

## **Desisting in France: What probation officers know and do. A first approach 1**

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### **Abstract**

French probation services operate without much knowledge of criminological literature. Thus they have never heard of desistance. This research aimed at verifying whether they nonetheless had an overall idea of what it takes to desist and whether they helped offenders with obstacles to desistance. Their opinions were contrasted to those of other practitioners and the views of desisters. Despite the methodological limitations of this small scale study, one can nonetheless attempt to formulate a few conclusions: French probation services have a good idea of what it takes to desist, but have neither the capacity nor the will to effectively help offenders to do so. Their perception is for the most part confirmed by desisters. However, they differ on several desistance factors such as peers and budget. Another French trait is revealed: both practitioners and desisters think that Making Good (Maruna, 2001) is irrelevant. Some cultural factors are suggested in order to try and explain this surprising discovery.

**Keywords:** Desistance – Probation Officer – Effectiveness - France

### **Introduction**

The desistance literature already appears to be old news in modern probation. After much theoretical debate (Maruna, 2001, Farrall, 2002, McNeill and Whyte, 2007), the concept of desistance has now reached such a level of acceptance that specific and practical methods are being founded on its principles. (McNeill, 2009). It is also seen as a promising way of correcting the errors or excesses of What Works practices (McNeill, Raynor and Trotter, 2010), perhaps at the risk of performing yet another U-turn (Hankinson and Priestley, 2011:395). However, this literature and these policy changes have had no influence whatsoever in France. In a country where criminology has yet to be recognised as an academic and practical field, desistance literature is virtually unheard of (but see the special edition of the criminal law review *AJpénal*, Sept. 2010, where we translated into French, several articles by Maruna, Robinson, Trotter and McNeill). This study was inspired by the unanimous reaction of my colleagues and practitioners when I mentioned the word ‘desistance’: ‘*What’s that?*’; ‘*Come again?*’ For that matter, as a specialist in the

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1 I want to thank Dr Ioan Durnescu (University of Bucharest) and Rona Epstein (University of Coventry) who read a previous draft of this article, for their very useful comments. I also want to thank the anonymous reviewers of the previous draft of this article, who were rightfully annoyed by its typically French legal distribution of ideas.

implementation of sentences and of probation law, I had grown increasingly frustrated with the paucity of empirical research on probation (with the important exception of the sociologist Lhuillier, 2007 and our doctorate student: Dubourg, 2008), and with the lack of access to academic and practical knowledge which had thrived after the initial Martinson shock (Martinson, 1974)– a shock from which France had thus far been blissfully spared.

The ignorance pertaining to desistance in particular was intriguing: French law assigned to sentences (Penal Code (P.C.), art. 132-24) and sentences' implementation (Penal Procedure Code (P.P.C.), art. 707) several objectives and guidelines: sentences and their implementation were to help the offender '(re)socialise' or 'resettle' ('insertion et reinsertion'). The concepts of 'insertion' or 'reinsertion' were present in numerous specific rules defining the conditions for obtaining a release measure (e.g. criminal procedure code, - hereafter P.P.C. – art. 707, 723-15, 729). They were usually understood as including factors such as work, training and education. More recently (since the Law of June 15, 2000), the French legal system had added to this list the interests of victims (Dec. 12, 2005 and August 10, 2007) and had made treatment mandatory in a number of situations. In fact, Probation Officers (hereafter POs) are expected to implement and enforce community sentences and measures, to help offenders 'resocialise' and to prevent reoffending (Prison Law, 2009, art. 13). My own observations throughout the twenty years I had done legal and field work in this discipline, was that even though other factors may also have founded the *juge de l'application des peines*<sup>2</sup> (hereafter JAP)'s rulings, such as family links (see e.g., Penal Code article 132-25-132-26-1), others factors such as peers or finances were ignored both by the law and by practitioners. I had also noticed that practitioners rarely interacted with families and certainly did not work in collaboration with them. Emphasis on resocialisation may have been the legacy of a strong and long lasting influence of Marxism both in the French psyche, and with practitioners and law makers.

However these were observations that needed confirmation. I thus decided to launch a small scale study in order to try and determine whether the concept of resocialisation nonetheless helped practitioners to act in accordance with at least part of the findings of desistance literature. But I also wanted to know if POs acted in accordance with what they knew and whether their lack of knowledge of the desistance literature limited what they actually did when working with offenders. In other words I was hoping to answer two main questions:

- Did French probation officers have a fair knowledge of what it takes to desist?
- Did they act in accordance with that knowledge?

For this I needed to explore what POs had to say and to compare this with their clients' views.

## **Methodology**

Trying to secure funds is not part of French academic life. French scholars in law and the social sciences are thus spared the difficulties that come with it. However, it also means that they cannot invest in quantitative work. It also means they need to become inventive. As I teach in three different universities at Master plus level, i.e. in Reims, Nantes and Agen (the latter being attached to Bordeaux IV and Pau Univ.), I decided to enrol students from each one of them and suggest 'desisting in France' as a dissertation subject during the term 2009-2010. Five students chose this subject, which allowed us to cover several regions: Reims and

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<sup>2</sup>i.e. the judge in charge of releasing inmates who also makes decisions (:sanctions, obligations' modifications...) for offenders sentenced to community sanctions.

