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Desistance from crime as a conceptual category of Polish social rehabilitation pedagogy

Abstract: This article describes desistance from crime/abandonment of criminal behavior in the scientific discourse of Polish social rehabilitation pedagogy.

On the Polish ground, it is a research category in social rehabilitation, but virtually absent from the broader pedagogical discourse. Desistance from criminal behavior, or more broadly: deviant, para-criminal behavior or manifestations of social maladjustment, in the light of the analysis conducted in the pages of this article, deserves to be called a pedagogical conceptual category forming, evolving, functioning, as it were, "in a state of creation" (Palka, 2003). **Key words:** Desistance from crime, conceptual categories, rehabilitation pedagogy, social rehabilitation.

Introduction

The purpose of the article is to present the position of social rehabilitation educators in relation to the problem of desistance from crime on the map of concepts and categories in pedagogy. The several-year presence of theoretical studies and attempts to research this phenomenon in Polish social rehabilitation pedagogy indicates the theoretical and research potential of desistance from deviant behavior, such as crime, para-crime (e.g. prostitution), engaging in risky, problematic or addictive behavior, of adults, children and adolescents. For the purpose of outlining the subject of our considerations in the introduction, it can be assumed that withdrawal is, in simplified terms, the abandonment of engaging in behavior described as deviant or criminal, carried out independently by an individual at a certain time without rehabilitative, therapeutic, educational or criminal law intervention. By far the most widely described phenomenon of desistance is described in social rehabilitation pedagogy as desistance from crime, where contemporary researchers define it in diverse contexts or subject it to diagnosis or empirical verification in field studies. In order to attempt to locate desistance on the map of Polish pedagogical categories, it is necessary first to answer two questions: the question of how to describe and explain the problem of desistance in the English-language literature, and the question of what is a pedagogical conceptual category in the pedagogy of social rehabilitation.

Defining the desistance from crime

Definitions and conceptualizations of desistance from crime have evolved over time (Rocque, 2017, p. 47), and desistance was initially described as an "end point" at which the individual's criminality ceases and the individual remains free of such behavior for a specified period of time (Kazemian, 2018, pp. 952–961). These were "binary" or "static" definitions (Bushway, Thornberry, Krohn, 2003; Kazemian, 2007). However, heterogeneity in crime patterns impinges not only on the course or causes of desistance, but also on its very conceptualization. Criminal careers are characterized by a degree of infrequency over the course of a lifetime, which D. Glaser described as a "zigzag path" between committing crimes and ceasing to commit them. "Criminals go from non-crime to crime and back to non-crime again. Sometimes this sequence is repeated many times, but sometimes criminals enter crime only once; sometimes the changes cover a long period, even permanently, and sometimes they are short-lived" (Glaser, 1969, p. 58, quoted from: Laub, Sampson, 2001, p. 54.).

So how long does one have to go without committing criminal acts in order to be considered as someone who has walked away from crime? Criminals spend days, months, or even years, between subsequent offenses, so determining when the crime has finally ended is basically only possible at the time of the person's death, which is not very useful from a cognitive point of view.

Another important issue raised in the literature is the initial level of crime, hence the question of whether it is adequate to study this issue among sporadic criminals or those who committed crimes only in adolescence. As an example, let us use the considerations of Terrie E. Moffit, who distinguished two groups of offenders: those who manifest behaviors that violate the social order throughout the life course (life-course persistent offenders) and those who violate it only during adolescence (adolescent limited offenders) (Bushway, Thornberry, Krohn, 2003, p. 130.).

The length of time and when the criminal career began is a differentiating factor in the course of desistance, but these are not the only issues complicating the attempt to clearly define desistance. It is also important to take into account the aforementioned remarkable heterogeneity in crime across the lifespan. Some criminals have short careers, others much longer.

In conclusion, the static framing of desistance from crime as a simple "termination of crime" seems unsuitable. Consequently, studies based on such assumptions do not take into account changes in crime rates or progression along the entire process. As Shadd Maruna notes, desistance is an unusual dependent variable for criminologists because it is not a single event, but rather a long-term absence of a certain type of event. Desistance thus does not fit the linear model of causality, considered by criminologists to be the most acceptable (Maruna, 2001, p. 17.).

