

**Myopia and misrecognition : the impact of managerialism
on the management of compliance**

PHILLIPS, Jake <<http://orcid.org/0000-0002-7606-6423>>

Available from Sheffield Hallam University Research Archive (SHURA) at:

<http://shura.shu.ac.uk/10132/>

This document is the author deposited version. You are advised to consult the publisher's version if you wish to cite from it.

Published version

PHILLIPS, Jake (2016). Myopia and misrecognition : the impact of managerialism on the management of compliance. *Criminology and Criminal Justice*, 16 (1), 40-59.

Copyright and re-use policy

See <http://shura.shu.ac.uk/information.html>

Myopia and Misrecognition: the impact of managerialism on the management of compliance

Abstract

This article explores the construction of a particular form of compliance in probation practice during a period in which policy shifted from enforcement towards compliance. The article uses four concepts from Bourdieu's field theory (*habitus*, field, misrecognition and symbolic violence) to highlight the way in which the shift in policy was attuned to the subjective structure of probation practitioners' *habitus* but resulted in a form of compliance which was myopic in nature and thus did not adhere to what we know about *habitus* in probation from other research. The article explores this phenomenon through Bourdieu's notion of misrecognition suggesting that whilst the policy change was regarded generally positively, it is an example of 'symbolic violence'. In turn, this tells us about practitioners' position in the field which is useful in terms of future analyses of how changes to the delivery of community sanctions will manifest in the coming years.

Keywords: probation, ethnography, *habitus*, field, Bourdieu, compliance, managerialism

Word count: 9630

Contact details:

Dr Jake Phillips
Lecturer in Criminology
Department of Law and Criminology
Sheffield Hallam University
Heart of the Campus
Sheffield
S10 2BQ

Tel: 0114 225 6530

Email: Jake.Phillips@shu.ac.uk

Bio:

Jake Phillips is Lecturer in Criminology at Sheffield Hallam University. His main interests lie in the way in which policy interacts with practice in the context of probation.

Introduction

Recent years have seen the emergence of Bourdieusian analyses of probation practice and practitioners' views practice using the concept of *habitus* and field (McNeill et al., 2009, Deering, 2011 Robinson et al., 2013, Grant and McNeill, 2014). Such analyses have contributed to our knowledge about the way in which practitioners construct and define their practice in an institution which has seen considerable changes in its objective field, or social space, over the last thirty years (Thomson, 2012). This article extends this work through the analysis of data collected via an ethnography of probation practice using concepts from Bourdieu's oeuvre such as field, *habitus*, misrecognition and symbolic violence which have not yet been applied to this area of criminal justice. Bourdieu's framework alerts us to the ways in which the interaction between the objective field and subjective habitus results in particular forms of practice, and contributes to our understanding of where practitioners are situated in the subfield of community sanctions.

The article focuses on a shift in probation policy in 2005 which saw the enforcement era of the early 2000s be traduced by a greater focus on compliance (Robinson 2013) in order to consider the changing nature of the way in which compliance was managed. Using concepts from Bourdieu's field theory I consider what can be learnt about *habitus* in probation and the way in which it interacts with the objective structures of the field of community sanctions. I argue that this shift in policy resulted in a form of compliance which did not necessarily achieve the kind of compliance most probation workers were striving for in terms of how we tend to understand *habitus* in probation. However, the policy received considerable support from participants. I suggest, therefore, that we witnessed a 'doxic submission to the established order' (Bourdieu, 2000: 178) which represents the existence of the Bourdieusian

concept of misrecognition and symbolic violence in the subfield of community sanctions towards the end of the 2000s.

I begin by arguing that the policy shift was implemented in a managerialist manner, which led to the constitution of a kind of compliance which was constructed by probation workers with little input from offenders themselves and was distinctly myopic in nature. The article then argues that practitioners made use of several techniques to encourage compliance which, at face value, look like resistance but when analysed through the lens of Bourdieu's analytical framework, worked to legitimise and embed a short-termist, managerial form of compliance. My analysis of the way in which a probation *habitus* helped to constitute such practice shows how this represents a form of misrecognition and symbolic violence. The article concludes with a discussion of the benefits of ethnographic work especially when analysed using Bourdieu's framework, and the implications of this analysis for future research and practice in a range of settings, both jurisdictional and institutional.

The Research

The data in this article were collected through a prolonged period of observation and interview based research in two probation teams in England. The research aimed to analyse the ways in which probation practice and probation workers' practice ideals had interacted with the ideas and concomitant changes in policy described in (but not exclusive to) Garland's (2001) 'culture of control'. The aim of the research was to get to the heart of the 'lived order' of the occupational culture of probation:

The words 'lived' and 'order' refer to aspects of what actually occurs and is experienced in everyday social action. The word 'lived' alerts the observer to the essentially situated and historical character of everyday action... The term 'lived order', then, calls our attention to both the contingent and socially constructed ways societal members construct/enact/do/inhabit their everyday world. (Goode, 1994: 127; cited in Pollner and Emerson, 2007: 119).

I observed office life for 3 or 4 days per week over a ten month period (from October 2009 - July 2010) spending between 7 and 10 hours in the office on each day of observation. In doing so, I observed the full span of practitioners' contacts with offenders including pre-sentence report interviews, induction sessions, supervision session, OASys reviews, programme reviews, final supervisions, home visits, hostel visits and prison visits. I also sat in on team meetings and spent several days at the team based in the courts across the research sites. When not observing a specific piece of action I was listening, watching and talking about probation practice with participants. I was based in a specific offender management unit (OMU) in each research site and observed at least one contact with an offender with every member of each team (additionally, I was able to observe contacts with members of other OMUs in one research site as the building housed a number of units). Beyond short interactions during supervision sessions and so on, I did not engage with people who were on probation. I was unable to observe any groupwork sessions as I was unable to secure consent from all those who were present. Alongside this, I conducted 32 interviews with practitioners (case administrators, probation services officers, probation officers and senior probation officers) which focused on the way in which participants understood their work and how these understandings were constituent parts of probation practice. The combination of observations and interviews allowed me to both hear about practice as well as see it in person. This is an important point because it allows us to see what kind of practice is constituted the interaction of *habitus* and field as formulated by Bourdieu whose analytical framework is discussed below.

