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## **A Qualitative Investigation into the Impact of Domestic Abuse on Women's Desistance**

**Abstract:** Whilst criminological literature, criminal justice practice, and to a lesser extent, state policy have acknowledged a link between women's criminalisation and gendered violence (Roberts, 2015; Prison Reform Trust 2017; Österman, 2018; Female Offenders Strategy, 2018), there has been much less acknowledgment of the role of historical and contemporaneous experiences of violence in the desistance scripts of criminalised women. Combining findings from two research projects exploring gender and desistance, this paper argues that (i) criminalised women's experiences of gendered violence are such that any exploration of gender and desistance which does not acknowledge this is incomplete (ii) coercion and control can inform women's entry into the criminal justice system (iii) expressions of agency and resistance in abusive interpersonal relationships can also inform women's offending, yet (iv) women's experiences of desistance from crime can mask the harm they face in coercive, controlling and violent relationships. Thus, the article argues for a reframing of desistance from *crime* as desistance from *harm* both theoretically and in practice, and considers what this might entail.

### **Introduction**

There has been a recent acknowledgement within both criminology and criminal justice practice about the link between women's experiences of domestic violence and their criminalisation (Roberts, 2015; Prison Reform Trust 2017; Österman, 2018). To a lesser extent, there does appear to be some recognition by the state of the prevalence of domestic violence in the lives of women entering the criminal justice system (CJS) (Female Offenders Strategy, 2018). What has been much less examined however, in academic literature, policy and practice, is how criminalised women's qualitative experiences, both historical and current, of domestic abuse affect their desistance. This article will first consider current policy developments and academic debates around gendered violence before moving on to consider the development and prevalence of desistance theory within criminological discourse, and in particular the failure to recognise gendered harms faced by desisting women within this body of work. Following this, the methodology of the current article will be explained. Findings will focus on narratives of the prevalence and interconnectedness of 'offending', punishment, gendered violence and desistance in the lives of criminalised women, the presence of agency and resistance within criminal acts, the invisible nature of gendered violence within desistance narratives, and the consequences of this for theory and practice.

### **Domestic Abuse**

The Female Offender's Strategy (2018) recognises that the majority of women coming into contact with the CJS have experienced abuse and that these women have not been supported as victims whilst travelling through the CJS. This recognition has myriad empirical support. For example, a recent report by Glorney et al. (2019) highlighted that 64% of 173 women prisoners answering questions about blows to the head at HMP Drake Hall gave answers consistent with a brain injury, 'with 89% of reported injuries being traumatic, most commonly sustained through domestic violence, and of mild and moderate severity' (Glorney et al., 2019: 5). This, the authors found, led to problems with memory, attention, anxiety and depression. There was a lack of provision for these women in the prison system and a lack of staff knowledge around the prevalence and effects of brain injury. This effectively increased the women's experiences of trauma within an already traumatic environment, and following extensive traumatic experiences. Theresa May's government stated that it would invest £2 million into community provision for women with experience of domestic abuse as part of the £5 million promised by the Female Offenders Strategy, develop guidance on working with 'vulnerable women' and support the rollout of trauma-informed training for probation and prison staff. However, critics have argued that there is a severe lack of real infrastructure to support women experiencing or having experienced abuse (Booth et al., 2018). For example, Women's Aid (2019) have noted that in 2017/18 an average of 400 referrals to refuges in England and Wales were declined each week. Without ring-fenced funding for women's services, which have been devastated by almost a decade of austerity (Alston, 2018) women are unlikely to receive the support most needed. Critical analysis of the Female Offenders Strategy (2018) also does not make for positive reading on the government's commitment to tackling links between criminalisation and domestic violence. Women in Prison (2018), Sisters Uncut (2018), Coles (2018) and Booth et al (2018) have all pointed to a lack of secure and sustained funding for women facing trauma, as well as the well-known harms inflicted by solutions which lie within criminal justice systems, particularly imprisonment, but also in the roll out of residential women's centres as further sites of control. Whilst the MoJ (2018) claim that residential centres will mean women can be detained closer to home and maintain outside links, whilst also accessing support and education, with only 5 pilot sites currently proposed women are still likely to be situated away from their communities and families. Community-based women's centres are closing (Howard League, 2016), and their funding is precarious (Farmer, 2019). This is not the vision many campaign groups had for community-based answers to criminal justice and women will still remain confined in residential centres and exploited for low-cost labour, replicating the harms of prison (Sisters Uncut, 2018). Arguably the government cannot support vulnerable women whilst their proposed solutions still lie within the framework of the criminal justice system (Sisters Uncut, 2018)<sup>i</sup>. Furthermore, Booth et al. (2018) highlight that the language in the Strategy is problematic. For

example, the concept of 'productive citizens' (MoJ, 2018: 334) suggests criminalised women are unproductive members of society, reinforcing stigmatised portrayals of women and emphasising individualised solutions to structural problems whilst responsabilising criminalised women, who experience a lack of capital, to undergo individualised change (Hart, 2017b).

