Motivating and Maintaining Desistance from Crime:

Male Aboriginal Serial Offenders' Experience of 'Going Good'

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July 2012

A thesis submitted for the degree of

Doctor of Philosophy,

of the Australian National University

Candidate's declaration

Except as acknowledged in the text, the work presented in this thesis is my own original research and has not been submitted, in whole or in part, for a degree or diploma at this or any other tertiary institution.

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Acknowledgements

Abstract

Aboriginal people are over represented in prison in Australia, being 13 times more likely to be incarcerated than non-Indigenous people. Repeat offenders make up a high proportion of the Aboriginal prison population, yet most repeat offenders eventually cease offending or desist from crime. Why do they stop? The process of desistance is complex, non-linear and varies between individuals. North American and British studies report the role of structure and, more latterly, cognition and agency in desistance and re-formation of offender identities. Few of these studies examine the context, particularly the cultural context, of desisters and desistance. This thesis uses anthropological and ethnographic approaches to present and analyse the life narratives of Aboriginal men from north-western New South Wales who have been repeat offenders and are now 'going good' (i.e. have ceased offending). Concepts of agency (and its temporal orientations), cultural schemas and figured worlds are applied. The stories of the early lives of participants and the views of community members paint the backdrop of offence, desistance, identity formation and re-formation. The agentic role of the motivating cultural schemas of fatherhood, life partnership, committed kin and respected man are found to operate in the initiation of desistance as men consider ontological security and extricate themselves from the figured world of repeat offender. The interplay of contingency and capacity is critical in the maintenance of desistance, with shortfalls in the individual's capacity sometimes being bolstered by spousal and family support. The thesis examines the role and interaction of Aboriginal and offender identity in desistance and maps the repeated expression of the underlying value of 'looking after' family and kin, and in this context the role of post-release occupation in desistance is critically examined. Continuity of aspects of identity are discovered to be critical in achieving desistance and paradoxically, achieving continuity often involves innovation in relationships with kin and/or in expression of the moral value of 'looking after' or 'caring for' (kin).

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Glossary

AA	Alcoholics Anonymous
Aboriginal	The term Aboriginal refers to the people who are the descendants of the original inhabitants of mainland Australia. It does not include Torres Strait Islander people. See Indigenous
Abstudy	An Australian Government allowance for Indigenous secondary or tertiary students or full-time Australian apprentices.
ABS	Australian Bureau of Statistics
ATSIC	Aboriginal and Torres Strait Islander Commission
AVO	Apprehended Violence Order
Big gaol	'Big gaol' is the term commonly used to refer to adult prison.
BOCSAR	Bureau of Crime Statistics and Research
Boys homes	Colloquial term for juvenile detention
CDEP	Community Development Employment Projects (CDEP). CDEP is an Australian Government funded program for unemployed Indigenous people in remote locations
Centrelink payments	Centrelink is an agency of the Commonwealth Department of Human Services. It provides a range of payments and services
Circle sentencing	An alternative sentencing program which involves members of Aboriginal communities in the sentencing of Aboriginal offenders
Community Working Party	Most towns in the Murdi Paaki Region have Community Working Parties representing the different Aboriginal demographic groups and community organisations. There is also a Working Party in Dubbo to progress matters in partnership with the general community. The Murdi Paaki Region was an ATSIC region in Western NSW.
Detox	Detoxification
DoCS	Department of Community Services (NSW)
Dry out	Colloquial term for a drug and/or alcohol rehabilitation centre.
DV	Domestic violence
GBH	Grievous Bodily Harm
'going good' or 'doing real good'	Local expression for 'staying out of trouble (with police)' or having been out of trouble for some time.
Housing Commission	Now 'Housing NSW' but still commonly referred to as 'the Housing Commission'. This is the provider of public housing in NSW, i.e. subsidised, publicly-owned housing, also called 'Commission Houses'
Indigenous people	The term refers to Aboriginal and or Torres Strait Islander people collectively. The term 'Aboriginal people' does not include Torres Strait Islander people.
ICS	Intensive Court Supervision

Kinship terminology	See section following
Koori	Term for 'Aboriginal person' used by some Aboriginal groups in parts of NSW and Victoria, for instance the Wiradjuri in the west and central west refer to themselves as Kooris
Lifers	Prisoners serving 'life sentences".
Link-up	Organisation providing services (counselling and kin tracing) to 'Stolen Generations' members. http://www.linkupnsw.org.au/
LDS	Liverpool Desistance Study (Maruna 2001)
Mission	(see Reserve)
Mish	Colloquial usage for Mission (see Reserve)
NATSIS	National Aboriginal and Torres Strait Islander Survey. This survey was conducted throughout Australia during April to July 1994 by the Bureau of Statistics ,
NATSISS	National Aboriginal and Torres Strait Islander Social Survey. This survey is conducted every six years by the Bureau of Statistics and compliments the NATSIS.
NSW	New South Wales, an Australian state.
OPK	Ogijiita Pimatiswin Kinamatwin, which means "learning to become a protector and provider for the community", is a program run in Manitoba, Canada for a particular group of Canadian Aboriginal ex-offenders (Deane *et al.* 2007:127)
OxyContin	OxyContin (oxycodone) is an opiod pain reliever used to treat moderate to severe pain. It is often used by heroine addicts.
Reserve	Missions and reserves are small Aboriginal settlements on the outskirts or within a short distance (5-10 kilometres) of towns. Originally settled in 19th or early 20th century, many still exist in NSW under the ownership of Local Aboriginal Land Councils. Local people will refer to them as 'the mission' or 'the Mish' depending upon their history. In the interests of disguising locations and therefore identities, I use the term 'reserve' to refer to all of them.
RCIADIC	Royal Commission into Aboriginal Deaths in Custody. (Commonwealth of Australia 1991)
TAFE	Department of Technical and Further Education. This is the (state run) major provider of vocational education
Yarndi	Marijuana, cannabis
Yetta Dhinnakkal	Yetta Dhinnakkal Centre is a NSW Corrective Services Department minimum security institution for Aboriginal males, located in north-western NSW, 800 km from Sydney.

Kinship terms

M   Mother

F   Father

S   Son

D   Daughter

B   Brother

Z   Sister

W   Female spousal partner

H   Male spousal partner

These terms are used in combination to describe relationships, for example:

FZ   Father's sister

FBS   Father's brother's son

FMM   Father's mother's mother

MMZSD   Mother's mother's sister's sons's daughter

A note about style

Because I wished to maintain as much of the 'voice' of participants as possible, single quotation marks have been used to denote colloquial expressions and particular terms or meanings, while double quotation marks have been used for short direct quotes, whether verbal or from text.

Text quotes more than five lines long are in indented block text and longer voice quotations are in indented block italics with no quotation marks. Interviewer questions and comments are in bold italics.

Key people (alphabetical order)

Name	Main ref	Age 2010	Key relationships	Key features of narrative
Aethan	Ch 5	40	Kylie (W) Allan (S)	3-4, father left; 7-10, stealing 13-14, juvenile detention 15, mother murdered 18, met his biological father in gaol 19-24, 7 year sentence for assault 26-33, 7 year sentence for assault, life in danger by end of this term 33, met Kylie, then 6 months "on protection"; starts a family 38, stops drinking alcohol 39, drug rehabilitation
Allan	Ch 5	21	Aethan (F) Unnamed (W) and child	Visited in juvenile detention by estranged father Aethan Did ICS program Nearly run over by truck Influenced by "good policeman"
Ben	Ch 5	40	Randall is MZ_2S Noel and Brad are MZ_1S	Repeated driving offences
Brad	Ch 4 Ch 6 Ch 7	26	Savanna (W) Noel (B) Randall (MZ_2S))	10, father died, mother started drinking, neglecting children 13, expelled from school year 7 14-18, 3 times in Juvenile detention 16, met Savanna, 19 first child 18-21, all birthdays in gaol 21-25, no offences, mostly working 26, nine months for assault
Daryl	Ch 5 Fig 7.1	34	Gail (W)	Heroin, then alcohol, scared of waking up not knowing what he had done Main motivation: partner
David	Fig 7.1	37	Charlene (W)	22 - 25, several sentences for assault DV 25, Met Charlene, an older women, strongly affiliated with land issues of their language group 28 both stopped drinking 33 traineeship, then job
Dean	Ch 4 Ch 5	35	Unnamed (W)	15, lived alone looking after siblings 19, gaol, alcohol and assault Main motivation: children
Eddie	Ch 5	43	Unnamed (W)	Alcohol and family violence Job working with Aboriginal culture
Jack	Fig 7.1	37	Merrily (W)	Was a 'colleague' (in crime) of Mick's, used heroin 18 met Merrily 20, 9 months gaol, many robberies not caught 22, birth of child changed his life, got a job Now sees little of cousins, works at community controlled organisation and studying Certificate 4 level.

Kyle	Ch 4 Ch 6	31	Not named	15mths, mother left 2-7 lived mostly with Auntie (FZ) called 'Mum' 7-12 oscillated between (FZ) and (FM) 14 met partner, mother of children 15 expulsion, intermittent juvenile detention, gaol, drugs 24, rehabilitation, AA, found apprenticeship by chance 25, tradesman's job
Mick	Ch 4 Ch 6 Ch 7	36	Suzie (W) Jason ('F') June (step-M) Stuart (FB) Sarah (FBW)	2, mother left; 16, Jason moved away, Mick found out Jason not his biological father 18-28, more in gaol than out 26, met Suzie while in gaol 30, rock-bottom and rehabilitation 32, found out about course of study by chance, manages relationships with cousins 34 found out about job by chance
Noel	Ch 4 Ch 6 Ch 7	27	Alanna (W) Brad (B) Randall (MZ$_2$S)	11, father died, mother started drinking, neglecting children 14-20, all birthdays in gaol 21, met Alanna
Randall	Ch 4 Ch 5	40	Kristi (W) Noel (MZ$_1$S) Brad (MZ$_1$S) Ben (MZ$_4$S)	12/13, mother left, father in rel'shp with (MZ$_3$) and mostly absent 13-18, juvenile detention 5-6 times 18, heavy drugs, 18-30 in and out of gaol 24, stabbed in gaol 30, gaol classification changed from B to A 32, "got together with Kristi" 37, methadone program
Ray	Ch 5	39	Unnamed (W)	Catalyst was 'brief intervention' re alcohol consumption. Main motivation: children
Ricky	Ch 5 Fig 7.1	21	Julie (W)	14/15, break and enter, expelled, 17, break and enters, met Julie Juvenile detention when nearly 18, Rehabilitation, traineeship, main carer
Robbie	Ch 5	48	Unnamed (W)	Alcohol and family violence Met up with his son in gaol Trained to be offender delegate
Terry	Ch 5	45	Unnamed (ex-W)	Stabbed his partner Advice from 'lifers' Main motivation: children Recruiting young to football

Noel, Brad, Randall and Ben kinship diagram

Legend:

Female ●	p = person	Fostered/adopted ▽ ○
Male ▲	C = child	Divorced or deceased /
M = mother	F= father	Z = sister

Mick's family kinship diagram
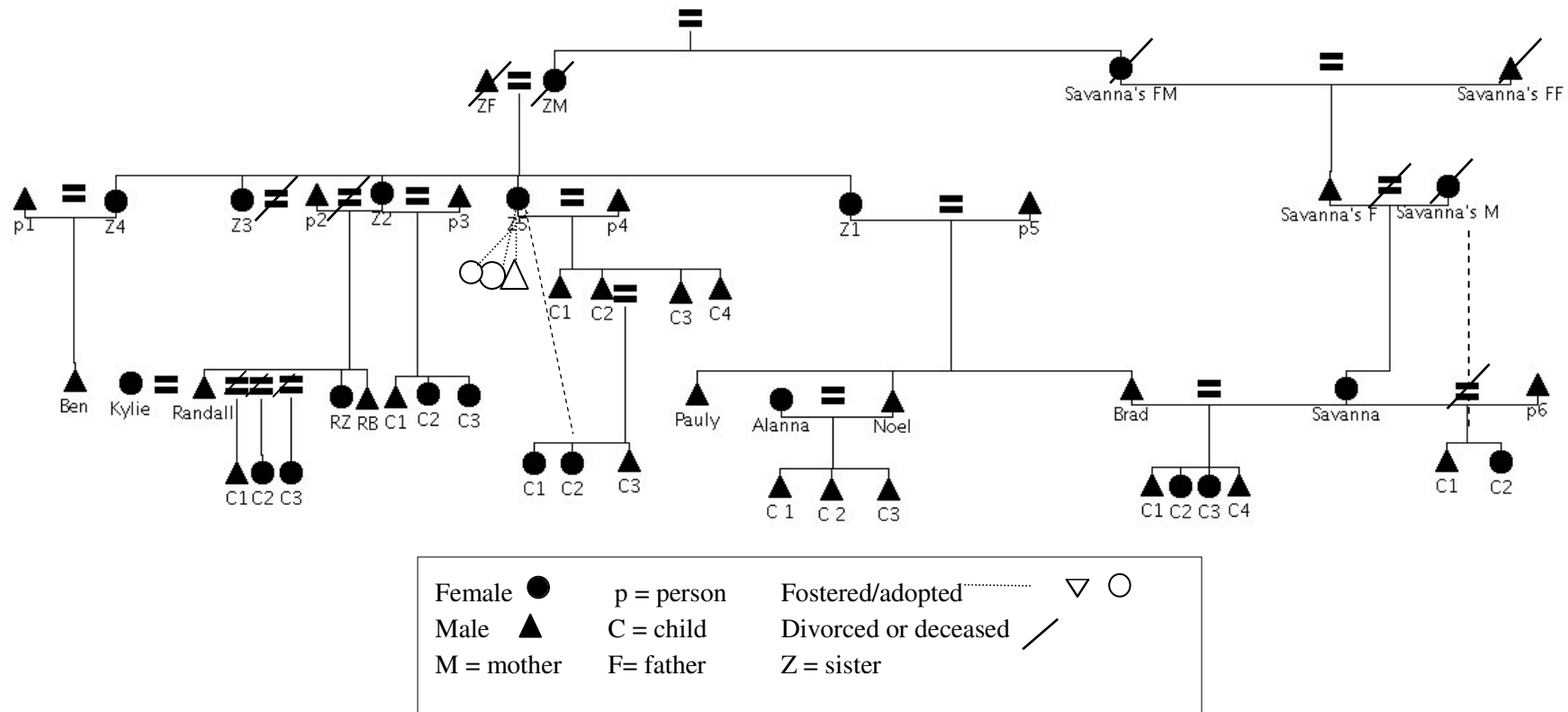
Chapter 1.   Background and introduction

The rationale for the study

Aboriginal and Torres Strait Islander people are over-represented in prison.
Although making up only 2% of the population in New South Wales (NSW), they
are 15 times more likely than non-Indigenous people to be incarcerated
(Weatherburn, Fitzgerald & Hua 2003).[1] Figure 1.1 graphically depicts the
differences in conviction rates by age.
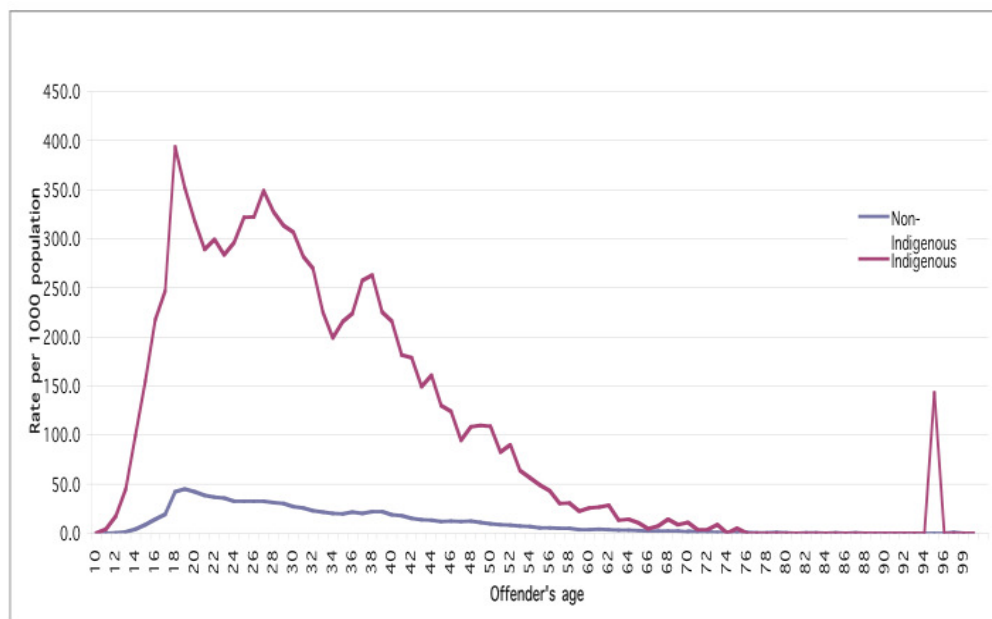
Figure 1.1   **Age specific conviction rates for Indigenous and non-Indigenous offenders,
2010, NSW Children's, Local and Higher Courts: rate per hundred
thousand.[2]**

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[1] Within a five year period (1997-2001) more than one quarter of the NSW Indigenous
population appeared in court and about 6.8% of the Indigenous population were given a
custodial sentence. Within a single year (2001) 40% of Indigenous males and 14% of
Indigenous females aged 20-24 appeared in a NSW court and 10% of males in that age group
received a custodial sentence. Aboriginal prisoners in NSW currently represent just over one
quarter of the prison population. The imprisonment rate in NSW is currently at least 14 times
the non-Indigenous rate (Australian Bureau of Statistics 2011:Table 4.2) which is consistent
with the national average.

[2] The high rate of 95 year olds: while there was only one Indigenous offender convicted in this
age bracket, the Indigenous population for 95 year olds in NSW was only seven.

A large amount of Indigenous over-representation in prison is due to re-offence. Whereas almost 60 per cent of non-Indigenous offenders had not previously been convicted, approximately 75 per cent of Indigenous offenders had been (Snowball & Weatherburn 2006:13; see also Willis 2008:3-4), however our knowledge of the Indigenous re-offence is "piecemeal and incomplete" (Willis & Moore 2008).

Re-offence and re-incarceration are emotionally and economically costly to individuals and families and increasingly costly to the state. Even if one were not concerned about these stark figures on social justice grounds, recent research has shown the high cost of re-incarceration. Even modest reductions in the rate at which re-offenders are imprisoned would result in substantial cost savings. A 10% reduction in the Indigenous re-imprisonment rate would reduce the prisoner population by 365 inmates, resulting in a saving of more than $10 million per annum (Weatherburn, Froyland, Moffatt & Corben 2009:7). The imprisonment rate for Indigenous and non-Indigenous persons is given in figure 1.2.
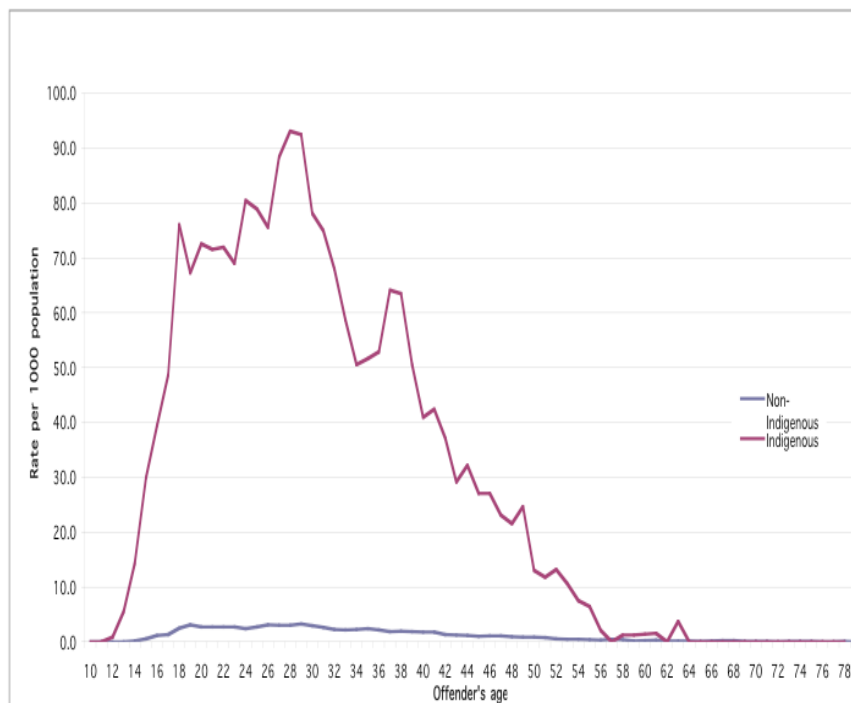
Source: NSW Bureau of Crime Statistics and Research

Figure 1.2   Age-specific imprisonment rates for Indigenous and non-Indigenous offenders, 2010, NSW Children's, Local and Higher Courts: rate per hundred thousand.

The main rationale underpinning the criminal justice system is prevention of re-offending (Garland 1990:288) and much of the criminology literature focuses on the causes of crime, in the hope of preventing re-offending. The aim of this study is not to find out why people re-offend, but to understand the process of, and the underlying motivation of re-offenders who cease to offend. Most criminals cease offending at some time, most between the ages of 30 and 40 (Blumstein & Cohen 1987:989) and for many by their early 20s (Maruna 1997:60). The process of ceasing to offend is known as desistance: "the long term abstinence from crime among individuals who had previously engaged in persistent patterns of criminal offending" (Maruna 2001:26).[3] People desist or stop offending at different rates and in response to different contexts.

Evidence suggests that desistance occurs despite the lack of effective rehabilitative programs in the criminal justice system. Many people change without the benefit of 'rehabilitation' interventions. This has sometimes been termed 'natural' or 'spontaneous' desistance (Maruna, Immarigeon & LeBel 2004b:12-16).[4]

Desistance is a relatively new field of study which has until recently predominately used large scale databases and quantitative analysis as its evidence base. Later, other researchers (see for example: Trasler 1979; Shover & Thompson 1992; Mischkowitz 1994; Leibrich 1996; Maruna 2001; Giordano, Cernkovich & Rudolph 2002) began using qualitative approaches to desistance, paying more attention to the role of the individual in the process, however few have paid attention to the social or cultural context of the actors being studied. Some of the earlier studies, if not motivated by a desire to assess risk and predict

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[3] Definitions of desistance are further discussed in chapter 2.

[4] For evidence of paucity or lack of Australian programs and services see: Baldry, McDonnell, Maplestone & Peters (2002); Baldry & Maplestone (2003); Baldry, Ruddock & Taylor (2008); Willis & Moore (2008).

recidivism with the intention of implementing selective incapacitation,[5] were used for that purpose (see Laub & Sampson 2003:559). Desistance studies are now more often motivated by the hope that an understanding of how and why people stop re-offending may point to improvements in policy and practice to reduce recidivism, or are being used to this effect (Maruna & Farrall 2004b; Maruna & Immarigeon 2004; McNeill 2004; McNeill 2006). Reducing re-offence is the underlying rationale for this study.

The study

This study seeks to understand and analyse the lived experience of Aboriginal people who share a sociality and have experienced the journey away from serial criminal activity. The research uses ethnographic methodology to understand the desistance experiences of these people. My purpose is to contextualise the behaviour of participants as they enact the process of changing from being repeat offenders against the law (of the dominant society) to people who are 'going good' or 'doing real well' or 'staying out of trouble'.

This chapter presents an outline of what is known about the nature and profile of Aboriginal[6] crime, briefly reviews the literature about over-representation and recidivism, explains the broad methodological approach of the study and shows how it contributes to filling a gap in knowledge about and understanding of the complex area of Aboriginal interactions with the criminal justice system, and outlines the contents of the thesis.

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[5] Selective incapacitation refers to the practice of targeting offenders with particular profiles in order to maximise their lack of capacity to commit crime by trying to ensure they serve their full sentence.

[6] Unless referring to other bodies of work which use the term *Indigenous* or statistics recorded using the term *Indigenous* (meaning people of Aboriginal and/or Torres Strait Islander descent), I use the term *Aboriginal* throughout this work rather than *Indigenous* because my study did not include any people of Torres Strait Islander descent of whom there are very few (if any) in the study area.

Nature and profile of Indigenous crime in NSW

The make up of the over-representation

Studies on over-representation have, by and large, sought to explain why Aboriginal people come into contact with the justice system at such high a rate. Despite the fact that most commentators agree with the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) (Commonwealth of Australia 1991a) that Indigenous disadvantage is the general underlying cause of over-representation, the Commission's attribution of over-representation to bias in the operation of the justice system has been less universally supported (Weatherburn & Holmes 2010a). There has been heated debate about whether over-representation is due to systemic and/or institutionalised racism or to the offence rates of Aboriginal people (see Weatherburn *et al.* 2003; Cunneen 2006; Weatherburn & Fitzgerald 2006). Cunneen (2001) has written extensively about the impacts of over-policing, use of police discretion, selective application of certain laws, and the impact of cultural differences (especially different communication styles) on Indigenous people's relations with the justice system. Hogg and Carrington (2006:115) report a law and order discourse in mainstream rural NSW which amounts to protest against the reforms of the 1980s and 90s which sought to restructure the police force and the NSW magistracy, and introduced new mechanisms such as anti-discrimination laws and an ombudsman's office. They imply that while these reforms were badly needed and changed local justice system power bases, they did not solve all the problems (2006:112-5). Statistical analysis, however, has shown no evidence of bias in sentencing in NSW (Snowball & Weatherburn 2007; Weatherburn & Holmes 2010a).

Over-representation is related to the rate of offending and that the higher imprisonment rates (and double the rate of court appearances) of Indigenous people is influenced by the nature of the offence and the greater likelihood of prior convictions (Baker 2001; Weatherburn *et al.* 2003; Snowball & Weatherburn 2006). The likelihood of a prison sentence is increased if the offender has a prior

criminal record (Snowball & Weatherburn 2007). More recently, Fitzgerald (2009) suggested that the increase in the adult Indigenous imprisonment rate in the last decade is explained by the fact that changes to the way the criminal justice system responds to offending has a disproportionate effect on Aboriginal people, largely because of their previous criminal record and the nature of the offences they commit.

Summarising the make up of over-representation:

- Statistical analysis reveals no evidence of racial bias in sentencing (Snowball & Weatherburn 2006) and Indigenous defendants are more often sent to prison because they commit more serious offences, acquire criminal records and more frequently breach non-custodial sanctions than non-Indigenous defendants (Snowball & Weatherburn 2007:287)

- Indigenous offenders are more likely to have legal representation than non-Indigenous offenders (Snowball & Weatherburn 2006:14)

- Indigenous offenders are more than three times as likely to have been given a suspended sentence than non-Indigenous offenders and approximately 1.6 times as likely to have previously been given a periodic detention order (Snowball & Weatherburn 2007:281)

- Indigenous offenders are 1.2 times more likely to be convicted of a serious violent offence than non-Indigenous offenders (Snowball & Weatherburn 2006:13)

- Much of the violent crime of Indigenous offenders is committed by young males against other Aboriginal people and much of it occurs outside major population centres (Snowball & Weatherburn 2007:286)

- Compared with non-Indigenous prisoners, Indigenous prisoners tend to be younger, more likely to have committed assault, and serving a shorter sentence (Australian Bureau of Statistics 2006 cited by Willis & Moore 2008:11; Weatherburn & Holmes 2010a:561)

- Indigenous violent offenders are more likely to be readmitted to prison for committing further violent offences (especially assault, 44%) than other types of offences (Willis & Moore 2008:25).

The "simplest explanations for the fact that Indigenous Australians are over-represented among those charged with a serious criminal offence is that they are over-represented among those who commit serious offences" (Weatherburn & Holmes 2010a:563). This research cites the rates of arrest for homicide, robbery and burglary (where police have no discretion not to arrest), the hospitalisation rate from deliberately inflicted violence (Al-Yaman, Van Doeland & Wallis 2006) and self-reported crime rates (Weatherburn *et al.* 2003). Weatherburn and Holmes (2010a) recommend that future efforts to reduce over-representation be put into dealing with underlying causes of crime and identify four areas of disadvantage which correspond with some of the major characteristics of offenders that commonly correlate with crime.

Characteristics that correlate with crime

Statistical analysis of the Bureau of Crime Statistics (BOCSAR) database, the census and other national survey data have shown that the following characteristics most closely correlate with Indigenous people's contact with the justice system (whether for arrest, charge or imprisonment).

The major correlates are:

- Gender (male) (Hunter 2001)

- Age (Hunter 2001)

- Labour status (unemployment) (Hunter 2001; Weatherburn, Snowball & Hunter 2006; Weatherburn, Snowball & Hunter 2008)

- Substance misuse (particularly alcohol) (Hunter 2001; Weatherburn *et al.* 2006; Weatherburn *et al.* 2008)

- Encounters with verbal or physical threat (Hunter 2001)

- Education (lack of school completion) (Hunter 2001; Weatherburn *et al.* 2006; Weatherburn *et al.* 2008)

- Housing need (stock and quality) (Hunter 2001)

- Negative peer group association (Hunter 2001)

- Child neglect and abuse (Hunter 2001; Weatherburn *et al.* 2006).

These findings reduce the guesswork in explaining the rate at which Aboriginal people are arrested and imprisoned although the authors make it clear that within current data constraints, causal relationships cannot be proven (see for instance: Weatherburn *et al.* 2006:11; Weatherburn *et al.* 2008:318).

The difficulty of knowing what mediates what is exemplified by Weatherburn and Lind's 2006 paper. For instance, despite there being a very strong correlation between crime and child neglect, it is difficult to know whether: child neglect contributes to low levels of social control and social efficacy; low levels of social control and social efficacy lead to child neglect; or poverty, geography, ethnic heterogeneity and poor parenting combine to produce low levels of collective efficacy and (independently) high levels of crime (Weatherburn & Lind 2006:394).

Similarly, in discussing the impact of the very strong correlate of alcohol Weatherburn *et al.* (2008:319) point out that "[b]eing an alcohol abuser may increase the risk of arrest because it increases the risk of violent behaviour, because those who abuse alcohol are more likely to have been neglected and/or abused as children, because those who abuse alcohol are more likely to attract the attention of police, or all of these things." They call for further work on the causal relationship between the independent variable (alcohol in this case) and the transmission mechanisms linking them to arrest.

Weatherburn and Holmes (2010a) identify drug and alcohol use, child neglect and abuse, poor school performance and unemployment as particular areas for

attention in attempts to reduce Indigenous over-representation in prison. The role of these factors in the childhoods and young lives of participants will be discussed further in chapter 4.

Theories of cause of Indigenous crime and re-offence

The emphasis in the literature has been on why Indigenous people have such a high crime and imprisonment rate compared with non-Indigenous people rather than on why some Indigenous people offend and others do not, or why people cease offending. Willis and Moore have declared that "our understanding of Indigenous offending, particularly re-offending, is currently piecemeal and incomplete" (2008:17).[7] Theories of desistance will be discussed in chapter 2.

This thesis explores the experience of some Aboriginal serial offenders who have ceased offending. Whilst it is important to understand the background to Aboriginal over-representation, there is little reason to assume that desistance from crime is a reversal of the causes of crime.[8] For a study of desistance, the theories of cause of crime and over-representation are important only insofar as they are relevant to explanations of desistance from serial offence, so discussion of these theories in this thesis is limited to this issue.

The main theories that have been used to explain Aboriginal crime and violence (Broadhurst 2002; Snowball & Weatherburn 2008) are:

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[7] The study interviewed 34 serving prisoners and seven ex-prisoners who were still under the supervision of corrective service departments (Willis & Moore 2008:37). It examined evidence of barriers to 'reintegration' of the offenders and the results highlight the lack of appropriate and effective services offered by correctional institutions either during or following incarceration.

[8] Desistance is not a simple process of reversal of the causes of crime. Despite one group of theorists (Gottfredson & Hirschi 1990; LeBlanc & Loeber 1993 cited by Laub & Sampson 2003:18; Sampson & Laub 2004:296) proposing that desistance is the reverse of the risk factors of offending, Sampson and Laub have shown that desistance is a function of other processes (Laub & Sampson 2003; Sampson & Laub 2003) and that "adult trajectories of offending among former delinquents cannot be reduced to the past" (Sampson & Laub 2004:588).

- *Social control theories*: breakdown in external restraints on behaviour (Hirschi 1969); weak internal restraints, e.g. self-control (Gottfredson & Hirschi 1990); social disorganisation (as in the theory of collective efficacy) (Sampson 1995); and *anomie* (breakdown in social control in an entire society due to rapid change) (Durkheim 1965).

- *Social deprivation theory:* this relates to situations of unequal wealth, status or power and includes *economic strain theory*[9] (Merton 1968), *social opportunity theory* and *conflict theory*[10] (see Vold *et al.* 2002, chapters 8 and 13).

- *Cultural theory of violence*: violence is caused by ideas, values, norms and expectations of behaviour, not social conditions (Wolfgang & Ferracuti 1981 cited by; Vold *et al.* 2002:167). This theory sits within the group of *learning theories.*

- *Life style/routine activity theories*: these suggest that vulnerability to crime increases when potential offenders come together with potential victims in the absence of capable guardians (Snowball & Weatherburn 2008:220). This sits within the *rational choice model*.

One other major body of theory relates to causes of Indigenous crime:

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[9] *Strain theory* proposes that the ability of some to satisfy (cultural) appetites (e.g. for wealth) is limited. 'Norms' determine how one should satisfy such appetites and these norms should generally be valued and appreciated in and of themselves. If the goal of gaining wealth is stronger than an appreciation of the institutionalised way of gaining it then *strain* results, especially for those unsuccessful in using the approved methods. The culture values the attainment of the goal and the social structure places limits on the possibility of attaining it (Vold, Bernard & Snipes 2002:136-7). Responses to *strain* include *innovation* (i.e. crime), *retreatism* (e.g. drugs and /or alcohol) and *rebellion* (e.g. the formation of gangs due to unachieved status rather than wealth) (Vold *et al.* 2002:142-3). Later versions of *strain theory* (Cullen 1983; Agnew 1992) include 'emotional' *strain* at the individual level rather than the sort of *strain* incurred at the societal level said to be implied by Merton (1968). Agnew's *General Strain* theory (1992) focuses on negative relationships which prevent goal achievement.

[10] *Conflict theory* relates to situations where groups with unequal economic or political power coexist which might result in *rebellion* or *resistance* (Morris 1988; 1995). Laws mirror the self-interest of those in power and members of that group are less likely to be arrested or convicted, regardless of their behaviour. The organised state represents the interests of those with the power to control its operation, rather than common interests. The stronger the group, the more laws represent their interests (Vold *et al.* 2002:Chapter 13). Vold *et al.* suggest "[T]he major problem with testing conflict criminology is distinguishing between conflict explanations and the other possible explanations" (2002:242).

- *Developmental theories*: developmental processes affecting children and youth determine individuals' experience with the criminal justice system. Theorists identify a range of relevant risk and resilience factors which influence the pathways to (or around) delinquency (Developmental Crime Prevention Consortium 1999; Homel, Lincoln & Herd 1999).[11]

The Developmental Crime Prevention Consortium (1999) did not specifically address Indigenous issues and the authors subsequently developed what they call 'meta factors' in respect of Indigenous people (Homel *et al.* 1999). Meta risk factors included forced removals, dependence, institutionalised racism, cultural features, and substance use. Meta resilience factors included cultural resilience, personal controls and family controls.

Theories of the causes of Indigenous crime are by no means discrete. Issues of socio-economic disadvantage and impacts of colonisation have been said to underlie or contribute to all of them (Broadhurst 2002; Snowball & Weatherburn 2008; Weatherburn *et al.* 2008). Correlates derived from statistical analysis would lend support to most of these theories (Snowball & Weatherburn 2008). Other criminological theory (specifically *labelling theory* and *restorative justice*) (Braithwaite 1989; 2002; 2007) has been used in the development of alternative approaches to sentencing such as Aboriginal circle sentencing.[12] *Social disorganisation* theory has been tested in the context of rural crime with some

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[11] One of the strengths of this approach is its relevance to prevention and early intervention strategies, however its focus on early years has also been noted as a limitation, especially when 'an early years' perspective leads to a limited view of development and where it is interpreted such that early childhood experience dictates later development, thereby condemning various groups to pre-programed outcomes (see Sampson & Laub 2006 for a discussion). A focus on early years also leads to limited views of contextual influences (Goodnow 2006). Deterministic interpretations of developmental approaches are strongly contested by many *life course* theorists (see Farrington 2005).

[12] For an explanation of circle sentencing see the Glossary. These are not central to considerations of re-offence and desistance as they are by and large limited to first offences for non-serious crime (Potas, Smart, Brignell, Thomas & Lawrie 2003; Marchetti & Daley 2004; Marchetti & Daly 2007; Cultural & Indigenous Research Centre Australia (CIRCA) 2008; Fitzgerald 2008; Marchetti 2009)

analysis undertaken in relation to Aboriginal communities (Jobes, Barclay, Weinand & Donnermeyer 2004; Jobes, Donnermeyer & Barclay 2005).

Broadhurst applied a postcolonial lens to Indigenous over-representation and favours a combination of strain and conflict theories as accounting for most variables (Broadhurst 2002). Blagg (2008), dismissed the application of many of these theories on the basis that they have been developed in response to the experience of the European diaspora in the USA and in the absence of postcolonial analysis. Blagg rejects empiricist approaches, locating his discussion "within an historical framework formed by the processes of colonial dispossession, genocide and assimilation, and forms of resistance to these processes" (2008:2). He articulates a "decolonisation" agenda (2008:200-2) arguing for the need to consider the long-term impacts of colonial policies and practices and for a "sensitivity to the narratives and discourses of marginalised voices" (2008:15).[13] Blagg suggests opportunities for decolonisation be sought in the development of new structures and processes in the liminal or hybrid spaces between Aboriginal and non-Aboriginal domains (von Sturmer 1984).

While this thesis acknowledges and frequently refers to historical (and continuing) impacts of colonisation its main focus in on the journey of participants away from the system rather than the causes of crime. Given the limitations of the explanatory variables which are derived from broad national survey data, I would argue that the greatest benefit of these theories and the test of their validity, is that they serve as heuristic devices.

Snowball and Weatherburn (2008) conducted a test of 'theories of Indigenous violence' analysing the theories listed above using the 2002 National Aboriginal and Torres Strait Islander Social Survey (NATSISS) data. This and a more recent

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[13] It is worth noting that others define 'decolonisation' as something that pertains to and is enacted primarily by Indigenous people themselves (Sherwood, Keach, Keenan & Kelly 2011:194)

study (Weatherburn & Snowball 2012) using data from the 2008 NATSISS found some support for *lifestyle/routine activity theories* and to a lesser degree *social disorganisation* and *social deprivation theories,* but little support for *cultural theories* of Indigenous violence. The assumption tested was that the closer Indigenous people were to their traditions (as judged by language and residence on traditional lands) the more violent crime there would be. However equating 'culture' to these measures is simplistic (Peterson 1996; Martin 2009) and the ability of the NATSISS to capture information about cultural orientation and affiliation is extremely limited (Peterson 1996). As Martin points out, in violent behaviour "both long term cultural continuities and cultural transformations exist simultaneously and interdependently" (Martin 2009:52).[14]

An account of the sorts of complex issues involved in understanding the cultural and historical effects that contribute to the high crime and incarceration rates of Aboriginal people was succinctly provided by Edmunds (1990) in a discussion paper for the RCIADIC. Her report argues strongly that "circumstances and pressures [that contribute to crime] arise from within the dynamics of Aboriginal society itself" (1990:55). Resilient cultural practice (both measures of social control and ways of organising social relations) "now operate within sets of circumstances vastly more complex than those for which it [cultural practice of control and social relations] was produced" (1990:1). Her paper makes it clear that for settled Australia as for more remote places "cultural processes have been maintained as well as accommodated, … cultures can change without being destroyed …[and] Aboriginal cultural principles are alive and well" (1990:55). She documents the role of features common to the diverse range of Aboriginal societies in Australia including exchange, negotiability (sometimes manifesting as factionalism), mobility and a sense of place. She outlines a number of underlying

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[14] By culture I mean the "ingrained and widely repeated patterns of practice and value" of a group of people (Sutton 2009:64).

tensions in Aboriginal life including between personal autonomy and relatedness, between age and gender groups, and informal mechanisms of social control and current strains on and impediments to the operation of these forms of social control (1990:2-3). Citing Sansom (1988b:152), Edmunds makes the point that intransigent behaviours that often result in trouble with the law are not rooted in "[colonial] rebellion but in the resilience of cultural practice" (1990:55). While, being removed from its context, this statement may appear to overstate its case, I find Edmunds' analysis insightful and instructive.

My conclusion is that cultural practices, and particularly the accommodations with modernity involved, cannot be adequately captured by simple measurements or indicators (Peterson 1996) such as the degree of language retention and traditional land occupation. Indeed, it is the relationship between culture and its <u>changed</u> context that is at the centre of the issue, not 'classical' Aboriginal culture. The retention of cultural practice and its accommodation of change in the face of profound impacts of white settlement is significant and has implications for the study of Aboriginal desistance. As we will see, the day-to-day social context of Aboriginal people is governed by cultural attitudes and practices which impact on the endeavours of participants in the study to desist and, as I will argue, endeavours to desist have the potential to modify cultural practice. Below I outline the disciplinary approach taken to record and interpret the stories of these Aboriginal serial offenders.

The present study

I began this study with a general sense that culture (and history) had to be relevant in understanding the process of desistance from crime for Aboriginal people in NSW. Edmunds (1990) demonstrated how culture and history contribute to the disproportionate numbers of Aboriginal people detained by police and incarcerated in gaol. That is not to say that desistance from crime is necessarily a reversal of these contributing factors, but that culture and history shape the lives and decisions

of actors. During analysis of the field data I became interested in the role of agency in desistance. In the process of writing, my interest extended to questions of the extent to which personal change is cultural change and the relationship between personal change and innovation and cultural change and innovation; to the extent that change is an innovation in the personal practice of culture, what might its impact on culture be? To what extent does the transformation of personal practice constitute a deviation from cultural norms? Does it contribute to an erosion or modification of cultural identity? Clearly, the impact of culture on personal change (as an inhibitor or enabler or neutral modifier) is also of interest.

As outlined in chapter 2, many of the major desistance studies have been quantitative rather than qualitative, and as such are necessarily "decontextualised for the purposes of operationalisation" (Young 2004:26). Even qualitative studies limit the amount of contextualisation provided. Some researchers have made impassioned pleas for approaches to criminology other than positivist ones.

> What is needed is a theoretical position which can enter into the real world of existential joy, fear, false certainty and doubt; which can seek to understand the subcultural projects of people in a world riven with inequalities of wealth and uncertainties of identity. What we need is an ethnographic method that can deal with reflexivity, contradiction, tentativeness, change of opinion, posturing and concealment. A method which is sensitive to the way people write and rewrite their personal narratives. Our problems will not be solved by a fake scientificity but by a critical ethnography, home to the potentialities of human creativity and meaning. (Young 2004:26)

The limited number of qualitative studies of desistance have largely been undertaken by psychologists or from a psychological perspective (see for instance Giordano *et al.* 2002). In most of the studies the social and cultural setting is either ignored or is incidental and when this is not the case, the studies aim to develop universal patterns of desistance. Even one of the few studies that examines desistance amongst ethnic minorities draws participants from across the United States (Hughes 1998) not from

particular communities.[15] The behaviour of the desisters is not described or analysed relative to their own community or culture. Most studies are of samples of people from the dominant society and little reference is made by scholars of desistance to either culture or class within that society. This is important in the discourse concerning rehabilitation. When (or if) one asks the question 'rehabilitation to what?' an understanding of the cultural baseline of actors is important. This has not been a common approach although a recent study in Sheffield has sought to examine desistance in its social context and in so doing has been able to begin examining issues surrounding conformity (Bottoms, Shapland, Costello, Holmes & Muir 2004; Shapland & Bottoms 2007; Shapland & Bottoms 2011b). Latterly, desistance scholars have begun to explore the importance of race and ethnicity in desistance, an issue that has long been considered in studies of engagement in crime (as is evident from the literature on over-representation) but not in disengagement. Most of the studies considering ethnicity in desistance are quantitative rather than qualitative, some of them comparing a number of ethnic minorities with each other (e.g. Finestone 1967; Calverley 2009; Chu & Sung 2009). All except one Canadian study (Deane, Bracken & Morrissette 2007; Bracken, Deane & Morrissette 2009) examine desistance among groups who are members of various diasporas. The Canadian study examines one particular program in Manitoba for Canadian Aboriginal street gang members. Rather than describing the lived experience, most of these studies explain differences in desistance between groups in terms of the structural location of ethnic groups within the wider society and particularly emphasise the importance of social organisation in providing (or not providing) access to 'social capital', often used almost as a synonym for access to (legitimate) employment opportunities (Calverley 2009). While the impact of cultural values and attitudes of family to the offender and to criminal activity on desistance are described, most of these studies

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[15] Despite being from particular ethnic groups they were effectively selected from what could be called 'communities of practice' (particular therapeutic programs) rather than from particular ethnic or community groups.

tend to underplay the interaction between culture and agency, and culture and identity development in the desistance process, placing an emphasis on structural issues. This thesis aims to add greater depth of understanding this by focusing on the role of agency and culture in the motivation and maintenance of desistance.

About the discipline

This study seeks to understand and analyse the lived experience of Aboriginal people who share a sociality in their journey out of serial criminal activity. The aim is not to present an ethnography but to use ethnographic methodology to reach an anthropological understanding of the desistance experience of these people. The thesis makes use of ethnographic observations, life histories and interviews with participants' families and communities to present a range of case material illustrating the desistance process.

Anthropology and ethnography are not the same thing (Amit 2000) but ethnography and participant observation allow an "appreciation of context, meaning and social relationships that shape anthropology. … Anthropology's strength is the ethnographic spotlight it focuses on particular lives, broadly contextualized" (2000:15). Ethnographic fieldwork is recognised as the primary generator of anthropological analysis and insight (Musharbash 2011a:2). It is a practice of verbal description and anthropology, " an inquisitive mode of inhabiting the world, of being with, … is itself a practice of observation grounded in participatory dialogue" (Ingold 2008:87-8).

The methods used in this study include 'verbal description' and Geertzian interpretation (i.e. description rather than generalisation) (Geertz 1973) and fieldwork undertaken with an anthropological eye or the 'sideways glance' of the comparative attitude (Ingold 2008:87).[16]

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[16] Geertz (1973:16) describes the process of recording informant's words as 'the power of the scientific imagination to bring us into touch with the lives of the stranger'.

The field is *multilocale* insofar as it attempts to understand the *practice* of desistance (which might occur anywhere) and involves several locations (Amit 2000:8; Strauss 2000). However these locations are circumscribed by the shared locational orientation of participants who, I will argue, also share a collectivity or sociality (see further chapter 3).

The underlying motivation for this analysis and methodology derives from the expectation that a better understanding of the lived experience of the desistance process for this group of men, will be of use to policy makers. Understanding how the process relates to the underlying cultural context is critical.[17] An ethnographic and anthropological approach will deliver this understanding. It will illustrate how the desistance process is conceptualised by Aboriginal desisters, their families and community members.

The analysis will separate agency from structure in order to examine the contributions of social context and socialisation to participants' desistance from crime. It will provide examples of how issues of identity transformation said to be inherent in the desistance process (see chapter 2) are articulated in the context of Aboriginality. The study will attempt to isolate and describe interactions between aspects of Aboriginal sociality and the justice system which have the potential to accelerate or hinder the desistance process.

Structure of the thesis

In this chapter I have contextualised the discussion by explaining a little about Aboriginal incarceration and the rationale for this study. Chapter 2 describes what is understood about the process of desistance, outlining the major theories and debates in this relatively new field and showing that the literature (with very few

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[17] Desistance is not an event but a process and, because of the subjectivities and issues of identity involved, the process is inescapably individualised – so understandings of desistance need to accommodate age, gender and ethnicity related differences in the process (McNeill 2009:4).

exceptions) fails to consider adequately the cultural context of desisters. It will identify some of the key issues flowing from the desistance literature relevant to this study and present some of the theoretical approaches stemming from an anthropological perspective that I will use to examine the desistance process in a particular cultural context, including agency and structure, social schemas, and figured or cultural worlds.

Chapter 3 describes the methodology and the field within which I worked. Describing the field is essential given the importance of context in this study and the methodology used. It presents the nature and location of the field, some background about the region and the socio-economic setting, the nature of the sociality of the people who are the focus of the study, and information about participant recruitment and other specifics of the methodology.

Chapter 4 presents some common themes in the lived experience of the participants in this study, the context in which criminal activity takes place and the context in which desistance occurs in order to elucidate the nature of desistance. This description includes factors common to childhood and youthful experience, experience of detention and gaol and more recent circumstances. Observations and views of family and community members contribute to the picture of the common context of desisters and others. While one catches glimpses of the cultural world of repeat offenders, this thesis is not a study of the cultural world of prisons. It is a study of how people exit from that world. This chapter raises the question of the extent to which desistance might be said to be desistance from the norm – that is, desistance from participating in activities which are considered normal among the peer group and often among the wider community.

Chapter 5 examines the motivation for and beginnings of desistance. It provides eight short case studies and two longer ones and separates motivation (particularly initial but also ongoing motivation) into intrinsic and extrinsic factors, into structural supports and agential moves, providing a useful way to demonstrate how

each affects the other and allowing identification of critical points of influence in the process.

In chapter 6 the focus moves to the maintenance of desistance and continues to use the disaggregated notions of agency and structure to explore the process, examining in more detail the interplay between intrinsic motivation and contextual external influences and the relationship between capacity and chance. It presents four case studies, two which demonstrate the importance of chance events in the context of capacity and two which show the way values and family orientation can operate to support desistance where participants may have less capacity. The chapter examines the differential impact of the 'context for action' on the success of the actors' projects in the light of variable levels of agency and particularly capacity. The context for action includes structural issues and chance events which might be seized as opportunities (or combated if they are barriers) depending upon the capacity of the agent. Structural issues include factors such as housing and training and the institutions of marriage and employment. The relative importance of kinship *vis à vis* these institutions is examined.

Chapter 7 examines issues associated with identity in more detail, including the management of conflicting values and concepts of adulthood. It examines the role of identity in the desistance projects of participants and, in particular, the role and relative importance of Aboriginality in those projects. It examines improvisation in the articulation of identity (specifically in relation to relatedness) and the interaction between identity and generativity.

The concluding chapter, chapter 8, summarises and discusses the findings of this thesis that contribute to desistance and anthropological literature, emphasises issues of particular relevance for future research, and outlines some implications for the development of policy and practice.

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Chapter 2.   Desistance and its study

The nature of desistance

Studies of desistance focus on individuals "who reach some reasonable threshold of frequent and serious offending" (Laub & Sampson 2001:10; Sampson & Laub 2004:298), rather than on people who have committed a single or a couple of non-serious crimes only.[18] The term originally implied spontaneity, that is referring to offenders who had reformed without punishment or rehabilitation (Maruna, Immarigeon & LeBel 2004a:11). It was later used to mean 'termination' of (or refraining from) persistent criminal offending. Current consensus is that desistance is a *process* rather than an event (Bushway, Piquero, Broidy, Cauffman and Mazerolle 2001:492-4; and see for instance 2001; Laub & Sampson 2001; Maruna 2001; Maruna & Immarigeon 2004) and that there is merit in including significant crime-free gaps (Bottoms *et al.* 2004:370).

For researchers trying to measure desistance using offence or incarceration statistics, the question of how long a person should be crime-free or incarceration-free before they can be considered as desisters is important. The term 'persistent' or 'serial' offender will also require definition. Statistically, it is not possible to detect the difference between failure to commit a crime and failure to be caught. Some people may appear to be desisters who are not and some people may be (or appear to be) still offending when they are actively desisting.[19]

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[18] Desistance grew out of a 'criminal career' perspective which focuses on *persistence*. A criminal career is the longitudinal sequence of crimes committed by an individual through their lifespan. The approach distinguishes between *participation/prevalence, frequency/incidence, seriousness, and career length,* that is, between who commits crime and who does not, the frequency of crime, the length or duration of involvement in crime and seriousness of offence (Blumstein, Cohen, Roth & Visher 1986:12-13).

[19] For instance, people may be convicted of crimes committed prior to deciding to desist. Having decided to desist, they may significantly change the nature and frequency of their offences. Some serial offenders may not have been incarcerated; some may never have been caught but may desist.
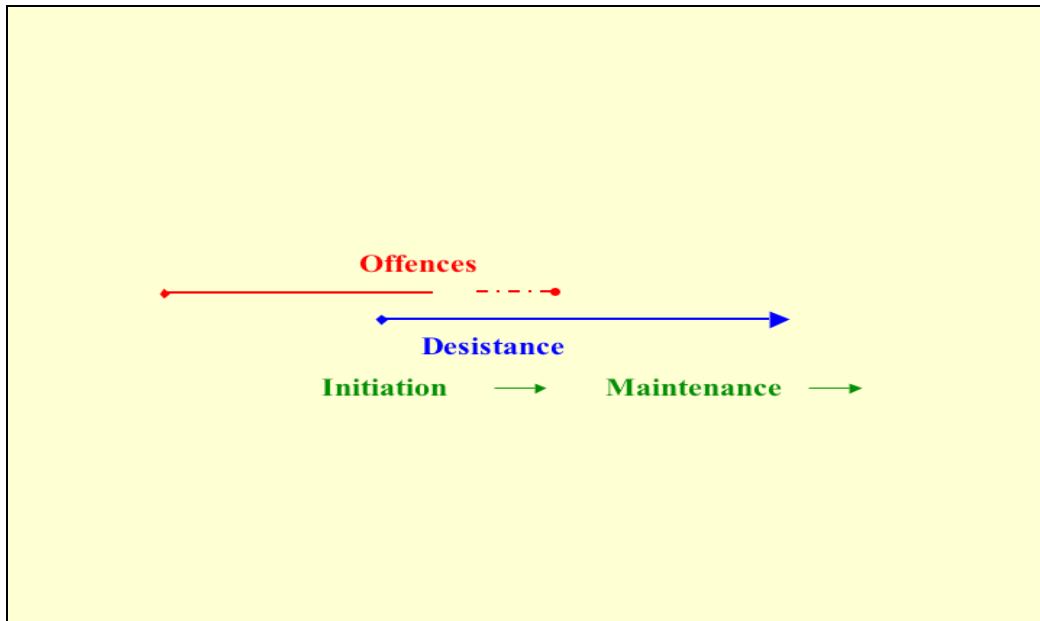
Figure 2.1a   Desistance and offence

The desistance process comprises two parts, which I have labelled 'initiation' and 'maintenance' (see figure 2.1a) (Fagan 1998; Uggen & Kruttschnitt 1998; Laub & Sampson 2001; Bottoms *et al.* 2004; Maruna *et al.* 2004a). 'Initiation' is a stage of change (in behaviour, frequency or severity of offences) and 'maintenance' is a stage of permanence. Figure 2.1a illustrates that in the initiation stage offences may be committed intermittently or their seriousness may change until they cease altogether. Laub and Sampson call these stages 'cause' (including *turning points*) and 'outcome', while Maruna *et al.* use 'primary desistance' (a stage of non-offending which may be a "lull" or a gap) and 'secondary desistance'*,* characterised by the emergence of a changed identity (see also Shover 1996; Maruna 2001; Giordano *et al.* 2002). Figure 2.1b illustrates the relationship between a 'lull' in offences and the stage called primary desistance. Primary desistance is signalled by a lull; secondary desistance is signalled by complete

desistance Secondary desistance is said not to occur until there has been a change in identity.[20]
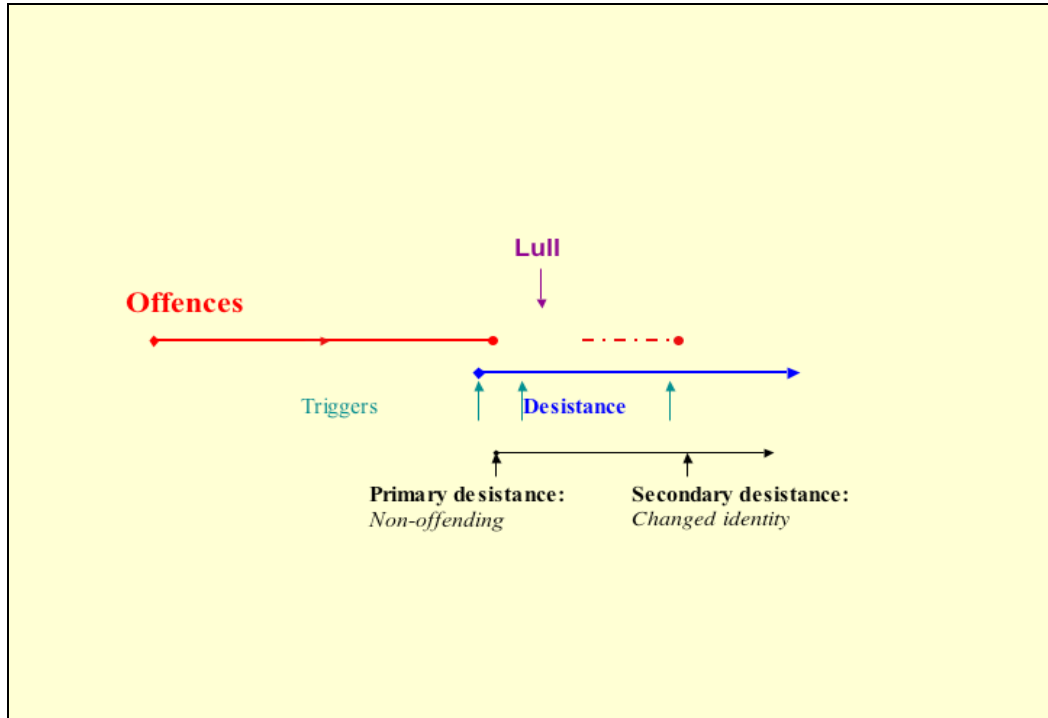
Figure 2.1b   **Primary and secondary desistance**

Maruna's definition of desistance, "the long-term abstinence from crime among individuals who had previously engaged in persistent patterns of criminal offending" (2001:26), emphasises the maintenance of desistance rather than its initiation and his work reflects this (Piquero 2004:104). Others, (for example Giordano *et al.* 2002 and more recently Bottoms & Shapland 2011), have emphasised the initiation of desistance.

A focus on the initiation of desistance is as important as its maintenance because it allows analysis of the factors that contribute to primary desistance as well as the factors that translate 'lulls' into long-term desistance, and because desistance is an

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[20] Bottoms *et al*. were in some doubt about the requirement for identity change as necessary for desistance, citing examples of desistance where this has not occurred (Bottoms *et al.* 2004:371), however Bottoms has recently included it in his model (Bottoms & Shapland 2011:70).

iterative process (see also Bottoms *et al.* 2004:371). Desistance begins when some event or thought process occurs with the effect that a serial offender changes his/her behaviour in the future.[21] The change may be abrupt or gradual: the nature of the offending may become either less frequent or less serious; the sort of crime committed may change. The variations are many. Certainty of permanent desistance might only be achieved upon the death of the ex-offender (Maruna 2001:23). Desistance then is always a work in progress and the perception of the actor about his or her desistance status is a criterion that should be given weight when identifying desistance.

Desistance models and explanations

A number of models of desistance have emerged although they are by no means discrete or mutually exclusive (refer to table 2.2 for a brief summary of the models as grouped by Laub and Sampson (2003:16; Sampson & Laub 2004:296).

Two of these models are classed as *ontogenetic* (Bushway *et al.* 2001:492; Maruna 2001:27) where desistance follows set biological and physiological patterns, and three are classified as *sociogenic*, in which desistance is seen as a product of interaction between the social context (social influences, values or constraints) and the desister (Laub & Sampson 2001:38-48; Sampson & Laub 2004:300-306).

The *ontogenetic* models include:

- *maturational:* desistance just happens (Gottfredson & Hirschi 1990); desistance is normative and happens with age and the affects of life (Glueck & Glueck 1974:170, cited by Sampson and Laub 2004:301); and

- *developmental* or *typological:* criminal careers are determined based on childhood development and environment (Moffitt 1993; Moffitt, Caspi, Harrington & Milne 1996); cognitive change is a precursor to behavioural or

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[21] Note that Emirbayer and Mische (1998) argue that the event or process may be recognised as such retrospectively and some argue that ageing in itself is sufficient to cause desistance.

identity change (Shover 1996; Maruna 2001); changes in biological and psycho-social factors (together with ageing) occur (Gove 1985).

The *Sociogenic* models include:

- *rational choice*: individuals consciously reassess the costs and benefits of crime as against conventional life styles (Clarke & Cornish 1985; Cornish & Clarke 1986 cited by; Sampson & Laub 2004:303);

- s*ocial learning*: the process of desistance is seen as a reversal of the process of onset (Warr 1998); and the

- *life course*: an age-graded theory of *informal social control* which acknowledges an interaction between early childhood factors and changes in environment and context (Sampson & Laub 1993).

Overall, the models illustrate that factors which operate to get people into trouble may be unrelated to the explanations for why people either continue or discontinue offending. Explanations of causation of crime may not explain desistance.[22]

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[22] Some of the theories of causation postulated for Aboriginal crime are missing or their place in the framework is not immediately apparent. These include *social deprivation theory*, *conflict theory* and *lifestyle/routine activity theory* which would sit variously within the *rational choice* and/or *social learning* models of crime.

Figure 2.2   Explanations of desistance groups by theory

Framework/ Model	Explanations of desistance ascribed to various frameworks
	Note that explanations are not necessarily exclusive to particular models
Maturational (*it just happens*)	▪ Exhaustion, fear, or feeling of 'past my peak' (Glueck & Glueck 1974; Shover 1983:213; Cusson & Pinnsoneault 1986; Cromwell, Olson & Avery 1991:83; Leibrich 1993:56-7*) ▪ Increased stake in conformity (i.e. 'more to lose') (see Vold *et al.* 2002:178; Glueck & Glueck 1940) and/or changes in 'the contingencies of reinforcement' i.e. home, children and adult friends (Trasler 1979*) ▪ It just happens with age (Gottfredson & Hirschi 1990)
Developmental (*deterministic*)	▪ A combination of biological, psychological and sociological variables: decline in physical strength, energy and psychological drive (Gove 1985) ▪ Increased sense of self, renewal of identity or identity change in late adolescence (Gartner & Piliavin 1988; Shover 1996; Baskin & Sommers 1998; Maruna 2001) ▪ For some, adolescent delinquency and subsequent desistance is normative (Moffitt 1993; Moffitt 1994) ▪ Father's participation in leisure activities leading to later onset and desistance (Farrington and Hawkins 1991) ▪ Low shyness and low disruptive behaviour when young (Loeber, Stouthamer-Loeber, Van Kammen & Farrington 1991)
Rational Choice (*age, agency*)	▪ Increased stake in conformity (i.e. 'more to lose') (see Vold *et al.* 2002:178; Glueck & Glueck 1940) and/or changes in 'the contingencies of reinforcement' i.e. home, children and adult friends (Trasler 1979*) ▪ Income (Trasler 1979) and future income (Pezzin 1995) ▪ Exhaustion, fear, shock or feeling they are past their peak (see above) ▪ Shame as against self-respect (Leibrich 1996)
Rational choice (*with social learning*)	▪ Increased sense of power, control or 'free will' (Mischkowitz 1994; Maruna 1997; Maruna 2001) ▪ Increased sense of self and or renewed identity (Shover & Thompson 1992)

Rational choice and/or social learning	▪ Changes in moral tolerance for delinquent acts associated with changes in peer delinquency and peer attitudes to delinquency (Paternoster 1989). (Note that Sampson and Laub themselves question whether this explanation properly fits under the rational choice model (2004:304).)
Social learning (*resocialisation*)	▪ Marriage and reciprocal lessening of attachment to negative peers (Sampson & Laub 1993; Warr 1998) ▪ Relocation away from scene (Osborn 1980) ▪ Completing high school, vocational training in the military (Rand 1987)
Life course (*social control mechanism*)	▪ Marriage (Trasler 1979; Gibbens 1984; Rand 1987; Sampson & Laub 1993; Farrington & West 1995; Horney, Osgood & Marshall 1995; Laub, Nagin & Sampson 1998; Warr 1998) ▪ Attachment to job or work and/or employment (Glaser 1969; Trasler 1979; Farrington, Gallagher, Morely, St Ledger & West 1986) ▪ Completing high school, vocational training in the military (Rand 1987) ▪ Triggering events or turning points e.g. marriage, employment; interplay between development and context (Sampson & Laub 1993)

* Note: frameworks as described by Laub and Sampson (2001:38-48; Sampson & Laub 2004:300-306). References all cited in Laub and Sampson except those as indicated with * which were cited by Farrall and Bowling (1999:259-60).

** Gibbens and Trasler find that co-habitation, as opposed to marriage, is associated with higher rates of offending (Trasler 1979; Gibbens 1984).

The environment and the individual in desistance literature

Two of the major debates in the desistance literature since the 1990s have concerned the relative importance of static and dynamic factors in criminal careers and the relative role of structure and agency in desistance. There has been a gradual drifting together of some originally opposed approaches and both quantitative and qualitative research have contributed to these resolutions.

Continuity and change

In contrast to sociogenic models, some ontogenetic models deny that environment or the agent have capacity to affect the outcomes of offenders. For example, Moffitt proposes that childhood environment not only sets up the conditions for delinquency but that these influences remain stable after childhood for some groups such as her *life-course-persistent* group.[23] There is, however, general agreement that most people desist with age and that childhood risks are mediated by life events, so childhood risk factors do not (by themselves) determine adult offender patterns. The dynamic nature of desistance is recognised (Paternoster, Dean, Piquero, Mazerolle & Brame 1997; Laub & Sampson 2003) as is the importance of changed rates of offending, rather than just the existence of

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[23] Moffitt proposed that offenders could be divided into two primary categories or types: *life-course-persistent* and *adolescent-limited*. The former group, having been exposed to inherited and environmental risks in early life, displayed an early onset of antisocial behaviour which is said to persist. The latter group, who had not been exposed to the same risk, developed antisocial behaviour as part of a normative maturation process in adolescence and generally desisted by their early twenties (Moffitt 1993; Caspi & Moffitt 1995). These sorts of approaches were challenged (Laub & Sampson 2003:288) and there has been some accommodation of more dynamic approaches by proponents of static models (Moffitt 2006:587). Moffitt's proposition would mean that studies of desistance would have no relevance for such groups and that interventions or rehabilitation attempts would be pointless. These sorts of approaches were especially questioned by some who saw the use of typologies as artefacts of the search for interventions and urged that 'typologies' be used as heuristic devices only (see also Laub & Sampson 2001:54).

offending (Bushway *et al.* 2001).[24] For example Laub and Sampson (2001:13) summarise the generally agreed position as:

- Prevalence of crime decreases with age although not evenly across offence types – there is generally an adolescent peak, declining in transition to young adulthood.

- The incidence of crime does not necessarily decline for certain types of crime and for some sub-groups.

- The earlier the onset of crime, the longer the criminal career.

- Despite continuity there is heterogeneity in patterns of offending over a life span.

- There are multiple pathways in desistance (including elements of attachment, employment, identity transformation and ageing) but the occurrence of these pathways is not patterned in respect of offender characteristics or type of crime.

Structure, agency and context – key studies

Another distinction between ontogenetic and sociogenic models is reflected in the perception of the relative roles of structure and agency or the differences in approach that focus on societal effects as opposed to individual choice in desistance (Farrall & Bowling 1999). To some extent a polarisation along an "agency-structure divide" was an artefact of the use of longitudinal quantitative approaches as opposed to qualitative approaches (1999:253).[25] Farrall and

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[24] More recently a number of trajectory modelling approaches (some including considerations of offence seriousness) seem to confirm that there are multiple routes into and out of crime (see for instance Ireland, Rivera & Hoffmann 2009; Lulham & Ringland 2010).

[25] Farrall and Bowling point out the consistent coincidence of quantitative longitudinal studies of desistance and external, structural factors (particularly marriage and employment) in contradistinction to qualitative studies' tendency to reveal the role of human agency and individual decision-making (Farrall & Bowling 1999:258). Qualitative studies saw the emergence of some explanations of desistence which emphasise the role of agency including for example, action taken as a result of exhaustion, fear, shock or 'feeling past their peak'; shame as against self-respect (Leibrich 1996); an increased sense of power, control or free-will (Mischkowitz 1994; Maruna 2001); an increased sense of self and/or renewed identity (Shover & Thompson 1992).

Bowling's application of structuration theory[26] to desistance highlighted the interplay between "individual choices and a range of wider social forces, institutional and societal practices which are beyond the control of the individuals" (1999:261).

Three key studies highlight the differences between structural approaches and those focusing on the individual and while none of these deal adequately with understanding the place of the individual within their cultural and social context, they have much to offer to an understanding of desistance.

Structure accommodating agency: Sampson and Laub

Laub and Sampson reworked their earlier, highly structural quantitative analysis of the Glueck and Gleuck (1950) sample[27] which had presented desistance as being driven by the influence of external factors such as the institutions of marriage, employment and military service (Sampson & Laub 1993). They incorporated qualitative research and emphasise the following as being important in the desistance process (2001; 2003; Sampson & Laub 2004):

- Turning points (or "shifts that redirect a process") and an interplay between agency and life events such as marriage, work and military service (Andrew 1997:94, cited by; Laub & Sampson 2003:39-41).

- Separation between the offender and his/her previous environment, which they term "knifing off". This might occur as a result of marriage or military service and does not allow for continuity between the ex-offender and their past (2003:49).

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[26] Farrall and Bowling's use of Giddens's (1984) 'structuration theory' demonstrates the interdependence of structure and agent and recognises that agents' abilities to interact with structure not only vary between agents (which they attribute to Bauman 1989:46) but may also vary for one agent across time or 'over the life course'. Structuration theory holds that although human action is partly determined by contextual (social) rules (structures), these rules are not permanent and are either sustained or changed by human action or agency (Giddens 1984).

[27] This was longitudinal data following men who were born in the 1930s.

- Routine meaningful activity or "structured role stability" which may be achieved by marriage, work or residence may support desistance and may also lead to a decrease in peer association and contribute to identity change (2001:49; 2003:41-4).

- Routine activities gained from involvement with work and family which provide social and emotional attachment, as well as an environment of monitoring and control. This results in structure and reduced opportunities for crime (2001:50; 2003:42-3, 47).

- Human agency or some form of "transformative action", conscious or unconscious, linked to or limited by key life course events. Sometimes new commitments are made unconsciously and result in investments which function to maintain the commitment (attributed specifically to their qualitative research 2001:51; 2003-7).

- Change in identity, sometimes seen by participants as being 'age appropriate' and often demonstrating the interplay between agency and structure (2003:147).[28]

In summary "[d]esistance is a response to structurally induced turning points that serve as the catalyst for sustaining long-term behavioural change" (2003:149). It involves constant interaction between individuals and their environment coupled with the factor of chance. Subjective and objective factors (choices and social structures) are at work and are often contingent upon each other.

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[28] Laub and Sampson (2001:51-2) quote Emirbayer and Mische (1998) to illustrate this interaction:

"…temporal-relational contexts support particular agentic orientations, which in turn constitute different structuring relationships of actors toward their environments. It is the constitution of such orientations within particular structural contexts that gives form to effort and allows actors to assume greater or lesser degrees of transformative leverage in relation to the structured contexts of actions." (1998:1004)

Agency accommodating structure: phenomenological and cognitive approaches

Two approaches focus on the individual and place considerable emphasis on the importance of agency but, in doing so, tend to under-describe the relationship between individual action and social and cultural context (Maruna (2001) through a phenomenological approach and Giordano *et al.* (2002) through an exploration of the cognitive processes of desistance).

Phenomenological approaches to crime attempt "to understand criminal decision making through an examination of the offender's self project — the self-image they are hoping to uphold" (Maruna 2001:33, following Toch 1969). These approaches highlight changes in self-perception, changes in an individual's awareness of time (i.e. perceptions of time passing, of self in relation to the future and of mortality) changes in concern for others and changes in their revised aspirations, including a new ability or willingness to take comfort in social relations (Gove 1985; Shover 1996; Maruna 2001). These elements of self-understanding are similar to cognitive and subjective changes reported in the overcoming of addictions (Maruna 2001:34). For example Baskin and Sommers (1998) outlined a three step process observed in desistance which is depicted on the left hand side of figure 2.3.

For those who were actively desisting, Maruna describes a macronarrative which he labels a 'redemptive script' (2001).[29] Desisters use this redemptive script as motivation for continued desistance, although we learn little of underlying motivation for initial desistance. Context and especially the cultural context of his subjects, are incidental to his analysis of narrative.[30] Maruna was seeking

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[29] This is opposed to the 'condemnatory script' performed by persisting offenders in his Liverpool Desistance Study (LDS). The study applied narrative methodology to the life stories of two matched samples of ex-offenders, one sample which was still offending and one which was "actively going straight" (mean age c30) (Maruna 2001:10).