Field, habitus, misrecognition and symbolic violence

Bourdieu's field theory has been used in the context of probation by several scholars in recent years]. Nevertheless, it is useful to remind ourselves of the four concepts that are used in this article. For Bourdieu, society consists of a series of relations which exist in two forms:

first, reified as sets of objective positions that persons occupy (institutions or 'fields') and which externally constrain perception and action; and, second, deposited inside individual bodies in the form of mental schemata of perception and appreciation (whose layered articulation compose the 'habitus') through which we internally experience and actively construct the lived world. (Wacquant 2013: 275)

Thus, the field in this article is that of community sanctions. The field is most easily explicated by referring to the rules that govern what practitioners (and, by extension, offenders) are supposed to do. In respect of *habitus* Bourdieu states that

[t]he conditionings associated with a particular class of conditions of existence produce *habitus*, systems of durable, transposable dispositions, structured structures predisposed to function as structuring structures. (1990: 53)

Maton argues that one's *habitus* is structured by one's past and helps to 'shape one's present and future practices' (2012: 50). Thus *habitus* is a tool with which we can think about how individual or groups of practitioners are both shaped by, and shape, probation practice. By considering the role of *habitus* in the context of a changing field, we can see how these two aspects of the social world interact to create a particular form of compliance. The third and fourth 'thinking tools' (Bourdieu and Wacquant 1992) that I use in this article are 'symbolic violence' and 'misrecognition'. These two concepts are inextricably linked and so will be considered together. Symbolic violence is a form of non-physical, often unperceived, oppression which serves to reinforce and reproduce hierarchies within fields. Systems can (but do not always) achieve this via a process of misrecognition. In a similar way to Marx's false consciousness, misrecognition occurs when people do not 'see' their oppression; rather they see it as the natural way of things. Ultimately, misrecognition can result in a situation in which one cannot play the game *and* question its rules (Burawoy, 2012). Bourdieu would

describe such a situation as an orthodoxy and it is the contention in this article that the shift in policy away from enforcement and towards compliance is an example of how a managerially driven compliance focused orthodox became consecrated in the field.

Researching and conceptualising compliance in probation

Until relatively recently there has been a dearth of research that has focused on the way in which compliance is encouraged by practitioners, and received by people under supervision. The emergence of interest in this field can be put down, partly, to two developments. Firstly, Crawford and Hucklesby make the case that because states accept they no longer have a monopoly on crime control, along with evidence that criminal justice institutions are not effective in terms of rehabilitation, reform and prevention means that

legitimacy and compliance are both deeply implicated in and interconnected with each other in ways that require close conceptual scrutiny and empirical analysis and demand our attention in thinking about ways of better regulating people's behaviour and fostering conformity with prevailing social norms. (2013: 3-4)

This article contributes to this particular line of thought by focusing on one way in which compliance has been used to, ostensibly at least, enhance the legitimacy of probation (Robinson and Ugwudike, 2012) by presenting analysis of the ways in which probation workers go about encouraging compliance in a particular field.

Secondly, , recent policy changes have meant that compliance has become an important area of study. Since the late 1980s the introduction and revisions of national standards (Home Office, 1992, 1995, 2000, 2005; Ministry of Justice, 2007, 2011) standardised the number and frequency of contacts with offenders, as well as dictated the circumstances in which breach should be initiated by stipulating the number of times offenders can miss appointments without an acceptable excuse. It is widely accepted that the introduction of

national standards resulted from a perceived problem of inconsistency, a lack of credibility and belief in community penalties which stemmed from both the Nothing Works claims, and a desire to toughen up community penalties in the face of accusations of ‘softness’ (Raynor & Vanstone, 2007). The revisions of 1995, 2000, and 2005 were increasingly stringent with the 2005 revision allowing offenders only one absence before breach was to be initiated. In this sense, enforcement policy was intended to deter non-compliance (Robinson & Ugwudike, 2012). However, the 2007 revision to national standards marked a change, with guidelines stating that breach should be initiated only if there was a concomitant increase in the risk posed. Robinson has argued that this iteration signified an era of pragmatism in which the ‘compliance net’ was widened ‘enabling greater numbers of offenders to be labeled ‘compliant’’ with a view to shifting the way in which the service enhanced its legitimacy (2013: 33).

There are several useful theoretical frameworks which can be used to consider how, and why, people comply with probation in the first instance. These theoretical models can then be extended to consider how probation practitioners might work best to improve the rate and ‘quality’ of offender compliance. Bottoms' (2001) theoretical model of compliance goes some way to understanding how and why offenders might comply with a community sentence. The idea that 'effectiveness and compliance are, in the field of community penalties, topics that are inextricably linked' (Bottoms, 2001: 89) is acutely important because it raises the necessity of distinguishing between formal and substantive compliance, where the former is likely to be less 'effective' than the latter:

formal compliance denotes behaviour which technically meets the minimum specified requirements of the order and is a necessary component of short-term requirement compliance... Substantive compliance, on the other hand, implies the active engagement and co-operation of the offender with the requirements of his or her order. (Robinson and McNeill 2008: 434)

Whilst Bottoms' (2001) and Robinson and McNeill's (2008) theorising of compliance has contributed greatly to our understanding of how and why probation might best maximise the likelihood of offenders complying with community sentences, we also need to understand the way in which such policies are translated into practice. Elsewhere, McCulloch has argued that compliance can, or should, be co-produced by offenders and practitioners because 'society... seems still to 'require' of offenders substantive compliance outcomes - in the form of responsibility, progression and change' (2013: 61) and that co-produced compliance has the potential to achieve this over and above the managerial, or formal, compliance that is prioritised in policy as outlined by Robinson (2014). More recently, Bottoms (2013) has argued that there are lessons to be learnt from situational crime prevention in aiding compliance and that offenders have a certain element of agency in constructing their own compliance. Thus, these models suggest that practitioners are most likely to help offenders comply substantively if a flexible, collaborative and dialogic approach which acknowledges an offender's agency is taken when working with offenders.