Criticism of this static approach focuses on three issues: the choice of a threshold point as the boundary between crime and non-crime, the heterogeneity of offenders treated the same regardless of the length of their criminal career, the severity of the acts and their frequency, and the time at which the individual stopped committing the crime. David P. Farrington notes that "even a five- or ten-year period without crime is no guarantee that crime has ended" (Farrington, 1986, p. 201)¹.

As John H. Laub and Robert J. Sampson note, (Laub and Sampson, 2003, p. 36.), deviancy should be viewed as something that people return to sporadically over the course of their lives, rather than viewing criminality as a permanent feature of an individual treated as a criminal or non-criminal. This interpretation will capture the instability in crime over time, which is important for defining a desistance.

Nowadays, desistance is more often defined as a dynamic, multifaceted process experienced by a person (Rocque, Slivken, 2019), which makes it possible to note the progress made by an individual at different stages of this process (Kazemian and Farrington, 2010, p. 139.). Progress is understood here as a shift

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¹ It is worthwhile at this point to look at the issue under discussion from the other side. This was done in their work by K. Soothill and B. Francis, challenging the stereotypical distinction between "criminals" and "non-criminals" by emphasizing that for every person there is a risk of conviction in the future. In their study, they showed that even so-called "non-criminals" can be convicted within the next year – from about 9 in 1,000 at age 21 to about 2 in 1,000 at age 35. Using sentencing risk indicators to compare the trajectories of convicted criminals and non-criminals, they showed how these trajectories begin to converge over time. This leads to the conclusion that after a ten-year period of desistance from crime, previous behavior that violates the normative order is no longer a predictor for future crime. In other words, the statistical probability of committing a crime by a person who has never violated the law before and by a former criminal is the same (Soothill, Fitzpatrick, Francis 2009, p. 161); see also: Soothill, Francis 2009, pp. 373–387.

from a relatively high rate of criminal activity to a lower rate, or as a shift from more serious crimes to less serious crimes, or as a decrease in the frequency of criminal acts (Mulvey et al., 2004, p. 220).

According to S. Maruna, the processual context of desistance should be understood as the maintenance of crime-free behavior despite life's obstacles and frustrations, as "the ability to maintain abstinence may be completely unrelated to the initial cause (or primary reason) for stopping the behavior [...] avoidance motives can be powerful catalysts for action, but may not be enough to sustain long-term resolution in the face of powerful temptations" (Maruna, 2001, p. 27.).

Conceptual categories and their functions in pedagogy

Category is rarely defined in the literature; generally speaking, categories are treated as concepts or terms that constitute the conceptual apparatus of the scientific discipline. In pedagogy, "pedagogical category" is strictly defined, although many educators who use "category", e.g.: upbringing, corporeality, quality of life, tend to keep in mind its colloquial understanding (Wysocka, 2014a; Wysocka 2014b; Rogalska, 2022, Czerepaniak-Walczak, 2011). Meanwhile, according to Józef Górniewicz, categories are "elements of real or symbolic reality, constituting a certain functional whole, being a juxtaposition of elements belonging to different objects of reality, also structured in some way" (Górniewicz, 1997, p. 7). They are more than the concepts and terms distinguished in logic. Nowadays, in the era of overlapping of many different contexts, in the era of "post-postmodernism" (Śliwerski, 2015, p. 381; Gajdamowicz, 2010, p. 138) and interdisciplinarity or even transdisciplinarity in science, defining a pedagogical category seems particularly difficult, yet necessary when we care about the clarity and quality of a scientific argument.

