

The importance of considering youth specifically seemed emphasized by the way in which understandings over what is right and wrong appeared to evolve with age.

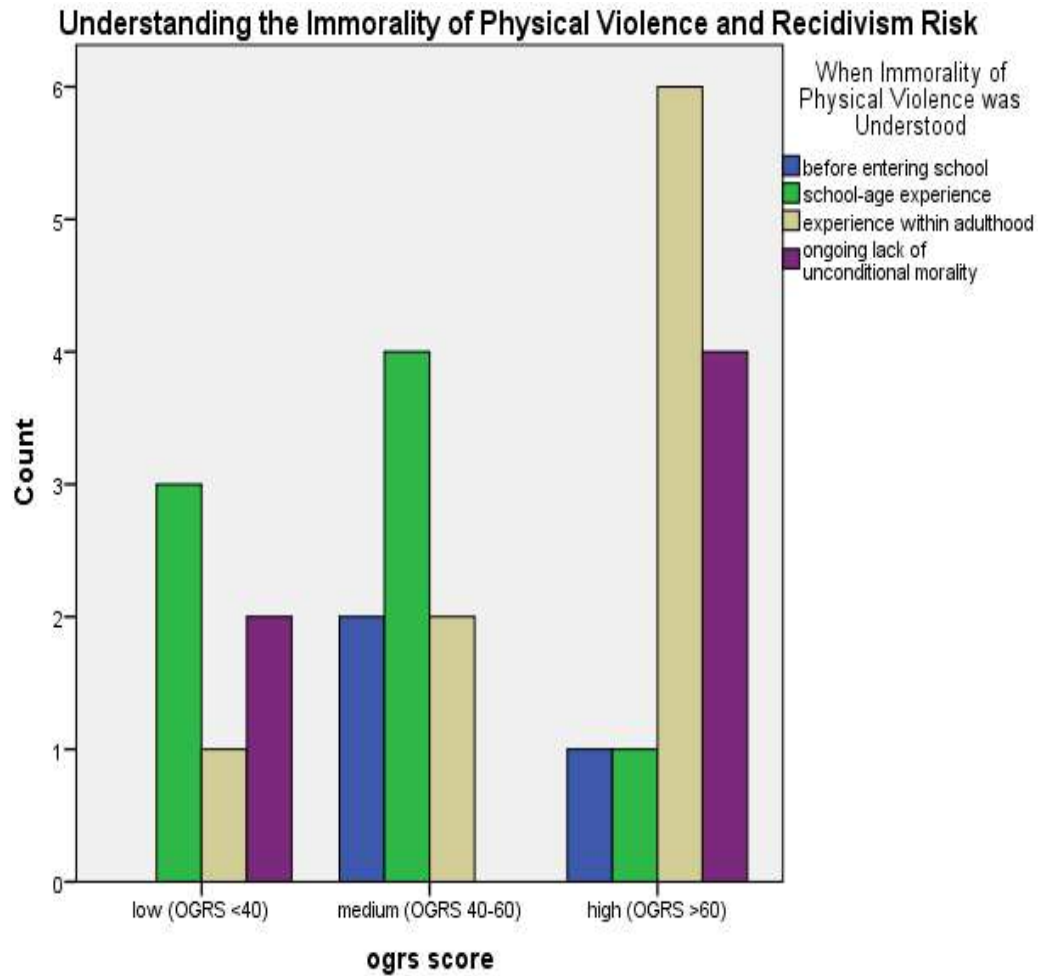


Fig. 3.19 Understanding the immorality of physical violence

Those with a late, or absent<sup>96</sup>, understanding of the wrongness of physical violence<sup>97</sup> appeared to have a higher recidivism risk, with 83% of those with a high OGRS score

<sup>96</sup> Namely still believing physical violence is acceptable or only learning it is not as part of adult experiences

<sup>97</sup> 'How old were you when you first thought that?' as a follow up to 'Do you agree with the statement.... you shouldn't hit people?'

continuing to harbour some notion of the acceptability of physical violence on reaching adulthood<sup>98</sup>, as opposed to 36% of the rest of the cohort. The same appeared to be true, to a lesser degree, in terms of verbal violence<sup>99</sup>. 67% of those with a high OGRS score had a late, or absent<sup>100</sup>, understanding of the wrongness of verbal violence, as opposed to 50% of the remaining participants.

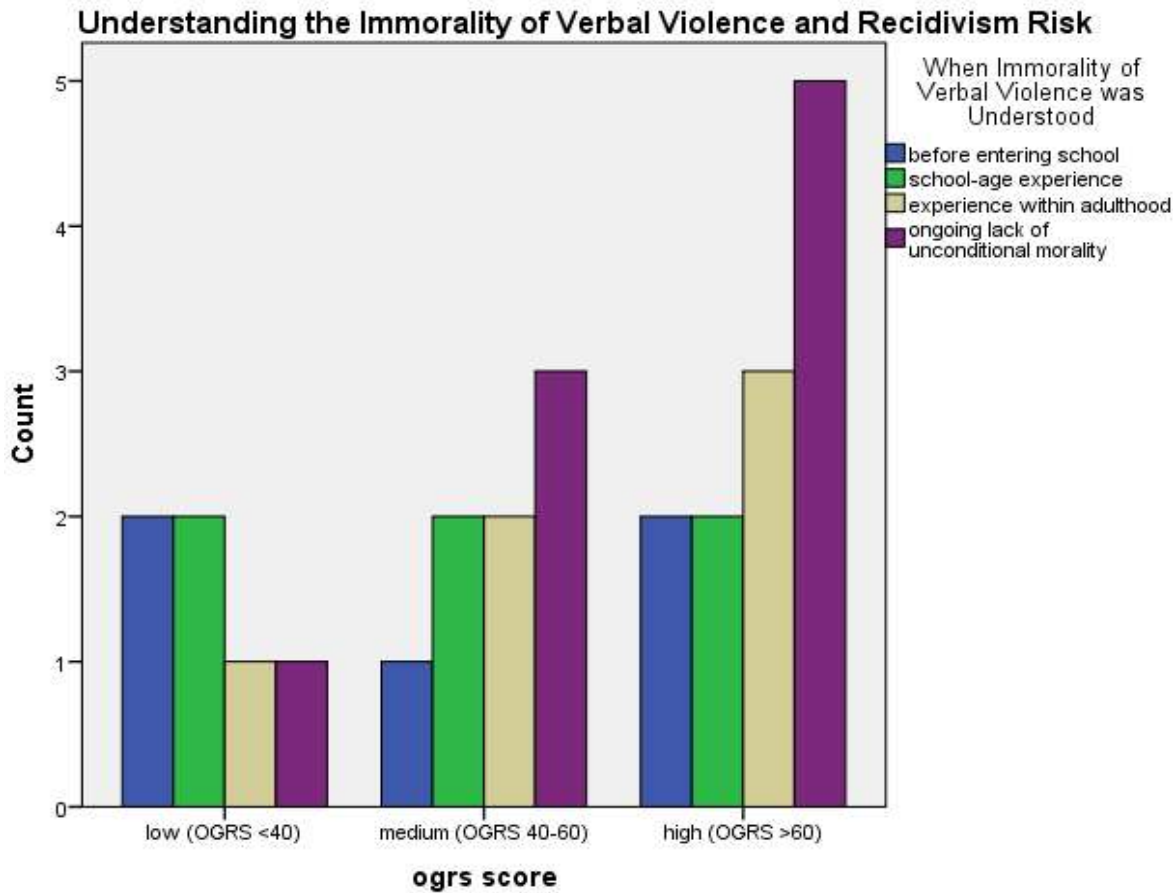


Fig. 3.20 Understanding the immorality of verbal violence

<sup>98</sup> Namely still believing physical violence is acceptable or only learning it is not as part of adult experiences

<sup>99</sup> 'How old were you when you first thought that?' as a follow up to 'Do you agree with the statement... you shouldn't shout at people?'

<sup>100</sup> Namely still believing verbal violence is acceptable or only learning it is not as part of adult experiences

26% and 23% of participants respectively appeared to understand that verbal and physical violence were wrong before they were old enough to go to school, as part of their pre-school experiences<sup>101</sup>. This still left 74% and 77% respectively entering school without this clarity over the inappropriateness of brutal speech and action. Since, in this way, a quarter of young children might be able to understand lack of brutality in speech and action, the other three quarters might also be capable of it, if helped in this regard. Investment in tackling brutality as early as pre-school, including in the home and in any public arena that is likely to set an example in such regards, could benefit both children contemporaneously and their potential victims in later life. Furthermore, if any lack of understanding of this persists on reaching school it perhaps needs to be addressed immediately and seriously at school for the benefit of everyone.

14% of participants spoke of understanding both these moralities, verbal and physical, at junior school age<sup>102</sup>, 3% and 9% respectively said they realised it at secondary school age<sup>103</sup> and another 3% spoke of realising both these moralities at school-leaving age<sup>104</sup>. All these individuals were considered to have acquired this moral understanding, with regard to verbal and/or physical violence, as part of their school-age experiences. This left the remaining 54% and 51% of participants respectively who grew up and passed through the school system and their home environment without appearing to acquire an understanding of the inappropriateness of brutal speech and/or action.

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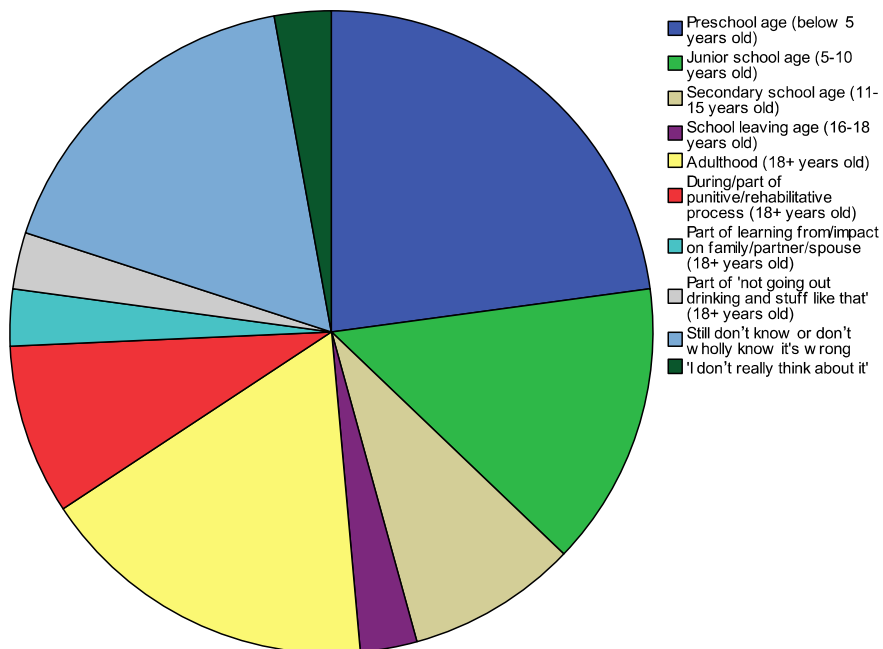
<sup>101</sup> This included those who had said they had realised it always/in upbringing from the start/from little/from an early age/young

<sup>102</sup> This included those who said an age that included 11 years old alongside a younger age

<sup>103</sup> This included those who included 11 years old alongside an older age or 16 years old alongside a younger age, as this study was undertaken when the school leaving age was 16, or those who said they had realised it as a teenager

<sup>104</sup> This study was undertaken when the school leaving age was 16 and individuals left school between the ages of 16 and 18.

### How old were you when you first regarded hitting people as wrong?



### How old were you when you first regarded shouting at people as wrong?

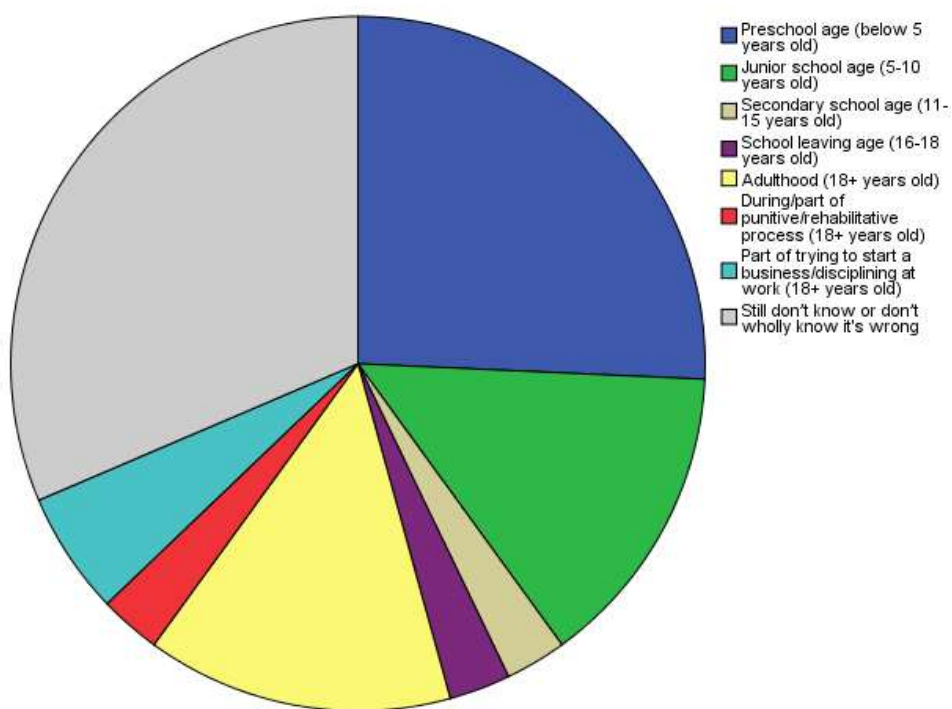


Fig. 3.21 How old were you?

By contrast, 43% of participants appeared to acquire the morality that property is sacrosanct before entering school and another 43% appeared to acquire it during their school years, including 26% saying this was during junior school age, 14% saying it was during secondary school age and one participant saying they realised it at school-leaving age.<sup>105</sup> Thus, only the remaining 14% of participants went through the school system and home environment and on to become adults without understanding that stealing was wrong. Furthermore, all of this 14% went on to acquire a sense of the morally unacceptable nature of stealing as part of their experiences in adulthood without relying on the criminal justice punitive and/or rehabilitative process nor trying to start a business nor disciplining at work, in order to do so.

**How old were you when you first regarded some things as belonging to other people and that you did not have the right to take them?**

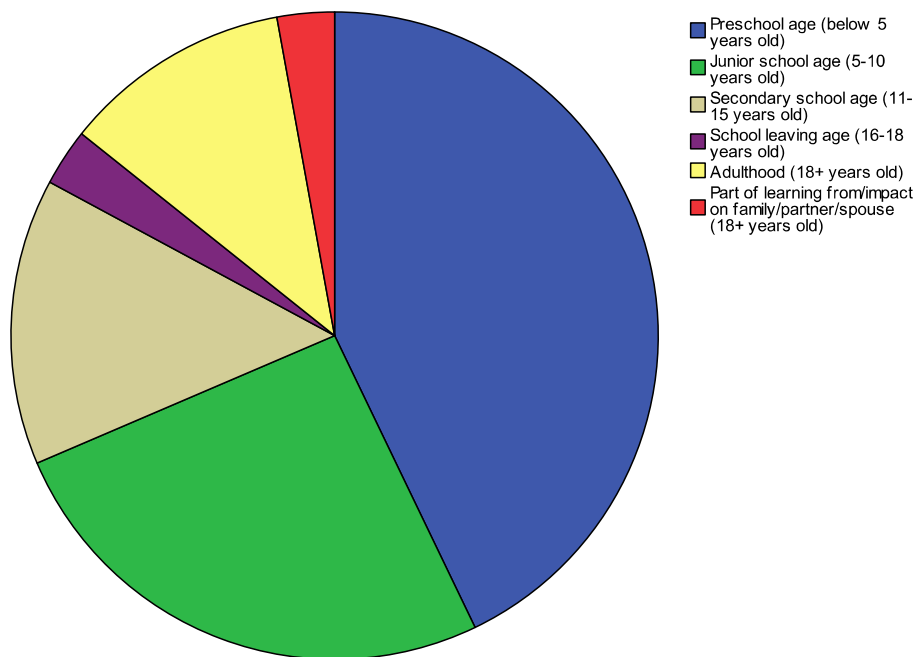


Fig. 3.22 How old were you when you understood property?

<sup>105</sup> 'How old were you when you first thought that?' as a follow up to 'Do you agree with the statement.... *some things belong to other people and you don't have the right to take them?*'

Unlike violence, either verbal or physical, learning about property rights appeared to be part of informal socialisation, without requiring any formal instruction from criminal justice or work environments. It also appeared to be inculcated into people far younger and far more effectively than any moralities over more overt brutality. This perhaps demonstrates that individuals are capable of informally acquiring moralities as they grow up, whilst also suggesting that it is property ownership, rather than countering overt brutality, that is consistently and implicitly morally inculcated and assimilated.

### **Consistency in Addressing Understandings of Brutality to Ensure Equality of Diversity**

If environments of every sort do not consistently and implicitly prioritise an overtly de-brutalising agenda, it seems likely to be the case that acquiring property will continue to be prioritised over non-brutal conduct across all parts of society.

#### **Some things belong to other people and you don't have the right to take them**

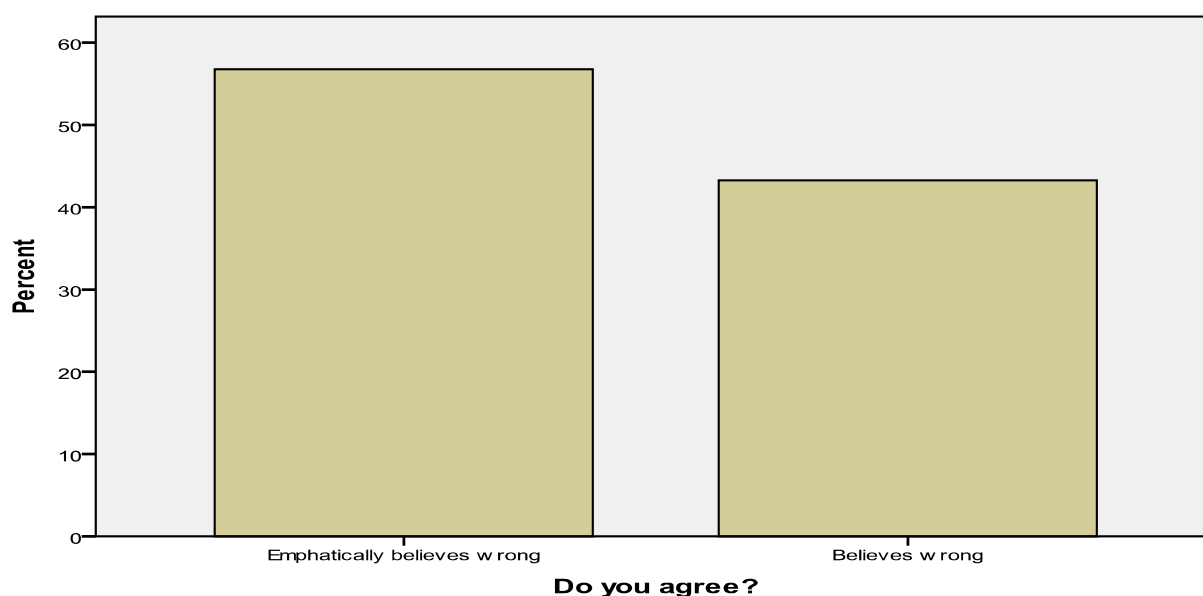


Fig. 3.23 Some things belong to other people

There was universal understanding that stealing property was unambiguously wrong, whether emphatically or not, while only around half of participants thought it was unambiguously wrong to shout, which, given the example set and accepted in terms of shouting from the House of Commons to the football stadium, is actually a surprisingly large number. In terms of this type of brutal speech<sup>106</sup>, 11%, including those who said it was not *necessarily* wrong, thought there was nothing wrong with shouting and further participants were ambivalent over whether shouting was wrong or thought it depended on circumstances.

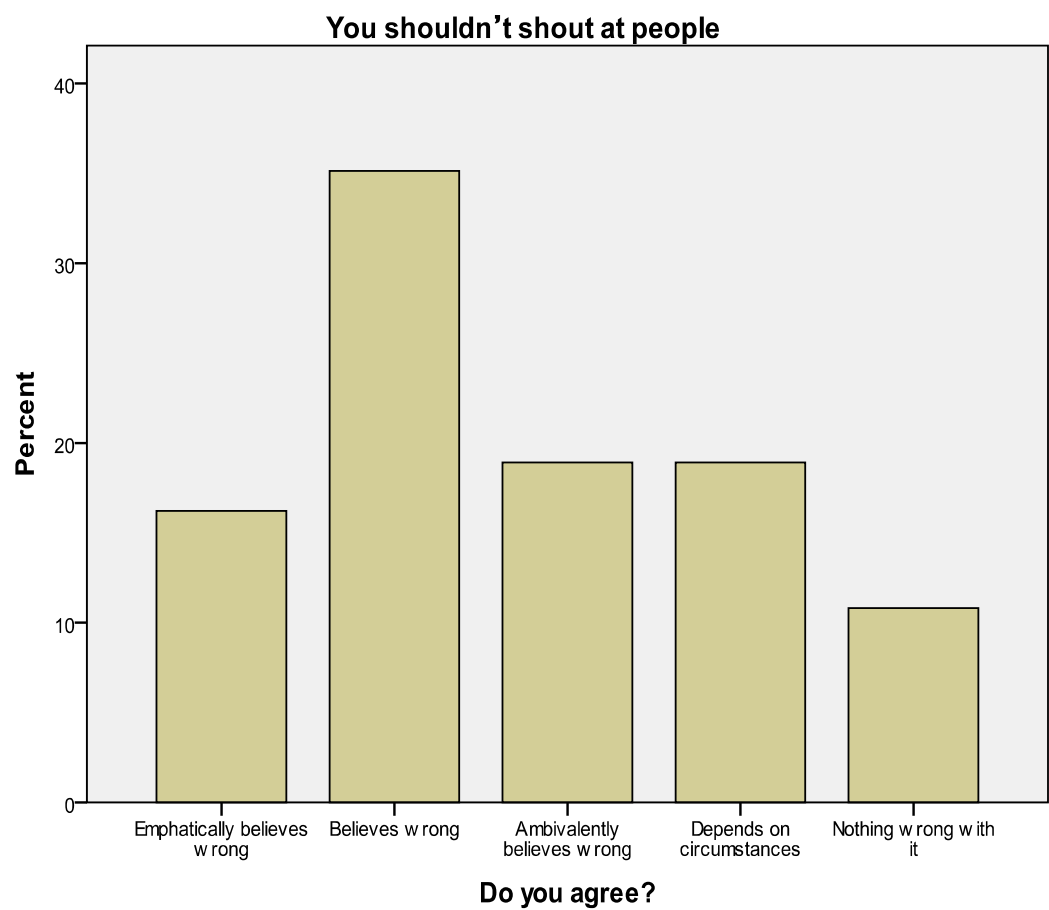


Fig. 3.24 You shouldn't shout at people

<sup>106</sup> 'Do you agree with the statement.... *you shouldn't shout at people?*'



Any consistent and implicit prioritisation of a de-brutalising agenda, might need to address accepted brutalities, such as the verbal violence demonstrated in political presentation and spectator sport, to consistently and wholly reject all forms of brutality. The way in which society has managed to convey an unambiguous moral acceptance of property rights, even if those rights are sometimes breached, suggests it is possible to convey unambiguous moral messages, such as over brutality, when there is a will to do so. That this will seems to exist successfully when it comes to property, but not when it comes to brutality, may reflect society's priorities. While this balance of priorities remains, it can hardly be legitimate to punish those who prioritise acquisition of property over concerns of brutality in diverse, but potentially equal, ways. Establishing an unambiguous moral acceptance of the right of all people, sentient beings and, indeed, the shared environment itself, to be able to live without brutality, whether physical or verbal, might be an essential tenet on which to base consistency in de-brutalisation.

In the current absence of this consistency, brutal conduct, such as physical or verbal violence, seems to require more than informal socialisation to de-brutalise it. In at least some cases, work or criminal justice environments were required to step in to spell out the unacceptability of violence, either verbal or physical. This, alongside the fact that individuals were only half as likely to acquire an understanding that these violences were wrong, as opposed to stealing, within the home before entering the school system, may suggest that improving the home environment of individuals, in terms of physical and verbal violence, might be beneficial.

The role of the home environment in shaping individuals appears to apply to adults as well as children, with 3% learning property rights by understanding the impact on, or

from, the family/spouse/partner of their adulthood, and 3% learning physical violence was wrong by understanding the impact on, or from, family/spouse/partner. Though these are small proportions, they cannot be ignored, especially when only another 3% cited tackling substance use and the culture that surrounds it as important to understanding that physical violence was wrong, saying ‘not going out drinking and stuff like that’ helped him understand, when the huge importance of substances is so clear throughout this study.

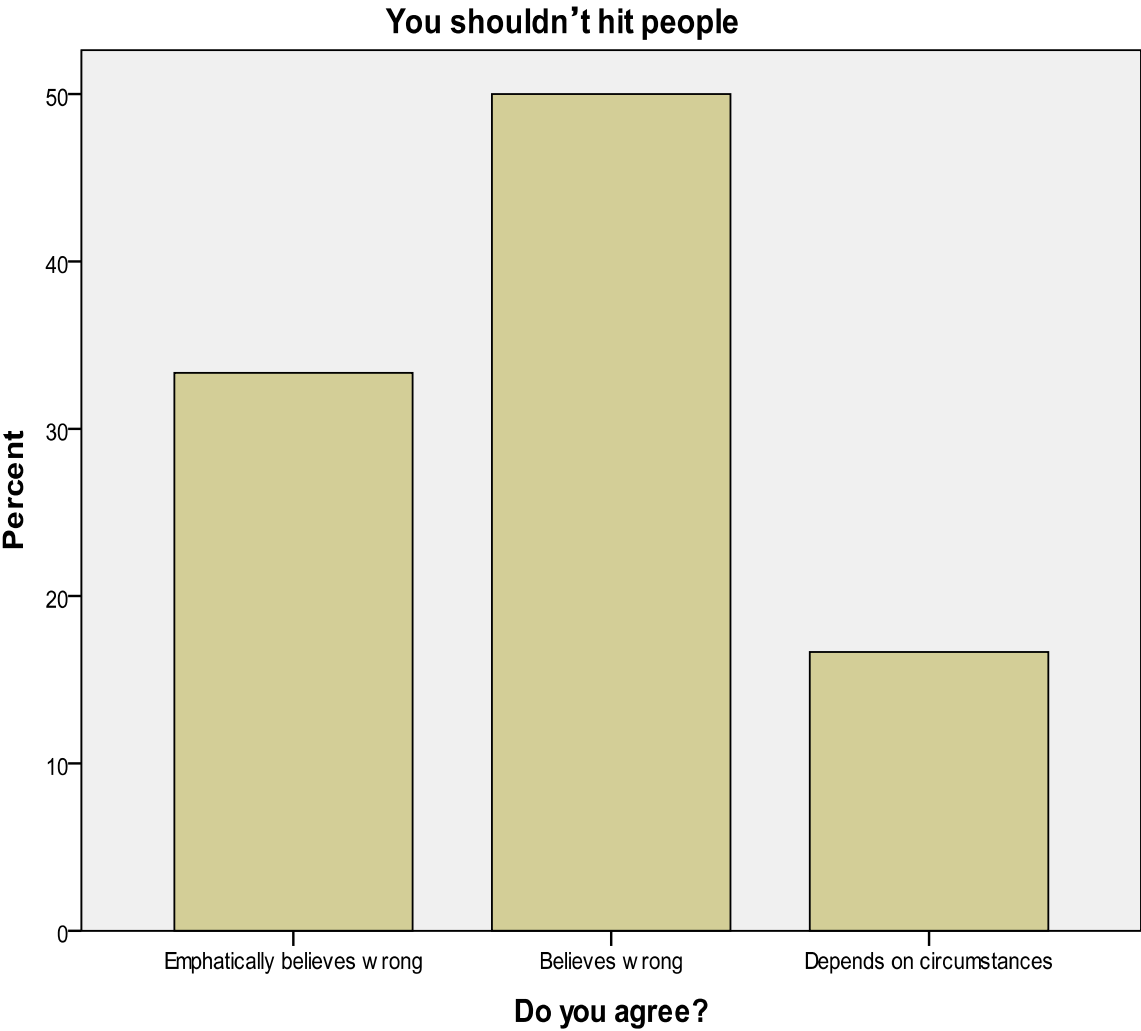


Fig. 3.25 You shouldn't hit people

The fact that none of the respondents thought physical violence was wholly acceptable<sup>107</sup> perhaps implies that there is a universal propensity to recognize the wrongness of brutality. None of the respondents unequivocally believed it was acceptable to hit people. In this way, there appeared to be an understanding amongst all participants that, at the very least, some degree of justification may be required when adopting physical force, with 17% citing this need for extenuating circumstances. Nevertheless, with 17% of participants not thinking it was consistently wrong to hit people and one participant, representing 3%, saying 'I don't really think about it', 20% of participants altogether seemed to lack an adequate internalised challenging mechanism towards their physical violence, even after having passed through both the school and criminal justice systems<sup>108</sup>.

This fifth of the cohort might exemplify the need to nurture internalised challenging mechanisms to tackle all diverse forms of justifications and thoughtlessness over any brutalities equitably. Any such mechanism can perhaps only be adequately, indeed legitimately, developed if consistently utilised.

If anyone leaves either school or the justice system without de-brutalising awareness, or is allowed to function in society without it, they might not be morally reliable citizens and might be put at risk, as well as putting others at risk. In this respect, this researcher would argue that progress in de-brutalisation might be a more appropriate measure of readiness to graduate from school, or from any other intervention, than time. When 'time' is used, rather than progress, it could simply become a 'price-tag' for an action,

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<sup>107</sup> 'Do you agree with the statement.... *you shouldn't hit people?*'

<sup>108</sup> Though, for those for whom this was their first offence, a criminal justice process had not been completed as all interviews were carried out during that process

or a passive measure of maturity, rather than a cue for active maturation, repair or an opportunity for advancement.

Moral reliability may be difficult for everyone, each within personal diversities, with reasons for going against one's own morality, whatever that might be,<sup>109</sup> being multifarious, including lack of a basic life foundation,<sup>110</sup> or perceptions of normality or morality that might be brutal,<sup>111</sup> or being out-of-control emotionally<sup>112</sup>.

Such groupings were built from the 17% **not thinking or not even knowing why** they had breached their own morality. Of those who could give an explanation, 3% cited being **overtly selfish**, 6% blamed **bad influences or experiences**, 19% blamed **substances**, 3% each said it was because of the **situation** or to create an impression respectively and 42% said they had been **provoked** in some way. The way in which **provocation**<sup>113</sup> thus appeared to top the poll, in terms of reasons to set-aside morality, perhaps suggests the importance of being able to do what is right *regardless* of any provocation.

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<sup>109</sup> If you have done any of the things that you think are wrong, why have you done them?

<sup>110</sup> Such as in lacking **\*\*\*thinking about consequences or about what was \*\*\*right, \*living in a more prosocial place among more prosocial people, \*\*an abuse free childhood \*\*prosocial opportunities to support oneself, have a home and enough food, \*\*\*\*keeping control of oneself, maintaining concentration so as not to lapse\*\* and \*\*\*lose good judgement, \*feeling safe and protected around other people, \*prosocial means to get out and meet people and \*\*safe and self-controlled ability to enjoy substances.**

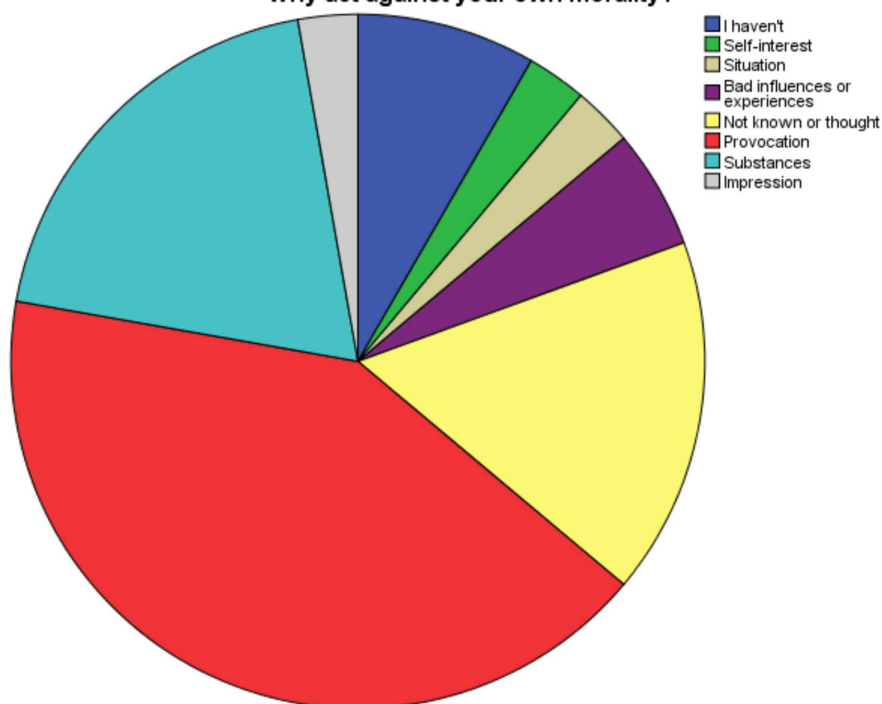
<sup>111</sup> Such as seeing **\*youth**, being **\*young** or **\*\*\*doing what boys do'** as involving brutality, **\*joining fights to support family or friends** as being right, **\*\*\*\*\*having a laugh** as involving brutality, **provocation** making brutality right, including when the other party involved is **\*\*\*\*\*equally to blame anyway** or a violent moral enforcement response is seen as needed in response to morally unacceptable actions by others in terms of any perceived **\*\*\*\*\*wrong** or **\*\*\*\*\*disrespect** or in **\*\*\*\*\*Punishment** or **\*\*\*\*\*Retaliation** against such unacceptable acts or a normal means of **\*\*\*\*\*self-defence.**

<sup>112</sup> Such as **\*\*\*the littlest thing making his mind go black and he'd just snap**, loss of self-control, rage, anger, losing one's temper, high emotion, pressure, stress, acting on the spur of the moment or heat of the moment, flying off the handle or having a short fuse.

<sup>113</sup> At more than twice the next highest cited reason

**\*\*If you have done any of the things that you think are wrong, why have you done them?**

**Why act against your own morality?**



**I haven't**

don't think I ever have gone against my own moral standards,

3

**Self-interest**

self interest and greed,

1

**Situation**

support self when no opportunities, no home, hungry\*\* and join fights cause felt right to join to support family/friends\*,

1

**Bad influences or experiences**

became a violent person after abuse as a child\*\* which made the littlest thing make my mind go black and I'd just snap\*\*\*, the bad influence of the place I live and the people around me\*,

1

1

**Not known or thought**

not thinking,

1

I don't know,

2

because I didn't think they were wrong at the time\*\*\*\*,

1

young\* and stupid,

1

doing what boys do\*\* and not thinking about consequences\*\*\*,

1

**Provocation**

anger, lost control of self\*\*\*\*/anger/emotion/temper, short fuse, fly off handle,

3

spur of the moment/heat of the moment,

1

pressure and/or stress,

1

anger, stupidity and youth\*,

1

many reasons specifying retaliation\*\*\*\*\* or having a laugh\*\*\*\*\* and losing temper

1

in retaliation/as punishment/in response to a perceived wrong\*\*\*\*\*,

5

anger, maybe they've done something disrespectfully to me\*\*\*\*\*,

1

momentary lapse\*\*, rage and self defence\*\*\*\*\*,

1

lack of judgement\*\*, lapse in concentration\*\*, lack of control\*\*\*\* and other side equally to blame anyway\*\*\*\*\*,

1

<b>Substances</b> I enjoy substance use** and I like getting out and meeting people when selling substances,* because of or under the influence of substance use, **	1 6
<b>Impression</b> to show people not to bother me,*	1

Fig. 3.26 Why act against your own morality?

None of those who were uncertain about the need to ‘do what is right by society even if society lets you down’ and only 20% of those who thought there was no such need at all had a low OGRS Score, while only 1 participant said society ‘won’t’<sup>114</sup> let him down and he had a low OGRS Score.

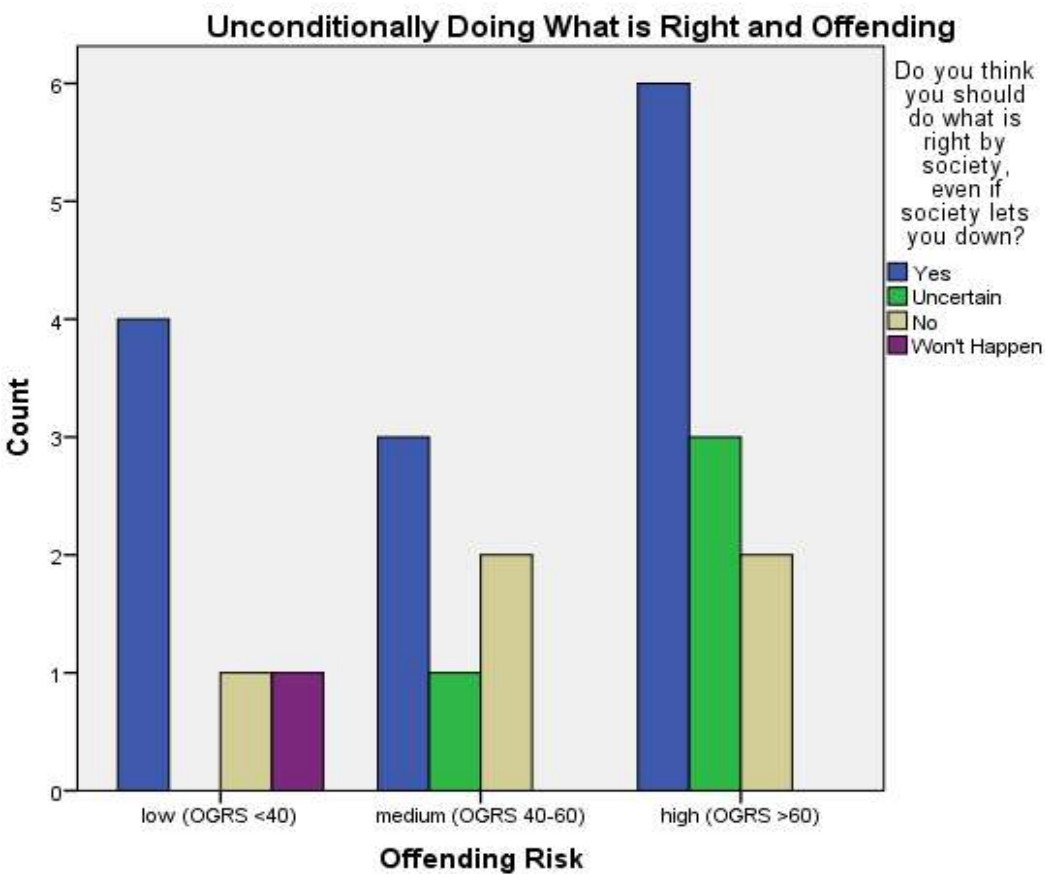


Fig. 3.27 Unconditionally doing what is right and offending

<sup>114</sup> Namely the individual who said it ‘won’t happen’ that society will let him down shown purple on the ‘Unconditionally Doing What is Right and Offending’ chart above

Trusting that society won't let one down, thereby, seemed both a scarce commodity as well as a protective one. Without this trust, it appears wholly understandable to rely on oneself when provoked and to feel no allegiance to any 'shared society' proposed by former prime minister May or any 'big society' proposed by her predecessor. However, this trust surely needs to be reciprocal, such that society can trust its citizens, who also need to be able to trust each other too.

Any capacity to trust fellow citizens must assuredly be undermined by criminality. Indeed, none of those for whom doing what was best for themselves superseded doing what was right had a low offending risk, neither did the individual who prioritised his spouse nor 80% of those who gave a mixed response, while the individual who said that he *now* prioritised what was right *did* have a low offending risk<sup>115</sup>. Only two participants specifically drew a distinction between prioritising what is right *now*, as opposed to the past, namely the one participant who said **\*\*‘in the past have done things best for me’**, and the one who said **\*\*\*‘at the time doing what was right wasn't important’**. This seems to endorse the way morality may emerge over time, with the timescale for each individual potentially varying considerably, such that each individual's timescale might better be set by the diversity in their rate of progress over time, rather than by equality of time per se. The consistency in any such progress-tariffed sentence would thereby lie in its progress measures, rather than its length of time.

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<sup>115</sup> When asked 'Which is more important to you, doing what is right or doing what is best for you?'

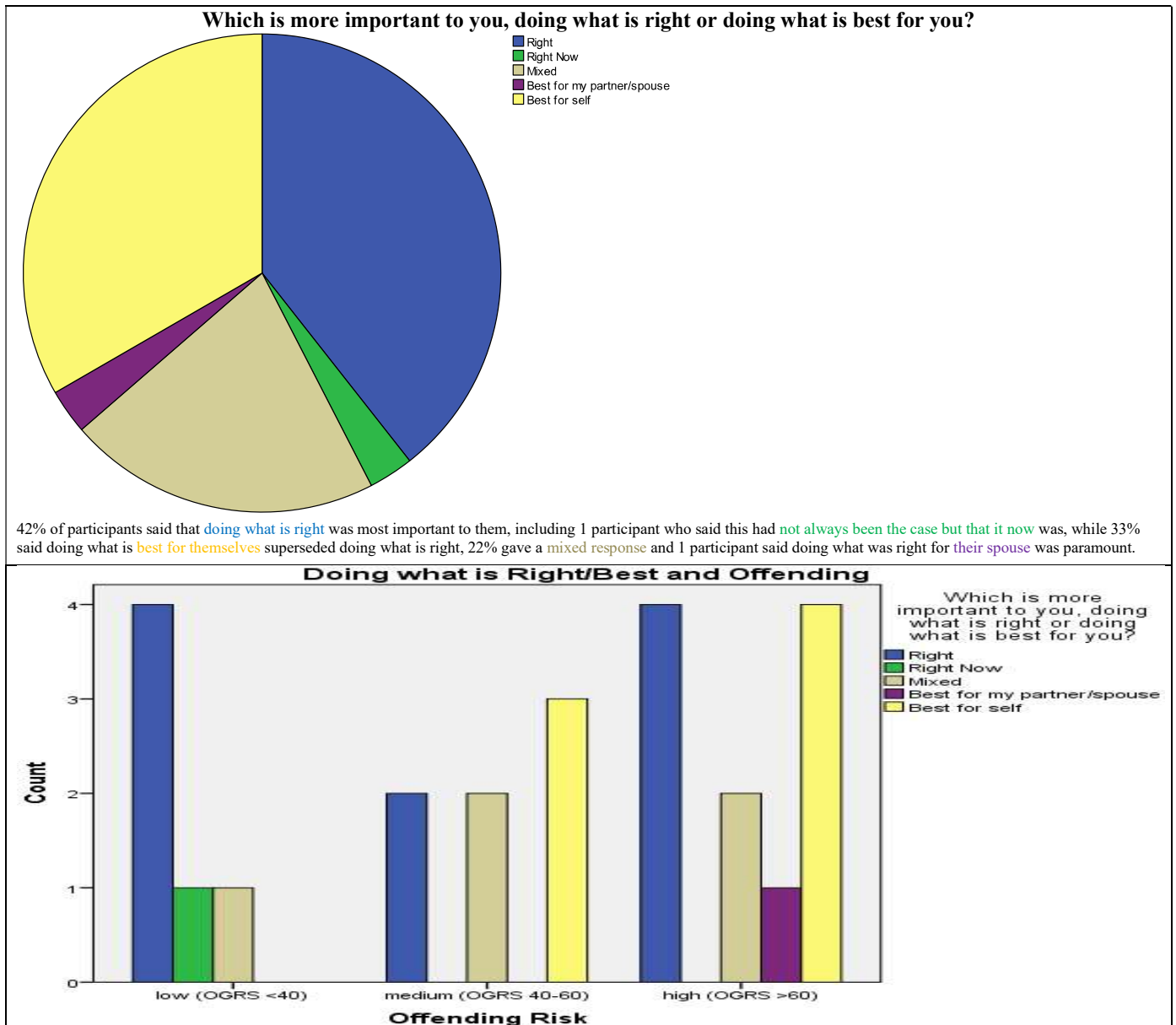


Fig. 3.28 Doing what is right/best and offending

However, *theoretically* prioritising doing what was right did not appear to be sufficient to improve offending risk, with equal proportions of individuals at both low and high offending risk claiming to prioritise doing what was right. Validating any such claims, therefore, may be central to assessing progress. One means of authenticating claims of improvement might be the use of technology-monitored obligations to discuss issues of risk honestly, as well as monitored concrete action in reducing that risk, as discussed



with progress-tariffing in the section on re-booting constructive activity above. The possible value of tackling opacity seemed to be underlined by the way in which 9% of participants denied they had *ever* breached their own morality<sup>116</sup>. Indeed, when challenged to justify how their offending fitted with some level of claim of prioritising what is right<sup>117</sup>, 41% of participants had either *\*partial or total lack of unconditional morality* within their responses. This lack of unconditional morality appeared to be related to a more *self-centred guidance mechanism*, where actions that were described appeared to set-aside fixed ubiquitous morality in favour of a situational flexibility where responsibility for offending lay wholly or partially externally and which allowed action to be centred on meeting the needs or desires of the self that might arise due to substance use, the situation in one's life, believing that what is right for the self is also intrinsically right or believing that family situation, such as not being in a relationship or such as having 'a child, I have to feed her'<sup>118</sup>, exempts an individual from doing what is right.

How does that fit with the offences you committed?	F
<p><b>Which is more important to you, doing what is right or doing what is best for you?</b>      <u>Right</u></p> <p>1=**doesn't fit at all/not very well,      7</p> <p>2=***what I did was wrong/I didn't do what was right,      1</p> <p>3=***it doesn't fit at all but at the time doing what was right wasn't important, cause it's hard to with my situation because my life's completely different now than it was,*      1</p> <p>4=**I thought I was doing what was right for me at the time but I was confused, *      1</p> <p>5=I didn't do what was right because I was under the influence of substance use, *      1</p> <p>6=**at the time it was doing what's best for me, now, I'd say what is right for me is getting a job, *      1</p> <p><b>Which is more important to you, doing what is right or doing what is best for you?</b>      <u>Right Now</u></p> <p>7=**in the past have done things best for me and part of trying not to reoffend and learning is to try not to put self first and realise it's better to do what's best for others,      1</p> <p><b>Which is more important to you, doing what is right or doing what is best for you?</b>      <u>Mixed</u></p> <p>8=***I've got a child, I have to feed her, it's not just a buzz, I feel guilty but sometimes I've got no choice, I'd love to do the right thing and it be best for me but it's not always possible, *      1</p> <p>9=**it was wrong,      1</p> <p>10=substance use*      1</p> <p><b>Which is more important to you, doing what is right or doing what is best for you?</b>      <u>Best for my Partner/Spouse</u></p> <p>11=I only commit offences when I am not in a relationship*      1</p>	
<p>**An unconditional acceptance that offending is wrong, not right or does not fit with doing what's right and, thus, a moral understanding</p> <p>** An unconditional personalised morality that wholly sets aside the self in a manner that suggests a lack of accepted moral understanding that the self is also of value alongside the value of others</p> <p>*a partial or total lack of unconditional morality</p>	

Tab. 3.16 How does that fit with the offences you committed?

<sup>116</sup> See the blue '**I haven't**' in the 'Why act against your own morality?' table above

<sup>117</sup> Those who had said anything other than doing what was best for themselves in terms of 'Which is more important to you, doing what is right or doing what is best for you?' and who had then been asked 'How does that fit with the offences you committed?'

<sup>118</sup> When this claim is examined, as discussed later in the research, its validity is not substantiated

Having said that, 53% of participants<sup>119</sup> appeared to demonstrate \*\*an unconditional acceptance that offending is actually wrong or not right or does not fit with doing what is right in the same context<sup>120</sup>. A further individual<sup>121</sup> showed a more personalised \*\*unconditional morality, that wholly set aside the self in a manner suggestive of lacking the accepted moral understanding that the self is also of value alongside the value of others<sup>122</sup>.

When offending was considered through the medium of 41 offered statements<sup>123</sup>, 3 of which particularly reflected attitudes to doing what is right, 81% of participants agreed with two of these statements, namely ‘I would never hurt a kid or rob an old lady’\* and/or ‘I want to go the right way’\* without also citing the third, namely ‘shoplifting isn't even a crime to me’. This position on morally imposed limits might represent a moral moralising position ‘following accepted standards of behaviour’<sup>124</sup>. By contrast, the 11% who said ‘shoplifting isn't even a crime to me’, may hold a more personalised sense of morality, where it is believed that it is legitimate to decide personally whether certain forms of stealing are not stealing at all.

**Research from other sources has previously gathered these statements from offenders. Which of these statements do you think would be true for you?\***

153.1-2 ‘I would never hurt a kid or rob an old lady’ and/or ‘I want to go the right way’ but not with ‘Shoplifting isn't even a crime to me’  
 153.4-9 ‘I would never hurt a kid or rob an old lady’ and/or ‘I want to go the right way’ but not with ‘Shoplifting isn't even a crime to me’  
 153.11 ‘I would never hurt a kid or rob an old lady’ and/or ‘I want to go the right way’ but not with ‘Shoplifting isn't even a crime to me’  
 153.13-14 ‘I would never hurt a kid or rob an old lady’ and/or ‘I want to go the right way’ but not with ‘Shoplifting isn't even a crime to me’  
 153.16-29 ‘I would never hurt a kid or rob an old lady’ and/or ‘I want to go the right way’ but not with ‘Shoplifting isn't even a crime to me’  
 153.31-33 ‘I would never hurt a kid or rob an old lady’ and/or ‘I want to go the right way’ but not with ‘Shoplifting isn't even a crime to me’  
 153.35 ‘I would never hurt a kid or rob an old lady’ and/or ‘I want to go the right way’ but not with ‘Shoplifting isn't even a crime to me’

<sup>119</sup> Those who had said anything other than doing what was best for themselves in terms of ‘Which is more important to you, doing what is right or doing what is best for you?’ and who had then been asked ‘How does that fit with the offences you committed?’

<sup>120</sup> Moral Morality

<sup>121</sup> Representing 6% because of the small nature of this subgroup

<sup>122</sup> Personalised Morality

<sup>123</sup> ‘Research from other sources has previously gathered these statements from offenders. Which of these statements do you think would be true for you?’

<sup>124</sup> **Following accepted standards of behaviour** as defined in the Paperback Oxford English Dictionary, Seventh Edition and the second definition there cited for ‘moral’

153.15='Shoplifting isn't even a crime to me'  
 153.30='Shoplifting isn't even a crime to me'  
 153.34='Shoplifting isn't even a crime to me'  
 153.36='Shoplifting isn't even a crime to me'

\*36 out of the 37 participants in this study answered this question, all citing a different combination of the elements listed in the applicable left-hand column of the table above, thus each value for this variable equates to 1 participant

Tab. 3.17 Statements true for you?

In another question that offered statements for selection<sup>125</sup>, 82% of participants took at least some degree of **morally moral** position, by selecting at least one of the 15 descriptions offered that, in at least some way, **rejected their offending\***, while only 15% **did not\*\***.<sup>126</sup>

What do you think best describes the offences you have been punished for? <sup>127</sup>	Frequency	Percent	Valid Percent
*Understanders	5	13.5	14.7
*Moralisers	6	16.2	17.6
*Rejecting Set-asiders	7	18.9	20.6
*Matter-of-fact Set-asiders	4	10.8	11.8
*Excusing Set-asiders	6	16.2	17.6
**Ignoring Set-asiders	5	13.5	14.7
Undiscriminisers	1	2.7	2.9
Total	34	91.9	100.0

Tab. 3.18 Describe the offences you have been punished for

However, **72%\*\***<sup>128</sup> of participants nevertheless saw lots of reasons to justify breaking the law and/or had a positive attitude to drugs and alcohol use, with or without claiming anti-social thinking and attitudes, or rejected the law, tolerating or approving of poor conduct or law-breaking behaviour in others, or were morally immature and/or lacking in guilt, when citing factors that played a part in them becoming an offender.<sup>129</sup>

<sup>125</sup> 'What do you think best describes the offences you have been punished for?'

<sup>126</sup> In response to the question 'What do you think best describes the offences you have been punished for?' as shown in the table on page 10 above

<sup>127</sup> In response to the question 'What do you think best describes the offences you have been punished for?' as shown in the table on page 10 above

<sup>128</sup> Namely citing at least one of the 'thinking' factors in this table when asked 'Research suggests that the following factors may play a part in becoming an offender, which of these do you think applies to you?'

<sup>129</sup> From the suggested factors offered with the question 'Research suggests that the following factors may play a part in becoming an offender, which of these do you think applies to you?' as listed in the right-hand column of the table on page 143 above

Research suggests that the following factors may play a part in becoming an offender, which of these do you think applies to you? <sup>130</sup>
<b>**Thinking</b> 3 Anti-social thinking and attitudes – thinking 4 Sees lots of reasons to justify breaking the law - thinking 5 Rejects the law - thinking 6 Tolerates or approves of poor conduct or law-breaking behaviour in others - thinking 35 Moral immaturity - thinking 47 Lack of guilt - thinking 59 Positive attitude to drugs and alcohol use – thinking

Tab. 3.19 Factors which apply to you

All of these factors could represent some type of potentially brutalising thinking.

Conversely, there was also plenty of evidence of constructive thinking, such as in the participant who said she would ‘love to be in there’ involved in politics. Another had a vision of a shared delivery of systemic improvement, where those who have a ‘problem’ take responsibility for it, with ‘talk’, and those who then discover such problems expose them and those responsible for systems to address those problems then act on that so that things can ‘get done’. Participants' ideas<sup>131</sup> included comments that were **moral**, **pertaining to right and wrong**, **ideological**, **pertaining to operational righteous certainty**, **pragmatic**, **pertaining to operational efficacious reality**, **humanist**, **pertaining to operating humanely**, **religious**, **pertaining to god**, **political**, **pertaining to systemic operation**, as well as **emotional**, **pertaining to communicating emotional issues**. Indeed, sharing de-brutalisation is about involving everyone in all these things at every level, as being equal and diverse actors in the process of systemic improvement.

Self-Expression Positions Adopted <sup>132</sup>
<b>Morality</b> - pertaining to right and wrong <b>Ideological</b> - pertaining to operational righteous certainty <b>Pragmatic</b> - pertaining to operational efficacious reality <b>Humanist</b> - pertaining to operating humanely <b>Political</b> - pertaining to systemic operation <b>religious</b> - pertaining to God <b>emotion</b> - pertaining to communicating emotional issues

<sup>130</sup> From the suggested factors offered with the question ‘Research suggests that the following factors may play a part in becoming an offender, which of these do you think applies to you?’ as listed in the right-hand column of the table on page 143 above

<sup>131</sup> Featured in the broad spectrum of comments participants wished to make as part of the conclusion of the interview as outlined in the Participants' Self-Expression Appendix

<sup>132</sup> Summarised from the broad spectrum of comments participants wished to make as part of the conclusion of the interview as outlined in the Participants' Self-Expression Appendix

Position	Audience	Objective	Benefits	Beneficiaries	Deliverers
Morally against offending as wrong	The interviewer as listener*, the interviewer's audience as listeners* and the authorities	Securing a good opinion of himself	Good Opinion	Self	Self
Morally stating people are responsible for their own actions and it's right that a person should serve their punishment	The interviewer as listener, the interviewer's audience as listeners and the authorities	Aligning himself morally with society to underpin his political views and identity as morally and socially credible and responsible	Underpinning his political views and identity with moral and social credibility	Self and society	Self
Morally against putting himself in a potential dangerous position having committed a crime as wrong	The interviewer as listener and the authorities	Securing a good opinion of himself by stating it would be stupid to even put himself in a potentially dangerous position having committed a crime and that this would be wrong	Good Opinion and not putting himself in a potentially dangerous position where he might put himself at risk of reoffending	Self	Self
Morally describing situations that may lead to a criminal record as wrong	The interviewer, the interviewer's audience and the authorities as actors	Helping youngsters before they get into wrong situations because once they've got a record they feel that there's no way out	Preventative action to help young people avoid acquiring a criminal record	Young people who might potentially offend	The interviewer, the interviewer's audience and the authorities
Morally it is 'part of my duty' as a male to protect 'you' as a female	The interviewer as listener	Establishing own honourable character and personal superiority through gender	Good Opinion and Superiority	Self	Self
Morally there is a right and wrong	The interviewer as listener and the interviewer's audience as listeners	Establishing own good character and own normality and own intellect and strength of own argument	Good Opinion and own good character and own normality and own intellect and strengthening own argument	Self	Self
Personalised morally that customers who pay cash are propagating offending, whilst working people who receive that cash are understandably making their working lives economically sustainable	The interviewer as listener and the interviewer's audience as listeners	Establishing own normality and own intellect and strength of own argument and enhancing social understanding of the financial difficulties of a working life and the complicity of wider society in offending and thus the normality of offenders	Own normality and own intellect and strengthening own argument and enhanced social understanding of the financial difficulties of a working life and the complicity of wider society in offending and thus the normality of offenders	Self and other offenders and working people	Self
Personalised morally that accepts offending must be 'paid' for, but sees the offending itself as morally neutral as a spur of the moment thing and the consequential price paid by the offender as a concern	The interviewer as listener and the interviewer's audience as listeners	Establishing own morality because accepts punishment and no lack of personal morality in having offended because offence was unplanned and thus punishment was questionable	Own morality and questioning appropriateness of punishment	Self and other offenders	Self
Personalised morally that 'things go wrong', not that a wrong thing has been done	The interviewer as listener and the interviewer's audience as listeners	Establishing own morality because not personally responsible for actions	Own morality and lack of personal responsibility	Self and other offenders	Self
Personalised morally that offending itself is simply a matter of being 'caught out'	The interviewer as listener and the interviewer's audience as listeners	Establishing the normality of self and other offenders as their only difference from wider society is being caught	Own normality and normality of offenders	Self and other offenders	Self
Personalised morally that using violence is a matter of 'self-respect' and demonstrating 'respect' for those protected by it	The interviewer as listener and the interviewer's audience as listeners	Establishing that using violence is a matter of 'self-respect' and demonstrating 'respect' for those protected by it and attributing personal responsibility to adherence to his moral code	Own honourable character and enhancing social understanding of the requirements of honour	Self and violent offenders	Self
Personalised	The interviewer as listener	Establishing not personally	Lack of personal	Self and violent offenders	Self

morally that whatever befalls someone who has initiated a conflict is their own fault, regardless of the force used or consequences to the victim of retaliatory violence, the perpetrator of the retaliatory violence is not to blame and the consequences to the perpetrator is what is regrettable not the consequences to the initiator	and the interviewer's audience as listeners	responsible for retaliatory actions, as the initiator of a conflict situation is responsible for any consequences to himself, while it is any consequences to the retaliator that is what is regrettable	responsibility when acting in retaliation and presence of personal responsibility for any consequences of a situation that you initiate	and self-defenders	
Personalised morally that it is being 'raised right' to be brought up to be honourable in terms of protecting women and being prepared to fight for women to be respected and for oneself to be respected	The interviewer as listener and the interviewer's audience as listeners	Establishing that it is being 'raised right' to be brought up to be honourable in terms of protecting women and being prepared to fight for women to be respected and for oneself to be respected	Own honourable character and honourability of family and enhancing social understanding of the requirements of honour	Self and family and violent offenders	Self
Personalised morally that everybody has their own reasons for doing things and those things don't make a person a bad person as life is different to different people	The authorities	Improving social understanding of those with difficult or different lives	A Better Society with social understanding	Self and other people, particularly those with difficult or different lives	The authorities
Personalised morally that the responsibility for the misuse of state support lies with the state provider of that support not with the misuser of that support.	The authorities	Improving society and the financial security of those on benefits, particularly single mothers and young people and family men, by paying benefits weekly and providing improved financial budgeting advice	A Better Life with financial security	Self and other people on benefits, particularly single mothers and young people and family men	The authorities
Self-centred internal guidance mechanism that it is legitimate for those living on the state to be 'out there on a Friday night' blowing that state provided support	The authorities	Improving society and the financial security of those on benefits, particularly single mothers and young people and family men, by paying benefits weekly and providing improved financial budgeting advice	A Better Life with financial security	Self and other people on benefits, particularly single mothers and young people and family men	The authorities
Ideologically religiously advocating turning to God to be saved	Society	Advertising his allegiance to God and promoting that allegiance among others	Life Itself	Self and other people	God
Ideologically humanistically advocating helping youngsters before they get into wrong situations	The interviewer, the interviewer's audience and the authorities as actors	Helping youngsters before they get into wrong situations	Preventative action to help young people avoid wrong situations	Young people who might potentially offend	The interviewer, the interviewer's audience and the authorities
Ideologically humanistically advocating improving police treatment of people	The authorities	Improving police treatment of people	Improved treatment of people by service providers	People as service users	The authorities and service providers
Ideologically	The authorities and service	Valuing and crediting service	Service providers who do	Service providers as people	Service users

humanistically valuing good service such as from a probation officer or the interviewer and self as provider of endorsements	providers and the interviewer as service provider	providers who do well personally, such as by being 'lovely' or 'helpful' and implicitly also valuing the service user as valued providers of endorsements	well personally as people being valued and credited and service users being valued as providers of endorsements	and service users as people	
Ideologically Humanistically against judging	Society	Securing a good opinion of himself and others, particularly other offenders	Good Opinion	Self and other people, particularly other offenders	Society
Ideologically Humanistically advocating that anything is possible if individuals want to change their own lives	People as individuals	Advising that anything is possible if a person wants to change his/her own life	A Better Life through personal change	People	People as individuals
Ideologically Humanistically it's important that the authorities and society recognise the circumstances that people are in	The authorities	Improving the justice system and social understanding by instilling recognition of the circumstances that people are in amongst judges, probation services and society	Improving the justice system and social understanding	Self and other people, particularly other offenders	The authorities
Ideologically Humanistically asking rhetorically if a sexual offence should be allowed to affect somebody's broader work prospects if that work does not give access to children	The interviewer as listener and the authorities	Improving access to work for sex offenders and sounding out the interviewer on the subject	Improving access to work for sex offenders	Self and other sex offenders	The authorities
Ideologically Humanistically saying that disclosure is sometimes an unnecessary obstacle for ex-offenders	The authorities	Avoiding the need for disclosure where necessary	Improving access to work for offenders and protecting their privacy, and with it their dignity, where possible	Self and other offenders, particularly sex offenders	The authorities
Ideologically Humanistically sentencing 'should have been done in the first year, shouldn't have waited four years for me to get sentenced when I pleaded guilty' and 'I pleaded guilty at the first chance and four years later I got sent down'	The interviewer as listener, the interviewer's audience as listeners and the authorities	Sentencing should be done swiftly when offenders plead guilty	Swift and timely criminal justice process	Self and other offenders	The authorities
Ideologically Humanistically against how 'the court case doesn't finish for the people', but, rather, the legacy of the criminal justice system persists and keeps people 'under the cosh'	The interviewer as listener, the interviewer's audience as listeners and the authorities	The criminal justice process should have an end and not keep people endlessly 'under the cosh'	Finite criminal justice process	Self and other offenders	The authorities
Ideologically politically arguing that systems should look at each case to assess a person's crime and whether it precludes them from the job they are	The authorities	Improving access to work for offenders, particularly sex offenders, whilst ensuring they do not take inappropriate jobs	Improving access to work for offenders, particularly sex offenders, whilst ensuring they do not take inappropriate jobs	Self and other offenders, particularly sex offenders, and society	The authorities and offenders, including self

seeking and that puts the onus upon that person to tell probation what job they are going for so probation can say whether it is an appropriate job for them or not and that decision is binding					
Ideologically politically arguing that it's too easy for offenders to blame society or circumstances and it's important offenders recognise they have control of their actions	The authorities	Instilling greater recognition in offenders of their personal responsibility for their actions	Improving personal responsibility	Society	The authorities
Ideologically politically advising of the importance of education, re-education and rehabilitation of offenders	The authorities	Advising of the importance of education, re-education and rehabilitation of offenders	The education, re-education and rehabilitation of offenders	Society and offenders	The authorities
Ideologically politically if offending has not been 'done a lot' there is no applicability in addressing it	The interviewer as listener, the interviewer's audience as listeners and the authorities	Only persistent offending needs to be addressed	criminal justice process focussed upon persistent offenders	Self and other offenders	The authorities
Ideologically drawing attention to flaws in the research that would misrepresent identity in order to improve own standing within the research and protect non-offending identity by securing changes in the research	The interviewer as listener, the interviewer's audience as listeners	Distancing self from an offending identity and improving own standing within the research by securing changes in the research	Highlighting a non-offending identity and improving own standing	Self	Self and the interviewer
Ideologically there are no excuses nor reasons nor external factors to blame for offending and seeking them is flawed	The interviewer as listener	Improving own standing by undermining the research	Improved personal standing	Self	Self
Pragmatically normal for most men to use violence on the spur of the moment	The interviewer as listener, the interviewer's audience as listeners and the authorities	Establishing social understanding of the normality of the fact that most men use violence on the spur of the moment and thus his own normality and the normality of violence as an instinctive male response	Own normality and the normality of violence as an instinctive male response	Self and other violent males	The interviewer as listener, the interviewer's audience as listeners and the authorities
Pragmatically offending is universal	The interviewer as listener, the interviewer's audience as listeners and the authorities	Establishing social understanding of the normality of offending	Own normality and the normality of offending	Self and other offenders	The interviewer as listener, the interviewer's audience as listeners and the authorities
Pragmatically against probation as costing him money by taking time out of his working day, but undermines this by refusing offered	The interviewer as listener, the interviewer's audience as listeners and the authorities	Creating a false argument against probation by using the financial cost of probation to self of having to attend probation when could be working, perhaps because this is more likely to be seen as a	Ostensibly being able to earn money at work instead of going to probation, but in reality being spared the inconvenience of probation, or at least recognition of what he sees	Self and other offenders on probation	The interviewer as listener, the interviewer's audience as listeners and the authorities



evening appointments and saying 'I come up here at ten o'clock and ten past ten I'm back in the office or on my way out to go and do my job'		legitimate argument against probation than one based on inconvenience alone	as this cost to them		
Pragmatically against probation as ineffective for offenders as it takes up my time and money but is only 'keeping track of me' and has 'not been any use in any way at all' and 'I don't need them'	The interviewer as listener, the interviewer's audience as listeners and the authorities	Advising of probation being ineffective for offenders as a waste of their time and money and that he personally does not need their services and all they are doing is keeping track of him	Being spared the waste of time and money of probation or at least recognition of what he sees as this useless waste to them	Self and other offenders on probation	The interviewer as listener, the interviewer's audience as listeners and the authorities
Pragmatically against offending as ineffective	Offenders and potential offenders	Advising against offending as ineffective	A Better Life without offending in it	Offenders and potential offenders	Self
Pragmatically group work at probation less effective, applicable, preferable and appropriate than one to one work at probation, as group work is too mixed with young people and older people and group work has nothing to do with the specific problems that an individual has	Probation service provider	Getting own personal needs met at probation through one-to-one work as opposed to group work, as group work is too mixed with young people and older people and group work has nothing to do with the specific problems that an individual has	Getting own personal needs met at probation	Self	Probation service provider
Pragmatically drawing attention to the questions in the research that did not apply to him	The interviewer	Distancing self from an offending identity	Highlighting a non-offending identity	Self	Self
Pragmatically politically advocating not paying benefits fortnightly as ineffective because single mothers and young people and family men do not know how to manage their money and there is insufficient financial budgeting advice	The authorities	Improving society and the financial security of those on benefits, particularly single mothers and young people and family men, by paying benefits weekly and providing improved financial budgeting advice	A Better Life with financial security	Self and other people on benefits, particularly single mothers and young people and family men	The authorities
Pragmatically politically advocating as effective providing the learning opportunities that probation represents to face and reflect upon offences but in a manner that is more short-lived than currently and allows an offender to then move on	The authorities	Improving the efficacy of provision for offenders	Providing the learning opportunities that probation represents to face and reflect upon offences but in a manner that is more short-lived than currently and allows an offender to then move on	Offenders	The authorities
Pragmatically politically advocating as effective improved	The authorities	Improving access to work for offenders, particularly sex offenders, to provide self-esteem and counter boredom in	Providing access to work for offenders, particularly sex offenders, to provide self-esteem and counter	Self and other offenders, particularly sex offenders, and society	The authorities

access to work for offenders, and particularly sex offenders, to tackle crime by building self esteem and preventing boredom		order to facilitate desistance and counter recidivism	boredom in order to facilitate desistance and counter recidivism		
Pragmatically politically advocating as effective punishment, without which, there would be nothing to stop people re-offending	The authorities	Advising of the importance of punishment in preventing recidivism	Preventing recidivism	Society	The authorities
Pragmatically politically advocating improving the work prospects of offenders, and particularly sex offenders, whilst also taking account of the risks they represent, by controlling what jobs they do, so that they do not work with children, but not requiring them to disclose their offending where jobs do not give access to children	The authorities	Improving the work prospects of offenders, and particularly sex offenders, whilst also taking account of the risks they represent, by controlling what jobs they do, so that they do not work with children, but not requiring them to disclose their offending where jobs do not give access to children	Improving the work prospects of offenders, and particularly sex offenders, whilst also keeping them out of jobs where they present a risk	Self and other offenders, particularly sex offenders, and Self, and other parents, and society	The authorities
Pragmatically politically recognising that it's easier to have an overall system that offenders have to disclose, as he recognises his preferred alternative would not be easy to implement	The authorities	Ensuring a system that is easily manageable	An easily manageable system	The authorities	The authorities
Pragmatically politically that offending can teach right and wrong	The interviewer as listener, the interviewer's audience as listeners and the authorities	Enhancing his own arguments and also social understanding that offending can teach right and wrong and that offending is thus normal	Not criminalising people for undertaking normal offending as they learn right and wrong and justifying himself and his arguments	Self and other offenders and other potentially criminalised people	Individuals
Pragmatically humanistically offending sustains everyday working lives by making working lives economically sustainable	The interviewer as listener, the interviewer's audience as listeners and the authorities	Enhancing his own arguments and also social understanding that offending sustains everyday working lives by making working lives economically sustainable and that offending is thus normal	Not criminalising people for undertaking normal offending as they make working lives economically sustainable and justifying himself and his arguments	Working people trying to make ends meet	Individuals
Pragmatically humanistically advocating helping youngsters before they've got a criminal record because, 'once they have got one, it feels like there's no way out'	The interviewer, the interviewer's audience and the authorities as actors	Helping youngsters before they've got a criminal record because, 'once they have got one, it feels like there's no way out'	Preventative action to help young people avoid acquiring a criminal record	Young people who might potentially offend	The interviewer, the interviewer's audience and the authorities
Pragmatically humanistically explaining that there are obstacles that are in people's way	The authorities	Improving the criminal justice system's understanding of the obstacles that are in people's way when they come out of the criminal justice system	Better understanding by the criminal justice system of the situation that offenders are in	Self and other offenders	The authorities

when they come out of the criminal justice system					
Pragmatically humanistically explaining that people have struggles	The authorities	Improving social understanding of those with difficult lives	A Better Society with social understanding	Self and other people, particularly those with difficult lives	The authorities
Pragmatically humanistically advocating a more short-lived probation process than currently to allow offenders to move on and leave the upset of their offences behind	The authorities	Improving the emotional well-being of offenders	Providing a more short-lived probation process than currently to allow offenders to move on and leave the upset of their offences behind	Offenders	The authorities
Pragmatically humanistically advocating that if probation gives the go-ahead for an offender to apply for a particular job disclosure may not necessarily have to be made	The authorities	Avoiding the need for disclosure	Avoiding the need for disclosure	Self and other offenders, particularly sex offenders,	The authorities
Pragmatically humanistically the role of employer understanding in securing work as an offender	The interviewer as listener, the interviewer's audience as listeners and the authorities	Establishing social understanding of the importance of employer understanding in securing work for offenders	Employment for offenders	Self and other offenders	Employers
Pragmatically humanistically the role of those who have a 'problem' to take responsibility for it with 'talk' and those who then discover those problems to publicise them and those responsible for those problems then to act on that so that things can get done	The interviewer and people that have a problem with probation and the authorities as the interviewer's audience all as actors	Improving the offender management system by getting 'a few other people' to do the research, particularly 'people that have a problem with probation' that 'they need to be explaining' and talking 'to people about' 'if they want something done' because 'otherwise nothing's gonna get done'	Improving the offender management system	Self and other offenders	Offenders and the authorities and the interviewer
Personally controlling and expressing emotion rationally	The interviewer as listener and correctly*** as perpetrator**	Venting hostility in a controlled manner through rational language to communicate emotion emotionlessly despite that emotion and without being consumed by, or consuming the listener with, that emotion	Controlled Expressive Communication and limited venting of hostility	Self and the interviewer as listener	Self
Personally expressing emotion authentically viscerally	The interviewer as listener	Venting hostility using hostile authentically viscerally language to communicate emotion emotionally	Emotionally Expressive Communication and authentic venting of hostility	Self	Self
Personally expressing emotion authentically	The interviewer, the interviewer's audience and the authorities as people	Personally, expressing warmth towards a lovely service provider as a person with the use of the word 'lovely'	Emotionally Expressive Communication of authentic visceral warmth	Self and a lovely service provider as people	Self and a lovely service provider as people
Rationally explaining personal emotion and its visceral impact	Society	Improving social understanding of the emotional impact of probation on offenders and the way in which probation is in fact a harsher punishment than prison	Explanatory Communication without venting hostility	Self and other offenders on probation	Self
Rationally and personally explaining emotion and its cause without emotion	The interviewer, the interviewer's audience and the authorities as actors	Improving social understanding of 'the emotional impact of a criminal record explaining that once you've got a record it feels like there's no way out	Explanatory Communication on an emotional issue without emotion	Self and other offenders, particularly young people	Self

Rationally and impersonally explaining emotion and its impact without emotion	The authorities	Improving access to work for offenders, particularly sex offenders, to provide self-esteem and counter boredom in order to facilitate desistance and counter recidivism	Explanatory Communication without emotion	Self and other offenders, particularly sex offenders, and society	The authorities
Rationally and impersonally advising on an emotional issue without emotion and without reference to emotion	The authorities	Rationally and impersonally advising of the need to improve the emotional issue of 'treatment'	Advisory Communication on an emotional issue without emotion and without reference to emotion	People as service users	The authorities
Rationally and personally explaining his intentions without emotion and without reference to emotion	The interviewer as listener and the authorities	Securing a good opinion of himself by stating his determination not to reoffend and by limiting his description of his sexual offending to 'grooming' and by his honesty in acknowledging he is a risk and that he has committed a crime	Good Opinion and Explanatory Communication without emotion and without reference to emotion	Self	Self
Personally controlling and expressing emotion rationally	The interviewer as perpetrator and the interviewer's audience as listener	Venting hostility in a controlled manner through rational criticism to communicate emotion emotionlessly and establish superiority, by means of undermining others through criticism and thereby to take control of others and their actions and to feel better about self	Controlled Expressive Communication and establishing superiority and control of others and their actions and to feel better about self and limited venting of hostility	Self	Self and the interviewer
Personally expressing emotion authentically viscerally	The interviewer as perpetrator and the interviewer's audience as listener	Venting hostility using hostile authentically viscerally language to communicate emotion emotionally with insults	Emotionally Expressive Communication and authentic venting of hostility	Self	Self and the interviewer
Personally expressing emotion authentically viscerally	The interviewer as perpetrator and the interviewer's audience as listener	Venting hostility using hostile authentically viscerally language to communicate emotion emotionally with visceral language of 'tear up' inapplicable research	Emotionally Expressive Communication and authentic venting of hostility	Self	Self and the interviewer
Rationally and personally explaining own status without emotion and without reference to emotion	The interviewer as listener and the interviewer's audience as listener	Securing status for self by stating 'my hourly rate is £480' and 'my professional opinion' costs 'a lot of money'	Status and Explanatory Communication without emotion and without reference to emotion	Self	Self
Rationally and personally crediting probation as being 'really good to me' in agreeing to 'I'd like to do this, I'd like to do that and they said yes' without emotion and without reference to emotion	The interviewer as listener, the interviewer's audience as listeners	Expressing appreciation of the amenability of probation to do things the way he would like and enforcing notions of self as being in control	Appreciating amenable service and enforcing own sense of being in control	Self and service provider	Self and service provider
Rationally and personally enacting his normality and taking control without emotion and without reference to emotion unless this is challenged, in order to cope, and resorting to hostility when this doesn't work	The interviewer as listener, the interviewer's audience as listeners and the authorities	Enacting own normality within probation by transferring the focus away from himself and his offending, as his manner of coping by taking control and resorting to hostility when the interviewer persists in returning the focus to him and his offending, and thus undermines his normality and control	Enacting own normality and control in order to cope	Self	Self and the interviewer and the authorities
Personally expressing emotion	The interviewer as listener and the interviewer's	Venting hostility and explaining its cause using	Emotionally Expressive Communication and	Self	Self and the interviewer

authentically viscerally and explaining viscerally its cause	audience as listener and the authorities as perpetrator	hostile authentically viscerally language to communicate emotion and its cause emotionally with visceral language of being 'dealt a really shit hand' and 'I was under the cosh for 5 years' and 'I'm still under the cosh' and 'I don't use probation services, probation services uses me' conveying a sense of having been abused by the criminal justice system	authentic venting of hostility and viscerally explaining its cause		
Impersonally expressing emotion through generalisation and shifting focus to a false location and through personally and impersonally rationally explaining the invalidity of causing him the unacknowledged emotion and using false arguments as part of a scattergun of rational explanations in place of personal expression of emotion	The interviewer correctly as perpetrator	Expressing pain, without showing it, at being abused by the interview process in its perpetuation of his offending identity, by means of including him in an offending cohort and 'treating' him as a criminal and not hearing him 'no matter what' he says, in terms of his lack of criminality, but without personalising this emotional expression by actually using this personalised language, instead it is expressed impersonally by generalising this language and shifting the focus of this language to a false location and also by rationally impersonal explanation that 'thousands of types' of people offend and behaviour classified as offending is normal and that the cohort should be broadened to the general public so participation in the research does not characterise participants as criminals and by rationally personal explanation of his normality and lack of inherent criminality as someone who simply has 'a chat' about the weather in probation, is polite, is 'not going to reoffend', whose crime was a long time ago and who is 'working', thus invalidating the abusive process of perpetuating his offending status, causing the unacknowledged pain and using false arguments, where what is being argued does not always reflect the heart of the pain that is actually felt at being treated like a criminal because emotion is being dealt with rationally with a sometimes untargeted scattergun of rationalities	Expressing emotion without showing emotion and securing changes needed to remove that emotion	Self	Self and the interviewer
<p>*When the interviewer is not treated personally by the participant as listener, or her audience is not so treated, beyond representing that participant's target audience, the interviewer is viewed by this study in this context as merely the chronicler of views and the interviewer's audience as the participant's target audience.</p> <p>**When the interviewer is implicitly or explicitly treated as part of whatever problem the participant is referring to, they are not only the listener but also being spoken to as the perpetrator.</p> <p>*** When the interviewer is implicitly or explicitly treated correctly as part of whatever problem the participant is referring to, they are not only the listener and not only the perpetrator but also correctly the perpetrator.</p>					

Tab. 3.20 Self-Expression Positions Adopted<sup>133</sup>

<sup>133</sup> See Tab. 12.1 Measures-Summary in Chapter 12

Moreover, though 56% of the all-but-1-participant who remained for the debrief did not have any comments they wanted to make and two further participants referred the interviewer back to comments they had made earlier, all the remaining participants did have additional comments they wished to make in the debrief, despite having already been involved in a very long interview. The decision to take this opportunity to engage and express themselves further was unrelated to offending risk. 30% of those who made additional comments had a high offending risk and the same proportion had a low such risk.

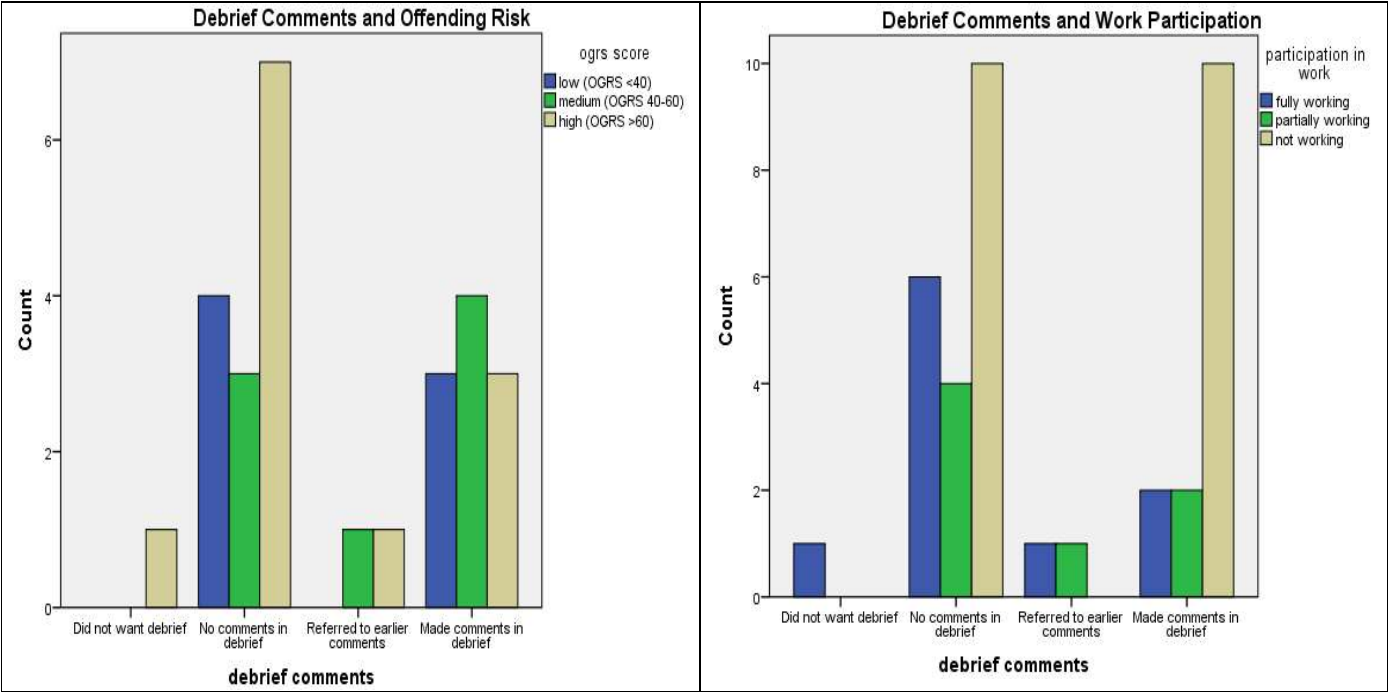


Fig. 3.29 Debrief Comments

By contrast, however, 71% of those who made additional comments were not working, while only 14% were fully working. This could suggest that work could undermine willingness to take opportunities for self-expression. This may be due to work sapping energy, absorbing focus and controlling time to the detriment of alternative

opportunities for engagement and self-expression. The reverse might also be true, with worklessness leaving an excess of unutilised energy, focus and time amongst those who appeared interested in utilising opportunities for engagement and self-expression but were not participating in work. Either way, it may be important that functioning through work allows for opportunities for engagement and self-expression, or, alternatively, does not prevent these opportunities from being taken elsewhere. Work, or any other ostensibly constructive activity, might lose its legitimacy if it erodes rather than creates opportunities such as these.

### Chapter Summary

This chapter has shown that there are reasons for hope, as well as barriers to overcome, in terms of the opportunities that human universalities and differences in moral understandings might create, as well as in terms of how equality and diversity might be relevant therein. Each barrier and reason for hope is itemised in the table below, alongside some possible policy implications for harm-reduction in relation to each.

The idea of attempting to reduce harm by upholding rules in ways conducive to harm-reduction, through sentencing for progress policed with honesty and monitoring to prevent harm, was also introduced in this chapter. Any such notion would rely, however, on being able to identify the root of preventable harm, such that interventions might seek to address it. The following chapter looks at brutality of activity as the possible root of any such preventable harm.

Chapter Sections	Reasons to Hope	Barriers to Overcome	Some Possible Suggestions Arising from these Hopes and Barriers
Universal and Differing	All the participants seemed to be imbued	But for only a minority of participants, this moral	<i>Thus, perhaps, a consistent morality needs to be built from its universal basis, possibly through the consistent execution</i>

Moralities	with at least some moral moralisation.	moralisation dominated with little or no personalisation or self-centred alternative.	<i>of moral consistency in consistent law, to embed the unacceptability of harming for personalised or self-centred reasons and to make real any notional equality of the value of all lives, regardless of personalised or self-centred views, including through universally and equitably sharing the act of defining and enacting de-brutalisation, to undermine any claimed merit in personalised or self-centred alternatives.</i>
The Role of Rules	The usefulness of rules appeared to be overwhelmingly endorsed.	But the law was often seen as nebulous and tractable, even while it was considered obvious, and, at the same time, was not always seen as providing universal protection, but, instead, relied on the vagaries of personal interpretations.	<i>Thus, perhaps, the consistent execution of consistent morality and consistent law needs to be reflected in transparent universally applied rules with universally accessible and manageable online guides in an easy to operate and understand online guide that provides straight forward situational legal escape routes, backed up by fully funded universal advocacy for anyone relying on or confronted by the law in any way.</i>
The Role of Naming	There was a desire to protect the innocent, emotion seemed linked to sensitivity to harm and there was antipathy to causing harm or to being thought of as someone who does so. The language of harm countered brutality, put people off being brutal without creating hostility or antagonism and promoted thought.	But the protective capacity to think of one's own linguistic ideas was rare and the impotence of any type of language to prevent brutality was prevalent amongst high-risk offenders, for whom all that mattered was gaining from crime or using substances. Indeed brutality was actually seen as important in proving strength, as well as in emotional intensity.	<i>Thus, perhaps, improving the means of self-expression in respectful interaction and constructive, flexible thinking, with a requirement to meet such expectations, might be important, as well as ensuring any gain from crime is lost and substances can be appropriately available to facilitate appropriate functioning as paramount in managing them, while using the apparent desire to protect and the apparent antipathy to harm to build empathy for the need to protect everyone, building, expecting and modelling the deployment of strength without the use of harm, such that there is a consistent morality against harm in all manifestations of law and authority, enabling ethics to be legitimately delegated to authority to uphold.</i>
Equality and Diversity	There seemed to be an equality of standards on causing harm and defining it across diverse offending risks, suggesting a possible basis for acknowledging a universal equality across human diversity in views on causing harm and defining it, and a lack of justification for any group claiming moral superiority in these regards.	But, at the same time, this same equality of standards on causing harm and defining it across diverse offending risks also undermined the prospect of the efficacy of improving outcomes by improving such outlooks.	<i>Thus, all individuals, regardless of perceived risk, and including representatives of the state or any other organisation, may need to be held to account for harms equally, for the protection of all, perhaps with technologically monitored openness and honesty on narrowly pertinent public matters, such as political decisions or brutal conduct, while enabling everyone to be heard equally in respectfully expressed and heard uncensored diverse views reflected in the media with clear delineation between opinion and demonstrable fact to ensure universal equality across human diversity in the experience of life is upheld and valued and judged by the same standards regardless of social status or stigma.</i>
The Role of Youth	People have at least some control over risk factors in terms of any family, criminal record, life on benefits, associations and use of time that they acquire for themselves.*  <i>*See also page 81- 85 in chapter 2</i>	But these are likely to be shaped by the factors over which they have no control, such as the family into which they were born, which, when considered alongside the fact that 71% of the offending women in this study had children present or imminent, and that all of these women were the primary carers of those children, may suggest a	<i>Thus, perhaps, there needs to be an end to tolerated downward life spirals by ensuring interventions are early when quality of life is lacking, including possibly delivering special provision to protect women and children, preventing disruption to their lives and for the training of expertise in parenting.</i>



		<p>risk of ongoing downward life spirals.*</p> <p><i>*See also page 81- 85 in chapter 2</i></p>	
Consistent Understandings of Brutality	<p>There was universal understanding* that stealing property was unambiguously wrong and none of the respondents thought physical violence** was wholly acceptable, while trust in society*** protected against being brutal and there was a widespread appetite and aptitude to take part in shared discussion on emotional, moral, ideological, pragmatic, humanist, religious and political matters****.</p>	<p>But people were much less likely to learn at home that hitting and shouting are wrong than they were in terms of stealing, while justifications existed for using physical force and for going against one's own morality and there was little of the protective trust in society, while doing what was right instead of what was in one's own interest did not improve offending risk and most participants saw lots of reasons to justify breaking the law and/or had a positive attitude to substance use or rejected the law, tolerating or approving of poor conduct or law-breaking behaviour in others or were morally immature and/or lacked guilt.</p>	<p><i>Thus, perhaps, respectfully, quickly and effectively initiated interventions to share the undoing of brutalising experiences and actions non-adversarially in a timely shared search for effective remedy and resolution in ways which nurture personal responsibility, such as by casting authorities as resources in client-led holistic action to ameliorate brutalising experiences, potentially fostered from childhood even in school given the weaknesses in home-based moral education cited, might make good use of the reasons for hope cited here while facilitating the countering of the barriers also noted. In addition, the lack of moral preparation at home in terms of physical and verbal violence, and the solidity of subsequently ignored moral preparation in terms of theft, might endorse the use of life preparation certification in school in terms of the former, culminating in a valuing rite of passage into adulthood, with this certification being endorsable for retaking in terms of the latter. If this is to be sufficient to proliferate that protective trust in society, however, it seems likely to need to be backed up by monitoring and containing where need be and to be progress-tariffed***** to give the public trust in the sentence outliving the threat, judging such progress by action specific to the specific threat. It would also surely need to manage the substance use mentioned, perhaps by ensuring sufficient medication and regulated access to enable constructive functioning alongside use.</i></p>
<p>*The existence of shared understandings gives some hope of policy activity involving everyone in creating policy, building shared understanding, working in cooperative ways where all voices are respectfully heard in resistance-friendliness with reference to Tab. 3.4 Shared Policy Shaping and Fig. 3.23 Understanding the immorality of physical violence and Fig. 3.24 Understanding the immorality of verbal violence and with reference to the section on Equality and Diversity in Understandings of Brutality and the section on Consistency in Addressing Understandings of Brutality to Ensure Equality of Diversity<sup>134</sup></p> <p>**The consistency of morality in terms of violence gives some hope of policy consistency in accordance with a totality of values including in consistent morality on violence in consistent execution of consistent law with reference to the section on consistency in addressing understandings of brutality to ensure equality of diversity and the section on activity consistently compatible with empathy and with reference to Tab. 3.3 Example Inconsistency Between Law and Social Acceptability<sup>135</sup></p> <p>***The importance of trusting society illustrates the importance of enabling ethical delegation to authority by aligning law against harm and preventing any form of exclusion from any type of protection with reference to Tab. 3.3 Example Inconsistency Between Law and Social Acceptability<sup>136</sup></p> <p>****The wide variety of discourse illustrates the wide-ranging spheres needing compassionate humanisation in morality, ideology, pragmatism, politics, discussion and religion with respectful interaction and self-expression with reference to Tab. 3.21 Self-Expression Positions Adopted<sup>137</sup></p> <p>*****progress-tariffing to only be in response to harming action and based on a risk-monitoring and autonomous-progress model of responding to harming actions by providing mechanisms for demonstrated progress which allow for immediate progress to be demonstrated with swiftly responsive progressive assisted release from monitoring and containment and enabling alternatives to harm with objective action-measurements of specific harm-reduced risk-proportionate specific action to assess progress-tariffs in meeting required expectations specific to harm caused in repair-based, non-punitive, swift, early, respectful, timed and timely interventions with high-quality universally accessible service-user controlled interventions for holistic resolution with authorities as resources and containment only where monitoring cannot contain risk to share the undoing of brutalising situations non-adversarially in a shared search for effective remedy and resolution with advocacy for all and required expectations specific to harm caused in line with Tab. 3.12 Progress-Tariffing: Risks and Responses and always remembering that progress-tariffing must be very specific and related to a very specific harming action and expecting very specific progress in that very specific harming action to prevent it becoming all pervasive, while providing swift opportunities for re-acquisition of certified coursed-preparation to manage life to release any endorsement thereof as soon as possible</p>			

Tab. 3.21 Chapter Summary

<sup>134</sup> See Policy Activity involving everyone in creating policy, building shared understanding, working in cooperative ways where all voices are respectfully heard in Resistance-Friendliness in Tab. 12.1 Measures-Summary in Chapter 12

<sup>135</sup> See Policy Consistency in accordance with a totality of values including in consistent morality on violence in Consistent Execution of Consistent Law in Tab. 12.1 Measures-Summary in Chapter 12

<sup>136</sup> See Enable Ethical Delegation to authority by Aligning Law against Harm and Preventing any form of Exclusion from any type of Protection in Tab. 12.1 Measures-Summary in Chapter 12

<sup>137</sup> See compassionate humanisation in morality, ideology, pragmatism, politics, discussion and religion with respectful interaction and self-expression in Tab. 12.1 Measures-Summary in Chapter 12

## CHAPTER 4: BRUTALITY OF ACTIVITY AS THE ROOT OF PREVENTABLE HARM

This chapter considers brutality of activity as the root of preventable harm and looks at social exclusion, lack of rules-protection and offending and its punishment, as well as human functioning and insensitivity to harm more broadly, in these regards.

