

A LINK TO RECIDIVISM: EXCLUDING FEMALE OFFENDERS SERVING SHORT SENTENCES FROM REHABILITATION PROGRAMMES

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Abstract

Objective. This study discusses the issue of rehabilitation and the lived reality of female offenders serving short-term sentences who are excluded from rehabilitation programmes. This exclusion ill-equips the women from reforming their criminal behaviours leading to a life of recidivism. It also examines Bourdieu's theory of habitus to identify a suitably unifying theoretical framework to analyse female criminality and the link between short-term sentences and recidivism.

Material and methods. The explorative and ethnographic lens gives voice to social realities of the offender's punishment, rehabilitation (or lack thereof), reintegration, and recidivism. As female offenders only constitute 3% of the correctional population in South Africa, the sample was limited to ten female offenders.

Results. While research on female criminality has just starting to receive attention in South Africa, rehabilitation programmes are still mostly geared toward the reform of criminal behaviour amongst male offenders and a gender-sensitive correctional programme has been overlooked. Ironically by default, female offenders serving short-term sentences are further overlooked as they are excluded from rehabilitation programmes.

Conclusion. The study makes a case that a gender-sensitive rehabilitation programme (with a focus on empowering women as decision makers capable of acquiring competence in areas such as motherhood, education, and skills development) needs to be available to all females entering the penal and corrective system. Without being equipped to deal with a variety of challenges which may affect adjustment to life outside the correctional facility and maintain their reformatory behaviours, a great risk of recidivism for female offenders arises.

Keywords: rehabilitation, recidivism, female offenders, short-term sentences, exclusion.

Introduction

While some studies within the South African context have explored pathways of female offending, minimal studies have been conducted on the gendered experience of rehabilitation (Dastile, 2017). Although there are rehabilitation facilities for female offenders, these programmes are based on theories stemming from research conducted with male offenders (Heyns, 2012; Qhogwana, 2017). That is, the experience of female offenders has been excluded in the larger debate and a gender-sensitive correctional programme responding to the specific needs of women

has been overlooked (Nathoo, 1997; Pillay, 2005; Haffejee, Vetten & Greyling, 2006), not only in terms of service delivery to this minority group but also from a research perspective (Luyt & du Preez, 2010). Further, with rehabilitation being noted as a factor to successful reintegration into the family and society thus reducing rates of recidivism, (Arditti and Few-Demo, 2006), a major challenge is to ensure that all offenders are positively developed and supported whilst they are incarcerated (Murhula & Singh, 2019). This challenge is further played out as short-term sentence offenders are often excluded from rehabilitation programmes that assist in reforming criminal behaviour. This is mainly because their length of stay within the correctional facility is less than the duration needed to complete a programme, the conditions of their sentence do not obligate them to fulfil such programmes, and the pressures felt by an overstretched support staff. The reality is seemingly harsher for female offenders serving short-term sentences, firstly because of the lack of a gendered orientated rehabilitative programmes and they are by default excluded from rehabilitation programmes (a habitus for reforming behaviour). These women are excluded from rehabilitation programmes as their conditions of their sentence do not timely allow for, nor legally necessitate these reform treatments.

In the context of South Africa, rehabilitation should not be viewed as a sole strategy in preventing crime, but rather as a holistic strategy that encourages responsibility; justice; participation; and empowerment with life-skills. This exclusion may result in the female offenders not being properly equipped in reforming their criminal behaviours leading to a life of recidivism. Thus, one needs to question if this exclusion from rehabilitation programmes hinders a successful reintegration into society or if the effects of incarceration are felt long after release which may constitute a pathway to re-offending (Cherukuri, Britton & Subramaniam, 2009; Agboola, 2017; Lotter, 2018). As such, the objective of the research was to critically explore whether a link exists between being excluded from rehabilitative programmes and reoffending. This was achieved by examining the nature of rehabilitation, recidivism and the experiences of female repeat offenders who were now serving new short-term sentences and not engaging in rehabilitation regimes. The article argues that gender-sensitive rehabilitations programmes are vital and should be a requisite for female offenders regardless of their sentence.