It is worth outlining at this point how the status of social rehabilitation pedagogy is currently shaping up. Social rehabilitation pedagogy deals with the upbringing of socially maladjusted people or those at risk of social maladjustment. The notion of social maladjustment is central to social rehabilitation pedagogy, and it grows out of the tradition of special pedagogy, where social rehabilitation is located alongside typhlo-, surdo- and oligophrenopedagogy and focuses on "special education" (Grzegorzewska, 1964, p. 190; quoted from: Pytka, 1990). At the same time, however, the origin of social rehabilitation pedagogy located in social pedagogy is clearly visible (Ambrozik, 2016; Kusztal, 2021). The social origin of the social rehabilitation pedagogy corresponds with the Western tradition of social work with defendants and Mary Richmond's attitude, prescribing the mobilization of the forces of an individual, a group (family) and an environment to strengthen the individual in pro-social functioning (Sztuka, 2013, pp. 85, 186). At present, a manifestation of the heterogeneous status of social rehabilitation pedagogy is its placement as a pathway next to the field of education and at the same time,

just as legitimately, next to the field of special education, as one of the modules developing pedagogical competence in inclusive education (Regulation of the Ministry of Science and Higher Education, 2019). And "social rehabilitation" itself as a practical activity is sometimes situated next to security sciences or psychology or criminology. Significantly, the theory and practice of social rehabilitation remain contemporary in education, using traditional and developing new conceptual and methodological apparatus, based on the methodology of pedagogical sciences and pedagogical theories. At the same time, however, social rehabilitation is growing into an interdisciplinary social science, with psychology, criminology, sociology and legal sciences present (Urban, 2004, pp. 166–167; Urban, 2007, pp. 29–31). The conceptual categories of social rehabilitation pedagogy are and will remain pedagogical categories.

The language of pedagogy as a science, and at the same time the language of the modern educator (including the practitioner) "Must go beyond their modernist, closed structure into polysemantic and theory-creating categories. It must be capable of describing the ambivalent, peripheral, marginal and individual things in the space of discourse about the processes and subjects of education in the cultural conditions of textualization and metaphorization of world perception, in addition to the common and standard" (Gaweł and Bieszczad, 2011, p. 8).

The conceptual category has such potential to "direct thinking and organize research problems in various fields of knowledge, while remaining an object of analysis" (Skarga, 2005, pp.109-110; quoted from: Gaweł and Bieszczad, 2011, p. 8). Although Anna Gaweł and Bogusław Bieszczad make statements about research categories in education, there is no obstacle to transfer the considerations to pedagogy, however, abstracting from establishing their rigid frames of meaning. Pedagogy is full of concepts and categories that dynamically develop, evolve, become "fashionable", then "fade away", go out of date and await new, sometimes critical, sometimes affirmative, reappearance and new discoveries. According to J. Górniewicz, in order for a pedagogical concept to gain the status of a category, it should bring to pedagogy "a peculiar interpretive baggage, a broader context of occurrence and its own history grounded in various fields of science. Categories are constructs on which analyses of various fragments of social reality are supported, [...] conceptual categories that have broader application in many social sciences that are also slogans that carry a centuries-old baggage of interpretations, and some even - ideological and concerning world view" (Górniewicz, 1997, p. 12). Pedagogical categories should be set in a historical context and be based on recognized authorities, and while they belong to the discipline of pedagogy and grow out of its traditions, at the same time they have the power to transcend, transgress this discipline and penetrate into the areas of other disciplines².

² In my previous research explorations, I have attempted to determine whether and to what extent "child welfare" can be a pedagogical conceptual category (Kusztal, 2018), hence the present scientific

Pedagogical categories can perform various functions in pedagogy (Magier, 2013, p. 28). The cognitive function of desistance focuses on answering questions about what desistance from crime is in social rehabilitation pedagogy, i.e. description and explanation, as well as questions about understanding and giving meaning to this category in empirical research and interpretations in social rehabilitation discourse. The practical function of desistance from crime focuses on the use of desistance as a certain perspective, the context of methodological rehabilitation interventions or the functioning of the social rehabilitation system as supporting or hindering the process of desistance from crime. It is the practical function of the pedagogical category of desistance from crime that makes it possible to contest the thesis that "the task of the system of social rehabilitation interventions is precisely to accelerate and strengthen gentle maturation" (Muskała, 2016, p. 221).