### Literature Review and Theory of Brutality of Activity as the Root of Preventable Harm

There are apparently blurred lines between legal and illegal brutal activity, such as with ‘professionally’ conducted ‘green crime’ creating ‘huge profits’ within lawful working markets while brutalising people, wildlife and the environment (Boekhout Van Solinge 2013<sup>1</sup>). No one is held accountable and no convictions arise (Davies 2013). Moreover, ‘elites have enriched themselves’ (Shihabi 2018<sup>2</sup>), such as ‘Amazon’s brutal work culture’ meaning ‘bottom lines matter more than people’ (Daisey 2015 <https://www.theguardian.com>), while getting away with it. ‘When you see other people getting away with it you emulate them’ (Shihabi 2018<sup>3</sup>), but those labelled ‘offender’ are *not* ‘getting away with it’ and *are* facing legal consequences and *are* being held accountable and *are* being convicted, even as those labelled law-abiding are often doing more harm for larger profits. ‘The most corrupt transaction the world has ever seen’ was one of BAE’s arms contracts with Saudi Arabia (Feinstein 2018<sup>4</sup>). The ostensibly law-abiding have been exposed with such previously undiagnosed criminogenic behaviour, exemplified by banking corruption, politicians’ expenses, journalists’ phone hacking, police cover-ups and

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<sup>1</sup>Presenting Seminar 2 ‘Wildlife and Timber Trafficking’ at the ESRC Green Criminology Research Seminar Series: 22.2.13 Cardiff

<sup>2</sup> Speaking in ‘House of Saud; A family at War’, BBC.

<sup>3</sup> Speaking in ‘House of Saud; A family at War’, BBC.

<sup>4</sup> Speaking in ‘House of Saud; A family at War’, BBC.

church child abuse (BBC 2013), while those labelled offenders have the same normal aspirations towards material goods and life styles (SEU 2002) as the allegedly law-abiding.

People largely have the same basic needs and desires, but some need help to secure these and a better life for themselves (Ward and Brown 2004) without utilising brutal activity to achieve it. Whether an activity is labelled work or crime, if gains cannot be achieved through it by the appropriate means Ward and Maruna (2007) cite, such that they do not brutalise others, then they are likely to be brutal activities causing preventable harm. 'I didn't set out in life to become a criminal', 'it just happened' (Smith 2012<sup>5</sup>). It is what people actually do that gives them their identity and a sense of what should be cared about (Deci and Ryan 2000), while forming habits from past experiences of the success or failure of actions (Wikstrom 2006). So, if brutal actions make for successful gains and become part of what people 'do' and part of 'identity', while brutality is *not* part of 'what should be cared about' within that activity, then, as Smith (2012<sup>6</sup>) says, 'once I was in that world it became a normal part of everyday life'. It is in applying the stark word 'brutal' to many of the accepted actions of 'everyday life' that this research attempts to deliver on what Shihabi (2018<sup>7</sup>) says is the need 'to apply shock therapy to change' things. Nevertheless, any word alone, no matter how shocking, such as the word 'barbarous' in the UNDHR, can tackle acts of barbarity while barbarity remains successful. Barbarity needs to cease being successful with barbarity of activity perhaps needing to be insulated from any possibility of being successful, with a far greater likelihood of being held to account for it and of losing any gain from it.

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<sup>5</sup> Speaking in 'The Road from Crime', Lagan Media Productions Ltd film for the university of Glasgow.

<sup>6</sup> Speaking in 'The Road from Crime', Lagan Media Productions Ltd film for the university of Glasgow.

<sup>7</sup> Speaking in 'House of Saud; A family at War', BBC.

Factors in Ceasing the Success of Barbarity
<ol style="list-style-type: none"> <li>1. Brutal actions might need to cease to be feasible, such that there is no longer a realistic expectation of not getting caught nor the ‘belief’ that Wikstrom (2006<sup>8</sup>) describes that such actions <i>can</i> be carried out. Not thinking about getting caught, indeed not actually getting caught, are human agency factors in offending (Laub and Sampson 2003).</li> <li>2. Brutal actions might need to cease to be desired. A ‘desire’ or ‘commitment’ to carry them out, followed by the ‘intention’ of carrying them out, either from automatic choice of ‘habit’ or considered choice from ‘deliberation’ (Wikstrom 2006<sup>9</sup>) with the will to offend (Laub and Sampson 2003) need to be interrupted.</li> <li>3. Alternatives to brutal action need to be available. The pathway of offending can be direct, such as when the offence is a means to achieve a goal successfully, but it can also be indirect, such as when an offence occurs because of diminishment of decision-making capacity (Purvis 2005) in how to achieve goals successfully.</li> </ol>

Tab. 4.1 Ceasing the Success of Barbarity

If brutal action is perceived as successful, preventable harm seems inevitable, since ‘perception’ precedes choice (Wikstrom 2006<sup>10</sup>), whether that choice is thoughtfully deliberative or thoughtlessly habitual. There are then ‘consequences’ to whether the action was carried out or not, resulting in ‘cumulative experiences’ that can shape future decision-making (Wikstrom 2006<sup>11</sup>) and, cyclically, perceptions, all over again. If the world is perceived as brutal and experiences of it are brutal and it is only the brutal that appears to succeed, then brutal activity is what is normal, for all it could be preventable by nurturing the opposite.

Nurturing Brutality’s Opposite
<p><b>Creating Non-Violent Environments</b></p> <p>There are ‘known dangers of growing up in a violent environment – from immediate suffering and injury to longer-term problems of anxiety, depression, behavioural problems, and propensity to use violence’ (Adamson 25:2013).</p>

<sup>8</sup> Presenting ‘Assessing the Role of Individual Differences and Environment in Crime Causation’ paper at SCOPIC Conference  
<sup>9</sup> Presenting ‘Assessing the Role of Individual Differences and Environment in Crime Causation’ paper at SCOPIC Conference  
<sup>10</sup> Presenting ‘Assessing the Role of Individual Differences and Environment in Crime Causation’ paper at SCOPIC Conference  
<sup>11</sup> Presenting ‘Assessing the Role of Individual Differences and Environment in Crime Causation’ paper at SCOPIC Conference

<p><b>Addressing Bullying and Victimisation</b></p> <p>Bullying and being bullied both appear related to damaged self-esteem (Norris 2013). ‘happiness in school is very important’ (Norris 2013<sup>12</sup>), just as in any environment, though, as Campion (35-37:1991) says, it is imperative not to give ‘the impression that’ any ‘unhappy circumstances excuses’ any ‘bad behaviour’, instead ‘offering a mixture of sympathy and firmness’. In this way, it is important that victims of bad behaviour are not forgotten, for their perceptions of the brutality of the world, and of themselves within it, are also being shaped. Fletcher (2013<sup>13</sup>) described being a victim of card fraud as having made her feel ‘stupid’ and ‘frightened’. It made her ‘realise’ that the criminals must have seen her as ‘vulnerable’ (Fletcher 2013<sup>14</sup>) which undermined her sense of herself.</p>
<p><b>Empathy and Positive Relationships</b></p> <p>The empathy that might prevent acting in such an undermining way towards others is impossible until people have themselves experienced positive relationships (Matthew and Skuse 2013). Nothing can initially be done by offenders alone without positive others to ‘scaffold’ their progress (Matthew and Skuse 2013<sup>15</sup>). People need strong social bonding with positive relationships to avoid delinquency (Hirschi 1969). If social controls are weakened, then individuals can drift into crime (Matza 1964) ‘An absence of relationships that provide informal social control and social support’, as well as being ‘devoid of linking structures at each phase of his life course’, can mean prosocial contacts are replaced by deviant ones (Laub and Sampson 280:2003) that reinforce a brutal normality, rather than fostering its shared de-brutalisation.</p>
<p><b>Developing Social Ties</b></p> <p>Thus, fostering mechanisms to bring offenders back into the institutional fabric of society may be more useful than the possible counterproductive effects of punitive sanctions (Laub and Sampson 2003). Considering how people come to develop strong ties to convention and resist the temptations to steal and aggress (Andrews and Bonta 1998) might be more useful than detaching people further by punishing them. Indeed, desistance tends to occur away from the criminal justice system, regardless of it and often despite it, as criminal justice interventions seem to lead very few people to desist and often impede desistance by detaching people from normal life, such as family and careers (Ward and Maruna 2007). It can also detach people emotionally from society, cultivating hostility and defiance (Ward and Maruna 2007), to the detriment of empathy.</p>
<p><b>Making Sanctions Appropriate</b></p> <p>When sanctions are used, it is important that relationships are still in place, so that it is clear that the relationship is not lost (Matthew and Skuse 2013) and that the social place of an individual is also not lost. If the offender is cast out completely, sanctioners would cease to matter to offenders and thus cease to be effective sanctioners (Braithwaite 1999). ‘The social embeddedness of sanctions’ is only effective if conducted by those that <i>matter</i> to the offender (Braithwaite 55:1999). Furthermore, any developing integration of the ‘old’ self into a ‘new’ self, and any planning for the future and becoming more outwards looking, relies on progress being initially ‘scaffolded’ by others (Matthew and Skuse 2013<sup>16</sup>). Most offenders want this change, but do not like the concept that rehabilitation is something that is done to them, when they prefer to feel it is something they do for themselves (Ward and Maruna 2007). Personal ownership of constructive activity might therefore be just as important as having the support available both to undertake it and to build relationships that nurture empathy towards those that will suffer if that constructive action is not taken.</p>

Tab. 4.2 Nurturing Brutality's Opposite

Relationships are key influences in this, both *away* from and *towards* crime as the exemplar of brutal activity in this research, with ‘crime generating relationships’ seen as

<sup>12</sup> Presenting ‘Evaluating Restorative Justice: ‘the use of restorative justice in education’, at Welsh Centre for Crime and Social Justice Annual Conference

<sup>13</sup> Speaking on News at One, BBC.

<sup>14</sup> Speaking on News at One, BBC.

<sup>15</sup> Presenting ‘The Trauma Recovery Model – explanation and consideration of delivery and evaluation’, a paper at Welsh Centre for Crime and Social Justice Annual Conference

<sup>16</sup> Presenting ‘The Trauma Recovery Model – explanation and consideration of delivery and evaluation’, a paper at Welsh Centre for Crime and Social Justice Annual Conference

normal by offenders (Deakin 2012<sup>17</sup>). Strong personal relationships and significant others, including formal, semi-formal and informal relationships, such as workmates, religious organisations, friends and family, or any other ‘positive *functional* relationships’, might provide helpful support (Deakin 2012<sup>18</sup>) for constructively active functioning. Conversely, ‘desistance *challenging* relationships’ might do the reverse (Deakin 2012<sup>19</sup>). De-normalizing brutal activity, such as crime, and replacing it with the normalisation of non-brutal activity might gradually de-escalate harm. Focussing, thus, on whether the activity endorsed is brutal or not, rather than on *who* endorses it, might be what matters, since, as Deakin (2012) says, in actuality, each relationship can provide *both* functioning *and* challenging influences, along a continuum.

This chapter examines this functioning, its attributes and its relationships with brutal activity, as well as the role of socially influencing relationships, like workmates, friends and family, within it. It also considers the role of systemic activity and how this might simply be another form of brutality perpetuating yet more preventable harm, since, as Coulsfield (2004) says, change will come at some point *anyway*, as a point comes when offenders are *motivated* to try to cease to offend. Brutal systemic activity might actually be inhibiting this ‘motivation’ without hastening any ‘point’ of inevitable renewal. In this respect, being allocated an offending status, being aggrieved by a sense of receiving a high punishment level or feeling unprotected by rules might all have a brutalising role to play, feeding what Laub and Sampson (2003) describe as antipathy to authority.

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<sup>17</sup> Presenting “Narratives of Desistance: motivations behind desire to desist and barriers to fulfilling hopes on release” Paper at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

<sup>18</sup> Presenting “Narratives of Desistance: motivations behind desire to desist and barriers to fulfilling hopes on release” Paper at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

<sup>19</sup> Presenting “Narratives of Desistance: motivations behind desire to desist and barriers to fulfilling hopes on release” Paper at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

Punishments seem to reinforce this antipathy to authority, as well as mistrust of rules and deepened unhelpful attitudes (SEU 2002), while having a minimal and often negative effect on crime reduction, reform and rehabilitation (Andrews and Bonta 1998). Interventions based on punishment or deterrence, actually increase criminality (Lipsey 1995) and with it, one might legitimately assume, other brutalities. Thus, though sentences are capable of communicating with offenders in a way that is meaningful (Rex 2004), they may not always be mindful of *what* they are actually communicating.

Communication Through Punishment
With punishment amounting to the ‘delivery of pain intended as pain’ (Christie 103:2004), inflicting pain on those that cause pain, might actually be the imperative that punishment is communicating. This seems no different from the way in which ‘terrorists’ say ‘we want them to feel our pain’ <sup>20</sup> (Waraich 2014 <a href="https://time.com">https://time.com</a> ), inflicting pain intended as pain as a response to pain. The hypocritically reciprocal infliction of pain could only perpetuate the cyclicity of brutality, while being wholly preventable, since an honest acknowledgement of everyone's pain, such that people do ‘feel’ the pain of others empathetically, without needing to inflict pain to achieve that, might be far more constructive. Facilitating an environment where people are able to ‘speak about’ such things ‘honestly and openly’, rather than perpetuating the ‘adversarial environment of building a cut-throat defence in a criminal trial’ (Lloyd 2018 <sup>21</sup> ) or conducting any other activities in an adversarial or cut-throat or vengefully accusing manner. Such a manner only inhibits the capacity to understand crime and where ‘schools of crime’ actually exist (Bunge 8-27:2006).

Tab. 4.3 Communication Through Punishment

Without safe honest discussion of such things, people may be left, as Weaver A (2012) describes, blaming the system for keeping them trapped in a cycle of crime and punishment, while it is actually, as Lieberman (2005) says, when inconsistencies between attitudes and actions are pointed out, and there is agreement on the need to change it, that a powerful force for change might be created. Instead of nurturing this force for change, which could obviate the need for brutal action, brutal systemic action

<sup>20</sup> Unnamed Taliban spokesman explaining a Taliban attack on a military-run school in the Pakistani city of Peshawar on 16 December 2014

<sup>21</sup> Speaking in ‘The Bulger Killers; was justice done?’ on Channel 4

continues to cause preventable harm, such as the way in which Covington (2012<sup>22</sup>) says, ‘if you put empowered women into the custodial setting they will get in trouble’.

Indeed, custodial settings can worsen the situation for offenders (SEU 2002), through the brutality, degradation and bars in prison that destroy people's humanity (Boyle 1977).

<b>Prison</b>
<p><b>Destructive Prison Environment</b></p> <p>Prison risks being a ‘human dustbin’ and a place where to learn how to make weapons and commit crimes and get into gang fights, as it is a ‘crime factory’ (Weaver A 2012<sup>23</sup>). All the while, it is having a negative impact on the very social networks needed to help offenders reform (Deakin 2012). In addition, it can brutalise the children of prisoners by default, through the detrimental impact of imprisonment on the children of prisoners, including impeding language and emotional development and causing withdrawal into themselves (Masson 2012).</p>
<p><b>Alienation through Prison</b></p> <p>Punitive interventions, like some current forms of confinement, could leave individuals alienated from the harm-causing consequences of their crimes (SEU 2002), when it is actually this very harm-causing that may need to be addressed by enhancing sensitivity to it. Confinement could be isolating people from such emotional engagement (SEU 2002) with their actions, while their imprisonment simply facilitates learning more criminal skills and encourages learned helplessness (SEU 2002), rather than nurturing responsibility for actions. People are sent to prison for being irresponsible and then expected to come out of prison as responsible, yet, in between, while in prison, they are given no responsibility (Stevens 2013).</p>
<p><b>Prison Undermines Capacity to Cope</b></p> <p>When people leave prison, they are suddenly confronted by a vast range of choices and decisions and find it difficult to cope (SEU 2002), having been unprepared to do so. This can lead individuals to return to the situations and actions (SEU 2002) that caused them problems originally. People come out of prison to the same circumstance that led them there in the first place (Weaver J 2012) and prison marginalises already socially excluded women (Kerr 2012), men and even children. Children like Joseph Scholes, who ‘hanged himself from the bars of his cell in Stoke Heath YO1’ (INQUEST and NACRO 2:2003). Prison is used for the ‘poor, stateless, ethnic minorities and the mentally ill’ (Carlen 2012<sup>24</sup>).</p>
<p><b>A Use for Prison</b></p> <p>Prison could be necessary because ‘if we could identify and incapacitate the 100,000 persistent offenders, crime could fall dramatically’, as most harm is done by a few (Carter 15:2003). However, ‘the population of persistent offenders is not stable’ and it may be impossible to identify and incapacitate them (Carter 16:2003). Whichever the case, the reasons for using any institutional confinement should be clearly documented, while imprisonment is appropriate only ‘for serious crimes’ and where the offender ‘poses a danger’ (Coulsfield 5:2004), including, Carlen (2012) would argue, the most violent, corporately violent and violent in their use of their power. Prison should only hold ‘the most serious, dangerous and highly persistent offenders’ (Carter 1:2003), as ‘a genuine last resort’ (Esmee Fairbairn Foundation 10:2004), with that confinement being wholly structured to de-brutalise individuals and their lives through building empathy, nurturing constructive activity and de-escalating the harm <i>to</i> them as well as <i>by</i> them.</p>

<sup>22</sup> Presenting “Trauma Matters: creating services for women” paper at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

<sup>23</sup> Speaking in ‘The Road from Crime’, Lagan Media Productions Ltd film for the University of Glasgow.

<sup>24</sup> Presenting the Eve Saville lecture 6.11.12



#### Ending Brutality in Institutional Confinement

Ending any brutal institutional confinement that can lead to the same traumatising as being subjected to racial and ethnic division, domestic conflict and horrific war experiences (Laub and Sampson 2003) would seem important. All the findings on the negative impact of prison appear to be true and things are not changing and society is not getting better at managing these things (Dockley 2013 citing Julie Trebilcock and Michelle Jaffe). Any confinement that leaves people 'emotionally scarred' (Masson 2012<sup>25</sup>) might be legitimately considered as just another brutal action causing yet more preventable harm. A consideration that is just as legitimate for any other form of confinement, such as school, where 'being bullied can make a misery of a child's life for weeks, months or even years' (Adamson 29:2013). It can contribute to emotional and behavioural problems, including anxiety, depression and impaired school performance, as well as to 'increased absenteeism and truancy' (Adamson 29:2013). This is potentially as preventable a harm as the way in which Weaver A (2012<sup>26</sup>) says 'I was traumatised through the experience of prison'.

Tab. 4.4 Prison

It is known that 'treatment is most effective' when it is 'least destructive' (McMurrin and Ward 295-311:2004) and this may be true of any and all interventions, from prison to school. Indeed, it seems to be difficulties in school or the military, as well as enjoyment of crime, chaotic lives, the absence or backfiring of potential turning points, not viewing imprisonment as a turning point, alcohol abuse, no job, residential instability and much or long imprisonment that seem linked to criminality (Laub and Sampson 2003) and thus, by extension, potentially other brutality. At least some of these situations appear preventable, while the rest appear tackleable if there was a shared will to tackle them. Likewise, the short prison sentences that 'do very little to control crime' and have 'no rehabilitative value' and are 'unlikely' to have a 'significant deterrent effect' (Coulsfield 5:2004) are also preventable. They do not fulfil their purpose, while non-custodial sentences are underused (Halliday 2001) even though two thirds of those sent to prison reoffend whilst two thirds of those on a community order do not (Crook 2013). *Some* community penalties produce 'good' or even 'excellent' results (Coulsfield 45:2004), but '*average* probation intervention yields no better results

<sup>25</sup> Presenting "The Spiral effect of a first short prison sentence on mothers" Paper presented at Women, Crime and Criminal Justice Practise Conference Cambridge university institute of criminology 10-12<sup>th</sup> Jan 2012

<sup>26</sup> Speaking in 'The Road from Crime', Lagan Media Productions Ltd film for the University of Glasgow.

than custodial sentences' (Chapman and Hough 7:1998) with no general superiority in terms of reconviction rates (Coulsfield 2004). Thus, though 'more recent work which looks at comparative reconviction rates of community and custodial sentences' does 'find differences' (Raynor 1:2017), if an individual's presence in the community is itself destructive to others, confinement of some sort, or at least rigorous technical monitoring, may remain an important disposal where victims might otherwise be at risk.

Allowing preventable harm to victims, because those who perpetrate that harm are persistently released to persistently carry it out, without having progressed sufficiently to be safe to release, seems the most preventable of brutal actions. 83% of victims of crime are 'emotionally affected' by the crime, 11% become depressed and 12% suffer panic attacks (Carter 13:2003). The victim should not be 'a pawn or a tool to reduce future offending' (Norris 2013<sup>27</sup>) and treating victims 'as a piece of evidence' undermines trust in the courts by victims (Machura 2013 ). If victims' well-being can be sacrificed in pursuit of 'justice' or 'rehabilitation' for those that victimised them, or if their well-being is not prioritised for protection, then such a system may not be worthy of being trusted. Victims like Steven, who is living alone and says the kids on his estate wind him up every night, 'knocking at' his 'door and running' and calling out abuse, or Janet, who gets stuff thrown over her fence and people using her garden as a toilet (Bilton 2012<sup>28</sup>). All the while, Jessie, who was part of a gang targeting the local area and local shop, throwing eggs and calling racist abuse, was in and out of jail (Bilton 2012), thus repeatedly permitted to return to acting in these ways over and over again to the misery of the whole area. In such ways, the proactive search for victims seems vital,

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<sup>27</sup> Presenting 'Evaluating Restorative Justice: the use of restorative justice in education', at Welsh Centre for Crime and Social Justice Annual Conference

<sup>28</sup> Speaking on Panorama BBC 11.9.12 'Trouble on the Estate', BBC

such as where Wydall and Williams (2013<sup>29</sup>) speak of elder abuse, where victims might not want to ‘criminalise the perpetrator’ and may thus remain undiscovered victims. Victims need ‘safeguarding’<sup>30</sup> and to be prioritised in a proactive manner, such as where ‘the money is followed’ in order to proactively find victims and to build an understanding of them and help them (Douglas 2015<sup>31</sup>). The ‘motives’ and needs of victims, including loneliness (Douglas 2015<sup>32</sup>), need to be just as proactively and promptly addressed as the needs and symptoms of perpetrators. If any initial harm goes unaddressed, then harming can be left to escalate, rather than be de-escalated. Inaction in this can be as preventably brutal as any action. It can mean that, by being tolerant, intolerance can be facilitated (Spielman 2018), along with other harms. This is not to suggest that there should be an eagerness to give people their ‘just deserts’ (Andrews and Bonta 277:1998) nor a primitive revenge-based view of crime (Bunge 2006), with societies ‘bent on revenge’ (Cummins B 2012<sup>33</sup>) for ‘sin to be punished rather than prevented’ (Bunge 8-27:2006) or redeemed (Cummins 2012). It simply suggests that prevention and redemption need to be pursued sooner, much much sooner. Indeed, at the very first warning sign that something is amiss. Enabling an individual's past to be put to use to help others (Maruna 2001), before that past becomes an extensive trail of brutality. Instead, providing early what Stevens (2013) describes as an opportunity for perpetrators to help others in their situations whilst also learning about themselves. A continuity of integration, from an old self to a new self, giving meaning and purpose to a life, through life story or self-narrative, as a process of identity development and finding reason and purpose in the bleakest of life histories (Maruna 2001) at the very

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<sup>29</sup> Presenting a report on ‘An evaluation of the ‘Access to Justice’ initiative’ by Clark, A., Wydall, S., Williams, J. and Boaler, R., a paper at Welsh Centre for Crime and Social Justice Annual Conference

<sup>30</sup> North Yorkshire Trading Standards Scheme

<sup>31</sup> Speaking on ‘You and Yours’, BBC Radio 4, (1.10.15).

<sup>32</sup> Speaking on ‘You and Yours’, BBC Radio 4, (1.10.15).

<sup>33</sup> Speaking in ‘The Road from Crime’, Lagan Media Productions Ltd film for the university of Glasgow.

first opportunity, whether as a victim or perpetrator, and frequently both, though not defined by being either. The theme, tone, style, motivation and characterization of such life narratives can provide a glimpse of a person's self-story and, thus, the way s/he sees, and eventually shapes, his/herself within the world (Maruna and Copes 2005) as an individual not a label. Considering these life-shapings honestly, empathising with them and developing constructive action to de-escalate any harm within them with all those involved, as early as possible, without attaching any labels, let alone any offending status, is at the core of sharing de-brutalisation.

### Offender Status

There appeared to be little point in allocating an offending status, since freedom to live in society, and thus put others at risk, did not seem to hinge upon it to justify it as a tool for protecting the public. In this regard, this cohort, who were all out in society on probation, had a preponderance of middle to high OGRS scores. 74% had an OGRS score of 40 or more<sup>34</sup>, yet they were living in society despite their raised offending risk.

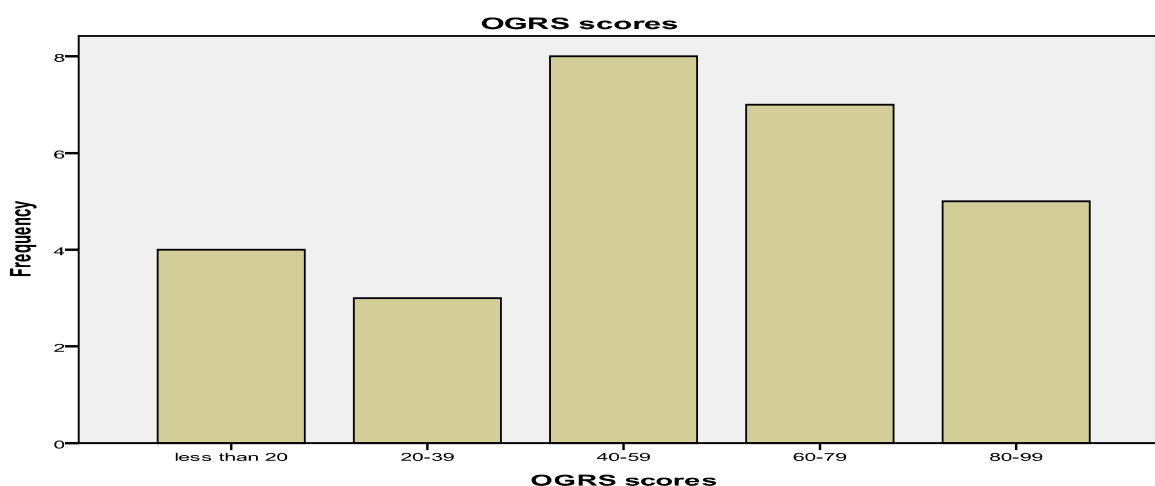


Fig. 4.1 OGRS scores

<sup>34</sup> Though the OGRS scores were not available for all participants.

Applying labels like ‘offender’, whilst releasing individuals to continue to offend, appears to be perverse. Individuals are released while being hindered by this label, rather than being contained or fully technically monitored as appropriate to risk and then wholly released unencumbered by either label or circumstances when that risk diminishes. That those with a high risk<sup>35</sup> should be free on probation, alongside those with a low risk<sup>36</sup>, indeed outnumbering them by almost double, often with little or no monitoring, seems to make a mockery of protecting the public, while, at the same time, weighing individuals down with the crippling label ‘offender’ that does not even differentiate between their risks.

When there is differentiation between risks, there appears to be a further systemic mockery, this time in terms of discrimination against women.

If gender played no part in assessing offending risk, it might be anticipated that, since just over a quarter of the males in this study had been given a low risk score, a similar quarter, namely 2 of the 7 females<sup>37</sup>, might also have been assessed as low risk.

However, none of the female participants<sup>38</sup> had a low OGRS Score, which could suggest that females might be assessed more harshly than males with, or because of, the tools used for that assessment.<sup>39</sup>

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<sup>35</sup> Having an OGRS score of 60 or more

<sup>36</sup> Having an OGRS score less than 40

<sup>37</sup> Rounded up from 1.75 - as is the case throughout this study where percentages, and other numbers, are rounded up when  $\geq 0.5$ , and down when  $< 0.5$

<sup>38</sup> For whom an OGRS Score was available - as is the case throughout this study

<sup>39</sup> Never forgetting the limitations of the very small numbers involved

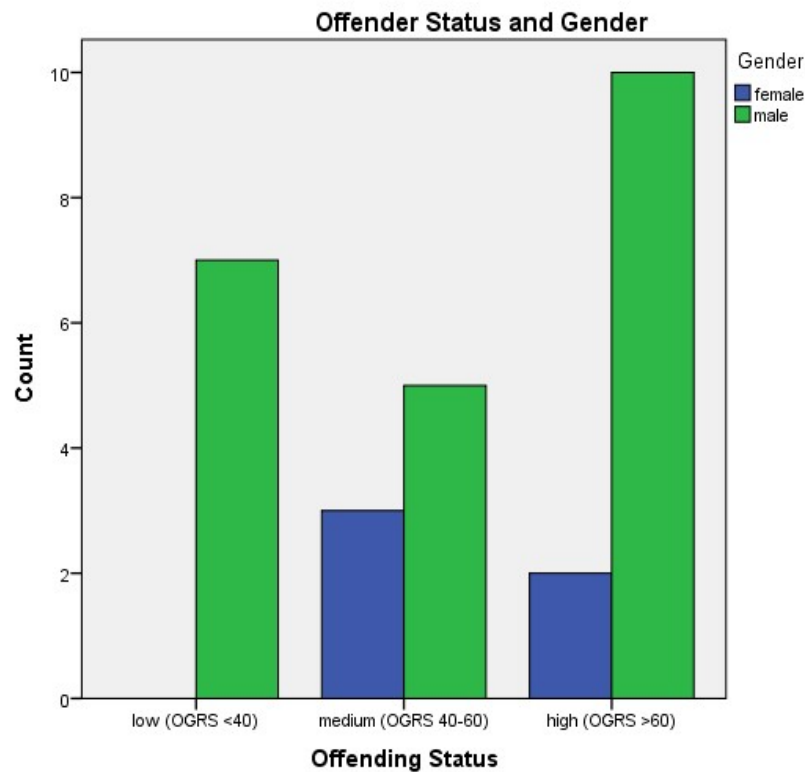


Fig. 4.2 Offender Status and Gender

Discriminatory harshness, inappropriate freedom and crippling labels could all be preventable brutalities. Indeed, when the fact that 74% of those on probation had a raised offending risk<sup>40</sup> was compared with the fact that 75% of those of them who had been released from prison prior to probation had a low such risk<sup>41</sup>, the perversity of the system appeared to be further highlighted. Unless one argues that it is the prison intervention that has lowered the risk, which is difficult to argue given the components that make up an OGRS assessment, then it seems to be the case that the wrong people are being confined in jail.

<sup>40</sup> Namely those with a medium or high OGRS Score ie having an OGRS Score of 40 or more shown beige or green below

<sup>41</sup> Namely those with a low OGRS Score ie having an OGRS Score of less than 40 shown blue below

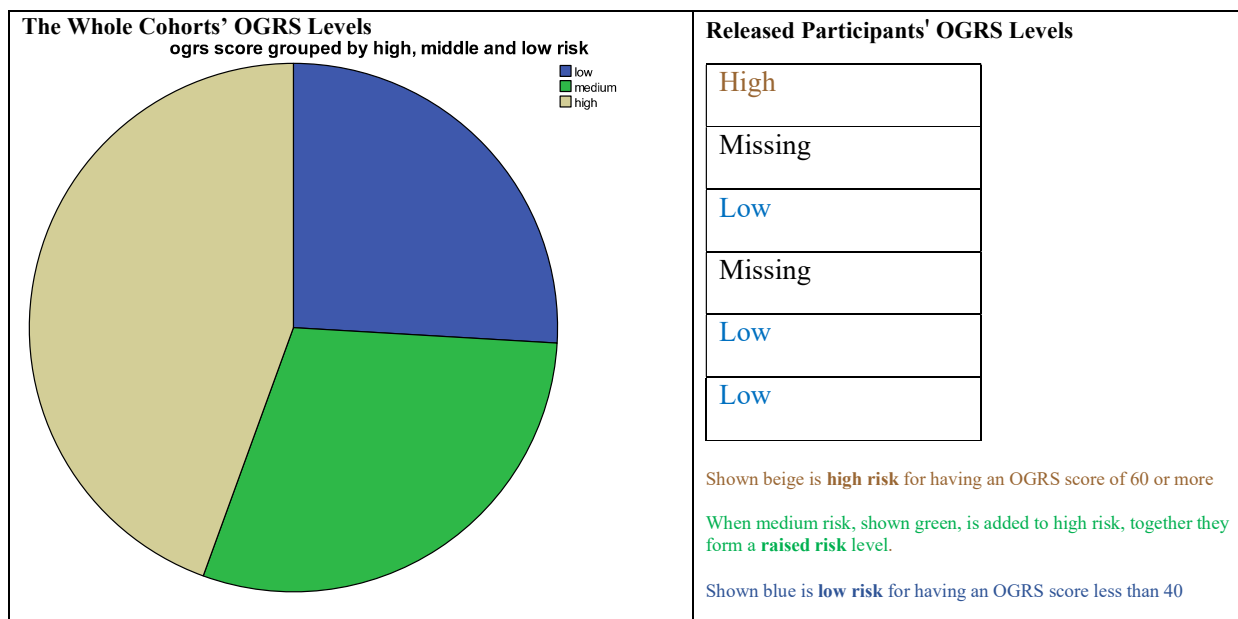


Fig. 4.3 The Whole Cohorts' OGRS Levels

6 of the cohort had been released from jail and were on post-release supervision, whilst the rest had received noncustodial sentences. This meant that 84% of the cohort had begun probation without having received a prison sentence as part of their current sentence, whilst 16% were being interviewed having been released from prison within the last 10 months.

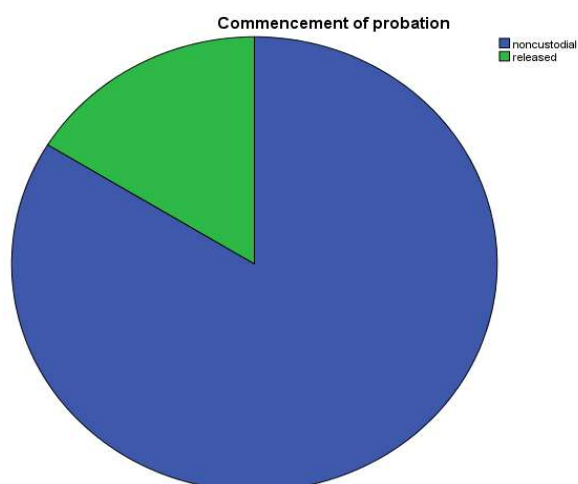


Fig. 4.4 Commencement of probation

### Social Exclusion

None of those who had just been released from jail cited a friendship grouping for themselves and only one cited any sort of group at all of which they were part<sup>42</sup>. Thus, release from jail appeared to be potentially related to being groupless, and particularly to being without a friendship group, suggesting that prison might disrupt membership of groups, and particularly friendship groups, risking social isolation. Whether this could be helpful or not to the life of an individual may depend upon the nature of any potential friendship, or other, group. In any event, the possible loneliness or sense of dislocation that might arise from lack of participation in a specific grouping could diminish quality of life, even if it perhaps provides an opportunity for more independent autonomous personal development and a stronger bond with wider society beyond a narrow grouping.

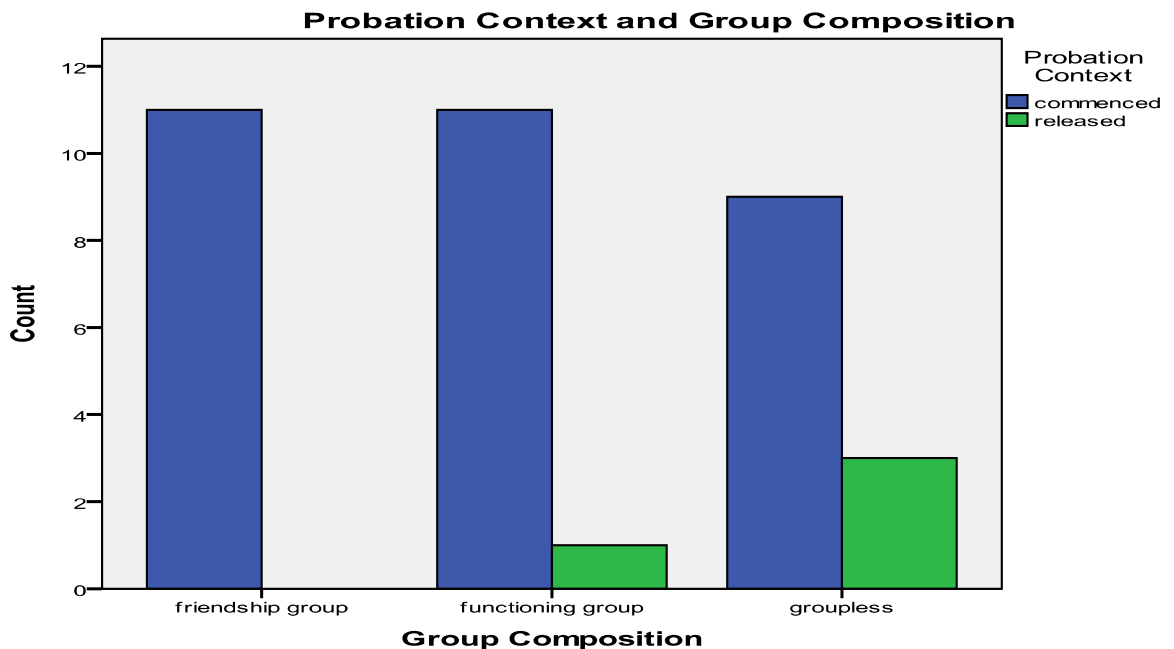


Fig. 4.5 Probation Context and Group Composition

<sup>42</sup> Participants were asked to choose a group of which they were a part



The possibility of grouplessness enhancing such a broader bonding and more autonomised development seemed particularly pertinent to friendship groups. None of those in a friendship group had a low offending risk, suggesting a possible connection between offending and having a friendship group to prioritise. In this way, just as loneliness might brutalise life, so might friendship groups that disregard wider society.

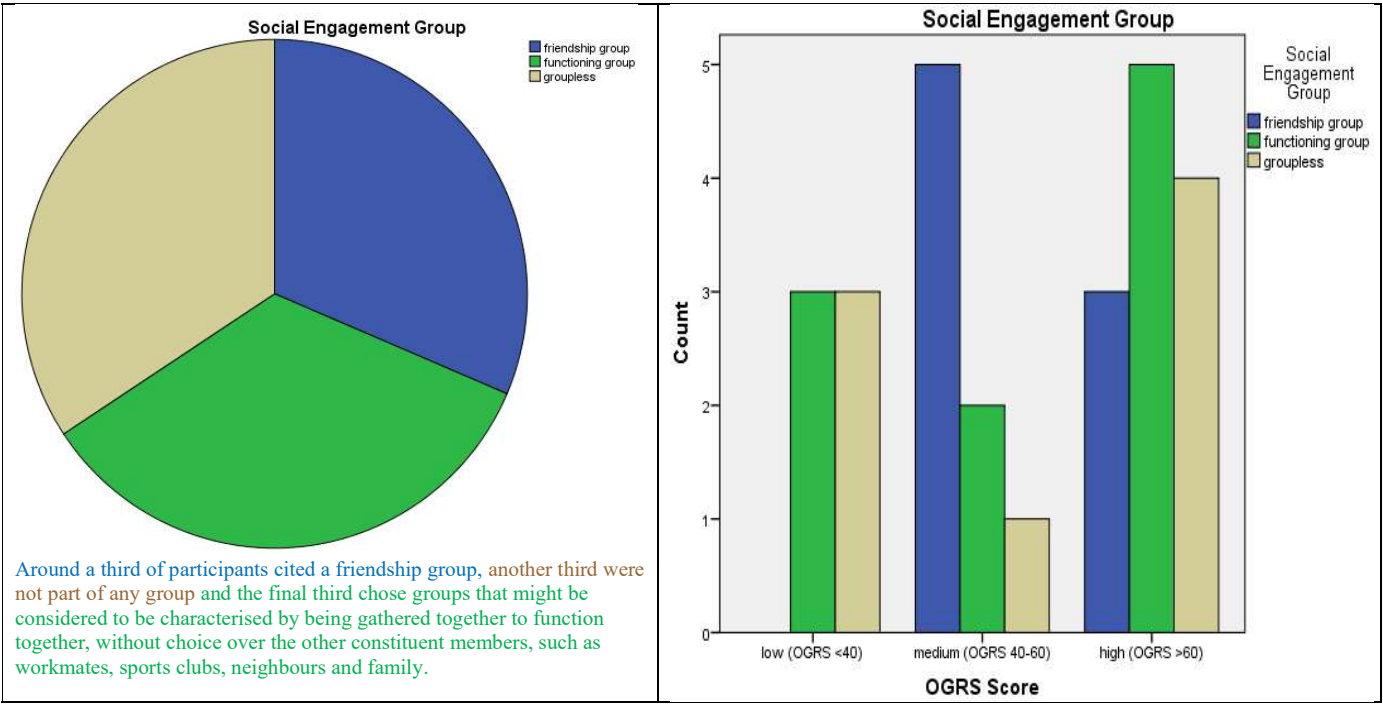


Fig. 4.6 Social Engagement Group

Groups that represent the functioning of wider society, such as workmates, are perhaps the most useful. Indeed, the only functioning group individuals with a low offending risk were those who picked their workmates as the group of which they were part. However, workmates alone seemed insufficient to achieve that low risk, as this group also included nearly as many individuals with a high risk. In this way, just as worklessness, and its attendant absence of workmates, could brutalise lives, the nature of work, and the mates within it, might also do so.

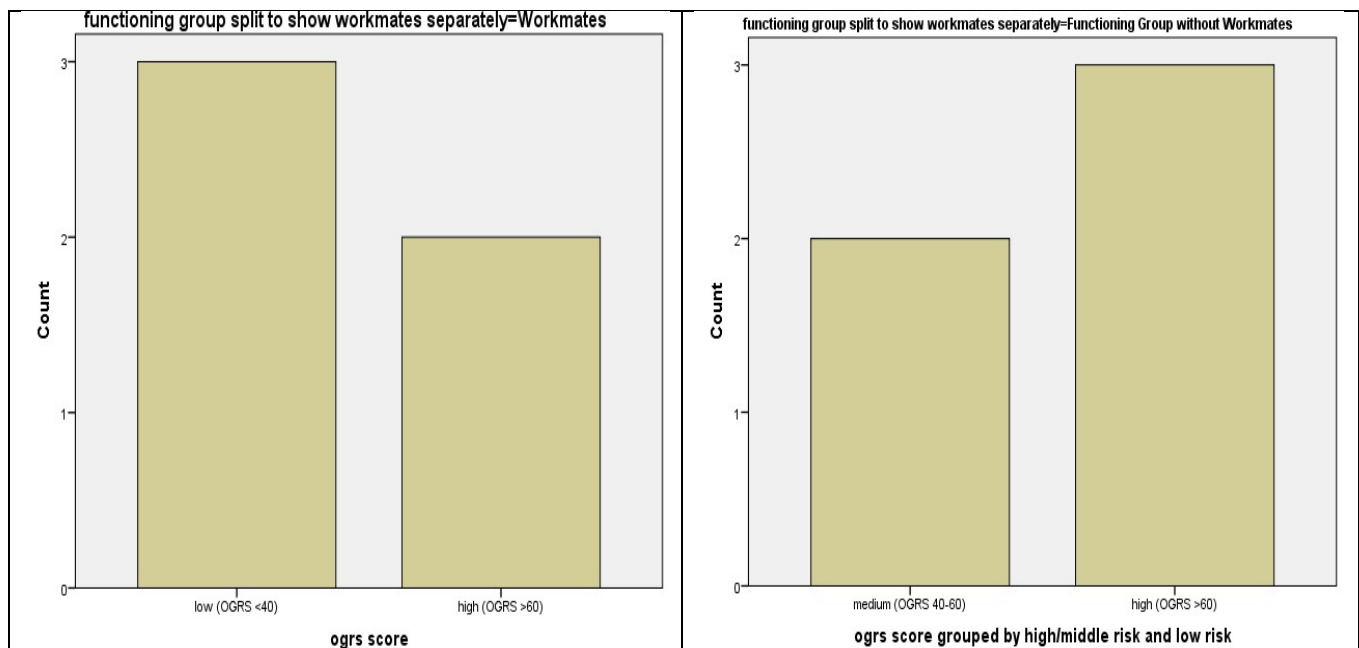


Fig. 4.7 Functioning Groups

Thus, expecting and facilitating work for everyone, might need to ensure that all work truly represents an active socially engaged autonomous positive part in society.

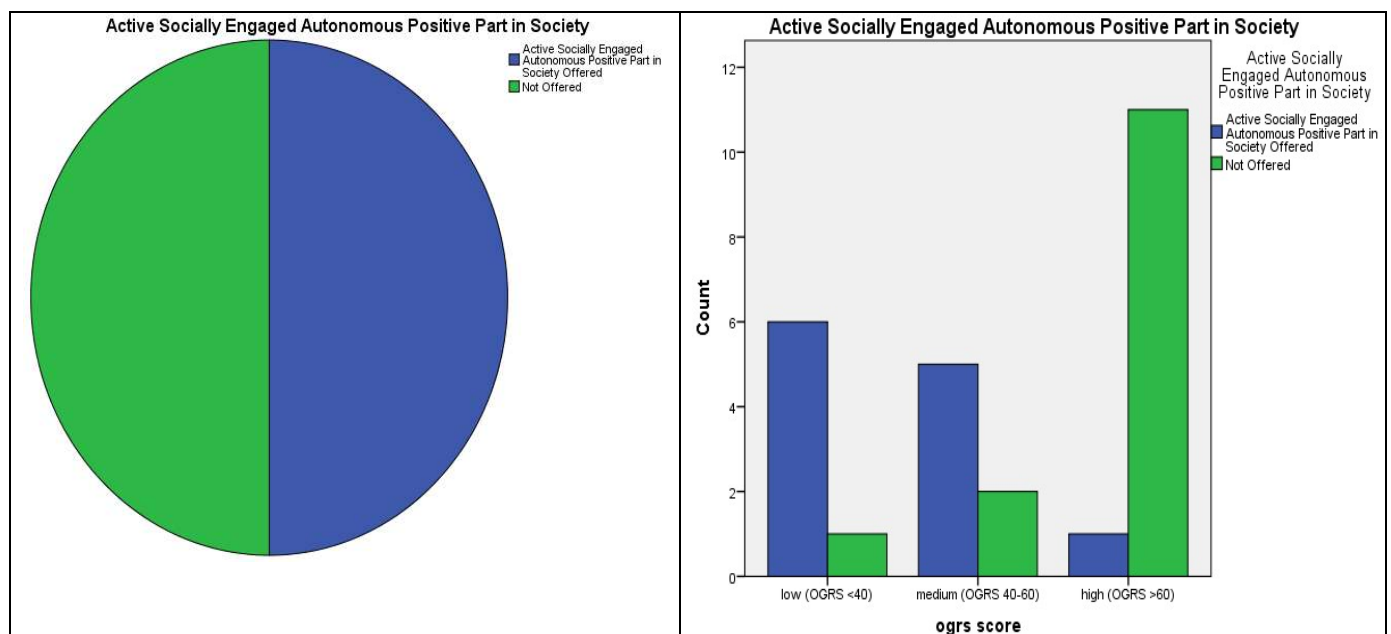


Fig. 4.8 Active Socially Engaged Autonomous Positive Part in Society

It seems to be this active socially engaged autonomous positive part in society that is most protective. All but one of the participants with a high OGRS score did not offer it, whilst all but one of the participants with a low such score did<sup>43</sup>. This perhaps suggests that brutality might be related to a failure to offer an active socially engaged autonomous positive part in society of some sort, while, perhaps, endorsing the need to ensure that work does not run brutally counter to playing that positive part. If people are to play that positive part it seems logical to ensure they are fully prepared to manage that role in its broadest sense, which might require a more comprehensive life-based course and certificate than that which might be delivered piecemeal in school at the moment<sup>44</sup>, endorsable for re-acquisition when needed. Taking this educative approach to lapses in citizenship, possibly launched with a valuing rite of passage into adulthood to ensure individuals are ready for the responsibility therein and are clear when that responsibility commences, might be useful.

When participants were grouped according to their motivation to play this fully positive part in society, there appeared to be a potential universal applicability, which might further endorse the need to understand that, regardless of levels of overt brutality, motivation towards playing a positive part might exist, or be absent, equally in both the ostensibly law-abiding and those labelled ‘offender’. There was no relationship between motivation to play a fully positive part in society and level of offending risk. At every level of offending risk, the difference between those who claimed motivation to play a fully positive part in society, and those who did not, amounted to only one participant and, at every level, it was the lack of that motivation which exceeded the

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<sup>43</sup> When participants were divided into 2 equal Social Groups with regard to whether they offered an Active Socially Engaged Autonomous Positive Part in Society or not as per Variable 583

<sup>44</sup> ‘Citizenship’ is part of the National Curriculum but its components are not standardised nor universal

presence of that motivation, but by only that one participant<sup>45</sup>.

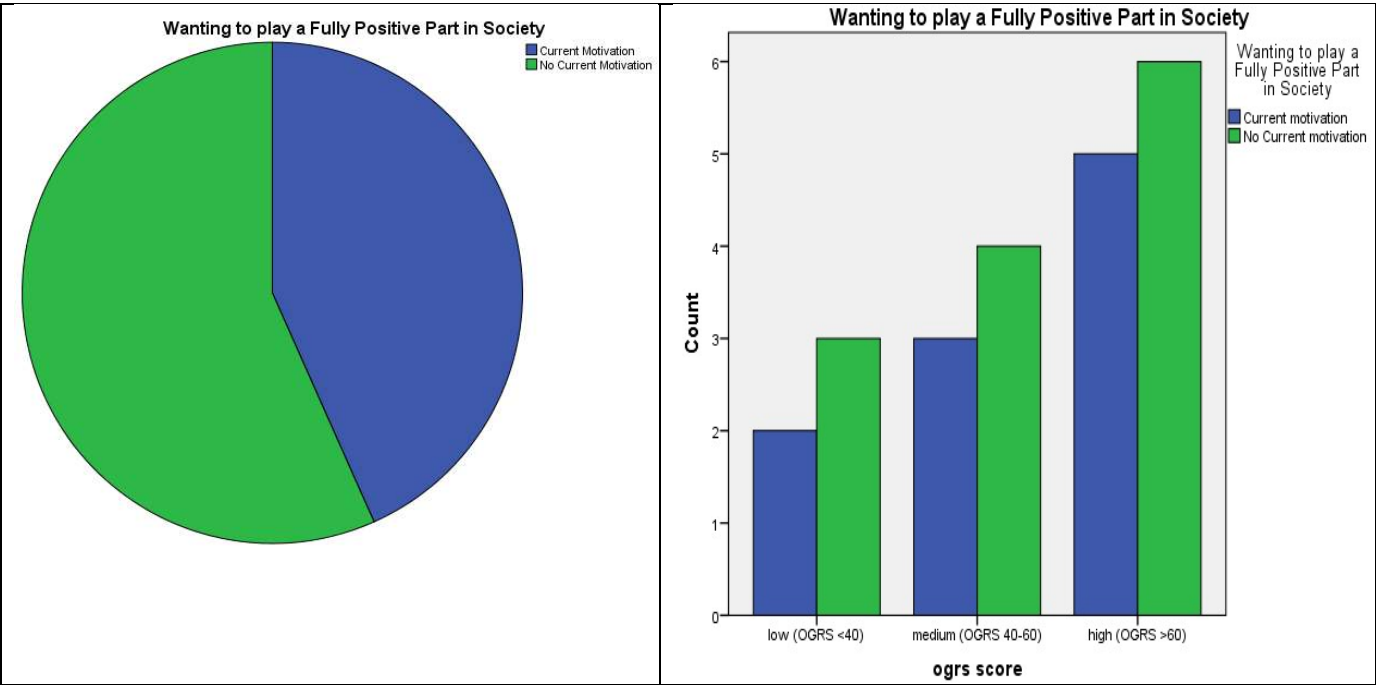


Fig. 4.9 Wanting to play a Fully Positive Part in Society

Thus, treating those who behave overtly brutally with the same respect for this motivation in them, as in those who do not behave overtly brutally, while, conversely, also being mindful that those without overt brutality might nevertheless be no more motivated to positivity than those labelled ‘offender’, might facilitate an égalité of treatment that might assist the sharing of de-brutalisation without anyone claiming moral superiority by virtue of the presence or absence of any label. This may never be more necessary than in arenas of public relevance, such as political debate, as much as over offenders' actions, where technologically monitored honesty on narrowly pertinent questions and actions and matters in both instances might be invaluable to a more authentic social inclusion and transparency in decisions. The risks and possible merits of

<sup>45</sup> See Composition of Variable 587 in the Categorisation Appendix

using technology monitoring are discussed in table 3.13.<sup>46</sup>

However, lack of motivation to play a fully positive part in society did appear to be linked with lack of autonomously engaged socialisation, with all those with ‘some’ or ‘much’ lack<sup>47</sup> of the latter also lacking the former. Furthermore, 86% of those with ‘much’ such lack had no current motivation. The converse to this last did not seem to be true, however, perhaps suggesting that autonomous engagement with society may be a prerequisite for wanting to play a fully positive part in society but insufficient alone to achieve it.

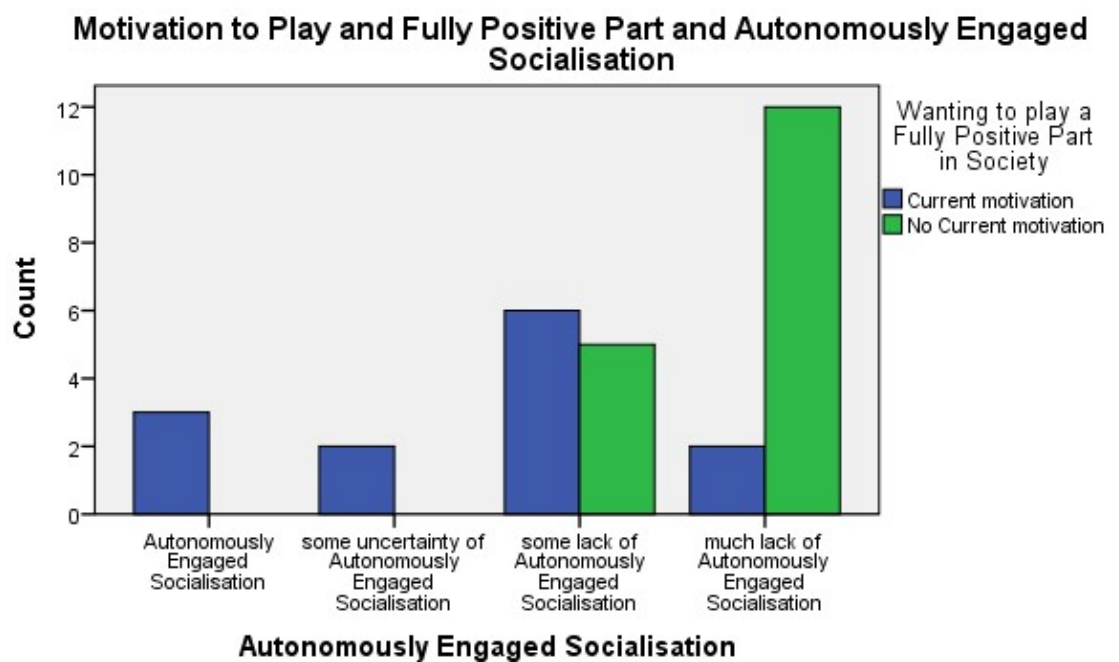


Fig. 4.10 Motivation to Play a Fully Positive Part

Nurturing autonomous engagement with society might require improving any sense of having a shared social outlook with society amongst those who might feel excluded and

<sup>46</sup> See Table 3.13 in Chapter 3

<sup>47</sup> See Composition of Variable 588 in the Appendices

torn from it. 86% of those with a low OGRS score had a shared social outlook, in terms of believing that a mutuality of interest existed between themselves and society.

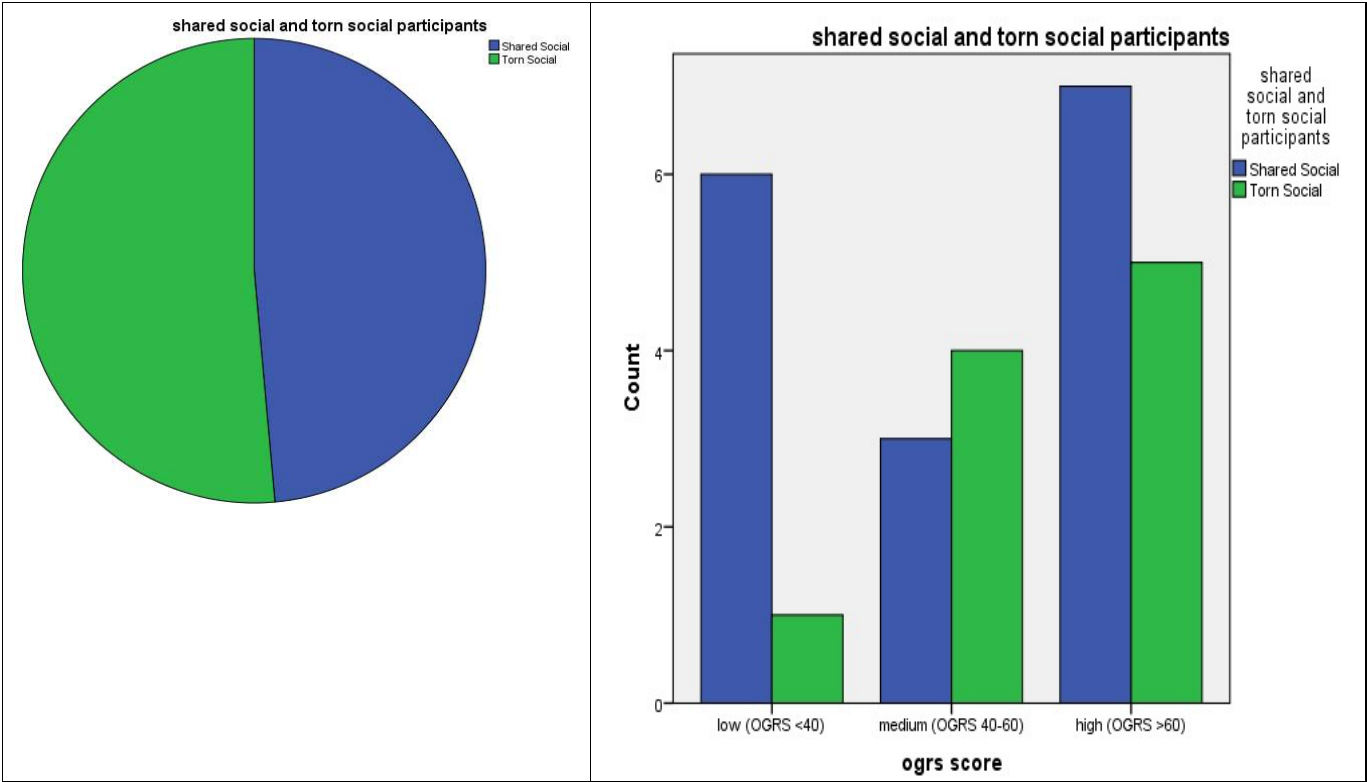


Fig. 4.11 Shared Social and Torn Social Participants

Without a belief in mutuality of interest it might be difficult to inspire individuals to take part in society, rather than undermining it. In fact, since all participants appeared to ultimately embrace a shared social outlook, once they got old enough, it may be a case of nurturing this outlook sooner rather than later, as well as doing it in terms credible to younger people. The whole of the 9-year age band of 45 to 53-year olds, the oldest age group to be asked this question, fell into the shared social grouping, while a torn social outlook<sup>48</sup> appeared to be related to youth.

<sup>48</sup> Defined as considering themselves to lack a mutuality of interests with society

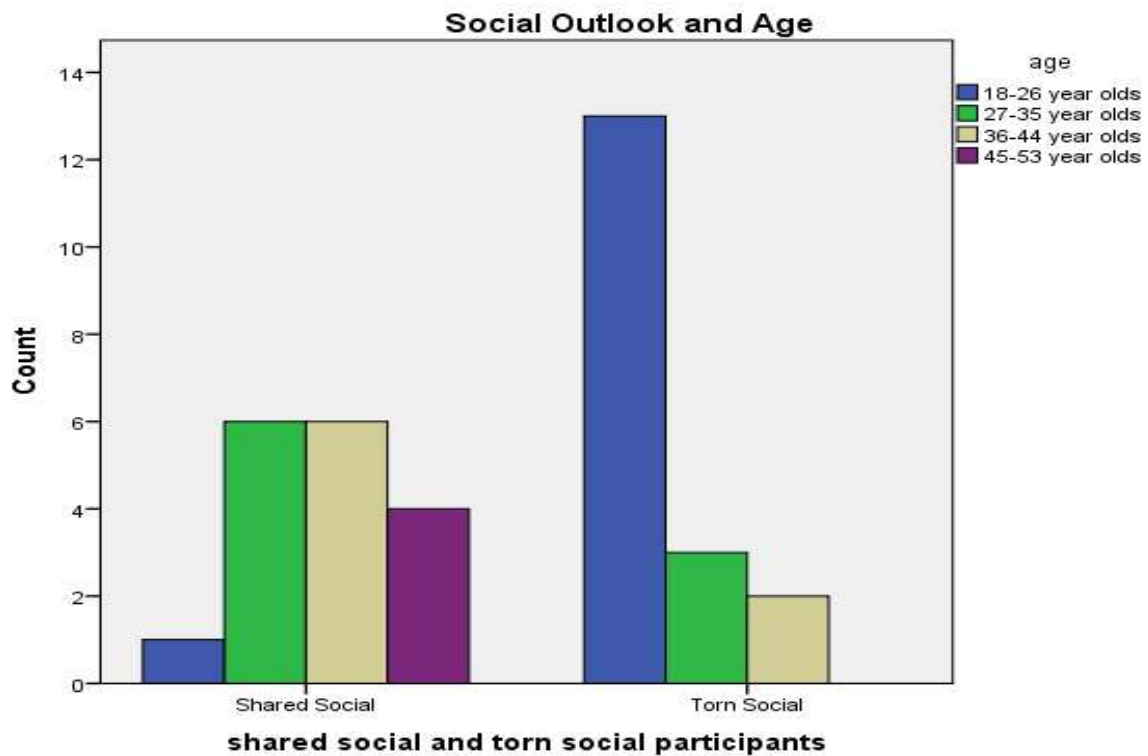


Fig. 4.12 Social Outlook and Age

Despite the fact that the most populous 9-year age band of participants was the youngest age band of 18 to 26 years, with 14 of the 37 participants falling into this age band, only 1 of that age band fell into the shared social grouping. If young people lack a sense of shared social interest, they may not feel incentivised to achieve their full potential within society or to play a positive part in improving society. Since opportunities to fulfil potential could be critical in youth, where educational, physical and psychological development is critical to future prospects, and a ‘window of opportunity’ exists (Football Association Youth Award 10:2009), and since the acquisition of a criminal and punishment record in youth can devastate future opportunities, the importance of improving a shared social outlook in young people from the earliest possible age seems clear.

This opportunity may be maximised if individuals think they have something they can offer society. Those with a shared social outlook appeared more likely to think they had something to teach society, with 65% of those with a shared social outlook also having a gifted social outlook<sup>49</sup>. Conversely, only 44% of those with a torn social outlook appeared to think they had something to teach society.

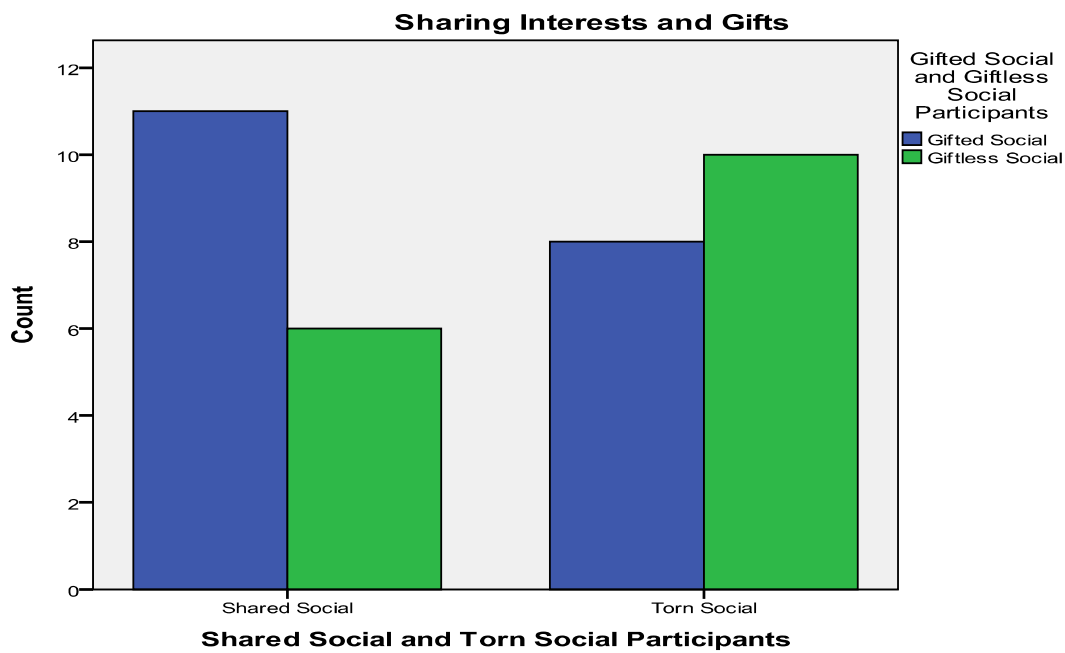


Fig. 4.13 Sharing Interests and Gifts

This could suggest that developing the appetites and aptitudes of individuals, using their drives and potential to facilitate their capacity to contribute their gifts to society, may help foster a shared social outlook. It might also endorse the existence of a relationship between the wasted potential, that failing to develop such gifts may represent, and the inherent harm of a torn social outlook and the criminality to which it might lead.

<sup>49</sup> Namely they had named something they could teach in response to the question ‘What do you think society can learn from you?’, while those who had not been able to name anything were classified as Giftless Social



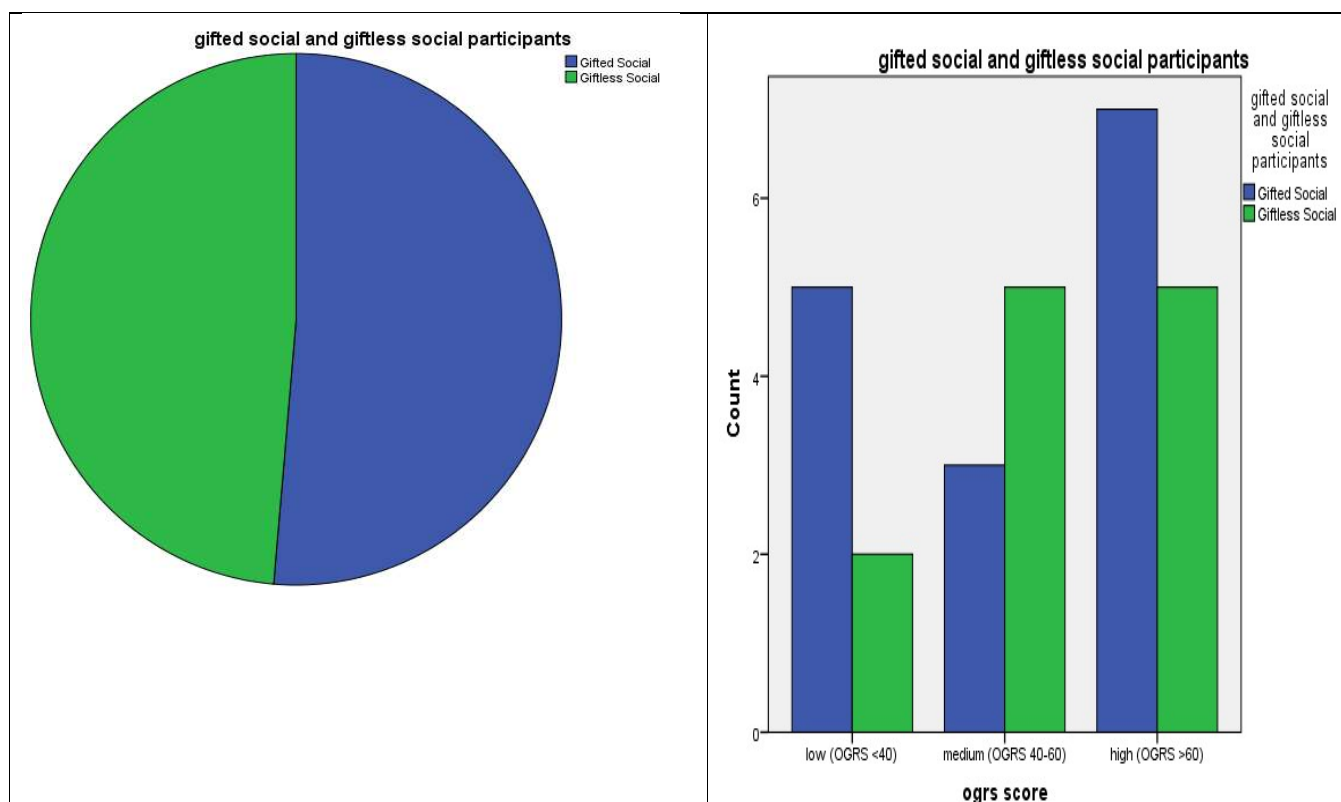


Fig. 4.14 Gifted Social and Giftless Social Participants

Only 17% of those with a giftless social outlook<sup>50</sup> had a low offending risk, while the remainder had a raised such risk. Since the group with the highest proportion of gifted social individuals, at 71%, had the lowest OGRS scores, it could endorse the case that offending is related to feeling giftless within society, in turn endorsing the notion that crime may be related to wasted human potential and its inherent harm. It is this concern that leads the researcher to suggest the need to ensure that all children have a full-range of opportunities, by enabling this to be funded-in-kind for all young people. Failing to nurture the appetites and aptitudes of individuals from the earliest point, to avoid this waste and harm, is perhaps a grave and highly preventable brutality.

<sup>50</sup> Defined as considering themselves to lack a gift they are capable of contributing to society

## Punishment

Punishing those whose lives might have already been wasted and harmed seems to compound that initial brutality with the further brutality of punishment, that could lead to yet more brutality through offending. A situation perhaps reflected by the way punishment levels<sup>51</sup> appeared to be strongly linked to degree of recidivism risk, for, as OGRS score rose, so did the proportion of individuals who viewed their punishment level as above a halfway central point<sup>52</sup>. The converse was also true. Although this could simply be a symptom of the fact that those with a high OGRS score were likely to have received more punishment more often, it may also suggest that experiencing punishment as high might increase the risk of an individual offending. If it is the case that individuals who consider themselves to have been more highly punished are more likely to offend, then this might underline the importance of sharing de-brutalisation *with* individuals, rather than imposing punishments *upon* individuals.

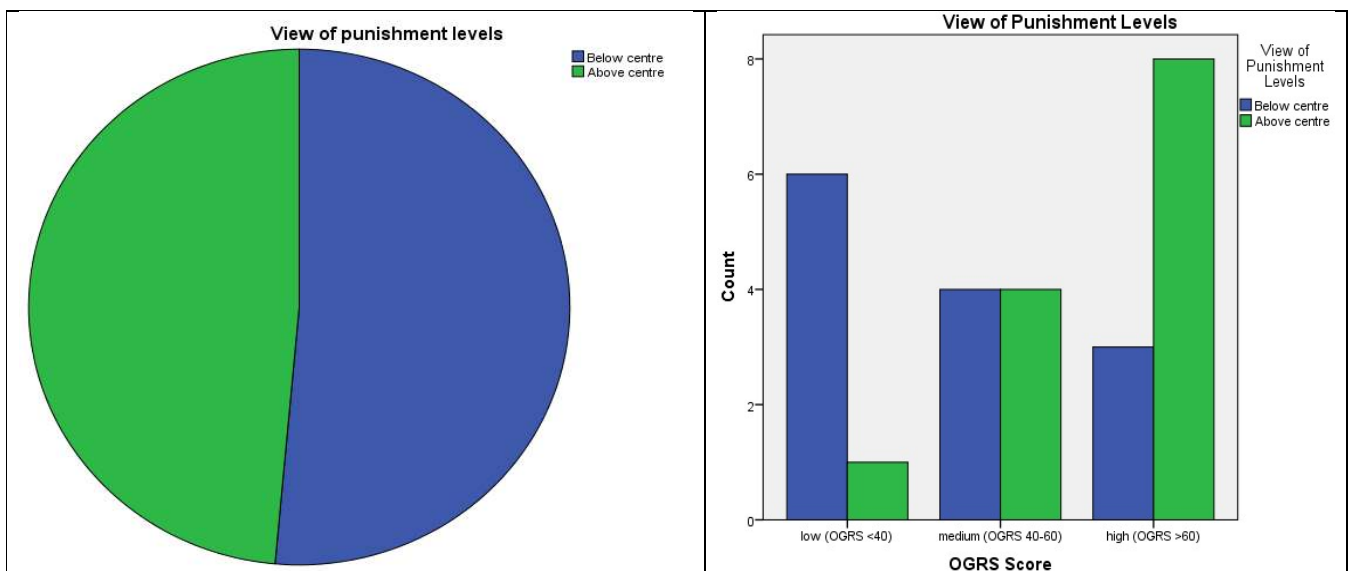


Fig. 4.15 View of Punishment Levels

<sup>51</sup> In terms of the question 'How often are you punished for criminal activity.'

<sup>52</sup> Halfway being where individuals said 'fifty fifty' or otherwise appeared to create a 2.5 score on a 1-4 scale where 1 is a little or very little and 4 is a lot

The risk posed by placing people in a position where they feel frequently punished seemed to be endorsed by the way in which those who sought to punish others more frequently, also appeared to feel punished more frequently themselves. Only one participant who sought to punish others more frequently (ie above fifty fifty) did not feel punished frequently (ie above centre). 86% of those who sought to punish others more frequently felt punished frequently themselves (ie above centre). This suggested that being punished could feed an appetite for punishing others.

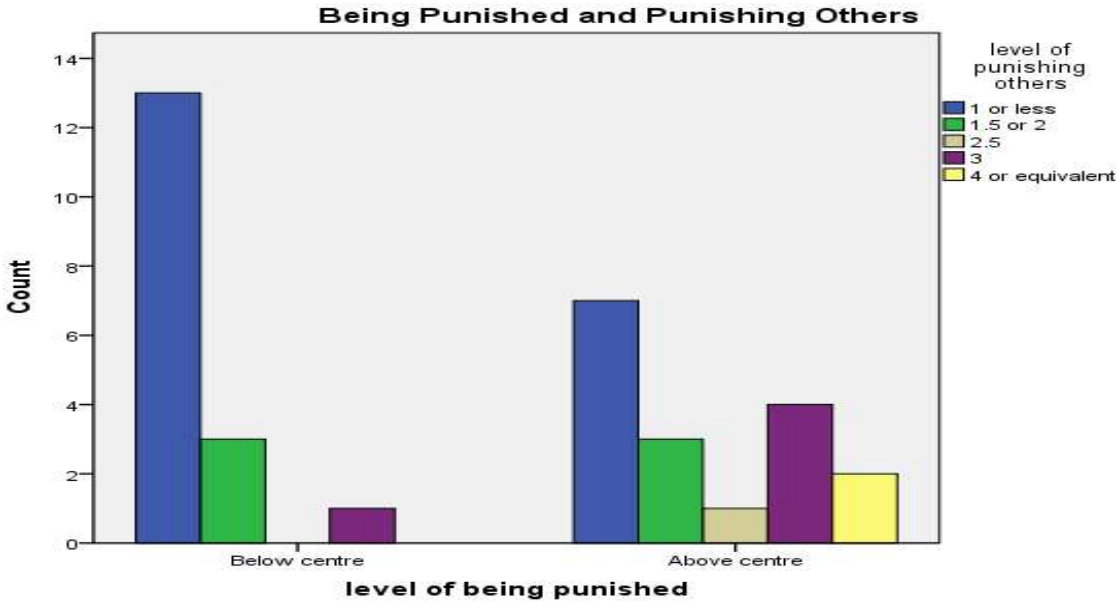


Fig. 4.16 Being Punished and Punishing Others

Furthermore, only one of the participants without a desire to punish those who had harmed them felt frequently wronged (ie above centre)<sup>53</sup>, while only one participant on the victim-side of the crimino-victim scale (ie coloured purple or yellow below) was without a desire to punish others. The sense of being wronged or victimised, just as with

<sup>53</sup> How often do you think other people do you wrong, on a 1-4 scale, those giving 3 or 4 or equivalent were above centre, those giving 1 or 2 were below centre and One participant created a halfway point for himself

feeling punished, seemed to feed an appetite for punishing others. Brutality seemed to feed counter-brutality.

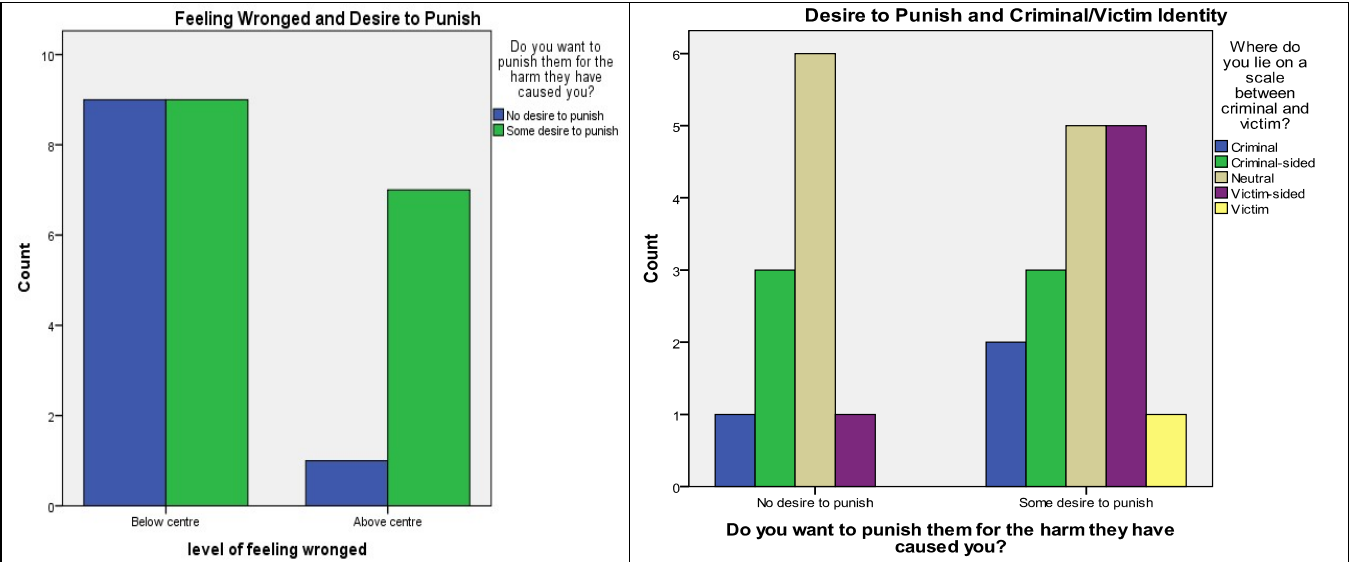


Fig. 4.17 Feeling Wronged/Desire to Punish

Therefore, just as anachronising punishment might be important to de-brutalisation, so might addressing anyone's sense of feeling victimized or wronged.

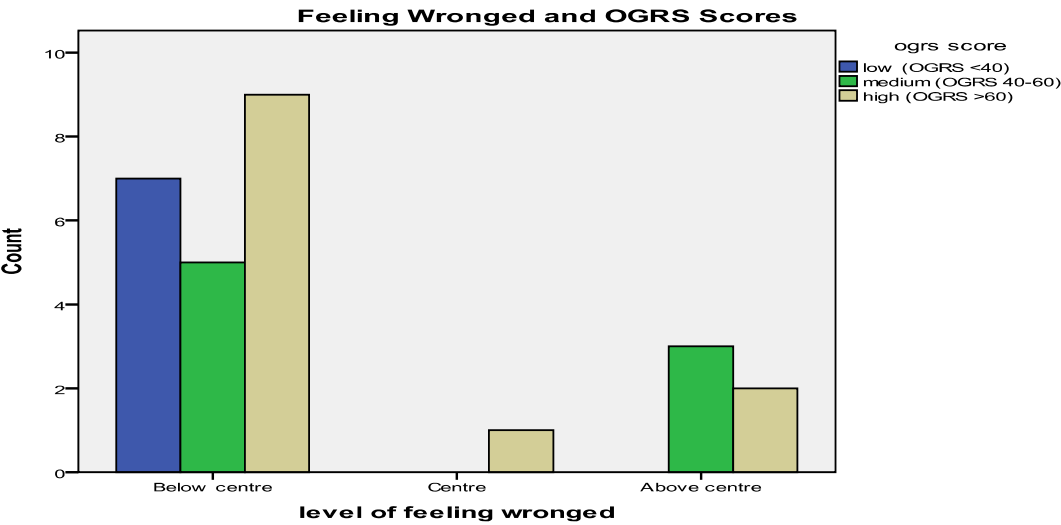


Fig. 4.18 Feeling Wronged and OGRS Scores

Indeed, all those with a low offending risk felt *infrequently* wronged, perhaps signifying that minimising wrongs might cyclically minimise more wrongs. 69% of participants thought others had wronged them and 85% acknowledged they had wronged others to at least some extent. Addressing wrongs with this understanding, that they may act reciprocally in generalised, though not necessarily personalised, ways, might be far more useful than creating more sense of wronging by punishing wrongs.

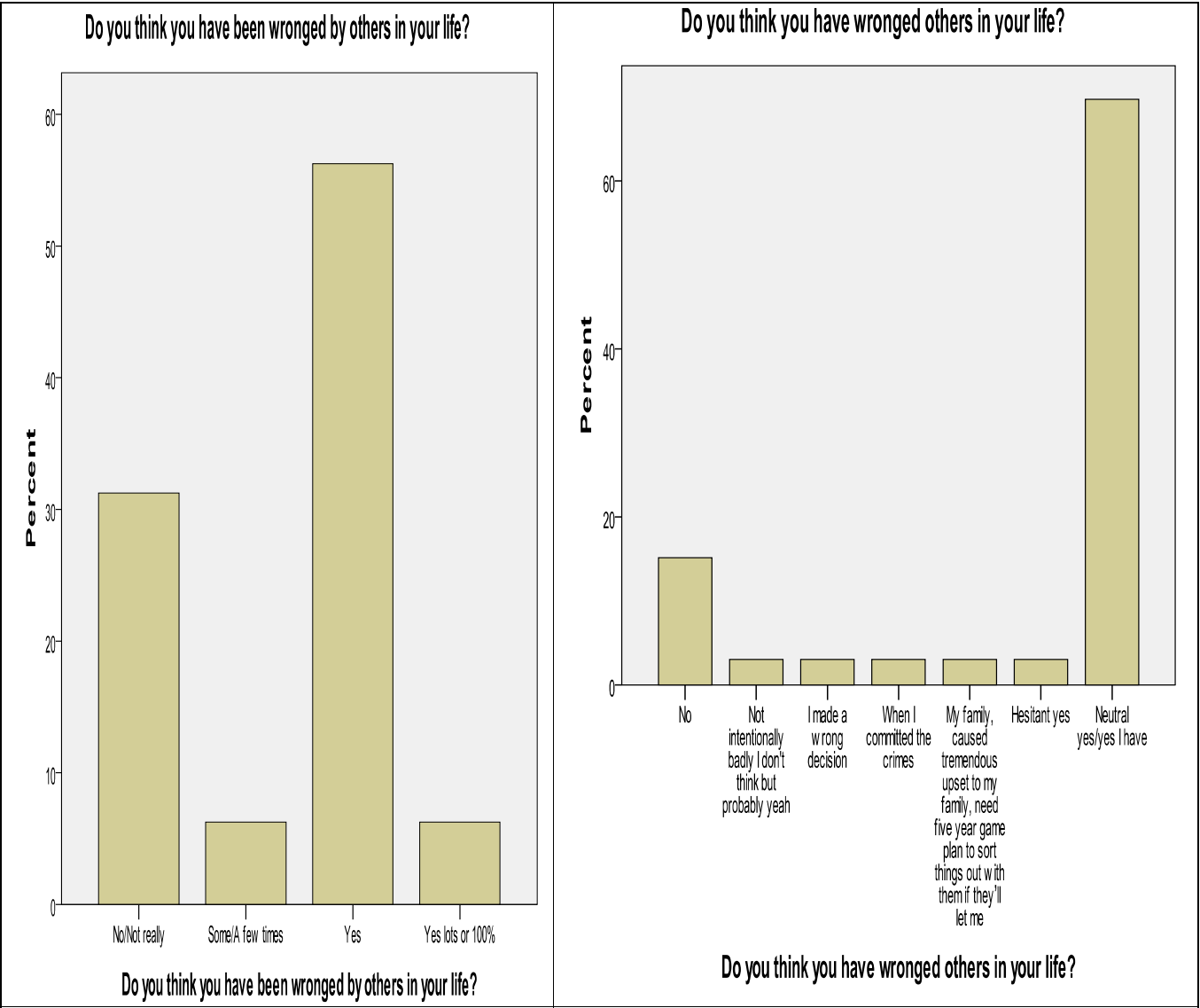


Fig. 4.19 Do you think you have been wronged by others in your life?

Society's reliance on punishment while allowing wrongs to persist, might simply increase brutal conduct.

**Lack of Rules-Protection**

Punishments could feel particularly wrong when the individuals that are being punished do not feel that they are being protected by the very rules under which they are being punished. If rules are to be legitimate, they surely need to ensure that everyone is protected by them. In this regard, though nearly all participants believed rules were theoretically *useful*<sup>54</sup>, only around half actually *trusted*<sup>55</sup> rules.

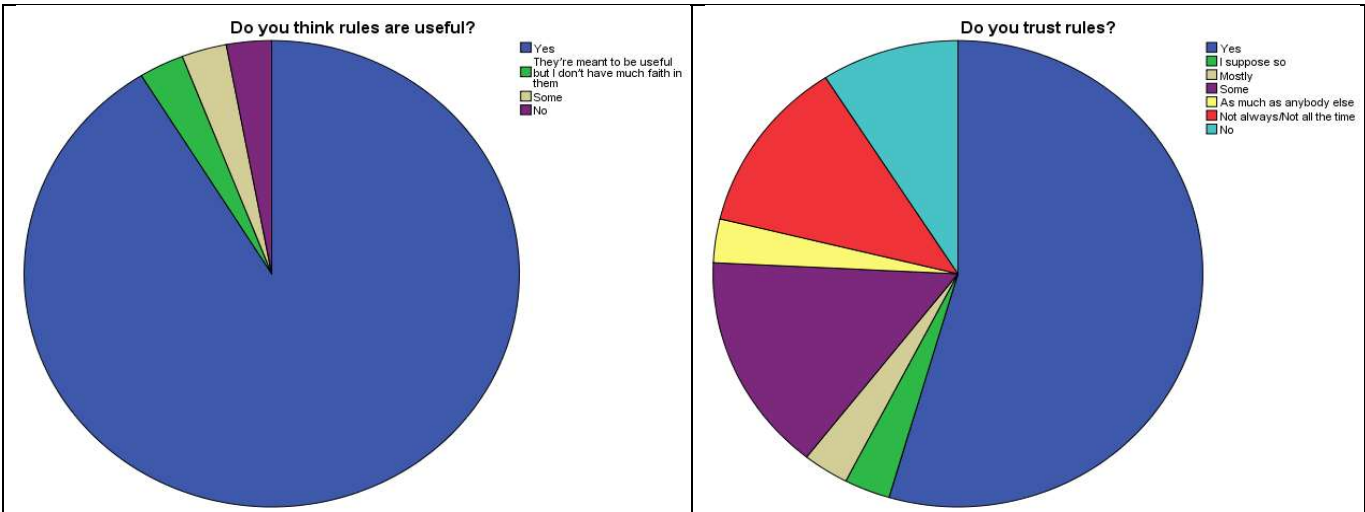


Fig. 4.20 Do you think rules are useful?