Recent work on compliance has analysed this period of change, yet we still do not know fully how these changes manifested on the front-line. In her analysis of the increased use of risk assessments' impact upon the ways in which the requirements of a community order are enforced, Ugwudike (2011) found that probation practitioners resisted the constraints imposed upon them by risk-assessment tools and made use of professional discretion which was underpinned by a 'welfarist ethos' to justify their actions. Elsewhere, Robinson and Ugwudike (2012: 312) plot the changing nature of enforcement in probation policy arguing that, ostensibly, probation's 'punitive turn', exemplified by the focus on enforcement and the 'toughening up' of probation was intended to enhance the Service's legitimacy. However, this has arguably, failed because 'the 'formal rules' governing enforcement have been found

to be in conflict with notions of legitimate professional practice which favour a more 'responsive' style of regulation'. Importantly, they suggest that this tough approach to enforcement failed to 'secure wholesale 'buy-in' on the part of those responsible for implementation' (2012: 312). Thus, the shift towards compliance could be seen as an acknowledgement of the problems associated with enforcement. However, Robinson's (2014: 267) analysis points to the risk that the revised standards would result in a myopic form of compliance that is underpinned by a tick box style of measurement and which is 'no more informed by an understanding of the psychologies motivating compliance than the drive for enforcement'. Indeed, in Robinson's (2013) study with practitioners, participants described the climate as 'compliance mania' and explained how targets were important in terms of structuring their work. Moreover, they outlined some of the downsides of the new focus on compliance - that it could penalise 'genuine compliance', mask changes in risk, and allowed offenders to 'play the system'.

This article sheds light on the way in which this change in the objective field structured practice, by using examples of how practitioners made and justified decisions around breach decisions that were observed rather than via interviews and focus groups, the method that has been utilised most frequently in probation research (Robinson and Svensson 2013). In addition to this, the article presents evidence as to why practitioners were ultimately unable to resist this particular change in the objective field through the Bourdieusian concepts of symbolic violence and misrecognition.

Compliance and managerialism

Policy changes between 2002 and 2007 appeared to allow for greater levels of discretion and a more investigative approach to breach proceedings with a focus on substantive rather than

formal compliance or enforcement. However, there was also the risk that the way in which the policy was defined, and ultimately measured, held the potential for compliance focused practice to become myopic and managerial in nature. In this section, I demonstrate that this change in policy manifested, not exclusively, but significantly, in a way which was more concerned with completion rates as a proxy measure for compliance than substantive compliance. This practice was structured significantly by the field which had elevated completion rates to the key performance indicator for compliance in this period (Robinson 2013: 32). Ugwudike (2011) found that managerialism was the 'key vehicle' in terms of making enforcement cost-effective. Managerialist techniques such as greater standardisation of practice through the use of key performance indicators, greater use of cash limits, more formal lines of accountability (again through the use of targets) and a tighter rein on practitioners' discretion (Raine & Willson, 1997) were found to be a defining feature of compliance focused policy in my own research. For example, one relatively recent addition to the targets that workers had to achieve was 'OM20: X% of orders of the Court and Releases from Custody on Licence are successfully completed' (see NOMS, 2011: Annex C).¹ It was observed that this particular target meant that practitioners were trying to 'get people through' their Orders (TPO², Fieldnotes) as opposed to engaging with them in a way that reflects practitioners' beliefs in the importance of the relationship and social capital (Phillips, 2013). I investigated this observation further during interviews:

It is a new target. I don't think it means very much. When you look at it you think, yeah that looks good and it is because you are getting people through and the service is demonstrating to NOMS and the powers that be that we have all these successful completions but in reality it doesn't mean very much and that people have come to their appointments and as we just discussed, you can use

¹ This target is locally agreed. In the years 2010-11 and 2011-12 the majority of Trusts (including both research sites) were working towards a figure of 70 per cent for this measure. See Cumbria Probation (2011) and London Probation Trust (2011) for examples.

² I use abbreviations to designate the grade of each participant - Trainee Probation Officer (TPO); Probation Service Officer (PSO); Probation Officer (PO); Team Manager (TM) .

your discretion to get people through their appointments if you want to. (Felicity³, PO)

Researcher: So you could say it is a case of getting people through, do you think?
Karen: Yeah, the discretion that you have to give someone... leeway is a way of enabling them to complete. (PO)

It has [changed] in terms of enforcement because we are desperate to get people through their orders so that has definitely changed and that was a very rapid swing of the pendulum one way and then back the other... on the positive side we are basically continuing to engage with the individuals for good ends. But, for some of them, all the officer is doing for the order is chasing them round and seeking to get them in and doing the basics and getting them through – actually effecting change in that circumstance is not possible. (Nicola, TM)

This managerially driven form of compliance meant that many decisions around breach were structured by a form of compliance which was measured purely by the completion of an Order. How long an Order had to run, or how recently the Order had started, were mentioned in several cases as ways of justifying a particular decision. If an Order was due to finish soon, practitioners argued that breach should be avoided, not necessarily because the offender had been rehabilitated but because they were near the end of the Order:

He finishes in a month so I don't want to be breaching him. (Mary, PO, Fieldnotes)

Basically, I just have to get him through. He's been breached twice already so I need to make sure he does not get breached again. (Edward, TPO, Fieldnotes)

For this practitioner the point of supervision here was to ensure that the Order was completed rather than any substantive change in his offending behaviour or attitudes to offending. In many cases decisions around breach were made with reference to the impact that it might have on the potential for completion rather than with reference to anything more substantive in terms

³ All names have been anonymised to protect participants' identities.

of the aims of breach, or in terms of the substantive compliance as described by Robinson and McNeill (2008):

The offender explained that he had missed his first appointment because 'someone' at the court had written the incorrect date on his appointment card, which he did not have with him. Isabel said this was fine, that she would cancel the warning letter because otherwise he would only have one warning left before possible breach. (PSO, Fieldnotes)

On the way down he told me that the client had missed last week's appointment so he was planning to get proof of her absence... [he] asked the client why she had missed last week. She said that she had forgotten because her appointments were usually on the third of each month. The PSO said that this was not good enough, that she needs to write it down and that she is on monthly appointments and part of that is that she has to attend. He was quite firm about this before, quite suddenly, saying that he would pull the breach and then moved on to talking about her work situation. (PSO, Fieldnotes)

After the appointment I asked Ali what he planned to do about the missed appointment:

He said he would not be breaching her because she has two years left on her licence, so if there is a genuine unauthorised absence then he will have to breach her which he does not want to do. (Fieldnotes)

It was clear that such decisions were being implicitly, if not explicitly, structured by the focus on completion in the field. That said, a minority of participants did acknowledge that compliance was being implemented managerially whilst one argued that although these targets existed they were not in the forefront of one's mind:

I'll be honest, I'm not necessarily convinced that having more bureaucratic processes to drive offender engagement will necessarily have positive effects. (Dick, TM)

A lot of it is still tick boxes and I get the feeling that as certain sections of our management get the idea about the compliance based model then it will turn again into a process- I don't think it will take long for that to happen. (Daniel, PO)

We have a target for successful completions and that doesn't impact on the work that I do – if someone is in a situation where we can avoid breach and keep them engaged then I will do that. If someone is in a situation where they need breaching then I will do that; successful completion isn't something that will be on my mind when I am making that decision. (Mary, PO)

Altering the Decision Field

Despite these misgivings from three participants, it was clear that practice was being structured by a focus on completion rates as a proxy measure for compliance. Moreover, such comments served to reinforce my own observations. In order to maximise the completion rate, probation workers employed a range of techniques to alter, manipulate or resist the field in which the decision was situated. Thus practitioners found themselves in a situation whereby they could *alter the field* to make compliance more or less likely (i.e. by widening the ‘compliance net’ (Robinson 2013: 32)) again reinforcing the argument that completion had come to dominate notions of compliance. This section outlines some of the ways in which probation workers were able to circumvent some of the rules of the field in order to make compliance more likely:

If someone has been doing particularly well and then missed an appointment then there are times that it would be allowed to slide because breaching or giving them a warning would be more damaging to the progress we are making so there are times when we have to bend the rules, not break them, but I bend them in terms of being responsive. (Imogen, PO)

The most common means of altering the decision field was by making it more *flexible*. This involves changing appointments on an *ad hoc* basis, enabling offenders to attend at similar times to a friend, for example, or giving whole days rather than specific times for people to attend:

Linda was flexible about the [Unpaid] Work and what days the offender did it on; they arranged to do it on weekends. (PO, Fieldnotes)

...on the way Mary said that she did not know what to do with the two offenders who had turned up at the same time – whether to give them appointments next to each other so that they would definitely come, or to give them appointments on separate days so the other doesn’t have to wait which puts pressure on the appointments. They ended the supervision by talking about appointments – she asked the offender if he wanted an appointment at the same time as his friend or not. He said at the same time. Afterwards, we talked about the appointments. She

said that as long as they were encouraging each other to come then she didn't mind... (PO, Fieldnotes)

Interestingly, this is one of the main strategies put forward by Hedderman and Hearnden (2001) in proposing alternatives to an enforcement focus. Participants also *moved* the field to make compliance 'easier' for the offender. This was achieved through conducting home visits or by doing 'telephone contacts' instead of requiring an offender to come to the office. Whilst Ugwudike (2010: 332) describes practitioners adopting similar techniques where the offender is thought to pose an increased risk of harm, the participants in this study did so simply in order to achieve greater technical compliance:

I might do a home visit, save myself a breach. (Ali, PSO, Fieldnotes)

A conversation was going on around me about home visits... Nick [a PSO] conceded that if he did more of them then he might get fewer breaches. Mary said that she does home visits to one of her clients because of medical issues and said that this client only got through the order because she did so many home visits. (Fieldnotes)

Alternatively, practitioners *pre-empted* the field, effectively making a decision less likely. This involved providing offenders with appointment cards, ringing them up to remind them of appointments, or using the automated text service which was in place in both research sites:

...the biggest help there is the ability to be able to send texts to mobiles – that is marvellous. I used to feel guilty doing it but then I found out that it was enshrined in guidance notes saying that it was alright! To me it made sense; what is the harm in reminding someone especially when they are coming less often. (RS2, Evelyn, PO, Interview)

Practitioners also *used* the field to their advantage, effectively 'playing the system'. This involves using, or trying to use, ambiguities in the field in order to provide some flexibility to appointments whilst adhering to national standards. The following conversation illustrates the

way in which practitioners see the timeframe in which they see an offender post-sentence as more important than the fact that the offender has actually failed to attend an appointment:

Frances [PO]: I've got an induction at 12 but I've got a message to ring him. I'm sure he will be saying that he's not coming. Do I send a warning letter out?

Ali [PSO]: It depends on his excuse.

Frances: How quickly do we have to see them after sentence?

Margaret: [PSO]: Five days.

Frances: Oh, well he can come on Monday then.

Frances then rang the client; she didn't wait to hear the excuse but arranged to see him on Monday instead. (Fieldnotes)

Participants changed the *conditions* of the field, thereby changing the criteria by which breach decisions should be made. For example, a practitioner might decide that an offender has very little chance of complying and so, rather than wait for them to breach, they make a proactive effort to minimize the chances of breach by returning the case to court:

Daniel talked about the pre-sentence report from the previous week – the offender had been given supervision despite recommending a conditional discharge in the PSR. Daniel said it was a disaster – he will let him not turn up and then take it back to court and recommend a conditional discharge again. (PO, Fieldnotes)

Kimberley said that sometimes you get inappropriate people on Orders and that you have to take them back to court, in which case it wouldn't be more onerous, just more suitable – she gave an example of someone with a [community psychiatric nurse] who had said that the offender could not do Unpaid Work because he was unable to leave the house, so they took it back to court and got him a curfew instead [so he] can do the punishment while at home. (PSO, Fieldnotes)

Finally, practitioners *extend* the field through the use of other agencies or people close to the offender. This enables practitioners to base their decisions on more than one source of information. This provides practitioners with extra information on which to base a decision in case of non-compliance, as well as helping practitioners identify what, if anything, might have happened to an offender who was at risk of breach. By drawing on people from outside the Service, practitioners effectively place some of the onus for decision-making onto other people:

Belinda was expecting an offender who had not turned up. She said that she was going to give him until 2.30pm [half an hour] and then ring his mum and his hostel to see where he was. She explained that he had been accused of stabbing someone and needed to broach things carefully with him but also that she wanted to find out a bit more about things from his mum especially. (TPO, Filednotes)