Châlons en Champagne (one student: Katie Steel); Charleville-Mezieres (two students: Caroline Ben Abdallah and Aïcha Habet); Nantes (one student: Coralie Blaineau); Agen (one student: Claire Arnoud, who worked specifically with women offenders).

I built up the methodology and wrote the semi-structured questionnaires (one for practitioners, one for desisters) and strictly supervised them in order to ensure uniformity. I asked my students to record all interviews and to forward them to me along with all written documents they would come across during the internship they obtained in probation services. They would use the data gathered locally for their own dissertation; I would centralize them for the national version of the study.

The questionnaire of course explored the two main questions raised by the research. It comprised of numerous items pertaining to each one of the elements which the desistance literature has found relevant (employment, education, family links...). I also added a few questions pertaining to Making Good (Maruna, 2001), given its theoretical links to desistance (Maruna and Ward, 2007).

I also centralized all the data and analysed them using a thematic analysis methodology, comprising of a mix of deductive and inductive coding: raw themes were first identified with regard to the desistance literature. I then identified several patterns which allowed us to either confirm or to contradict what POs thought and said they did. Along the way changes were made, as several significant findings did come as a surprise (e.g. with Making Good). I analysed all the data independently from the students, in order to avoid errors.

Working with students over a short period of time presents numerous difficulties: some students did stray from the original rules and we had to ask them to start again; others did not fully understand the desistance literature we had force-fed them with (some only read a few articles; with others the language barrier was a serious obstacle), and consequently, during the interviews, did not sometimes react to elements of particular importance. Also being law students, they had never conducted an interview, nor done any field research. Additional training and supervision counter-balanced this. I also asked my students to read a manual describing how to conduct interviews (Kaufmann, 2008). Another limitation resulted from the length of a term: ten months. These months were partly used by our students to read the desistance literature (along with literature pertaining to the French operative concept of 'resocialisation': Saleilles, 1898, or to the law: Herzog-Evans, 2007), as well as other important authors like Mark Ancel, the founder of the New Social Defence school (1966). This period of time was probably insufficient for the study, even though the time students spent reading was partly compensated for by the additional months I spent centralising and analysing the data separately. The lack of funding also limited our investigation to the immediate environment; this was however counterweighed by the fact that we covered four regions.

The students interviewed practitioners and desisters<sup>3</sup>; i.e.: 15 PO; 2 educators; 2 chiefs of probation services; 4 charity volunteers; 1 Prison governor; 4 JAP; 2 specialized barristers; 2 psychiatrists; 26 desisters (21 in depth interviews and 5 written responses to questionnaires) which included 7 women. Typically an interview lasted for about an hour to an hour and a half, sometimes even longer. Desistance being defined as a process rather than a certain and

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<sup>3</sup> I chose to interview only desisters since the research was centred on PO knowledge and actions: we needed to compare what they said with what offenders engaged in the desisting process had been through in the course of probation. Desisters had stopped offending for at least two years.

definitive state (see e.g. Maruna, 2001; Farrall and Carvaley, 2006), we could naturally only rely on people's good word. Some may well reoffend in the future; others had obviously passed beyond that period of their lives. Naturally we had no way of knowing whether these 'desisters' would continue desisting, or whether this particular time when we interviewed them was just a desisting parenthesis, or one or more attempt at desisting completely. In any case, their decisions and the process were valid at that point in time – it was *their truth*. Criminal records being inaccessible to the public, even for researchers (Herzog-Evans, 2011) (PPC, art. 777) we could not verify that 'desisters' had not been involved in criminal activity<sup>4</sup>.

Furthermore, our sample was not a representative one, not least because it proved extremely difficult to find desisters. Probation services and barristers refused to act as intermediaries. Indeed, the principle of confidentiality which governs their profession would have made them liable to three years imprisonment (PC, art. 226-13). Both groups would also face serious disciplinary sanctions. They also felt ill at ease with the idea of contacting people who had, as was mentioned above, a 'right to be forgotten' (Danet at al., 2008; Herzog-Evans, 2011) precisely because they were desisting. We thus had to build our sample with the help of charities.

For all these reasons, it would be wise to take our findings with caution. This small scale research is only a first step. Hopefully criminology will develop in France (See Commission Nationale de la Criminologie, 2010) and other people or teams will take it to the next level.

## Research findings

The first finding of the research was a confirmation **that none** of the interviewed **practitioners had ever heard of the concept of desistance nor had had access to the desistance literature**. Strikingly a psychiatrist even said *'Really, there are people studying these things?'*

The concepts of resocialisation and resettlement which are enacted and prevail in the law, do refer to some of the elements of the desistance process. However, they focus on social factors, such as work, training and housing, leaving out family, peers, motivation, etc. Also, the literature on resocialisation is essentially legal, and does not address desistance as a process.