It was this trust that appeared to be related to feeling protected by rules, not offending, which perhaps suggests a sense among individuals at large that rules may not protect them, regardless of any offending risk. 89% of those who trusted rules thought that rules protected them, but only 31% had a low offending risk.

<sup>54</sup> See 'Yes' in blue on the pie charts above

<sup>55</sup> See 'Yes' in blue on the pie charts above

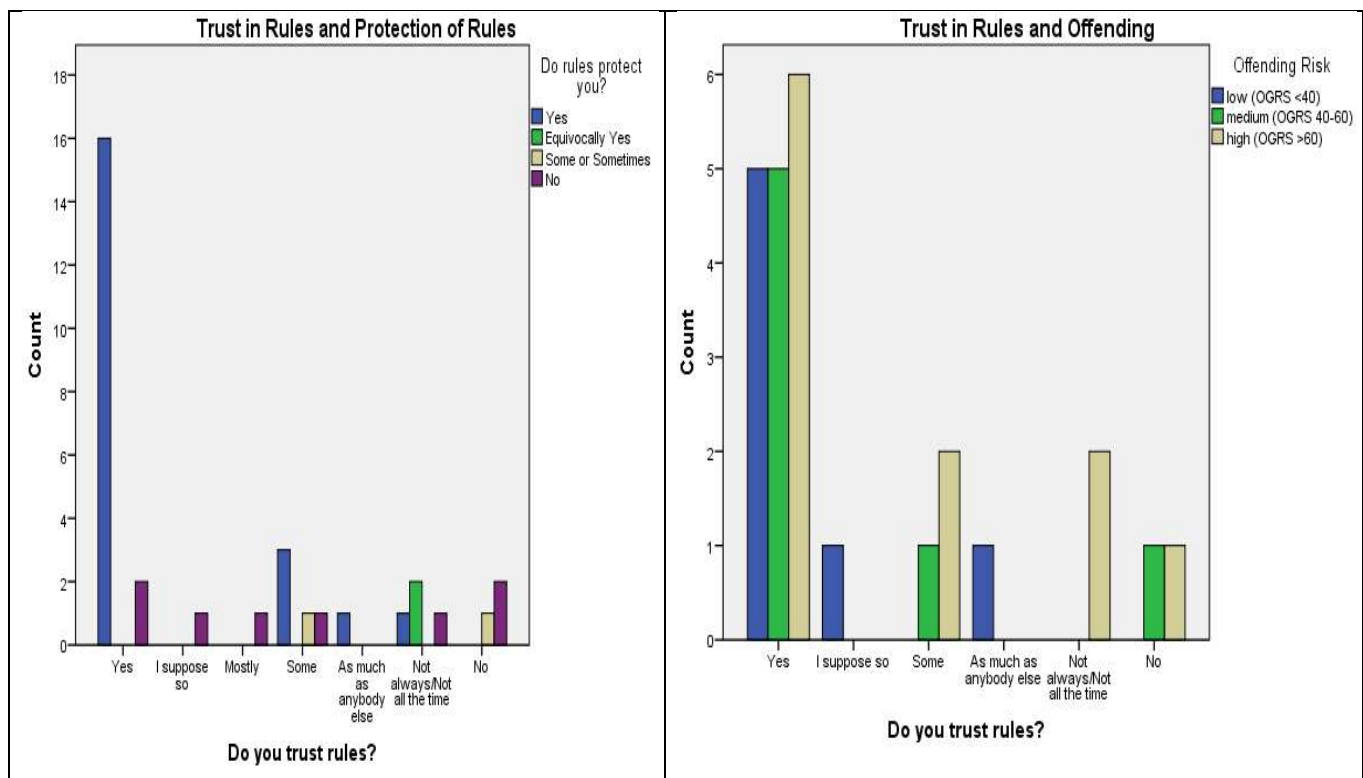


Fig. 4.21 Trust in Rules

Therefore, enhancing trust in rules, such as by ensuring they consistently protect everybody equally, could be what is important universally to developing any sense that rules serve the interests of all. Without this consistent equality of rules, they might simply represent another way in which those who wield them can legitimise any brutalisation of those subject to them.

Just as a sense that rules are no protection seemed unrelated to offending risk, likewise wanting to adhere to them also did. Just over half of participants who only wanted to be **partially** law-abiding, within any perfect life they envisioned for themselves, had a high risk of recidivism, while just under half of those who wanted to be **completely** law-abiding did. Similarly, just under a quarter of the only **partially** law-abiding had a low

risk of recidivism, while just over a quarter of the **completely** law-Abiding did<sup>56</sup>. Thus, decisions over being completely or partially law-abiding appeared, perhaps, applicable more universally than narrowly to offending risk. This could endorse the need to build broader public willingness to respect rules, as well as to build broader public trust in the rules themselves.

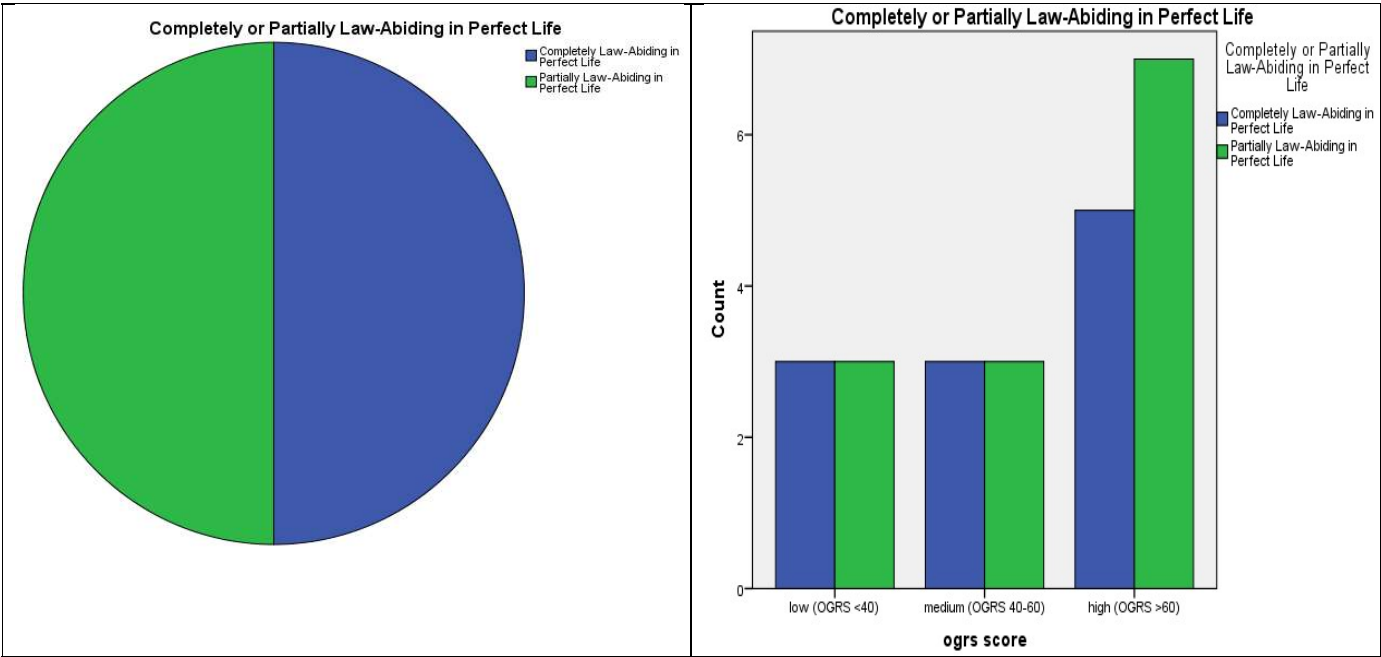


Fig. 4.22 Completely or Partially Law-Abiding in Perfect Life

Willingness to respect rules might hinge upon feeling one is able to affect those rules. There appeared to be evidence of some cynicism in this regard, exemplified by the participant who said ‘never going to happen, one person can't change the world’.

**Harm-Insensitivity**

Just as there may be public cynicism towards rules, there might also be public cynicism towards causing harm. In this regard, whether participants thought that calling ‘crime’

<sup>56</sup> See Composition of Variable 586 in the Categorisation Appendix



‘harm-causing’, instead of continuing to call it ‘crime’, would ‘put them off offending’ to at least some degree or not, including whether such an alternative naming would be irrelevant to them or even make crime more desirable, appeared unrelated to their criminal risk. Thus, insensitivity to harm could be as widespread amongst the ostensibly law-abiding as amongst those labelled law-breakers, potentially endorsing the proposition that disregard for harm might be as endemic to society as a whole, as it is to crime. This could suggest that the whole of society could benefit from acknowledging unacknowledged brutalities, as well as from being better sensitised to harms more broadly than those labelled as crimes.

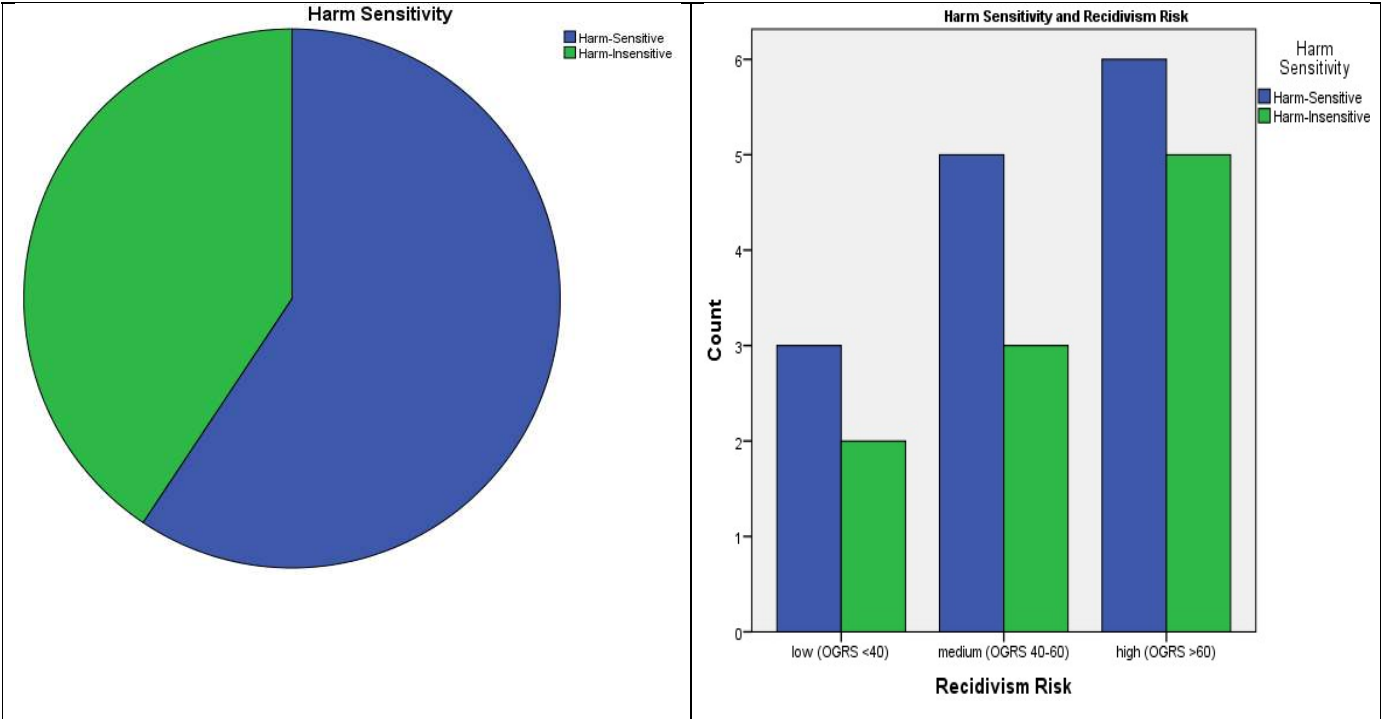


Fig. 4.23 Harm Sensitivity

Having said that, there did appear to be a universal potential to be mindful of harm. Causing harm mattered to all the participants to at least some degree, although one doubted\*\* he had actually caused harm and another 8\*\* said that causing harm had not

mattered to them at the **time\*\*** they caused it. Therefore, raising awareness of what causes harm, as well as placing, right at the heart of society, the notion that causing harm matters, might be vital to addressing the brutality of preventable harms.

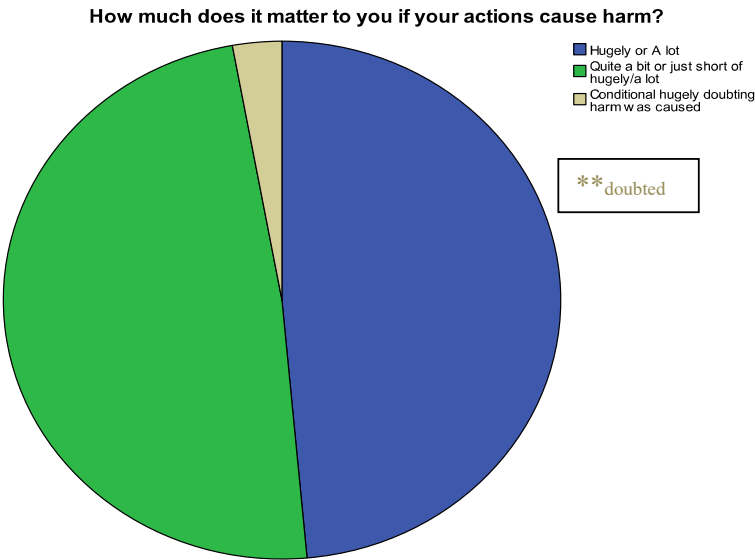


Fig. 4.24 How much does it matter to you if your actions cause harm?

Participants cited a variety of reasons for causing harm, namely **problems**, **emotions**, **moralities**, **lack of understanding**, **substance use** and **harming contexts\*\***. Their offending appeared to be related to this harm-causing, even though it had not seemed related to insensitivity to harm.

**So why is it that you have caused harm?	F
1=I don't actually believe I ever cause any harm. I am not a harmful person,	n/a
2=it's just the shopkeepers' pocket, to me they're insured and I need to survive as well and help others by selling them stolen goods too,	1
3=I didn't realize and blocked out that I was causing harm, but I realize at the moment and hopefully that will last,	1
4=not thinking or on impulse or heat/spur of the moment or thinking about something else or not thinking till after the event,	1
**5=causing harm didn't matter to me at the time,	**7
6=I am classed as a nuisance so I'm not given a chance now and if I'm in the wrong mood I just do things on the spur of the moment,	1
7=lost control of my temper and got angry,	1
8=don't know,	1
9=under the influence of or because of substance use,	1
10=I was out of control because of my upbringing,	3
11=it wasn't an active decision on my behalf to go and cause harm, it affected me so not just everything else but it affected me as well,	1
12=being an idiot, didn't realize at the time that I was causing harm and under the influence of and used substance,	1
13=chaotic uncared for upbringing,	1
14=because I was a victim of crime I decided to commit crimes myself,	1
15=didn't know I was causing harm, thought it normal, had drugs in my system, victim was partly to blame, my upbringing and hers,	1
16=with a record there's no way out, the law won't help you, you've no other life, nothing else, no income, just lawbreaking skills,	1
17=overwhelmed, angry, need to punish and be punished, feel let down and letting down, get no praise, want to beat,	1

18=stupidity and under the influence of and used substance,	1
19=it was out of my hands, I saw something wrong and I reacted violently,	1
20=young, hanging around with bad company and I wasn't thinking of the consequences,	1
21=upbringing, being bullied and becoming a bully, feeling that fighting was the only thing he is good at,	1
**22=I had problems and used substances and was numb to the outside world and didn't care for nobody nor self,	**1
23=heat of the moment and out of control,	1
**7+1 = 8 ie; the 8 for whom causing harm had not mattered to them at the time	

Tab. 4.5 So why is it that you have caused harm?

All those with a high OGRS score caused more than ‘not much’ harm<sup>57</sup> and all those who identified as ‘criminal’<sup>58</sup> caused ‘lots’ of harm, while neither of those who identified as ‘victim’<sup>59</sup> caused more than ‘not much’ harm when asked ‘What harm do you think you have caused in your life?’ and being offered the choice between ‘lots / a bit / not much / none’.

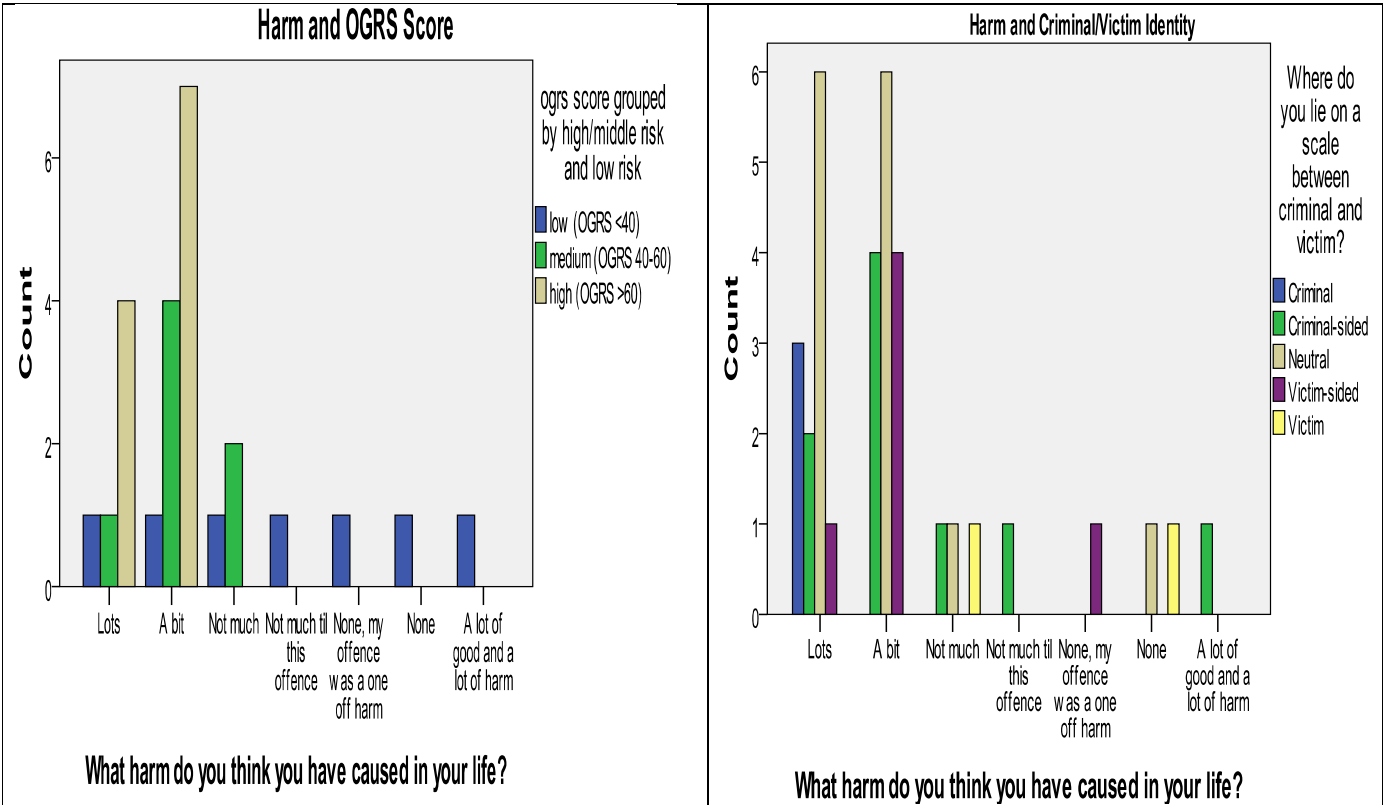


Fig. 4.25 Harm and OGRS Score

<sup>57</sup> When offered the options of Lots, A Bit, Not Much or None

<sup>58</sup> By placing themselves wholly at that end of the scale offered

<sup>59</sup> By placing themselves wholly at that end of the scale offered

Nevertheless, criminality did not always appear synonymous with harm for participants, with 1 in 5 citing harms they had caused which were not criminal offences<sup>60</sup>.

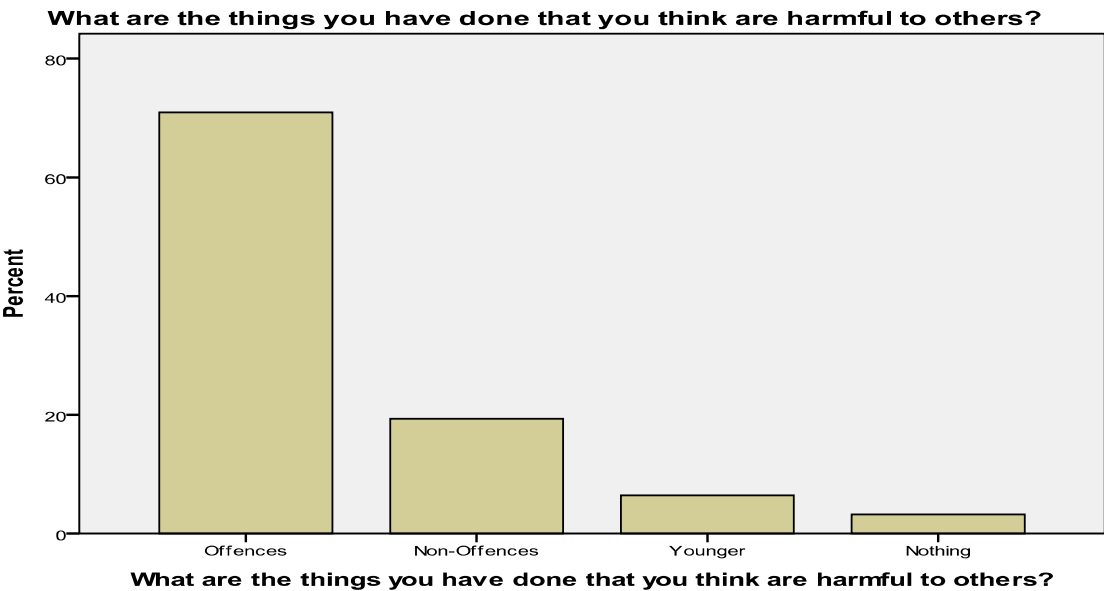


Fig. 4.26 What are the things you have done that you think are harmful to others?

Only one participant said that it had been specifically by re-offending<sup>61</sup> that he had harmed his own life in the last week, while around a third cited substance use<sup>62</sup>, including either, or both, illegal drugs and/or legal alcohol<sup>63</sup>. The inconsistency of the illegality of harm-causing drugs, when juxtaposed against legal alcohol, as well as the way in which harm was not always aligned with crime in people's minds, appeared to justify any sense of the vagaries of rules and their apparent lack of moral alignment with harming. This juxtaposition, and the size of the substance use problem, may suggest the

<sup>60</sup> When asked 'What are the things you have done that you think are harmful to others?' and shown as Non-Offences in the graph

<sup>61</sup> Shown in yellow on the pie chart

<sup>62</sup> Shown in purple on the pie chart

<sup>63</sup> Drugs and/or alcohol, but not cigarettes, are always what is treated as substances for the meaning of Substance Use and/or Abuse, only including tobacco when smoking other drugs is implied to be part of that.

need to manage drugs in a way that permits functioning while using, such as through sufficient medication and regulated access, which takes drugs out of criminal hands.

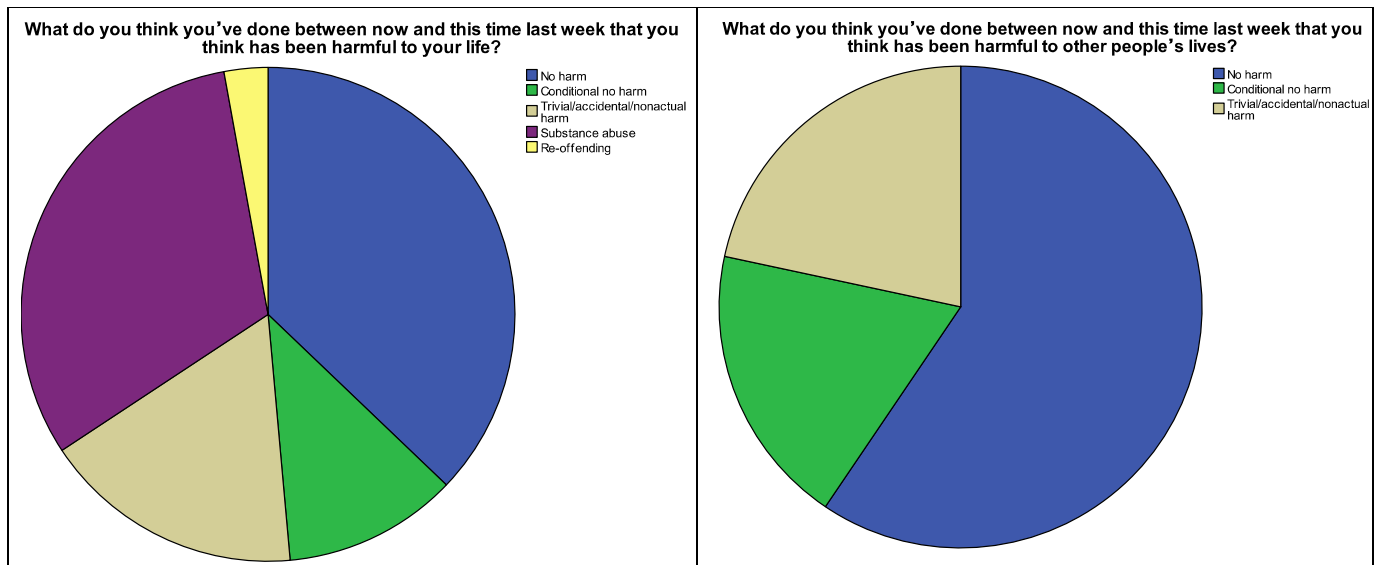
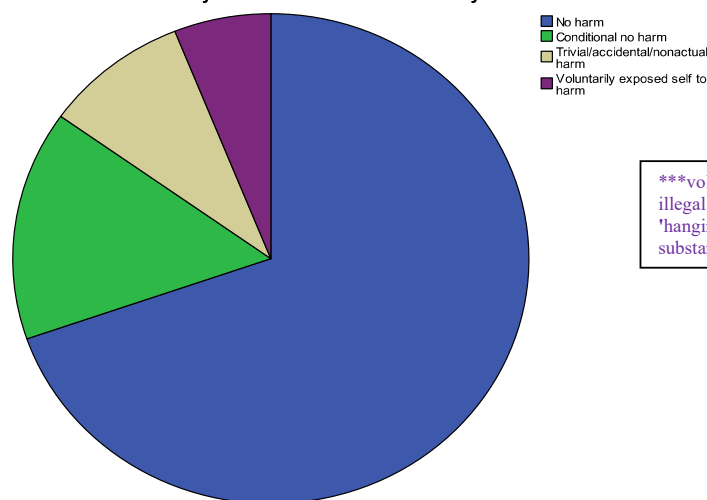


Fig. 4.27 What do you think you've done

The remainder of the participants, namely those who had not cited **re-offending** nor **substance use**, did not cite causing themselves any meaningful harm, stating **no harm** or only **conditional harm** or **trivial harm** to themselves. However, no one at all cited meaningfully harming others in the last week, though two participants did claim others had harmed them over the same period. When these claims of being harmed by others were examined, none of the claimed meaningful harm appeared to be direct and actual harm. Instead, it appeared to be harm to which participants had exposed themselves voluntarily, namely by allowing others to sell illegal substances *to them* or by they *themselves* ‘hanging around’ with people taking those illegal substances\*\*\*. Thereby, personal responsibility was not taken for any harm allegedly recently inflicted upon them and that harm all involved substance use.

What do you think other people have done between now and this time last week that you think has been harmful to your life?



\*\*\*voluntarily, namely by allowing others to sell illegal substances to them or by they themselves 'hanging around' with people taking those illegal substances.

Fig. 4.28 What do you think other people have done

92%<sup>64</sup> of those who said they had caused lots of harm, said they had been caused more than a midpoint<sup>65</sup> of harm themselves. In the same way, 85% of those who had been caused lots of harm had also caused more than a midpoint of harm. This could indicate a relationship between causing harm and being caused harm, which might suggest that addressing the harm in people's lives might help prevent them causing harm in turn.

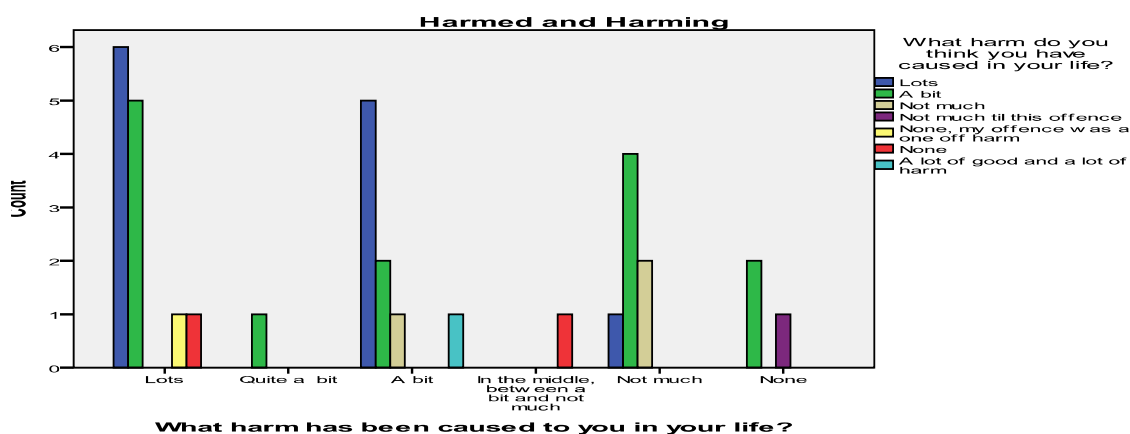


Fig. 4.29 Harmed and Harming

<sup>64</sup> Unless specified percentages are rounded;  $\geq 0.5\%$  rounded up,  $< 0.5\%$  rounded down,  $3\% = 1$  participant

<sup>65</sup> Lots and A Bit treated as above midpoint of harm, whilst Not Much and None treated as below that

Furthermore, being caused harm also appeared related to feeling wronged. All of those who said they had been caused lots of harm thought they had been wronged by others to at least some degree.

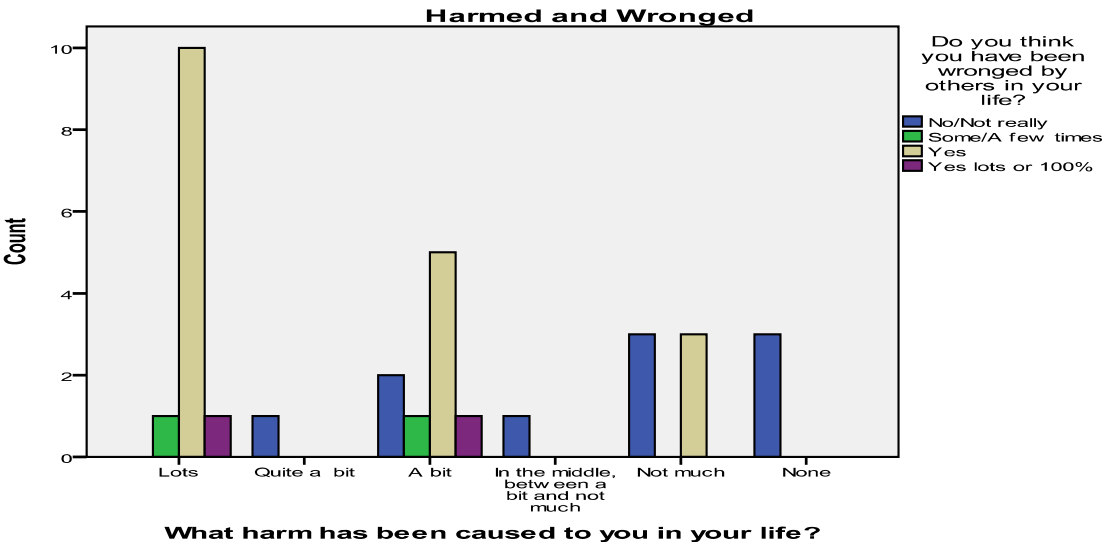


Fig. 4.30 Harmed and Wronged

A sense of being wronged also appeared to be echoed by being harmed by ‘justice’ responses, such as being judged or sent to prison. Nearly three quarters of the harm caused to participants more broadly by others, however, related to violence or other forms of turmoil being cause to them by others. Just as being wronged appeared to equate to being harmed, being subjected to violence and turmoil appeared to equate to being subjected to more harm than one metes out. All those who thought others had caused more harm than they themselves had caused, spoke of violence and turmoil being imposed upon them by others. Since violence or turmoil were the overwhelming preponderance of harms, this might represent an opportunity to pinpoint help on these things to ameliorate cyclical harming and to, perhaps, treat crime as a symptom of damage to be healed.

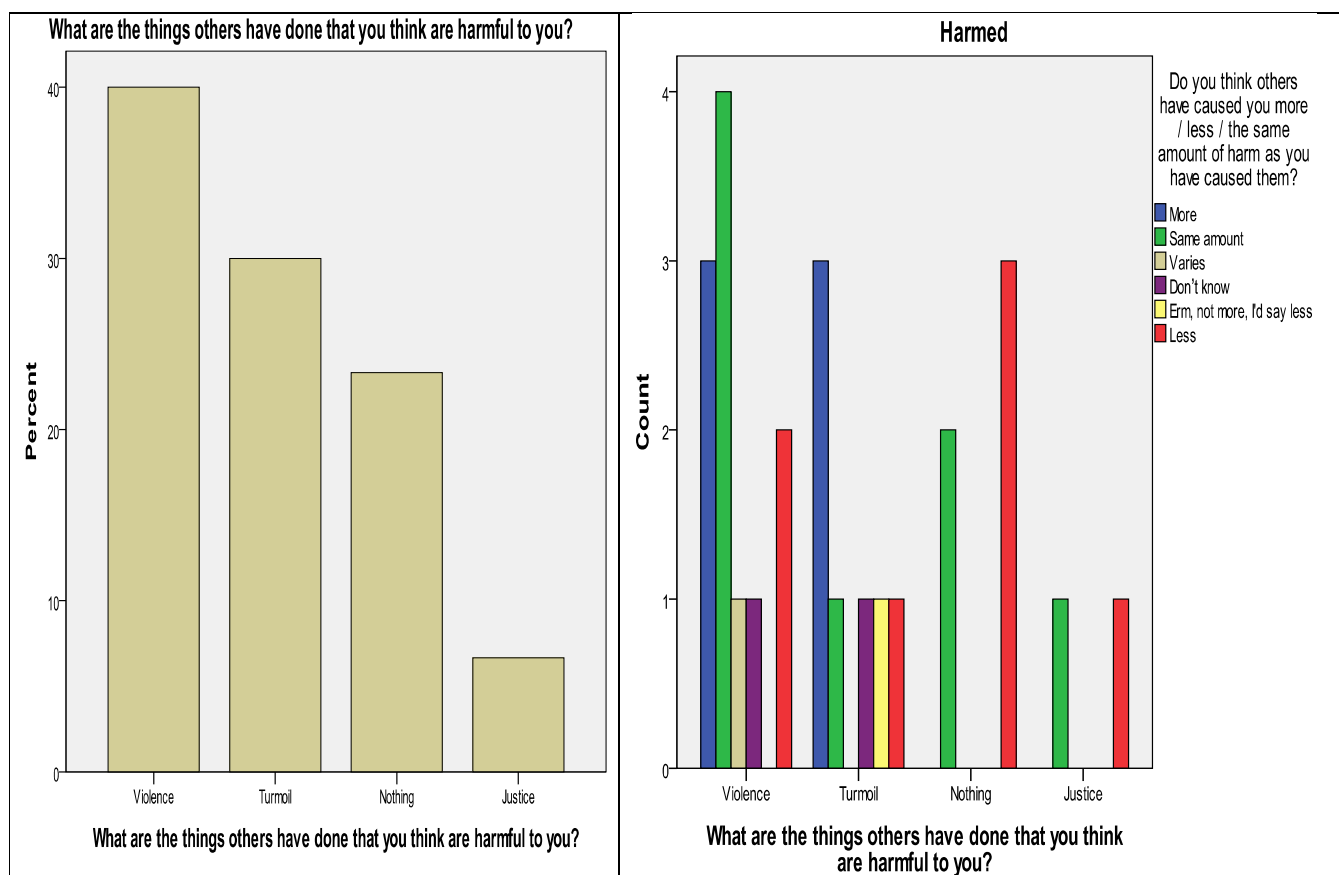


Fig. 4.31 What are the things others have done

Of those who spoke of violence and turmoil, 80% of the ones who had considered levels of mutual harm to be equivalent, cited violence as opposed to turmoil. In this way, it could be that violence may be seen as a legitimate and proportionate response to violence. If law is not consistently aligned and applied against *all* violence, no matter what the claimed justification, then justifying violence might legitimately persist. Similarly, if the law does not offer effective containment of those who undertake violence, it seems unsurprising if individuals respond in kind to protect themselves. This use of containment for those who undertake ‘lots’ of harm, such as violence, appeared endorsed by the apparent existence of a divide between those in *receipt* of lots of harm and those that *cause* more harm when participants compared their own harm-



causing with that of others, with only one participant falling into both categories. 92% of those who thought they themselves had caused more harm than others had caused them, had not been caused lots of harm, while 82% of those who had been caused lots of harm, thought that the harm they themselves had caused was equal to or less than the harm caused to them.



Fig. 4.32 Harmed and Harming

This divide might be borne out by the fact that none of those who did not cite anything others had done to harm them, nor who only cited ‘justice’ as the harm others had done them, said others had caused them more harm than they themselves had caused. Using both these measures of having been harmed, this could suggest that reporting receiving no harm, or only justice-related harm, may be related to causing more harm oneself. This might suggest that failing to contain those more likely to cause harm, might be sacrificing those more likely to be in receipt of harm.

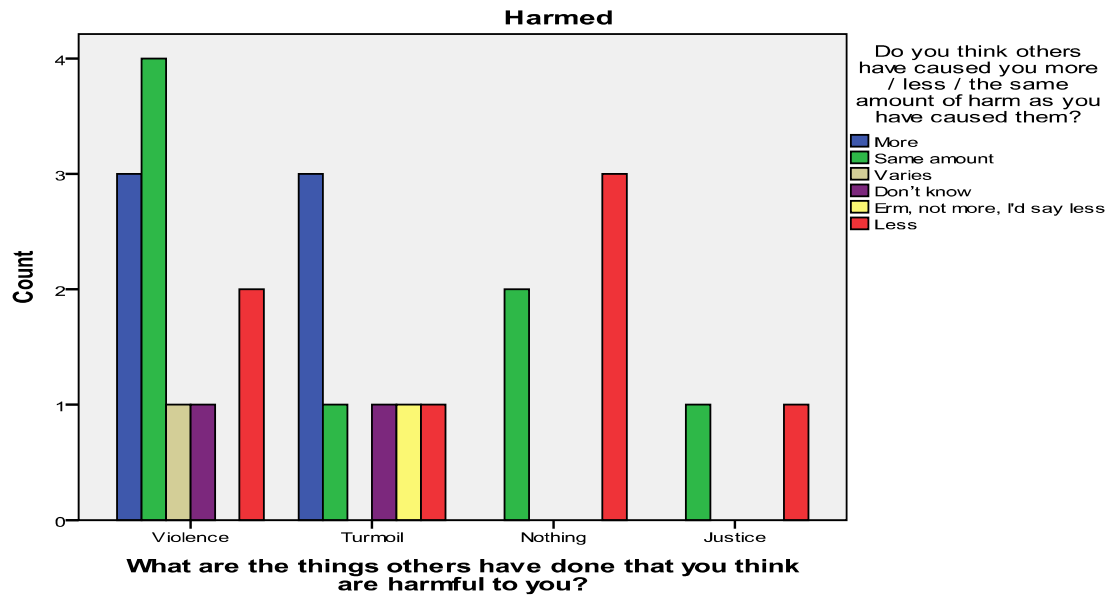


Fig. 4.33 Harmed: What are the things others have done

Furthermore, of those who placed themselves as victim-sided or wholly victim on the criminal/victim scale, 83% who cited any harm done to them cited violence, while only one participant cited violence done to them on the criminal/criminal-sided side of the scale.

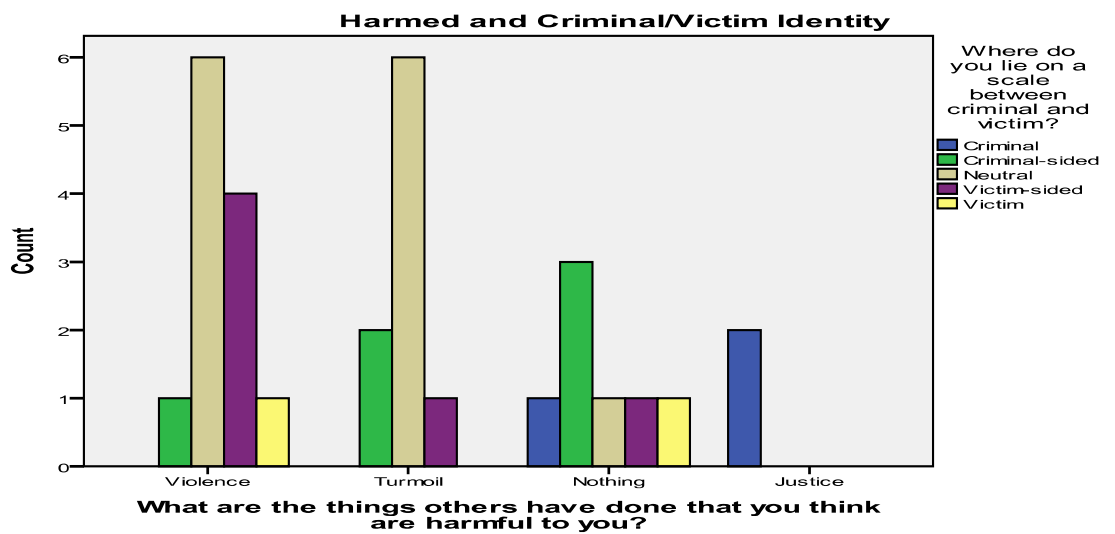


Fig. 4.34 Harmed and Criminal/Victim Identity

Interestingly, however, those most likely to have a brutalising identity<sup>66</sup> also seemed to be the most likely to be harm-sensitive<sup>67</sup>. 75% of those who thought they had caused ‘lots’ of harm were harm-sensitive, as were all those who had identified as wholly criminal and 75% of all those on the criminal side of the criminal/victim scale. In this way, it could be that brutality is perhaps a product of sensitivity to harm, rather than a lack of that sensitivity, which may underscore the need to deal with it sensitively, as a symptom of damage, rather than punishingly. A repair-based, non-punitive, de-brutalised and de-brutalising response to harming might be considered, while, if there is the need for containment, it must surely be a highly nurturing and caring containment that is acutely mindful of the sensitivity to harm that might give rise to the brutality of those contained. The fact that those most likely to have a brutalising identity also seemed to be the most likely to be harm-sensitive, highlights why brutalising forms of containment might be so harmful in proliferating harming.

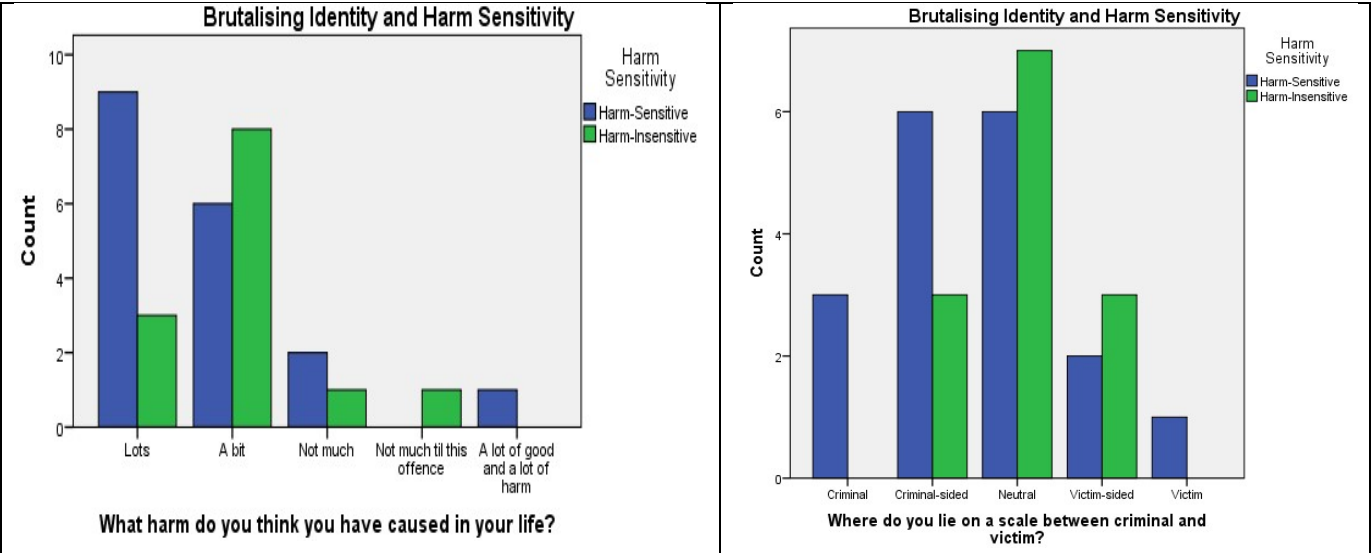


Fig. 4.35 Brutalising Identity and Harm Sensitivity

<sup>66</sup> When asked ‘What harm do you think you have caused in your life?’ and offered the options of lots/a bit/not much/none and when asked ‘Where do you lie on a scale between criminal and victim, where 1 is criminal and 4 is victim?’

<sup>67</sup> If ‘crime’ was called ‘harm’ would it put you off offending?

By contrast, *insensitivity* to harm peaked at the *non-committal* ‘a bit’ and ‘neutral’ in causing harm and in self-placement on a crimino-victim scale respectively. This might indicate that it may be failure to take personal responsibility for one's brutality, by being non-committal about it, rather than the brutal functioning itself, that could be linked to insensitivity to causing harm. Additionally, 63% of those who took no responsibility, by placing themselves neutrally on the crimino-victim scale, had a high OGRS score, as opposed to 25% having a low such score, further suggesting the risks that might be inherent in failing to take personal responsibility, such as by obscuring oneself in non-committal neutrality.

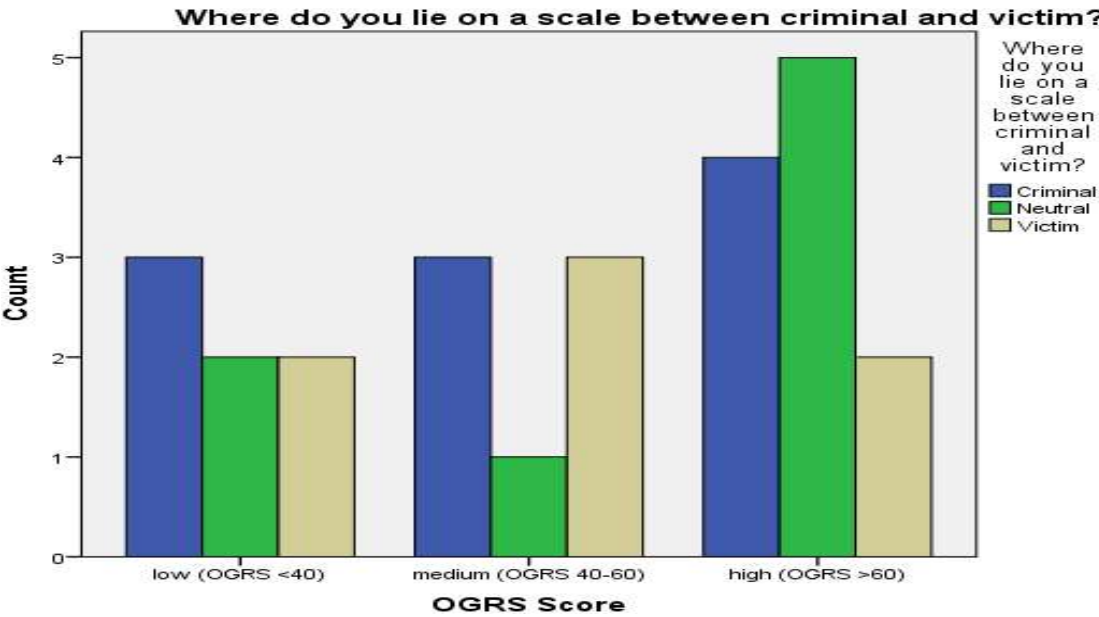


Fig. 4.36 Where do you lie on a scale

When this is considered alongside the way in which personal responsibility had not been taken for self-inflicted substance-use-harm<sup>68</sup>, improving personal responsibility seems to emerge as a critical aim for interventions. Ensuring any containment nurtures,

<sup>68</sup> Namely, the only meaningful harm claimed to have been recently inflicted upon participants

rather than removes, that responsibility might need special attention. However, taking personal responsibility should not prevent individuals from being allowed to move on, such as by being able to set-aside their past offending. In this last respect, it was being able to set-aside one's offending<sup>69</sup> by **ignoring** it that was the only self-description of a participant's offending where high recidivism risk was wholly absent. Similarly, the only group that appeared to be related to a low recidivism risk, with 60% located there, were those who had set-aside their offending by a simple **rejection** of it as 'unwanted'. This seemed to indicate that it could be important to allow individuals to move on from an offending past, by **ignoring** it or **rejecting** it. Conversely, **moralisingly condemning** themselves for it, citing the language of 'evil' or 'bad' without speaking **understandingly of harm**, saw all but one member of this group having a high recidivism risk.

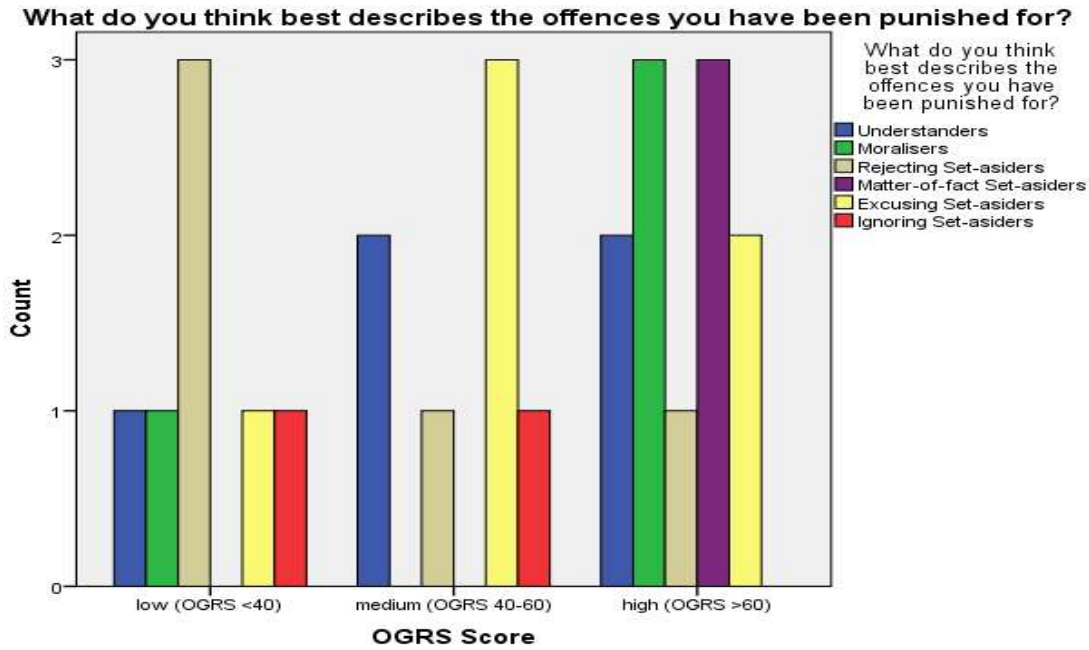


Fig. 4.37 Describe the offences you have been punished for

<sup>69</sup> Within the context of being asked to select from a provided list of language words to describe the offences for which they had been punished

However, if setting-aside personal offences was done in a **matter-of-fact** fashion, calling them ‘crime’ as a matter of fact, all respondents had a high recidivism risk. This could be because a ‘price-tag’ justice system, where crimes can be ‘paid for’ with a sentencing ‘price’ in terms of years or hours or pounds, may encourage a **matter-of-fact** view of offending as a purchase. If, instead, tariffing was progress-tariffed, individuals would need to take personal responsibility for reducing their harm, in the way that sitting out an amount of time or paying the bill for it does not require. The risks of this type of tariffing, even alongside its possible counterbalancing protective measures, are described in Table 3.12<sup>70</sup>. Setting one's offences aside by using **accident-likening excuses** also seemed linked to raised recidivism risk, which might similarly be addressed by a response that requires personal responsibility in place of excuses.

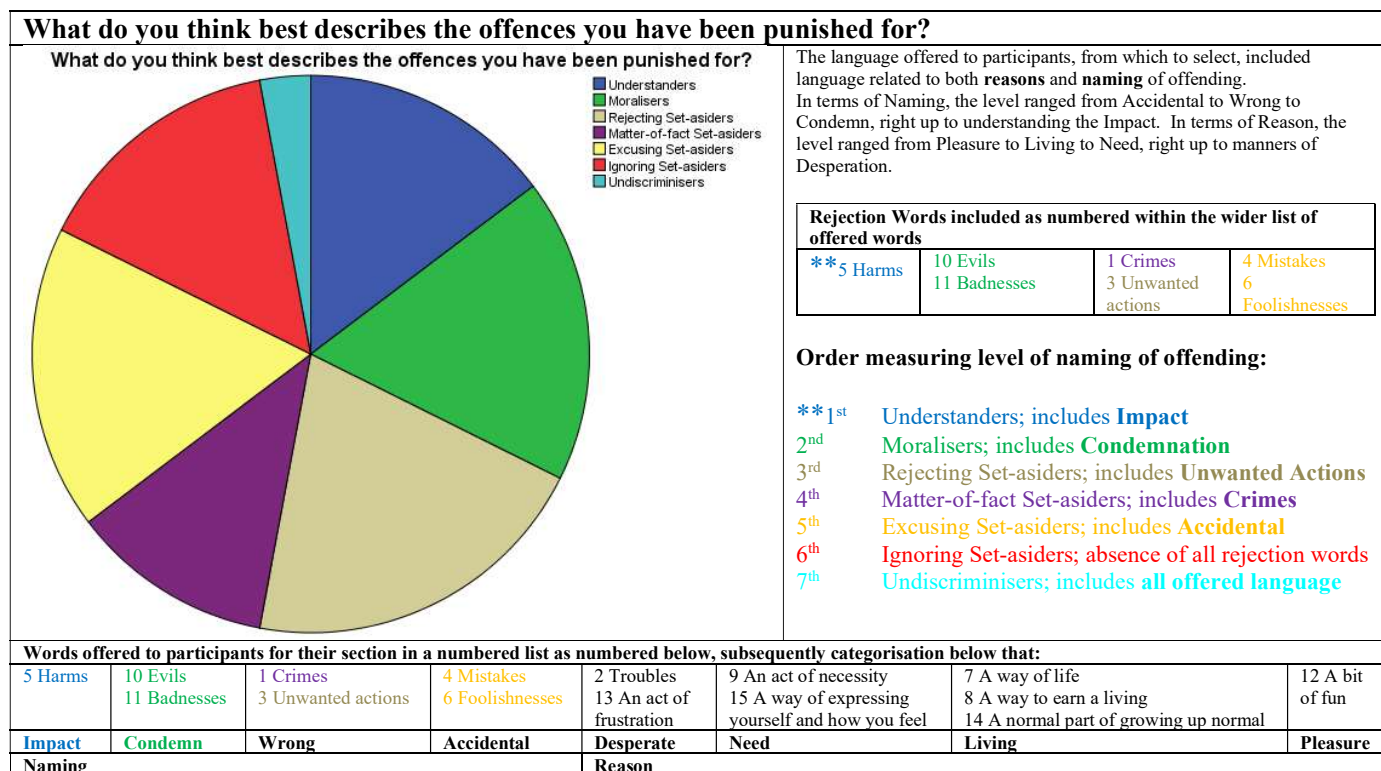


Fig. 4.38 What do you think best describes the offences?

<sup>70</sup> See Table 3.12 in Chapter 3

Having said that, **understanding** the impact of offending as a ‘harm’\*\* did not appear related to offending risk, spread as it was as equally as the numbers allowed across risk levels. When considering this alongside the fact that offending risk had appeared related to harm-causing, but not insensitivity to harm, this might endorse the idea that lack of awareness of harm, either through lack of understanding its impact or lack of sensitivity to it, might not be what causes harm or offending. Instead, as previously discussed, causing harm appeared linked to being caused harm, which in turn appeared linked to feeling wronged, especially by ‘justice’ responses. This perhaps underlines the need to avoid causing any harm or sense of wronging when applying interventions intended to address harm or offending.

This particularly seems to be the case since 73% of those participants who selected a reason for their offending from the proffered list, included a reason that might be characterised in terms of **desperation**, either in terms of ‘frustration’ or ‘troubles’. This was followed by 59% who included a reason that might be characterised in terms of **living**, whether in terms of ‘a way of life’, ‘a way to earn a living’ or ‘a normal part of growing up’, followed finally by 32% who included a reason that might be characterised in terms of **need**, either in terms of an ‘act of necessity’ or a need to express oneself and how one feels. None of the participants cited their offending as solely for pleasure, suggesting that brutal conditions for **living**, or that cause **desperation** or **need**, could be what are integral to brutal functioning, since brutal functioning may not, without brutal conditions, give rise to pleasure.

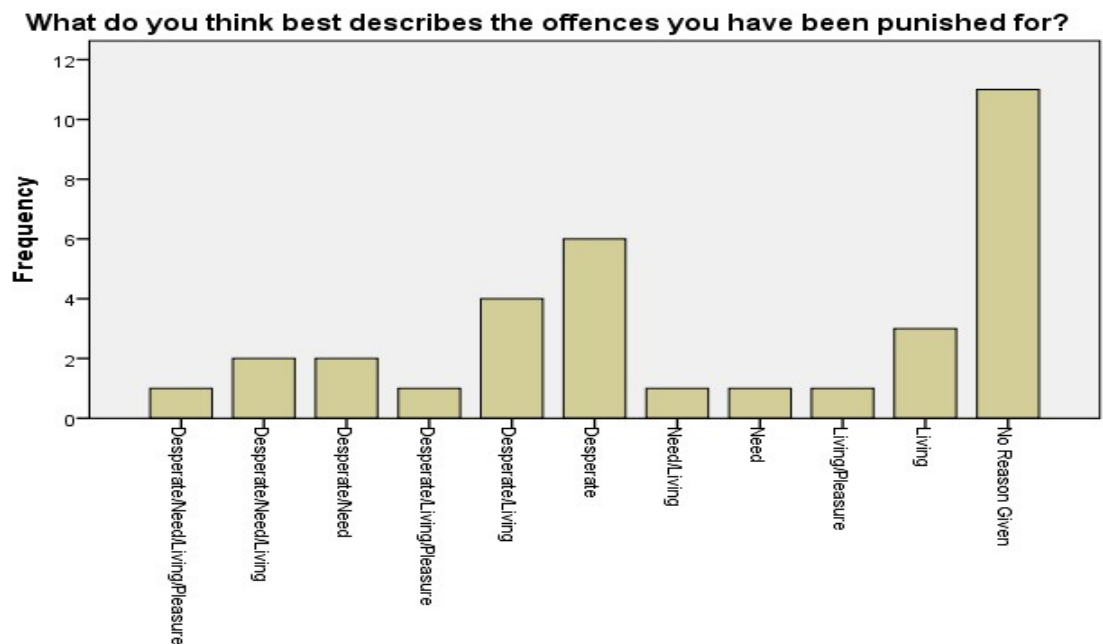


Fig. 4.39 What do you think best describes the offences?

Even if it is brutal conditions that nurture brutal functioning, all but 2 participants agreed, to at least some degree, that people, businesses and society are entitled to protection from their brutal functioning, presenting as offending.

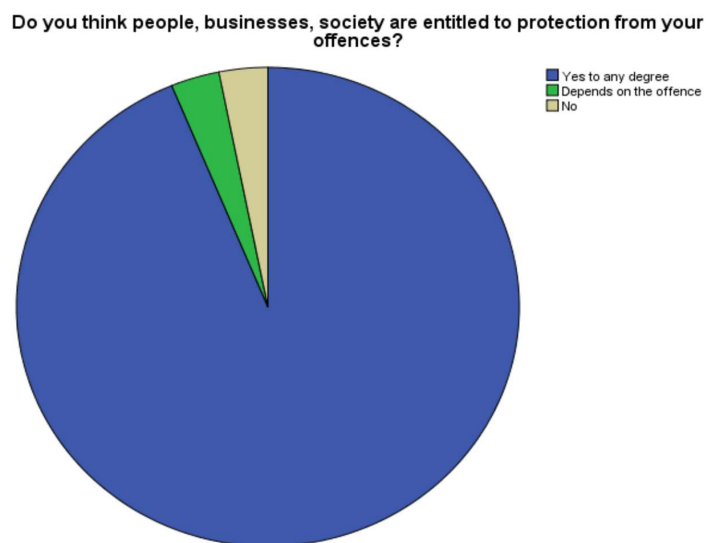


Fig. 4.40 Entitled to protection from your offences?



In terms of taking personal responsibility for that protection, however, those that *said* they could do so were spread as evenly as the numbers allowed across risk levels. This could imply the need for externally imposed protections, such as confinement or monitoring, even where individuals claim they can autonomously provide that protection themselves. It would be reasonable to infer from this that any shared de-brutalisation might need to involve tangible *action*-measured progress upon which to base tariffing<sup>71</sup>.

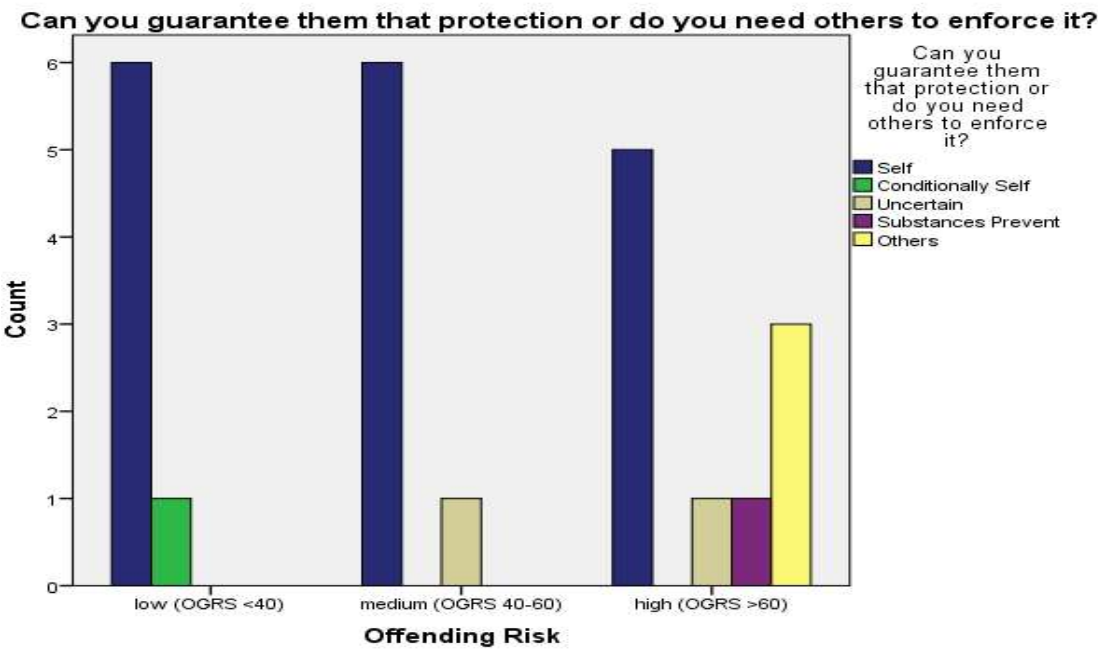


Fig. 4.41 Can you guarantee them that protection

Realism over capacity for personal responsibility did seem to exist when it came to those who spoke of **needing others** to enforce that protection, or of **substances preventing** them taking responsibility for that protection, all of whom had a high recidivism risk. Even though greater realism, thus, seemed associated with **dependence**

<sup>71</sup> See Table 3.12 in Chapter 3

on **others** or **substances**, it might also suggest a resignation to lack of **independent** responsibility, redolent of a self-fulfilling prophesy, in these groups.

## Functioning and Brutalisation

Throughout the interviews participants had cited both brutalising<sup>72</sup> and de-brutalising<sup>73</sup> forms of **independent\*** functioning, as well as brutalising<sup>74</sup> and de-brutalising<sup>75</sup> forms of **dependent\*\*** functioning<sup>76</sup>.

<b>De-Brutalisation*</b> - de-brutalising/understanding/sharing/constructively active		<b>Brutalisation*</b> - brutalising/harmful/wasteful	
De-Brutalisation Categories;		Brutalisation Categories;	
Emotional/Psychological States	Physical States	Emotional/Psychological States	Physical States
Educational/Training Experiences	Societal/Official Experiences	Educational/Training Experiences	Societal/Official Experiences
<b>Independency*</b>	<b>Dependency**</b>	<b>Independency*</b>	<b>Dependency**</b>
Sufficiency Of Money /Possessions As Provision	Desire For Money/Possessions As Advancement	Need For Money/Possessions As Provision	Desire For Money/Possessions As Acquisition
Solutions/Moralities/Drives/Desires	Avoidance Of Substances: Alcohol And Drugs	Solutions/Moralities/Drives/Desires	Use Of Substances: Alcohol And Drugs
Gentle/Peaceful/Empathetic/Caring /Encouraging behaviour To Others	Gentle/Peaceful/Empathetic/Caring /Encouraging Treatment by others	Aggressive/Violent/Unempathetic/ Uncaring/Repressive Behaviour To Specific Others	Aggressive/Violent/Unempathetic/ Uncaring/Repressive Treatment By Specific Others

Tab. 4.6 De-Brutalisation/Brutalisation Categories (1)

<sup>72</sup> Such as isolating self, refusing help, defying outside world, I don't need, resenting having to do things for self, using the negative for independence or negative as good sign of independence

<sup>73</sup> Such as engaged autonomy and self-reliance in living the debrutalising/understanding sharing/constructively active life wants

<sup>74</sup> Such as choosing unhelpful role models or leaders, easily led astray, need others to act for him/her, need circumstances to change for him/her , powerless, hopeless, sense of always being or doing wrong, bored, nothing to do nor sought of self, no time, can't do, laziness, no interest, delay, inaction, waiting, don't know what to do or how to do it, no direction, not attending to things, avoiding things, abdicating responsibility,

<sup>75</sup> Such as seeking the debrutalising/understanding sharing/constructively active life wants by being motivated/guided/needing others/circumstances

<sup>76</sup> **De-Brutalisation** was considered in terms of de-brutalising/understanding sharing/constructively active functioning and conditions, while **Brutalisation** was considered in terms of brutalising/harmful/wasteful functioning and conditions as described in the Exemplar And Criteria For Brutalisation And De-Brutalisation Appendix, and was applied not only to Dependence and Independence, but also to Emotional/Psychological/Physical States, Educational/Training/Societal/Official Experiences, approaches to Solutions/Moralities/Drives/Desires, Substance Use and Avoidance, attitudes and situation in terms of needing or sufficiency of Money and Possessions and desiring them for advancement or acquisition, Types of Treatment and Behaviour from Gentle/Peaceful/Empathetic/Caring/Encouraging to Aggressive/Violent/Unempathetic/ Uncaring/Repressive, where they were cited by participants in a way suggestive of having the potential for either brutalising or de-brutalising functioning and conditions, as specified in the Brutalisation And De-Brutalisation Narratives And Overall Scores in the Withheld Appendix, in which these comments have been isolated from the interviews as a whole and placed into independent sentences for analysis, and also in the Arrow Count And Remarks in Withheld Appendix.

In terms of the ratio between the total number of \*de-brutalisation mentions made by participants and the total number of \*brutalisation mentions<sup>77</sup> across all emergent grounded categories not just the categories of dependence and independence, only 5% of participants made more mentions of de-brutalisations than brutalisations. This might indicate that, for the other 95% of participants, the primary exposure, or at least the primary focus, may be to the brutalising, rather than de-brutalising, elements of their lives. All these grounded categories might need to be ameliorated, such that the de-brutalising ones might be strengthened and the brutalising ones ameliorated.

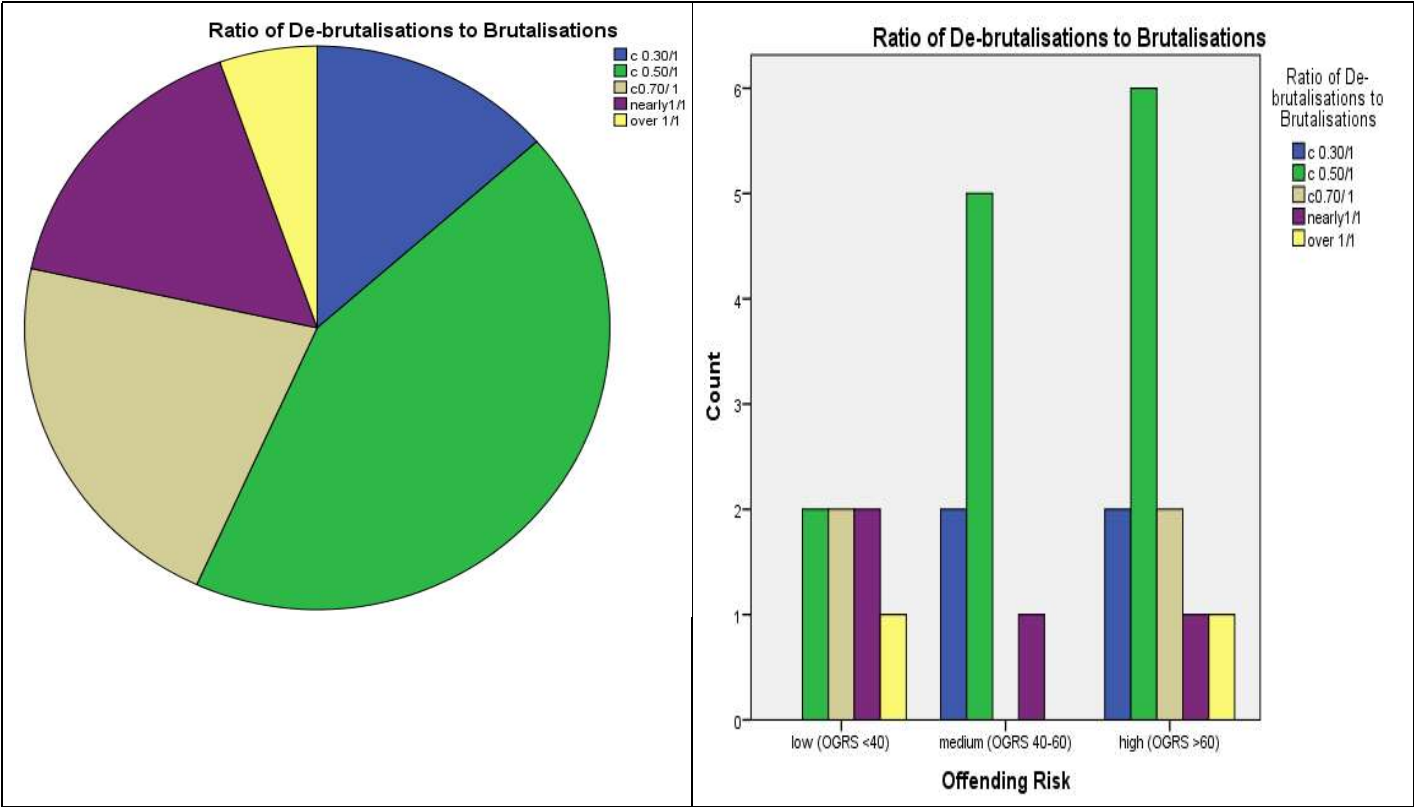


Fig. 4.42 Ratio of De-Brutalisations to Brutalisations

When they were compared to offending risk, it appeared to be the case that \*a surfeit of

<sup>77</sup> See Brutalisation and De-Brutalisation Scores Appendix D and De-Brutalisations/Assets and Brutalisations/Liabilities Appendix and Total asset and liability scores Appendix and Total overall scores and arrow scores Appendix

de-brutalisation over brutalisation<sup>78</sup> was not sufficient to be able to impact offending risk, but <sup>\*\*</sup> a *large* surfeit of brutalisation<sup>79</sup> over de-brutalisation did appear to impact it. None of those who had three times as many mentions of brutalisations as de-brutalisations had a low offending risk. Furthermore, only 15% of those with only twice as many mentions of brutalisations had a low offending risk, less than half the percentage that might be expected if the three offending risk levels contained an even distribution. It was only when the ratio improved beyond this point that it appeared to become unrelated to offending risk, with ratios above this point being represented equally at low offending risk and above. Thus, individuals appeared to demonstrate resilience to brutalisation of their functioning until the level of it reached two or three times that of de-brutalisation. This may endorse the importance of tackling brutal conditions of all sorts early before they accumulate. Indeed, none of the participants with a **high** or **very high** brutalisation score<sup>80</sup> had a low offending risk.

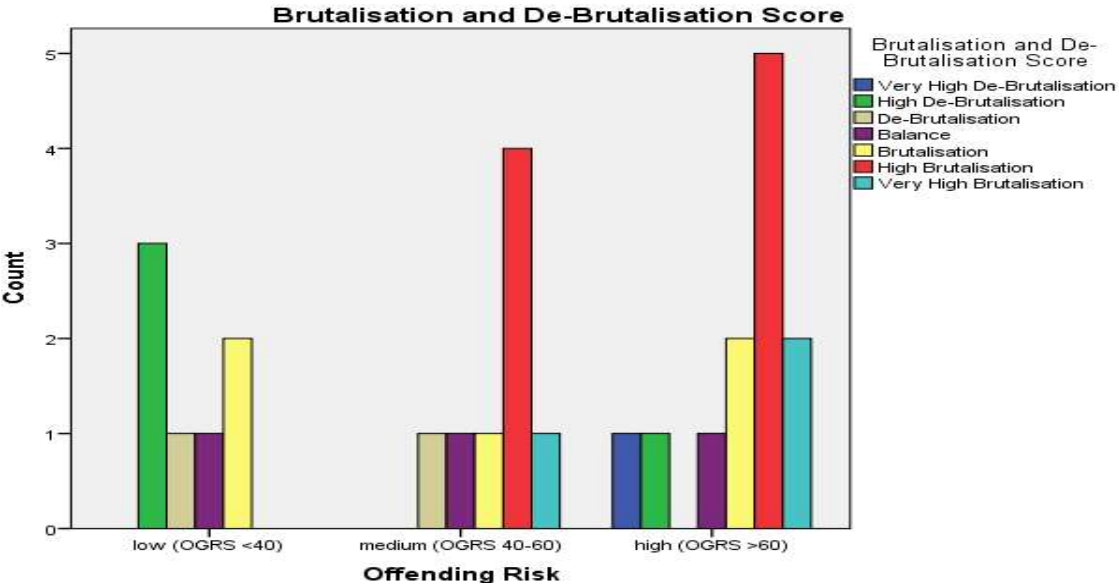


Fig. 4.43 Brutalisation and De-Brutalisation Score

<sup>78</sup> Shown yellow on Fig. 4.42 Ratio of De-Brutalisations to Brutalisations  
<sup>79</sup> Shown green and blue on Fig. 4.42 Ratio of De-Brutalisations to Brutalisations  
<sup>80</sup> See Categorisation Appendix

In terms of specific brutalisations and de-brutalisations, only **independence\*** was cited by more participants in de-brutalising rather than brutalising scenarios, which might endorse the importance of independence. By contrast, societal/official experiences, emotional/psychological and physical states, behaviour, treatment and need for, as opposed to sufficiency of, money, were all cited by more participants in brutalising scenarios. Thus, these areas, where brutalisation appeared to exceed de-brutalisation, may represent particularly prevalent brutalising conditions within society.

present in;	For All Participants	all but one	around 90%	between 75% and 85%	around two thirds	around half
<b>De-Brutalisations</b>	dependency solutions/moralities/drives/desire	<b>independency*</b> societal/official experiences		behaviour (76%) treatment (81%) emotional/psychological (78%) avoiding substances (84%)	sufficient money desire money to advance educational/training experiences	physical
<b>Brutalisations</b>	dependency solutions/moralities/drives/desire societal/official experiences	emotional/psychological	physical (89%) <b>independency (92%)</b> behaviour (95%) treatment (95%)	using substances (81%) need money (81%)	desire money to acquire educational/training experiences	

Tab. 4.7 De-Brutalisations/Brutalisations Categories (2)

For all participants, solutions/moralities/drives/desires were spoken of, without equal, more often than any other factor, in either a brutalising or de-brutalising way, and usually in both.

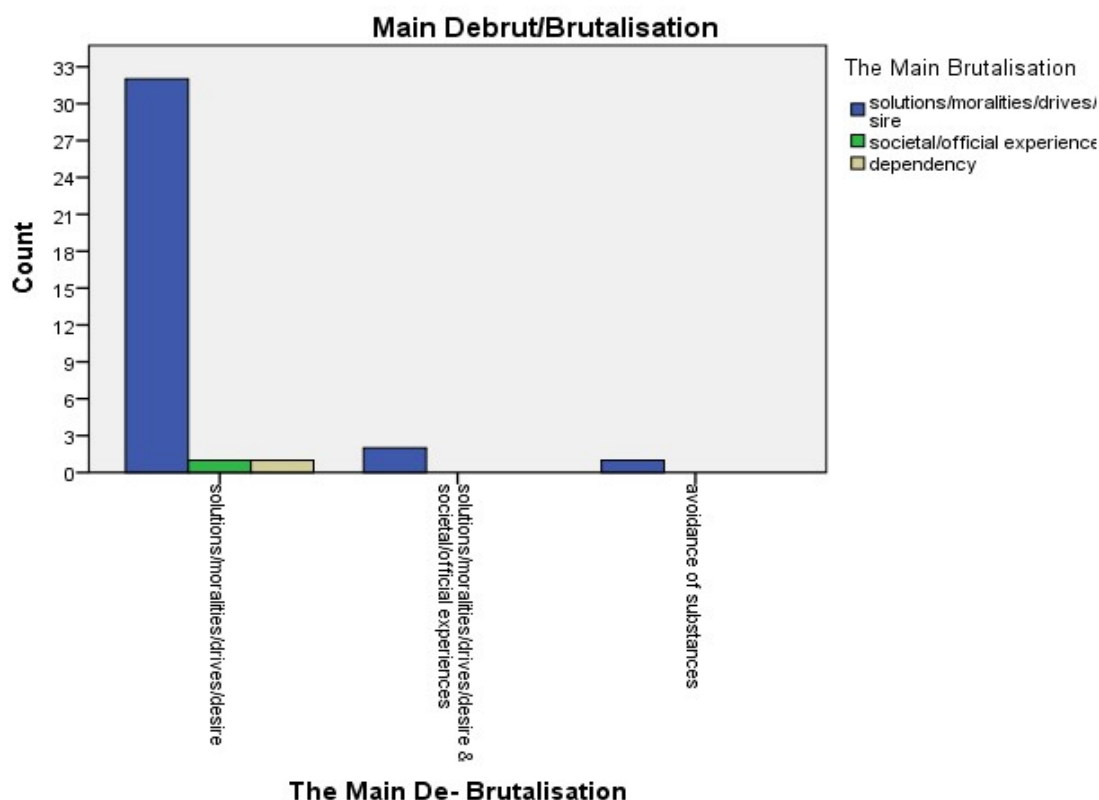


Fig. 4.44 Main Debrutalisation/Brutalisation

For 95% of participants, solutions/moralities/drives/desires appeared to be their main brutalisation factor, while for 97% it appeared to be their main de-brutalising one, including two individuals who also spoke of social/official experiences equally often in this latter context. In this way, it might be thought that solutions, moralities, drives and desires could underpin the brutalisation and de-brutalisation of individuals' functioning, beyond any other single factor<sup>81</sup>. The conflict between their brutal and non-brutal manifestations may dominate the brutalisation and de-brutalisation processes, dictating functioning choices. Indeed, the number of participants with an excess of brutalising over de-brutalising solutions, moralities, drives and desires over de-brutalising ones,

<sup>81</sup> These are treated as one factor since they represent a collective notion of internal decision-making and their breakdown can be seen in the appendices

appeared to rise as offending risk rose, with 12.5% at low such risk, 25% at medium such risk and 63% at high risk.

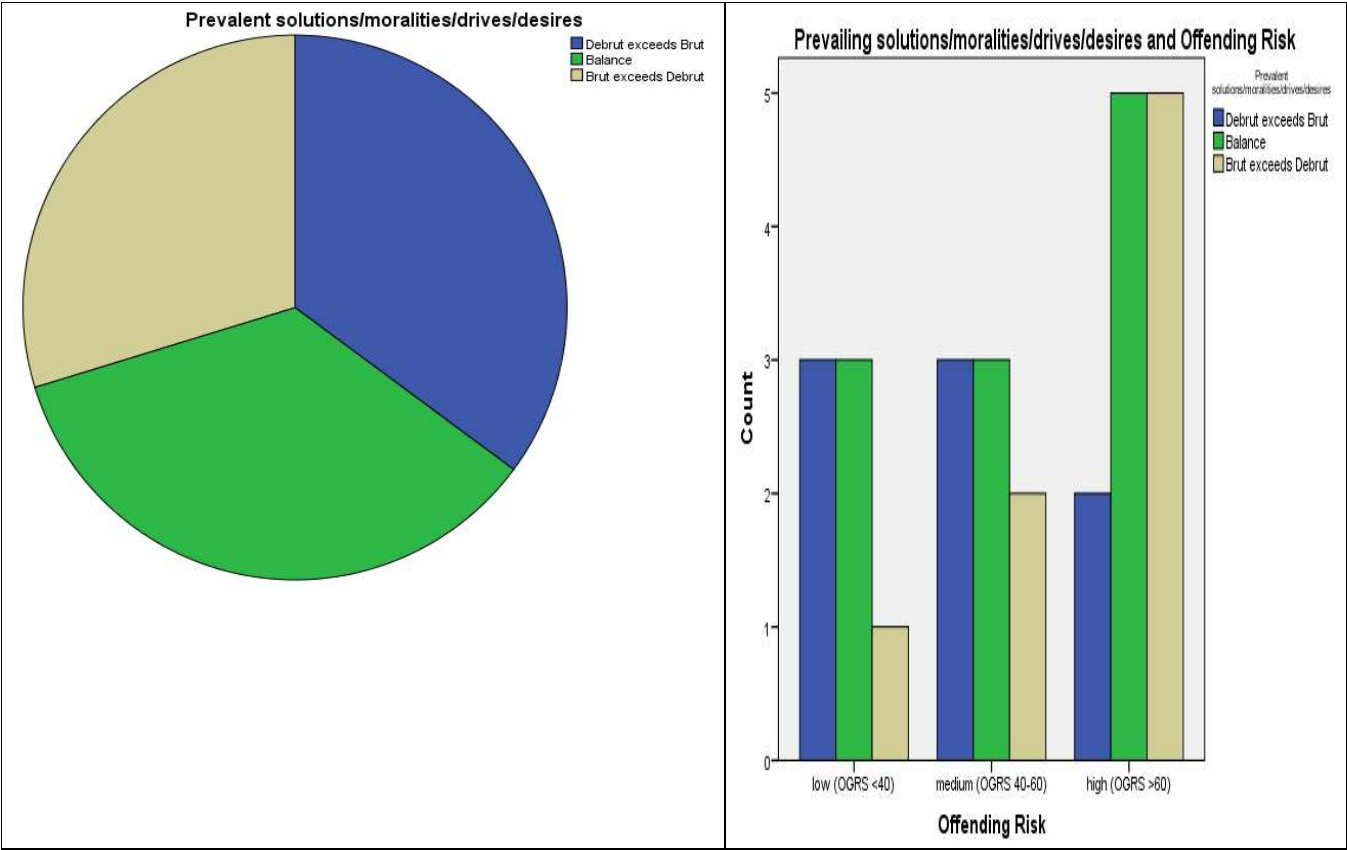


Fig. 4.45 Prevalent solutions/moralities/drives/desires

All the factors cited by participants as brutalising their lives, as well as shortages of those which might de-brutalise them, may need to form part of any holistic and collaborative approach to tackling brutality and fostering de-brutalising alternatives. Similarly, the functioning **assets** and **liabilities** cited groundedly by individuals as being at their disposal, might also need to be addressed to nurture the former and mend the latter.<sup>82</sup>

<sup>82</sup> See Functioning Assets and Functioning Liabilities Appendix E

<u>Functioning Asset Categories</u>	<u>Functioning Liability Categories</u>
Earned Acquisition	Unearned Acquisition
Normalities; Work as Positive or Normal, Domestic Relational Normalities Education as Positive or Normal	Negative View Of Work
Positive Active Happiness	Dependency On Others
Actively Positive Behaviour	Functioning Problems
Aspirations to Improve/Better Self	<u>Focussing Difficulties</u> Unreadiness Poor Focus/Concentration Laziness/Inertia Learning/Education Difficulties
Intrinsic Positive Experiences	<u>Visceral Difficulties</u> Physical Problems Mental/Emotional Issues Substance Use Aggressive/Violent/Unempathetic/Uncaring/Repressive Behaviour
	Impediments To Advancement; <u>Treatment Difficulties</u> Official Interventions Aggressive/Violent/Unempathetic/Uncaring/Repressive Treatment
	<u>Practical Difficulties</u> Lack Of Money Being Unable Or Not Allowed To Drive Current Location Housing Needs

Tab. 4.8 Functioning Assets/Functioning Liabilities

All participants for whom **functioning liabilities** prevailed in terms of both categories and mentions, had a high offending risk. Equally, however, four times as many individuals in balance between assets and liabilities, in both categories and mentions, had a high offending risk as had a low such risk. This might imply that brutalised functioning may be associated, not only with a prevalence in functioning liabilities, but also with a lack of prevalence in functioning assets. In terms of mentions this related to the number of times a category was mentioned by participants as part of their contexts or advancement as shown in Appendix E.



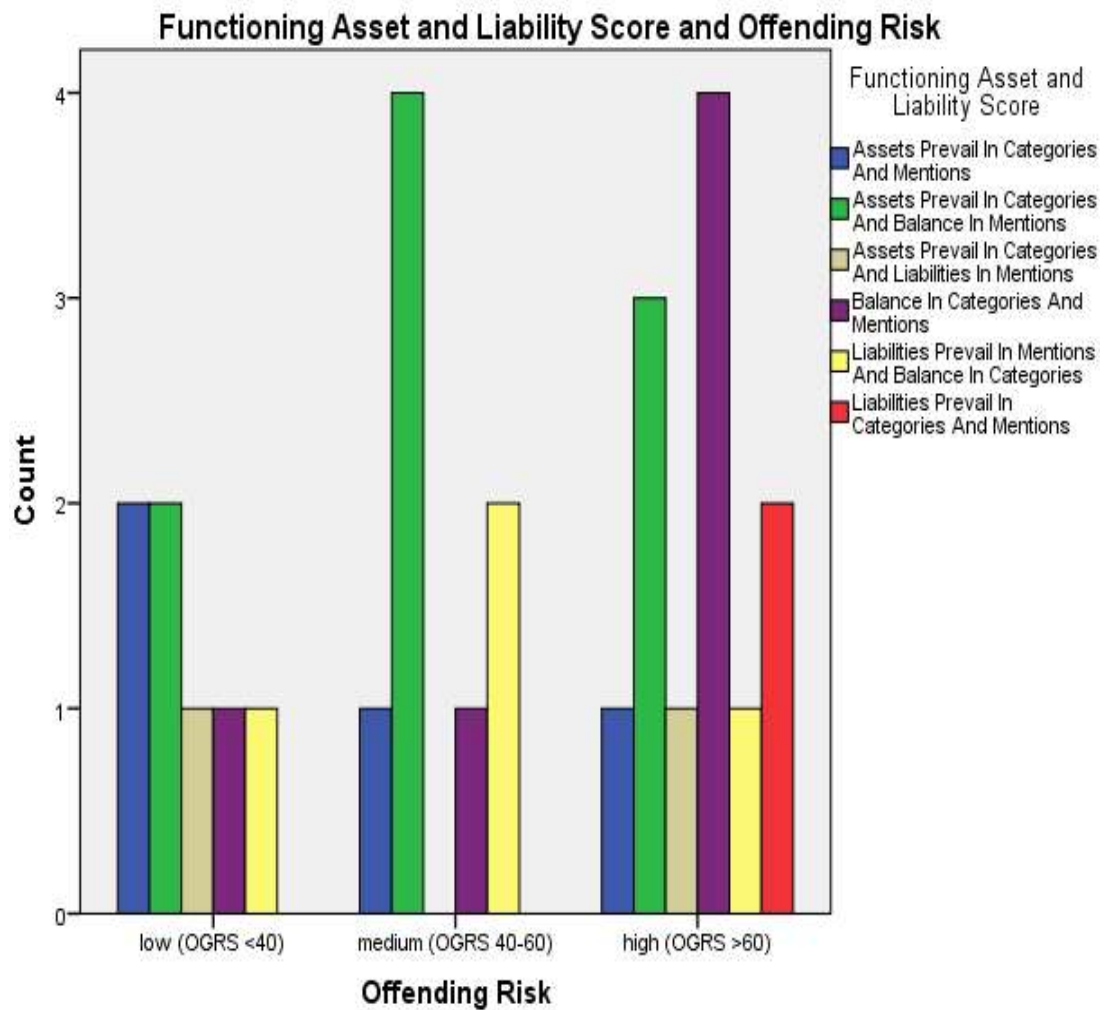


Fig. 4.46 Functioning Asset and Liability Score and Offending Risk

In terms of asset categories alone, four times as many participants with a best prevalence of asset categories had a low offending risk than had a high such risk. In the same way, all those with a prevalence of liability categories had a high offending risk. This may indicate that the more different **types** of functioning asset an individual has, over **types** of functioning liability, the more de-brutalised their functioning might be, whilst the more different types of functioning liability an individual has, over types of functioning asset, the more brutalised their functioning might be.