Ultimately, 'altering the field' was a technique employed by practitioners to encourage compliance; many of these strategies were intended to make it easier for offenders to comply with their Orders and resonate with Robinson and Ugwudike (2012) and Robinson's (2013) work on compliance and legitimacy. However, the focus is as much about making breach less likely as about making compliance more likely. Moreover, the kind of compliance which was being achieved was short-term in nature with improved completion rates being the primary focus, a form of compliance which comes under Robinson and McNeill's (2008) concept of formal compliance. Whilst the ways in which practitioners expressed a desire to limit the use of breach, to improve the offender's chances of rehabilitation and limit the use of prison which was seen to have a negative impact on offenders' lives, this practice encourages formal over substantive compliance. There are two important aspects to bear in mind here; firstly, that this mode of practice existed in the context of a managerialist form of compliance which appeared to direct much of the work around breach decisions and worked to emphasise formal over substantive compliance. Secondly, that 'altering the field' overwhelmingly occurred behind closed doors, with very little input from the offender. Thus, the offender did not always know why a breach might be initiated, or vice versa, limiting their potential to engage in the Order in a meaningful manner. Robinson and McNeill argue that the 'task for [the] supervisor is presumably not just to establish formal compliance but to move beyond it into substantive... compliance' (2008: 440) yet the way in which this policy was implemented seemed to work against this. In this sense we can see that despite policy shifting away from enforcement and towards compliance, much of the practice which was aiming to

encourage compliance was distinctly myopic in nature because it had been structured by the field's consecration of completion as a proxy measure of compliance.

This is not to say that all practice was myopic in this way. Practitioners spoke enthusiastically of their 'successes', with success being defined with reference to either the small but significant steps that clients had made, or to encounters some years after the supervision period, in which they had learned that a client had successfully desisted from offending. Practitioners' focus on long term change reflects some of the findings to come out of the work on desistance which suggests probation has the potential to sow the 'seeds of help' through, importantly, one to one supervision (Canton 2012; Farrall and Calverley 2006; Farrall et al. 2014). Nevertheless, it was clear from observations and comments made by participants, that the pursuit of compliance was far from being owned by the 'offender/desistor actor' (McCulloch 2012: 29) and that the focus on completion rates as a proxy measure for compliance resulted in less time being spent with offenders because there was a tendency to dismiss missed appointments at particular times in orders, or with particular kinds of client. Thus, there is evidence here that the way the service is governed, through targets underpinned by time, 'present[ed] serious obstacles to ... work using human interaction to contribute to the rehabilitation of offenders (Davies 2009: 57). Davies further argues that the pressure of meeting targets results in practitioners having to reconcile the need to work substantively with offenders with the need to meet such targets. This was reflected in participants' comments with one, for example, describing how she had to find time to 'carve rehabilitation' into her work which was otherwise structured by targets (PO, Fieldnotes).

The role of *habitus*

The previous section illustrated how the field structured practice. However, Bourdieu's field theory asks us to consider the way in which the field and the *habitus* interact to structure practice. In short, the argument is that practitioner's *habitus* was predisposed to a compliance-focused model of practice and was thus attuned to the change in the field, which meant there was very little resistance to the changes. Participants espoused a relatively strong endorsement of the shift towards compliance (see also Robinson 2013: 35) in spite of the way in which it had manifested managerially:

Researcher: This reflects the move from enforcement to compliance. Is that a good direction?

Evelyn: Absolutely. It is good politically for us to say that we have supervised these orders successfully but it is also good for the offenders. (PO)

The 1990s to 2004 represented a period of enforcement in probation policy (note, this is not the same as practice) with policy encouraging practitioners to enforce orders on the assumption that the threat of punitive breach action would create compliance (Robinson 2013). Participants in my research believed that this focus on enforcement had resulted in the probation service losing its status as the humane face of criminal justice. Moreover, they argued that it had distanced them from their clients, and restricted their ability to encourage compliance through the use of the relationship and investigate the reasons for a failure to comply:

...when I first started we breached everyone and I think the relationships were quite bad but now we are focused on compliance the relationships have improved (Imogen, PO)

We can identify this change in Ugwudike's work on compliance where she quotes an offender reflecting on a shift in supervisory practice:

I missed the appointment but I mean they actually came down to see whether I was alright. So I was quite - I mean that didn't used to happen in the old days... They do care. I think that's the difference nowadays I think people do care and they show it a lot more. (2010: 332)

However, we saw above that the policy resulted in a focus on formal compliance over and above substantive compliance. Why was this so? One answer lies in the way in which the change in the objective field 'incorporated cognitive structures [which were] attuned to the objective structures' of the new policy (Bourdieu, 2000: 178). In some respects we can see this as the swing of a pendulum that had swung towards enforcement, which practitioners found difficult to reconcile with their *habitus* (Robinson and Ugwudike 2012), and had now swung back towards a more amenable form of practice. In relative terms, the new policy could be seen as a less bad option than its predecessor.

However, support was more widespread than such a pragmatic analysis suggests. Whilst this mode of practice was dictated by a change in the objective field, this particular way of working was also constituted by the underlying values of participants, a view of offenders which might be classified as representing the *habitus* of probation practitioners. *Habitus* in probation has not fully been defined although we can discern some common themes in the literature. In the context of probation, training is a considerable influence on one's *habitus*, and it is interesting to note that several studies undertaken with probation trainees, have not identified the emergence of 'a new breed' of practitioners which are more focused on punishment than one might expect when one looks to changes in policy and the political rhetoric that has surrounded probation in recent years (Annison, Eadie and Knight 2008; Deering 2010;). Rather, it has been observed that there is a common value which binds (Mawby and Worrall 2011) practitioners together, and to an honourable profession:

The essence of probation work remains a rational one located in a belief that professional relationships can be a powerful tool in stimulating and supporting positive personal change. (Burke and Collett 2015: 94)

Other characteristics of probation work which might be seen to constitute a probation *habitus* come from Robinson et al's (2013) research which found that 'quality' in probation practice,

as constructed by practitioners, comprises six key themes, two of which are particularly pertinent here: good working relationships, and individualization and flexibility. Importantly, Robinson et al (2013) comment upon both the homogeneity of opinion around what quality means, as well as the similarities between their findings and similar research such as Annison et al (2008), Deering (2010, 2011) and Mawby and Worrall (2013). In work which has looked at the ‘purposes of probation’ there is a certain amount of homogeneity about the idea that probation is there to help rather than punish (see, for example, Humphrey and Pease 1992; Robinson and McNeill 2004). Thus, practitioners focus on, and get most value from, one to one work with offenders and the construction of working relationships with those who find themselves under supervision and that these core values have been resilient in the face of many changes over the last few decades.