Despite the government's apparent concern for new forms of violence against women, including coercive control, the relationship between women's criminalisation and broad experience of domestic violent crime, to include coercive control, has not adequately been confronted. Whilst the recent case of Sally Challen<sup>ii</sup> has drawn media attention to the operation of coercive control in murder conviction cases, there appears to continue to be recourse to the 'mad/bad' dichotomy in appeal cases and subsequent comments of the appeal judges (Bettinson, 2019). Additionally, these cases only show the sharp end of coercive control, women's criminalisation in less extreme consequences of coercive control has been less considered. For example, Light et al (2013) highlight that almost half of women in prison have carried out their offence to support someone else's drug use. Women's Aid (2019) have found that two thirds of domestic violence survivors' partners held money from them as a form of control. Hadi and Chesney-Lind (2014: 33) speak of a 'criminalisation of victimisation' where, in cases of domestic abuse, women find their relationships as a 'site of correctional regulation' (Pollack, 2007: 158-159). Österman (2018) also has found that criminalised women often first come into contact with the criminal justice system when requesting assistance in the context of abusive relationships.

With notable exceptions in the case of the latter, both policy and academic debates around gendered violence have struggled to move beyond a criminal justice focused solution. Whilst focusing on sexual violence, McGlynn and Westmarland (2018) have made important points about the desire for 'kaleidoscopic justice' amongst victim-survivors, which requires a move away from law and policy focused solutions within conventional criminal justice systems. Justice, in these solutions, is defined by the state without recognition of the plurality of positions of victim-survivors. The authors conducted workshops and interviews with 20 victim-survivors and concluded that 'justice' for these women involved constantly shifting notions of 'consequences, recognition, dignity, voice, prevention and connectedness' (2018: 2) where justice is an ongoing, lived and ever evolving process rather than just an ending or result. However, this argument fails to fully disentangle justice from the criminal justice system, suggesting it can form a parallel method of resolution. Although not a direct focus of this research, it is proposed by the current study that an abolitionist approach based on 'women wise penology' (Carlen, 1990: 109) is necessary for justice to prevail<sup>iii</sup>. Nonetheless, McGlynn and Westmarland's (2018) conclusions are a good jumping off point to open debates around social and gendered justice.

## **Desistance**

The exact meaning of desistance is something which has been contested in the field of criminology. Weaver and McNeill (2010: 37) note 'most criminologists have associated desistance with both ceasing and refraining from offending'. Sampson and Laub (1993) and Laub and Sampson (2003) discuss the belief that an age-graded theory of informal social control can explain the desistance process. This theory focuses on sociogenic accounts of desistance and explores the role of social bonds (Maruna, 1999; Weaver and McNeill, 2010). Social bonds signify 'an individual has emotional attachments to societal goals'; correspondingly they have pledged to reach these goals by behaving within the confines of the law (McNeill et al, 2012: 5). As such, it is argued by sociogenic accounts that people are more likely to 'offend' when societal bonds are absent, individuals must therefore accrue, over time, the necessary means to avoid this (Sampson and Laub, 1993). Adults may discover activities such as entering the military, marriage, paid employment and parenthood can all 'knife off offending trajectories' (Salvatore and Taniguchi, 2012: 738). Nevertheless, as Sampson and Laub's (1993) study is based upon the lives of 500 white American men, accordingly it is not viable to conclude that theories of social bonding can be used to explain women's desistance (Giordano et al, 2002).

The study of desistance has expanded to include discussions around the importance of social structure (Farrall et al, 2010; Farrall, 2014; Hart, 2017b) and the experiences of criminalised women (Giordano et al., 2002; Rungay, 2004; Rodermond et al., 2016; Hart, 2017a; Ostermann, 2018; Stone et al, 2018 amongst others). Nonetheless, discussions surrounding patriarchy and neoliberalism have been largely missing from previous desistance research, including those which focus on women's experiences. This is evident in the disjuncture between the bodies of literature on women's desistance and domestic abuse. Nonetheless, Robin Gålnander (2019) has recently argued that women's experiences of violent victimisation can hinder their desistance attempts. Whilst we also find support for this argument, we also find other trajectories which suggest further research into desistance and domestic abuse is crucial. This is discussed further below.

By locating women's desistance as parallel to men's, criminology replicates the substantive inequalities which often result in women entering the criminal justice system in the first place, in addition to the substantive inequalities which they then face within a patriarchal system. Relationships may be a central feature within desistance literature which focuses on the importance of 'social bonds' (Sampson and Laub, 1993; Laub and Sampson, 2003) but there is a lack of gendered focus within 'social bonds' texts. Therefore, women's problematic relationships go unrecognised. For men 'the love of a good woman' (Maruna, 2001: 30) may cut ties to 'offending' but the evidence

provided by Roberts (2015) is indicative that abusive relationships can see women initially become involved in crime but likewise later cycle in and out of the criminal justice system (Österman, 2018). A lack of consideration of the gendered experience of relational aspects to desistance was highlighted, for example, in the 2017 publication of Lord Farmer's review on the importance of strengthening family ties to prevent reoffending and reduce intergenerational crime, which unapologetically focused on the male experience. Despite the asymmetrical gendered presentation of men in the criminal justice system as perpetrators of domestic violence, the report failed to address the problematic issues surrounding supporting family ties for domestic violence perpetrators. As will be shown, many criminalised women are expected to be the 'good woman' (Maruna, 2001: 30) in the desistance narratives of the men whom they materially and emotionally support, without consideration for their own narratives, including experiences of victimisation and trauma. A more recent (2019) Farmer Report on the experiences of criminalised women has, however, drawn attention to women's experiences of abuse and violence. Nonetheless, responsabilising language within the report and recommendations suggests that these are individual rather than structural issues. Within the criminal justice system itself, women see liability directed away from the state and prison schemes in favour of scrutinising individual actions, as opposed to any causal structural inequality; hardship becomes viewed as 'criminogenic need' (Hart, 2017a: 270). Hart's (2017b) research discovered that whilst criminalised women have a strong will upon release from prison to desist, their determination is hampered by the troublesome discourse surrounding this concept of responsabilisation. This discourse, allied with 'a severe lack in all forms of capital' (Hart, 2017b: 152), means women leave prison with minimal arrangements in place and consequentially recidivism is ever more likely (Hart, 2017b). Blaming the pathology of individuals permits discussion on the social injustices worsened by the criminal justice system, drug and state welfare reforms to be avoided (Leverentz, 2014). Provided the impression that those in prison are responsible for their personal re-entry or 'rehabilitation' is upheld, the state can continually clear itself of any wrongdoing. Such narratives also serve as a diversion from the evidence that 'social policies and stigma inhibit desistance' (Leverentz, 2014: 182).