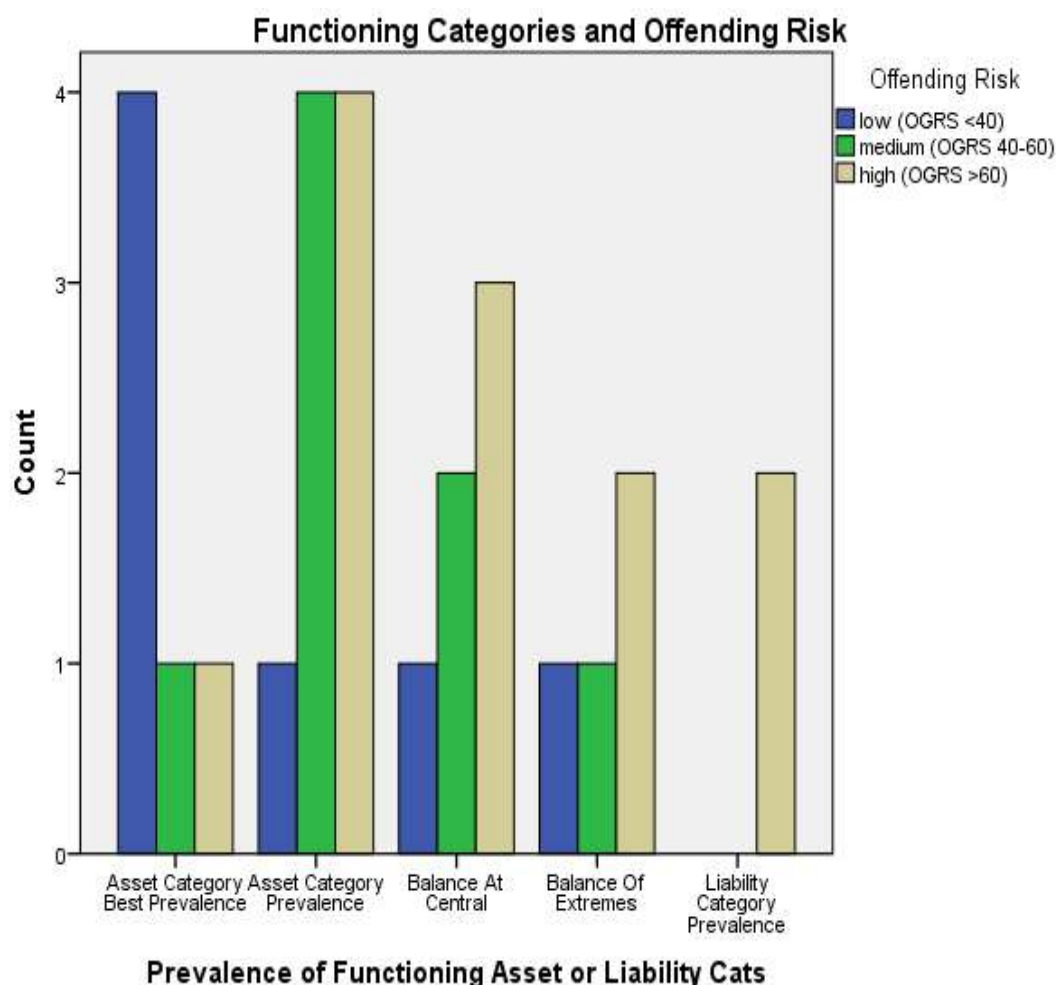


Fig. 4.47 Functioning Categories and Offending Risk

In terms of aggressive behaviour<sup>83</sup>, none of those who made no mention of receiving aggressive treatment<sup>84</sup> made any mention of behaving in this way either. Furthermore, the one participant who had made many mentions of aggressive behaviour, also made many mentions of aggressive treatment. This could underline the cyclical nature of behaviour and treatment, where each may feed the other in an escalating spiral of brutality that needs de-escalating.

<sup>83</sup> Defined as Aggressive/Violent/Unempathetic/Uncaring/Repressive behaviour

<sup>84</sup> Defined as Aggressive/Violent/Unempathetic/Uncaring/Repressive treatment

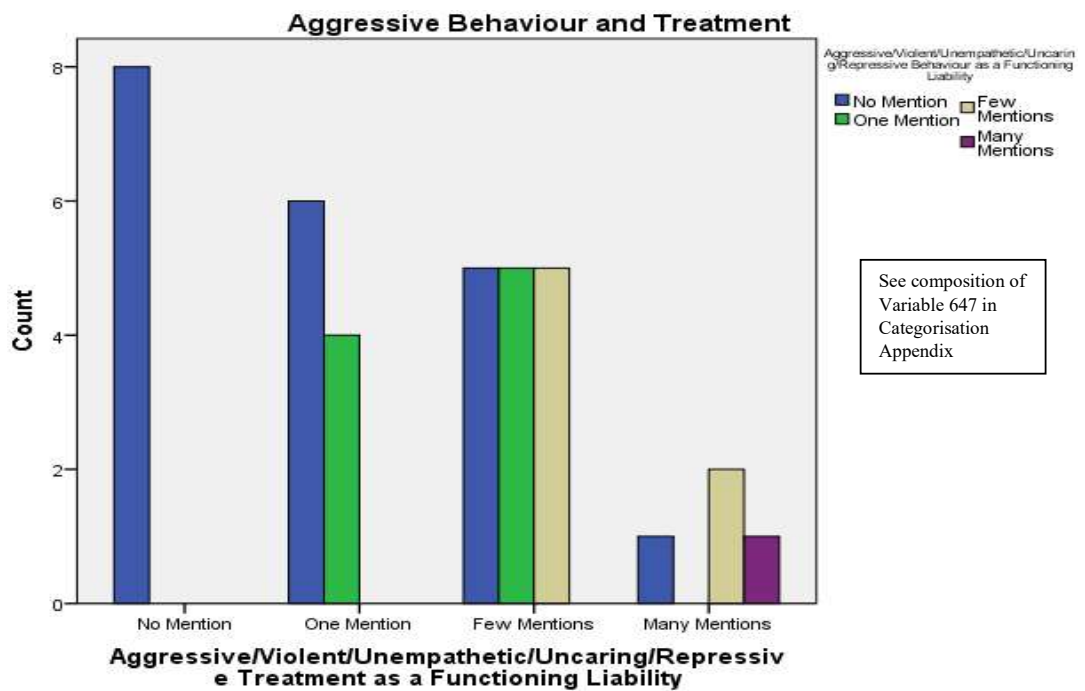


Fig. 4.48 Aggressive Behaviour and Treatment

More than three quarters of participants cited being in receipt of aggressive treatment to at least some degree, but all the female participants cited this.

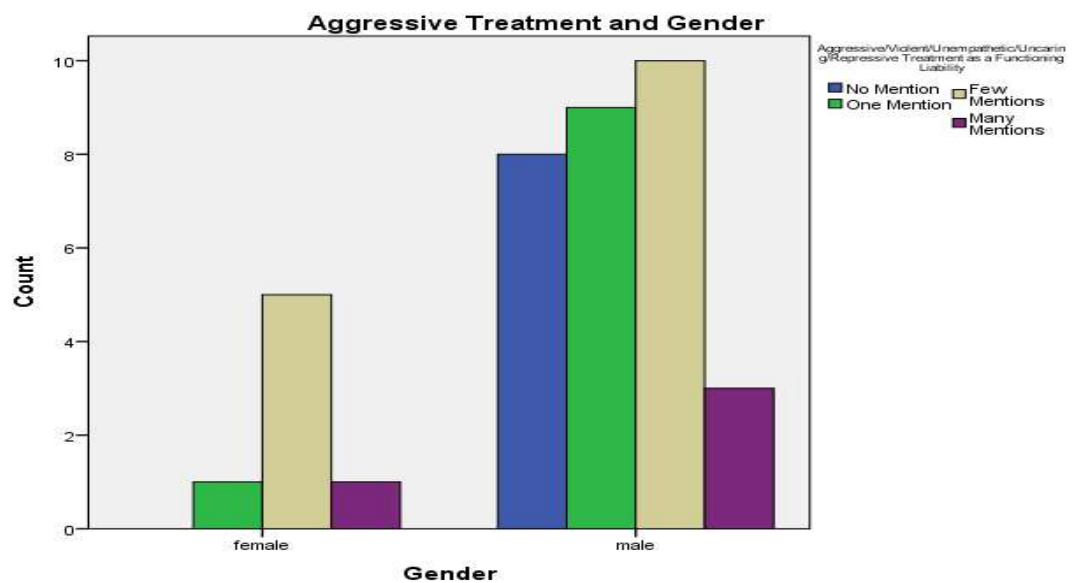


Fig. 4.49 Aggressive Treatment and Gender

### **Female Functioning and Brutalisation**

Not only had all female participants been subjected to aggressive types of treatment, but they had all also been assessed as *above* a low offending risk. Thus, females seemed both treated more harshly and also judged more harshly than males. Furthermore, the omnipresence of the aggressive treatment of female offenders could signify a need to tackle female offending, and other such brutalities in their conduct, as being intrinsically linked to being treated with brutality. It might, therefore, be appropriate to see women primarily as victims, rather than perpetrators, of brutality. This is likely to be particularly important given that the female participants with, or expecting, children, had the extra responsibility of being **the primary carers for their children\*** and 71% of the females in the study were mothers or expectant mothers. Indeed, in 2018 David Gauke as Justice Secretary spoke of the need for alternatives to prison for women to be implemented.

If women are not supported appropriately, both in their own right and also as mothers, their brutal functioning might adversely affect their children, while their vulnerability to aggression might simply persist. 60% of the mothers<sup>85</sup> in this study experienced men as a destructive force in their lives, whilst only 20% experienced men as an actively positive force. Even males thought '90% of men would respond with violence on the spur of the moment'. Indeed, since 81% of the cohort was male and only 19% female, being male appeared to be related to being just over 4 times more likely to be an offender than being female, since just over 4 in 5 of those in this undiluted cohort were male.

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<sup>85</sup> Including expectant mothers

**A participating mother;** *'You see when you're saying about re-offending and everything, you see what's happening now, you've got \*single mums that are starting to get their benefits \*fortnightly, you know you've got people that are on drugs, you've got the young girls, the 18, 19 year olds get their money, \*they go out on a Friday night, they've got a babysitter, they've got no money for the next two week, the crime rate is going to go up there with \*shoplifting, people are going to need to feed themselves, they're doing it all wrong, \*you can't pay a single mother fortnightly, it has to be weekly because they're putting themselves in the toilet, they're just going to cause problems, the crime rate is gonna go through the roof....it's just madness, that's \*alright for single men but not for young mothers that have got children who still want to be out there on a Friday night and then bang, their money's gone or there's people like me that have children, get all their money in one hit for a fortnight in one day, then what you gonna feed your kids for the next fortnight, it's gone, it's madness'*

Tab. 4.9 A participating mother

For 80% of the women, parenting or being an expectant parent, appeared to be a factor in helpful change, but 80% of mothers were nevertheless dependent on the authorities<sup>\*86</sup>, while half of these dependent mothers criticised the authorities upon which they were dependent and half of these criticising mothers were in fear of losing their remaining child-aged child to the authorities. This fearful, critical, dependency would seem unhelpful. Moreover, 60% of mothers<sup>87</sup> either saw their mothering role as a justification not to work or undermined any claims they made of it motivating them to work and only 20% of mothers<sup>88</sup> credibly spoke of mothering activating desistance in themselves<sup>89</sup>. Thus, perhaps more needs to be done to activate desistance and foster work in offending mothers, as well as to tackle any fear, criticisms and dependency they may have, possibly with client-led interventions that encourage independence and empowerment, with authorities as resources and with access to advocates to manage criticisms and fears, alongside an obligation to undertake work or an alternative to it. One alternative to work that might be particularly attractive to them, given their claims of the centrality of their role as mothers to their lives, might be full-time parenting. For

<sup>86</sup> Treated by this research as meaning anyone or anything holding any type of officially granted 'power', taken from the part of the Concise Oxford English Dictionary, Seventh Edition, definition of 'authority' that cites it as 'power'.

<sup>87</sup> Including expectant mothers

<sup>88</sup> Including expectant mothers

<sup>89</sup> See formation of these statistics in Women and Children Appendix, describing how these statistics were drawn from discussions throughout the interview

this to benefit children, however, it seems likely to be important to ensure that any such full-time interaction for children is of a decent quality, such as might be delivered through acquiring parenting expertise. Active constructive functioning, such as actively improving parenting, could be a better conduit for receiving money than dependence on being handed it without any proactive functioning to earn it.

There was not only dependence upon this free money, but also dependence on *\*how* that money was provided. The consequences of paying benefits fortnightly were blamed upon the authorities, without any expectation of personal responsibility. It appeared to be the case that it may not be an **absence** of money that leads to crime or shortage of food so much as *an absence of capacity to manage money\** or to take responsibility for its management. Indeed, despite claims to the contrary, crime might not be so much about feeding oneself and one's children but *funding nights out\**. It could be in trying to balance having fun with responsibilities in such ways, that brutal functioning, such as *‘shoplifting’\**, may arise.

Improving responsibility for, and management of, money could be facilitated by the citizenship preparation (and re-acquisition) suggested earlier, as well as by ensuring earned pay is sufficient to allow individuals to afford both fun *and* their responsibilities. This could involve replacing free state provision<sup>90</sup> with decent wages that enable everyone to provide decently for themselves performing some type of constructive activity. Without everyone contributing to society, those who receive money without contributing, can, as the mother quoted both above and below demonstrates, continue to see crimes against those who are contributing, such as shopkeepers, as victimless

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<sup>90</sup> Such as free prescriptions that obviate the need to consider profligate use and which can fund onward sale for profit.

crimes, without any empathy for working people, whose insurance premiums rise, along with their likely unhappiness, every time they are robbed. Indeed, this participant actually operates as a shopkeeper herself, making a personal profit from selling the food stolen, but doing so in a manner harming to society rather than contributing to it, while neutralising this as being to ‘eat’ when it is actually stolen to ‘sell’.

<p><b>The same mother;</b> <i>‘I don't feel sorry for my victim it's only shoplifting.....to me they're insured'.</i></p> <p><b>The same mother again;</b> <i>‘every time I got caught shop lifting it was meat, it wasn't anything else, it was just meat so we can eat properly’</i></p> <p><b>The same mother again;</b> <i>‘fillets to sell for a tenner’</i></p>
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Tab. 4.10 The same mother

When parents function harmfully like this it highlights the need, whatever other arrangements are made for state aid, to ensure that high quality multi-discipline free provision is made available to children in kind. It also endorses the need to ensure that those who claim a full-time parenting role for their lives can execute this without promulgating harmful functioning. Functionally harming parenting seems particularly concerning, as parenting may play a part in perpetuating forms of functioning. Indeed, past generations' parenting were used as a yard stick for future generations' parenting by women. Rather than expressing a desire to learn new improved parenting, 71% of women thought they would *not* benefit from parenting education<sup>91</sup>, with one saying this was because *‘my boyfriend's mum’* would show her how and another saying it was because she was adversely affected herself by the manner in which she had been parented and would thus *‘do better’*. In such ways, though 60% of mothers were

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<sup>91</sup> Which of these elements, which have been considered in other research, do you think you would benefit from being included in your sentence package? (item 17 on the list as ‘Education on parenting your child/ren’)

overtly focused on their role as a mother and 40% overtly prioritised their children, including them within what gave them happiness and meaningfulness and overtly limiting their social lives to their children, seeing them as a reason d'etre for themselves and wanting a better life for themselves and their children<sup>92</sup>, they did not always seem equipped to provide this and sometimes used parenting as a justification for self-interest and inaction.

### Chapter Summary

Concerns over inaction are explored further in the next chapter, which looks at deferred action and dependent inaction more broadly. Such roots to preventable harm, along with those of offender status, social exclusion, punishment, lack of rules-protection, harm and brutal functioning have been considered in this chapter, while the next chapter looks at functioning in terms of the possible barriers to constructive activity in that functioning.

Chapter Sections	Reasons to Hope	Barriers to Overcome	Some Possible Suggestions Arising from these Hopes and Barriers
Social Exclusion*	All participants appeared ultimately to embrace a shared social outlook, once they got old enough.	But motivation towards playing a positive part in society did not improve offending risk and young people in the study overwhelmingly lacked a sense of shared social interest with society.	<i>Thus, perhaps, the social inclusion of young people needs to be improved, such as through quality childhoods, parenting, family and domestic life, as well as with an education that includes a fully funded full range of youth opportunities and that prioritises well-being and happiness, culminating in a valuing rite of passage into a consistent age of adulthood with funding in kind for opportunities for children and early intervention when adequate quality is lacking, with people, both young and older, having opportunities to advance and develop their aptitudes and appetites, including through life-long access to funded education, while also obliging active participation in, and contribution to, society, such as through employment or alternatives thereto like education, while ensuring that young people get preparation to manage life, which might be coursed-preparation that is certified, and endorsable for re-acquisition, as part of citizenship. For that citizenship to be authentically inclusive there perhaps needs to be respectful and valuing</i>

<sup>92</sup> See formation of these statistics in Women and Children Appendix, describing how these statistics were drawn from discussions throughout the interview



			<i>media representation of diverse lives and respectfully expressed and heard uncensored diverse views with clear delineation between opinion and demonstrable fact so that no one is excluded from national debate for fear of saying anything considered unsayable, whilst at the same time this does not lead to unsubstantiated misinformation.</i>
Punishment	Minimising punishment and addressing feelings of being wronged seemed effective in improving conduct.	But society is reliant on punishment and allows wrongs to persist, which simply seems to increase brutal conduct.	<i>Thus, perhaps, reversing the current tolerance of ongoing wrong-doing, whilst at the same time minimising punishment thereof, might take the form of progress-tariffing in response to harming action based on a risk-monitoring and autonomous-progress model to only be in response to harming action and based on a risk-monitoring and autonomous-progress model of responding to harming actions by providing mechanisms for demonstrated progress which allow for immediate progress to be demonstrated with swiftly responsive progressive assisted release from monitoring and containment and enabling alternatives to harm with objective action-measurements of specific harm-reduced risk-proportionate specific action to assess progress-tariffs in meeting required expectations specific to harm caused in repair-based, non-punitive, swift, early, respectful, timed and timely interventions with high-quality universally accessible service-user controlled interventions for holistic resolution with authorities as resources and containment only where monitoring cannot contain risk to share the undoing of brutalising situations non-adversarially in a shared search for effective remedy and resolution with advocacy for all involved and required expectations specific to harm caused and always remembering that progress-tariffing must be very specific and related to a very specific harming action and expecting very specific progress in that very specific harming action to prevent it becoming all pervasive, while providing swift opportunities for re-acquisition of certified coursed-preparation to manage life to release any endorsement thereof as soon as possible. But this must also embrace broader social and systemic wrongs to be legitimate, perhaps exposed by openness and honesty technologically monitored on narrowly pertinent questions and actions and matters of public relevance, such that personal responsibility for sharing the de-brutalisation of society lies as much with the state, or any other organisation, as with individuals, to enable authentic ethical delegation to the authorities through consistent execution of consistent morality against harm and transparent universally applied rules and laws in this regard.</i>
Lack of Rules-Protection**	Nearly all participants believed rules were theoretically useful.	But only around half actually trusted rules and it was this trust that appeared to be related to feeling protected by rules. Indeed, only half of people wanted to be completely law-abiding in their perfect lives and this appeared to be true across all offending risks.	<i>Thus, transparent universally applied rules that include everyone in their protection may be important, accessible through an easy to operate and understand online guide that provides straight forward situational legal escape routes, while ensuring law-abiding means of existence, such as employment, or alternatives to it, are available to all and do not run counter to a good and 'perfect' life, by ensuring they are rewarding, advancing, non-harming, pride-giving and actively pursue people's goals in non-harming ways with quality productivity in performance</i>

			<i>and with work as the conduit for pay and payments that are sufficient to fund quality lives, including obliged insurance for times of need, such as the need for health and social care and for retirement, and that enable the autonomous engagement of individuals within society in a manner that reflects people's own appetites and aptitudes.</i>
Harm-Insensitivity	There appeared to be a universal potential to be mindful of harm, which gives cause for hope, while the apparent relationship between causing harm and being caused harm, might suggest the viability of affecting one through the other. There also seemed to be a delineation between those in receipt of lots of harm and violence and those that caused more harm and did not cite violence against them, suggesting an ethical basis for prioritising protection for the former from the latter. Indeed, all but 2 participants agreed, to at least some degree, that people, businesses and society are entitled to protection from their offending, while there appeared to be evidence to justify externally imposed protections in this regard.	But this needs to be tempered by the fact that individuals seemed to do better if they were allowed to move on from an offending past, by ignoring it or rejecting it, without being swamped by moralisingly condemnation that does not speaking understandingly of harm. Indeed, those most likely to have a brutalising identity also seemed to be the most likely to be harm-sensitive, while insensitivity to harm seemed likely to be as widespread amongst the ostensibly law-abiding as amongst law-breakers and criminality did not always appear synonymous with harm for participants, with a sense of the vagaries of rules and their apparent lack of moral alignment with harming. Furthermore, people felt they had been harmed by 'justice' responses and violence seemed to be seen as a legitimate and proportionate response to violence, while violence and life-turmoil were overwhelming the preponderance of harms. In addition, personal responsibility had not been taken for self-inflicted substance-use-harm (the only meaningful harm claimed to have been recently inflicted by participants upon themselves) and non-committal responses to causing harm generally represented the largest group of responses, suggesting a possible dearth of personal responsibility in harming more broadly. There was a dependence on others or substances to control actions, while brutal conditions for living, or that cause desperation or need, seemed to be what were integral to brutal functioning.	<i>Thus, there seemed to be a need to end brutal living conditions, such as homelessness, using the ubiquitous mindfulness of harm to de-escalate it by breaking cycles of harming and violence through early intervention. Such early intervention may be just as important in the home, to ameliorate life-turmoil and support quality family and domestic lives, based on the need for decent safe places to live, as more widely across society, always deploying consistent execution of consistent morality in appropriately timed and timely holistic action that is respectful and quickly and effectively initiated to share the undoing of brutalising experiences and actions non-adversarially in a timely shared search for effective remedy and resolution with authorities as resources, allowing individuals to move on unimpeded when appropriate, including addressing substance use, such as by reducing its harm with sufficient medication and regulated access to enable functioning. Any intervention needs to be as mindful of preventing harm to those with whom it works as it is to those being protected from them, always remembering that harmers may be the most sensitive to being harmed. Thus, interveners need to execute their role with respectful interaction, enabling self-expression and actively valuing service-user's diversity of experience as part of any process of progressing people towards less brutal conduct by tackling any downward life spirals of those with whom they work in the manner desired by that service-user to ensure interventions are early and in line with the wishes of service-users when quality of life is lacking to end tolerated downward life spirals with client-led holistic action to ameliorate brutalising experiences with fully funded advocacy for all involved and authorities as resources, such as providing access to free lifelong education in the active pursuit of life goals in non-harming ways, to enable quality performance and well-being, as well as helping people to learn to engage without brutality and dispense with harming social interactions, as well as protecting them from becoming socially isolated and from being left with no way out of desperation and need, instead ensuring properly remunerated employment is available to all and always results in decent levels of money accruing, including to alternatives to work, such as education, training, charity work, starting a business or disseminating quality parenting as part of parenting or any other alternative project or contribution that suits an individual and fits with their life, all as the conduits for payments, just as through traditional work and all in line with service-users own capacities and aspirations.</i>
Functioning and Brutalisation***	Individuals appeared to demonstrate	But for 95% of participants, the primary exposure, or at least the primary focus, seemed to be to the	<i>Thus, there perhaps needs to be a de-escalation of aggressive treatment, most particularly against women, including special provision to protect women and children</i>

	<p>resilience to brutalisation of their functioning right up until the level of it reached two or three times that of de-brutalisation. Additionally, independence was cited by more participants in de-brutalising rather than brutalising scenarios and solutions/moralities/drives/ desires were spoken of, without equal, more often than any other factor. Indeed, many functioning assets were autonomously cited by participants, including earned acquisition, normalities like work as positive or normal, domestic relational normalities, education as positive or normal, positive active happiness, actively positive behaviour, aspirations to improve/better self and intrinsic positive experiences. The more different types of functioning asset an individual had, over types of functioning liability, the more de-brutalised their functioning seemed to be, and none of those who made no mention of receiving</p>	<p>brutalising, rather than de-brutalising, elements of their lives and a large surfeit of brutalisation over de-brutalisation appeared to lead to brutalised functioning. Societal/official experiences, emotional/psychological and physical states, behaviour, treatment and need for, as opposed to sufficiency of, money, were all cited by more participants in brutalising scenarios than de-brutalising ones. Indeed, many functioning liabilities were autonomously cited by participants, including unearned acquisition, negative view of work, dependency on others, functioning problems, focussing difficulties like unreadiness, poor focus/concentration, laziness/inertia, learning/education difficulties, as well as visceral difficulties like physical problems, mental/emotional issues, substance use, aggressive/violent/unempathetic/uncaring/repressive behaviour, as well as impediments to advancement such as treatment difficulties like official interventions, aggressive/violent/unempathetic/uncaring/repressive treatment, and also practical difficulties like lack of money, being unable or not allowed to drive, current location and housing needs. All participants for whom functioning liabilities prevailed over any functioning assets they had, in terms of both categories and mentions, had a high offending risk, while even a lack of prevalence in functioning assets also appeared associated with brutal functioning. When in balance, it was brutal functioning that prevailed. Furthermore, the more types of functioning liability an individual had, over types of functioning asset, the more brutalised their functioning seemed to be. In addition, more than three quarters of participants cited being in receipt of aggressive treatment to at least some degree, and all the female participants cited this.</p>	<p><i>and prevent disruption to their lives, as well as safe decent places to live available for everyone and urgent attention for mental and physical health needs, in addition to easy access to the protection of the law, including through a funded advocate and automated access to all laws that promote straight forward situational escape routes for all situations. Likewise, more broadly, more of the emergent de-brutalising and functioning assets, and less of the brutalising and functioning liabilities, in lives are needed, particularly in terms of respectful societal/official experiences and general behaviour and treatment. On a practical level, it is important to ensure a sufficiency of money, perhaps through the measures suggested in the summaries of earlier sections above, alongside an end to unemployment and to both effort without money and money without effort, including an end to any gain from brutality and any income from property or business where that ownership is not based on active ethical custodianship of all ownership and profit and their development in non-harming ways, to empower earned acquisition and normalities like work, as well as fostering independence over dependence, fostered from childhood, such as through child-led, and subsequently adult-client-led approaches to, and interventions in, functioning problems, focussing difficulties, unreadiness, poor focus/concentration, laziness/inertia and learning/education difficulties, underpinned by required expectations. In addition, the practical need to have access to driving, perhaps could be sustainably structured, including with visual, technical and sensory driver monitoring and assistance where needed, potentially replacing tolerated limits of harmful driving, or other harmful conducts, with progress-tariffed, non-punitive responses that monitor those unable to self-monitor, such as with tachographs while driving, and contained, where that is insufficient, such as with speed-limiters on vehicles, furthering the better use of technology rather than exclusion in justice disposals wherever possible, as containment does not always mean imprisonment, since what needs to be contained may be very specific.</i></p>
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	aggressive treatment made any mention of behaving in this way either.		
Female Functioning and Brutalisation	For 80% of the women in the study, parenting, or being an expectant parent, appeared to be a factor in helpful change and 60% of mothers were overtly focused on their role as a mother, with 40% overtly prioritising their children, including them within what gave them happiness and meaningfulness and wanting a better life for themselves and their children	But 40% of mothers overtly limited their social lives to their children, seeing them as a reason d'etre for themselves and 80% of mothers were dependent on the authorities, with 60% of mothers either seeing their mothering role as a justification not to work or undermining any claims they made of it motivating them to work, with only 20% of mothers credibly speaking of mothering activating desistance in them. There was dependence upon money provided by society, but also dependence on how that money was provided, without any expectation of personal responsibility, alongside an absence of capacity to manage money or to take responsibility for its management. Furthermore, rather than expressing a desire to learn new improved parenting, 71% of women thought they would not benefit from parenting education. All these offending women in the study had been treated with brutality in their lives and 71% of them were mothers or expectant mothers, creating caring problems for children in their offending as well as brutalised mothers.	<i>Thus, this seems to endorse the need for special provision to protect women and children, including by preventing disruption to their lives, as well as perhaps suggesting the benefits of training expertise in parenting, potentially as a conduit for payments, to use the drive to be a good parent to trigger the best parenting possible, nurturing the constructive, flexible thinking that might shift the mindset that believes there is no need to learn how to parent, funding parenting improvement, rather than funding unemployment and inactivity or poor parenting. This, along with the earlier proposal to fund opportunities in kind for all children, might facilitate greater equality in childhood, perhaps culminating in a consistent age of adulthood with a valuing rite of passage into it.</i>
<p>*The importance of social inclusion illustrates the importance of arranging society's institutions as resources for people, with institutions to represent the whole of society that provide constructive educational/training/societal/official experiences with reference to Fig. 4.8 Active Socially Engaged Autonomous Positive Part in Society and Fig. 4.9 Wanting to play a Fully Positive Part in Society<sup>93</sup></p> <p>**The importance of feeling protected by rules illustrates the importance of enabling ethical delegation to authority by aligning law against harm and preventing any form of exclusion from any type of protection with reference to Fig. 4.22 Completely or Partially Law-Abiding in Perfect Life and with reference to the section entitled Lack of Rules-Protection<sup>94</sup></p> <p>***The importance of non-brutal functioning illustrates the importance of empathetic behaviour and treatment in pursuit of constructive solutions/moralities/drives/desires with reference to Fig. 4.45 Prevalent solutions/moralities/drives/desires and Fig. 4.48 Aggressive Behaviour and Treatment and Fig. 4.49 Aggressive Treatment and Gender<sup>95</sup></p>			

Tab. 4.11 Chapter Summary

<sup>93</sup> See Arrange society's institutions as Resources for people, with institutions to represent the whole of society that provide Constructive Educational/Training/Societal/Official Experiences in Tab. 12.1 Measures-Summary in Chapter 12

<sup>94</sup> See Enable Ethical Delegation to authority by Aligning Law against Harm and Preventing any form of Exclusion from any type of Protection in Tab. 12.1 Measures-Summary in Chapter 12

<sup>95</sup> See Empathetic Behaviour and Treatment in pursuit of Constructive Solutions/Moralities/Drives/Desires in Tab. 12.1 Measures-Summary in Chapter 12

## CHAPTER 5: BARRIERS TO CONSTRUCTIVE ACTIVITY

This chapter looks at barriers to constructive functioning, such as having problems, including how individuals can actually further problematise their existing problems, for instance by responding to problems by offending. It considers this alongside other such barriers, including physical and emotional states and substance use, as well as alongside deferment of action and dependent inaction.

### **Literature Review and Theory of Barriers to Constructive Activity**

Principal amongst barriers might be the damage suffered by individuals in their respective pasts, that could then be exacerbated by damaging responses to that initial damage. Offenders are ‘often’ ‘highly damaged’ people who need ‘intensive’ help (Esmee Fairbairn Foundation 7:2004). ‘I saw a group of damaged individuals, committing, for the most part, petty crime’ (Rheinberg 14:2007). Thus, ‘crime’ might be best considered as people’s ‘troubles’ (Christie 3:2004) and as that ‘damage’, so that any ‘intensive help’ needed might replace any further damage from the ‘serious emotional maladjustment’ that appears in the period leading up to reoffending. Four out of five recidivists experienced just such a strong negative emotional state in that period, with frustration and anger becoming most dominant as the reoffending gets closest and optimism becomes supplanted by pessimism (Zamble and Quinsey 1997).

‘Emotional reactions’ (Wikstrom 2006<sup>1</sup>), like anger (Laub and Sampson 2003), and a high level of trauma (Shepherd 2013) might all be barriers to constructive activity. Additionally, ‘emotional instability’ generally, as opposed to ‘emotional stability’, is

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<sup>1</sup> Paper Orally presented ‘Assessing the Role of Individual Differences and Environment in Crime Causation’ at SCOPIC Conference, Cambridge, December 2006

one of five ‘trait dimensions’ for criminal personality (Andrews and Bonta 89-92:1998). This trait, along with the other four of ‘extroversion’ as opposed to ‘introversion’, ‘hostile non-compliance’ as opposed to a ‘friendly compliance’, lack of ‘will to achieve’ and lack of ‘intellect’ (Andrews and Bonta 89-92:1998), might all be exacerbated by emotional and mental well-being problems, all of which could potentially inhibit constructive activity. Indeed, 15 out of 17 offenders reported mental health<sup>2</sup> problems while in prison<sup>3</sup> (Masson 2012).

## Mental Health

Three quarters of offenders had brain injuries, from autism to learning difficulties to injuries from violent assault (Atkinson 2012). 95% of prisoners aged 15-21 suffered from a mental disorder and 72% of all male sentenced prisoners and 70% of all female sentenced prisoners suffer from at least two mental disorders (Singleton et al 1998). One third of young offenders has a learning disability<sup>4</sup> and another third are borderline<sup>5</sup> (Matthew and Skuse 2013). Mental and physical health problems make it more difficult for prisoners to make the best use of opportunities’ and ‘can lead to significant problems with coping (SEU 2002). Thus, there is a need for small supportive environments (Bloom 2012) to prevent this difficulty coping from becoming yet another barrier to opportunity for constructive activity, alongside emotional, physical and learning problems and substance use.

Tab. 5.1 Mental Health

On top of this, 75% of people with serious mental health issues have recurring substance abuse problems<sup>6</sup> (Bloom 2012).

## Substances

The relationship between problematic substance use and crime is now well established with a wide range of factors at play in this connection (Bennet & Holloway 2009). Indeed, ‘the majority of prisoners have a significant history of substance misuse’ (Esmee Fairbairn Foundation 7:2004). Offences are committed to pay for ‘drugs, beer, fags’, as well as ‘food’, even though Jodie knows ‘drugs is a waste of money’ (Jodie 2009<sup>7</sup>). ‘Urine tests of arrestees revealed that 69% of arrestees tested positive for one or more illegal drugs and 36%

<sup>2</sup> Timely action on mental and physical health needs is perhaps needed for everyone with problems in these regards (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>3</sup> ‘The Spiral effect of a first short prison sentence on mothers’

<sup>4</sup> IQ less than 70(The verbal part of the IQ test is heavily related to school attendance so not attending school can impact IQ)

<sup>5</sup> 70-80 IQ is borderline

<sup>6</sup> Addressing substance use to enable functioning is perhaps needed for everyone with substance use problems, including perhaps ensuring sufficient medication and regulated access (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>7</sup> Speaking in Hughes, J., The Trouble With Girls, BBC.

tested positive for two or more such substances,' while '38% of arrestees tested positive for opiates' with '18% of the interviewed arrestees' being 'repeat offenders' (Colman 1:2016). There is a significant overlap between desistance from offending and recovery from substance dependence (Best and Savic 2014) with an increase in already high levels of substances usage in the day immediately preceding a new offence (Zamble and Quinsey 1997) and 66% of sentenced male prisoners and 55% of sentenced female prisoners are current or recent drug users, while 63% of sentenced male prisoners and 39% of sentenced female prisoners are hazardous drinkers (Singleton et al 1998). 'Drug dependent persistent offenders' are the most difficult to reform and there is a 'centrality of the drugs problem to crime' (Esmee Fairbairn Foundation 51:2004) and a destructive power of alcohol (Laub and Sampson 2003) even while 'I need the beer to chill me out' and 'to make me happy', as 'I can't be happy without drink' (Abby 2009 ). 80% of recidivists had substance abuse problems (Zamble and Quinsey 1997) and '60% of arrestees who reported using one or more illegal drugs in the last 12 months and committing one or more acquisitive crimes acknowledged a link between their drug use and offending behaviour. This proportion rose to 89% among arrestees who said that they had committed one or more acquisitive crimes and that they had used heroin and cocaine and crack in the last 12 months' (Colman 1:2016).

Tackling substance use needs to involve the broader context including non-human actors such as animals to assist desistance and recovery and it needs to provide new pleasures and meanings with prisons, if used, offering a desistance approach focussed on change rather than a rehabilitation focus on cure (Best and Colman 2020). Treatment for addiction should be readily available and become less reliant on the criminal justice system or prisons for its patchy delivery (Esmee Fairbairn Foundation 2004), if substance use is to cease being a barrier to living a constructive life. Likewise, early helpful responses to other problems, that might also be barriers, might be more useful than waiting for criminality or other brutality to emerge. In this way, significant numbers of those with mental health problems within the criminal justice system had other problems, as well as substance addiction, such as nowhere permanent to live and no job and many drew no benefits and did not have a doctor <sup>8</sup> (Esmee Fairbairn Foundation 2004). There is a strong link between substance abuse, mental health, and trauma and also between those involved in these issues and an inability to cope with being restrained and contained (Bloom 2012). Recovery needs a broad range of needs to be addressed including vocational activity, physical health, psychological health, quality of life and increased social networks (Best et al 2012).

Tab. 5.2 Substances

Furthermore, offenders may need help with prosocial modelling, skills accreditation and addressing the problems underlying offending behaviour (Coulsfield 2004), if they are to achieve goals prosocially. This underlines the pointlessness of tariffing by time if progress in addressing underlying problems is not made part of any response to crime in the manner discussed in Table 3.12<sup>9</sup>. There is a need to 'prioritise problem solving over punishment' (Esmee Fairbairn Foundation 7:2004). There is also a need to tackle the underlying problems in people's lives, by assessing what people require in their lives to ensure that they stop offending and then attempting to help them find ways to produce these features in their lives in such a way that they do actually stop offending (Farrall 2002). Individuals need the prosocial means to meet their 'practical and survival needs', like transportation, child care, work and housing (Bloom 2012).

<sup>8</sup> The Revolving Doors Agency that is funded by Rethinking Crime and Punishment

<sup>9</sup> See Table 3.12 in Chapter 3



Underlying Problems
<ol style="list-style-type: none"> <li>1. <b>Problems lead to more Problems</b> - Problems do not tend to lead to disaster for most people, but the exacerbating manner in which offenders deal with problems, means that such problems can trigger a downward worsening spiral for these individuals (Zamble and Quinsey 1997).</li> <li>2. <b>Recidivism and Problems</b> - Recidivists perceived more problems in their lives, as well as being more likely to make problems worse (Zamble and Quinsey 1997). Recidivists solved problems in knee jerk short term unthoughtout reactions, with little regard for consequences (Zamble and Quinsey 1997).</li> <li>3. <b>Unknowingly Making Problems Worse</b> - Recidivists often made the problem worse as a means of coping with the problem, while nevertheless believing they actually coped well with problems, which may be why they stick to their failing coping mechanisms (Zamble and Quinsey 1997).</li> <li>4. <b>Unknown Problematic Actions</b> - There is a need to tackle the unthoughtout way in which offences are enacted on the first impulse to offend without any awareness until those offences are just about to happen (Zamble and Quinsey 1997).</li> </ol>
<p style="text-align: center;">Types of Problem</p> <p>30% of UK prisoners are homeless when they enter prison and another 30% lose their homes while in prison (Weaver A 2012) and offenders frequently have accommodation and money problems (Halliday 2001) and many were brought up in care (Russell 2012). Recidivists tend to have unsettled lives, with frequent moves, frequent unemployment, and unstable relationships (Zamble and Quinsey 1997). There appeared to be ‘associations between NEET<sup>10</sup> status and mental health problems, drug use, involvement in crime, long-term unemployment and welfare dependence’ (Adamson 21-23:2013). All of these things might realistically be considered barriers to constructive activity. Indeed, 79% of recidivists said they were worried life was not going the way they wanted, rating substance abuse highest amongst their problems, followed by money and then work/school/employment (Zamble and Quinsey 1997).</p>

Tab. 5.3 Underlying Problems

Offenders mostly share the same goals as non-offenders (McMurran and Ward 2004) in such things, suggesting that removing barriers to achieving goals prosocially<sup>11</sup>, whilst also ensuring anti-social means cannot lead to goal achievement<sup>12</sup>, could be helpful. ‘I wanted to be a fire-fighter and ended up being an arsonist’ (Bilton 2012<sup>13</sup>). ‘I want to go the right way’ (Shauna 2009<sup>14</sup>), but ‘desire plus impotence’ is ‘the recipe for

<sup>10</sup> Not in Employment Education or Training

<sup>11</sup> Such as funding in kind for opportunities for children (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>12</sup> Such as undoing any gain from brutality (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>13</sup> Speaking in Panorama BBC 11.9.12 ‘Trouble on the Estate’, BBC

<sup>14</sup> Speaking in Hughes, J., The Trouble With Girls, BBC.



strops' (Cousins 2013<sup>15</sup>).

Anti-Social Means to Achieve when Prosocial Means are Blocked	
	- The fact that offenders see crime as a route for achieving goals (McMurran and Ward 2004) needs to be shown to be unsuccessful, otherwise the success of crime seems likely to remain a barrier to more constructive ways to achieve goals.
	- Humans might not differ in terms of their 'primary' goals, but in their choice of 'secondary goals' (McMurran and Ward 295-311:2004) through which to pursue them.
	- Criminogenic problems arise, not because of the 'goods offenders seek', which are generally the same 'goods' that the population at large seek, but because of the 'way they seek them' (McMurran and Ward 295-311:2004).
	- Offenders' goals are rarely inherently bad but, rather, it may be the means used to achieve them that is problematic and often self-defeating (Ward and Maruna 2007).
	- Crime might only be an alternative way to achieve goals and may only emerge when prosocial means are blocked and antisocial means are available and supported in their place (Cloward and Ohlin 1960).
	- Crime could be the product of obstacles to the pursuit of legitimate goals (Ward and Maruna 2007).
	- If individuals are unable to achieve their desires through prosocial means, antisocial behaviour may be used to attempt to achieve these things instead (Ward and Maruna 2007).

Tab. 5.4 Anti-Social Means to Achieve when Prosocial Means are Blocked

Empowering individuals to achieve their desires constructively seems critical<sup>16</sup>. Once criminality is used instead, it can itself go on to create more 'blockages' in the path of desistance and 'makes it surprising there is as much desistance as there is', as issues like a criminal record can block the very paths, such as getting a job, that society wishes offenders to take (Bottoms 243-287:2006).

The Responses to Anti-Social Means Create More Blockages
80% of young people saw their criminal record as a barrier to achievements, such as work, but did not realise that it would be until they had already acquired that criminal record and it was then too late (Aspinall 2013). This might endorse the importance of tackling problems at their first emergence, without waiting for criminality to be spawned. It could also endorse the importance of ensuring, if criminality does emerge, that it is treated as damage and troubles to be urgently healed, without it creating more obstacles to life through stigmatising labels. One former offender described how, when starting to go for job interviews, he realised that disclosing his offending past made everyone's demeanour change (Lunn 2012).

Tab. 5.5 The Responses to Anti-Social Means Create More Blockages

<sup>15</sup> Speaking in A Story Of Children And Film, Film4 Production.

<sup>16</sup> Such as by advancing development of aptitudes and appetites through lifelong education available for all (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

9 out of 17 offenders lose their jobs<sup>17</sup> (Masson 2012) and one offender said it's 'painful' when his children would ask him when he was going to work<sup>18</sup> (Smith 2012<sup>19</sup>). There are also 'scarring effects' like that of being unemployed on leaving school, with 16-17 year olds who are NEET<sup>20</sup> going on to be 8 or 10 times more likely to be unemployed at 26, with the biggest problem being 'lack of self-belief' (Williamson 2013<sup>21</sup>). Shauna tried to find work but gave up hope easily when she hit the first hurdle, calling it all 'shit' and saying 'I don't want a job anyway', despite having said, as she launched a search for work, 'I think I am ready for a job' (Hughes 2009<sup>22</sup>). The way that this pessimism can so easily swallow-up any such optimism is perhaps because of this lack of belief, potentially not just in the self but also in the world around one. Thereby, fragile belief might amplify the impact of any barrier that does appear. Likewise, *perceived* barriers to enactment (Andrews and Bonta 1998) and being mistaken about what is in one's own interest (Ward and Maruna 2007) might also form barriers to constructive activity.

Obstacles can also include the limitations of an individual's environment, which can then, in turn, limit the selves that individuals can construct (Ward and Maruna 2007). 70% saw where they lived as such a problem, 66% saw substances, 50% saw antisocial associates, 50% saw lack of opportunities and 33% saw lack of confidence as a problem (Aspinall 2013).

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<sup>17</sup> 'The Spiral effect of a first short prison sentence on mothers'

<sup>18</sup> [Employment, or alternatives, perhaps need to be available for all \(See Chapter Summary from the Previous Chapter and at the end of This Chapter\)](#)

<sup>19</sup> Speaking in 'The Road from Crime', Lagan Media Productions Ltd film for the university of Glasgow.

<sup>20</sup> Not in Education, Employment or Training

<sup>21</sup> Presenting 'Reflecting experience in youth justice in Wales, England and Europe', paper at Welsh Centre for Crime and Social Justice Annual Conference

<sup>22</sup> Speaking in The Trouble With Girls, BBC

### **Problems, Problematisation and Brutalisation**

The interviewees in this study spoke of many problems in their lives, with only one participant having a de-problematising approach<sup>23</sup> to these problems in more than half of the problematising<sup>24</sup> level measures. Indeed, only 8% had a de-problematising approach with regard to all three parts thereof, namely obstacles, criticism and breakdown. Moreover, no one had a de-brutalising approach to more than 9 out of the 14 problematising measures used.

All the interviewees' responses to problems were collected to create the table below to try and illustrate the degree to which they responded to problems by potentially creating more problems in this problematising way. It appeared to be the case that responding to problems by problematising matters further seemed to be a not inconsequential issue impeding lives apparently quite broadly. It is perhaps likely, therefore, that it is a false economy not to help people learn to deal with their problems effectively at their first emergence<sup>25</sup>, making help in this urgently available and treating poor conduct, such as brutality or offending, as a symptom of damaged problem-solving<sup>26</sup>, rather than as a reason to castigate people.

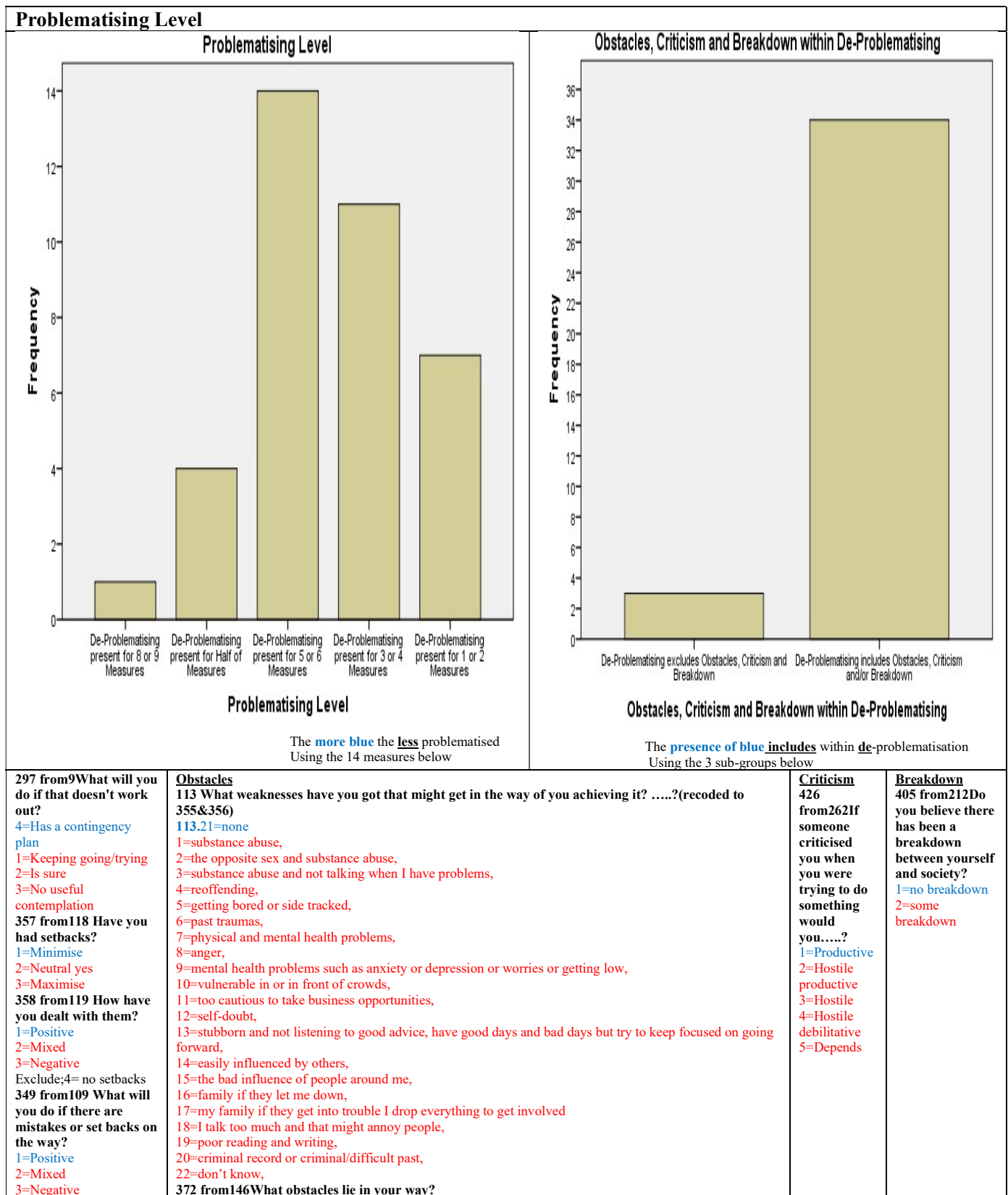
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<sup>23</sup> Namely an approach to problems that is helpful to solving the problem rather than potentially exacerbating it

<sup>24</sup> Namely an approach that potentially could exacerbate problems even as it attempts to deal with them

<sup>25</sup> Such as early intervention when quality is lacking in appropriately timed and timely holistic action with repair-based, non-punitive, de-brutalised and de-brutalising responses (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>26</sup> Treating all brutalities as symptoms of damage to be healed (See Chapter Summary from the Previous Chapter and at the end of This Chapter)



<p><b>342 from 96</b>What do you do when things don't seem to be working?</p> <p>1=Positive 2=Negative</p> <p><b>343 from 97</b>At what point would you give up?</p> <p>5=Has viable contingency 1=I don't 2=On failure 3=Variable/unknown 4=Outside control</p> <p><b>431 and 432 from 268</b>How do you react when your plans hit a problem....?</p> <p>1=Positive = Thought/Help to be Guided 2=Positive now, negative previously =Thought/Help to be Guided and Past Problematic Response to be Guided 3=Mixed =Thought/Help to be Guided and Problematic Response to be Addressed 4=Negative= Thought/Help to be Engendered and Problematic Response to be Addressed</p>	<p>2=None 1=Unknown 3=Self 4=Partner 5=Practicalities 6=Criminality 7=Lots 8=Impersonal</p> <p><b>147</b>What are you intending to do about those obstacles? (recoded to 373.1-7 (asked of 146.3-22) Plus a 373.8 'no foreseeable obstacles' group (for those who said 146.1+2) who do not appear in 147</p> <p>147.6=keep out of trouble, regain respect, work with probation to improve disclosure letter, portray self in good light, 147.10=see sentence through and get a job, 147.13=work or work harder or specific work improvements or specific work goals, 147.14=car boots, allsorts, any way I can just to get the money, 1=nothing I can do, 2=excuse not to act, 3=I'm in other people's hands or reliant on opportunities arising, 4=not sure, I need others to keep me out of trouble like a spouse/partner/family member, 5=remove or bypass or ignore or stay away or prepare for/from obstacles, 7=find new friends and get away from friends that are a bad influence by moving away, 8=finish with partner, 9=see things through and/or carry on and/or keep going and or complete them or try to, 11=avoid situations where I could access substances to abuse, 12=get help and support from services like AA and talking to people and from God to reduce substance abuse,</p> <p><b>306 from 15</b>What gets in your way in your life?</p> <p>9=Nothing 1=Associations 2=Authorities 3=Own inadequacies 4=Delay 5=Prosocial life 6=Material lack 7=Substance abuse 8=Offending</p> <p><b>16</b>What are you doing about that?</p> <p>1=confronted obstacle, trying to overcome it and implementing strategy to cope with it and to get rid of it, 2=confronted obstacle, trying to overcome it and implementing strategy to cope with it but not to get rid of it, 3=confronted obstacle, trying to overcome it, but has no strategies to cope with it nor get rid of it, 4=not confronted obstacle nor trying to overcome it, but has some strategy to cope with it, 5=not confronted obstacle nor trying to overcome it nor has a strategy for coping with it but is waiting for others or time or authorities to solve it, 6=obstacle is the law/society itself and s/he seeks to bend not break it/defy it in small ways/keep out of its way/play it at its own game, 7=just keep going/trying/getting on with it/doing my best/getting over them in general terms,</p>		
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Fig. 5.1 Problematising Level

The importance of acquiring de-problematising approaches to problems may be highlighted by the fact that 86% of those at low offending risk had at least 5 or 6 of the de-problematising measures present, while 83% of those at high such risk had a maximum of this number of these measures. Thus, problematisation and brutalisation appeared to be potentially related, possibly indicating brutalisation might be tackled through improving problem-solving in de-brutalising ways<sup>27</sup>.

<sup>27</sup> Such as coursed-preparation to manage life that is certified and endorsable for re-acquisition as part of citizenship (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

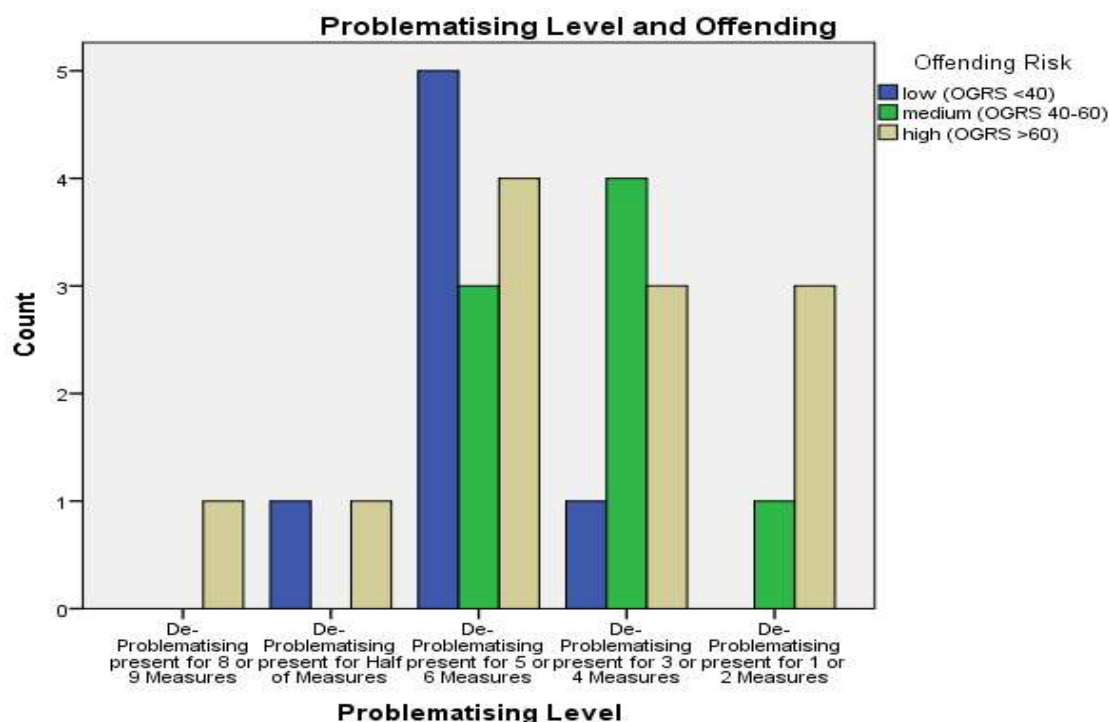


Fig. 5.2 Problematising Level and Offending

In terms of the problems themselves, the weaknesses and obstacles that participants cited included substance use<sup>28</sup>, offending and criminal ways of being<sup>29</sup>, mental health<sup>30</sup>, other people<sup>31</sup>, lack of skills<sup>32</sup>, their pasts<sup>33</sup>, not knowing their own weaknesses<sup>34</sup>, not

<sup>28</sup> Perhaps endorsing the need for addressing substance use in ways to enable functioning such as sufficient medication and regulated access (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>29</sup> Perhaps endorsing the need for early intervention when quality is lacking in appropriately timed and timely holistic action with repair-based, non-punitive, de-brutalised and de-brutalising responses (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>30</sup> Perhaps endorsing the need for timely action on mental and physical health needs for everyone with problems in these regards (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>31</sup> Suggesting the need for respectful interaction and self-expression with required expectations thereof, with access to being championed by a funded advocate where situations cannot be managed without anger as well as special provision to protect women and children to ensure the equality of the value and safety of all lives (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>32</sup> Perhaps endorsing the need for advancing development of aptitudes and appetites through lifelong education available for all (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>33</sup> Perhaps again endorsing the need for early intervention (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>34</sup> Perhaps media-represented diversity of experiences might help self-understanding, alongside the other measures suggested here (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

understanding obstacles<sup>35</sup>, their domestic partners<sup>36</sup>, themselves<sup>37</sup>, practicalities<sup>38</sup>, impersonal matters such as the state of the country in general like the economy or infrastructure or generalized competition for work<sup>39</sup>, as well as the sheer weight of number of problems facing them.<sup>40</sup>

### What might get in the way of you achieving your goals/dreams?

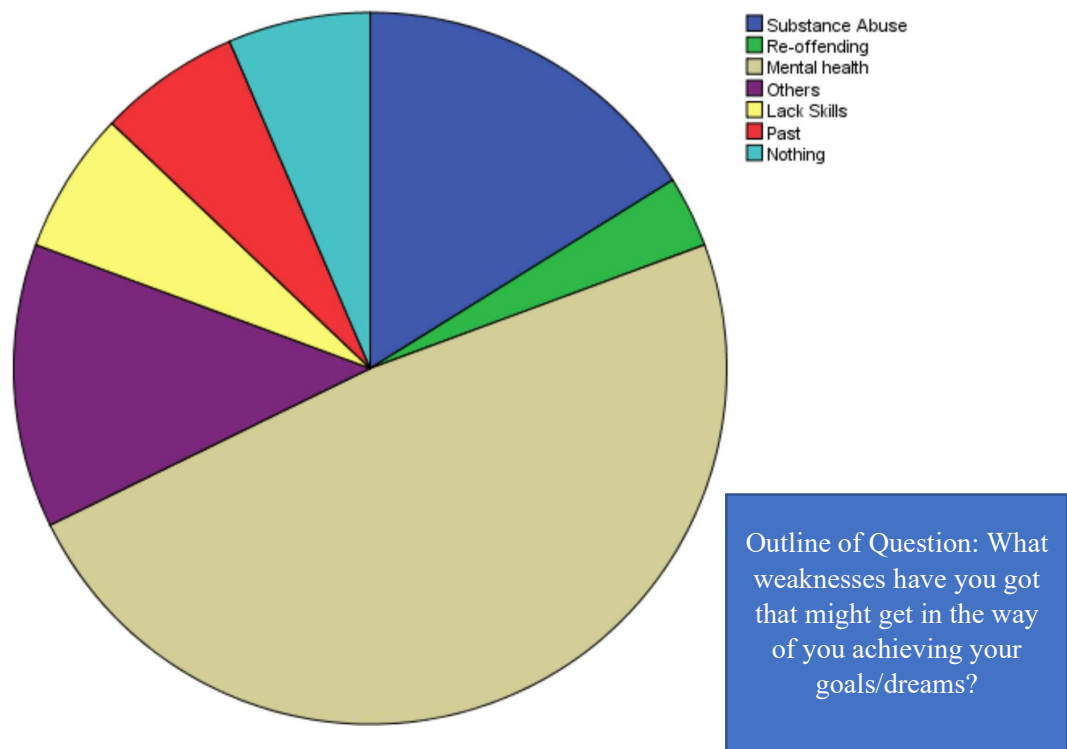


Fig. 5.3 What might get in the way of you achieving your goals/dreams?

<sup>35</sup> Perhaps media-represented diversity of experiences might help self-understanding, alongside the other measures suggested here (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>36</sup> Suggesting the need for decent safe places to live and quality family life, childhoods and parenting (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>37</sup> Perhaps media-represented diversity of experiences might help self-understanding, alongside the other measures suggested here (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>38</sup> Suggesting the need for pay and payments to be sufficient to fund quality lives and obliged insurance for times of need (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>39</sup> Perhaps endorsing the need for employment, or alternatives, to be available for all (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>40</sup> Perhaps endorsing the need for an easy to operate and understand online guide that provides straight forward situational legal escape routes (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

Only a third of those asked what they intended to do about the obstacles specifically, and who had cited obstacles specifically, suggested active solutions to these obstacles.

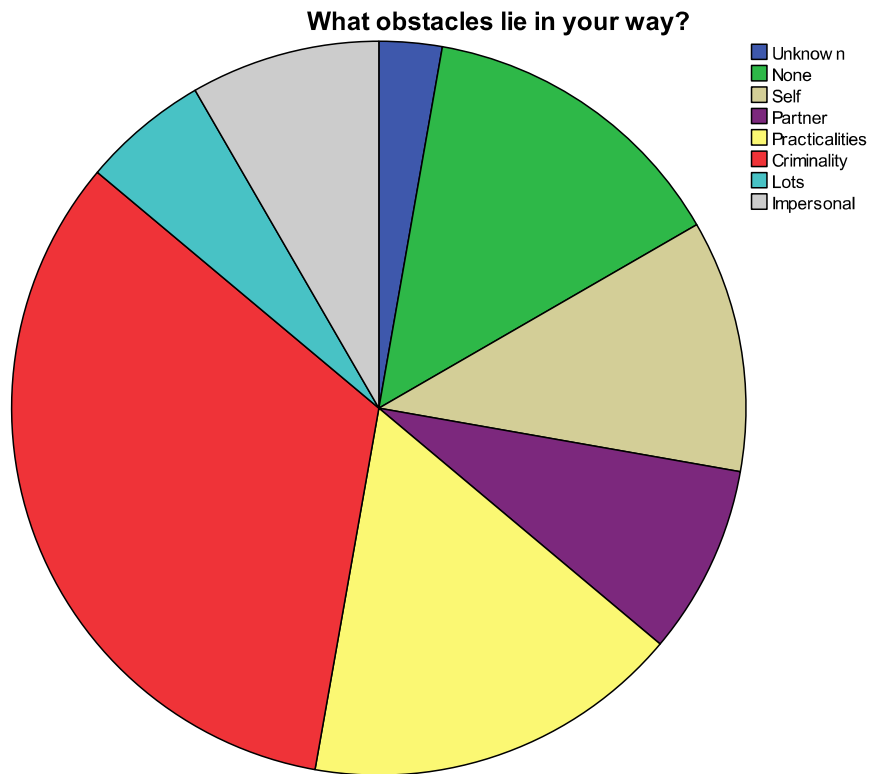


Fig. 5.4 What obstacles lie in your way?

Another approximate third responded in ways redolent of dependency or deferment and the final approximate third spoke of removing/bypassing/ignoring/staying away from or preparing for/from obstacles, or of seeing things through and/or carrying on/keep going/completing/trying, in a manner redolent of vaguely ploughing on regardless without specific actions cited. In these ways, two thirds of participants seemed at risk of inflexible action<sup>41</sup> or dependent<sup>42</sup> or deferring inaction<sup>43</sup>.

<sup>41</sup> Perhaps endorsing the suggestion of nurturing constructive, flexible thinking (See Chapter Summary from the Previous Chapter and at the end of This Chapter)



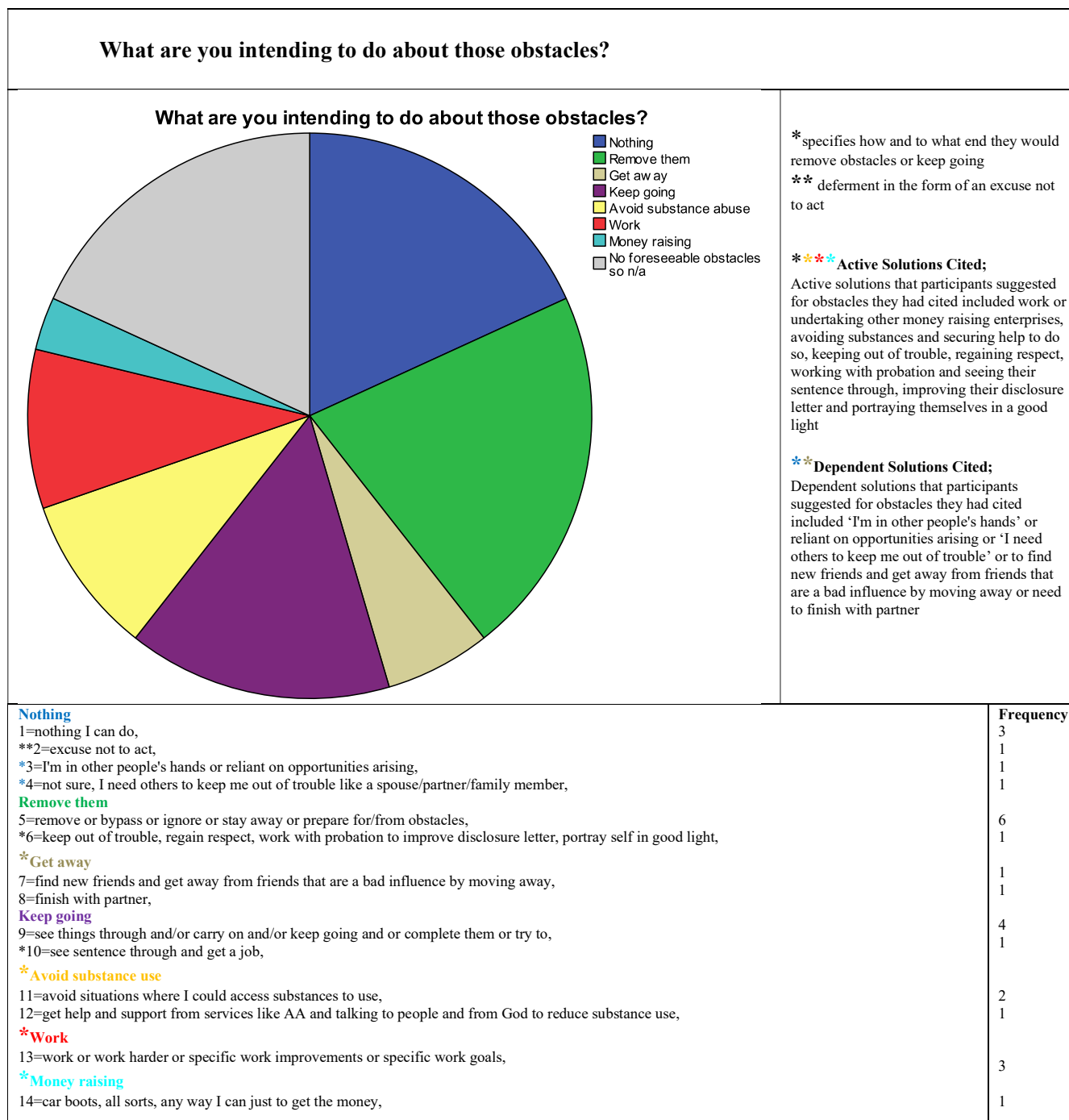


Fig. 5.5 What are you intending to do about those obstacles?

<sup>42</sup> Perhaps endorsing the suggestion of nurturing personal responsibility fostered from childhood, such as through client-led interventions (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>43</sup> Perhaps indicating the value of expecting active participation in, and contribution to, society (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

Furthermore, only 29% of the participants who had reported any factors that hindered their lives, reported confronting those obstacles, trying to overcome them and implementing a strategy to cope with them and get rid of them. The remaining participants had not considered getting rid of the obstacles, or did not have a strategy to cope with them nor get rid of them, or did not report confronting the obstacle nor trying to overcome it, or were simply waiting for others or time or the authorities to solve matters for them, or saw the obstacle as being the law/society itself and sought to bend it/defy it in small ways/keep out of its way/play it at its own game, or, finally, would just keep going/trying/getting on with it/doing their best/get over the obstacles in general terms without specifying any specific action. Participants' own inadequacies<sup>44</sup> and associations<sup>45</sup>, material lack<sup>46</sup>, the authorities<sup>47</sup>, delay<sup>48</sup>, and even a prosocial life itself<sup>49</sup>, were all cited as hindrances to their lives, alongside the weaknesses and obstacles considered above.

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<sup>44</sup> Perhaps endorsing the need for course-preparation to manage life, opportunities for its re-acquisition and for timely mental health help (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>45</sup> Perhaps endorsing the need to strengthen personal responsibility from childhood (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>46</sup> Perhaps endorsing the need for pay and payments to be sufficient to fund quality lives and obliged insurance for times of need (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>47</sup> Perhaps suggesting the need for respectful interaction from state and organisational actors to be expected and enforced with automated access to all laws for everyone, so everyone knows that they should get this, and to a champion to represent them when they don't (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>48</sup> Perhaps endorsing the need for appropriately timed and timely holistic action (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>49</sup> Perhaps emphasising the need for prosocial lives to be able to deliver on people's own appetites and aptitudes (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

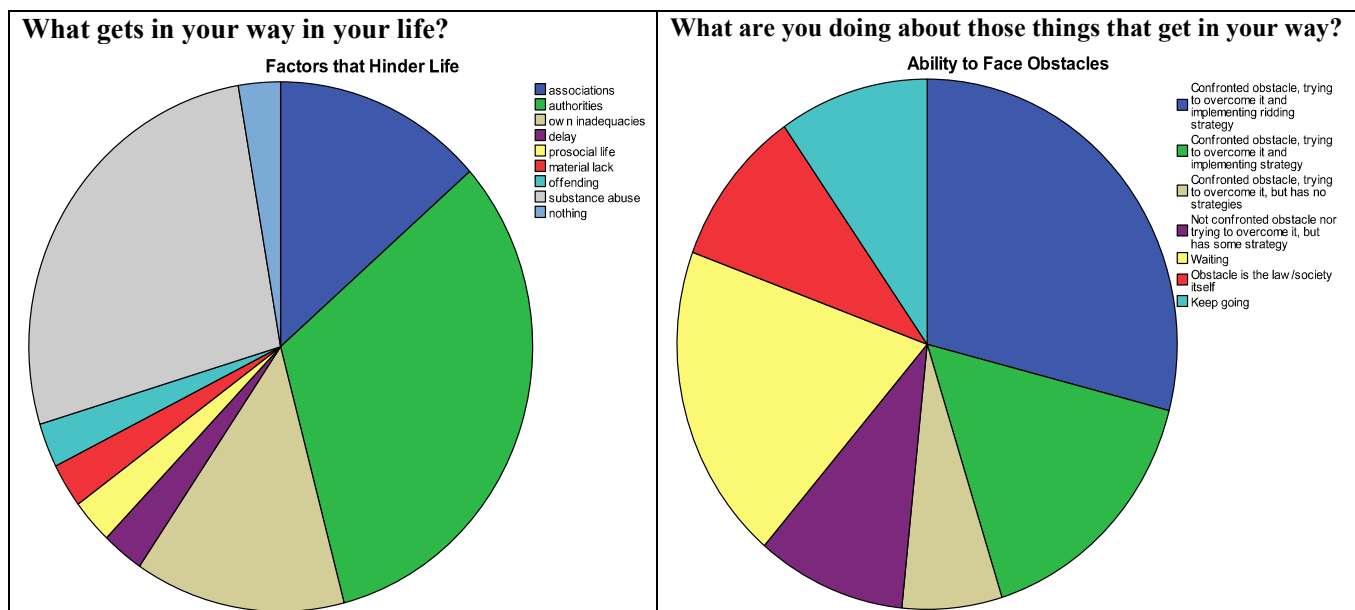


Fig. 5.6 What gets in your way?

If a prosocial life itself, its authorities and its systems, tolerates this material lack, delay, lack of skills, insufficient preparation for individuals to manage life or others or even themselves, whilst also accepting damage to citizens by economic or infrastructure or work problems, it is, perhaps, in all these ways, tolerating downward life spirals and, thus, possibly lacking the credibility and legitimacy to expect individuals to live law-abiding de-brutalising lives within such a brutalising system. Systems and societies may need to be as responsive to both the amelioration of their own brutalities and to criticism of them as they expect offenders to be.

In terms of offenders, criticism appeared to solicit some sort of **productive\*** response in 72% of participants and, although **hostility\*** of some sort featured in 50% of participants, only 16% spoke of an exclusively hostile response to criticism and only 3% spoke of a **debilitative\*** hostile response.

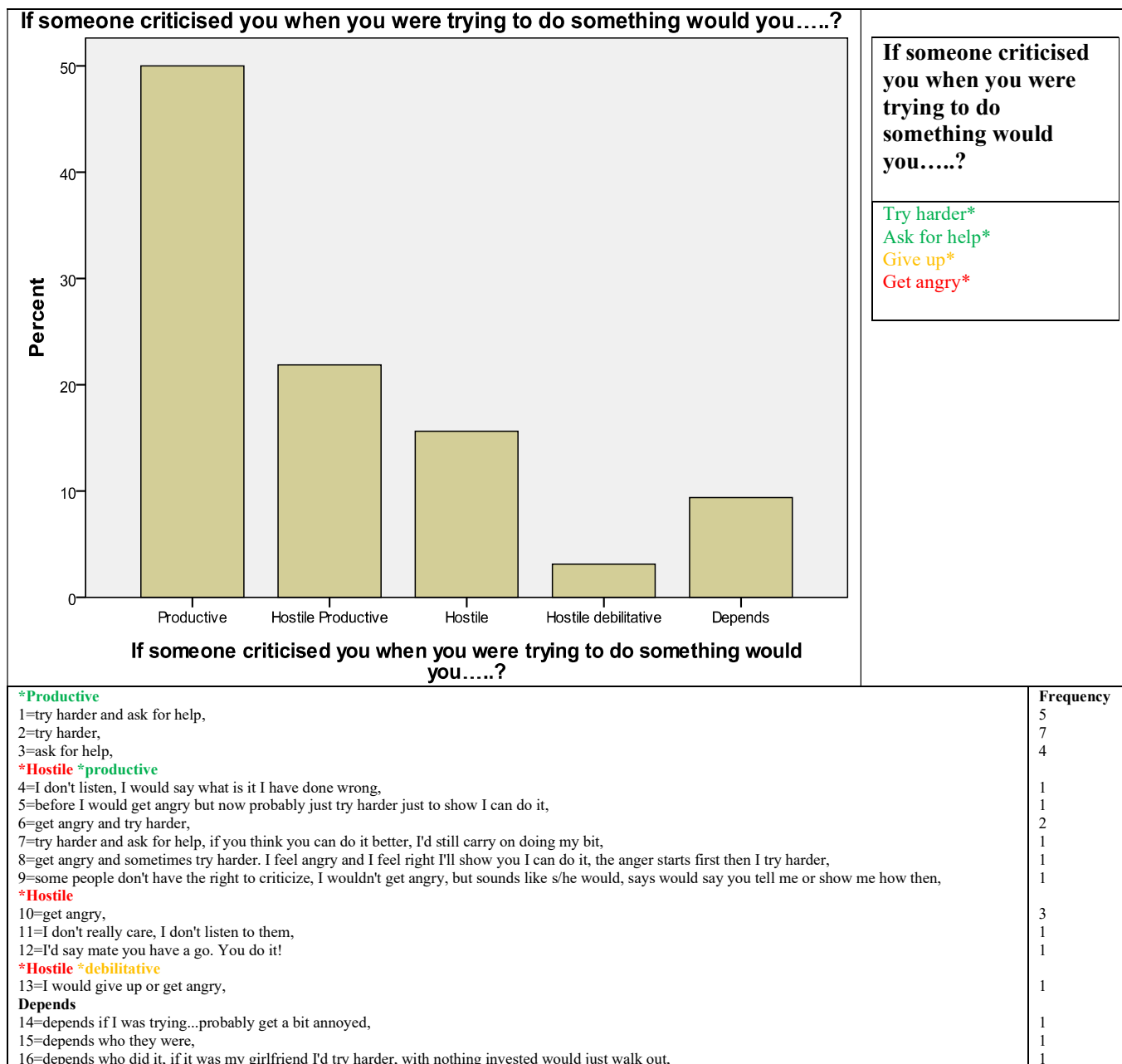


Fig. 5.7 If someone criticised you

All those with half or more of the de-problematising measures present (including the 1/14 that related to criticism) had a solely productive approach to criticism, without any hostility, whilst 83% of those who responded to criticism with hostility, but without productivity, had a quarter or fewer of the de-problematising measures present. This

may emphasise the importance of being able to respond to criticism in productive rather than hostile ways as part of resolving problems without problematising them further.

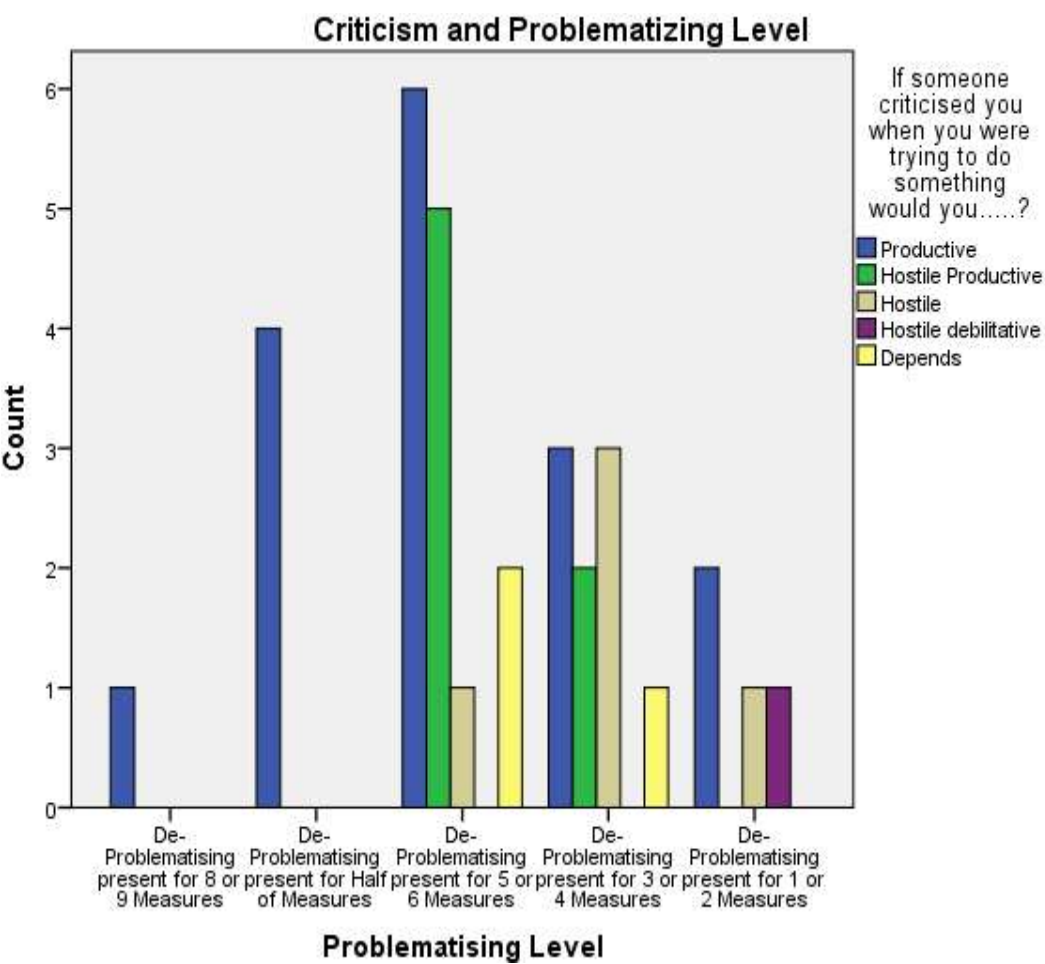


Fig. 5.8 Criticism and Problematising Level

Similarly, in terms of any breakdown between individuals and society, 74% of those that believed there had been no breakdown between themselves and society had at least 5 or 6 of the de-problematising measures present (including the 1/14 that related to breakdown), while 93% of those that believed there had been some such breakdown had a maximum of this number of these measures.

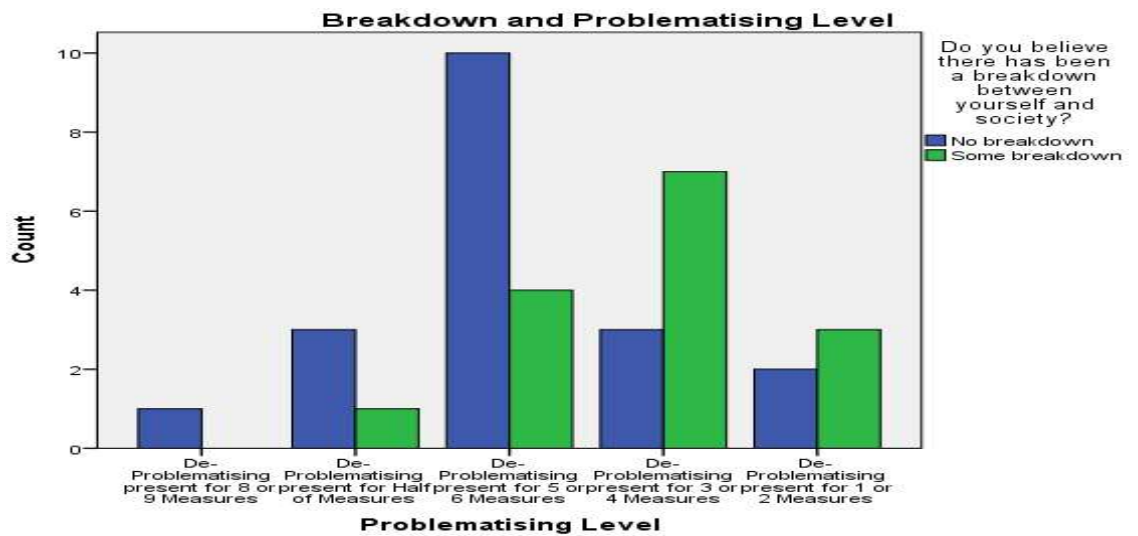


Fig. 5.9 Breakdown and Problematising Level

Furthermore, believing that there had been that breakdown appeared to be associated with a high offending risk and an absence of full-time work. 60% of breakdowners had a high offending risk, compared to 31% of non-breakdowners. Only 13% of breakdowners worked full-time, compared to 32% of non-breakdowners.

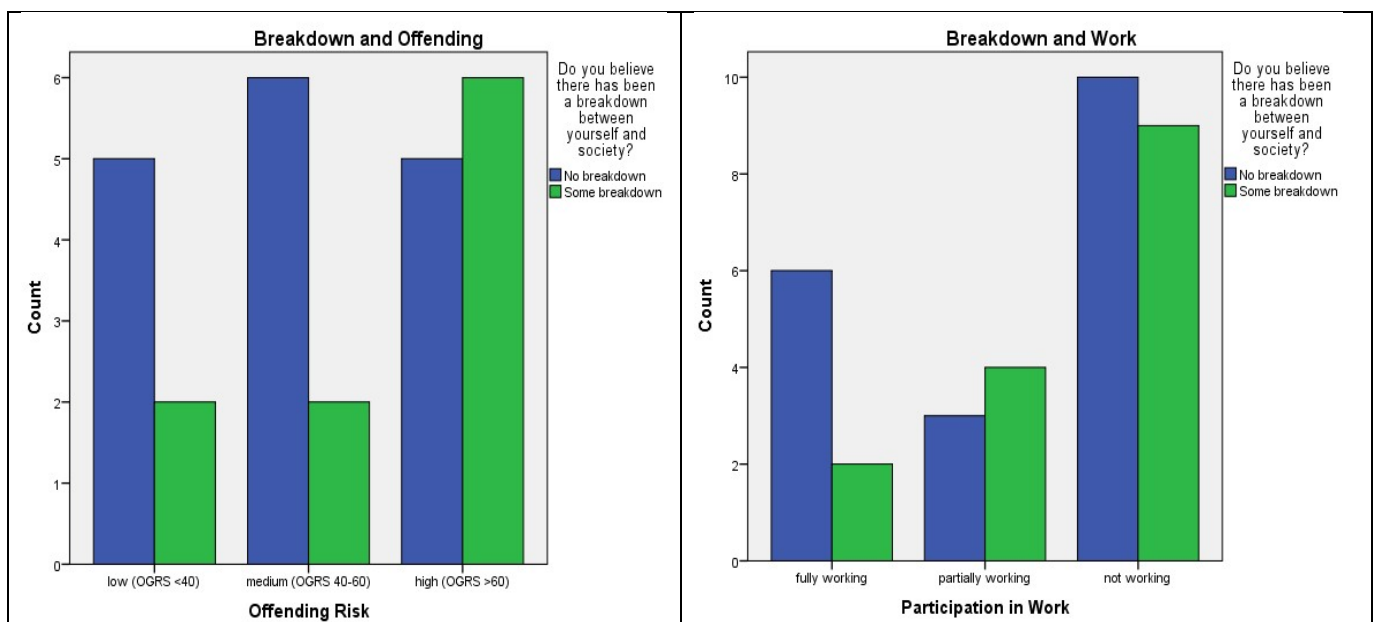


Fig. 5.10 Breakdown and Offending/Work

Thus, prevention of breakdown, including early intervention at the first warning signs, in order to avoid, or nip in the bud, any breakdown between individuals and society, may enhance participation in work, improve conduct and facilitate the de-problematising resolution of problems. Conversely, failing to provide this early prevention and response might create a barrier to the constructive activity of work, good conduct and appropriate problem resolution. Providing, supporting and expecting good conduct, appropriate problem-solving and work, might, in reverse, also provide some protection against breakdown between individuals and society.

With further regard to any breakdown of such relationships with society, more than half of those in this study who had spoken of this breakdown blamed themselves for it, but more than a third blamed society itself or the police. Bringing together those with these starkly conflicting perceptions of blame, in order to share the de-brutalisation of both individuals *and* society, and the role played by *both* in the brutalisation of life, may serve to benefit both. Indeed, willingness to accept blame could represent an opportunity upon which to build such shared discussion, whilst, at the same time, any willingness for self-blame must not go unreciprocated by society and its representatives, such as police, as this could lead to the failure of society to recognize its own need to improve the way it functions, creating a barrier to society improving itself, and the way it is policed.

How did the breakdown happen?\*

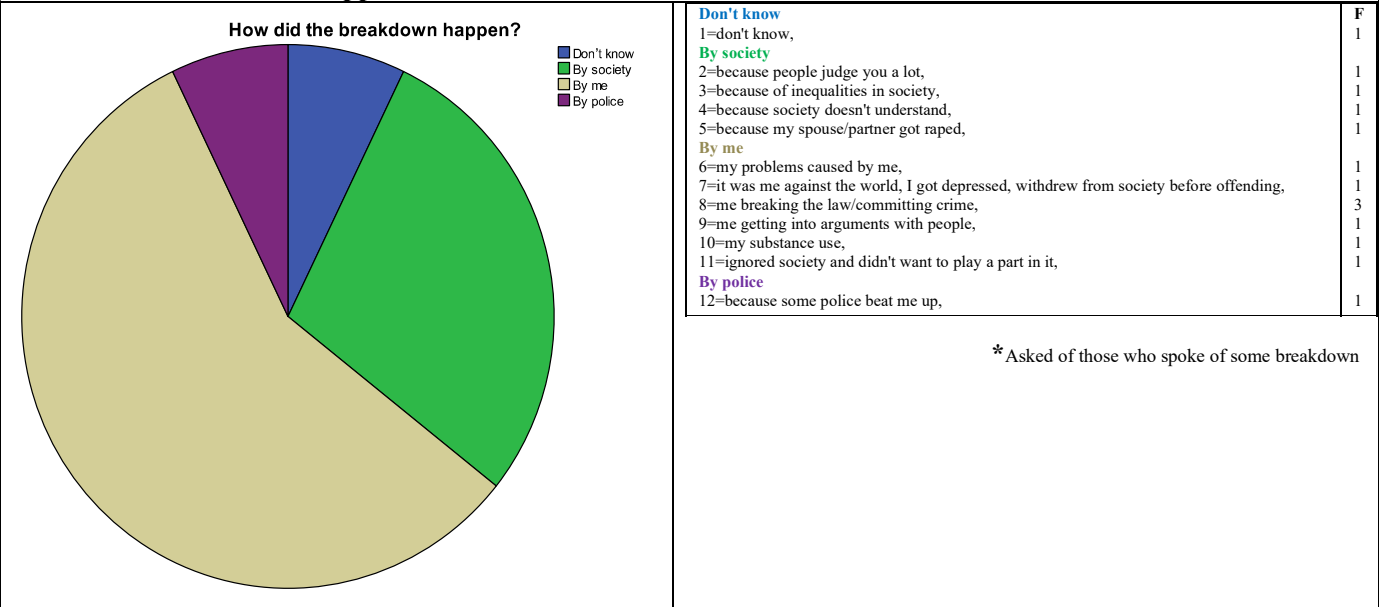


Fig. 5.11 How did the breakdown happen?

Everyone, including every representative of society or system therein, needs perhaps to take a personally active role in building a relationship, or healing any breakdown, with society and/or all individuals subject to it. It appeared to be only taking a personally active role in addressing breakdown that was associated with a low offending risk, namely saying ‘I’m’ working on it.