The following section makes use of, and augments, what we already know about a possible *habitus* in probation. Many of the decisions around whether to breach, or not, were justified on the basis of the worker's knowledge of the person as an individual. Participants were keen to stress that a decision around breach was framed by an offender's level of engagement hitherto:

If someone comes in at 9.20 and says they have missed their Unpaid Work ‘cos their bus was late and usually they haven't missed any sessions or their order has been fairly good then you would use your own discretion and excuse them. (Ali, PSO)

These decisions, however, were not based simply on an offender's official attendance record:

Researcher: So that's based on you knowing them?

Ali: Knowing the client, yeah...

Researcher: So it goes back to that relationship I guess

Ali: Yeah, and I suppose you would know if they have got kids or not and if they ring up and say ‘young ‘uns been unwell today and the missus has been at work that's why I couldn't come in’ then you would know... (PSO)

One might expect that because a reconviction can be used as a rationale for initiating breach procedures it would make a breach decision easier but this was not the case. Rather, practitioners did not perceive reconviction necessarily as failure and several participants used offenders who had been breached or recalled as illustrations of what it means to be successful whilst on probation. This means, perhaps appropriately, that even when an offender committed another offence, practitioners' decisions were framed by other factors which can be aligned with what we know about the *habitus* in probation:

The feedback now is that if there is a further offence but the charge sheet doesn't mark an escalation in risk, that is often met with a final warning before recall is taken to encourage people away from the prison system. (Chloe, PO)

Here we can see the influence of changes in the field interacting with the values, or *habitus*, which shape probation practitioners' decisions. In this example the influence of a probation *habitus* is directly related to Williams' (1995) opposition to the use of custody as a core value of probation. Risk assessment tools play a role here but decisions were framed by what a practitioner believed might happen to *them*, as well as to the offender:

You have to think about it; you have to think about what would happen if something went wrong. I do think about what would happen if someone I was supervising committed a serious offence – how would it look, could I defend the decision I have made? (PO, Fieldnotes)

Thus, we can see how the *habitus*, a structuring structure underpinned by prior experience and knowledge (which, in this case, was structured by a wariness around the implications of making a mistake and probation's portrayal in the media (Maruna 2007; Fitzgibbon 2012)) constituted practice. Once a practitioner decided that an offender had failed to comply *and* posed a higher level of risk, a breach was supposed to be initiated. However, it was clear this did not always occur because even if a practitioner did not alter the decision field, decisions were framed in such a way to avoid breach proceedings, because practitioners were critical of the role of prison for most offenders (Williams, 1995). A common theme to come out of

discussions with practitioners was that they were wary of setting 'offenders up to fail'. During an *ad hoc* appointment with the 'duty' officer, Keith, a PSO, informed an offender that he would be leaving the decision about what to do after an offender had missed an appointment to the supervising officer. Afterwards, I asked Keith if he would have 'let the offender off' if the decision was his to make:

'Yes,', Keith replied, 'but Janine works differently so I'll leave it to her.' I re-asked if he would let him off even though he had what seemed like a weak excuse. He said yes again and that you get a feel for people and that we're not in the business of tripping people up. (PSO, Fieldnotes)

Again, then, we can see the role of predispositions constituting practice in important ways because participants gained more value from outcomes (ultimately, desistance) than outputs (breach after a certain number of missed appointments).

Practitioners' decisions were also framed by the nature of the failure to comply and we can see here supervision, which is an important tool for creating relationships taking priority over other (more 'practical') interventions. Good working relationships are seen to be critical to quality probation practice (Robinson et al 2013), rehabilitation and legitimacy (Phillips 2013). In the following example, Keith considers missing an employment and training related appointment as of lesser concern than other appointments, despite it counting towards minimum standards the offender had to comply with

Keith said that if they are generally attending then it's okay to let things go, especially as it was 'only' a skills4work appointment so nothing important. He said that had it been a supervision session he would have been stricter. (PSO, Fieldnotes)

Thus, we can see yet more examples of how aspects of a probation *habitus* contribute to the way in which decisions around breach are made. Moreover, practitioners were reluctant to breach offenders because they were concerned about the impact of doing so on the

relationship that had been created between themselves and their client. This reflects the finding that practitioners placed more value on the one-to-one work with offenders and held great belief in the power of the relationship that is built up through supervision sessions in order to enhance offenders' social capital and the legitimacy of the service (XXXX). It thus might be argued that the reason practitioners altered the field so willingly was not necessarily because they believed in the end result, myopic compliance, but because they obtained some form of intrinsic or extrinsic 'profit' from doing so (such as a greater sense of job satisfaction) because the change in the field was a more accurate reflection of their own predispositions than what had come before.

Misrecognition and Symbolic Violence

Robinson et al (2013: 137) argue that they observed instances where the 'traditional' probation *habitus* appears to have undergone some form of adaptation in the form of

a narrowing of probation work to one-to-one office-based interviews' and that 'this narrowing conception of probation supervision is an adaptation borne of a combination of real resource constraints coupled with a dramatic increase in managerially driven processes.

This is an example of symbolic violence being imposed upon probation practice. The findings in this article reinforce such a claim, although it should be noted that this is not the first time that probation has been subjected to symbolic violence over the last few decades. For example, we need only look to the professionalisation of the service in mid-twentieth century when its founding religious ethos was slowly, but surely, eschewed in favour of a more psycho-analytic approach (Vanstone 2004; McWilliams 1985). Moreover, the managerialism which is described in this article has precedence with the introduction of 'casework supervision' – the supervision of a probation officer by a senior officer – in 1950, the development of national standards in the 1990s, and cash linked targets (Davies 2009).

However, in this case the shift in the field meant that policy became *more* aligned to the *habitus* that underpins much of probation practice than previous changes in which a dissonance between the field and *habitus* could more easily be discerned. This meant that the change worked to secure the 'buy-in' from practitioners which had proved elusive in the era of enforcement (Robinson and Ugwudike 2012). Thus, that particular moment in time might be seen as a dialectic of dispositions, coming together in a way which drew support from both practitioners and policy-makers who have, over the last few decades, been seen to be in a struggle over who dominates the 'rules of the game' of probation (Robinson et al 2013). Therefore, in this particular example we can see the way in which 'games obscure the conditions of their own playing through the very process of securing participation' (Burawoy 2012: 189) in that participation in the game of compliance was secured, despite the resultant form of compliance being myopic in nature. This points, then, to the existence of misrecognition around this particular policy and form of practice. It was seen above that practitioners appeared to be playing a game in that they altered the field in order to make compliance more likely because the 'extrinsic profits' of doing so were attuned to their *habitus*. In doing so, they were left unable to truly challenge the managerialist manner in which the rules of the game were being implemented (Burawoy 2012).