This ignorance seems to be partly due to practitioners' training. JAP do not receive any criminology training. POs' training in criminology is rather general and, as was also confirmed by another study conducted with students<sup>5</sup>, practitioners have evaluated their criminology training (whether initial or lifelong) rather negatively. One PO vividly illustrated this by telling us that he had received a training course called 'three fairy tales': the trainer tried to explain how a person would become a criminal, via a Freudian analytical recounting of three fairy tales! *'For the most part, you learn in the field'* was an expression which numerous practitioners used. It does not help that some practitioners seem to have a rather negative perception of what criminology is. For a great part, they associate this with more punitive trends in probation forced on them by their central administration (Herzog-Evans, 2009; 2010a; 2010b).

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<sup>4</sup>The extreme difficulty, bordering on the impossibility, for researchers to access official data in France, has recently been illustrated by a psychology PhD thesis M. Abondo (2011).

<sup>5</sup>'Being a probation officer in France in the years 2010', forthcoming.

*'Our colleagues are either totally against criminology; totally in favour of criminology, or, in between. In most cases they don't know what criminology is anyway'* (Charleville Mezieres, SPIP Chief)<sup>6</sup>

Indeed, albeit in an incredibly amateurish way (Herzog-Evans, 2010 c), their hierarchy has asked all French probation services (SPIP) to set up therapy groups for sexual offenders or domestic violence offenders. These experimentations are welcomed more positively by other practitioners.

*'Traditionally, during their incarceration, offenders just live there and try and survive. No one ever raises the issue of their offence. It's like the offence is under parenthesis during the sentence's execution. With these therapy groups, we force them to face it, and to stop avoiding the subject and denying their responsibility. In fact "we" don't do it. "They" do it to each other, we just regulate the group, but they will say: "hey mate, stop lying to yourself, you're the adult, your niece was just a child"'* (Nantes, PO 3).

Ignorance is further compounded by a total lack of culture of evaluation. Probation practices or penal reforms are never scientifically evaluated. There simply is no way of knowing whether practitioners' work is efficient, neutral or detrimental to desistance. The questionnaire forced them to look at Martinson's finding and famous sentence (:"Nothing Works"). Practitioners often reacted with a long silence or a giggle. Many agreed: *'That's probably right but...'* was the typical response. Others merely said *'well that's a pretty pessimistic thing to say. There would be no point in going to work every morning'* (Saint Nazaire, PO 2). However, they often concluded: *'even if we only save one during our career, that's still pretty good'* (Nantes Director SPIP). A minority was more optimistic:

*'Yes I agree, yet after prison officers, we are the most important people intervening in the Criminal Justice system'* (Charleville Meziere, PO1).

JAPs seemed to be more confident in the ability of the Pos to make a difference:

*'They are extremely important for probationers. They see them, control and supervise them. They make them feel more secure'* (JAP Saint Nazaire).

This finding, albeit limited to a few JAPs, was coherent with another study, which we also conducted in 2009-2010<sup>7</sup> and which revealed that these judges had great respect for the work and the competence of POs.

It should thus come as no surprise that **the second finding of the research was that French Pos seemed to only partially know what it took to desist**. We had hypothesised that they would have a stronger knowledge of social elements of desistance and this was confirmed. Indeed, POs mainly referred to work, training and housing.

Coherent with the literature (e.g. Uggen and Kruttschnitt, 1998; Sampson and Laub, 1993; Farrington and al. 1986, Uggen and Staff, 2001), POs cited work as one of the key elements of desistance. At the same time, they seemed well aware of the difficulties, faced by their clients, when trying to enter the job market and remain in it. For instance, they knew that most

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<sup>6</sup>It must be stressed out that if quotations based on the field findings are naturally reproduced in the exact way they were expressed, I had to translate them into English, which may have led to 'lost in translation' effects.

<sup>7</sup>'French probation officers' Reports to the JAP', forthcoming.

offenders did not have professional qualifications and work experience which would enable them to find work.

*'We cannot give you any exact figure, but I'd say that about 10% of our clients have a job'* (Reims, PO 1 and 2 working in prison).

*'I'd say 40 of my cases have a job and I have 160 cases'* (Charlevilles Mezieres, PO1).

France has never recovered from the 1974 economic crisis and unemployment and social exclusion – well-known factors for delay or difficulty in desisting (Furlong and Cartmel, 2007; MacDonald and Marsh, 2005) – have remained prevalent since that year.

Due to chronic unemployment and its bad economy, France has put enormous efforts into education and training: about 65% of a given generation obtain A levels (baccalauréat) (Ministère de l'Education website<sup>8</sup>). Those who belong to the minority (35%) thus feel they are failures and have a hard time finding a position. Also because it constitutes a minimum requirement, a baccalauréat has very little value. Typically, most offenders belong to the 35% of those who failed. School is often a very bad memory associated with failure and they consequently often refuse to access or participate in training. Generally, vocational training which is offered in prison is not adapted to their aspirations and competence. Typically, they also have second generation immigration backgrounds, live in ghettos and hence they do face discrimination when trying to secure a position. POs have a good understanding of the utmost importance of training. They also insist that housing is the most pressing and important component– it not a prerequisite – of a successful desistance:

*'They don't give a damn – "pardon my French" – about probation or parole if they sleep under a bridge'*

(Reims Chief).