Taken together, the body of literature on women's experiences of criminalisation, domestic violence and desistance suggest that women's trajectories may be affected by the intersection of the three processes. It is the aim of this article to explore how this is experienced by a small group of women based in the North West of England.

## **Methodology**

The findings from this study are based on two separate but interlinked projects by the authors, both considering women's qualitative desistance experiences in the community, and both undertaken in response to the dearth of women's voices within the expansive and ever-growing desistance literature. In total, 18 women with experiences of criminalisation were interviewed across the projects, and their narratives form the basis of analysis in this article. Barr's (2019) research was undertaken as part of a PhD study, at the University of Central Lancashire, generally exploring women's desistance, within the 'Northshire' area and involved a year of observation at Northshire Women's Centres, as well as 23 narrative interviews<sup>iv</sup> with staff at two community projects supporting women's desistance and 16 criminalised women. Half of these criminalised women freely told stories of gendered violence in their lives, without being asked a specific question about this. Barr's research was not focused exclusively therefore on the link between domestic violence and desistance but this was something which emerged qualitatively from the findings<sup>v</sup>.

Christian's MRes research, at Liverpool John Moores University, on the other hand, was specifically directed at exploring the link between domestic abuse and desistance and involved in-depth narrative interviews with two women with experiences both of domestic violence and desistance attempts. These women were recruited via contact with domestic violence support services. The difficulties involved in the recruitment of criminalised women, and particularly gaining a representative sample, are issues which affected both studies. In particular, Christian's research was hampered by the University Ethics Board's insistence on only interviewing those who were not currently subject to probation. The author was approached by a number of women who wanted to take part in the research but had to be rejected on this matter, effectively silencing their narratives.

Both Barr and Christian's work is underpinned by feminist epistemology (Oakley, 1981) and is concerned with drawing attention to women's subjective and plural experiences. Both studies emphasised the importance of the methodology being participant-led, encouraged by the narrative interviewing technique (McAdams, 1995). Life-course narrative interviewing is also common within desistance research (Maruna, 2001). Carlsson (2012), for example, noted the importance of this type of interviewing in the connection between the subjective and structural. Interviews were conducted within various community projects, in cafes, university buildings and participants' homes. Narrative analysis techniques were used in both studies which argue for the importance of the 'human story' (Weaver and Weaver, 2013: 272). Both studies elicited similar findings around women's marginalisation, criminalisation, experiences of the criminal justice system, gendered violence and desistance.

All participants were fully informed about the purpose of the studies and how their information would be used through participant information sheets, which also gave participants the right to withdraw at any time, and provided information about support organisations in the local areas. All data was stored appropriately and in accordance with the ethical procedures at both universities. In both studies, all participants were allocated pseudonyms. Despite the fact that the 'scrutiny of violence and abuse as a 'sensitive' topic that involves 'vulnerable' groups has made ethical clearance more challenging' (Downes et al, 2014: 1), feminist researchers are able to make the process for the participants empowering as we hope both projects have done.

## **Findings**

### **Holly's story**

Holly's story provides one example of the link between offending, criminalisation, domestic violence and intimate partner relationships. Prior to interview, Holly's partner, and father of her daughter, Nick, had been released from prison. This was his second prison sentence, for which he had served two years and three months for burglary. 23 year-old Holly had been given a 12 month suspended sentence with a 6 month supervision order including attending Northshire Women's Centre for shoplifting. At the time of interview, she had not shoplifted for '5 or 6 months' (having previously been something Holly did '3 or 4 times a week'). Holly's own offending, however, she did not link with Nick's. Instead she related this first with normal youth behaviour and gradually with poverty and cannabis use. Holly did, however, link her desistance with Nick's. For example, Holly had quit smoking cannabis since Nick's release as he no longer smoked. Generally, Holly also linked getting back together with Nick following his release with 'settling down' and regaining care of their daughter.

I just want to get my child back, and hopefully start another family up with my child's dad and just be happy with my grandma. Let my grandma have a happy life, let her be happy and free. She shouldn't be babysitting for my child now. (Holly)

Whilst Holly was concerned with her own desistance, she was also consumed with being a positive example to Nick and directing his desistance journey by settling down together. In this sense, Holly was the invisible, most likely female, pro-social partner we so often hear about in the male desistance literature (Sampson and Laub, 2003; 1993). Holly's narrative therefore provides an insight to the lives of these non-protagonist women, who may also be struggling with their own (although perhaps not as prolific) desistance attempts and other difficulties. Holly, for example, expounded upon the struggles herself and Nick continued to have with money.