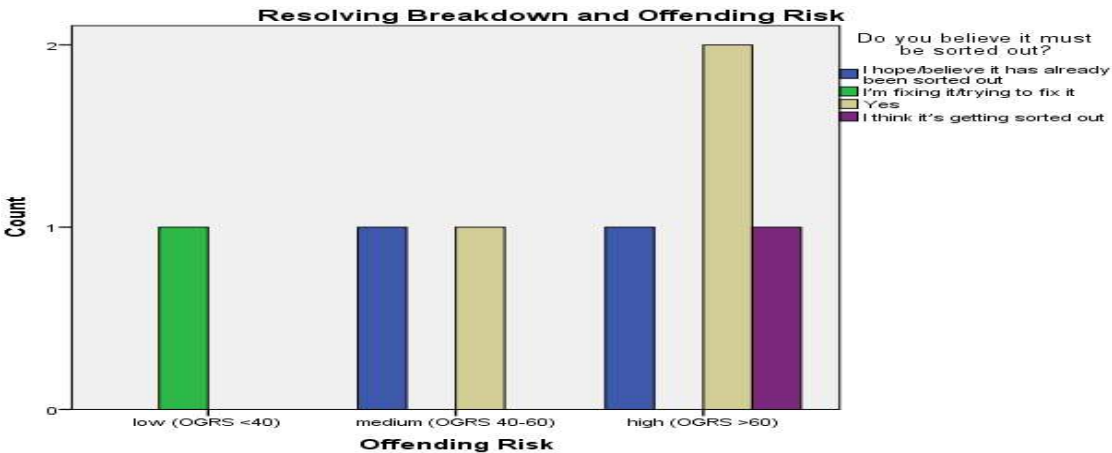


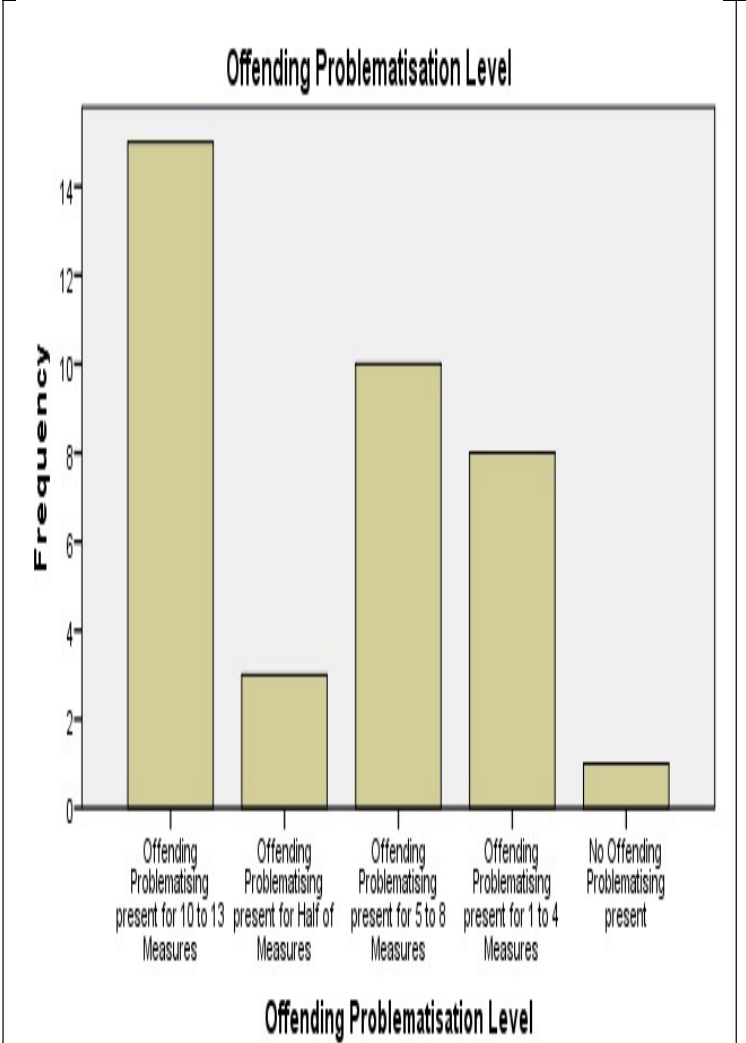
Fig. 5.12 Resolving Breakdown and Offending Risk



Offending Problematisation<sup>50</sup> and Brutalisation

Being personally active in offending against society, rather than in addressing any breakdown with society, may only serve to deepen any breakdown and problematise lives further.

Offending Problematisation Level



The **more red** the **more** offending problematised  
Using the 18 measures below

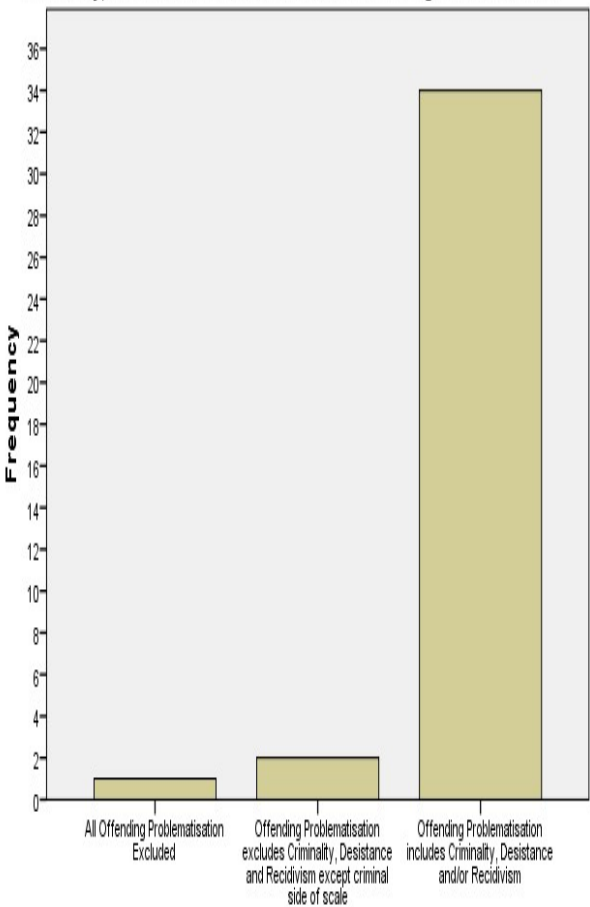
**123** Would continuing to offend help or hinder you achieving your goal(s)?  
1=destroy/ruin it/be disastrous/hinder big time/stop me achieving my goals,  
2=hinder/get in the way,

**Criminality**  
416 from 236 Where do you lie on a scale between criminal and victim, where 1 is criminal and 4 is victim?  
416.5 Victim  
416.1 Criminal

**Desistance**  
201 How easy would it be to live without offending?  
1=very easy,  
2=quite easy,

**Recidivism**  
409 from 226 What do you think will lead you

Criminality, Desistance and Recidivism within Offending Problematisation



The **presence of red includes** within offending problematisation  
Using the 3 sub-groups below

<sup>50</sup> Namely causing problems for oneself by offending

<p>3=wouldn't help, 4=I don't class myself as an offender, 5=make no difference or is irrelevant, 6=help or de facto help, <b>124How?</b> 1=offending is incompatible with the responsibilities, status, work and/or impression wanted, 2=offending prevents you getting on in life, 4=I would end up in prison and then no job, 5=I would end up in prison, 3=short term material and sexual gain in offending but long term loses respect, relationships, job, get prison and lose the money, 6=offending gives you money <b>182Has offending been a positive or negative or mixed experience in your life?</b> 1=negative, 2=mixed or changed/es between the two, 3=positive, <b>236Where do you lie on a scale between criminal and victim, where 1 is criminal and 4 is victim? (recoded to 416)</b> 236.5=victim (ie 4), 236.8=neither, 416.1Criminal 236.1=criminal (ie unmitigated 1 or 1.5), 416.2Criminal-sided 236.2=mostly criminal but a bit victim (ie 2), 236.6=1, I was a criminal, 236.7=used to be a 1 but now neither, 416.3Neutral 236.3=fifty fifty/both/in the middle (ie 2.5), 236.9=I'm not really a criminal, I just done stupid things, shoplifting and stuff like that, and I ain't a victim so I don't know, 1 or 2, 236.10=1 because I am a criminal because I've been done for that, 416.4Victim-sided 236.4=mostly victim but a bit criminal (ie 3 or 3.5), 416.5Victim</p>	<p>416.2Criminal-sided 416.3Neutral 416.4Victim-sided <b>70Give yourself a score of 1-4 where 1 is a little or very little and 4 is a lot for How much criminal activity is there in your life?</b> 1=none (ie 0), 2=little, very little (ie 0.5 or 1), 3=a bit (ie 2), 4=fifty fifty (ie 2.5), 5=quite a lot (ie 3), 6=a lot (ie 4). <b>389 from 181What would you miss if you lived without offending?</b> 3=Nothing 1=Something 2=Mixed <b>183To what extent do you want to keep or lose offending.....?</b> 1=lose it completely, 2=hopefully or questioningly or probably or conditionally lose it completely, 3=keep some of it or between keep some of it and lose it completely, 4=keep it, <b>392 from 191What do you think are the chances of you making a life for yourself without offending?</b> 1=Certain 2=Fifty fifty or better but not certain 3=Small/Nil <b>166What are the chances of you committing another offence? Nil / small / fifty fifty / good / certain</b> 1=nil, 2=conditional nil, 3=small or very small or small with nil, 4=fifty fifty/uncertain/don't know/some offences nil and others certain, 5=good, 6=certain, <b>382 from 163Can you be trusted to stop committing offences if no one kept an eye on you?</b> 1=Yes 2=Equivocal 3=No <b>383 from 165 Could you be trusted even if the same situations that led to your offending arose again?</b> 1=Yes 2=Equivocal 3=No</p>	<p>3=it depends on circumstances, 4=not very easy, 5=impossible, <b>398 from 202What problems do you foresee if you try?(also recoded to 397 to show the nature of the problems)</b> 1= no problems desisting 2= problems desisting <b>618 from 203What would be your next step in trying?</b> 3=Living 1=Specific Action 2=Avoidance 4=No action specified <b>204Are you going to take that step?</b> 1=I already am, 2=yes to any degree, 3=in the end, 4=possibly, <b>400 from 205What will you do if that doesn't work out?</b> 5=Acceptance 1=Specific Alternative 2=Unspecific Alternative 3=Wedded to Existing Course 4=Don't know 6=Offending Contemplated</p>	<p>back to offending?(also recoded to 408) 1=nothing or I am not going to reoffend, 2=Nothing identified 3=Something identified</p>
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Fig. 5.13 Offending Problematisation Level

Only one participant had no offending problematising present and 92% of participants had their criminality, desistance and recidivism directly affected by their own offending problematising their own lives even more. Only 18% of those with between 10 and 13 out of the 18 offending problematisation measures had a low offending risk, while none of those with only 1 to 4 of these measures had a high such risk.

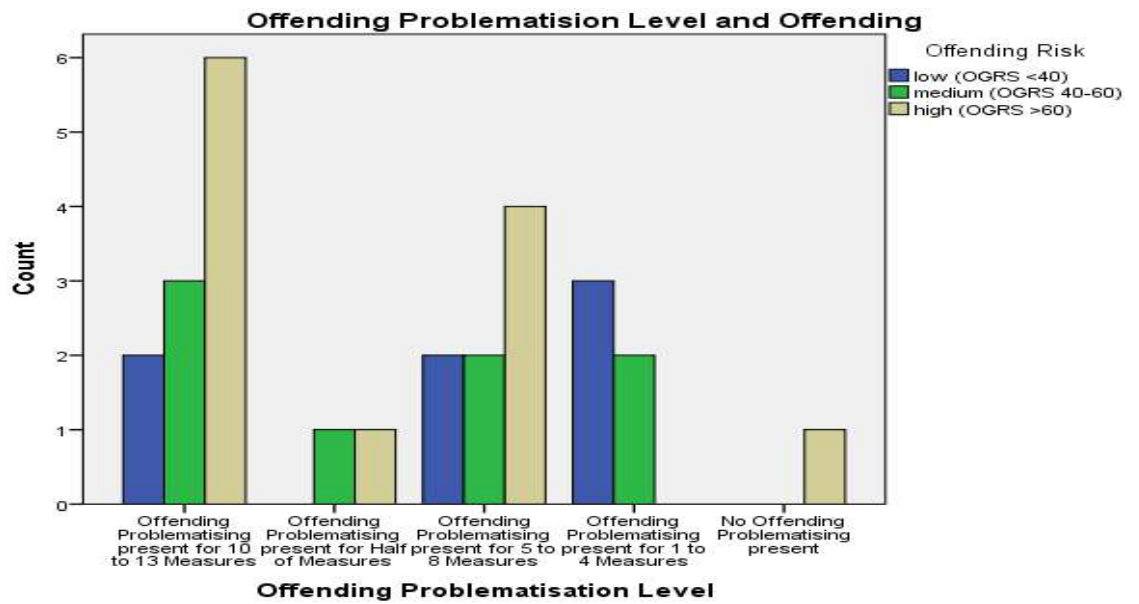


Fig. 5.14 Offending Problematisation Level and Offending

Moreover, 61% of participants felt there was at least some positivity about their offending experience\* and only 9% owned unmitigatingly to being criminals\*\*.



** Criminal - Victim Scale**				
<b>Criminal*</b> Unmitigated criminal 1 or 1.5 on scale	<b>Criminal-sided</b> Mostly criminal but a bit victim, 2 on scale or I was a 1 or a criminal or <b>used to</b> <b>be</b> a criminal but now neither,	<b>Neutral</b> 27% - Fifty fifty/ <b>both</b> /in the middle, 2.5 on scale OR 9% - <b>neither</b> OR 3% - I'm not really a criminal, I've just done stupid things, <b>shoplifting and stuff</b> like that, and I ain't a victim so I don't know, so 1 or 2, OR 3% - 1 because I am a criminal because I've been done for <b>that</b> ,	<b>Victim-sided</b> Mostly victim but a bit criminal (ie 3 or 3.5 on scale),	<b>Victim**</b> Victim (ie 4 on scale),

Fig. 5.15 Has offending been a positive, negative or mixed experience?

Indeed, there appeared to be an unwillingness to be defined by wholly absolute extremes, whether criminal or victim. Only 6% and 9% respectively placed themselves wholly on the **victim\*\*** or **criminal\*\*** ends of a **crimino-victim scale\*\*\***. This suggested possible discomfort in being labelled. Thus, even whilst challenging mitigation of, and inhibiting pleasurable outcomes to, brutality, it would seem respectful to do so without attributing labels. The technology potentially exists to be able to target specific actions without having to destroy the whole person with all-embracing labels. The deployment of multiple mutually-checking technology<sup>51</sup> to assess and compare very specific actions and very specific responses, alongside a legal obligation to give those very specific responses to very narrowly pertinent questions, might obviate the need for intrusive more broadly-based questions and labels.

Indeed, the alternative opacity could be problematic to individuals themselves, such as the way in which not understanding their weaknesses or obstacles appeared problematic<sup>52</sup>, as well as to society, with 94% of participants claiming to be below halfway in terms of criminal activity in the potentially contradicting context described below. Nobody admitted unequivocally to wanting to keep offending in their lives<sup>53</sup> and 82% said unequivocally that they wanted to lose offending from their lives completely.

<sup>51</sup> See Table 3.13 in Chapter 3

<sup>52</sup> As described above in the Problems, Problematisation and Brutalisation Section

<sup>53</sup> When asked the extent to which they wanted to lose or keep offending in their lives

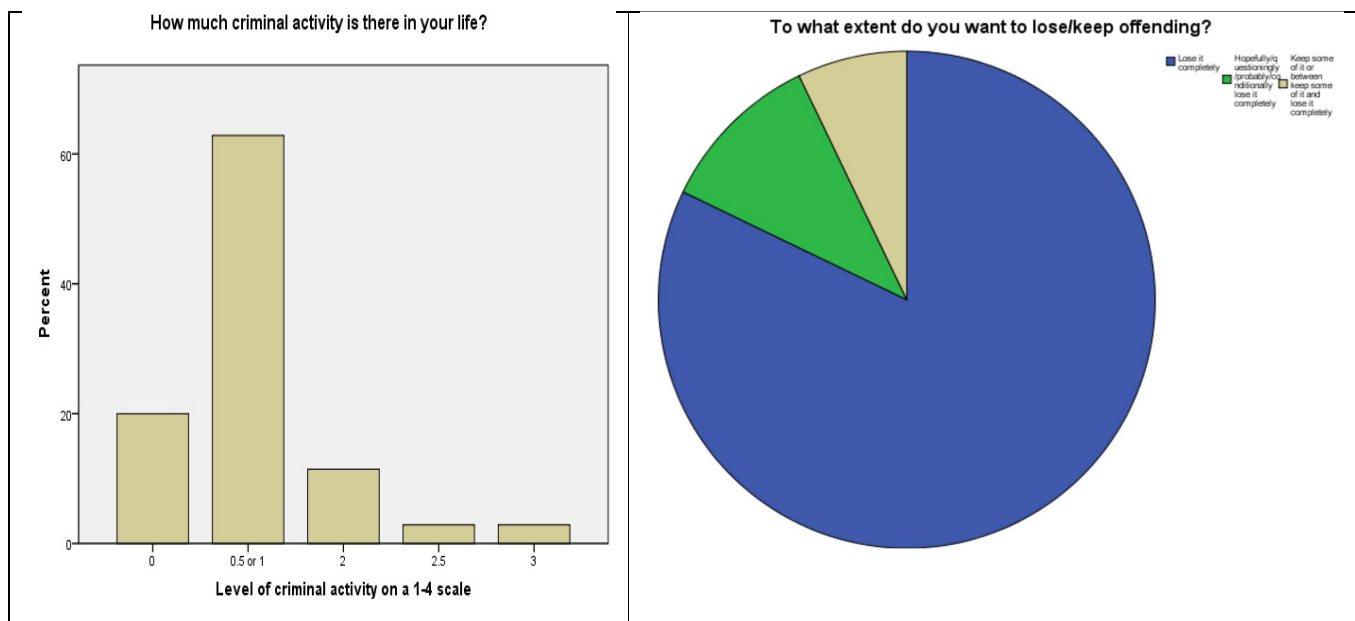


Fig. 5.16 How much criminal activity is there in your life?

However, only 41% of participants said it was certain they would make a life for themselves without offending, including only 6% who said they were actually doing it now.

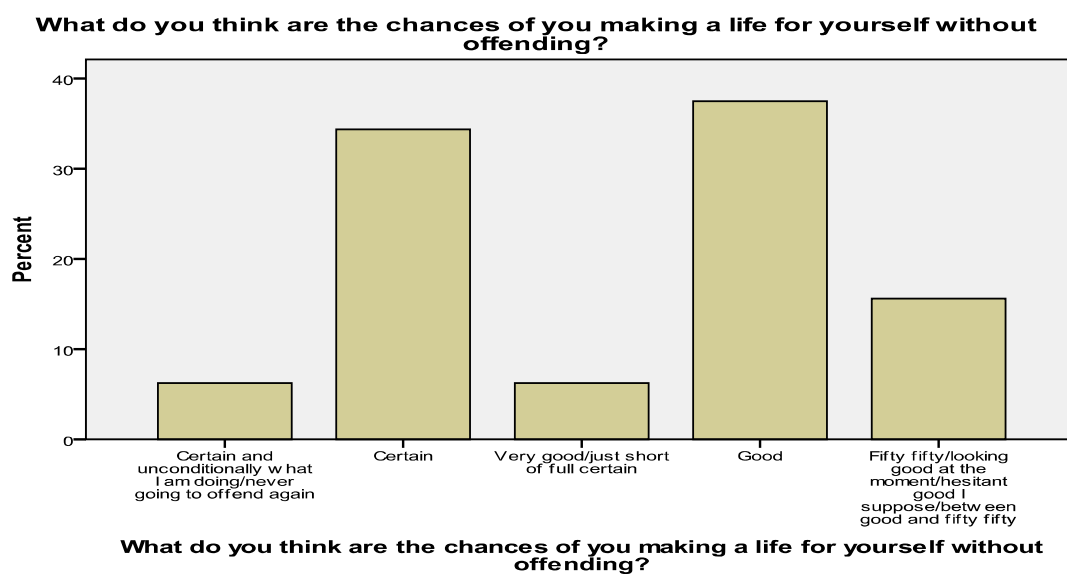


Fig. 5.17 What do you think are the chances of you making a life for yourself without offending?

Furthermore, when the chances of making a life without offending were compared with the chances of committing another offence, one third of those who had expressed certainty about making a life for themselves without offending, fell short of saying that the chances of them committing another offence was nil.

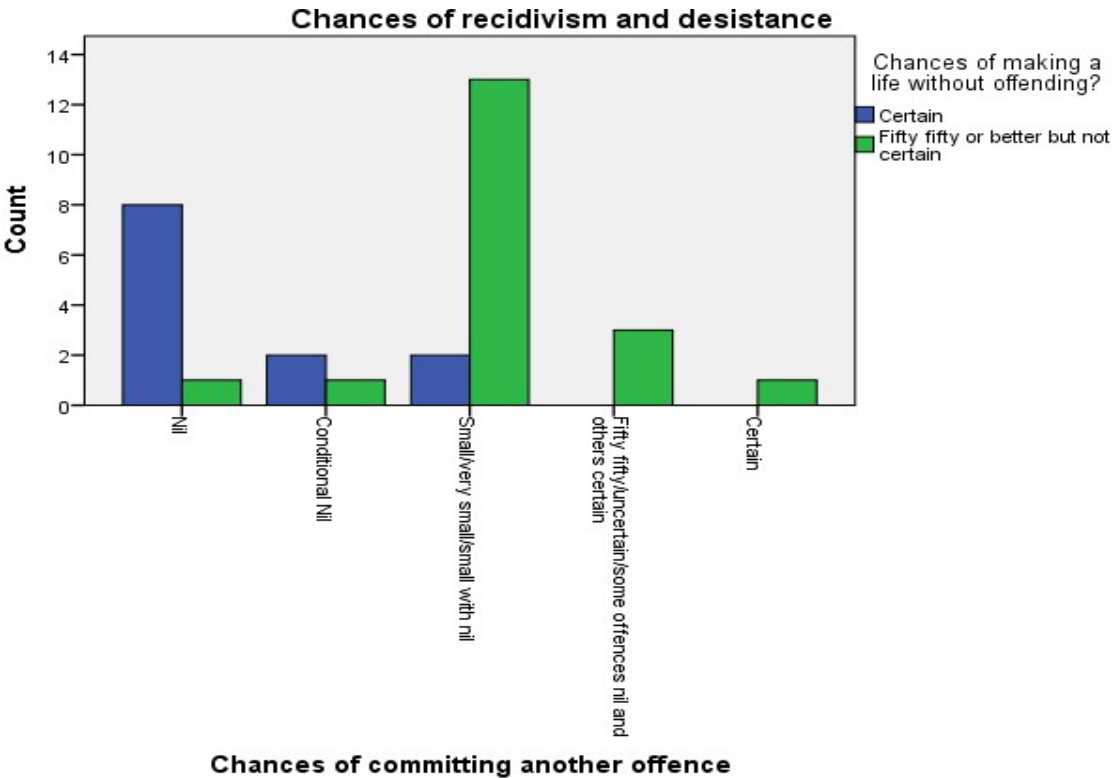


Fig. 5.18 Chances of recidivism and desistance

Slightly more than a third of the ‘certain’ individuals also fell short of saying unequivocally that they could be trusted not to re-offend, even if no one kept an eye on them. Nevertheless, 64% of them did claim unequivocally to be trustworthy in this regard, rising to 92% even if the same situations that had led them to offending occurred again.

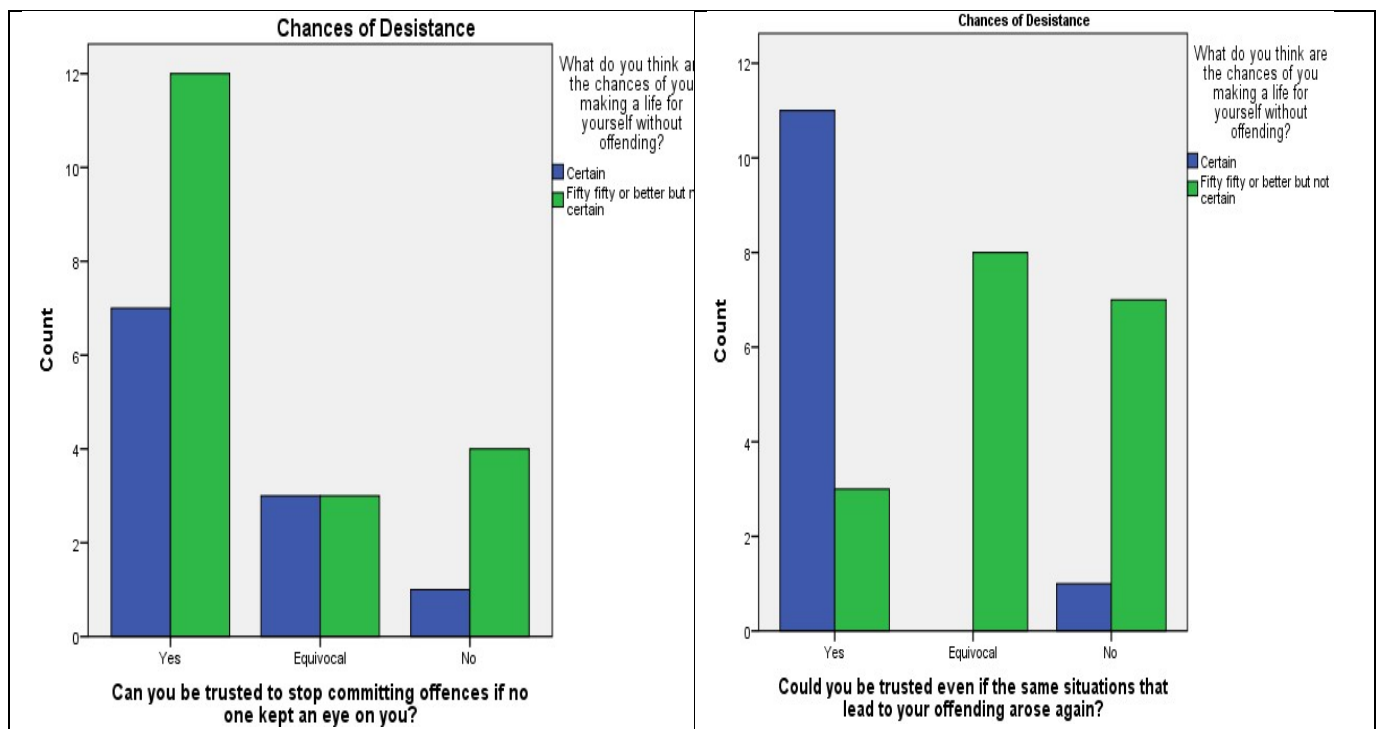


Fig. 5.19 Chances of Desistance

By contrast, those who had been less than certain of making a life for themselves without offending, saw their unequivocally claimed trustworthiness fall when the prospect of the same situations that had led them to offending occurred again. Their initial 63% unequivocation, similar to the 64% of the ‘certains’, fell dramatically to 17% in this latter scenario, just as the ‘certains’ rose to 92%. Feeling ‘certain’ of self-control, therefore, might be heightened in familiar situations, while those same familiar situations may undermine self-control where there is no ‘certainty’ of it. This could be borne out by the way in which 71% of the ‘certain’ participants had a low offending risk, whilst 73% of the less than certain participants had a high such risk.

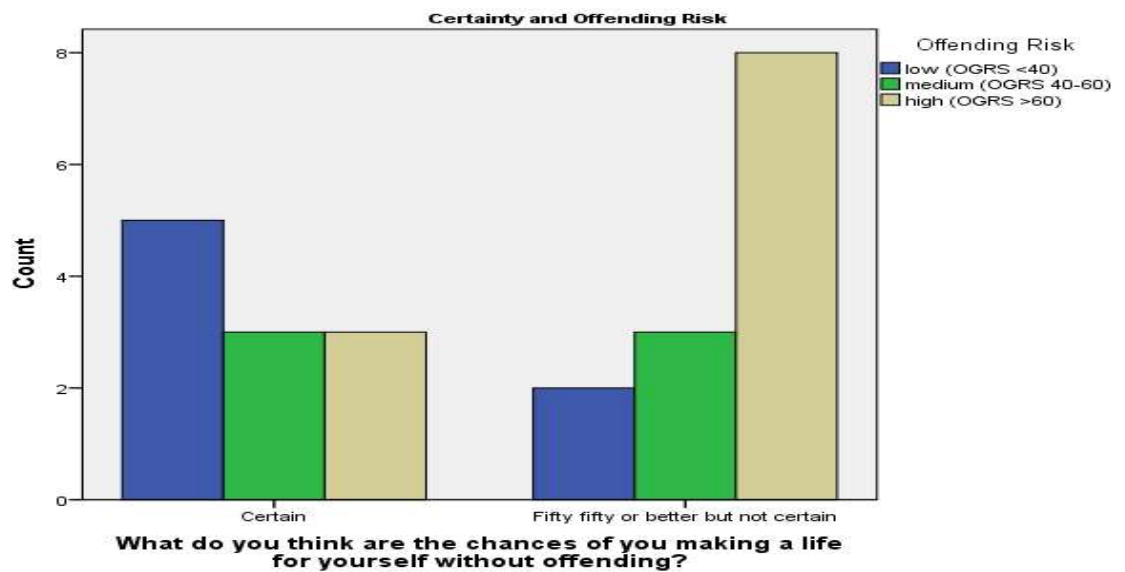


Fig. 5.20 Certainty and Offending Risk

Having said that, none of the participants, even those with the highest offending risk, placed their chances of making a life without offending at less than fifty-fifty. Furthermore, there were nearly as many high-risk offenders who were both ‘certain’ and unequivocal about being trustworthy as low risk offenders.

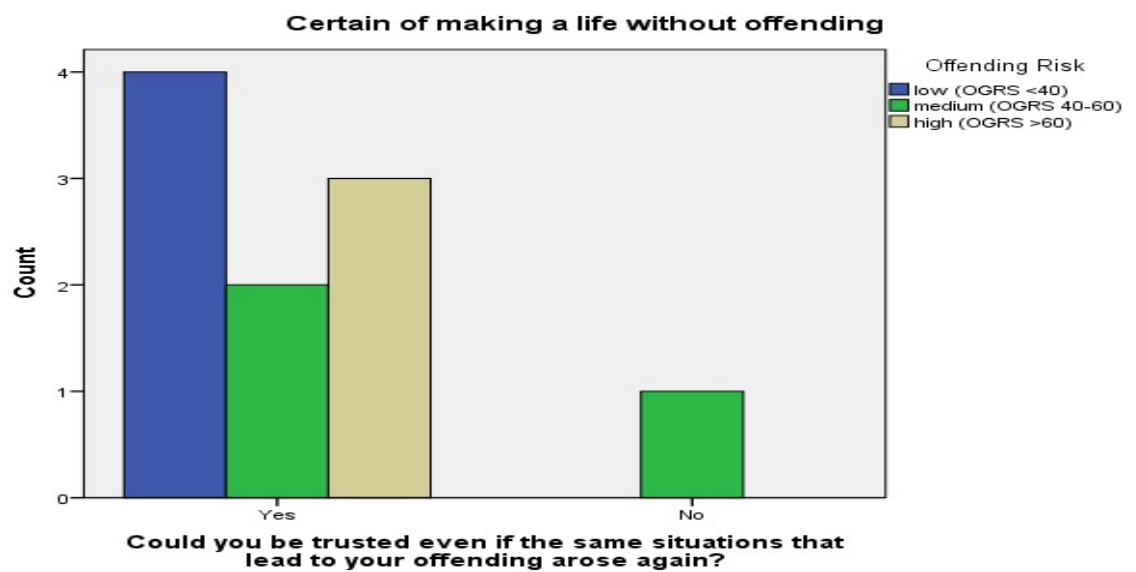


Fig. 5.21 Certain of making a life without offending



73% of high-risk offenders were unequivocal about being trusted not to offend, even if no one kept an eye on them, but this halved when situational problems were introduced, which may suggest that those at high risk of offending might in fact be the most vulnerable offenders, since they may be most dependent upon their circumstances for their conduct. This could indicate that a de-brutalising approach to their treatment might be effective. Treating brutality, such as offending, as a vulnerability, as well as a risk, approaching it therapeutically, as well as by making provision to protect the public, might be the most helpful approach to this apparent contradiction.<sup>54</sup>

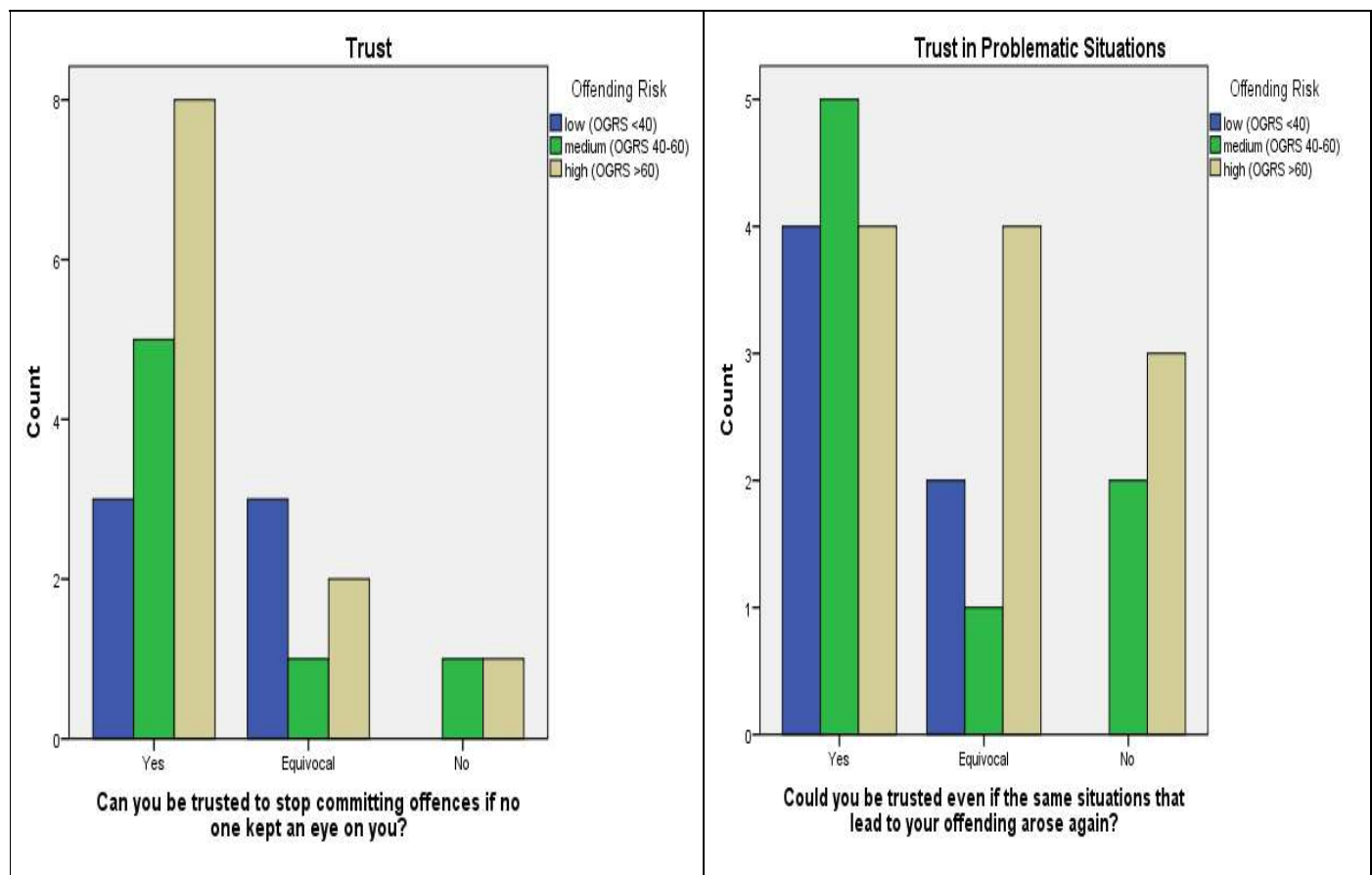


Fig. 5.22 Trust/Trust in Problematic Situations

<sup>54</sup> Such as with progress-tariffed, action-measured threats from and to people, states and organisations, monitored and contained where need be, with swift and non-adversarial resolutions (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

Equally, it might be helpful to foster modes of being that are not situationally dependent, while at the same time encouraging a broadening of the situations to which individuals are exposed.<sup>55</sup> In addition, breaking reliance upon brutality may need to take account of other ways to provide the things that brutality gives to individuals.<sup>56</sup>

Although 81% of participants said they would not miss anything about offending, others cited substances, independence, being able to provide the best things, money and excitement, as well as the fact that their brutality was only spur of the moment.<sup>57</sup> All these desires seem likely to need the means of non-brutal expression if their brutal expression is to be addressed.

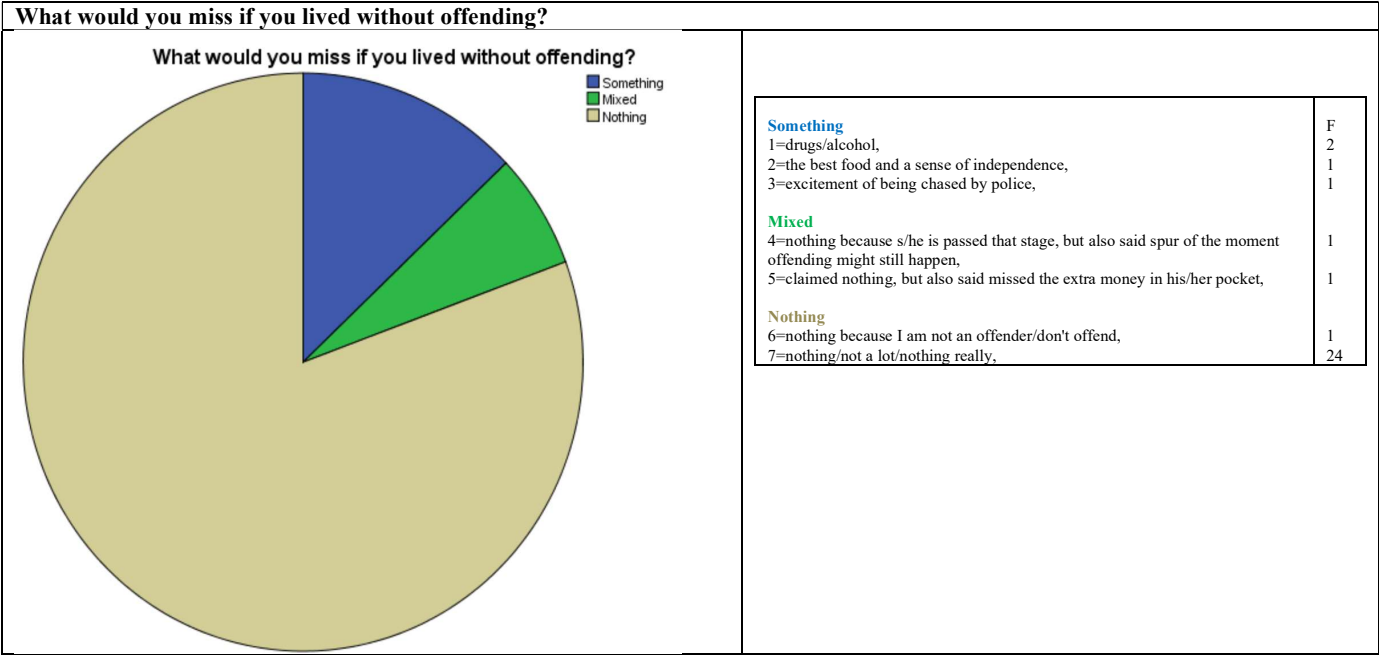


Fig. 5.23 What would you miss if you lived without offending?

<sup>55</sup> Such as social inclusion to replace social isolation as discussed in the Social Exclusion section in Chapter 4 (Also see Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>56</sup> Such as autonomous engagement to replace harming social interaction, as discussed in the Autonomous Engagement of Contextual Functioning Options section in Chapter 9 (Also see Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>57</sup> Echoing problems considered above and potentially further endorsing the suggested responses to them (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

Likewise, when some participants were asked how offending would help or hinder their goals, the money and other material gain, as well as sexual gratification, that offending provided was again cited as a benefit to offending, while prison and the loss of employment, respect, relationships and, perversely, also money, alongside the way offending prevented one getting on with one's life, were all cited as disbenefits.

How would offending <b>hinder</b> your goals? <sup>58</sup>	Frequency
1=offending is incompatible with the responsibilities, status, work and/or impression wanted,	2
2=offending prevents you getting on in life,	1
3= <del>short term</del> material and sexual gain offending but long term loses respect, relationships, job, money and get prison,	1
4=I would end up in prison and then no job,	1
5=I would end up in prison,	2
How would offending <b>help</b> your goals? <sup>59</sup>	Frequency
6=offending gives you money,	1

Tab. 5.6 How would offending hinder/help your goals?

One participant drew a distinction between the short-term benefits and the long term disbenefits, while two focussed on incompatibility rather than benefits or disbenefits, recognizing that the responsibilities, status, work and/or impression they wanted to give were incompatible with being an offender. In all these ways, fostering a focus on the long-term goals of individuals from an early age, their incompatibility with offending, and the disbenefits of offending, while providing non-brutal alternative means of achieving the things currently provided by offending<sup>60</sup>, facilitating this by utilising appetites and aptitudes, may serve the de-brutalisation of individuals, and the societies in which they live, while also cultivating less brutal spur of the moment responses.

<sup>58</sup> Follow up question as appropriate to 'Would continuing to offend help or hinder you achieving your goal(s)?'

<sup>59</sup> Follow up question as appropriate to 'Would continuing to offend help or hinder you achieving your goal(s)?'

<sup>60</sup> To enable active pursuit of goals in non-harming ways to enable quality performance and well-being (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

None of the participants said it would be impossible to live without offending<sup>61</sup> and only 15% even said it would not be easy, while 6% said it depended upon circumstances. Furthermore, half of the participants said there would not be any problems if they tried to do so. However, only 1 out of the 8 participants who said that it would be very easy and there would be no problems actually had a low OGRS score, and neither of those who said it would be quite easy and without problems did so. In this way, there appeared to be either an unrealistically optimistic belief in the ease of desistance or a free choice being made to continue to offend.

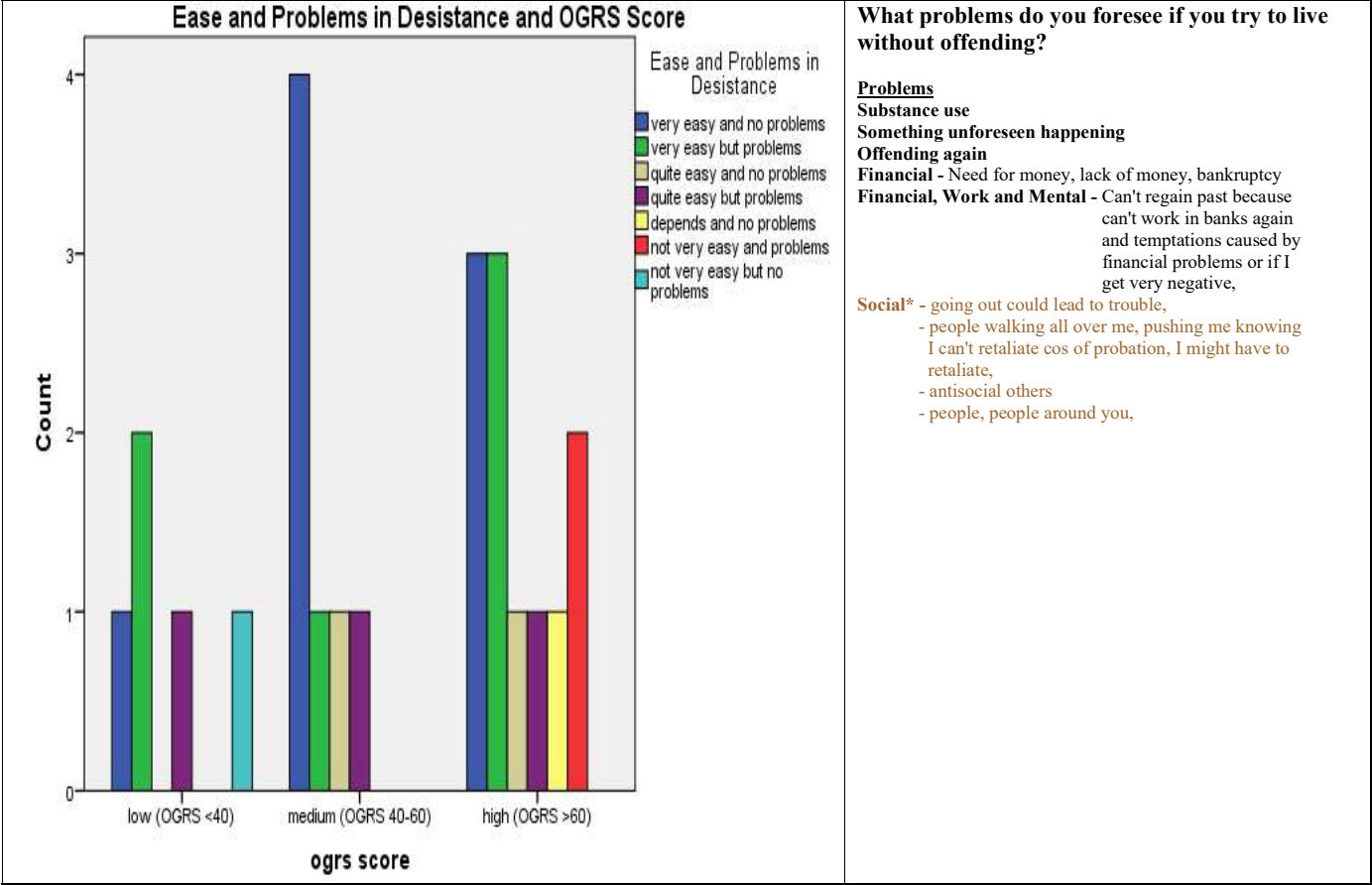


Fig. 5.24 Ease and Problems in Desistance

<sup>61</sup> When asked ‘How easy it would be to live without offending?’ and being offered this choice of responses; Very easy / quite easy / not very easy / impossible

It was the group with only one individual, who both acknowledged that it was **not very easy but without foreseeing problems**,<sup>62</sup> that was the only group represented solely at a low OGRS Score. Conversely, it was only those who acknowledged that it was **not very easy but with foreseeing problems**, along with the individual for whom it **depended**, that were represented solely at a high OGRS Score. Taken together this could suggest that a realistic and definitive understanding of difficulties, accompanied by a diminution of them, might be the most helpful state of being to foster.

In terms of the problems foreseen if participants tried to live without offending, substance use, something unforeseen happening, offending again, financial difficulties, problems getting work and mental health issues were all cited<sup>63</sup>, along with **\*social** pressures. The social pressures included *going out* (which can lead to trouble) or *others walking all over* one (which feels like a threat and which is encouraged by the fact that probation prevents one retaliating and which eventually obliges that retaliation) or more generally by *others*, including antisocial others. These ways in which human beings present a threat to each other, against which individuals seemed to feel powerless to protect themselves, alongside a sense that retaliation is the only way to manage such threats, goes to the core of this study. It highlights the ways in which both retaliation and powerlessness might simply escalate harm, when sharing solutions could, instead, nurture empathy as well as being a constructive activity in its own right.

None of those who spoke of needing to take further **specific action**, or to **avoid**

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<sup>62</sup> The presence of only one individual here makes this even weaker than the generally small numbers makes all findings

<sup>63</sup> Echoing problems considered above and potentially further endorsing the suggested responses to them (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

anything, in order to live without offending had a low offending risk<sup>64</sup>, suggesting that only where nothing further needed to be done, in specific initiating action or avoidance, to become non-brutal might it be less likely to be brutal.

75% of those with a low offending risk were simply living that way already and the remaining such individual cited no further specified action needed in order to do so. Thus, simply getting on with living non-brutally, without the need to avoid or initiate, might be what is important. Only 9% of those simply getting on with living non-brutally had a high recidivism risk. Just getting on with living non-brutally, being able to take avoiding the brutal and initiating the constructive for granted, seems likely to rely upon it being embedded right from the outset, endorsing the early action advocated by this study.

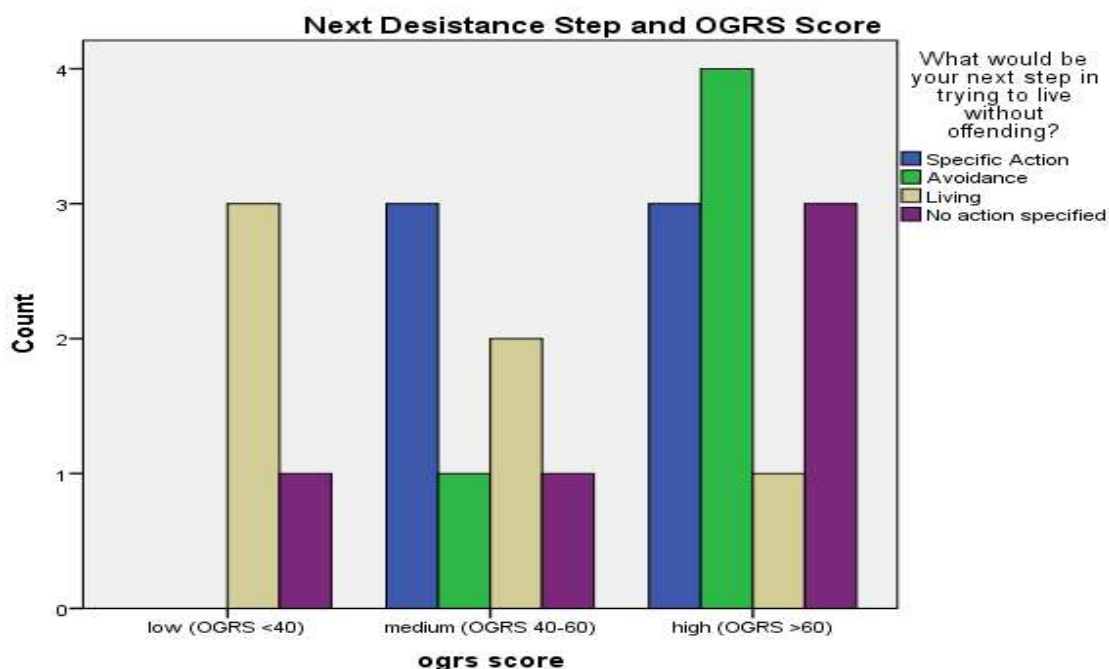


Fig. 5.25 Next Desistance Step

<sup>64</sup> When asked 'What would be your next step in trying to live without offending?'

Nevertheless, 60% of those not citing the need for any **specified action** to desist had a high risk of recidivism. Therefore, though getting on with living a desisting life could be linked to decreased recidivism, it could be equally important to ensure specific actions to promote desistance are recognised and taken if need be. Getting on with life cannot be at the expense of recognising and addressing risk.

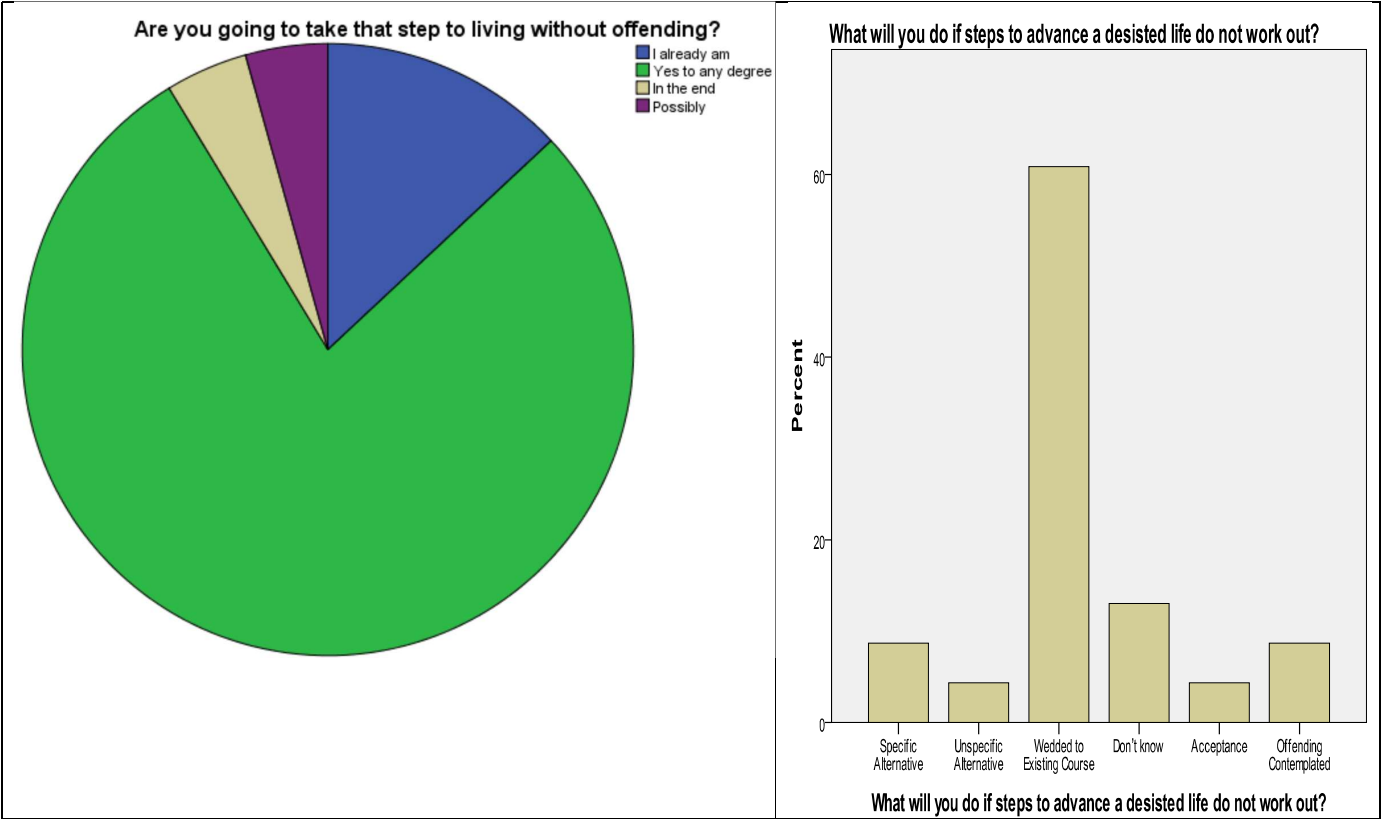
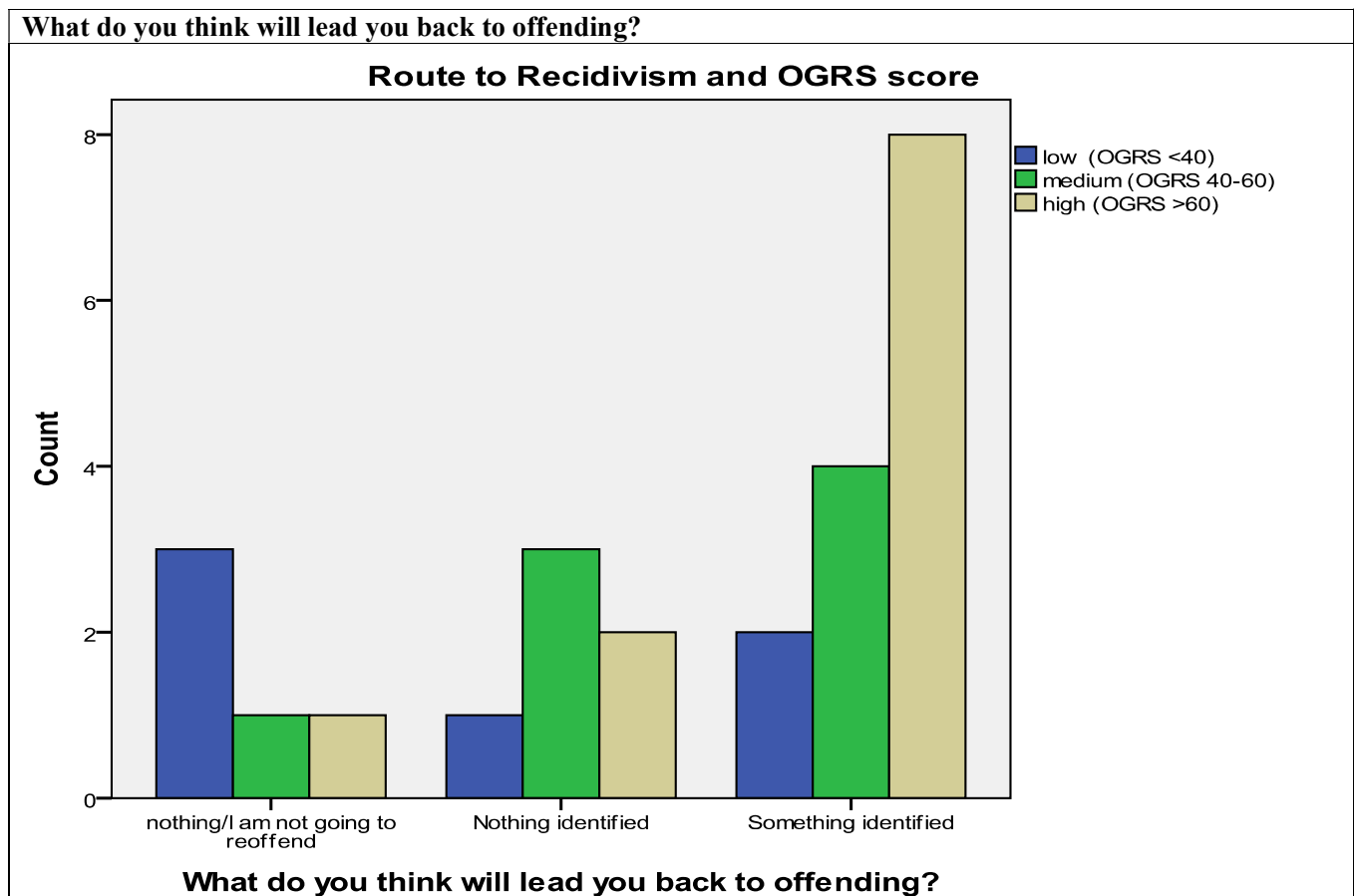


Fig. 5.26 Are you going to take that step?

Though none of the participants said they were not going to take the next, or other more general, steps to advance a desisting life<sup>65</sup>, only 9% had a specified alternative if those steps did not work out<sup>66</sup>. If his suggested steps did not work out, one participant,

<sup>65</sup> When asked about taking steps to living without offending  
<sup>66</sup> Namely cited a specific alternative when asked about what they would do if steps to advance a desisting life do not work out

representing 4% in this instance, spoke of acceptance, by saying he would ‘enjoy what I do have’. However, the remaining participants may be at risk if they are thwarted in their progress. This included the 9% specifying a possible return to offending and the 61% who appeared wedded to their existing course of action. Retaining offending as a possibility, along with being unable to adapt when thwarted, could be problematising barriers to progress. In this way adaptability would seem an important skill to foster, whilst ensuring this adaptability does not include brutality within what Wikstrom (2006<sup>67</sup>) describes as ‘action alternatives’.



<sup>67</sup> Paper Orally presented ‘Assessing the Role of Individual Differences and Environment in Crime Causation’ at SCOPIC Conference, Cambridge, December 2006



<b>Nothing</b>	<b>Freq</b>
6=nothing or I am not going to reoffend,	8
<b>Nothing identified</b>	
1=don't know,	1
2=don't want to contemplate it or say it,	1
3=don't know I suppose... <i>hopefully</i> I won't,	1
4=unforeseen circumstances,	1
5= <i>don't know</i> , I'm not going to reoffend,	1
7=I don't <i>think</i> anything would now/there's no reason I can <i>think</i> of that I would now/not at all <i>really</i> /nothing <i>really</i> ,	3
<b>Something identified</b>	
8=arguments,	1
9=going out and abusing substances,	1
10=if I lost everything like partner/spouse and family,	1
11=substance use,	4
12=bad influence of others,	1
13=no work*, no money, no contact with my kids,	1
14=things not being good in my life or personal difficulties,	2
15=if I lost/split from my partner/spouse,	1
16=substances use and antisocial associates,	1
17=getting back with my ex-partner,	1
18=if I lost my family,	1
19=getting depressed, losing self-esteem,	1
20=having no money,	1

Fig. 5.27 What do you think will lead you back to offending?

In this respect, 60% of those who said nothing would lead them back to offending had a low offending risk, while only 14% and 16% respectively of those who could identify a specific route back to offending or who had specified nothing whilst not unequivocally ruling out recidivism had a low such risk. This perhaps underlines the importance of consistently ruling out brutality as an option right from the outset, including in terms of the actions taken by governments, organisations or businesses, as much as by individuals, in pursuit of their goals.

### Functioning Barriers and Physical State

Even if brutality of functioning was ruled out, any brutality integral to a person's physical state would still remain as a potential barrier to constructive activity. Only 5% of participants had what might be considered to be the optimal physically helpful condition of both an excess of mentions of de-brutalising physical states over

brutalising ones<sup>68</sup> and also a complete absence of mentions of physical problems as functioning liabilities.

68% had what might be considered to be the physically challenging condition of an excess of brutalising mentions of physical state, either with or without having mentioned physical problems in the functioning liability context.<sup>69</sup>

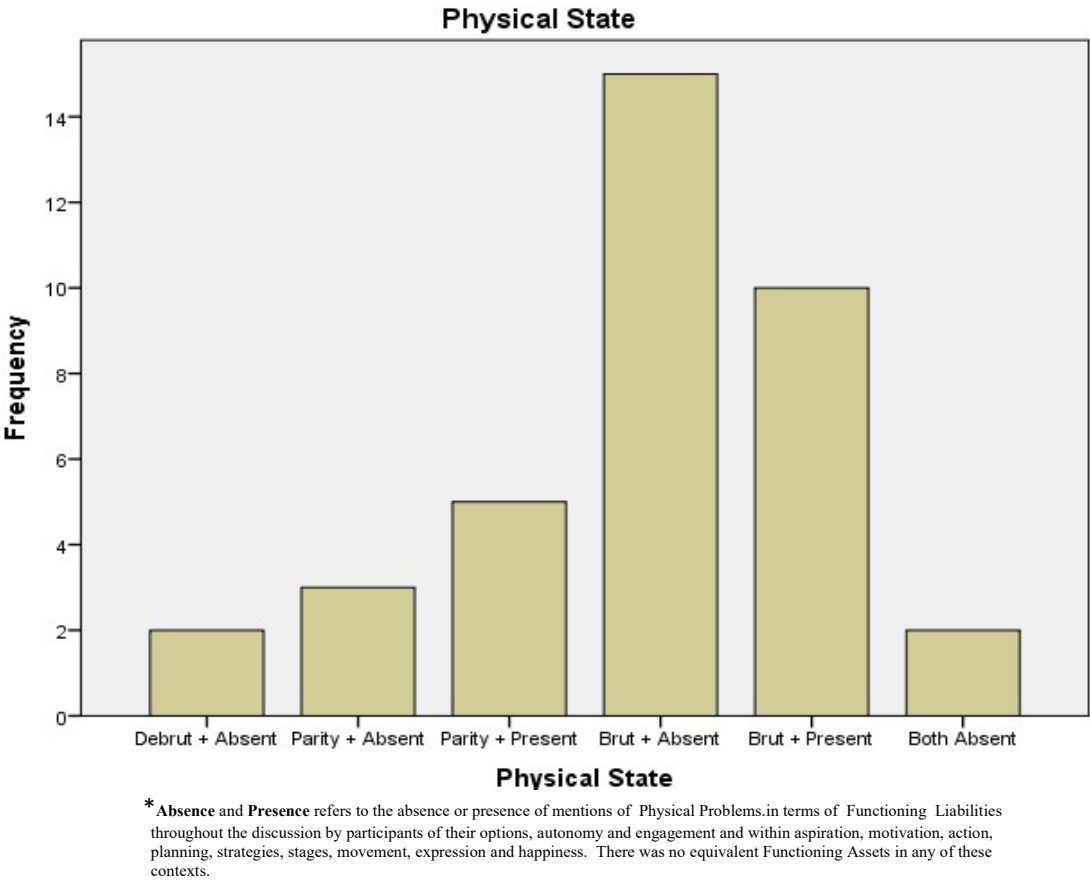


Fig. 5.28 Physical State

<sup>68</sup> ‘Debrut’ or ‘Brut’ refers to a prevalence of more than 50% of the lesser of the two (50% or less is Parity, as is a difference of 1 where both factors are present but in proportions too small for the percentage calculation), but if both are absent both are excluded in terms of arrow count, see in terms of arrow count Arrow Count in Total Overall Scores And Arrow Scores in appendix. Contributions to these scores are collected thought the entire interview, not just limited to the sections from which functioning assets and liabilities are drawn.

<sup>69</sup> Endorsing the need for timely action on physical health needs for everyone with problems in these regards (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

Furthermore, around 90%<sup>70</sup> of participants had cited ways in which their physical bodies brutalised their existence<sup>71</sup>, while only around half<sup>72</sup> of participants had cited ways in which their physical bodies de-brutalised their existence<sup>73</sup>. Most worrying perhaps was the way that neither of the participants in [optimal physically helpful conditions](#)<sup>74</sup> were working, suggesting that work might not be compatible with physical well-being. If work is to be de-brutalising and universal, work and physical well-being may need to cease to be mutually exclusive. Moreover, high and low offending risk were equally represented regardless of optimal physical well-being, while a physically challenging condition<sup>75</sup> appeared related to an increased chance of functioning negatively as represented by offending. 80% of those in this physically challenging condition were at a raised risk of offending and 75% of those with a high offending risk were in this condition. At the same time, this physically challenging condition appeared related to reduced capacity to function positively as represented by work with 70% of those in this condition not working and only 24% fully working. Thus, offending appeared to be more physically accessible than work.

Since societies need people to be positively functioning, such as through work, rather than negatively functioning, such as through offending, it therefore seems reasonable to suppose that giving the physical state of individuals a higher priority, in both work and in social planning more generally, is likely to be important to tackling barriers to constructive activity such as work.

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<sup>70</sup> See Grid in The Functioning and Brutalisation Section of Chapter 4

<sup>71</sup> Such as through the presence of injuries, illnesses, disabilities or physical discomfort

<sup>72</sup> See Grid in The Functioning and Brutalisation Section of Chapter 4

<sup>73</sup> Such as through feeling physically fit or well.

<sup>74</sup> [Prevalence of Debrut and Absence of liabilities](#)

<sup>75</sup> Namely where Brutalisation exceeds De-Brutalisation, [with](#) or [without](#) functioning liability

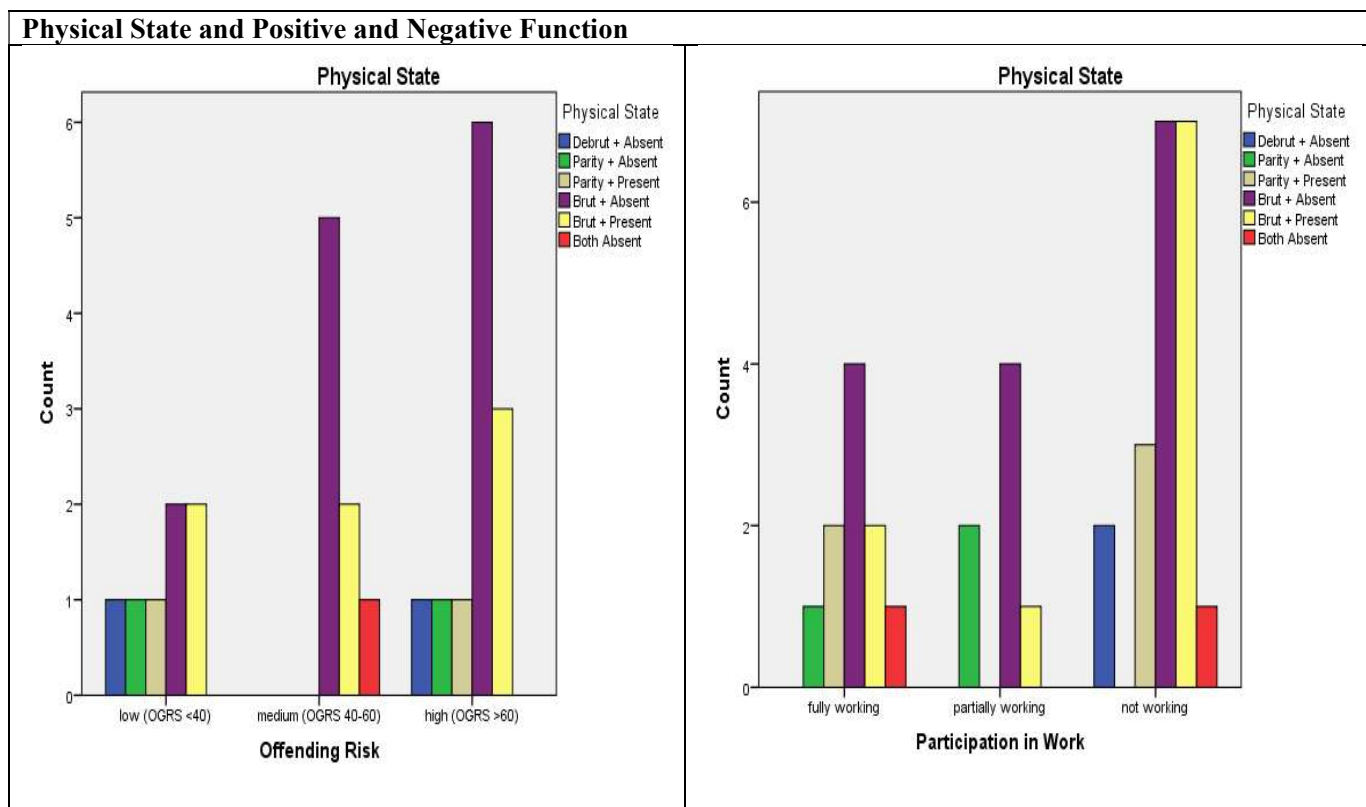


Fig. 5.29 Physical State and Positive and Negative Function

Having said that, however, *de*-brutalising physical states existed in around half of participants, even though this was less than was the case for emotional/psychological states.

Present in; <sup>76</sup>	all but one of Participants	around 90% of Participants	between 75% and 85% of Participants	around half of Participants
As De-Brutalisations			emotional/psychological	physical
As Brutalisations	emotional/psychological	physical		

Tab. 5.7 De-Brutalisation emotional/physical states

<sup>76</sup> See Grid in The Functioning and Brutalisation Section of Chapter 4

## Functioning Barriers and Emotional State

De-brutalising emotional/psychological states existed in around three-quarters of participants, but all-but-one participant cited brutalising emotions specifically<sup>77</sup>, dropping to around three quarters citing de-brutalising emotions specifically<sup>78</sup>, and only 5% had an optimal emotionally helpful condition<sup>79</sup>, while 62% had an emotionally challenging condition<sup>80</sup>. Taken together, this is likely to have an adverse impact upon maximising the potential of individuals and suggests that improving the emotional, as well as the physical, condition of individuals, might be beneficial to functioning.<sup>81</sup> Only 2 of those in an emotionally challenging condition did not have emotional issues within their specific functioning liabilities, whilst more than half of those in the equivalent physical condition did not. In this way, emotional problems appeared to be a particular cause for concern in terms of capacity to function.

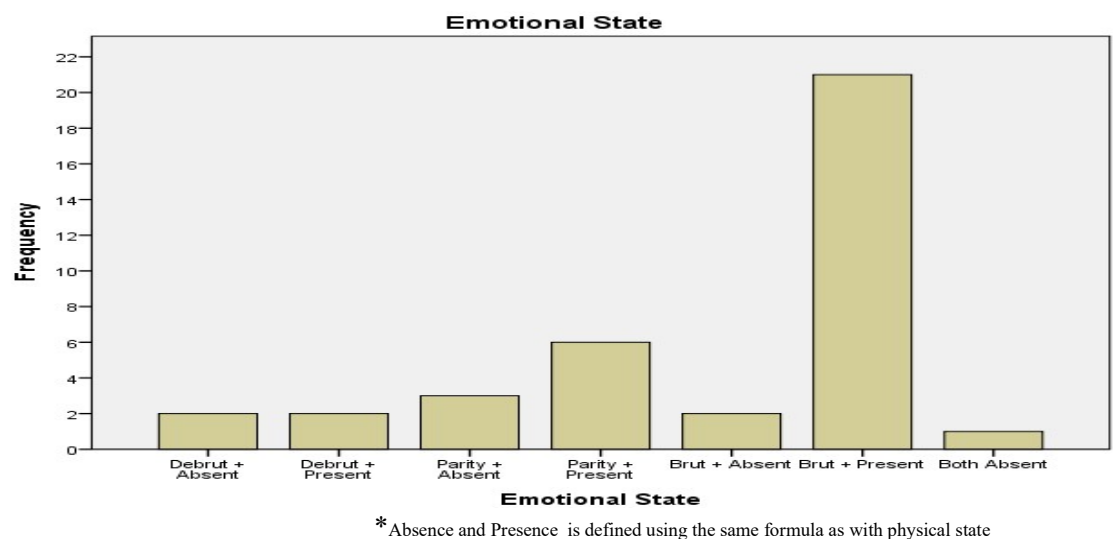


Fig. 5.30 Emotional State

<sup>77</sup> Such as anger, frustration, depression, stress, anxiety, being moody, having bad days, as shown in the Grid in The Functioning and Brutalisation Section of Chapter 4

<sup>78</sup> Such as being happy or feeling good, as shown in the Grid in The Functioning and Brutalisation Section of Chapter 4

<sup>79</sup> Defined using the same formula as with physical state

<sup>80</sup> Defined using the same formula as with physical state

<sup>81</sup> Endorsing the need for timely action on mental health needs for everyone with problems in these regards (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

Furthermore, the importance to de-brutalising action of de-emotionalising judgement may be highlighted by the fact that 86% of those at low offending risk had at least 3 or 4 of the de-emotionalising measures present, while 83% of those at high such risk had a maximum of this number of these measures.

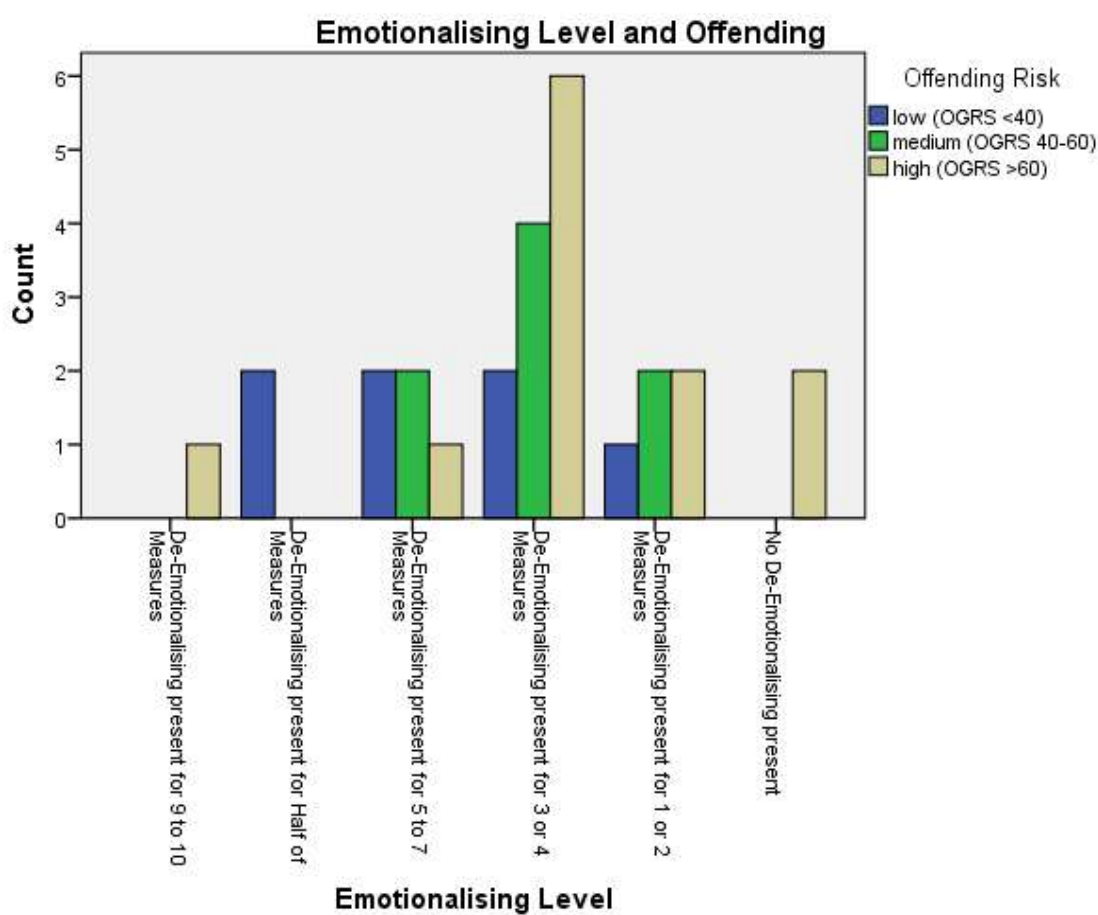
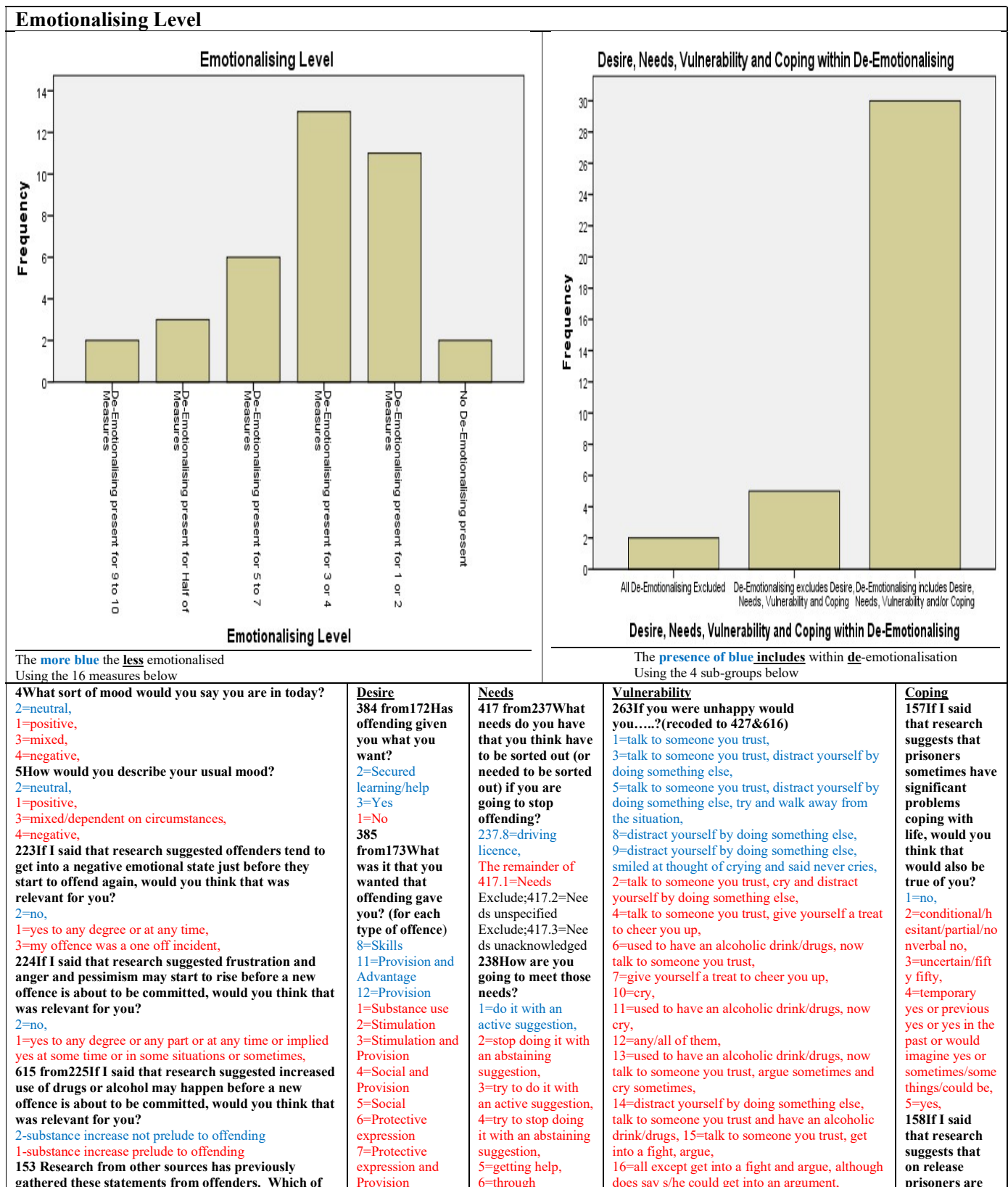


Fig. 5.31 Emotionalising Level and Offending

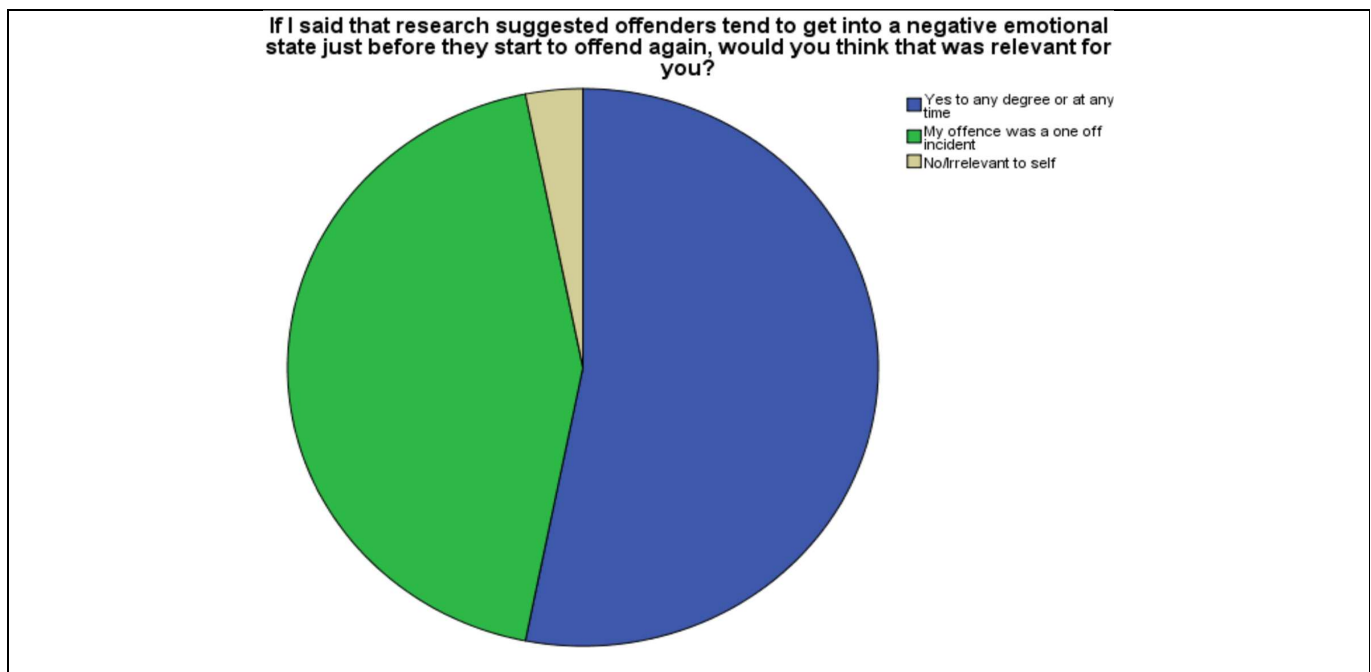
None of the participants had a de-emotionalising approach to more than 10 out of the 16 emotionalising measures and only 5% of participants had a de-emotionalising approach in more than half of the emotionalising level measures, with only 19% having a de-emotionalising approach with regard to desire, need, vulnerability and coping.



<p>these statements do you think would be true for you?</p> <p>153.1-3 =did not cite a difficulty with an emotional element</p> <p>153.21= did not cite a difficulty with an emotional element</p> <p>153.4-20 cited a difficulty with an emotional element</p> <p>153.22-36 cited a difficulty with an emotional element</p> <p>153.37 missing</p> <p>277 Research suggests that the following factors may play a part in becoming an offender, which of these do you think applies to you?</p> <p>277.1 =did not cite a factor with an emotional element</p> <p>277.3 =did not cite a factor with an emotional element</p> <p>277.24 =did not cite a factor with an emotional element</p> <p>277.2 =cited a factor with an emotional element</p> <p>277.4-23 =cited a factor with an emotional element</p> <p>277.25-32 =cited a factor with an emotional element</p> <p>277.33-34 missing</p>	<p>9=Status</p> <p>10=Protective expression and Stimulation</p> <p>13=Provision and Substance use</p> <p>Exclude;14=Denial</p> <p>386 from</p> <p>174How else could you get that?</p> <p>2=Unequivocally offers alternative</p> <p>3=Equivocally offers alternative</p> <p>4=Cannot offer usable alternatives</p> <p>1=No longer needs offending</p>	<p>probation,</p> <p>7=I've woken up and it wasn't nice and I'm getting control of my drinking which was numbing me,</p> <p>8=count to 10 if I get angry,</p> <p>9=believes s/he will just grow out of it even though s/he says nothing has changed, but says will discuss with probation if it gets worse,</p> <p>10=not sure because I'm always so busy to get anything done,</p>	<p>17=all except give yourself a treat to cheer you up and depends with get into a fight,</p> <p>18=have an alcoholic drink/drugs and also have a sleep because feeling stressed makes me very tired,</p> <p>19=argue, give yourself a treat to cheer you up,</p> <p>20=have an alcoholic drink/drugs and give yourself a treat to cheer you up,</p> <p>21=have an alcoholic drink/drugs, cry, argue,</p> <p>22=have an alcoholic drink/drugs, cry, get into a fight, argue,</p> <p>23=get angry,</p> <p>24=have an alcoholic drink/drugs, argue,</p> <p>617 from269If someone upset you would you.....?</p> <p>1=positive</p> <p>2=neutral</p> <p>3=neutral negative</p> <p>4=mixed</p> <p>5=negative</p>	<p>suddenly confronted by choices and decisions and can find it difficult to cope, would you think that would also be true of you?</p> <p>1=no,</p> <p>2=conditional/hesitant/partial no,</p> <p>3=uncertain/fifty fifty/depends,</p> <p>4=temporary yes or probably yes or previous yes or would imagine yes,</p> <p>5=yes,</p>
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Fig. 5.32 Emotionalising Level

When participants were asked specifically about the impact of their emotions upon their offending, only 1 participant totally denied the relevance of getting into a negative emotional state just before offending, while two thirds acknowledged at least some relevance of the specified negative emotions of frustration, anger and pessimism.





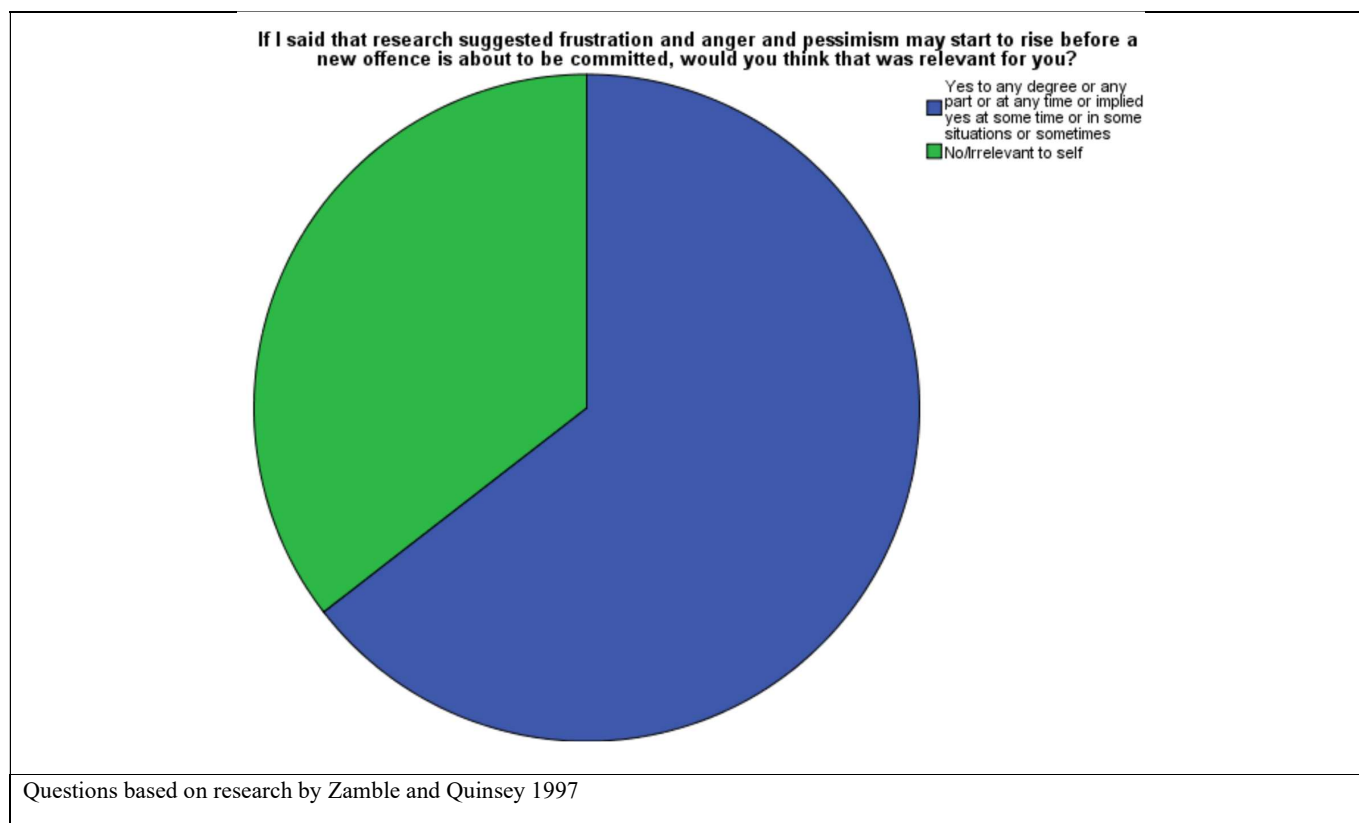


Fig. 5.33 Would you think that was relevant for you?

The presence of frustration, anger and pessimism as a precursor to offending appeared to be related to a high recidivism risk, with all-but-one participant with a high OGRS score citing these emotions as relevant to their offending, while all-but-one participant with a low OGRS score cited it as irrelevant. Therefore, systems that nurture, enhance, stabilise and protect positive emotional states, and care for the healing of negative such states, might be a hallmark of a society that genuinely seeks the welfare of all.