Knowledge of what it takes to desist is however limited to these social factors. POs seem to be less aware of the importance of other crucial elements. For instance as we hypothesized, PO hardly ever work with families. This is indeed, to a great extent, explained by their extremely heavy caseload. A decision made by their central administration, in 2009, to put an end to family visits reinforced this move away from family work. But POs also feel that it is not part of their role. They mostly use families to threaten their clients: *'you're at risk of losing your family'*; *'you're at risk of not seeing your kids any more this time'* even though threats are detrimental to probation outcomes (Trotter, 2006: 53).

Another reason for their lack of work with families was voiced by most of our PO: *'with families you have to beware because many families are pathological: either they are themselves involved in criminal activities, or they are dysfunctional'*. It was however obvious that this gave them a reason (an excuse?) not to help. It did not cross their minds that they may have helped with dysfunctional families.

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<sup>8</sup><http://www.education.gouv.fr/cid2598/le-baccalaureat.html>, consulted August 3, 2010. The precise percentage is 63,8%.

Overall, Pos did not really mention that there was a significant difference between the original family and the acquired one. One PO more specifically said:

*‘With younger offenders, it’s usually the family of origin that gets involved, nearly all the time the Mum; with older offenders, it’s usually the partner or wife’*(Charleville Mezieres, PO 1).

The academic debate between good marriage versus good partnership (Theobald and Farrington, 2009; Theobald and Farrington, 2010; Lyngstad and Skardhamar, 2010), was not even mentioned by French practitioners who saw no relevance to this at all. This is probably due to a cultural factor: in France, almost 90% of couples start their union by not being married. Not being married has become the norm, even when there are children: more than 50% of children are born out of wedlock (Pla, 2009; Sobotka and Toulemon, 2009). There really is no social stigma attached to this in any way whatsoever. The only person who mentioned marriage as being different from partnership did so in fact in a way that was detrimental towards marriage:

*‘We only have a very small number of our offenders who are married. To tell you the truth we don’t like to hear that one of them is getting married, because most of the time it’s an arranged or worse, a forced marriage. We have a very important community of people with Arabic, sub-Saharan or Turkish backgrounds and this happens, unfortunately quite a lot.’*(Epernay, director of reentry charity).

Even though the influence of peers has been a known crucial factor since the 1950’s (Glueck and Glueck, 1950), PO never spontaneously mentioned peers and friends as being an important component of the desisting process, either as supports or as obstacles. When we asked them whether peers were a problem and what they did about it, they referred to their clients’ freedom and motivation in order to justify not doing anything. We did not even manage to make them elaborate on this subject: they had no knowledge of how important this factor was, nor of what to do about it. In striking contrast, all desisters mentioned friends as essential in order to understand both how they had come to offend, and how they were now trying to desist. They nearly all mentioned new non delinquent friends as opposed to previous delinquent friends, with whom they had broken all ties and even contact. Consistent with the literature (Maruna, 2001), in their mind, it meant a new identity; a new life; it also meant spending quality time with these friends, helping with loneliness and in moments of doubt.

Practitioners unanimously said they saw an increasing number of offenders with mental health or evident behavioural issues. Pos definitely felt powerless with this type of offender. The same went for addictions. Alcohol, first and foremost, and then drugs, accounted for most of probation services’ clients. They all quoted the figure of about 60 to 70% of their clients having such problems. Paradoxically, here again, they did say that they felt rather powerless— not seeing that it meant that they were powerless with up to 70% of their clientele.

Budget and finances, are, like peers and friends, further factors that are important for desistance (Bucklen and Zajac, 2009), and which are however completely ruled out by POs as being relevant to the offenders they supervise:

*‘Maybe American criminologists found that this was important because in their culture, they are used to borrowing to buy just about anything. They really need to be re-educated. In France this is not such a relevant factor’.* (South of France, PO)

Many sounded genuinely surprised by our question:

*‘It is actually a good question you are raising. Maybe we should work on that when they are in prison...’* (Nantes, PO3).

Some practitioners did acknowledge that money was an issue, but not in order to imply that they could help, or that anything could be done. According to one PO, the major problem was not so much balancing a budget as not having a budget to balance. Significantly, many practitioners answered our question by talking about debts which their clients had incurred. Desisters, on the other hand mentioned how difficult it was to adjust to living on a small wage after years of easy money. One of the Nantes desisters said that at first he lived as if he still had a lot of money: With his meagre allowance he bought a very expensive pair of shoes *‘the way I would have done before I offended’*, but going back home he realized that he had nothing left for food or bills.

The third and most important finding of the study was that **Pos did not think they should and did not in fact materially help offenders desist**, something which was systematically confirmed by desisters. In fact many of them considered that this was not part of their job:<sup>9</sup>

*‘We are not welfare assistants but probation officers. It’s not our job to help’* (Charleville-Mezières, PO 2).

*‘If you become a probation officer to change everyone you’ll end up dead’* (Reims, PO1).

But, on the contrary, an equally important number did insist they wanted to be called social workers and regretted the passing of the *‘Good Old Days’* when this denomination prevailed.