[30] Maruna reports using "ethnographic fieldwork" in the recruitment of about a third of his sample but provides no other information concerning ethnographic approaches (Maruna 2001:44).

commonalities among the "subjective aspects of human life" (2001:8) and in effect presents what he perceives as an average position, which takes insufficient note of context or the role of the social and cultural. He implies that this "redemptive script" will apply widely. David Gadd (2003) suggested that "Maruna does not supply us with an in-depth deconstruction of the subjectivity of any one of the ex-offenders. We learn much about the average desister, but little about any particular individual". Gadd requests at least a pen portrait of one desister to understand the "social and psychological tensions" being surmounted as "[s]uch an approach might produce answers to the questions content analysis rides roughshod over" (2003:320).

Subsequently, Maruna and Farrall (2004a) developed a theory arising from Maruna's 2001 study which proposed that 'primary desistance' – a 'lull' in offending – can be converted into secondary desistance when an actor "finds a source of agency and communion in non-criminal actions", that is, in some sort of 'calling' (to a particular craft, vocational pursuit or good cause) (2004a:187; Maruna & Immarigeon 2004:19). In addition, social reaction to engagement with this 'calling' reflects back to the actor and the actor's change of behaviour acts as a delabelling process. This is a 'certification' process or 'redemption ritual' (in which "[s]ome recognised member(s) of the conventional community must publicly announce and certify that the offender has changed and that he is now to be considered essentially non-criminal" (Maruna & Farrall 2004a:187). Actors gain a sense of self, from the reflected comments of others and from seeing the results of their own behaviour, in which they perceive themselves as a "causal agent". These steps are considered as separately necessary but not sufficient for desistance and the "[e]x-offenders need to be morally and socially reintegrated.

They also have to feel that this reintegration has been justified by their own efforts to 'make good' and redress past crimes" (2004a:188).[31]

There are limits to the applicability of this theory. Firstly, the model adds little to an understanding of the initiation of desistance (what Maruna calls primary desistance) since the theory has its commencement point in or after an unexplained 'lull'. Secondly the *source* of agency seems to be located in external activities ('creative callings'), rather than these activities resulting from agency or an agential move. Portraying 'callings' as a 'source' of agency is akin to a structural approach to desistance which takes inadequate account of the active participation required to contemplate or enact a 'calling' (see also Vaughan 2007:393-4).[32] Thirdly the essential elements of the mix, the requirement that actors feel "justified by their own efforts to 'make good' and redress past crimes" seems strongly dependent on culturally specific notions of the prosocial. The underlying assumption (that human beings have "a natural disposition to experience themselves as causal agents in the environment and to earn the esteem and affection of valued others" (2004a:185-6)) may also be said to be culturally specific rather than universal (see further Diehl, Owen & Youngblade 2004). Although the theory deals specifically with the maintenance of desistance, it pays no attention to interactions between the actor and the environment beyond delabelling, which is said to result from the actor's acceptance of 'a calling'. It is a theory that may apply to a particular group of people, such as the sample Maruna interviewed in his 2001 study, most of whom were influenced by therapeutic approaches to rehabilitation (Maruna 2001:103).

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[31] Maruna and Farrall (2004a:188) cite Miller *et al.* (1975) in arguing that people respond better when progress is attributed to them rather than to blunt persuasion or coercion. Miller called this "attribution".

[32] Maruna and Farrall's *source* does not equate to the *hooks for change* in Giordano and colleagues' model (see below) in which these *hooks* have to be grasped by the actor, demonstrating his or her cognitive transformation and agency (Giordano *et al.* 2002). The *hooks* of Giordano *et al.* are not an inert *source* of agency.

The theory usefully calls attention to the role of third party (authority) figures in identity formation (which the current study will demonstrate is important), however this is portrayed specifically and narrowly as 'delabelling' rather than '<u>r</u>elabelling' or contributing more generally to identity change and development. 'Delabelling' assumes there is a strong stigma attached to criminality and that desistance is in part a reaction against this stigma. This may not be the case in all cultural settings as will be demonstrated in chapter 4.

This thesis argues that rather than being motivated by an external source or an extraordinary 'calling', participants are more likely to be motivated by a desire for an 'ordinary' life (see also discussion of Shapland & Bottoms 2007; Bottoms & Shapland 2011 below) in concert with various deeply held cultural schemas (D'Andrade & Strauss 1992).

Giordano *et al.* (2002) explored "cognitive shifts" involved in the process of desistance.[33] The results emphasise the actors' own role in selecting and even appropriating environmental elements which the authors label *hooks for change* (such as marriage, education, employment) (2002:992). These *hooks* work as catalysts for lasting change when "they energise rather fundamental shifts in identity and change the meaning of criminal behaviour" (2002:991-2). The approach of Giordano *et al.* is particularly useful in the study of *initial* attempts to desist, especially since in the initial stages "almost by definition, various forms of capital have not had much chance to accumulate" (2002:992). They point out that not all offenders who marry or have jobs cease offending and that their approach is useful in the study of those who desist in the absence of traditional supports, spouse or job. Giordano *et al.* (2002:1000-2) present a four step process of

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[33] The study of Giordano *et al.* was in part a reaction to Sampson and Laub's (1993) findings and the fact that they were founded on a study of white males who reached adulthood in the 1950s. The Giordano *et al.* study used both qualitative and quantitative methods and the sample consisted of marginalised women, matched by a group of marginalised men. It included ethnic minority groups; data was collected in the mid 1990s (2002).

Figure 2.3   Models of stages of desistance

Observed stages in desistance process (Baskin & Sommers 1998; Fagan 1998)[34]	Cognitive shifts[35] occurring in the desistance process (Giordano *et al*. 2002)
	▪ A shift in the actors' basic openness to change (necessary but not sufficient)
▪ Formation of a **commitment to change** (often triggered by 'socially disjunctive experience' i.e. a shock or crisis such as hitting rock bottom)	
	▪ Exposure to a particular hook or set of hooks for change*
▪ **Discontinuance**, including a public statement about ceasing to offend, the establishment of new social networks (social avoidance strategies) and a new social identity	
	▪ Actors envision and begin to fashion an appealing and conventional 'replacement self'[36]
▪ **Maintenance**, including supportive networks	
	▪ A transformation occurs in the way the actor views the deviant behaviour or lifestyle.

*For hooks to be successful they must not only influence the actor to believe that the new situation is positive but the actor must also define the new state of affairs as incompatible with continued deviation.

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[34] Note that this process is identical to that shown to operate in domestic violence (Fagan 1998) and very similar to drug and alcohol desistance processes. For a brief review of these studies see Laub and Sampson (2001:33-8).

[35] Giodano *et al.* believe that not only do the various cognitive shifts relate to each other but also "inspire and direct behaviour" (2002:1002).

[36] The new identity can act as a cognitive filter for decision-making processes, and is especially useful in new situations and where ex-offenders do not have prior experience to draw on. Note that Giordano *et al.* stress that "the identity transformation potential presented by the various hooks for change needs to be distinguished conceptually from its qualities of control" (2002:1002) because while they usually occur together the replacement self may prove stronger than the social control factor (for example, divorce etc.).

desistance, displayed on the right hand side of the chart in figure 2.3, which is similar to that of Baskin and Sommers on the left. The two models on figure 2.3 can be woven together as indicated by the connecting arrows, with the right hand side representing cognitive shifts and the left hand side representing observed actions. Progress will often be iterative rather than linear and similar models are often depicted with a lapse or relapse phase built in (Miller & Rollnick 1991:15; Bottoms & Shapland 2011:70). Giordano *et al.* (2002) argue that their "micro-level" approach can be integrated with (structural) social control analysis. They recognise that the form and content of narratives are tied to the social context of the particular participants and predict that variations will occur as a result.

A distinction should be made between the separate operation of the transformation potential and control functions of *hooks for change* (Giordano *et al.* 2002:1002). The importance of this becomes clear in the study of motivation of desistance in this study, where some *hooks for change* are, or operate as, cultural schemas (or *vice versa*) creating motivation (D'Andrade & Strauss 1992) and impacting on identity, and at the same time providing various structural controls or supports.[37]

Interestingly, in very disadvantaged communities, in the apparent absence of social capital or control mechanisms the role of agency was likely to be diminished, a factor that is important in considering desistance among marginalised Aboriginal people. (Giordano *et al.* 2002:1026-7, see also LeBel, Burnett & Maruna 2008).[38] The current study will expose the interplay between agency, capacity and contingent events in furthering desistance projects. In situations of less capacity, the role others in institutional relationships can but do not always play, is examined. The study questions whether rather than the institution of marriage or

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[37] Giordano *et al.* point out that while identity transformation and control mechanism can occur together, a 'replacement self' may be stronger that the control factor. For example in the case of a marriage which may have some social control functions, the replacement self may outgrow the marriage partner and a divorce may ensue as was in fact the case with one of the participants in the current study (2002:1002).

[38] Effectively what this means is that while cognitive change may occur it may not be able to overcome the severe conditions that exist (e.g. housing, unemployment etc.).

devotion between partners *per se,* it is the orientation of the partner that is critical (see chapter 6), as hypothesised by Giordano *et al*.

Debates and differences

Clearly, both agency and structure need to be considered (Bottoms *et al.* 2004:372) although views about the relative importance of the extent and the timing of agential and structural influences vary. While Sampson and Laub acknowledge the role of agency, they believe that for many of their subjects desistance is not a deliberate process but is undertaken instead to "capitalise on key structural and situational circumstances", for which they coin the phrase *desistance by default* (2003:147, 278-9).[39] They emphasise structural influences almost to the point of excluding consideration of underlying motivation as a key element that leads to desistance. In contrast Giordano *et al.* (2002) suggest that role transition effects, such as marriage, are likely to occur <u>after</u> a cognitive opening to change, a finding supported recently by LeBel, Burnett & Maruna (2008). Cognitive approaches also recognise the importance of both intention and capacity in agency, and the impact of agency when mediated by social capital and/or social control. Studying the initiation of desistance can begin to untangle the relationship between agential motivation (which may be rooted in or influenced by culture) and structural occurrences. As will become clear in the present study, cognitive openings to change appear to occur early, however the apparent co-incidence of catalytic events, cognitive readjustment and structural opportunities are important for ongoing desistance.[40]

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[39] Sampson and Laub attribute the concept to Howard Becker (1960) who believed that very often ceasing to offend was not a deliberate choice but occurred almost by accident after subjects had committed to, or invested in marriage or job; they had made an unconscious commitment to conformity.

[40] The positions of Samson and Laub (2003) and Giordano *et al.* (2002) would tend to reject Maruna's position that desistance does not occur until and unless a new identity is fully formed. Both Sampson and Laub and Giordano *et al.* pay attention to the role of chance and contingency in the process of desistance.

A focus on context

A theoretical approach which takes account of social context was foreshowed by Bottoms *et al.* (2004). It "places agency in a central position, but sees it as interacting with longer-term familial, personality and social-structural dimensions, and with more immediate social situations, in a complex process of gradual change" (Bottoms & Shapland 2011:48).[41] The study allowed an exploration of the nature of 'conformity' – the relationships between participants' values and their actions (Shapland & Bottoms 2011a) and the role of meso and macro level structural issues (e.g. employment, housing and criminal policy) in blocking or facilitating desistance (Farrall *et al.* 2010). Both these issues will be important in the present analysis.[42] The study findings resulted in the development of a tentative model for desistance applicable to young adults. The model has five (or potentially six) steps and two major areas of influence which can feed into the process at any stage. The two over-arching, non-static areas of influence are what Bottoms and Shapland call *pre-programmed potential* (or personal, social and criminal history) and (citing Halpern 2005:19-22) changes, either positive or negative, to *social capital,* both bonding and bridging (Bottoms & Shapland 2011:69). The steps are

- a triggering event, which leads to

- a decision to try to change, which leads to

- the offender beginning to think differently about himself, which leads to

- the offender taking action towards desistance, which requires

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[41] The theory was tested in a study of desistance amongst highly recidivist offenders (Sheffield Pathways out of Crime Study) (Shapland & Bottoms 2007; Farrall, Bottoms & Shapland 2010; Bottoms & Shapland 2011; Shapland & Bottoms 2011a). The research sought to examine the process of desistance within its social context "with special reference to their age-transitional status and the relevance of 'community' in their lives" (Bottoms *et al.* 2004:368). For a discussion of the sample see Shapland and Bottoms (2011a:261).

[42] Significantly, one of the issues that has not been addressed in published accounts of this research is any assessment of the impact of the study itself (either as an initiating event or ongoing influence) on desistance intentions and achievement. Such an impact may not be insignificant.

- maintenance, in which the participant overcomes obstacles and seeks contexts that will reinforce his/her decision.

If actors meet obstacles that they cannot overcome they may return to the beginning of the cycle, or if successful they <u>may</u>:

- adopt a crime-free identity as a non-offender.

The model is similar to that in figure 2.3 but is interactive and acknowledges the influences of the past and the present, the agency of the individual and the structures and conditions of the context.[43] As an interactive model it has the potential to accommodate the interplay between events (some of which might be chance events) and agency. The importance of the interplay between chance and agency is highlighted in chapters 5 and 6.

Dealing with difference

The theoretical positions developed from criminological research may be neither as universally applicable nor as useful in a policy sense as some might hope. While factors that correlate with successful desistance may appear to be similar across most studies, the mechanisms that underlie those correlates could be expected to vary from group to group even although the process appears similar at a general level. It is possible and likely that some processes and motivations will be different for different groups of desisters, determined by their age, gender and the nature of their offences for instance. Not so clearly acknowledged is the possibility that elements of process may be different due to the particular social and cultural contexts of the desisters. If motivations and actions are to be understood in such a way that policy approaches and interventions may be designed to make a difference, then social and cultural context, of repeat offenders

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[43] Bottoms and Shapland seem to have altered their view that adoption of a new identity is not essential (Bottoms *et al.* 2004:371), although the emphasis is on a 'crime-free' identity rather than some sort of 'new self'; (see also Shapland & Bottoms 2007; Shapland & Bottoms 2011a, in which it is argued that participants held fairly conformist views at the outset of the study and regaining 'ordinary' lives was important).

needs to be understood (see Farrall *et al.* 2010; Bottoms & Shapland 2011:71). The impact of the cultural and social context on an individual's desistance and the impact of individual desistance on social and cultural processes has not been addressed adequately in the desistance literature. The importance of understanding variations in desistance process between different ethnic groups has been recognised but has been limited by an emphasis on social structure and its relationship to accessing social capital (Calverley 2009; Farrall, Sharpe, Hunter & Calverley 2011). There is a need for an exploration of the relationship between the self and culture and between motivation, identity and culture in the desistance process.

Race and ethnicity in desistance studies

Ethnicity and criminal careers research

A recent theoretical approach proposed by Farrall *et al.* (2011) has incorporated both ethnicity and change or innovation, however ethnic identity and gender are portrayed as static and apparently unchanging aspects of the individual (2011:226).[44] While cultural context might be intended to be accommodated by the "slowly changing" "macro level inputs" which include "social values", there appears to be no link between these two elements. Interestingly, the model draws attention to the fact that "the extent to which ex-offenders can achieve their desire and goals is partly dependent upon the availability of legitimate identities" (2011:229) which is certainly likely to be a function of both social and cultural context and to be limited where ex-offenders are excluded from full engagement in society.

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[44] Ethnic identity is situated in the "past" along with "nature and length of past criminal career". This is in distinction to the Bottoms and Shapland model which emphasises the non-static nature of offender identity (Bottoms & Shapland 2011).

Disadvantage, ethnicity and crime

North American quantitative studies focused upon differences in engagement in crime between whites and non-whites rather than in desistance from it (for example: Rand 1987; Elliot 1994; Sampson & Lauristen 1994; Piquero, MacDonald & Parker 2002; Bellair & McNulty 2005, as cited by Calverley 2009).[45] Such studies have shown a relationship at macro levels between disadvantage and race, or ethnicity and crime (McNulty & Bellair 2003b; Bellair & McNulty 2005; see also Hunter 2001 and Weatherburn & Lind 2006 in relation to Australian data).[46] Some have warned that it is important to avoid generalising from one racial or ethnic group to another and to recognise variation within groups (McNulty & Bellair 2003a:21-3).[47] A relationship between unemployment and alcohol consumption explained increased rates of alcohol abuse by ethnicity (Nielsen 1999).

Race, ethnicity and desistance

Not all studies of ethnic groups have given adequate consideration to cultural context. The importance of context, including family attitude to offender members and attitude of family to crime and criminality, has not always been recognised and comparatively little qualitative or ethnographic work has explored this area. For instance Hughes ethnic study participants were selected from across the

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[45] Most of these studies do not distinguish between ethnic groups within the broad categories of white and non-white.

[46] Piquero made a case for the consideration of 'race' in life course approaches to criminal careers and for the exploration of links between race and structural issues such as levels of disadvantage and social capital (and/or social bonds) which vary by race (Piquero *et al.* 2002:666-8).

[47] Specifically, their model could not account for higher levels of violence amongst the American Indian cohort (McNulty & Bellair 2003a:21-3). Others have studied differential effects of involvement in religion between black and white on recovery from substance abuse (Chu & Sung 2009), however the study was unable to distinguish between the affects of the social network resulting from religious involvement and the religious involvement itself (Calverley 2009:57).

United States, not from particular communities (Hughes 1998).[48] The behaviour of the desisters was not described or analysed relative to their own community or culture. Finestone's (1967) early comparative research draws attention to how differing cultures and social structures impact on the re-integration or otherwise of their members.[49] Finestone's study, and others including Calverley's (2009) work, draws particular attention to the way that community and family attitude to crime and criminality impacts upon the progress of ex-offenders or recovering substance abusers through support or alienation and through the effects of continued association with others of similar background. The role of participants' attitudes to their own behaviour in relation to cultural expectations of family have also been explored (see Kwock's 2000 study of Chinese drug users in Vancouver).

Calverley's own study sought to examine desistance at macro, meso, familial and individual levels for three ethnic minority groups in the UK to demonstrate "that differences between ethnic groups in *how* and *why* they stop offending do exist, particularly at the levels of family and community" (Calverley 2009:338). Important differences emerge in relation to the operation of different social structures and values affecting desistance processes for the three groups of probationers studied by Calverley (Indian, Bangladeshi, and Black (and dual heritage)). The desistance of Indian probationers is assisted by families with middle class aspirations and resources who are motivated to manage damage to their social reputation, at risk by public exposure. Families provide love and support without any labelling.[50]

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[48] They were effectively selected from what could be called 'communities of practice' (particular therapeutic programs) rather than from particular ethnic or community groups.

[49] This was a study of released Italian and Polish prisoners (in the US).

[50] While the absence of labelling reduces incentives for desistance earlier in the career of the participant, once a decision and a determination to desist has formed, the lack of labelling and the social and economic support of families are of benefit to the probationers (Calverley 2009:335).

Despite greater economic disadvantage (including lower levels of employment) than Indians, Bangladeshi family support provides emotional, psychological and financial support, accommodation and a structural role within the family (father, brother, son, "good Muslim").[51] The support of Bangladeshi 'families of origin' gives probationers hope and encourages agency (Calverley 2009:136;336). 'Families of formation' (wives), often being new migrants with little English language, are less helpful in affecting behaviour due to their reported lack of social capital (skills and contacts). However, once a decision is made for desistance, the existence of wives provides added motivation for desistance. This shows considerable support for the order of the process proposed by Giordano *et al*. and points to the distinction they made between the motivational and mechanical support of (external) marriage influence (Giordano *et al.* 2002).

Black and dual-heritage participants' families had much less involvement in desistance than families of Indian and Bangladeshi desisters. Calverley reports that Black communities with greater levels of marginalisation have low levels of social capital, lower engagement with the economy and more criminally active peers and family than the other groups. For them desistance was reported to be a very individual process with an emphasis on self-improvement (use of gym, vocational training and volunteer work) and these men were more likely to pursue a 'professional ex-' strategy.[52]

Calverley argues that the differences between these ethnic groups are a result of differences in "structural location", demonstrating that desistance has a structural element which is "indexed by ethnicity" (Calverley 2009:339).[53] The present study

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[51] 93% of this community are Muslim and religion supports desistance through the networks it provides and opportunities for the public display of the "good Muslim" role (Calverley 2009:336).

[52] A professional ex-offender works in the role of being an ex-offender, assisting offenders and potential offenders towards desistance or recovery (Brown 1991; Maruna 2001).

[53] "Structural location" is not defined by Calverley (2009) but seems to mean the location of ethnic groups within the wider social structure (p 11, 339-41). Sometimes it seems to imply the

hopes to move beyond this structural approach to examine the role of participants as agents enacting cultural values and practices in desistance.

Most studies of race and ethnicity in crime and desistance focus on people who are essentially members of various minority diasporas and their descendents living within another mainstream society. An exception is a study evaluating the operation of a particular program to help reintegration of Canadian Aboriginal street-gang members who had been incarcerated (Deane *et al.* 2007; Bracken *et al.* 2009).[54] The study is of interest because, despite many differences, Canadian and Australian Aboriginal peoples hold in common their experience of colonisation and a sense of *otherness* in relation to mainstream society. The success of the Canadian program had three facets: continued membership of the street-gang; social support, training and employment on a housing building project run by the program; and a cultural mentorship aspect designed to educate participants in Aboriginal cultural values and practices. Significantly, the program was set up at the request of street gang members who had a trusting relationship with one or the key program providers. The only requirement for joining the program was that participants cease offending. There was no requirement to leave the gang because given members' social isolation this was considered unrealistic and would have required severing relationships with lifelong friends (and possibly kin)[55] (Deane *et al.* 2007:128).

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relationship between the family structure and access to social capital (p 12) or sometimes, ethnicity itself (p 234).

[54] The program is known as Ogijiita Pimatiswin Kinamatwin (OPK) which means "learning to become a protector and provider for the community" (Deane *et al.* 2007:127). One other study (Hundleby, Gfellner & Racine 2007) of a group of Canadian Aboriginal female university students found a tendency to individually seek out closer links with Aboriginal cultural heritage (2007:247). These women had had 'behavioural problems' but it is not clear if they would be classified as repeat offenders.

[55] It is not clear from the description but it seems likely that many gang members were related to each other. Members apparently saw the gang more as a group of friends (distinguished

The findings of Deane *et al.* generally support the theories of Farrall and Bowling (1999) and Giordano *et al.* (2002) in terms of the interaction between internal decision-making and external, environmental elements (Deane *et al.* 2007:129). The importance of social context also speaks to the findings supporting the approach of Bottoms and Shapland (Bottoms *et al.* 2004; Bottoms 2006; Shapland & Bottoms 2011a). There are some distinctions between the study findings and the order of process described by Giordano *et al.* (2002), however participants did make the decision to join the program while still in gaol and participants seem to have been able to change their identity to 'non-offender' without or before adopting a mainstream "pro-social identity" (Deane *et al.* 2007:132-3). Significantly, most participants did not express the view that they "no longer recognise [them]self as the person who used to be involved in criminal activity" indicating no discontinuity with earlier identity.

The key factor in the success of the counselling was that the counsellor was someone of similar background to themselves, so there was no power imbalance or cultural difference (Deane *et al.* 2007:139) and someone with whom they could identify and whom participants had chosen. The presence of racial stereotypes and their internalisation by Aboriginal people is said to possibly complicate the process of desistance. Moving to form a new identity as "a law-abiding citizen" not only means ceasing to offend but "seeing oneself no longer conforming to a negative stereotype" (2007:136). I interpret this cognitive shift as simultaneously both altering and maintaining Aboriginal identity and offender identity. There is a change in what it means to be Aboriginal.

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from and in some ways in opposition to or in competition with other groups by its name and neighbourhood) rather that a crime gang (2007:133).

The implications of this study for the current research are that in the context of extreme marginalisation, where little social capital is said to exist (or where only certain types of social capital exist such as bonding capital between gang members), there is a place where participants are secure in their identity and where strong relationships exist (whether it is a gang or kinship). It is a place in which the seeds of desistance already in existence can flourish. Gang membership provides a familiar place in which the beginnings of wider social inclusion and social responsibility provided by the program (skill development, wages, encouragement and counselling, and Aboriginal cultural teaching) can be experienced.

Because of the reported success of the Ogijiita Pimatiswin Kinamatwin (OPK) program and the findings of Hundleby *et al.* (2007), Calverley (2007:247) suggests "a more generic process for Canadian Aboriginal desisters".[56] He postulates that this generic process relates specifically to involvement with some form of cultural heritage. In my judgement this discounts the other major elements that contribute to the success of this program.[57]

The importance of qualitative research in discovering the role of agency in desistance and of understanding the role of individual cognitive processes in agency have been established (Farrall & Bowling 1999; Giordano *et al.* 2002; Laub & Sampson 2003). While some of the approaches discussed above have attempted to contextualise the effect of agency on desistance within a social context, the studies have stopped short of fully interrogating the cultural context (Giordano *et al.* 2002; Bottoms *et al.* 2004; Calverley 2009; Bottoms & Shapland

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[56] The work of Hundleby *et al.* (2007) was with female university students who had a previous history of anti-social behaviour and refers to some similar drug and alcohol studies of Canadian First Peoples.

[57] No evidence of contributions of cultural renewal programs to desistance was discovered in the current study which could be due to the fact that the participants in the current study did not feel so isolated from their cultural roots as the Canadian youth; that the nature of sociality is very different; and/or because similar opportunities did not exist. This is discussed briefly in chapter 8.

2011; Farrall *et al.* 2011). An ethnographic and anthropological approach will bring a richer understanding, siting agency and its interaction with structure within a cultural context, helping to explain the lived experience of the process and exploring the extent to which culture influences choice.

Reframing approaches to desistance for an Aboriginal context

The influence of quantitative approaches that research large monocultural cohorts, culturally bound assumptions and the concern to identify models that can be applied universally[58] have combined to limit the ability of desistance models to explain the complexity of human decision-making and change within a cultural context. I suggest that understanding cultural difference is essential to understanding motivation and identity issues which may underlie more general desistance models. Such understanding is critical to formulation of effective policy.

Agency, identity and social schema

The study of desistance necessarily involves a focus on agency, motivation, values, socialisation, and identity change and formation and therefore requires consideration of the social and cultural context of participants. These areas themselves have attracted significant scholarly interest and generated an extensive literature, (see for instance Bourdieu 1977; Giddens 1984; Bourdieu 1990; Archer 1995; Holland, Lachicotte Jr, Skinner & Cain 1998; Chodorow 1999; Ahearn 2001; Frank 2006; Mouzelis 2007). In the Australian context the role of agency in influencing collective level responses to the imposition of externally changed conditions and the ontological impact of such change has been discussed by Austin-Broos (2009) and Babidge (2010).[59] In order to explain the complexity of

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[58] Universal or general models have sometimes been important to policy makers interested in selective incapacitation to reduce recidivism (see Laub & Sampson 2003:559).

[59] Austin-Broos demonstrates a combination of "commitment to past ways, [and] cultural innovation" (2009:12). In her analysis of the response of the Western Arrente during the

human decision-making and change within a cultural context, I have drawn on a small pool of this extensive work. I have chosen to use as analytical tools, theoretical approaches relevant to examining subjectivity in a cultural setting. This section presents these approaches, explains how they will be used, and concludes with an outline of the desistance process which applies them while succinctly positioning them within the wider field. These approaches have much in common with each other and complement the approaches of Laub and Sampson (2003), Giordano *et al.* (2002) and Bottoms *et al.* (2011). Their use will allow a more complete analysis and a deeper and richer understanding of the desistance process in the cultural context of Aboriginal repeat offenders who are 'going good'.[60]

The consideration of agency and structure in the desistance process and the potential influence of the wider social context was suggested by Farrall and Bowling (1999) who drew on Giddens' *structuration* theory (1984) At about the same time Ortner (1984) began focusing on 'practice' as a way to examine how society and culture reproduce themselves and began highlighting processual analyses rather than static, synchronic ones and "emphazising … transactions, projects, careers developmental cycles and the like" (1984:158). I was influenced by Ortner (2006) to examine desistance as an agential 'project' (2006:152-3); a personal project that is acted out within a wider social context of Aboriginal life ways operating within the dominating system of the state. These projects constitute

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twentieth century Austin-Broos illustrates how "continuity is made, not given, by human practice and imagination" (2009:259, 269). Imagination works through metaphor to connect the past with the present and more directly projects the present into the future. (2009:264). Similarly the work of Babidge has shown that: "Aboriginal social practice should not be characterised solely as resistance nor should Aboriginal people be considered simply the victims of state control. Instead there is a strong sense that the varied Aboriginal responses to settlers and the colonial state have shaped Aboriginal history." (Babidge 2010:99)

[60] The terms 'going good', 'doing real well' or 'staying out of trouble' are all terms that participants and community members use to describe people who they consider are desisting from crime. The term 'good' is not used in the sense of 'virtuous' but more as in 'life is good' or better than it was or 'things are going well'.

action that is determined "as much by internal dynamics as by the nature of the external events" (Sahlins 1981, quoted in Ortner 1984:159). I employ the approach of Emirbayer and Mische (1998) to analysing agency, because it allows the analysis of desistance as both a process and as an individual project to be understood through the narratives of participants.

In taking this approach, however I recognise that it is not possible for agency to operate in a vacuum and that desistance projects take place in a the structure of a cultural world. The seminal work of Holland *et al.* on 'figured worlds' – "the cosmologies or ontological conceptions upon which culture is ultimately based" and "upon which cultures are founded and through which they performatively reproduce themselves" (Clammer, Poirier & Schwimmer 2004:5) thus informs my analysis of cultural worlds within worlds and the relationship between personal and cultural change[61]. The placement and integration of agency and identity as central to the creation of figured worlds by Holland *et al.* provided opportunities for the analysis of desistance as a process of individual and cultural change. The work of D'Andrade and Strauss (D'Andrade 1992b; D'Andrade 1992a; D'Andrade & Strauss 1992; Strauss 1992) focusing on the role of cultural schemas as motivating elements of action is particularly relevant to the study of individual process and balances the approaches of Emirbayer and Mische and Holland *et al.*. Given the multi-layered nature of identity (that is, identity situated "in historical, collectively defined, socially produced, culturally constructed activities, with meaningful, holistic intent towards their surroundings" (Clammer *et al.* 2004:9), D'Andrade and Strauss' approach to schemas and motivation allows a deepening of understanding of the "figuring" of participants and particularly the relationship between positional and ontological identity (see also Clammer *et al.* 2004:13).

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[61] Poirier's (2004) application of 'figured worlds' theory to the Kutatja of the Western Desert and her consideration of the 'ontology of dwelling' (2004:60-62) illustrates how these Aboriginal people do not have to leave one world to enter another. This exercise of ontological continuity between different worlds will prove significant in outcomes of the following analysis.

Although the collective processes or responses described by Austin-Broos (2009) and Babidge (2010) (see footnote 59) are not the main focus of my study, features of cultural continuity (and change) provide context to Aboriginal action and behaviour that cannot be ignored.

In the Australian Aboriginal context, certain aspects of Aboriginal sociality will be likely to influence the desistance process. These include: the centrality of autonomy and relatedness to the nature of the self (Macdonald 1986; Myers 1986; Macdonald 2000; Austin-Broos 2003; see for instance Peterson 2010: refer discussion in chapters 4 and 7; for an analysis of the central role of agency and structure the creation of autonomy among Aboriginal children see Eickelkamp 2011); the nature of cultural schemas of fatherhood and long-term partnership and; the nature of what in other contexts are called 'peer' relationships but in this population are 'peer-cousin' relationships.

A number of more specific issues which are sensitive to cultural context also arise in the desistance literature. They were identified during analysis of participants' narratives and are relevant to understanding desistance within the Australian Aboriginal context. These issues include: the order of events in the process of change;[62] the relationship between agency, contingency and marginality (Giordano *et al.* 2002); self-respect and identity;[63] shame and blame, and remorse (Braithwaite 1989; Leibrich 1996; Maruna 2001);[64] peers and parental supervision (Graham & Bowling 1995:70; Patterson & Yoerger 1997; Weatherburn & Lind 2001; Warr 2002; 2007); maturation, socialisation and conformity[65] and the role of

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[62] In contrast to Laub and Sampsons views (2003:147, 278-9), LeBel, Burnett & Maruna's (2008) findings support Giordano and colleagues (2002) view that engagement with institutional support is likely to occur <u>after</u> a cognitive opening to change rather than to be caused by it (see also Leibrich 1996).

[63] See Leibrich (1996) on morality and Maruna (2001:11, 85-115) on *redemptive scripts*, *making good* and *generative pursuits* and Maruna & Farrall (2004a).

[64] For Aboriginal notions of shame see Cowlishaw (1982) and Kwok (2005).

[65] For example see Bottoms *et al.* (2004), Giordano *et al.* (2002) and Shapland and Bottoms (2007; 2011a).

marriage and children (Laub & Sampson 2003:283). These issues have informed the choice of analytical approaches outlined below.

Agency

The first of these approaches is that of Emirbayer and Mische (1998) to the study of agency. While recognising that agency responds to structure, they separate agency from structure as an analytical device and define agency as

> the temporally constructed engagement by actors of different structural environments — the temporal-relational context of action — which, through the interplay of habit, imagination and judgement, both reproduces and transforms those structures in interactive response to the problems posed by changing historical situations. (1998:970)

The words 'habit', 'imagination' and 'judgement' are critical to this definition. An orientation to the past (habit) they label the *iterational element* of agency. An orientation to the future they label the *projective element* (imagination) and the orientation to the present they label the *practical-evaluative element* (judgement) (1998:971). All three of these orientations (or aspects of them) may be found in any desistance process; their separation is an analytical tool, in the same way that separating agency from structure is a useful analytical device.

Iteration consists of a process of selective attention, leading to a recognition of typical patterns of experience (from personal or social memory) and the prediction of their reoccurrence in emerging situations. Actors often gloss over and assimilate variation from actual experience (Emirbayer & Mische 1998:979-981). Emirbayer and Mische go on to explain that through a process of sifting among repertoires, actors locate these typical patterns of experience within *schemas*, "matrices composed of socially recognized categories of identity and value" (1998:980). This allows actors to predict (or expect) what will happen in the future. "The maintenance work that goes into sustaining expectations has practical as well as ontological importance, allowing not only for a sense of consistent identity amidst change … but also for social coordination within contingent and interdependent

environments" (1998:981). Consistency, or at least some continuity of identity will prove important in this analysis.

Practical evaluation or judgement (1998:997-1000) is presented as having a three stage process: *problematisation*, *decision* or choice, and *execution*. *Problematisation* is characterised by an unsettledness and involves the recognition of ambiguity and of there being a problem which needs resolution. It is about awareness (see also Holland *et al.* 1998:100). The concept of *problematisation* is especially useful in recognising and analysing the operation of triggering events or catalysts in desistance, as illustrated in chapter 5. A *decision* may be perceived after the fact and may be tentative or provisional. Sometimes its execution will be delayed due to external circumstance. The *execution* of the decision requires a capacity to act (involving an appropriate response at the right time and in the right manner). Sometimes it may require a trade-off or loss. *Practical evaluation* may require the activation of iterational or habitual activity (possibly the activation of a cultural schema learnt in childhood (D'Andrade 1992b, see explanation below) or the performance of some other particular task. Perception of the problem requires both intellect (or cognition) as well as emotion. The deliberation which occurs as part of the problematisation, and before or as part of the decision-making, will require the weighing of alternatives and is likely to involve some form of projective imagination.

Projectivity, or an imaginative engagement with the future, requires the "*hypothesization* of experience" and comprise *narrative construction*, *symbolic recomposition* and *hypothetical resolution* (Emirbayer & Mische 1998:984). These appear to grade into each other.[66] *Projectivity* may also involve some orientation to

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[66] *Narrative construction* is explained thus: "Narratives [*existing in the community*]… provide cultural resources by which actors can develop a sense of movement forward in time. … Narratives provide 'maps of action' that help to institutionalise stages in the life course, (and can be used to experimentally posit new resolutions to emerging problems" (Emirbayer & Mische 1998:989). *Symbolic recomposition* involves actors inserting themselves in a variety of possible trajectories developing various means-ends sequences. They effectively create "what-

the past in a "retrospect-prospective process of *identification"* as well as some orientation to the present through experiential enactment of various alternatives (1998:988). Aspects of Emirbayer and Misch's concept of *projectivity* fit closely with aspects of Holland and colleagues' (1998) approach to identity formation in cultural or figured worlds (see below) and are relevant to discussions of Maruna's concept of generativity (2001).

It seems that narratives of people such as older 'lifers'[67] or other older prisoners (which essentially tell a story about a life to be avoided), can act as catalysts to desisters' development of an alternative scenario. Prisoners also apparently frequently tell 'when I get out' stories to each other, which can fulfil a similar function, although they do not always come to fruition. The fact that some catalysts appear to be able to affect the time orientations of actors is important in the desistance process (see also Shover 1996:132). Many triggering or catalytic events raise participants' awareness of their mortality and of time passing, and having young children often orients participants towards the future as they envisage this future with growing children.

I intend to use Emirbayer and Mische's theorisation of agency and its relationship to structure for examining the <u>order of events</u> in the desistance process and for examining the processes differentially involved in the initiation and maintenance of desistance. Their approach allows a deconstruction or teasing apart of the decision-making process (*problematisation* and *evaluative judgement*) in the initiation of desistance – a focus on the present which incorporates *projection* into the future and awareness of the past (*iteration*). The stories of the initiation of

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if' scenarios. *Hypothetical resolution* involves actors sifting through these scenarios and creating one which will often solve more than one problem. This process may sometimes only be understood or articulated by an actor in an ex-post facto reflection (1998:989-90).

[67] 'Lifers' are prisoners serving life sentences.

desistance in chapter 5 illustrate this decision-making process. In the maintenance of desistance, deconstruction of the process will reveal the differential importance of *iteration* to capacity and resocialisation as illustrated in chapter 6.

Social schema and motivation

The second approach which will allow a fuller exploration of the stories of those who are 'going good' is that of D'Andrade and Strauss's (1992) approach to cultural worlds and the motivational potential of cultural schemas. This fits comfortably within the *iterational* aspect of agency described above although some of the processes involved in activating schemas also involve *projectivity* and *innovation*.

D'Andrade uses the term 'cultural model' to refer to "shared, recognized and transmitted internal representations, not to external forms such as symbolic objectives or events…cultural models are part of the internal side of culture" (D'Andrade 1992a:230). While he distinguishes the internal from the "external side" of culture, he says that both sides are "*always* linked" (his emphasis). He implies that external 'forms' of culture gain their meaning from the internal and that internal 'meanings' require external forms for expression and communication.

D'Andrade defines schemas as

> a conceptual structure which makes possible the identification of objects and events …[or] a procedure by which objects and events can be identified on the basis of simplified pattern recognition. …To say that something is a schema is a shorthand way of saying that a distinct and strongly interconnected pattern of interpretive elements can be activated by minimal inputs. (D'Andrade 1992b:28-9)

Importantly, schemas can function as goals and thereby have the potential to instigate action. There are advantages in thinking of motives as embedded in cultural models because this allows opportunities for explanation of situational variation in behaviour that are not afforded by the use of a limited universal set of

motives that has been the basis of some psychological approaches to motivation (D'Andrade 1992b:33).

> The central idea being presented here is that the identification of motives proceeds through the identification of schemas. … (1) schemas, which form the reality defining system of the human, provide information about what states of the world can and should be pursued; (2) because of the centrality of schemas in determining appropriate action, top-level schemas tend to function as goals; (3) drives, affects, and other kinds of instigations to action function by activating gaol schemas, not by instigating behaviour directly, since for humans appropriate action depends on role and setting contexts which require elaborate cognitive interpretation prior to action. (D'Andrade 1992b:33)

Cultural propositions are internalised. At the lowest level of internalisation a person may be acquainted with a cultural system without really buying into its claims. Many cultural beliefs are acquired at the next level, the level of 'clichés' in which beliefs are held but not really acted upon. At the third level these beliefs are actually internalised, genuinely held and acted upon. When the beliefs become not only internalised but strongly held and are engaged by both the mind and the emotions, they are said to be 'salient'. It is this level of internalisation which means that certain schemas come to function as positive or negative goals. Some cultural models are of a higher order, consistent with the degree of internalisation (D'Andrade 1992a:297). These will be likely to incorporate orientational (redefining meanings of events), evaluative (standards by which goals or motives are assessed) and affective (eliciting emotions) force.

 D'Andrade goes on to argue that the acquisition of new schema requires some degree of 'fit' between the "goals and meanings of the new schema and the person's existing self schema" (1992b:37). In other words the future has to make sense in terms of the past. This view has interesting parallels with some performance theory in that performing a role successfully requires not only the process of learning the role (explicit socialisation or acculturation) but also the maintenance of some level of continuity with self – a degree of fit between

'normal life' and the performance (Hastrup 1995:78). Continuity of the self will prove critical in desistance amongst participants in this study.[68]

While schemas have been commonly believed to have acquired motivational properties by early socialisation, D'Andrade and Strauss show that "life conditions limit or enhance the degree to which schemas can realistically function as goals" (D'Andrade 1992b:38). Where intrinsic motivations are combined with extrinsic motivations such as the pressure from external reinforcement (pressure for conformity or external reinforcement such as from a wife or through workplace requirements) the combination of intrinsic and extrinsic motivational forces can "combine to form extremely powerful instigations to action" (1992b:38). What is interesting and important here is the interplay between the internal agential motivations and the extrinsic structural supports.

Given that some goals or motives are thought to be of a higher order than others, an analysis of the initiation of desistance might shed light on whether for any individual the higher order goal is 'staying out of trouble' and 'going good' or 'getting a good woman' or 'being there for my kids'. That is, do participants get a 'good woman' (partner) in order to stay out of gaol or do they stay out of gaol to get a 'good woman'? At a broader level, understanding motivational schemas may be a way to trace the process by which culture influences action (D'Andrade 1992b).

I examine the decision-making of those repeat offenders who successfully 'stay out of trouble' for evidence of motivational schemas and cultural models. The analysis will examine the narratives of participants to identify what schemas or models exist, the extent to which these are internalised and whether there are any which consistently influence decisions (chapter 5).

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[68] One of the major differences between performance and adopting the role of 'doing real good' is that performances by their nature come to an end (Hastrup 1995:84)84), but desistance may be ongoing.

Identity, figured worlds and agency

Holland *et al.* (1998:36-9) describe how actors use mediating devices often collectively derived symbols, or culturally constructed *external* symbols, in regulating their own behaviour.[69] They argue that this sort of semiotic mediation is a means to agency and particularly to identity formation as a means to self-activity (1998:40). This is relevant to the issues at hand because some motivating social schemas enacted by participants have results that in effect work as mnemonics, for example, spouses and children. Frequent reference to conversations prisoners have with themselves suggests a quality of dialogic space (Emirbayer & Mische 1998:974). In cultural worlds, people 'figure themselves' or learn to operate within that world. *Figuring* is about learning *the rules* and acquiring *position* within the figured world, at the same time as helping reproduce the figured world (albeit sometimes with some innovation). Examples of figured worlds explored in the work of Holland *et al.* (1998) are academia, romance and Alcoholics Anonymous.

The description of figured worlds (1998:49) and the process of learning how to be part of them, allows us to see the world of 'Aboriginal repeat offender' (being 'constantly in and out of trouble') as a cultural world, which desisters or those who consider themselves as 'going good' are rejecting. Desisters are all leaving the one relatively tightly defined figured world (of repeat offender) although they are not necessarily all joining the same new figured world, or if they are it is a much more diffuse world than the one they are leaving. They may be joining (and reproducing or modifying) several cultural worlds or worlds within worlds. Many participants are activating new cultural schemas (or newly activating an old one – i.e. one predating their offender schema) as part of their desistance. For many, desistance means also leaving or modifying the cultural world of 'cousins and other extended

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[69] A simple example of this technique would be the use of a knot in a handkerchief as a mnemonic. This concept is relevant to participants trying to change habits and needing to be reminded of new directions. As will be seen, some motivating social schemas enacted by participants have results that in effect work as mnemonics.

kin'. Desistance is an individual expression, or an expression at the individual level, of the tug between continuity and transformation. This will become especially clear in an examination of the negotiation of contested values about cousins and family. A part of the their appraoch which is particularly relevant to this analysis is the process of identity formation in embodying or enacting cultural models.

Figured worlds are characterised by generic figures (for example in academia: professors, students, generic acts [academic tasks: writing papers, taking tutorials]) and standardised patterns of discourse. The imaginary becomes reality.[70] They rely on cultural artefacts as mediators of human action: "figured worlds are evinced in practice through the artefacts employed by people in their performance" (1998:60-1).[71] Artefacts are used to mediate the thoughts and feelings of actors and as such act as constraints. Moving from one figured world to another requires the replacement of one set of artefacts with another. The artefacts of the figured world of 'repeat offender' include the criminal record, charge sheets, sentences, prison numbers, the recitation of records and actors' stories of involvement in crime (told and retold by actors to lawyers and in court) and stories of the actors' involvement in crime as told by prosecutors. The artefacts of the world of desisters may be harder to identify given its diffuse nature. They may include: keeping count of how long it is since they have been to prison or in trouble, anniversaries of last release date, driver's licences, education and employment certificates, duration of relationship, number of children, etc.

This study will make use of the approach of Holland *et al.* in an exploration of post-release occupations and identity re-formation, demonstrating a complex relationship between figured worlds, post-release occupations and identity.

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[70] Holland *et al.* describe *figured worlds* as having an "as if" quality – the result of imaginings –and in this sense they are not unlike Bourdieu's "fields" (Bourdieu 1984; 1985) but are more like "communities of practice" (Holland *et al.* 1998:55f).

[71] For example, an artefact of academia would be the tally of publications in ranked journals.

An application of approaches to agency, cultural schemas and figured worlds

The following scheme applies the approaches of Emirbayer and Mische (1998), D'Andry and Strauss (1992) and Holland *et al.* (1998) to an amalgamation of the desistance process presented in figure 2.3 and that of Bottoms and Shapland (2011). A move away from a figured world is frequently characterised by the following process:

- disruption and/or devaluation of a previous identity (or aspects of that identity); identity re-formation begins (Holland *et al.* 1998:73)

- problematisation and a constant adjustment and readjustment in a dialogic space, often requiring innovation (Emirbayer & Mische 1998:974; Holland *et al.* 1998:171-4, 282)

- an ability to imagine or act 'as if', to imagine a different self (Hastrup 1995; Emirbayer & Mische 1998; Holland *et al.* 1998)

- a decision and the choice of a different future (although it may be unconscious), (Emirbayer & Mische 1998)

- capacity to execute the decision which may involve activation of a different (possibly new, possibly old) cultural schema (D'Andrade & Strauss 1992; Emirbayer & Mische 1998). It may include the capacity to take advantage of chance opportunities

- resocialisation by return to (or modification of) values or schema learned in childhood, i.e. an *iterative* orientation to the past or resocialisation by an external influence such as spouse (D'Andrade & Strauss 1992; Emirbayer & Mische 1998)

- positionality, achieving or at least craving a position (and the respect that comes from that) (Holland *et al.* 1998)

- a likelihood that emerging identities will maintain some link with past selves, with 'history-in-person' (Holland *et al.* 1998:18)

This is a process of dishabituation (Holland *et al.* 1998:238) and identity re-formation. Identity re-formation starts at the beginning of the process.

Concluding remarks

This chapter has reviewed approaches to the relatively new field of desistance studies. Some contributors have concentrated on external institutions and give limited acknowledgement to the role of the agent (Sampson & Laub 1993; Laub & Sampson 2003). Others (Maruna 2001; Giordano *et al.* 2002) aim to redress this by focussing on the individual choices of the agent. Two models specifically posit interaction between subject and context (Giordano *et al.* and Bottoms and Shapland). However, neither of these adequately explore culture as part of this context, concentrating instead on external institutions (Giordano *et al.* 2002:1029) or, in the case of Bottoms and Shapland, social capital and 'personal social and criminal history' (Bottoms & Shapland 2011:70).[72] Despite its limitations, the desistance literature usefully describes generalised processes of desistance, the conceptual and cognitive processes involved in how it might occur and the external supports (or barriers) to desistance.

This thesis uses ethnographic and anthropological approaches to provide a rich understanding of context that can discover the role of sociality and culture in the desistance process, and the impact of desistance on culture and sociality. The importance of cultural context and central aspects of identity to Aboriginal participants' projects will become clear: in particular autonomy and relatedness, the adoption of cultural schemas such as *fatherhood* and *life partnership*, and concepts of respect and responsibility. These affect the desistance projects of participants; desistance projects themselves can lead to innovations in sociality.

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[72] Farrall and Bowling using Giddens structuration theory (see above) attempted an integrated approach, and called for future research to investigate "offending from the perspective of the individual but which also takes account of the social structure within which his or her actions unfold" (Farrall & Bowling 1999:265). This does not go as far as accounting for culture.

The chapter introduced three approaches to understanding subjectivity in its cultural context:

- Agency (Emirbayer & Mische 1998)

- Cultural schemas as motivation (D'Andrade & Strauss 1992)

- Figured worlds (Holland *et al.* 1998).

These will be employed to explore the interactions of agency and structure and identity re-formation within the particular context of desistance among Aboriginal people in the central and north-west of New South Wales. These approaches complement rather than replace other approaches to desistance. They facilitate an exploration of a process of dishabituation.

The current study draws on life course theory, insofar as it acknowledges the importance of external structures of support and the role of chance, and also on cognitive traditions, in that it acknowledges the likelihood that cognitive change occurs either first or early, in concert with the development of structural supports. Social schemas mediate between the internal (individual) and external influences.

By exploring desistance among a culturally distinct group (and one that is culturally different to those studied previously) I intend to provide insights which may be useful for policy development for this particular group and also to broaden and deepen theoretical approaches to desistance generally. The following chapters will examine the experience of Aboriginal participants' narratives to explore the way this dishabituation and identity re-formation are articulated within their particular cultural context.

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Chapter 3. The field and methodology

This chapter is divided into four sections covering: the nature and location of the field; the region and its socio-economic setting, including a generalised illustration of the *sociality* of the people who are the focus of the study (Shapiro 1997:192, 208-9; Correy 2006; Mullens 2007:38-39; Yamanouchi 2007:278-9); the manner of participant selection and their identification as desisting serial offenders; and the specifics of the methodology used in this ethnographic approach.[73]

The field

The nature of the field

Given the importance of context to this study it is essential to describe the field. In anthropology the term *field* can pertain to a circumscribed geographic location, a collectivity or group of people who share a *sociality* and who may or may not exist within a discrete location, or to a setting or practice in which agents' positions are determined by rules (of that field) (Bourdieu 1984; Bourdieu 1985).[74] The *field* in which this research took place includes some aspects of each of those three meanings. It is not that desistance itself is a *field* in the Bourdieusian sense but that the actors in the study are trying to extricate themselves from a particular role within the justice system. The justice system may be part of the field of law, which may itself be considered as such a *field* (Bourdieu 1987). In fact rather than focus on the '*field* of law' the study considers the *figured* or cultural world of repeat offence. A figured world is distinguished from a *field* by the fact that the

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[73] Shapiro uses the term *sociality* not only to avoid 'social organisation' or 'social structure' but as a term which accommodates a notion of social change as a natural phenomenon and which pertains to the ways that Aboriginal Australians choose (and plan) to associate. For Mullens the term also goes to the question of how "individuals and society are connected" and pertains to an 'intersubjective-accord'.

[74] A succinct definition of a *cultural field* is provided by Webb, Schirato & Danahe (2002:x) "…a series of institutions, rules, rituals, conventions, categories, designations and appointments which constitutes an objective hierarchy, and which produce and authorise certain discourses and activities."

participants 'figure it' rather than it being autonomous (although set within a field of power) or "a separate social universe having its own laws of functioning..." (Bourdieu 1993:163 cited by Holland *et al.* 1998:58). Bourdieu's *fields* concern "structure in practice" (Bourdieu 1985) rather than "the day-to-day content of activity" as do figured worlds (see further Holland *et al.* 1998:58-9). In the words of Holland *et al.,* "figured worlds could be described as nodes that together make up the fields that Bourdieu analyses" (Holland *et al.* 1998:299 n16).

In that actors in this study share the practice (or intention) of 'going good' (regardless of their sociality) they could be said to share a field. Because my interest is in context and the day-to-day however, I deliberately set out to study desistance among a group who share a bounded sociality.

The study is *multilocale* (Amit 2000:8) insofar as it attempts to understand the *practice* of desistance and it involves several locations. These locations are circumscribed by a shared locational orientation of participants who, I will argue, constitute a collectivity and have a shared sociality.

Referring to the need to define an ethnographic field for the exploration of multi-sited practices and objects Amit says:

> Episodic, occasional, partial and ephemeral social links pose particular challenges for ethnographic field work … Where do we 'hang out' when the processes which we are studying produce common social conditions or statuses .. but not necessarily coterminous collectivities? … [Anthropologists] might have to purposely create the occasion for contacts that might well be as mobile, diffuse and episodic as the processes they are studying. (Amit 2000:14-15).

The nature of the field, being the 'practice of desistance' among a social collectivity which is geographically circumscribed (or at least locationally oriented) led to the development of a strategically targeted methodology discussed further below. My wish to incorporate all these aspects of *field* in the study influenced the choice of location.

The location and the community (where and who)

Because I was interested in understanding the social and cultural context of Aboriginal people who had been serial offenders and were now 'doing well', the study area had to be large enough to find sufficient people, but small enough for the participants to be socially related to each other – to share a sociality. I focused on the city of Dubbo in north-western NSW, where approximately 13% of the population are Aboriginal,[75] partly because it is a regional city which may exemplify both urban and rural aspects of crime (for discussion of rural crime see Jobes *et al.* 2004; Jobes *et al.* 2005; Hogg & Carrington 2006; Barclay, Donnermeyer, Scott & Hogg 2007).

Many Aboriginal people in Dubbo come from and frequently visit (and are visited by relatives from) surrounding areas and especially towns to the northwest which may be up to four or five hours away. Several of these are classified as 'remote' (Australian Bureau of Statistics 2010a). While the study is 'centred' upon the small regional city of Dubbo, the city is not where most participants live nor is it the geographic centre of the study area. The study area is shown in figure 3.1.

During 2009/10, I spent eight months in Dubbo and four small towns in the surrounding area. I found people who had been serial offenders and were now doing well by using my own local contacts in the Aboriginal community and by spreading the word through agencies such as the Aboriginal Justice Groups and Aboriginal Community Working Parties,[76] the Aboriginal Legal Service, Court support staff and various community organisations.

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[75] Figures taken from unpublished tables for 2006, generated through Australian Bureau of Statistics (ABS) TableBuilder.

[76] "Aboriginal Community Justice Groups are representative groups of Aboriginal people who come together to examine the crime and offending problems in their communities and develop ways to address these issues." (Crime Prevention Division 2005).
Aboriginal Community Working Parties: most towns in the Murdi Paaki Region have Community Working Parties representing the different demographic groups and community organisations and representing these groups in a regional assembly. Following a summit in Dubbo in 2001, a working party was established in Dubbo to progress matters (in partnership

Confidentiality and pseudonyms

Throughout this thesis pseudonyms are used for participants and for all towns except Dubbo (which is large enough to protect identities), and some places such as Orange and Newcastle which are outside the region and where naming orients the reader without endangering confidentiality. Widetown, Browntown, Northtown, Tinytown, Treetown and Wooltown are all pseudonyms for towns in the northwest of New South Wales in which participants were born, or in which they live.[77]

The region

The area is an arid one. The major industries are agriculture (beef and wool; cereal crops and, where there is access to irrigation along the major rivers, cotton), tourism and some mining (NSW Government n.d.). The pastoral industry was a major employer of unskilled workers (including Aboriginal workers) until the beginning of its decline in the 1960s (Rowley 1971; Cowlishaw 1988; Beckett 2005). Shearing and cropping remain major seasonal forms of employment for semi-skilled workers. Many of the towns in the region are classified as 'very remote' or 'remote'. Dubbo is classified as 'accessible' and lies within an 'outer regional' area (Australian Bureau of Statistics 2003; Australian Bureau of Statistics 2005).[78]

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with the general community) in relation to cultural, economic and social conditions. See further the Agreements, Treaties and Negotiated Settlements Project website: http://www.atns.net.au/default.asp.

[77] Treatment of confidentiality is in accordance with ethics approval.

[78] Service provider use of these classification: 'very remote': locationally disadvantaged - very little accessibility of goods, services and opportunities for social interaction; 'remote': very restricted accessibility of goods, services and opportunities for social interaction; 'accessible': some restrictions on accessibility of some goods, services and opportunities for social interaction (Australian Government. Department of Health and Ageing).

Figure 3.1   The study area[79]

[79] Lexicography and location after Horton (1996) with the exception of Ngyamba which is a local spelling with location as per Tindale, 'Ngemba' (1974).

Population

The relative size of the Aboriginal population in towns in the study area is given in
figure 3.1. The Aboriginal population ratio in the region is higher than most of the
rest of New South Wales and in some of the smallest towns is 80-90%
Aboriginal.[80] The proportion of the Aboriginal population has increased in recent
years as an ageing non-Indigenous population has been replaced by a younger
Aboriginal one (Peterson & Taylor 2002:12, see also Ross & Taylor 2000; Taylor
2000).

Aboriginality

There has been considerable intermarriage of Aboriginal and non-Aboriginal people in
the region for more than 150 years. Peterson and Taylor (2002:12) reported that 43%
of formal and informal marriages were between Indigenous and non-Indigenous
people, however 94% of children from these marriages were classified by their parents
as Aboriginal.[81] The commonly accepted (and legally applied) definition of
Aboriginality is a three part definition involving evidence of descent, self-
identification, and community recognition. It was developed by the Commonwealth
Department of Aboriginal Affairs (D.A.A. 1981; Gardiner-Garden 2000) and despite
not being part of federal legislation it has been integrated into state legislation (e.g.
NSW *Aboriginal Land Rights Act 1983*),[82] accepted by the High Court
(*Commonwealth v Tasmania* (1983) 158 CLR 1) and was used to exclude some
people from consideration during the RCIADIC (Gardiner-Garden 2000).

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[80] The smallest towns are not shown on figure 3.1.

[81] These figures were for the Bourke ATSIC region, 1996.

[82] In the NSW *Aboriginal Land Rights Act 1983*, Aboriginal person means a person who: (a) is a
member of the Aboriginal race of Australia, (b) identifies as an Aboriginal, and (c) is accepted
by the Aboriginal community as an Aboriginal.

Leaving the legal definitions of Aboriginality aside, the words of Peter Sutton closely describe my experience of working with and for Aboriginal people in settled Australia over many years.

> It is manifestly clear that most Aborigines in settled Australia know they are Aboriginal and others who know them know them as Aboriginal also. Their sense of identity as a distinct cultural group has not been destroyed by loss of what might be called 'cultural paraphernalia', the forms of grammar, dance and painting their ancestors used. The bones of a culture are the *principles* of things such as how people bring up children, how they pattern their roles as kin, how they interact in conversation, rather than the details of the forms in which these things are expressed. Aborigines are still Aborigines without what is popularly called 'traditional culture' and even without secure tenure over land. (Sutton 1981:6)

While several participants had one non-Aboriginal parent, the Aboriginality of the participants in this study was never in doubt as they were either known to me through their families or were recommended to me by Aboriginal community members. They all regard themselves as Aboriginal (for a review of the history of anthropological work in settled NSW see Gibson 2006:28-31).

Employment, income, education and housing[83]

There are other segments of the Australian population who share similar levels of unemployment to Aboriginal people due to shared characteristics of poor education, skill levels and location (Fisk 1985:108; see also Cowlishaw 1988:192). In this region the overall unemployment rates are high, with Aboriginal unemployment higher than the regional average; 62% of the non-Indigenous population are employed compared to 39% of the Indigenous population.[84] In

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[83] Note that in this section, data used reports averages. Many Aboriginal people do not fall within this statistical category.

[84] Figures from unpublished tables for 2006, generated through ABS TableBuilder. The region or the Urban Centre/Locality (UCL) includes Bourke, Brewarrina, Walgett, Wellington, Collarenebri, Coonabarabran, Moree, Gilgandra, Cobar, Dubbo, Warren.

Dubbo the median weekly income of an Indigenous person is 64% of that of a non-Indigenous person (Walter 2008:9).

Towns within the study area have the highest numbers of Aboriginal students enrolled in public schools within the state: Brewarrina (96%), Central Darling (74%), Coonamble (60%). Bourke and Walgett (both 54%) also have the highest proportion of Indigenous enrolments in non-government schools (Australian Bureau of Statistics 2010a).

Despite some improvement over the last 10 years, the gap between Aboriginal and non-Aboriginal school attendance and retention rates for Australia as a whole, remains large. Its causes and consequences have been reviewed by Purdie and Buckley (2010). In NSW, the percentage of children completing high school to year 10 and to year 12 is lower for remote and very remote areas than for major cities. The rate of Aboriginal completion in both cities and remote areas is well below the non-Indigenous rate, see figure 3.2.
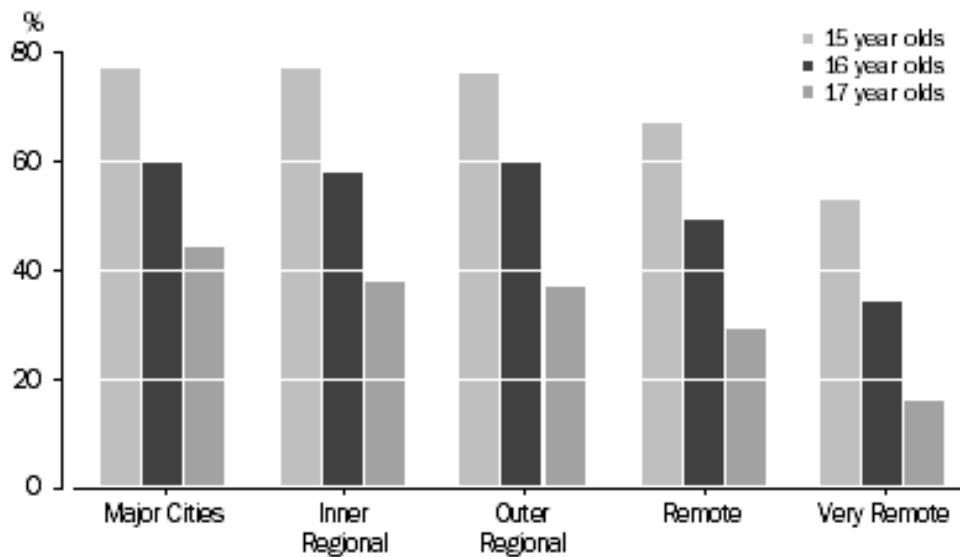
Source: (Australian Bureau of Statistics 2010b)

Figure 3.2 Attended secondary school by remoteness areas, Indigenous persons

Figure 3.3 Highest year of school completed, Indigenous persons aged 15 years and over[85]

The Department of Education and Communities, Western NSW Region kindly provided a statement (Personal Communication, 16 November 2011) about participation and retention rates for Aboriginal and non-Aboriginal students within the region which I paraphrase below.

In 2010 the attendance rate for non-Aboriginal students in the Western Region was 90.57%, compared with 83.01% for Aboriginal students; a similar rate existed over the period 2006 to 2010. The retention rates in the region for Aboriginal students were much lower than for non-Aboriginal or all student groups.[86] In the period 2006 to 2010 the retention rate from Year 7 to Year 10 was around 80%.[87] During the same period the retention rate from Year 7 to Year 12 is only 31% and from Year 10 to Year 12 (for the same group) is around 38%. Retention rates for non-

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[85] "In Major Cities, 33% and 29% of Indigenous people aged 15 years and over reported Year 10 and Year 12 as the highest year of school completed, respectively, compared to 24% and 13% in Very Remote areas" (Australian Bureau of Statistics 2010b).

[86] "Retention is considered using apparent retention. This is simply a number count as opposed to actual persons enrolled. It therefore allows for mobility which would impact on retention in a sense of continuity of schooling at that site" (Department of Education and Communities: Western NSW Region 16 November 2011).

[87] That is, 80% of Aboriginal students who were enrolled in Year 7 continued to Year 10.

Aboriginal students in the same cohorts were around 89%, 54% and 61% respectively. For all students, the rates are around 87%, 50% and 58% respectively. This information is in line with the national data presented in figures 3.2 and 3.3 indicating that Aboriginal students in the region are much less likely to attend school or complete milestones in their schooling around Year 10 or Year 12 than non-Aboriginal students.

Complementing the low participation and retention rates of Aboriginal children are relatively high suspension and expulsion rates. Among the group of men I interviewed, suspension and/or expulsion had been important events in their drift into crime. In the Dubbo and Bourke school districts these rates do not seem to be declining (Department of Education and Communities: Western NSW Region 28 January 2010).

There is a relatively low rate of home ownership in the region generally, although the rate is much lower for Indigenous households and for mixed households than for non-Indigenous households. Indigenous households are significantly larger than non-Indigenous households and often include non-nuclear family members. The majority of Aboriginal people live in community or state housing (Peterson & Taylor 2002:13-15). Walter reports that in Dubbo only 8% of Indigenous households own their own houses and about 66% of the Indigenous population rent their homes. Eleven percent of households in Dubbo had six or more people compared to the average Indigenous household size of 3.4 people and the wider population household size of 2.5 (Walter 2008:9). In her analysis of statistics on the Indigenous people of Dubbo recorded in the 2006 Census, Walter concludes:

> The combination of these factors: substantially lower level of household
> income; substantially lower levels of education; much higher levels of
> unemployment and lower levels of labour market participation; signifies the
> continuation of markedly different, rather than simply diverse, lives. … [T]he
> gap is so wide and the relative improvement so small that it is hard to
> envisage a time when the two populations in Dubbo will be experiencing
> anything like the same life options and outcomes. (Walter 2008:12)

In the smaller and more remote towns of the north-west this "gap" is even greater. It would appear that a substantial number of Aboriginal people in Widetown and Browntown (especially those receiving social security payments) supplement their income by fishing and hunting. Several men I spoke with in Widetown regularly hunted for both "wild meat" (emu, kangaroo, and feral goats) and took sheep (described as 'stragglers'). They apparently hunted by arrangement with land owners who "didn't mind" as long as fences and gates were respected. Men took pleasure in hunting and in teaching their sons to hunt, but the main stated motivation was to provide meat for older family members because they preferred "wild meat" and because of the cost of shop-bought meat. A Browntown Aboriginal public servant observed to me that she was "the only blackfella in Browntown who actually goes to the butcher", meaning that nearly everybody else obtains their meat by hunting or poaching, or from those who hunt or poach. This sort of augmentation of income has been commented upon by Fisk (1985:16) in his discussion of Aboriginal people living on the fringes of small non-Aboriginal towns. Its relevance here is not to argue, as Fisk did, for the sort of structural effect it may have for creating a preference for casual or temporary jobs, so much as to highlight an aspect of cultural continuity (see chapter 4) (see also Rowley 1971:153 citing Fink 1955, Cowlishaw 1988:71 citing Reay 1945:313, and Beckett 1958a:190). The fact that participants reported a strong kin-related rationale for the activity underlines this point. I observed the regular sharing of meat among community members.

Crime data for north-western NSW

The data presented in figure 3.4 below shows that the rate of Indigenous violent and property crime in the North Western Statistical Sub-Division (SSD) is very high in comparison to non-Indigenous violent and property crime by a factor of 10, but the rate is not atypical of the rest of the state.

Figure 3.4   NSW Recorded Crime Statistics Oct 2010 to Sept 2011

SSD	Indigenous		Non-indigenous	
	Violent crime[*]	**Property crime**[**]	**Violent crime**[*]	**Property crime**[**]
North Western	5293.6	3617.8	588.9	274.0
	(1.4)	(1.2)	(1.4)	(0.8)
Total NSW[***]	3812.3	2937.7	411.9	339.0
	(1.0)	(1.0)	(1.0)	(1.0)

Notes:

Number in brackets reports rate relative to the state average for respective column. The table was prepared using data sourced from NSW Bureau of Crime Statistics and Research, (2012). Regional populations projections were calculated using 2006 populations from the ABS 2006 Census.

*   Includes murder, assault, sexual offences and robbery.

**   Includes break and enter, stealing from dwellings/persons/retail stores/motor vehicles, motor vehicle theft, fraud, stock theft and other theft.

***   Excludes POIs proceeded against for incidents occurring in prisons.

NSW Recorded Crime Statistics Oct 2010 to Sept 2011. Rate per 100,000 population of Indigenous and non-Indigenous persons of interest[88] (POIs) proceeded against[89] by the NSW Police Force for violent and property crimes by incident location.

Sociality

There is not one single, but several Aboriginal communities in this region and also within the individual towns. These are groups which have permeable boundaries and multiple ways of "creating social distinctions". Their sociality is "constituted by intersubjectively mediated roles and relationships that may or may not undergo

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[88] "Persons of interest (POIs) are suspected offenders recorded by police in connection with a criminal incident. Some POIs are formally proceeded against to court and some are proceeded against other than to court whilst others are not proceeded against. The POIs included in the table above have all been proceeded against. POIs are not a count of unique offenders. Where an individual is involved in multiple criminal incidents throughout the year they will appear as a POI multiple times. Correspondingly, no person of interest information will be recorded for criminal incidents in which there is no known suspect. This is very common among incidents of property crime which have a low clear up rate." (NSW Bureau of Crime Statistics and Research 2012).

[89] "Includes proceeded against to court by way of Court Attendance Notice or proceeded against other than to court by way of Youth Justice Conference, Caution Young Offenders Act, Cannabis Caution, Other Drug Caution, Criminal Infringement Notice, or Infringement Notice. This data does not include POIs issued warnings as the recording of warnings changed in late 2008 and so there is no continuity in this series for this legal action." (NSW Bureau of Crime Statistics and Research 2012).

periodic entification or delineation" (Correy 2006:345). People identify themselves according to: where they were born or grew up; membership of an extended family; where their family comes from; and/or their language group. These communities are not exclusive or static and some people move regularly within the region or orbit into and out of the region. They are "diverse and interconnected rather than … homogenous and self-contained" (van Meijl 2011:135).

Place, kin and language group affiliation

Aboriginal people in Dubbo chiefly identify as either local Wiradjuri, non-local (but regional) Wiradjuri, Barkanji, Wongaibon or with language groups from the north and northwest (mostly Murrawarri, Budjari, Wailwan, Ngyamba, Kunja and Kamilaroi) (refer figure 3.1).[90]

The towns in the surrounding northwest consist primarily of people who associate with these language groups from the north and northwest. Beginning in the 1860s, many people belonging to these language groups were progressively relocated into these towns (see further: Beckett 1958b; Mathews 1977; Goodall 1982; Beckett 1988a; Cowlishaw 1988; Morris 1989; Goodall 1996; Cowlishaw 2004). The strength of the Aboriginal domain in these towns is commented upon by Peterson and Taylor (2002:11,15).

In the 1970s many Aboriginal people from Bourke, Brewarrina and surrounding towns were encouraged to resettle to targeted towns as part of the Voluntary Family Resettlement Scheme (Mitchell & Cawte 1977; Macdonald 1997b; Onnudottir 2001; Morgan 2006). Many relocated to Newcastle, Dubbo and Orange, although nearly 30% of those who relocated to Newcastle from the northwest returned to their home town within twelve months (Mitchell & Cawte

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[90] For lexicography and generalised location see note to figure 3.1.

1977:29).[91] In Dubbo people from the same towns and families tend to cluster together in fairly discrete parts of the town largely by choice and also because of the distribution of public housing estates.[92] Many from the northwest lived in West Dubbo until the recent break up of the Gordon Estate.[93] Today there is regular and frequent movement between Dubbo (and to a lesser extent Orange and Bathurst) and towns to the north and west, and between Newcastle and the region generally. Some extended families also live in Sydney, principally in Redfern and surrounding suburbs and Mt Druitt.

In her study of Aboriginal communities in South Western Sydney, Yamanouchi writes of community as an experience of sociality which creates a social identity, rather than a social entity *per se* (2007:278-9). She describes a community as comprising "ego-centric" networks connecting people to people and people to place (2007:52, 242). The mobility inherent within kin networks in central and north-western NSW is an important part of that sociality because of the significance of face-to-face contact to interpersonal (especially kin) relationships (Beckett 1988a:118-9), the need for contact with 'own country' (Macdonald 1997b:67), and due to the history of the region (Mathews 1977; Cowlishaw 1988; Macdonald 1997b; Cowlishaw 2004). In these communities, the history of relocation and intermarriage between language groups and people with shared ancestry means that people's attachment to place is exemplified not only by attachment to traditionally

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[91] Others (Macdonald 1997b:69) suggest that up to 50% of people who relocated from the region to various centres under the Voluntary Family Resettlement Scheme returned to the town from which they had come. Many who resettled still return 'home' regularly for visits.

[92] While public housing is now provided in a "salt and pepper" approach (either provided scattered through existing 'private' suburbs or developed as a mix of public and private housing) it was formerly developed as discrete areas, many of which still exist.