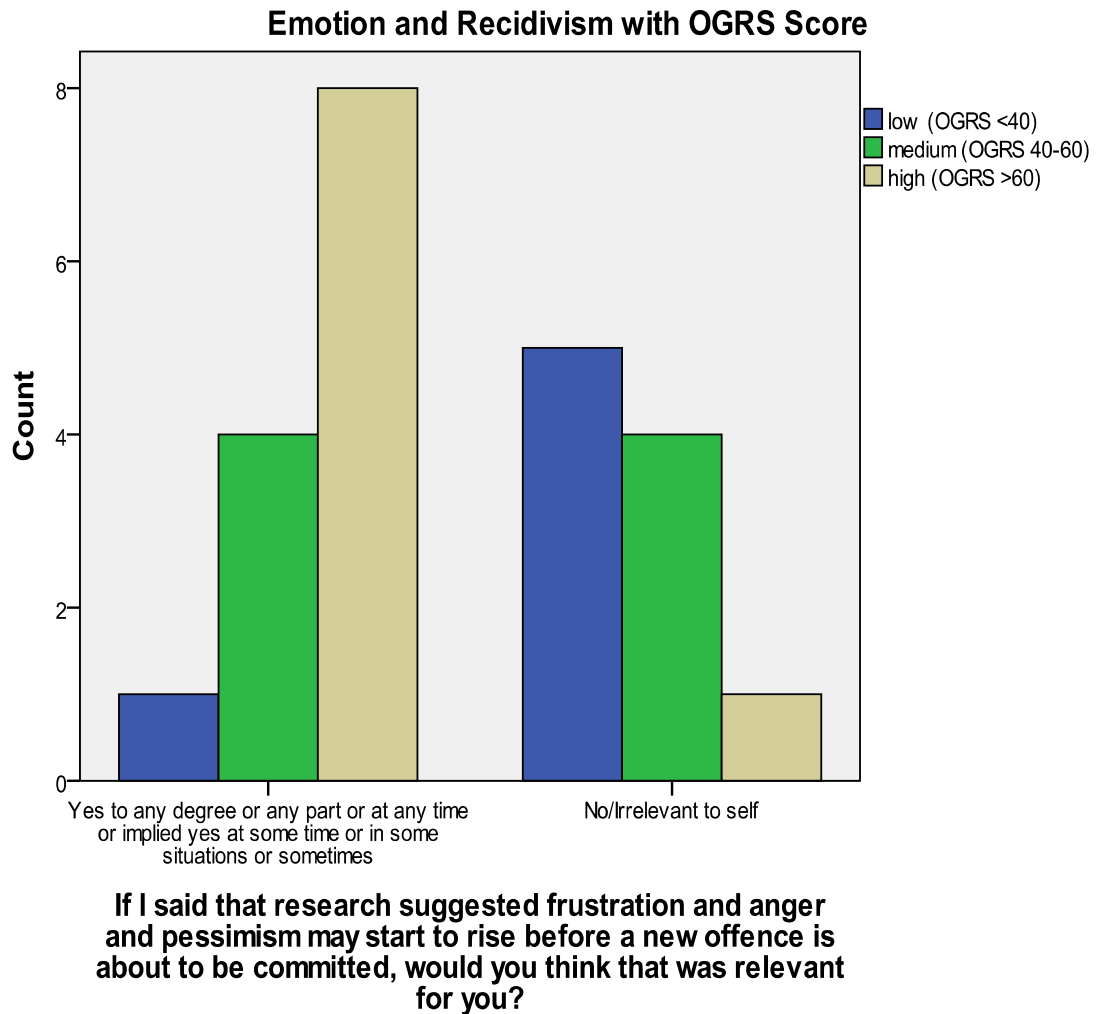


Fig. 5.34 Emotion and Recidivism with OGRS Score

53% of participants described themselves as being in a positive mood during the research interview, whilst only 34% described their usual mood in positive terms. Similarly, the numbers describing their mood in neutral terms fell from 33% in the interview to 17% more generally. This may suggest that providing an opportunity for individuals to talk about themselves and their situations, in the way the research interview provided, might improve and stabilise emotion.

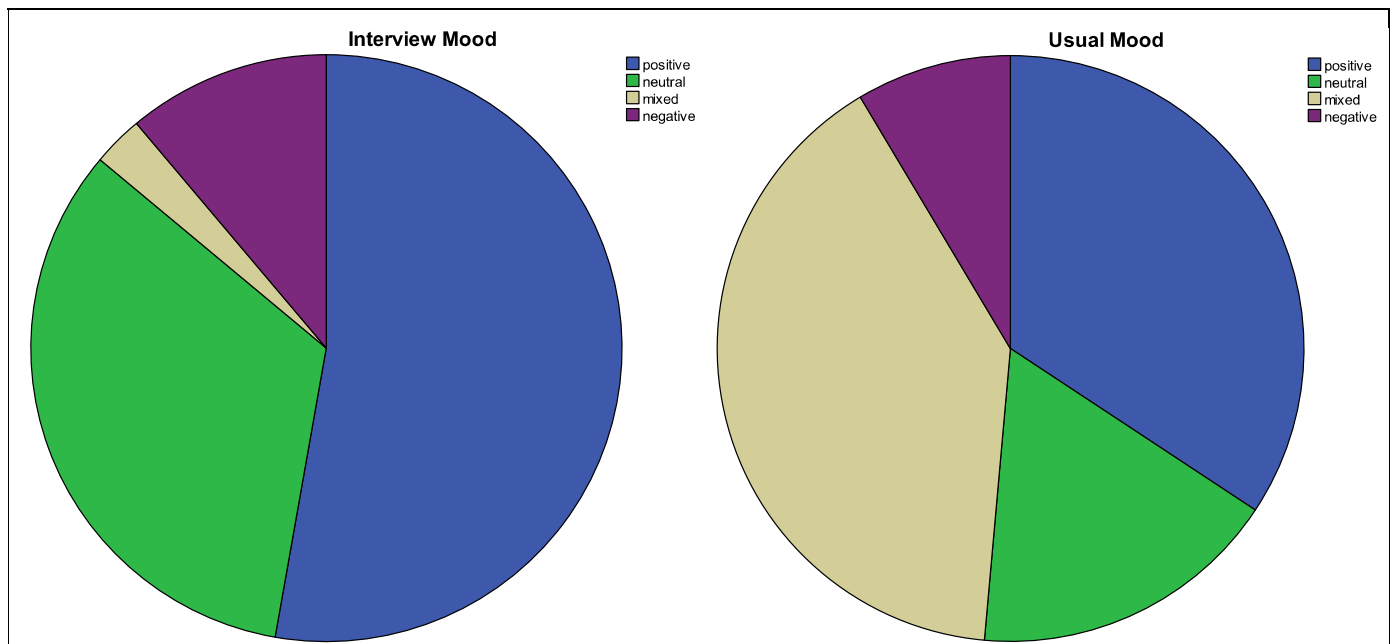


Fig. 5.35 Interview Mood/Usual Mood

However, negative moods stayed low relatively consistently, between the interview and the general states of the participants, with 11% being interviewed in a negative state and 9% reporting a negative state more generally. It was the reporting of mixed emotions that rose markedly when participants were asked about their usual mood, as opposed to their mood at that moment in the interview. 40% of respondents reported that their moods usually fluctuated and frequently depended on their circumstances in the ways used to define mixed mood. In this way, a picture of emotional volatility began to emerge as the usual state of being for this large proportion of participants. When this volatility and circumstance-dependency, alongside those stuck in negativity, is considered in the light of the fact that only 15% of participants said that offending itself actually gave them what they desired to any degree, it could suggest that offending, in the face of its incapacity to supply what is actually desired, may be an emotional rather than a practical decision.

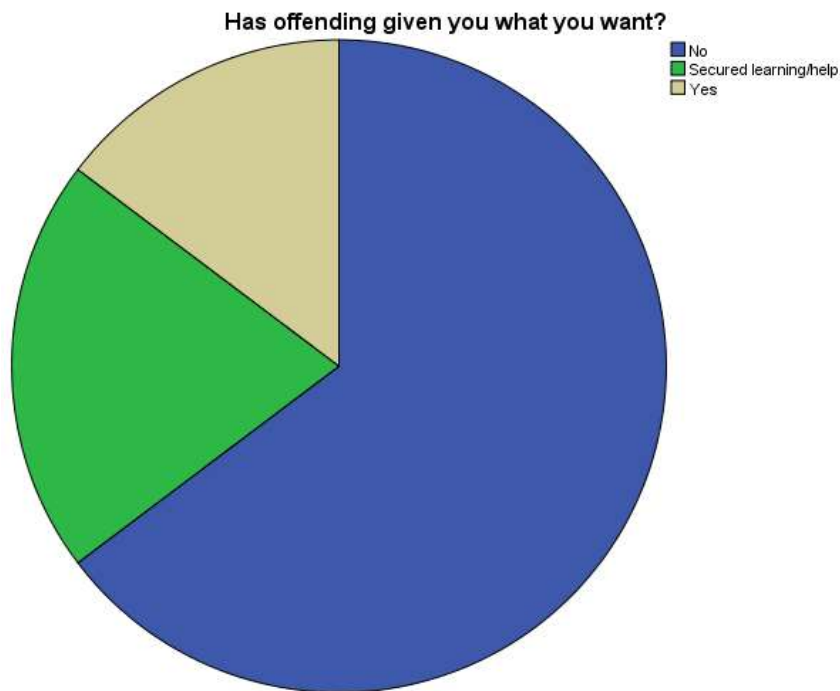


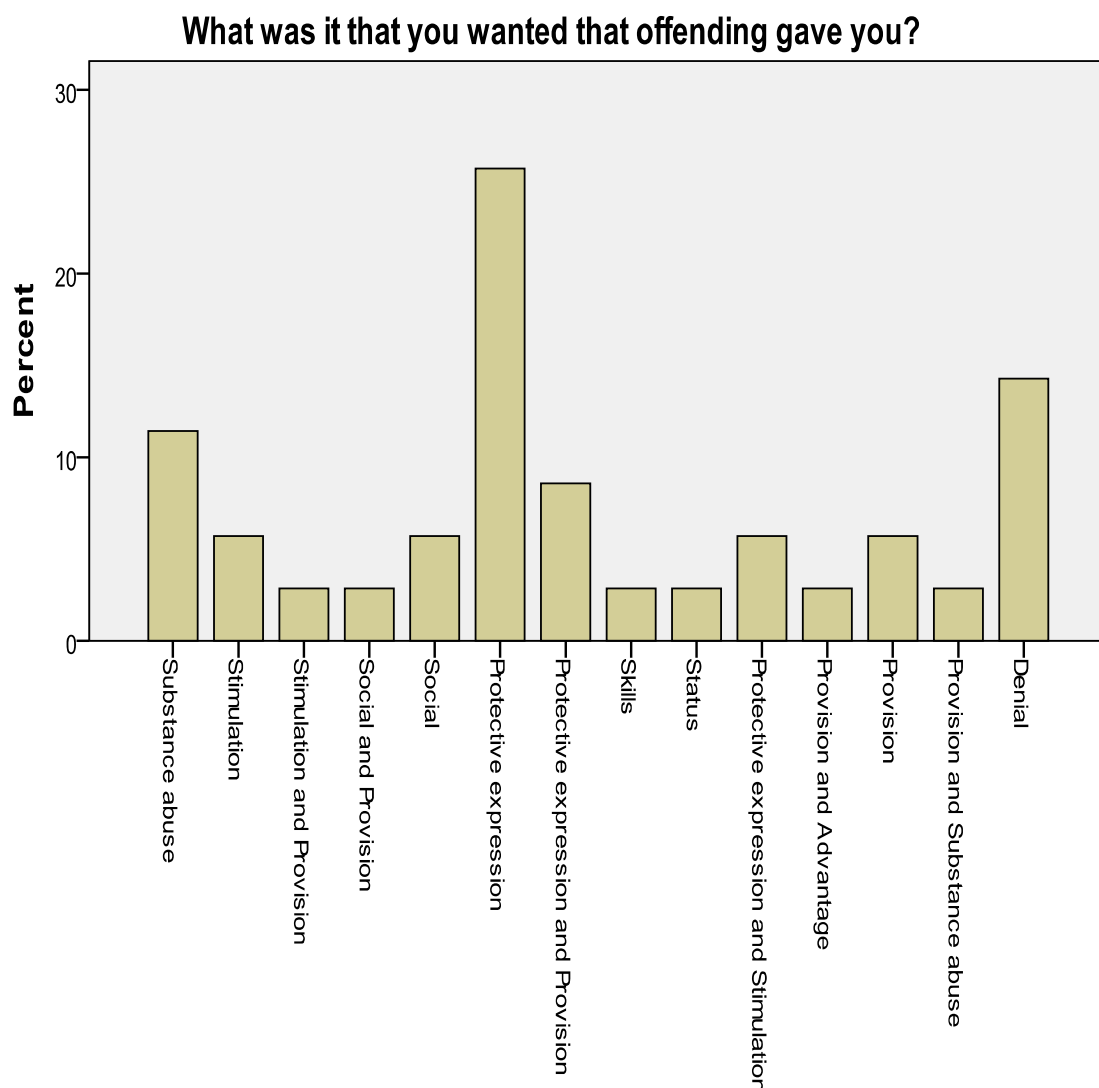
Fig. 5.36 Has offending given you what you want?

Having said that, for 21% of participants, it was securing the learning or help that they needed that offending had given them. This might further endorse the benefits to de-brutalisation of providing easy and timely access to means of resolving situations, problems and obstacles without those for whom life may already be brutalised, having to brutalise in turn by offending to receive that help<sup>82</sup>. However, only 14%<sup>83</sup> of participants denied wanting anything from offending<sup>84</sup> itself, while only 11% spoke of what they did desire being unrelated to emotionality, speaking instead exclusively of skills; provision, in terms of money and goods; or advantage, in terms of not having to pay for things.

<sup>82</sup> In this regard, it is noticeable how Robert Thompson, one of the two children who murdered James Bulger in 1993, said in his 2001 parole statement that he had a 'better life' because he had killed James than he would have had had he not done so.

<sup>83</sup> Including those that did not want to speak about what they wanted from offending.

<sup>84</sup> 'What was it that you wanted that offending gave you?'



**What was it that you wanted that offending gave you?**

Fig. 5.37 What was it that you wanted that offending gave you?

75% included one or more of the emotionally related issues of 1) substance use, 2) status, 3) stimulation, in terms of excitement and sexual and emotional gratification, 4) social gain, in terms of peer approval, socialising, getting contact with someone they were attracted to and relaxing in a social environment, or 5) protective expression, in terms of asserting themselves in situations where they felt unjustly or wrongly treated.

In these ways, emotion and emotional needs and responses may be deeply interwoven with managing lives brutally and could present profound barriers to constructively active alternatives. Without providing emotionally viable alternatives for what individuals gain emotionally from brutality<sup>85</sup>, as well as providing the opportunities for the practical skills<sup>86</sup>, material provision<sup>87</sup> and personal advantage<sup>88</sup> also cited, brutality itself could be bound to remain.

When participants were themselves asked how else they could achieve these desired objectives, other than by offending, there appeared to be a relationship between increasing risk of re-offending and being unable to think of usable alternatives to offending. 64% of those with a high OGRS score were unable to offer usable alternatives to offending, compared to 50% of those with a medium OGRS score and 33% of those with a low OGRS score. No one who dismissed the need to consider an alternative to offending<sup>89</sup>, nor who was equivocal about an alternative, had a low offending risk, while 67% of those at low risk unequivocally offered a usable alternative. Nurturing alternatives to *any* form of brutality might be vital to inhibiting barriers to replacing brutality with constructive activity<sup>90</sup>.

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<sup>85</sup> Again, perhaps, endorsing the need for timely action on mental health (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>86</sup> Again, perhaps, endorsing the need for lifelong education available free for all (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>87</sup> Again, perhaps, endorsing the need for pay and payments to be sufficient to fund quality lives (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>88</sup> Again, perhaps, endorsing the need to enable people to advance the development of their own aptitudes and appetites (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>89</sup> Claiming he no longer needed to offend

<sup>90</sup> Such as through consistent execution of consistent morality with transparent universally applied rules, with everyone in their protection, including over income from anything brutal, such as substandard housing or harming business practises, where ownership is not based on actively ethical custodianship and development in non-harming ways, just as much as in terms of crime (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

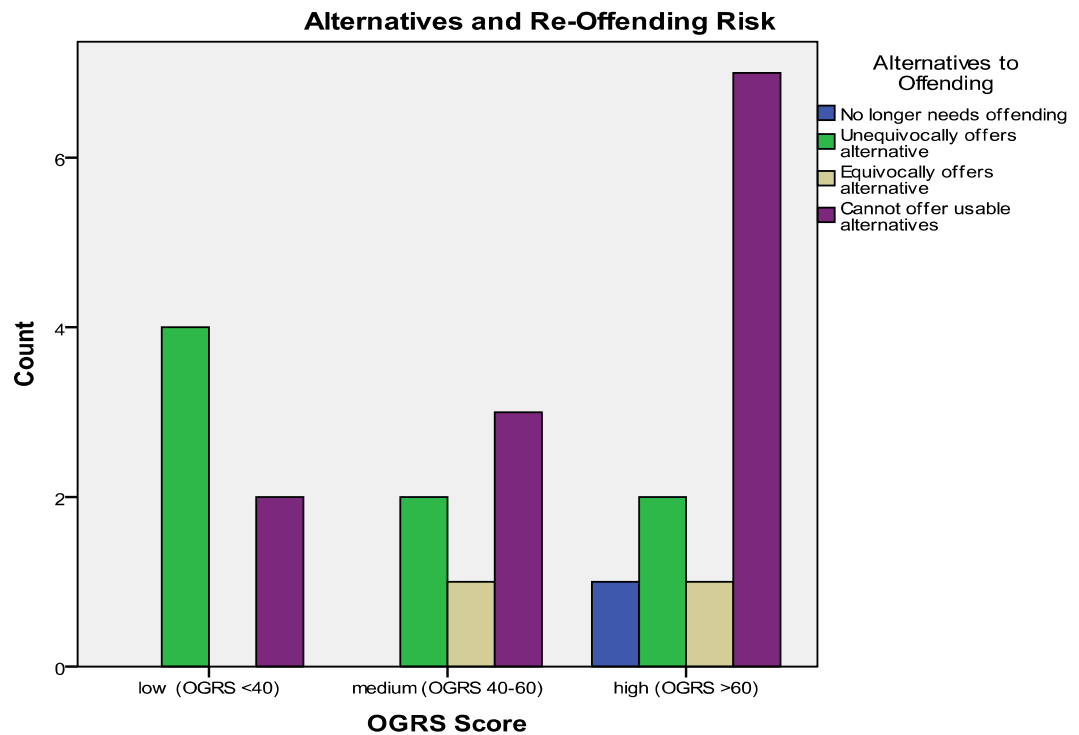


Fig. 5.38 Alternatives and Re-Offending Risk

Likewise with tackling any needs that could also be barriers to desistance from brutality. 60% of those with a high offending risk had needs to be tackled in order to desist<sup>91</sup>, compared to only 29% of those at low risk having such needs. Furthermore, neither of those who had acknowledged unspecified needs and, perhaps crucially, had resolved them, had a high such risk. Indeed, just as with what was desired, what was needed<sup>92</sup> also incorporated at least some emotional element for all but one individual. Only the practical need for a \*driving licence might be considered devoid of any emotional dimension as a desistance need.<sup>93</sup>

<sup>91</sup> What needs do you have/had that you think must be sorted out to stop offending?

<sup>92</sup> What needs do you have/had that you think must be sorted out to stop offending?

<sup>93</sup> Suggesting the importance of access to driving, perhaps sustainably structured, and with visual, technical and sensory driver monitoring and assistance where needed (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

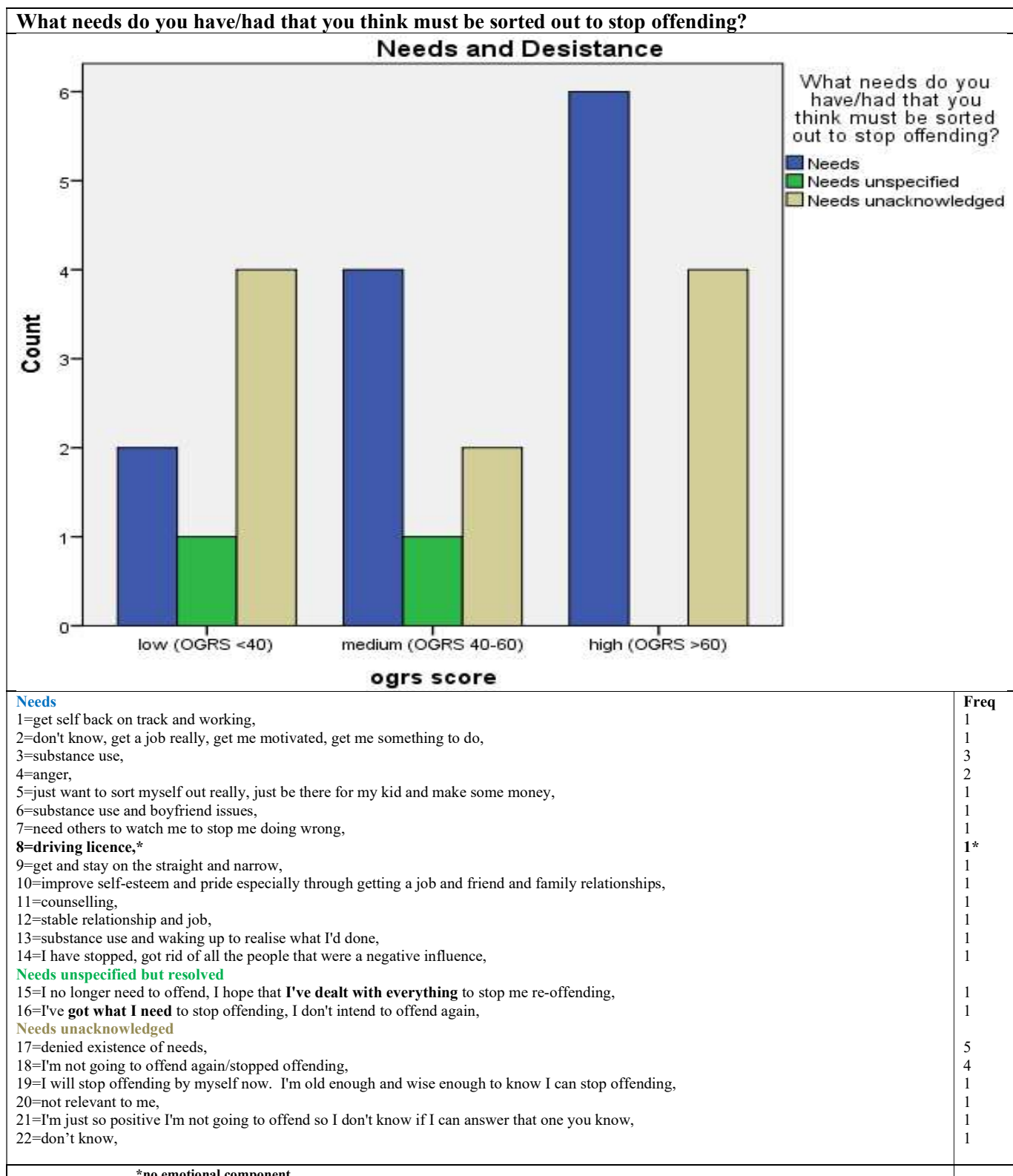


Fig. 5.39 Needs and Desistance



The means of resolving any emotional dimension of needs seems likely to require the inclusion of the direct needs themselves, described by participants in the table above, namely assistance in getting oneself back on track and sorted out and ‘on the straight and narrow’ and realising ‘what I’d done’<sup>94</sup> and also being motivated<sup>95</sup> and actively doing something<sup>96</sup> and able to deal with substances<sup>97</sup> and anger<sup>98</sup> and relationships<sup>99</sup> and parenting<sup>100</sup>, as well as ensuring work<sup>101</sup>, access to driving<sup>102</sup>, the means to earn money<sup>103</sup> and to build self-esteem and pride in achieving<sup>104</sup>, as well as access to counselling<sup>105</sup> and monitoring where necessary.<sup>106</sup>

When those who were able to specify their needs were asked how they were going to meet those needs, only 2 participants were able to offer an active wholly reasoned suggestion. The remaining suggestions relied upon abstinence, trying, dependence on

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<sup>94</sup> Perhaps using free lifelong education, alongside mental health help (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>95</sup> Again, perhaps, endorsing the value of focusing on advancing the development of their own aptitudes and appetites (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>96</sup> Perhaps, endorsing the value of expecting active participation in, and contribution to, society from everyone, perhaps through work, or alternatives, and an end to unemployment, money without effort and effort without money, such that work, education, training, charity work, starting a business or disseminating quality parenting or any other project or contribution become the conduit for payments (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>97</sup> Again endorsing the value of addressing substance use (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>98</sup> Perhaps, endorsing the need for respectful interaction and self-expression with required expectations thereof, with access to being championed by a funded advocate where situations cannot be managed without anger (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>99</sup> Perhaps, endorsing the need for decent safe places to live and quality family life, childhoods and parenting (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>100</sup> Suggesting the value of training of expertise in parenting (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>101</sup> Perhaps, endorsing the need to end unemployment (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>102</sup> Suggesting the importance of access to driving, perhaps sustainably structured, and with visual, technical and sensory driver monitoring and assistance where needed (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>103</sup> Again, perhaps, endorsing the need for pay and payments to be sufficient to fund quality lives and to be available to all (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>104</sup> Suggesting the importance of work, or its alternatives, being rewarding, advancing and pride-giving (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>105</sup> Again, perhaps, endorsing the need for access to mental health help (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>106</sup> Perhaps, endorsing the value of monitoring and containing where need be (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

help or probation, getting control of substance use or anger, or simply relying on growing out of it or being too busy to even address it. In this way, just as with finding alternatives to brutality, finding de-brutalised ways to meet needs also seemed to be an area requiring improvement to overcome barriers to living a constructive life.

How are you going to meet those needs?	Frequency
1=do it with wholly reasoned active suggestion	2
2=stop doing it with an <b>abstaining</b> suggestion,	2
3= <b>try</b> to do it with an active suggestion,	1
4= <b>try</b> to stop doing it with an abstaining suggestion,	1
5=getting <b>help</b> ,	1
6=through <b>probation</b> ,	2
7=I've woken up and it wasn't nice and I'm getting control of my <b>drinking</b> which was numbing me,	1
8=count to 10 if I get <b>angry</b> ,	1
9=believes <b>will just grow out of it</b> even though says nothing has changed, but says will discuss with probation if it gets worse,	1
10=not sure because I'm always so <b>busy</b> to get anything done,	1

Tab. 5.8 How are you going to meet those needs?

Similarly, improving the manner in which unhappiness is managed appeared important to overcoming this as a barrier, with only 36% of participants taking either a reasoned or de-emotionalised approach to being unhappy and just over half including some element of negative response to it. This seemed to further endorse the way in which unhappy situations, whatever form they could take, might be being dealt with in unhelpful ways that may simply create more barriers to constructive activity.

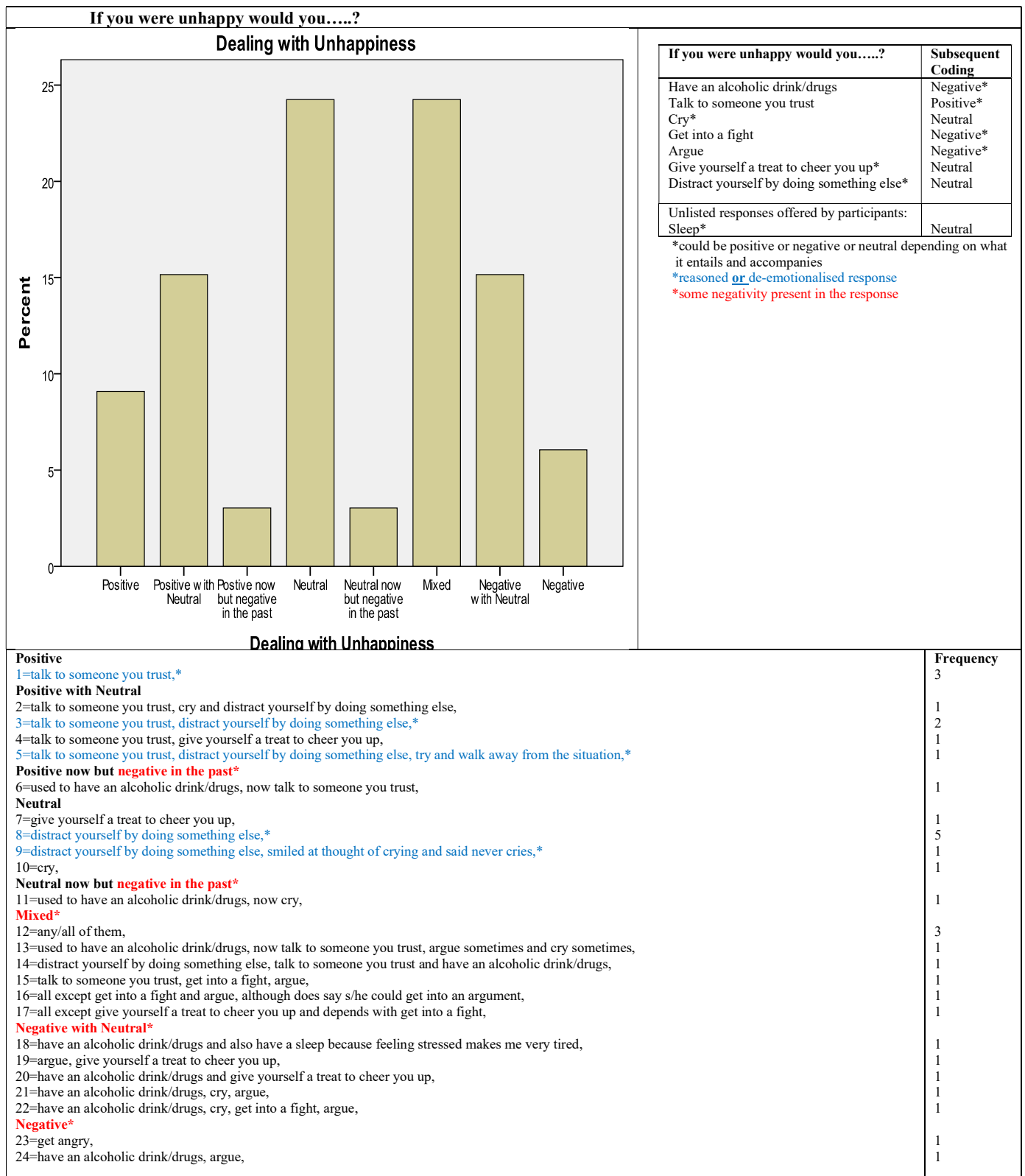


Fig. 5.40 Dealing with Unhappiness

Furthermore, only just over a quarter of participants managed being caused upset<sup>107</sup> in reasoned de-emotionalised ways, while more than half included some negativity of response to this situation.

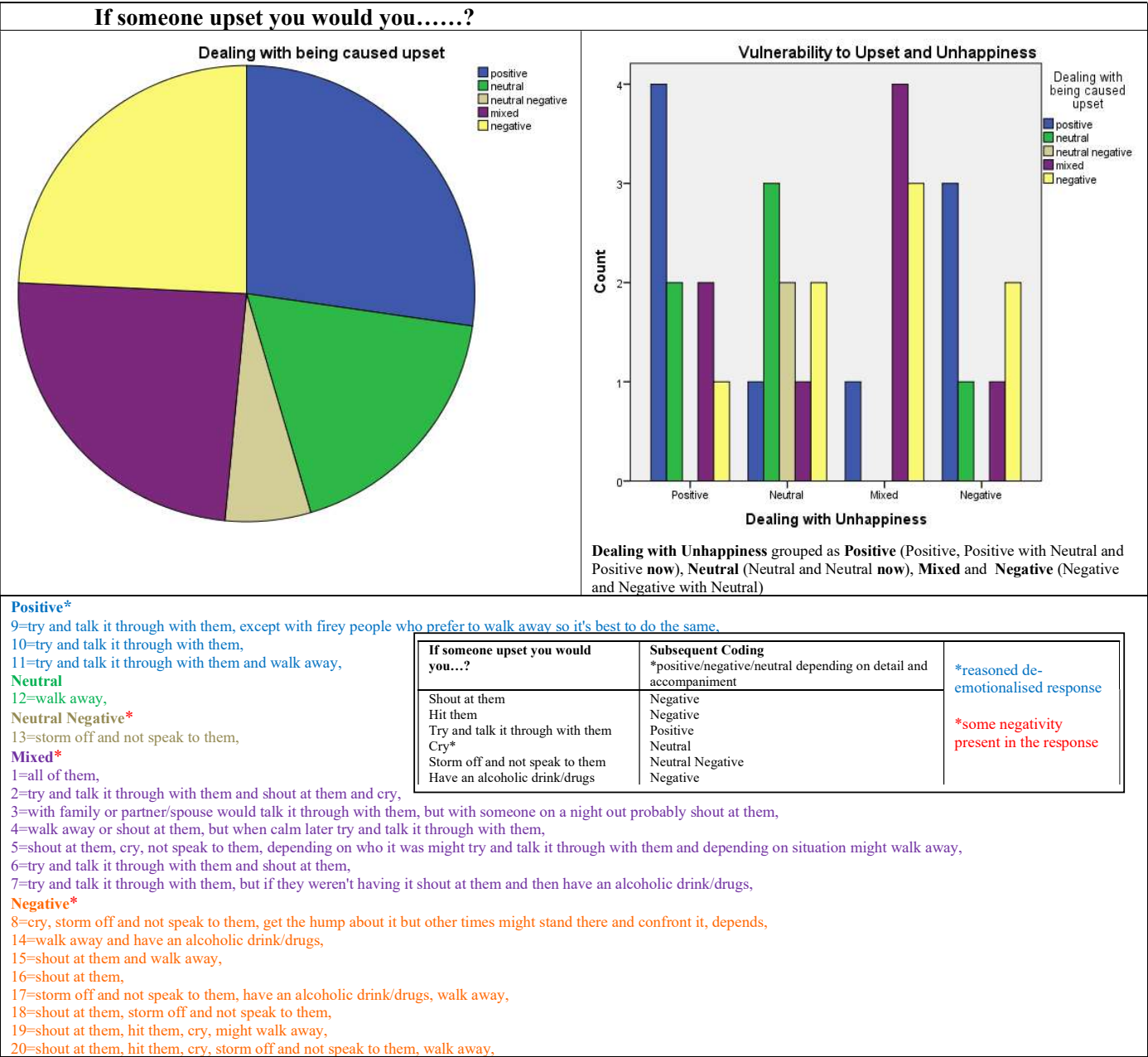


Fig. 5.41 Vulnerability to Upset and Unhappiness

<sup>107</sup> Participants were asked ‘If someone upset you would you.....?’ and offered a list of options

Two thirds of those who managed unhappiness in positive ways did not have any negativity present in dealing with being caused upset, but neither did just over half of those who managed it in negative ways and just under half of those who managed it in neutral ways. It was those who dealt with unhappiness in mixed ways that appeared to be most vulnerable when caused upset, endorsing the importance of nurturing emotional stability. 88% of those who managed unhappiness in mixed ways had at least some negativity present in dealing with being caused upset. This may suggest that volatility when unhappy could be related to difficulties in dealing with being caused upset. Stabilising emotional responses might thus help foster improved coping with the vagaries of others and of life.

Any official environment that might diminish an individual's capacity to manage those vagaries, or indeed the self and one's life, might be an inappropriately structured environment. In this respect, imprisonment seemed to be a barrier, or at least not a benefit, to coping sufficiently to be able to operate optimally. Only 34% and 41% of participants respectively completely ruled out any notion of sometimes having significant problems coping with life after any imprisonment or finding it difficult to cope if suddenly being confronted by choices and decisions upon release from prison. Furthermore, only 17% of participants completely ruled out finding it difficult to cope across both these coping-based questions.

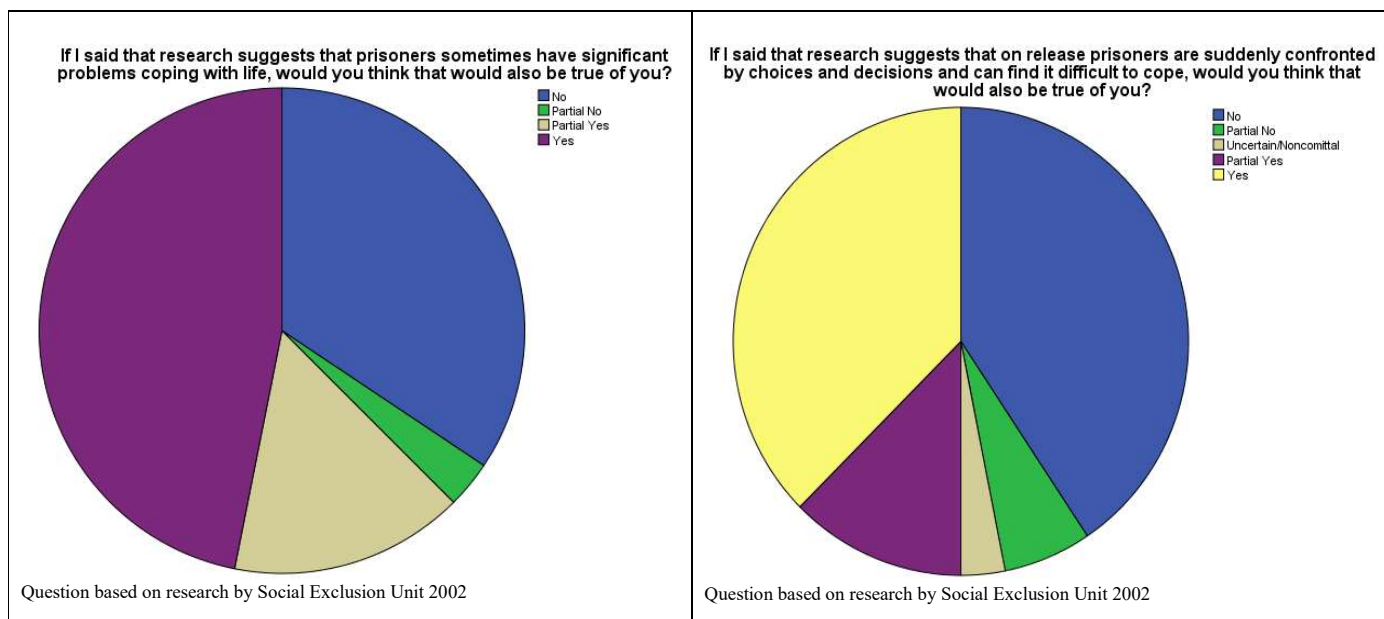


Fig. 5.42 Would you think that would also be true of you?

This could highlight the importance of ensuring any official environment, from imprisonment to school, is structured to nurture all the coping attributes required of an individual to operate optimally upon graduation.<sup>108</sup>

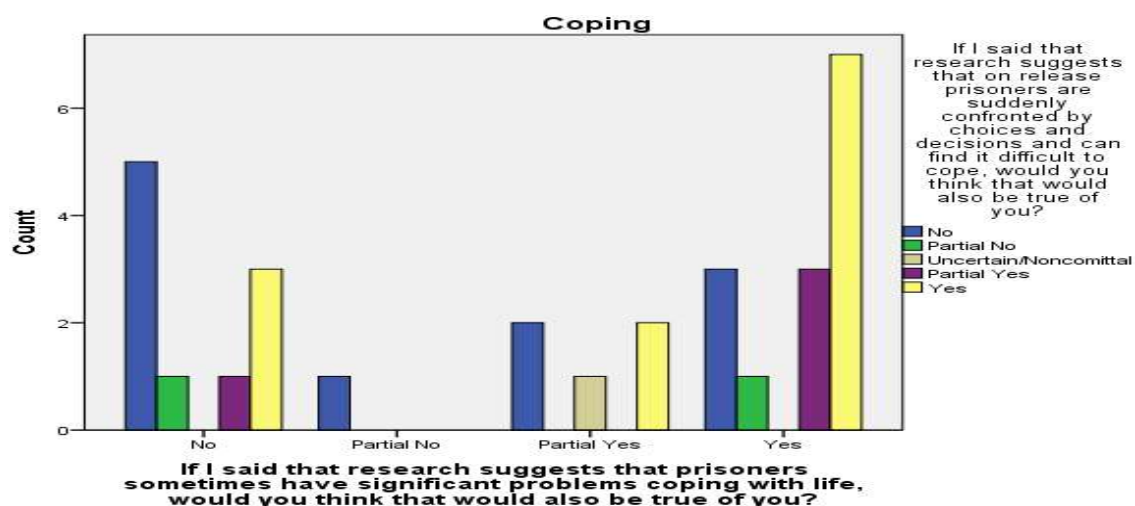


Fig. 5.43 Coping

<sup>108</sup> Perhaps leading to a consistent age of adulthood with a valuing rite of passage into it (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

This could include structuring institutions and their staff as resources, the use of which is controlled by the student, who thereby learns to cope with autonomously operating, facilitated in developing that skill where this is difficult for him/her. Indeed, this research considers those serving sentences as students working towards graduation from progress-tariffed sentences<sup>109</sup>, albeit that it is surely better to have established good habits prior to adulthood and always remembering that progress-tariffing must be very specific and related to a very specific harming action and expect very specific progress in that very specific harming action to prevent it becoming all pervasive.

The importance of creating good habits right from the outset might be emphasised by the way in which only 42% of participants completely ruled out<sup>110</sup> returning to their ‘old ways’ that led them into trouble in the past when finding things difficult. Another 42% thought a return to ‘old ways’ specifically possible<sup>111</sup>. Creating ‘old ways’ that are actually ‘good ways’, by establishing good habits, and addressing bad habits, right from the outset of life, might be the most effective measure a society seeking the constructive participation of all its people could take. In this way, in moments of difficulty, individuals might have more constructive fall-back positions than brutalities such as offending.

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<sup>109</sup> See Table 3.12 in Chapter 3

<sup>110</sup> Namely those who said ‘no’, who are shown in blue on the table above

<sup>111</sup> Namely those who said ‘yes’ to some degree, including ‘probably’, or who said ‘maybe’ and it ‘varies’, who are shown in beige

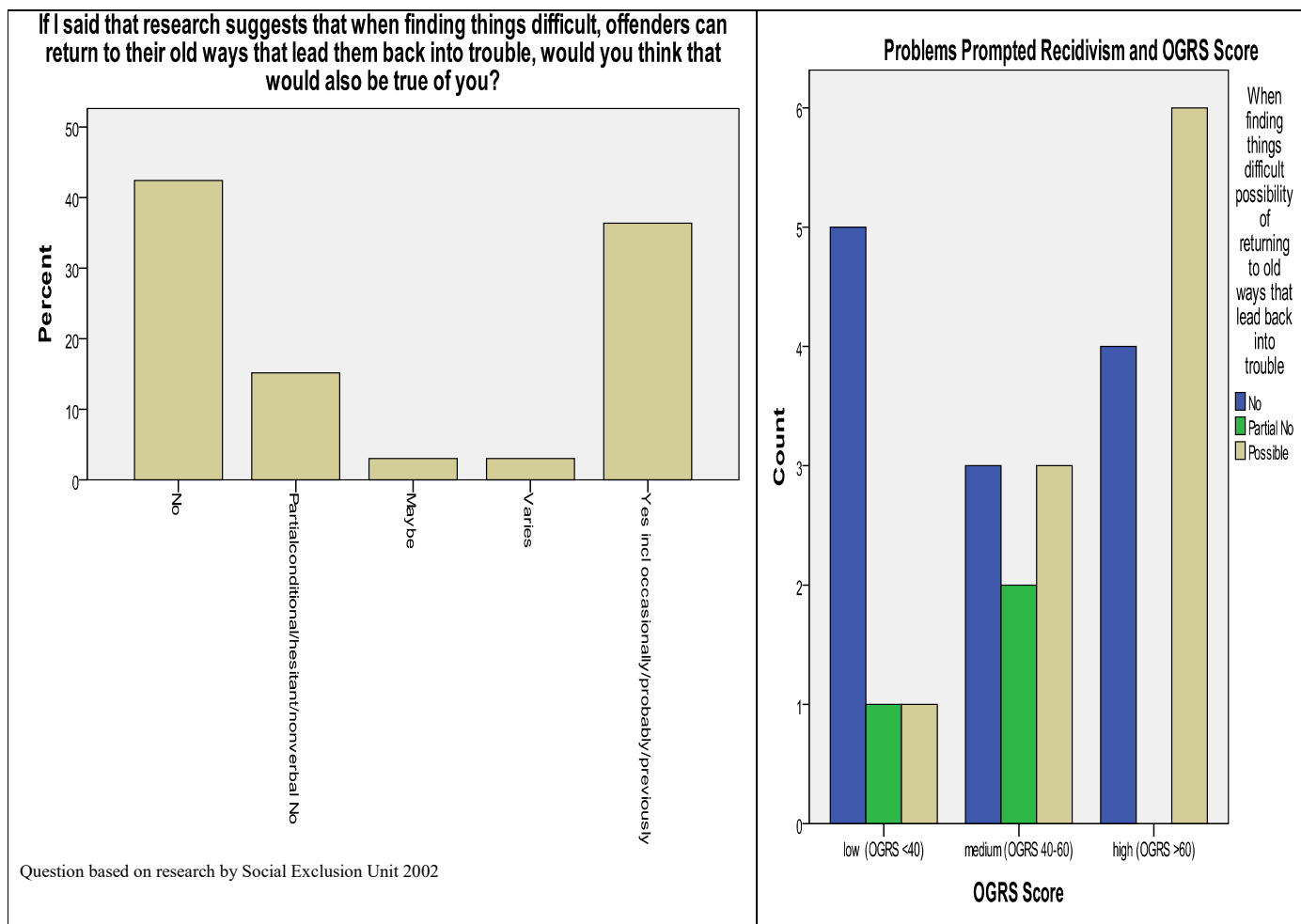


Fig. 5.44 Problems Prompted Recidivism and OGRS Score

The risk of returning to unhelpful fall-back positions when faced with difficulties appeared related to offending risk, since 71% of low risk offenders completely ruled out a return to their old ways, whilst the number of participants who thought it possible that they would do so rose as offending risk rose, with 14% at low offending risk, 38% at medium such risk and 60% at high risk. In such ways, barriers to constructive activity might not so much be any difficulties per se, as the habits deployed to manage them.



### Functioning Barriers and Substance Use

One potentially destructive habit that might be used to manage life's difficulties and struggles could be substance use. 81% of participants had cited using substances and 84% had cited avoiding substances<sup>112</sup>.

<b>Present in;</b> <sup>113</sup>	<b>between 75% and 85% of Participants</b>
<b>As De-Brutalisations</b>	avoiding substances (84%)
<b>As Brutalisations</b>	using substances (81%)

Tab. 5.9 Functioning Barriers and Substance Use

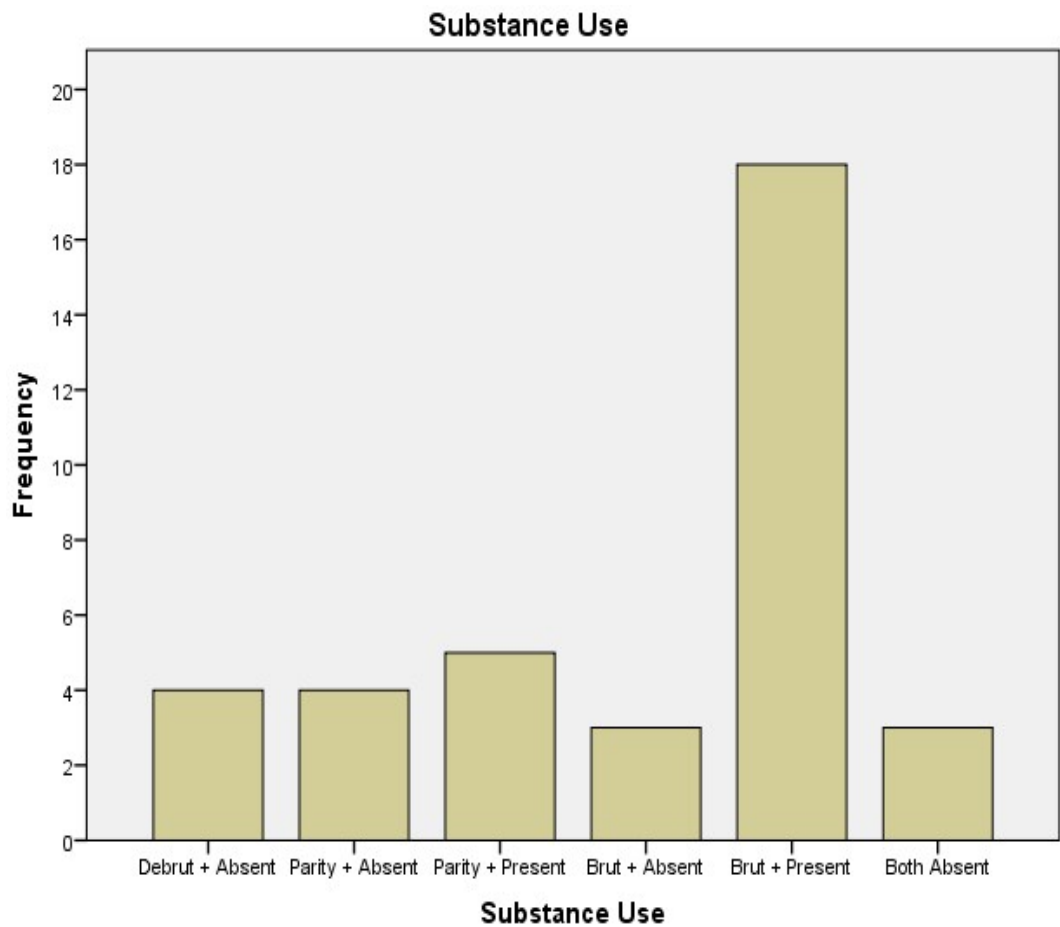
The fact that these percentages were virtually identical, and the fact that having to consider avoiding substances may, in itself, be suggestive of a substance use problem, could indicate that both substance use and substance avoidance may be equally reflective of substance problems.

It might only be the 8% that did not mention either substance use or substance avoidance, namely where both were absent as shown on the graph below, for whom substance use might not represent a problem that could brutalise functioning and create a barrier to constructive activity. This might underscore the size of the substance use problem, endorsing the suggestion that managing it might usefully include facilitating functioning while using, such as through sufficient medication and regulated access, if substance use is going to better co-exist with modern life and to be taken from the hands of criminal gangs.

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<sup>112</sup> See Grid in The Functioning and Brutalisation Section of Chapter 4

<sup>113</sup> See Grid in The Functioning and Brutalisation Section of Chapter 4



\* Absence and Presence is defined using the same formula as with physical state

Fig. 5.45 Substance Use

Substance use was the predominantly cited main functioning liability<sup>114</sup>, with 22% of participants citing it most often as a functioning liability, more than any other such liability within this context, either as top, or equal top, with other liabilities. Likewise, substance use also appeared to be linked to offending and brutality, with all those with a high offending risk speaking of an increase in substance use as a prelude to offending, either now or in the past<sup>115</sup>.

<sup>114</sup> See The Moving from Functioning Liabilities to Functioning Assets Section of Chapter 6

<sup>115</sup> When asked 'If I said that research suggested increased use of drugs or alcohol may happen before a new offence is about to be committed, would you think that was relevant for you?'

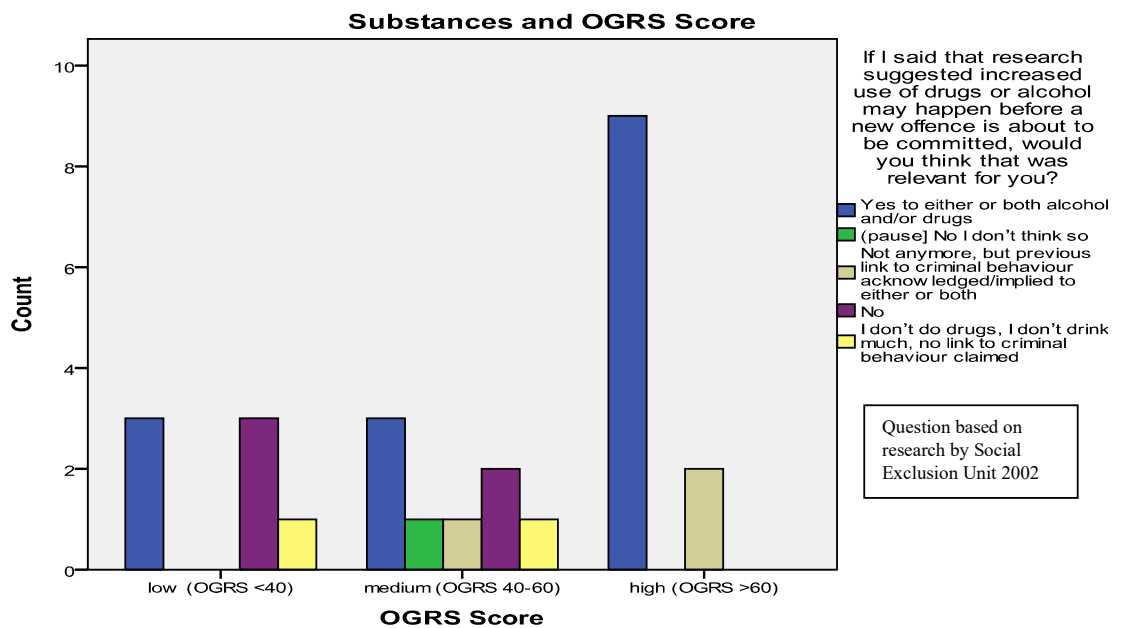


Fig. 5.46 Substances and OGRS Score

By contrast, 38% of those with a medium risk ruled it out completely, either by simply saying 'no' unequivocally or by elaborating on that 'no', while, better still, 57% of those at low risk completely ruled it out in these ways.

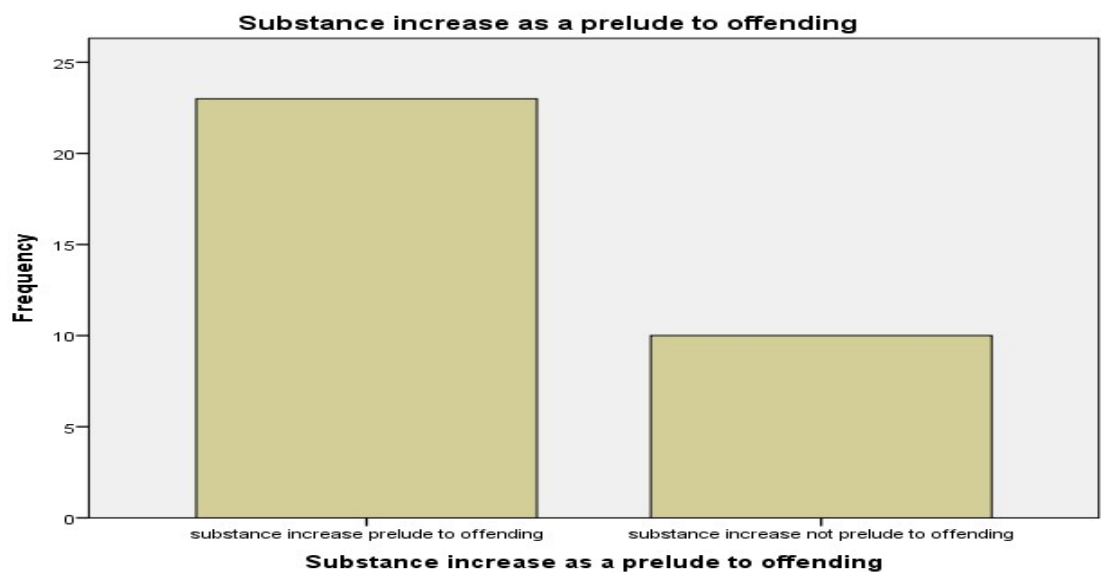


Fig. 5.47 Substance increase as a prelude to offending

70% of respondents in all linked their offending to substance use to at least some degree, making substance use a vital issue. Furthermore, when statements and factors had been collected amongst multifarious functioning attributes and brutalisation statements<sup>116</sup> and factors<sup>117</sup>, 81% of those who went through the whole list of factors<sup>118</sup>, mentioned at least one of the \*\*substance use related factors in the culture section, either with or without also citing a substance-related thinking factor<sup>119</sup>. Furthermore, 90% of those who included any of the \*\*\*cultural factors included at least one of the \*\*substance use related factors.<sup>120</sup>

Tackling substance use problems is a complex and chronic challenge being addressed with a multitude of strategies and programmes, while consuming very substantial resources for limited results, with only 8% of problem users keeping a job for 13 weeks or more (Morse 2010) and proportionately around four times as many men who are unemployed or otherwise economically inactive being drug dependent as are employed (NHS 2019). Indeed, none of the offenders with substance use problems with whom the charity, that had been set up by the researcher to apply the findings of this research practically,<sup>121</sup> has worked were able to turn their lives around.

Investment in improving such functioning, rather than wasting endless resources trying to achieve the same impossible prohibition that the USA tried with alcohol between 1920 and 1933, might be far more logical. Additionally, if legal substances, like

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<sup>116</sup> ‘Research from other sources has previously gathered these statements from offenders, which of these statements do you think would be true for you?’

<sup>117</sup> ‘Research suggests that the following factors may play a part in becoming an offender, which of these do you think applies to you?’

<sup>118</sup> Research suggests that the following factors may play a part in becoming an offender, which of these do you think applies to you?

<sup>119</sup> No one cited the substance-related thinking factor without also citing at least one of the substance-related cultural factors

<sup>120</sup> Either with or without also citing the substance-related thinking factor

<sup>121</sup> See Chapter 12

alcohol, cause more harm than illegal ones, enforcing abstinence through the law seems illogical.

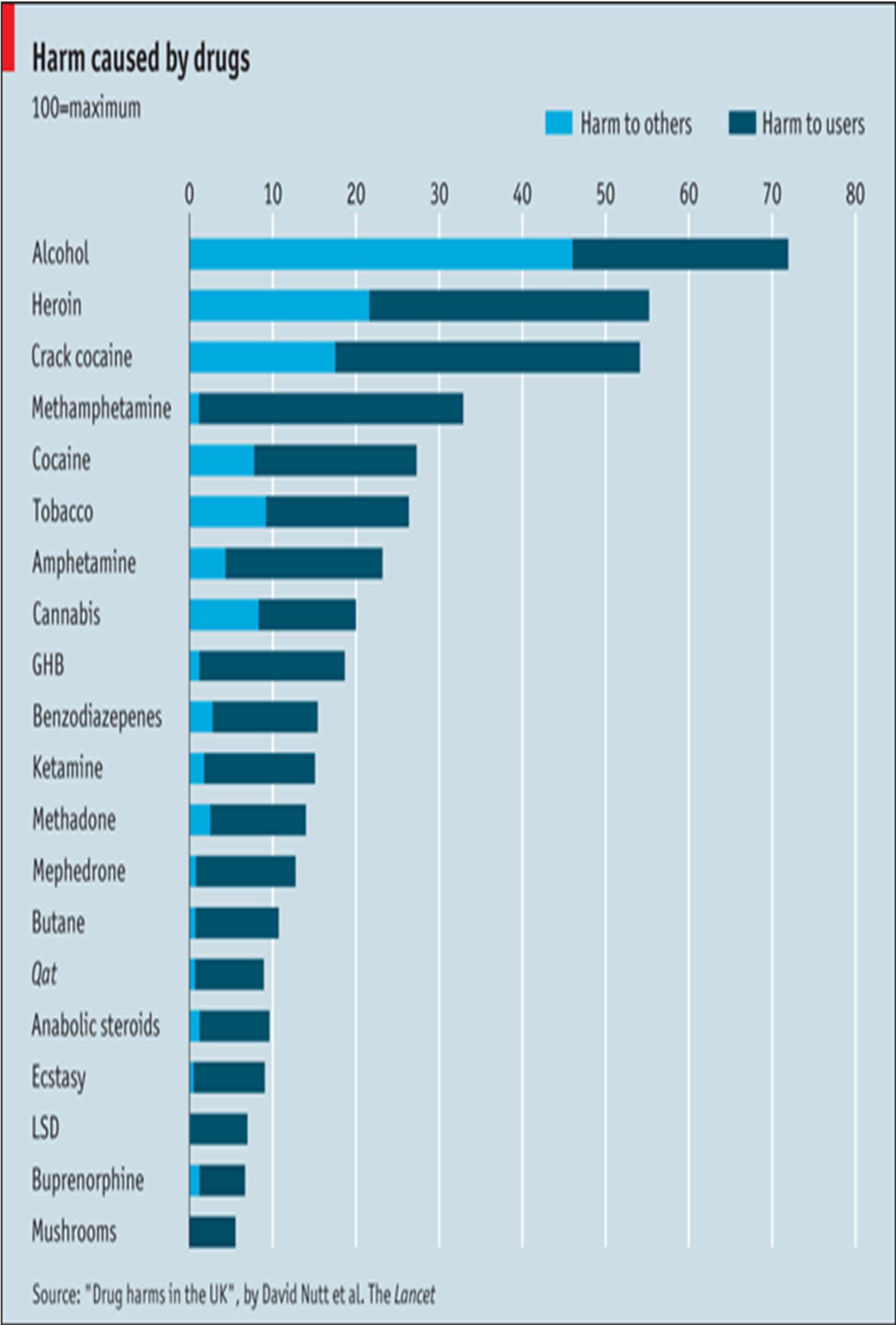


Fig. 5.48 Harm caused by drugs

In emotional terms, since the **substance use**<sup>122</sup> statements had an emotional dimension, namely playing a part in ‘chilling’ or ‘need’ or being ‘happy’, they were included among other emotional **statements**, with 89% of participants as a whole citing an **emotional difficulty**<sup>123</sup> of some sort and 91% citing an **emotional factor**<sup>124</sup> of some sort. In all these ways, both substance use and broader emotional difficulties, may need to be managed so that they do not subsume the morality of individuals, especially since those **moralties**<sup>125</sup> *did* appear to exist.

Research <sup>125</sup> from other sources has previously gathered these <b>statements</b> from offenders. Which of these statements do you think would be true for you? <sup>126</sup>	Research <sup>127</sup> suggests that the following <b>factors</b> may play a part in becoming an offender, which of these do you think applies to you? <sup>128</sup>
<b>**Emotionality - prevalence of emotional need</b> 9‘There's nothing to do. I get bored.’ emotionality 10‘Offending is an adrenalin rush’ emotionality 17‘People without money who don’t commit offences only don’t cause they ain’t got no bottle’ emotionality 19‘I have issues with anger’ emotionality 20‘I have a reputation for being bad that I have to keep up’ emotionality *21‘I need alcohol to <b>chill</b> me out’ emotionality *22‘I need to drink to make me <b>happy</b> ’ emotionality *23‘I can’t be <b>happy</b> without drink’ emotionality *41‘I know it’s a waste, but I <b>need</b> a drink’ emotionality 28‘When I with my friends I end up committing offences’ emotionality 29‘I enjoy going to court because it’s something to do’ emotionality 30‘It pisses me off out here, out of jail’ emotionality 34‘I feel trapped’ emotionality 35‘I feel stuck in a rut’ emotionality 36‘Trying to go straight is all shit’ emotionality	<b>**Emotionality</b> 2 Finds lots of reasons to get angry - emotionality 11 Mental health issues - emotionality 32 Emotional instability - emotionality 33 When frustrated gets resentful and angry - emotionality 37 Not good at coping with things - emotionality 41 Restless, adventurous, impulsive, enjoys risk, pleasure seeking, daring - emotionality 42 Prone to negative emotions - emotionality 50 Wanting attention and difficulties in paying attention - emotionality 51 Behaved worse as a child whenever you were disciplined - emotionality 58 Aggressive - emotionality  <u>Alienation Category includes these 9 factors</u> 14 Indifference to the opinions of others - alienation 16 Tendency to reject others or feel rejected by others - alienation 23 Poor behaviour and truancy at school - alienation 34 Egocentric and selfish - alienation 45 Bullying or being bullied - alienation 49 Callous, hard hearted behaviour – alienation 57 Withdrawn personality - alienation 67 Feeling isolated from other people – alienation 75 Poor communication with people around you – alienation
<u>Autonomy - role of individual</u> 3‘If a person wants to change it’s down to them’ autonomy 4‘People’ll change if they want to change’ autonomy 15‘What could anyone do to stop me? There’s nothing they could do’ autonomy 31‘Sometimes it’s good to go to jail’ autonomy	<u>Links</u> 1 Anti-social/criminal friends – links 43 Being part of a gang in adolescence and now – links 44 Has many friends with drug or alcohol problems – links

<sup>122</sup> Namely ‘needing’ substances, including to ‘chill’ or be ‘happy’

<sup>123</sup> ‘Research from other sources has previously gathered these statements from offenders, which of these statements do you think would be true for you?’

<sup>124</sup> ‘Research suggests that the following factors may play a part in becoming an offender, which of these do you think applies to you?’

<sup>125</sup> Hughes, J., (2009) The Trouble With Girls, BBC and Ross, N., (2009), Crime Audit of Oxford in Perman, A., (prod), Truth About Crime, BBC and Cohen, J. and Hamann, P., (2009), Holloway, Television Production for ITV

<sup>126</sup> See Page 118 for full collective examination of these **statements**

<sup>127</sup> This list was compiled from all the issues raised in the Literature Review as relevant to offending

<sup>128</sup> See Page 119 for full collective examination of these **factors**

<p><u>Vision</u> - imagines future</p> <p>1'I've got goals' vision</p> <p>2'I know what I want to be' vision</p> <p>24'All I need to do is get a job', vision</p> <p>25'Drugs is a waste of money' vision</p> <p>32'Jail is a time to reflect...think....a bit of time out' vision</p> <p>37'I don't want a job anyway' vision</p> <p>39'I don't want to go to jail' vision</p>	<p><u>Vision</u></p> <p>9 Disorganised life - vision</p> <p>10 Aimless use of leisure time - vision</p> <p>20 Little effort at school - vision</p> <p>21 Lack of interest and easily bored at school – vision</p> <p>22 Not worried about future work when at school – vision</p> <p>40 Lack of hard and determined work and effort with things – vision</p> <p>52 Not good at getting things done - vision</p> <p>53 Poor ability to plan for the future - vision</p>
<p><u>Timing</u> - role of timing</p> <p>6'Everybody has to hit their own rock bottom' timing*****</p> <p>11'When your time's ready to change and when it just clicks in your mind you just think enough is enough and that is it then you change' timing</p> <p>12'This is my last chance' timing</p> <p>38'I think I am ready for a job' timing</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>***** Discussed elsewhere</p> </div>	<p><u>Skills</u></p> <p>31 Low intelligence and poor with words - skills</p> <p>36 Poor problem solving - skills</p> <p>56 Poor social skills - skills</p> <p><u>Resources</u></p> <p>17 Low level of education – resources</p> <p>18 Long periods of unemployment - resources</p> <p>19 Long periods of reliance on welfare benefits – resources</p> <p>24 Attended a badly run school with high levels of poor conduct in it - resources</p> <p>28 Brought up in a lower-class neighbourhood with high levels of crime – resources</p> <p>29 Brought up by people with little education, low skill jobs/no jobs, family criminality/on benefits - resources</p> <p>62 Unemployment - resources</p> <p>64 Born into a large family - resources</p> <p>65 Has a teenaged or single mother – resources</p>
<p><u>Problemacy</u> - difficulty with change</p> <p>5'It's difficult to change people' problemacy</p> <p>16'If I had money it'd be alright' problemacy</p> <p>18'I'm trying to sort my life out but it's so hard' problemacy</p>	<p><u>Thinking*</u></p> <p>3 Anti-social thinking and attitudes – thinking</p> <p>4 Sees lots of reasons to justify breaking the law - thinking</p> <p>5 Rejects the law - thinking</p> <p>6 Tolerates or approves of poor conduct or law-breaking behaviour in others - thinking</p> <p>35 Moral immaturity - thinking</p> <p>47 Lack of guilt - thinking</p> <p>59 Positive attitude to drugs and alcohol use - thinking (NB see substances in culture below)</p>
<p><u>Instancy</u> - lives kneejerk</p> <p>13'Life's just survival from one moment to the next' instancy</p> <p>33'Things hit you at the last minute' instancy</p> <p><u>Staticity</u> - stuck where is</p> <p>7'I'm never going to stop offending' staticity</p> <p>8'I'm never going to change' staticity</p> <p>14'I've made crime my life' staticity</p>	<p><u>Biology</u></p> <p>12 Young, male and part of a minority group - biology</p> <p>13 Biological and genetic and health factors - biology</p> <p>48 Delays in development - biology</p> <p>54 Early puberty - biology</p> <p><u>Nurturing</u></p> <p>15 Unstable marital history – nurturing</p> <p>25 Little affection or unity at home when growing up and now – nurturing</p> <p>26 Little supervision or discipline at home when growing up and now - nurturing</p> <p>27 Neglect or use at home when growing up and now - nurturing</p> <p>30 Brought up by people with poor parenting skills - nurturing</p> <p>46 Parents approving of or not tackling your problem behaviour - nurturing</p> <p>66 Poor relationship with partner – nurturing</p> <p>69 Several changes in who parented you as a child - nurturing</p> <p>70 Physical punishment as a child - nurturing</p> <p>71 Inconsistent discipline as a child - nurturing</p> <p>72 Poor relationship with parents - nurturing</p> <p>73 Your parents had low hopes of you - nurturing</p> <p>74 Poor supervision of you by your parents - nurturing</p>
<p>***<u>Morality</u> - view of morality</p> <p>*26'I would never hurt a kid or rob an old lady' morality</p> <p>*40'I want to go the right way' morality (see <i>Deferment and Brutalisation</i> section below)</p> <p>*27'Shoplifting isn't even a crime to me' morality</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>*see immoral thinking shown in red</p> </div> <p>These morality statements in purple, blue, green and red are considered in the <i>Universal and Differing Moralities in Understanding Brutality</i> Section in Chapter 3</p>	<p>***<u>Culture</u></p> <p>38 Misconduct from a young age - culture</p> <p>55 Bad things happening to you in your life - culture</p> <p>61 Weapon use – culture</p> <p>68 Has stressed parents – culture</p> <p>7 Long history of crime, starting young and inc different types of offence, even while under sentence –</p> <p>culture</p> <p>**8 Alcohol and drug use and alcoholism - culture</p> <p>**60 Drug dealing - culture</p> <p>**63 Parents with alcohol or drugs problems – culture</p> <p>**39 Lying, stealing, sex/drug/alcohol/tobacco experimentation and aggression from young age</p>

Tab. 5.10 Statements and Factors

## Deferment and Brutalisation

One of the moralities present was a desire ‘to go the right way’, however, if acting on such a desire is deferred in any way that deferment might represent a barrier to taking any such theoretically desired constructive action. If things just get put off they often never happen at all (Lieberman 2005). Persistent offenders already often lack a more active participatory self (Zamble and Quinsey 1997) and offenders generally already employ avoidance and evasion (Karstedt and Farrall 2006) of active responsibility. The criminal justice system should not add to offenders' sense of passivity or fatalism (Bazemore 2004), as offenders may already see criminal situations as if they just seem to happen (Zamble and Quinsey 1997). Indeed, it could be the loss of a sense of agency and autonomy in lives that might have driven an individual to crime in the first place, in order to reclaim those lives (Ward and Maruna 2007).

Deferment of action, along with any passivity inherent in ‘avoiding’, rather than ‘acting’<sup>129</sup>, or any inaction itself, might be unhelpful and related to recidivism<sup>130</sup>. Indeed, overcoming the personal inertia that may reflect deferring action was cited as a source of help by participants<sup>131</sup>. That inertia, along with laziness, could be intrinsic to deferment of action and may brutalise lives by default. Neither, laziness nor inertia, might be legitimately tolerated in a society in which *all* are expected to actively participate.

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<sup>129</sup> See the fact that all those who said they had tried an *active* alternative had given a definitive answer to what it would be like to live that way and all but one of them visualised it as positive. Whereas those who had tried an *abstaining* alternative were less likely to give a definitive answer and proportionately less likely to visualise a positive outcome in the Visualisation subsection of the Context Options section above where positive activity, rather than passive abstinence appeared to be more helpful

<sup>130</sup> Exemplified by the way 70% of high recidivism risk individuals, who were able to cite a cause for their sense of value or lack thereof, as discussed earlier in this chapter, attributed their value to the treatment they received rather than the actions they themselves undertook.

<sup>131</sup> As cited as a source of help in facilitating planning to achieve goals discussed earlier in this chapter



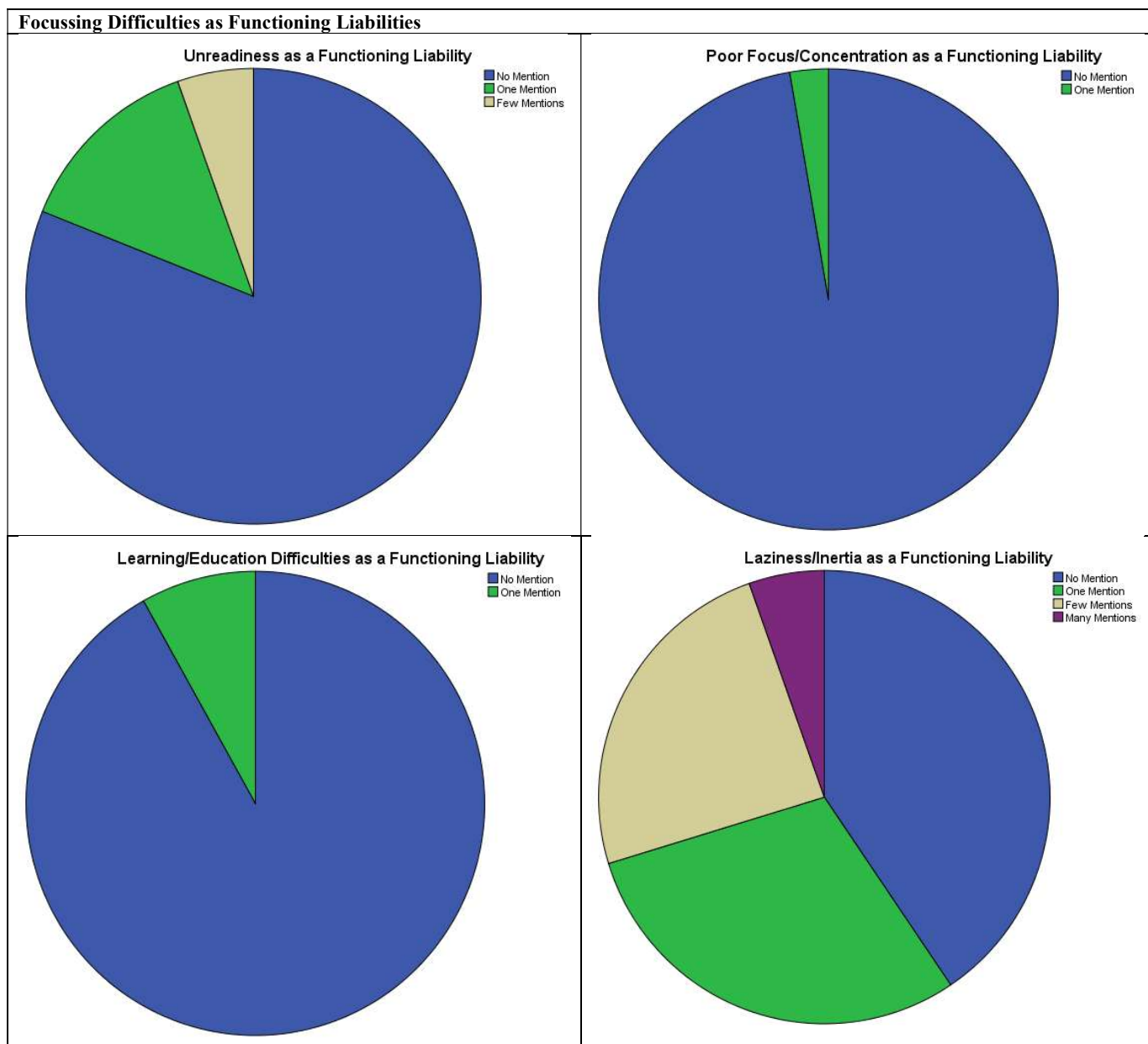


Fig. 5.49 Focussing Difficulties as Functioning Liabilities

Nearly 60% of participants cited laziness or inertia at least once, far more than cited any of the other difficulties in focussing, within the context of functioning liabilities.

Furthermore, the highly demanding nature of the interviews and the way in which *all* the participants rose to this challenge, suggested all had the potential at their disposal, if

nurtured, to fulfil themselves and their lives, if laziness, inertia or other causes of deferment were no longer allowed to squander that potential. Even in terms of the three participants who were prominent in terms of curtailing their interviews, due to their eagerness to depart<sup>132</sup>, none of them made any mention at all of unreadiness, poor focus/concentration or of learning or educational difficulties that might inhibit capacity for participation within the context of this section, although one of them had made mention of that pervasive laziness/inertia.

80% of those participants who were fully working made no mention of laziness or inertia, within the context of functioning assets and liabilities, whilst 80% of those who were not working *did* make mention of laziness or inertia at least once. Similarly, 86% of those with a low offending risk made no mention of laziness or inertia, whilst 75% of those who had high such risk *did* make mention of laziness or inertia at least once. In these ways, it seemed to be the case that offending and worklessness both appeared to be related to laziness and inertia.

The importance of modelling, fostering and expecting action, not lazy inert deferment of action, nor passivity, avoidance, inaction, excuses not to act, dependence on the action of others, delay, either by individuals or institutions, nor tolerance by society of allowing associations, material lack, the authorities, and even a prosocial life itself<sup>133</sup>, to inhibit active und deferred pursuit of goals through work, or alternatives, not offending, may be critical to preventing wasted potential and its inherent harm.

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<sup>132</sup> Namely participants 11, 18 and 29

<sup>133</sup> All reasons cited throughout this research by individuals to justify their inaction or deferment of action

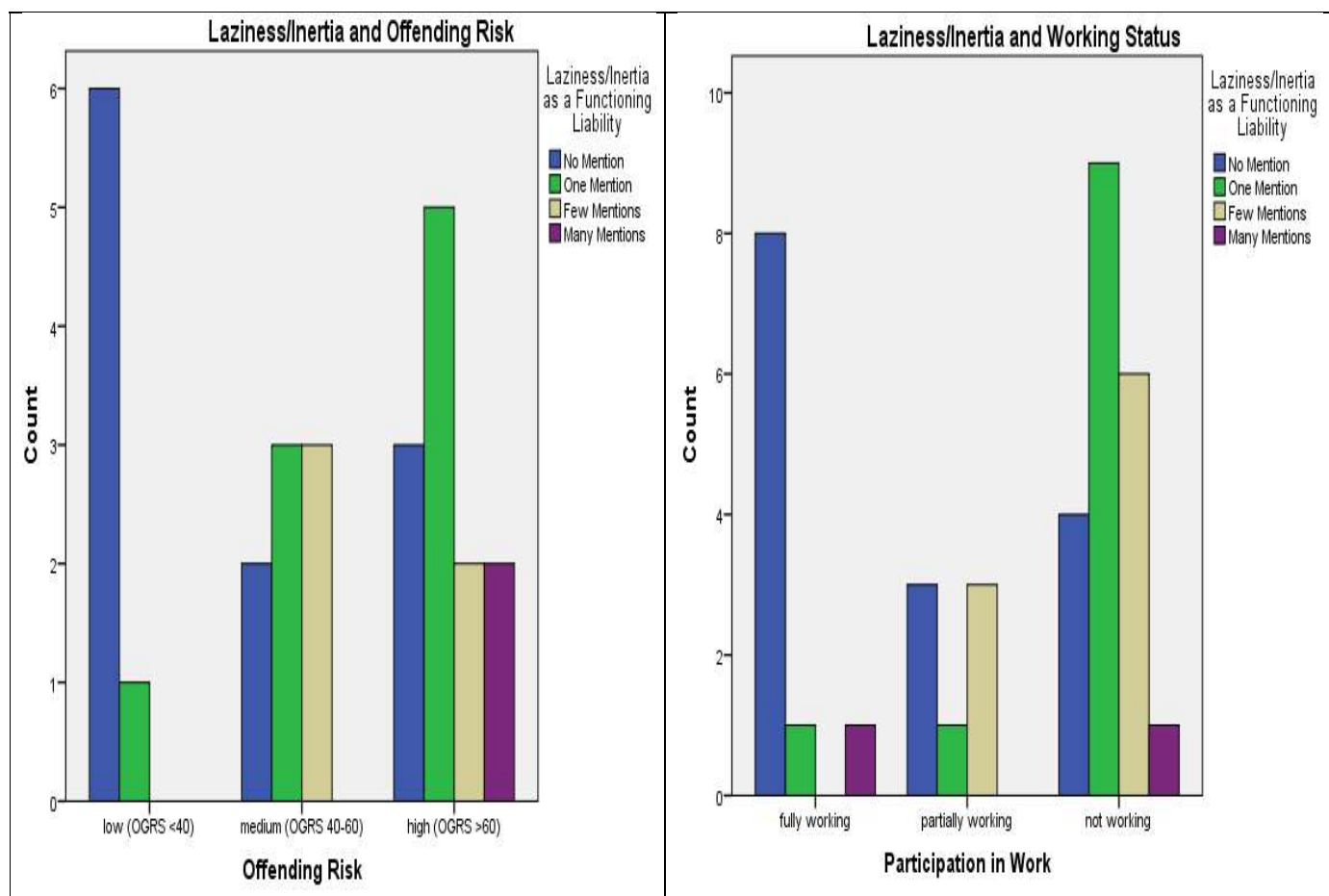


Fig. 5.50 Laziness/Inertia and Offending Risk/Working Status

In fact, *having* achieved, rather than deferring attempts to achieve, appeared associated with taking action<sup>134</sup>, as well as being associated with strategising<sup>135</sup> and achievement, or a belief in achievement. Conversely, making excuses to defer tackling obstacles, or depending on others to do it, had appeared to be problematic<sup>136</sup>. One participant spoke

<sup>134</sup> See Capacity subsection of the Context Options section above

<sup>135</sup> See \*\*\*\*\*aspiration and a sense of \*having achieved, rather than \*\*\*\*\*obligation, \*\*deferring attempts to achieve or being \*\*\*unimaginative about intentions to achieve, as associated with strategising, as shown on the Strategy and Intention Graph in the Are You Going to Break It? Table earlier in this chapter.

<sup>136</sup> When asked 'What are you intending to do about those obstacles?' approximately a third responded in ways redolent of **dependency** (Dependent solutions that participants suggested for obstacles they had cited included 'I'm in other people's hands' or reliant on opportunities arising or 'I need others to keep me out of trouble' or to find new friends and get away from friends that are a bad influence by moving away or need to finish with partner) or more overt **deferment** (deferment in the form of an excuse not to act)

of not even having started to act on his goals as being a setback<sup>137</sup>, another spoke of only taking steps towards desistance ‘*in the end*’<sup>138</sup> and yet another had said he ‘planned to *eventually* try and start a business’.<sup>139</sup> Delay, such as ‘the slow pace that things happen’<sup>140</sup>, as well as participants' own inadequacies, weaknesses<sup>141</sup> and obstacles<sup>142</sup>, their associations, material lack, the authorities, and even a prosocial life itself, were all cited as hindrances to pursuing the life participants desired.<sup>143</sup>

### Dependency and Brutalisation

The inclusion of the authorities within reasons to defer action highlighted the apparent dependency of some participants.

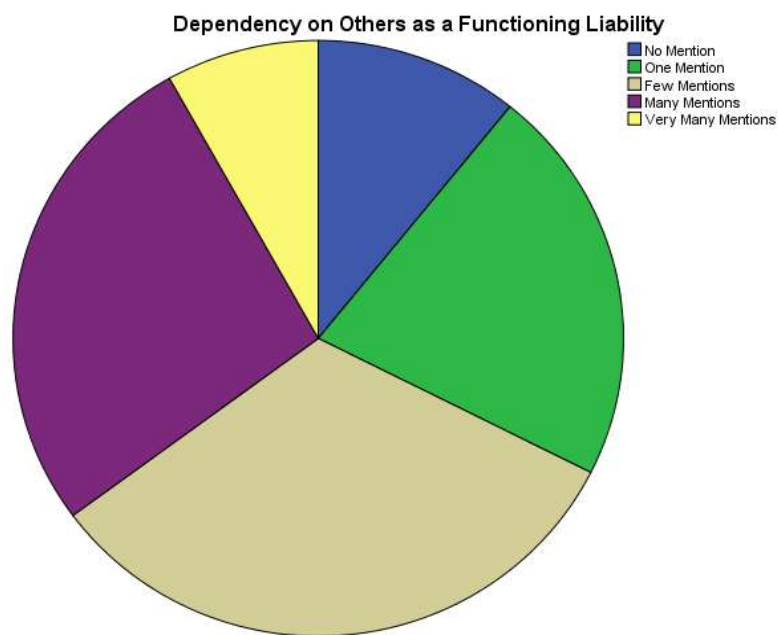


Fig. 5.51 Dependency on Others as a Functioning Liability

<sup>137</sup> Have you had setbacks?

<sup>138</sup> Are you going to take that step to living without offending?

<sup>139</sup> What will you do plan doesn't work out?

<sup>140</sup> What gets in your way in your life?

<sup>141</sup> What weaknesses have you got that might get in the way of you achieving it?

<sup>142</sup> What obstacles lie in your way?

<sup>143</sup> Compilation of ‘What gets in your way in your life?’, ‘What obstacles lie in your way?’ and ‘What weaknesses have you got that might get in the way of you achieving it?’

Indeed, only 11% of participants made no mention of being dependent on others<sup>144</sup>, while two thirds made more than one such mention<sup>145</sup> within the context of functioning assets and liabilities. Such prevalence of dependency may represent a barrier to constructive action and emphasise the importance of fostering autonomy within any engagement with authorities, to facilitate individuals utilising their assets and addressing their liabilities independently. Dependency took the form of depending on the influence of those around them to lead them the right way or upon the opinion of others or on others for solutions, opportunities, having their needs met and monitoring them. This had included depending upon help or probation, including the need to be monitored by others, or dependency upon substances or anger, or simply relying on growing out of offending.<sup>146</sup>

Participants thought ‘I’m in other people’s hands’ or reliant on opportunities arising or ‘I need others to keep me out of trouble’ or need to find new friends and get away from friends that are a bad influence by moving away or need to finish with a partner<sup>147</sup>. Around a quarter of the participants spoke of ‘going with the flow’,<sup>148</sup> and may thus be dependent upon the **nature** of that ‘flow’, while around a fifth of participants reported simply **waiting** for others or time or the authorities to resolve the hindrances in their lives.<sup>149</sup> Dependently waiting was a recurring theme that arose repeatedly when participants were asked about their intentions on a variety of occasions. This included, but was not confined to, speaking of being in limbo or stuck or hiatus or waiting<sup>150</sup>, not

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<sup>144</sup> Coloured **blue** on the pie chart below

<sup>145</sup> Coloured **beige** or **purple** or **yellow** on the pie chart below

<sup>146</sup> What needs do you have/had that you think must be sorted out to stop offending?

<sup>147</sup> What are you intending to do about those obstacles?

<sup>148</sup> What do you think is the best way to describe your life?

<sup>149</sup> What are you doing about obstacles?

<sup>150</sup> How would you describe the point you are currently at in your life?

really doing anything just waiting to see what happens<sup>151</sup>, doing nothing just waiting for services to sort things out for him/her or awaiting the end of probation and/or the lifting of a driving ban<sup>152</sup>, waiting for others to sort things out<sup>153</sup>, being ‘on hold’ waiting for his driving licence before he can work or go to college<sup>154</sup>.

Awaiting being able to return to driving after a ban and awaiting the end of probation were recurring themes, such as even when asked ‘what makes you think of yourself as a person who wants to improve your life?’, sanctions, such as the loss of driving, or probation itself, were seen as putting people into limbo and thus demolishing their independence. This seemed to endorse the notion of using progress, rather than time, to define the length of sanctions, which could thus put individuals back in active independent control of their destiny. It would also reinforce the message that brutality does not carry a ‘price tag’ that can be paid off passively with time, but is, rather, a symptom that needs to be worked on actively by individuals in order for them to earn the trust of others.

Blaming others<sup>155</sup>, such as for setbacks<sup>156</sup> or for his/her own failure to progress<sup>157</sup> or for things not working out<sup>158</sup> or for not having achieved anything yet<sup>159</sup> or for not providing needed housing<sup>160</sup> or for being a bad influence or causing provocation or blaming

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<sup>151</sup> How do you think the way you are living at the moment is helpful to improving your life?

<sup>152</sup> What are you actually doing at the moment to improve your life?

<sup>153</sup> How long do you think you will have to work at your goal to achieve it?

<sup>154</sup> What are you doing now to try and achieve your goals?

<sup>155</sup> When asked ‘Does being punished make you resent society?’ and/or ‘Do you feel like you are society’s victim when you are punished?’

<sup>156</sup> When asked ‘Have you had setbacks?’

<sup>157</sup> When asked ‘What progress do you think you are making in your life?’

<sup>158</sup> When asked ‘What happened when you tried to make that change?’ and/or when asked ‘How have you dealt with setbacks?’

<sup>159</sup> When asked ‘What bits of it have you achieved already?’

<sup>160</sup> When asked ‘How do you think the way you are living at the moment is NOT helpful to improving your life?’

family for letting them down<sup>161</sup> or for getting them into trouble<sup>162</sup> or blaming the opposite sex<sup>163</sup> or blaming partner or ex-partner<sup>164</sup>, may simply be ways in which dependency upon others could manifest itself. Likewise, blaming circumstances for taking no action to achieve<sup>165</sup> or blaming substances s/he has taken his/herself for his/her own actions<sup>166</sup> or blaming the authorities for being homeless<sup>167</sup> and losing his driving licence, when it was his own antisocial behaviour that had caused the former and his own driving that had caused the latter<sup>168</sup>, could also exemplify lack of taking independent personal responsibility for action or lack of action or for the effect of that on one's own circumstances.

Whether individuals overtly blamed government or foreigners or their own victims or circumstances or others for their situation or offences<sup>169</sup>, or, by default, treated themselves as blameless of their own conduct<sup>170</sup>, they were effectively treating themselves as dependent for their conduct on outside forces. One participant described how he had beaten his partner, saying 'I didn't know I was causing harm.... thought it was normal.... had drugs in my system..... she was partly to blame.....it was my

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<sup>161</sup> When asked 'What weaknesses have you got that might get in the way of you achieving it?'

<sup>162</sup> When asked 'What weaknesses have you got that might get in the way of you achieving it?'

<sup>163</sup> When asked 'What weaknesses have you got that might get in the way of you achieving it?'

<sup>164</sup> When asked 'How do you think the way you are living at the moment is NOT helpful to improving your life?'

<sup>165</sup> When asked 'What do you think you have achieved in your life?'

<sup>166</sup> Saying s/he'd never commit a crime sober when asked 'If I said that research suggests that 40% of offenders with three convictions seem to stop offending without any further criminal justice interventions, would you think that would also be true of you?' or blaming substances when asked 'Does being punished make you resent society?' and/or 'Do you feel like you are society's victim when you are punished?'

<sup>167</sup> That is not to say that authorities must not now act to end homelessness (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>168</sup> When asked 'What gets in your way in your life?'

<sup>169</sup> When asked 'Why would you break the rules and deprive others of that protection?' and/or 'Does being punished make you feel sorry for your victim or sorry for yourself?'

<sup>170</sup> When asked 'Does being punished make you feel sorry for your victim or sorry for yourself?' and/or 'Which of these statements do you think applies to you?'

upbringing and hers'<sup>171</sup>. This cocktail of external blame, with its roots in the reality of the real power of substances and upbringing, brutal perceptions of normality, lack of understanding of harm and the complex dynamics between victim and perpetrator, may highlight both the dependency of individuals on these things and the need to cultivate both independence from them and de-brutalised alternatives to them.

No matter what the situation, it is always possible to find others to blame and ways to exonerate the self, but that is to characterise the self as utterly dependent on situation with absolutely no possible influence for the self. A participant who had said he resented society when he was punished because 'alcoholism is an illness. I'm not blaming society totally. I have my responsibilities but there's little compassion'<sup>172</sup>, might accurately capture some reality in the need for both compassion and services for illness, or other problems, alongside personal responsibility for actions that may help or hinder that health or those problems.