Desistance from crime in Polish social rehabilitation pedagogy

Although the research on desistance has emerged as a kind of antithesis to institutional social rehabilitation interventions, there seems to be no conflict between desistance and rehabilitation, as reflected in a growing number of studies on "supporting" the process of desistance from crime. A look at the relationship between action, impact and the process of change that results in desistance from crime may seem familiar to educators and be associated with the concept of social rehabilitation. Social rehabilitation would be understood here as defined by social rehabilitation pedagogy, and not in accordance with how it operates in the broad public consciousness and, unfortunately, in legal or legislative circles, i.e., as referring exclusively to behavioral theories, a top-down, even medical model under which specialists try to change or improve socially maladjusted persons³. Already nearly forty years ago, the leading representative of the Warsaw school of social rehabilitation pedagogy, Cz. Czapów, clearly emphasized: "We do not equate [...] social rehabilitation activity with social rehabilitation, treated as an external-result function of an educational or other socializing system. We treat the relationship between social rehabilitation activities and social rehabilitation analogously to that between treatment and recovery. Sometimes someone is treated and does not co-

argument is based in part on similar sources presented in a different perspective and updated, cf. also: Górniewicz, 1997, pp. 5–6.

³ Clearly this discrepancy is formulated in one of his studies by M. Konopczyński, writing: "Modern social rehabilitation pedagogy knows that the syndrome of social maladjustment cannot be analyzed exclusively in the contexts of behavioral theories, which, as it turns out, is still debatable and unreliable for legal sciences, which, through their representatives, decide on the formal and organizational side of Polish institutional social rehabilitation, not to mention the administrators of various levels who organize and supervise this process under their substantive influence" (Konopczyński, 2013, p. 220).

me to health, and there are times when the disease goes away, despite the lack of medical intervention. Of course, such an attitude does not authorize either the disregard of medical activity or the underestimation of the activity that inspires, directs, corrects and sustains the process of social re-education rehabilitation (social rehabilitation)" (Czapów, 1980, p. 68.).

This understanding of social rehabilitation and related interventions has much in common with what the Anglo-American literature refers to as the desistance paradigm⁴. Therefore, there is no reason to put social rehabilitation and desistance from crime in opposition to each other. Research initiated by James O. Prochaska and Carlo C. DiClemente demonstrate the illusory nature of the distinction between individuals who change with the help of support groups or as a result of participation in programs and those who change without such (Prochaska, DiClemente, Norcross, 1992, pp. 1102–1114; Prochaska, Norcross, DiClemente, 2008.). Whether the change occurs during penitentiary or any other type of interventions, the individual continues to make the change on his or her own (which is well reflected in the term *self-changers*). After all, "in the program", in therapy with a psychologist, one spends only a small part of one's daily life; most of the hard work of changing oneself takes place outside of them. Whether one is subjected to professional intervention or not, change seems to be an internal, individual pursuit anyway.

It is in the desistance-based perspective that the greatest importance is placed on the process to which the person undergoing change is subjected: what this process means to him or her, how his or her personal social and cultural contexts force or hinder the process. Support institutions focus on the individual, but also pay attention to the community and ask how to rebuild relationships between individuals and communities to achieve desistance and reintegration. "The desistance perspective prompts the question of what reintegration (or integration) in communities really means, and what can impede it practically, psychologically and politically" (McNeill, 2012a, p. 98). This perspective mandates an emphasis on human subjectivity, which, as a basic conceptual category in the process of social rehabilitation interventions, has been functioning in social rehabilitation pedagogy from the beginning: "We arrive at [...] strategies and procedures for treating a person as the creator of his/her own biographies, his/her own personality not

⁴ Also, references to medicine are quite frequent, as exemplified by the remarks made by L. Kazemian and S. Maruna: "One can draw comparisons from the medical world. Within the immune system, the body has regenerative powers that naturally fight off many infections and complications. [...] However, our white blood cells and other protectors can be slow fighters, sometimes allowing annoying and painful symptoms to persist beyond a point we can tolerate. We therefore turn to professional help to intensify the process. Antibiotics, which we are often prescribed, are supposed to work in partnership with our body's natural, self-repairing functions, never underestimating them. Although we sometimes mistakenly attribute our recovery to pharmaceutical treatment, in reality we did the work ourselves with only some help", Kazemian, Maruna, 2009, p. 290.

through negation, but self-development, through affirmation of himself/herself in a different motivational and personal shape" (Pytka, 2010b, p. 19.).