So overall, it was quite obvious that French Pos presented a rather dichotomous profile, between those who did adhere to social work goals and those who did not. In other words, it seemed that they may have been pushed by their central administration, more easily than it seemed at first glance, towards the very model which they abhorred (the so-called ‘U.S. probation officers’, i.e. a mere control officer, filling in forms, sending reports and checking on violations) because their social work activity had long been gone, despite still being brandished in the discourse of a good proportion of them.

When we went into the details of what Pos actually did with regard to desistance factors, it was obvious that, even in relation to the social elements of which they were more aware, they did not act. For instance, vis-a-vis work they referred their clients to other agencies such as ‘Pôle Emploi’ (equivalent of Job Centre Plus) or to temping job agencies, expecting them to obtain appointments. Clients were expected to provide the SPIP with documented proof of their efforts in looking for a position, or with regular documentation to show they had kept the job. This demand sometimes had adverse effects on employment itself. This lack of intervention was corroborated by desisters. All but one (Charleville Mezieres male desister 510) said they had not been helped by their PO:

*‘They talk to you about work all through your prison term, then when you’re out there is nobody; they don’t do a thing. So after one or two sentences I told them: “stop*

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<sup>9</sup>It is noteworthy that recent decrees have systematically eliminated the expression ‘social worker’, which previously existed in the P.P.C. (Decrees n° 2020-1634 and 2010-1635, Dec. 23, 2010).

<sup>10</sup>He was the only one who was employed following a job that was proposed by the probation service – but... he had asked the service to do so; this help was thus not offered spontaneously.



*talking to me about this. Cut the rubbish. I know the drill” ’ (Charleville male desister 1)*

With respect to training, just like their approach to the issue of work, Pos concentrate on their clients’ motivation. They spend a lot of time trying to convince them that they need to access training and this proves extremely difficult.

*‘If the person wants to start masonry, but that person’s knowledge of maths is virtually nil, we first have to convince him that he’ll need to be able to evaluate how much cement will be needed for a given surface, etc.’ (Nantes, Director SPIP).*

*‘With young people who are never up before noon, in order to get a job they must start by getting off that jetlag and waking up early in the morning’ (Reims, Charity director).*

With regard to housing, Pos have the impression that they are useful. However, when they find their client a place to live, it is usually in a shelter<sup>11</sup>, where people have to abide by rules and evening curfew hours. Besides, notoriously shelters are not a viable solution; the satisfaction practitioners express with this (*‘hardly any of our clients are homeless’* was a sentence we heard a lot) contrasts strongly with what our desisters have to say, i.e. that they would refuse or have refused shelters. Indeed, shelters are places where it is easy to get into trouble: people who live there often have substance abuse problems, have spent years on the street, etc. Consequently, even those who try and desist can get into trouble. Of our 26 desisters, only one was in a shelter (Charleville Mezieres desister 2, aged 18). He had been placed there by his educator and did express dissatisfaction with it and saw it as temporary.

With regard to families, however, this ‘hands off’ approach was only true with Pos working in the community (*‘open environment’/milieu ouvert*). Those working in prisons did interact with families. However, the idea was not to improve relationships so that reentry would be facilitated; it was to fight against the ‘desocialising’ effects of prison. In fact, it is striking to read article D 460 of the P.P.C. which stated that one of the PO’s main missions is precisely to mitigate the destructive effects of prison on families: incarceration is naturally costly in relation to family ties. Cultural particularities may have come into play, such as the prevailing principle of privacy.

With offenders who had mental health problems, POs, particularly those working in the community, felt that apart from referring them to doctors, there was nothing they could do.

*‘We are totally useless and powerless about this. We are not trained to deal with this. We need to work with the health services but we don’t do that too well. Doctors don’t seem to want to collaborate because of the legal obligation to secrecy and probably because they think only they have the knowledge’ (Charleville Mezieres, SPIP Chief).*

For those working within prison, paradoxically it was easier, since medical services were immediately available and the illness more likely to be addressed as it was often problematic<sup>12</sup>.

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<sup>11</sup>It usually takes years to obtain a council flat.

<sup>12</sup>In reality, mentally ill offenders who are non-disruptive are often left on their own (Beaurepaire, 2009).

As we saw previously, the same powerlessness was voiced concerning addictions. Pos did of course refer these clients to treatment, centres, doctors, etc., which usually was part of the court order anyway.

It was clear that this sense of powerlessness was also linked to unrealistic expectations; Pos implied that total abstinence was the only valid goal, something unobtainable in most cases. It seemed clear that there was a lack of training and guidelines on the part of the organisation itself. Only those who had more limited expectations sounded more optimistic:

*‘We cannot tell them to stop taking drugs or alcohol. We typically tell them to reduce their consumption first and that’s hard enough’*(Charleville Mezieres, PO1).

With regard to budgeting and debts, those who did take action, referred their clients to the Debt Commission (Commission de Surendettement) or, as with other elements, gave psychological guidance, as was confirmed by our desisters.

*‘We try and make them understand that it’s important to balance one’s budget’* (Charleville Mezieres, PO1).