With support from the National Institute for Humanities and Social Sciences, this study explores the lived experiences of female offenders serving short-term sentences to understand their possible links to recidivism due to their exclusion from rehabilitation programmes. Firstly, the paper further outlines the methodological approach adopted in the investigation. The ethnographic study, conducted in 2021 and 2022, made use of an embedded approach (observations and interviews) to explore and examine the lived experiences of punishment, rehabilitation and reintegration amongst ten female offenders serving short-term sentences. Secondly, the results reveal these exclusion experiences and their potential impact on their reform and reintegration into society by using Bourdieu's theory of habitus. Their stories, both told and performed, were captured to give depth and meaning to how being excluded from a rehabilitation programme impacts their reform and successful reintegration into society. Rather, without this success, a cycle of recidivism is lived.

Material and methods

The study offered an explorative and ethnographic lens to highlight the socially embedded experiences of ten female offenders regarding their experiences of punishment, rehabilitation (or lack thereof), reintegration, and recidivism. This approach aided in garnering first-hand knowledge

of their experiences and allowed for the meaning and sense-making of the narrative ethnography to add their experiences to the larger debate on rehabilitation and recidivism. The ten females were chosen purposively as they had to have committed a crime prior to their current sentence and were not engaging in rehabilitative programmes. As female offers only constitute three percent of the correctional center population in South Africa and even less in the Nelson Mandela Bay Metropolitan, the sample was already limited (Department of Correctional Services, 2015). A sample of fourteen female offenders were given to the researcher by the Department of Correctional Services, however only ten from that sample were suited to the criteria.

The ethnographic study was conducted between 2021 and 2022 and made use of an embedded approach to explore and examine the female perception of punishment, rehabilitation and reintegration. The study made use of a semi-structured interview schedule to initiate the conversation. From here, follow-up questions were asked to garner additional information and reflections. These included:

1. What was your first encounter with crime?
2. Why do you think you committed the offence?
3. Why do you think you have committed a crime again?
4. What has your experience been like in the correctional facility?
5. What was it like when you were released back into your community?
6. What do your family think/feel about your criminal history?
7. What do you think may help reform your behaviour?

The thematic and inductive analysis focused on identifying key themes in each narrative and as such, sections of verbatim text were extracted from their original context and regrouped accordingly. During the data collection process, open-ended questions in semi-structured interviews, triaging observation, and conversations were used to build a comprehensive understanding, thus giving voice across the layers of social realities faced by the women. By taking on this approach, successful corrective patterns and reformative collaborations to encompass on a co-learning journey of multiple approaches may be achieved to gain a better understanding of the female offender. The themes that emerged from the preliminary data were:

1. Psychological wellbeing and spiritual care
2. Social work and care
3. Skills development

The study, making use of standard ethical considerations, was approved by both the Research Ethics Committee of University of Pretoria and the Department of Correctional Services in South Africa. A contract of consent was established with the participants which detailed issues of anonymity (pseudonyms have been used throughout the article to protect the identity of the participants), confidentiality, and the right to withdraw. This was established to further protect the participant from any form of re-victimisation or punishment.

Results

In South Africa, the Department of Correctional Services is responsible for offering and implementing needs-based programs to offenders, such as psychological services, social work services, health services, skills development, and spiritual care. However, these are not offered consistently, and most are offered by external professionals, volunteers or agencies dependent on external funding and support (Artz, Hoffman-Wanderer & Moul, 2012, p. 59). Further, the rehabilitative programmes are designed with men as their primary users, which ignores the

understanding that women have different needs compared to men. the fact that similar needs operate differently for men and women (Cann, 2006). Artz et al. (2012, p. 61) suggest “programmes need to be properly adapted – or designed from scratch – for women, using language and case studies that resonate with women’s life experiences”.

A major issue in the correctional facility is how to sustain any little to no rehabilitation efforts after the offender has been discharged as the female offenders’ servings a short-term sentence do not have a Correctional Sentence Plan. Once released, offenders face multiple obstacles such as the need for employment, food, shelter, and psychological effects. This results in them having to ‘invent’ new ways of meeting these needs, which in turn may result in recidivism (Samuels, 2010, p. 3). The general findings suggested that these are the main obstacles to a successful reintegration into society. However, the challenge is further complicated by not having any tools to overcome the challenges, tools which may have been developed in a rehabilitation programme. One needs to ask whether this exclusion from rehabilitation programmes is hindering successful reintegration? The study hypothesizes that by being excluded from rehabilitation programmes female offenders are more likely to reoffend as they have been poorly equipped to deal with the unique challenges of their imprisonment statuses.