This effects the way in which we understand *habitus* in the context of probation, and contributes to knowledge around what it means to practise offender supervision. It has been argued that probation's *habitus* has been resilient to changes in the field (for example, Deering 2011, Robinson et 2013) and that, from a Scottish perspective

practitioner accounts of what matters most in the routine supervision of offenders can survive significant periods of social, political, cultural and even economic fluctuation—indicating that agency and discretion survive within contemporary practice. (Grant and McNeill 2014: 14)

However, this analysis shows that whilst that might be the case when we look to practitioner accounts, the practice of probation is nevertheless vulnerable to symbolic violence. And so it was that practitioners appeared to resist policy in some respects, by altering the field, yet in doing so served the policy in a way that was at odds with what one might expect when one looks to the findings from research into the existence of a probation *habitus*.

Bourdieu's concepts of misrecognition and symbolic violence help us understand where actors are situated in any particular field. As can be seen here, practitioners believed that a change in policy represented a positive move because it was attuned to the subjective *habitus*, yet it resulted in a form of practice which is not necessarily representative of what we know about a *habitus* in probation. In short, the structuring structure of the *habitus* had been appropriated by the field. The use of these concepts therefore highlights a paradox within probation practice which contributes to our knowledge about practitioners' ability to further resist changes in the field. It is clear that practitioners found themselves in a dominated position which, in turn, limited their potential to impact upon further changes in the field. Such an analysis can be deployed in a range of institutions and jurisdictions. Page (2011) has done this to great effect in his work on the Prison Officers' Union in the US and the potential for Bourdieu's work to contribute to our understanding of criminal justice institutions is clear, especially where institutions are facing reform. For example, it can start to provide answers around why it was, for example, that practitioners were unable to mount a successful defence of a wholly public probation service. In terms of other institutions, a Bourdieusian analysis comes into its own when we want to consider the impact of a change in the objective field, such as changes in the Incentives and Earned Privileges Scheme, on practice. Indeed much of Bourdieu's own work was situated in periods of change and there are few fields in current

policy open to such rapid and constant change as criminal justice agencies and the people who inhabit them.

In conclusion this analysis points to the need to examine not just the differences between the *habitus* and the field, but the way in which they interact and create new forms of practice. As Grant and McNeill argue, 'relationships between social and cultural pressures, the changing shape of 'the penal state' and the lived realities of particular penal practices require further exploration'(2014: 14). Bourdieu's work is a useful way of analysing different aspects of probation and this has, to some degree, been examined by authors referred to in this article. However, Bourdieu's work also provides a theoretical framework with which to understand how it is that certain forms of practice come into being and this contributes to our understanding of probation practice. Rather than comparing the *habitus* and the field, it is important to analyse the ways in which these two elements of Bourdieu's field theory interact to produce practice because 'habitus and field constitute a dialectic through which specific practices produce and reproduce the social world that at the same time is making them' (Thomson 2012: 73). Whilst Robinson et al (2013) allude to the importance of this, the reliance on interviews and focus groups limits the potential for it to be fully analysed. Thus, this article demonstrates the importance of further ethnographic research in criminal justice institutions. Finally, this article represents a useful example of how Bourdieu's analytical field theory might be deployed with greater clarity to analyse the impact of further changes in the field on the constitution of practice.

References

Annison J, Eadie T and Knight C (2008) People First: Probation Officer Perspectives on Probation Work. *Probation Journal*, 55(3), 259–271.

- Bottoms AE (2001) Compliance and community penalties. In: Bottoms AE, Gelsthorpe L, and Rex S (eds), *Community Penalties: Change and Challenges*, Cullompton, Willan, pp. 87–116.
- Bottoms AE (2013) Learning from Odysseus: Self-Applied Situational Crime Prevention as an Aid to Compliance. In: Ugwuđike P and Raynor P (eds), *What Works in Offender Compliance: International Perspectives and Evidence-Based Practice*, Basingstoke: Palgrave Macmillan, pp. 67–89.
- Bourdieu P (1977) *Outline of a Theory of Practice*. Cambridge studies in social anthropology, Cambridge: Cambridge University Press.
- Bourdieu P (1990) *The Logic of practice*. Cambridge: Polity Press.
- Bourdieu P (2000) *Pascalian meditations*. Stanford: Stanford University Press.
- Bourdieu P and Wacquant LJD (1992) *An invitation to reflexive sociology*. Chicago: University of Chicago Press.
- Burawoy M (2012) The Roots of Domination: Beyond Bourdieu and Gramsci. *Sociology*, 46(2), 187–206.
- Burke L and Collett S (2014) *Delivering Rehabilitation: The politics, governance and control of probation*. Abingdon: Routledge.
- Canton R (2012) The point of probation: On effectiveness, human rights and the virtues of obliquity. *Criminology and Criminal Justice*. 13(5), 577-593.
- Cumbria Probation Trust (2011) *Annual Plan 2011-12*. Cumbria, Cumbria Probation.
- Davies K (2009) Time and the Probation Practitioner. *British Journal of Community Justice*. 17(3), 47-59.
- Deering J (2010) Attitudes and beliefs of trainee probation officers: A ‘new breed’? *Probation Journal*, 57(1), 9–26.
- Deering J (2011) *Probation Practice and the New Penology*. Farnham, Ashgate.
- Farrall S and Calverley A (2006) *Understanding desistance from crime*. Maidenhead: Open University Press.
- Farrall S, Hunter B, Sharpe G, et al. (2014) *Criminal Careers in Transition: The Social Context of Desistance from Crime*. Oxford: Clarendon Studies in Criminology.
- Fitzgibbon W (2012) *Probation and social work on trial: violent offenders and child abusers*. Basingstoke: Palgrave Macmillan.
- Garland D (2001) *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford: Clarendon.