[93] The Gordon Estate in West Dubbo was a public housing estate which has been recently privatised, redeveloped and renamed Rosewood Grove. Residents were resettled in other parts of Dubbo, houses pulled down and land sold with a covenant requiring owner occupation (see further: http://mpegmedia.abc.net.au/rn/podcast/2007/04/sss_20070401.mp3 http://www.brisbanetimes.com.au/news/national/property-boom-in-a-ghetto-reborn/2008/08/10/1218306664977.html, http://www.parliament.nsw.gov.au/Prod/parlment/hansart.nsf/V3Key/LC20060921044 (Financial Review Business Intelligence 2010)).

owned country but also by attachment to towns of birth and upbringing (of self and parents) (see also Gibson 2006:78). Of course, integral with this attachment to place is attachment to kin. Referring to the Wiradjuri in the central west, Macdonald describes the way "deep structure of values and social morality continue to inform … introduced practices in such a way as to give them meanings which accord with classical practices" (Macdonald 1997a:10). These values and deep structures are common throughout the region, inform everyday practices and are directly relevant to desistance. Peer groups of offenders and desisters tend to be cousins who are usually at least as close as siblings (see further, chapters 4 and 7). Despite not having enquired specifically about relationships between participants (because of confidentiality issues) I am aware from information provided by each about their ancestry and history that many of the participants in this study are related to each other and/or are known to each other.

The members of these communities know who they are and how they relate to each other, or if not they establish this quickly on first meeting one another (Sutton 1981:6; Sutton 1998).[94] Part of the sociality of Aboriginal people in this study is their shared separateness from non-Aboriginal people which I believe is an aspect that strengthens and broadens that sociality.

Separateness and distinction

Beckett pointed to two main trends among Aboriginal people of the far west of NSW (in which he includes Bourke and Brewarrina):

> … the tendency of people of the same origin to be concentrated in one or two main localities; and … the tendency for people to live near some though not necessarily all, of their kinsfolk. (1988a:127)

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[94] In these towns, as distinct from south-western Sydney (Yamanouchi 2007: 233) one is Aboriginal and part of the Aboriginal community automatically if born into it. There is no need to actively 'identify' or be active in an organisation to be Aboriginal. Yamanouchi argues that in Sydney being Aboriginal doesn't make you a member of the community – but being a member of the community can make you Aboriginal.

Aboriginal people generally hold themselves apart and are held apart from mainstream society.[95] This is exemplified by where people live, either by choice, necessity, or as a result of past government housing policy (Walter 2008:8, 11) and their general lack of interaction with non-Aboriginal people.[96] The long standing nature of this separation is demonstrated by Beckett's (1964:57) comment that in 1957 the only contact Aboriginal people in western NSW had with white people was through men's work (see also Cowlishaw 1988:70). In many small towns in the northwest, the Aboriginal population is 40-50% or more of the total. Health and legal services may be provided by Aboriginal organisations and many Government organisations employ Aboriginal staff. Aboriginal people's main interaction with non-Aboriginal people is at the hospital, the courthouse, the employment agency, the school, with the police and at the supermarket check out.

In Dubbo, where the Aboriginal population is about 13% of the total, Aboriginal people tend to live clustered together in various sections of the city and most of their social interaction is with kin. It is rare to see Aboriginal people employed in shops or supermarkets in Dubbo, or other towns, although not uncommon to find them in government offices such as NSW Housing and Centrelink or Non Government Organisations (NGO) such as charitable or not-for profit organisations, or Aboriginal controlled service providers. Aboriginal people (including mature, property owning Aboriginal people) are reluctant to enter many shops in Dubbo. They report that it makes them too uncomfortable and they don't

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[95] While there are exceptions to this, see for instance Finks's reference to colour (1957) and Cowlishaw's discussion of an '*interstitial*' group (1988:114-5,253-4), Beckett stresses the "strong pressures against incipient economic, political and religious differentiation" (1988a:132) and referring to a number of studies says "most Aborigines live more or less apart from Europeans" (1988a:131).

[96] Beckett discusses the impact of kin rights and obligations on choice of locations: "An Aboriginal family then, unless it is prepared to be entirely self-reliant, must live near some kinsfolk with whom it can engage in sharing relations" (1988a:129). Public housing developments concentrated Aboriginal people in discrete areas of various towns and Aboriginal housing was provided on mission or reserve lands on the edges of towns. Some of these lands, which now belong to Local Aboriginal Land Councils, continue to house Aboriginal people.

feel welcome. "You can feel the eyes on you as soon as you walk in, and they never take their eyes off you. I'd rather go without." Racism in Dubbo is touched upon by Onnudottir (2001:9) and I regularly observed racial discrimination and racist commentary first hand during the eight months I was living there. Dubbo is a non-Aboriginal domain (von Sturmer 1984; Trigger 1992) with discrete Aboriginal domains within it.

Widetown, Browntown and other towns in the region are made up of what could be described as a lacework or figure-ground pattern of Aboriginal and non-Aboriginal domains. Which of these domains is background and which is foreground depends on the observer's position and point of view. Commercial and public infrastructure is non-Aboriginal. Local Government, state and federal government institutions and most businesses are non-Aboriginal. Some spaces such as the Court House and the employment agency are *intercultural* spaces (Merlan 1998). Whole residential sections of the towns, some parks and sections of the riverbanks are Aboriginal domain, places where Aboriginal people can "do their own thing" (Macdonald 1986:227) and non-Aboriginal people may feel uncomfortable. Relations between Aboriginal and non-Aboriginal people in Widetown and Browntown are akin to those in Wilcannia where, "blackness and whiteness sit at the root and surface of daily interaction and organisation" (Gibson 2008:295).

The nature of relationships between Aboriginal people and non-Aboriginal people in the northwest in the 1980s, at the time of the so-called "Bourke riot" (Cunneen 1987), has been discussed extensively by Cowlishaw (Cowlishaw 1988; Cowlishaw & Morris 1997; Cowlishaw 2004). Whether the cultural separateness evident in these towns is a result of active opposition to the "hegemonic White society" as suggested by Cowlishaw (see also Fink 1957:103,108,110) or "arises from and reinforces powerlessness" (Rowse 1990:190) is not critical at this point. Both may be true.

Part of the separation could be explained in terms of class. Cowlishaw argues that "racism must be seen as a series of differentiations and exclusions that are built into a much wider system of inequality….that of class differentiation". Aboriginal people as an already racially stigmatised group were "inserted into a class system in which they must sell their labour to subsist" (Cowlishaw 1988:7). She concludes however that the term 'racism' should be retained to describe the social differentiation that exists (1988:247-8).[97]

Separateness from white society and the shared history of racism, including the history of interactions with the justice system, (see chapter 4) have increased and amplified links and commonalities between and within Aboriginal groups that might otherwise have been more disparate. Cultural separateness (and difference) from white people masks differences between traditional land-owning and language groups which come to the fore in competition for access to resources (land and housing, for instance) (Macdonald 1997b), but nonetheless the shared history of interaction with, and separateness and distinction from, non-Aboriginal people is a part of a shared sociality.

Participant selection - desistance and serial offence.

The primary participants in this study are Aboriginal people who have been serial offenders against the law and who have since desisted.

Notwithstanding the various definitions of desistance referred to in chapter 2, my approach to desistance is that it is an iterative and ongoing *proces*s and *experience*, which will take different expressions in different situations. I began with ideas about serial offence being defined by multiple incarcerations and desistance requiring a minimum of two years out of gaol. I quickly became aware that the community understanding about who the people were who had been 'in and out of

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[97] See also Morgan's discussion of class-based judgements in the allocation of housing (2006:81).

trouble' and were now 'going good' had little to do with strict definitions and more to do with perceptions and knowledge of attitudes and intentions. I was interested in participant perceptions about the nature of desistance and how participants and other community members experienced and spoke about the process. I therefore included in my study individuals who themselves consider that they had been serial offenders and who were now doing well, or were viewed that way by family and/or community members. While I set out to try to interview people who had been serial re-offenders and serially incarcerated and had been 'out of trouble' for at least two years, not everyone I interviewed met these criteria. The experience and perceptions of a wide range of participants has shaped and deepened my understanding of the process.

Serial offence and progress in desistance

Not all the people I interviewed had been incarcerated at least twice. At least one person had never been incarcerated although he had been a serial offender and his brother had 'done time' instead of him. One other had been incarcerated only once but had been a serial offender and a close collaborator of another participant who had hardly been out of gaol over a ten year period. The majority had been serially incarcerated in juvenile detention and/or prison or 'big gaol' as it is commonly referred to.[98] Some of the people I spent time with had been long-term drug addicts who had committed serious property and drug offences. Others had been repeatedly incarcerated exclusively for domestic, alcohol-related assault. Some had committed theft or property crime when young and more recently had committed (alcohol-related) assaults only.

While I met with people who had committed serial offences (some who had spent nearly a full decade in gaol) who had since been doing well for four or more years

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[98] 'Big gaol' is the term commonly used to refer to adult prison. It seems to be used to distinguish between juvenile detention and adult prison and also between the local police 'lock-up' and prison. Most people use the term gaol or 'big gaol' rather than prison.

(i.e. had not been charged with an offence) I also met with those who had only been out of gaol for a much shorter period, a small number whose progress was doubtful, and some who had never been incarcerated (i.e. never been caught or convicted) and who had 'turned over a new leaf'. I met with younger people who after serial offences had been in juvenile detention just once and who were now 'doing OK' and with some who had been doing well for several years and who have since been charged with new offences.[99] The experiences of all these people help to fill in the picture of Aboriginal pathways into and out of the justice system. A conceptual difficulty associated with interviewing people who haven't been serially incarcerated is that given the impact of prison on the likelihood of re-offence (i.e. it makes it more likely), people who haven't actually been to gaol or haven't been there frequently may be likely to have an easier desistance. For that reason it is important to take backgrounds into account in analysis and to compare like to like.

All primary participants had either self-identified or been identified by family or community members as having been in and 'out of trouble' and as now doing well or 'going good'. Some had been serial offenders (and serially incarcerated) but had not been out of custody for a full two years when I first interviewed them; some of these are still doing well and some not.

Not all the primary participants can be said to have successfully desisted. One serial offender had been out of custody for more than four years and was in a steady job when I interviewed him, but had been incarcerated by the time of my second visit seven months later. Some participants had been out of custody for two years and had ceased the activity for which they had been incarcerated, but may have been still offending in some way (for instance driving unlicensed and making

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[99] Because of diversion policies which aim to treat incarceration as a last resort, most young offenders who are incarcerated have already been serial offenders (Richards 2009; Richards 2011).

social security claims of dubious veracity). The range of experience of participants who believe that they are 'going good' highlights the complexity of the lived experience of the desistance process, a complexity usually masked by the sort of decontextualisation required of tight definitions and statistical analysis.

Age and gender

The first four or five people I interviewed had spent close to a decade in gaol and were between 28 and 50 years old, so I deliberately sought out younger people who had been serial offenders and who had desisted. I hoped that their stories might provide insights into early desistance. Most, although not all, younger participants (16-21 years) had much shorter careers both as offenders and as desisters. Two of the youngest I interviewed were back in gaol or in trouble within months of the first interview and their cases are not described. It is worth noting however that they considered that they had desisted from crime. That is, they had given up marijuana and had ceased committing robberies and armed robberies. Their later charges were alcohol-related (non-domestic) assaults.

I interviewed 26 men and four women as primary participants. While all participants informed the study, 15 cases that can illustrate the issues raised are specifically drawn upon in this thesis. Eight months' residence allowed observations of and discussions with family members and the wider Aboriginal community to add a deeper understanding of the desistance process in day-to-day life.

The analysis focuses upon the narratives of Aboriginal men. While some studies indicate some similarities in subjective changes in female and male desisters (Baskin & Sommers 1998), there are also likely to be some differences especially in the manner of their treatment by the justice system and society generally that are worthy of exploring in some detail (see for instance Baldry *et al.* 2008). I did not set out to make the study gender-specific and I interviewed four women who had, or were in the process of, changing their lives. Only two of these women closely matched the initial selection criteria and one of these showed confusion about

time, date, season and current happenings as well as some apparent longer-term memory loss.[100] The smaller number of women in comparison to the larger number of men whom I located is in keeping with the percentage of Aboriginal men and women who are incarcerated (Bartels 2010b). As I essentially had only one female participant and she had not lived in the study area since she was a child, female desisters are not included in the analysis.

About the ethnographic method

Because of the nature of the subject matter and the multi-locational field, this study uses a range of strategically targeted ethnographic techniques rather than what might be called *deep immersion* alone (Amit 2000:5,10).

I specifically wanted to:

- understand the process of desistance in the light of the context and to examine 'particular' instances of things (generalisations) said to be universal features within this context

- examine the role of agency in the process.

That "ethnographic fieldwork … [i]s the primary generator of anthropological analysis and insight" is widely acknowledged (Musharbash 2011a:2 commenting on the work of Nicholas Peterson). In considering the nature of ethnography, Wolcott (1987:49), quoting Geertz (1973:16), describes the process of recording informants' words as "the power of the scientific imagination to bring us into touch with the lives of the stranger". For him (and for Geertz) "[t]he purpose of ethnographic research is to describe and interpret cultural behavior" (Wolcott

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[100] Woman A has lived in Sydney all her life although she identified with a language group and a particular town within my study area. Woman B was the daughter of woman A, who had been to prison only once. Woman C was an older woman (nearly 60) who had been born in the study area and was now living back there but had spent most of her criminal career in Sydney. She demonstrated some memory problems. Woman D was attending a drug rehabilitation program within the study area but came from further afield and there were serious concerns surrounding the veracity of some of her narrative.

1987:43). The methods used include *verbal description* and *interpretation* (i.e. description rather than generalisation) (Wolcott 1987:43) and fieldwork undertaken with an anthropological eye or the "sideways glance of the comparative attitude" (Ingold 2008:87).

The nature of the field work: finding participants, meetings, 'hanging out' and interviews

The field methodology required an extended presence in one locale with a series of shorter repeat visits to others. It included a range of techniques aimed at achieving flexibility and a variety of different types of relationships and interactions which would allow responses to emerging social circumstances. The field methodology involved a combination of:

- 'heavy hanging out', including living in an area of Aboriginal housing and sometimes staying with Aboriginal families, regularly attending functions such as community soup kitchens, drop-in centres, legal aid services, elders' meetings, court hearings and riding on the night patrol bus[101]

- introducing myself and my project at centres such as 'dry outs', women's refuges, land councils and community working parties

- making contact via Aboriginal people I had known for many years, contact via people in some strategic organisations and positions, and contact in response to flyers left in various places and with various organisations frequented by Aboriginal people.

At the outset of the project I met with Aboriginal Community Working Parties in several communities to inform them of the study and seek their advice. I interviewed many community members about issues related to the justice system. I had discussion meetings with three different elders groups and with a group of young homeless people and sought the views of some senior high school students

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[101] 'Heavy hanging out' is a term used by graduate students of anthropology at the Australian National University to describe participant observation (see also Amit 2000:14-15).

in Dubbo. I regularly visited and sat with elders during their weekly craft sessions and luncheons. I had one-on-one interviews with Aboriginal staff of various agencies in Dubbo and in four towns, including: juvenile justice support workers; court support staff; legal aid services staff; TAFE teachers and staff at drop-in centres; women's refuges and drug and alcohol services; night patrol services; and with land council officials. I spoke with many individual community members in a range of settings, including drop-in centres and community kitchens, on night patrol buses, at various community events and meetings, school fetes and in the homes of Aboriginal friends and contacts.

My primary aim was to let people know about the research in order to make contact with primary participants (that is people who had been serial offenders and who had ceased offending), to understand community attitudes to the criminal justice system, and to hear what people thought (from their experience) made a difference to serial offenders.

Interviews with primary participants were unstructured, usually beginning with participants telling me about their childhood and going on from there. I sought permission to interview other family members (spouses, parents and children) and was able to do this in about 40% of cases (10/25). This added depth and insight as well as allowing some testing of the veracity of the main participants' narratives.

Interviews with family members were also unstructured but usually began with asking about the interviewee's first knowledge of the primary participant and covered knowledge about the participant's decision to and/or their process of change and their progress since. Many of these interviews also included a personal history of the family member and sometimes began there.

Second and subsequent interviews either continued life stories and/or involved clarification of timelines or other issues. On second and subsequent visits I also used a check-list to raise issues that had not been raised in earlier sessions. This check list was developed progressively following the first four or five interviews

and was useful to encourage participants to comment on issues that others had raised (if relevant) without interfering with or influencing their initial narrative.

Analysis

Interviews were (usually) recorded and transcribed. Timelines were constructed for each primary participant from readings and re-readings of transcripts and were essential to understand the whole process and the order of events for each participant so as to understand broader issues of initiation and motivation, maintenance and the identity transformation. In order to identify common issues and patterns, some coding was undertaken. Aspects coded included: town; language affiliation; age (in 2010); age at last release date; age at first incarceration; number of times incarcerated; type of offence; visitors while in gaol; schooling; who raised him; childhood stability; Aboriginality of parents; grandparents and/or spouse; type of offences; drugs and/or alcohol as contributor; desistance factors identified by participants in this study (children, spouse, job, drug and alcohol recovery, gaol classification, incident/event); post release program; diversion; family support; literacy; peers (post release); family structure; and parents' and siblings' incarceration history. This coding ensured comparisons were between like and like.

Transcripts and field notes were also checked for comments on or evidence of: attitudes to property; socialisation; maturation; spousal orientation/values; confiding in partner; parole experience; childhood domestic violence (DV); violence; police; gaol; crime; regret/blame/responsibility; racism; abandonment; 'nothing to do'; drug and alcohol rehabilitation; education in gaol; work/employment; lack of assertion/social skills; peers (early influence); why some and not other family members get into trouble; housing; 'back up charge';[102]

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[102] A 'back up charge' involves the police waiting until someone is released from prison or is about to be released from prison and then bringing a charge from an alleged crime committed prior to the most recent incarceration.

driver's licence; quality of legal service; and what might make a difference. These codings assisted in an understanding of the relationship between sociality and the process of desistance.

Dealing with variation

While some of the primary participants fit my initial description (having been in and out of gaol or juvenile detention several times and 'out of trouble' for at least two years), others who didn't fit this category as closely were also important sources of information about desistance. As desistance is a process rather than a single event and the majority of people do desist eventually (see chapter 2), the latter group might be seen as being at various stages along the desistance process pathway and as such are valuable sources of information.

As reported above, there was a high degree of variation amongst participants in the type of crime committed. Participants can be broadly divided into those whose offences were alcohol-related assaults and those with serious long-term criminal histories associated with drug dependence. Some people's experience varied over time, with some who changed from what they considered serious crime to less serious crime regarding this as 'going good'. One way to try to categorise the variation was to try to group participants by their degree of success in desistance, and by the seriousness of their offending history. *Strength of desistance* refers to the length of time of desistance and/or the completeness of their desistance. *Strength of offending* refers to the frequency and/or seriousness of their offending.

Frequency of offence is a difficult measure because it is modified by incapacitation through incarceration. Seriousness is no less fraught (Lulham & Ringland 2010; MacKinnell, Poletti & Holmes 2010). One must ask "seriousness in whose eyes" – the courts, the general public, the Aboriginal or local community or the individual offender or the interviewer?

Given the high level of variation among participants I used the following matrix as a heuristic device only and as a useful way to think about the similarities and differences of participants.

Figure 3.5 Strength of desistance versus frequency and/or seriousness of offence

	Weak offence	**Strong offence**
Weak desistance	WO/WD	SO/WD
Strong desistance	WO/SD	SO/SD

In a study using narrative information, issues of memory and disclosure also arise and deciding how to fit individuals into this matrix is very much a matter of judgement which I made based upon my notes about participants' offences, sentences and offence-free periods. Needless to say, not all participants would fit neatly into a single square on the matrix.

My attempt to position the participants on the matrix, the age of participants, and the type of offences they had committed brought into sharp focus the various ways in which people view crime and 'going good'. Where, on the matrix, would one place an 18 year old who ceased committing robberies and muggings two years previously (and genuinely believes he has turned over a new leaf) but who currently has two recent alcohol-related assault charges? Nonetheless, the position (or potential positions) of participants on this matrix, the age of participants, and the type of offences they had committed assisted me to consider similarity and variation and influenced decisions about how to pair participants for comparison (see chapters 5 and 6).

In the next chapter, I will examine the context of the lives of the primary participants, using their own stories, the views of informed community members, and my own observations.

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Chapter 4.   Young lives of desisters and community context

This chapter sets out the context in which criminal activity and desistance occurs by presenting some themes which are common in the early lives of participants who have desisted from crime. The context in which desistance takes place and the sorts of experiences that contribute to identity formation of participants elucidates the nature of desistance. The description is constructed from the lived experience of the participants' childhoods, of detention and gaol, and their more recent circumstances. Observations by and views of family and community members, and some literature pertaining to Aboriginal sociality contribute to the picture of the common context of desisters and others.

While many, indeed most, Aboriginal people living in the towns visited in this study have not had criminal careers nor been in trouble with police and would describe their childhoods differently than my participants, most would recognise the features I write about as being true for many of their friends, relations and sometimes, to some degree, for themselves.

The commonality and continuity of Aboriginal experience has been extensively discussed (Berndt 1977; Sansom 1982; Beckett 1988b; Macdonald 1997a; Merlan 1998; Sutton 1998; Keen 1999; Macdonald 2001; Povinelli 2002; Macdonald 2011). A particular focus has been the central place of kin relationships (Kitaoji 1976; Macdonald 1986; Sutton 1998; Smith 2000a) and of sharing, in the sociality of Aboriginal people (Sansom 1982; Peterson 1993; Schwab 1995; Macdonald 2000). Kinship, its nature, obligations and expectations are central or underlying elements of what it is to be Aboriginal. This aspect of sociality is inextricably intertwined with the childhood and incarceration experiences of my participants.

Violence as a form of social control in classical and recently post-classical communities has been documented, with a number of authors writing about its translation and modification in contemporary life in remote areas (e.g. Martin

1993b; 2009; Sutton 2001) and in non-remote areas where it has maintained some (modified) codification (Langton 1988; Macdonald 1988). There is a dynamic relationship between customary violence, the breakdown of customary control and the impact of colonisation and government policy (Memmott, Stacy, Chambers & Keys 2001). A significant part of the dynamic is alcohol use (Reser 1990). Participant stories present violence as normal and unremarkabke. Violence is discussed more fully below.

The stories of participants' early lives contain recurring themes: parental separation and/or abandonment; being raised by grandparents or other kin; violence, drugs and/or alcohol; intergenerational (and family) incarceration; disengagement from school; and intergenerational unemployment. These themes are not limited to desisters; they are themes of disadvantage (SCRGP (Steering Committee for the Review of Government Service Provision) 2009) and several are major correlates of crime.[103] They are themes which the people who are 'staying out of trouble' (and by definition have previously been in trouble) and who consider themselves to be doing well are likely to have addressed or made choices about. Community attitudes to crime, the justice system and police are reported and experience of family incarceration and its impact on youthful expectations is examined. Finally participants' views of some particular issues they perceive as 'snares' (Moffitt 1993:684), or barriers to be overcome in desistance, are presented (Bottoms & Shapland 2011).

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[103] Major correlates of crime reviewed in chapter 1 include: child neglect and abuse; drug and alcohol misuse; poor school performance/early school leaving; unemployment; threat of violence; housing; and negative peer association (Hunter 2001; Weatherburn *et al.* 2006; Weatherburn *et al.* 2008; Weatherburn & Holmes 2010b).

Common experience and community attitudes

Separation and abandonment, parenting and neglect

Many participants and others in their extended families were raised by grandmothers or aunties. A very common response to my frequent enquiries about this was "It's just Aboriginal way". Generally, speculative suggestions as to why this came about were either that: "they (the mother) were too young"; or "she couldn't cope"; or more often that "perhaps she found a new man and you know that many men won't have the children of another man around".

These comments about mothers' motivations in giving up their children to relatives are reinforced by the testimony of some mothers who had given up their children, although others had no ready explanation (and felt no need to have a reason) as to why they had done so. Usually adults who had been given up as children were at a loss to explain it, apart from the fact that it is expected (or at least not unexpected) as "Aboriginal way". One of the mothers who was raising her grandchildren said she had been shocked by her daughter's actions in relinquishing care of her own children and then proceeding to have several more. In a couple of cases there seemed to be a fear, or implied justification (usually on the part of the grandmother) although not explicitly expressed, that if the grandmothers didn't step in then the Department of Community Services (DoCS) might remove children. Some said that a motivation for grandmothers, aunties and others to take on the care of a child is access to child payments. Custody of and access rights to children are often hard fought among extended family. Certainly, at least one mother (who had been repeatedly incarcerated) believed that her own mother would not have taken on the role of carer of her children without the attraction of additional social welfare payments. Others, including family members, spoke of some carers as being reluctant to allow children to return to their natural parents because of not wanting to "lose the pension".

Removal of children from their families and communities during previous policy regimes, the era of the "Stolen Generations", has been acknowledged as contributing to the causes of crime among Aboriginal people (Weatherburn *et al.* 2008). The lifelong trauma resulting from such removal has been documented and commented upon (Australian Human Rights and Equal Opportunity Commission 1997). Less acknowledged is the role of family break-up (in some cases facilitated by the availability of extended family care) in Aboriginal entry into crime, however family breakdown and cohesion is discussed in the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs inquiry into Indigenous youth in the criminal justice system (2011:41). Desisters themselves view this early childhood experience of separation from parents and care by extended family as a negative one and as contributing to their alcohol and drug use, yet paradoxically, for many the care and upbringing they received from extended family contributes to their success in desistance, an issue explored in chapter 6.

About 40% of the life stories of the 26 primary participants in this study are marked by parental separation or abandonment in childhood and early adolescence. An additional 21% reported having absent fathers. Parental separation usually involved departure of the mother in the first year or two of childhood with the child being raised by the partner (who may or may not have been the father) or by the partner's or father's mother, the father's sister, or sometimes by the mother's mother or mother's sister. From an early age, children being raised by extended kin moved frequently between a grandmother and an auntie or between a number of aunties often in different towns. Older children (aged seven to fourteen) who were separated from parents by the relocation of one parent to a distant place (usually with a new partner) or by serious neglect due to chronic alcohol misuse, either lived without a primary carer or drifted between the houses of aunties or uncles, sometimes trying to look after their younger siblings and not really having anyone take responsibility for them. Absent fathers were

reported as either being in gaol, sometimes for very extended periods (one participant first met his father in gaol when he himself was incarcerated), living elsewhere or being away working. Fathers who were away working were either almost permanently absent and/or often in other relationships, or would be away for weeks at a time either shearing or working in agricultural jobs.[104]

Being separated from parents affected participants in a variety of ways. Some experienced serious emotional pain resulting in heavy drug and or alcohol use, some reported subsequent difficulty forming relationships and/or being unable to engage in normal social activity. Many participants reported extreme childhood mobility as they moved between (for example) the houses of their grandmother and their auntie, or between two aunties' houses situated in different towns. While there are many other factors that affect poor school performance, attendance and retention, a number of participants commented specifically on the impact of mobility on their schooling.[105]

Many participants lacked a clearly identified and/or consistent main carer. Some experienced a lack of attention and supervision by the substitute carer and/or as a result of overcrowding due to sharing houses with many cousins, aunties and uncles. Where fathers were absent and there was no male substitute, a lack of supervision in teenage years was common. The importance of parental supervision in keeping young people out of crime is widely discussed in the criminological literature (Weatherburn & Lind 2001). That is not to say that low levels of supervision were not also a feature of the lives of others who did not experience separation or abandonment; Aboriginal childrearing practices encourage early

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[104] This was more likely to have been the case for participants now in their thirties or forties, who grew up in a time when rural work was available.

[105] Chapter 3 describes the dispersed nature of kin groups from this region and the constant movement between them. Macdonald's study of the Wiradjuri at Cowra reported similar mobility between Cowra and other centres. She reported that while mobility is partly blamed for problems some children experience with their schooling "the consequences of mobility are not seen as problematical amongst Kooris themselves" (Macdonald 1986: 248).

autonomy and independence (see below). Finally, absent fathers (often gaoled), or gaoled uncles, cousins or brothers were the only models of male behaviour available for many.

While the documented removal of children from their parents under earlier policy regimes (Australian Human Rights and Equal Opportunity Commission 1997) complicated the lives of some participants by virtue of the fact that their mothers, or more usually, grandmothers had no or only inadequate parenting skills, the "Aboriginal way" of child raising, to which I now turn, is not a simple normalisation of the breaking up of Aboriginal families by white society.

Raising children the "Aboriginal way"

Origins of "Aboriginal way"

The care of children by extended family must be understood in the context of Aboriginal kinship systems, whose role and importance in the NSW context have been described by others (Kitaoji 1976; Macdonald 1986; Beckett 1988a; Sutton 1998; Beckett 2005; Gibson 2006).

Macdonald (1986:197-8) explains that for Wiradjuri Kooris, kinship consists of a network of relations (who may live nearby or at a distance). This network "provides emotional and material support and social outlets, and is the major means by which Kooris may extend or maximise their life chances. It is the area in which the self is realized and life becomes meaningful" (1986:198). The system is "a transformation of the old [classical] system" rather than a vestige of it. "The way in which Kooris have appropriated and transformed English kin terms indicates their desire to encompass genealogically-variable as well as non-genealogical relations … whist still defining people in terms of the reciprocal rights and obligations represented by kin terms" (1986:211). Cowra Kooris did not claim that their system was "traditional" but "Aboriginal" (1986:211) despite having "its roots in traditional systems" (1986:195-6) as also demonstrated by Kitaoji (1976). This resonates with the representation of extended family care as

"Aboriginal way" by community members in my study (see also Macdonald 2011:312).

The relationship between kinship, affiliation and rights and obligations in south-eastern Australia has been demonstrated and Sutton (1998:59) has provided the reason for its simultaneous development in this post-classic form. Like Macdonald, he makes it clear that filiation is central to the kinship system. Other studies (Kitaoji 1976; von Sturmer 1980)[106] have shown the role of nurturing in filiation. Von Sturmer's work makes obvious the very real role that nurturing had in bestowing rights to land and knowledge and indeed the right to identity. Her work demonstrated the important role or potential of "adoptions and 'growing up'" in providing rights and identity to "marginal" children.[107] Both Sutton (1998:63-4), and von Sturmer (1980:282, 322) make the point that it is often grandparents (especially grandmothers), not parents, whose (short term and long term) interests are promoted in retaining grandchildren in their own descent groups (through nurturing), and they bring pressure to bear on parents for access to children.[108]

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[106] Kitaoji was working on the north coast of NSW and von Sturmer was working in Cape York.

[107] Von Sturmer reports that the nuclear family is not always a permanent arrangement and may be affected by desertion, constant travelling of a spouse or death of a spouse. "It is particularly in the breakup of the nuclear family, and in the course of reconstituting it as a result of death or remarriage, that one finds the social condition creating the position of the marginal child. The child is classified as marginal in that he or she is placed in a disadvantageous position with respect to receiving consistent, primary nurturing from a mother and father in such a reconstituted family." (1980:302). Such families are not seen as providing the same kinds of nurturing interaction as does the nuclear family in which both natural parents are present. Because one is expected to look after one's own children first, the Kugu-Nganychara see a conflict of interest in an adult with children remarrying if other children are involved or likely to result. There is an acknowledgement that "the assumption of social parenthood for a child who is not one's biological offspring, may result in a consistently different kind of nurturing interaction" (1980:302-3).Von Sturmer provides examples demonstrating the different treatment of 'marginal children', such difference usually characterised "by comparative non-provision of nurture" (1980:307) and stories of children essentially wandering from camp to camp of various kin (1980:304-314).

[108] See also Finlayson (1991) regarding the role of female kin networks in child caring and economic stability: "Often, a woman's first child is reared by a more experienced nurturer such as a young mother's mother, and this is particularly common if the new mother is very young" (1991:234) and: "Aged grandmothers are frequently mentioned as key carers of grandchildren, retaining a 'mothering' role for small grandchildren long past their own reproductive years.

Myers, considering (among other things) issues of loss of parental attachment amongst the Pintubi, stresses that the relationship of "looking after" or "holding" (citing Myers 1993:38) "involves an investment of identity in the nurtured person" (2011:86). He argues that 'nurturing' "establishes a *specific* individual identity as part of the kinship system" that produces "*points of attachment both to a social order and through a sharing of identity*" (original italics). His analysis suggests that "a lack of 'holding' (or nurturance) could impede the development of adult identity" resulting in social impairment. A young person without parents might receive broad kinship support but may "'lack the moral and ethical support' which proper nurturance requires" (Fietz 2008 cited by Myers 2011:86). Myers also discusses the increasing lack of attention provided by older men and the impact of the decline of ceremonial transmission (see also Gibson 2006:121, writing about Wilcannia). Myers highlights the importance of "sustained intersubjective continuity" to people's self-regard (Myers 2011:83).

Closer settlement, the breakdown of traditional marriage practices, increasing birth rates and decrease in the stability of early marriages made the practice of grandmothers and aunties 'growing up' or adopting children more frequent where von Sturmer was working (1980:384ff; see also Kitaoji 1976). With the increasing alienation of people from their country, the rationale for these practices might have been thought to be disappearing (see also Smith 2000a), but paradoxically there seems to have been no decrease in the occurrence of nurturing by 'extended family' although its qualities may have changed.[109]

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shared parenting reinforces patterns of relatedness that position each individual within a web of personal rights and responsibilities" (1991:358).

[109] Kitjoa explored whether the occurrence of *matrifocal* households was a purely recent phenomenon and if so what may have given rise to it. She concluded that "The study of contemporary Aboriginal family must … be made in terms of its role in their own society rather than in the dominant society" (1976:VII). Kitijoa extensively reviewed literature describing the matrifocal nature of "lower strata families" in the New World, including the

The continued importance of affiliation to rights in land and to membership of "families of polity" has been demonstrated (Sutton 1998) and other studies have shown how affiliation has at times allowed access to various family payments by extended family members (Finlayson & Auld 1999; Smith 2000b:95). Participants in this present study have suggested access to family payments as a partial motivation for caring for others' children. The 'Aboriginal way' of grandmothers (and others) bringing up their grandchildren and the rights and obligations that this engenders is relevant for many of the participants in this study. Gratitude, love and obligation to grandmothers (and others) do not remove the pain of separation from parents as is evident in the following accounts. Such separation has implications for identity and ontological security.

The lived experience of rejection

Separation from the primary carer can have lifelong impacts upon children (Australian Human Rights and Equal Opportunity Commission 1997). The following cases illustrate some of the issues associated with separation. Randall and his cousins Noel and Brad were about eight or nine when they first experienced separation. Two other participants, Mick and Kyle were younger.

Randall, Noel and Brad

Randall (aged 40 in 2010) whose desistance story we will hear in chapter 5, was in juvenile detention four or five times between the ages of 13 and 18, then in and out of 'big gaol' until he was 32. He was involved in heavy drug use, crime to support his habit and was prone to violent fighting.

West Indies, Jamaica, Haiti, Martinique, Barbados, Grenada, Trinidad and the Andros Islands, Central and South America and the United states. The approaches of this literature range from historical to culture theory and include the work of Oscar Lewis (1966) on the culture of poverty, in which he "defined the matrifocal characteristics of the family of the poor as one of the four dimensions of what he called the culture of poverty" (Kitaoji 1976:I-34).

Randall had a relatively normal childhood up until the age of seven or eight when he moved with most of his family from Northtown (where his father's mother lived) to Widetown where his mother's people were from. The family moved to be nearer health services because Randall's mother was caring for Randall's older (then 18 year old) sister's young daughter, who was disabled. His sister stayed in Northtown. In Widetown, Randall "met up with" his very large extended family, including many cousins. When they moved to Widetown his parents separated. His father formed a relationship with one of Randall's mother's sisters (MZ₃)[110]. His mother moved to Sydney and Randall stayed in Widetown where his father was based while moving around working on rural properties.

> And just got back to Widetown and that and started getting in trouble. Mum was down in Sydney – we kept going down there all the time – me and me brother. And a bit of trouble here and there – through the boys' homes [juvenile detention] then and then to gaol. Like started in the boys' homes and worked our way up to gaol and that. I'm glad I'm finished with all that.

Randall said he saw little of his father, in fact only when he was bailed to be with him.[111] He gave the impression that his father cared little for him and his siblings. Randall's auntie (MZ₄) underlines the lack of relationship between father and son, and the fact that Randall remained close to his mother despite her absence.

> …Ran – he sort of looked after heself then, you know, when his parents separated. It was a shock to him … he never ever thought that his parents would separate and that. … been in and out of the homes and in and out of the big gaol you know. Then – you know how they get into all this – when they got good friends and friends get 'em into all the trouble they been in, … but at that time it was very hard for 'em too. Cause the father – well he wasn't much help to 'em you know – just didn't give a damn about 'em – the kids – but they used to go down and visit their mother in Sydney – you know and she

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[110] MZ is an abbreviation for 'mother's sister', (FM) is an abbreviation of 'father's mother' and so on. A list of such kinship abbreviations is provided after the Glossary.

[111] That is, released on bail by a court on condition of residence with a specified person, in this case his father.

was really good with 'em. Its been very hard for 'em you know… probably thought that they got nowhere to go. But I used to say to 'em 'yous can come and stay at home if yous wanta, babes' – because it was – you know, just to see the look on their faces, you know.

She explains that Randall's older brother is still in gaol.

It was just too hard of a blow for any kids I reckon – but he [Randall] looks good today.

After his mother left Widetown, Randall and his (immediately older and younger) siblings seem to have drifted between his grandmother's (FM) house in Northtown and various aunties' houses in Widetown, visiting his mother in Sydney occasionally. Randall said that whenever his father came to Widetown he would send Randall and his sister back to Northtown to his grandmother's (FM).

That is how we missed out a lot on school, sort of. We stopped going to school 13 or 14.

His auntie's view, that "he sort of looked after heself", sums up the situation. Randall does not seem to blame his mother for her departure but is bitter about his father.

Randall's situation is not unlike that of his young cousins Noel and Brad who were 26 and 27 in 2010 and whose stories we will hear in chapter 6. Their (non-Aboriginal) father died when they were aged nine and ten and then their mother started drinking and stopped looking after them. They drifted from relative to relative and were in juvenile detention by the age of 13 or 14 and were involved in alcohol and drug-related crime. They acknowledge their mother's lack of care, the Noel with some bitterness.

Kyle

Kyle was 31 in 2010. His grandmother (FM) "got custody" of him and one of his younger brothers when he was 15 months old. His birth mother moved out of the region when he was about two and his father rarely saw him as he was generally

living in a different town within the region.[112] Kyle lived mostly in his grandmother's house in Dubbo until he was four. From four to seven he lived with his auntie (FS) in a town about 200 kilometres south-east of Dubbo. From seven to twelve he oscillated, or in his words "was passed", between his auntie's house and his grandmother's house. His grandmother was then living about 200 kilometres north-east of Dubbo.

Kyles' desistance story (chapter 6), which is one of recovery from serious drug use and associated crime, frequently refers to his coming to terms with the consequences of his upbringing. This included: living in a house with nine or ten cousins; inconsistent discipline (both within and between households); poor supervision, always feeling that he didn't quite belong amongst his cousins who were full siblings; and consistently beginning the school year in town A and finishing it in town B and then *vice versa* the following year. By the age of 16 he was deliberately seeking to be arrested in order to both "get off the sherry" and "get away from society".

One of Kyle's close cousins explained that Kyle was trying to avoid his own children having the same experience of "going from place to place" that he had had as a child. Despite Kyle's regrets about his childhood, he is devoted to his grandmother and his auntie whom he calls 'Mum' and is very close to a number of his cousins, whom he regards as sisters and brothers. While he is bitter about his childhood, he accepts responsibility for his actions and he does not blame anyone else for his criminal past.

Mick

Mick, whose desistance story we will also hear in chapter 6, was 36 in 2010. He spent every birthday between the ages of 18 and 29 in gaol. He was a serious drug offender and committed many crimes to support his habit. Mick's story highlights

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[112] His mother was not a local and moved back to the coast where her people came from.

the way feelings of rejection, arising from family instability and absence of parenting at critical stages, contributed to his "going off the rails". Mick's mother left and moved to Sydney (when he was 3 years old) and subsequently had little to do with him. His father, Jason, moved into Jason's mother's house with Mick's younger sister, who was then a baby. Mick was raised by Jason and Jason's mother (Nan) in an apparently happy household. Jason was a full-time parent until Mick was about 11 or 12 when Jason started attending TAFE in preparation for later employment. Jason was a strict father and Mick says that at 15 or 16 he was not used to making his own decisions. This is unusual amongst Aboriginal youths and speaks to his father's parenting to that point.

At this time Jason met a new partner (June) and they moved to Sydney together taking Mick's younger sister with them. Mick did not want to leave his hometown and the plan was that he would stay and finish his final two years of school. He had always enjoyed and been good at school.

Within a couple of weeks of the Year 11 school term beginning, Mick saw all his mates who had left school having a good time and he left school. His 'Nan' (Jason's mother) insisted that if he was living with her and wasn't going to school then he must get a job, which he did. His 'Nan' did not particularly value school. In her experience it was normal to leave school as soon as legally permitted and then get a job. Mick lasted in the job only a month and left home.

In an early interview, Mick said that he could see his mates, especially his cousins (i.e. Jason's brother's children, who were stealing and committing break and enter offences) having lots of money and not having to work for it; "It looked like fun". Mick wanted money for expensive clothes and for marijuana. He was now living occasionally at his uncle's or "sleeping anywhere – on the riverbank or anywhere." Independently, he started imitating his cousins' crimes and it wasn't until after he had started offending that they actually took him along with them. He does not blame his cousins or anyone else for his getting into trouble.

In his third interview, Mick said that "deep down" he was probably "cranky" with his father for going away. It later transpired that not long after Jason had moved to Sydney, Mick was told that Jason was not his biological father. The fourth time I spoke with Mick he said that a big part of his getting into drugs, or getting more deeply into drugs was to do with the revelation about his parentage. He said he didn't want to accept the fact that his father wasn't his father. He was trying to block it out. He spoke about how this was still an issue for him. A close family member said:

> *Yeah – after Jason moved to Sydney, or maybe just before he moved to Sydney. I think that there were a lot of issues there – about, you know, rejection. He [Mick] is still getting over the rejection [by] his mother now – with his kids. You know she [Mick's mother] still doesn't accept really the grandkids. … When she talks about her grandchildren she only talks about her grandchildren of the guy she has been with and the children she has had with him. They are her grandchildren. You know, she comes to [hometown name] and she won't even visit him [Mick], you know. So I am thinking there is a bit of rejection from that as well. It is really sad, you know.*

This person commented on the fact that neither Mick nor Jason mention that Jason is not Mick's father:

> *No. Well it is a wonderful relationship – and he is there for him – that is his dad and that is his son.*

and continues, speaking about how Mick was affected by finding out that Jason wasn't his father.

> *Yes I think, personally, I think it did send him into – I think at that age it sends them into a bit of a spiral and to me, … I saw him go into this slide. But I don't think it was just that. I think a lot of peer pressure as well; the company he was mixing with; the woman he was hanging with [at the time]. I think that all had a lot to do with it. And then he started, you know, getting*

into the heavier drugs and you know thieving. … The thing with Mick – he never ever blamed anybody.

Mick had rejection experience upon rejection experience.[113]

Jason seems to have been almost totally absent from Mick's life between the ages of 16 and 18, when Mick first went to gaol. While Jason has been consistently supportive since then, visiting Mick in prison and seeking him out at other times, it is possible that despite the revelation about his parenthood and his ongoing bitterness about his mother, Mick might not have 'gone off the rails' if Jason had not been absent. The uncle and auntie with whom he was living for part of this time are acknowledged by other family members as being incapable of setting boundaries: he, because he is "a softie" and she, because she is a "stolen generations woman who grew up in the homes"[114] and had no parenting role models. Most of their (male) children have been in trouble with the law, several of them repeatedly.

Similar patterns in the wider community

There were many examples of kinship care within the extended families of participants and in the broader community. Mick's grandmother, for example, was raised by her grandmother, rather than her mother. Brad's current partner (Savanna, the mother of his four children) had two children before she got together with Brad. According to Savanna's mother, who is raising these two children in another town, it was Brad who did not want the children. Savanna's mother is very critical of the fact that her daughter is not raising her own children and yet keeps having more. Savanna's mother had exerted some pressure for Savanna's first

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[113] A third rejection occurred when within the last five years Mick approached his biological father by phone to try to arrange a meeting. While the man said it would be 'OK' if they met up when he was visiting the Dubbo region, he made no specific arrangement. Mick took this lack of precise arrangement as indicating that this man wasn't really interested. Mick says he has never discussed any of these issues with counsellors in rehabilitation or on the methadone program but says that it is something that he should probably deal with.

[114] Grew up "in the homes" or been "through the homes" means removed from family and brought up in an institution.

children to go with her, rather than stay in Widetown and be looked after by some of Brad's family.[115]

Randall's mother raised her eldest daughter's child. Randall's (also Noel and Brad's) auntie (in her late fifties) has formal custody of five of her son's children, (aged less than 12 months to 10 years). Her son is frequently in gaol and his partner is on drugs. In the past this auntie has fostered three or four children (now young adults) of nieces and cousins. Three of her four sons have been in prison as serial offenders.

Kyle's auntie (FS) whom he calls 'Mum', was raised by her grandmother (Kyle's FMM). Yet her grandmother (Kyle's FMM) did not raise any of her own children. In her generation only two of six female siblings raised all their own children. One of 17 children, she was a 'Cootamundra girl'[116] and therefore probably had no parenting role models but it was she who raised most of her six daughters' children. For Kyle's aunt, not being raised by her mother seemed unremarkable at the time as there were so many people living together in the one house, but she later felt (and continues to feel) bitter about not being brought up by her mother.

Family breakdown, separation, absent fathers and kinship care does not always result in children being involved in crime, nor does it account for all crime. Mick's uncle and his partner (FB) have been together for 40 years and their children have been repeatedly in and out of gaol. However, non-nuclear families are very common amongst participants in my study and amongst young people currently in trouble.

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[115] Savanna's mother may have been motivated to have care of the children to prevent Brad's family accessing the child support payments rather than receiving them herself; she may also have been concerned for the welfare of the children.

[116] A 'Cootamundra girl' is a woman who grew up in the Cootamundra Domestic Training Home for Girls. See: http://www.womenaustralia.info/biogs/AWE0979b.htm http://www.cootamundra.com/bimbadeen/Girls%20history.htm http://australianmuseum.net.au/Indigenous-Australia-Family and Australian Human Rights and Equal Opportunity Commission (1997).

Informed community views

Informed community members spoke of how most young people who come before the courts have had little parental supervision and, specifically, "no boundaries", "no discipline" and "no routine". They said that the majority of them are being raised by extended family rather than by their natural parents. Young people are having children and "not wanting to raise them or not ready to raise them so therefore an older sister or brother or a young auntie or uncle or even grandparents raise the child." Informants emphasised that lack of parental supervision was general throughout the community.

> *Anybody in an Aboriginal family will put their hand up to take the child. So they've got that child – or to say that child has got a home to go to. Anybody in an Aboriginal family will put their hand up to take that child. So if that child can't go back to mum or dad, you know, the sister or an uncle, an auntie can be there so, 'well he can come and live with me'. And they're words. Yeah, they can go and live with them, but they do what they want in that home. So, if they want to go out with their peers until hours in the night, then, like I said, there is no supervision.*

It appears that grandparents do not always supervise children in their care with the same level of attention as a parent. I often observed parents and grandparents 'lay down the law' verbally (often accompanied by a threat of punishment), then fail to follow up with any consequences when an instruction or request was not complied with. Many community members and case workers complained that parents not being able to smack children because of laws against it contributed to the inability to discipline children and the lack of respect that children showed towards adults. Some attributed what they saw as poor parenting to the fact that fathers were often absent in gaol and others spoke of the need for families to be brought back together.

> *They need to be brought back together. The kids and the families. Yeah… I was lucky when I was growing up. I had a lot of family support around. Me parents, me uncles and aunties, grandparents. A lot of these kids all they've… they've got no mother or father, you know, that's together, still together you know. Their role models are their cousins or uncles and they're in gaol. They… a lot of kids rely on their parents… hum their grandparents, their grandparents will always be there for them, yeah.*

Perceptions of neglect

Participants' stories of their early life usually provided some picture of the physical and social conditions of childhood. As well as parental abandonment (sometimes actual physical separation and sometimes inaccessibility due to alcohol), participants commonly reported violence at home and/or in neighbouring houses and lack of food and money, overcrowding and lack of supervision. Most did not consider that they had suffered neglect. Some who were not always fed by their parents didn't consider they were neglected because they could usually go elsewhere to "find a feed" (to an uncle or auntie's house). For some whose home had been violent, with regular weekly or fortnightly bashing of mother by father, the bottom-line for good parenting was "food in the cupboard and clothes on the back". Even where participants felt and expressed considerable bitterness about their upbringing (usually because of abandonment issues) they did not consider that they had been neglected. Many recall the freedom of ranging freely with cousins as pleasant memories.

Noel and Brad were raised in a house where there had been a lot of family (spousal) violence until their father died. After that their mother "was hitting the grog pretty hard" and essentially paid little attention to them. Noel and Brad do not consider themselves to have been neglected, although Brad agreed that his mother might not have looked after them as well as she could have.

> *Yes – maybe yes 'cause Mum – she's a t'ing [alcoholic]. Like we left school – like fucking – we never went to school – and she wouldn't give us no money and that – and that is why we went to stealing and that.[117]*

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[117] The word 'thing' or 't'ing' is frequently used by Aboriginal people within (or from) the locality of Widetown (and to a lesser degree Browntown and among people from other regions) as a generic term to stand in place of either another word that doesn't spring to mind, or in place of a clause or concept that is complex and can't easily be expressed or might 'be shame' to voice. The meaning of what it stands in for is expected by the speaker to be implicitly understood by the listener; it is situationally ascribed.

Kyle described the chaos of often living with nine cousins. Despite the fact that he feels very bitter about his childhood, he commented:

> *Oh, never neglected. Like we had a bit of a rough run but it wasn't out of – it was out of necessity more than anything you know - they never starved us on purpose.*

Another participant, Dean (aged 34 in 2010, see further chapter 5), the oldest of five brothers was left alone at the age of 15 with his younger brothers when his absent father died and his mother, who was drinking heavily moved out to live with another man. He is bitter about her abandonment of them, but he didn't consider himself to have a neglected childhood because there were so many aunties and uncles on the reserve he could go "from one house to another and get a feed in different houses".

In summary, while experiencing hurt through separation and sometimes acknowledging the contribution of this to drug and alcohol problems, participants accept full responsibility for their lives, a position consistent with being raised to be autonomous individuals (Macdonald 1988: 192).

Socialisation to autonomy

Aboriginal youngsters are socialised into autonomy (Hamilton 1981; Cowlishaw 1982; Myers 1986; Martin 1993c; Peterson 1993:863; Macdonald 2008:248, 350).

The sorts of childrearing practices reported by these authors in some more 'classical' settings continue to be used in urban contexts. Malin *et al*. (1996) made detailed ethnographic observations and recordings in a large urban environment and demonstrated how Aboriginal child raising practices differ from mainstream Australian practices. Children are raised to ensure independence, self-reliance (including self-defence when threatened) and nurturance of others (especially younger kin) or "affiliation or (social concern)" (1996:47). Socialisation processes include teasing and scaring, and more direct and subtle measures including non-intervention or selective attention, "'loaded' conversation or storytelling … to

communicate a particular value laden message" (1996:47). The quality of the parent/child relationship is characterised as one of equality, with children directing their mother to do things, admonishing her and speaking to her in a manner similar to that in which she had spoken to them. This was in contrast to the non-Aboriginal families in which the children emphasised their childishness in various attention-seeking ways. Aboriginal children are expected not to draw attention to themselves; to do so is 'shame' (Cowlishaw 1982:502).

The place of autonomy in Aboriginal sociality cannot be fully understood except in the web of kin relationships and the flow of rights and obligations that define individuals (Peterson & Taylor 2003:109-110) (discussed in more detail in chapter 7). A high value is placed on independence and personal autonomy. People value being able to be themselves and not having to meet others' expectations, but the self is defined in relation to others (Macdonald 2008:350). Macdonald emphasises that "an understanding of one's personhood is strongly linked to the socialities of kinship and awareness of known as well as unknown, ancestors in place" (2011:318, see also Myers 2011:87-88). Macdonald, (referencing Macdonald 2000) argues that "the fiercely autonomous self is an ontological continuity … unlinked although it may have become from previous cosmological moorings" (2011:318).

People's right to be themselves, embedded in their socialisation towards autonomy, means that their right to make their own decisions is highly valued "even if this means 'messing up' their lives" (Macdonald 2008:351). In this context young people 'doing silly things' (a euphemism commonly used by community members for young people committing crime) is quite unremarkable. Macdonald argues that socialisation produces consistency rather than conformity, thus allowing people to know what to expect; to be "consistent with the

perceptions that others hold of them" so that everyone knows how to act (1986:337-9; 1988:191).[118]

The keen balance between autonomy and relatedness can become "seriously out of kilter" (Macdonald 2008:351). Separation of autonomy from the social strictures and obligations of kin relationships can be "autonomy 'run riot'" resulting in pursuit of individual rights, development of uncaring or exploitative relationships and abuse (2008:352). Myers (2011:88) writing of the Pintupi, describes the precarious nature of the time when young boys, already schooled in autonomous ways, begin to separate from the nurturance of childhood, becoming reserved towards their fathers and not yet coming under the care and influence of older men in "ceremonial sequestering". He points out that this time of transition is made more precarious in the current interracial context in which the options for identification are more complex; the young are aware of the greater values placed on "material wealth and respect and authority of Euro-Australians". Disrupted or inadequate socialisation (which could result from separation from, or inconsistency in, primary care givers), is likely to result in an over emphasis on autonomy without the balancing "value laden messages" (Malin *et al.* 1996:47) or the associated responsibilities that come with age and experientially-based learning (Macdonald 1986:340; 2011:312).

At the best of times autonomy can result in individuals quick to assert themselves. The sorts of behaviours reported by Malin *et al*. (1996) and Macdonald (1986; 2011). do not translate well into the school or other situations where deference to authority (e.g. workplace and policing) is the expected non-Aboriginal norm. These aspects of Aboriginal socialisation and sociality also have implications for

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[118] See also Musharbash's (2011b) discussion of Warlpiri childhood socialisation in which she describes what are considered "predetermined" traits of personality, temperament and physical appearance and which are accepted and are not the subject of coaching, and the deliberate coaching that is directed at "creating a solid understanding of relationship between people and the ground rules (of autonomy and relatedness, demand sharing and looking after other) that govern social life and that all (should) adhere to" (2011b:69).

Aboriginal experience of the law and for the development of a 'conventional self' among desisters (see further chapter 7).

Cousins as peers

The "deep structures" of kinship described by Macdonald (1997a:10) and discussed in more detail in chapter 7 are important to the experience of offenders and desisters. From early childhood young people associate constantly with peer groups who are cousins and sometimes same-age uncles who are usually at least as close as brothers. This is a constant theme in participant stories and community life. As the participants became teenagers, this was the group with whom they got into trouble. Myers (2011:94) discusses how, although these groups are tied together as much by day-to-day activities of "juvenile disturbance", these groups also effectively recreate or continue intergenerational ties as well as building intra-generational ones. In this sense they are really 'family groups' rather than 'peer groups'.[119] The impact of negative peer group association on offending and desistance, and the contribution of absence of parental supervision to negative peer impacts, are well documented (Warr 1998; Weatherburn & Lind 2001; see also Warr 2007). The strength of peer-cousin relationships, early socialisation to autonomy and low levels of parental supervision among Aboriginal youth in the study area is a combination that may lead to high offence rates.[120] It also points to relationships with cousin-peer groups which are not lightly given up as being a potential issue for participants in the desistance process. This may be the case especially where participants have been separated from parents at an early age and where these relationships meet a need for "sustained intersubjective continuity" necessary to a person's self-regard (Myers 2011:83).

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[119] Myers (2011)points out that these groups are probably larger and/or at least more long lasting than would have been the case before permanent settlement. Previously they would have come together more ephemerally as youngsters travelled with parents or uncles and aunties (2011:94).

[120] These intergenerational and intragenerational ties are strongly linked to place and are often strengthened when a young person goes to gaol where he will meet cousins and uncles.

Communication with authority: an intercultural experience

A recurring theme in participants' stories of childhood and of maintaining desistance is their difficulty in communicating with people in authority (teachers, police and bosses) and with others in educational and occupational settings. The incidents reported are about verbal encounters which escalate sometimes to violence. These common, similar and strongly significant events result in Aboriginal people walking away from or being expelled or "let go" from school or workplace.

A lack of oral language competence has been confirmed as a risk factor in adolescent antisocial behaviour (Snow & Powell 2012) and poor language competence will be exacerbated where communication with authority is an intercultural activity. 'Miscommunication' due to cultural differences between speakers of Aboriginal English and (Australian) English has been documented in various settings (see for example Eades 1994; 1996; 2000). The place of language in resolving conflict and the different meanings of different registers, including how speakers of Aboriginal English often seek information by less direct means than direct questions and the different use of silence is well known (Langton 1988; Eades 2000; Peterson & Taylor 2003:110). The communication difficulties or miscommunication instances in the stories of the early lives of participants are two sided and occur in a context of mistrust. Racism and intolerance of difference, with all their concomitant expectations, is the general context of the intercultural space in which these communications take place (see chapter 3). Two particular settings which recur in the stories of desisters' communication difficulties are police relations and school.

Community attitudes to police are born of the long history of oppression. While many would claim some police harassment of Aboriginal youth, most people I spoke with also believe that policing has improved in the last twenty years. Yet while things are better, there is a *palimpsest* of police harassment and brutality that remains, refreshed by recent incidents (Cowlishaw 1999). The *palimpsest* is

evident in the earliest memories of many participants: memories of parents and uncles being violently pulled from their beds by police; of police driving children beyond town limits, removing their shoes and telling them to walk home; of deaths of kin in custody. This community memory (and there is likely to be a similar collective memory held by police of violent attacks upon them by Aboriginal people) together with young people's socialisation to autonomy and assertions of equality in the face of authority, together with police inexperience of autonomous responses, may accumulate to produce an escalation of altercations.

For many Aboriginal children (and adults), school is not a valued place or experience, nor a place in which parents are much interested or comfortable. Many students have had a poor pre-school or primary school foundation. In line with an upbringing towards autonomy, many children are expected to 'fight their own battles' at school. Modes of communication between 'educated white folk' and between Aboriginal people are quite different (see for instance Eades 2000). Everyday interactions between Aboriginal people, including close family members, are often loud and seemingly abrupt. If one is spoken to loudly or abruptly one responds accordingly. This is expected and usually no offence is taken. A teacher speaking assertively to a student will not expect to be responded to in equal or similar terms, but this is what often happens between teachers and Aboriginal youngsters. The teacher then 'ups the ante' and the situation escalates. Teachers and police are often unaware of or unused to the register of equality used by youngsters whom they consider should treat them with 'respect', that is with deference and submission rather than in a register of equality. An alternative response by an Aboriginal person to a white person who speaks to them from a position of authority may be silence and/or withdrawal from the situation as a result of shyness or 'shame' as a result of feeling singled out.

Some Aboriginal people (and some white people) manage to become what Eades calls bicultural (2000:164) (perhaps bi-meta-lingual) and recognise the different registers and signals implied in communications. Many do not. Words may be

understood but intentions and justifications are not. Legitimacy of authority of one person over others is not always accepted by the autonomous young Aboriginal person. The equality of the student is not accepted by the teacher. Young people are not articulate enough in the language (or meta-language) of the setting to be clear and assertive without appearing disrespectful and aggressive. This often results in them walking away, escalating the situation or lashing out.

Most participants in this study who disengaged early from school told stories of such misunderstandings and escalations (often to violence) and others told stories of specifically racist episodes (sometimes perpetrated by relief teachers) which had similar results.[121] Very similar events occur in the workplace (see later chapters), which can be critical to the success or failure of desistance projects.

The normalcy of violence and its relationship to drug and alcohol use

Much Aboriginal crime is violent crime (Fitzgerald & Weatherburn 2001). This contributes to the high incarceration rate and a high rate of injury among Aboriginal people (Weatherburn *et al.* 2003; Snowball & Weatherburn 2007).

Violence, including physical violence (fighting, assault, public, interpersonal, domestic violence, self harm, suicide) and verbal violence (swearing, insult, and threat) have been discussed in the context of continuity and change; both its role as a social control mechanism (regulated by kinship obligations and interests) in 'classical'122 Aboriginal societies (Thompson 1935; Hiatt 1965; McKnight 1986; Myers 1986; Macdonald 1990; McKnight 2004) and its current widespread and varied occurrence in both remote and non-remote Aboriginal communities (McKnight 1986; Langton 1988; Macdonald 1988; Robinson 1995; Robinson

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[121] Language competence has been shown to be a factor in school exclusion (Clegg, Stackhouse, Finch, Murphy & Nicholls 2009). Lack of competence in cross cultural communication on the part of students and teachers is likely to exacerbate and in some cases explain the issue.

[122] That is, pre-contact society (see for instance Sutton 1998).

1997; Sutton 2001; McKnight 2002; Cowlishaw 2003b; Cowlishaw 2003a; Sutton 2005; Martin 2009; Austin-Broos 2010; Langton 2010; Merlan 2010).[123]

In contemporary Aboriginal societies various types of violence have been distinguished, for instance in a Darwin camp, predictable, consensual moral violence (patterned and rule governed, involving self-restraint and implied justice) (Sansom 1980:92-99) and casual fights (1980:57). The Yolngu in north-east Arnhem Land distinguish between big trouble (such as homicide, which will necessitate the involvement of police) and little trouble (such as private, domestic and other disputes) which Yolngu try (and prefer) to settle using customary control methods without appeal to outsiders (Williams 1987: Chs 6-7, referenced by Robinson 1997). In NSW some collective action such as rioting and some other violence has been described as stemming from resistance (see for instance Cowlishaw 1988; Morris 1995; Cowlishaw 2004).[124]

Among the Wiradjuri, Macdonald (1986) describes

- proper fights as duel-type fights, which might be fair or dirty (dirty fights break the rules),[125]

- casual or nothing fights (said to be of little consequence, frequent and most common),

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[123] During the 1980's with the influence of self-determination policies, discussion of the possibility of the operation of customary law, along side 'white law' is said to have influenced studies of traditional law and attempts at its codification (see Robinson 1995:341, n11 commenting on Sansom 1980; Langton 1988; and Robinson 1997:124).

[124] Partly because of its focus, (and despite the high rate of "assault police" and Aboriginal attitudes to police) the present study revealed no evidence regarding collective violence nor did participants describe violence in terms of resistance, although for a discussion of relevant issues see (Robinson 1997; Sutton 2001; Cowlishaw 2003b; Sutton 2005).

[125] *Proper* fights are between two 'assenting' and 'equal' (age, gender, physical handicap and alcohol intake) participants in which violence is limited (approximating to Boxing Code rules) with fights being stopped when someone says they have had enough. Weapons are not used. There is no interference from third parties (except by senior people who may call for the postponement of a fight if the parties are judges too drunk) and fights should be in the right place and at the right time; most proper fights are public and have an audience (Macdonald 1986:179-87; see also Macdonald 1988).

- assaults (these are not described but seem to be between Aboriginal and non-Aboriginal people (1986:175-178)) and Wiradjuri and non local Aboriginal people (Macdonald 1990:125), and

- marital disputes (also not described, although their frequency seems to be ascribed to the egalitarian nature of marriage (1986:237), and to the "structurally imposed rivalry between the claims of kin and those of spouses and affines" (1986:239)).[126]

Wiradjuri fights "take place in the context of known relationships. … [and] are thus a means of maintaining balance in social relations and are not an index of disturbance" (Macdonald 1988:193). They are an "assertions of sociality" (Macdonald 1990:131). In this they share great similarity with other accounts of customary violence. The rules pertaining to non-dirty, *proper* fights (Macdonald 1986:179-87; see also Macdonald 1988) have similarities with 'rules', rituals or behaviours in other areas of Australia (see for instance Sansom 1980; McKnight 1986; Robinson 1995). Macdonald characterises the rules as being adaptive moves (Macdonald 1986:453) as distinct from being culturally determined (Sutton 2009).

Macdonald, and the name itself, implies that *dirty* fighting is not sanctioned. In the current study participant stories present violence as normal and unremarkable. For violence to be considered normal does not necessarily mean that it is socially sanctioned, or sanctioned in all its forms, or on all occasions (Memmott 1990:6) although its normality and the expectation by Aboriginal peoples that it will occur has also been described by others (McKnight 1986:155-6 and referencing Stanner 1969).

Sanctioned or not, the general level of violence, beyond (or below) fighting is evident in the language of one of the passages quoted by Macdonald. In this passage a father is trying to get his son to attend a fight which the father had

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[126] See further discussion of Aboriginal marriage/partnerships in chapter 5

postponed the night before because his son and the other protagonists had been drunk:

> 'Git up out of that bed. John! 'Aah! Dad, Dad,…' he goes. 'You just git out' he said, or I'll punch you in the mouth. He says. 'You git up! You're gonna fight them two this morning up there at the gates,' he said. (Macdonald 1988:183)

The language of violence amongst the communities of participants in this study is explored below.

In the present study some reports of fights hint at rules (and/or at rules broken and fights being unfair) and especially in domestic cases and in some other cases, there is some evidence of appeal to police (an external factor) (Robinson 1997). However in all but one or two cases, no explanation of fighting other than drugs and/or alcohol is provided and in all inter-marital assaults, alcohol consumption was said to be a factor. Nonetheless it is likely that fighting is about inter-kin relationships and as such may release tensions and ensure that "workable relations can proceed once more" (Macdonald 1988:192). The level of violence and its association with alcohol is such that while the motivations for fights may be to do with the maintenance of balance in kin relationships, it seems that the social control function of fighting is no longer working. Restraint (self and community) and ritualisation is no longer operating and police involvement is likely (for a further discussion see Martin 1988 and McKnight 2002).[127]

Neither the focus nor the methodology of the current research allows an exploration of "the sources of motivated necessity" (Robinson 1995:5, n11) in the observed or

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[127] Fighting and violence in Aurukun, Martin says "...can be attributed in part to the effects of ever increasing intervention by the wider society, they are also deeply rooted in cultural values relating to such matters as the high stress on personal autonomy, on appropriate behaviour for each sex, on notions of morality, on how individuals are seen to be related to wider social groupings, on the appropriate expression of emotions such as anger, and how individuals are expected `act upon the world in order to achieve their ends or redress wrongs done to them." (Martin 1988:16)

reported violence. The point of reporting the violence is to provide a description of the context in which crime occurs rather than to explore the causes of violence or crime. Despite this some points are worth noting which may be relevant to further study.

Given that Macdonald specifically lists drunkenness as one to the factors that make fighting *dirty*, that is a deviation from the rules, the frequency of the involvement of alcohol in reported fights is important. It may signify that older or senior people are not present, not willing or do not have not the capacity to call a halt or postponement or exert influence.[128] The 'rules' may no longer operate. In any case these and 'casual' fights, now fuelled by alcohol, are now very common and can easily lead to injury, death and/or incarceration.

In respect of adolescence and violence it is worth noting that individual ontological liminality (uncertainty about belonging or not belonging to a group), which (especially for those who are marginal to a group or family (von Sturmer 1980) are likely to be associated with drug and alcohol use which contribute directly to violence (Reser 1990:54-55; Martin 1993a:175 cited by Memmott et al ; 2001). In this respect the coincidence of violent action and issues of separation and abandonment described for many participants in this study are likely to be significant. Amongst the Tiwi, marginalised young people (ie marginal to either or both kin and the wider society) resort to violence as a way of seeking to be included, precisely because they feel excluded by their personal history of abandonment (Robinson 1997:140-1).[129] Those being targeted for reaction to this 'trouble making'

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[128] McKnight (1986:160-2) drew attention to the impact of changes in demography on patterns of behaviour. Large numbers of young people and far fewer older people change the dynamic of social control.

[129] 'Trouble making', be it verbal and/or (after escalation) physical, whether directed at property or person, is enacted in order to redress a sense of abandonment and separation by provoking and blaming (making a claim on) those who they feel should be in relationship with them and responsible for them. Brady (1992:72ff) similarly suggests that young people exhibit frightening and unpredictable behaviour to exploit the expectations of social relationships

seek to avoid being drawn in, especially in the face of likely external (police) involvement. They often meet such behaviour with a sort of indifference.[130]

In north-western NSW it may well be that some of the violence (if not the substance abuse, apparently causally connected with it) is due to unresolved issues of abandonment and that the community regard of violence as unremarkable may in part be due to a similar self-protective indifference. An exploration of these matters must remain the subject of another study.

Integral with classical practice of social control is the value placed upon autonomy in Aboriginal childrearing, which has been reported to contribute to young Aboriginal males' aggression. Note, however, that Wundersitz (2010) reports that "contrary to adult findings, significantly fewer Indigenous than non-Indigenous juveniles had committed an assault ever … while slightly (but not significantly) fewer of these were regularly involved in this type of behaviour" (2010:20).[131]

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[130] Robinson says; "Actors may seek to expose others to public criticism for dereliction of care, asserting claim and accusation through drastic public acts of self-endangerment or deflected attack. On the other hand, Tiwi as witnesses and objects of such claims must continually react to limit liability, must continuously seek to make others take responsibility for themselves and for the consequences of their own actions. This they often communicate through attitudes of indifference, through non-acknowledgement and passive resistance to what sometimes seems to be frank emotional blackmail or moral coercion." (1997:140).

[131] Overall, Indigenous people are more likely to be charged with violent offences than non-Indigenous people. Most Indigenous people's violent offence charges were common or 'minor' assault rather than sexual assault and Indigenous perpetrators of violence were more likely to be re-incarcerated for a violent act and in a shorter period of time, than non-Indigenous counterparts (Wundersitz 2010:ix). Drug and alcohol abuse seem to be the most common factor involved in violent crime. Wundersitz summarises risk factors of individuals as well as risk factors in the environment for violent crime, as including gender, education levels, age, labour force status and place of residence and, importantly, alcohol use/abuse which repeatedly ranks highly as a risk factor (2010:x, 30-91). Willis's investigation into community safety identified two main areas perceived as contributing to unsafe environments: overcrowding and insufficient suitable housing; and the impacts of alcohol misuse (Willis 2010:x-xi).

Much of the crime of participants in this study was violent crime and, in line with the literature, the majority of this crime involved drugs or alcohol (Hunter 2001; Brady 2004; Weatherburn *et al.* 2006; Weatherburn *et al.* 2008). .[132]

A great deal of violent crime involves family violence. Prevalence and risk factors identified in various studies (Aboriginal and Torres Strait Islander Social Justice Commission 2006; Al-Yaman *et al.* 2006; Bryant & Willis 2008) can be summarised as "social stressors; living in a remote community; levels of individual, family and community (dys)functionality; availability of resources; age; removal from family; disability; and financial difficulties" (Bartels 2010a:6). Much of the crime of participants in this study was assault (domestic violence), and many participants had witnessed family violence as children.

The impact of exposure to violence is debated, with some evidence that those who witness violence or experience it have a greater risk of adopting such behaviour (Mazerolle & Legosz 2007; Bryant & Willis 2008:56; cited by Wundersitz 2010). Despite reported high rates of physical and sexual abuse among Indigenous children, these levels were significantly lower among Indigenous than among non-Indigenous juvenile detainees (Wundersitz 2010:57). None of the participants in my study considered themselves to have been physically or sexually abused, or were prepared to report that they were. The relatively brief acquaintance I had with participants would not have been conducive to disclosure.

My observations, my discussions with community members and the stories of primary participants document violence at several levels: the violence of the crimes (often associated with alcohol and other drugs); an underlying language of violence or a violence of language which shows itself in everyday discussions (described by Memmott *et al.* 2001:24, as a 'social climate of violence tolerance');

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[132] See also Pearson (2001a; 2001b) and Snowball and Weatherburn's (2008) test of "theories of Indigenous violence" using the 2002 NATSISS data discussed in chapter 1.

and the violence manifested in the childhoods of participants who were witness to constant or regular violence between parents, or between parents and others.

Violence in the childhood home

The following account highlights the violence in participants' childhoods and the sorts of attitudes and responses which violence engenders. I interviewed Luke (aged 27 in 2010) when he was in a rehabilitation centre. In response to a clarifying question about his earlier statement that there was "a lot of domestic violence at home", he said:

> *Yeah – not a lot, but about once a month or every couple of weeks, Mum and Dad would have an argument and Dad would bash Mum and stuff.*

I asked him whether his father bashing his mother might have resulted in his self-reported bullying of others when he was young.

> *Well probably not, because that turned me against – like me and Tania [his partner] have been together for six years and I think I have lost me temper twice and actually assaulted her, but it has never been anything serious.*
>
> *Like I haven't blackened her or bashed her bad or anything. That [his father's actions] sort of turned me against domestic violence – because I remember what I used to go through. I always used to say to myself when I was growing up 'I will never hit a female'. Like I said, I did in the end but it was nothing serious. Like I never bashed her real bad. Like, I seen some other family members too, with domestic violence like, do some cruel thing to their partners but I always told m'self I would never do that and never put my kids through that – and grow up around that stuff.*

At 18, Luke had been gaoled for breaching an Apprehended Violence Order (AVO) with his mother and later for (drug affected) aggravated assault. Luke's attitude to violence underscores its ubiquitous nature and the way people can simultaneously hold almost opposing views about it or their expressed views can be out of alignment with their actions. Luke does not consider that his father bashing his mother "once or twice a month" is "a lot of violence" and he dismisses

his violence towards his partner because on the one hand he had vowed he would never do it and because in his view it wasn't really "serious".