The ethnography followed the specific life stories of the ten female offenders who were excluded from rehabilitation programmes. This section explores the nature of rehabilitation and recidivism. In particular, it provides information on the female offenders’ demographic profile, the nature of their offences, and narratives concerning their criminality and their lives. The women, all previous offenders who did not engage in rehabilitation programmes, were now currently serving a new short-term sentence at the North End Correctional Facility in Nelson Mandela Bay, South Africa. The discussion to follow speaks to their exclusion from rehabilitation and a possible link to their recidivism. Extracts from the interviews are used as a part of the ethnography and as a means of analysis. The analysis of these narratives allowed for the possible discerning variances and nuances of their own motivations regarding their reoffending. Framed this way, the article seeks understand the link between rehabilitation and recidivism, while similarly making a case that gender-sensitive rehabilitations matter and should be offered to all female offenders no matter the length of their sentence.

Psychological, social work, care, skills development and spiritual care

Shelly, a woman in her twenties from a township in Nelson Mandela Bay, has three children and lives with her extended relatives. As a repeat offender, Shelly has been convicted of theft, possession of drugs and solicitation since 2018. Shelly shared that her children suffer because she is never at home her convictions. She said it is stressful for her family, but there is no choice sometimes as her family needs the money and there is no way else to get an income. Shelly added,

I don’t like coming back, because I know the community already shames me for what I do and now I will be condemned again. But all the time, I do my sentence and still I am hated. There is no help for us who go in and out of the prison. It is always a hard lesson and still I do not know how to change. Maybe, if they put me through one of those programmes, I can help my family better. I can help me better.

The participants suggested that is often feels like they are always on trial when they are released from their sentence. A trial of public opinion, becoming a target of stigma, discrimination and ridicule. The concept of rejection comes through as the community had already dismissed the participants before their life of crime, and now the participants continue to respond in a

dehumanising, non-empathetic way by withdrawing into themselves and reoffending. The offenders have not been equipped with a set of tools to effectively and lovingly deal with questions and concerns that they might have in relation to their reintroduction into society. This introduction is often described as a harsh reality with glaring community eyes and both a physical and emotional re-trial occurring daily, through being second guessed, continuous questioning, low levels of trust, possible exclusion from social groups, and other negative behaviour displayed from loved ones and the broader community. The sense of displacement is heightened creating a new normal in an old and familiar environment leading to confusion and unresolved emotions and behaviours i.e.: a fish out of water. Conversely, a psychosocial programme, opening an opportunity to consider themselves in relation to their previous crimes, their new status as a released criminal in the context of society they would have been, at the very least, might expose tools that will allow them to deal with these challenges, being able to self-regulate a form of containment, or get help. However, the female offenders experience a sense of loss and unknowing in how to be back at home and not reoffend. The women have no one to talk about their problems and experiences.

Another participant, Michelle, is a mid-forties woman from the Northern Suburbs (known gang area) in Nelson Mandela Bay. She currently lives with her grandmother and has not seen her children in six months which has been “traumatizing” for her. Michelle said she often takes drugs back and forth between the houses on her street. This is her fifth offense. Michelle expressed that being back home is “self-destructive”, and that

My family and my children are the real victims of my crimes. Over the years, I have lost so much of my life and the lives of my children. Soon my sentence will be over, and I still feel like I cannot move forward. I will be forced to do these things again and I don't know how to change it. It's stressful coming in her but it is even more stressful out there, I am out on my own. Who else will look after my family. Sometimes you just don't have any other option. The gangsters sometimes support us more than the government.

A deep sense of detachment is felt by the participants. The emotion used to express time and activity lost is displayed in the inability to regain moments with loved ones, with their children. There is an examination of the conscience and a possible family breakdown through abandonment. The process of resocialisation cannot be disregarded in a number of social strata within the offenders' holistic ecosystem of life. With this, how to mother an older child with the world view that the parent is a criminal and a challenge for society will require some form of therapy for the child and the former offender. Offenders are removed from societal structures leaving behind many consequences, the same when the offender is placed back into those structural groups. A new set of consequences with historical complexities will need to be unpacked and worked through by all involved, particularly those who have been impacted. Although the participant expresses pain over not being there for their children, their need for survival is greater and without having the knowledge of how to overcome the challenges, the learnt criminal behaviours may re-present themselves.