The way in which punishment is characterised as undermining that compassion by this participant, as well as the way in which treatment, rather than punishment, might seem to be a more appropriate response to illness, could underline the way in which punishment may not enhance the shared de-brutalisation that might more usefully replace it. By the same token, however, treatment and compassion cannot replace containment of any threat or protection of society at large. If individuals are unable to manage themselves in such a way as to prevent such a threat, then there must be a duty upon society to do it for them.

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<sup>171</sup> When asked 'So why is it that you have caused harm?'

<sup>172</sup> When asked 'Does being punished make you resent society?'



The sense that the vast majority of illness or vulnerability, mental or physical, *completely* incapacitates an individual from playing *any* active role of any kind whatsoever may also need to be undermined<sup>173</sup>, to challenge individuals such as the participant who had simply said ‘I can't work’, without even entertaining any of the other options offered to him by the interviewer, such as college or training or voluntary work or even asking for help and advice<sup>174</sup>. Or the participant who started to blame his physical or mental problems<sup>175</sup> for not doing anything ‘*not at the moment with my.....(starting to blame his physical and mental problems then realising) well yeah I can*’, after the interviewer had challenged him on his claimed total incapacity previously in the interview.

Another participant said he couldn't work because ‘work is too physically wrecking’ and then went on to say, when the interviewer suggested there were less physically demanding jobs, that he could not do them either because he would feel ‘trapped working indoors’. There can always be a barrier found to action if inaction is desired. However, an overwhelming proportion of people<sup>176</sup> might legitimately be expected to play at least some constructive part in society, subsidised to do so where necessary to overcome real barriers, rather than being wholly dependent on others in society to fund them and their lives.

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<sup>173</sup> With sufficient pay to make obliged insurance provision for times of need when work is truly impossible (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

<sup>174</sup> When asked ‘you kept being rejected for jobs would you.....?’ and offered some options

<sup>175</sup> When asked ‘Can you picture a better way to achieve what you want in your life?’

<sup>176</sup> With sufficient pay to make obliged insurance provision for times of need when work is truly impossible (See Chapter Summary from the Previous Chapter and at the end of This Chapter)

The dependency on others went beyond justifying *inaction*, to justifying destructive action, including behaving brutally because of ‘people, people around you’, ‘losing my family’, no contact with ‘my kids’, ‘people walking all over me, pushing me, knowing I can't retaliate because of probation, I might have to retaliate’ and ‘going out could lead to trouble’. This dependency on others appeared to be spread very generally across dependency and passivity in participants and also featured in their need to assert their own status within situations and to retain their place amongst their families and peers. In addition, the majority of mothers were dependent on the authorities, dependent upon money provided by society and blamed mismanagement of the money given to them upon the authorities that provided the money<sup>177</sup>.

Dependency on others also appeared within obstacles, and when tackling those obstacles<sup>178</sup>. Moreover, of those who had no useful contemplation of what they would do if things did not work out, 70% appeared to demonstrate *insufficient personal efficacy*, 1 participant appeared to show an *unhelpfully directed personal efficacy*, continuing in criminality, and another 2 participants appeared to *surrender their personal efficacy*, by apparently abandoning any thought of action or responsibility for improving their lives. This fragility of personal efficacy, when finding it thwarted, may endorse the need to cultivate, develop and support successful prosocial, active, independent personal responsibility and agency at every possible opportunity.

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<sup>177</sup> See Female Functioning and Brutalisation in Chapter 4

<sup>178</sup> See Obstacles subsection in the Problematising Level chart in the Problems, Problematisation and Brutalisation Section of this chapter

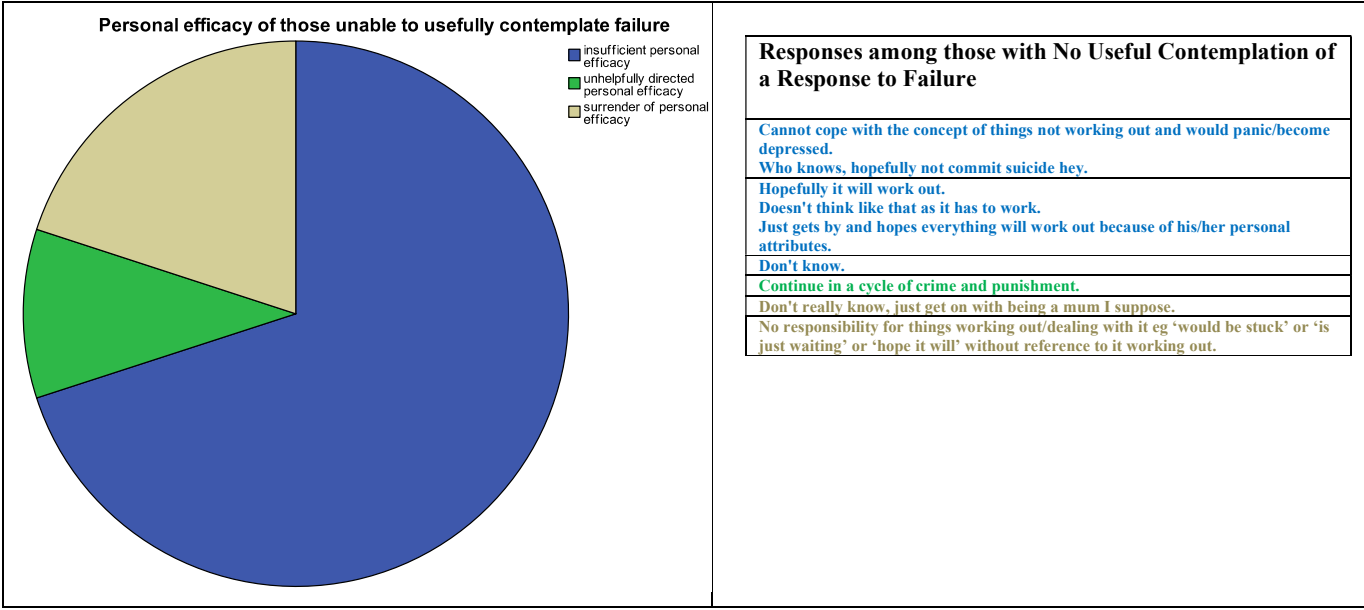


Fig. 5.52 Personal efficacy of those unable to usefully contemplate failure

Furthermore, these attributes might helpfully be embedded into individuals' identities from the outset, through environments structured to achieve this and with immediate interventions to challenge less helpful identities, like the one where a participant said 'I am the black sheep of my family, I'm the one that shouldn't be the way I am but I am, I think a lot of it has been peer pressure and that contributes to a lot of people'. Far from being tackled, this 'black sheep' identity was fostered by the 'peer pressure' to which those of a more dependent disposition might be most susceptible. Indeed, those at high risk of offending had appeared to be the most vulnerable offenders, since they had appeared to be the most dependent upon their circumstances for their conduct. All those feeling dependent on others had had a high risk of offending. Being dependent upon engagement or disengagement decisions appeared to be associated with a high offending risk and those whose engagement was dependent, in terms of cooperation, appeared to have a raised offending risk.

In fact, the majority of participants had appeared to be overly reliant upon their engagement decisions, relying on selecting appropriate engagements or disengagements, while dependency on others appeared in reliance on mood as integral to personal capacity. All those who felt incapable appeared to be at the mercy of their environment. All those who spoke only in terms of ‘trying’ rather than actually ‘doing’ were unsure of being capable. There was a pervasive sense of lack of independent choice, with choice dependent instead upon situation or circumstances, others, their influence and interacting with them based on threat and counter-threat. Dependency *on* others had predominated over domestic relational normalities *with* others in an overall majority of individuals. Indeed, brutalising and de-brutalising dependencies seemed a key battleground between brutalisation and de-brutalisation, with dependency in both brutalised and de-brutalised forms appearing to dominate participants' landscapes. Similarly, although independence may be the strongest foundation upon which to build de-brutalisation, it could need to be *active* independence, since worklessness had appeared to be associated with passive independency as well as passive dependency. It was independence that had seemed to be something that would be missed in desistance and 4 times as many of those whose main liability was their dependency upon others were not working as were fully working. In all these ways, ensuring working participation that does not undermine independence, alongside empowering an independence that does not rely on countering threat with more threat, could help ease barriers to constructive activity and nurture that constructive activity instead.

### **Chapter Summary**

This chapter has shown how a multitude of different problems might lead to a prevalence of brutal or impaired functioning in place of constructive functioning. The

next question is how to aid transitioning from these barriers that impede constructive functioning towards constructive functioning instead. This is examined in the next chapter.

Chapter Sections	Reasons to Hope	Barriers to Overcome	Possible Suggestions Arising from these Hopes and Barriers*
Problems, Problematisation and Brutalisation	Responding to criticism in productive, rather than hostile, ways seemed helpful, as did believing there had not been a breakdown between the self and society. Indeed, prevention, including early intervention at the first warning signs, in order to avoid, or nip in the bud, any breakdown between individuals and society seemed to enhance social participation. Equally, providing, supporting and expecting good conduct, appropriate problem-solving and work seemed to provide some protection against breakdown between individuals and society. Indeed, there was some willingness in people to accept blame.	But only one participant had a de-problematising approach to problems in more than half of the problematising level measures and only 8% had a de-problematising approach with regard to all three parts thereof, namely obstacles, criticism and breakdown. No one had a de-brutalising approach to more than 9 out of the 14 problematising measures used and two thirds of participants seemed at risk of inflexible action or dependent or deferring inaction, while a prosocial life itself, its authorities and its systems seemed to tolerate material lack, delay, lack of skills, insufficient preparation for individuals to manage life or others or even themselves, as well as accepting damage to citizens by economic or infrastructure or work problems.	<i>*highlighted in pink in footnotes above where appropriate in this chapter and also endorsing the suggestions in the previous chapters</i>  <i>Thus, perhaps, there is a need to cease tolerating downward life spirals, such as those that involve material lack, damage to citizens by economic or infrastructure or work problems or damage to society, as well as people, through worklessness, dependency or deferring action, instead expecting and facilitating active participation in, and contribution to, society, to work to enhance its economy and infrastructure such as through rewarding, advancing, non-harming and pride-giving employment, or alternatives, which actively pursue people's goals in non-harming ways with quality productivity in performance, available for all and required of all, with an end to unemployment, money without effort and effort without money, such that work, education, training, charity work, starting a business or disseminating quality parenting as part of parenting or any other alternative project or contribution that suits an individual and fits with their life become the conduit for pay and payments that are sufficient to fund quality lives, including obliged insurance for times of need, such as the need for health and social care and for retirement. Likewise, lack of skills, lack of flexibility in action and insufficient preparation for life also need to be anachronized, perhaps with education that includes a fully funded full range of youth opportunities and fully funded lifelong education beyond that, all based on advancing development of aptitudes and appetites and well-being and happiness, including a certified life preparation course, endorsable for retaking when required, culminating in a valuing rite of passage into a consistent age of adulthood. This might usefully include preparation in appropriate problem-solving in productive ways, to avoid responding to problems by deepening those problems, alongside understanding good conduct and work, all of which seemed to provide some protection against breakdown between individuals and society, although systems themselves also need to anachronize delays in their own action to address problems, such as over providing homes, to systematically address such problems with early intervention to prevent social</i>

			<i>breakdown and to be equally willing to accept blame in the same way that individuals seemed to be. The state needs to work with people to ensure swift and non-adversarial resolutions to problems such as housing with an end to homelessness.</i>
Offending Problematisation	<p>Nobody said unequivocally that they wanted to keep offending in their lives and 82% said unequivocally that they wanted to lose offending from their lives completely. None of the participants, even those with the highest offending risk, placed their chances of making a life without offending at less than fifty-fifty and 81% of participants said they would not miss anything about offending, while none of the participants said it would be impossible to live without offending.</p> <p>In fact, only 9% of participants spoke of being criminals at all, while there was an unwillingness to be defined by wholly absolute extremes, whether criminal or victim. Only 6% and 9% respectively placed themselves wholly on the victim or criminal ends of a crimino-victim scale.</p>	<p>But only one participant had no offending problematising present and 92% of participants had their criminality, desistance and recidivism directly affected by their own offending problematising their lives even more. Only 41% of participants said it was certain that they would make a life for themselves without offending, including only 6% who said they were actually doing it now. In addition, one third of those who had expressed certainty about making a life for themselves without offending, fell short of saying that the chances of them committing another offence was nil. Participants said they would miss substances, independence, being able to provide the best things, money and excitement, if they gave up offending. Additionally, their actions were often spur of the moment and there appeared to be either an unrealistically optimistic belief in the ease of desistance or a free choice being made to continue to offend, while those at high risk of offending may in fact be the most vulnerable.</p>	<p><i>This vulnerability of high-risk offenders seems to endorse the importance of ensuring that all authorities' interactions are respectful and encouraging of self-expression, as well as expecting and creating an environment for that respectful interaction in return, ensuring interventions are always mindful of what people themselves feel about their situations and how to ameliorate them, such as with client-led holistic action to ameliorate and share the undoing of brutalising experiences and actions non-adversarially in a timely shared search for effective remedy and resolution, even while seeking to improve people's choices, realism and spur of the moment actions. Progress-tariffing** in these things might be appropriate to protect others, always remembering that progress-tariffing must be very specific and related to a very specific harming action and expecting very specific progress in that very specific harming action to prevent the tariff becoming all pervasive. This tangible progress is reasonable to expect in this limited way as apparent desires to stop offending were frequently accompanied by continuing to offend, which cannot be allowed to keep blighting the lives of others. Nevertheless it might be more effective, even while protecting others, to focus on moving people towards non-harming ways to get the things they cited as currently getting from offending, like being able to provide the best things, money and excitement through active participation in, and contribution to, society, instead, such as through work or alternatives that deploy their aptitudes and appetites, advancing the development of those and ensuring they are paid sufficiently to fund quality lives, as well as with funding in kind for opportunities for young offenders, as with all young people, to provide exciting prosocial opportunities, and with them better equality in life opportunities more broadly. Moreover, it would seem important to provide mechanisms for key issues that seem to block desistance, such as substances, to minimise any function-limiting and attendant criminal aspects of their use, such as by ensuring sufficient free medication and regulated access to substance use. People did not want to be defined by absolutes, thus valuing and media represented diversity in the experience of life seems endorsed, so all shades of life can be valued in their complexities without absolutist labels, ensuring respectfully expressed and respectfully heard uncensored diverse views can be seen and heard across society, albeit with clear delineation between opinion and demonstrable fact. Whilst, in terms of the desire for independence that would be missed by offenders, alternatives to work, that empower that independence, might be effective</i></p>

			<i>alternative conduits for payments, such as being paid and helped while starting one's own business.</i>
Physical State	De-brutalising physical states existed in around half of participants.	But only 5% of participants had an optimal physically helpful condition of both an excess of mentions of de-brutalising physical states over brutalising ones and also a complete absence of mentions of physical problems as functioning liabilities. Most worrying, perhaps, was the way that neither of the participants in optimal physically helpful conditions were working, suggesting that work may not be compatible with physical well-being. Being in a physically challenging condition appeared related to reduced capacity to function positively, as represented by work, with 70% not working and only 24% fully working, while offending appeared to be more physically accessible than work.	<i>Thus, it is important to de-escalate physical harm and address physical health needs in an active and timely manner, while also ensuring that work is not physically harming, giving the physical state of individuals a higher priority, in both work and in social planning more generally, to ensure that advancing development of aptitudes and appetites, such as through work, is pursued in non-harming ways to enable both quality performance and well-being.</i>
Emotional State	De-brutalising emotional/ psychological states existed in around three-quarters of participants, while, for 21% of participants, it was securing the learning or help that they needed that offending had given them, suggesting that providing this proactively might prevent some offending. 86% of those at low offending risk had at least 3 or 4 of the de-emotionalising measures present, while 83% of those at high such risk had a maximum of this number of these measures, suggesting the benefits to be had from proactive emotional/ psychological interventions,	Emotions seemed to be a barrier to de-brutalisation, with all but one participant citing brutalising emotions and only 5% having an optimal emotionally helpful condition, while 62% had an emotionally challenging condition. Indeed, only 2 of those in an emotionally challenging condition did not have emotional issues within their specific functioning liabilities and only 1 participant totally denied the relevance of getting into a negative emotional state just before offending, while two thirds acknowledged at least some relevance of the specified negative emotions of frustration, anger and pessimism. It was those who dealt with unhappiness in mixed ways that appeared to be most vulnerable when caused upset and none of the participants had a de-emotionalising approach to more than 10 out of the 16 emotionalising measures, with only 5% of participants having a de-emotionalising approach in more than half of the emotionalising level measures and only 19% having a de-emotionalising approach with regard to desire, need, vulnerability and coping. 75% included one or more of the emotionally related issues of substance use, status, stimulation, in terms of excitement and sexual and emotional gratification, social, in terms of peer approval, socialising, getting contact with someone they were attracted to and relaxing in a social environment, or protective expression, in terms of	<i>Since coping and emotional difficulties were problematic, while de-emotionalising decision-making and improving emotional well-being seemed beneficial, preparing people to be able to make rational decisions, while providing timely and sufficient mental health support with problematic emotions, seems important. The latter forms part of this research's consistent exposure of the need for timely mental, physical and substance use help if society is to be de-brutalised, while the former could form part of the certified life preparation course, endorsable for retaking when required, that is also suggested. This section also seems to highlight the importance of establishing good habits, to which to return in adversity, rather than bad such habits. This could endorse the need for problems to be identified and addressed early, including emotional/ psychological interventions and nurturing emotional stability and emotional resilience with timely action on mental health needs, as well as decent safe places to live and quality family and domestic life, childhoods and parenting, with early, respectful, quick and effective interventions when quality of life is lacking, to ameliorate and share the undoing of brutalising experiences and actions non-adversarially with fully funded advocacy for all involved in a timely shared search for effective remedy and resolution before bad habits become entrenched in a downward life spiral, so that authorities can be effective resources in client-led holistic action for stable lives. Moreover, as the only practical need without an emotional dimension was driving, the importance of driving appeared to be endorsed, perhaps sustainably structured, and with visual, technical and sensory driver monitoring and assistance where needed. Another important factor seemed to be protective expression, in terms of</i>

	<p>endorsed by the way in which only 11% spoke of what they desired from offending being unrelated to emotionality, speaking instead exclusively of skills, provision, money and goods or advantage in terms of not having to pay for things. Just as with what was desired, what was needed also incorporated at least some emotional element for all but one individual, alongside only the practical need for a driving licence, again providing hope for the benefits that might accrue from both improving emotional well-being and de-emotionalising decision-making.</p>	<p>asserting themselves in situations where they felt unjustly or wrongly treated. When those who were able to specify their needs were asked how they were going to meet those needs, only 2 participants were able to offer an active wholly reasoned suggestion. Only 36% of participants took either a reasoned or de-emotionalised approach to being unhappy and just over half included some element of negative response. Only just over a quarter of participants managed being caused upset in reasoned de-emotionalised ways, while more than half included some negativity of response. Only 34% and 41% of participants respectively completely ruled out any notion of sometimes having significant problems coping with life after any imprisonment or finding it difficult to cope if suddenly being confronted by choices and decisions upon release from prison. Furthermore, only 17% of participants completely ruled out finding it difficult to cope across both these coping-based questions. Only 42% of participants completely ruled out returning to their old ways that led them into trouble in the past when finding things difficult and another 42% thought a return to old ways specifically possible. Thus coping and emotional difficulties appeared to be problematic.</p>	<p><i>asserting the self in situations where feeling unjustly or wrongly treated surfaced. This might further endorse the need for easy access to fully funded advocacy as well as to an easy to operate and understand online guide that provides straight forward situational legal escape routes. Indeed, for people to cease to feel the need to protect themselves from being unjustly or wrongly treated, everyone must feel able to delegate ethics to authority, such as through consistent execution of consistent morality and consistent law that protects everyone from harm in transparent universally applied rules accessible to everyone. Beyond this, nurturing more flexible thinking as part of life-long access to education, might help individuals improve their capacity to offer de-emotionalised reasoned suggestions to address their problems and their lives, as well as in learning to cope or deal with choices and decisions without getting stuck in unhelpful ways of doing things. Likewise, lifelong education could also help with the skills shortages, which were also cited alongside emotions, while decent wages could help with the provision, money and goods, also named as problematic. This last also needs to be tackled in reverse, such that there can be no gain from brutality and there is an end to any advantage in terms of 'not having to pay for things'. Equity in this demands that, just as with 'crime', ownership and profit that cause harm and which are achieved without actively ethical custodianship of property and business must also cease to be viable. In both cases requirements for honesty that are technologically monitored in responses to breaches might help uphold this aims.</i></p>
Substance Use	<p>Around the same number of participants who were using substances were also trying to avoid substances, so that there seemed to be a notional appetite at least to try and abstain.</p>	<p>But the fact that using and avoiding appeared locked in balance, suggested just how intractable a problem substance use was, as the predominantly cited main functioning liability with only 8% of participants not mentioning substances. In addition, substance use also appeared to be linked to offending and brutality, with all those with a high offending risk acknowledging an increase in substance use as a prelude to offending, either now or in the past.</p>	<p><i>All this seemed to endorse the need to address substance use, as well as, perhaps, to ensure its effect on functioning is ameliorated, such as making sufficient medication and regulated access available.</i></p>
Deferment	<p>The highly demanding nature of the interviews and the way in which all the participants rose to this challenge, suggested all could have the potential at their disposal, if</p>	<p>But laziness, inertia and other causes of deferment enabled potential to be squandered. Both offending and worklessness appeared to be related to this laziness and inertia, while 60% of participants cited laziness or inertia at least once, far more than cited any of the other difficulties in focussing, within the context of functioning liabilities.</p>	<p><i>This appeared to endorse the suggestion of ensuring active participation in society, such as through employment or alternatives, is available for all and required of all with an end to unemployment, money without effort and effort without money, such that work, education, training, charity work, starting a business or disseminating quality parenting as part of parenting or any other alternative project or contribution that suits an individual and fits with their life becomes the conduit for payments.</i></p>



	nurtured, to fulfil themselves and their lives.		
Dependency*	<p>The potential benefits of empowering individuals within their environments appeared to be indicated by the way all those who felt incapable appeared to feel at the mercy of their environment. Likewise, all those who spoke only in terms of 'trying' rather than actually 'doing' were unsure of being capable. Indeed, the importance of taking action appeared to be borne out by the fact that worklessness had seemed associated with passive independency as well as passive dependency.</p>	<p>But there was a pervasive sense of lack of independent choice, with choice dependent instead upon situation or circumstances, others, their influence and interacting with them based on threat and counter-threat. Only 11% of participants made no mention of being dependent on others, while two thirds made more than one such mention within the context of functioning assets and liabilities. That dependency on others went beyond justifying inaction, to justifying destructive action, including behaving brutally because of 'people, people around you', 'losing my family', no contact with 'my kids', 'people walking all over me, pushing me, knowing I can't retaliate because of probation, I might have to retaliate' and 'going out could lead to trouble'. Dependency on others spread very generally across dependency and passivity in participants and also featured in their need to assert their own status within situations and to retain their place amongst their families and peers. In addition, the majority of mothers were dependent on the authorities, dependent upon money provided by society and blamed their mismanagement of money upon the authorities that provided the money. Dependency on others had predominated over domestic relational normalities with others in an overall majority of individuals and 4 times as many of those whose main liability was their dependency upon others were not working as were fully working. But it was independence that had seemed to be something that would be missed in desistance, while fragility of personal efficacy, when finding oneself thwarted, also seemed problematic. The majority of participants had appeared to be overly reliant upon their engagement decisions, relying on selecting appropriate engagements or disengagements, while dependency on others appeared, in reliance on mood, as integral to personal capacity.</p>	<p><i>Thus, perhaps, it is important to assist with greater mood stability, perhaps with timely action on mental health needs, as well as using this mental health action to nurture greater resilience in personal efficacy and capacity and to foster a resilient mentality, especially to external pressures, to avoid feeling at the mercy of the environment, in addition to building the confidence in being independent that might give people greater personal strength to be able to be more selective over appropriate engagements or disengagements. That confidence might be further fostered by having plenty of chances to develop the things one is good at and which one enjoys, such as through funding in kind for opportunities for children and enabling the use of lifelong education to advance and develop the personal aptitudes and appetites that are likely to lead to greater chances of success. This enhancement of appetites and attributes in constructive ways might also help people assert their status and their place and feel more capable, with less chance of being thwarted in the active pursuit of goals in non-harming ways to enable quality performance, happiness and well-being. Empowerment in such ways may make passivity less likely, as people are following their own dreams, alongside fostering personal responsibility from childhood, such as through client-led interventions, even in school, as well as through enhancing opportunities for independence in working lives, such as with receiving funding while setting up a business. Preparation to be able to manage money would logically need to be part of this, and could be included in course-preparation to manage life as part of citizenship. Likewise, in terms of fostering more independent parenting, this latter seems likely to help, alongside funding to train in expertise in parenting, to disseminate quality parenting as part of parenting as the conduit for further payment on qualification, to enable more independent and active parenting. In the same way, domestic relational normalities might be assisted by ensuring everyone has decent safe places to live and a quality family and domestic life, childhoods and parenting, with early intervention to get things back on track when quality is lacking, while always ensuring that women and children are protected and that their lives are not disrupted.</i></p>

\*The importance of cultivating independence is shown in this chapter with special reference to Fig.5.51 Dependency on Others as a Functioning Liability<sup>179</sup>

\*\*progress-tariffing to only be in response to harming action and based on a risk-monitoring and autonomous-progress model of responding to harming actions by providing mechanisms for demonstrated progress which allow for immediate progress to be demonstrated with swiftly responsive progressive assisted release from monitoring and containment and enabling alternatives to harm with objective action-measurements of specific harm-reduced risk-proportionate specific action to assess progress-tariffs in meeting required expectations specific to harm caused in repair-based, non-punitive, swift, early, respectful, timed and timely interventions with high-quality universally

<sup>179</sup> See Independence in Tab. 12.1 Measures-Summary in Chapter 12

accessible service-user controlled interventions for holistic resolution with authorities as resources and containment only where monitoring cannot contain risk to share the undoing of brutalising situations non-adversarially in a shared search for effective remedy and resolution with advocacy for all and required expectations specific to harm caused in line with Tab. 3.12 Progress-Tariffing: Risks and Responses and always remembering that progress-tariffing must be very specific and related to a very specific harming action and expecting very specific progress in that very specific harming action to prevent it becoming all pervasive, while providing swift opportunities for re-acquisition of certified coursed-preparation to manage life to release any endorsement thereof as soon as possible

Tab. 5.11 Chapter Summary

## CHAPTER 6: TRANSITIONING TO CONSTRUCTIVE ACTIVITY

This chapter discusses how it might be possible to facilitate transitioning away from the barriers implicit in functioning liabilities and towards functioning assets instead, so as to nurture constructive activity to replace brutal or impaired activity.

### **Transitioning from Functioning Liabilities to Functioning Assets**

There were a worryingly broad range of functioning liabilities compared to functioning assets.

#### *Transitioning from Worklessness to Work*

Among functioning assets, it was citing work as positive or normal that far outstripped all other functioning assets as the main such asset cited. 65% of participants had an unparalleled ‘most mentions’ of work as positive or normal, making it their main functioning asset, rising to 70% when work was joint-top with other assets. This appeared to endorse the importance of work as an asset in life, while, when set against the patchwork of liabilities, also implied the need for an holistic approach to tackling functioning liabilities in a manner focussed on improving attitudes to work.

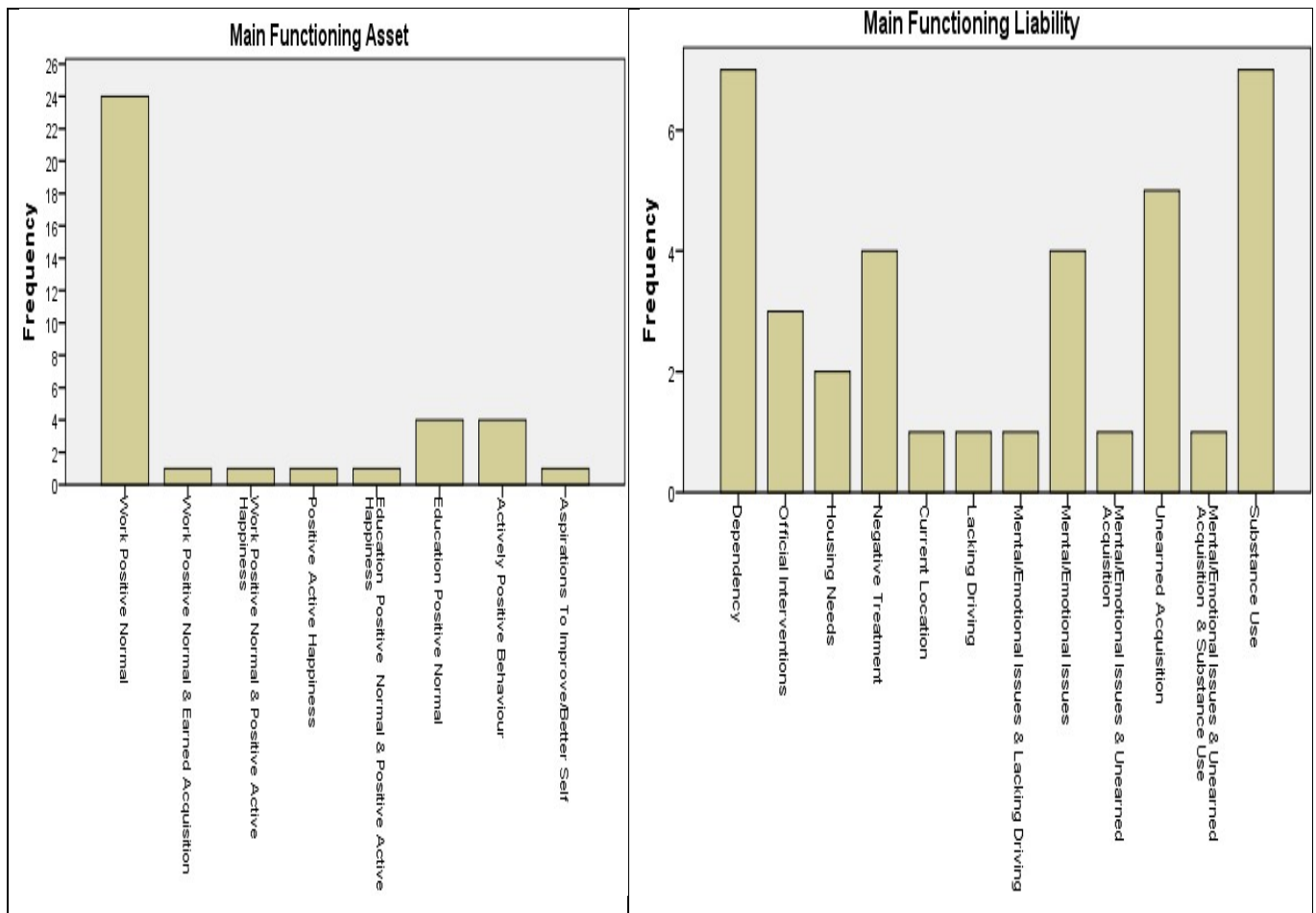


Fig. 6.1 Main Functioning Asset/Liability

All but two of the participants who were fully or partially working had this unparalleled view of work as positive or normal, while the remaining two either cited it alongside earning acquisition or cited aspirations to improve/better himself. In this way, seeing work as positive or normal, wanting to earn any acquisition and having aspirations to improve or better one's self may all be related to working. Having said that, as many of the participants who cited work as positive or normal 'top', were not working, as were fully working. This could indicate that these positive or normalised attitudes to work were insufficient alone to lead to work, suggesting work might need to do more to become more attractive.

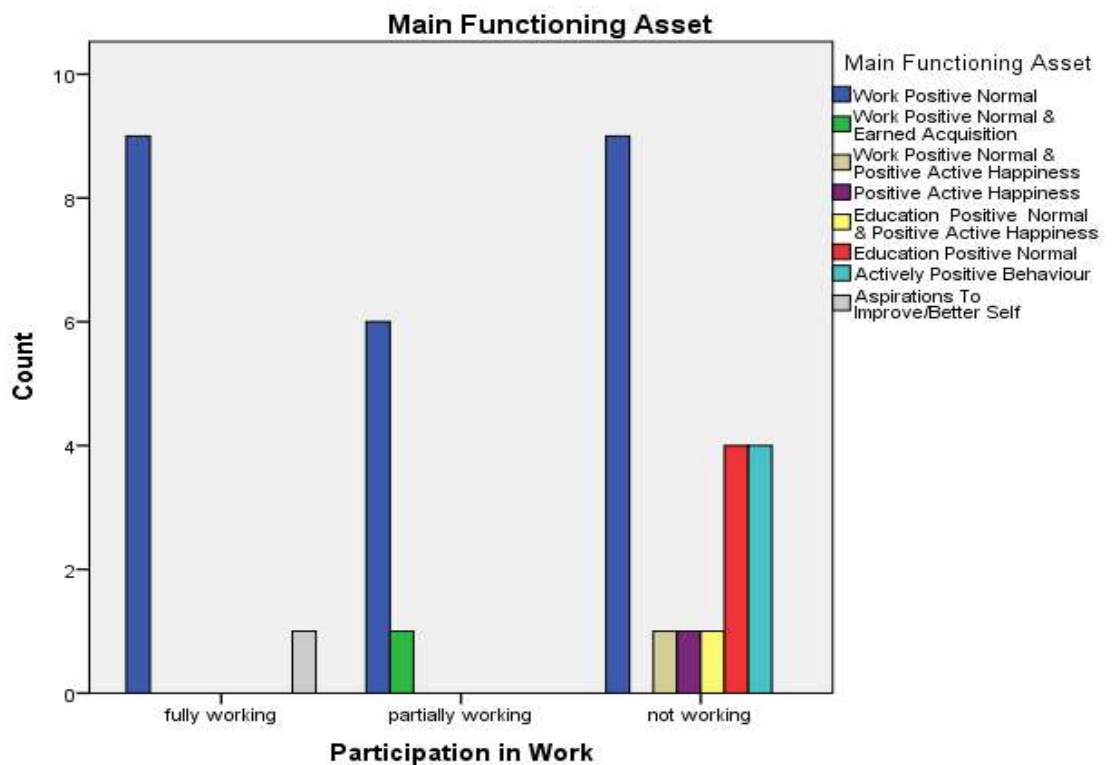


Fig. 6.2 Main Functioning Asset

The functioning liabilities that appeared to be associated wholly with worklessness, when they were the main functioning liability cited, were lack of decent housing and poor treatment by others, along with mental/emotional issues when combined with a propensity for wanting unearned acquisition. Mental/emotional issues and substance use alone might also be associated with worklessness, as twice as many of those citing each of these as 'top' were not working as were fully working. Similarly, dependency upon others, with 4 times as many of those citing this as 'top' not working as were fully working, also appeared associated with worklessness.

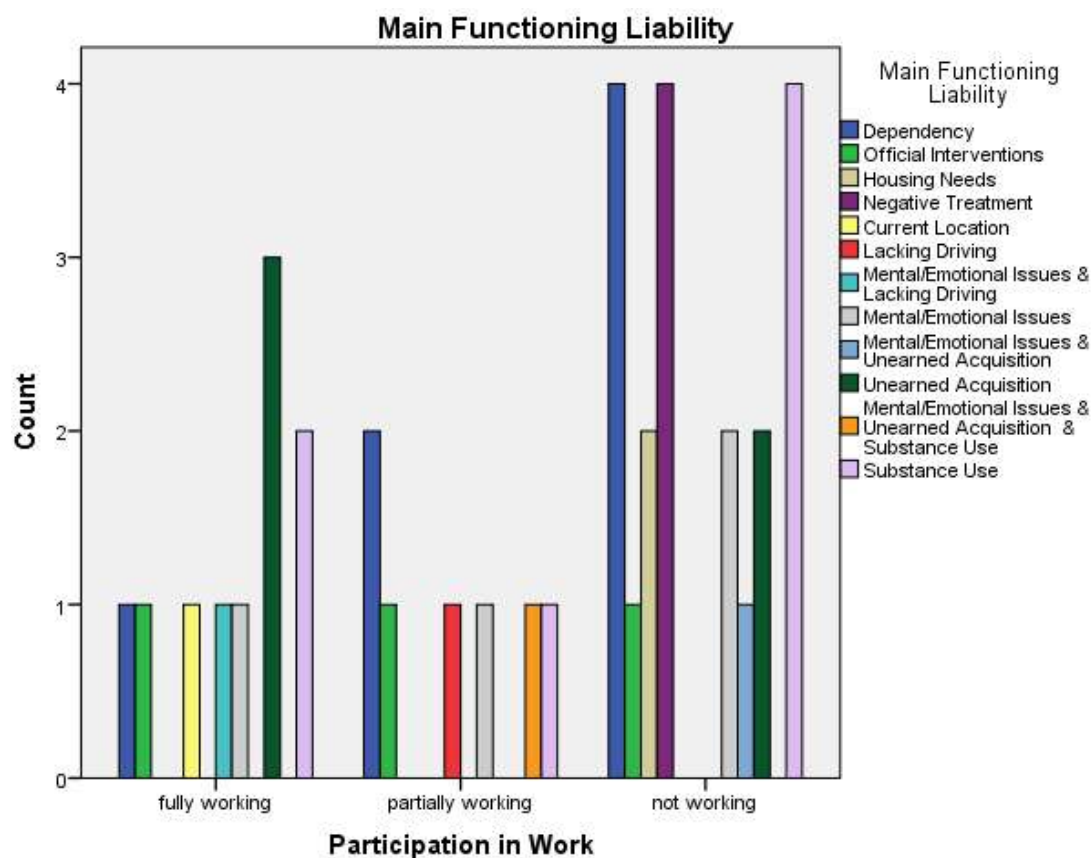


Fig. 6.3 Main Functioning Liability

Likewise, worklessness appeared associated with brutalised versions of dependency and independency, though working did not appear to be associated with the reverse. This may suggest that de-brutalised independence and dependence might be a prerequisite for work, but not sufficient on their own to lead to work. Only 1 participant with an excess of brutalised independence over *de*-brutalised independence, and, indeed, only 1 of those who had parity between the two types of independence, was working to any degree at all. Similarly, only 1 participant with an excess of *de*-brutalised over brutalised dependence was not working at all, while 62% of those with an excess of brutalised dependence were not working at all.

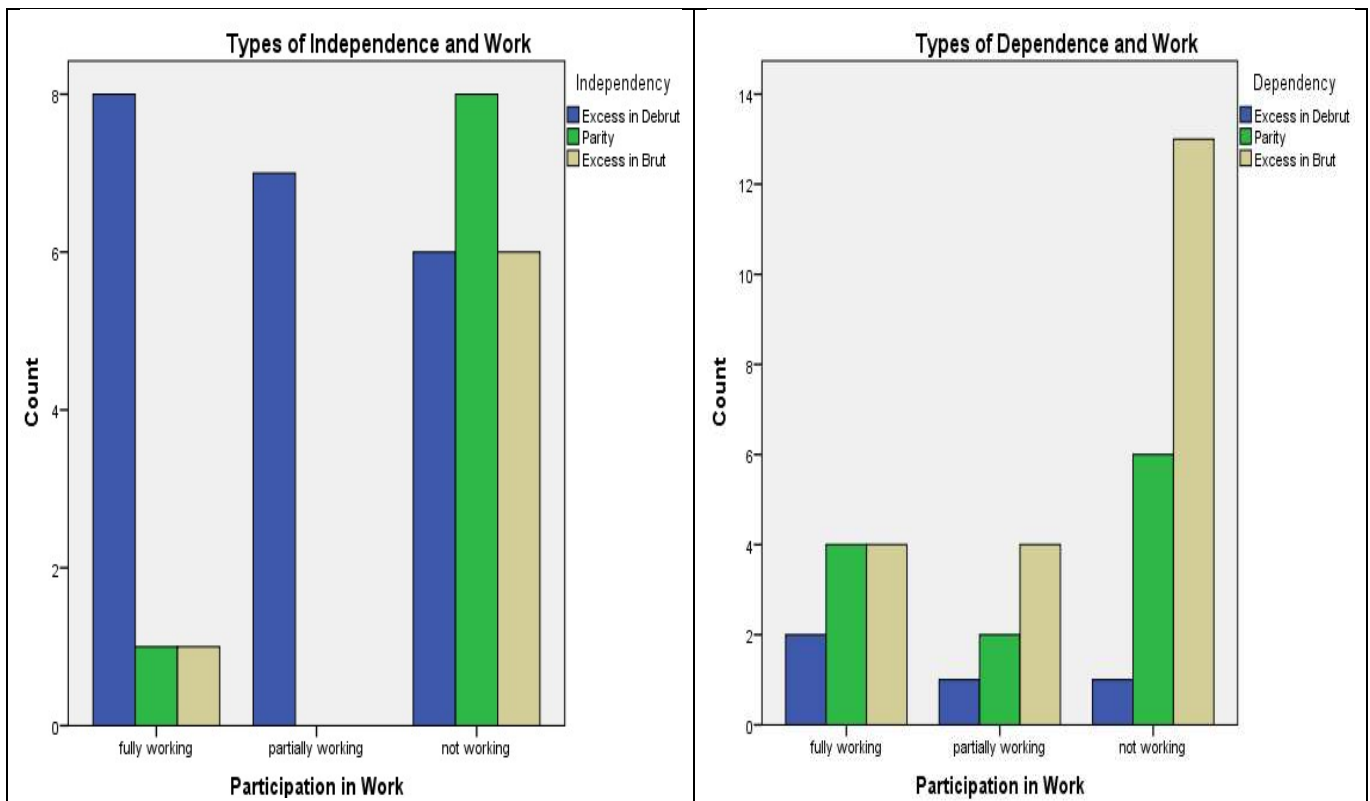


Fig. 6.4 Types of Independence/Dependence and Work

An excess of brutalising official interventions over positive experiences also appeared to be related to worklessness, with more than three times as many participants with this excess being workless as were fully working<sup>1</sup>. It seemed to be the case that where positive social and official experiences did not exceed negative such experiences<sup>2</sup>, or where general positive experiences did not exceed official interventions as a functioning liability, that uptake of work suffered. In this respect, 53% of those with parity in this regard were not working, whilst 21% were fully working, and 57% of those with an excess of the negative in these things were not working, whilst 29% were fully working. This perhaps endorses the importance of ensuring individuals are not exposed to brutalising experiences of their society and its authorities if active working participation

<sup>1</sup> Fig. 6.6 Work and Positive Experiences/Official Interventions

<sup>2</sup> Fig. 6.5 Work and Societal/Official Experiences

in society and positive functioning within it is desired. In this regard, an *excess* of positive experiences did *not* appear to add any additional functional benefit in terms of work participation, with the same number of participants in receipt of an excess in either measure being workless as fully working.

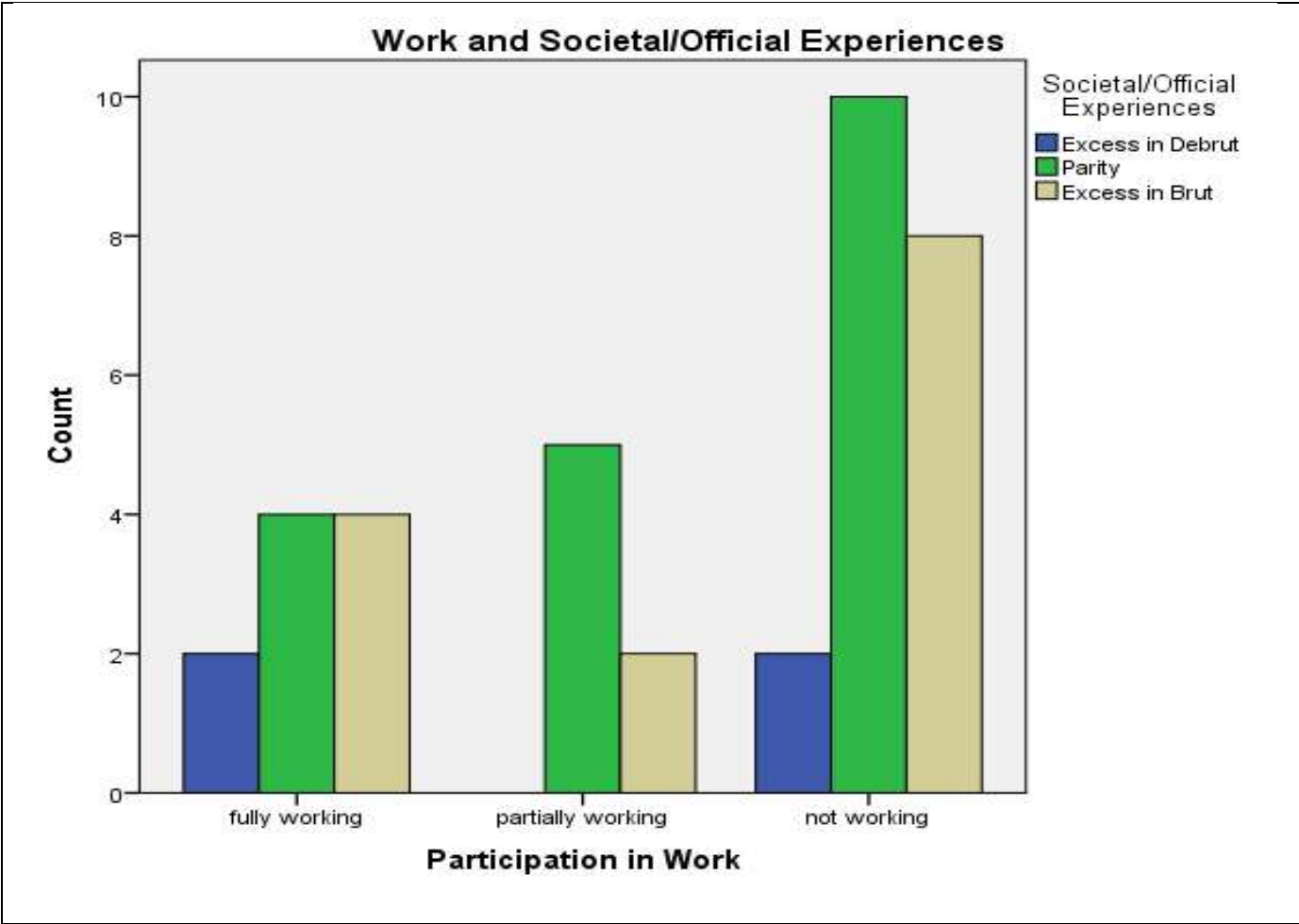


Fig. 6.5 Work and Societal/Official Experiences

Given that positive experiences of others do *not* include any benefits of using services *unless* someone within those services is *especially* kind or nice, this could suggest that,



when positive experiences of others become overly paternalistic, improved functioning may not be enhanced.

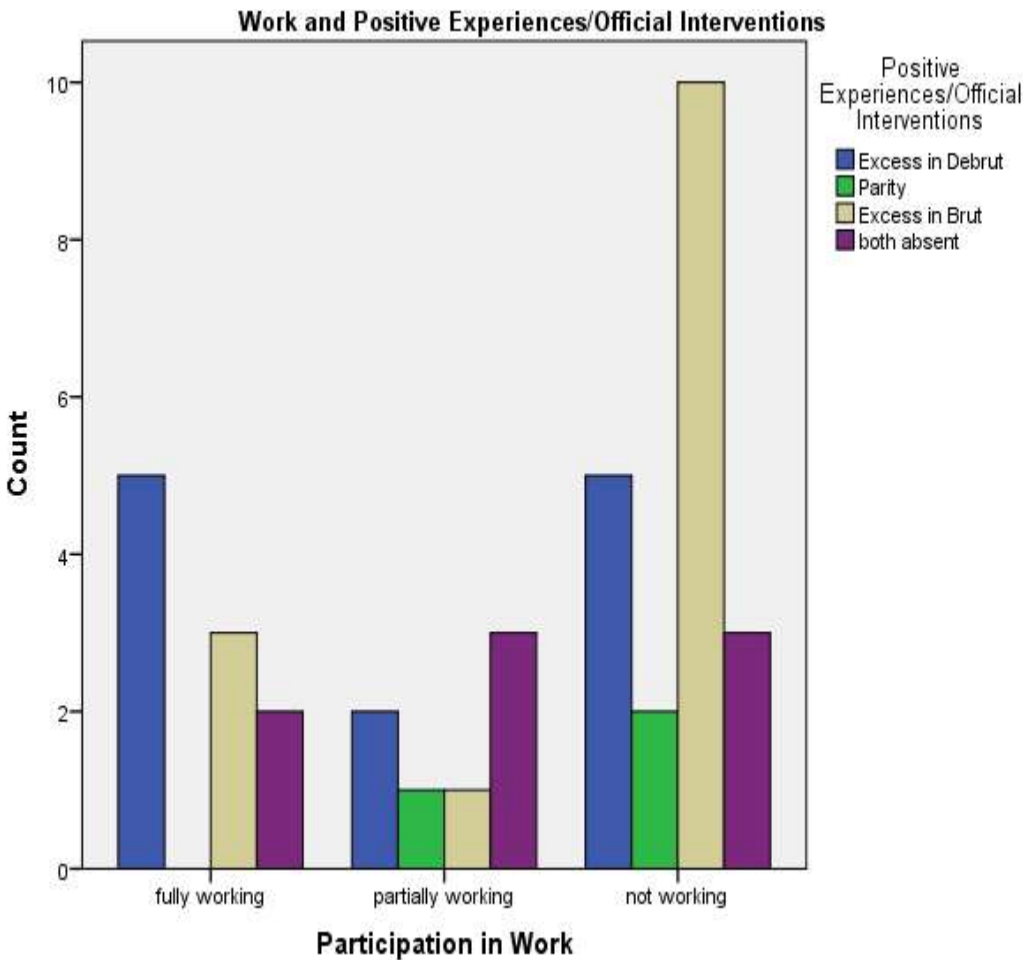


Fig. 6.6 Work and Positive Experiences/Official Interventions

*Transitioning from Focussing Difficulties to Education*

In terms of education being seen as a positive or normal experience, this was only present without any Focussing Difficulties<sup>3</sup> that might undermine being able to utilise that education effectively in **16% of participants**. This perhaps implies a dearth of capacity to maximise educational and training opportunities, which seems likely to

<sup>3</sup> Such as Poor Focus/Concentration, Laziness/Inertia, Learning/Education Difficulties and Unreadiness

require urgent attention if individuals are to be able to move from such difficulties towards being able to fully access education.

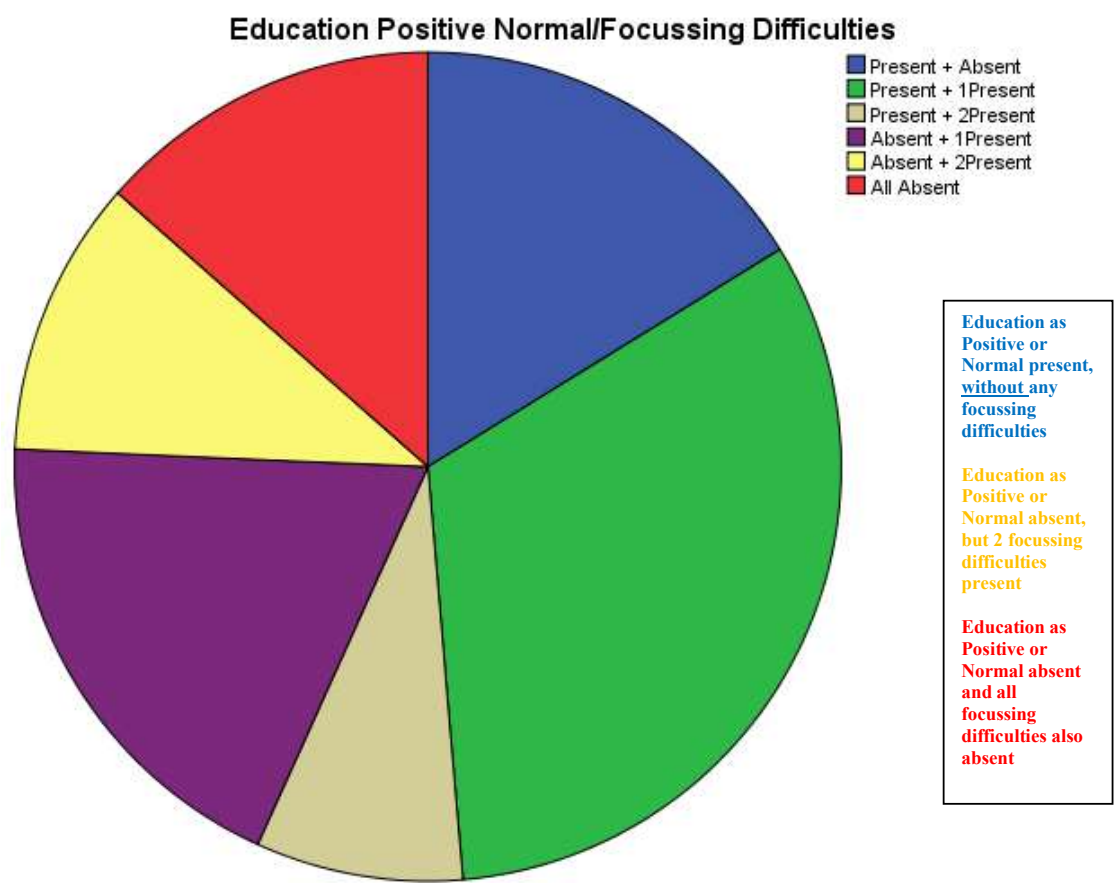


Fig. 6.7 Education Positive Normal/Focussing Difficulties

Nevertheless, more than half of participants did see education as positive or normal<sup>4</sup> and, ‘like any skill, concentration can be improved and made automatic’, just like learning to ‘concentrate on all’ the ‘things’ involved in driving a car (Kidz’nPower 2008 [www.kidznpower.net](http://www.kidznpower.net)), suggesting focussing difficulties can be improved, potentially improving the capacity to maximise educational and training opportunities.

<sup>4</sup> Coloured blue, green and beige on the pie chart.

### Transitioning from Practical Difficulties to Aspiration

Just as focussing difficulties could be ameliorated to prevent them impeding educational functioning, so might practical difficulties need to be addressed to prevent them impeding aspirations to improve/better self. All those for whom this aspiration was absent *and* **one** or **two** practical difficulties<sup>5</sup> were present, were workless. In this regard, aspiration might need to be enhanced, as much as practical difficulties need to be overcome, to nurture work. Alternatively work itself may need to ensure that it both meets aspirations and also provides enough money to enable the resolution of practical difficulties. There was, nevertheless, cause for some optimism, with 70%<sup>6</sup> of participants having aspirations to improve/better self, more than half of whom had no more than one practical difficulty<sup>7</sup>.

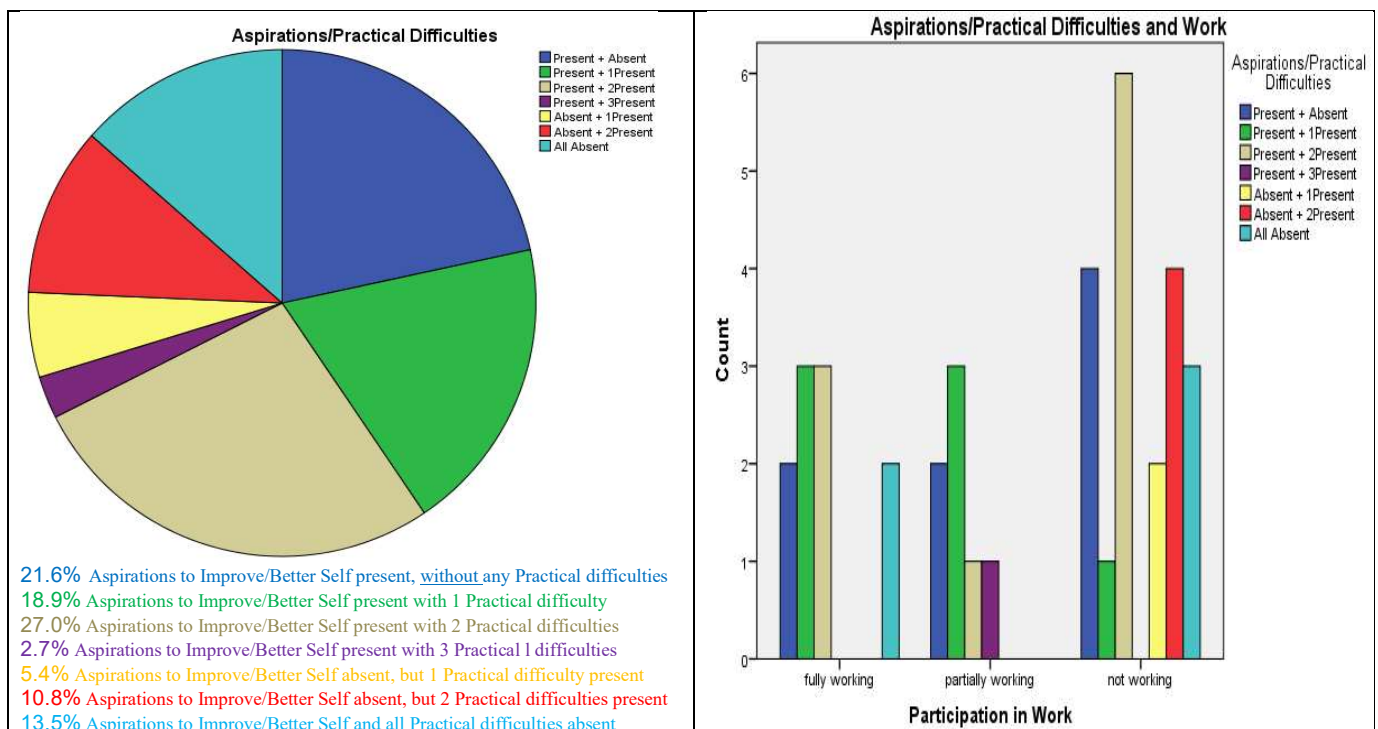


Fig. 6.8 Aspirations/Practical Difficulties

<sup>5</sup> Namely Lack Of Driving, Current Location, Housing Need and/or Lack of Money

<sup>6</sup> Coloured blue, green, beige and purple on the charts.

<sup>7</sup> Coloured blue and green on the charts.

### Transitioning from Financial Difficulties to Financial Security

One of the practical difficulties individuals faced was lack of money. 81% of participants had spoken of needing money, or that which it can buy<sup>8</sup>. In addition, although around two thirds of participants referred to having sufficient money, or that which it can buy, at some point within the interview, only 14% made more such mentions of this sufficiency than of their need for money. It is difficult to surmount any practical difficulties in life without sufficient funds to be able to address the practicalities of life.

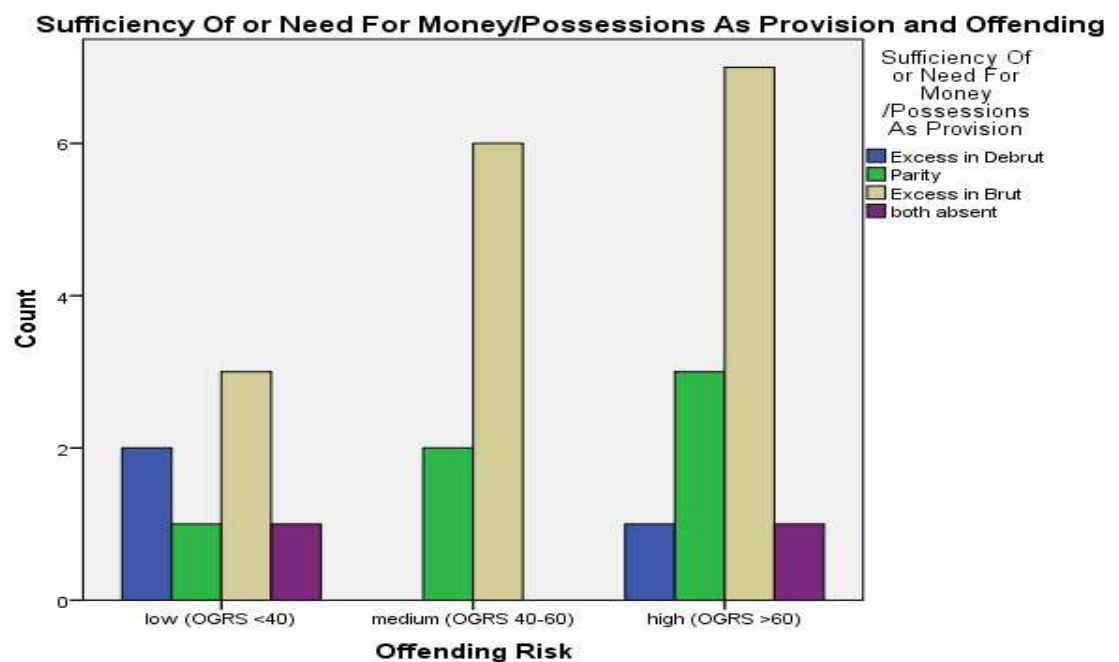


Fig. 6.9 Sufficient of or need for money – Possessions as provision and offending

Any holistic approach may need to include addressing individuals' monetary situations, as it is hard to see how lives can be de-brutalised without ensuring sufficiency of money to live a decent life. It was only where pecuniary sufficiency *exceeded* need that

<sup>8</sup> See Grid in The Functioning and Brutalisation Section of Chapter 4

offending risk seemed more likely to be low than high. Furthermore, an excess of financial need over sufficiency seemed to be associated with worklessness, as did parity between that sufficiency and need. It was only where sufficiency *exceeded* need, or where neither was an issue<sup>9</sup>, that fulltime work seemed more likely than worklessness. This perhaps endorses the importance of work to securing financial sufficiency and tackling financial need.

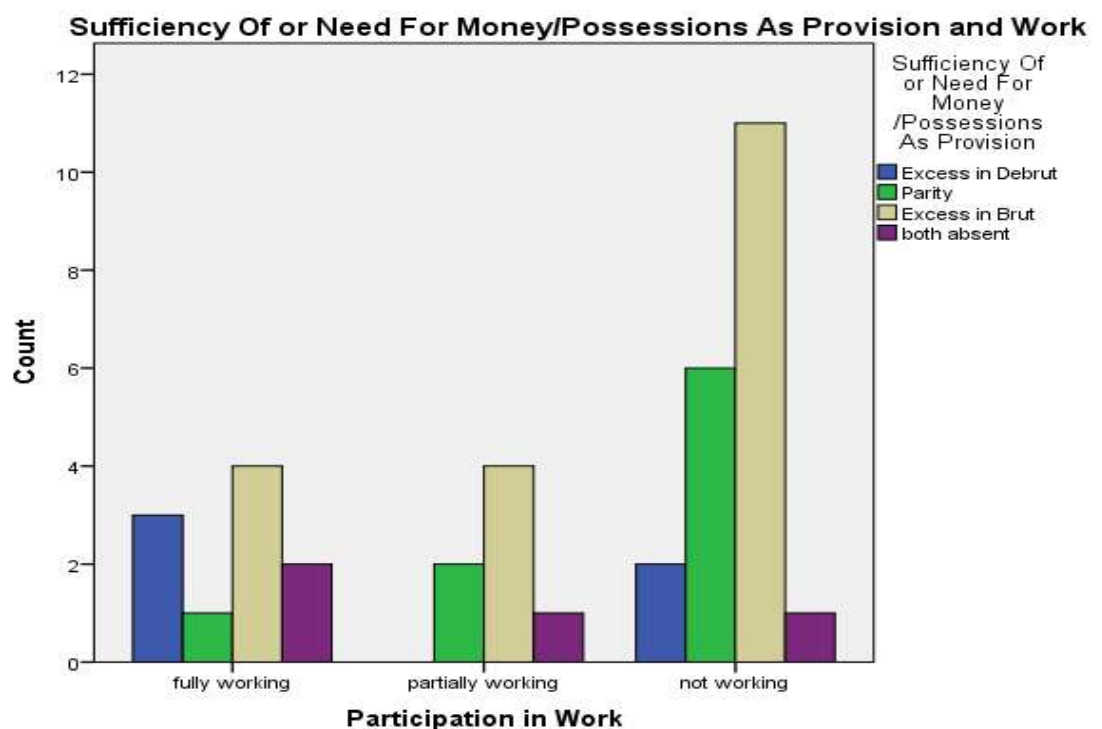


Fig. 6.10 Sufficient of or need for money– Possessions as provision and work

However, though the ‘hard’<sup>10</sup> factors of money, practicalities, education and work, that have been considered above, seemed to have a role to play, the ‘soft’<sup>11</sup> factor of people's solutions/moralities/drives/desires appeared to be the leading contributor to any

<sup>9</sup> Namely that both were not mentioned at all

<sup>10</sup> ‘Hard’ in that they are quantifiable in absolutes, such as, respectively, a numerated income, having a home, what qualifications are held and having a job.

<sup>11</sup> ‘Soft’ in that it is not quantifiable without qualitative groupings

proposed movement away from the inherent harm and wasted potential of functioning liabilities and towards the functioning assets that might nurture constructive activity instead.

### The Role of People in Transitioning from Functioning Liabilities to Functioning Assets

The solutions/moralities/drives/desires of people were omnipresent in functioning decisions, while the dependency, in *both* brutalised and de-brutalised forms, of people on people, along with the omnipresence of societal/official experiences of people in brutalised forms, and in all but one instance in de-brutalised forms, appeared to dominate participants' landscapes.

Number of Participants for whom specific Brutalisation Factors were Absent	Number of Participants for whom specific <u>De-Brutalisation</u> Factors were Absent
14 x Desire For Money/Possessions As Acquisition 12 x Educational/Training Experiences 7 x Need For Money/Possessions As Provision 7 x Use Of Substances: Alcohol And Drugs 4 x Physical States 3 x Independency 2 x Aggressive/Violent/Unempathetic/Uncaring/Repressive Behaviour To Specific Others 2 x Aggressive/Violent/Unempathetic/Uncaring/Treatment By Specific Others 1 x Emotional/Psychological States 0 x Societal/Official Experiences 0 x Dependency 0 x Solutions/Moralities/Drives/Desires	17x Physical States 14 x Desire For Money/Possessions As Advancement 13 x Educational/Training Experiences 12 x Sufficiency Of Money /Possessions As Provision 9 x Gentle/Peaceful/Empathetic/Caring/Encouraging Behaviour To Others 8 x Emotional/Psychological States 7 x Gentle/Peaceful/Empathetic/Caring/Encouraging Treatment By others 6 x Avoidance Of Substances: Alcohol And Drugs 1x Independency 1x Societal/Official Experiences 0 x Dependency 0 x Solutions/Moralities/Drives/Desires

Tab. 6.1 Specific Brutalisation/De-Brutalisation Absent

The dominant role of these three factors also appeared to be endorsed by their prevalence in terms of **bursts** of de-brutalising references to them. All the de-brutalisation burst<sup>12</sup> groupings with more than one member, featured no other category than these three dominant factors. All those who made several bursts of reference to

<sup>12</sup> A burst of references is where a number of references were made in quick succession

any factor included several bursts of reference to at least one of these issues. Only one of those participants who made several bursts of such reference included several bursts of reference to any other factor. All but one of those participants who made any bursts of references at all to any factor at all, mentioned at least one of these three issues. These factors seemed, therefore, prone to be dwelt upon when they arise<sup>13</sup>, as well as arising universally<sup>14</sup>. Thus, focussing interventions upon these factors, to attempt to maximise their de-brutalisation, may improve outcomes for any attempted de-brutalisation.

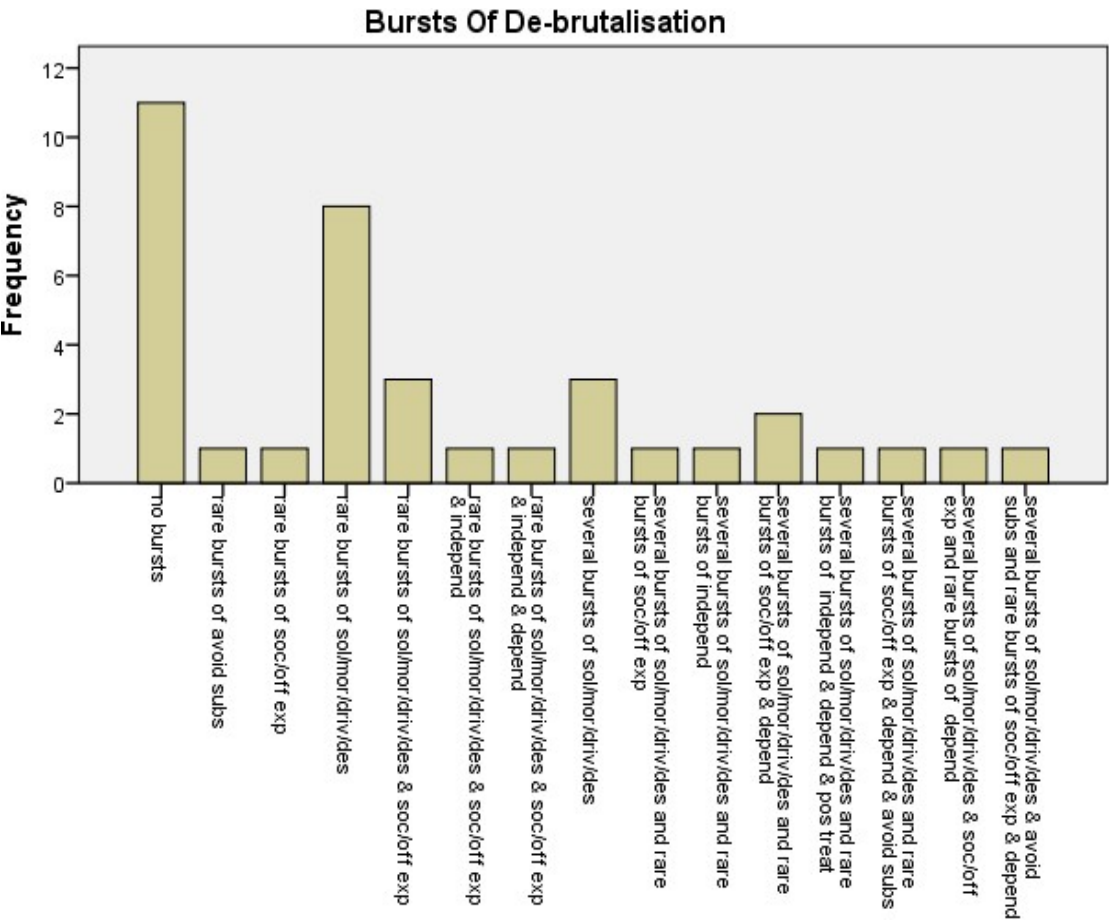


Fig. 6.11 Bursts of De-Brutalisation

<sup>13</sup> Namely arising in bursts  
<sup>14</sup> Namely not being absent from any participant discussion

With only 5% of participants having an excess of de-brutalising solutions/moralities/drives/desires, over brutalising ones, this need seems urgent.

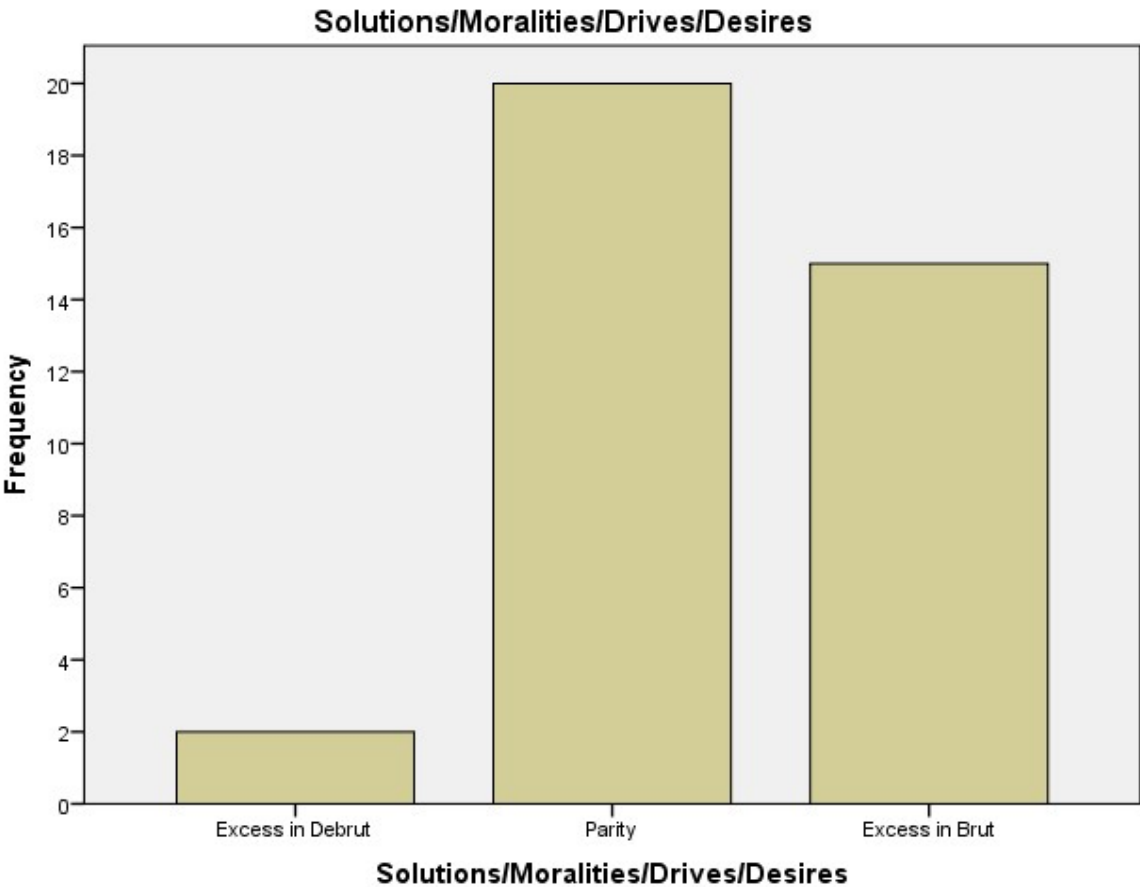


Fig. 6.12 Solutions/Moralities/Drives/Desires

Additionally, when individual functioning assets were paired with equivalent functioning liabilities, the potentially brutalising functional liability of dependency *on* others appeared to predominate over domestic relational normalities *with* others in an overall majority of individuals. In the same way, negative treatment from others predominated over positive experiences of others in this context.



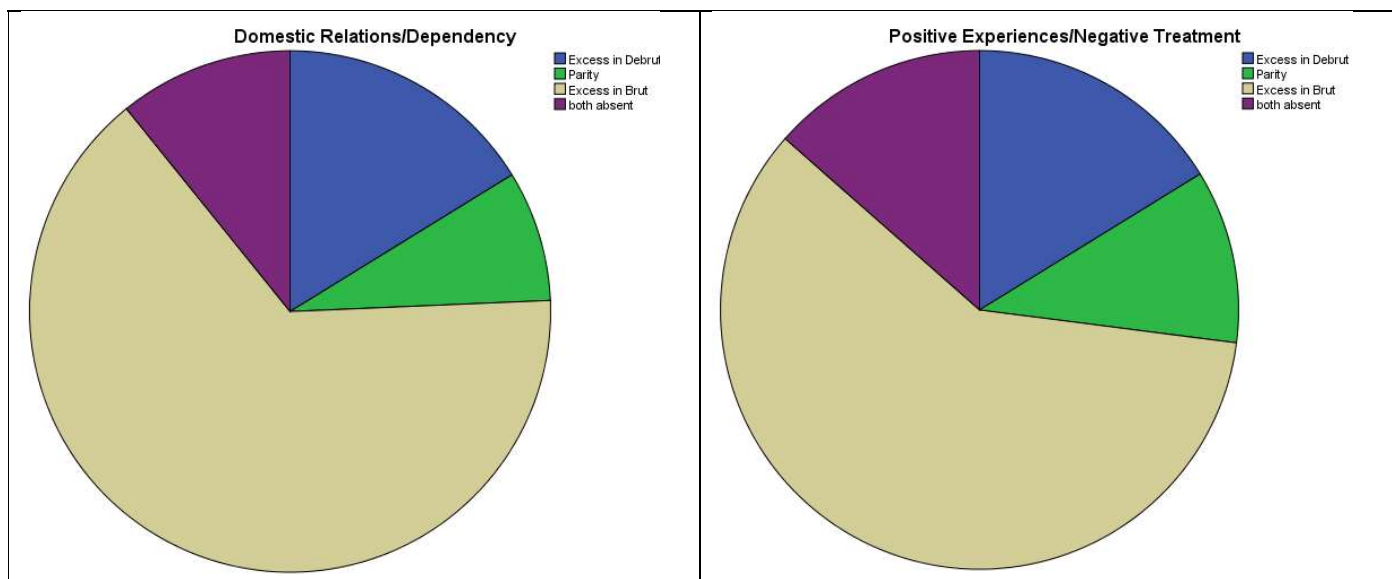


Fig. 6.13 Domestic Relations/Dependency

Negative treatment commanded an overall majority of individuals, in terms of its brutality being in excess over the de-brutality of positive treatment, just as it had predominated with an overall majority over positive experiences in terms of functioning assets and liabilities.

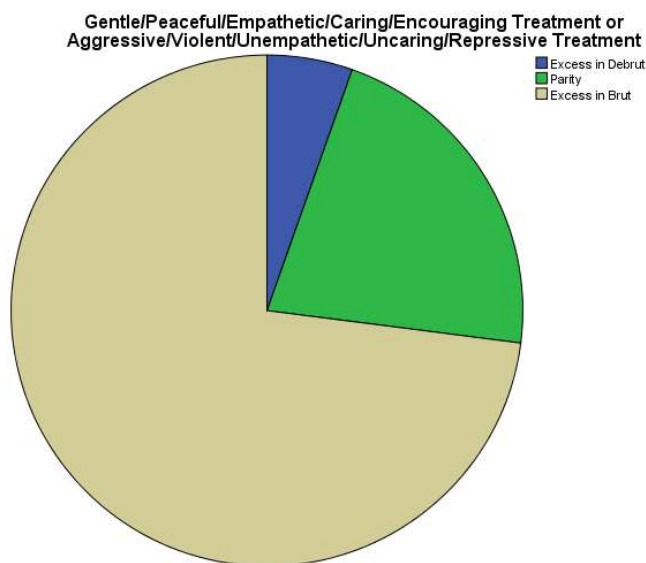


Fig. 6.14 Encouraging Treatment or Repressive Treatment

However, these combined pairings appeared unrelated to offending risk, with 43% of those with a low offending risk having an excess in these brutalities in both measures, as did 42% of those with a high offending risk. Similarly, 86% of those with a low offending risk had an excess in brutality in at least one of them, as did 83% of those with a high offending risk.

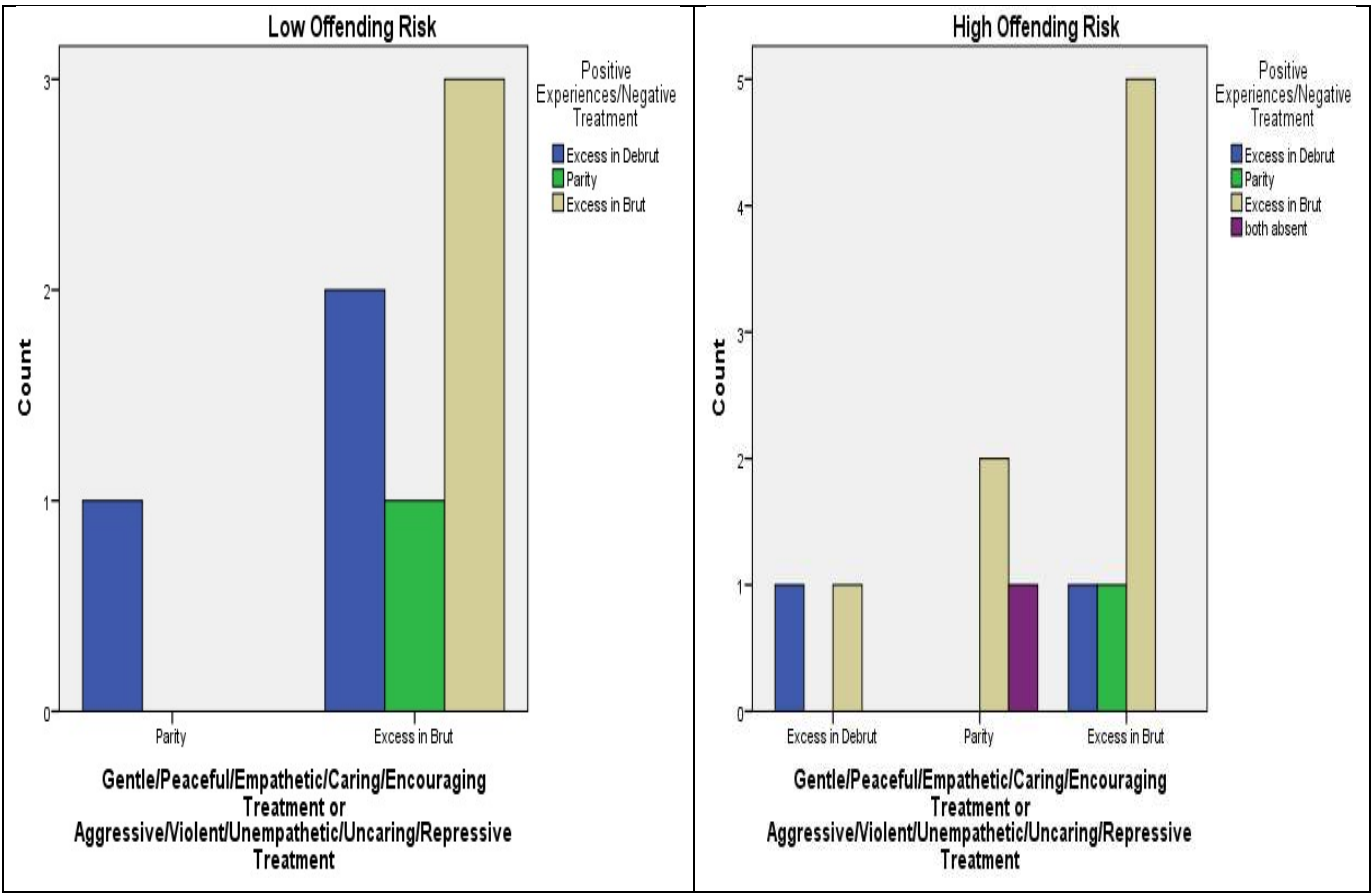


Fig. 6.15 Low/High Offending Risk

Thereby, a preponderance of negative *treatment* over both positive *treatment* and over positive experiences of *treatment* did not appear to be related to the *behaviour* of offending. Indeed, it was actively positive behaviour that predominated over negative

behaviour for this cohort of offenders in functioning contexts, despite the fact that negative behaviour otherwise predominated.

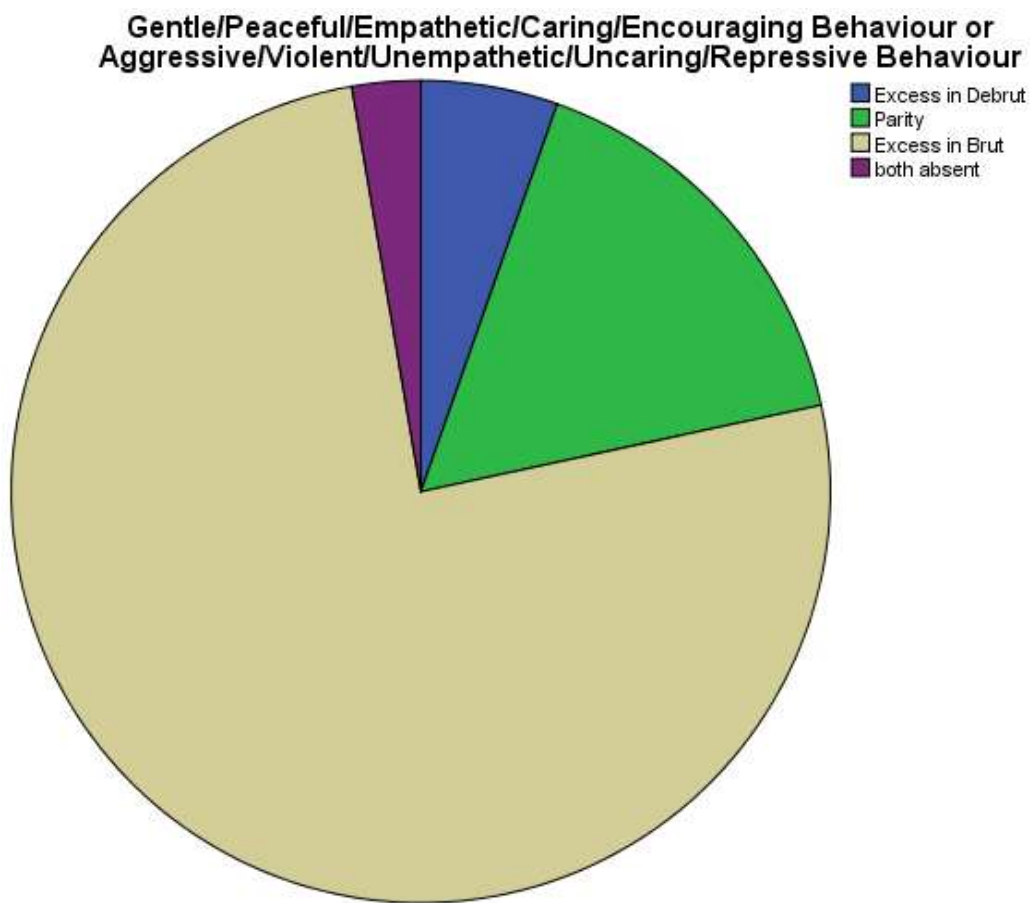


Fig. 6.16 Encouraging Behaviour or Repressive Behaviour

If it is in functioning contexts that positive behaviour is more likely, then focusing interventions on providing opportunities for positive functioning might be beneficial in transitioning individuals to more constructive behaviour more broadly.

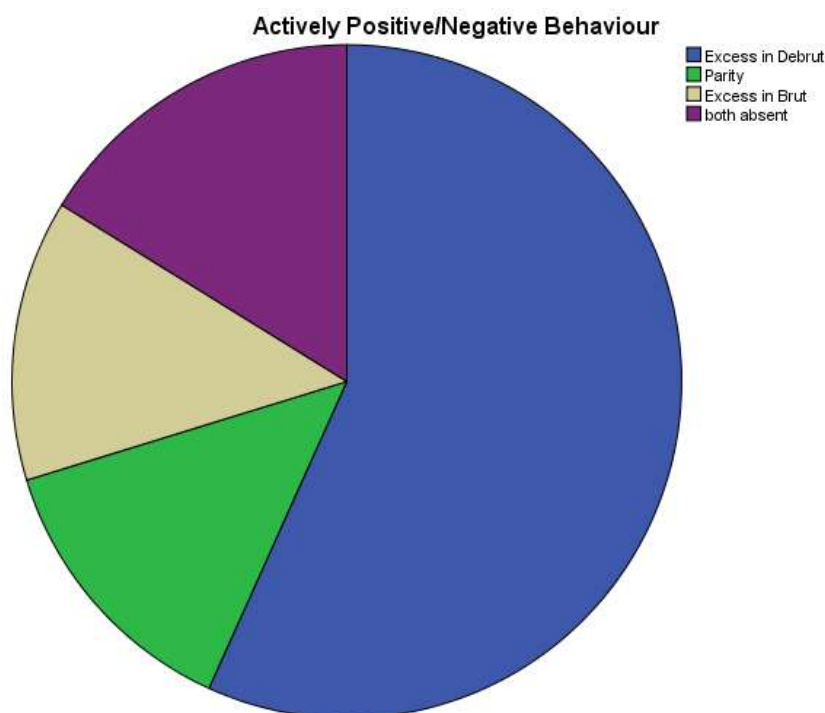


Fig. 6.17 Actively Positive/Negative Behaviour

### Functioning Assets and Liabilities in Transitioning to Constructive Activity

For constructive opportunities to be realised, it might be important for any aspiration to undertake them to be unencumbered by practical difficulties that could inhibit them. In this regard, where aspiration was accompanied by more than one practical difficulty, that aspiration seemed to become a driver for brutal activity. Only 10% of those with both aspiration and more than one practical difficulty had a low offending risk.

Furthermore, none of those with any practical difficulties and without aspiration had a low offending risk. Thus, encouraging aspiration, but specifically while also ensuring non-brutal avenues and opportunities through which to pursue that aspiration, hand in hand with tackling practical difficulties that could impede its pursuit, perhaps need to be integral to requiring and enabling constructive activity from individuals.

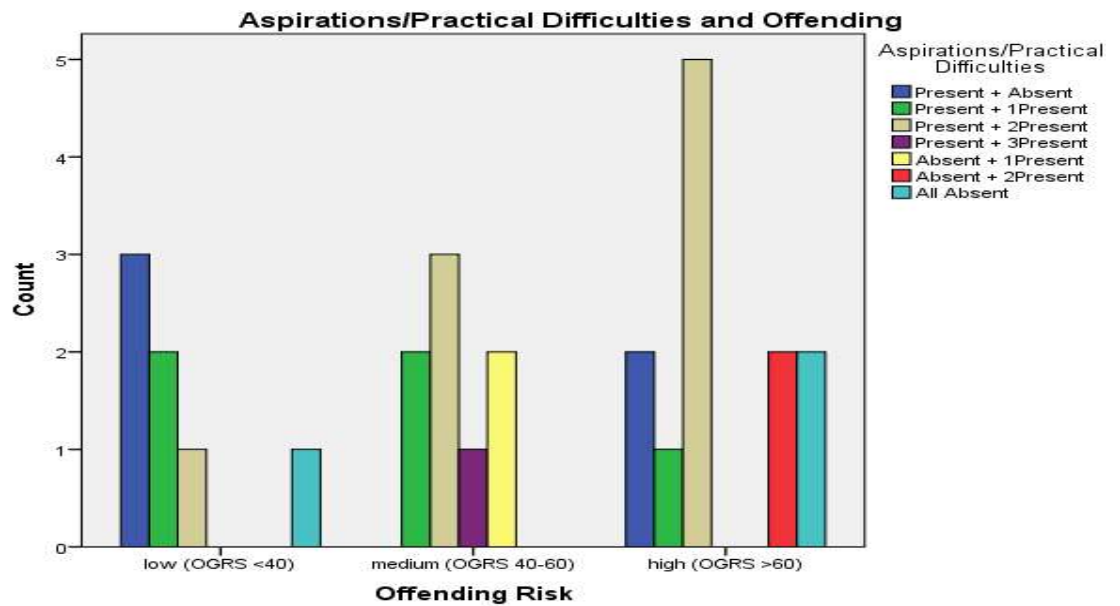


Fig. 6.18 Aspirations/Practical Difficulties and Offending

Work could be the most important constructive activity to require and enable. Indeed, it appeared to be parity between brutal and non-brutal solutions/moralities/drives/desires that represented the greatest chance of being fully working and the only chance of having a low offending risk. Only one participant who was not in a state of parity was fully working and none had a low offending risk.