Casualness in mention and the language of violence

Aethan (age 40 in 2010) after having told his life story in an interview lasting several hours on a previous occasion, was in the process of mentioning his brother's suicide (not mentioned previously) when he suggested that part of the reason for the suicide might have been their mother's murder when he (Aethan) was 16. He had not mentioned this event up until that point. Another participant's brother committed suicide. This sort of violence in the lives of participants was not uncommon. Kyle's auntie had been violently murdered when he was ten or eleven. When Kyle was 16, five of his close male relatives (uncles and cousins who had not been in trouble with police before or since) were gaoled for five years for intentionally seeking out, bashing and seriously injuring someone who had threatened Kyle's grandmother.

For some participants, the violence of the crime and the consequences of the violence they were involved in, was barely remarked upon. Brad told me about a fight he was in, for which he was charged and served time. Later it transpired that he had broken the jaw of the boy he had hit.

Family members of offenders also revealed either their own violence or the violence of life around them. Brad's partner Savanna, a mother of several young children, explained that she had recently completed an 18-month good behaviour bond after stabbing her brother while she was drunk.

Violence is everywhere, not restricted to the lives of the repeat offenders and not isolated to those who have been in gaol. It is so common that people may easily cross the line from being 'normal' to being a violent offender. I witnessed happy family occasions among normally law-abiding, property owning, (Aboriginal) people, turn quickly to violence. On one occasion the matriarch of the family, a respected member of the community, complained to me the next day, "It is not

right – they shouldn't hold a mother back from defending herself" (i.e. punching her daughter). The police had been called and an AVO was sought against her daughter, a tertiary educated, mature woman and mother of four.

It was not uncommon to find examples of people who espoused an anti-violence view, some working in women's shelters or supporting domestic violence (DV) victims at court, while in their private lives engaged in violent language or action.

The language of violence was evident even among older community members. One elderly man spoke about chasing his (adult) daughter up the road with a stick to beat her over the head. On another occasion I had been interviewing Kristi, the partner of Randall. Her niece Joanna, about three or four years old, had been playing happily on the floor with toys and pencils. At the end of the interview, while I was dealing with paperwork Kristi asked Joanna to pack up the toys. This was their conversation:

> *Kristi: do you want to pick them toys up now and put them back in here? Put them up for the next little kid that come? Where did you put the other cups? There it is silly billy.*
>
> *Joanna: Mum hit me*
>
> *Kristi: Mum don't want to hit you. Auntie will bash 'er.*
>
> *Joanna: I'm bad*
>
> *Kristi: You and me will bust Mum – eh? – if she hit you.*
>
> *Joanna [rehearsing]: I'm going to tell Auntie Kristi on you.*

The exchange illustrates the paradox of the auntie not approving of parental violence but using the language of violence in describing how she would prevent violence. The child also understands the point of disagreement between her mother and her auntie, raising it unbidden and clearly rehearsing what she may say to her mother if her mother hits her.

"A bad record for domestic violence"

The following account demonstrates the complex nature of family violence across two generations.

Robbie, a serial assault offender, including repeated family violence, recounts family discussions about his son and daughter-in-law's situation. His son, George, is also a repeat assault offender (family violence). Robbie's own last gaol term was for assault of this daughter-in-law.

Robbie explained that George had recently come home from prison to Robbie's house, where Robbie's sister was looking after George's two children. Robbie and his sister had "been through DoCS" to gain custody of the children. His son had asked how the household (Robbie, Robbie's wife, sister and mother) would feel about George's partner (Robbie's daughter-in-law) coming back to live there, as she was pregnant with his child.

> *I said 'you got two kids and one on the way.' I said 'Little kids don't like that – just the father there without the mother.' We sat down and had a yarn thing. And then she rang up about a month ago ... was it right to come over for a visit with the kids and he said 'I'll put Dad on.' And we say – 'put it on loud speaker' and we was all sittin' 'round the table and I said 'well listen sis' I said. 'I don't mind as long as you come over and keep him out of gaol.' I said 'Instead of running to the police every time you have an argument, go and sleep at Mum's or come to home. You know, get away from him.' Like I said 'Instead of running to the police. You know you got a bad, bad record for domestic violence up.' She said 'yeah – well yes', she said. I said 'That's all I'm worried about – because you keep putting him in gaol and you keep runnin' around with him.' I said 'You are sleepin' with other blokes while he is in there.' I said 'what a man gonna think.' Which is true. So I think he might have seen the light now. He is looking for a house. So he went to DoCS, and DoCS want to give him a hand with the … house.*

Someone with a "bad record for domestic violence" is not the perpetrator but the person who has reported the violence to police. The sentiment that women are to blame for men going to gaol for family violence is widespread among both men

and women. I heard many stories of how women "put their husbands in" (gaol) or "rung the police for him". Sometimes the stories were from mothers of the men, sometimes from the women themselves. Sometimes the assault in question had occurred, sometimes it was not clear if assaults had occurred and sometimes it appears that assaults were deliberately provoked by women to facilitate the (at least temporary) removal of a partner.

The violence of crime

Given the violence of childhood and violence in the community, the violence of the crimes of participants should not be surprising. Some participants spoke about violent crimes matter-of-factly, others with some remorse, and some displayed shame and reticence in admitting to violence. Many were imprisoned repeatedly for assault (domestic violence) and/or assaulting police. These offences were almost always alcohol-related. Dealing with drug and/or alcohol addictions is a critical part of the desistance story of all participants in this study.

Aethan began stealing at age seven and spent several periods in juvenile detention. By age 19, he had been in and out of gaol several times.

> *And then I got discharged from there [Oberon] – went home to Wooltown and that is when I did my first big crime. Assault, Grievous Bodily Harm. Hittin' a man in the 'ead with a hammer. He survived it. He died about two or three months later but not from my injuries. Alcohol and marijuana. Yeah I just messed up on alcohol that night.*

> **So there was no real reason for the fight?**

> *No there was no real reason for me to rob him or assault him. A truckie. He just pulled up in the town. Me and my mate – I just asked me mate 'did you want to get some more extra cash?' That is the way we looked at it. We was intoxicated and focused on him and that was it.*

Aethan saw it as a big crime because of the length of the sentence received (seven years). Others had greater motivation for their crimes. One desister had been working to save money for Christmas for the kids and discovered his wife had

drunk and gambled away all the funds. He stabbed her in the neck and head with a bottle and claims not to have been drunk, although he had been drinking. After serving time for assault he left his wife for fear that he would kill her.

Some committed violent crime early on, several being expelled from school for violence. Noel was 13 when he attempted to stab a fellow student at a bus stop because the fellow had sworn at him in class. He later went on to be gaoled for a grievous bodily harm (GBH) offence for "bashing" a worker in the juvenile detention centre. He referred to the GBH as something that was "very bad". He was at first reluctant to tell me what he had done.

In summary, not only are the crimes of many participants violent but violence is ubiquitous in the community. The occurrence and the language of violence was common in the childhood homes of participants.

Aboriginal community perceptions of Aboriginal crime and the criminal justice system

The general context of participants is a community where both violence and crime are 'normal'; Aboriginal crime is not considered 'real crime' and the justice system is seen as anything but just.

Perceptions of crime and knowledge of right and wrong

In general, community members believe that most Aboriginal crime is trivial. In contrast to non-Aboriginal crime, which is perceived to be more serious, Aboriginal crime is either domestic violence or 'small things' like shoplifting, or car stealing:

> *…but see I totally don't believe with the whole gaol system anyway.*

> *Because if you were to sit down and interview, say, the majority of Aboriginal inmates that are in gaol – like that are incarcerated – the majority of them would have the same problem – you know. 'Well I got drunk, you know. I come home and I was looking for me dinner and there was no dinner and you*

> *know – so I bashed my wife and she rung the police and now I am in gaol for assault.'*

> *Domestic violence. You know what I mean. But the problems are very, very similar [to drug problems] and I don't think that gaol addresses the real problem. (Teacher's aide, sister of a participant)*

Family violence is not considered serious crime. There is acknowledgement that Aboriginal people commit more domestic violence crimes than others but not more of other sorts of crime. 'Trivial' crimes of domestic violence, shoplifting, or stealing bikes and cars by Aboriginal young people are compared with paedophilia and murder by non-Aboriginal people.[133] They blamed the police and media for the perception that Aboriginal people commit a lot of crime. Non-Indigenous domestic violence was thought to be probably as common but was "swept under the carpet" and "kept quiet".

> *Lots of them, first time go in [to gaol] for shoplifting or stealing a bike from here, or a car from there. That is only trivial when you think about the non-Aboriginal people that killed a person and raped a six year old kid – murderers and that.*

In general, stealing is not regarded as a significant crime.

> *They put kids in there for stealing. They might be there for two years. They put a paedophile in there and he is not there very long and they let him out. There is lots of unfairness. … Justice is supposed to be there for every one. Supposed to be, but it never is.*

Senior, informed community women[134] characterised Aboriginal crime as: "Petty crimes – break and enter, stealing cars" and "The commonest is assault I think…domestic violence – that is the thing amongst our people". These women and others frequently refer to young people's crime as "silly little things" such as

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[133] This appears to be a sort of collective (and comparative) 'minimising formulation' or 'technique of neutralisation' (Matza & Sykes 1961).

[134] These are women of standing in the community who also had knowledge of the criminal justice system through employment or committee work.

breaking and entering, or stealing. Domestic violence is referred to as "a minor crime" as in "cases that are referred to 'circle' are minor crimes like DV or something, you know".[135]

Perceptions of right and wrong

Desisters themselves were asked about whether as children they knew right from wrong. Most readily said they knew that what they were doing was wrong, but also explained that doing these things was 'normal' as all of their peer group were doing the same. This was not offered as an excuse, just a statement of how it was. This was especially true in relation to minor property crime and driving offences. Participants' acknowledgment that they knew right from wrong is consistent with their later expression of regret over their crimes and also with strong statements about responsibility for their actions made by most participants. Interestingly, a young persons' discussion group made a clear distinction between whether something was done out of necessity or for fun. Criminal acts performed out of necessity were not considered to be wrong and those done just for fun, were. Desisters did not make this distinction in their expressions of regret, or acceptance of responsibility.

These attitudes to crime relate to perceptions of the seriousness of offences and in no way suggest that crime is thought to be a 'good thing' (Bottoms *et al.* 2004:384 & n18). Perceptions of right and wrong and community attitudes to crime and violence are relevant to later discussions about conformity and conventionality (chapter 7).

Aboriginal perceptions of the criminal justice system

An understanding of community perceptions of the criminal justice system helps to build up a picture of what young people consider normal and demonstrates a

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[135] "Circle" refers to circle sentencing, see Glossary. In fact, domestic violence charges should not be referred to 'circle' as in NSW violent crime is not eligible for referral to this sentencing court (Potas *et al.* 2003).

fatalistic attitude that some young people hold about their future. Some others hold an attitude that is beyond fatalism: they seek out the experience of gaol. In general, community members perceive the criminal justice system to be biased against them.

Young people equated court with gaol. A senior informed community member, who worked in the justice system stated:

> *The court is there to find in the interests of justice and the police are there – put you in court. And then you have to prove whether you are innocent or they prove you guilty.*

apparently denying the presumption of innocence. This is consistent with perceptions of offenders who generally believe that their lawyers "don't fight for me" – "they just tell people to plead guilty because that way you are likely to get a lesser sentence".[136]

Perceptions of bias were common. The following is drawn from Elders Group 2:

> *Speaker 1: I was in court the other day and there was a young fella (white fella) who had that many drink driving offences – a whole string of them – and then got a fine and after he finished, brought in a young Aboriginal fella. He only had one charge and he got sent [to gaol] straight away.*
>
> *Speaker 2: Yes they do that. The magistrate is racist.*
>
> *Speaker 1: The justice system has to do with the law. Sometimes it is good and sometimes it is not really good. Sometimes it means that you gunna go to gaol and sometimes – well you are gettin' into trouble anyway. That is what it means to me.*
>
> *Speaker 2: It is trouble, that is for sure. I mean if you have been in trouble with the law and then you go into the system once, if something happens again you can – if you get caught again, you go back again. But some people*

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[136] Aboriginal people in this study generally access legal aid through the Western Aboriginal Legal Service, although some choose to use Legal Aid NSW.

go in the system and come out and do good things. They stay out of trouble and get a job, some of 'em do. You read about them; hear about them. They do good and that. Sometimes it stinks …. I mean some of the things that goes on in the system – in, like the magistrates. They could … like the first time, don't sentence them to gaol for little things, you know. They shouldn't do that. They should put 'em out, take 'em out and get 'em rehabilitated. Because they make criminals out of a lot of young people today. The law does. I don't care what they say. It makes criminals out of young people that can't handle it. That is the way I think about it anyway.

A common view was that putting people in gaol "only makes them worse" and "a real good talking to" would usually be more effective. People frequently mentioned the long term impact of having got a criminal record when young. For many community members the justice system means "black people in gaol", unfairness and a sense of overwhelming hopelessness in the face of the system.

Views about court

Young people have poor understanding of the justice system and court processes and lack understanding of the power of the court and the significance of court orders. Others have learnt about court from personal or family experiences. Adults' knowledge comes from family experience and in small towns 'court day' (which may be every two weeks) is an important social networking day. People turn up at the courthouse (not necessarily going inside) just to see who is facing court and to find out what happens and just to catch up with others (see also Cowlishaw 1988:171-3).[137]

Intergenerational and family incarceration

As indicated earlier, absent fathers often meant fathers away in prison. While I did not always canvass the question of parental incarceration with primary

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[137] Court day also provides an opportunity to see relatives who may have been brought to the town from gaol for a court appearance. This occurs less frequently in recent times, as more court appearances occur via video link from gaol.

participants, only two made no mention of having parents or children in gaol. Most had fathers, uncles, cousins or brothers in gaol; the children of many of them were or had been in prison or juvenile detention. The rate of parental imprisonment is borne out by a recent study of NSW young people in custody: "Significantly more Aboriginal than non-Aboriginal young people ever had a parent in prison (61% vs 30%) or currently had a parent in prison (16% vs 4%)" (Indig, Vecchiato, Haysom, Beilby, Carter, Champion, Gaskin, Heller, Kumar, Mamone, Muir, van den Dolder & Whitton 2011:13). (See also House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 2011:42)

Understanding Aboriginal attitudes to and experience of gaol are important in understanding the desistance process of young men, for whom going to gaol is not only normal, but plays a central role in identity formation, in part a function of gaol being occupied by so many members of kin networks. This is an issue explored in detail in chapter 7.

Attitudes to detention and beliefs about attitudes to detention

Some young people I spoke with said that gaol was like "a holiday away from home" and "it is home to a lot of people. Just their home."

One young man said of his gaol experience:

> *Well bein' in gaol, you get everything free. Like you got your food, you got your bed. When you out 'ere you livin' on $300 a fortnight. They [an agency] paying ya rent, but how ya goin' to eat? You know what I mean. So they think, 'Well I am gettin' everything I need in there, so I will just go back in'. You know what I mean?*

The difficulties of housing and getting a job made going back to gaol attractive.

Current Juvenile Justice staff, some of whom have worked in juvenile detention centres, report that young people often cry themselves to sleep at night but "tell it differently when they get out". Young people often act differently at court, acting "big and tough", but then "stress out" when they are sent to detention. They have a

public attitude and a private attitude. Some people reported that young people often lie about how good it is in juvenile detention, being 'manly' about it. This has the effect of children generally believing that gaol is not so bad. This is conveyed to younger siblings of the detainee, especially where a brave face is put on for their carer or parent.

The inevitability of gaol and gaol as choice - choosing cultural models

Whether young people paint going to gaol almost as a choice or believe that it is inevitable, their familiarity with gaol as a life option stems from their family experience. The following comment was reported by informed community members as typical of young clients of the justice system.

> *I'm going to gaol. I'm going to be a man. My uncles went to gaol. My Dad went to gaol. I wanna go to gaol too. Be a man.*

A long time juvenile justice worker (a local Aboriginal person) said:

> *We've seen kids come and go and the kids that have… the repeat offenders, their role models are their dads or their uncles in gaol. That's who they look up to … they got no positive role model in the community and they'd often say to us, 'Well I don't care if I go to gaol because my uncle's in there, my father's in there, my brother's in there.' So, a lot of them don't care. … I've seen some come through from an early age; from 12 to, you know, to now. They've been locked up in gaol because that's what they wanted to do. They wanted to be … like their uncle. They wanted to be like their father. They wanted to be like their brothers or their cousins. 'Cause they think it's tough. Yes…*

Speaking about the context in which young people often have no one to care for them or support them, a case worker told of a 16 year old boy who was given bail by a magistrate.

> *This kid walked outa the Court and move straight up to a cop car. … He puts a rock through the front windscreen of this cop car. So he was arrested straight away and put back to Orana [juvenile detention centre]. And I said to him 'you're mad mate!' I said 'You've got bailed, why do you want to be in*

> *here?' And … his exact words were to me, he said, 'I don't know where to go.*
> *I've got no support … The thing is… I've got to steal to survive.' … He said*
> *'At least in here I got three meals a day. I got hot shower. I got clean clothes'*
> *and he said 'I got a roof over me head at night where to sleep.'…. And I*
> *thought well, you can really understand where these kids come from.*

Another case reported was of three young detainees who were recently arrested: one got bail, the other two were sent to juvenile detention. The one who got bail said "No! I don't want bail. I want to go with them." For some, juvenile detention is said to be "home away from home". In Widetown a senior, well informed woman said:

> *To be 'in', you either have to go to court or to gaol. They will do that to be*
> *cool, to fit in….and you got kids that are like five or six that think 'Oh I am*
> *going to be like him because he's'– I dunno –'like 12 months in the juvenile*
> *detention or he had gone to big gaol'. And as they progress up the ladder*
> *from bein' cautioned by police to bein' charged to actually goin' to court, to*
> *goin' to juvenile centres, to goin' to the big gaols. That is all they ever see.*
> *That is all they ever want to do. And girls are like that now too. They think it*
> *is cool.*

She also discussed how some older men use gaol as a "dry out".

> *They find it more comfortable being in with all their friends and all their own*
> *colour than bein' out here where they are shunted around or they got nothin'*
> *goin' for 'em. And they would rather go to gaol than to go to rehab, because*
> *in gaol they get properly dried out, [whereas] when [in] rehab and drug and*
> *alcohol centre, they might have three months there, they come home, they do*
> *the same thing again, so it doesn't help.*

A group of elders in another town suggested that some might prefer life in gaol and reported that some of their friends value gaol because of having a bed, being fed and "playing pool with the boys."

> *Speaker 1: They are one big happy family in there, they are. And 'cause so*
> *many Kooris are in gaol – you don't go to gaol without knowing someone in*
> *there. Straight away you've got a friend or a cousin or relation in there.*

> *Speaker 2: Your relation will look after ya.*
>
> *Speaker 3: When they come out they wander from house to house or cousin to cousin, brother to sister to get a bed, because they haven't got their own family – like wife and kids. A fair few of 'em says 'well if I go back to gaol, well cousins such and such and brother such and such is in there'.*

Many of these sentiments were also expressed by primary participants. For most, the prospect of going to 'big gaol' was at first daunting; several reported being genuinely scared at the closing of the gates of the 'big gaol'. However, participants commonly reported that once inside they discovered their cousins or their uncles and then "it was OK". They spoke about how people in gaol tended to stick with their family group and/or their home town group. This is described further in chapter 7.

For many youths, spending time in 'big gaol' was normal and part and parcel of what it was to be a man. The fact that so many close relatives were in gaol and that in gaol one stuck closely with family or town groups meant that gaol was not only central to being a man but to being an Aboriginal man. They would need to reject or replace this model in their desistance. The central place of gaol in forming identity has implications for the desistance process (chapter 7).

Participant experience of and attitude to parole

Parole and parole officers were commonly said to be "useless". Participants generally considered that the parole system had not contributed to their desistance and said that parole consisted of regular attendance at meetings with the parole officer at which nothing happened. Some people were required to undertake courses such as anger management or drug and alcohol awareness. Participants thought these to be useless as most had undertaken these courses several times previously. Attendance at courses was valued by some, only because it was "something to do". For more institutionalised desisters, having to attend parole and various courses provided some useful routine.

Younger people especially resented attending parole meetings. Several young people at Browntown, who considered that they were likely to be re-incarcerated in the near future, commented that they would much rather "get out clean", that is, serve a longer term with no parole, than have to attend the parole office. One qualified this by saying that if parole involved his being able to access a training program or educational course, that would be different. Another participant said he thought the role of parole should be more proactive and support should be longer term to assist the released offenders with accommodation, "real" training (i.e. with a job at the end), and/or finding a job. Only one participant who had been part of a young offender program at Yetta Dhinnakkal reported receiving a pre-release program (involving vocational certificates and work readiness initiatives but not the social skill development he needed to keep a job) and post release support (accommodation, job) which he considered useful.[138]

In two significant cases (Aethan and Kyle, documented in chapter 5 and 6) when both men were on drugs and their drug use was likely to be discovered or proved, parole officers did not insist on urine tests or 'breach' the clients but instead suggested or offered them an opportunity of attending rehabilitation.[139] In both cases the participants considered that going to rehabilitation was their own choice and the manner in which the option of rehabilitation was put to the them by the parole officer, (i.e. as a choice) was important in their decision, despite the fact that they knew the consequences of rejecting that option.

For at least one participant (Aethan) who thought parole was useful, there is some evidence that his perception of the usefulness of parole officers was related to his intention to desist. Up until the point at which he decided to desist he considered parole officers to be useless, but following his decision, parole officers were

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[138] Yetta Dhinnakkal Centre is a minimum security institution for Aboriginal males, located in north-western NSW, 800 km from Sydney.

[139] To 'breach' someone is to report that the client has breached their bail or bond conditions. The client is charged with breaching a court order.

perceived as useful or "good". This could have been either a coincidence or an artefact of attitude.

In summary, with few exceptions, parole had usually not assisted participants in desistance.

Stuck in the mess

Apart from drugs and alcohol, which often contributed to, caused, or were the incentive for criminal offences, participants reported other problems that contributed to re-offence. These included: having a record; the difficulty of gaining employment; not having necessary skills (including literacy and numeracy); and difficulty in obtaining driving licences once fines were owed or long term suspensions were in place. It was a community view that once a young person got involved with the criminal justice system they would be "stuck in the mess".

> *Once you have a record you are finished. You get it when you are a kid. You might grow up and be an upstanding person and only one little thing has got to go wrong, you know.*

> *And when they get fines and things, drink driving and things like that, you gotta pay. You go to court and they either gaol you or they charge you thousands and thousands of dollars for that offence, and Aboriginal people [can't afford it]… but they hold it over them for years to come. They never get out of it and they just think 'oh well, I am not payin' that' and say 'oh well I'll do it again and do it again and do it again'.*

> *Yes it just makes criminals out of them. It does. They keep it over their head and they never forget.*

An often-reported police practice of maintaining 'a back up charge' was perceived as a barrier to desistance (see chapter 3). Aboriginal people and legal practitioners believe that use of a 'back up charge' is a deliberate strategy to keep people incapacitated (by continued incarceration). It is particularly disheartening if one

had decided to turn over a new leaf while in prison only to find one's hopes dashed upon release when one is charged for an old crime.

The impacts of prior conviction on future sentencing and other structural issues of the justice system that affect Aboriginal people disproportionately and contribute to them being "stuck in the mess" were reviewed in chapter 1 (Baker 2001; Snowball & Weatherburn 2006; Fitzgerald 2009). An examination of just one area demonstrates the complex interplay between Aboriginal lived experience and structural/legal issues and underscores some elements of Aboriginal attitudes to crime discussed earlier.

Road traffic[140] and driving offences and penalties

Aboriginal community attitudes and practices around driving, licences and car registration impact upon an offender's success in 'staying out of trouble'. Many Aboriginal children learn about repairing and maintaining motor vehicles at an early age and many learn to drive them as soon as they can reach the pedals. On my visits to Widetown I regularly saw primary school aged (and younger) children (usually boys) watching and helping older uncles and cousins tinker with 'an old bomb'. I observed the same children driving the car around the reserve. Such activity is a main form of play and an important interaction with male adults. When it could be got to work, this 'old bomb' (unregistered and uninsured) was often used for hunting expeditions to various properties around Widetown. Many participants committed road traffic offences as teenagers or young men, sometimes in stolen cars, and these offences can have lasting impacts.

In regional and remote NSW most people rely on private transport as the only alternative to walking. Many small towns no longer have taxi services. For people

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[140] ASOC Division 14 (Australian Bureau of Statistics 2008): road traffic offences are offences relating to vehicles and most forms of traffic, including offences pertaining to the licensing, registration, roadworthiness or use of vehicles, bicycle offences and pedestrian offences

who live just outside or on the outskirts of towns, as many Aboriginal people do, private vehicles are essential for attending work, shopping and accessing health and education services. Rates of conviction and/or imprisonment of Indigenous people due to traffic offences have been increasing (Fitzgerald 2009).

For many Aboriginal repeat offenders, traffic offences (driving unlicensed/uninsured) create a dangerous underlay, trapping people like flypaper. Some participants explained that their first traffic offences began when they were charged as children for not wearing helmets when riding bicycles. The consequence of this was usually confiscation of the bicycle. Police were reported to have commented, "If you can afford a bike you can afford a helmet."

Many Aboriginal people are charged with driving unlicensed and uninsured and they not only accrue fines which they cannot afford to pay but also periods of suspension from being able to apply for a licence. These suspensions do not run concurrently so offenders can be disqualified far into the future.[141] Elliot and Shanahan (2008) reported the difficulties Aboriginal people experience in obtaining and retaining licences and the high level of unlicensed driving and licence suspension and/or cancellation among Aboriginal people in NSW. This includes the impact of outstanding debt from (traffic and other) fines. These issues disproportionately impact upon people in remote, regional and disadvantaged communities and can be a significant barrier to employment.[142]

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[141] Suspension of driver's licences can also occur for the non-payment of other fines. Clarke, Forell & McCarron (2008) explain that when an enforcement order is not paid within 28 days, the State Debt Recovery Office can direct the RTA to suspend a person's driver's licence, cancel car registration or prevent that person from "conducting business with the RTA (including applying for a licence)" (2008:7). They point out, however, that some changes, which allow more flexibility in time to pay orders, depending upon financial circumstances, were introduced in December 2008 by the *Fines Further Amendment Act 2008 (NSW).*

[142] Recently regulations being trialled under the *Fines Act 1996 (NSW)* (Williams & Gilbert 2011) allow people who meet certain conditions, including acute economic hardship, to apply for a "Work and Development Order" in lieu of paying fines (NSW Attorney General 2009). At the time of my research this new regulation appeared to be unknown to Aboriginal offenders who would have met the eligibility criteria or to the legal representatives and justice advocates to whom I spoke.

A number of desisters, especially younger ones, had successfully paid off driving fines or were doing so under a "time to pay arrangement" with the State Debt Recovery Office. This was always reported as an achievement (and a step towards getting a driver's licence) and an indication of how well they were doing. Desisters without jobs and without the income of a spouse said they could not afford to pay off driving fines, despite the fact that not having a driver's licence was a barrier to employment, and often despite an aspiration to pay off fines.

Some people (especially older men) who had desisted from all other offences consciously did not desist from the offence of driving without a licence. Driving was essential to them and desisting from driving would not have got them a licence because of the length of their disqualification or the size of their fine debt. Robbie (whose desistance story we will hear in chapter 5) had been out of gaol and trouble for three years when I interviewed him. He had tried to get a driver's licence, as part of a job readiness program several years before, but had discovered he had accrued fines of $7,733.

> *I got to pay that off. I can't – I can't afford it. But I don't care. I still drive. My mother and sister want to go anywhere – down to Wilcannia for funerals or up to Queensland or thing – I will drive 'em. I don't care.*

Itemising his weekly budget he demonstrated that he couldn't afford the minimum payment allowed by the State Debt Recovery Office.

Robbie was disappointed that he had not been aware of the fines earlier when he could have elected to add some time to his incarceration period to serve them out.[143] I asked him if driving without a licence was taking a risk, because he could go to gaol for it. He explained that his sister, who usually drives his mother around

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[143] This practice ceased after a young man was assaulted and left with permanent brain damage while serving a four-day sentence in Long Bay prison for unpaid fines in 1987 and the Act was changed (see further Clarke *et al.* 2008:2-3).

town, tended to quickly "doze off" or fall asleep when driving on longer trips. He said,

> *So I would sooner go to gaol than see my mother die. If it wasn't for the fines I would already have [a driver's licence].*

For Robbie, driving was a deliberate choice stemming from an obligation he felt to his mother. Ben's story also tells how obligation and cultural practice outweigh the prospects of gaol.

> *I had my 'L's but I never ever went back for 'em. …. Just kept getting in trouble by the police. But a lot of it, you know, it was just drivin' to work, you know. You got to, because we are based out of town…. It is a small community and you get in trouble with the police. They always do a set on you, you know. And they see that I drive into town to go an' work, you know. If I don't work, I don't put food on the table. …. I'd be goin' out the back, down the weir here fishing or something. They [the police] would be down there. They would chase you round. Git in trouble like that. All that petty shit you know. Drivin', that's – don't sound much, but it is big gaol now, drivin'.*
>
> *But the real reason, growin' up down here, we have always been with our uncles you know, fixin' old cars, and well, down 'ere you got a bit of freedom ... I like goin' out piggin' – most of the boys, on the weekend – we will go out bloody huntin' and something. Get a kangaroo or emu. We bring it home for the rest of the family and have a feed and that.*
>
> *… I can put that [$20 – the price of a steak] in my car and go out and shoot a full bullock. So that is the way I look at it. That is the way I like to be remembered anyway. I like to be a provider for my family, especially the elders. I like to go out and get meat for 'em or whatever.*

The last time he had been in gaol (about 18 months previously) had been for breaching a suspended sentence for driving without a licence. He was currently facing another charge for driving while disqualified. He explained:

> *I was driving down the river to check my fish traps. It was about 8 o'clock in the morning. I don't know where the police come from. I was in the middle of nowhere. Got up early to check my fishtraps – they come out of nowhere – out*

of the scrub. Unlucky, eight o'clock in the morning. …. I got a few fish – and the police caught me on the way home. How unlucky – in the middle of nowhere. But that is the way it goes. There would be another man there drivin' around drunk – drivin' up town – dangerous drivin', drive past the police – police don't pull him over.

Housing and employment

The low level of housing availability in the region (see chapter 3) causes problems for maintaining desistance. In some cases housing, or lack of housing, was cited as having contributed to family violence. In one case the need to retain a Housing Commission house was reported as a reason to leave rehabilitation early, which nearly put an end to that participant's desistance.[144] Housing is a frequently recurring issue in participants' stories about maintaining desistance.

In a region with low employment levels (chapter 3), a criminal record and low skill levels (limited literacy or numeracy and no driver's licence) adds to difficulties gaining employment. Many participants were either on the dole or on work-for-the-dole schemes; some had no work experience except this and Community Development Employment Projects (CDEP) work in the past. Several had been employed on training schemes and gained some trade certificates but were then unemployed once they had finished the training. At least one older participant who had spent most of his life in prison did not seem to aspire to work and was probably quite realistic in this outlook.

Getting a job if you have a record or a "bad family name"

Young people discussed difficulties of employment and why this made gaol more attractive. Having a criminal record or coming from a family of people who have

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[144] The cost of both maintaining a house and paying for accommodation in a rehabilitation centre was cited as a reason for husbands and wives not to enter rehabilitation together, despite this being seen as beneficial in cases of alcohol fuelled domestic violence.

records created difficulties in getting a job and seemed to attract constant police attention.

> *Speaker 2 (female): And that comes back to the job situation as well. Having nothing and no income. Being out and not having a job to go into and not having any help in that way.*

> *Speaker 1 (male): I have been doin' my best to stay out of gaol since I been out but. But [they are] findin' anthin' to get me locked back up. I have been out of gaol five months but I was at my brother's house when it got raided. They are trying to find something to get me locked back up – charge me with something I didn't do.*

> **Interviewer: Are police picking on you because you have been in gaol, or..?**

> *Speaker 3 (female): No his family has got a bad reputation with police.*

> *Speaker 1 (male): All me brothers are locked up, most of me cousins are locked up. And they, they see me and…*

> *Speaker 3 (female): It is all the [family name X]s.*

> *Speaker 1 (male): Well it is not <u>all</u> the [family name X]s. Well you're out [referring to the fourth speaker, the only member of her large extended family who hadn't been to gaol]. Well anyway, I am trying to get a job but they won't give me a job because my last name is [family name X] and I been to gaol.*

> *Speaker 4 (female): Well look at me. I haven't been in trouble with police. I can't get a job because my last name is [family name X].*

> *Speaker 5 (female): And once they get out - like they do one thing wrong and they are straight there anyway. Like it doesn't really matter you know, they will just get locked up.*

Police surveillance

Coming from a 'bad' family means that you are likely to be 'picked on' by police. I heard this in several different towns from several different families. A policeman in Widetown talked me through the sort of induction that newly arrived police

receive. He made it clear that incoming police were briefed on who the families were and who needed to be 'watched' and on the history of individuals. This is apparently a widespread practice. An Aboriginal friend told me of her dismay when, while visiting a police station (not within the study area) in her professional capacity, she was ushered into a non-public space and observed an entire wall acting as a photo gallery with nearly every Aboriginal family in the neighbourhood displayed; annotated with past charges and who was related to whom. Police expectations about behaviour of ex-offenders and desisters results in an over-surveillance that is not helpful to desisters.

Conclusion

Together with chapter 3, this chapter has provided a description of the community contexts and childhood experience common to the participants. Despite the memories of hard times, there are memories of freedom, joy of swimming and fishing in the river, ranging far and wide with cousins and dropping in "for a feed" at homes of aunties and uncles. The good times are sandwiched together with the harder times and are sometimes integral with what got people into trouble. Some aspects of disadvantage clearly equate with the key correlates of crime described in chapter 1: child neglect and abuse; drug and alcohol misuse; poor school performance/early school leaving; unemployment; threat of violence; poor, inadequate or overcrowded housing; and negative peer association (Hunter 2001; Weatherburn *et al.* 2006; Weatherburn *et al.* 2008; Weatherburn & Holmes 2010b). The chapter has shown that what people are desisting from might be considered 'normal' by sections of the Aboriginal community especially those surrounding the participant. This normality is a complex combination of Aboriginal sociality and disadvantage. If desisters are to construct a new 'prosocial' or 'conventional' self (see figure 2.3) what will that look like in this context of Aboriginal sociality and disadvantage? Discussion about identity, conformity and conventionality are taken up in chapter 7.

This chapter lays the groundwork for a discussion of initiation and maintenance of desistance (chapters 5 & 6). If serial re-offenders are to change their trajectories they have to recognise the deficits of their current situation, envisage and then take steps to enact something different for themselves. As we shall see, the motivating schemas desisters adopt in initiating desistance are schemas that participants have seen enacted by others in their community, often close kin, although not necessarily their own parents. In some cases desisters try to avoid allowing their children to experience a repeat of the conditions of their own childhood, and so specifically try to avoid actions of neglect and separation. Desisters have to overcome the 'snares' (Moffitt 1994) and barriers (Bottoms & Shapland 2011) that the environment puts in the path of their desistance; the capacity (agency) to overcome snares will prove important not only in initiating but also in maintaining desistance. The interplay of capacity, chance and opportunity will prove critical. Issues of separation, early exposure to violence, and drugs and alcohol, the continued presence of close peer-cousins, lack of communication and social skills and expectations and beliefs about authority and the justice system all have to be addressed. Difficulties in obtaining housing and employment and overcoming low levels of education and workplace skills will be part of the context of desistance. Significantly, aspects of culture or sociality need to be managed during desistance in this context of disadvantage. How this is achieved by some, without adversely impacting upon core aspects of identity, will be explored.

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Chapter 5. Initiation of and motivation for desistance

Introducing motivation

This chapter examines the beginnings of desistance. Every person's story of desistance is different. Activities being desisted from and the sequence of events in desistance vary. It is possible to identify catalysts, motivators and the structural or contextual conditions that exist when participants change. I am seeking to examine and understand the relationship between these elements and the role of agency in the desistance process and to understand that process, within its social and cultural setting. The iterative nature of the desistance process makes it complex, hard to describe and difficult to analyse. Artificially separating the process into initiation and maintenance allows a focus on aspects such as readiness to change and supporting contexts in different iterations of the process, a focus essential to understanding the interplay between structure and agency.

There are links between cultural forms (external symbolic objectives and events) and internal schemas, and these internal schemas are integral to motivation (D'Andrade 1992a:230; D'Andrade & Strauss 1992). Cultural forms or schemas can be motivating forces in their own right and where cultural forms act as motivators they may vary in the extent or kind of motivation they provide (Strauss 1992:217). Discovering cultural aspects of motivation is problematic because individuals may hold a large number of cultural models, some of which may be in conflict, and any goal may be driven by multiple causes, however paying attention to informants' 'talk' can sometimes reveal which *cultural schemas* are linked to one another and to goals for action (D'Andrade 1992a:230; Strauss 1992:15, 218).

The personal change models presented in figure 2.3 posit that something (an event) either induces or increases a readiness to change at the beginning of change (Baskin & Sommers 1998; Fagan 1998). In addition, others such as Miller & Rollnick (1991) have pointed out that a 'readiness to change' is relevant at each

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stage of desistance and that there must be a match between the state of readiness and the triggering event or catalyst.[145] This is consistent with the view that "appropriate action depends on role and setting contexts which require elaborate cognitive interpretation prior to action" and that catalysts "function by activating goal-schemas" rather than by "instigating behaviour directly" (D'Andrade 1992b:33).

I hope that by examining the beginning of desistance among successful desisters and, as far as possible, distinguishing for heuristic reasons, between catalysts or triggering events, decisions and choices, underlying motivations and supporting contexts, we will better understand the process of desistance and the role of agency and culture within it.

Agency, motivation and the beginning of change

The model of agency described by Emirbayer and Mische (1998:970, refer chapter 2), provides a tool for close examination of the process of decision making that takes place between catalyst and action. This definition of agency involves three orientations to time. These (or some aspects of each) may be found in any stage of the desistance process. Two or more may often occur simultaneously. Judgement (decision making or *practical evaluation* – an orientation to the present) and imagination (*projectivity* – an orientation to the future) are critical to the initiation of desistance. While habit or *iterational* agency (an orientation to the past) may also play a role in initiation, particularly in the imaginings and deliberations of decision making, it is critical for maintenance or some form of resocialisation (1998:971). The separation of agency into these time orientations provides a useful analytical tool. Examining the beginnings and the maintenance of desistance

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[145] Miller and Rollnick (1991:15) writing about motivational therapies used in the treatment of addiction characterise the stages of readiness to change as: Pre-contemplation, Contemplation, Determination, Action, Maintenance, Relapse, Contemplation and so on. For motivational therapies to be effective an intervention must be appropriate to the stage of readiness.

separately (insofar as that is possible) brings these various types of agency into relief.

This approach to agency allows appropriate consideration of both the internal and external aspects of action – the psychological, the intersubjective and the cultural – necessary in the analysis of desistance within a particular cultural setting.[146]

Sequences of intentions

Intention implies conscious agency and agency implies intentionality although intentionality may not be strongly conscious.[147] This chapter will examine the origins of intention among those who are 'going good'.

Some intentions are proximal, that is intentions to act immediately, and some are distal or more remote (Copi 1968; Mele 2003:54). Such goals are organised hierarchically. At the top of the hierarchy are goals such as love and success that can be triggered by a wide range of inputs, while at the lower levels are aims and activities that come into operation only if directed by higher level goals (for example trying on-line dating or hiring a résumé writer) (D'Andrade 1992b:29-31). Mele, taking a more practical view, explains that intentions may be remote because of an obstacle to their immediate achievement or because there are other more proximal actions that must be taken before they can be achieved (Mele 2003:54).

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[146] For a discussion of the importance of the need to base considerations of agency in psychology see Frank (2006). She usefully quotes Mitchell: "agency and unconscious motives are not alternative explanations, but simultaneous properties of all mental events" (1988:248 quoted by Frank 2006:297). Frank, citing Chodorow, believes this approach is necessary to avoid what Chodorow refers to as a type of 'essentialist culturalism', a denial of individual difference and personal creativity in the constitution of meaning" (Chodorow 1999 cited by Frank 2006:298).

[147] Here I use Ortner's (2006) definition of intentionality as including "a wide range of states, both cognitive and emotional, and at various levels of consciousness, that are directed forward towards some end. … In short intentionality as a concept is meant to include all the ways in which action is cognitively and emotionally pointed *toward* some purpose" (2006:134-5). As she points out, this is useful to distinguish between 'routine' and 'agential' practices.

Whether desistance involves a sequence of intentions is likely to be dependent upon the nature and cause of the behaviour that is being desisted from and the degree of *projectivity* in the agency of the actor. Some participants' desistance is complex, requiring sequences of intentions and motivations; for others, desistance follows a simpler path. The complexity depends on the context of the desistance. For example, if desistance is from crimes which are purely alcohol-related, desistance may be as simple (or complex) as ceasing to drink and thereafter more simple than if desistance is from crimes with another cause. Where long-term intentions or goals can only be achieved by first meeting short-term intentions, the risk of desisters being caught by 'snags' or 'snares' and being diverted from their path increases (Moffitt 1994).

Initiation of reform may happen more than once. Participants speak of themselves and others repeatedly making promises which come to nothing, and Bottoms & Shapland (2011) found that the majority of participants in their study wanted to change but were able to accurately predict the sort of obstacles that would stand in their way. A reform project may be undertaken in stages (not necessarily consciously). For example 'giving up' marijuana use and associated crime may occur first and 'giving up' alcohol misuse (and associated crime) may happen later, or *vice versa*. Each of these actions might have their own catalyst and/or underlying motivation and the actions may result in a 'state of readiness' for further change. Sometimes the process maybe a 'start-stop', 'start-stop-start' process where re-dedication to a decision, or the making of a new decision is required.

Aspects of agency in the initiation of desistance

The case material presented below illustrates the complexity and individuality of the desistance process. While no two cases are identical, there are some common or recurrent themes. These are, by and large, consistent with aspects of the general literature on desistance and fit with the models of desistance described above,

specifically the importance of cognitive change, institutional support and to some extent self authoring. (Maruna 2001; Giordano *et al.* 2002; Sampson & Laub 2004). These aspects are linked by motivational schemas. I argue that repeated emphasis on some, rather than other themes of motivation, may be due to the nature of Aboriginal sociality and particularly the sociality of Aboriginal communities in which many members are frequently in prison. The cultural forms or schemas acting as motivators include *fatherhood*, *life-partnership*, *kin relatedness* and *respected community member* (including self-respect and responsibility). These schemas relate to Aboriginal identity, at the level of self, being based in relatedness and commitment to kin and encompassing the values of *looking after* and *caring for* kin (Macdonald 1986; Myers 1986; Macdonald 2000; Austin-Broos 2003; Peterson 2010: see discussion in Chapter 7). Reformulation of self, as other than *Aboriginal repeat-offender*, or *substance abuser* is also important. The motivation here is to move away from a schema of *Aboriginal (repeat) offender*.

A synthesis of the approaches of Emirbayer and Mische (1998), D'Andrade and Strauss (1992) and Holland *et al.* (1998) presented in chapter 2 provides an analytical lens through which to view the initiation of desistance. In analysing the following ten cases I will be paying particular attention to aspects of agency (*projectivity, evaluative judgement* and *iteration*) and to *cultural schemas* as motivators.

The stories which follow illustrate the interplay between the temporal orientations of agency in the initiation of desistance. They show how the ten participants experience some disruption which makes them uneasy with their current lives (Holland *et al.* 1998:73), and causes them to deliberate alternative futures while drawing on past experiences and makes them open to change (D'Andrade & Strauss 1992; Emirbayer & Mische 1998; Holland *et al.* 1998; Giordano *et al.* 2002). Participants reject and/or embrace certain *cultural schemas* (D'Andrade 1992b). Some of these schemas such as *fatherhood* or *life-partnership*,

intrinsically arrived at and internalised, are strong motivators. Embracing them brings some strong extrinsic influences (for instance children and spouses, Sampson & Laub 2004) which support and strengthen their motivational force. These schemas and others that arise from new roles, including the schema of 'going good', begin to bring about changes in participants' views of themselves, which in turn motivate them to continue with their change project. This approach makes visible the distinction between the intrinsic and agential motivation of schemas such as *life-partnership* (including their identity transformation potential highlighted by Giordano *et al.* 2002:1002) and their control aspects (highlighted by Sampson & Laub 2004).

Participants deliberate, envisage new futures and make use of past experiences in making *evaluative judgements* and decisions. In the execution of these decisions the interplay between intrinsic, agential intention and extrinsic influences and circumstances come into play. Where there is a close fit between intrinsic intention and the context for action, including external supports, motivation is strengthened and powerful action ensues.

The following case-presentations group people who are of similar age and have similar factors as catalysts or motivators. For the first eight cases, alcohol was a major part of each individual's offence history and giving up or managing alcohol use has been central to their desistance. For some of these, marijuana (and sometimes other drug use) has also been involved, so that a two-step desistance process is evident.

The ninth and tenth cases (Randall and Aethan) have had longer and more serious criminal careers involving heavy and hard drug use and violent crime.

Eight short cases most involving alcohol

In the first eight cases we will see how certain events cause some disruption to the participants' lives, leading them to re-evaluate the direction of their lives. The

process of decision-making and execution (*evaluative judgement*) is often not linear but bounces back and forth between problematisation, decision or choice and execution. While the *evaluation* and decision is made in the (then) present it often incorporates aspects of future or past orientation. Re-evaluation of trajectories and imagining alternatives involves both *projectivity* and *iterational* aspects of agency. Re-evaluation usually involves participants in imagining their future (*projectivity*.) Often the participants imagine the future of the trajectory they are already on which has got them into trouble and reject it. Sometimes they envisage an alternative trajectory, often involving elements of cultural schemas from their childhood. These schemas may be deeply held and internalised such that participants are hardly aware of them, although they are implicit in their statements (for example the often repeated phrase "I want to be there for my kids"). Decision or choice involves using cultural schemas as a mediating device whereby the actor is able to transition from the use of their memory to active control over it (Holland *et al.* 1998:38).

The context of action affects the degree to which a schema can operate as a goal or motivator. In a supportive context, especially where there is a close fit between the support mechanism and the motivating schema itself (for instance if the schema being embraced is one of *life-partnership* and the partner is an effective support), the intrinsic and extrinsic forces will combine powerfully. A partner or children may act not only as a supporter but as a mnemonic to remind the participant of his decision (Holland *et al.* 1998:40).

Capacity for execution of decisions comes either from past socialisation and skill development (which may be due to agential activity or existing social capital) (Giordano *et al.* 2002; Bottoms & Shapland 2011) or from some form of coaching or resocialisation from extrinsic sources such as spouses. It may involve experimentation resulting in positive or negative feedback.

For most of the eight cases which follow, when participants made judgments or decisions about their futures, changes to their lives outside gaol seem to have set the appropriate context to allow catalysts to tip the balance in favour of 'staying out of trouble'.

Two-step desistance

Dean (aged 33)

Dean was 33 in 2010. His desistance was a two-step process which included catalytic events and his orientation towards his family (both siblings and children). Children play a dominant role in Dean's story.

By the age of 15, Dean, was living alone on a reserve at Browntown, looking after his four young brothers. His alcoholic mother had recently left; his father had left some time previously and had died by the time his mother left. He dropped out of school, without completing Year 9.[148] He could not (and cannot) read or write. He began stealing to feed his brothers. By 17 he was drinking heavily and in his 18th year spent nine months in gaol. By the time he came out of gaol, three of his brothers were scattered around the state. The one who remained in Browntown was so malnourished Dean did not recognise him at first. Dean speaks of the loss of his brothers with regret and remorse. He says that he had been mother and father to them for three or four years.

When he was 21, Dean had a car accident while 'stoned' on marijuana. A child ran in front of the car and was injured. Dean left the scene, fleeing to his grandmother's house, but soon after handed himself in. He was charged with 'hit and run' but was not convicted. This is when he gave up smoking marijuana.

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[148] Year 9 is the third year of high school. A brief description of Dean's early childhood is given in chapter 4.

In his early twenties he met his current partner, whose mother had died. She and Dean were 'looking after' (caring for) her baby brother. Between the ages of 20 - 30 Dean was imprisoned frequently for alcohol-related offences, particularly assault and affray.[149] He had no Christmas out of gaol during those ten years. He and his partner had two children during this time. The last time he was gaoled was for breach of parole at the age of 31.

It was during this prison term that he decided to give up alcohol. Despite this, after he came out he was charged with GBH of his partner, but was bailed and 'beat the charge'. He said:

> *I just got sick of it – goin' in and out of gaol. I just didn't thing.* [150]

He also said:

> *Gaol is not a place to go when you have got a family.*

Dean's said that seeing his children on gaol visits (every 2-3 weeks) is part of why he did not want to go back to gaol.

Speaking about his motivation to stop drinking he said:

> *… because I was looking at my kids. I just wanted to be there for my kids. I didn't want to be without them.*

After coming out of gaol he applied for a place in an Aboriginal-run rehabilitation centre but he was refused because of a dispute between a member of his family and a member of the centre manager's family.[151] He had done no drug or alcohol

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[149] My notes do not mention that any of these assaults were domestic. It may be that the only domestic violence incident was the one which occurred when he was 31, his last offence.

[150] The word 'thing' or 't'ing' is explained in chapter 4 (see footnote 117).

[151] This is not the only report of Aboriginal family issues affecting access to services. In one case a local parole officer who was related to the victim of a violent crime recommended against parole of the perpetrator, a recommendation that was overruled a month later by others.

courses in gaol and none since. I asked him how he managed to give up without support and he said:

> *It wasn't hard because I had my kids there every day.*

Gesturing with his hands to his right and his left, he said:

> *I had the kids on one side – and friends on the other – I went closer to my family.*

When I interviewed him in 2009 he had CDEP employment, his third child was four months old and he was paying off his driving fines so that he could get a driver's licence which he required for full-time employment.

Analysis of Dean's decision

The catalyst for Dean giving up marijuana seems to have been the accident in which a child was injured. This was unsettling; his care of children had always been important to him. His early experience of abandonment, necessitating his care of his young siblings and their subsequent loss, are likely to have played a part in forming his motivation.

His subsequent desistance from alcohol has elements of *evaluative judgement, projectivity* and activation (and rejection) of schemas from his past (*iteration*). While he was in gaol he identified a desire to "be there for my kids". To achieve this he needed to not return to gaol. He could imagine a future without alcohol as evidenced by his attempt to attend a rehabilitation program. Caring for his children was not only a motivating schema but an *extrinsic* support that kept him occupied and assisted him in executing his decision. It is possible that he was actively trying to avoid emulating the cultural schema of abandonment experienced in his own childhood, about which he felt considerable bitterness. His problematisation of the situation of drinking with his friends and the choice that he made, to care for his children, was graphically demonstrated with his hand gestures when he described the choice he had made. To stay out of gaol to be with his children he needed to

stay away from his friends and being with his children helped keep him away from his friends.

Dean is clearly motivated by a schema of *fatherhood* that involved being there for his children rather than one which he might have learnt from his parents. The characteristics of the schema for *fatherhood* are outlined in the discussion section of this chapter.

Daryl K (aged 34)

Daryl's desistance, like Dean's, included giving up more than one addictive substance. Initially though, it was his *life-partnership* rather than his children, that was important. Daryl had been born in a Murray River town but his parents came from Browntown. The family moved to Dubbo where Daryl went to school until the age of 14 when he was expelled for hitting a teacher after an incident provoked by a relief-teacher who was reported to be blatantly racist. He then attended TAFE, studying vocational subjects.

Daryl's account of his criminal activities reads as though he had two criminal careers: two different types of offences with two different elements of desistance. Most of his early crime is related to peer association (including association with his brother). It is accompanied by drug use although not necessarily caused by it.

> *Yeah. Anyway got to high school and peer pressure – had to do it mate. If you didn't do it you was a sucker and all my mates were all criminals mate. Every single one of 'em. And for me to fit in with 'em, you know we had to steal and that ourselves. You just didn't fit in. Like West Dubbo at the time, everybody was stealin'. That is what everybody was doin'. Like if you didn't do it – you wasn't in, you know. You'd be walking around like a Nigel, by yourself. …*
>
> *And it just led to other things, you know. Heroin, speed and things like that there. And then I had enough sense to snap myself out of that. Yeah.*

During this time he was involved in illegal activities with his brother: 'cat' burglaries, car theft, and a scheme involving stealing fittings from Housing

Commission homes and on-selling them, for which his brother went to gaol or in Daryl's words "took the rap".

Daryl said that the main motivation for giving up heroin was that "I was sick of the way I was living". He says he accomplished this change primarily by moving towns. At about the age of 19 he went to Browntown where his parents were looking after his infant son.[152] He then followed the mother of his son (and their son) to Sydney for 18 months or so where he stayed off the drugs until they separated and he returned to Dubbo. Then 22, he started using again but he could see what heroin use had done to his friends and what it would end up doing to him. He moved back to Browntown at 23 and has not used heroin since.

In Browntown he was drinking heavily and at 25 he committed several alcohol-related assaults in 'pub'-related incidents.[153] He then "went on the run" (from the police) across the state border to Victoria where he gave up alcohol. His drinking and its consequences had begun to frighten him and at about this time he also he met his current partner, the mother of six of his children.

Daryl's main catalyst for action (giving up alcohol) was fear of what he might do; his partner provided extra motivation.

> *To tell you the truth – I used to blank out bad mate. I used to get drunk and lose it. I used to be frightened. I was gambling with my life. Every time I got on the grog I was gamblin' with my life because there was no tellin' what I was capable of when I got on the grog. And my missus – she didn't like me on the grog and I had just got with her at that time too. And so I kicked it.*
>
> *I didn't want to wake up in the cells – with them saying 'oh you killed someone last night but'. No, bugger that! That is scary.*
>
> **And at the same time you met your missus?**

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[152] Note that Daryl does not mention this first child as being significant in his giving up heroin; rather he attributes it to his move from Dubbo.

[153] These were violent offences that occurred in a public hotel (i.e. 'pub') or bar.

> *Yeah! She the turning point. She was basically the turning point mate.*

> **She didn't like you drinking?**

> *No, didn't like me drinking. Didn't like me smoking [cannabis]. All she does is smoke cigarettes.*

The fact that his new partner had some different values and behaviours and put pressure on him to conform to her ways was supportive of his decision. At age 29, Daryl and his partner came back to Browntown because his parents were unwell and there he was arrested for the (by then) eight years old charges. He gave up smoking marijuana and two years later at age 31 appeared in a circle sentencing hearing. Just before this, his brother (who had earlier taken the rap for him) committed suicide.[154] This had an enormous impact on Daryl. Daryl was given a good behaviour bond and was asked to undertake counselling.

Daryl was a repeat offender and, despite never having gone to gaol, his desistance story is similar to others. The four years he was 'on the run' were hard ones; he rarely left the house, with his partner undertaking all public business on their behalf. She was "being … dragged all over the countryside" to avoid police.

He considers meeting his partner as the "turning point" and puts "staying out of trouble" (maintaining desistance) down to his children.

> *You got no time to do anything else. …I got five – six soon – and other baby due on my birthday. It is the last one.*

By 2010 he had been off heroin for ten years, "off the grog" (alcohol) for five years, and off marijuana for three years. He had completed all the requirements of his bond, and was working three days a week with the prospect of full-time employment.[155]

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[154] His brother was not in custody at the time.

[155] His bond included attending a course on domestic violence prevention which he strongly objected having to attend because he had never committed any domestic violence and saw it as

Analysis of Daryl's decision

The first time Daryl gave up heroin he characterised his problem as being "sick of the lifestyle". He wanted something different. He executed his decision to change by moving to another locality for a time. When he returned to Dubbo and resumed using heroin at 22, he observed the lives of his friends and envisaged (and rejected) what heroin would do to him. He was clear about what he did not want. His later actions suggest that his alternative vision included *life partnership* and *fatherhood*.

The assaults he committed while "blanked out" on alcohol acted as a catalyst. He changed his location, avoiding arrest, and he stopped drinking. The assaults disturbed and frightened him. His fear disturbed him and made him ready to change. He recognised there was a problem. He envisaged a future (which he rejected) of waking up to find he had killed someone while drunk. While executing this decision (largely *intrinsic*) he was supported by *extrinsic* forces: his new partner, who made her position on alcohol very clear, and later the care of his children. 'Getting together' with this woman may have involved the activation of a cultural schema which he had internalised in his childhood. His parents have been happily together for many years. His capacity to execute decisions, demonstrated earlier by giving up heroin, was supported by his partner. Finally his giving up marijuana followed upon the major disruption of his brother's suicide. His impending appearance at a circle sentencing hearing may have added to his motivation.

Both Dean and Daryl's stories include an element of fear in response to an event or potential events. That is, some disruption occurs that leads them to re-evaluate

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stigmatising him unjustly. It was an affront to his identity. He thinks he was ordered to attend this course as there was no other appropriate course available in Browntown and his charges had been alcohol-related assault.

their behaviour and possibly their identity. In the process of making an *evaluative judgement* (decision) they define the problem they are facing. They imagine, or *project* themselves into, the future which they then reject. While Dean is also sick of gaol, both have partners and both have children. Daryl emphasises the importance of his partner as a motivator and supporter of his motivation. Dean emphasises the importance of his children in both the initiation and maintenance of desistance. The difference is underlined by the fact that Daryl has never been involved in domestic violence which is not part of his schema of a *life-partnership*. The care of children later becomes intrinsically and extrinsically important to Daryl's maintenance of his new path.

Alcohol and domestic violence (DV)

Ray (aged 39)

Ray's children rather than his partner have been important in his desistance, but the catalyst was a 'brief intervention'[156] by a health professional. All Ray's charges have been for domestic assaults.

Ray was raised by his parents in Tinytown in north-west NSW, where he attended primary school. He was sent to Orange to attend high school, staying initially in a hostel, where he remained only one week. He then moved into Widetown with his mother's mother where he attended school for two years, leaving at the beginning of Year 9 "after rowing [fighting] with girls". He went back to Tinytown, working on the local CDEP program. His first offence was driving unlicensed and at 18 he was sentenced to three months gaol for car theft. In his twenties he was charged many times and was frequently the subject of apprehended violence orders (AVOs). He received good behaviour bonds, fines and community service orders. He was constantly moving between Tinytown and Widetown.

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[156] A brief intervention is advice from an authoritative outsider

At age 28 he met his partner and as a result of an assault charge was sent to a rehabilitation centre by the court for a three month (alcohol rehabilitation) program. While he was away, his partner miscarried. After the rehabilitation program, he went back to drinking.

When Ray was 31, his eldest son was born and he spent four months in gaol for assault (DV). At 32, his wife pregnant with their second child, he received a twenty-seven month sentence for several domestic assaults. By the time he was released at 35 his daughter was nearly two. During that year, he finally got his own Housing Commission house and he re-attended drug and alcohol, anger management, violence prevention and lapse/relapse courses while on parole. He did not find these helpful to him. Later that year he served two periods of three-months on remand for assault (DV) and was acquitted at trial on both occasions.

At 36, Ray had an accident, injuring his leg while drunk, and received a warning from a doctor about the impact of drinking on his liver and his diabetes. He gave up drinking for nine months, thereafter drinking "about once a month".[157] He had been 'out of trouble' for three years when I interviewed him. The health scare was a catalyst. He explained:

> *Doctor told me a hiding off one night. I twisted a ligament in my leg here. Twisted it when I was drunk. Doctor seen me that night. I didn't know anything – I was that drunk. I could see them all around the bed over at the hospital – my sister was there – till the next morning when the doctor let me out. She asked 'Boy, you heard what the doctor said last night?'*

> *'Oh think I did – sound like he said "give the grog away or you won't last six months"'. And my sister said 'yeah – that is true, what he said'. I just gave it up then for nine months, straight away.*

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[157] In 2009 and 2010 (when he was 39) he was drinking about six "big bottles" of beer at a sitting. A "big bottle" is 700-750 mL

This behaviour demonstrated the effective use of 'brief intervention' or 'third party intervention' for effective reduction in alcohol consumption recommended by Miller and Rollnick (1991) and documented by Brady (2004) as being common amongst many Aboriginal people who successfully "give up the grog". Ray's motivation was broader than the immediate health concern. His motivation to remain 'out of trouble' included new-found self-respect, his children and his work (for the dole). He has embraced a cultural schema involving what might be summarised as "father or family man" and "respected worker".

> *Like I been respected all round this community. By all the white people – policemans. Policemans always say to my father … [he does work] for the police station. A lot of police know him. Say 'Bobbie, your son goin' good. Stayin' out of trouble and all of that'. And they all happy theyself – the police – that I been staying out of trouble. 'Cause I was a bad egg when I used to get in trouble all the time – when I used to get on the grog you know. And I am glad myself that – well I only drink once in a while, like once a month or something now. Not every day like I used to. Before, get into trouble all the time. Like I am starting to wake up to myself now. I missed out on a lot of time with my two little kids. I never seen my little daughter when she was born – I was in prison. I never see my little son two and three year old birthday. I am trying to make up for all of that now.*

> **So when you gave it up did you have any – did you have any help – is there an AA group, or….?**

> *No, I just – you know at parole I done all the courses. No, it just happened with the work I done around here. Every week I work for the dole you know. …. And I am real happy with that – mowing lawns and all that. Yeah – one of my mates – a white fulla – he's my supervisor – come and pick me up every Tuesday and Wednesday. Take me down town for work and bring me home for dinner. Take me back to work. Bring me home again. Yeah – it is a good part of it. Go down to the [old people's village] – mow lawns and that for the old people. Yeah – all around.*

Describing prison:

> *Well I reckon prison is not a good place to be. You know. I would rather be out here now – seeing my little kids growin' up.*
>
> *…. When I was 18 I just kept going back and back. But now, since like – I got two kids come into my life and that there. I sort of woke up to myself. Not a place to be now while you got kids. All you do down there in gaol – when you see the sun come down like this [it was about 4.00pm in Autumn] you get locked in at three o'clock. All you do is laying back on the pillow thinking about what your kids doing now. Always think about your kids before it gets dark. You think to yourself, I wish I was 'ome now with my kids. You know – and your little kids are layin' back in your arms when you're 'ome.*

He explains that his partner was a drinker before he met her and he talks about how, when he is sober, he is able to walk away from her (drunken) abuse.

Analysis of Ray's decision

While Ray's desistance appears very straight forward – he "gave up the grog and stayed out of trouble" – the 'brief intervention' was a catalyst to make a decision he had already begun to consider. While still in prison he had weighed up the issues in his mind and wished for an alternative. Given the centrality of values of 'caring for', or 'looking after' (Macdonald 1986) or 'holding' (Myers 1980) to an Aboriginal sense of personhood, it is particularly salient that his vision of an alternative future involved him thinking about holding his kids: 'little kids laying back in your arms'.

A *brief intervention* which pointed out the risks of Ray's continued drinking sharpened his awareness (begun in gaol) that there was a problem and was the catalyst for his changed use of alcohol. Ray could envisage "death in six months" as predicted by the doctor. The issue of his mortality brought a future focus to his deliberations. Ray rejected this future, along with a schema of 'chronic drunk'. He wanted to be with and look after his children. To be with his children in the future

he would have to stay out of gaol and stay alive. 'Giving up the grog' to stay alive also kept him out of gaol.

He has essentially embraced a new identity. He has a Housing Commission house, which he saw as an important milestone, he is a father (who is present for his children) and he is a respected worker and community member.[158] It is not just the fact that he has a job to attend two days a week (although this is important) but that he is (extrinsically) supported and receives recognition in that role. He is also recognised for having stopped drinking.

He is now motivated by maintaining new-found self-respect, the respect of the community and by being able to be with his children.

Terry (aged 45): two-step?

Like Ray, Terry's desistance was also triggered by advice from authoritative outsiders (although not medical professionals) and his children are an important factor. His adoption of a new role has supported him to stop drinking altogether.

Terry grew up in Northtown, one of nine brothers and five sisters. He was the seventh child born in his family. He left school at 15 not having learned to read or write and moved to Browntown with his family, but spent time moving between Browntown and Northtown. By 19 he was smoking marijuana, drinking alcohol and getting into trouble. In his twenties he was in and out of gaol for alcohol-related offences of assault, assault police, and affray. His first child was born when he was 26 and his second when he was 28. At the time of the birth he was serving a two-and-a-half year sentence for GBH to his then partner and mother of his children. He claims not to have been drunk (having had only a couple of beers) when he stabbed his 'missus', angry that she had drunk and gambled all the money

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[158] For Ray having the house is not only of practical importance and means he has on-going responsibilities in the way of financial commitments, but it is important to his identity. He is a householder – something he is proud of.

he had earned and saved for Christmas. After coming out of gaol at the age of 31, he left his partner, worried that he would murder her if they stayed together. He moved to Dubbo, met a new partner and then moved back to Northtown. By 35, back in Browntown, he had given up marijuana because his first partner (who had relocated) would not allow him access to the children if he continued smoking it.

He managed his alcohol intake by binge drinking only on weekends and was seeing a counsellor regarding his temper. At 45 he was offered some work recruiting young boys/teenagers to play football and has recently stopped drinking because of this work.

His gradual desistance process seems to stem from the last time he was incarcerated, for the offence of stabbing his wife. He spent most of the two and half years in Long Bay Gaol (in Sydney) while on remand for attempted murder before the charge was reduced to GBH. During this time he was in the 'mainstream' high security section and mixed with a number of older 'lifers' to whom he attributes influence on his decision.[159] He said:

> *I was only 30 maybe 20 odd when I was there – some of the lifers are 60, 63 years old – telling you. I learned from them fullas and I haven't been back since. '87 – '93 I was in [and out]. … The attempted murder; that was the last time. I snapped out of it then. I was more determined to get out and [be with] family and friends.*

Speaking about his sister and mother coming to visit him in gaol he said:

> *Yeahs – they used to come visit me in Bathurst and once in Long Bay. I was there for a fair while in the sec [section] there with all the bad people. But it was pretty good – because I was looked after by the lifers – me mates I knew.*

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[159] Remand prisoners do not receive a security classification until after sentence and are therefore housed in the most secure sections of the gaol. Until they are classified it is assumed that they require maximum security arrangements and so they are housed with maximum security prisoners. Prisoners in these sections generally have much less opportunity to associate freely and are confined to cells for longer hours each day. It is said that this is where "bad men" are. 'Lifers' are people serving life sentences.

It is generally a bad time for people in there but – it is only for people like that, I was saved. So I sort of woke up to that. Some fullas there for all their lives say 'I don't want to see your face back here again Terry – because this is not a place for people like you fullas – only for people like us'. And what he mean by that – that their family mightn't care about them – or mightn't have a family and they decided 'oh well I'll live in gaol all my life'.

And the views of those 'lifers' helped you change your mind?

No – they did – yeah.

So if you had to sum up – was the major thing stopping you going back – was it your kids – or those old 'lifers' talking to you – or a bit of both?

Well a bit of both. See my daughter was born and I went back the second time – cause a lot of people in there hadn't seen their grandkids – or gone to aunt and uncle funerals or brother and sister funerals – cause they [corrective services] wouldn't trust them. So I took a bit of advice from them – they said 'if you got a kid now Terry – don't. If you want to see your kids grow up – you don't want to be in here'.

While most of Terry's offences were alcohol-related he also had a problem with marijuana which contributed to his getting into trouble; 'getting off' marijuana made a big difference. His main motivation for "getting off the yarndi" was his children because of his (by then) ex-partner's ultimatum.

Just woke up one day – when you druggy you book-up yarndi and you…like you are battling. [160] I couldn't see my kids and all that there when they were smaller. My missus wouldn' let me see the kids or send them down to me. And I said – 'this is no good to me. I can't see my kids for the holidays'. So this is when I woke up – snapped out of it. Plus, and I was hungry at the time and there was no money for food and I couldn't bring 'em down. So I thought, 'I knock off the yarndi'. And I started getting them for holidays and going good. Snapped out of it. Now I am right. I been off it nine or ten years now.

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[160] To 'book-up' means to get something on credit.

Since then he seems to have been able to manage his drinking by restricting it to weekends. In the months before I interviewed him he had also given up weekend drinking. He had been working with young people, helping recruit boys to play football and accompanying them on football weekends away, for which he was paid $50-$60 a week. He sees this as recognition of how far he has come.

Analysis of Terry's decision

The advice from 'lifers' who 'looked after' him, received during an extended period on remand in Long Bay gaol where conditions were not good, raised Terry's awareness of his problems and his options. It is akin to the sort of advice or *brief intervention* recommended as a treatment for alcoholics (Miller and Rollnick 1991). Terry was able to *problematise* his situation and with the help of the 'lifers' to imagine both his future as a 'lifer' (a likely result if he continued to re-offend, especially given the attempted murder charge) and an alternative future, as a father caring for his children. He was able to envisage a future image of himself living at home with his children, which was the beginning of him developing a re-imagined self. The 'lifers' specifically referred to the fact that he had young children as a reason to take a different course to themselves. This decision involved both cognition and emotion.[161] The intervention of the 'lifers' possibly activated or supported his adoption of a cultural schema of *fatherhood*, rather than one of 'repeat offender', or indeed 'convicted murderer' or 'lifer'. The attempted murder charge, being away from his young children, and being in gaol with convicted murderers contributed to his readiness to change.

Terry made a decision while still in gaol, although its execution had several steps. Firstly, he left his wife, wanting to avoid killing her. He later stopped smoking marijuana, supported by the *extrinsic* influence of his wife's refusal to let him see the children until he did. This was something he was prepared to 'trade off' to

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[161] For discussion of emotion and motivation see (D'Andrade & Strauss 1992) and emotion and desistance see (Farrall & Calverley 2006; Giordano & Cernkovich 2007; Vaughan 2007).

achieve his goal of seeing his children. He then began to manage his alcohol consumption, drinking only on weekends and going to regular counselling about managing his temper. Finally in order to take up a new role he had been offered (*extrinsic* influence), he stopped drinking altogether. This new role was connected to his past. Apart from recruiting young Aboriginal football players, his role was to speak to them about avoiding gaol and things that might get them into trouble. In this role he was being true to his earlier self and was emulating the role the 'lifers' played regarding his own desistance. The role provides respect and recognition.

Robbie (aged 48)

Robbie's story, like Terry's, included something that happened in gaol which changed his attitude to being there. This was followed by a self-assessment and the development of self-respect following feedback from a third party about the prospect of a new role.

Robbie was raised by his mother on the Widetown reserve, one of four boys and three girls, and many cousins (mother's siblings' children). At the age of nine, the family moved to Newcastle, but returned to Widetown for high school. He loved school, but left in Year 10 without his school certificate following an altercation with a teacher regarding the teacher's reportedly racist treatment of another student. By 16, he was drinking and went to juvenile detention after being convicted of a break and enter offence. In his twenties he had three children. At 33, after his older brother died, he "went off the rails". He was gaoled for nine months for assault (DV) and the following year for three months for an offence of assault police. At 45, he was gaoled for seven months for assaulting his daughter-in-law. It was during this gaol sentence that his eldest son, then aged 24 or 25, arrived in the same gaol as Robbie although in a different wing. This, Robbie said, is what made the difference.

> *… It is not right for a man to go into gaol with his son. Because my son was in there at the same time. And I couldn't, you know, I couldn't associate with him. Cause he was in a different wing from me, in Bathurst. And all I could do is shake hands through the bars – couldn't cuddle 'im or nothin. So, and that used to bring me down at night when I laid there and think about it. … So I thought to myself. 'Old fulla, you've got to get out and wake up to myself, you know – cause it is not right. You go in there with your son and you can't even cuddle 'im or say goodnight to 'im.*
>
> *I sat down and talked to myself and said look – late at night about my son. You know. Like that was a deterrent for me.*

After he was released he was invited to become a delegate speaking to young offenders about 'staying out of trouble' and undertook training for this, having already undertaken an alcohol management course.

One of the conditions of doing this training to be a delegate was that he did not "get charged up", that is did not get drunk. He was very excited by this opportunity as it provided him with self-respect and was an opportunity to do something. As it turned out he did not become a delegate because he had not been out of gaol for more than three months at the time of the invitation, which was a requirement overlooked by the person who invited him. He was still proud to have been invited and to have undertaken the training for the role. He still drinks, but now only on a couple of days in a fortnight, which he describes as binge drinking.

Analysis of Robbie's decision

Being in gaol with his son was disturbing to him and Robbie identifies this as the catalyst for deciding that something had to change. It may have jolted his self-image or it may be that he was aware of this situation's lack of 'fit' with a cultural schema of *fatherhood* ("It is not right"). Some of the discomfort came from being so close to his son and yet so separate. He was unable to physically hold his son. The situation may have caused him to contemplate his age and mortality (especially in relation to his son) and the appropriateness of being in gaol. His (*intrinsic*) deliberations (talking to himself late at night – a dialogic discussion)

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resulted in a decision which, after his release, was supported by the (*extrinsic*) requirement to "not get charged up" in order to take up the opportunity to become a young-offender delegate. Being invited to do this provided him with self-respect, a new self-perception, which has stayed with him (for nearly three years since) despite not being able to take up the role. Being so close to, but physically separate from his son initiated a problematisation of his situation (in his cell at night). The external, *extrinsic* influence of the role of young-offender delegate was a catalyst to an *intrinsic* change which was so potent that it lasted even when the external role did not materialise.