A key explanation for this disengagement of the French practitioners probably lies in their colossal caseload. With a national average of 120/130 cases per PO (CNCDH, 2007), which our research confirmed – Charleville Mezieres PO had up to 180 clients –, it is virtually impossible for them to be more helpful. Their situation has reached a dangerous point as they recently have had to embrace new tasks (Lhuilier, 2007, Herzog-Evans, 2009, Pélissier and Perrier, 2009) such as deciding in lieu of the JAP to release prisoners, writing more reports, engaging in treatment...<sup>13</sup>. Such enormous caseloads are however so ingrained in the French probation profession that, during our research, they never mentioned it as an excuse for not being more active.

Another explanation for this disengagement of French Pos may be that desistance factors correspond to several probation requirements: in order to obtain a community sentence or a release measure, an offender has to prove that he is making ‘serious reinsertion efforts’ (PPC, art. 707, 723-7, 729 and PC, art. 132-25-132-26-1). Once under such orders, probationers must continue making such efforts in order to avoid being recalled. As a result, the main role of the PO is perceived as having to monitor whether the person is indeed complying and to report violations to the JAP.

Disengagement might also be the result of the shift that occurred in French social work at the end of the eighties, whereby the ‘poor’ and the offenders were not to be ‘assisted’ any more (Autiès, 2011). As a result, other agencies have taken up their previous roles and responsibilities in this regard.

For indeed, a fourth finding was that whereas SPIP abstained from it, **charities took up the support role**: street work, reentry support, etc. Such was, for instance, the case of this charity in Reims, ‘le club prévention’ (Prevention club). Its ‘street educators’, as they called themselves, worked in close partnership with a network of about 100 other agencies. They worked with families, helped released prisoners and other offenders to find housing, work,

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<sup>13</sup>At the time of completing this article an offender who was supposed to be on probation raped and murdered a young woman near Nantes: The probation service had had to put his case aside as it had a 200 case per PO ratio. France does not use evidence-based risk assessment tools...

training, etc. In other words, they worked actively at helping the offender fight obstacles to desistance. However, they could only take on a minimal number of offenders who were referred to them by the SPIP: there were not enough charities and they did not receive enough funding to help all offenders under supervision. As they were more engaged in supporting desistance, charities were consequently more confident. They also seemed to have a deeper understanding of the specific needs and circumstances of offenders and of desistance factors and obstacles.

To sum up, what **Pos** actually did was to **provide psychological support to those who had ‘the motivation’**. Indeed, desistance happens when the person’s own identity starts changing (Maruna and al., 2004; Healy and O’Donnell, 2008). Accelerating the desistance process can thus become one of the goals of the probation services. In this respect, the importance of the relationship with the PO has been found to be essential (e.g. Farrall and Caverley, 2005; Trotter, 2006). However this also requires the PO to have certain qualities and skills, some of them being learnt via training (Raynor and al., 2010). Unfortunately none of the learning derived from the literature and practice around motivational interviewing (Burke and al., 2002) or pro-social modelling (Trotter, 2006), is taught at the ENAP, the penitentiary administration school where French Pos are trained. In other words, even if French Pos are right to consider that their clients’ motivation is paramount and that they could theoretically play a significant role in that respect, this instinctive approach does not equate to actual evidence-based practices and skills. French Pos see motivation as a prerequisite for an active intervention which would go beyond control. They also see motivation as a decision made by the offender over which they have no control:

*‘If the person does not want to, the person cannot’* (Nantes, Director SPIP).

*‘Our job is to detect those who may have the will and then help them’* (SPIP chief 1)

Implicit in the explanations of some practitioners – we had no precise questions about this – was the chicken and the egg debate (LeBel and al., 2008): did the desire to change or the opportunity to change come first – an empirical questioning in line with the famous opposition between, for instance, authors like Gottfredson and Hirchi (1990) or McCord (1994) on the one hand, and Laub and Sampson (2003), or Horney, Osgood, and Marshall (1995), on the other hand. Like academics, French practitioners were split into three groups: those who said that desire to change came first, those who said that social opportunities came first, those who said it was a combination. However, we were surprised to discover that even though French SPIP are traditionally more aware of the social elements of desistance, the first opinion was more common. Pos thought that part of their work consequently was to detect this ‘right moment’. Once that happened, they were ready to provide psychological support, as was confirmed by our desisters. Such support took the form of warm support and guidance.

*‘He actually told me: “I am very proud of what you have achieved. If only I only had clients like you!!”* (Nantes male desister 8) ‘

*‘He was a guide’* (South of France Female desister 6)

Even though practitioners insisted on personal motivation and change of identity, we discovered, to our surprise, that **the desire to Make Good dimension of the Making Good literature** (Maruna, 2001, Le Bel, 2007), **received no echo in France**, both with practitioners and desisters.

French practitioners had never heard of 'Making Good', almost unanimously regarding it as some sort of a joke. On numerous occasions we heard answers such as the following: *'Nah! I don't think I ever see clients getting involved nor expressing a need to help anyone, to take part in any charity work, or that type of thing'* or *'I don't think this applies at all'* or *'no they only think about themselves'*. Two Pos used identical words: *'You don't get cured by helping others'*.