I only get £81 a fortnight so it's really hard, it is. I think it's because like I had fines and that in the past and they take money out so I'm only getting £81 but I manage because my boyfriend's on jobseekers as well so he gets like £140 a fortnight so we manage 'cause like when he were in prison and I were on my own I were only getting like £81 that were making me go out offending and that so it's mainly only the money situation innit? But we're managing. (Holly)

Clearly this lack of economic capital could have resulted in continued offending for Holly or Nick, but Holly's desire for the 'respectability package', which included a life together, prevented her from offending in the months prior to our interview, resulting in a reciprocal form of co-desistance (Weaver, 2015) between herself and Nick. When considering Holly's desistance, it is also necessary to consider her relationship history, which contained violence by a former partner.

I met a guy [Kevin] while he [Nick] were inside and he [Kevin] were violent, that's why she [Holly and Nick's daughter] ended up going to my grandma, 'cause he were violent. He took amphetamines and he always bullied me and stuff and that's why my grandma had to take the child because he were beating me up and stuff. So I split up with him and then I started getting back together with her dad. So it were really hard, it were... I went through a lot of depression and stuff and started like slicing myself a little bit. I went through a rough time 'cause I couldn't see my child and everything. But I went to the doctors, and I'm on tablets now, antidepressants and stuff, so everything's looking a lot brighter now. I'm feeling better in myself. I'm right happy at home with my kid's dad, so everything's happy now. The last year I just went through a really bad phase in my life, meeting that guy and stuff. I only were with him for eight month, but then he followed me round for a year and a half, putting my windows through 'cause I wouldn't get back with him. (Holly)

For Holly, desistance was linked with a move away from a violent relationship, regaining custody of her daughter and improvements in her mental health which coincided with her partner's release from prison. For Holly, a stable relationship represented hope for change. So whilst a positive relationship experience was central to Holly's (co-)desistance, the link was complicated both by her past relationship experiences, and her desire to be the pro-social partner in the future. This narrative highlights the complex link between romantic relationships and desistance for criminalised women.

### **Control, offending and desistance**

Nonetheless, the common romantic relationship experiences described during both studies were overwhelmingly negative and linked to fluctuations in offending. Kelly-Marie had a long history of drug

addiction, selling drugs and criminalisation for this as well as shoplifting offences. She had been in prison on '5 or 6' occasions, the most recent of these was for a 28-day recall for reoffending following a 7 year sentence for a drug-related offence. Whilst she did not blame any of her former partners for the beginnings of her offending behaviour, her relationships marked important 'turning points' in her offending trajectory. Kelly-Marie's first husband introduced her to a world of criminality at a young age, something which Kelly-Marie said was new to her.

And when I got to 16, I left home and I met my daughter's dad, that was Frankie's dad, and I had Frankie. But he were a bit of a bugger. And at the age of 19 I wanted for nothing; I had me own home, as much money as I wanted, clothes, jewellery, cars, you name it, I had it... And I thought that was where it were all coming from. And I don't know whether you remember or not but there were a big fraud deal that went down with... cars and hundreds of thousands of pounds worth of cars, well that were my husband. Well anyhow, he obviously had all this money. Well I just had Frankie and the first I knew that he was a criminal were when the police were at my front and the back, and me doors were going in and I'm feeding the baby going, "what's going on?" Anyhow, they took him away, he's got remanded and big dos and little dos, I weren't too impressed. (Kelly-Marie)

After splitting up with Frankie's father, Kelly-Marie met her second partner, father to her second daughter, Emma, a violent and controlling man who coerced Kelly-Marie into having another child. During this relationship, Kelly-Marie's offending and drug use decreased.

He taught me the values of working, mortgages and values, if you will. But them values came with consequences. He was very abusive and violent. More mental than anything. (Kelly-Marie)

Kelly-Marie eventually escaped this relationship and her offending and drug use again began to increase. However, upon meeting her third and final partner, Johnny, Kelly-Marie's life began to "spiral out of control."

I've met a man called Johnny. And I got wi'him and it were all high life and everything, do you know what I mean? It went from amphetamine, to cocaine, to ecstasy, LSD, heroin; you name it, I were taking it... I've got an habit, I've got no job, I've got no money, me family don't agree with Johnny. I'm off the rails, nobody can tell me any different. And I've started committing offences. To the point where he got me... I'd gone and I'd robbed a person, took £25 out of the drawer and he came down the stairs and I remember saying to him, "I'm sorry but I really

do need this more than you right now. And I really don't want to take it." And I've took it and I've gone. And I've got three years and nine month for that. So obviously, from there onwards, I'd done the sentence, I was still in contact with Johnny. But I loved him. But it weren't him I loved, I think it were the drugs. And that's all our relationship were built on, it were drug orientated. It weren't a normal relationship. (Kelly-Marie)

Johnny was subsequently "in and out" of Kelly-Marie's life following this sentence, his entry back into her life always leading to amplifications in drug taking and offending to support their drug use. It was only with final breaks from all the men in her life that Kelly-Marie could focus on desistance.

Maybe if I had have, not just me, if things had have been picked up sooner and dealt with, maybe I wouldn't have gone down the paths that I've gone down... I've been at every channel and they're the wrong ones, I'm on the right one now. (Kelly-Marie)

Similar narratives were shared by many of the women. Anna, whose most recent offence was for assisting in a burglary, experienced periods of non-offending whilst with her abusive partner and offending acceleration when introduced to other men. Michaela was directly introduced to heroin by her previous abusive partner for whom she would go shoplifting, and Janet had also been introduced to heroin by a former abusive partner. As well as introductions to offending therefore, male partners also coerced women into heightened offending and drug taking. Yet when in other controlling and violent relationships, women's offending could slow down or stop. Relationships with abusive, controlling and violent men could lead to *either* criminalisation *or* desistance.