Eddie (aged 43)

Eddie, like Terry and Robbie, found new self-respect after obtaining a job which brought with it respect from both the Aboriginal and the wider community.

Eddie was born in Wooltown, one of three brothers. When he was four, his parents separated. He moved to Browntown with his father and brothers, where he was raised by his grandmother as his father was away fencing and doing station work. He first got into trouble at 13 when he was charged with break and enter. Between the ages of 19 and 24 he was living in Widetown where he had six children, went to gaol several times 'for warrants'[162] and was charged with theft on multiple occasions, for which he received good behaviour bonds. He and the mother of his children separated and he moved back to Browntown. Between the ages of 24 and 39 he was travelling around doing odd jobs, and was charged at least three times with alcohol-related assault, some but not all, domestic assaults. At 39 he went to gaol for 6 months for aggravated assault of his second long-term partner.

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[162] Failure to pay fines

After he was released from gaol he got a job which gave him respect in the community.[163] It is this to which he attributes his 'staying out of trouble'.

> *It was just a decision based on me being at a place of work, where, like – to be respected – I have to earn that. And like I am dealing with people not only from Australia but from all over the world. And doin' a job like that - can't afford to have people saying – 'he is over there telling lies and all this here – and you ought to see him when he is drunk and all this and that', you know. I can't afford to have people talking – because everybody start having respect for me. Like I earned that respect from them and I didn't want to have that taken away from me.*

> *And I still got that respect today – even though I am not working at the [organisation] at the moment. I still got the respect and I think basically once you start earning respect from people – like a lot of people – especially the [Aboriginal] community, then there is a time to say 'enough is enough' and get on with your life as best as possible. Yeah.*

The combination of going to gaol as he had for six months, which he found a very lonely experience, and getting a job which earned him respect from the local and the wider community is what made a difference. Eddie did not stop drinking altogether, but was drinking moderately. The fact that he had had heart surgery may have influenced his rate of alcohol consumption although he did not state this as a reason. Also, despite not having done any drug and alcohol or anger management courses, Eddie made a conscious decision to handle altercations with his partner differently.

> *And there is other ways I can prevent myself from going back there and one of the things is when an argument start between me and my missus – then it is time to get up and walk away. Which I do a lot.*

He comments that he is unusual in not re-offending by committing violence against his partner. He says many men do not trust their spouse not to have affairs

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[163] Disclosing the nature of this role would endanger Eddie's anonymity. Suffice it to say it was related to his Aboriginality.

("play up") while they are away in prison. His partner visited him regularly during the last two months of his sentence which may have made a difference. He said:

> *But like when I got out – I sort of just learnt to – like it was my fault for being in there in the first place. So like, can't take the blame and put all the blame on her – because she didn't do anything wrong. …. So I just took it on the chin and that was it.*

Analysis of Eddie's decision

It appears that Eddie's decision to drink moderately and make changes in his relationship with his spouse was made after he left prison. These decisions are the execution of his higher order decision "not to go back". Eddie attributes his decision to his job, which put him in a position that commanded respect. He felt he had to earn that respect by meeting people's expectations of someone in that position, specifically by not getting drunk. He knew the expectations of the position and could envisage and deliberate over alternative ways of being – alternative futures. He had invested in a new and imagined identity.

Eddie also speaks of changing his attitude to his wife as a way of staying out of gaol. This involved both the more mechanical or physical strategy of walking away from arguments and very major shift in thinking about the schema of 'a good woman' which is strongly held by Aboriginal male repeat offenders (and some others in the community). A 'good woman' is one who 'sticks by you' when you are in gaol.[164] It appears from his comments that his partner may not have complied with the model for the early part of the six months he was away, but was seen to conform to it in the last two months when she visited him regularly. He implies that he turned a blind eye to the earlier transgressions or perceived transgressions that may have occurred while he was in gaol. He takes the blame for being in gaol in the first place. In the face of the very strongly held 'good

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[164] To overcome male suspicion and jealousy, being a 'good woman' also involves being seen to be a good woman, staying in touch and demonstrating fidelity.

woman' schema and the usual pattern of domestic violence, this is a momentous statement that shows a great deal of deliberation and significant cognitive change. The combination of extrinsic and intrinsic influences can be a powerful motivator of action.

Youthful desisters

Ricky (aged 21)

As with Daryl, finding a strong partner whose values and behaviour supported his decision was important to Ricky. Ricky was raised in Browntown. At 14, he was charged with break and enter and by 15 he had been expelled from school over a verbal altercation. Motivated by wanting money for marijuana, Ricky committed and was charged with several break and enter offences. At 15 or 16 Ricky underwent an Intensive Court Support (ICS) program involving TAFE, CDEP and a weekly meeting at the courthouse.

At 17 Ricky 'got together' with his current partner, Julie, before spending four months in juvenile detention for a previous break and enter offence. He was released at 18 and was assisted with short term accommodation in Dubbo while awaiting a place in a compulsory rehabilitation program. Following the rehabilitation program he worked 'in the sheds'[165] for a couple of months. Then in his 20th year he got a traineeship (Certificate II) with the Browntown Council and celebrated the birth of a child with his partner. The traineeship ended and no positions were available. At 21 he was paying off his driving fines through State Debt Recovery and looking after his child. His partner (who is not Aboriginal) works full-time in a white-collar role.

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[165] Sheep shearing sheds

In 2010, police brought a charge related to a break and enter offence that had occurred three years earlier (before he had gone to juvenile detention). For this he received a suspended sentence.

Analysis of Ricky's decision

It appears that Ricky had started thinking about changing his behaviour before he went to juvenile detention, after meeting his girlfriend Julie. She did not like him smoking marijuana, the main reason for committing break and enter offences. It is likely that he realised he had to choose between marijuana and Julie, or between a long-term *partnership* and the life of a repeat offender. It may be that the ICS program he had previously undertaken had also raised his awareness of alternatives, although he does not attribute his change to this program.

If he actually made the decision to 'stay out of trouble' before being incarcerated, then the execution of the decision was delayed, and being incarcerated accelerated or strengthened his decision. Ricky said he found being in juvenile detention very boring. He was older than most others in detention and knew that next time it would be 'big gaol', a prospect he found frightening and which was a powerful catalyst for change. It made him aware of his age, of being almost an adult, and may have altered his perception of time. He later characterised impending adulthood as "having maturity". He was clearly able to imagine or envisage a future for himself (adult prisoner) that he wanted to reject and this strengthened his decision to 'stay out of trouble'. This, combined with Julie's loyalty and support, may have activated a schema of spouse or *life-partner*.[166]

Ricky's release from juvenile detention was conditional on his going into rehabilitation, which he simultaneously characterises as his (*intrinsic*) choice and attributes to (*extrinsic*) court orders. Julie supported his attendance at

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[166] Unlike some of the young people in the Sheffield study (Bottoms & Shapland 2011) Ricky's parents do not feature in Ricky's desistance story.

rehabilitation. Ricky says that his partner and the baby contributed to his motivation to 'stay out of trouble', and that his brief employment as a trainee was "the biggest helper". Staying away from his cousins with whom he used to smoke marijuana has been difficult "especially … in a small community". Julie supported him in not spending time with them, as did his involvement first with his job and then with the baby. He said that the court orders not to associate with his cousins were also important.

Allan (aged 21)

Allan grew up in Browntown. He was sent to his auntie's (MS) in Newcastle for his final year of primary school and then to a high school in Sydney (which required staying in a hostel). There he "didn't get on with some kids", returned home to Browntown for an Uncle's funeral and did not return to school. At 14 his mother "kicked him out" and he spent some time at a sports high school in Newcastle, staying with his auntie. By age 16, he had dropped out of school and was back in Browntown, where he received many cautions for drunken behaviour and handed himself in for several break and enter offences. At 17, he spent six months in juvenile detention awaiting court hearings of between nine and twelve charges. During his incarceration (in Dubbo) he received regular visits from his previously estranged father, Aethan (see below), a serial offender now desisting, who had spent most of his 40 years of life incarcerated. Aethan told Allan from first hand experience what being a repeat offender was like, and encouraged him to take advantage of an Intensive Court Support (ICS) program available at the time.

Allan was released into the ICS program which he said "saved his life". On this program he had to see a counsellor, undertake various courses and report to the courthouse every two weeks. As part of the program he spent at least 12 months on CDEP, doing training and community work. He found reporting to court officials about how he was going very useful.

> *Yeah – so it was good for me – that ICS program.*

> *I got out on the Wednesday and on the Thursday I was on CDEP straight*
> *away. That is when I first got my pay – like gettin' my own pay. And it felt*
> *heaps better than bloody stealin' for your money and that. Yeah – stinks*
> *stealin' and that. No more.*

At 19, Allan was drinking again, broke into a home and stole an electronic game
and then handed himself into police. He received a community service order.
About this time he reports several encounters with "a good policeman" who gave
him the benefit of the doubt and gave him "a talking to", saying that he "expected
better". Speaking of the policeman:

> *I reckon I probably would be locked up now if it wasn't for 'im. Cause like*
> *every time I'd … come in the station – he would give me bail and that. He'd*
> *have a talk to me and that there first. Like 'I don't want to see you in 'ere*
> *again and that there' …. Yeah and I been goin' good too ever since then.*

At about this time Allan had a severe fright. Walking home to the reserve along
the main road one night when drunk, he stopped for a rest on the road. He fell
asleep and woke up just in time to roll out of the way of a semi-trailer truck. He
stopped drinking as a result.

At 20 years old he got a traineeship with the local council and was living with his
partner and newborn child. In 2010 he was still not drinking but had lost his job.
He had not followed up his intention to start paying off driving fines. He reiterated
the importance of the ICS program and 'the good sergeant'.[167]

Analysis of Allan's decision

Allan attributes his success in 'staying out of trouble' to the ICS program and 'the
good sergeant'. The visits he received while in juvenile detention from his
previously estranged father acted as a 'third party intervention' in that they raised
Allan's awareness of issues and helped him take advantage of the ICS program.

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[167] I have spoken to other young people who have similarly been influenced by 'good police' –
either encouraged to not get into ongoing trouble (unlike their siblings) or to maintain their
desistance.

Subsequently contact was infrequent as the two were based in different towns. On the ICS program Allan experienced work, had something to do and earned money, which he thought was a good experience. He received feedback from court officials and was very proud to be the first to complete the program. He began to develop an alternative view of his future and his identity. He was very conscious of turning 18 and the consequences that would ensue if he committed crime. His relapse (which may have resulted from a need for attention and reinforcement or simply from being drunk) resulted in the intervention by 'the good sergeant' which reinforced his picture of an alternative future. Nearly being run over by a truck while drunk resulted in him giving up drinking for good.

Despite the fact that by the age of 21 he had a child, he did not yet consider himself to be an adult whose hallmarks he saw in the following way.

> *An adult … would look after his kids and family and that. They wouldn't do childish things – not trying to be a kid.*

He may have been referring to his apparently tentative commitment to his partner and child and/or to the fact that he had lost his job, by 'slacking off' which seems to have been instigated by a lack of skills to deal with workplace issues.[168] The pattern of repeatedly committing crimes and handing himself in and his strong response to the ICS program suggests a strong need for attention that he had not received from his parents. The execution of his decision to 'stay out of trouble' and the fulfilment of his re-imagined future may be jeopardised by his lack of capacity and a lack of ongoing guidance and support.

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[168] He claimed not to be living with this partner (just minding the baby) when I visited, but his mother and others in the community believed he was living at the same address as she was. It is possible that if his partner were claiming the single parent's benefit then he may have been concerned about me knowing where he was living in case I reported it to someone and so he may have wished to give the impression that he was living elsewhere.

Two long cases – longer and more serious criminal careers

Randall (aged 40)

Randall was born in Northtown, the third oldest of four with one brother and two sisters (Randall's early childhood is described in chapter 4). The family moved to Widetown when he was about ten. When he was about 12 or 13, his parents' relationship ended when his father began a relationship with one of his mother's sisters. His mother moved to Sydney with Randall's younger sister and had two more children with her second partner.

Randall lived alternately with various of his mother's many sisters in Widetown and Dubbo, or with his grandmother (FM) in Northtown. He and his brother would also visit and stay with their mother in Sydney. His father travelled often, working on pastoral stations.

When his parents split up and his mother moved away, Randall stopped going to school and started 'hanging around' with his many cousins, started smoking marijuana, stealing cars and 'getting into trouble'. Between 13 and 14, he spent six months in juvenile detention at Mt Penang, and between the ages of 14 and 18 was in juvenile detention four or five times. He drifted to Dubbo and began using drugs heavily during these years. Randall rarely saw his father.

When he turned 18, Randall went to 'big gaol' for an offence of break and enter. In his twenties he was constantly in and out of gaol. By the time he was 24, he had three children (with three different women) and nearly died from stab wounds while in prison. He was often in fights in gaol.

Three or four years later, during his second-last incarceration in his late 20s, his gaol classification (his 'classo') was changed from Class B to Class A as a result of assaults in prison. This meant that he was no longer allowed in lower security prisons and was housed in sections where prisoners were let out of their cells later in the mornings and locked up much earlier in the afternoons, often at about 2.30

or 3.00pm. Randall was no longer able to see much of his cousins who generally had low security ratings.

At 30, during 18 months incarceration (his last) on remand, Randall joined the methadone program.[169] During this gaol term (as a Class A prisoner) he decided that he did not want to come back to gaol and would try to "find a woman" and "settle down". When he came out (aged 32) he began a relationship with his current partner (of eight years), Kristi. She was a friend of Randall's sister and also a cousin of Randall's oldest child.

Randall went back to using drugs for the next five or six years, although he managed to stay out of gaol. Kristi was also using drugs. When Randall was 38, Kristi was sentenced to six months for affray for fighting in a school yard (over drugs) with her sister-in-law (BW). Kristi and Randall then both went on the methadone program; Kristi served two months in gaol. This was her first time in gaol and she said she hoped that it would be her last. Kristi explained why they went on the methadone program.

> Oh me and him just sat down and talked, you know. And said because [we're] sick of this; like going out and searching and if there wasn't nothing around we would be laying around sick and that. And I just told him. Well we both sat down and we both had enough of it.

I asked her what the main issues were that they talked about.

> Oh, getting off the drugs, um doing better for ourselves, hopefully with me going looking for a job.

Kristi went on to detail how she had been trying to get a job. She had few skills and no experience and it seemed unlikely she would be successful, but she was

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[169] He was subsequently found guilty of being 'in company' (with a criminal offender) during a home invasion.

clear that the reason they wanted to get off the drugs (and eventually the methadone) was to have a better life.[170]

Kristi and Randall were both still on the methadone program in 2010 and Randall said that he was working towards reducing his daily dose, although not receiving any counselling or professional support. Randall did not speak of aspirations to work as Kristi did. I wondered what would happen if they completed the methadone program, since attending the methadone clinic every day (a minimum of an hour's walk there and back) provided a routine and structure to their lives.

The main motivation for Randall to stay out of gaol was that gaol had become a much more unpleasant place after his classification was changed. He particularly missed being able to mix with his cousins. He also implied that access to drugs was harder in the new situation. This could have been because of less access to his cousins. While Randall had found juvenile detention difficult, he found 'big gaol' a lot easier, until his classification was changed.

> *Well I found it easier really. Like I said, because there was a lot of people there I knew from out here. Like my brother was there and a lot of me cousins you know, so it didn't sort of….*
>
> *– after I started to have a bit of gaol, well I wasn't allowed – because I used to fight around and that too much, in Bathurst and that, like in the lower security gaols and that. Around 2000, well I wasn't allowed in any of the low security gaols like Bathurst, or like the B classo gaols. I was only allowed in the A ones, like Lithgow and Goulburn and that.*

He said that being segregated all the time was too hard.

> *Doing most of my time segregated – from fighting around. Give it all the blow now. Every thing finished. … Yeah, sick of laying around in gaols all the time*

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[170] Kristi was five years younger than Randall, educated to Year 9, with some TAFE qualifications – but because of her criminal record, had little hope of doing what she wanted – working in childcare. Caring for children was a passion for her.

and all the things you miss out on you know; family and all the things that come with it.

Randall decided he did not want to go back. He decided he would "find a decent woman", the implication being that finding a woman would help him 'stay out of trouble'.[171]

So how did you meet Kristi – or did things start to change before you met Kristi - or?

Not really. Well I made a decision. I made a thing to myself when I got out the last time on the home invasion. Like I was saying 'No more gaol, I's just going to try to find a decent woman to settle down'. And I ended up finding one.

And so did you make that decision when you were in gaol or when you came out?

Yeah, when I was in there, yes. Sick of it, after a while, and I've never been back yet. Haven't been in trouble.

Once I got with Kristi I stopped going to gaol. Stopped getting in trouble. I, oh I was sick of it. I couldn't see me doing it – family wise and so on. Couldn't go to funerals and there is a lot of things you miss out on I suppose. Can't get to funerals and go and visit people when they're sick. Couldn't do it. Plus I was stabbed in gaol and that, like fighting around in gaol, nearly died s'pose. Supposed to have nearly died. Punctured me lungs and couldn't – just must have blanked out – all me guts were full of blood. Yeah, from bleeding inside.

He said that being stabbed had not contributed to his decision to stay out of gaol as it had occurred four years before his last incarceration began.

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[171] Although I did not question Randall about what a 'decent woman' was, several other men also used the term 'good woman' or 'decent woman' and they meant someone that would 'stick by you', even if you were in gaol, although Randall had no intention of going back to gaol. 'Stick by you' means remain faithful.

Randall says that Kristi was an important support to him 'staying out of trouble'. I asked him if there had been times when he may have been tempted to do something that might have put him back in gaol.

> *Yes, but I realised what to do and what not to do. It is that easy to get caught you know. And gaol is involved. Plus Kristi will always remind me, you know. Even when I have a fight around here she is always there going on – stopping – you know – so that is another good thing I suppose. Got her here to help me stay out. But I haven't been getting in trouble, so it is all right.*

> **And how important do you think meeting Kristi was?**

> *Well it made a big difference in my life, you know, stopped me from getting into trouble. Well that is what I wanted, you know. I made a promise, to myself, to stay out of gaol and just stop doing what I was doing. Yeah, so it all seems to be working so – it was right.*

> *Yo – she helped me, mainly because I made that decision – you know because like I say, I was missing out on a lot being in there all the time. Like all up, I done about ten years you know or something; years here and there you know.*

Kristi says:

> *And if I can try to stop him and talk, you know, ask him to talk to the person. It sometimes – he will talk to him. … Like, I like to be around because sometimes I can stop him hitting other people – especially if they in the wrong, you know. I just tell him, 'well they most probably drunk when they'... and I tell 'just leave it and we will come back and see 'em when they sober up'.*

Several times he mentions his children as being important, although he has had very little to do with them as they grew up. They are now approximately 19, 14, and 12 years old. He said:

> *In and out of gaol and more gaol and, and it just got worse. And I just get sick of it because my kids. I couldn't hardly see them now. I could hardly see them then. I see them a bit more now than I used to.*

In reality, Randall had not seen his daughters for several years. He has no access rights to his elder daughter whose mother is a drug addict, as she is in foster care in another town. He suggests that if he had had access to his children he might have been motivated to "straighten himself out" earlier. Kristi confirms Randall has always stayed in touch with his eldest child, a boy who is currently in gaol and who has two sons, but has not seen his girls for several years.

When Randall last came out of prison he moved quickly to execute his decision not to go back. He soon took up with Kristi (whom he had known previously as a family friend) and was being quite vocal about the decision he had made and the role he saw Kristi playing.

> *Oh when I first got with him, that is when he was telling me that he wanted to like get off drugs and stay out of gaol and he wanted to get a good woman.*

Despite this, he kept using drugs and it actually took six years between making the decision not to go back to gaol and getting onto the methadone program. Randall had been on the methadone program in prison several times but would go off it as soon as he came out. They went on the methadone program together and as this coincided with Kristi's arrest for affray, is likely to have been motivated by anticipation of court appearances.

Analysis of Randall's decision

Randall mentions that he nearly died in prison but he did not attribute his change of attitude to this, but to the reclassification that occurred as the result of his fighting. However given that he raised the topic, it is possible that this brush with death heightened his awareness of his own mortality and contributed to his consideration of things that were important to him. The stabbing incident did not occur immediately prior to his experience of reclassification, or his decision.

The catalyst for Randall to make changes that would keep him out of gaol, was the change in his prisoner classification, which meant that he could no longer

associate with family in prison and was locked up early every day. He was no longer allowed in Bathurst gaol, at that time the gaol closest to home and where most of his incarcerated relatives were. In this context he also found it hard missing funerals and other family occasions. His comment that he "made a thing to myself" (a decision and a commitment), demonstrated agency and intention for action. He deliberated on his situation and made the decision while in gaol. In envisaging a different future he specifically decided that his strategy to stay out of gaol was to find a "good woman and settle down". This indicates a degree of orientation to the future (*projectivity*). He wanted someone who would not only be faithful but who would "keep him out of trouble".

Beyond this strategy Randall did not seem to have many plans, although he talked about eventually weaning himself off methadone. Randal's lack of aspiration to work may have been due to him being realistic about the likelihood of obtaining work. Randall said that one thing that might have caused him to make a change earlier in his life was if he had had access to his children, although this did not seem to be a strong motivation.[172] Randall acknowledges that Kristi helped him stay out of prison by "reminding him" to 'stay out of trouble', but he also recognises the importance of his own decision as initiating his desistance.

Randall was clearly motivated by wanting to be with his extended family, an underlying reason for staying out of gaol. He was activating one cultural schema which has some motivational force ("partnership with a good woman") in order to maintain another cultural schema (an active role within his kinship network). Close relationship with extended family is clearly an enveloping cultural schema with strong motivational force for Randall. Access to his siblings and cousins is critical to his ontological security (Myers 2011). The catalyst for his decision (loss

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[172] When I last spoke with him he had not acted on his wish to see his eldest daughter, although gaining access to her would not be easy as she is in formal foster care and he currently has no access rights. Regaining access would require skills and persistence, which he does not possess at present.

of access to kin in gaol) is indistinguishable from his underlying motivation to "find a good woman" and stay out of gaol. His *life-partnership* is essential to his attaining his ultimate goal of maintaining his place in his kin network. It seems to have been a conscious and deliberate decision.

Aethan (aged 40)

Aethan's desistance also involved a decision, 'a good woman' and a number of years 'staying out of trouble' while still on drugs. Like Randall, Aethan had spent many years in gaol having had, among other sentences, two seven-year sentences for serious violent crime. He had found gaol a fairly good place to be until his life was threatened and he began to reassess his situation.

Aethan was born in Wooltown, one of six brothers and three sisters. He is the second oldest after a sister. He was raised by his mother and a stepfather who is the father of his five youngest siblings. By seven or eight, Aethan was stealing from his aunties and uncles. At ten he had broken into the local school to steal. The family moved to another town for his stepfather's work when Aethan was seven, but moved back to Wooltown when Aethan was 12. He started 'wagging' school[173] with cousins and new friends and started stealing from teachers.

At 13 or 14, he was committing break and enter offences and was sent to juvenile detention for six months. From then on he was frequently in and out of juvenile detention until he was 15, when his mother was murdered. At the suggestion of his grandmother (MM) he was sent to a children's home in the New England (NSW) area. At 16, following an operation on his ear, he was 'fetched back' by his stepfather. It was at about this age that he realised that his stepfather was not his biological father. He attended school until he realised he could leave because he was 16. He continued stealing.

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[173] 'Wagging' school means playing truant.

When he was nearly 18, he was sent to 'big gaol' where he met his biological father who was serving a 20-year sentence. The two never became close. He spent his 19th year in prison for assault and/or break and enter offences and then the next five years in gaol as part of a seven year sentence for GBH. At 25 he was re-incarcerated for breaching parole. His stepfather died at around this time.

At 26, Aethan received another seven year term for assault or GBH. In prison he started using and dealing in hard drugs. Towards the end of this gaol term, when he was 33, he angered some fellow prisoners and his life was seriously in danger in gaol. He knew this threat would remain if he returned to gaol. He decided it was time something changed. Not long after he was released he assaulted a woman, Gloria, who he said was stalking him. The assault took place in a club when she "wouldn't take no for an answer". Aethan said that the reason that he did not want to "get with" her was that she "had a very bad reputation for putting blokes in gaol" through accusations of assault and domestic violence. He wanted to avoid gaol. On the same night and immediately following the assault, he met his partner, Kylie. Aethan felt that the threat to his life made in 2003 at the end of his seven year life sentence was so serious that when he went back to gaol on remand for assaulting Gloria, he was sufficiently worried about the threat to his life that he opted to serve the sentence in protection (i.e. 'NA/LA').[174] He spent six months on remand and was then acquitted. Kylie visited him regularly. During this gaol term his decision that he did not want to go back to gaol was reconfirmed.

At 34, Aethan and Kylie's first son was born. The following year Aethan served six months' community service (a sentence recommended by a circle sentencing hearing) for breaching an AVO in relation to Kylie. About this time Aethan regularly visited his 17 year old son Allan (the child of an earlier relationship, see

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[174] Prisoners can opt to go "on protection" which means they are housed separately. They can also opt for various degrees of protection eg "strict" which means minimal association with others. Non-association, limited association is called 'NA/LA' for short (Barnes 2001).

Allan above), who was serving six months in juvenile detention in Dubbo where Aethan was living. Aethan provided him with advice about not going down the same track as himself. He had previously had virtually nothing to do with this boy. A second son was born to Kylie at this time.

At 37, Aethan served three months on remand for assault with a deadly weapon, (served 'NA/LA'); Kylie had reported him to the police. He was found not guilty. Later that year Kylie was charged with selling marijuana from her home and lost her Housing Commission house. They (and the children) spent most of this year in stressful conditions sleeping in other people's houses, first in Sydney and then in Dubbo. Aethan's youngest brother committed suicide. Aethan had a dispute with Kylie and was charged with assault. Aethan stopped drinking. He said he has not drunk alcohol since he buried his brother, suggesting that this death may have been a catalyst for him to stop drinking. Aethan got a Housing Commission one-bedroom apartment. He was then officially acting as 'sole parent' (claiming the sole parent benefit) for the oldest of their children.

When Aethan was 39, their third son was born and Aethan received a ten month suspended sentence, with strict conditions, for the already mentioned assault upon Kylie. Fearing that he would be breached and returned to prison, he straight away approached his parole officer to confess that he was using drugs. He accepted the option of going into detox and then to a rehabilitation program for three months. While he was away Kylie was living in the apartment with their three children.

By 2010 Aethan was 40. He had completed the rehabilitation program, repeated an anger management course and completed parole. He still had the bed-sit. Kylie was in emergency accommodation awaiting a Housing Commission house. Aethan said they were living separately as "both have issues to sort out". Aethan was claiming the sole parent benefit for the second eldest of the children. There is some evidence they are really still together. Aethan's keeping the flat is both insurance against homelessness and evidence of their separate residence to

establish eligibility for the sole parent benefit. Aethan was still in touch with his son Allan (now in Browntown and the father of Aethan's grandchild) although he had not seen him for some time.

Analysis of Aethan's decision

The initiation of desistance for Aethan included a combination of catalyst and motivation, both of which continue to influence his progress. Initial catalysts for the change included considerable fear at the prospect of returning to gaol because his life was in danger and because of a loss of the status he used to hold in prison (see below). Later he was motivated by the importance of his *life-partnership* and his children and his perception of himself as 'going good'. The conditions he would face if he returned to gaol was an ongoing motivation. He himself puts his success in staying out of gaol down to his family, but then goes on to talk about the importance of what happened in gaol and not wanting to die or be injured. Asked about being able to stay out of gaol for the previous six years he says:

> *Yeah, it is because I got a little family. That made a lot of difference. Like even though – like all the gaol I done, I had me life threatened a few times. People wantin' to kill me in there.*

> *I seen some blokes getting stabbed and iron barred and three out, two out. I seen some blokes getting knocked unconscious in there and it is not funny, you know. That is why I pulled up – 2003 [i.e. six years earlier].*

> **Something in particular happen or …?**

> *Well I didn't want my life bein' – well I didn't want to be carried out, whether in the body bag or crippled or half brain-damaged, you know.*

Aethan spent time deliberating over the various futures open to him. The death threat scared him and his comments make it clear that things had changed in prison; he described it as "all mucked up" and being full of "lordy hectic boys".[175]

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[175] This seems to refer to young dangerous criminals in their early 20s, see below.

His previous status in prison had changed. The threat to his life may have also raised awareness of his mortality and his ontological continuity, contributing to his deliberation about his future (Myers 2011).

He said that he had several choices at this time. He considered going back into 'the mainstream' where he had "mates that wanted to follow me" but he was concerned about their safety too, and he did not want people on short-term sentences to end up doing long sentences on his account. The other option he had was to "get with" Gloria. Gloria offered to drop the charge if Aethan would "get with her". He was not prepared to do this; he had just met Kylie and wanted to develop the relationship with her. He decided to fight the charge and this meant he would have to serve time on remand in protective custody.

Aethan had met Kylie immediately before this six months' incarceration "on protection" and despite the fact that Kylie visited him every week, the experience of protection was far worse than he expected and by the end of it, he definitely did not want to go back. It reinforced his earlier decision that something had to change.

> And I been with her ever since. Been with Kylie since then. And she stuck with me the whole six months I was in there and supported me.

> **Had you already decided by then that you didn't want to go back?**

> Yeah. I decided after that. Like all the gaol I done, I had done all in the mainstream, like I was sayin', I had my life threatened five or six times so, well, I didn't want to go back out to the mainstream to face that again.

By the time he came up for sentence at age 39 in 2009 for the 2008 assault charge on Kylie, his lawyer was able to point to an improved record of the past five years:

> I 'ad a good mouthpiece where he did argue the point about some things he [the prosecutor] questioned me about. He must have looked at me record. I hadn't been doing any hard crimes or any – no more assault-grievous bodily harm charges. I had cracked down on all my hard crimes you know. And I

> *really snapped out of it where, if I do the next one, I was either goin' to be alive or dead.*

Aethan put his change down to a combination of not being able to go back to gaol for fear of his life and meeting Kylie. The way he phrases this implies that it is because he could not keep going the way he was, that he a found partner.

> *I was getting to a point where enough is enough. I can't live my life any more – do my whole life behind four walls and you know. So I just found a new missus and three kids and she is the one been supporting me over these last five, six years and understood where I was comin' from. Told her a lot about what I went through.*

Finding Kylie may have been a coincidence rather than a direct plan, but it was probably his changed state of mind that made him open to looking for a permanent relationship with someone like Kylie. He seems to have embraced a *life-partnership* schema including a *fatherhood* schema.

Aethan expressed concern for his children when I first spoke with him saying:

> *I just hope my boys don't grow up to be, you know, like what I went through. So I am givin' them the opportunity now – well they only young fullas – but I got a 21 year old son. Yeah I am a pop now – he has a little daughter – granddaughter, you know.*

It is noticeable that Aethan's attitude to this adult son is different from his own experience in meeting his father in gaol when he was 18.

Aethan's fear of going back to gaol, and his refusal to re-experience 'incarceration on protection', has continued to motivate his actions. In 2009, Aethan received a 10 month suspended sentence for the 2008 charge. This suspended sentence meant that if he were caught doing anything wrong he would be sent immediately to gaol. This caused a dilemma and again he deliberated on what to do, rehearsing the various scenarios and later explaining them to Kylie. As he was doing drugs at that time and believed that his parole officer knew this, he was concerned that a urine test would result in him being 'breached'. Therefore, following the sentence, he

went to see his parole officer to tell her that he was on drugs and that he wanted to take up a court recommendation that if things did not work out, rehabilitation should be considered.

I interviewed Aethan in the drug rehabilitation centre. He had sought me out, having heard about my study while he was still in Dubbo. I travelled to where he was in rehabilitation. He described how he came to be there. Note that he considered that it was "his choice" that he was there.[176]

> *Well I am on a section 22 [suspended sentence]. I just can't muck up. I just can't breach it or anything. I can't have drugs in my urine – in my system. Can't! You know – just can't have one charge. Just can't. I just can't walk out of 'ere if I want'a. I can, but I can't.*
>
> **So you have been sent here (to rehab) by the court?**
>
> *No, I've come 'ere of my own free will, but the courts [the magistrate] … recommended that… 'that if the thing doesn't go all right for him, well we will recommend 'im for rehab – to the parole officer'. So I wandered round there one day because I knew that the parole officer knew that I was on drugs before I went to court.*
>
> *[He recounts his meeting with his parole officer] … So she said 'My advice is that you got to do your rehab'.*
>
> *So I thought then 'That is a good thing. She is not going to revoke me – send me to gaol to do my ten months', so she said 'Well you got to go to Orange – do at least two weeks down there at Bloomfield, Linden Withdrawal Unit. And you finish from there and you go to rehab, any rehab you want' so (names rehab unit) - come this way. And I thought about, I am not goin' to go back in the mainstream in there now – you know it is all mucked up in there now – you know, gaols. Well you got lordy hectic boys running round now you know, like 21 year olds, 22, 25 year olds all in there for murder, armed robs, home invasions and – you know – where I still got the crew runnin round in there now who tried to kill me, see. So I was thinking, 'Well, I can't do ten*

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[176] Note that this is similar to Ricky above and Kyle in chapter 6

months on protection'. Goin' through that again - cause that was hell, when I done the six months on remand and I'm telling you that.

[He describes conditions in protective custody]

So I thought protection would have been all right but it wasn't. Protection wasn't good. So then it is either strict, or well, when you go strict protection, well you feel more safe, safe and secure you know. 'Cause you are away from it all but you don't get much recreation. You are locked in nearly most of your day and you only get out maybe once or twice a day. If you are lucky enough, that is if you feel like it, but if you got tele and jug[177] and radio and earphones and whatever you, well you rather do your gaol like that. I done six months 'ard.

That is why I thought about it now, like, ten months. I can't do ten months in there now you know, when I been out for so long going good. Which I really is – goin' good. It's what I should'a done years ago. I shouldn't even been in there at all. But I look back on all the, all the bad things I done and all the good things that Mum and Dad tried to do to me, but it wasn't good enough. Or what they tried to provide me, you know. Now that they are gone, I don't know, I'm still here. That is the way that I looked at it. I can't do ten months in there now and doin' the double miles – with the four walls just surrounding me in a little room and thinking there is goin' to be a hit on me next day I walk out of my cell. You know, or out on the yard, for what they think I am supposed to have done to 'em. I never done nothing to 'em.

He comments that gaol is not the same as it used to be. Elsewhere he had spoken about his role and position in gaol as a sweeper [178] before his release in 2003. Even if he went to 'mainstream' he would be unlikely to regain this position and being in protection he would definitely no longer have the same position or ability to be in control in gaol. This was an added motivation for him to not go back. Having lost his position in gaol, disturbing his idea of who he was, he had embraced a new

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[177] A television set and an electric jug or kettle. Prisoners are allowed to purchase these things if they have funds.

[178] Sweeper: Literally a prisoner employed to sweep. A trusted position, sought after because of favourable conditions associated with the task. Often prison 'heavies' are given sweeper positions and are used to help maintain order. *Australian Prison Slang Glossary. Anthology of Prison Slang In Australia.* http://csusap.csu.edu.au/~srelf/Psych1/PslangS.htm#Top

identity. He was now someone who was 'going good'. He compares his experience of protection with his recent experience of 'going good'. The fact that the court gave him a suspended sentence he takes as validation of the fact that he is 'doing good'. The fact that he sought me out also indicates his belief in how well he is doing.

It is also notable that despite his lack of options he regarded his entry into rehabilitation as being his active choice. He took credit for going to see the parole officer, despite Kylie's concerns, and for 'choosing' rehab. He reported a conversation with Kylie.

> But now that I am 'ere doing the right thing from courts and my parole officer and my missus. She didn't have like me to sold myself away but I told her 'look bub, if you want me to go straight again, well you told me to get off the needles. You told me to get back on the alcohol'. I said 'what is the point of that?'. I said, 'nearly all me crime is committed on the alcohol – my record and all that'.
>
> She said, 'well, I don't know what to say'. Well, I said, 'this is the only opportunity I got'. I said 'you don't want me to go to gaol and do ten months and then you gotta visit me. I know you don't like that. You goin' to visit me and they move me around from gaol to gaol if I go on protection'. And she was still upset and I tried to bring her back – calm her down. And I said 'well listen, this is the only opportunity I got. [He describes what the process will be]… She didn't accept that –' Well' I said 'well I got to do it bub. I am doin' it for you and the three kids and when I get out from there I will be all clean'.

So the original (2003) motivation of wanting to avoid incarceration, either in the 'mainstream' where his life was in danger or later in strict protection, where he was very confined and isolated and still in some danger, was still strong. It was now supported by his care for his family and also by his perception of himself as "doing really good" in "staying out of trouble" for so long.[179] The suspended sentence and its requirement for him to remain drug free was a catalyst for him to 'detox' and go

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[179] Aethan saw the offence of assault (DV) as qualitatively different from most of his previous 'serious' crimes.

to rehabilitation. He took action to give up drugs to avoid gaol. The court and parole officer provided an *extrinsic* support and "opportunity" or catalyst and Aethan took ownership of the decision which resulted from his *evaluative judgment*.

The fact that Aethan's change of mind seems to have originated around 2003 is supported by his report of changes in attitude to parole officers. I had asked him about his experience of parole officers. He did not have a high opinion of them or their role, however he said:

> *I am not like – I never used to listen to 'em [parole officers] before you know – but ever since 2003 I had some very good parole officers that kept me on the right track.*

It may be that he had never had a competent parole officer before 2003, but it is also likely that his perception of their worth resulted from his change in attitude to gaol and to his future direction. When I spoke with him after his suspended sentence was complete, he said that he regretted that it was over because contact with the parole officer and the courses he had to complete had given him a routine and a focus for his life. It had meant that "you had something to do" which was important even if that something was not very useful. While we did not discuss it, Aethan's prospects of finding employment would be slight, probably so slight that it was probably not a possibility he was considering, despite his boredom.

Kylie provides ongoing extrinsic support for Aethan. When I asked Kylie about keeping Aethan 'out of trouble' she said:

> *Oh he reckons I have changed most of his life, from keeping him out of gaol and that, because of the kids and that there. But I try and keep him out of gaol, but there was a few times, twice, I put him in, but that was, (pause) reasons.*

> **Yeah – so what is it that you do that keeps him out?**

> *I don't know. (Laughs) I don't know – I don't know what it is.*

> *Would you say that he spends more time with you and less time with his mates?*
>
> *It was his mates. It was his mates come first – but then I told him it was either mates or me and the kids.*
>
> *So maybe the fact that he is spending more time with you…?*
>
> *Yeah*

Kylie did not seem too confident that he would 'stay out of trouble'. She said he has been off drugs in gaol before and it did not help. Speaking about him going into the rehabilitation facility she said:

> *But then I didn't want him to go, because I thought it was a waste of time, 'cause I think of it like – if you could do a couple of years in gaol, get out and touch the drugs, you know what I mean? I think to myself it is still going to be the same when he gets home. That is what I think, so I don't know how motivated he is but, how positive he is and all of that. Just gotta see and wait what happens, yeah.*

When I spoke with Aethan six months after he had finished the rehabilitation program he said he was drug and alcohol free. Kylie does not use drugs, despite having sold marijuana, for which she had been charged and sentenced to community service in the past.

Aethan's slow progress towards desistance demonstrates how the right level of awareness must coincide with the right context for action.

Discussion

In these ten cases, decisions to make changes often follow an event (or catalyst) which causes some disruption to identity, or discomfort about likely future

trajectories.[180] The disruptive event brings about a *problematisation* of the actor's situation which leads to an agential, *evaluative judgement* or decision. The chance of these decisions being effectively executed is enhanced where the context for action supports the choice or decision. Making the choice involves the activation of cultural schemas such as *being a (physically present) father*, *maintaining kin relationships*, *being a partner* or *being respected*. These schemas, activated by catalysts or triggers, motivate people either positively or negatively, to take or avoid action. Repeated emphasis on these particular cultural models as motivators may be due to the nature of Aboriginal sociality and particularly the sociality of Aboriginal communities in which many members are frequently in prison.

While each participant's story is different and many people have multiple motivations, in these examples some themes recur and some catalytic events are similar. Catalysts awaken awareness of problems and alternatives, and sometimes are closely related to an underlying motivation (as in the cases of Randall and Dean). Contexts that recur include children, partners and opportunities (sometimes work-related) that initiate and result in an alternative perception of self. Children and partners are not only the embodiment of deeply held, motivating, cultural schemas of *fatherhood* and *life-partnership*, they also allow an alternative self-perception (*father* rather than *offender*) and can also provide external influence which supports decisions.

The imagined identity of 'respected and responsible community member' may also be supported by external influences. Catalytic events tend to involve an element of shock and may cause actors to adjust to, or become aware of, issues related to the passing of time, initiating a reflection on the past and/or a projection into the future – a reconsideration of their ontological future.

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[180] These catalytic events mirror similar events widely reported in addiction recovery and desistance literature (see for instance Shover 1983; Cusson & Pinnsoneault 1986; Cromwell *et al.* 1991; Baskin & Sommers 1998; Haggard, Gumbert & Grann 2001).

Catalysts, disruption and re-evaluation: the beginning of identity shift

Catalytic events often caused some degree of disruption to, or re-evaluation of, self or habitual behaviour. Events which acted as catalysts included: meeting an adult son in gaol; being nearly run over by a truck; being responsible (while affected by drugs) for a car-accident in which a child was injured; having blackouts resulting in ignorance of events and fear of what might have happened; third party advice or feedback impressing the risks of continuing certain patterns of behaviour; and in two cases changes to conditions in prison (one of which activated a deep, motivating cultural schema).

These events lead to what Emirbayer and Mische (1998) call *problematisation*, and what Holland *et al.* (1998) call *awareness*, that is, a recognition that something needs to change. The awareness usually involved a *projective* figuring of alternative scenarios. These included projection of the current trajectory into the future, (often to be rejected) and/or the projection of a different scenario, usually embraced in the decision to change. It is in the new *awareness* that changes in self-perception begin.

Sometimes third parties were important in helping actors envisage the trajectory to be rejected. Ray responded to the 'brief intervention' of the doctor at the hospital and stopped drinking. Being made aware of his mortality focused his mind on the future in which to be with his children, he had to stay out of gaol and stay alive. 'Giving up the grog' to stay alive, to be with his children also kept him out of gaol. Importantly, because he had stopped drinking and worked two days a week he received respect from "the policemans" (delivered via his father) and others in the community, reinforcement that assisted the maintenance of his desistance.

For Terry, the advice from the 'lifers' helped him envisage two futures and two future selves; one that he rejected and an alternative that he embraced. The 'lifers' 'looked after him' and seem to have used the fact that he had children to help him to see himself as different from them. Allan's long-term offender father, Aethan,

helped influence him to reject a future similar to his father's and to take the ICS opportunity, although it was Allens's own neediness for attention that made the ICS program so effective.

Aspects of gaol as catalysts for change

For both Ricky and Allan, the prospect of going to 'big gaol' was a motivating influence.[181] Many other men reported being fearful of the prospect of going to 'big gaol', but usually report losing this fear as soon as they arrive and realise that there are many family members there. This is a very important element of participant experience that will be explored further in chapter 7. On the other hand, one of the negative aspects about gaol that was frequently commented upon was missing out on visiting ill relatives and attending the funerals of close family members.[182] In some of the eight short cases, once the men had children or partners and were motivated to be with them rather than separated from them, the gaol experience was more likely to have a motivating effect. Physical separation from children is a powerful motivator for many. Actors are motivated to stay out of gaol to be with children, partners and/or other kin and are motivated to maintain an essential identity, a newly recognised identity or a new identity.

The two long cases illustrate how changing circumstances (in gaol rather than outside gaol), can also motivate change or act as a catalyst for offenders to initiate changes to their lives outside. In these cases actors are motivated to find and maintain a relationship with a spouse in order to help them stay out of gaol. For both Randall and Aethan, conditions in prison became such that both felt that they

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[181] Statistical evidence shows that incarceration is not a deterrent for juveniles – "juveniles given custodial orders are no less likely to re-offend than juveniles given non-custodial orders" (Weatherburn, Vignaendra & Andrew 2009:10) – and incarceration may have long-term detrimental affects on employment outcomes. What may be significant about Ricky and Allan is that they only went to juvenile detention in their 17th or nearly 18th year, i.e. they would soon be incarcerated in 'big gaol'.

[182] Funerals are important occasions for meeting kinship obligations and renewing relationships. Prisoners are now allowed to attend funerals of immediate family only. Participants interviewed were bitter about missing funerals of grandparents, cousins and aunties or uncles, especially when these people had been very close to them.

could not go back there or would not survive if they did. Both seem to have made the decision to 'find a good woman' to further their project of staying out of gaol, although meeting a partner and reconfirming his desire not to go back to gaol was more co-incident for Aethan than for Randall.

For Randall, the catalyst was the change in his classification from B to A, which meant that he was housed in a maximum security setting without access (or enough access) to his cousins and where he was locked in early every day. While with Kristi's help he successfully stayed out of prison, it took him another five or six years before he stopped using heroin and went on the methadone program. His motivation was to maintain relationships with kin. He now does this where he is living and also by regularly travelling the four to five hours (each way) to visit siblings, cousins and aunties in his home town.

Like Randall, Aethan's motivation to "find a new missus" was influenced by the change in circumstances during his last custodial sentence, when his life was threatened and the position of control he had previously held in gaol was no longer viable. This motivation was reinforced after he had met Kylie and when the isolation of being 'on protection' while on remand proved almost unbearable. Kylie's loyalty and visits during this time were important in demonstrating that she would "stick by him". He does not speak about not being able to mix with relatives, which had been important to Randall. He could not associate with anyone – this was in total contrast to his previous situation 'in mainstream' where he appears to have been pretty much in control of his own group. This group may have been mostly relatives. He characterises them as 'Wooltown boys', that is, men from his own home town.[183] He does not talk of missing family.

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[183] Other interviewees also spoke about the importance not only of relatives (close kin) in gaol but also about the importance of 'boys' from their own home town, also likely to be kin (see further chapters 4 and 7).

Both Randall and Aethan had had brushes with death while in gaol, Randall as a result of being stabbed, and Aethan by having what he regarded as a real and serious threat made against him. It seems likely that these events contributed to their consideration of alternative futures. These cases show strong agential moves to secure the support they know will assist them in maintaining desistance. Their desistance is not initiated by wanting to be with partners but by other things: for Randall a deeply internalised schema of *kin relatedness* and for Aethan the more basic, and less culturally specific desire to stay alive. Their cases interestingly point to a distinction between the initiation of and motivation for desistance and the external supports that assist them in meeting their goals.

Motivators: children and partners – more than mere context

In most of the short cases, when people made judgments or decisions about their futures, changes to their lives outside gaol seem to have set the appropriate context to allow catalysts to tip the balance in favour of 'staying out of trouble'.

While particular events made individuals 'stop and think', the judgement that participants had to make, required them to choose between various cultural schemas or models. These included models of how they saw themselves and/or models about relationships with others. Did they see themselves (now or potentially) as *habitual offender, violent partner, bad drinker, heroin addict, adult prisoner, absent father* (models that they might want to reject)? Were they influenced by the schemas they held about relationships: *supportive partner, good father* (incorporating *father who is present*), *life partner, parent, respected community member, worker,* or by schemas they held about others such as *good woman*?[184]

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[184] The role of 'bread-winner' or 'provider' does not seem to be a necessary part of the schema of *father* or *partner*.

Motivating schemas can be positive (activated and embraced) or negative (rejected or avoided.) Sometimes the execution of a decision to change involves trying to avoid an imagined future, sometimes it involves trying to create a different one, and sometimes the aim of creating a different one may be to avoid the rejected one. Schemas such as *fatherhood* or *life-partnership* are likely to be deeply internalised, high order, motivating schemas that are likely to engage both minds and emotions (D'Andrade 1992b:37) and for Aboriginal people in north-west NSW, they will have a particular flavour that emphasises 'caring for' and 'looking after' kin and the importance of physicality in *fatherhood*.

In the eight short cases, most men were responding to family developments in their lives <u>outside gaol</u> (e.g. involving children or partners) rather than themselves developing a project that involved finding a partner or starting a family. Their project was to activate or embody the cultural role of *father* or *partner* and *father*. With the possible exception of the cases of Allan and Eddie, the desire for relationship (or continued relationship) with either children or partner was key to their motivation to stay out of gaol. In contrast Aethan and Randall responded to changes <u>in gaol</u>: they wanted to achieve a relationship to help them stay out of gaol. It is noteworthy that inability to continue relationships within the prison environment was one of the reasons for the changed conditions to impact upon Randall, and in a different way, Aethan.

Being a physically present father

For those who embraced the cultural role of *father* as a motivator, part of the model of *fatherhood* was being able to "see the little children grow up" and to "be with them", being able to physically hold them and "cuddle them". This could only be accomplished by being out of gaol and having access to the children. For some of these men, 'being present' – or not being absent – is a critical part of *fatherhood*. 'Being there for my kids' was the consistent aspect of *fatherhood* that motivated these men strongly. It is a schema with strong normative force.

The physicality of Aboriginal fathering (whether by a genitor or grandfather, uncle or big brother) is something described by others (see for instance Barwick 1974:165-6; von Sturmer 1980:270-2) and frequently observed by myself. One Saturday afternoon, I attended a Rugby League (football) match in Dubbo. The Macquarie Raiders (with one or two Aboriginal players) were playing a regional team, most of whom were Aboriginal players from Browntown. In the grandstand the Browntown supporters sat in a close knit group and to my eyes stood out from the crowd simply by virtue of the number of young children being held, carried on shoulders and played with by male members of the group. My Koori friend and I commented upon this at the time and she agreed about the physical nature of Aboriginal men's interaction with their children (Kayberry 1939:154; Meggitt 1962; Hamilton 1981:39,46; Bell 1983:56). The importance of 'holding' to ontological security of men is discussed by Myers (Myers 1986; Myers 1993; Myers 2011).

The physicality and intimacy described above is in contrast to the experience of absent fathers, common in the communities from which these men come. Fathers or uncles are often away in gaol or working. For many men in their thirties and forties, their experience of fathers was of men who were absent, often for work. Their fathers were shearers, fencers or did other rural labouring work. Some worked on the railways and some in mines. Some fathers returned regularly, bringing a pay cheque with them, their return often heralding a period of alcohol fuelled violence. For others, fathers were absent because they had left the (spousal) relationship. Yet, the physicality of *fatherhood* remains a strong cultural schema.

For Dean, Ray and Terry, having young children was a critical part of their decision to change. This is what motivated them to stay out of gaol. They rejected the model of *absent father* and embraced a model of *fatherhood* that involves being present. For Ray and Terry it is likely that a schema of *fatherhood* (including being present) was part of a deep socialisation process during childhood. Dean's experience was different in that his childhood experience was

of abandonment – both abandonment by his parents and his own abandonment of his siblings when he first went to gaol. He is strongly motivated to avoid repeating this schema. His ontological security is dependent on his investment in his children (Myers 2011:86).

The motivating schema of *fatherhood* and 'being there for children' is strongly supported by having young children, whose presence and needs provide extrinsic pressure and which keep parents busy and away from things that may get them into trouble. Terry had actually left his partner lest he kill her. He left "for the kids sake and for my sake". Terry's ex-partner's control of access to his children was important because the conditions she set for access contributed to Terry giving up marijuana. He was motivated by desire to be with his children.[185]

In the right circumstances, even adult children can activate a parenthood schema or cause considerations of ontological security or ongoing identity. For Robbie, meeting up with his son in prison was very disturbing and he knew that "it wasn't right". In this case the unease he felt acted as a catalyst for change.

Another aspect of being a father, likely to motivate these men, is described by Macdonald in relation to the Wiradjuri.

> Mothers are expected to be the primary providers for their children, and have disciplinary responsibilities and rights. In general a mother's claims take precedence until young adulthood…the role of the father and his claims on children will depend upon whether he is their genitor, whether he resides with them, what income he contributes to the household at the time, and his social standing generally. The latter is referred to explicitly by a woman if she rejects his interference with her dealing with a child on the ground that he is "only a hopeless drunk" or "didn't bother with them when I was sick". If he is well respected, she may defer to him more frequently, but rarely to the extent of being submissive. (1986:219)

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[185] For a number of participants (e.g. Ricky and Noel [see chapter 6]) childcare became the main occupation while their better qualified partners worked full-time.

There is a relationship between *fatherhood*, relations between the spouses, and a man's general standing in the community. Respect in the community is important in the role of father. Macdonald specifically notes that the extent to which children take notice of kin and parents depends upon 'the respect they have for the person involved' (1986:221). Similarly, speaking about adult children, Beckett uses the term "retain some regard" when explaining the feelings that adult children hold for fathers who have been present (even although intermittently) during their growing up (Beckett 1988a:128). The importance of respect in the attitudes of children (and others) is echoed in Ray's comment about his children and his 'missus' who still drinks.

> *When we are at home, the kids, they won't sleep with their mother they sleep with me, my two kids.*

He recognises his change from being "a bad egg" to being respected, but his wife has not changed her drinking behaviour.

The claim to be able to influence a child or adult child will only be acknowledged by the child if the father has fulfilled his expected role (Macdonald 1986). Respect for and acknowledgement of the role of the father has long-term consequences for the trajectory of the self.

Partnering for the long-term

While children helped Ricky and Daryl maintain their resolve, providing additional incentives and keeping them busy, it was their partners to whom they attribute the major reason for initial change.[186] Maintaining a long-term *partnership* and specifically maintaining the approval and love of their partner was the primary motivation. While it is clear that Daryl had a strong model in his parents' long relationship, I have no information about Ricky's experience of *life-*

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[186] Interestingly neither Ricky nor Daryl had been charged with (or committed) any domestic violence, while all the other cases, except young Allan, had.

partnership. It is clear however, that both their partners were women with strongly held values who brought extrinsic pressure to bear and supported Ricky's and Daryl's intrinsic desire to be able to maintain their relationship, their main motivation for 'staying out of trouble'.

Randall's and Aethan's deliberate decision to seek a partner in order to stay out of gaol raises the question of whether, or to what extent, these participants knew that they required support, or had learned from others that having a lasting *partnership* was an effective way to stay out of gaol or was part and parcel of 'staying out of trouble' and 'going good'. They both clearly had a schema in mind for a 'good woman' and also a schema for 'going good' or 'being out of trouble', which incorporated a lasting *partnership* with a woman as an integral part.[187] Their project was to avoid gaol by adopting this model.

Partnerships in context

Analysis of the comments of the men, both those for whom *partnership* was an important motivator and those for whom it was an important strategy, reveals something about their perceptions of the ideal woman. The three key aspects of these participants' ideal woman appear to be demonstrated faithfulness and loyalty (e.g. regular gaol visits), an expectation that the woman will 'keep them out of trouble' and an ability to care for children. Faithfulness is a key component of the model woman, especially in the context of men who have been away in prison repeatedly. It is not emphasised so much by younger men, for instance Daryl and Ricky. The perceived quality of men's partners relates to the women's values and their ability and preparedness to support their partner's reform project. Some women exhibit a great strength and agency of leadership or resocialisation. Men exert agency in seeking out these partners and/or aligning them with their reform project. A woman's ability to care for children was presented as the mark of a

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[187] It is possible that the cultural world of 'repeat offender' includes a belief about the role of 'a good woman'.

good partner and characterised by an ability to ensure that there was "food in the cupboard (for the children) and clothes on their backs" and that she was "nurturing" (see also Macdonald 1986:219, 230). It is possible that the role of the woman in supporting a partner in reform is akin to this idealised mothering role. However it is important to understand the nature of Aboriginal spousal relationships. Macdonald portrays them thus:

> Marriage is a relationship of co-operation and entails no exclusive rights over one spouse by another. In fact any sign of one spouse trying to dominate the affairs or decisions of the other is likely to lead to conflict as both parties value a degree of personal autonomy within their partnership. … Marriage is not about unequal power, or control or deference on the part of one or other partner and is perhaps the most unpredictable of all Koori relationships. (1986:231)

For those men who are in a relationship with a strong woman who plays a role in resocialising him, it appears that it is not so much acquiescence to such a woman as a deliberate choice of champion and coach. The apparent conflict of values between independence and equity of partners and some men's preparedness to be resocialised will be discussed further in chapter 6. Finding a 'good woman' was a project in itself for Randall, undertaken to achieve a higher order goal: i.e. to maintain his kin relationships. For Aethan, having his life threatened before he met Kylie was a catalyst to "find a missus" which was later reinforced by his experience 'on protection'. This assisted his project of staying alive. Kylie discusses her role in keeping him away from his mates (see above), but she did not successfully influence him to give up drugs.

The motivational (D'Andrade & Strauss 1992) and self-transformation potential (Giordano *et al.* 2002:1002) of the spousal relationships may be quite separate from the social control effects (Sampson & Laub 2004). These cases show that all three phenomena can occur together and/or separately.

Maintaining kin networks, another motivating schema?

In the context of Aboriginal lifeways and sociality, maintaining kin relationships and family connections can also operate as high order motivating schema (Macdonald 1986; D'Andrade 1992b:37).[188] Myers has argued in relation to the Pintupi, that in the case of parental separation or abandonment (a common feature of participant's young lives – see chapter 4) the sort of 'ontological security' normally achieved by strong nurturance from parents can be replaced by strong 'intersubjective continuity' delivered via strong relationships with childhood companions, often cousins. Continued contact with kin is a reason for 'big gaol' being 'OK' and the importance of the role of prison as fostering and renewing kin relationships is discussed further in chapter 7.

A decrease in access to, or relationship with, members of a person's extended family or kin network, particularly uncles and cousins, may be a motivator of change (as in the case of Randall) or it may support achieving change (as in the case of Ricky whose partner kept him away from cousins). The schema of *relatedness* (obligation to or expectations of members of extended family networks) sometimes undergoes modification or management as part of the desistance project; sometimes it is mediated by the *long-term-partnership* schema. This will be explored further in chapter 7.

Respect, responsibility and/or alternative perception of self in motivating and maintaining desistance

While attaining respect may not be a common reason for the initiation of change it is common in initiating later stages of desistance and in the maintenance of desistance. Respect assists in developing a different perception of self or a new

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[188] Bottoms (2008; Bottoms & Shapland 2011) highlights the role that parents can play in desistance of young people (20 year olds) although this is not the case with any of the examples here except perhaps Allan. Parents and grandparents (or people acting in those roles) can have a critical influence but not with 20 year olds only. See discussion of Mick and Kyle in chapter 6.

identity and maintaining respect can be a strong motivator.[189] Robbie, Eddie and Terry speak about the importance of new roles or positions in giving them respect and self-respect. Their new roles allowed them to see themselves in a different light and to receive respect (including public confirmation of respect) from others. Similarly Allan experienced feedback from the court officials during his ICS program and later from a 'good policeman' which allowed him to see himself in a role other than 'repeat offender'.

Eddie, who was primarily motivated by wanting to maintain respect and his position in his community, demonstrates how he changed his attitude to his wife, relaxing some elements that seem to accompany expectations in the *good women* schema, apparently turning a blind eye to his partner's past sexual relationships (real or imagined). This demonstrated a considerable change in behaviour arising from his motivation to maintain his position. His changed pattern of alcohol use supported and confirmed this. His partnership was not the primary motivation in wanting to stay out of gaol, but making the relationship work (and avoiding violence) was critical to him 'staying out of trouble' which he had to do to maintain the respect of the community.

The mechanism that bestowed respect for Robbie, Eddie and Terry was to hold some form of work. The nature of the work they were doing may have been significant to their perception of their identity. This will be discussed further in chapter 7.

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[189] There is evidence which suggests that respect and responsibility are extremely important to young Australian male prisoners (Halsey 2008). It is certainly important to some young participants such as Allan. Halsey found that "respect and responsibility (more particularly, the nurturing of interdependent selves) are indeed critical to the negation of custodial and post-release life and, specifically, for maximising the potential for primary desistance to occur" (2008:217). Halsey points out that this is in contrast to the "institutionalised form of disrespect" which they experience in custody and which teaches them that they are offenders. Halsey interviewed 92 individuals but does not report whether or how many of them were Indigenous. Amongst my participants, respect is spoken about (after the fact) as a 'reward' (or even product) of desistance and a motivation for maintenance of desistance but is not mentioned specifically as something people sought initially.

While 'having something to do' is clearly an important external influence, the fact that participants saw themselves in a new light was intrinsically important. They valued these roles because they were able to recognise themselves as valued by the wider community. In each of these three cases, the new roles allowed participants to connect with their past. Terry and Robbie were both offered roles advising young men who had similar backgrounds to themselves. For Terry this was a continuation of the new version of himself initiated by the influence of the 'lifers'. Robbie's new role enhanced his changed awareness of himself and his identity, initiated by meeting his son in gaol. Eddie's role (which can not be specifically described in order to protect his identity) was closely linked to his Aboriginality and to childhood values and skills. There was consistency between their old selves and the newer roles which allowed them to begin to build or rebuild a different image of themselves (D'Andrade 1992b:37; Hastrup 1995:78; Holland *et al.* 1998:18). The role or position bestowing respect did not have to be permanent to have a fairly long lasting effect. Even if the position of respect was no longer occupied or was occupied only briefly, others' respect facilitated or consolidated a changed self-perception, which then continued to be important. It was something that participants wished to maintain by not going 'off the rails' again.

Managing to stay out of gaol can itself engender a new self-perception, especially where this is reflected back to the actor publicly. A number of participants recited with pride how many years it had been since they were prisoners, treating this record of reform as demonstration of their change. They use it like an artefact of the new figured world of 'going good' that they now inhabit, in the same way that Holland *et al.* describes members of figured worlds using artefacts (e.g. patient charts and medications in the world of mental health) (1998:60-1). In their previous lives, court appearances and length of sentences were sometimes spoken of almost with pride, an emblem of the figured world or cultural field of 'repeat offender'. The longer participants go without going back to prison, the more this period of time becomes a motivating factor to remain 'out of trouble'. When

Aethan last appeared before the court he had had no custodial sentences for the previous five years (his prison time during that period being remand only). He believed he was doing well and believed that the magistrate thought so too. Even although Aethan did not have a role other than partner and father, his view of himself seems to have changed from being a prison 'strong man' to one who was 'going good'. He observed that the nature or seriousness of his crimes had changed. Aethan does not seem to consider the domestic violence charges in the same category as his previous violent offences.

Having children and/or a supportive partner may well deliver similar sorts of changes in self-perception. Having children can immediately (or gradually) raise awareness of the future and the ongoing self, although Dean, Ray and Terry did not speak of their parenthood in this way. Having children can keep men busy and also bring responsibility that can generate a level of self-respect not previously experienced. Ricky's and Daryl's partners certainly expected different behaviour from them and although neither Ricky nor Daryl spoke of their *life-partnerships* as conveying a different self-perception, it would be true to say that they valued their partner's respect for the changes that they were making. Partners of participants frequently stressed to me that "he has done it all himself you know". As we have seen above, this respect (and that of the wider community) is an essential element of a father's ability to influence the upbringing of his children.

Choice and commitment

At least two participants in these ten cases make strong statements owning actions that appeared to have been mandated by external influences. Both Ricky and Aethan were under court orders to attend rehabilitation. Both acknowledge the court orders and both claim strongly that attendance was their choice. Their (and others') declarations of choice signifies a strong degree of commitment to the rehabilitation process, a strong expression of ownership and agency. A number of participants who have successfully stopped using hard drugs after rehabilitation, which they 'chose', have explained that while they had undertaken (sometimes

numerous) mandated rehabilitation programs previously, it was not until they decided that they actually wanted to be rehabilitated that the programs were effective. Significantly, despite the mandated nature of some rehabilitation programs, the manner in which the rehabilitation was presented to participants (as a choice) made a difference to their decision to own it. Participants can exert agency against rehabilitation, as well as for it.

Something to do

Besides development of self-respect or changed identity through work, having 'something to do' was an extremely important extrinsic factor supporting the management of alcohol. Having a job was important for Ricky and Allan early in their desistance as it gave them 'something to do', keeping Ricky from his mates, and giving Allan (his own) money for the first time. Ray also mentions that CDEP work had helped him "stay off the grog".

While Aethan is occupied with his and Kylie's three sons (an external factor which helps keep him occupied and 'out of trouble'), he misses the routine of having to attend courses which had been part of his parole after his time in rehabilitation. He (realistically) does not seem to have any expectation of working but dislikes having nothing to do.

While most of the people I spoke with would like to have a 'real job', most were realistic about their chances of gaining work either because of their own skill level or because of the employment situation in the towns in which they lived, and work has not been a motivating schema. (Cultural attitudes to work are discussed in chapter 8; also see Gibson 2010b.) Many thirty to forty year-olds had no work experience except CDEP or Work for the Dole programs. Those who had worked had little education, often being unable to read or write. Their main employment had been in cotton chipping, meatworks and/or agricultural labouring such as fruit or melon picking – all intermittent or seasonal work. In general (although not in Aethan's case) the older the desister, the more likely they were to have had some

employment experience. For younger offenders having 'nothing to do' is a common experience; parents of these offenders have sometimes never worked. Some who had longer gaol sentences acquired trade certificates in gaol, however a number had failed to complete courses begun in prison because of being relocated to different gaols while part way through a course.[190]

A number of the men I spoke with were the full-time carers for their children while their more qualified partners worked. Interestingly, being a breadwinner does not seem to be an important aspect of *fatherhood* or *partnership* schemas. As mentioned above, when men spoke of model mothers, a common comment was about women's role in providing food and clothing for children. The money for this was not necessarily provided by the father (see also Macdonald 1986:219, 230).

Orientation to the future: mortality, adulthood and awareness of the passage of time

Events such as brushes with death, third party interventions or advice presenting the risks of certain courses of action result in disruptions. People reassess their current trajectories. This usually involves not only a review of the past but also a contemplation of the future. The disruption leads to some self-reflection and actors "reflexively reconstruct their own temporal orientation towards action" (Emirbayer & Mische 1998:1010). This is usually a dialogic process often characterised by people having conversations with themselves. The right environment, a dialogic space/time, is often provided by incarceration or residential rehabilitation (Hughes 1998).[191] It is less likely to occur where day-to-day pressures of life, the need to find food, accommodation or drugs, are overwhelming.

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[190] Some also questioned the value of education certificates that indicated the courses had been completed in a correctional institution.

[191] The dialogic space in which these deliberations take place is a common theme: "in my cell late at night". This is akin to the "contemplation time" identified in Hughes's (1998) study of desistance. The role of a catalyst in the relationship between time in prison or rehabilitation

The importance of "self-interpretive activity" to critical self awareness, particularly during life transitions when conceptions of time develop and change, is relevant to participants' experience (Cohler 1982 cited by Emirbayer & Mische 1998:1010). Erickson has shown how a "critical task of adolescence is the construction of a sense of a future connected with a past, as manifested in a personal identity that 'includes a subjective sense of continuous existence'" (Erikson 1968:61 quoted by Emirbayer & Mische 1998:1010; see also Myers 2011).

Clearly, the participants in this study have been affected by events which have resulted in critical self awareness, usually characterised by an internal (and sometimes shared) conversation about their pasts and their futures. For many of them this has resulted in an adjustment which changes their trajectory, although it has not usually resulted in long-term or detailed planning. The immediate plan is to avoid gaol in order to achieve a different future or, in the case of Randall and Aethan, to achieve a different future to avoid gaol.

It is possible that for many Aboriginal repeat offenders the "critical task of adolescence" has been delayed and is triggered or strengthened by these triggering events or catalysts.[192] Certainly these events seem to orient participants to the future in the context of conscious consideration of the past. Comments about adulthood seem to bear this out. Many of the participants had commented that on going to gaol "you had to be a man", or at least act as through you were. Interestingly, when it came to talking about adulthood most of the (male) participants aged between 20 and 30 years old did not consider that they were

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and the dialogic contemplation that seems to be part of the initiation of desistance should be further examined.

[192] While it is known that concepts of time vary from culture to culture (Munn 1992) an exploration of Aboriginal understandings of time is beyond the scope of this study.

really adults yet (despite having 'acted the man') and despite many of them having at least one child. The markers of adulthood were usually said to be things like "take responsibility for your children and family" and several did not feel that they were there yet. Others (for instance Noel whose story occurs in chapter 6) said that the experience of having children had changed him.

> *Like I have sort of turned adult now – like having the kids. You have to be an adult – you have got responsibilities.*

Ray who was 36 when confronting the possibility of an early death, resolved to "be there for my kids" and modified his drinking. His children were aged five and three at that time. Aethan's comments about adulthood are revealing. He was 40 when he spoke with me about adulthood. He said:

> *In the last 15 years I was thinking that I was a young fulla – thinkin' that I was 25 or 26. But now I am turning 40 I have been thinkin' – realisin' that I is not so young.*

He said that raising his young children had made him reflect on his own childhood and think about issues of growing up. He had become aware that he could no longer do what he used to. I got the strong impression from talking with Aethan that he had recently passed directly from adolescence to middle age: he was now conscious of time passing.

Aethan said that you could tell if someone was an adult by the way they talk, their degree of confidence and by their attitude. Adults do not 'play games'. Several others said a marker of adulthood was that people stop doing 'silly things'. As discussed in chapter 4, 'silly things' is a term often used to describe young people's crimes.

> *Like I have sort of turned adult now [at age 27] – like having the kids [first born when he was 22]. You have to be an adult – you have got responsibilities. Like before I was just – I just mucked around really – and then the kids come along and I started to step up here, 'cause [I] thought 'This is freaky ay!' [Noel, see further Chapter 6]*

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It is not having children *per se* that makes a male an adult, but the behaviours that are adopted. Twenty-two year-old Allan, who had recently become a father, did not consider himself to be an adult and did not seem to have made a full commitment to his partner and child. Being responsible for one's actions is a central lesson of socialisation towards autonomy. A person who cannot take responsibility for themselves is considered to be like a child or a senile person (Macdonald 2008:350). Being responsible for oneself is central to gaining respect of partners and the community; it is critical to the effective role of *fatherhood* (Macdonald 1986:219).

The process whereby events become catalysts that interrupt people's trajectories and cause them some re-evaluation that leads to their subsequent choice of alternative schemas is in line with an exploratory proposition put by Emirbayer & Mische, that is '*By subjecting their own agentic orientations to imaginative recomposition and critical judgment, actors can loosen themselves from past patterns of interaction and reframe their relationship to existing constraints*' (1998:1010, original italics).

It is likely that these catalytic events impact on actors' awareness of the passage of time, either as a result of increased knowledge of mortality or as a result of recognition of the risks involved in their present course of action. Risks or perceived risks will only exist, of course, if there is a perception of something to lose.

Progress and process

In a number of cases desistance took place in stages: desistance from hard drugs and then later from alcohol; desistance from alcohol and later from marijuana or *vice versa*. For most of the eight cases in which domestic violence was an issue, desistance from domestic assault followed quickly upon desistance from alcohol. For Randall, initial desistance was from fighting (facilitated by Kristi's monitoring) and much later from drugs. For Aethan, the nature of his assaults changed from very serious assaults often perpetrated on strangers, to domestic

assaults which he considered to be less serious.[193] Full execution of decisions to change was often delayed and complete execution often occurred in response to unplanned or unexpected (chance) events: either a new catalyst; a new motivation; and/or the provision of some external support. Despite the slow progress, participants trace changes back to an original decision and demonstrate how these decisions can have a cascading effect in the right context. For some, a period without being charged or gaoled, whether or not they have been committing offences, can become part of the motivation to increasingly stay 'out of trouble'. Many of these stories of desistance would not immediately fit the sorts of definitions of desistance that some criminologists use. Some of those who considered that they were 'going good' continued to break the law through driving offences and social security fraud. Most would not consider these things to be 'real crimes' (see chapter 4).

Agency and the context for action

Motivation is often most powerful when the intrinsic and extrinsic overlap. For instance, having children not only provides a reason (intrinsic motivation) to stay out of prison but it also tends to alter the pattern of life, keeping men from their cousins or mates and/or keeping them busy. Children themselves can also work as a mnemonic (see earlier and Holland *et al.* 1998:40) to remind the participant of their intentions. Much the same can be true of partners who can also exert a strong extrinsic influence to support intrinsic motivation.

This analysis has so far not emphasised some of the difficulties of the context in which participants live that make their success even more remarkable. Issues such as the short supply of jobs, the shortage of housing, and the lack of skills and qualifications were touched on in chapter 4. We can see in some of these cases

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[193] For these charges he was either found not guilty or received a suspended sentence in contrast to the earlier assaults (some including robbery) which received seven-year sentences.

how things such as gaining a Housing Commission house is not only a vital external support but can change the way people think and feel about themselves.