- Grant S and McNeill F (2014) What Matters in Practice? Understanding 'Quality' in the Routine Supervision of Offenders in Scotland. *British Journal of Social Work*, Available from: <http://bjsw.oxfordjournals.org/content/early/2014/05/25/bjsw.bcu056> (accessed 4 June 2014).
- Hedderman C and Hearnden I (2001) To discipline or punish? Enforcement under National Standards 2000. *Vista: Perspectives on Probation*, 6(3), 215–224.
- Hedderman C and Hough M (2000) Tightening up probation: a step too far? *Criminal Justice Matters*, 39(1), 5.
- Home Office (1992) National Standards for the Supervision of Offenders in the Community. London, Home Office.
- Home Office (1995) National Standards for the Supervision of Offenders in the Community. London, Home Office.
- Home Office (2000) National Standards for the Supervision of Offenders in the Community. London, Home Office.
- Home Office (2005) National Standards for the Supervision of Offenders in the Community. London, Home Office.
- Humphrey C and Pease K (1992) Effectiveness measurement in probation: A view from the troops'. *Howard Journal of Criminal Justice*, 31(1), 31–52.
- London Probation Trust (2011) *Annual Report 2010/11*. London, London Probation Trust.
- Maruna S (2007) The Probation Story: One Hundred Years of Probation in the Media. *Vista: Perspectives on Probation*, 11(2).
- Maton K (2008) Habitus. In: Grenfell M (ed.), *Pierre Bourdieu: key concepts*, Abingdon: Routledge, pp. 49–65.
- Mawby R and Worrall A (2013) *Doing probation work: Identity in a criminal justice occupation*. Abingdon: Routledge.
- May T (1991) *Probation: Politics, Policy and Practice*. Milton Keynes: Open University Press.
- McCulloch T (2012) Giving compliance back: Re-analysing and re-orientating the debate. *Euro Vista: Probation and Community Justice*, 2(1), 27–30.
- McCulloch T (2013) Reanalysing the Compliance Dynamic: Toward a Co-Productive Strategy and Practice. In: Ugwu-dike P and Raynor P (eds), *What Works in Offender Compliance: International Perspectives and Evidence-Based Practice*, Basingstoke: Palgrave Macmillan, pp. 44–65.
- McNeill F, Burns N, Halliday S, et al. (2009) Risk, responsibility and reconfiguration. *Punishment & Society*, 11(4), 419–442.

- McWilliams W (1985) The mission transformed: professionalisation of probation between the wars. *The Howard Journal of Criminal Justice*, 24(4), 257–274.
- Ministry of Justice (2007) National Standards for the Supervision of Offenders in the Community. London, Ministry of Justice.
- Ministry of Justice (2010) *Offender management caseload statistics 2009*. Statistics, London, Ministry of Justice, Available from: <http://www.justice.gov.uk/statistics/prisons-and-probation/omcs-annual> (accessed 7 June 2012).
- Ministry of Justice (2011) *National Standards for the Management of Offenders*. London, Ministry of Justice.
- Ministry of Justice (2013) *Target Operating Model: Rehabilitation Programme*. London: Ministry of Justice.
- NOMS (2011) *NOMS Commissioning Intentions 2012-13: Discussion Document*. London, National Offender Management Service.
- Page J (2011) *The toughest beat: politics, punishment, and the Prison Officers Union in California*. Oxford: Oxford University Press.
- Phillips J (2013) Understanding ‘the relationship’ in English Probation Practice. In: Durnescu I and McNeill F (eds), *Understanding Penal Practice*, Abingdon, Routledge.
- Pollner M and Emerson RM (2007) Ethnomethodology and ethnography. In: Atkinson P, Coffey AJ, Delamont S, et al. (eds), *Handbook of Ethnography*, Thousand Oaks, CA: Sage Publications Ltd, pp. 118–135.
- Raine JW and Willson MJ (1997) Beyond Managerialism in Criminal Justice. *The Howard Journal of Criminal Justice*, 36(1), 80–95.
- Raynor P and Vanstone M (2007) Towards a correctional service. In: Gelsthorpe L and Morgan R (eds), *Handbook of Probation*, Cullompton, Willan, 59–89.
- Robinson A (2014) Enforcement and compliance Critical practices for Community Rehabilitation Companies and the new NPS? *Probation Journal*, 61(3), 265–277.
- Robinson G (2013) What counts? Community sanctions and constructions of compliance. In: Ugwudike P and Raynor P (eds), *What Works in Offender Compliance: International Perspectives and Evidence-Based Practice*, Basingstoke: Palgrave Macmillan, 26–43.
- Robinson G and McNeill F (2004) Purposes Matter: Examining the ‘Ends’ of Probation. In: Mair G (ed.), *What Matters in Probation*, Cullompton: Willan Publishing.
- Robinson G and McNeill F (2008) Exploring the dynamics of compliance with community penalties. *Theoretical Criminology*, 12(4), 431–449.
- Robinson G and Svensson K (2013) Practising Offender Supervision. In: McNeill F and Beyens K (eds), *Offender Supervision in Europe*, Basingstoke: Palgrave Macmillan, pp. 97–124.

- Robinson G and Ugwudike P (2012) Investing in ‘Toughness’: Probation, Enforcement and Legitimacy. *The Howard Journal of Criminal Justice*, 51(3), 300–316.
- Robinson G, Priede C, Farrall S, et al. (2013) Understanding ‘quality’ in probation practice: Frontline perspectives in England & Wales. *Criminology and Criminal Justice*, 123–142.
- Sentencing Guidelines Council (2004) *New Sentences: Criminal Justice Act 2003*. London, Sentencing Guidelines Secretariat, Available from: http://sentencingcouncil.judiciary.gov.uk/docs/web_new_sentences_guideline1.pdf (accessed 4 June 2012).
- Thomson P (2012) Field. In: Grenfell M (ed.), *Pierre Bourdieu: key concepts*, Durham: Acumen Publishing, pp. 67–81.
- Ugwudike P (2010) Compliance with community penalties: the importance of interactional dynamics. In: McNeill F, Raynor P, and Trotter C (eds), *Offender Supervision: New Directions in Theory, Research and Practice*. Cullompton: Willan.
- Ugwudike P (2011) Mapping the interface between contemporary risk-focused policy and frontline enforcement practice. *Criminology and Criminal Justice*, 11(3), 242–258.
- Vanstone M (2004) *Supervising Offenders in the Community: A History of Probation Theory and Practice*. Aldershot: Ashgate.
- Wacquant L (2013) Symbolic power and group-making: On Pierre Bourdieu’s reframing of class. *Journal of Classical Sociology*, 13(2), 274–291.
- Williams B (ed.) (1995) *Probation Values*. Birmingham: Venture Press.