### **Interpersonal violence and women's desistance – masking harm**

In particular, therefore, it is important that seemingly positive relationship experiences extolled by women in their desistance narratives are treated with caution. Particularly where the language of control is present, these narratives may mask an abusive relationship which nonetheless produces a period of non-deviant behaviour (Umberson et al., 1998). For example, Karen, whose most recent offence was also for assisting in a burglary, explained that whilst she was in a relationship she was very "settled", however this lack of offending actually represented a controlling and abusive, violent relationship:

When I'm in a relationship, because I was with Tom for five years, I never went out, I'm quite family orientated. You know I had them; I had the dogs. But when we split up and we went to my mum's, because I had my mum on hand, I went out and I was just basically re-living my

youth... Then when I met Sean and had the kids, for years I was settled down and then... But obviously with the violence, the police were obviously alerted. I didn't press any charges or anything. (Karen)

Karen's relationships with both Tom and Sean produced periods of non-offending but for dramatically different reasons. The often inverse relationship between offending and violence in women's lives should not be underestimated.

Yet, for women in violent relationships, agency and subordination could exist simultaneously. In discussing her involvement with dealing drugs, Betty described how she was taught by a group of men to make numerous illegal substances and coerced into helping run the operation. Betty, nonetheless, still demonstrated agency by stating when the operation fell apart and other members were charged for their participation, she endeavoured to keep it going alone.

The other big dealers in the area knew I was quite clever. I sort of got taught how to make it and things like that, I don't even know. I mean I started young and it just happened and it was horrible... They got sent down and then the other one got sent down and yeah, I just sort of took it all over from there. But I was cleverer than them because I never got caught. [...] I knew how to influence situations to my advantage. (Betty)

Nonetheless, Betty's offending narrative was complicated by the presence of the controlling relationship with her former partner.

I wouldn't have done any of the dealing around him because he's that much of a grass. He's a horrible person and he would have tried to get me put away. (Betty)

Whilst women appeared at times to have agency in their offending, which can form a modicum of resistance within abusive relationships, controlling and abusive behaviours were also linked to the beginnings of offending. Often, also, a lack of agency resulted in the surface-level positive effect of desistance.

## **Discussion**

Combining findings from two research projects exploring gender and desistance, this paper has found that (i) criminalised women's experiences of gendered violence are such that any exploration of gender and desistance which does not acknowledge this is incomplete (ii) coercion and control can inform women's entry into the criminal justice system (iii) expressions of agency and resistance in

abusive interpersonal relationships can also inform women's offending, yet (iv) women's experiences of desistance from crime can mask the harm they face in coercive, controlling and violent relationships. This discussion therefore argues for a reframing of desistance from *crime* as desistance from *harm* both theoretically and in practice, and considers what this might entail.

Both research projects make abundantly clear the omnipotence of gendered violence in the lives of criminalised women. In Barr's (2019) research, for example, domestic violence was such a common experience that it was consistently referred to by the acronym 'DV' in Women's Centre group work. The prevalence of intimate partner violent crime, to include coercive and controlling behaviours, in the life histories of criminalised women is critical to note in any piece of research or intervention into the lives of these women. However, it is also important to note the presence of both historical and current gendered violence in the desistance narratives of these women, and to note that desistance from crime might be the outcome of these abusive relationships, with women continuing to experience gendered harm despite desisting.

Yet the presence of agency in the lives of criminalised women should not be underestimated. Whilst women's offending might be an integral part of the controlling behaviour of male partners, it may also form a modicum of resistance in these situations. Roberts (2015) for example, shows that women in controlling and coercive relationships often demonstrate agency by offending. In opposition to much discussion on desistance and volition, Giddens (1984) proposes that even when a woman is controlled, her supposed lack of choice does not always result in her being 'forced into reaction' (Wilcox, 2006: 17). Giddens (1984: 16) refers to this as the 'dialectic of control', describing how 'all forms of dependence offer some resources whereby those who are subordinate can influence the activities of their superiors'. Whilst the resources allocated to women may be unequal, feminist theories do not regard women as powerless (Wilcox, 2006); opposition to men's violence is reliant upon women's agency, irrespective of potential limitations (Kelly, 1988). In cases such as Betty's, whereby women are involved in crime but are also in a situation that is coercive, it is plausible that resistance or agency may take the form of seizing control of a 'criminal' operation from an abuser for example. Whilst this inhibits desistance, for women in abusive relationships, this action is significant.

Yet, as Barr (2017) highlights, narratives like the one Betty presents should be approached with some caution. Whilst the fact Betty desisted, from an external perspective, was likely viewed by those around her as a positive, in reality her break with this 'offending' behaviour was due to her abusive relationship (Barr, 2017). Whilst in many narratives it appears, in concordance with the findings of Gålnder (2019), domestic abuse can contribute to women's criminalisation and hinder their

desistance, the antithesis of this is also true. Abuse can equally lead to desistance and appear to influence behaviour for the 'better', but in the context of a harmful relationship. As violent and controlling relationships such as those experienced by Kelly-Marie, Anna, Karen and Betty show, these can lead to non-offending periods, which might be celebrated by criminal justice agencies invested in their desistance.

The importance of the structural in any investigation of domestic violent crime should also not be underestimated. Speaking at a press conference following the release of the UN Report on poverty within the UK in 2018, Philip Alston, UN Special Rapporteur on Extreme Poverty and Human Rights, noted the gendered effects of austerity.