Several practitioners actually referred to cultural differences: *'this may be valid in a religious country like the USA but is not transferrable at all to France'*. Some were more aggressive echoing a long tradition of French anti-Americanism: *'This is maybe relevant in the 'Anglo-Saxon' culture but is totally irrelevant in France'*.

However when elaborating further, a few practitioners did mention some exceptions. One PO related offenders' desire to help others to *'the educator syndrome'* which he put this way:

*'They suddenly discover the truth and want to spread it around. There also is the need to compensate for what they've done.'*

Other POs regarded those wanting to help with suspicion. One said

*'I am very suspicious of clients who suddenly try and do good. Isn't it a way of shifting responsibility onto others?'* (Nantes, Director SPIP).

Another added:

*'It's rare and may be opportunistic so we have to be extremely cautious. It could be manipulative. But overall I never saw it with any offender'*. (Nantes, PO3)

Likewise, only 6 out of the 26 desisters felt the need to make good. All the others said they were more self-oriented or focused on their families. The question about Making Good was often followed by a silence. The idea that it was challenging enough to turn one's life around was apparent: offenders felt they were the ones still in need of help.

*'I first have to try and be responsible for myself before attempting to help others'* (Charleville Mezieres, male desister 5)

One of the desisters mentioned that helping others was the surest way of being abused by others. He put it in a playful sort of way:

*'Help too much, conned... too much'* (Charleville Mezières, desister 6).

However, this finding might partly have been a bias resulting from our poor and rather 'thrown together' methodology: maybe our desisters were still rookie desisters and Making Good is something that may appear years after, when desistance has been fully achieved.

Still, of those who mentioned thinking about Making Good, rare were those who actually did anything about it, thus confirming what Pos had said. An exception to this was Nantes desister 1. Even though he answered the question negatively, I learnt later that he was having a difficult time helping an extremely socially isolated homeless person. Perhaps the fact that he had committed sexual offences and was probably one of the most remorseful desisters, may go some way to explaining why he would be the one in need of proving his redemption. He may have been in a similar position to ordinary offenders in Anglo-Saxon countries, where rejection by the community is common. In fact, such rejection is not apparent in France, except in relation to sexual offenders.

## Discussion

Our research has shown that French POs have a very ‘hands off’ approach and that this is due to a great extent to their training. In France, Pos are recruited via a national exam and are then admitted to a National Penitentiary Administration School (the ENAP). Due to the absence of social science or criminology faculties, numerous recruits are lawyers. During their one academic year at the ENAP, they learn about general criminology but the School is yet to teach them about evidence-based practices and to provide them with practical guidelines and tools. Also, France has yet to develop its own research on What would Work in its specific cultural, institutional and legal environments. In the meantime, it is clearly urgent that it collaborates with other countries, perhaps with some support from Europe (see e.g. Perry and Barrows, 2009), as other states recently have, although it might require this country to humbly acknowledge it needs help. Indeed the French penitentiary central administration to which SPIP belong, has recently make some maladroit attempt to create therapy groups for sexual and domestic violence offenders. However this could not be further removed from the What Works literature. Luckily, this attempt has partly failed and French Pos have retained their strong One-to-One tradition. What is entirely unknown, however, is whether One-to-One ‘à la française’ is efficient, neutral or negative. Equally unknown is whether the private sector (charities), which appears more involved in helping offenders, has in fact had better outcomes. Unfortunately, SPIP being entirely part of the penitentiary administration this encourages the lack of interest in what would actually work in probation. Guidelines and laws are drafted by a hierarchy which thinks in terms of prisons’ best interests, which translates into making use of POs to free up prison space: they are now charged with releasing what their administration hopes to be a great number of inmates, creating even more tensions within their services as workloads reach previously unknown levels<sup>14</sup>.

French probation services are clearly at a cross-roads between pre-Martinson social work and post-modern punitiveness, mixed with concern over budget and managerialism. Services also exhibit cultural traits which may be relevant when trying to understand how they operate, and perhaps even how offenders desist in France. That cultural diversity (Giordano and al., 2002; Sheenan and al. 2007) and gender (see e.g. Barry, 2007) are important variables of the desistance process has been suggested by the literature. An example of how important cultural specificities may be was illustrated by the reactions to our question about offenders Making Good. One possible explanation for this might have been the total lack of religiosity of French people (Azria, 2003) (except with French second generation Muslims: Fregossi and Brubeker, 2006), many of them being atheist, and Christians being nearly all non-practising. Furthermore, the French republic and prevailing culture are based on a paramount principle of ‘laïcité’ (secularity) (Rémond, 2005; Baurébot, 2010), i.e. not only a 100% separation of the state and the church, but also the idea that religion should not interfere with most aspects of public life. This definitely does not prepare French people to think or act according to religious principles or ideals of any sort. It seems to us – but this would need to be confirmed – that the idea of redemption is consequently perceived as being old fashioned. Another factor may be the strong respect for privacy in the French culture (for a historical perspective, see Ariès and Duby’s five volumes *Histoire de la vie privée*) as shown by an extremely protective French law (Teyssié, 2010). What is expected from offenders is that they remain discreet. Showing remorse is not done by loudly expressing remorse or acting it out, but by ‘making