If the offender is set as a target for intervention, two points should be noted. First, with good quality interventions that are based on empirically verified evidence, success depends at least as much on these interventions as on the subject himself (e.g., motivation, hope) and numerous contextual factors. Rather than viewing the social rehabilitative impact as something that produces change, the desistance perspective suggests that change happens over the course of a lifetime, even in the most impenitent criminals as a result of intervention or without it. The task for practitioners is no longer to "produce" change, but precisely to support it (McNeill et al., 2012b, p. 46.). Social rehabilitation services must think of themselves less in terms of providers of treatments (social rehabilitation interventions) and more in terms of supporting the natural process of desistance from crime, which depends on and belongs to the criminal himself/herself (McNeill, 2006, p. 46.). In a similar vein is the opinion of S. Farrall, who contrasts the hitherto "crime-oriented" perspective and the deficits of the offender with a "desistance-oriented" perspective that promotes factors associated with desistance from crime (e.g., strong social ties, pro-social involvement and social capital) (Farrall, 2004), namely personal and environmental resources (Antonovsky, 2005).

According to L. Pytka (2010a, p. 31.), positive, constructive, creative themes have been functioning in domestic pedagogical thinking and action for years, if only in the theory of creative independence of a student of Cz. Czapów, or the theory of creative social rehabilitation by M. Konopczyński (2015). The subjectivity of an individual also dictates a different view of the effectiveness of social rehabilitation interventions. Focusing only on the cessation of criminal activities, may not capture the changes in crime patterns present in the abandonment process. If, in the process of evaluating social rehabilitation interventions, these "irregularities in crime", this "zigzagging path of crime" between the beginning and end of a career that the vast majority of criminals follow, are not taken into account, misinterpretations can result. The dynamic nature of desistance from crime, resulting in a variety of pathways to cessation, will require educators, probation officers or, more broadly, social rehabilitation specialists, as well as academics, to revise the way they critically assess whether an offender succeeds or fails.

All of these issues are at the center of considerations and inquiries in social rehabilitation pedagogy, where withdrawal is a firmly established category that requires development through scientific research, the results of which will allow the construction of a concept or theory in Polish social rehabilitation pedagogy.

Contemporary Polish research on desistance from crime

Maciej Muskała (2016) was perhaps the first in Poland to conduct research on desistance, with the aim of to learn about individualized ways (paths) of de-

sistance from crime and the meanings that ex-offenders attribute to the events they experience along the way. Seventeen narrative interviews were conducted with ex-offenders in the qualitative research. Based on participants' reflections on attempts to change, the factors and processes involved in initiating change and the process of maintaining crime-free behavior in the face of life's obstacles and frustrations were analyzed. In the course of reconstructing individual processes of desistance from crime, carried out through retrospective creation of a meaning, the object of research inquiry has expanded to include the relationship between "triggering events" and the mental constructs created in the minds of ex-convicts about them. In subsequent publications, M. Muskała and his research team develop the issue of desistance from crime, especially in terms of the change in the process of social rehabilitation and the conditions for its occurrence (Chojecka, Muskała, 2021; Muskała, 2017; Muskała, 2018; Muskała, 2019).