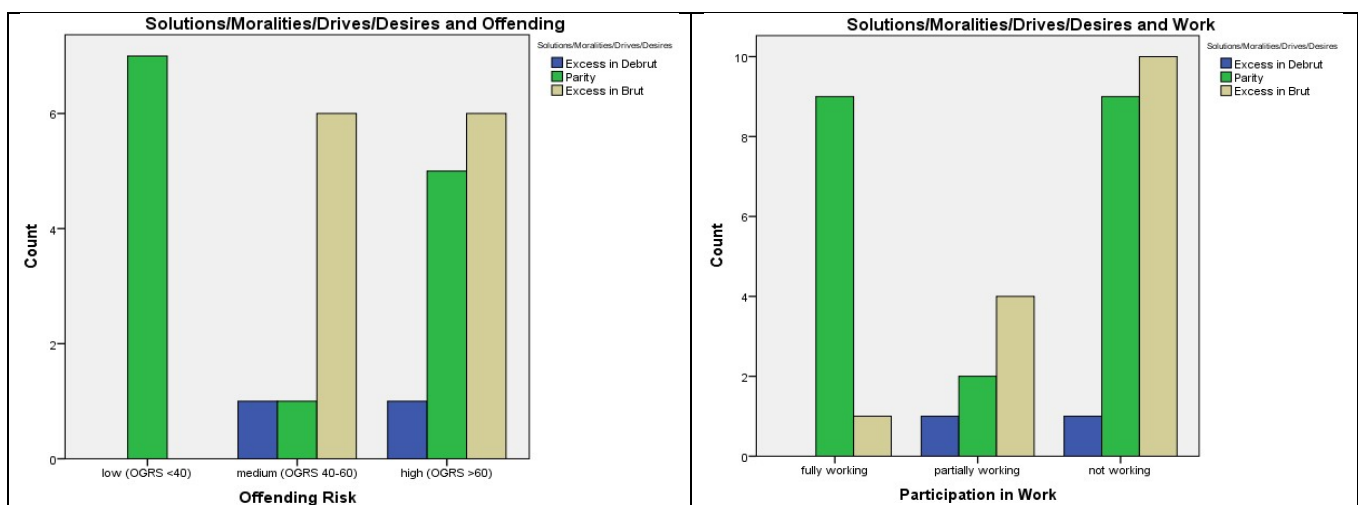


Fig. 6.19 Solutions and Offending/Desires and Work

Such parity might equate to an open mind on solutions/moralities/drives/desires. A mind open to opportunities to seize assets like work and to be ready to inhibit liabilities like offending. A mind prepared to consider alternative solutions/moralities/drives/desires that are neither overly wedded to the existing social certainties nor overly disenchanted with them. The type of mind upon which social change, such as that proposed by this research, might rely.

In addition to an open mind, a happily active mind may also be important to such change, whether on a broad social scale or more personally. In this respect, positive active happiness was only present without any of the visceral difficulties that might undermine it, such as mental/emotional issues, substance use, aggressive/violent/unempathetic/uncaring/repressive behaviour, and the physical problems that might be the manifestation of any of these, in 5% of participants. 92% of participants had at least one visceral difficulty, with 81% having at least two.

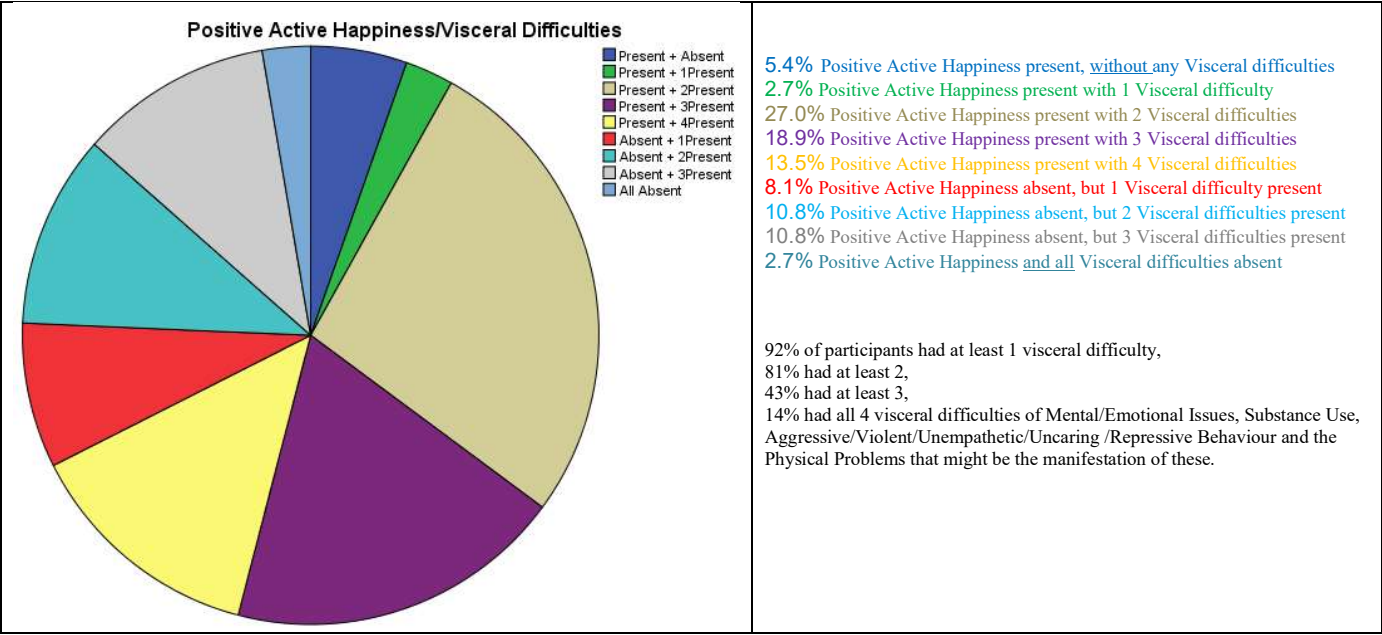


Fig. 6.20 Positive Active Happiness/Visceral Difficulties

Concern over the widespread nature of these difficulties seemed justified by the way in which neither of those with positive active happiness present without any visceral difficulties, had a high offending risk. This could indicate that being actively happy, unencumbered by visceral difficulties, might provide protection against acting brutally, such as by offending. However, having said that, both these individuals were also workless, which might additionally suggest that this happy circumstance is mutually exclusive to work. Work might need to do far more to ensure it is an actively happy environment that enhances visceral well-being if there is to be legitimate enforcement of transition to the constructive activity of work.

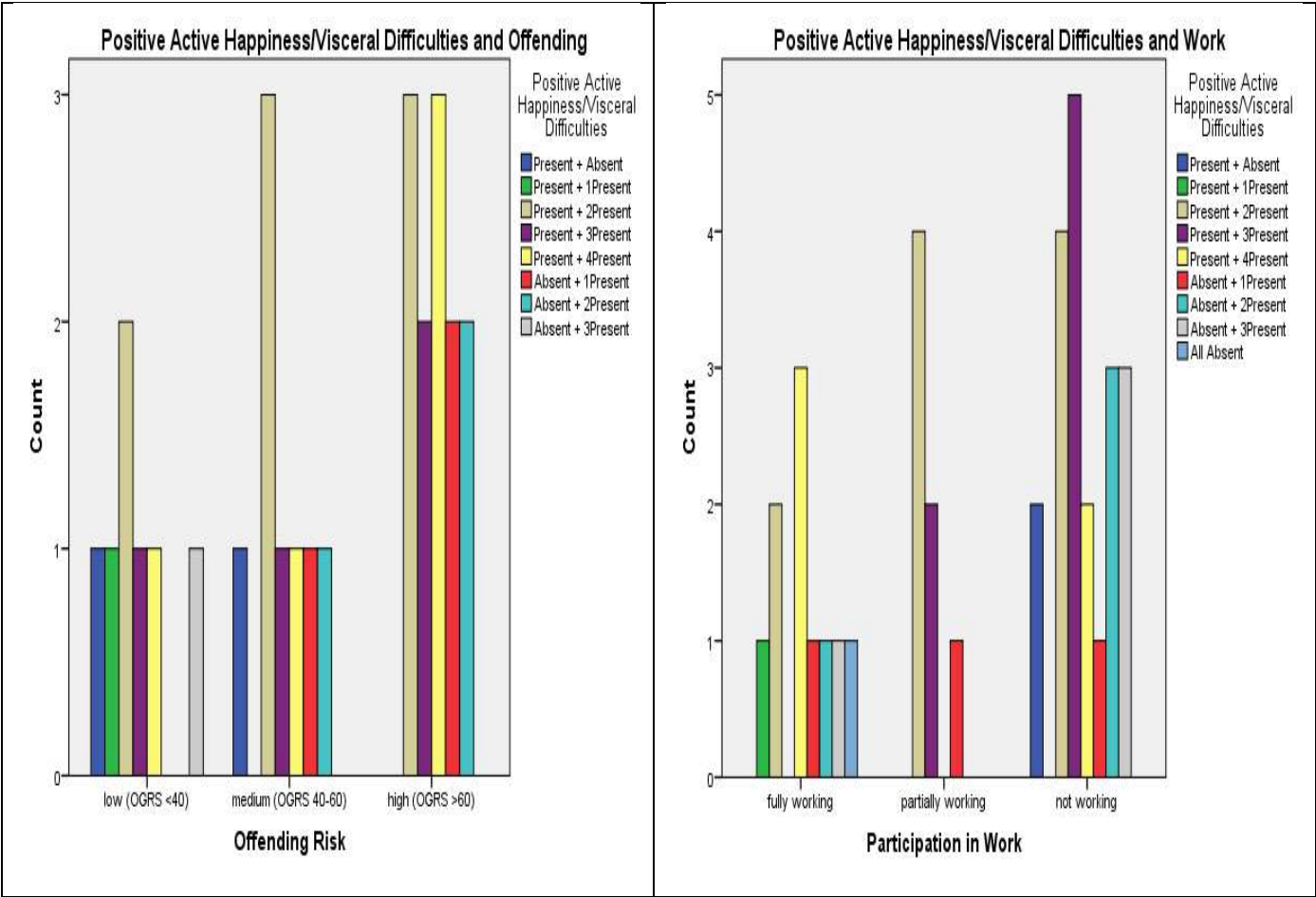


Fig. 6.21 Positive Active Happiness/Visceral Difficulties and Offending/Work

Happy constructive activity appeared likely to be a functioning asset, while visceral difficulties seemed to be a functioning liability, with three or more visceral difficulties appearing associated with an increased risk of offending, whether high risk or not, while having only one or two such difficulties, when accompanied by some degree of positive active happiness, might not raise offending risk. It appeared that individuals could have some resilience to visceral difficulties, when they also have positive active happiness, until the number of those difficulties reach what might be overwhelming proportions in the form of three or more such difficulties. By contrast, when not accompanied by some degree of positive active happiness, having only one or two visceral difficulties appeared to be related to an increased offending risk. None of those in this situation had a low offending risk and they were twice as likely to have a high such risk as a medium one. This may suggest the importance of positive active happiness as an asset in counteracting any potential ill-effects of the liability that visceral difficulties seemed to be.

### **Transitioning to Constructive Activity and the Role of States of Being**

Happiness was one of the states of being offered to participants on a list of words from which they might choose 'what best describes' the life they would like. 94% cited at least one desired 'state of being', while 82% cited at least one desired form of achievement. None of the participants cited neither an achievement nor a positive state of being, while 76% cited both. This, perhaps, indicated the importance to individuals of both achievement *and* positive states of being, with the latter perhaps needed to moderate the former. If it is not so moderated then the urge for achievement could become a liability. In this regard, the 6% who were concerned *solely with achievement\**, without any desired state of being alongside that, had a high OGRS



score. Therefore, seeking achievement, without regard for the state of being that accompanies it, may be linked with brutality. This could endorse the vital role of de-brutalised states of being as providing the key opportunity for drives, like that for achievement, to be assets in transitioning to constructive activity, without allowing any achievement to be more important than positive states of being.

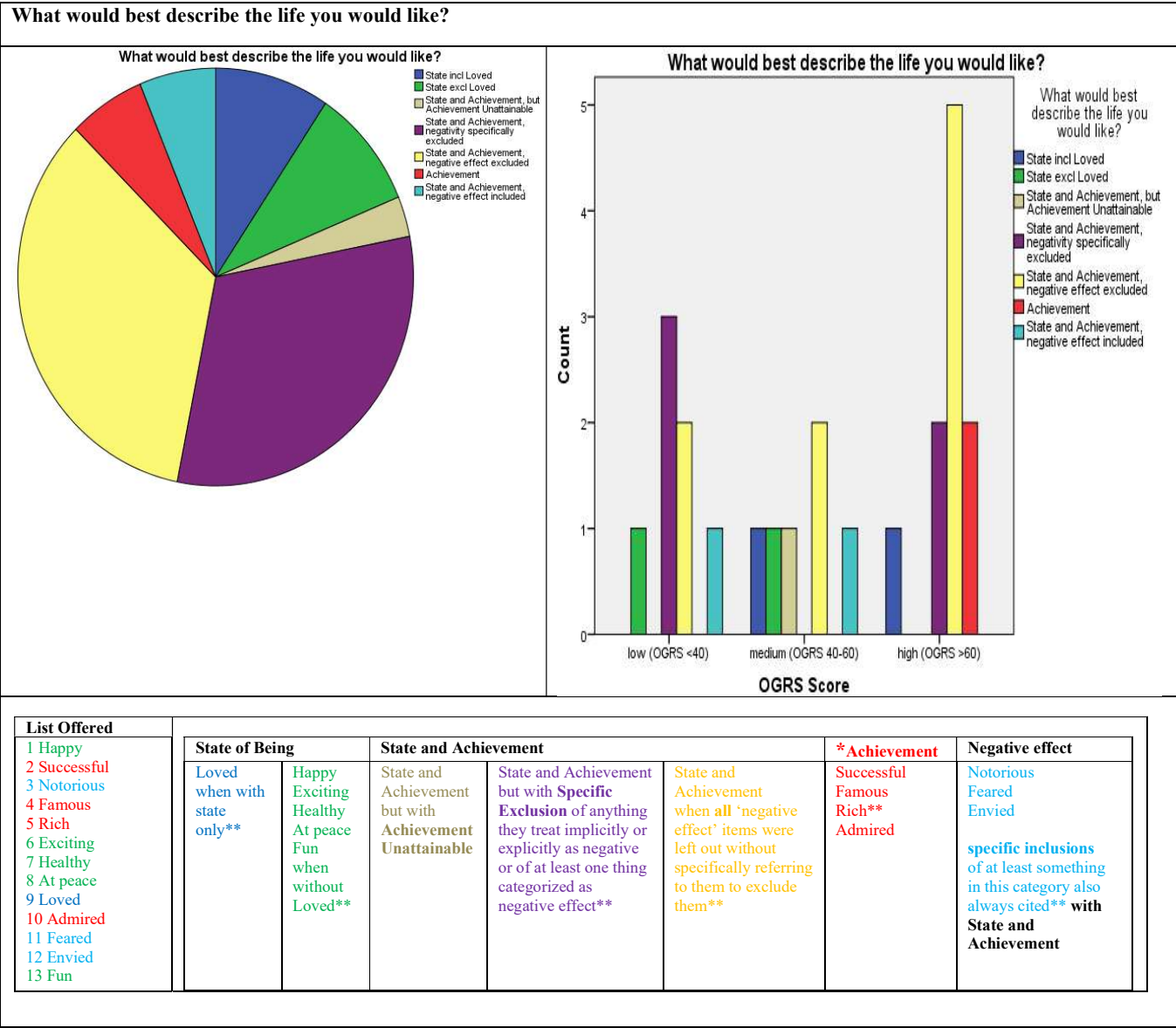


Fig. 6.22 What would best describe the life you would like?

Indeed, achievement and states of being appeared intertwined within the differing moralities with which being **\*\*rich** was imbued. Two participants appeared to be morally cautious about their desire to achieve money, acknowledging that desire but in a manner that associated it with an improved state of being, namely being **comfortable rather than rich**. One said he wanted to be ‘not completely rich, but I’d like to be comfortable’ and another said ‘I wouldn’t want’ to be rich and famous just ‘comfortable not rich’. These individuals seemed to see aspiring to a comfortable life as **morally acceptable**, whilst seeking riches might be seen as more **morally shameful**. By contrast, **riches** appeared to be **morally good** to some other individuals, spoken of as one of the ‘the good ones’ on the list offered, but **morally corrupting** to others, as a ‘temptation’ to ‘resist’ to avoid being ‘big-headed when I must be humble for God’. Although these contrary moral positions appeared to be taken with regard to money, money always appeared to be seen as desirable, whether as a ‘temptation’ or as ‘good’ or as a source of comfort. If that desire for money is to be a motivation for transitioning away from brutality and towards constructive activity, then constructive activity must surely need to be monetarily rewarding while brutal activity is not.

Just as *external* well-being, like having money, might be a beneficial state of being, so might *internal* well-being, like feeling loved. Of all the participants who only selected words related to states of being, neither of those who **\*\*included love** within the words that would best describe the life they would like had a low OGRS Score and neither of those who **\*\*excluded it** had a high OGRS score. This could suggest that those who would like to be loved, perhaps because they do not currently feel that they are loved, may be more at risk of offending. A state of being where individuals feel loved might be important to transitioning from high risk to low risk.

Just as important to that transition could be an individual's own impact on the state of being of others. \*\*34% of participants had specifically excluded negatively perceived selections that might undermine the positive state of being of others, such as by saying they did not want the states they called 'nasty', which included at least one of the words which explicitly reflected having a \*\*negative effect on others, namely 'notorious, feared or envied'. Furthermore, \*\*31% had simply ignored these negative options altogether. Whether explicitly, or by means of omission, these options were rejected. However, it was those who made specific exclusions in this regard who had a lower offending risk than those who simply excluded by omission. Only 22% of those who excluded by omission had a low OGRS score, while 60% of those who made specific exclusions had a low such score, suggesting the importance of specifically ruling out brutality from one's life, as opposed to simply ignoring it. This seemed to be the case when looking *ahead*, such as the way this question asked about the life people 'would like', as opposed to looking *behind*<sup>15</sup>, where ignoring it appeared more beneficial.

When considering the present<sup>16</sup>, 74% included a blameless selection and 68% included a choiceless selection, in contrast to the other two categories of lifestyle and powerless, where only 24% and 35% respectively included selections. This could indicate the popularity of exonerating the self from blame and choice, which might suggest that nurturing personal responsibility for actions and choices could potentially have more widely spread benefits than focusing on lifestyle or the powerlessness of 'accident', 'survival', 'helplessness' or 'can't change anything'.

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<sup>15</sup> When selecting from a provided list of language words to describe the offences for which they **had been** punished, in the Harm-Insensitivity Section of Chapter 4.

<sup>16</sup> See 'Which of these statements do you think **applies** to you?'

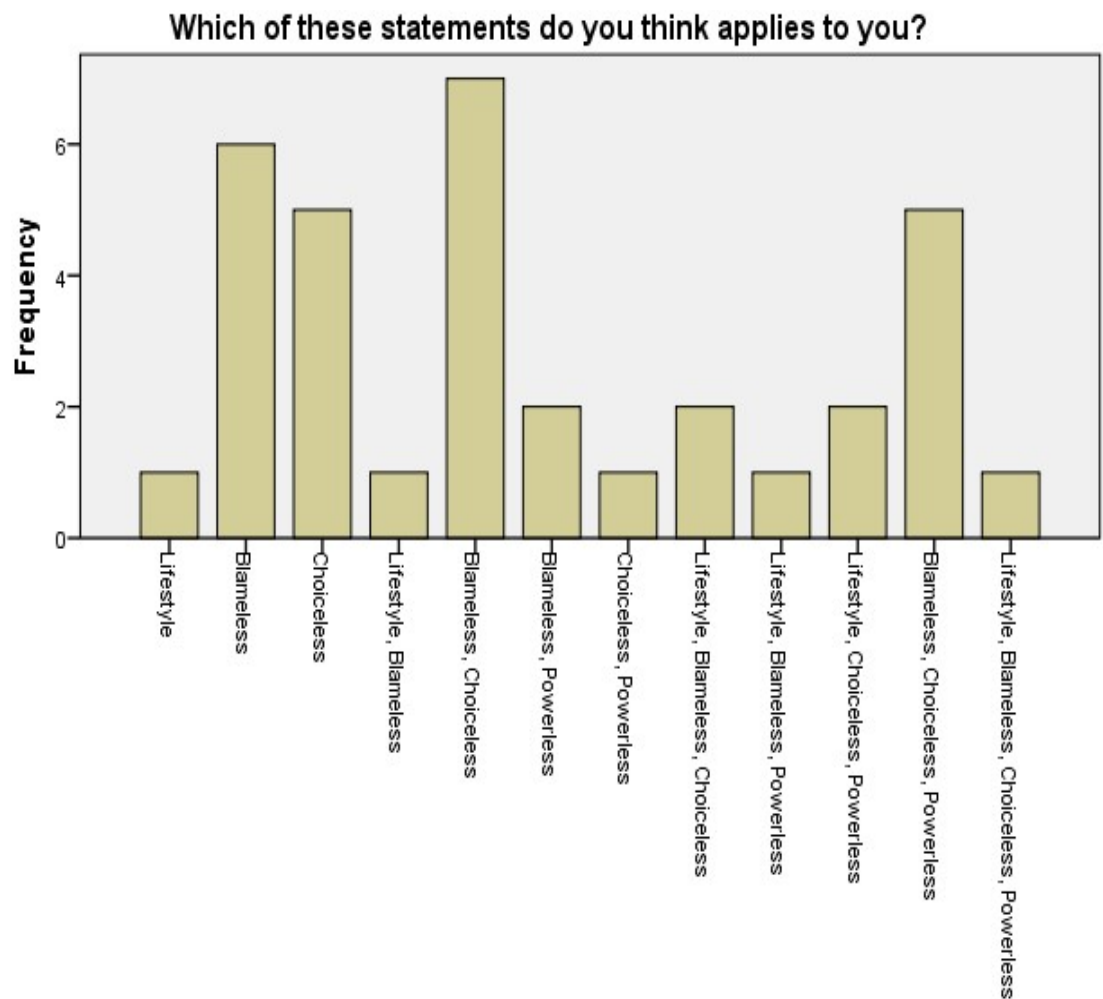


Fig. 6.23 Which of these statements do you think applies to you?

However, it was when broadly based reasons were adopted by individuals to explain their offending, that there appeared to be a greater risk of offending. 75% of those who selected a broad range of options, namely spanning three of the four categories of options offered<sup>17</sup>, had a high offending risk, whilst only 13% had a low such risk. This may endorse the need for an holistically broad approach to tackling brutal states of being.

<sup>17</sup> 'Which of these statements do you think applies to you?', with statements offered without having been categorised

Nevertheless drilling down into the detail should not be neglected, with 75% of those who selected lifestyle options including **habit\*** within that and 63% of them including **acquisition\***. Moreover, all of this latter 63% included ‘offending is an **easy** way to make money’ as part of that acquisition. This not only seemed to endorse the need for constructive activity to be monetarily rewarding, but also to be easily so, as well as the importance of ensuring brutality is not easily monetarily rewarding and that good habits be created in these things.

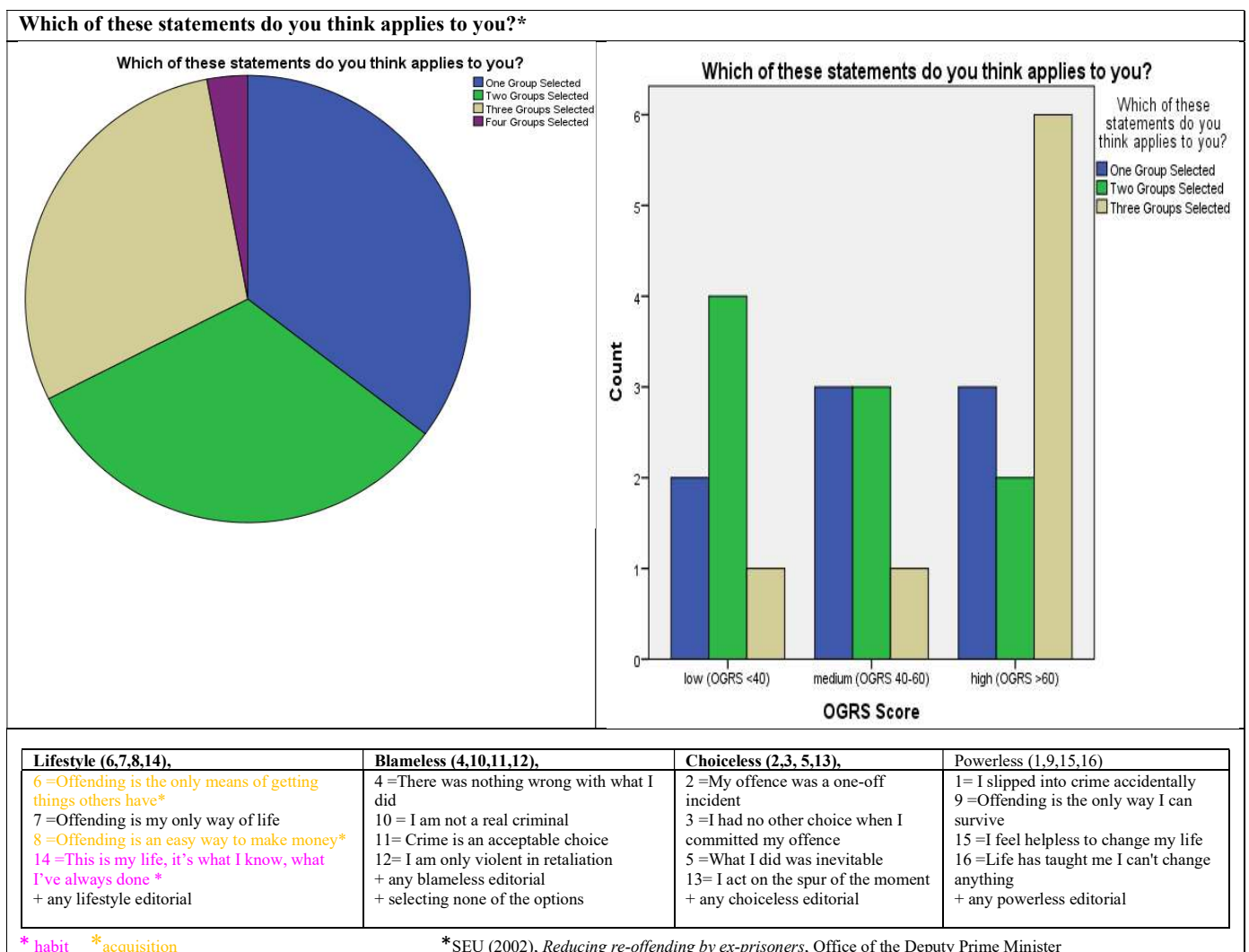


Fig. 6.24 Which of these statements do you think applies to you?

Having said that, the very nature of enabling transition to constructive activity, focusses on how any bad habits that have already been established might be relinquished. Bad habits like offending. Indeed, despite any bad habit of offending, crime was not generally viewed as acceptable by this criminal cohort. Only one participant selected 'crime is an acceptable choice' from the offered list, and he made it clear that this view was now in the past and that 'it wasn't obviously' an acceptable choice at all. None of the participants selected 'There was nothing wrong with what I did', though one did say 'I don't really think there was much wrong with what I did'.

Furthermore, 72% of the participants who made claims of blamelessness included 'I am not a real criminal'. Another participant<sup>18</sup>, who was not included within this 72% because she did not select 'I am not a real criminal' from the offered list, nevertheless said 'I don't see myself as a criminal because its only shoplifting and I haven't done burglary for ages and I am not doing proper crime like drug dealing, but the law says I'm a criminal'. In these ways, three quarters of this group of 'criminals'<sup>19</sup> did not see themselves as 'criminal' or as 'doing proper crime', while some apparently thought of being criminal as a mere legal construct without intrinsic value. Thus, though there did appear to be an awareness of the unacceptability of *certain* activity, there was also a sense of the acceptability of their *own* activity and a sense that they themselves were not criminals.

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<sup>18</sup> Representing 3%

<sup>19</sup> 3% plus 72%

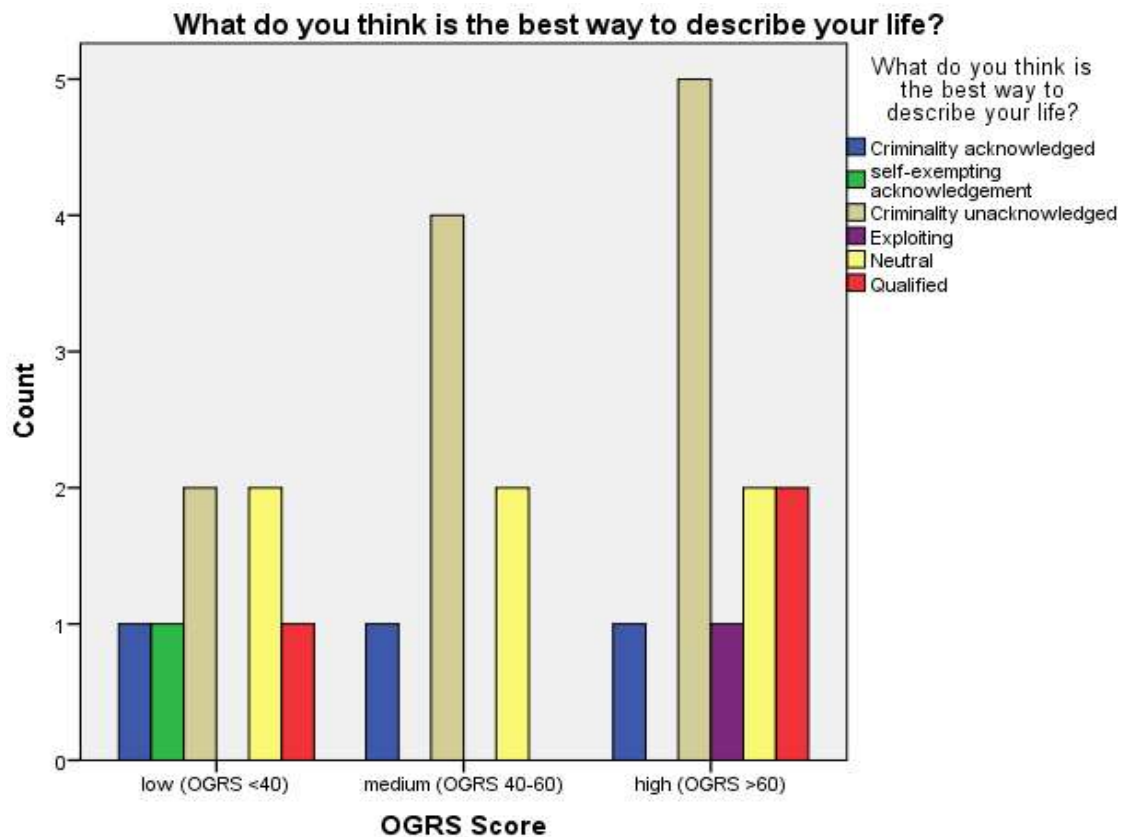
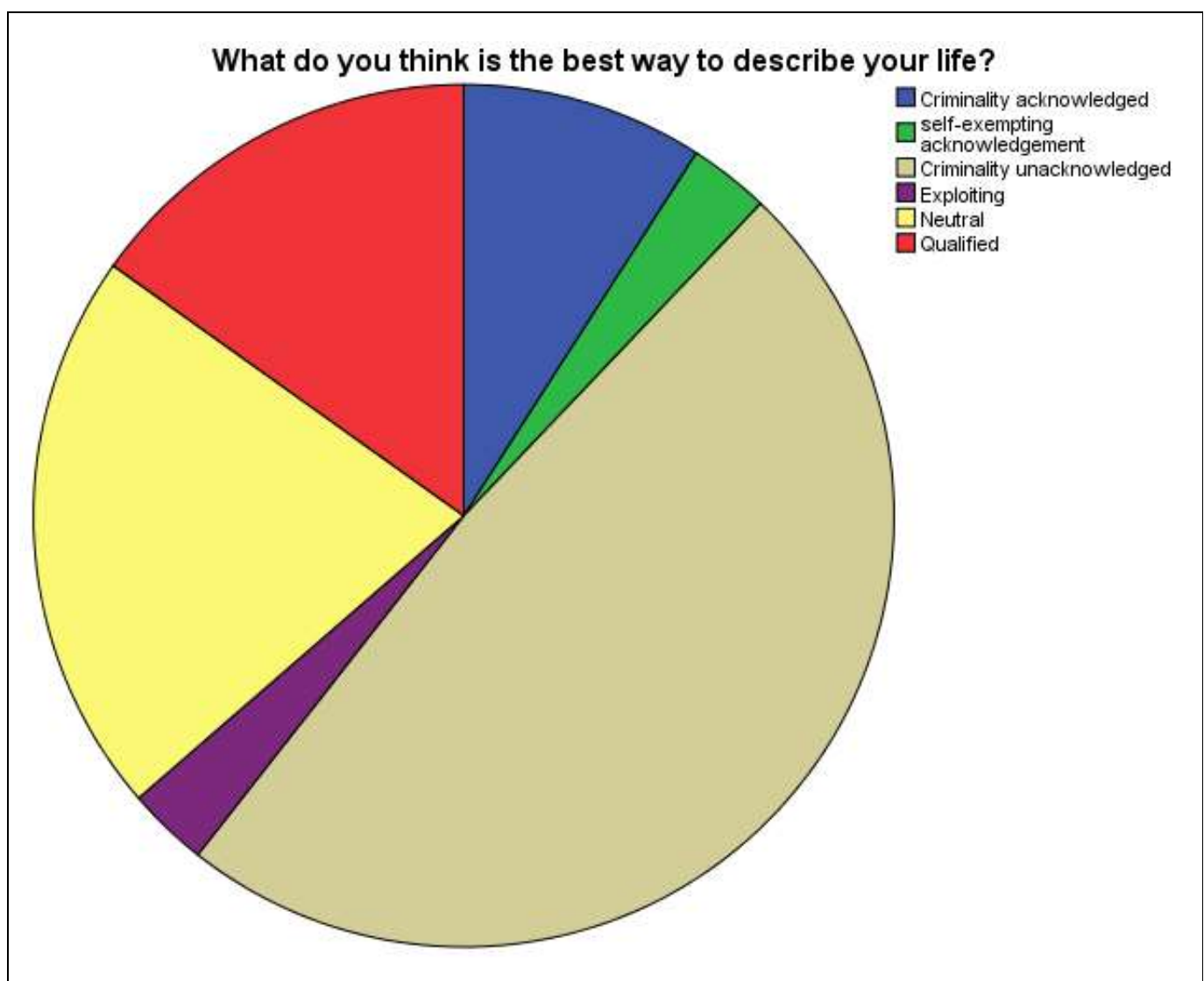


Fig. 6.25 What do you think is the best way to describe your life?

Indeed, it was by failing to acknowledge one's own criminality<sup>20</sup>, through referencing problematic lives instead in a way that provided an implicit alternative explanation for one's actions, without also selecting an offender-defining word, that seemed to be related to risk of offending. Only 18% of these individuals had a low offending risk, 36% had a medium such risk and 45% had a high offending risk. By contrast, those individuals who had given a neutral response, not citing any language associated with either criminal lives or problematic lives, as well as those who had acknowledged their criminal lives, who were equally distributed across all of the three offending risk levels.

<sup>20</sup> Criminality unacknowledged in beige on the graph

In all, 70% of participants cited problematic lives as part of their life description and only two participants specifically ruled out having problematic lives<sup>21</sup>, namely the individual who self-selected a self-exempting acknowledgement by using the word ‘mistake’ and the individual who specified nothing dysfunctional about his normal growing up. Thus, just as with visceral and practical difficulties, tackling problems in life might also be vital to transitioning from brutalising lives to constructive lives.



<sup>21</sup> What do you think is the best way to describe your life?



List Offered	Subsequent Coding	
Troubled → Criminal → Antisocial → A struggle → Doing your best in difficult circumstances → Playing the system → Going with the flow → A normal growing up → Living life your own way → Other →	(Problems) = P = Criminality <b>unacknowledged if without</b> an accompanying Wrong (Wrong) = W = Criminality <b>acknowledged</b> (Wrong) = W = Criminality <b>acknowledged</b> (Problems) = P = Criminality <b>unacknowledged if without</b> an accompanying Wrong (Trying) = T = Criminality <b>unacknowledged if without</b> an accompanying Wrong (Exploitative) = E = <b>Exploiting</b> criminality <b>acknowledged</b> (Dependent) = D = <b>Neutral</b> in terms of acknowledgement <b>if unaccompanied</b> (Ordinary) = O = <b>Neutral</b> in terms of acknowledgement <b>if unaccompanied</b> (Independent) = I = <b>Neutral</b> in terms of acknowledgement <b>if unaccompanied</b> <b>Mistake as unoffered self-exempting acknowledgement</b> <b>Any selection Qualified with an unoffered positive*</b>	P=Problem focus in negative situation W=Negative action in negative situation W= Negative action in negative situation P=Problem focus in negative situation T=Trying positivity in negative situation E=Exploiting positive situation negatively D=Acceptance of situation O=Acceptance of past I=Acceptance of self
- Order; 1st Criminality <b>acknowledged</b> , 2nd Mistake as self-exempting acknowledgement, 3rd Criminality <b>unacknowledged</b> , 4th <b>Exploiting Criminality</b> <b>acknowledged</b> , 5th <b>Neutral in terms of acknowledgement</b> , 6th <b>Qualified acknowledgement*</b> Within each level the order then 1st Trying focus=T, 2nd Problem focus=P, 3rd Acceptance focus=DOI, 4th Exploitative focus=E - when a normal growing up/doing your best in difficult circumstances is qualified with nothing dysfunctional/criminal or equivalent it is not the criminality that is seen as normal so it is not included in the Ordinary or Trying categories respectively. Similarly, when a struggle is not used pejoratively it is not included as problematic. - when criminal acknowledgement is qualified by being undermined then it is not included in the Wrong acknowledgement category		
<div>*including one who said 'I had a normal growing up, nothing dysfunctional'</div>		

Fig. 6.26 What do you think is the best way to describe your life?

Whilst the majority of offenders viewed their lives as problematic, by contrast, very few offenders appeared to think of their lives as defined in any way at all by offending, with only **9% including** a specifically offender-defining word in an unqualified manner as part of this life describing question.

When it was to offending specifically that reference was made, all of the 21% of participants who cited only personal difficulties as the reason for their offending referred exclusively to losing control of themselves, rather than to desperation or not knowing what to do. 60% of these had a low OGRS score, while only 20% had a high OGRS score. This may be because loss of self-control might be compatible with actions outside a normal pattern of behaviour and thus a lesser recidivism risk in normal circumstances. Thus, it is perhaps important to prepare with training for de-brutalised functioning so that it becomes an automatic kneejerk reaction even in extremis<sup>22</sup>, not simply within normal or thought-through functioning. Such preparatory training might

<sup>22</sup> This is the principle that lies behind much military training, such as that which this researcher undertook, so that, in a military context, kneejerk reaction would be situationally appropriate.

usefully form part of the life-preparation course suggested in this research.

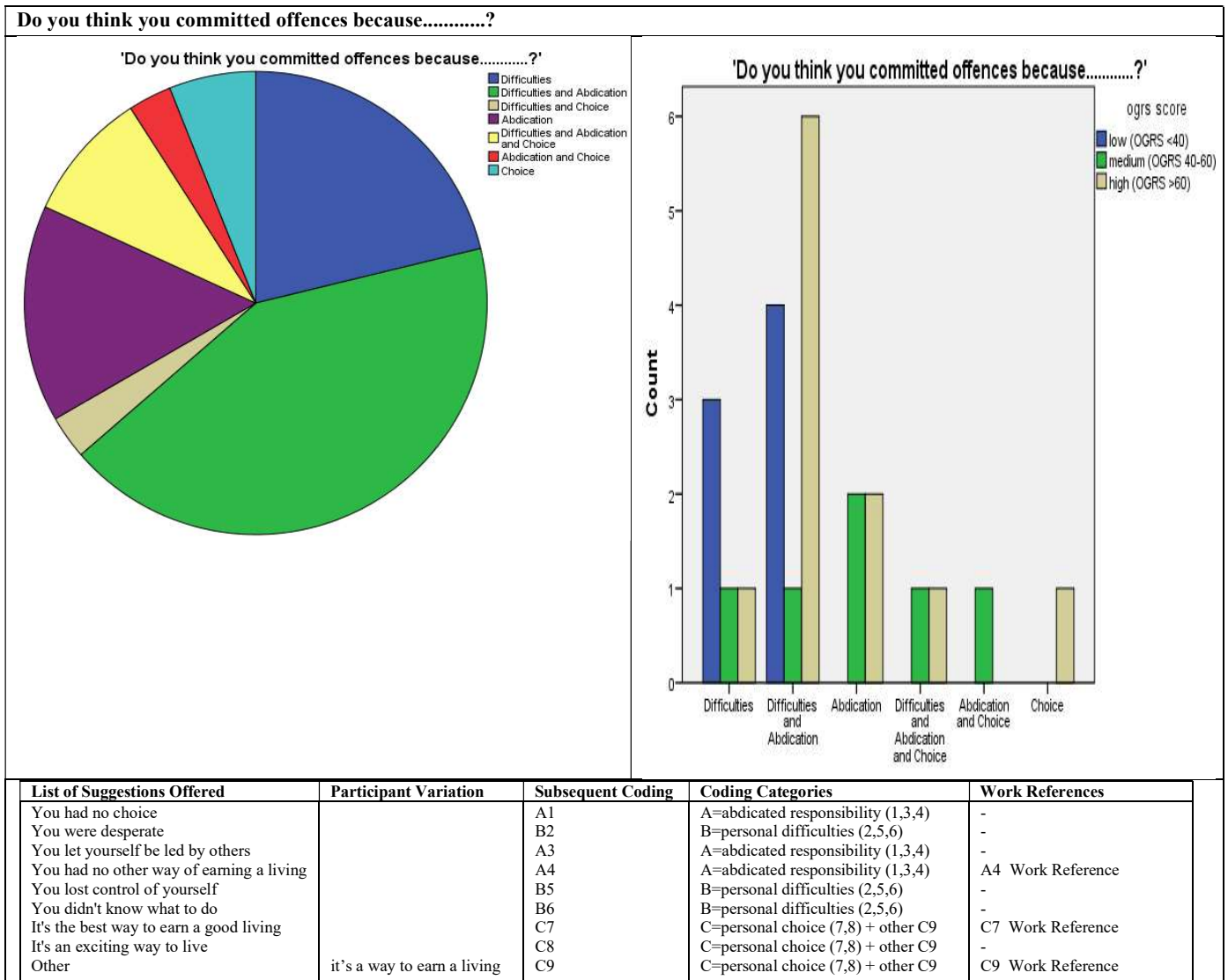


Fig. 6.27 Do you think you committed offences because...?

On top of this 21% that had cited *only* personal difficulties as the reason for their offending, a further 42% cited personal difficulties *alongside* abdication of responsibility, 3% cited it *alongside* personal choice and 9% cited it *alongside* both.

This perhaps indicated that personal difficulties might be extremely widespread, with

75%<sup>23</sup> of individuals potentially vulnerable. Indeed, that vulnerability might extend across society and might include those that do not turn to offending when faced with such difficulties. In this regard, all those with a low OGRS score cited these personal difficulties, suggesting this may be an issue across society as a whole, where OGRS scores, if collected, might also be likely to be low. Consequently, improving personal functioning, to head-off such personal difficulties, might be beneficial across society as a whole as an intrinsic help to people even if they do not act out by offending.

It was when these personal difficulties were combined with abdication of responsibility that they appeared to polarise offending risk, with both low and high-risk peaking at this point. Abdication of responsibility took the form of claiming *no* other way or *no* choice or being *led* by others, all of which might be considered to be abdication of personal responsibility. None of those who abdicated their responsibility in these ways, without also citing personal difficulties, had a low OGRS score. Similarly, none of those who included personal choice<sup>24</sup> in any way had a low OGRS score either. In these ways, *choosing* brutality or *surrendering* responsibility for one's brutality may play a more important role in brutal functioning than personal difficulties. This seemed to underline notions of ensuring that choosing brutality or surrendering responsibility for one's brutality might need to become unviable states of being that are invariably challenged and never allowed to be rewarding.

Further to this, all the individuals who did not cite any difficulties, within a measure for

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<sup>23</sup> Namely 21% plus 42% plus 3% plus 9%

<sup>24</sup> Personal Choice applied to those who spoke in terms of *the best way* to earn a living, or adapted it to say *a way* to earn a living, or who spoke in terms of *an exciting way* to live, since, in these instances, *a way* to undertake something, when not cited as the *only way* to do so, with no other way or no choice existing, suggests at least some element of choice.

being trapped within difficulties,<sup>25</sup> had a high OGRS score\*, additionally apparently backing-up the idea that difficulties per se might be linked to a lower risk of brutality and thus a possibly broader-based application for improvement.

Research <sup>26</sup> from other sources has previously gathered these statements from offenders. Which of these statements do you think would be true for you?		
Place in Order	Number of Difficulties	OGRS scores, where available and given as group scores (with offending commentaries where applicable) L=low (<40) M=medium( 40-60) H=high (>60) N/A=ogrs score not available
1-3	0	*HH
4-6	1	HL
7-12	2	MMML
13-20	3	HHHMLLL (inc 'I'm never going to stop offending' for 1 x H) (inc 'Shoplifting isn't even a crime to me' for 1 x another H)
21-25	4	HHMLL
26-27	5	**MM
28	6	**H
29	7	**N/A
30-31	8	**H (inc 'Shoplifting isn't even a crime to me' for the H)
32	9	**H
33	10	**N/A
34-36	11	**HM (inc 'I've made crime my life' and 'Shoplifting isn't even a crime to me' for the H) (inc 'Shoplifting isn't even a crime to me' for the M)

Tab. 6.2 Which of these statements do you think would be true for you?

However, when the number of difficulties that individuals cited<sup>27</sup> reached 5 difficulties, no one had a low OGRS score\*\*. At this point difficulties seemed to overwhelm functioning and lead to brutalised functioning such as offending<sup>28</sup>, in a similar way to that which appeared indicated in the previous section of this chapter. Tackling difficulties, to prevent their accumulation, might thus be important to constructive activity.

<sup>25</sup> When asked 'Which of these statements do you think would be true for you?'

<sup>26</sup> Hughes, J., (2009) The Trouble With Girls, BBC and Ross, N., (2009), Crime Audit of Oxford in Perman, A., (prod), Truth About Crime, BBC and Cohen, J. and Hamann, P., (2009), Holloway, Television Production for ITV

<sup>27</sup> When asked 'Which of these statements do you think would be true for you?'

<sup>28</sup> The Order Numbers for participants being Trapped Within Difficulties, included any difficulties classed as related to a) Problemacy, in terms of difficulty with change, b) Emotionality, in terms of prevalence of emotional need, c) Instancy, in terms of living in a knee-jerk fashion, and d) Staticity, in terms of being stuck.

Within this there seemed to be a salient role for emotional states of being. 89% of participants cited at least one difficulty with an emotional\* element<sup>29</sup> and only one of the 33 participants who had selected any difficulties at all, did not include at least one with an emotional element. Boring down into the make-up of these emotional difficulties, 4 of them related to alcohol use\*\*, with 22% of the individuals who selected an emotional difficulty including this. Thereby, not only did emotional difficulties appear to play a significant role in overall difficulties, but substance use seemed related to nearly a quarter of this.

<i>*Number of emotional needs cited</i>	<i>Place in Order</i> <i>**alcohol use cited</i>
0	1,2,3,21.
1	4, 8, 10, 11, 12, 14, 16, 17**, 18, 19, 20, 24.
2	9**, 13**, 15, 23, 26, 28.
3	22**, 25, 29, 30.
4	27**, 31, 32.
5	-
6	33**,34.
7	-
8	35**,36.

Tab. 6.3 Number of emotional needs cited

Without tackling emotional functioning, and any substance use related to it, it may be difficult to de-brutalise overall functioning and transition it into constructive activity instead.

<sup>29</sup> Amongst the difficulties which might trap individuals, were 15 statements which contained some degree of \*emotional element.

Research <sup>30</sup> suggests that the following factors may play a part in becoming an offender, which of these do you think applies to you?										
<p>- The list of <b>factors</b> was offered to participants for their consideration with the following numbers of factors in each category:  <b>Thinkingx7, Linksx3, Emotionalityx10, Culturex9, Skillsx3, Biologyx4, Alienationx9, Resourcesx9, Visionx8, Nurturingx13</b></p> <p>- Factors were applied to participants scores if they gave a 'yes' to any degree, even if hardly at all, and at any time, including sometimes and in the past, and were also included if any part of a factor was chosen, but not if the part chosen meant the opposite of the factor if seen in its entirety. 'Don't knows' were not included.</p> <p>- The number of factors that an individual selected in each category was used to calculate the possible <b>degree of impact</b> of that category on that individual.</p>										
Total number of factors in each category	Categories by initial letter	No impact	Some impact	Much impact	Overwhelming impact	Total impact				
13	n	0	1-4	5-9	10	13				
10	e	0	1-3	4-7	8	10				
9	car	0	1-3	4-6	7	9				
8	v	0	1-2	3-5	6	8				
7	t	0	1-2	3-4	5	7				
4	b	0	1	2	3	4				
3	ls	0	1	-	2	3				
Participants	Nurturing	Thinking	Links	Emotionality	Culture	Skills	Biology	Alienation	Resources	Vision
32*	84%	72%	72%	91%	91%	50%	63%	91%	78%	84%
*All the 32 participants who were asked the whole of this question.						% = The percentage of participants asked the whole of this question, who cited at least one factor in these respective groupings				

Tab. 6.4 Which of these do you think applies to you?

**Emotionality**, along with **culture** and **alienation**, also scored most highly in terms of mentions of factors that play a part in becoming an offender, with 91% of participants citing at least one factor from each of these categories. The lowest number of citings was related to skills, and this was still highly cited with half of participants mentioning lack of skills at least once as a factor. In this way, all the unhelpful factors cited within individuals' states of being appeared to be of at least some degree of importance. Furthermore, the more factors, and the more impact of each factor, the greater the apparent risk of brutal functioning, exemplified by offending. This again emphasised the importance of inhibiting accumulations of unhelpful states of being, this time in terms of their depth as well as their number. None of the individuals in the **top eight**, in terms of having the fewest factors and impact, had a high OGRS score. Conversely, none of those in the **bottom seven**, in terms of having the most factors and impact, had a low OGRS score. However, in terms of the central zone of this ordering, though the

<sup>30</sup> The list was compiled from all the issues raised in the Literature Review as relevant to offending and the inclusions in each of these groups is given in the Analysis Notes for analysing Variable 277

eight individuals in the top half of the central zone had a ratio of 2:1, in terms of high to low OGRS scores, the bottom half of the central zone also had the same ratio, suggesting it could be only at the extremes that benefit or disbenefit might accrue.

Order Number	OGRS Score L=low ( <40) M=medium( 40-60) H=high ( >60) N/A=ogrs score not available
1	L
2	L
3	M
4	L
5	N/A
6	N/A
7	L
8	M
9	H
10	N/A
11	M
12	M
13	N/A
14	L
15	M
16	H
17	N/A
18	N/A
19	N/A
20	H
21	L
22	H
23	H
24	H
25	L
26	H
27	H
28	H
29	N/A
30	M
31	H
32	H
33	N/A
34	N/A

Tab. 6.5 OGRS Score

The degree of impact, in terms of the number of factors cited within each category, also appeared to relate to offending risk. For ‘nurturing’, 68% of participants who had cited

**more than some**<sup>31</sup> impact for issues related to this factor had a high OGRS score, whilst only 13%<sup>32</sup> had a low OGRS score. In the same way, in terms of ‘thinking’, 80% of participants who had cited more than some impact for issues related to this factor had a high OGRS score, whilst only 20% had a low OGRS score. For ‘links’ 68% had a high OGRS score and 7% had a low OGRS score, for ‘emotion’ 72% were high and 11% low, for ‘culture’ 63% were high and 17% low, for ‘skills’ 59% were high and 9% low, for ‘alienation’ 88% were high and 13% low, for ‘resources’ 72% were high and 17% low and for ‘vision’ 65% were high and 13% low. All these factors are therefore likely to brutalise an individual's state of being when they make a deep impact, while the sheer breadth of them may again highlight the importance of an holistic approach to transitioning them into something more constructive.

Impact	Nurture	Think	Links	Emotion	Culture	Skills	Biology*	Alienation	Resources	Vision
*Total	-/- % of 0	-/- % of 0	86/-14 % of 7	-/- % of 0	100/- % of 1	50/50/- % of 2	-/- % of 0	-/- % of 0	-/- % of 0	50/50/- % of 2
*Ovrwhlmng	75 /-/25 % of 4	100/-/ % of 1	50/50/- % of 6	100/-/ % of 3	-/50/50 % of 2	67/17/17 % of 6	100/-/ % of 2	75/-/25 % of 4	80/-/20 % of 5	75/-/25 % of 4
*Much	60/40/- % of 5	60/-/40 % of 5	-/-/ % of 0	44/11/22 % of 9	88/13/- % of 8	-/-/ % of 0	50/50/- % of 2	100/-/ % of 4	63/25/13 % of 8	71/14/14 % of 7
Some	18/36/45 <sup>33</sup> % of 11	27/36/36 % of 11	50/25/25 % of 4	33/22/44 % of 9	30/30/40 % of 10	25/25/50 % of 4	50/30/20 % of 10	27/40/33 % of 15	-/67/33 % of 6	29/43/29 % of 7
No Impact	75/-/25 % of 4	57/29/14 % of 7	-/29/71 % of 7	33/33/33 % of 3	-/33/67 % of 3	42/25/33 % of 12	30/20/50 % of 10	-/-/100 % of 1	40/-/60 % of 5	-/25/75 % of 4
	The 24 OGRS scorers asked this question					% High OGRS Score %Medium OGRS Score %Low OGRS Score				

Tab. 6.6 % High/Medium/Low OGRS Score

When it came to the **\*biological states** cited, it was only with these that the existence of **much\*, overwhelming\* or total impact\*** was related to no low OGRS scores at all. Consequently, taking control of one's biological drives, as well as finding ways to

<sup>31</sup> **Namely Much, Overwhelming or Total Impact**

<sup>32</sup> Each percentage is calculated by averaging the individual percentages

<sup>33</sup> Percentages are rounded to the nearest whole percentage point, with 0.5 rounded up, throughout this research.



express and utilise them more constructively, might be central to transitioning from brutal activity to constructive activity.

<p><u>*Biology Category includes these 4 factors</u></p> <p>Biological and genetic and health factors - biology</p> <p>Delays in development - biology</p> <p>Early puberty - biology</p> <p>Young and male - biology</p>
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Tab. 6.7 Biology Category - 4 factors

### Theory and Literature Review of Constructive Activity

Biological drives, as mainstays of natural means of selection (Darwin and Wallace 1858) and survival of the fittest (Spencer 1864), are likely to be incompatible with sharing de-brutalisation, bound as they seem to be to destroying other gene pools and enforcing their own. However, it is perhaps within the capacity of humans not to be dominated by these drives, whilst also transitioning towards expressing and utilising them more constructively. As active, goal-seeking animals with the capacity to detect and pursue goods, transitioning to the internal and external conditions to be able to achieve these (Ward and Maruna 2007) in constructive ways might facilitate this. These conditions could include skills, values and beliefs internally and resources, social supports and opportunities externally, as well as the primary human goods of life, peace, knowledge, excellence, belonging, purpose, autonomy, mastery, relationships, community, creativity and happiness (Ward and Maruna 2007).

Indeed, the general public saw the good life as a life comprising happiness and meaningfulness (King et al 2004), while ‘offenders’ largely seek these same things that the rest of the population seek, wanting ‘getting married, a steady job and living in a

decent area’ (Bottoms 243-287:2006) alongside the pursuit of their own ‘goods’ (McMurran and Ward 295-311:2004).

Seeking what is Sought
‘As soon as you scratch the surface there are’ such ‘aspirations there’ (Butler 2013 <sup>34</sup> ). ‘I’ve got goals’, ‘I want to be a youth worker’ (‘Michael’ 2009 <sup>35</sup> ). By identifying these goals and concentrating on prioritizing pursuing them over other goals (Lopez Viets et al 2002), these key goals and life priorities of individuals can form the basis of targeted objectives to prioritise and operationalise the primary human goods in pursuit of an individual's own conception of the good life (Ward and Maruna 2007). In this it is important to establish what each individual is seeking (Ward and Maruna 2007) and what ‘moves individuals’ to act (Wikstrom 2006 <sup>36</sup> ), as personal identities are defined by ‘what we care about’ (Archer 318:2000) and goals ultimately reflect the values individuals hold (Ward and Maruna 2007).

Tab. 6.8 Seeking what is Sought

It is imperative to find what ‘sparks’ each person in this respect (Hawkins 2013<sup>37</sup>), in order to achieve fulfilled adults (Goldman 2013), focusing on the approach goals of what individuals *want* to achieve (Mann et al 2004), thus making action more enjoyable, which, as Lieberman (2005) says, makes things more likely to happen.

Approach Goals
Approach goals should be competency based, build on success to master situations (McMurran and Ward 2004) and concentrate on strengths not deficiencies (Bloom 2012) nor the avoidance goals (Mann et al 2004) that keep offenders alert to avoid lapses (McMurran and Ward 2004) and thereby focused on lapsing. Instead, fostering the necessary skills and confidence to help things go well is likely to be more constructive (Lopez Viets et al 2002), because when people believe they will do okay then they are likely to do okay (Lieberman 2005). This could be assisted by promoting individuals' strengths and taking into account those strengths, primary goods and relevant environment, whilst specifying exactly what competencies and resources are required to achieve these goods (Ward and Maruna 2007), including individuals' own constructive activity.

Tab. 6.9 Approach Goals

<sup>34</sup> Speaking at the Evaluation of the Reach the Heights-Support into Education and Learning Youth Justice Project 2010-2013 dissemination event 28.2.13 Merthyr Tydfil.

<sup>35</sup> Interviewed on Sky News, Sky News International

<sup>36</sup> Paper Orally presented ‘Assessing the Role of Individual Differences and Environment in Crime Causation’ at SCOPIC Conference, Cambridge, December 2006

<sup>37</sup> Speaking at the Evaluation of the Reach the Heights-Support into Education and Learning Youth Justice Project 2010-2013 dissemination event 28.2.13 Merthyr Tydfil

When people are active participants in their own rehabilitation, with strengths, skills and potential as contributors to their communities, which treat them as able to take charge of their lives and overcome obstacles, it can promote a sense of responsibility and self-efficacy (Raynor 2004). Those that desist were active in their turning points and took responsibility for their crimes in the past and their success now (Laub and Sampson 2003). In such ways, ‘self-help and self-need avoid the dependency that blocks development’ (Hopson et al 38-48:1992), as self-reliance is extremely important (Bloom 2012). ‘All human beings need some level of autonomy’ (Stevens 2013<sup>38</sup>), to make decisions and grant them status as an autonomous individual (Ward and Maruna 2007).

Autonomy
<p>Humans seek autonomy, relatedness and competence (Deci and Ryan 2000). When people are entirely in control of a situation, they usually feel a greater sense of responsibility (Lieberman 2005). ‘You have to give people some responsibility, that is the only way they are going to manage things for themselves’ (Stevens 2013<sup>39</sup>). Indeed, human agency has to be seen within a social framework of ‘responsibility’, ‘accountability’ and ‘susceptibility’ (Bottoms 243-287:2006), including in the public at large regarding constructive activity more generally. In this, there is work to be done in terms of the public taking responsibility for such things as obesity, exercise, substance use, smoking and diet (Stevens 2014). Eliminating such self-destructive behaviours might be best done one thing at a time and only one thing and starting with the easiest thing (Lieberman 2005) in order to gradually transition to more constructive ways of living.</p>

Tab. 6.10 Autonomy

This is likely to include benefits accruing to individuals taking control of their own recovery as *‘a journey with no fixed destination and is different for every person. It’s about discovering and rediscovering who you are and what you are capable of outside of any illness or disability you may suffer and taking control of your life again even if*

<sup>38</sup> Presenting ‘‘Serious Therapy’ for Serious Women offenders: experiences of the prison-based democratic therapeutic community for women’ presented at Newport Centre for Criminal and Community Justice Women and Justice Conference

<sup>39</sup> Presenting ‘‘Serious Therapy’ for Serious Women offenders: experiences of the prison-based democratic therapeutic community for women’ presented at Newport Centre for Criminal and Community Justice Women and Justice Conference

*you still have symptoms of your illness*’ (NELFT 12:2008), or other more broadly based social symptoms more generally. Such human agency itself has three dimensions, namely routine, purpose and judgment, and operates at the intersection of past, present and future, with ‘the flow of time’ being the context within which choices operate (Bottoms 243-287:2006), including the choice to change.

Choice to Change			
<u>Seeing a Changed Self</u>	<u>Change Mechanisms</u>	<u>Readiness to Change</u>	<u>Environment for Change</u>
<p>A choice to change seems more likely to come when people can see things about themselves that differ from their perceived images of themselves, so that they start to see they can be different and their lives can be different with a different future possible (Stevens 2013). This may require a more adaptive personal identity (Ward and Maruna 2007) and benefit from new actions being placed within the day's existing pattern (Lieberman 2005) as well as from ‘starting where’ individuals<sup>40</sup> are ‘at in their lives’ (Bloom 2012<sup>41</sup>). There can always be something helpful in any such place, pattern or identity, such as the way Shauna (2009<sup>42</sup>) said of herself ‘I would never hurt a kid or rob an old lady’. This might form a constructive point from which to establish the continuity, which Ward and Maruna (2007) advocate, between her offending self, that nevertheless holds this view, and a new changed self, which might not actually be so very different.</p>	<p>Behavioural change can come about by a slow progressive journey or a radical leap, with visualisation and the power of the imagination being enormous and being able to transform a person's life, while structure and focus and deadlines are then central in implementing that change (Lieberman 2005). Additionally, there could be a ‘spiral of change’, as the unhelpful activity continues, but might, at the same time, be spiralling toward progress (Prochaska et al 47-50:1992). Therefore, it is important not to be disheartened when progress is not in a straight line forward but encompasses relapses (Prochaska et al 1992). Change takes time, often many years, and offenders need an opportunity to apply insights in their daily lives (Farrall and Calverley 2006).</p>	<p>There perhaps needs to be readiness to change (Lopez Viets et al 2002) and readiness to deal with issues (Hannah-Moffat 2012), such as through substance use programmes, which can only succeed when an individual is ready to stop and personally motivated to stop (Coulsfield 2004). Things have to be done when people are ready (Matthew and Skuse 2013). Leila said ‘when your time's ready to change and when it just clicks in your mind you just think enough is enough and that is it’ (Cohen and Hamann 2009<sup>43</sup>). Individuals need to want it themselves (Aspinall 2013) and to be open to change, ceasing to value the old behaviour (Giordano et al 2002), because ‘if you want to change it's down to you’ and ‘you'll change if you want to change’ (‘Daniel’ 2009<sup>44</sup>). There could be ‘immense....fear’ at the thought of ‘doing something different’, but the comfort of recognizing one's goodness, when faced with the ‘pain’, Smith described (2012<sup>45</sup>), of having to admit being ‘wrong’ in one's offending it might help. Seeing one's self as having the identity of a ‘good’ person, not just one who has the ‘reputation’ Shauna (2009<sup>46</sup>) ascribed to herself ‘as a bad girl to keep up’, may bolster the slow ‘process’ of change (Smith 2012<sup>47</sup>) and its desistance that evolves over time (Laub and Sampson 2003).</p>	<p>A transition might be facilitated by moving individuals away from their existing environments in which they have such reputations to maintain. This might allow a further shake up of their self-concepts and make it easier for them to see themselves differently (Lieberman 2005). A chance to challenge the image constancy that drives individuals to try to live up to the images people have of them (Lieberman 2005), or that they have of themselves.</p>

Tab. 6.11 Choice to Change

<sup>40</sup> In this case women and girls specifically, though, where gender is not the overt focus of an issue, findings are not treated as gender-specific, any more than they are when the bulk of research focuses on men and so transfers findings.

<sup>41</sup> Presenting ‘Gender-Responsive Program Development and Assessment: Implications for criminal justice practise’ Paper at Women, Crime and Criminal Justice Practise Conference Cambridge University Institute of Criminology

<sup>42</sup> Speaking in Hughes, J., *The Trouble With Girls*, BBC

<sup>43</sup> Speaking in Holloway, Television Production for ITV.

<sup>44</sup> Interviewed on Sky News, Sky News International

<sup>45</sup> Speaking in ‘The Road from Crime’, Lagan Media Productions Ltd film for the University of Glasgow.

<sup>46</sup> Speaking in Hughes, J., *The Trouble With Girls*, BBC

<sup>47</sup> Speaking in ‘The Road from Crime’, Lagan Media Productions Ltd film for the University of Glasgow.

Persistent offending is a relapsing condition which almost inevitably takes time to overcome (Coulsfield 2004). Giving up offending may be hard to do, because that offending fulfills a function for the offender, without which there will be a ‘gap’ in their lives, with their needs going unfulfilled (McMurran and Ward 295-311:2004). Thus, offenders might be ‘ambivalent’ about stopping offending and it is important to acknowledge the difficulty of the offender's position and address the ambivalence (McMurran and Ward 295-311:2004). Individuals need to weigh up ‘the pros and cons of changing’ (Prochaska and Velicer 38-48:1997). The key could be a sense of ‘self-efficacy’, where people develop ‘situation-specific confidence’ to ‘cope with high risk situations without relapsing’ (Prochaska and Velicer 38-48:1997). ‘Temptation’ is critical, where ‘the intensity of urges to engage in a specific habit, when in the midst of difficult situations’, have to be managed (Prochaska and Velicer 38-48:1997) to enable lives to be turned around.

Habit	
<p><b><u>The Power of Habit and The Benefit of Early Good Habits</u></b></p> <p>It is because of this power of habit, that nurturing constructive activity from the start, rather than having to transition to it later, seems hugely preferable, so that constructive activity is the natural state of being and default setting to which individuals have been systematically brought up. Good habits and states of being nurtured from the start, alongside immediately tackling unhelpful habits and states, to prevent them taking hold, accumulating and escalating to the point Andrews and Bonta (2003) describe where socially learned criminal behaviour becomes a criminal habit.</p>	<p><b><u>The Power of Habit and Changing Bad Habits</u></b></p> <p>Desistance requires an offender to break that habit of offending by ignoring his/her established choices (Wikstrom 2006). This could be more challenging than establishing good habits in the first place. Wanting <i>and</i> feeling able to desist are both needed (Farrall and Calverley 2006), with the environment and opportunities and circumstances and external events that affect the capacity to achieve <i>and</i> maintain change also present (McMurran and Ward 2004). Establishing desistance is as influenced by random opportunities as the onset of criminality is (Laub and Sampson 2003), so service providers need to be just as alive to opportunities to activate desistance as they need to be to spot the need for it. ‘Turning points’ (Sampson and Laub 1:1993) can represent such opportunities to activate desistance. Turning points like employment, marriage and military service (Sampson and Laub 1993). Michael's stable marriage, regular work and military service appeared to have produced a positive life outcome, while Arthur's lack of these ingredients contributed to the opposite for him (Laub and Sampson 2003).</p>

Tab. 6.12 Habit

Turning points ‘knife off’ the past and ‘most offenders desist in response to structurally induced turning points that serve as the catalyst for sustaining long term behavioural

change’ (Laub and Sampson 278:2003). This, alongside an inner resolve to change their lives, with desistance by default, where desistance was not a conscious or deliberate process, but a side effect of their lives having changed through turning points, can create new structures, situations and persons (Laub and Sampson 2003). In this way, key events can trigger changes in social bonds, but their timing is important (Laub and Sampson 2003) and the resolution of ‘impediments to desistance’ is vital (Farrall et al 549:2010), as is overcoming obstacles to anti-criminal achievement (Andrews and Bonta 1998). Thus, any interventions are not context-free, but should take account of individuals' lives, challenges and environments when promoting adaptive functioning (Ward and Maruna 2007), supplementing any contextual deficiencies therein. This may need to include providing ‘opportunities and support’ for young people to grow up to ‘contribute’ to society (Tiessen UNICEF speaking on the 10th April 2013<sup>48</sup>) in constructively active ways.

Growing Up	
<p><b><u>Lost Potential in Growing Up</u></b></p> <p>As Walsh (2012<sup>49</sup>) says, individuals sometimes ‘don't know’ what they want to do, leading to a ‘crazy’ life of getting into trouble because of boredom, while thinking that ‘it's just what kids do’ because there is ‘nothing to look forward to’ but just living ‘from day to day’ doing the best they can (Page 2012<sup>50</sup>). This ‘failing to prepare means preparing to fail’<sup>51</sup> and means the ‘incredible resource’ that people are (Lamb 2013<sup>52</sup>), with their valuable potential, is wasted, inherently harming both them and their society.</p>	<p><b><u>Increasing Harm of Lost Potential in Growing Up</u></b></p> <p>This is likely to grow more injurious the more sophisticated societies become, leaving ‘the educationally disadvantaged...likely to be very much more disadvantaged than in the past’, as life demands a more and more ‘highly developed ability to acquire and analyse new information and to adapt to changing circumstances’, such that the educationally disadvantaged find ‘it ever more difficult to benefit from, and contribute to, the complex societies in which they live’ (Adamson 21-23:2013). Yet, all the while, ‘poor literacy’, ‘being excluded from school’ (Swansea YOT Swansea University Presentation 2008<sup>53</sup>) and justice interventions that conflict with school engagement (Norris 2013) continue.</p>

Tab. 6.13 Growing Up

<sup>48</sup> Speaking on Sky News, Sky TV  
<sup>49</sup> Speaking on Panorama BBC 11.9.12 ‘Trouble on the Estate’, BBC.  
<sup>50</sup> Speaking on Panorama BBC 11.9.12 ‘Trouble on the Estate’, BBC.  
<sup>51</sup> An oft quoted maxim in football where this researcher works  
<sup>52</sup> Speaking on *The Daily Politics*, BBC 2 on 15<sup>th</sup> May 2013, BBC.  
<sup>53</sup> Orally in a presentation by Swansea YOT, (2008), Presentation at Swansea University, Swansea, November

This constructive activity focussed discourse might be more helpful than the current ‘justice’ discourse, which is misleading, as justice is impossible *after* the event. *After* an event, that event cannot be undone, therefore, the only way to achieve ‘justice’ is *before* the event, by addressing brutality before it begins, through nurturing constructive activity in its place from the beginning of life.

## Chapter Summary

The importance of an individual's state of being, right from the outset of life, their levels of functioning assets and liabilities and their engagement with constructive activity has been discussed in this chapter. The next chapter considers how far a propitious situation in these regards can be nurtured and the elements that might be at play in advancing it.

Chapter Sections	Reasons to Hope	Barriers to Overcome	Possible Suggestions Arising from these Hopes and Barriers*  *endorsing those in the previous chapters
Transitioning from Worklessness to Work*	Citing work as positive or normal far outstripped all other functioning assets as the main such asset cited. Seeing work as positive or normal, wanting to earn any acquisition and having aspirations to improve or better one's self, all seemed related to working. Indeed, uptake of work only appeared to suffer where positive social and official experiences did not exceed negative such experiences, or where general positive experiences did not exceed official interventions as a functioning liability.	But an excess of brutalising social and official experiences appeared to be related to worklessness, with more than three times as many participants with this excess being workless as were fully working. In addition, as many of the participants who cited ‘work as positive or normal’ as the top asset were not working, as were fully working and an excess of positive experiences did not appear to add any additional functional benefit in terms of work participation. The functioning liabilities that appeared to be associated wholly with worklessness, when they were the main functioning liability cited, were lack of decent housing and poor treatment by others****, along with mental/emotional issues when combined with a propensity for wanting unearned acquisition. Mental/emotional issues and substance use alone also seemed associated with worklessness, as twice as many of those citing each of these as ‘top’ liability were not	<i>This dependency seems to suggest the benefits of fostering personal responsibility from childhood, such as through client-led interventions, even in school, as well as expecting the active participation in, and contribution to, society of everyone, available to everyone, such as through employment, or alternatives, and an end to unemployment, while disabling any propensity for unearned acquisition by ensuring any gain from brutality is undone and that there is an end to money without effort and effort without money, such that work, education, training, charity work, starting a business or disseminating quality parenting as part of parenting or any other alternative project or contribution that suits an individual and fits with their life become the conduit for payments. This challenge to unearned acquisition, to be morally consistent, also perhaps needs to including an end to any profit from property or business where that ownership is not based on working to deliver active ethical custodianship of all ownership and profit and its working development in non-harming ways. This could also help ensure places let out for living accommodation are of a decent quality, addressing another of the liabilities raised, as part of ensuring that everyone has a decent safe place to live, as well as an end to homelessness. The mental/emotional issues, also mentioned as a liability, similarly seem to bear out the need to take timely action on mental health needs, while</i>

		working as were fully working. Similarly, dependency upon others***, with 4 times as many of those citing this as 'top' not working as were fully working, also appeared associated with worklessness.	<i>the way in which substance use appeared to interfere with functioning, such as in work, might endorse the idea of trying to enable functioning, even while using, perhaps with sufficient medication and regulated access. Finally, the problems addressed by poor treatment, or an excess of this over good treatment, might indicate the benefits of respectful approaches from representatives of the state, or any other organisation, to ensure interventions ameliorate rather than deepen brutalising experiences, protected by fully funded advocacy for all involved and by authorities remembering they are only resources for client-led holistic action and their aim is improving not worsening quality of life and ending not reinforcing downward life spirals.</i>
Transitioning from Focussing Difficulties to Education	More than half of participants saw education as positive or normal.	But seeing education as positive or normal was only present, without any focussing difficulties that might undermine being able to utilise that education effectively, in 16% of participants.	<i>This might endorse the need for early intervention to address any focussing difficulties as soon as any quality is identified as lacking, alongside the lifelong availability of free education to ensure people can access it later if they are not ready to do so as children. Having said that, basing education on the active pursuit and advancing development of aptitudes and appetites might help in improving performance, happiness and well-being within education, which might be further enhanced by taking a more constructive flexible approach to encouraging focus and education, alongside funding in kind for opportunities for children. It would certainly seem to be unjustifiable to this researcher not to have the highest expectations for all students and to end the apparent toleration of downward life spirals being launched in childhood.</i>
Transitioning from Practical Difficulties to Aspiration**	70% of participants had aspirations to improve/better self, more than half of whom had no more than one practical difficulty.	But all those for whom aspirations to improve/better self were absent, and one or two practical difficulties were present, were workless.	<i>Thus the need to ensure work pays sufficiently to fund quality lives, and obliged insurance for times of need, such as the need for health and social care and for retirement, appears endorsed by this, such that everyone is financial secure enough to be able to overcome practical difficulties, but can do so by working, or equivalent, with work meeting aspirations, by being in line with appetites and aptitudes and by being rewarding, advancing, non-harming, pride-giving and able to actively pursue people's goals in non-harming ways with quality productivity in performance to fund the wide practical needs of society.</i>
Transitioning from Financial Difficulties to Financial Security	Being in fulltime work seemed more likely than worklessness where sufficiency of money exceeded need for money, or where neither was an issue, while, where pecuniary sufficiency exceeded need, offending risk seemed more likely to be low than high. In addition, around two thirds of participants referred to having	But only 14% of participants made more mentions of pecuniary sufficiency than of pecuniary need and 81% of participants had spoken of needing money, or that which it can buy.	<i>This seems to endorse the need to ensure work pays sufficiently to fund quality lives and that it is available for everyone.</i>



	sufficient money or that which it can buy.		
The Role of People	Actively positive behaviour**** predominated over negative behaviour in functioning contexts.	But negative behaviour otherwise predominated. Only 5% of participants had an excess of de-brutalising solutions/moralities/drives/desires**** over brutalising ones, while dependency on others*** appeared to predominate over domestic relational normalities with others in an overall majority of individuals. In the same way, negative treatment from others**** predominated over positive experiences of others, as well as commanding an overall majority of individuals, in terms of its brutality being in excess over the de-brutality of positive treatment. ****	<i>Thus perhaps it is important to enhance positive treatment and experiences, as well as ending toleration for negative treatment and negative behaviour, endorsing notions of respectful interaction. This seems likely to need to be backed up by appropriately timed and timely holistic interventions focussed on de-brutalising situations, where brutal treatment or behaviour persists, utilising respectfully, quickly and effectively initiated interventions to share the undoing of brutalising experiences and actions non-adversarially in a timely shared search for effective remedy and resolution with authorities as resources in the process, held to account by fully funded advocacy. Nowhere might this be more necessary than in domestic situations, to perhaps ameliorate the apparent dearth of domestic relational normalities, by perhaps facilitating quality family and domestic lives, childhoods and parenting with paid training of expertise in parenting, as well as providing special provision to protect women and children and to prevent disruption to their lives where brutal treatment or behaviour persists. Indeed, the law must surely include everyone in its protection from any such brutality, which might endorse the benefits of progress-tariffing****, monitored and contained where need be, to prevent brutal patterns of behaviour being repeated. However, where possible, it would seem far better to use positive functioning to nurture positive behaviour, in the way that provided hope, such as through the active participation in society discussed in earlier section summaries, as well as by improving the de-brutalisation of solutions/moralities/drives/desires that seemed dominant in underpinning conduct, perhaps by, in terms of solutions, ensuring people can have a way out of difficult situations through an easy to operate and understand online guide that provides straight forward situational legal escape routes as well as through full access to fully funded advocacy and, in terms of drives and desires, through systems that operate at their behest to facilitate their own aptitudes and appetites rather than to thwart them, right from school, and which, in terms of moralities, adhere to a consistent morality as a consistent moral framework that enables ethical delegation to authority through consistent execution of consistent morality against harm and transparent universally applied rules in consistent execution of consistent law.</i>
Functioning Assets and Liabilities	It appeared to be parity between brutal and non-brutal solutions/moralities/drives/desires**** that represented the greatest chance of being fully working and the only chance of having a low offending risk. In	But when the number of visceral difficulties reached overwhelming proportions, in the form of three or more such difficulties, resilience to them evaporated. Furthermore, when not accompanied by some degree of positive active happiness, having only one or two visceral difficulties appeared to be related to an increased offending risk, while those with	<i>Thus it seems important to ensure prosocial outlets for aspiration, as discussed in earlier sectional summaries above, whilst those outlets must surely also pay sufficiently to fund management of practical difficulties. Some of these practical difficulties, however, require permission and capacity, as well as funding, to be met, such as access to driving. There may be an argument to ensure sustainably structured driving is available to all, such as with visual, technical and sensory driver monitoring and assistance where needed. Accessing</i>

	<p>addition to which, neither of those with positive active happiness present without any visceral difficulties, had a high offending risk. It appeared that individuals could have some resilience to visceral difficulties, when they also had positive active happiness.</p>	<p>positive active happiness present without any visceral difficulties were unemployed. Moreover, positive active happiness was only present without any of the visceral difficulties that might undermine it, including any physical problems that might be the manifestation thereof, in 5% of participants, while three or more visceral difficulties appeared associated with an increased risk of offending. Additionally, where aspiration was accompanied by more than one practical difficulty, that aspiration seemed to become a driver for brutal activity.</p>	<p><i>opportunities without being able to drive would appear very difficult in modern society, such that, if authentic social inclusion and autonomous engagement is to genuinely replace social isolation or harming social interaction, people must surely be able to move freely and independently, even whilst this is contained, such as with speed-limiters, or monitored, such as with contemporaneous breathalysation while driving, where driving in itself presents a specific risk of harm, alongside ensuring it is environmentally sustainable to prevent it causing wider harm. Enhancing socially inclusive solutions/moralities/drives/desires, such as in the case of driving, might assist in active social inclusion, but the possible relationship between an open-mindset and parity in brutal and non-brutal versions of these solutions/moralities/drives/desires might also need to be explored. This state appeared to be the one most associated with the active social inclusion of work rather than offending and might be enhanced by broadening national debate where it is currently potentially limited by fears of saying something unacceptable or by being treated with disrespect when expressing oneself. Thus the media dissemination of respectfully expressed and heard uncensored diverse views with clear delineation between opinion and demonstrable fact, so that no one is excluded from national debate for fear of saying anything considered unsayable, whilst at the same time this does not lead to unsubstantiated misinformation, might enhance this beneficial open mindset. This mindset might also benefit from sharing any defining and enactment of de-brutalisation and the encouragement of self-expression in the discussion of such things, including valuing media-represented diversity of the experience of life and the equality of the value of lives, such that everyone is included and no one takes a position of moral superiority. Beyond this, the fact that the active social inclusion of work appeared to be mutually exclusive to happiness might also need to be addressed, as positive active happiness without any visceral difficulties seemed associated with being unemployed. If this persists then the moral legitimacy of work might be undermined, endorsing the importance of ensuring work actively pursues people's goals in non-harming ways. Where visceral difficulties do exist, however, these surely need to be addressed urgently, alongside any physical health affects that they might cause, such that there is always timely action on mental and physical health needs.</i></p>
The Role of States of Being	<p>None of the participants cited neither an achievement nor a positive state of being as part of the life they would like and 76% cited both. In addition, those who made specific exclusions of negative states of being had a</p>	<p>But in terms of the central zone of this ordering of the factors and impact in becoming an offender, the eight individuals in the top half of the central zone had a ratio of 2:1, in terms of high to low OGRS scores, while the bottom half of the central zone also had the same ratio, suggesting it could be only at the extremes that benefit or disbenefit might accrue. In addition, there was</p>	<p><i>Thus choosing brutality or surrendering responsibility for one's brutality does seem to need to be exposed, perhaps using technologically monitored honesty and actions on issues of public relevance such as brutality in narrowly pertinent questions and matters only. To be justified, this researcher believes that this needs to be applied with consistent execution of consistent morality, such that brutal choices or abdication of responsibility by the powerful, such as in political decisions, should be as closely scrutinised as those of ordinary people. Likewise, with any propensity in the powerful for the</i></p>

	<p>lower offending risk than those who simply excluded by omission, when looking ahead, as opposed to looking behind, where ignoring the negative appeared more beneficial. Only 9% of participants included a specifically offender-defining word in an unqualified manner as part of the description of their lives and only one participant selected 'crime is an acceptable choice' and he made it clear that this view was now in the past and that 'it wasn't obviously' an acceptable choice at all. None of the participants selected 'There was nothing wrong with what I did' and individuals seemed to see aspiring to a comfortable life as morally acceptable, whilst seeking riches excited more diverse moral views while nevertheless being alluring. Of all the participants who only selected words related to states of being, neither of those who included love within the words that would best describe the life they would like had a low OGRS Score and neither of those who excluded it had a high OGRS score, suggesting that those who would like to be loved, perhaps because they do not currently feel that they are loved, may be more at risk of offending and thus that more loving approaches to people might effect positive change. None of the individuals in the top eight, in terms of</p>	<p>a sense of the acceptability of their own activity and of exonerating the self from blame and choice, while three quarters of the cohort did not see themselves as 'a criminal' or as 'doing proper crime', while some apparently thought of being a criminal as predominantly a mere legal construct. Those who were concerned solely with achievement, without any desired state of being alongside that, had a high OGRS score, while 75% of those who selected lifestyle options included habit within that and 63% of them included acquisition. Moreover, all of this latter 63% included 'offending is an easy way to make money' as part of that acquisition. Furthermore, failing to acknowledge one's own criminality, through referencing problematic lives in a way that provided an implicit alternative explanation for one's actions, without also selecting an offender-defining word, seemed to be related to risk of offending and 70% of participants cited problematic lives as part of their life description, with only two participants specifically ruling out having problematic lives. Indeed, personal functioning difficulties appeared extremely widespread, with 75% of individuals potentially vulnerable. Though all the individuals who did not cite any difficulties, within a measure for being trapped within difficulties, had a high OGRS score, when the number of difficulties that individuals cited reached 5 difficulties, no one had a low OGRS score. The more factors related to becoming an offender present, and the more impact of each factor, the greater the apparent risk of brutal functioning, exemplified by offending. 75% of those who selected a broad range of reasons for offending had a high offending risk, but it was only with biological factors that the existence of much, overwhelming or total impact of them was related to no low OGRS scores at all. Other factor groups played a part in offending, including shortcomings in nurturing, thinking, links, emotion, culture, skills, alienation, resources and vision, as well as emotion. 89% of participants cited at least one difficulty with an emotional element</p>	<p><i>same easy money, riches and acquisition that allure offenders, preventing gain from brutal business, ownership or profit need to be as vigorous as preventing any gain accruing from crime. Alongside this, a comfortable life, even riches, seems likely to need to be achievable by all in unharmed ways if harming ways are not to be used, and this is also discussed in earlier sectional summaries. Although the personal responsibility, suggested in these earlier sections appeared part of achieving this, nevertheless problematic lives, personal functioning difficulties and all the other factors that may play a part in becoming an offender surely must also be addressed as also outlined in earlier sections of this summary. In this regard, nurturing, thinking, skills, resources, vision, emotion, habit, links, culture, alienation and biological factors all seem to need to be addressed, perhaps, respectively, with training to improve nurturing in parenting, training in constructive flexible thinking as part of approaches to education, lifelong free education to be able to acquire skills and access resources freely at any time, funding in kind for children to have opportunities to develop a vision of what they want to do, as well as an appetite and aptitude based education to be able to pursue that vision, early mental health interventions to ameliorate emotional problems early and broader early intervention to ensure good habits, links and cultural environments are established and negative such disrupted. In terms of alienation, the need to improve social inclusion is discussed earlier in this chapter summary, whilst, in terms of biology, finding constructive outlets for biological drives may be vital, with opportunities to pursue appetites and aptitudes in non-harming ways further endorsed, just as any harming pursuit thereof must surely cease to be tolerated, with transparent universally applied rules and automated access to all laws, including being championed by a funded advocate to ensure everyone is clear about where boundaries lie. The way boundaries are currently muddled, with crime not seen as acceptable nor life-defining but nevertheless knowing there was something wrong with what they did even though they relieve themselves of some responsibility, blame or choice in the matter and not themselves being criminal as what they had done was acceptable and the law was a mere construct, further endorses the importance of consistent execution of consistent morality and consistent law. Likewise, there surely needs to be clear preparation for this understanding, perhaps with course-preparation to manage life, that is certified and endorsable for retaking when required as part of citizenship, leading to a consistent age of adulthood when it is clear where the extent of responsibility lies and no one is left to enter adulthood without knowing what to do in difficult situations or what to do if they are desperate. This might also include a valuing rite of passage into that adulthood to help children feel valued as they enter this new responsible stage of their lives. Indeed, more loving approaches to people did seem to effect positive change. However, wider society nevertheless must surely be</i></p>
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	having the fewest factors and impact in terms of citing elements that played a part in becoming an offender, had a high OGRS score, and none of those in the bottom seven, in terms of having the most factors and impact, had a low OGRS score, suggesting that addressing the factors in becoming an offender might be efficacious in de-escalating this harm.	and only one of the 33 participants, who had selected any difficulties at all, did not include at least one with an emotional element. All of the 21% of participants who cited only personal difficulties as the reason for their offending, referred exclusively to losing control of themselves, rather than desperation or not knowing what to do and none of those who abdicated their responsibility in these ways, without also citing personal difficulties, had a low OGRS score. Similarly, none of those who included personal choice in any way had a low OGRS score either.	<i>protected from people losing control of themselves, such that where people cannot control themselves monitoring or containment must surely be considered, progress-tariffed**** until self-control is possible. In this regard, the focus seems likely to benefit from being forwards rather than backwards, since specific exclusions of negative states of being appeared useful when looking ahead but ignoring them appeared better when looking behind. Ensuring people care about their states of being also seemed important, as achievement with no regard for state of being seemed to be a risk and this achievement or a positive state of being, usually both, was present in everyone upon which to build. This only seems to strengthen the importance of sharing de-brutalisation by nurturing constructive activity to achieve, de-escalating harms that might undermine states of being and fostering the empathy to care about this for others as well as the self.</i>
<p>*The importance of positive social and official experiences illustrates the importance of arranging society's institutions as resources for people, with institutions to represent the whole of society that provide constructive educational/training/societal/official experiences with reference to Fig. 6.5 Work and Societal/Official Experiences and Fig. 6.6 Work and Positive Experiences/Official Interventions and Fig. 6.7 Education Positive Normal/Focussing Difficulties and Tab. 6.10 Autonomy<sup>54</sup></p> <p>**The importance of cultivating aspiration appropriately as a launch pad is shown in this chapter with special reference to the section on Transitioning from Practical Difficulties to Aspiration<sup>55</sup></p> <p>***The importance of cultivating independence is shown in this chapter with special reference to Fig.6.4 Types of Independence/Dependence and Work and Fig.6.13 Domestic Relations/Dependency<sup>56</sup></p> <p>****The importance of non-brutal strategies and interactions illustrates the importance of empathetic behaviour and treatment in pursuit of constructive solutions/moralities/drives/desires with reference to Fig. 6.12 Solutions/Moralities/Drives/Desires and Fig. 6.14 Encouraging Treatment or Repressive Treatment and Fig. 6.16 Encouraging Behaviour or Repressive Behaviour and Fig. 6.17 Actively Positive/Negative Behaviour<sup>57</sup></p> <p>*****progress-tariffing to only be in response to harming action and based on a risk-monitoring and autonomous-progress model of responding to harming actions by providing mechanisms for demonstrated progress which allow for immediate progress to be demonstrated with swiftly responsive progressive assisted release from monitoring and containment and enabling alternatives to harm with objective action-measurements of specific harm-reduced risk-proportionate specific action to assess progress-tariffs in meeting required expectations specific to harm caused in repair-based, non-punitive, swift, early, respectful, timed and timely interventions with high-quality universally accessible service-user controlled interventions for holistic resolution with authorities as resources and containment only where monitoring cannot contain risk to share the undoing of brutalising situations non-adversarially in a shared search for effective remedy and resolution with advocacy for all and required expectations specific to harm caused in line with Tab. 3.12 Progress-Tariffing: Risks and Responses and always remembering that progress-tariffing must be very specific and related to a very specific harming action and expecting very specific progress in that very specific harming action to prevent it becoming all pervasive, while providing swift opportunities for re-acquisition of certified coursed-preparation to manage life to release any endorsement thereof as soon as possible</p>			

Tab. 6.14 Chapter Summary

<sup>54</sup> See Arrange society's institutions as Resources for people, with institutions to represent the whole of society that provide Constructive Educational/Training/Societal/Official Experiences in Tab. 12.1 Measures-Summary in Chapter 12

<sup>55</sup> See Aspiration in Tab. 12.1 Measures-Summary in Chapter 12

<sup>56</sup> See Independence in Tab. 12.1 Measures-Summary in Chapter 12

<sup>57</sup> See Empathetic Behaviour and Treatment in pursuit of Constructive Solutions/Moralities/Drives/Desires in Tab. 12.1 Measures-Summary in Chapter 12