By separating motivation (particularly initial motivation) into *intrinsic* and *extrinsic* factors, recognising agential moves, influences on identity, and structural supports, this analysis had shown how each affects the other. It may assist in identification of critical points of influence in the desistance process. Showing the role of catalysts, the agential decision-making process and the adoption of cultural schema has placed the structural supports or control aspects (Sampson & Laub 2004) which flow from them in context. Analysis of that context has emphasised the cultural flavour of desistance among these participants, including: the emphasis of the importance of children, *fatherhood*, and a physical presence; the importance of maintaining kin relationships; and the importance of responsibility and respect in identity reformulation. Examining the role of the catalyst in triggering awareness and decision-making has also emphasised how reconsiderations of the self begin at the very outset of desistance.

The next chapter will examine in more detail the interplay between intrinsic motivation and contextual external influences by focusing on the maintenance of desistance and the relationship between capacity and chance. Issues of conflicting and evolving values and identity will be explored further in chapter 7.

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Chapter 6.   Maintenance and capacity

In this chapter, I examine the differential impact of the 'context for action' on the success of the actors' projects in the light of variable levels of agency and particularly capacity. Using Emirbayer and Mische's approach (1998:970) I focus on how the habits of the past, earlier socialisation, capacity and skills (the *iterational* orientation of agency) play a role in the maintenance of desistance and what might happen in their absence. The context for action is the context in which the intention to 'go good' or 'do well' is enacted. This includes structural issues and chance events which might be seized upon as opportunities (or combated if they are barriers) depending upon the capacity of the agent. Structural issues include factors such as housing, training and the institutions of marriage and employment. The relative importance of kinship, relatedness and autonomy *vis à vis* these institutions will be examined.

I argue that while agency and choice (or perceptions of choice) are important throughout the desistance process and are critical in the initial stages of successful desistance, contingency and capacity (the capacity to take advantage of contingency)[194] are most important in the later maintenance of desistance. Some of these cases illustrate how, unless the participants had been able to take advantage of opportunities at a later stage (that is well after the initiation of desistance) they may well have relapsed. Taking advantage of opportunities not only requires agency, it requires capacity, or in the absence of capacity requires significant support. At one level the case material presented illustrates the role of the structural institutions of marriage (life partnerships) and/or employment in successful desistance (Laub & Sampson 2003), but at a deeper level and more

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[194] The Macquarie Dictionary defines contingency as "a contingent event; a chance, accident, or possibility, conditional on something uncertain".
http://www.macquariedictionary.com.au/CAEPR09@9197538739165/-/p/thes/article_display.html?type=title&first=1&mid=3&last=3&current=1&result=1&DatabaseList=dictbigmac&query=contingency&searchType=findrank

importantly, the material illustrates the interplay between agency, contingency and capacity (Giordano *et al.* 2002) and how these operate within, or impact upon, the role of these structural institutions. Analysis reveals how aspects of Aboriginal culture, particularly schemas of *fatherhood* and *relationships with kin* play a significant role.

In the four cases that follow we see how two actors with quite high levels of capacity are able to implement decisions that flow from their strong intentions and motivation. The nature and origins of their capacity are analysed.

Two of the cases show the importance of contingency in the presence of capacity and how the ability to take advantage of contingency stems from a combination of an individual's innate abilities, the way the participant has been socialised and their use of their social networks. Other cases show how, in the context of lesser individual capacity, external support from partners, Alcoholics Anonymous (AA), or family are brought to bear on the task of 'staying out of trouble' or achieving an articulated and more positive life goal. The cases demonstrate the contribution of family values and partner orientation to success. The highly marginal context of the participants and the specific conditions of being Aboriginal in regional and remote NSW are relevant. The two participants with greater capacity are based in a regional centre rather than a remote town.

The cases in this chapter are similar in the level of offence and time since the initiation of desistance, although the second two cases had shorter criminal careers; all cases are those of strong offenders and strong desisters (see figure 3.5), who had been out of gaol for a minimum of four years when I first interviewed them. Since the first interviews, one has been incarcerated. He considers this a set back rather than an end to his desistance. The early childhood experiences of these four men were described in chapter 4. All had experienced separation or abandonment.

The importance of contingency and capacity in maintenance of desistance

In their study of desistance amongst marginalised groups, Giordano *et al.* (2002:228) emphasise the importance of agency, particularly in the initial stages of desistance. They also make the point that agency may be more or less important depending upon the degree of marginalisation involved. For those with greater access to "traditional forms of social capital/control" or "structural raw materials" agency will be less important (2002:1026-7). It will similarly be less important to those with virtually no access to these resources. Agency will be most important to those who have both some capacity (cognitive, linguistic, behavioural) and a need to use it. In the cases of Mick and Kyle we see two people with sufficient capacity, and an almost desperate need to use it, who are able to take advantage of chance events.

Mick, aged 36 in 2010

Mick's desistance process

Mick's desistance process was long and drawn out. Mick was almost continuously in gaol from the ages of 18 to 28. He was a serious drug user who committed crimes to support his habit. At the age of 26, while out of gaol briefly, he met and soon 'got with' his partner Suzie (then aged 16) having serendipitously seen her previously when she was visiting gaol, helping to look after the children of a cousin of Mick's while that cousin was visiting her partner in gaol. By the time she was 17, Suzie had dropped out of school and started using heroin (she said it was a case of "If you can't beat them join them"). Back in gaol at 28, Mick had decided "he had had enough" and he did some goal setting. About this time Suzie turned 18 and they managed to keep the Housing Commission house that had been in Mick's name. Suzie enrolled in a methadone program.

By 30, although Mick had not gone back to gaol, he had not only started using drugs again but had "hit rock bottom" while on a trip to Sydney with Suzie. He turned to his father, Jason, for assistance and gained access to a detoxification unit

and then a residential rehabilitation program.[195] Suzie went with him. He reluctantly left the rehabilitation program to return home before its completion in order to avoid losing his Housing Commission house. Suzie became pregnant. Mick started using heroin again but then entered a methadone program. By 31 he was "leading a normal life again" with one child but no job.

Mick's initial motivation

The initial part of Mick's desistance had three stages. His first decision involved several preliminary elements and ended with some goal setting. Before he had gone to gaol the last time he had "gone off the rails pretty bad", had been involved in a bad car accident in which a friend nearly died and he "had a think" to himself (*problematisation and awareness*). He had always said that if he met a woman who "stuck by him for a laggin'" he would stay with her. [196] Suzie had passed this test. He decided that he had "had enough" and feared he would lose her. Co-incidentally he did some goal setting (initiated as part of an education program in gaol) which involved envisaging a different future. His enactment of those goals was delayed but he has referred back to them over the years.

> *First [goal] was to stay off the drugs. Equally stay out of gaol. Stay out of trouble. Get some skills. Get a good job. Get me licence. Buy a car. Then my long-term goals – buy a house, and get married.*

Mick's second decision occurred was when he hit rock bottom. Mick had two motivations at this time. He thought that if he kept going he would end up dead or in gaol for a very long time, secondly he wanted to do something that his then eight year old son by an earlier relationship, would look up to: he wanted the respect of this boy.

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[195] As explained in chapter 4, Jason, whom Mick calls 'Dad', is in fact a stepfather, which Mick did not discover until he was 16.

[196] A lagging or a 'laggin'' is slag for a gaol term, usually used to apply to a term of some length.

His third decision was taken after he had been to rehabilitation but had started 'using' again. His head was clear enough to envisage the consequences of a relapse. He says he remembered seeing the faces of Jason and June (Jason's partner) when he had turned up at their place at rock bottom, "like they wanted to cry", and he could see the pain he had caused them. Co-incidentally, Suzie was pregnant. He wanted to be around for his kids. He also wanted to experience a "normal life". He had not had that since he was 15.

So following a catalyst involving the near death of a friend, he was motivated by wanting to be with his partner, wanting to stay alive so as to be there for his children and to do something that would make them respect him. The goals he set were a strategy for achieving a "normal life", which he craved.

Maintenance of desistance

After Mick began the methadone program, his first child was born and he stopped smoking cannabis. Suzie and Mick were living in a Housing Commission house in a predominately Aboriginal part of town. He still had no job although he had done some odd jobs like rouseabouting[197] with Suzie's father. He and Suzie visited Suzie's home town (within the region) where some of Suzie's family were involved in organising a regional Aboriginal cultural event. Suzie and Mick obtained some work preparing for the event, when Mick (by chance) ran into someone whom he called a "cousin-friend" who was visiting from Orange.[198]

> *I asked him what he was doing with himself and [he] told me about this course he was doing – 'that is exactly what I want to do' – it is called the [name] course. And I asked him questions. How to get into that.*

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[197] A rouseabout is a person employed to do odd jobs usually on a sheep station

[198] He was either a cousin who was also a friend or a friend who Mick classified as cousin, meaning he had the same expectations of and obligation towards him as if he were a genealogical cousin. (See further Macdonald 1986:211ff and chapter 7.)

As soon as Mick got back home he started phoning the college where the course was run, only to be told that places were reserved for Aboriginal people who were already employed in their field. He said:

> So they said maybe if someone doesn't turn up or that. So I just rang up all the time, all the time. Another thing meant to happen I reckon. I rung up one day and they said 'guess what, there is one spot left. Do you want it?' They usually have a – [you] go down and have an interview and them things, but by this time, they were starting a week later, so they said 'oh we will send you the ticket and that and you can come down'.
>
> So I went down to jump on a train when it was time to go … and I seen these two ladies on the train. I knew 'em but not really know em well. …[They were from the main employer group in this industry and were going to Sydney for the course]. And I said 'hey that is what I am doing' and they said 'Oh that's good' – because they know my past and that and they were happy for me too. [They said] can't get over how good I'm going and that. … Well I went down and there was people from [all over Australia]... Just went around introducing ourselves like; what are we going to do with the course … and I said I wanted to use it for a stepping stone where I can use it to help my people and that.

Mick obtained Abstudy[199] funding and successfully arranged to receive his daily methadone dose in Sydney during the 12 teaching blocks of the two year course.

Certainly Mick thought that there was a lot of luck in him discovering this opportunity. Not only did he not fit the profile for a student of the course, there were ostensibly no places. Nevertheless he managed to gain admittance by tenacity and persistence. Mick successfully finished the course and his graduation was attended by his family.

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[199] Abstudy is an Australian Government allowance for Indigenous secondary or tertiary students or full-time Australian apprentices.

> *Me Nan come down for me graduation. Me Dad and June come. That is the first long-term course that I have ever finished. Because it was something that I wanted to do, others I just did to keep myself occupied.*[200]

The course finished and he was still looking for work. When he could not find any, he enrolled as an external student in a university degree in a related field but withdrew after the first semester because he had to care for a family member. Then one day something unexpected happened. He bumped into a staff members of the local community organisation that employed people who had done the course he had completed. This man asked:

> *'If there was work that come available would you be willing to come and have a go at it?' And said 'Yeaaah! Yeah!' I give him my address and that.*

> *I am driving along and you know them clean-up days, I seen a TV on the footpath and Suzie said 'see if that works' and luckily I did because that is what happened when I was jumping out to grab it. That is when I ran into Tom. He is the other [worker] and that afternoon, like I went and did other things and then when I got home and in the door there was a little note; business card with a note, 'ring please'. I got all excited. So I went up to my Nan's because I didn't have a phone and rang up. I was speaking with [the director] she said 'oh there is a position available you know, to fill in for a while. Would you like to fill in for a while?'. I said 'yeah', she said 'right to come down on Monday?' I said 'Monday' – (this was Friday – Friday the 12th September). So I got off the phone and started calling out. I was just overwhelmed, you know. It was something I have always wanted to do and I was thinking to myself. 'It is starting to happen. I am getting somewhere now. All this hard work is starting to pay off', because at times when nothing was happening I would get down and get depressed, saying I am doing all this for nothing, 'nothing is happening', and I just hung in there. And then on my way home I started crying. Oh, I told me sister as soon as I jumped off the phone, started crying and that, overwhelmed with emotion.*

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[200] While this is true, some of the other courses he had done in gaol were important in helping him to believe in his own capacity. He received affirmation from some teachers in gaol that he was intelligent.

> *I got home and run inside and tears rolling down my eyes just with happiness and she [Suzie] said 'Oh what happened?' And I said 'I got the job – fill-in', that was good enough for me at the time. …*

He received assistance from the Aboriginal Employment Service (a job network provider) for shoes and clothes and started work on Monday.

> *So I have been there since September last year and it is February now. And while I have been there I have gained experience, so much experience, so much knowledge, I love it, I do. When it is advertised I'm going to go for it – for the full-time position and from there, like I had goals set up. Last time I was in gaol I made this plan up. Short term goals and long-term goals. First short term goal was to stay out of trouble and get off the drugs – stay off the drugs and that and have a couple more kids.*

This occurred in September 2008, four years after he had "hit rock bottom" and gone into rehabilitation and five years after he had last been in gaol. In September 2009, he was appointed to a permanent position. By this time he had also successfully weaned himself off the methadone program.

If he had not found out about the course, if the last minute space in the intake had not occurred, if he had not found out about the temporary job at the right time, then Mick may well have relapsed again. He was certainly beginning to despair when I first met up with him in August 2008, although his children continued to be a strong motivating factor.

The origin of Mick's capacity

Mick's story illustrates the importance of chance events in Mick's desistance and demonstrates that Mick had the capacity and motivation to take advantage of those chance events. Much of Mick's capacity and his motivating schemas originate in his early socialisation, indicating the role of the *iterational* (past) orientation of agency in the maintenance of desistance. His decision to change and his goal setting anchored his strong *projectivity* (future orientation of agency) in the present (Emirbayer & Mische 1998:970).

Mick had been brought up in a stable and fairly strict household by his grandmother and Jason, whom he thought was his natural father. His mother had left the relationship when he was three. Jason has been in a stable relationship since Mick was 15, has tertiary education qualifications and runs a successful Aboriginal community organisation in western Sydney. He and his partner June had regularly kept in contact with and visited Mick during all the years he was in gaol. Mick respects and looks up to Jason for what he has done with his life and the work he does with Aboriginal people.

Mick is also close to his uncle Stuart (Jason's brother), with whom he stayed after Jason moved to Sydney when Mick was 15. Stuart also has tertiary qualifications, had had a fairly senior government job before he became an invalid pensioner and has been with his partner for 40 years. While Stuart is not known as a successful parent, Mick says that he "was there for me".[201]

Mick had role models of successful professional men in his life. At the critical time when he recognised that he needed and wanted help he was able to access the skills and capacity of Jason and (stepmother) June who assisted in getting him into a western Sydney detoxification ('detox') unit and into a rehabilitation unit despite there being some difficulty with access as he was not a local resident.

Mick did well in school until he dropped out at the beginning of Year 11. While he was in gaol, at about the age of 28, Mick received feedback and praise from a teacher regarding courses he was doing (consistently gaining 80-90%). This made him think that he might be quite bright. This experience stayed with him and encouraged him to believe that he could achieve academically.

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[201] This uncle (Stuart) did not provide strong parenting for his children, having no ability to set boundaries and, in the words of Jason, being a "total softy". It was reported that his wife had no parenting skills either having been "through the homes", that is, removed from family and brought up in an institution (as reported by Mick's stepmother).

A combination of his own intelligence, his early socialisation in a stable household and continued access to family support gave Mick the resources to get his life back on track. He was able to envisage himself successfully completing studies in his area of interest. A significant motivation at this time was his desire not only to do well, but to succeed in gaining qualifications that would allow him to "do things for my people". In this he had strong role models in Jason and June. His motivation had developed from wanting to stay alive, maintain his relationship with Suzie, gain the respect of his son, and lead a 'normal life', to include wanting to do well and a more generalised motivation of caring for his people.

His relationship with his partner and her own socialisation and values have also contributed to his success. Mick's father, Jason, says of Suzie

> *Suzie, she was on the drugs too. They were both on the drugs but she seems to have – she keeps him straight I think. I think she is level headed and she is a hard worker, little Suzie. She makes sure that they are both on the straight and narrow. I think she is very important.*

Kyle, aged 31 in 2010

Kyle's desistance process was associated with rehabilitation from his drug habit and building a new support network through AA. His perception of his own agency in getting into rehabilitation was an important part of his process. All his progress during five months of residential rehabilitation programs might have come to nothing if he had not "bumped into a cousin" who offered him a place in an apprenticeship training scheme at a critical time. Places in the scheme were reserved specifically for Aboriginal people.

Initial motivation

It is difficult to identify Kyle's motivation from his narrative. While he was on parole, his parole officer had suggested that he "might like" to go into 'detox' in

Orange.[202] She could see that he was on drugs, despite his having handed in other people's urine for testing. Kyle understood it would be a 28 day program. For him, it was a choice between being 'breached' and retuning to gaol for the remainder of his sentence, or completing 28 days of 'detox'. At that time, he said, his grandmother and his partner were "on his back" about the drugs. He opted for the 28 days of 'detox'. He considered it a choice he had made. The fact that it was 'suggested' to him, rather than mandated, was important.

After he had 'detoxed' it was explained to him that he now had to go into a 90 day rehabilitation program. He says that if he had known that when he spoke with the parole officer, he would have opted to go back to gaol. He did not go very willingly but by the end of the three months, he actually wanted to be there and extended his stay. He had started to listen to and to speak with counsellors and had begun to understand "why he was the way he was". He stayed an additional two months. His awareness of the need for change and the means to begin the change, coincided. He was in the right place at the right time.[203] The realisation was like a spiritual experience, "like a blinding flash of light".[204] The counsellors gave him tools to manage his issues and advised him to go to AA meetings and to build a new support network.

His children may have been another motivating factor. They were six and four when he began the 'detox' program. When speaking about the break-up with his wife, he talked about wanting to be with his children and specifically wanting to be a positive influence on their lives. His sister (FZD) and 'mother' (FZ) also speak about the importance of his children to his motivation.[205]

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[202] The detoxification facility in Orange is the nearest to the north-west.

[203] Kyle had been in rehabilitation before but had not been ready to change. Now a 'hook for change' was within sight when he became aware he needed it (Giordano *et al.* 2002)).

[204] The 'realisation' seems to have encompassed both the need to change and the possibility of change.

[205] Kyle was raised by his father's sister (and his father's mother)

I think he just realised what he done. He had the kids – realised he had to look after them. He couldn't be running the streets and doing what he used to do. He had to be looking after his kids. It was a big wake up call to him. He done good. (FZD)

But the things that influenced him after were his family, because then he had two young – two little baby boys by then – two young sons, … So I suppose wanting to be – lots of things influenced him – you know probably stepping up to being a Dad to his two boys. (FZ)

Maintenance of desistance

When Kyle returned from rehabilitation:

I locked my self in the bedroom for nearly a week. I was that terrified of getting stoned. Like I was so terrified of someone coming up to me and saying 'do you want a crack at this' or 'do you want some of this?' And I was scared that I would say 'Yeah, come on let's go'. So I just locked meself in the bedroom and watched DVDs for like three or four days.

And I was in the car actually – going down town and where we parked … like right near me cousin's car and he wound his window down and said 'do you want to do this TAFE course?'

… before I got that opportunity I wasn't out walkin' round. I was hiding – you know what I mean, like pretty much from everyone. Like I would go for a drive in the car but I wouldn't get out of the car. Or, if I was in the car and I seen someone else, I'd say 'keep going, keep going' just to avoid any contact. So it was pretty scary – very scary mate, the first couple of days home.

The TAFE course was a pre-apprenticeship training program. Mick was one of only two people to complete it out of 30 who started. He was then offered an apprenticeship. He said:

I scored an apprenticeship with a local [tradesman] here, [names tradesman]. So that helped me like with having a routine, having some kind of structure in me life. Like beforehand, before I went to that rehab, my life had no kind of structure, just get up and go whenever I wanted – you know, but I think, I think now having that – I was very lucky to come home and land that position because who knows, if I had stayed unemployed, like doing

nothing for another week, I would probably ended up back in gaol – you know.

Being able to go immediately into training and then an apprenticeship were very important to Kyle, who had earlier commented that one of the things he liked about juvenile detention and prison was the routine it provided.

His auntie (whom he calls 'Mum') also speaks about the importance of the pre-apprenticeship training, the apprenticeship and the employers who demonstrated a lot of faith in Kyle and provided the opportunity. She confesses that she had been at school with one of the partners of the company that employed Kyle and that Kyle was not aware of that previous relationship. It seems likely that this family connection assisted Kyle's employment although he might not be aware of it.

Kyle was 24 when he began the apprenticeship and has been in employment since then. He was 30 when I interviewed him.

The source of Kyle's capacity to maintain desistance

Despite Kyle's difficult early childhood he was very intelligent and had numerous examples of hard working and successful older cousins, aunties and uncles as role models. The deficits in his ability to socialise were made up for by skills he learnt while in rehabilitation and through the network he built in AA. His extended family and their social capital assisted in his maintenance of desistance. His capacity springs, in part, from his past (*iterational* aspect of agency) and was strongly supported by coincident external factors.

Kyle's mother had left the scene when he was about two and he spent his childhood moving between his auntie's and his grandmother's houses in different towns. Kyle recalls routinely beginning a school term in one town and finishing it in another.

In childhood, Kyle experienced a strange mixture of structure and free rein. He and his young brother were considerably younger than his cousins, with whom he

was brought up. His early childhood with his auntie seems to have been quite strict but then some event, the details of which were unknown to him occurred to make that household unstable and he seems to have spent more time at his grandmother's where, despite a rhetoric of strictness, he seems to have 'run riot'.

> *I mean like most of the kids I used to hang around pretty much all through my childhood. They weren't like the best looked after kids, so they got to do – they got to go home when they wanted to go home. They didn't have to be back before the street lights were on and stuff like that. I kinda – I liked the idea of being able to do what I liked, you know. I didn't like the idea of being told what to do …. I kind of found that appealing; to be able to have – like a free run.*

He was also very aware of being younger than his cousins and resented not being able to do what his sibling-cousins did. It appears that the older children had had structure when young but by the time Kyle was in senior primary school that structure was not there.

> *Nan was very strict, not very strict, but I mean we had to be home on time otherwise you would get a smack with the belt. Same with me auntie [name]. You would get the jug cord if you was home two seconds after that light come on. You would get the jug cord, you know, very strict.*

> *… It was funny because when I was … staying [with my auntie] they were strict as, strict, strict, you know. But with me Nan, me Nan was a lot more flexible. So you kind of had a free run because there was a lot more kids there you know. It was pretty hard to keep track of everyone, suppose.*

Kyle said that he was left with an inability to relate to people outside his family. He said he did not like society.

> *Everyone else – I didn't trust no one – I didn't like anyone, anyone outside my circle which includes Nan and my brothers and sisters and cousins. Like I said, we grew up under my Nan and there was like nine – ten kids in the house at any given time. And anyone outside that circle I didn't really trust or you know, or didn't like. Hate was probably too strong a word. But I wouldn't go out of my way to make conversation with them or anything like that. I just didn't trust them so of course I wouldn't feel comfortable around them.*

And at school:

> *Hated school. I was in – when I was in Year 4 or 5 I actually got a*
> *scholarship, because I was quite intelligent for my age and they were actually*
> *paying me to go to school. So I never had – like there was never any drama*
> *with, like learning, you know. It was just my problem was with authority from*
> *a very early age. I didn't like being told what to do. I wanted to be treated*
> *like an adult, you know. I can remember being a young bloke and thinking*
> *that my elder brothers were allowed to stay up and watch TV late at night,*
> *and I thought 'I wish I could stay up' and stuff like that. And that always*
> *stayed in my mind I suppose. And I, I am a person of extremes you know, so*
> *that if I am going to do something it is 100, 200 percent or they can stick it up*
> *their arse, you know. And that attitude, that is how it was you know. All*
> *through my teenage years; right up until the stage where I ended up in the*
> *rehab.*

Kyle talks about his acquisition of social skills in the rehabilitation program. He
talks about the counsellors and about how gaining social skills was essential to
him being able to work.

> *It was just the way that they went about trying to get their job done. They made*
> *it real easy for you, to talk to. … Oh I used to hate having to talk to anyone –*
> *especially about feelings and that, you know. Only poofters talked about*
> *feelings. That was my attitude at the time. All macho 'rah rah and been to gaol'*
> *and 'racka racka and I have done all this'. And it wasn't until I got rid of that*
> *attitude, 'cause I used to think 'I don't want to go to rehab because they will*
> *brainwash me', you know. And that was pretty much what I needed, my brain*
> *needed a wash. Get rid of all the shit! And that is what happened at the rehab.*
> *You know they helped me get a new attitude and they give me the tools in order*
> *to survive. And not just survive, but to live! You know, to have some kind of life,*
> *because up until that stage I was just getting by. Before that rehab, if you put*
> *me in a gaol environment I would flourish. I would get around, I'd have a TV*
> *and everything, all nice clothes and everything. Put me out in society and I'd be*
> *nothing – rags – you know. And the rehab gave me living skills, taught me how*
> *to be social; how to socialise with people; how to keep a job and stuff like that.*
> *Just how to have a normal conversation with someone. Without thinking that*
> *they are talking about me and trying to come up with a plan on how I can get*
> *them before they gonna get me.*

Although when growing up Kyle had little to do with his father (who lived in a different town and had only occasional contact in school holidays), his father had a history of work in the same industry as Kyle (although with no formal qualifications). There is a strong work ethic in the family. At least one of his aunties was tertiary educated (having gone back to school as an adult) and had good jobs. Although she died a violent death when he was about 10 or 11 she is held up as an example in the family of the benefits of education. At least two of his sibling-cousins hold good jobs, one working in Aboriginal education and another as a senior supervisor in a local government. Family members talk about the importance of education, although in practice family arrangements were not conducive to children obtaining a good education when Kyle was growing up.

Despite the fact that family separation, abandonment and instability were strong factors in Kyle getting into trouble, his family (auntie, grandmother and cousins) continued to support him and have faith in him throughout his time in and out of gaol. He also had a stable partner throughout this time. As soon as he was out of rehabilitation he deliberately sought out and maintained a network of support through contacts he made at AA, which both he and his family say have been important to his success. Kyle had had the same partner (the mother of his children) since he (and she) were 14. While she no longer smoked dope or drank alcohol (having stopped at the age of 19) and remained faithful to Kyle through out his incarcerations, the relationship did not survive his rehabilitation. It ended four years after he came out of rehabilitation when he feared if he did not leave the relationship it would result in him "turning to alcohol or worse". Apparently his partner did not deal well with the fact that he had a new network.

Kyle's intelligence, aspects of his socialisation (i.e. family attitudes and values) and external support left him with significant capacity to take action when the opportunity arose. He could respond to opportunities and take advantage of contingency.

Chance happenings and capacity

Kyle and Mick both believe they were extremely lucky that opportunities arose when they did. Both exercised agency in taking advantage of their 'lucky breaks', having sufficient capacity to turn them into realised opportunities. They are able to do so in large part because of some aspects of their early socialisation, and especially in the case of Kyle, because of some external support (extended family and AA). Their socialisation (in Kyle's case resocialisation) form part of the structural context that shapes their understanding of what is possible. Mick's goal-setting in his initial desistance indicates a level of agential forward thinking, or (in Emirbayer and Mische's (1998) terms) *projectivity,* that is not insignificant in his success. He envisaged a future that he rejected and replaced it with a different vision. This *projectivity* is not unlike that of the participants in the previous chapter but Mick's ability to turn it into a set of clearly formulated goals reflects both his capacity (including his early socialisation) and the serendipity of undertaking an education program that required goal setting at just the right moment.

The relationship between agency and capacity is such that agency is important to those who have both some capacity (cognitive, linguistic, behavioural and kinship or structural support) and a need to use it (Giordano *et al.* 2002). Mick and Kyle had the capacity and the need. Giordano *et al.* imply that as the desistance process progresses, participants develop greater capacity. Certainly for Mick and Kyle, the ability to take advantage of chance opportunities increased their likelihood of success. They used the opportunity to increase their 'structural' stakes in employment and also used it to bolster their self image and build a new identity. It is significant that both of them feel that if those opportunities had not arisen when they did, they may have failed or at least faltered in their desistance. Certainly Mick had been struggling for a couple of years before his 'lucky break' came. In both cases, each found out about the chance opportunity via their kin networks. Having appropriate networks and the ability to use them is part of their capacity.

Next I want to turn to two brothers who, as a result of their early socialisation, appear to have less capacity than Mick and Kyle to exercise agency to take advantage of opportunity. The role and orientation of the brothers' spouses become important factors in their desistance progress.

Maintenance with less capacity – Widetown brothers

Marriage and employment effects – the criminological approach

Work and marriage are key structural elements that many theorists regard as critical in desistance (see for example Laub & Sampson 2001:41-8). Laub and Sampson suggest that it is not these institutions as such, but the social control and social bonds that they give rise to, that explains much of desistance. However, they acknowledge that in observing the so-called 'marriage effect' it is impossible to distinguish between the impacts of change in routine activity, differential association, opportunity explanations and social control (2001:47). A 'stable' marriage:[206] provides social support and a mechanism of social control including monitoring and supervision; induces changes in routines and lifestyle activities (including new friends); often results in residential change; and/ or results in children, which will reinforce routine activities (Laub & Sampson 2003:283).

Laub and Sampson describe a similar effect associated with (stable) employment which may be a turning point', may operate to separate the offender from their previous environment' and/or provide 'structured role stability' and routine activities which provide social and emotional attachment. Work may also contribute to, or support, a change in identity (2001:46-9).

Such a focus on the control aspects of marriage however, comes at the expense of its motivational and identity transformation roles. Nonetheless, control effects provide strong support for the motivating schemas. While these effects are visible

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[206] Note Laub and Sampson's (2003:41-4) stipulation that 'marriage effects' occur in 'stable' marriages where there is 'strong marital attachment'.

in the case of the two brothers, motivation and agency, socialisation and capacity clearly interact with (that is operate within and act upon) these structures and controls. Aboriginal sociality and particularly attitudes to marriage, work and extended family modify these effects.

Aboriginal views of 'marriage'

The nature of Aboriginal life partnership and attitudes of partners towards it will be likely to impact on its effects and its role as motivating a schema. Kitoaji (1976) describes commonly held views of Aboriginal family life as 'unstable, promiscuous and disorderly' as a misconception (1976:1-6). Referring to Berndt and Berndt (1951), she points out that these labels are used in opposition to a supposed pre-European traditional system (supposedly) now fallen into disuse. Kitoaji is interested in the discovery of "a structural model of the contemporary Aboriginal family in its own right', a transformation that has taken two hundred years. She also points out the fallacy of comparing Aboriginal families with "the modal family form in Australia", i.e. the nuclear family (1976:1-6). This is a theme developed by Macdonald (1986) in her study of Wiradjuri Kooris.

> In the absence of any central authority or trade links, marriage is the governing articulation between groups. Through marriage with Wiradjuri Kooris the children are able to claim a sense of belonging based on parentage and place which will strengthen their claims as adults. Marriage also provides rights of access to networks which may have more status and decision-making powers and thus extend horizons, relationships and the ability to maximise resources and life chances generally. (1986:227)

Parentage and place are important for all the people of the various language affiliations with whom I spoke (i.e. Kunja, Murruwari, Ngyamba, Wailwan, Wongaibon and Wiradjuri) however some of these groups seem to be more diffuse and intermixed than the Wiradjuri Macdonald worked with, and I have not specifically collected information about these aspects of kinship. A number of the younger participants could not name a language group with which they affiliated,

although others (usually a generation older) could usually easily provide the language affiliations of the parents of these younger participants. Others knew who they were even if they themselves did not, or were unable or unwilling to articulate it. Despite the more diffuse nature of these groups and the limitations of the study, it appears that many of the features which Macdonald describes in relation to marriage and family for the Wiradjuri in Cowra apply to participants in my study.

Macdonald points out that few couples actually legalise a permanent relationship. This is true of the Aboriginal peoples in my study area 20 years later. People establishing exclusive sexual relationships are said to be 'going with' each other. These relationships may result in co-habitation if there is housing available (see also Macdonald 1986:228).[207] Amongst people I spoke with, the words 'marriage', 'wife' or 'husband' were rarely used about their own relationships. Men would speak of their permanent partner as 'my missus' or 'my woman' or 'my partner'. If an exclusive relationship had broken up they might add the prefix 'ex' to these terms or refer to 'the one I was with then.' They refer to *affines* – their spouse's family and their children's partners as 'in-laws', as in 'sister-in-law', 'daughter-in-law' etc.

Early sexual relationships often result in children and there appears to be little expectation that such relationships will result in a permanent relationship, although they sometimes do. Often men had older children from an earlier (young) relationship, with whom they had little contact (for example Aethan whose son was 18 before he really made contact) although some (for example Mick) maintained contact as best they could.[208] Macdonald (1986: 228) reports that young people who legalise relationships are said to be 'mad' because "there is no expectation that alliances will or should be lasting", although for some of my

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[207] Note that when Mick 'got with' Suzie they were "sleeping along the river" in order to be together.

[208] In the event of a non-lasting partnership, often the older the man at the time of fathering, the more likely he is to maintain contact with children.

participants, pregnancy was a catalyst for commitment (informal or formal). Young women who had children from an earlier partnership and wished to enter into a new co-habiting relationship (see Brad's partner Savanna in Chapter 4 and below) would often hand their children on to their mothers or sisters.

As Macdonald says

> Marriages are not necessarily regarded as life-long unions and many men and women will marry more than once: they often expect what can be described as a marriage career – some will stay in one union over many years while others will change partners several times. (1986:229)

Kin networks established through co-habitation, especially if children result, will often outlast the relationship itself. For example Kyle and his family (mother (FZ) and cousins (FZD)) retain close relationships with his ex-partner's family (e.g. his mother-in-law) despite the strain that exists between Kyle and his ex-partner.

Macdonald claims an equality between spouses within marriage (1986:231), with both partners valuing their autonomy and says that "Kooris describe their own system as bilateral, with partners having equal rights to children but in practice women usually retain genetrical rights and residence patterns show a strong matrifocal emphasis" (1986:237). In contrast, in a European marriage the priority is to the spousal relationship often at the expense of other family ties. Historically, a patrilineal approach bestows rights over children (genetrical) and over one's spouse (uxorial) to the father.

In relationships of equality, as in Koori relationships, there is a potential for ambiguity between consanguineal and affinal relationships and residence rights. Further there is conflict between couples in the way in which genetrical and uxorial rights are defined. Equal partnerships mean more potential for conflict and therefore more instability of spousal relationships.

> A society which gives primacy to maintaining egalitarian features in social relations rather than structuring them in terms of deference might be expected

to have to contend with higher levels of overtly expressed conflict – it cannot be legitimately contained through the control of one party by another. (Macdonald 1986:237)

Macdonald concludes that

… while marriage is an essential part of the system of exchange relations which characterise Koori interaction, it is not the stabilizing feature of the Koori domain as is often held to be the case in European domains … What I am suggesting, therefore, is that the Koori social system is stabilized and reproduced on the basis of the kinship rather than the marital system. As a result, dominant Koori values are oriented towards the maintenance of kin exchanges. When marriage is paramount as an institution, withdrawal from kin obligations is expected. The reverse situation, however, would deny the marriage union. Marital relations will thus become the focus of many of the structurally imposed tensions that result as a consequence of the primacy given to kin. (1986:240)

The nature of Aboriginal 'marriage' in the region has implications for an analysis of the 'marriage effects' in the maintenance of desistance. What is the role of partnership as opposed to the role of extended kin? What is the role of affinal as opposed to consanguineal kin in desistance? The importance of kin relationships and the nature of Aboriginal partnership goes some way to explaining the apparently greater importance of, *fatherhood* as a motivating schema compared with *partnership,* as was evident from chapter 5. What role do women play in bolstering the capacity of partners and how does this fit with the reported equality of the spousal relationship? In one of the cases that follows, the importance of autonomy and equality within the relationship appears to contribute to a spouse not providing a more (western style) supporting role; in another, the desister through his agency is able to harness the support of a partner (who may also have more western values). In both cases there is a 'strong marital attachment' (Laub & Sampson 2003:41-4) but different cultural values and attitudes.

Noel, aged 27 in 2010 and Brad, aged 26 in 2010

Noel and Brad are brothers, born less than a year apart, who grew up in Widetown. Their father died when they were aged 11 and 10 respectively, at which time their mother, a member of a large Aboriginal Widetown family, 'hit the grog' and ceased to look after them. Their 16 or 17 year-old brother, who had already left home, cared for them for a time. By the age of 13 or 14 both had dropped out of school or been expelled. Both appear to be functionally illiterate. Both spent time in juvenile detention and later gaol. Both say that their motivation for 'staying out of trouble' was having children. A more detailed account of Noel and Brad's young lives is given in chapter 4.

Noel's desistance process

The desistance process for Noel seems to have been relatively easy or at least straight forward. During his last gaol term, Noel had decided he was "sick of being locked up". He met his partner Alanna just after his last release from gaol. He was 21 and she 17. When Alanna became pregnant soon after they got together, she gave him an "ultimatum" about his behaviour. He was still using drugs (smoking cannabis, certainly injecting amphetamines and possibly using heroin) and drinking alcohol. Alanna said

> I said, 'either come down here [a different town] and live our life or stay there [Widetown] and drink yourself to death.' He changed pretty surprisingly though – quickly. Not many of them do. I mean some of them might change for the better but they might still bash their wives or still smoke pot or still commit crimes you know.

They moved in with Alanna's mother in a different town and, with help from Alanna's family and others, gave up drugs.[209] Noel says that having children has been "the most important thing" in his desistance. After the birth of their second

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[209] Alanna's parents were from Widetown but Alanna spent a lot of her childhood with them in a town several hundred kilometres away, which had a smaller Aboriginal population and more employment opportunities.

child, when their first was only 14 months old, Noel took on the role of full-time carer for the children and Alanna, who had completed Year 11, undertook two years full-time training for a semi-professional career.

When I interviewed Noel (aged 27) it was six years since he had been in gaol or in trouble, after having spent all birthdays in juvenile detention or gaol between the ages of 14-20. The factors that have helped him maintain his desistance relate to his partner and her family, his role as main caregiver to his children and his aspirations for work.

Brad's desistance process

Brad's process was similar to Noel's but developed differently. Aged 26 when I first interviewed him, Brad met his partner Savanna when he was 16 and she was 20 and after he had been in juvenile detention at least three times. He subsequently went back to juvenile detention for assaulting her. They continued to be together when he was released but split up for a time. He had broken bail on one charge, committed an assault and was on the run when she discovered she was 'pregnant for him'. She convinced him to hand himself in. He agreed to do so if she would come back to him.

Brad's motivation was Savanna's pregnancy, but his decision did not seem to be about desistance so much as "getting it over with", wanting to "get it out of the road and get it over and done with. Get out and be free – nothing on me." Savanna also puts his (ongoing) reasons for 'staying out of trouble' down to his kids.

Savanna visited Brad every fortnight in gaol. His first son was two years old when he was released. He was part of a young offenders program and eventually transferred from Ivanhoe Minimum Security Corrections Centre to Yetta Dhinnakkal an Aboriginal specific facility, because he applied to do a shearing course that was being run there. He spent the last nine months of his two years and seven months sentence in Yetta Dhinnakkal where he was assisted with training, obtaining shearing qualifications and other certificates, and gaining work

experience and given some post-release assistance with housing and employment.[210]

After his release in 2005 at age 21 Brad worked almost continuously in several jobs. In 2008 he obtained work in an automotive business in Widetown where he worked until mid 2009. By then his partner was pregnant with their fourth child.

Different outcomes

After four years of no offences Brad "lost his job", started drinking more and was charged with assault after getting drunk at a party. He was sentenced to a non-parole period of nine months and it was in Wellington Correctional Centre that I last interviewed him in 2010.

The brothers and work

Both young men have aspirations to work. Their father was a shearer and Noel has fond memories of a time when they all lived on a small farm, which he said their father owned. While Noel has been occupied as the main child carer for the past six years he has also supplemented the family income by raising, fattening and selling some livestock and by hunting and fishing when he can get a babysitter. He regularly shoots 'wild meat' which he also supplies to his mother and aunties.

Noel certainly wants to get a job. He comments on this several times:

> *I want to get a job too you know. When the kids get bigger. I want to go and work for the mines or something. 'Cause I haven't had a decent job yet. Just*

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[210] There is some evidence to suggest that he was able to gain entry to the Yetta Dhinnakkal program because of a connection (activated by his mother) between the person who was to be running the shearing training and his deceased father. It is not clear how this came about or whether his mother had some role in it. When I interviewed her in 2009 she was in the process of trying to activate connections so that her youngest son (then in gaol) might be able to enter Yetta Dhinnakkal. There is some evidence that her belief in her own powers to influence events was somewhat exaggerated, but she was clearly trying to use her relatedness for her boys.

> *jobs for the kids and stuff. I have got most of my tickets – all of the truck*
> *tickets and I only missed out on one or two, ay, for the mines.* [211]

Alanna comments that he has a job, looking after the children, and he replies:

> *Yeah, but I want a job job – so that when I get older I can say that I had a job*
> *– that I provided for the kids.*

There seems to be a connection between Noel's childhood experience of his father working and his desire to work. It is not so much to earn money that he wants a job; it is about self respect, gaining respect in his children's eyes and his standing in the community.

> *Ho! It is not for the money. I just want to go and do something – to say to my*
> *kids when they grow up that I had a job – you know.*

Noel and Alanna commented on Noel's difficulty in getting a job in a small town where his family has a bad name and he has a criminal record. They are expecting Noel to begin work soon as a delivery driver when Alanna's father opens a fast food outlet in Widetown, a job he will do until they move to Newcastle in a year or so when he hopes to work in mining.

Brad was pleased with his employment record when I first spoke with him in early 2009. He was very proud of his job with the automotive business and his achievement in 'staying out of trouble'. He valued highly the employment training and work experience he received at Yetta Dhinnakkal, but his employment history suggests that he did not gain the skills to negotiate issues that arise in the workplace.

Brad's first experience of work was in a flour mill in Dubbo, a job set up for him as part of the Yetta Dhinnakkal post release program. Brad said that the job was hard, with workers expected to carry heavy bags weighing more than 40 kilograms up stairs.

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[211] 'Tickets' are trade qualification certificates.

Up two storey stair - up the top there. They can open the floors and bring it up with the forklift and they used to make us, like at the end of the day like, carry it up the stairs – all the busted flour bags and that. Take it back up to the mill so they can put it back through. Yeah – I got sick of that job.

Brad stayed six months, despite the unfair work practices, before he finally left. He returned to Widetown where he worked mowing lawns before getting a job shearing, which he also left.

Yeah [travelling] all round the place - that is why I got sick of that - too much travelling. And my boss there was ripping me off too. He wasn't paying me the right t'ing. So I snatched on 'm at [station name]… [212]

I was wool pressing and I made – like the contract. Like if you make the contract you get more. Like they are supposed to pay you by the kilo and he just paid me normal wages see and I knew because I counted all the bales … and I made contract and [I said] 'Are you going to pay me?' and I said [to myself] 'Yeah that is alright, wait to till I get to the next shed, I'll snatch on 'im'. Then when I got out there, [to the next sheep station] halfway through the shift like, at lunch time he said, because I was just poking along there [going slowly] because I knew I was going to go and the wool was starting to build up real t'ing, and he said 'Oh you will have to do a couple of bales during lunch time'. I said 'yeah'. Lunch time, I was gone. I got in me car and took off. So I didn't worry about it.

Do you think he knew why you did it?

Yeah. Probably do. Never said nothing. I always see him at [the automotive business] - he come in [there] all the time. But he don't say anything – just say g'day.

Did you ever get your cheque?

Yeah. He sent like about two days pay down with the boys. It was alright.

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[212] 'Snatched' is a slang word meaning "to quit, taking the wages due" (http://www.probertencyclopaedia.com/cgi-bin/res.pl?keyword=Snatch&offset=0). In this context it seems to mean quit, leaving the boss 'in the lurch'.

Then Brad had a lucky break that he almost did not take advantage of.

> *For about a month I never had no work, just stayed at home, and one night I just walked into the bowling club there and old boss up there [automotive repair boss], he said 'Do you want a job?' I said 'No', cause I thought he was joking see. He said yeah 'Come up Monday, 8 o'clock.' But I never went up there Monday and I went up there a couple of days later and he said 'Where was you Monday'. I said 'I thought you was joking'. He give me the forms and said 'Go and fill them in and bring them back to me. Start tomorrow'. So I said 'Ah yeah - that is alright'.*
>
> *... It is pretty good sort of work - at least I don't have to travel around.*

Brad did well at this job and the boss had wanted him to become foreman, an offer Brad could not take up since he could not use the computer due to his poor literacy.

When I visited him in gaol, I asked Brad what had happened to his job. Apparently a non-Aboriginal workmate had told Brad a story about the boss's intention to 'sack' Brad. When Brad asked the boss about it, the boss denied it, but Brad did not believe him and walked out. From other information I have, it seems unlikely that the boss was intending to dismiss Brad. Savanna had heard that it was the co-worker who was earmarked for the 'sack' and so he was just making trouble.

Brad's employment history seems to be a casualty of his communication style or inability, and his lack of capacity to assert himself in the intercultural space of the workplace. It is likely that this has also impacted on the outcomes of his interactions with the justice system (see chapter 4, Communication with authority). The job readiness training and work experience that Brad received in Yetta Dhinnakkal, which he said he valued highly, concentrated on issues such as getting up in time for work, but did not impart skills to deal with (non-Indigenous) co-workers, superiors, knowledge of rights at work and the importance of building a good employment record. He did not receive the sort of social skills coaching,

which Kyle reported having received in 'rehab' and which was so vital to his stable employment.

At the flour mill and the automotive business, Brad walked away, and in the shearing situation he exercised what power he had (that of timing and surprise) to potentially harm or 'get even with' his boss. Whether these events were due to his lack of communication skills and/or self-belief or whether he was deliberately removing himself from a situation of unequal power (possibly as an act of resistance, or because he did not care enough about work to put up with the situation, or both) the effect was the same on the maintenance of his desistance.[213] Not being in work meant he started attending parties more frequently and drinking more. This is how he ended up in a fight and back in gaol after four years since release with no offences.

Employment is important to both young men but not because of the money. Noel contributes to the household income by hunting, fishing and raising livestock and is fully occupied in childcare. He craves work for himself and he wants his children to know that he has worked. Caring for children certainly keeps him busy in the same sort of way that a job would, but does not fully deliver the identity he craves. Except for a brief period of CDEP employment, Noel's ability to thrive in the workplace has not yet been tested, whereas Brad is one of the few participants who has a non-CDEP role with a non-Aboriginal organisation.

Brad appears to have a good work ethic and was certainly valued by his automotive employer. His inability or unwillingness to cope with workplace conflict led to a setback in his desistance project after four years.

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[213] Indeed it may be because he had strong belief in himself and a belief (based in experience) that in a situation of unequal power he would not be listened to, that he took this action.

Different partner – different values? Noel's and Brad's partners

While their employment histories contribute differently to their maintenance of desistance, another major difference between Noel and Brad is in the orientation of their partners. It must be noted that both Noel and Brad would put having children well ahead of spouse in reasons for desisting. Savanna independently confirmed that this was Noel's motivation.

Noel and Alanna

I asked about Noel and Alanna's relationship and the partner's role in desistance. Noel said the relationship was good and emphasised the importance of the children, but it is clear that Alanna has a continuing influence. Noel paints his and Alanna's relationship as "happy go lucky" emphasising their independence from each other

> *… We just cruise along. She do what she do, I do what I do. You know just kick along. No rows, no fights. We just do our own thing – and everything is happy. I look after the kids while she is at work, you know. …*
>
> *I reckon the kids have changed my life – honestly. 'Lanna, she has never used drugs and that – she don't even smoke.*

The influence of Alanna's family's values and her family members is clear. Both Alanna's parents are Aboriginal and they have very different values from Noel's and Brad's family. Her parents are now separated. Her father is a property owner and businessman. When Noel and Alanna were both present I asked whether moving from Widetown when she was pregnant had helped Noel 'stay out of trouble'. Alanna said:

> *Yeah. Negativity breeds negativity I suppose. And just his little social network was just – you wouldn't give 'em a bed 'alf of 'em that he was hangin' around with – when I first met him anyway.[214] But he quickly changed. Oh*

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[214] Not being prepared to give someone a bed is very strong condemnation in Aboriginal terms and/or could be evidence of values different to those normally held by Aboriginal people.

well, he had to change living with my mother, … she doesn't put up with any crap. So we lived with her and he changed. We changed and had Jaden in 2005 … And then Jaden was 5 months and I fell pregnant again and I had Mark and I had him the next year – and then I started training to be a [semi-professional worker], and he was a full-time dad and he still does – a very good job of it..

… I mean I might have been a little bit influential on Noel but he done most of it.

Alanna recognises that their two families have different values and she acts as a coach for Noel, repeatedly making suggestions about how to deal with the children and commenting on his attitudes. The condition of their house and garden is in contrast to most of their neighbours (all Aboriginal houses occupied by Noel's kin.) On the several occasions I called or passed by, the garden was always neat and lawns mowed. The veranda was clear and regularly hosed down.

I asked about whether, when they moved back to Widetown, there were problems with Noel getting back in with the same 'mob' as before. Alanna said:

Not so much that, but his family dynamics are a lot different to mine. And as much as he is close to his family and I am close to mine – it is a lot different. They function a lot different.

Her parents are well respected (her father is an active Christian), while his mother has been an alcoholic and all of his many cousins except one have been incarcerated more than once and many continue to be. They had very different upbringings. Alanna talks about the strong hold that Noel's mother has over all her children although she comments that his mother did not bother to exert this influence when Noel and Brad were young and their father had died.

Noel and Alanna expected to stay in Widetown only until the end of the current year when they plan to move to Newcastle where Alanna's mother now lives. Alanna says that when they leave they will never be coming back.

> *Noel: It is not a place for the little kids to grow up you know.*
>
> *Alanna: Like as much as Widetown is a thriving little town, it is with Indigenous and non-Indigenous low socio economic. Just terrible. People struggle to live from week to week here in Widetown. You pay three dollars for one lemon sometimes.*
>
> *Alanna: Like it is just a pattern – like a cycle in Widetown you know. Like your parents live off Centrelink benefits so you live off Centrelink benefits. The kids might show initiative at school and that, but when they hit 16, you know their parents say 'Oh well if you don't want to go to Year 11 and 12, don't. Stay home.' They are not very much encouraged to, you know.*

After they moved back to Widetown from Alanna's mother's home (then in another town in the central west), Alanna was concerned.

> *… Noel slowly crept back into the Widetown lifestyle, you know, not much motivation. And then last year [2009] I said 'You need to do somethin' and he went and done that mining course at TAFE. …*
>
> *So he was slowly sinkin' back into it, but he woke up to reality and realised it is not about anyone else, it is about his own family now and he has his own family now. Cause I was frightened that he was goin' to fall back into it – like drinkin' with his mates – and fightin' and carryin' on – but he never.*

Alanna agrees with Noel about the importance of the children in his motivation and decision and in her reporting of what others say, but her own presence is clearly an important factor in his maintaining his desistance.

> **What do you think were the most important things….**
>
> *Just the fact that he was going to become a father and he lost his father at a young age and he sort of wanted to be a role model that he wasn't shown I suppose. It is not as though he takes the kids and teaches them how to steal a car or you know – and like he never will – doesn't want the kids exposed to that sort of stuff. Everyone you meet on the street, like if you ask them about Noel they say 'Hoh! he has changed. He has changed. He is quiet'. 'No, we won't go and get him for a drink, his woman will say no'. [She laughs] It is funny.*

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While her comment underlines the fact that Noel was motivated by wanting to be a role model for his children, it also points to her essential role in the maintenance of his desistance.

Brad and Savanna

Brad's partner is very different from Noel's partner. Savanna's house is clean and tidy and she seems a caring and devoted mother and I was surprised to discover that she had had two children before her relationship with Brad and that these children were with her mother in Dubbo. They moved there (aged five and six years) after Savanna 'got together' with Brad. Savanna said that she could not look after them but her mother says that it was because Brad did not want another man's children around, reportedly a common reason for Aboriginal women in the area to give children into their grandmothers care (see also Kitaoji 1976: 1-8). Savanna's mother criticised her for giving up her children and for not being able to 'control' Brad. Savanna's mother's expectation that she might control Brad seems at odds with Macdonald's (1986) picture of equality and autonomy in partnerships (see earlier). I asked Savanna's mother if she was surprised that Savanna gave up the children.

> *I was. I was shocked. Because she turned around and wanted to have more. Didn't want two and then you have more. It is not on! Why have more when you didn't want two? I suppose that is the way they go now. Well, she had a contraceptive thing in her arm - got taken out and she had the one, then she had another one. And she never goin' to tie her partner down and keep him out of trouble. Got to work on the relationship before you bring the kids into it.*

In 2007 (when Brad was 23 and they had three children) Savanna assaulted her brother; she stabbed him when she was drunk. She received an 18 month bond under which she could not consume alcohol. This was not her only assault charge but was her most serious. It was while she was on this bond that Brad got the job at the automotive business. Savanna's bond came to an end in July 2009, a month or two before Brad left his job.

Savanna's family experiences and values are similar to Brad's own family experiences and values, whereas Noels' partner Alanna's family experience is very different. Savanna is in fact Brad's cousin (Brad's mother's mother is the sister of Savanna's father's mother i.e. MMZSD). Although her family is from 'in town' rather than from the reserve, her father and most of her father's male siblings have been to gaol, several of them many times although at least one of her aunties (FZ) prides herself on being a pillar of the community. Savanna's parents are separated and her mother lives in a household in Dubbo immediately next door to a house occupied by Savanna's mother's close relatives.[215] This house was pointed out to me by a community member as being "full of drug addicts – a drug house".

Brad and Savanna had arranged for Brad to be 'sole parent' of one of the children, in order to obtain the sole parent payment, accomplished by having separate residential addresses, despite the fact that they were actually living together. This arrangement was in place when I first interviewed Brad when he was employed. It was during my gaol visit with him that he volunteered the information that he had been acting as 'sole parent', by which time the arrangement had ceased. When I asked him about whether he has been worried about someone finding out he was not living separately he said: "They never check your residential address unless someone dobs you in" and "Who is going to do that?" Brad spoke about this arrangement as though it were a normal thing to do and at least two other men I interviewed, who had otherwise ceased offending, had a similar arrangement.[216]

While Savanna expressed pride in how well Brad was doing when I first spoke with her in 2009, she did not seem too distressed by his being in gaol in 2010, despite the impending birth of their fourth child. She was kept busy with travelling to see him every week. Savanna was with him at the party when he got drunk and

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[215] Savanna's mother was one of 14 children

[216] This sort of activity among desisters underlines the fact that "there may not be [only] one end point of criminality" (Bottoms *et al.* 2004:384).

although she said that he only hit the girl in self-defence after she hit him with a bottle, she was not prepared to be a witness for him, saying that she was "sick of going to court", referring I think to her experience of her own charge and bond.[217] Her attitude, however, was very fatalistic. It was as though she accepted Brad's return to gaol as normal, or to be expected and accepted. Alanna, on the other hand, had very different expectations of Noel.

Noel and Brad

The case of the two brothers allows an examination of the role of work and marriage in the maintenance of desistance and of the differential importance of these structures in the presence of low levels of capacity. In the interplay between these institutions and the capacity and agency of the players, the importance of family values and orientation becomes clear. Noel's case illustrates how family values and the orientation of the life partner (or other external influences) can bolster, or insulate against, a shortfall in capacity. The role of Alanna and her family as resocialisation agents for Noel is clearly significant. In Brad's case, while strong bonds exist with his life partner and children, her influence does not seem to support his desistance, especially in the absence of employment.

Discussion

Capacity, chance events and socialisation

Both Mick and Kyle have considerable personal capacity to act. Had certain chance events not occurred or opportunities not arisen, neither may have been able to maintain their desistance. Both discovered opportunities through their Aboriginal kin networks, or what some might call 'bonding capital' (Halpern

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[217] It may be that she was afraid that if she appeared in court she would be asked if she had been drinking again. Going to court may have brought back the previous experience and this may have been too shameful an experience or she may not have wanted to draw attention to their relationship, given their claiming of the sole parent benefit. It is also possible that Savanna's relationship to the girl who was assaulted meant it was not appropriate for her to give evidence on behalf of Brad.

2005). They were both then able to exercise agency to pursue opportunities. Most of Mick's capacity arose from his innate intelligence, his early schooling and his early socialisation. In order to pursue his study and employment he was able to draw on his knowledge of others in his family who had pursued tertiary qualifications and white-collar work. He had first-hand knowledge of these models of work and study.[218] The strength of his initial motivational vision drove him forward and the continued renewal of motivation through his children contributed to its maintenance. Support from his partner and kin were a significant help.

Similarly, Kyle's capacity, came from his own intelligence and application, from the coaching he received in drug rehabilitation and from his family support, especially from his grandmother (FM), 'Mum' (FZ) and cousins (FZD and FZS), as well as his network of AA contacts. Ironically it was this network of new contacts, who were not tolerated by his partner, which led to the break-up of his long standing relationship four years after rehabilitation. He had models for tertiary educated and hardworking kin upon which to draw. His apprenticeship opportunity came via a cousin.

In the case of Noel, while part of his desire for a 'proper job' seems to come from his father's early influence, he had much less capacity than Mick and Kyle. He had virtually no high school education and is barely literate. During his last incarceration Noel decided that he was "sick of being locked up" and just after his release he met Alanna and she became pregnant. Alanna and her family, especially her mother, filled some of the gaps in his socialisation, re-habituating him, installing in him a new 'habitus' (one that has immediate effect, not just an effect on future generations) (Strauss 1992:9; Holland *et al.* 1998:45). His childminding duties kept him occupied and Alanna's earning capacity supported them.

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[218] This illustrates an *iterational* aspect of agency that he incorporated into his *projective* agency (Emirbayer & Mische 1998).

Brad, who had even less capacity than Noel (being a year younger when his father died and with even less education), made use of the training he had received in gaol and the immediate post-release support he received. He was employed (albeit in several different jobs) for most of four years. He was praised for doing well by many people. Work supported his desistance, keeping him busy and away from drinking, and bolstering his self image. It was a 'lucky break' or chance event that he got the job in the automotive business but he very nearly did not take it up because he did not believe it to be a true job offer. Savanna's being on an 18 month good behaviour bond (and banned from alcohol) while he was working at the automotive business probably also helped. Savanna did not seem to have the awareness, inclination or capacity to support Brad in the way that Alanna did Noel.

These cases demonstrate how as "[a]s people change they need new skills and capacities appropriate to their new lifestyle, and access to opportunities to use them", an understanding that is important for post-release policy and practice (Maguire & Raynor 2006:25). Mick and Kyle maintained their desistance through gaining necessary skills using their agency, capacity and social networks. On the other hand, without additional workplace communication skills Brad's desistance project suffered a setback. The absence of work in the context of low levels of capacity and spousal support, meant the absence of social control.

Family support

While many participants regretted not being able to attend sickbeds and funerals while incarcerated, only one man (Randall, a cousin (MZS) of Noel and Brad) missed his family and extended kin to such an extent it formed the main motivation for staying out of gaol. For some participants, parents and (usually older) extended family were important in cajoling initiation of desistance by adding pressure or support (as in the case of Kyle) and kin were just as important in maintenance of desistance. Their aid was sometimes practical, such as

assistance with access to detoxification services or providing information about study or work opportunities, and sometimes it was a more subtle form of support.

The level of support that Mick and Kyle received and continue to receive is high. It is not an overt sort of support, but a regular checking in and reassurance, more like a 'watchful eye' and reassurance that support is there if it is wanted, needed or asked for. It is the sort of support that respects Mick and Kyle's autonomy. In both these cases family members have considerable capacity and social capital.

Noel had no real support from his consanguineal kin. Indeed, many of these kin could be described as a danger to his project, although his mother and several of her sisters are full of praise for him. On the other hand he had ongoing support from Alanna's family. Brad may have been assisted in gaining his shearing qualification and work via networks of his father, accessed through his mother, although this is not clear. Some of his and Savanna's extended families are more likely to be a danger than a support.

Extended family, especially parents and older family members, have the potential to have an important stabilising influence on individuals and partnerships, especially if family members have capacity, resources and attitudes appropriate to the reform project. Alternatively, family members may present a risk. This is especially true of peer-cousins, an issue discussed further in chapter 7.

Agency, equality and strong women in partnership

In the light of Macdonald's characterisation of marriages being equal partnerships between two fully autonomous people, the frequency of apparently strong women among the partners of desisters should be explored. In chapter 5 we saw a number of women who played a strong role in supporting their partners and influencing them to keep away from alcohol, drugs, or 'drinking-mates' and cousins. In many cases their partners (for instance Darryl, Ricky, and Noel) also shouldered most of the child care. The coincidence and combination of the men's motivation to 'stay

out of trouble' because of their children, their better educated and/or more employable partners, their own poor employment prospects, and the fact that caring for children keeps the men occupied, all contribute to them doing well.

In Noel and Alanna's case we are able to look more closely at this relationship, which Noel characterises as a fairly equal partnership.

> *She do what she do. I do what I do. No rows, no fights. We just do our own thing.*

It is clear, however, that Alanna is constantly resocialising Noel, and that his friends and cousins recognise that he will not be 'allowed' to go for a drink so they no longer invite him. It is possible that their relationship is less equal than some relationships observed by Macdonald, but it may be that it suits Noel that his friends and cousins believe that Alanna is in control, as it removes Noel's need to fulfil obligations he feels but does not want to fulfil because doing so might interfere with his project. He certainly does not give the appearance of being 'hen pecked'. Noel and Alanna seem to have a strong common understanding of the future that they want. To the extent that Alanna exercises 'social controls', Noel is an active partner.

Noel and Alanna's relationship and their proposed move to Newcastle may be privileging a quite 'secular'[219] approach to relationships, that is, valuing their spousal relationship over their kin obligations (characterised by Macdonald as a hallmark of mainstream (western), rather than Aboriginal marriage (1986:231)), but it may also be a result of Alanna following consanguineal (Alanna's maternal) links. It may be just a happy coincidence that Alanna's mother now lives where they hope there may be work for Noel. If they are following work, then having an immediate housing option with Alanna's mother would be attractive, if not

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[219] I use the term 'secular' to mean non-customary, (Peterson 2010, and see also; Macdonald 2011).

essential. The main motivation, however, seems to be to get away from Widetown, from "its ways", its lack of opportunity, and possibly also from Noel's family and their influence. Of course, given the strong links between families in Widetown and Newcastle, it is likely that Noel will also have family there. It seems that in his active participation in partnership with Alanna, Noel agentially supports his desistance.

Brad and Savanna seem to share a strong attachment and a fairly equal partnership, in which each appears autonomous. They also share an expectation that things will 'go wrong'. This is not a pessimistic attitude but more an acquiescence in what they see as normal. Brad's capacity may be equal to Noel's: he has been employed regularly, although his most recent and most promising role was one he almost 'fell into' rather than sought out by his own agency. It is possible that the influence of his relationship with Savanna is working in a different direction than Alanna's. Savanna's mother, speaking about her giving up her two eldest children, said

> *I don't really know what happened. When she had [oldest boy], she was a good little mother. [Indicating a formal, studio photo of Savanna, her young brother and Savanna's first son]. She was fussy and when she met Brad she changed. When I picked the children up they were living in tents. She was responsible when she had [oldest boy] and changed when she met Brad. Don't know if it is because he is younger. Don't know why she went that way. Must have thought Brad was more important.*

Savanna may neither *want* nor be *able* to exert influence in the way that Alanna can. When the boss at the automotive business wanted to make Brad a foreman, Brad was not interested because of his lack of computer skills and an underlying lack of literacy. Savanna had suggested that he should go to TAFE, but she said he had not been interested. This is in contrast to Alanna having told Noel "to pull his finger out" and go and do some courses at TAFE, which he did. Savanna may not have tried as hard as Alanna would. It is also possible that the difference between Savanna and Alanna is one of class and education (Willis 1977) or of Alanna and Savanna having different views of partnership. It is possible that in this instance it

was not Savanna's want of trying, but Brad's attitude. Brad's experience has been that he learns well by hands-on learning, essential given his lack of literacy. Brad places quite a high value on his self-worth, and attending TAFE would be admitting his illiteracy and a shameful experience. It would not sit comfortably with his self-image. Savanna's reluctance to push harder may have been out of respect for Brad's autonomy.

When things go right in the intercultural world, both Brad and Savanna express great pride; when things go wrong or do not happen, they shrug their shoulders.[220] Their expectations place limits on the moves they make. Attitudes and opportunities in Widetown contribute to this expectation, what Alanna would call "Widetown ways". Brad and Savanna seem to be unable to muster sufficient agency to consistently use the capacity they have, to overcome barriers which arise (Giordano *et al.* 2002:1054). Their 'marital' attachment seems strong but does not seem to provide the sorts of supports that Laub and Sampson (2003) might expect.

Role of work in maintenance

The structural institution of work can perform a social control role in desistance thorough the imposition of routine and the creation of social bonds (Laub & Sampson 2001:46-9). Work may also contribute to identity development (Maruna 2001). For Mick and Kyle, work is important to who they are, to their successful selves and to what they want to do with their futures. It is not just 'having something to do', although that is important. While it was not a motivation it has become important to the maintenance of their desistance.

Noel and his brother also aspire to work, although neither was motivated to initiate desistance by a desire to work. Noel wants a "job job" rather than doing home

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[220] Savanna said that when Brad was charged with the earlier assault offence (when he was 18), despite the fact that there were lots of witnesses Brad did not want to bother fighting the charge. For the most recent charge (when he was 25) she did not want to act as witness, being "sick of court".

duties only. He sees it as part of adulthood, part of the image of himself he wants to impart to his children, and something he wants to experience. He did not mention money as a reason for seeking work, although he would like his children to know that he had provided for them. Brad has a similar regard for work. Work is important to them in maintaining their desistance. The relationship between work, identity and generativity is explored more fully in chapter 7.

Many of the participants in this study were unemployed. As well as the barriers that being an ex-criminal may present, there are barriers to overcome in negotiating the (normally) intercultural space of the workplace. For some participants, these difficulties seem similar to difficulties experienced at school and with the law: a combination of poor language competence (Clegg *et al.* 2009; Snow & Powell 2012) and poor intercultural language competence (Eades 2000). With the exception of three participants, all others were either unemployed (including some on Work for the Dole schemes), involved exclusively on home duties, or were employed in Aboriginal organisations.

Kyle is one of only three participants working in a mainstream business or organisation. Unlike Brad, Kyle seems very comfortable in an intercultural space. He credits the resocialisation he underwent in drug rehabilitation with giving him the skills to "have a normal conversation" and "keep a job". The second participant who holds a job in a mainstream organisation works for a local council in a small town in which fifty percent of the population is Aboriginal, and he has many Aboriginal workmates. Brad is the third participant who had been working in a mainstream industry where he was the only Aboriginal staff member. Brad's aspiration to work was not motivated by money so much as a desire for recognition and to emulate his father. He seems to be talented in the automotive field but he lacked workplace communication skills and capacity. He experienced difficulty in the intercultural space of work. While he had a job the routine kept him from drinking, but his employment experience was not the sort of structural

support it might have been, had he had the capacity to deal with workplace situations.

Brad had had four jobs and despite his pride in his work had walked away from several. Possible explanations for this include:

- He lacked communication skills and/or the right language or meta language for the workplace or an intercultural situation in which there was unequal power

- He preferred to remove himself from situations of unequal power, especially if his autonomy was challenged

- He was engaging in acts of resistance to authority (of the boss or to the dominant culture embodied by the boss)

- He did not care enough about work (or income) to put up with what he saw as unfair treatment

- He had a lack of self-belief or a belief, learnt from experience, that he would be tricked or treated unfairly. Indeed it may be that he had a strong belief in himself and an accompanying belief based in experience that he would not be listened to in a situation of unequal power.

Aspects of all of these explanations could be true. An explanation that accords with his work ethic, his pride in his work, and his apparent self-doubt (or at least his expectation of poor treatment) would be that his strong sense of autonomy, and an accompanying desire to avoid 'shame' or an affront to his autonomy, when combined with his poorly developed communication skills, meant his only option was to walk away. It is significant that Brad does not seem to be motivated by a desire for financial independence but by a need for personal autonomy, valuing the latter above the former.

His experience was of inarticulate autonomy in an unequal power situation and in the context of anticipated racist unfairness. Walking away from the job may have affected him much more deeply than the removal of the more mechanical effect of work and routine activity, although this contributed to him getting into trouble.

Other participants such as Allan seemed to have had similar troubles, not getting on with workmates and being unable to negotiate about the situation with those in authority.[221]

Noel has never had a job. It is unknown whether he will experience the same sorts of difficulties in the workplace as his brother.

Relationship between motivation and maintenance

A strong original, initiating motivation may continue to operate well into the future, although it is likely that motivations will change and develop with time. Where a partnership has been the primary motivation, the arrival of children can add another layer of motivation. Ongoing involvement in the care of children can support the motivation by keeping a father occupied, as can employment. Care of children can be especially critical if a man is unemployed, as was seen in several cases where women worked and men minded the children.

Most of the desisters I interviewed did not have a long-term strategy or set of goals in the way that Mick had. Initiating motivations were at once quite immediate and also long lasting. Deeply internalised schemas (such as *fatherhood*) which engage both minds and emotions are likely to be motivating. (D'Andrade 1992b:37). Once initial goals (e.g. to 'stay out of gaol', and/or 'to be with the children') are achieved, the schemas do not disappear but continue to operate. Other short or longer term goals may develop which are consistent with and support the underlying motivating schema. This is the case for Noel who, supported by Alanna, has a new goal of gaining employment. He wants his children to know that he has worked, as his father had. To achieve this, the family will relocate to

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[221] The phenomenon is very similar to stories of others confrontations at school (usually leading to suspension or expulsion). "They did not like me speaking up" or "I didn't get on with some kids."

Newcastle. Life partnership and fatherhood remain the original and underlying motivation.

Kyle's initial motivation to avoid gaol and then to fulfil his role as father translated into permanence in a more or less seamless way, because of his good fortune in gaining admittance to the training program, gaining an apprenticeship almost immediately upon coming out of his rehabilitation program, and this quickly translating into a job. For Mick, the process was not so seamless. He admits to coming close to giving up, first before he found the course that he could do and then during the nearly two years it took him to find a job that would use his qualification. In Mick's case, however, his long-term goal-setting stood him in good stead. When he did his initial decision-making, he saw the long-term steps in his journey: first to give up drugs then have children, get a job, and buy a house. He is still working his way through that list.

In the absence of adequate support and resources, Brad's motivation has not been enough to keep him 'out of trouble' but he is still motivated by the same schemas as he was originally, *fatherhood, partnership* and *being free*. He does not consider himself to have stopped trying to 'stay out of trouble'. Giordano (2002:1002 n5) cites George Herbert Mead (1913:378) in arguing that while the 'new self' is not likely to appear at the outset, identity formation and/or reformation is in process from the beginning and continues throughout. Brad may still be on that journey.

Threats to maintenance

For Mick, possibly one of the greatest threats to his maintaining desistance was when he had to return from rehabilitation before he had fully completed the program, in order to keep his Housing Commission house. Despite the risk, a risk he succumbed to for a time, he may have judged correctly that being completely 'clean' (drug free) but homeless, was a quicker route to full relapse than being newly 'clean' (although unconsolidated) and having somewhere to live. The

importance of housing to successful maintenance of desistance has been a feature of several stories (see for instance Ray and Aethan).

Kyle has nearly found himself back in gaol. He broke up with his partner, the mother of his children, as she apparently could not cope with his new independent self or his new network of (AA) friends.[222] He left because he thought that if he stayed he would end up drinking and back on drugs. She did not want him to leave and would not leave him alone. On a public street but with no witnesses, an altercation occurred and Kyle pushed her and she fell over. She brought an assault charge against him, wanting him in gaol. She was trying to maintain her position in relation to him but his new self had outgrown her. He was in great jeopardy of ending up back in gaol given his past record, but because of his excellent recent achievements he received a bond. Having a criminal record presents an ever present risk to the desistance project and one that can be taken advantage of by others.

Different values

The contrast of the different orientations of Noel and Brad's spouses and the impact on their desistance was striking and bears strong witness to the prediction of Giordano *et al.* regarding the impact of the variation in the prosocial orientation of female partners of male desisters (2002:1056).

It is clear from other cases that even where the person who is actively desisting has significant capacity and motivation, and the support of a spouse, family values that are not aligned with the participant's reform project can increase the degree of difficulty of staying on track. This is especially relevant to the way in which

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[222] This is a phenomenon reported in the literature. Giordano *et al.* point out that while identity transformation and control mechanism can occur together, a 'replacement self' may be stronger that the control factor (2002:1002).

Aboriginal desisters manage relationships with their peers, who are usually their cousins – an issue that will be explored in chapter 7.

Concluding comment

These case studies demonstrate that contingency and capacity are particularly important in maintaining desistance and that socialisation and kin networks can help determine or bolster capacity. Mick and Kyle had capacity and were able to take advantage of chance events. Noel's meeting of Alanna (the right person at the right time) was serendipitous. Brad's chance encounter with his future employer was also serendipitous and his taking advantage of the offer undoubtedly played a role in his desistance for some time. He was unable to capitalise on it in the long-term. Skills and capacities without opportunities are unlikely to be sufficient. Opportunities without motivation, capacities or appropriate skills are likely to fade away.