"If you got a group of misogynists in a room and said how can we make this system work for men and not for women they would not have come up with too many ideas that are not already in place" (Alston quoted in Booth and Butler, 2018)

As well as the devastating cuts to women's services as previously mentioned, and cuts to the public service whose workforce is two thirds female, in introducing Universal Credit, the government has reduced disability benefits, increased demands on single parents to re-enter employment, whilst cutting the benefits those in work can receive (Grimshaw and Rubery, 2012). Most notable is the move to pay child benefit not to whomever cares for the children, but to only one household member (Grimshaw and Rubery, 2012). This represents a key change; it is more likely in these circumstances that men will receive any payment as the assumed head of the family in patriarchal society (Grimshaw and Rubery, 2012). This is significant in light of situations where there is financial abuse, coercion and control.

Therefore, neoliberal practices seek to support patriarchal power relations and lead to a greater acceptance of the social standards created by patriarchal ideals (Cornwall et al, 2008). According to Hawkesworth (2006: 121) the measures associated with neoliberalism 'cut back the very aspects of the state that feminist activists seek to build up'. This has resulted in the problem of the delivery of social services being directed onto women in poverty and other community groups (Cornwall et al, 2008). Civil society is expected to tackle the inadequacies of the state but as such is now a crucial site for mediation and control (Cornwall et al, 2008). Previously feminist non-government organisations (NGOs), such as Women's Centres under the Transforming Rehabilitation agenda, have been forced to remove themselves from any political activity on the basis that they are dependent on arrangements with the state or other large grant providers. Feminism becomes depoliticised and carceral because of neoliberal will. Thus, becoming empowered is no longer a shared difficulty but

linked to the personal improvement of the self (Miraftab, 2004). Policy dictates that it is vital that women become more resourceful, proficient and accountable for their actions (Cornwall et al, 2008).

Clarke and Chadwick (2018) claim there are often a set of particular circumstances which lead to the incarceration of women; the vast majority are disadvantaged not only in terms of material resources but socially and governmentally. This mirrors women's responsibility in the home, based on expected gender roles, and inside male-driven neoliberal capitalist systems (Clarke and Chadwick, 2018). Scraton (2016) notes that for criminalised women, trauma is repeated within the criminal justice system; institutions inappropriately react to the needs of women who are increasingly ostracised. Issues including a lack of mental wellbeing, deprivation, no fixed address and experiences of violence are viewed as places where the state can become involved "but all too often, the response is to criminalise" (Clarke and Chadwick, 2018: 52). Patriarchal ideals are established and upheld across the criminal justice system (Clarke and Chadwick, 2018). Carlen (1990) summarises that similarly the connections between class, ethnicity and gender are exposed by the biased response of the state to criminalised women. Whilst 'the reliance on punitive responses to structural inequalities is evident', responsabilisation practices still hold individuals liable for the structural inequalities of society and the state's role in promoting and encouraging desistance becomes blurred (Clarke and Chadwick, 2018: 52).

As Carlen has argued:

'Today, re-integration, re-settlement or re-entry are often used instead of re-habilitation. Yet all these terms, with their English prefix 're', imply that the lawbreakers or ex-prisoners, who are to be 're-habilitated'/'re-integrated'/'re-settled' or 're-stored', previously occupied a social state or status to which it is desirable they should be returned. Not so. The majority of criminal prisoners worldwide have, prior to their imprisonment, usually been so economically and/or socially disadvantaged that they have nothing to which they can be advantageously rehabilitated. Sure, they are returned to their place in society, but from that disadvantaged place they are, too frequently, returned to prison again, and again and again. And it could be argued that, more often than not, it is desirable for governments, markets and capital accumulation that the poor and the powerless should be kept 'in their place' – and the rich in theirs' (Carlen, 2012:3).

The findings in this paper therefore beg the question as to what those supporting their desistance can do for criminalised women. To put it practically, desistance-based work with criminalised women requires going beyond a sole focus on the individual, as if their offending behaviour occurred freely and in isolation, to address the social opportunities and obstacles that either help or hinder desistance

from harm, including gendered victimisation, as well as crime. What is needed is what Hart (2017a) terms 'critical desistance' which takes a holistic approach to locating the structural harms faced by women, through a collective abolitionist methodology based on the principles of social justice, emancipatory alternatives to punishment, and engagement with wider social change including feminist struggles against gendered violence. These principles are rooted in feminist praxis around collective empowerment and struggles against neoliberal and patriarchal structures.