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<sup>14</sup> In a recent court decision, a Court of Appeal decided an inmate should obtain conditional release but should wait for six more months before being actually released since the probation service’ workload did not make it possible for him to be properly supervised (Versailles Court of Appeal, March 18, 2010, n° 09/04433, obs. In *Ajpénal* 2011, pp. 42-43).

oneself forgotten' (: 'se faire oublier') as the French expression goes. This cultural trait may have partly accounted for practitioners feeling ill at ease and suspicious with Making Good. Obviously in-depth research would be needed to explore the cultural and possibly religious roots of the reactions a given country may manifest to certain dimensions of what is regarded as being criminological evidence in English speaking jurisdictions.

## **Conclusion**

The research confirmed the hypothesis that there were cultural differences in practitioners' understanding of the desistance process. Making Good did not seem to be relevant in France, although this would need to be confirmed by a larger study. The reasons explaining this striking difference with the findings of the literature would also need to be explored.

We also confirmed that if French POs and desisters agreed on most desistance factors, they disagreed on two important ones: the role of peers and friends and of finances.

We also saw that French POs had an overall good knowledge of what it took to desist, but not an in-depth understanding of the complex desistance process. Mostly, they waited and counted on offenders to make the turning point decision to change; only then did they seem to believe they may be successful in working with them.

It is thus apparent that there is an urgent need to import into France evidence based practices along with knowledge drawn from desistance– and What Works and risk assessment – literature and practices. In that respect, practitioners may well benefit from listening to what desisters have to say, as they seem to know better than these professionals what they actually need and do contradict them in several respects. In particular, probation services – and hence those in charge of defining the content of their training – should consider that it is probation services' mission to actively help with social and personal desistance factors and to overcome obstacles. If they are right in thinking that motivation is essential, this should not give them a licence not to help more actively. In particular, they should overcome their rather ill placed sense of impropriety regarding working with families. They should also reconsider neglecting factors like peers and influence or budgeting and financial issues. It would also be essential that their senior managers define clear guidelines and objectives concerning drugs and alcohol, and, via training, provide them with much better knowledge as to how to work with this particular type of offender.

This research thus showed that French probation services need to reconsider entirely how they work with offenders<sup>15</sup>. One consistent finding was that they hardly ever actively helped in the desisting process, preferring to stay in the background and give psychological support, advice, and sometimes, alas, threats. At best they seemed inclined to refer offenders to other agencies and to charities – drawing on a locally built network, but without any training in or even any notion about case management issues. We thus discovered that charities seemed to do most of the work that one would expect of probation services. This would need further investigation, but was confirmed in all the regions.

If the disengaged attitude of French probation staff was partly due to an extremely heavy caseload, it may also have been due to a lack of knowledge in what may be working<sup>16</sup>.

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<sup>15</sup>As shows, in other respects, our other research 'Being a Probation Officer in the years 2010'.

<sup>16</sup>Other hypothesis which would require more research may be, first, the fact that PO are, like in a good part of Europe (van Kalmthout and Durnescu, 2008), increasingly lawyers and, and second, that their central

France is on the verge of creating criminology faculties; the ENAP has consistently increased the number of hours devoted to teaching criminology to its recruits. We were able to organize an international conference at the ENAP in June 2010 (Mbanzoulou and al., 2011), which presented desistance research to a captivated audience consisting, for the most part, of POs. The future thus looks a little brighter. However, many years are expected to pass before desistance literature and evidence-based practices ('what works' being probably even less known than desistance) will be common knowledge and practice within French probation services.

Yet, as we also saw, French operative concepts of 'reinsertion' and 'resocialisation' are close enough to desistance not to cause too drastic changes to the habits and mind set of French probation practitioners. Nonetheless, obstacles to a transfer of the desistance literature findings to practices are considerable. One is the caseload. Qualitative work seems impossible in such a context. Another serious obstacle is a professional tradition where the client is seen as having to bear the burden of the proof that he is desisting, in order to 'merit' 'sentences' management measures', i.e. release or community measures and to be considered as compliant with them and where he is thus for the most part left on his own to overcome obstacles he may encounter<sup>17</sup>. Lastly, policy changes which emphasize prevention of reoffending and perceive this goal as being opposed to resocialisation make it difficult to imagine a future where authorities would encourage progress in desistance supportive practices in the near future<sup>18</sup>.

This limited study must be seen as a modest first and small step into exploring cultural differences in probation practices. Further research is needed to address cross-cultural comparisons.

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administration has significantly transformed their mission, over the last years: what they are now being asked is not so much to help resocialise offenders, but to monitor compliance with obligations and reoffending.

<sup>17</sup>A factor which may well also have a positive effect, as it encourages offenders to embrace their future in an active way.

<sup>18</sup>The June 2010 ENAP conference – which concerned resettlement, reinsertion and desistance – ended with the presentation of one of the three heads of the central penitentiary administration telling an astounded audience that '*reinsertion is a great goal indeed, but our real job is to prevent reoffending*'.

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