While 'marriage', children and work are important in desistance, where the desister's levels of skill or capacity are low or lacking, the orientation of partners, extended family and others becomes critical in participants being able to take advantage of opportunities. The role of partners and kin in supporting and resocialising participants can make a vital difference to the progress and maintenance of desistance. Agency without capacity and/or an extrinsic source of support may not be enough.

These cases also illustrate some of the complexity of the desistance process for Aboriginal participants. No small part of the complexity is due to the nature of Aboriginal sociality and the location of the players in their family networks.

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Chapter 7.   Identity, change and conformity

In this chapter I examine the role of identity and in particular the role and relative importance of Aboriginality in desistance projects. I examine improvisation in the articulation and evolution of identity and the interaction between identity and generativity.[223]

Models of the desistance process usually include some change from an 'offender identity', or someone comfortable with a deviant lifestyle, to a 'conventional' or 'prosocial' identity, or someone for whom a deviant lifestyle is no longer acceptable (see for instance Giordano *et al.* 2002). While some authors link identity change to generative pursuits and a shift towards a higher moral purpose (Maruna 2001), others adopt the terminology of "a crime-free identity" (Bottoms & Shapland 2011) because they find that at the very beginning of their desistance journey, many offenders hold views (or goals) that are by and large 'conformist' or 'ordinary' (Shapland & Bottoms 2007:911-13; Farrall *et al.* 2010:547).

In this chapter I argue that links to former identity, both Aboriginal identity and 'repeat offender' identity, are important in the development of a 'crime-free identity'. Continuing these links while re-forming an identity requires agency and innovation. Paradoxically, maintaining continuity of aspects of identity is necessary for change. Continuity of identity is evident amongst study participants whose full- or part-time occupation is working with Aboriginal repeat offenders or potential offenders. For some, links with Aboriginality are enhanced by their employment with Aboriginal community organisations, even as they limit or alter relationships with kin. For others, living in a community where more than 50% of the population is Aboriginal maintains these links. The role of Aboriginal

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[223] *Generativity,* (discussed in chapter 2) is a term coined by Erickson (1968:141) and used by Maruna (2001:99), implies an orientation to the future, an enactment of intentions, and possibly a commitment to something 'bigger than oneself' or which will outlast oneself. In this context it encompasses the roles and or pursuits people take on in their desistance.

socialisation to autonomy and the moral ontology of relatedness are relevant to identity development. This chapter examines the relative importance of Aboriginal as opposed to re-offender identity in re-formation, and the role of generative pursuits in the process.

Identity impacts upon the reasons people initiate desistance and particularly upon the sort of future they *projectively* envisage in their decision and *vice versa*. As we saw in the initiation of desistance (chapter 5) there is a close link between *projectivity* and *iteration*, in that people often draw on their past socialisation (an *iterational* move) to form at least part of their future vision, which they bring to their decision-making (*practical-evaluation*).[224] Identity is not static, it develops and changes. Identity answers the question 'who am I?' and it does this in relation to others (Holland *et al.* 1998:4; Maruna 2001:40; Vaughan 2007:394). Chapter 5 touched on how, for some actors, a change in their perceived role affected identity. I now examine in more detail the role of identity in desistance, participants' choice of pursuits and the role of these pursuits in identity change. As actors emerge from a life of chronic offence, apparently changed identities can also emerge.

This chapter examines the interrelationship between the two aspects of identity – Aboriginality and re-offender identity. Aboriginal repeat offenders are Aboriginal first and offenders second.[225] Their identity as offenders is not equivalent to non-Aboriginal 'repeat offender' identity; it therefore seems likely that their re-formed identity may be different to that of non-Aboriginal ex-offenders.

Factors influencing identity re-formation such as: the length of the criminal career; early experience of sociality; the values, orientation and support of a partner; and

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[224] Sometimes participants report trying to protect their children from having the sorts of experience they had to deal with themselves (Dean for instance) and/or trying to emulate models they have seen in their own families (grandmothers or aunties perhaps) or others around them. See also Hughes (1998:146) who postulates that because of their traumatic experience, the young men in her study 'sensed the critical importance of a healthy childhood.'

[225] That is, Aboriginal is their 'master' identity (Braithwaite 1989).

opportunities for *self authoring* via responses to expressions of generativity, all occur within the context of Aboriginality and responses to these factors are governed by Aboriginal values. Options for *generativity* are themselves dependent upon opportunity, capacity and inclination. To understand changed or re-formed identity, it is necessary to understand original identity.

Identity

In examining the role of identity in desistance among Aboriginal participants I use the approach adopted by Holland *et al*. (1998) to identity formation in figured or cultural worlds. In these worlds people learn 'the rules' and acquire 'position' at the same time as helping reproduce those worlds (see chapter 2). These figured worlds (such as academia, romance and Alcoholics Anonymous) are "peopled by characters from collective imaginings" (1998:49).

> Identity is a concept that figuratively combines the intimate or personal world with the collective space of cultural forms and social relations … [I]dentities are lived in and through activity and so must be conceptualized as they develop in social practice. But we are also interested in identities as psychohistorical formations that develop over a person's lifetime, populating intimate terrain and motivating social life. Identities are a key means through which people care about and care for what is going on around them. They are important bases from which people create new activities, new worlds, and new ways of being (1998:5).

> One's history-in-person is the sediment from past experiences upon which one improvises, using the cultural resources available. In response to the subject positions afforded one in the present. … Improvisation can become the basis for a reformed subjectivity. (1998:18)

Major, structurally-produced identities, such as race, ethnicity, gender and nationality, are said to act as a base for the development of more fluid and composite identities, formed in response to social forces such as those encountered in figured worlds (Holland *et al.* 1998:7). Identities of Aboriginal repeat offenders are formed by socialisation within the local Aboriginal world and by socialisation

within the figured world of Aboriginal 'repeat offender'. The relationship between the underlying identity of Aboriginality and other aspects of identity is central to the current analysis.

People are simultaneously 'malleable and changeable', in particular, subject to 'discursive powers' and demonstrating agency through capacity and generativity, imagining, and creating new ways of being (Holland *et al.* 1998). Holland *et al.* develop the Foucauldian position that discourse shapes the self (Foucault 1991): that "selves are socially constructed through the mediation of powerful discourses and their artifacts — tax forms, census categories, curriculum vitae, and the like" (1998:26) or, in this case, the artefacts of the justice system, such as the criminal record.

There are three aspects of identity formation which Holland *et al*. regard as important in figured worlds: *positionality*, *self authoring* and *play acting*.

Positionality

> Positional identities have to do with the day-to-day and on the ground relations of power, deference and entitlement, social affiliation and distance—with the social-interactional, social-relational structures of the lived world. ... Positional identity … is a person's apprehension of her social position in a lived world: that is, depending on the others present, of her greater or lesser access to spaces, activities, genres, and, through those genres, authoritative voices or any voice at all (Holland *et al.* 1998:127-8).

Claims to social position (i.e. social relationships with others) are signalled by such things as dialect, deeds, places we go, clothes, emotions we express and degree of formality. Three key points made about position by Holland *et al*. are: discourses and other social artefacts construct subjects and subject positions (1998:133);[226] "[s]ocial positions … become dispositions through articulation in,

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[226] The most powerful example of this is provided by Holland *et al*. (1998:133) in a quote from Connell (1987:140) "I 'gender' you, you 'gender' me". An alternate example could be 'I race you, you race me' (see also Povinelli 2002 in relation to Aboriginality).

identification with, and development of expertise within the figured world" (Holland *et al.* 1998:136); positional or relational identities develop heuristically over time (1998:137)

The construction of position through discourse is critical to the formation of identity as 'repeat offender' and also to the alteration or moving away from that position. Indeed we will see (in the public linking of these positions by respected others, and in other ways) how the proximity of former positions to new positions can contribute to or may be linked to new positions.

Self authorship

People's identities are formed in response to surrounding discourse but also have a *self authoring* aspect.[227] In chapter 5 we saw how a number of participants engaged self-discourse in the process of making the decision to stay out of gaol. Comments such as "I thought to myself, late at night"; "I talked to myself, not just once but lots of times", are indications of this sort of self-discourse. In this way people direct their own actions and influence their own identity (Emirbayer & Mische 1998:974; Holland *et al.* 1998:173).

Selves are also authored by cultural resources, such as the telling of stories or agents putting themselves into texts. For example, the act of telling their story to me was a *self authoring* act for participants, consolidating their view of themselves as 'going good' and 'doing well'. (See also Maruna 2001 regarding the role of 'redemptive scripts' for his sample.)

Identities are also formed as a result of seeing oneself from the outside, a process known as *objectification* or *outsideness,* that is, the way we see our selves in terms of the other (Holland *et al.* 1998:4-5, 142-3, see also Cooley 1902 for an early use of this concept). For some people this is a more powerful aspect of identity

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[227] "The self is the space from which persons view or sense the world and reflect upon it" (Holland *et al.* 1998:289).

formation than *position*; the two in combination can be very powerful. In the 'good policeman' phenomenon experienced by Allan, and other examples of third party intervention in chapter 5 (e.g. brief interventions), we saw a feature of Bakhtinian *self authoring* (Bakhtin 1981) stressed by Holland *et al.*, in which the subject, responding to the words of others, informs his world.[228] The subject represents himself to himself from the vantage point of others, or "[t]he authoring comes from the I, but the words come from collective experience" (Holland *et al.* 1998:171-4).

Making worlds – play and acting.

The third aspect of identity formation, *play and acting,* is equally important to the formation of individual identity and the making of new figured worlds. *Play and acting* are important for two reasons. Firstly, "the social practices of 'acting otherwise' become the grounds for our 'thinking otherwise'" (Holland *et al.* 1998:236) and in the words of Victor Turner (1982), quoted by Hastrup (1995:78): "One learns through performing, then performs the understandings so gained". People who decide to *go straight* or stop offending often have little or no experience of doing this. Acting *straight* (i.e. not offending), especially under tutelage of a strong partner, can become the basis for development of changed attitudes (see for instance Noel and Alanna, chapter 6 and below).

Secondly, studies of performance also make the point that acting requires the capacity to imagine other social scenes (that is, in the terms of Emirbayer and Mische (1998) *projectivity*, an essential part of agency) and Hastrup (1995:78) describes how, although performance is learned and requires training (*socialisation),* performances will only ever be successful if the actor maintains

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[228] "The self is a position from which meaning is made, a position that is 'addressed' by and 'answers' others and the 'world'…In answering (which is the stuff of existence), the self 'authors' the world—including itself and others." (Holland *et al.* 1998:173)

continuity with the self. Connections between earlier and later identities are common in participants' stories.[229]

The relationship between the importance of *position*, *self authoring* and *acting* are illustrated in the contention put by Holland *et al.* that in acting a role, people are "inhabited by discourse" so that "the instituted relations of the practice are disseminated 'within'" (1998:237). Separation of the aspects of identity into *positionality, self authoring* and *acting* is heuristically useful. When these aspects combine, strong effects are evident, as will become clear.

Aboriginality and 'repeat offender' status

In this section I will briefly explain the various meanings of Aboriginality at the levels of nation, region, language and self and then focus on the meaning of Aboriginality at the level of self, explaining the concept of kinship and the interplay between autonomy and relatedness. I will finally explore the values that underlie and spring from the concept of relatedness and the impact of these values on the behaviour and responses of participants.

Aboriginality

Aboriginality (defined in chapter 3), is experienced differently by different people depending upon their circumstances and the context of its expression. In a manner similar to an 'imagined community' of nationality (Holland *et al.* 1998: 49) there is an 'imagined community' of Aboriginality shared by many and made real in day-to-day lives by interaction with others (members of the dominant society) who are not part of this community (see further Povinelli 2002). Aboriginality at this level has sometimes been called pan-Aboriginality (Jones & Hill-Burnett 1982) and may involve heightened political awareness and activity. At the national level,

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[229] It could be argued that the testing of relationships by demand sharing has an aspect of positionality, self authoring and 'acting as if', to it. Making a demand is not only testing a relationship, it is also making a statement about who you think you are in relation to the other person. You confirm your position in relation to the other.

Aboriginality is marked by what Sansom (1982:117ff) has referred to as a pan-continental Aboriginal *style or* "way of doing business".

Some people identify at the level of language group such as Wiradjuri, Ngyamba and so forth. Some do this to the exclusion of a broader notion of Aboriginality. "I'm not Aboriginal. I am a Ngyamba woman." Many people identify strongly with the place (or town) from which they come, or from which their ancestors came, and with others from that place. Inter-group political activity is sometimes a feature at this level of identity (Edmunds 1995; Macdonald 1997b; Correy 2006). At the level of self, identity entails notions of both autonomy and relatedness, to others and to places (Myers 1986:108).

Self and Aboriginality – kinship, relatedness and autonomy

The basis of Aboriginal identity at the level of self is relatedness, and particularly commitment to kin. "At the heart of commitment to kin is the deeply relational ontology that is central to people's sense of self, making them particularly dependent on being embedded in a network of dense sociality" (Peterson 2010:255, see also Macdonald 1986; Myers 1986).

In 2003, Peterson and Taylor commented on the remarkable persistence and resilience of what they term the "domestic moral economy" in western NSW, despite 150 years of contact history (2003:106). This 'economy' included: closely interrelated elements of an ethic of generosity; a kin classification system requiring a "flow of goods and services to produce and reproduce social relationships"; "personhood constituted through relatedness and valuing an egalitarian autonomy"; and "polite indirectness in interaction" making open refusal difficult (2003:110).

Peterson and Taylor describe Aboriginal children are born into a "web of connectedness" and while children see themselves in terms of their relationship with others, a high value is placed on independence and personal autonomy. "Self hood is thus mediated through the social value of relatedness, which is largely

constituted through didactic relations and an egalitarian ideology that both respects personal autonomy but constrains its forceful assertion" (Peterson & Taylor 2003:109).

Aboriginal children are socialised into autonomy (Hamilton 1981; Cowlishaw 1982; Myers 1986; Martin 1993c; Peterson 1993:863; Macdonald 2008:248, 350).

> The intrinsic worth of an Aboriginal person is embedded in the notion of autonomy, and a person's right to be themselves, to take responsibility for themselves, not to have to conform to others' expectations, and to speak for themselves. … Autonomy is defined in relation to the social (a specific kin-defined not generalized social) not in contrast to it. Someone who cannot take responsibility for themselves is *narrabung*, the former meaning of which was an infant's carrying basket. It refers to the state of being dependent, as with the very old or very young. (Macdonald 2008:350)

Yet, as Macdonald stresses, "the social imperative binding people together" comes from the necessity of sharing and that "mitigates against 'independence' and encourages personal autonomy". In the act of sharing by "direct request" (Altman 2011) or "demand sharing", autonomous individuals test relationships (Peterson 1993:870) and identity.

Peterson (2010) argues that in remote areas welfare payments have facilitated the persistence of the integrated system of demand sharing and interrelatedness, in part because people have time to be together in "dense sociality". He believes that a commitment to wage labour is unlikely to occur quickly because of the link between personal identity and commitment to kin. He describes the historical circumstances surrounding paid work (and its decline after the equal pay decision) and social security payments in the remote north of Australia, which allowed social organisation to remain relatively intact and to dominate the redistribution of social security payments (see also Austin-Broos 2003).

Macdonald (1986) has explained how, although most Wiradjuri in Cowra can identify wide networks of relations within their 'mob', [230] they do not choose to activate all relationships to the same degree. She explains how the adoption of European kin terms is used effectively to limit or extend the range of people to whom one has rights and obligations. The terms (rather than genealogical or affinal proximity) imply sets of rights and obligations and often order social relations (Macdonald 1986:214).[231]

The situation in north-western NSW is similar. While the nature of agricultural work was more intermittent, mobile and seasonal than in the remote north, it too began to decline in the 1960s. While this sort of work contributed to the development of the 'absent father' phenomenon, it did not significantly interfere with kin obligations because of its intermittent and seasonal nature. Indeed, as with the Wiradjuri in Cowra, the kin relationships in communities in north-western New South Wales have survived the economic resettlement programs of the 1970s. (see chapter 3) and are active over wide expanses of NSW and further afield. More recently, the relatively easy availability of social security payments and the community based nature of CDEP work (Morphy & Sanders 2001; Altman, Gray & Levitus 2005) facilitated the continued centrality of kin relationships. Links to place have also survived this resettlement.

Relatedness to place is still an important aspect of self and identity. While for some, traditional links to country may not be traceable, Aboriginal people in the north-west identify strongly with the country to which their ancestors had ties and/or with the town they or their parents or grandparents were born or raised in

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[230] 'Mob' is a term used by people to describe the group of people with whom they affiliate. It may be a place based or language based grouping or could mean extended family. A common element of greetings or introductions between Aboriginal people who do not know each other is the question "who's your Mob?".

[231] Integral with this kinship terminology system is "demand sharing" through which relatedness is tested (Peterson 1993:870; Macdonald 2000; Austin-Broos 2003).

and the strength of this attachment often results in conflict between those with traditional ties and those with historic ties (Macdonald 1997b; 2008).

Macdonald (1986:215) has pointed out how the flexibility of the kin system has allowed Wiradjuri Kooris to adapt to changing circumstances, with people expanding or contracting their 'relations' as they wanted or as was required by external conditions such as population and mobility changes. Peterson and Taylor describe the activation of these relationships as "contingent, strategic and pragmatic" (Peterson & Taylor 2003:108). One could imagine this flexibility being important in prison. In the same way as availability of social security payments have been said to facilitate the continuance of a "network of dense sociality" (Peterson 2010), albeit a distorted one, the evidence suggests, and I believe, that Aboriginal experience of prison may be said to facilitate an intensification of relatedness. This is discussed further below.

Macdonald argues that socialisation produces consistency rather than conformity thus allowing people to know what to expect; to be "consistent with the perceptions that others hold of them" so that everyone knows how to act (1986:337-9; 1988:191). She says

> For Kooris, the middle-class European presumption that the self is changeable is regarded more as an insult, a sign of non-acceptance. It suggests a need to conform to another's expectation or to a societal norm or ideal. It thus denies the notion of autonomy as self-in-control. (1986:337)

This sensibility is evident in participants' behaviour and had implications for participant's change projects.

The moral ontology of relatedness

The underlying morality of "demand sharing" is both an expression of personhood and an articulation of a system of kin relationships (Macdonald 1986; 2000; Austin-Broos 2003). The underlying values are 'looking after' or 'caring for', or as Sansom describes it, 'helping' and 'helping out'(1988a) those in a particular

relationship, and these values have implications for building and maintaining networks. The expression of 'looking after' is most visible in response to requests for cash or physical objects and these authors acknowledge that it applies to non-material care as well material care.[232] Understanding this underlying morality is important for a number of reasons.

Firstly, it reveals the deep complexity involved for Aboriginal offenders, who are expected to avoid the criminogenic factor of association (as opposed to non-association and relocation).

Secondly, there appear to be situations in which a transfer of the underlying moral value (obligation) of 'looking after' occurs – from particular kin to Aboriginal people generally. When might this occur? It may be more likely when people are less secure in identity as it can result in a bestowal or gaining of *position* – or it may be a product of political awakening, possibly from an intimate awareness of problems facing fellow prisoners, or it may occur as compensation for changing relationships (and the nature of sociality) at the personal level.

Thirdly, this underlying morality helps explain the role of gaol (where people are 'looked after' by kin and townsfolk) in building or strengthening kin networks and/or building other similar networks. This is especially important in NSW where people have shifted and been shifted around.

The morality underlying Aboriginal sociality and identity does not necessarily disappear or even lessen with the advent of offender status.

Participant identity as 'repeat offenders'

Understanding a little about how people take on the identity of 'repeat offender' may help in understanding how they apparently move away from it. This is not to

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[232] e.g. This can apply to accommodation or housing, and plays a role in drinking groups, social exchange, etc.

say that participants referred to themselves as 'repeat offenders'. They would more usually say or agree that they had been 'in and out of trouble' or 'in and out of gaol'. 'Repeat offender' identity is not an identity of 'criminal'. Participants did not usually identify with a criminal self-image. See also Maruna (2001:75) for how even persistent and continuing offenders prefer not to accept such labels.

Well before Aboriginal offenders ever reach juvenile detention or gaol they are familiar with the identity of 'repeat offender' or the person who is always in and out of prison. As explained in chapter 4 most of the participants in my study grew up exposed to criminogenic factors such as alcohol, drugs and violence and with the knowledge that close relatives had had trouble with the law and that a number were repeatedly incarcerated. It is also clear that many community members do not consider people who are 'in and out of trouble' as criminals – people who are "always in trouble with the law" yes, but criminals, no.

Aboriginal people are not alone in these attitudes to criminals and criminality. In the lead up to Shaw and McKay's Chicago study into delinquency (Shaw & McKay 1969) Shaw, in a series of life histories (Shaw 1931:229, quoted in Vold *et al.* 2002:123) reported that "the conventional traditions, neighbourhood institutions, public opinion, through which neighbourhoods usually effect a control over the behaviour of the child, were largely disintegrated" (Shaw 1931:229) and that children grew up "in a social world in which [delinquency] was an accepted and appropriate form of conduct" (Shaw 1938:356).

Much has been written about how the history of interaction of Aboriginal people with settlers and settler authority (what might be called *history-in-system* (Bourdieu 1977)) impacts upon Aboriginal identity (see for instance Stanner 1979; Langton 1981; Howard 1982; Jones & Hill-Burnett 1982; Beckett 1988b; Langton 1993; Rowse 1993b; Cowlishaw & Morris 1997; Rowse 2000; Cowlishaw 2004). While this history is significant it is, however, the *history-in-person* (Holland *et al.* 1998) that is of particular interest here: the alcohol misuse, drugs and violence, the

intimate knowledge of others who are or were repeat offenders, and the perceived role of police in the gaoling of family members is part of lived experience. Significantly, Aboriginal attitudes to crime (outlined in chapter 4) may be connected with underlying ideas of sociality, or more accurately, Aboriginal attitudes to sociality may partly explain community attitudes to crime. Macdonald says:

> People … do not have to achieve personal worth, they are born with it. …A Wiradjuri person is not going to be cast out because she is "on the grog" or a "no hoper" either. One's worth is intrinsic to "being kin", within intersecting communities of kin, within all of which one becomes a unique person…
> (2008:352)

Similarly, people's right to be themselves, embedded in their socialisation towards autonomy, means that their right to make their own decisions is highly valued "even if this means, "messing up' their lives" (2008:351). In this context young people 'doing silly things' is quite normal and accepted.

These patterns of sociality are consistent with Aboriginal community views that much crime is not 'real crime' and that Aboriginal repeat offenders are not really criminals. They also resonate with the motivation of some who have otherwise desisted to continue committing some crimes, such as driving without a licence in support of kin ("I am not going to not drive my mother") or 'bending the rules' (fraud) in relation to social security payments such as the sole parent benefit, in support of autonomy.[233]

In chapter 6, I proposed that prison or repeat offending is a figured world and that the desistance process is a process of moving away from that world, however we shall see that for some, desistance may mean changing position within that figured world.

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[233] The strong value placed upon autonomy may also explain some people's reluctance (for example, Brad) to have others act as witnesses in court cases (Macdonald 2008:350).

An investigation of the figured world of Aboriginality in prison is beyond the scope of this study. However, in order to understand the developing or changing identity of men who are apparently moving away from the figured world of repeat offending, and certainly insofar as Aboriginality plays a part in their new identity, it is important to understand, at least in broad terms, the identity away from which participants are moving.

Aside from issues about how the justice system may contribute to the recidivism rate of Aboriginal people, a powerful contributor to the formation of the identity of the Aboriginal person who inhabits the cultural world of 'repeat offender' is the machinery of the justice system itself.[234] The operation of the justice system requires that offenders repeatedly hear their names in association with charges and sentences; must repeatedly hear and even repeat the story of events (possibly crimes and criminal history) to lawyers and others. They become identified with their 'record' and time is measured in length of remand, sentence or parole. This is not surprising as despite the fact that the self is formed in childhood, "the 'subject' of the self is always open to the power of the discourses and practices that describe it" (Holland *et al.* 1998:26). The discourse of the justice system is powerful and repetitive. It is easy to envisage how Aboriginal repeat offenders, already familiar with the concept, adopt the identity of members of the cultural world of 'repeat offender'.[235] That is not to suggest that Aboriginal offenders are necessarily

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[234] Snowball and Weatherburn (2007:287) have shown how the likelihood of a prison sentence is increased if the offender has a prior criminal record and Fitzgerald (2009) suggests that the increase in Aboriginal re-offence rates is explained by the fact that changes to the way the criminal justice system responds to offending has a disproportional affect on Aboriginal people, largely because of their previous criminal record and the nature of the offences they commit.

[235] It may also be significant that this process brings the actor's responsibility into question and thereby, at a deep level, actually questions the actor's intrinsic worth, which is embedded in their autonomy. The link between autonomy and reasonability is made by Macdonald, quoted above (Macdonald 2008:350).

'degraded' by the label.[236] For some Aboriginal offenders it may be more like a confirmation ceremony. Moving away from this identity will be no easy thing.

Holland explains that in figured worlds:

> People have the propensity to be drawn to, recruited, and formed in these worlds, and to become active in and passionate about them. People's identities and agency are formed dialectically and dialogically in these "as if" worlds. (1998:49)

There is evidence from men's stories that various 'rules' and expectations apply among prisoners. Two that were commonly mentioned were about 'sticking with your own people' (your own family and your own town group) and not getting involved in the affairs of long-term prisoners such as 'lifers' if you are a short term prisoner. Undoubtedly there are many other rules and understandings that make up this figured world. Certainly many spoke about learning (while in gaol and especially when young) how to commit various crimes other than the one for which they were incarcerated. Not speaking much about what happens in gaol may also be a rule. The sort of patterns of rules can be glimpsed in narratives such as those of Aethan (chapter 5). Relations with kin, both being separated from them by incarceration, and being comforted by others of them in gaol, are an integral part of the identity of Aboriginal offenders.

Aboriginality in prison – an intensification of relatedness

Community attitudes to crime and justice, experience of the *history-in-system* of Aboriginal experience of the justice system and the Aboriginal world of kinship and relatedness, is the foundation upon which the identity of 'Aboriginal repeat offender', who inhabits the figured world of Aboriginal prisoner, is built.

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[236] Garfinkel (1965) suggested that court appearances, as a form of social control, work as a 'status degradation ceremony'. Many (including participants) have suggested that for some Aboriginal youth, court appearances can in fact be the opposite – that is can enhance standing among peers or even be a rite of passage (Beresford & Omaji 1996; Glennie 2009) or be embraced as an opportunity for better living conditions (Langton 2007; van Tiggelen 2008). Alternate potential outcomes of court processes are discussed by Braithwaite (1989).

The world of Aboriginal relatedness fits the definition of figured world used by Holland *et al*. This world is "a socially and culturally constructed realm of interpretation in which particular characters and actors are recognized, significance is assigned certain acts, and particular outcomes valued over others" (1998:25). Aboriginal people in prison occupy a figured world within a figured world.

The Orana Juvenile Detention centre in Dubbo, Bathurst Gaol and the Wellington Correctional Centre have very high rates of Aboriginal inmates.[237] Most Aboriginal men entering gaol for the first time explain that their fear of "the big gates closing" was immediately relieved when they discovered that their fellow inmates were their uncles and cousins (and in some cases fathers and sons) or 'hometown boys'.[238] The following comments about gaol illustrate this.

Brad

> *Oh I was frightened – first off … I was windy first and when I got to Bathurst I was lookin' around, I was scared but when them opened the doors a few of my cousins that was in there and I was right.*

Noel

> *I was scared when I seen the big gates – but when I got in there I seen all the Widetown boys in there – the fullas from town here. And I was right then. See there are more Koori boys in there than anyone else, you know. And if you're Koori you're right.*

Prison is an alien and hostile environment where the bonds of relatedness are comforting and some bonds that otherwise wouldn't be activated or nurtured are awakened and strengthened. People grow up in a racist community where they are

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[237] In 2008 54.7 % of juvenile detainees in Australia were Aboriginal (Richards 2011:3). The school within the Orana Juvenile Detention Centre in Dubbo has a 90% Indigenous enrolment (Lincoln Training and Education Unit 2011). In NSW gaols, 22% of prisoners are Aboriginal (Australian Bureau of Statistics 2011: DO002 Table 5). Some gaols such as Bathurst have in the past been commonly described as 'black gaols' and now many Aboriginal prisoners from the region are housed in the Wellington Correctional Centre, opened in 2007.

[238] 'Hometown boys' are men from the same home town, often related.

made to feel 'other' (see chapter 3). This is intensified in prison and has the effect of binding Aboriginal inmates together and strengthening Aboriginality (see also Blagg 2008, who discusses gaol as a site for the maintenance of Aboriginal domain).

The intensification of Aboriginal sociality that occurs in gaol undoubtedly results in some distortions that may need to be smoothed out in time, after release. For some repeat offenders it is as though, for a period of their life, gaol almost becomes part of their *beat* (Beckett 1988a), or *run* (Sansom 1982; Birdsall 1988). Beckett (119) writes about the important relationship between mobility and face-to-face relations and explains *beats* as "areas which are defined by the situation of kin who will give them hospitality, within which they can travel as much or as little as they please, and where they are most likely to find spouses" (1988a:131). Personal responsibility is taken only for those who are "known" and the act of living with kin has consequences for ongoing relationships. (1988a:133)

Undeniably while gaols are *intercultural spaces* (see Merlan 1998) they have within them *Aboriginal space*: "a time-place in which [Aboriginal people] can behave as Aboriginal, feel 'at home' with each other and thus reinforce their socialites" (Yamanouchi 2007:258). These spaces allow for "Aboriginality as a distinctive mode of being". Gaol is not socio-centrically defined as described for Yamanouchi's *event-places*. Aboriginal space in gaol is in large part egocentrically defined and membership of this space is continuous, if temporarily constrained, and members form their own community. Gaols are *nodes*[239] in egocentrically defined networks, like places on a *beat*. They differ from *beats* because people sometimes arrive and depart in an involuntary way. These *nodes* of sociality are also important specifically as *nodes* on communication networks. Visitors and inmates are "message bearers" (Macdonald 1986:266) and it could be

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[239] See Yamanouchi (2007:242).

argued that gaols play, and have played a role in the production and reproduction of a "wider regional sociality", or "expanded domain", akin to that of expanded Western Desert sociality created by mobility and increased access to transport for initiation journeys (Peterson 2000-3).

In gaol, kinship networks are activated and some ties are strengthened and developed. Narratives attest to people being 'looked out for' or 'looked after' by older relatives in gaol. People meet long lost relatives (for example Aethan met his natural father for the first time, and Robbie met up with his son) and renew acquaintances with cousins, uncles and 'hometown boys'. Some men even meet their future partners when women are visiting relatives in gaol (Mick for instance). For some young men who had little consciousness of their Aboriginality or their kin ties, time spent in prison strengthens their identity as Aboriginal (and as 'other'). A number of community members reported to me that if a young man is not "strong in his identity" beforehand, then being in gaol strengthens his ties with his own 'mob' and his awareness of Aboriginality (possibly as an imagined community).

Randall's case (see chapter 5) exemplifies the importance of relatedness in gaol. One of his main motivations for deciding that he did not want to go back to gaol was that when his prisoner classification was changed he was no longer able to mix with his family in gaol. Out of gaol, he now regularly mixes with family, travelling eight hours (round trip) every couple of weeks to visit aunties and cousins. In this activity Randall may be considered to be a 'message bearer' (Macdonald 1986:266).[240]

Because gaol is a space where Aboriginal sociality may be intensified and sometimes broadened, it fails as a 'total institution' (Goffman 1968). Kwok

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[240] Macdonald writes of people who are 'floaters', unemployed people who move about a lot, keeping people in touch. "A community without floaters can be at a disadvantage" (Macdonald 1986:266-7).

(2011:161) (disagreeing with Morris (1988)) observed that Aboriginal stations or reserves failed as 'total institutions' because they in fact "served to insulate and protect kinship networks and socio-cultural difference and to shore up group identity through the creation of a solidarity born of shared oppression (see also Rowse 1993a).

None of this is to discount the negative impact of prison on Aboriginal people (and particularly the rupturing of family relationships) an impact well documented in the RCIADIC report (Commonwealth of Australia 1991b). Having to do what one is told and not being able to do what one wants is especially difficult for people for whom autonomy is central to self. Participants report that lack of freedom, being alone at night, and being separated from particular family members, especially at times of illness or death, is particularly hard.

Although prison may be an effective communication node and those who go to gaol may be comforted by the presence of kin when they get there, this does not remove the pain that participants reported in being separated from particular kin or being unable to attend funerals of kin to whom they feel obligation. Incarceration is also likely to have an adverse impact for those left at home.

Given the centrality of relatedness to identity and the high numbers of Aboriginal people in prison, the impact of gaol on Aboriginal identity is likely to be different from its impact on some non-Aboriginal people who would not usually have any or many close kin in gaol. It may not mean however that identity as 'repeat offender' will be any less strong for Aboriginal people particularly because of the exposure of many to this identity early in life. Identity as Aboriginal and identity as 'repeat offender' are likely to be closely interwoven.

Maintaining identity and achieving conformity

Bottoms's (2002) work on conformity and the Sheffield desistance study (Bottoms & Shapland 2011:57) suggest that desistance is not just a move away from crime

but a move towards conformity and normality: a "process of <u>returning</u> to the expected" (Shapland & Bottoms 2007:911, my emphasis). They ask how desisters' dreams of normality or ordinariness might compare with an 'ordinary' person's idea of normality, in what they describe as "multi-cultural, late modern [UK] society" (2007:913). They are unable to answer this, but make the point that the journey towards the dream will be different for desisters because the starting point is a place of chaos, likely to include homelessness and addiction.

Given Aboriginal participants' early lived experience, community views of crime and the justice system, what would a 'conventional' identity look like for them? Does it necessarily involve a form of accommodation of the values of the wider community?

Singer (1997: 278), discussing addiction, described the way chronic addicts feel 'otherness'; that they do not believe "that their lives are embedded in the same world and reality to which the rest of us belong". Before Aboriginal people are chronic offenders they are already 'other'. Participants mix with and live among many people who share both their Aboriginal 'otherness' and their (putative) 'offender otherness'. So from whom do they feel 'other' in their offender status, especially given their community's views of crime and the justice system? For many it is all the same thing. If they were to seek conformity, whose conformity would it be? The Aboriginal community's or wider society's? Assuming a need to develop a 'conventional', 'prosocial' identity (Giordano *et al.* 2002) is essential to successful desistance; can this be achieved without forgoing Aboriginality? Do Aboriginal desisters dream of ordinariness and what is it? What is the normal aspiration in Aboriginal society in north-west NSW? These are the questions that underpin the issues that will be explored below.

Shapland and Bottoms (2007:913) see offenders' morality as "deeply embedded in the cultural moral values of those around them (i.e. as being conformist), but that individuals themselves have constantly to create and sometimes question their

moral universe, especially if their social or structural position changes". Their portrayal of desistance as a return to ordinariness contrasts with the approach of Maruna, who seems to suggest that desisters act to achieve something extra-ordinary, a super-role; something driven by a hypermorality (Maruna 2001:97-99). Participants in the present study are not seeking to demonstrate an underlying "true self" (Maruna 2001:95) by displaying moral superiority or achieving some extraordinary community service. Most participants have fairly ordinary aspirations.

Participants in this study do not seem to be consciously choosing conformity, or immediately acknowledging the lack of legitimacy of all crime (Shapland & Bottoms 2007:909). They are by and large seeking ordinary lives. They choose not to go back to gaol and they envisage a schema such as *fatherhood* or *partnership* that does not (ostensibly) contain offending as part of it.[241] As explained in chapter 5, while these schemas include forms of responsibility and respectability they do not necessarily include breadwinning and participants often have no vocational aspirations at the outset of their desistance. This is partly dependent upon what sort of role model they have for employment and upon the structural conditions in their environment (this is discussed further in chapter 8). Not having employment aspirations may be the result of a realistic assessment of the situation. Their schemas are 'normal', although they may not include any vocational or career goals.

Shapland and Bottoms refer to Emirbayer and Mische's (1998) temporal understanding of agency (see chapter 2) and employ it to explain how desisters "might construct the new vision of conformity and how this includes redefining oneself in the light of social expectation" (Shapland & Bottoms 2007:918). I have

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[241] The lifestyle schemas of *fatherhood* and *life-partnership* neither include nor exclude offending *per se*. They may not be inconsistent with some forms of offending (e.g. driving offences and claiming state benefits to which one might not be entirely entitled).

suggested that the projective vision created in the initiation of desistance by most participants in this study involves the enactment of social schemas, particularly *partnership* or *fatherhood* (schemas whose origins involve *iterative* (past) orientations see chapters 2 and 5). These schemas are deeply held motivating schemas (D'Andrade & Strauss 1992) and by their nature carry social expectations. Their adoption is likely to redefine expectations of those who take them up. They contrast with the habits of offending and the previous social expectations of the world of the 'repeat offender'. They are enacted within different structural conditions.

Conforming to these schemas may be at odds with the social understanding of autonomy. As Macdonald has made clear, Aboriginal socialisation to autonomy is not about achieving conformity but consistency (1986:337-9; 1988:191). She has reported that among Kooris, personal change is "resisted or at least not encouraged" (Macdonald 1986:338).

> Among Kooris, … individuality implies the right of the individual to be what they are, however different this might make them. …What they are encouraged to conform to is the pattern of actions and attitudes by which they become known and which has been encouraged from early childhood. (1986:338)

She goes on to report "amused scepticism" by others if people announce planned changes such as "giving up the bottle", and

> There is an acceptance of people on the grounds that "that's just the way they are" …there are givens that have to be accepted: they are part of an immutable personality structure. … "well it is in their blood, you see". …people are expected to be predictable. Change or conversion means that others would have to re-orient themselves as well – to change themselves and their attitudes accordingly. (1986:339)

The *partnership* or marriage schemas described in chapter 5 stressed the equality and autonomy of individuals within the partnership and argued that resocialisation or coaching by spouses would require the full agential involvement of the actor. In

a number of instances men have integrated their partner's expectation into their reform project from the outset. Even so, for an actor's partner to expect change is at odds with the principle of autonomy and this may be why resocialisation is more likely to occur in partnerships where the spouse has a different orientation or values. It will only occur with the full, knowing consent of the actor. Within the normal sociality of autonomy, conformity with the expectations of others, as distinct from 'how one is' and others' acceptance of that, would not be likely. For change to occur, innovation and agency is required in the application of autonomy within the partnership.

Despite the fact that Aboriginal participants do not characterise their projects as projects of conformity, they do conform to schemas. With their new roles come new expectations. However, as previous social expectations (such as relationships with peer-cousins and the operation of the moral economy) are critical to identity some innovation will be required. Modifying kin relationships is not a simple matter of 'knifing off' the past (Elder 1886, cited by Laub & Sampson 2003:45, see also 145. For a different perspective see; Maguire & Raynor 2006). The agency (strength of will and self control) required to put these schemas into action is witness to the motivational strength of deeply held schemas. Participants may be required to "make inroads into previously segmented fields, they may also find new and creative ways of fusing, extending, and transforming these received schemas, as they experiment with practical strategies to confront the emergent challenges of historically changing circumstances" (Emirbayer & Mische 1998).

The following sections examine how participants negotiate change and identity, how they are influenced by the expectations of those around them and how they successfully modify the expectations of others.

Improvisation: changing values, changing relationships

I next explore how Aboriginal people negotiate certain aspects of kin relationships as they implement their reform projects, with some apparently moving away from

Aboriginal social norms while maintaining identity, and others maintaining relationships but in changed form. Underlying moral values are reapplied in different contexts to maintain identity.

Holland *et al*. emphasise the importance of the co-development of "people, cultural forms, and social positions" within particular worlds. People often have multiple or composite identities or self understandings and are able to hold multiple perspectives (1998:15). Being able to hold multiple perspectives facilitates improvisation to solve problems. They describe improvisation as occurring where cultural resources and situations meet in practice to produce "products" and suggest that these products can be used as the "tools of agency" for self control or for change (1998:40). Improvisation is demonstrated by the use of contingency in the context of culture. This contributes to a new identity and to variations in cultural interactions.

For Noel and Alanna (chapter 6), it is clear that Alanna's different background (middle class, business owning family) and values were important (if not critical) to the success of Noel's project of 'going good'.[242] Living away from his family with Alanna's mother had assisted Noel in his reform project, and their plans were to move to Newcastle, away from the hometown and most of Noels' relations, and also towards job opportunities. The sorts of change in values that Noel had undergone were highlighted by a discussion about property.

> *Noel: Yeah well, we never had nothing, which is why we didn't care about other people's property. We just used to go steal or smash the house up, or..*

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[242] While Alanna identifies as Aboriginal, her and Noel's different backgrounds share some features of a mixed marriage. For instance although Alanna had not completed year twelve she had at least four year's more high school education than Noel and had subsequently completed Certificate 4 training. Peterson and Taylor (2003:111) referencing Birrell and Hirst (2002:27-8) point out the importance of higher levels of education to better earning capacity among non-Aboriginal spouses in mixed marriages.

> *Alanna [interrupting]: Whereas now Noel is as tight as a fish's bottom – he won't even lend a baking tray.*
>
> *Noel: When you start to have things of your own it must make you realise – like you know, I shouldn't have take that lady's car –'cause she probably owned that. Like it was probably the only thing that she owned.*
>
> *Like I think now, I used to go snatch purses off women and that and I see other people do that, like on the news and that. I couldn't do that again you know. Like that is bad, I just think, you know – yeah.*

While Noel's comments document a change in attitudes to <u>stealing</u> property, Alanna's comment indicates change that is about relationship with kin. This attitude to property "tight as a fish's bottom" is in stark contrast to behaviours I had observed and indeed that had been pointed out to me earlier that day by Noel's cousin and neighbour and which I had observed on several occasions, people streaming in and out of others' houses whenever word went around that food was available and 'borrowing' cups, plates etc. While Noel won't lend 'things' he regularly provides 'wild meat' to his mother and aunties which is then distributed around the community.[243]

Alanna's resocialisation of Noel could be seen as being inconsistent with the principle of autonomy (Macdonald 2008:351; Musharbash 2011b:69) despite Noel's obvious agential involvement in the process. He is in an active state of change and in relations with others, may become "unpredictable" or "inconsistent".

Noel's changing attitudes (to property and kin) and his intention of relocating to Newcastle may be a move away from the principles of the "domestic moral economy" and towards the values of more mainstream society or "secularisation" (see Peterson 2010), although this is by no means certain. Noel and certainly Alanna are able to hold multiple perspectives, understanding (although not always

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[243] To lend in this community would be to share permanently.

accepting) Aboriginal sociality and its requirements and also the expectations of the wider community.

Giordano *et al.* (2002:1045) predicted the impact of the normative orientation of a partner – such a person acting as a 'hook for change' for those with the motivation, commitment and agency to reach for it (see also Vaughan 2007:401). Bearing in mind (chapter 5) that the label 'a good woman' for whom many seek, refers not to her normative orientation but to faithfulness, nevertheless, partnerships between people of different values or orientation seem to be quite frequent amongst successful Aboriginal desisters. In most cases this results in much less contact with cousins. Some reduction in getting together with cousins might be expected with any new spousal partnership but for some it seems that a greater value is placed upon the marriage relationship than on relationship with kin, something that might be seen as a move away from Aboriginal values and practices (see Macdonald 2008:240, already quoted in chapter 6). (See also Peterson and Taylor's comments regarding household composition in mixed marriages (2002:13).)

Some examples of couples of different backgrounds where partnership was an important motivator in the initiation of desistance are summarised in the table below (figure 7.1) which provides brief details of the participant, the spouse and the participant's changing relationship with certain kin.

Figure 7.1 Details of some partnerships of differing backgrounds

Participant	Spousal partner	Relationship with cousins /kin [244]
Ricky: Alcohol and violence at home. Father has been in and out of gaol. Youngest brother currently in juvenile detention. The other brother (18) had been in gaol several times on driving charges.	Julie: Is not Aboriginal. Her family is well-to-do with an agricultural background. She is a full-time office worker. Her family is not in favour of the relationship.	Time in another town after release, court orders and Julie's support to stay away from cousins, and then busy with baby.
Jack: A lot of DV at home. Father used to be alcoholic, as was grandmother who lived with them and auntie who came and went. He does not affiliate with a language group. Says he affiliates with "English language group". Works in an Aboriginal controlled organisation. Previously worked in mainstream employment. Does not want his children to know about his incarceration.	Merrily: Is not Aboriginal. Works with children in education field. Has never drunk or smoked.	Cousins sometimes come and ask him to go for a drink. Goes out rarely. He is not actively maintaining relationships.
David: Comes from a family of alcoholism and violence. Three brothers repeatedly incarcerated for assault (DV). Used to drink with his family. Works for local government. He and partner stopped drinking as a joint project.	Charlene: Although she used to drink, comes from a secure family background which she characterises as very different from David's. Much older than David. Strongly affiliates with the same language group as David. She and her family are politically active locally and are a family of 'polity'.[245]	He doesn't drink with family any more. Does not see family as much.
Daryl: Oldest brother in trouble a bit when young but moved out aged 16/17 having met a woman older than himself with whom he has been ever since. Brother a little younger than himself went to juvenile detention, in and out of prison till he committed suicide. Next brother down, in gaol currently, diagnosed schizophrenic. Youngest brother no problems. Daryl was recently employed at local school.	Gail: Stable family background. No smoking, no drinking, no drugs. Did not want Daryl drinking, smoking marijuana.	Lived in a different town away from peer-cousins in his early years of desistance. Close to parents and family but no longer drinks. They and children live with his parents.

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[244] The peer group with whom most participants associate is either actual cousins or people regarded as cousins. Some may be brothers, similar aged uncles or close friends.

[245] (Sutton 1998).

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In marriages between Aboriginal people and non-Aboriginal people there may be a greater emphasis on the marriage relationship rather than on kin relationships than there would be in the case of Aboriginal marriages. This may well result in some improvisation and change in cultural practice or expression of relatedness, although this is not necessarily the case. While interracial marriage may cause or facilitate an individual extricating himself from the wider demands of the sharing economy as proposed by Peterson & Taylor (2003), Kwok suggests that this varies depending upon the level of integration in the local community. It is not a simple picture. Partnership between two Aboriginal people who are of different class or of different values can result in similar effects. Peterson & Taylor (2003:114) refer to Indigenous partners using non-Indigenous partners as "a polite excuse for muting or avoiding" kin demands but the same occurs in non-mixed marriages. Participants (male) frequently reported that their (female) spouses (Aboriginal or not) kept them away from peer/kin, and this role was often acknowledged and accepted by those kin. Given Macdonald's (1986:237) statement (discussed in chapter 6) about Aboriginal and mainstream marriages and their different expectations for relationships with affinal kin, such accommodation, may be an improvisation.

Changing relationships and maintaining identity

It is my observation that increasing separation from the "moral economy" (Peterson & Taylor 2003) and, specifically, deliberate distancing from peer-cousins sometimes results in closer alignment with Aboriginal identity at a broader (and sometimes a more political) level – an improvisation or innovation. It is interesting that Jack, who is no longer initiating contact with his cousins and affiliates with the 'English language group' rather than those of his parents whose ancestry and language group is well known, is now working in an Aboriginal controlled organisation where he is in daily contact with fellow workers and clients who are Aboriginal. This apparent compensation for loss (or change) of relationship at the 'cousin' level by assuming roles at the level of Aboriginal

administration, service provision or politics, is also made by those in non inter-racial relationships. While David now sees little of his family he is, through Charlene, strongly linked to his language group, in which and on whose behalf Charlene is politically active. It is also true that in several cases, alignment with Aboriginality at a broader level coincided with gaining white collar employment.[246]

Even where the person who is actively desisting has significant capacity and motivation, family values (not necessarily spousal) that are not aligned with the participant's desistance project can increase the degree of difficulty of staying on track. In some cases a partner's orientation, which either did not align with or support the changes that an ex-offender wanted to make, or was said to be unhelpful to the project, resulted in separation (Terry, Kyle) or added difficulty (Ray whose wife continued to drink excessively). In these cases in which life partnership was not the underlying motivation for desistance, the participant's values and identity had changed but their partner did not move with them.

Within the equality of Aboriginal spousal partnerships, individual autonomy predisposes individuals to expect consistent behaviour from spouses. Acceptance of the other as they are is the norm. Change is not normally expected or demanded. Partners with different values, however, are likely to expect changed behaviour, regardless of how actively they and the actor are engaged in a resocialisation project.

Macdonald (1986) makes it clear that the process of maintaining kin relationships has enough flexibility to accommodate decisions to include some relatives and

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[246] This may represent a "transformation of the domestic moral economy" (Peterson & Taylor 2002:15) not simply a move away from sharing, but the coincidence of the relocation of the principle of 'looking after' close kin to looking after the wider Aboriginal community, and an increase in income from white collar work. For Aboriginal people with few qualifications (apart from Aboriginality) and where Aboriginality is a selection requirement, work is easier to obtain with Aboriginal organisations than elsewhere. This phenomenon is of course not limited to desisters.

exclude others from the close circle of kin. While some desisters, especially those married to non-Aboriginal partners, may move away from or modify their Aboriginal sociality as they move from being a repeat offender (sometimes emphasising their Aboriginality at a level above that of kin relationships) others maintain their sociality making use of its inherent flexibility, activating different kin relationships or changing the expectations within a relationship.

It seems that, especially for younger participants, relocation or separation from cousins early in a desistance project is important in modifying participation in peer group activity, although this may not always mean lessening the importance of kin relationships. Daryl's links with his kin do not seem diminished in any substantial way (except by busyness as a parent) although it was important to his desistance that his early years of rehabilitation were spent in another region with his new partner.[247]

As glimpsed in the relationship between Noel and Alanna, changing values in families seems to be a gradual and an intergenerational process. An examination of Mick and Suzie's families provides a more close up view of the intergenerational nature of value change and the way that desisters need to carefully and actively manage family relationships if they wish to maintain strong links with Aboriginal kin. While Noel and Alanna's shift appears to be towards a more secularised orientation (Peterson 2010), Mick's does not. Mick is strongly committed to his Aboriginal identity, possibly because of the jolt his identity received when, at 16 he discovered that he wasn't who he thought he was. His commitment to Aboriginal identity is evident in three ways: through his insistence on maintaining (despite their carefully managed nature) his relationships with his (adoptive) uncle and cousins and his step parents; his desire to know more about his natural parents

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[247] After coming back to his home town he and his family live with his parents and he is busy with children and now work. His brother who 'took the rap' for him and subsequently committed suicide was not living in Widetown.

and the language group from which they originate or with which they affiliate; and his commitment to 'helping his people' through his work. These people are 'his people' both through their Aboriginality and their offender status.

The following section explores the accommodation or modification of varying values across families and through time. A later section will examine Mick's generative commitment to his people at a level above that of kin.

A genealogy of changing values

This section details Mick and Suzie's evolving relationship with cousins and provides a close up view of evolving and changing values and identity through several generations, placing identity changes of participants in a temporal context. These evolving relationships demonstrate both continuity of values and practice, and improvisation in the practice of identity.

> Improvisations are the sort of impromptu actions that occur when our past, brought to the present as habitus, meets with a particular combination of circumstances and conditions for which we have no set response. Such improvisations are the openings by which change comes about from generation to generation…. In our view, improvisations, from a cultural base and in response to the subject positions offered in situ are, when taken up as symbol, potential beginnings of an altered subjectivity, an altered identity. (Holland *et al*. 1998:17-18)

Identities are social products which develop through lived experience in a social context or practice (1998:5).

Until Mick was 16, his values and behaviour were learned from Jason (his 'father') and Jason's mother (Nan). He lived on the edge of an 'Aboriginal suburb' in a large regional centre and had a fairly strict upbringing and consistent school attendance. Jason's mother probably identifies more strongly with being a drover's wife than with being Aboriginal. She was brought up by her (Aboriginal) grandmother in Redfern, with many white friends and knew little about her mother's (or grandmother's) people whom she thought originated in the New

England region but did not know for sure. Jason's father was also Aboriginal. However, there seems to be no current relationship with this side of the family. One of Jason's brothers, Stuart, and Sarah his partner of 40 years, lived in the same regional centre as Jason and Mick. Mick mixed regularly with his extended family including times when Sarah's family would come to stay unannounced at his (Nan's) house. Jason and Mick also made regular visits to Jason's siblings in other towns. When he left home at 16, (after Jason his father, had moved to Sydney) he spent much time living at Stuart's and Sarah's home. Stuart had held a white-collar managerial post until he developed a permanent health disability and later an alcohol problem. As distinct from Jason, Stuart was a "total softie" in the parental role with no ability to set boundaries. Sarah had been "brought up in the homes" and was said to have no parenting skills.[248] Stuart's children have all been (and some still are) in and out of prison. While Mick's values are different from his uncle's and cousins', he is fiercely loyal to his uncle and grateful to him for having "been there for me" when his father moved to Sydney. Mick and Suzie are very conscious of the sorts of values applying in Mick's uncle's house compared to their own and that many of these values are not what they want for their children. Mick's style of parenting is quite strict, like his father's.

Suzie commented that Mick had to coach her in dealing with his cousins, about not automatically doing what they asked or demanded.[249] Demands from Stuart and Sarah had cost Suzie a three year disqualification of her driver's licence. Under pressure when Mick was away, she drove without a licensed supervisor while having only a learner's permit, having been directly requested to go and pick up a young disabled family member. Even after she was stopped by police on this

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[248] Being "brought up in the homes" is a commonly used expression referring to an upbringing in an institution, the fate of many 'stolen generation' children (Australian Human Rights and Equal Opportunity Commission 1997).

[249] See Macdonald's comments (1986:345) regarding the implications of introductions and expected sharing of rights. Ironically given Mick's biological parentage, Suzie is actually more closely related (consanguineally) to Mick's cousins than Mick. Sarah is in fact Suzie's great aunt.

occasion, she was pressed by Stuart's family to get back in the car to go and provide the lift. Jason's partner, June (Mick's stepmother), used this example specifically to illustrate the struggle that Aboriginal people have to look after their own interests rather than those of kin when confronted by their expectations. Driving or giving lifts is frequently a focus of 'direct request' or 'demand sharing'.

Mick and Jason have very different values from Stuart and Sarah's family. Suzie's parents have very different values from each other.

Suzie is very aware of conflicting values. Her (Aboriginal) parents separated when she was two, and she was brought up by her father and (non-Aboriginal) stepmother. Suzie's father, who was brought up by his (Aboriginal) grandmother (FMM), identifies as Aboriginal but his mother (Suzie's grandmother [FM]) refuses to identify as Aboriginal and is considered by Suzie to be racist. Suzie used to visit and stay with her (Aboriginal) mother in school holidays. Suzie comments on the different values held in her family.

> If I had asked me aunties [FZ] for two dollars Dad would smack me and say
> 'If you want something you come and ask me'. And Mum would come and
> take me for a couple of days and she would <u>send</u> me up to me uncles' [MB]
> and that there to <u>ask</u> for two dollars. [She laughs] [Speaker's emphasis]

This reflects the very different attitudes existing between the households of her parents about sharing and probably about relationships too, and Suzie's is aware of the different values operating in Stuart's house as opposed to Jason's house, and between Stuart's family and what she and Mick want in their own house. Earlier, when Mick had been telling me of their plans for the future, he had spoken about their long-term dream of saving enough money to buy a house in a particular location. Suzie chipped in and said

> Yeah, buy a house in [location] and stop my mother and family from
> dropping in to visit.

In reality, what currently happens is that Mick and Suzie's tight budget and saving plan is regularly thrown into disarray when Suzie's mother and family arrive without warning every two or three months.

> *My mother comes and stays, probably once every three months … and plus they bring about seven people with them. Like there are all these brothers and sisters and people they have adopted and that. That and all me sisters' boyfriends – so big impact. We [Mick and Suzie] don't row about it – but it brings us both down.*
>
> ***And you can't say no?***
>
> *No, [said almost in disbelief at my question] I can't say no to 'em. Especially when they turn up at two o'clock in the morning with nowhere else to go. Cause me sister and little brother still live at home with me mother.*

Suzie feels a strong obligation to 'look after' her siblings. When they arrive Mick quietly appeals to Jason for assistance with extra funds. Jason says that this is just what used to happen when the family of Stuart's partner, Sarah, used to descend on Jason's mother's house. He said his mother "handled it graciously", quietly going to others for financial aid.

Apart from the financial burden, another worry is that some members of Suzie's mother's entourage use drugs. Mick makes it clear that it has taken several years before people stopped coming by to see if he had drugs to share. He does not want drugs in his house.

Despite all this, including Suzie's expressed wish to me that her mother and family would not turn up on their doorstep, neither Mick nor Suzie have any intention of giving up their relationship with their families, which means finding ways to fulfil obligations while protecting their children and their life plans. They recognise that these relationships need to be carefully managed lest they endanger their future. It is something that Mick has the capacity to manage and which he managed through the years after he ceased offending and before he had the routine of study or

employment. He spoke about the difficulty of managing the relationship with his cousins, whom he describes as being like brothers.

Distancing himself from his cousins was hard and he and Suzie used to argue over it, but it was a process that he managed so that he did not have to give up contact.

> *Deep down, I knew I probably would [get into trouble if I went out with them]. But in saying that too – like after a while they started to respect that – started to respect my choice. They never call around as much – just every now and then – just drop in to say 'How ya goin' and that. It probably took them some time to understand that I was trying to turn my life around. Like every time you are locked up, like everyone says it, just about everyone I know – like: 'When I get out I am goin' to try to do something,' you know. When they get out, one slip-up could land you back in there.*
>
> *Suzie: It is about will-power and that too – wantin' to change.*
>
> *Mick: Yeah. Yeah a number of things coming together.*

Dissociation from peers is considered by some to be a key marker of successful desistance (Warr 1998; Warr 2007). In the Aboriginal context of north-western NSW, dissociation from peers means dissociation from cousins. This is a significant difference from many other cultural groups. Mick manages to place some limits around relationships with kin without jeopardising kin relationships or impacting upon his fundamental identity. For others, ending (or often postponing or suspending for the short term) these relationships may happen early in the reform process by separation or relocation and is something that is often strongly supported by partners, and/or by a change in orientation from cousins to partners and children. Relationships may be changed by having boundaries placed around them –for some this means responding to, but not initiating, contact – or may be redirected to a more select set of relations or to affinal relations. It may be the

beginning of a move towards secularisation or more mainstream values for some (Peterson 2010).[250]

Mick's and Suzie's experience shows that changing and often conflicting values tend to ebb and flow between the generations. The management of relationships demonstrates some improvisation on Mick's part to both achieve his reform and maintain his relationships. Mick did not give up on relationships with his uncle and cousins to whom he felt he owed obligations, but he changed the nature of those relationships and at the same time, as we shall see, he developed a more generalised 'looking after' ethic which he applied to helping 'his people' more generally through his work.

On the other hand, the nature of the relationships between Mick and his cousins and between others (for example Jack) and their cousins have become more one-sided and to some extent put at risk. Birdsall (1988) pointed out the critical importance of maintaining relationships where kin live in different towns.

> An individual who fails to visit regularly will eventually lose his or her place in the constellations of kin relationships, and may be deprived of part of the basis of his or her social identity, in particular the claim to be a Nyungar person of a specially claimed town. In losing this, the person is symbolically deprived of a close relationship with sibling-cousins who live in that town. These are the people with whom the person was reared-up and who helped foster a self-image based in the role as a member of that sibling-cousin set. This role must be enacted if it is to be retained by the individual. Visiting regularly and often, is the means to accomplish this. (Birdsall 1988:145)

These carefully managed (and limited) relationships with cousins who live in the same town are contrasted with Randall's behaviour in travelling to his home town, an eight hour round trip every three or four weeks (i.e. in his role as 'floater' or 'messenger', see Macdonald 1986:266-7). It remains to be seen how well or in

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[250] Note that this is also likely to become the case with Noel.

what form these managed relationships will survive. It is worth noting that relationships with peer-cousins have the potential to engender prosocial activity, particularly through the modelling of desistance to peer-cousins and this possibility is discussed further below.

Mick's story demonstrates the contention of Holland *et al*. that because identities are social products and are "lived in and through activity" they "must be conceptualised as they develop in social practice" (1998:5).

Mick's walk on the identity tightrope requires improvisation. It also demonstrates his agency and capacity. In order to consolidate his drug rehabilitation he needed to manage his relationship with cousins and at the same time retain his essential identity. By the time he had a responsible job, managing these relationships was even more critical. As he reduced or changed his relationships with cousins, he began "helping my people" more generally in his job. The relationship between identity and generativity and the importance of continuity of identity is explored below.

In the job that Mick was to take on, he was publicly 'owning his Aboriginal identity' rather than 'owning his kin', which he did in his non-work world (Kwok 2011:169). Owning his identity in this way may represent some compensation for his more restricted relationship with his cousins. Jack was in a similar position, working in Aboriginal service delivery on a daily basis but limiting his relationship with his kin, especially peer-cousins. It is likely that the positions which Mick and Jack occupy in some way influenced their relationship with kin, and it may be that needing to manage their relationships with kin led them to these employment positions.

It is clear that Mick was influenced by his agency and capacity in his choice of a pursuit. He maintains and contains his relationships with his cousins and demonstrates improvisation in expanding his underlying values of 'caring for my people' to a broader (work) context. We will see below that in his choice of work

he also maintains links with his offender identity. Others, with less capacity than Mick, made different choices. The role of identity in these choices and the influence of the choices on identity is the subject of the next section.

Generativity, work and identity: moving from imagination to action

Next I turn to the role of identity in the choice of generative pursuits and the role of generative pursuits in re-formation projects. I explore the relative importance of identity as Aboriginal and as offender. The context for the enactment of these projects is high unemployment and very low skill levels, including high levels of illiteracy.

The decision making process enacted by desisters (discussed in chapter 5) involved three elements of agency: *iteration* (past), *practical-evaluation* (present) and *projectivity*, (future) (Emirbayer & Mische 1998). *Projectivity* involves an ability to imagine or envisage either a future, to be rejected and/or an alternative future, different from the present likely one. This vision of the future needs to have just enough detail to provide motivation to make changes.

Projectivity, with its orientation to the future, is akin to and seems to be a necessary condition for, *generativity*. As part of their *practical-evaluation,* actors may move from imagination to action through "role experimentation" (Erickson 1968:141). *Generativity* not only implies imaginative orientation to the future, it also implies action and commitment. McAdams & de St. Aubin describe *generativity* as

> … [T]he concern for and commitment to promoting the next generation, through parenting, teaching, mentoring, and generating products and outcomes that aim to benefit youth and foster the development and well-being of individuals and social systems that will outlive the self. (1998:*xx*)

Maruna's analysis (using this definition) of the narratives of the active desisters in the Liverpool Desistance Study (LDS) found that desisters were much more likely to have a *generative* orientation than persisting offenders (2001:99-100).

Generative pursuits are said to be a result of "inner drives and social demands" which develop as adults age and come to feel (normative) pressure to take responsibility for the next generation. While these drives are said to be almost universal, Maruna postulates that they are missing in persisting offenders (Maruna 2001:118-119).

Narratives: redemption or autonomy?

While many aspects of the stories of Maruna's individual cases are replicated in the present study, the overall interpretation of a *macronarrative* as a *redemptive script*, effectively denying full responsibility for past actions (Maruna 2001; Maruna 2004) does not fit comfortably with stories of this group of Aboriginal offenders.[251]

The *redemptive script* as outlined by Maruna "begins by establishing the goodness and conventionality of the narrator—a victim of society who gets involved with crime and drugs to achieve some sort of power over otherwise bleak circumstances … [and] the narrator becomes ensnared" (Maruna 2001:87). For the *redemptive* script, Maruna assumes the existence a *compensatory* model of orientation (Brickman, Raninowitz, Karuza Jr, Coats, Cohn & Kidder 1982) in which people do not blame themselves for their problems but hold themselves responsible for the solution to their problems.[252] Maruna's desisters' narratives are full of excuses for crimes and tell the story of finding the "true self" (2001:85-107, 147-8).[253]

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[251] Maruna proposes that those persisting have a *macronarrative* which he labels as a *condemnatory script,* while active desisters have a *redemptive script* (Maruna 2001:118-119).

[252] This model (the *compensatory model*) is one of four orientations towards responsibility for origins of and solutions to problems developed by Brickman *et al*. (1982). The other models are the *moral model* in which people hold themselves responsible for both their problems and their solutions, an *enlightenment model* in which people hold themselves responsible for their problems but not for their solutions and a *medical model* in which people are responsible neither for their problems or their solutions.

[253] Those said to have a *condemnatory script* "shared a sense of being doomed or fated to their situation in life". Circumstance or past events were responsible for their situation and they felt there was little that they could do about it (Maruna 2001:11, 73-84).

In contrast, the narratives of Aboriginal people in the present study are striking in the way that participants accept responsibility for their actions and do not blame anybody but themselves. Even although they may understand the contribution of external factors to their getting into trouble and may even express some bitterness about their upbringing or circumstances (see chapter 4), they believe that their actions were their own decision and that no one else is to blame. Mick for instance, was emphatic that he did not blame anybody for his crimes or problems and that he knew it was "my own fault". Asked if anything would have made a difference to prevent him getting into trouble, rather than blame his father for moving to Sydney or his cousins whom he emulated, Mick said:

> *Ohhh – if I would have stayed home [at his grandmother's house]. Which is my own fault because I decided to move out. I accept all responsibility.*

He was also happy to look after himself at court saying:

> *I didn't worry about the police contacting [my grandmother]. I did it. I got myself here so I'll deal with it – sort of thing.*

Luke, a young drug addict, expressed regret about an incident, accepting responsibility.

> *I tried to hijack a car at a service station. I was that off my face on the drugs that I jumped out of the car and some poor young fella was puttin' petrol in his car and I walked over and I said 'I am takin' your car'. And he grabbed me and I got into an altercation and I assaulted him pretty bad and– when I came down in the prison I felt pretty bad too … I told the judge I deserve whatever gaol term is handed down to me. No person deserves that at a service station.*

Accepting responsibility and owning past acts was not done with pride or vanity. It was often accompanied by expressions of regret for harm done to others. Most participants also take responsibility for actions in solving their problems but also give credit for support from partners or others where this has been given, or acknowledge other external factors that supported them.

This common acceptance of responsibility for actions would appear to fit Brickman's *moral* model in which people hold themselves responsible for both their problems and their solutions (1982:370-1) rather than his *compensatory* model as per Maruna's desisters. Other aspects of this *moral* model fit less well and it is likely that acceptance of responsibility may be derived from Aboriginal participants' strong sense of autonomy: they accept responsibility for past actions and take pride in their progress. Aboriginal partners of participants who are doing well are quick to attribute success to their partner rather than to their own support. In doing so they are making a statement about both their own and their partner's autonomy.

Vaughan, discussing narratives of desistance, describes the role of narrative as allowing an accommodation between "a disavowed past self and a yearned for future self" (2007:396), however the narrative of Aboriginal participants (insofar as it is possible to identify one from this small sample of desisters) is one of autonomy: "I got myself into this mess and I will get myself out". The past self appears to be owned rather than distained. The trajectory of past actions is rejected and replaced by a different vision, but responsibility for past action is accepted. Responsibility is also a feature of future visions.

Maruna speaks of how gaol depersonalises members of his sample, making it important that they maintain links with their old selves while incarcerated. This is translated into their narratives as "If I hadn't been that way I couldn't be what I now am". For most Aboriginal participants who can maintain their (Aboriginal) identity through ongoing social relationships, gaol may not have the same effect. Some aspects of self are protected because of links to kin in gaol, although reduced autonomy (central to the self) is hard for many. The worst thing about gaol was frequently said to be "having to do what you are told", and "not being able to do what you want," and also "not being able to see the people you want to".

Maruna's *redemptive script* is reliant on participant *rebiographing,* requiring the ex-offender to reconstruct his narrative to provide evidence that they were 'always different' and that they have now somehow managed to establish their 'true self'. In his *redemptive script,* the 'real me' is freed by something larger than self ('generativity': Maruna 2001 or 'a calling': Maruna & Farrall 2004a). In their narratives participants in my study do not talk about finding the 'real me' or the 'true self'. Aboriginal participants often refer to "snapping out of it" as though they had been temporarily in a daze, but this does not negate the responsibility they accept. They sometimes talk about people believing in them and the impact that has on them (evidence of a dialogic *self authoring*) but none spoke about a 'real me', or about how they have 'always been different'. Terry who was influenced by 'lifers' (see chapter 5) was told he was different from them, but that was because he had family – not for any innate reason. Only Mick spoke about how he had always wanted to do something that he was now doing; he was able to establish or revert to what was in fact an 'old me', but not a previously unrecognised 'real me'. He was able to return to the sorts of aspirations and behaviour he had had at the age of 16 before he got into trouble. This was not a previously unrecognised identity of the sort Maruna's participants discovered. As discussed in chapter 6, Mick made use of his early socialisation – an iterative move, activating a past *habitus* which was the source of much of his capacity.

Participants in this study do not seem to fit the *redemptive script* of Maruna's desistance sample. Aboriginal participants usually accept responsibility for their past and their desistance project, apparently as a result of their innate autonomy – an important part of their sociality (Macdonald 1986:337-9; 1988:191).

From projectivity to generativity

Some continuity of identity is common in the choice of pursuits and pursuits often give rise to *self authoring* as others respond to the actor (Holland *et al.* 1998).

While identity influences selection of generative pursuits, generative pursuits can enhance or even modify identity.

Despite his definition of generativity quoted above, Maruna tends to link generativity to the work context (Maruna 2001:12) and, referencing Lofland (1969), to a moral if not "hypermoral" sentiment or purpose (Maruna 2001:99). In contrast Shapland and Bottoms (2007) explore the way desisters seek to achieve "ordinariness". A search for the ordinary is common among participants in the present study. It is also in line with socialisation practices which emphasise consistent rather than extraordinary behaviour (Macdonald 2008:351; Musharbash 2011b:69) and which teach that drawing attention to oneself should result in a feeling of shame (Myers 1979:361-2; Cowlishaw 1982:502).

The professional ex-

In his discussion of generativity, Maruna places particular emphasis upon generative pursuits which involve ex-offenders in working with offenders and potential offenders to encourage their reform.

Maruna's sample of desisters contained a substantial number who were working with offenders as volunteer (or in three cases, paid) counsellors or youth workers. Maruna attributes this to the phenomenon known as the *professional ex-* (Maruna 2001:11, 102), in which ex-offenders take on working with others who are like they themselves were. While this is a recognised phenomenon, especially within the field of recovery from substance abuse (Brown 1991), and where people have undergone intensive programs or any programs,[254] this does not necessarily mean that the phenomenon should be expected frequently among desisters, especially among those who have not been involved in intensive programs. Maruna admits that the high number of *professional ex-s* in his sample may be an artefact of his

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[254] Brown documents the high number of therapists who have been drug abusers and who themselves have passed through therapy. For these *professional ex-s,* their new identities take on a 'master status' (Hughes 1945) which affects all other roles.

snowballing sampling strategy; quite a number of his sample worked as volunteers in one particular program (Maruna 2001:103).

Compared with the sample in Brown's report, many of whom were educated white-collar workers or professionals of some sort, the volunteers in the LDS study came from more disadvantaged backgrounds. With a low skill base and in the tight job market of Liverpool, it is not surprising that participants make good use of their background in deviance and their journey away from it in seeking training or employment.[255] As distinct from participants in the current study, participants in the LDS had been involved in some sort of formal post-release or probationary rehabilitation program involving counselling, although not necessarily focused on substance abuse.[256] Maruna states that most of his sample were regularly seeing a counsellor of some form regarding their offending behaviour (2001:177) and hence may have been prone to "therapy speak".

The link between marginalised groups and *professional ex-s* is echoed in Calverley's finding (2009) that highly marginalized Black and Mixed Heritage UK desisters were more likely to take on this role than their less marginalised and tighter knit Bangladeshi and Indian counterparts (see chapter 2). However, the role of culture as opposed to marginalisation is not clear. Indian and Bangladeshi groups are both close-knit communities with tightly held cultural values, each having their economic base in family-owned small businesses in particular sectors. The Black groups studied were more disparate and much less close-knit.

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[255] Maruna speaks of 'dire unemployment'; only five out of 30 of his sample were employed (2001:174).

[256] It is worth noting that, apart from undertaking drug and alcohol courses and anger management courses in gaol which were universally considered "useless", participants had had no such programs. Parole was said to be a formality involving regular visits to the parole office and sometimes providing a urine sample. Nearly all participants spoke negatively about parole. Aethan was the exception in that in his last experience he had found it useful to be sent to do some courses, not because the courses were useful, but because this gave him something to do and a routine that he missed, not being in gaol. The only other exceptions were those who had been in drug and alcohol rehabilitation centres which vary greatly in the sorts of services they provide. At least one of these centres had no trained counselling staff at all. Only one participant (Kyle) attended AA.