There is no support for us now out here. We get left alone. You must know in there we are a bubble. And the minute we out nothing is guaranteed. And then we find ourselves here again. My community is dangerous and now I am a criminal. How do I move forward? How do I forgive myself? How can anyone forgive me? What if I fail and steal again? And then it just spirals out of control.

The participants highlighted the reality of living without financial, medical, and physical support where day to day life is a struggle. There are new risks and elements that may force the women to test their willpower or reoffend. This scenario might not play out if the women were

included in supportive rehabilitative measures. When the offender is incarcerated, many self-regulating tools are taken away, their thinking is therefore outsourced. When the offender is released back into society she is required to automatically 'switch on' her self-regulating tools of both personal and public interfaces. The psychological impact that this has on the offender is vast and will be deepened if there is no hand holding process towards re-introduction into society. Basic needs are often questioned as if it is the first time this adult is experiencing it. This coupled with the responsibilities of other needs in society compound the psychological depth of the unknown and despair. A resocialisation process underpinned by a personal mastery approach through a mindfulness lens could assist the offender to consider the multiple complexities that she will face when going back home. The unblocking of expecting the past and the ability to forgive oneself has to be facilitated by professionals or can both guide and contain the reactional outpouring of emotion and possible downward spiralling. This cathartic moment is a pivotal breakthrough moment that can act as a catalyst for personal transformation and change. Transformation at multiple levels within a head to heart connection.

The next participant, Ellie, is a female in her twenties. Her father is deceased, and her mother could not financially support the family. Ellie has committed multiple crimes such as robbery and hijacking in the past 2 years. She states that now,

I'm trying to find work now but it's right there on my CV. I have a criminal record. Doors are closed and how can I change that? But I need stability.

The habitus ecosystem socialises the female offender to focus on getting back on track. This situates the women with a difficult task of transitioning into an expanded ecosystem with other stakeholders as a breadwinner. A resocialisation programme leading towards a change mindset will allow the offender to think of positive sets of skills to enable financial, spiritual, and emotional growth. The absence of a new set of skills will automatically allow the offender to revert to the previous negative skill set, entrenching it as the default. The habit of continuing with new skills becomes common place and the norm and with repetition will create meaning making and positive behaviour traits, to successfully reintegrate back into society. The above discuss alludes to the fact that rehabilitation needs to be available to all females entering the penal and corrective system and that it needs to focus on empowering women as decision makers capable of acquiring competence in areas such as motherhood, education, and skills development. These could be some enabling conditions that might successful reintegration one the sentence is serves and provides measures to avoid risk-taking criminal behaviours.

Discussion

Given the vast amount of literature on crime, criminal behaviour and related discussions on the role of anger and psychological trauma, as well as the role of psychological anthropology in analyses of crime and deviant behaviour, it has been challenging to identify a suitably unifying theoretical framework to analyse female criminality and the link between short-term sentences and recidivism. However, Bourdieu's (2005; 2008; 2014) theory of habitus, though wide in frame, offers a sufficiently inclusive but also meaningful analytical tool. Bourdieu draws attention to the nature of social relations, the role of domination and the skillfulness of 'agents' (perpetrators who attempt to avoid detection and possible deception). Bourdieu's theory of habitus allows a lens to analyse more deeply and to socially situate criminality and recidivism (Caputo-Levine, 2013; Dandoy, 2015; Deering, 2011; Fleetwood, 2014; Fraser & Atkinson, 2014; Ilan, 2013; McNeill, Burns & Halliday, 2009).

Bourdieu's theory of habitus often used in criminology to explicate subcultures, but up to now has not really been utilized to analyse the complex lived experience of female criminality. Bourdieu proposes that the concepts of habitus, field theory and methods (multiple correspondence analysis, discursive interviewing and participant observation) are important in the preoccupation of social phenomena related to the immediate concerns of criminology, such as inequality, the state, embodiment and social domination (Shammas, 2017). He further argues that to understand interactions between individuals or to explain a social phenomenon, it is necessary to examine the social space in which interactions, transactions and events occurred (Bourdieu 2005, p. 148). This theory suggests that the social world is comprised of a series of autonomous fields of action (immanent, internal logic) which are interconnected with agents moving between the fields and competing for positions and prizes (All human beings have multiple, constituted habitus and respond either as agents or subjects in the contexts in which they find themselves). Accordingly, he views the fields as contested and influenced by ever-evolving cultural behaviour in any given space (Shammas & Sandberg, 2015). The fields influence agents, shaping and modifying their character as they pass through the fields.