## **Bibliography**

- Alston, P. (2018) *Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights* Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23881&LangID=E> [Accessed 27 Dec. 2018]
- Barr, U. (2017) *Are Neoliberal, Patriarchal Societies Compatible with Desistance? A consideration of the experiences of a group of English women caught up in the criminal justice system* *Emerging Voices* Bristol: EG Press
- Barr, U. (2019) *Desisting Sisters: Gender, Power and Desistance in the Criminal (In)Justice System*. London: Palgrave Macmillan
- Bettinson, V. (2019) 'Sally Challen: what quashing of murder conviction means for similar cases alleging coercive control', *The Conversation*. Available at: <https://theconversation.com/sally-challen-what-quashing-of-murder-conviction-means-for-similar-cases-alleging-coercive-control-112739> [Accessed 10th May 2019]
- Booth, N., Masson, I. and Baldwin, L. (2018) 'Promises, Promises: Can the Female Offender Strategy Deliver?' *Probation Journal*, 65 (4): 429-438
- Booth, R. and Butler, P. (2018) 'UK austerity has inflicted 'great misery' on citizens, UN says' *The Guardian*. Available at: <https://www.theguardian.com/society/2018/nov/16/uk-austerity-has-inflicted-great-misery-on-citizens-un-says> [Accessed 10th May 2019]
- Carlen, P. (1990) *Alternatives to Women's Imprisonment*, Milton Keynes: Open University Press
- Carlen, P. (2012) 'Against Rehabilitation: For Reparative Justice'. *Centre for Crime and Justice Studies*. Available at: <https://www.crimeandjustice.org.uk/resources/against-rehabilitation-reparative-justice> [Accessed 27th December 2018]
- Carlsson, C., (2012) Processes of Intermittency in Criminal Careers: Notes From a Swedish Study on Life Courses and Crime. *International Journal of Offender Therapy and Comparative Criminology*, 57(8): 913-938
- Clarke, B. and Chadwick, K. (2018) 'From 'troubled' women to failing institutions: Necessary narrative shifts in decarceration of women post-Corston' in L. Moore, P. Scraton and A. Wahidin (eds) *Women's Imprisonment and the Case for Abolition: Critical reflections on Corston ten years on*, London: Routledge
- Coles, D. (2018) INQUEST responds to new Ministry of Justice 'Female Offenders Strategy [Blog] *INQUEST*. Available at: <https://www.inquest.org.uk/moj-female-offenders-response> [Accessed 27 Dec. 2018]
- Cornwall, A., Gideon, J. and Wilson, K. (2008) 'Reclaiming Feminism: Gender and Neoliberalism' *IDS Bulletin*, 39 (6): 1-9
- Downes, J., Kelly, L. and Westmarland, N. (2014) 'Ethics in Violence and Abuse Research – a Positive Empowerment Approach' *Sociological Research Online* [online], 19 (1) 2. Available at: <http://www.socresonline.org.uk/19/1/2.html> [Accessed 17<sup>th</sup> August 2018]
- Farmer, M. (2017) 'The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime' London: Ministry of Justice. Available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/642244/farmer-review-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642244/farmer-review-report.pdf) [Accessed 10th May 2019]

Farmer, M. (2019) 'The Importance of Strengthening Female Offenders' Family and Other Relationships to Prevent Reoffending and Reduce Intergenerational Crime' London: Ministry of Justice. Available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/809467/farmer-review-women.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/809467/farmer-review-women.PDF) [Accessed 16th September 2019]

Farrall, S.; Bottoms, A. and Shapland, J. (2010) Social Structures and Desistance from Crime, *European Journal of Criminology*, 7(6), 546–570

Farrall, S. (2014) Citizenship Values and Desistance from Crime: Exploring Change over Time In S. Farrall, B. Hunter, G. Sharpe and A. Calverley (Eds) *Criminal Careers in Transition*, Oxford: Oxford University Press.

Gålnander, R. (2019). Being Willing but Not Able: Echoes of Intimate Partner Violence as a Hindrance in Women's Desistance from Crime. *Journal of Developmental and Life-Course Criminology*. Online first: DOI: <https://doi.org/10.1007/s40865-019-00108-5> [Accessed 5th August 2019]

Giddens, A. (1984) *The Constitution of Society: Outline of the Theory of Structuration* Cambridge: Polity Press

Giordano, P.C., Cernokovich S.A. and Rudolph, J.L. (2002) Gender, Crime and Desistance: Toward a Theory of Cognitive Transformation. *American Journal of Sociology*, 107, pp. 990-1064. Glorney et al. (2019)

Grimshaw, D. and Rubery, J. (2012) 'Reinforcing Neoliberalism: Crisis and Austerity in the UK' in Lehndorff, S. (ed.) *A Triumph of Failed Ideas: European Models of Capitalism in the Crisis* Brussels: ETUI

Hadi, S. T. and Chesney-Lind, M. (2014) 'Silence and the Criminalisation of Victimisation: On the Need for an International Feminist Criminology' in Arrigo, B. A. and Bersot, H. Y. (eds.) *The Routledge Handbook of International Crime and Justice Studies* Oxon: Routledge

Hart, E.L. (2017a) Women Prisoners and the Drive for Desistance: Capital and Responsibilization as a Barrier to Change, *Women and Criminal Justice* 27 (3): 151-169

Hart, E.L. (2017b) Prisoners Post-Release, The Need for a Critical Desistance in E.L. Hart and F.J.C. Van Ginneken (eds) *New Perspectives on Desistance*, London: Palgrave Macmillan.

Hawkesworth, M. (2006) 'Feminists v. Feminisation: Confronting the War Logics of the Bush Administration' *Asteriskos: Journal of International and Peace Studies*, 1/2: 117-142

Kelly, L. (1988) *Surviving Sexual Violence* Cambridge: Polity Press

Laub, J.H. and Sampson, R.J. (2003). *Shared Beginnings, Divergent Lives: Delinquent Boys to Age 70*. London: Harvard University Press.

Leverentz, A., (2014) *The Ex-Prisoner's Dilemma: How Women Negotiate Competing Narratives of Re-entry and Desistance*. London. Rutgers University Press.

Light, M. et al (2013) *Gender Differences in Substance Misuse and Mental Health Amongst Prisoners* London: MoJ

Maruna, S. (1999) Desistance and Development: The Psychosocial Process of "Going Straight". *The British Criminology Conferences: Selected Proceedings*, 2, pp. 1-19.

Maruna, S. (2001) *Making Good – How ex-convicts reform and rebuild their lives*. Washington DC: American Psychological Association Books.