These sorts of generative pursuits (*professional ex-* roles in counselling) are said to fill a void felt by offenders and to relieve "external stigma" and "internalised shame" by: bringing fulfilment or a sense of meaning and achievement; providing exoneration or relieving guilt; providing a legitimacy where ex-offenders work with potential offenders; or, by acting as therapy assisting in reform efforts (Maruna 2001:118-119). As so many of Maruna's sample were *professional ex-s* and volunteers he advocates volunteering with current or potential offenders, as a support for those who are desisting (Maruna 2001; Maruna 2007; Maruna & LeBel 2010). This is unlikely to be an option of choice for Australian Aboriginal people amongst whom volunteering is not common.[257]

Despite the fact that the *professional ex-* phenomenon may be over-represented in Maruna's sample, it is worth exploring because of the emphasis he places upon it and because something similar occurred with a minority of participants in this study. In the present study the participants had not been part of an intensive rehabilitation program, were not volunteers (i.e. unpaid) and the phenomenon may be seen in a different light. These participants do not seem to be seeking a higher moral purpose but fulfilling a continuity of their identity, applying (limited) skills to (limited) opportunities and using the positions for *self authoring*. In these communities where crime is nearly 'normal', it does not attract the same sort of stigma or shame which Maruna sees *professional ex-* roles trying to reduce.

Taking a different perspective on the phenomenon, if one views rehabilitation or therapy programs as being, or being part of, a figured or cultural world, then one can understand the phenomenon of the *professional ex-* as being the result of actors switching positions within that figured world (Holland *et al.* 1998). The

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[257] There is no evidence of volunteering amongst the participants in the current study. Volunteering is not a culturally comfortable proposition for most Aboriginal people. People do not usually do things for other people without being paid, unless they have a particular kin relationship which demands their care and support (personal observation and documented during interviews in other research projects, for example: Sullivan, Johnston, Colyer, Beale, Willis, Harrison & Welsh 2003).

offender models himself upon the therapist to the extent that he eventually graduates from the identity of (deviant) client to that of therapist. Clients are essentially remaining within the same figured world, but changing to a different position within it.[258] Remaining in that world allows actors to maintain links with their earlier identity. Such links are important and common in identity transformations (see earlier discussion and Hastrup 1995:78; Holland *et al.* 1998:236). For some, such a move may be a first step in leaving that world. Positions such as therapist or counsellor clearly sit in multiple worlds or at the boundaries between worlds.

The (*figured*) world of AA, (one of the examples analysed in detail by Holland *et al.*) illustrates the role of links to past identity. Not only do participants learn to tell a "particular sort of story" (Holland *et al.* 1998:66) as a "cultural vehicle for identity formation" (1998:71), they must acknowledge their alcoholism (or drug addiction) not as something left behind but as part of their continuous identity. In the telling of stories, identities of "non-drinking alcoholics" are constructed (1998:72). In the AA model, the participant maintains the link to their former self by acknowledging and owning their alcoholism (and/or drug addiction) so that they are never "not an alcoholic" but are forever a "recovering alcoholic" (see further: Brown 1991, and Holland *et al.* 1998). Similarly, *professional ex*-s are linked to their earlier identity.

Because the phenomenon of *professional ex-s* may be explained as actors changing positions in a figured world rather than "filling a void" or making reparation as suggested by Maruna, this does not mean that participants do not

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[258] The person who becomes a *professional ex-* maintains major components of past identity, and effectively swaps positions in the *figured world* they occupy. In the *figured world* of school, students are students and teachers are teachers and in a mental health service, patients are patients and psychologists are psychologists, but some participants graduate not out of the system but into different roles within the system. Students become teachers and patients become psychologists or counsellors (Brown 1991). This is significant for desistance. From such a position it would be easy to step into an adjoining world.

gain fulfilment, exoneration, legitimacy or ongoing therapy from their role. Neither does it mean that becoming a *professional ex-* is the only way to gain fulfilment, exoneration, legitimacy or ongoing therapy. The process may have less to do with 'filling voids' and big moral purpose, than with modelling possibilities.

"Helping my people" – identity not redemption

Three participants in the current study were, or hoped to be involved in, working with Aboriginal offenders or potential offenders. Terry, whose story was recounted in chapter 5, had given up marijuana and modified his drinking about ten years previously to stay out of gaol and gain access to his children. He had been unemployed for about five years since the local [primary industry] facility closed down. He had continued drinking (limiting this to binge drinking on weekends) but stopped this because he had been given a casual position recruiting and encouraging young Aboriginal football players.[259] In this role Terry is motivated by classic generative desires. Part of the attraction was the opportunity the work gave him to influence young boys in ways that would keep them out of gaol. He is emulating the sort of advice that the 'lifers' in gaol had passed on to him. While the 'lifers' are neither therapists nor technically ex-offenders (except insofar as they are incapacitated by incarceration) they are part of the figured world of 'repeat offenders' in which they played a counselling role. Terry finds meaning in working with young Aboriginal potential offenders with whom he can identify and he has modelled his approach on the sort of third party intervention he experienced in gaol and which was a catalyst to him making changes to his life. He adopted and modified a position he had seen modelled in the figured world of 'repeat offenders'. It provided fulfilment and legitimacy and had a therapeutic effect in that he stopped drinking altogether. He is 'looking after' his people. In a context of very high unemployment the role provided a rare opportunity for a fit between his

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[259] The motivation for the program was not only to provide recruits for regional football competitions but to keep young people out of trouble.

knowledge and background and some employment. It has assisted with the long-term maintenance of his desistance.

For Robbie, the invitation to take on a role of 'offender delegate' for young Aboriginal offenders in a local correctional institution (i.e. a *professional ex-offender* role) and the training he received for this (which included the requirement to stay sober) was sufficient to support or bolster his alcohol management, (a therapeutic effect) give him self-respect (fulfilment and legitimacy) and a new self-perception. This offer was made less than three months after his last release and although the opportunity did not come to fruition, the offer and training had a lasting effect on his self-perception. In his imagination he had shifted positions within the figured world of 'repeat offenders' from being an offender to someone who provided support to offenders. Being invited into the program also provided him with a picture of himself in that role as envisaged by others. This outside view of himself had a *self authoring* effect.

Aboriginality and its relationship to desistance is significant in these examples: both Terry and Robbie were also expressing the underlying value of Aboriginal sociality in 'helping their people', that is Aboriginal people they regarded as part of their community and of their figured world.

Mick's desistance process was different from most others in the very strong aspect of *projectivity* he displayed in consciously setting goals as part of his decision-making process.[260] These goals included staying off drugs, out of gaol and out of trouble, getting some skills, a job, a licence and a car. (He had already met his long future partner Suzie the year before this.) His longer-term goals included buying a house. These were goals he returned to regularly. He did not know at the time of

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[260] As described in chapter 6, Mick had a much more serious and longer criminal career than Terry and Robbie. Mick appears to be very intelligent and has good literacy and academic skills. He did well at school until he left in Year 11 at the age of 16. Jason (who raised Mick) and his partner are role models in the work they do in an Aboriginal community centre.

goal setting what sort of job he wanted. In fact, at the time of goal setting his broad objective was to experience a 'normal' life (chapter 6).

After 'getting clean' Mick had a few short term casual jobs but he was constantly on the lookout for 'a good job'. He said he had always wanted to 'help my people' but did not know how to achieve this until he heard by accident (chapter 6) about a course and then knew instantly what he wanted to do. This course would allow Mick to help people in a very specific way by working with people who were in trouble with the law. His work was not about providing therapy to clients but about supporting them through the court process. Mick had clearly learnt a lot about law and the legal system during his own numerous court cases. Some years before, he had actually initiated an appeal for Suzie, against Suzie's sentence for aggravated robbery and robbery in company. He had had more than ten years of first-hand experience in this world. He was well aware of the perceived injustices and shortcomings of the system experienced by 'his people'. His new role may have helped keep clients out of gaol (which may have supported their reform agendas if they had them) but it was not about helping people reform, as was the case for many of Maruna's (2001) sample who were in a counselling role.

Mick envisaged himself in a legal support role within the figured world of Aboriginal repeat offending, a world he knew well. It was fulfilling and legitimising. It was not therapeutic in the same way that a counselling role might have been.[261] Mick said clearly that if he had not found the job when he did (some two years after completing the training course) he would more than likely have ended up back on drugs. During this period he (his identity) was in a dangerous and liminal position. He had to work hard to manage his relationship with his cousins. Having small children was critical to the survival of his desistance project during this period.

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[261] The work was also a regular reminder of what would lie in front of him if he transgressed again.

Mick has received several public awards and acknowledgements and very much enjoys the sorts of comments he gets from policemen who used to know him in his earlier life:

> *Did I tell you about when I went over to [a work venue]? I run into one of the police I knew when I was younger. Like he used to charge me in the days when I was a young bloke and now he is pretty high up in the force. And when he seen me he said 'Oh what are you doin' over here [nick name]'? I said 'I am over'ere for work.' And I was talkin' to him. And I seen his eyes light up and he said like 'I knew it – I knew it. I always knew you had the potential to do something useful with your life.' That made me feel good. Like I don't get along with police – but that bloke, I have always got along with him – even though he used to lock me up and that – he was fair with me – and just for him telling me, that made me feel so good. And he said – you know – 'if you ever need anything.'*

These experiences of *outsideness*, feedback that allowed Mick to see himself in terms of the other (Holland *et al*. 1998:173-4), assisted Mick's consolidation of his identity. While he was still in gaol the feedback he had received from a teacher on work he had submitted, had operated in a similar way and helped Mick see himself as an intelligent and capable person with potential to do whatever he wanted.

His strong desire to 'help his people' is likely to have been influenced by a heightened awareness of Aboriginality as a result of being in gaol, as well as his own need for identity security. The role he has taken on has a 'pushing back' element to it – pushing back against the system, rather than just helping his people. He is helping people access their rights and better services.

Mick, Terry and Robbie are in some ways remaining within the figured world of 'repeat offenders' and changing position within it. From such a position they may be able to step through a window into an adjacent or overlapping world. The positions they took up, or aspired, to required Aboriginality as an eligibility criterion. They each applied the underlying values of 'looking after my people', albeit a more generalised 'looking after' than 'looking after my kin', in their roles

and as a motivation. These are positions they saw modelled in the figured world of 'repeat offenders', and which make use of their life experience and identity. The coincidence of identities, experience and underlying values is a powerful combination. For Robbie even the possibility of this happening was a significant motivation to 'stay on track' or continue his desistance.

Being 'normal': generativity at home and at work

When *projectivity* turns into generativity or imagination turns into action, links to past identity (an *iterational* aspect of agency) are maintained. This is as true for those who take on a parenting role or engage in Work for the Dole in their home town (thereby attracting the admiration of local police and others for their sobriety), as it is for people such a Mick, Terry and Robbie. The context of these pursuits is very low employment opportunity and a population that has very low skill levels and places a very high value on caring.

For many participants in the present study the *projectivity,* or vision, evident in their initiation of desistance translated into a generativity which took the form of caring for children or family as a main occupation, a generative pursuit that involves many intrinsic rewards and enacts deep cultural schemas (see chapter 5). In this pursuit they were 'looking after' close kin, although they may have had to give up or modify relationships with other kin. They were maintaining links with their past 'repeat offender' status only insofar as they remained part of their community which included others of similar background. In embracing a cultural schema of *fatherhood* or *long-term partner* they were making an *iterative* move, retaining a link to selves which existed before their offender identity (whether they were modelling, or trying to avoid modelling a past experience).[262] The *positional* aspect of these roles is important.

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[262] Another qualitative study (Hughes 1998) found that respect and care for children was important in the desistance process for men. Citing this study, Maruna claims this concern as demonstrating the universality of generativity, despite the fact that it was not cited as an

Chapter 5 explored the importance of respect which Aboriginal men gain from fatherhood. Fatherhood allows men to both seek and gain respect (prospectively) from children and more immediately and (possibly less importantly) from community members. Embracing *fatherhood* means taking on a different social position within the community. Other community members comment upon the development of responsibility displayed and so provide opportunities for *self authoring* to the actors. At least one participant (Daryl) was offered regular part-time work (gardener and handyman) at his children's school (in which a majority of students are Aboriginal) largely as a result of his demonstration of responsible parenting. As a result of this work he was later offered a similar, permanent role in another (Aboriginal controlled) organisation. His motivation remained care for his partner and children. The feedback he received from outsiders for his *self authoring* was about his developing responsibility and demonstrating this furthered his employment, which furthered his *self authoring*.

Most were content with being a father. Others, who had embraced fathering at the initiation of their desistance and acknowledged its importance, found that after four or five years it was not sufficient. Noel wanted to work in a 'job job', partly so he could say in the future that he had worked and that his children would know he had worked. It was important to his sense of self. Likewise Mick had been strongly motivated by his children to consolidate his desistance but was becoming

example of generativity amongst his sample (2001:177). Parenthood is listed with other 'callings' such as painting, coaching, chess etc. in a later article (Maruna & Farrall 2004a). The Hughes study (1998), set in the USA, is one of the few studies that include ethnic minorities. They included nine African Americans (45%), three Mexican Americans (15%), four Puerto Ricans (20%), three Jamaicans (15%) and one white man (5%) from a mixed African American and Latino community. They came from various parts of the United States, not from discrete communities. Concern for children was manifest in both fatherhood (35% had children) and in concern about the (direct and indirect) impact of their (mostly drug dealing) activities on children. As discussed later, the importance of fatherhood may be more significant the more marginal the participants, and/or it may relate to underlying cultural schemas.

very disillusioned until he had an opportunity to find something further to do. Both Mick and Noel's fathers worked: working was normal for them.

For a number of other participants, alternative or additional pursuits were important in the development of new identities through a process of *self authoring,* although these roles did not involve moral or reforming purposes. Eddie's role involved talking to (non-Aboriginal) visitors about Aboriginal culture. The position required his knowledge, his Aboriginality and his communication skills. Eddie spoke of the respect he gained from this highly-regarded position, which was a great motivation to continue his desistance. He felt he had an identity to live up to. Ray on the other hand was involved in maintenance work around his small town on a Work for the Dole scheme. This role was meaningful to him, not so much because of the role or its products but because he gained respect and praise from his father and several policemen because he was working and not drinking.

These pursuits were important to participants' desistance and identity because they brought recognition and respect, rather than because the pursuit brought any future benefits for society or intrinsic reward from taking responsibility for the next generation. Comment and praise from others allowed *self authorship*, a critical part of identity formation (Holland *et al.* 1998:173-4).

The high level of unemployment and the relative lack of services in these small towns, together with participants' high levels of illiteracy and employer prejudice against employing ex-prisoners, creates a general experience among participants and the community generally that there is 'nothing to do'. In this context, even the most basic Work for the Dole can be meaningful and fulfilling. Having some "money in your pocket" that was earned was also important to some (e.g. Allan see chapter 5). For Eddy, working with Aboriginal culture was a motivation which provided a close fit with his skill-set in a very tight employment market. Eddy gained great satisfaction (fulfilment) from his role. It was therapeutic to the extent that it motivated him to stay away from alcohol and walk away from domestic

violence situations. The work and the social position that came with it was a generative experience and motivator, and the third party comments were critical to his progress.

Often the third party comments which lead to *self authoring* tend to come from people who are authority figures in the justice system: police, magistrates and other workers; and sometimes others such as parents. The role of third party comments from people outside the immediate social world of Aboriginal actors was reported by Brady (1995) in relation to alcohol and commented upon by Peterson and Taylor (2003) in relation to sharing.[263] In the current context, what is important is not so much that the speakers of these comments are "outside the immediate social world" of the participant but that they are inside the figured world of offending. Acceptance of praise from these conventional authority figures who are members of a participant's offender past indicates an important continuity of identity; at the same time it underlines for the participant the contrast between their old and the new life, providing validation for their actions and their identity. As Vaughan puts it "The testimony of others provides the impetus to shake off the heritage of the past and to commit to a future ideal self by which a person is held accountable" (2007:402). This is not to suggest that participants do not also receive encouraging feedback from partners who are actively involved in their reformation project, or that such feedback is not used for *self authoring*. Actors must, however, knowingly consent to receive such comments.[264]

For some, such as Eddie and Jack, enhancing connection with their Aboriginality seems to be important in the sort of endeavour adopted (i.e. work with culture or work in a community controlled organisation) and for Terry, Robbie and Mick

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[263] The salience of this point is that advice from outside the social world will not be regarded as an 'insult' or as 'non-acceptance' of the self, as it might be if it came from someone closer (Macdonald 1986:337).

[264] Where autonomy is of such importance, to comment directly on another's progress may imply criticism of former selves and praise by kin is often given indirectly by comments to third parties.

there is potential for enhanced connection with their Aboriginality as they work with Aboriginal people who are offenders or potential offenders.[265]

Continuity of identity, both Aboriginal identity and offender identity, and the opportunity for *self authoring* are important in the occupations these people pursue.

Discussion

Some qualitative studies have sought to identify universal elements of desistance and find a universal meta-narrative (e.g. Maruna 2001). Such studies have their limitations as, while the overall picture (at the universal level) might look much the same, the reasons for or behind observed patterns in desistance stories may be quite different for particular groups of people or, the mechanism that operationalizes outcomes may be different. The cultural, social and economic contexts of desistance are critical to understanding the process.

This study has sought to examine desistance within its cultural context. This chapter has provided a deeper examination of Aboriginal sociality (specifically Aboriginal identity) and its role in desistance. It has touched on how identity shapes *projectivity* enacted as *generativity* and on how *generativity* and its outcomes affect identity.

The identity of Aboriginal 'repeat offender' is built on: foundations of Aboriginality which incorporate notions of kinship and relatedness; experience of stigma and otherness; familiarity with community members who are or have been repeat offenders; and a perception by that community that the justice system is unfair, and that Aboriginal offenders are not 'proper criminals' (chapter 4). Being

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[265] I do not have space here to explore essentialism and the idea of 'traditional' culture as 'something that *must* be verbally and practically demonstrated' in contexts such as cultural tourism and art (Gibson 2008:295). See the following for a discussion of these issues (Creamer 1988; Merlan 1998; Merlan 2001; Povinelli 2002; Merlan 2005; Gibson 2006; Yamanouchi 2007:234-7).

frequently in trouble with the law and frequently incarcerated, or having relations who are, is a reality of self and is closely tied with Aboriginal sociality as it is experienced in the study area. Being in an Aboriginal world within the white institutional world of prison tends to strengthen Aboriginal identity and the possibility or likelihood of a link between that identity and offender identity.

Impacts of sociality and identity on desistance and vice versa

Conventionality and identity

The schemas projectively envisaged during the initiation and enactment of desistance, provide the convention and the social expectation which desisters aim to meet. These schemas are most commonly *fatherhood* and *life partnership* and rarely include vocational aspirations, especially at the outset. At their heart is a morality of caring and sharing. For many, their initial generative pursuit of fatherhood is the motivation for desistance, a pursuit providing intrinsic rewards, and a role establishing an identity to counterbalance the offender identity of the past. Schemas of *fatherhood* and *partnership* are both normal and normative, with their own Aboriginal flavour. Expectations of autonomy within a partnership may be altered (by agential agreement) to accommodate a reform project. Where partners have different cultural or class backgrounds with different values, schemas and their enactment will require innovation. Managing (and maintaining) relationships with kin and maintaining underlying values of 'looking after' requires some improvisation.

Regarding the concept of legitimacy or 'why people obey the law' (see Tyler 2006) most participants said that when they committed crimes (particularly break and enter offences and property crime when young) they knew that what they were doing was wrong but that it was just 'what everybody did'. Most also said that in retrospect (despite sometimes being harassed because of 'who they were') they could see that the police were usually 'just doing their job'. This implies that most have not had to change their attitude to the law very much, although as discussed

in chapter 4, some would still not view some illegal activities as illegitimate.[266]
While attitudes to domestic violence are complex, as was clear in Robbie's story in
chapters 4 and 5 and Eddie's story in chapter 5, most desisters from assault (DV)
acknowledge (*post facto*) that their own role was not justifiable.

Relatedness and innovation

The paradox of making changes to ensure continued values has been explored
above. For Aboriginal people, dissociation from 'deviant peers' is a complex
process. Most 'deviant peers' are cousins, (and what Birdsall (1988) calls 'sibling-
cousins' that is, as close as siblings) and therefore underlying sociality, morality of
relatedness and identity are involved.

As reported earlier, ending relationships with 'deviant peers' is thought by some to
be a key marker of successful desistance (Warr 1998; Warr 2007). However, not
only does not ending relationships with deviant peer-cousins, not necessarily
indicate a lack of intention to desist or a lack of agency in a reform project, but
maintaining relationships with kin could be considered to be a 'prosocial' activity
in the context of Aboriginal sociality. It is interesting to note that part of the
success of the Manitoba (Canada) program (Deane *et al.* 2007; Bracken *et al.*
2009) was that while the young men committed to desistance, they did not and
were not required to give up membership of their street gang. Until they joined the
program, for most of these homeless youth, experience of their (Canadian)
Aboriginality, albeit an apparently impoverished one, and their experience of
offending lay in their (Canadian) Aboriginal street gang.[267]

This is not to say that relationships with peers don't need to be modified or
managed, nor that exogenous factors (such as a spouse or court orders) don't

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[266] For instance, driving without a licence to assist a family member, claiming to live separately
to claim extra social security benefits and for some, smoking cannabis.

[267] It is not clear from the published material whether the gang members are actually related,
but they seem to have been as close as brothers.

facilitate this. Continuing relationships must be understood in the context of Aboriginal sociality and the intention and enactment of desistance provides an opportunity for adjustment of these relationships.

One other aspect of changing relationships with cousins should be mentioned. At the same time as an actor may be changing as part of their reform process, their cousins may also be changing for various reasons, some of them similar to that of the actor. Brad and Noel are cousins with Ben and Randall (who are also cousins) and while they are not all the same age and were not necessarily all close to each other, they are all aware of each other's circumstances through their mothers or aunties. At the same time, they also have a number of sibling-cousins who are still 'in and out of trouble'. There is a possibility of cousins modelling desistance to each other, leading to patterns of desistance in families. This possibility is discussed further in chapter 8.

A desister's apparent shift away from cousins may be managed according to circumstances and orientation. Firstly, it may be radical and managed or influenced by a non-Aboriginal partner or partner with different values (Peterson & Taylor 2003; Kwok 2011). Secondly, it may be time limited. For instance, it may involve initial physical separation (e.g. short term relocation),[268] followed by reduced contact and lessened responses, or, limited contact until the nature of the relationship has changed and then a re-establishment when the actor feels confident or until cousins, observing the success of the desistance project, model themselves upon the actor. Thirdly, relationships may be managed in line with a flexible model of relationship-testing in which degrees of caring and sharing can vary as required (Macdonald 1986:215), for example, not initiating approaches and consistently responding in a curtailed way. This can change the nature of the relationship without ending it. Fourthly, a shift away from kin can be compensated

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[268] This seems effective for some young people.

for. In the case where contact is limited or shaped by the actor, the underlying morality of 'looking after' may be transferred to a broader set of people, for instance by working in Aboriginal service provision should opportunities and capacity allow.[269]

These approaches can mean that 'withdrawing' from peer-cousin relationships can be more illusory than real. The relationship is maintained, but its expectations are altered. The process of managing relationships with kin when the families involved have, or are developing, different values and practices, requires innovation. It seems that ultimately, innovation allows for long-term maintenance of kin relations, even although they may be changed. Mick and Suzie are a case in point. In their case the process of desistance is integral with the evolution of their Aboriginal sociality. This sort of change brings to mind the *dualism* of structure and agency proposed by Mouzelis (2008) as distinct from the *duality* of Giddens's (1984) structuration theory, that is an emphasis upon innovation rather than reproduction (see further Farrall & Bowling 1999; Farrall *et al.* 2011).

Long-term maintenance of relationships with kin and community at both the family and employment level, that is, maintenance of Aboriginality, appears to be important to identity stability. Kin relationships sometimes give rise to or influence choice of employment. Such relationships seem to have been undervalued by some, for example Calverley who, while recognising their importance to individuals (especially in the face of racism) tends to see the availability of family-instigated employment (amongst UK based Indians and Bangladeshis) as a potential barrier to gaining employment in the broad economy (2009:133). The role of these relationships in providing identity stability and building capacity to enter meaningful employment has been undervalued.

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[269] This may be particularly satisfying where the clients of the service are by and large related to the employee.

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Autonomy

We have seen that the acceptance of others' rights to 'mess up' their lives means that a person is no less a person for doing so (Macdonald 2008:350). This attitude contributes to community attitudes to crime and the view that it is just young people 'doing silly things' (chapter 4). Autonomy, having possibly impacted on participants' behaviour as offenders, also influences their behaviour in desistance (see discussion about Brad in chapter 6). Most forthrightly accept responsibility for past misdemeanours, often expressing regret. Most do not seek to blame others, despite the fact that some claim police-harassment at times, or not always to have been convicted fairly, and some can clearly see the psychological, social and economic causes of their situation. Taking responsibility is a big part of autonomy. It means that participants take responsibility for getting themselves 'sorted out' and there is a close link between responsibility and respect in the enactment of generative pursuits, especially *fatherhood*. It is worth noting that 'shame' of the sort promoted by restorative justice advocates (Braithwaite 1989; Braithwaite & Mugford 1994; Ahmed, Harris, Braithwaite & Braithwaite 2001) does not appear to be part of the desistance narrative of these people. This, together with a different understanding of 'shame' in Aboriginal society (Myers 1979; Cowlishaw 1982; Kwok 2005), and the fact that there is little evidence of shame or stigma in relation to crime amongst the communities of which these participants are part (chapter 4), may have implications for the design of initiatives such as sentencing courts (see also Blagg 1997).

Effects of Aboriginal sociality are brought to bear in the initiation of desistance in decision-making, in iterational moves to social schemas and in envisaging alternatives. Sociality is critical in turning these visions (*projectivity*) into *generativity* – enacting the future vision or alternate possibility. None of this happens overnight – it is iterative. Identity and sociality flavour the vision; context and chance provide (limited) opportunities or options. Capacity, agency and identity determine which options will be taken up as generative.

Generativity and identity, context and capacity

Continuity is a recurring theme in identity re-formation. For many, maintaining Aboriginality through kin relationships, or the application of the values of 'looking after my people' in an occupational situation, is a central part of desistance. Links with offender identity are highlighted by the value placed on the praise of authority figures from that past, and by some participants the choice of work and by continued residence in their community. As discussed earlier, an aspect of the success of the Manitoba (Canada) program (Deane *et al.* 2007; Bracken *et al.* 2009) was that the young men maintained links with their (Canadian) Aboriginal street gang.

Generative pursuits establish for the participant a relationship to the world, as well as to the future. The range of options available for generativity depends on context, capacity and cultural inclination. People's experience of the possibility of generative endeavours is a part of the equation.[270] (Participants also need to see generativity or meaning in an endeavour and need the capacity (agency), and adequate support, to take advantage of it.

In the context of low skill levels and limited job opportunities, Aboriginal identity as a qualification becomes important for obtaining employment (in Aboriginal organisations and/or services) and for generativity, hence the importance of Aboriginal organisations or providers of Aboriginal services as places where people choose to work. These organisations provide opportunities for training and employment that are not available elsewhere. They are often accessible or known of through kin relationships. In these situations inclination and opportunity coalesce.

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[270] This supports the observation by Farrall *et al.* that "the extent to which ex-offenders can achieve their desire and goals is partly dependent upon the availability of legitimate identities" (2011:229). Such opportunities and expectations are likely to be limited where ex-offenders are excluded from full engagement in society.

The importance of children in the desistance projects of participants may be a result of participants both embracing a cultural schema (chapter 5) and perceiving generativity in its embrace. Fathering is perhaps more significant as a generative activity amongst people who are already *other* (socially and economically) and have few opportunities for generative pursuits besides this one. As with the influence of marginalisation on the frequency of the *professional ex-* phenomenon discussed above, it is hard to separate the impacts of sociality and marginality. If Aboriginal people had greater skill levels and wider and more numerous opportunities for employment, would they be so inclined to work in Aboriginal service delivery? Would men who desist be content to be fathers and partners only for so long? These issues are discussed further in chapter 8.

There needs to be a degree of fit between underlying identity and generative opportunity for the generative pursuit to support revised identity consolidation, hence the importance of Aboriginality and, for some, offender identity. Choice of pursuit, enactment of *position* in the world and *self authoring* in response to positive feedback received from the world which they coopt as part of the self, is part of the ongoing identity formation process.

The identity of 'repeat offender' and how this is experienced may mean that the participants did not immediately or completely leave the figured world of the 'repeat offender'. Having decided to change their future direction, they may have changed their position within the figured world, rather than left it completely or immediately. The option to do this can be powerfully appealing, especially where it allows participants to relate to dual aspects of identity (Aboriginality and 'repeat offender' status). However, such opportunities are not many in north-western NSW, and require agency and capacity, especially in the absence of appropriate support.

The importance of previous identity is also important in understanding why praise or acknowledgement from authority figures was significant to the participants.

Intuitively, given their experience, one may expect Aboriginal repeat offenders in particular to be unimpressed by praise from white officials. But many report such praise and comment on it as part of their narrative, and they have clearly used it for *self authoring*. It is not merely some sort of 'ritual of redemption' (Braithwaite & Mugford 1994; Maruna 2001:158ff) akin to a graduation, especially as desistance is ongoing and identity is never fixed. In some senses, participants' acceptance of praise from this 'collective voice' (Holland *et al*. 1998:171) indicates that part of the actor remains in the figured world of 'repeat offender' but that this world is expanded to include a new position of 'ex-offender' – or someone who is now 'going good'.

Self authoring requires capacity and agency. Participants have to actively co-opt this external view of themselves into their self narrative and into their identity (Giddens 1991:54, see also Maruna 2001: 39-40). This of course applies to *self authoring* opportunities delivered by others such as spouses as well as by authority figures. Creating a new identity requires agency.

Concluding remarks

This chapter has shown Aboriginal identity and sociality in action in the desistance process. It has explained the complex interaction between Aboriginal cultural beliefs and values and offender experience within the evolution of an identity of ex-offender. The final chapter will review some of the significant findings of this study and comment briefly on areas for future research and implications for practice.

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Chapter 8.   Conclusion

This thesis has explored the nature of desistance among repeat offenders drawn from a locationally circumscribed group of Aboriginal people with a shared sociality, a number of whom have kin in common. It specifically set out to examine how cultural context and sociality affect the desistance process.

Little work has been undertaken previously on desistance from crime in Australia and none specifically on desistance among Aboriginal people, despite their over-representation in the crime statistics.[271] Most desistance studies have involved white male offenders in the UK and North America (see chapter 2). The few studies addressing race and ethnicity in desistance have mostly been quantitative. A notable exception to this is Calverley's comparative qualitative study (2009) which confirms Laub and Sampson's speculation that variation by ethnicity and structural context may be significant in the desistance process (2001:55-6).

This study has attempted to move beyond understanding the influence of the 'structural location' of the participants (Calverley 2009:339) to explore issues of agency and how these are influenced by cultural values and practices. It examined desistance from the point of view of the participant rather than observing the participant through a macro level lens. It does not assume that desisters are trying to secure a position in the wider society or economy, nor that a pro-social identity requires such an aim. Some cultural practices and values may impede or appear to have the potential to impede desistance, but the study has revealed ways in which individuals manage to maintain cultural practices and values (albeit with some modification) in order to assist their desistance and strengthen their pro-social identity.

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[271] There are some evaluation studies of specific reintegration programs (Willis & Moore 2008:286) and some studies into barriers against reintegration of Aboriginal women prisoners (Baldry *et al.* 2002; Baldry & Maplestone 2003; Baldry *et al.* 2008) but no studies focusing on the desistance process itself, particularly among ex-offenders who have not been part of particular rehabilitation programs.

Calverley suggests that ethnographic approaches would supplement his qualitative approach and that "ethnographers are capable of unpicking processes of structure and agency in a way that subjects of research, who often have limited articulacy, are not" (Calverley 2009:341).[272]

An ethnographic methodology and anthropological understanding was used to locate the narratives of Aboriginal desisters within their family and community contexts. The interaction between culture and agency and culture and identity development in the *initiation* and *maintenance* of the desistance process was explored. Chapter 3 sketched the structural context of the Aboriginal people of central and north-western NSW and chapter 4 drew on the childhood experience of participants and presented community views about members' interactions with the justice system to paint the backdrop against which desistance takes place. This context is not merely inert scenery but influences and impacts upon participants. They, in turn, have the potential to influence aspects of this context. The interplay between history, macro-structural issues and cultural continuity impacts on the desistance process of individuals who are agents within the cultural context of Aboriginal sociality.

This chapter summarises the findings and conclusions drawn from a consideration of the case material (presented in chapters 5-7) that contribute to desistance studies and anthropological literature. It emphasises the issues of particular relevance for future research, and outlines some implications for the development of policy and practice.

Overview of findings

The study has found differences between the *initiation* of desistance and its *maintenance* (refer to figures 2.1a and 2.1b) to which culture contributes strongly.

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[272] Calverley cites Farrall & Bowling 1999 and Farrall & Calverley 2006 in support of this.

Cultural schemas (D'Andrade & Strauss 1992) motivate the *initiation* of desistance, and agency and capacity, in the presence of contingent opportunity, are critical to its maintenance. Continuity of (aspects of) identity is maintained throughout, beginning with initial motivation and contributing to the long-term development of crime-free identities.

The role of cultural schemas in motivation for and initiation of desistance: where agency and culture connect

While desistance can be a 'stop-start' process participants most often reported an initial trigger or catalyst of some sort, that disrupted perceptions of self and led to a reconsideration of likely and potential future trajectories. These catalytic events often operated to change participants' perceptions of time and/or mortality. The study has shown that these agential reconsiderations (*problematisation*) involved envisaging and evaluating alternative futures (*projectivity*) and resulted in decisions about the future (Emirbayer & Mische 1998).

Catalysts for motivation

These catalytic events, which mirror similar events widely reported in addiction recovery and desistance literature (see chapter 5), could be described as life changing: for instance, narrowly avoiding being run over by a truck while lying asleep on the road while drunk. The catalysts reported did not directly instigate behaviour but initiated the *problematisation* and activated goal schemas (D'Andrade 1992b:33) such as 'being a (physically present) father', 'being a partner', 'being respected' or 'maintaining kin relationships'. These are deeply held cultural schemas or models which motivated agents towards action. They are not unique to Aboriginal people but the frequency and flavour of these models is closely related to the nature of Aboriginal sociality and particularly the sociality of Aboriginal communities, many of whose members are frequently in prison.

The triggers or catalysts operated because the context and personal situation of the participant was consistent with, if not causally involved in, the schema which was

activated. Bearing in mind the imprecise nature of memory, it appears that there was a certain amount of serendipity involved for some participants, for example. meeting the right woman at just the same time as disruption occurred and when a decision for change was forming.

The schema of 'being a father'

While *fatherhood* is a deeply held social schema amongst many peoples, Aboriginal *fatherhood* is distinctively characterised by a physicality of relationship central to participants' motivation to 'be there with my children' and by a requirement for responsibility and respect (chapter 5). Participants' desire to be with their children and have them "laying back in your arms", powerfully echoes the description by Myers of the importance of the concept of "holding" to the ontological security of men (Myers 1986; Myers 2011). Respect for and acknowledgement of the father have long-term consequences for the development and trajectory of the self.

Respect as a father does not come simply by being a genitor; recognition of the (social) position of father (whether as genitor, uncle, grandfather or stepfather) comes from respect earned in performing the role. Fathers gain lasting influence over children when their children respect them. They must also have the respect of their spouse and standing in the community. The importance of *fatherhood* as a motivating schema (or the way it is operationalised) may be magnified where other schemas (such as *employment* or *craftsmanship*) that operate in other contexts or cultures are absent.

The schema of 'long-term partnership'

The desire to develop or maintain a spousal *partnership* was a frequent motivating schema in the *initiation* of desistance and for many it added structural support to the *maintenance* of desistance. Relationships with partners who held different orientations (class, ethnicity or values) were common among desisters and could result in innovation in the way Aboriginal participants related to their peers and

other kin. Importantly, decisions to 'stay out of trouble' in order to maintain or develop spousal relationships appear to have been an agential act or deliberate choice for many.[273] This was especially the case where the difference in values and attitudes between the partners was obvious early on, with potential spouses essentially laying down ultimatums. The egalitarian nature of Aboriginal marriage relationships and the importance of autonomy within marriage, as described by Macdonald (1986:231), supports an interpretation that men agentially harness the support of their partners in their reform projects.

The role of spousal relationships in desistance is consistent with the wider desistance literature, in that they provide ongoing social control and resocialisation (Sampson & Laub 2004) and spousal feedback can be used in self-authoring and self-transformation (Giordano *et al.* 2002:1002). These aspects operate separately from and simultaneously with each other. However also operating in the initiation of desistance for many of these participants (and perhaps under-recognised in other studies) is the motivational force that such relationships (or the idea of such relationships) can have on the *initiation* of desistance (D'Andrade & Strauss 1992).

Maintenance of kin relationships as cultural schemata

Maintaining kin relationships was considered important, with most participants commenting not only about the importance of having kin in gaol with them, but also about the pain of separation, during incarceration, from other kin. This was felt keenly, especially when kin to whom they owed obligation were ill or died during the separation. The importance of maintaining kin relationships was exemplified by one case in which contact with kin was the primary motivation to stay out of gaol once conditions had become such that future association with kin in gaol was not possible.

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[273] Two participants were motivated to stay out of trouble by other things (staying alive and maintaining relationships with kin) and used 'finding a good woman' as a strategy to 'stay out of gaol'.

Being free: autonomy as a motivating schema

In gaol, participants suffered as a result of not 'being free to do as I want' and 'having to do as I'm told' (see chapter 4) but there is little evidence of this as a stand-alone motivating schema. It figured more strongly in the language of the narratives of younger participants and it coincided with aspects of other schema (which might also act as catalysts) such as a partner's pregnancy or meeting a potential life partner. Motivation to stay 'out of trouble' was overwhelmingly to avoid gaol in order to be with children, partner or kin.

Employment or vocation as motivating schemas in initiating desistance

While employment was a strong structural support in *maintaining* desistance and aided in consolidating some desisters' identity as 'other than offender', this study found little evidence that '*being employed*' or '*having a vocation*' is a common or strong motivating schema for the *initiation* of desistance among Aboriginal people in the central west, There are structural and cultural reasons which explain this.

Structurally, factors such as depressed local labour conditions and the unavailability of jobs, low skill and training levels, racism of employers, employer attitudes to ex-offenders and a dearth of role models and social linkages with employed people mean that employment is not the norm.[274] Cultural attitudes to education and employment play a role. In this Aboriginal community, a person's worth is not measured by the money they make or by the position they hold. To the extent that worth is measured or can be earned, rather than accepted, it is by behaviour towards kin and community. Being a breadwinner is not seen as a necessary component of Aboriginal *fatherhood* or *partnership* in north-western NSW (Macdonald 1986:219). In addition, many people's previous (and inter-generational) bad experience of school means that some young people often

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[274] Aboriginal unemployment is nearly 60% in the region (see chapter 3).

receive no encouragement from parents and are reluctant to engage in school or work.[275] (For a discussion of Aboriginal cultural attitudes to work see Gibson 2010b; Gibson 2010a; Martin 2011.) For all these reasons it is unlikely that *employment* would be a strong motivating schema as it might be amongst some other groups,[276] and as employment in small towns is probably an unrealistic ambition for many, vocational aspirations are therefore rare. For a few desisters, where strong employment role models exist in families, employment is part of participants' overall aspiration to 'lead an ordinary life' although it is not necessarily an immediate priority or a primary motivator.

That is not to say that a real possibility of employment would not strengthen motivation and consolidate implementation of decisions to desist, but for most this was not a realistic possibility. Participants reported limited opportunity for and experience of education in gaol and programs that existed were not effective in developing expectations or aspirations of employment. Also, past difficulties, or the expectation of difficulties in the intercultural space of work may reduce or inhibit this aspiration for some.

Decisions to desist are more likely to be effectively implemented where the context for action supports the choice or decision. Motivation is often most powerful when the intrinsic (agential action) and extrinsic (external supports) overlap. For instance having children not only provides a reason (intrinsic motivation) to stay out of prison but it also tends to alter the pattern of life, keeping men occupied. This will be especially the case where (in the absence of

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[275] Some studies have shown that employment can be more or less important depending upon the age of the desister (Uggen 2000) and, despite intergenerational attitudes, there is some evidence that it may be more important to young people than to older people in this study, although not necessarily as a motivator of initial desistance.

[276] See for instance Calverley's (2009) analysis of Indian and Bangladeshi desisters in the UK and the role of 'family-enabled employment' among these peoples many of whom are small-business entrepreneurs.

participant employment) a spouse has full-time work and the father has a full-time child care role.

The mechanics of maintenance

As I discussed in chapter 6, translating decisions to 'stay out of trouble' into sustainable desistance is a long-term process (Sampson & Laub 1993). It requires initiating motivation and action, accompanied or followed by various forms of support, capacity and opportunities for education, employment and/or other means of self-authoring. While participants' motivation for ongoing desistance builds upon the schemas that operated in its *initiation,* continued *maintenance* may include different motivation and will be dependant upon a serendipitous coalescence of opportunity, agency and capacity (or in its absence, support). *Maintenance* involves building slowly on existing schemas, activating new schemas, self-authoring, innovation in relationships, and taking full advantage of opportunities.

Contingency, capacity and social support

Among participants, opportunities for training and/or employment usually arose serendipitously, often identified through personal or kin contacts, rather than as a result of programs targeted at ex-offenders. Participants' responses demonstrated the importance of agency and capacity in being able recognise and take advantage of those opportunities.

Where capacity existed it came from a combination of early socialisation, family role models, a basic level of education and awareness of, and confidence in, kinship relationships and support. Where there was less capacity (lower skill levels, especially in numeracy and literacy, less (extended) kinship support, and comparatively few role models), experience demonstrated the importance of partner orientation, capacity and support in the enactment of long-term *maintenance* of desistence. For some, resocialisation seems to have been critical. Resocialisation usually came from a spouse and in one case from counselling

during drug rehabilitation. For others, despite innate abilities, some vocational skills and certificates and aspirations to work, their poor literacy and an absence of social skills to deal with the intercultural space of the workplace was a handicap. Where a spouse did not actively support a desistance intention of her partner because of inclination, outlook, or lack of capacity, opportunities were not recognised, pursued or successfully taken up.

The less capacity and opportunity available, the greater the level of support needed. The less capacity and support available the less likely participants will be to see or seize any opportunities that exist. Motivation, skills and capacities without opportunities are unlikely to be sufficient for success. If there is insufficient motivation, capacity and/or appropriate skills, opportunities taken up will last only a short time and are likely to fade away.

Employment during maintenance

While *employment* or *vocation* is not a common motivating schema for the *initiation* of desistance, employment seems important to the *maintenance* of desistance. Many, especially those who had been long-term drug or alcohol misusers began by consolidating new identities as father and partner before developing motivation and capacity to engage in work. Engagement in work brought some social and mechanical controls,[277] perceived success and an opportunity for further self-authoring and continued development of identity; all important to the *maintenance* of desistance.

For most, aspiration to work came not from a desire for financial reward, but from a desire to 'help my people', be part of the community, gain the respect of children and/or 'have something to do'. For some, earning money to buy or rent a house

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[277] For instance going to work each day may have reduced the criminogenic contact and opportunities, and the need to be sober and fit for work each day discouraged alcohol misuse. Work motivated some to take their desistance up a notch, for example, stopping drinking altogether or changing their attitude and behaviour towards their partner.

was part of achieving 'an ordinary life' and at the same time fulfilling these other aspirations.[278]

Having something meaningful to do after release from gaol contributed to consolidation of participants' changing identity as other than 'repeat offender', especially since many said having 'nothing to do' had contributed to their original and ongoing offending. For a number, full-time care of children met this need for 'something to do' for several years, fulfilling personal and cultural needs for respect and validation.[279] For young people without children, having 'something to do' after deciding to go straight and immediately upon release from custody was important, especially when accompanied by third party acknowledgement of change and progress. Without skills to deal with intercultural workplace situations however benefits were short-lived.

Participants in small towns valued employment whether it was CDEP, Work for the Dole, a traineeship or some other position. Desistance was put in jeopardy when traineeships were not followed by continued employment[280] and younger participants with trade certificates or training but without communication skills relevant to the intercultural space of work, fell out of work despite recognising that it helped keep them out of trouble.[281] The study found that having social skills to deal with workplace relationships and people in authority was a critical capacity

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[278] Even the one participant who referred to a desire for financial success did so as part of his description of what AA could deliver. He had pride in his trade, and was motivated to earn enough money to have a house where he could have his children of whom he had shared custody. It is important to note (as discussed in chapter 7) that that those who wanted to 'help their people' did not engage in volunteering but were remunerated. This is relevant to policy development given Maruna's (2007) call to use volunteer programs to further desistance.

[279] The visibility of fatherhood for hands-on fathers seems to be a way of creating social (bridging) capital (see further Farrall & Calverley 2006). In the case of Daryl, his visible responsible parenting role resulted in him being offered work, first in the local school, which led to a later offer of work in another organisation.

[280] The frustration of some in this situation was only relieved by the fact that they coincidentally had full-time childcare responsibilities and partners with better earning potential than them.

[281] Stories of disengagement from work were very reminiscent of the sorts of difficulties many had reported about staying in school.

which could make the difference between sustainable maintenance of desistance or lapsing out of desistance.

For many, work was a symptom of the success of translating motivation into action and a visible affirmation of that action, sometimes resulting in third party feedback and reinforcement. Fatherhood could play a similar role and it is likely that fatherhood is differentially important in maintenance of desistance in contexts of low likelihood of employment. High visibility as an engaged father could lead to later employment. For some, desire to work was an extension of their role as father because they hoped it would gain their children's respect. The evidence highlights the importance of what some (e.g. Calverley 2009) would call 'bonding capital' (relationships with children, spouses and affinal and consanguineal kin generally) as a preliminary to being able to build wider relationships and broaden motivation through work.

Culture, agency and social capital

Much of the emphasis on employment in the desistance literature is on its role of developing social capital (Sampson & Laub 1993). Strong bonding capital is sometimes depicted as a barrier to gaining bridging capital or social capital (Calverley 2009) and social capital seems to equate with 'potential for mainstream employment'.[282]

Bonding capital is critical in desistance for this group. As I have shown in chapter 7, kinship provides identity stability and builds capacity to access meaningful employment and, potentially, access to bridging capital. The literature discounts the cultural value of bonding capital and often does not adequately recognise either its necessary (cultural) role in identity formation or it structural role in opportunity delivery for some peoples. It is generally agreed that the more marginal a group

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[282] The availability of "family instigated employment" (Calverley 2009) amongst UK Indians and Bangladeshis is portrayed as a barrier to getting employment in wider society, building social capital and access to wider employment horizons.

the less social capital they will have and the more agency matters (Giordano *et al.* 2002). Untangling the effects of disadvantage as against cultural inclination is difficult and often not adequately attempted.[283] Aboriginal people are clearly disadvantaged but their family and kin relationships can be a great strength in desistance rather than something that holds them back. Agency in the face of structural disadvantage is clearly important and it is clear that agential innovation in managing kin relationships or underlying cultural values is necessary and possible (chapter 7).

Younger participants with less agency/capacity and experience may not be able to exercise self-control (Kennett & Smith 1996; Emirbayer & Mische 1998; Kennett 2001, cited by Bottoms 2006:284; Shapland & Bottoms 2007:914) to avoid negative influences by peer-cousins. In the absence of the support of a girlfriend or partner who shares an orientation towards desistance, they may not have the tools to avoid peer-cousins, or the maturity to change the basis of the relationship while maintaining close kin links as do older participants in this study. Some young people found removal to another location, at least in the short term, a useful strategy. Significantly, where this was effective it took place after a decision was made and usually in the company of a supportive partner.[284]

Maintaining bonds with kin and community is central to Aboriginal identity; crime-free identities seem to be built upon these foundations.

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[283] Calverley's study (2009) indicates that his Blacks and Mixed Heritage group are more disadvantaged than the Bangladeshis and the Indian groups, however in his comparison of these groups' access to social capital the impact of marginality *vis a vis* culture is hard to distinguish. Indian and Bangladeshi family links facilitate employment although Calverley sees this 'bonding capital' as limiting desisters' access to social capital and work in the broad economy. Blacks are a more dispirit group who act independently and do not engage in family enterprises.

[284] Relocation without kin or partner support seems ineffective. I spoke with a number of young people who had gone away to school who had lasted a very short time (sometimes no more than a week) before returning home.

Continuity and change in identity

The initiation of identity re-formation begins with the *initiation* of desistance when alternative futures are envisioned. Identity is usually reformed upon a basis of earlier identity, including Aboriginality and past offender status. Identity as Aboriginal appears to be strengthened by repeated gaol experience simultaneously with the development of an identity as 'repeat offender' (chapter 7).

Continuity and/or expression of Aboriginal identity was important for most desisters who achieved it in different ways – some through employment with Aboriginal community controlled organisations (especially where identity was insecure or where people had chosen to lessen their involvement with some kin), others through adopting culturally recognised roles of *father* and *partners* while living in a community with a substantial Aboriginal population with which they identified.

Kinship and identity: balancing autonomy and relatedness in desistance and changing identity

Peers

Being able to maintain links with past identity (continuity) seems to be important for many and may also be part of the *modus operandi* of the few who exhibited the *professional-ex* phenomenon in which, for example, participants in counselling programs become counsellors, or ex-prisoners take on roles working with offenders (Brown 1991) (see chapter 7 for a description of this role). The sort of work these few engaged in facilitated deeper links, albeit changed, with their Aboriginality as well as their offender past. I have argued that this phenomenon is akin to participants changing positions within the same figured world. Others who adopted *fatherhood* or *partnership* roles changed their behaviour and identity without severing connections with kin, although for some these new roles lessened the engagement with peer-cousins. These findings are consistent with the only other study of desistance among Indigenous people (Deane *et al.* 2007; Bracken *et*

al. 2009) in which continued identity through maintenance of links to Aboriginal street gangs was important.

Individual innovation to achieve continuity

Transferring or applying the underlying cultural value of 'looking after my people' to the choice of work is an important cultural innovation, an apparent paradox of making changes to ensure continued cultural values (chapter 7). This phenomenon allows desisters to modify, lessen, or replace their association with kin, who may have been a negative influence, while maintaining their underlying moral direction by working to 'help their people' by way of compensation. In some ways, those working for schools or community organisations in towns with majority Aboriginal populations could be said to be on a similar path. This behaviour may not be unique to reformed repeat offenders and understanding it as a mechanism of social change has implications for studies of secularisation of the sort discussed by Peterson (2010).

Family of origin

Family support (parents, aunties, uncles, grandparents) respected the balance between autonomy and relatedness. Support was not usually highly demonstrative but involved regular although not necessarily frequent contact, maintaining relationships while accepting participants as they were. Contact maintained through a decade or more of repeated incarceration meant that participants had someone to turn to when they recognised they needed help. This assistance was more common among families which had capacity and resources for support. Others did not have the same level of support from consanguineal kin and in some cases the partner and family of choice had an almost exclusive role.

Religion and cultural renewal not reported as motivation

As the study was very much an exploration of desistance amongst this group of Aboriginal people, the methodology used very open-ended approaches to gathering life histories, rather than a checklist of issues suggested by other studies

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of desistance. However, it is worth commenting on two areas which some may have expected to be significant. In contrast to some literature and the general expectation of some colleagues and some practitioners[285] neither religion, nor cultural renewal, were reported as important to the desistance of participants.

Religion

Several studies have reported some association between religion and desistance from crime and/or drug use (Maruna 1997; Chu 2007; Giordano, Longmore, Schroeder & Sefferin 2008; Calverley 2009; Chu & Sung 2009) although its operation is by no means fully or consistently explained. Religion's effects are variously explained in terms of social control, rational choice, differential association or other social effects, for example the operation of close community ties in a uniformly Muslim 'encapsulated community' (Eade, Vamplew & Peach 1996, cited by Calverley 2009:151). Religion is variously said to be a source of social capital (Chu 2007:667) and to provide access to others with social capital (Calverley 2009). Evidence of the independent effects of religion on desistance is not strong (Giordano *et al.* 2008:125).

Religion was not mentioned by any male participant as being important in his desistance.[286] Maruna suggests that religion is appealed to in the narratives of desistance amongst his Christian participants to explain changed behaviour (as an external 'locus of control') because of the perceived believability of this explanation (1997:83). Aboriginal participants accept responsibility not only for their crimes but also for their changed attitudes. It may be that their socialisation to

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[285] When speaking informally with anthropological colleagues about my work the question was frequently asked as to whether religion had made a difference to participants' progress. When speaking with practitioners and some criminologists a frequent question was whether there was any evidence of cultural renewal as an effective practice.

[286] One exception was one of the few women interviewed (who were excluded from the analysis – see chapter 3). She had been influenced by a Christian prison visitor and was later involved in church attendance and credited her religion for much of her reform. Her father had been a minister of religion.

autonomy does not require them to explain their change by reference to an external agency.[287]

Aboriginal cultural renewal

While Aboriginality is central to the identity of participants, there was no evidence that a program of Aboriginal cultural renewal of the sort provided in the Manitoba program (Deane *et al.* 2007; Bracken *et al.* 2009) played a role in desistance.[288] This is not to say that such a program might not assist in identity consolidation, however in the Canadian example, continuity of identity facilitated by continued gang membership and the opportunity to deal with personal trauma in an environment that provided training and social and financial (employment) support was at least as important as the cultural involvement. Among participants in the present study, continuity of identity is achieved or strengthened by the actions of participants themselves through maintaining kin relationships, working in community controlled organisations, living in the Aboriginal community or working with Aboriginal culture (see chapter 7).

Participants in this study seem not to have not lost their underlying Aboriginal values, relationships or sociality in the way suggested for the Canadian urban homeless youth, so had not the need to 're-find' their culture in the same way. For many participants, the prison experience seemed to consolidate or reinforce their identity as Aboriginal. While a number of community members said they thought that some sort of culturally based rehabilitation ('take young people out into the bush and teach them the culture instead of locking them up') should be available, there is no evidence that an essentialised (Creamer 1988; Merlan 1998; Merlan

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[287] As AA invokes a 'higher power' it may be significant that only one participant was an AA member.

[288] The program (described in chapter 2) consisted of four strands. Participants maintained links to street gangs they belonged to, they received support and employment and access to appropriate trauma counselling as well the opportunity to engage in traditional ceremonies and cultural education. It is notable that the leader of the cultural program in Manitoba was an ex-gang member and related to many who joined the program.

2001; Povinelli 2002; Merlan 2005; Gibson 2006; Yamanouchi 2007:234-7) cultural program would be effective.[289] Some participants identified a need for culturally effective professional counselling to deal with their underlying trauma or separation issues and access to more appropriate drug and alcohol rehabilitation programs was a major issue (see further below). While one participant regretted family loss of knowledge about their ancestry, none voiced a desire for any cultural renewal program.

Considerations for the field of desistance and for future research

This exploratory study into a new area of research amongst Aboriginal repeat offenders has raised issues for future research and the development of this field.

Continuity of identity

The issue of continuity of identity and its role in the longer term adoption of a crime-free identity should be investigated further, not only amongst First Peoples but also amongst other disadvantaged groups. Identity continuity is a feature of figured or cultural worlds such as AA and some counselling programs (Holland *et al.* 1998), amongst some Aboriginal desisters who do not seem to have been part of particular programs[290] and in the phenomenon known as the *professional-ex* (Brown 1991) (see chapter 7). Does this identity continuity occur as a result of the resilience of Aboriginal identity on the one hand and/or as a construction where participants have tenuous or poorly developed identity on the other?

This study has found that for this particular group of Aboriginal people, and particularly because of their Aboriginality, a degree of continuity, and even consistency in identity (of both Aboriginality and 'repeat offender' identity) has proven important. This finding is consistent with one of the few studies of

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[289] It should be noted meta-evaluation has shown that correctional 'boot camps' are not effective in reducing recidivism (Wilson, MacKenzie & Mitchell 2008).

[290] As noted earlier only one participant was been involved with AA.

desistance amongst First Peoples, the Manitoba (Canada) study of Aboriginal youth.[291] Yet continuity of identity (either ethnic identity and/or 'repeat offender' identity) also seems to be important among some non-Indigenous populations. An exploration of the phenomenon of the *professional-ex* (in which I argue there is evidence of the importance of continuity of identity as participants effectively change positions while remaining in the same figured or cultural world) shows that similar sorts of factors may be at work for some members of non-Indigenous populations and this trend may be more important in more disadvantaged communities, possibly especially where rehabilitation programs operate and low skill levels exist. Calverley (2009:146, 286) found that there are more *professional-exs* amongst his UK Black and Mixed-heritage groups which were by far the most disadvantaged and had the weakest 'social networks' (2009:285) of the groups he studied. Exactly what mechanisms are operating here? Are these figured worlds of 'repeat offenders' or figured worlds of rehabilitation programs? How does ethnic identity, as opposed to 'repeat offender' identity, figure in these non-Indigenous groups? Is it in fact insecure identity, or lack of strong ethnic identity, which draws people towards the *professional-ex* role? Is continuity in identity of the same importance among other disadvantaged groups or only among groups that are ethnic minorities? While the Manitoba youth did not become *professional-exs* in that they did not use their offender experience in their new profession, Deane *et al.* (2007:139) characterised the Manitoba group as developing a "culture of desistance" – something that might be called a cultural or figured world of desistance. Had their identity as gang members[292] morphed into this figured world of desistance? Their Aboriginality, expressed in their identity as Aboriginal street gang members, was enhanced by exposure to First Peoples'

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[291] One other study (Hundleby *et al.* 2007) of a group of Canadian Aboriginal female university students found a tendency to individually seek out closer links with Aboriginal cultural heritage (2007:247). These women had had 'behavioural problems' but it is not clear if they would classify as repeat offenders.

[292] Manitoba Aboriginal gang members' social bonds and trust which they brought with them to the program were important to their success (2007:131).

ceremony and teaching. Could the factor of identity continuity be harnessed to promote change amongst NSW Aboriginal repeat offenders? Can loyalty to and relationships with the street gang of Indigenous peers (who may or may not be kin) be compared with loyalty to peer-cousins? How does age affect such relationships? This is a particularly important question because most of the current thinking and practice is that separation from peers is critical to desistance (Warr 2002; Warr 2007).

Autonomy and relatedness

Aboriginal desisters' apparent willingness to accept responsibility for their past acts rather than blaming their past on someone who was 'not the real me', as described for Maruna's desisters, (2001:143-5) is a noteworthy distinction. Maruna's sample of desisters constructed narratives which effectively claimed that 'it wasn't my fault', apparently because for them a more honest answer "would be tantamount to admitting that they are irredeemable" (2001:143-5). Aboriginal desisters owned their past crimes, not in a prideful way and usually with regret or remorse (although not necessarily shame)[293] but strongly claiming that no one else was responsible. Future research might explore whether as postulated above this is due to people's socialisation towards autonomy, how this relates to emerging and consolidating identity and whether repeat offenders who have not yet decided for desistance have the same attitude. It may also have implications for the operation and effectiveness of circle sentencing.

Future studies of Aboriginal desisters should also further explore how the balance between autonomy and relatedness affects, is achieved in, or modified by the desistance process. Relationships with family of origin and family of choice are relevant. There is scope to understand more about the nature and role of families

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[293] For discussion of the ways in which Aboriginal people experience shame see Myers (1979) Cowlishaw (1982) and Kwok (2005).

of origin's (parents, uncles, cousins and grandparents) support in successful desistance and whether this varies by participant age, family history, or type of crime. Support may not always be very demonstrable due to respect for the autonomy of participants, or participant preferences regarding visiting[294] and/or may be limited due to the resources and capacity of kin (to provide accommodation, or to attend court or gaol especially given travel required), but that may not mean that it is not present or effective.

From an anthropological perspective, there is scope for further research to understand the process of changing sociality in the sorts of innovation reported in the management of relatedness and the interaction between participants and others in relationships of differing values and attitudes because this behaviour may not be unique to reformed repeat offenders (see for instance Peterson 2010). The role of prison in Aboriginal male identity formation is also an area that deserves future research.

A fuller understanding of aspirations

Initial aspirations seem to be centred on the ability to live 'ordinary lives' and for some this will not necessarily include employment, although secure housing and regular food are critical at the outset (Shapland & Bottoms 2007:914). Aspirations are affected not only by structural issues, which might work as constraints or enablers depending upon the opportunities or lack of them, but also by cultural values, which constrain or enable the conceptualisation of possibilities and preferences.

Much of the desistance research emphasises the importance of repairing disrupted social bonds (or creating new ones) between individuals and "wider institutions such as work" (Sampson & Laub 2004:305), especially because such institutions

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[294] A number of participants said that they asked their family (sometimes spouses sometimes others) not to come to visit them in gaol as saying goodbye each time made gaol harder to bear.

provide social capital (Sampson & Laub 1993:225) and therefore allow desisters to access the wider economy (Calverley 2009:339). While Laub and Sampson argue that work is also said to create "mutual ties binding workers and employers [which] increase informal social control (Laub & Sampson 2003:47), Calvarley's work privileges social capital over bonding capital. Aboriginal people do not necessarily aspire to access all the perceived benefits of mainstream society, particularly if this would mean sacrificing kin relationships; neither do they easily form bonds within the intercultural space of a mainstream workplace. Pro-social lives are possible without such engagement and yet building strong family bonds and repairing or maintaining kinship bonds (bonding capital) can be a route to sustainable desistance and to eventual engagement in the workforce.

A fuller exploration of the aspirations of Aboriginal repeat offenders and the value placed on family and kinship bonds both at the outset of desistance and during *maintenance* will ensure a richer understanding of the process of desistance. A fuller understanding of aspirations, what they are, how they are arrived at, how they vary with age, and the interaction of structural issues and cultural values is required in the study of desistance of this group.

Exploring age-related variation in motivation, aspiration and agency

Younger and older participants' experience of desistance may vary, although differences in motivation and aspiration need to be further tested. What motivates young participants to initiate desistance, especially in the absence of girlfriends or partners who are oriented towards desistance? How important are parents (or those in a parental role) where parental relationships are intact? If they are not intact, do (or can) others fulfil this role? Do young people aspire to work (why) and or to earn money and can this motivate desistance? Is such an aspiration sustainable? What are the roles of social skills and intercultural communication skills and capacity in sustainability of desistance among younger participants?

Methodological approaches to future research

This ethnographic study of desistance in regional NSW provides an expansive and textured base for the development of further research using a variety of approaches. There is always a tension between the rich and sometimes unpredictable benefits of ethnographic immersion and other types of qualitative study that allow a greater level of (sample) control. Both approaches are still required in ongoing studies in this area.

Firstly, there is room for comparative studies of Aboriginal populations living in diverse settings with varying social and cultural contexts, including, for instance, comparisons between those in regional or remote centres and those in metropolitan areas. Secondly, studies of larger samples in which one could compare and contrast populations with different types of crime histories, and studies of Aboriginal women in comparable circumstances are clearly needed. Thirdly, there are serious questions about how desistance varies between differing groups of people, so research amongst groups who are uniform in age, crime type and/or family background would be useful. Fourthly, opportunities to undertake research with people who have undergone various rehabilitation or pre- and post-release programs, in comparison with those who have not, is an area for future exploration. This might include the use of ethnographic methodologies in the evaluation of rehabilitation and or pre- and post-release programs. Fifthly, research exploring the comparative experiences of Aboriginal and non-Aboriginal repeat offenders, including and distinguishing between members of groups of culturally and linguistically diverse origin within one locational setting, possibly focusing on alternative motivating schema or strategies for maintenance, could provide information relevant to both theoreticians of desistance and practitioners.

Implications for future policy development and practice

Any application of the current research is most likely to be in pre- and post-release settings and there have been calls recently for the outcomes of desistance research

to be integrated into pre- and post-release policy and practice in relation to repeat offenders. In particular there has been a proposal for the introduction of a 'desistance paradigm' in the practice of probation in the United Kindgom (Maruna & Farrall 2004b; McNeill 2004; McNeill 2006; McNeill 2009; Weaver & McNeill 2010).

Willis and Moore's study of Indigenous reintegration highlighted the shortcomings of prison-based programs for Indigenous people (Willis 2008:5-6; Willis & Moore 2008:94) and the lack of Indigenous specific programs at the community level (Borzycki 2005 cited by; Willis & Moore 2008:68).

The scarcity and paucity of such programs is reflected in the fact that most participants in the current study had not been part of any reintegration programs.[295] (Experience of parole was discussed in chapter 4). The lessons of their 'natural' desistance should be considered in the design of pre-and post-release programs and approaches for Aboriginal people. Indeed, trying to discover how desistance operates in fairly unsupported or 'natural' circumstances and using the findings to build appropriate supportive policies or programs was part of the motivation for undertaking this study.

At a very general level, desistance findings are consistent across different cultures and jurisdictions and McNeill's approach of a 'desistance paradigm' (McNeill 2003; McNeill 2006) draws on a range of desistance literature that includes the following key elements. His model is presented as a triangle with a group of issues at each apex: age and maturity; subjective narratives, attitudes and motivations; and life transitions and social bonds. This very general model does not make allowances for ethnic differentiation, however, given his emphasis upon

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[295] A more recent national report (Heseltine, Day & Sarre 2009) dealing with prison-based offender rehabilitation programs was unable to quantify improvements in NSW against the earlier report due to incompatibility of data, but certainly changes to accreditation and evaluation of courses have been made and resources apparently increased. The report does not comment on Aboriginal or Indigenous access or participation.

individualisation it is likely that differences could be accommodated. Nonetheless a prudent approach would be to use the outcomes of research of the sort suggested above to develop a model specifically for Aboriginal people, incorporating an individualised approach. The findings of this study indicate that a 'desistance paradigm' for reintegration of Aboriginal people requires its own tailoring to take account of sociality and culture.

Identification of intention to desist

Identification of those with an intention to desist and their perception of their needs is a first step that will require the development of culturally effective methodologies to discover such intentions. This may mean development of new tools and recruitment of trained personnel. Individual assessments that identify motivating schemas, short term needs and longer term intentions and support requirements, would be a first step.

Support in the initiation stage of 'staying out of trouble'

Taking care of immediate needs and identifying longer term needs

Barriers to 'staying out of trouble' identified by participants included post-release police harassment, the use of 'back up charges' (see chapter 4), discrimination on the basis of criminal record, lack of housing (see also Baldry *et al.* 2002; Baldry & Maplestone 2003), poor access to educational records from correctional institutions,[296] lack of driving licences or inability to pay off driving fines (see chapter 4), access to suitable drug or alcohol rehabilitation,[297] lack of social skills for employment, and training programs that do not lead to employment.

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[296] Several people had difficulty keeping track of educational achievements in gaol and/or had nearly completed courses at the time of discharge for which they could not claim credit. Certificates identified with Corrective Services as the location of study was identified as a problem.

[297] That is, those that adequately take account of family, resource needs and housing situations.

While ideally service provision should mean that barriers do not exist, people need assistance to identify their short- and long-term needs for staying out of trouble and resources need to be provided to meet them. Identifying these needs should be ongoing as the desistance process evolves over the long-term.

Support which allows the take up of motivating schemas to flourish

While the major and most common motivating schemas in *initiation* of desistance are *fatherhood* and *life partnership* and there is seemingly little that the state can do to bring these about, support for those who are motivated by these common schemas is possible and would be appropriate. Such support should be based upon individualised and ongoing analysis that identifies what sort of support participants need for their desistance project. This may take various forms but could conceivably include: assistance with housing; child care support; training and/or counselling or rehabilitation tailored especially to participants and/or partners needs; culturally safe counselling for trauma or separation issues; and vocational planning and training that result in employment and address issues of literacy and numeracy, intercultural communication and social skills for the workplace where required. The timing for this should be at the participants choosing.[298] Pre-release support for visiting partners and post-release planning may be relevant, including engagement with spouses to provide support for their support. This should be achieved without infringing the basic autonomy of the individuals.

In the absence of activated motivating schemas of *fatherhood* or *partnership* (especially in the case of the young), identification of any other motivation or motivating schemas which may be operating and provision of relevant support will be necessary. Conceivably this could be support for parents or grandparents or others in these roles, mentorship support, educational or vocational support,

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[298] Being with children may be an essential first step in staying out of trouble and should be supported rather than pushing participants into work, especially if the work may be time limited or a 'dead end' position.

counselling, housing, providing assistance for the development of strategies for lessening the influence of negative peers and other criminogenic influences. Programs may engage a network of peers rather than try to separate the participant from them. In other words, rather than see peers as the problem, make use of them as a social resource.

Issues for long-term maintenance

Facilitating the coalescence of capacity and opportunity

The *initiation* of desistance and particularly the *maintenance* of desistance (i.e. turning intention and vision into sustained action) usually involves the coalition of a number of factors, opportunity, agency and capacity. The implication of this is that more opportunities need to be available and that participants need support to identify, access and take up opportunities, and support to develop their capacity. Approaches to this should be individualised based upon identified needs. Harnessing the social resources of kin networks to facilitate the coalition of opportunity and capacity (e.g. in the way opportunities are advertised) may be effective. This sort of support may not always be required immediately after the *initiation* of 'going good' but it should be in place and known to be in place if the need arises.

Provision of culturally effective counselling for separation and abandonment issues

Issues of separation and abandonment by one or both natural parents are common among Aboriginal people who are trying to 'stay out of trouble' (see chapter 4) and continue to be an issue for participants now in their 30s. Even people who have been successfully 'out of trouble' for five or more years still struggle with these issues which are a threat to continued desistance. Accessible, culturally effective counselling was identified as a need by participants. This need will be ongoing as family break up, separation and abandonment continues to be a pattern among Aboriginal people in NSW and elsewhere in Australia.

The sorts of services that most closely match the needs of this group are those provided by Link-Up NSW, whose client group are Stolen Generations survivors (see chapter 4 and Australian Human Rights and Equal Opportunity Commission 1997). Aboriginal people who have been raised by Aboriginal people other than their natural parents, rather than by non-Aboriginal people, do not qualify to receive these services.[299]

The contribution of macro structural reparations to desistance

Several researchers argue for programs to assist First Peoples to understand the impact of the history of oppression on their current situation (Deane *et al.* 2007; Hundleby *et al.* 2007; Bracken *et al.* 2009). Calvarley (2009:70) draws on this to suggest that there is a need for additional support for minority ethnic groups in the form of programs that raise awareness and appreciation of the impact of societal and historical racism on their lives, as an adjunct to identified 'what works' programs (see also Durrance & Wiliams 2003; Williams 2006 on empowerment models). Racism and the impact of historical racism (colonialism) are said to be both systematic and internalised and are said to contribute to lateral violence (Aboriginal and Torres Strait Islander Social Justice Commissioner 2011:57-59). The need for programs to spread such understanding was raised by one participant and by other community members. It is not yet clear that such approaches would contribute to the formation or maintenance of desistance. Further research into the need for and effectiveness of support for Aboriginal repeat offenders to understand the impact of oppression on their current situation and the impact this might have on desistance could be of value. Recognition of responsibility by the state for past injustices suffered by offenders may improve perceptions of the legitimacy of the justice system (Duff 2003; Tyler 2006) and would justify future funding for the practical assistance called for by the desistance paradigm (McNeill 2006:54).

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[299] Pers. com. Link-Up office, Lawson, NSW.

The role of kin

Family support

Family support for those intending to stay out of trouble is important, however it must be offered in ways that respect the autonomy of the individual. Family support usually presents a face of acceptance and presence rather than one that asks for change.[300] Program design should accommodate and support this kind of family support.

Peer-cousins

Some, especially young desisters, find it beneficial to distance themselves from their peer groups, at least for a time, and others are encouraged to do so by their spouses, but distance from peer-cousins may not always be useful or possible. The importance of cousins, especially where parental separation may have occurred, has been described above. The desister's relationships with them may be central to identity. Desisters should be supported to consider these issues themselves and the sorts of skills they may need to manage these relationships.

There may be potential for desisters to influence peer-cousins by example and for this relationships need to be maintained. It may be possible for cousins and others in the peer group to develop a 'culture of desistance' (Deane *et al.* 2007:139) or a figured world of desistance such as was created by the program described in the Manitoba youth.

While I encountered no street gangs of cousins, the Manitoba example raises the possibility of developing a program that engages networks of cousins in pro-social activities to develop a 'culture of desistance' within the group. Participants value advice and support from those people who they feel understand them, and this

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[300] Hence the importance of third party acknowledgement of progress.

provides a rationale to engage desisters in this sort of work, not as volunteers but as trained and paid employees.

Concluding comment

As Young extolled (Young 2004:26) and Calverley encouraged (2009:341-2), this thesis has used ethnography and has 'unpicked' the process of structure and agency to understand the critical lifestyle choices that participants make in initiating and maintaining their desistance project.

Future studies and practice development should take account of the role of the continuity and evolution of identity in the desistance journey of Aboriginal repeat offenders. The motivations and challenges of the initiation of desistance require special attention as do the different motivations and challenges of long-term maintenance of desistance. With appropriate assistance, repeat offenders themselves are best placed to identify their own motivations and challenges. Programs of support which are ongoing, responsive and tailored to individual needs will go a long way towards helping repeat offenders 'stay out of trouble' and keep 'going good'.

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