In the area of research on desistance from crime and the search for a place for it in Polish scientific discourse, it is worth noting the paper written by Krzysztof Biel in 2017, which aimed to show the usefulness of the generativity category in the process of desistance from crime. Generativity is understood in the pages of this publication as "concern for future generations, but it can also be expressed through concern for oneself and the future of oneself and others (Biel, 2017, p. 49), and the literature highlights the theoretical and practical aspects of implementing generativity into the process of desistance from crime by exconvicts. One of its manifestations is commitment to parenting, and research cited in the article indicates that "parents who begin to care about raising their children are more likely to engage in substance abuse treatment, become professionally active, get an education or consider quitting crime so as not to become a negative model for their children. Thus, convicts focus on playing the role of a parent and therefore strengthen the sense of living for someone" (Biel, 2017, p. 54).

Another paper written by K. Biel presents research conducted among 90 convicts serving their sentences for the first time. Its goal was to measure levels of hope and self-efficacy and to demonstrate the relationship between these variables in the context of the process of desistance from crime (Biel, 2018, pp. 65–77).

The goal of the research described in the next paper was to identify gender differences in the process of desistance. The results of the literature analysis support the hypothesis that "men deviate from crime as a result of factors related to social status (employment, marriage), while women emphasize the role of factors related to personal relationships (family, friends, acquaintances, probation officers, therapists) in the process of change" (Biel, 2021, p. 57).

Research on desistance has been conducted by the Department of Criminology of the Institute of Legal Sciences of the Polish Academy of Sciences since 2016. An extensive longitudinal research identified a group of 39 male, repeat offenders who were serving prison sentences at the time of the research. The research was conducted using the in-depth interview method, and the goal of the research was to answer the question: "why did the process of recovery from crime in their cases fail, what stood in their way of this honest life?" (Klaus, 2022, p. 426). The conclusions of the research are multifaceted, pointing to structural and systemic difficulties, many of which are conditioned by the imprisonment itself and the way it is carried out (Klaus, 2022, p. 505).

Desistance from crime is one of the key themes of a trend referred to in the literature as positive criminology (Ronel, Segev, 2014), clearly distinguished from traditional positivist criminology, based on a deterministic theoretical and research paradigm (Błachut, Gaberle, Krajewski, 1997). It is a strongly eclectic trend, combining many concepts, sometimes from different historical periods and different cultural traditions (Drzazga, 2018, pp. 1–7). Desistance from crime is understood here as "the recognition of the mechanisms responsible for not engaging in deviant activity by those previously involved in criminal activity. The question of the etiology of the criminal phenomenon gives way here to questions about the reason for abandoning a criminal career" (Sztuka, 2022, p. 2). Positive criminology refers, as indicated above, to positive psychology or the good lives model, (Wysocka, 2016a; Wysocka, 2016b.; Ostaszewski, 2014). This model has great potential in pedagogical diagnosis, especially in social rehabilitation and prevention, as it emphasizes precisely the resources of the individual or environment (Kwadrans and Konaszewski, 2018; Kusztal et al., 2021)

Final thoughts

Desistance from crime is present in social rehabilitation pedagogy, but also in criminology, legal science, forensic or penitentiary psychology. As a category of contemporary social rehabilitation pedagogy, it could also be assigned an autonomous status, as it transcends the sub-discipline of social rehabilitation pedagogy, grows out of the social rehabilitation reflection developing on the domestic ground, at the same time is influenced by the inspiration of Western science and practice, and is built on concepts and other pedagogical categories, such as, for example, the subjectivity of the pupil or social rehabilitation upbringing. As a research category, it is already functioning in Polish social rehabilitation pedagogy, where its research potential is being developed, if only through the adaptation of measurement tools, or attempts to describe and operationalize the conditions for the occurrence of the desistance process. The conceptual apparatus of desistance from crime has already been developed in social rehabilitation pedagogy, and researchers and theorists freely refer to this category in their publications (Szczepanik, 2017). The question of the institutional determinants of this process in educational and social rehabilitation practice remains open, that is, the question of whether and to what extent social rehabilitation institutions support the process of "gentle maturation to change" in the individual himself/herself, and to

what extent they generate difficulties and impede this process. Hence the need for further in-depth research into the conditions for the occurrence as well as the course of the process of desistance from crime.

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