McAdams, D.P. (1995) *The Life Story Interview*. Available at: <https://www.sesp.northwestern.edu/docs/Interviewrevised95.pdf> [Accessed: 4<sup>th</sup> April 2019]

Weaver, B. and McNeill, F. (2010) *Changing Lives? Desistance Research and Offender Management*. 3. Glasgow: The Scottish Centre for Crime and Research.

McNeill, F., Farrall, S., Lightowler, C. and Maruna, S. (2012) *Insights 15 How and Why People Stop Offending: Discovering Desistance* Institute for Research and Innovation in Social Services [online]. Available at: <https://www.iriss.org.uk/sites/default/files/iriss-insight-15.pdf> [Accessed 28<sup>th</sup> May 2018]

McGlynn, C. and Westmarland, N. (2018) 'Kaleidoscopic Justice : sexual violence and victim-survivors' perceptions of justice', *Social and Legal Studies* 28 (2): 179-201.

Ministry Of Justice (2018) *Female Offender Strategy*. London: Ministry of Justice.

Miraftab, F. (2004) 'Invited and Invented Spaces of Participation: Neoliberal Citizenship and Feminists' Expanded Notion of Politics' *Wagadu: A Journal of Transnational Women's and Gender Studies*, 1: 1-7

Österman, L. (2018) *Penal Cultures and Female Desistance*. London: Routledge.

Pollack, S. (2007) "'I'm Just Not Good in Relationships" Victimisation Discourses and the Gendered Regulation of Criminalised Women' *Feminist Criminology*, 2 (2): 158-174

Prison Reform Trust (2017) *Why Focus on Reducing Women's Imprisonment?* London: Prison Reform Trust.

Roberts, J. (2015) "'It was do or die' – How a woman's experience of domestic abuse can influence her involvement in crime: A qualitative investigation of the experiences of community-based female offenders', Doctoral Thesis, University of Leicester, Leicester.

Rodermond, E., Kruttschnitt, C., Slotboom, A.M. and Bijleveld, C.C.J.H. (2016) Female Desistance: A Review of the Literature. *European Journal of Criminology*, 13(1), pp. 3-28.

Rumgay, J. (2004) Scripts for Safer Survival: Pathways Out of Female Crime. *The Howard Journal*, 43(4), pp. 405-419.

Salvatore, C. and Taniguchi, T. A. (2012) 'Do Social Bonds Matter for Emerging Adults?' *Deviant Behaviour*, 33 (9): 738-756

Sampson, R.J. and Laub, J.H. (1993) *Crime in the Making: Pathways and Turning Points Through Life*. London: Harvard University Press.

Scraton, P. (2016) 'Bearing Witness to the 'Pain of Others': Researching Power, Violence and Resistance in a Women's Prison' *International Journal for Crime, Justice and Social Democracy*, 5 (1): 5-20

Sisters Uncut (2018) Women's Residential Centres – Another dangerous distraction [Blog] Sisters Uncut Available at: <http://www.sistersuncut.org/2018/07/06/community-prisons/> [Accessed 27 Dec. 2018].

Stone, R., Morash, M., Goodson, M., Smith, S., & Cobbina, J. (2018). Women on Parole, Identity Processes, and Primary Desistance. *Feminist Criminology*, 13(4), 382–403

The Howard League. (2016) *Is This The End Of Women's Centres?* London: All Party Parliamentary Group for Women

Umberson, D., Anderson, K.L., Glick, J. and Shapiro, A. (1998). Domestic Violence, Personal Control and Gender. *Journal of Marriage and Family*, 60(2). 442.

Weaver, B. and McNeill, F. (2010) Changing Lives? Desistance Research and Offender Management. 3. Glasgow: The Scottish Centre for Crime and Research.

Weaver, B. (2015) *Offending and Desistance: The importance of social relations*. London: Routledge.

Weaver, A. & Weaver, B. (2013) 'Autobiography, empirical research and critical theory in desistance: a view from the inside out' *Probation Journal* 60 (3): 259-277

Wilcox, P. (2006) *Surviving Domestic Violence: Gender, Poverty and Agency* Basingstoke: Palgrave Macmillan

Women's Aid (2019) Women's Aid responds to government's draft domestic abuse bill. Available at: <https://www.womensaid.org.uk/womens-aid-responds-to-governments-draft-domestic-abuse-bill/> [Accessed 10<sup>th</sup> May 2019]

Women in Prison (2018), Key Facts. Available at: <http://www.womeninprison.org.uk/research/key-facts.php>. [Accessed 27<sup>th</sup> December 2018].

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<sup>i</sup> This is a result of the pilot including only five new residential women's centres

<sup>ii</sup> Sally killed her husband Richard in 2010 after years of being controlled and humiliated by him. At the time of her conviction, 'coercive control' was not a crime in England and Wales. Sally was convicted of murder and sentenced to life imprisonment with a minimum tariff of 22 years, reduced to 18 at appeal. In June 2019, following an appeal by Justice for Women, Challen, was sentenced to nine years and four months – time already served – for the manslaughter of her husband. The case has been seen as a landmark case for victims of coercive control.

<sup>iii</sup> See Barr (2019) for more on an approach to 'women wise penology'

<sup>iv</sup> Two women participated in two interviews. Six staff members were also interviewed, one of whom also experienced criminalisation

<sup>v</sup> It is important to note that had women been asked a direct question about domestic or familial violence, the likelihood would be that further victimisation narratives would have been revealed (Women in Prison, 2018).