Central to Bourdieu's theory is the concept of habitus, which is a learnt system of preferences based on strong cognitive structures that are produced by historical and social conditions (Shammas & Sandberg, 2015). The habitus helps to refine the homogenizing frame of earlier adherents to the school of culture and personality. It provides space for individuality, indicating the shifting context for social contestation, social prestige and sense of belonging once one's skills have been honed in the context. Individuals are transformed and rendered sociable by the habitus which they occupy, and which informs their identity. Given the frame of 'habitus', it is possible then to argue (and thereby make space for both Freudian and constructivist theories) that female offenders have at one point, or another had their habitus disrupted.

The correctional environment in South Africa is also socially and historically constructed (under apartheid and post-apartheid) by the politics and the economics of class and race. The ethnographic research in the context amongst the female offenders reveals that there is a habitus there, one that is hierarchical, systematised and aligned with the duration of the sentence. This system is replete with linguistic discourses and discursive actions. This was especially found in the rehabilitation programmes, yet the female offenders who were serving short-term sentence were excluded from this habitus that emphasises and demands demonstration of control, power and will, without which may lead back to the cycle of crime. Therefore, it is important to understand this culturally influenced habitus and how it can contribute to understanding the link between short-term sentences and recidivism (Hall & Amaya, 2010). This is in line with the views of Bourdieu and the habitus, as female offenders who have been released from a short-term sentence and as a result did not engage in any rehabilitative programme may re-engage in criminal activities for the sake of their survival. Bourdieu establishes an indirect causal link between positions in social space and practices (engaging with rehabilitative systems) by means of the socially constituted correctional and penal system. Honour and dignity are challenged every day in the lives of these female offenders and that the few opportunities available to them often lead them back to a life of crime (Jensen, 2008:9).

The concept of habitus considers how cultural and socioeconomic factors such as poverty, unemployment, class and gender interact at the individual level and group level to shape behaviours (Coomber & Moyle, 2014). The habitus of the rehabilitative strategy is aimed at influencing motives and behaviour. Sampson and Laub (2003) have indicated that rehabilitation is only successful if combined with personal agency and the will to desist, yet Du Toit (2004) states

that as far as rehabilitation is concerned, exclusion impacts negatively on the ability of offenders to resist crime and engage critically within society. Additionally, Lauger (2014, p. 182) indicates, without these rehabilitative strategies further personal encounters with violence creates a street culture (habitus culture) that can reproduce common cultural interpretations of survival to organised crime (Ilan, 2015) as the experiences of the female offenders back into society communicate needs over societal norm. The theory attempts to highlight that female offenders (agents) create strategies suited to their needs and as a result, the habitus becomes a means to objectifying social structure at individual subjective levels. This is the "...silent modes, almost unconscious, of cultural/social domination occurring in the daily social habits, maintained over the conscious subjects in order to reveal the dynamics of power relations in social life" (Nicolaescu, 2010). Here, a symbolic violence imposes on the categories of thought and perception (which might be gained from a rehabilitation programme) perpetuates the conscious strategies to accumulate wealth or power. Yet, due to the exclusion from rehabilitation programmes, the female offenders encounter symbolic violence as the non-recognition of the control of consciousness and will in the habitus (ie: survival over moral good). That is, an actor (the female offender who has not engaged in any rehabilitative programme) moving in a non-social habitus may reoffend and violate social definitions because of the lack of self-control and the incapacity to hold personal impulses in check.

Ultimately, Bourdieu allows for an original conceptual understanding of female criminality anchored in the concepts of habitus and field. These concepts designate the durable yet transposable dispositions of female offenders who, although they judge and act in the field, are exposed to social conditioning (internalized by reformative measures). This means that the female offenders share experiences with others in their habitus (common matrix in the correctional facility). the concept of habitus, Bourdieu sees the fields as places of tough and infinite competition, where the specific differences of social power and domination can come into play. On one hand, female offenders who have engaged in reformative programmes may re-experience these similar realities as now controlled in creating, maintaining and altering their taxonomies through practice (Henrich, 2011). The benefit of rehabilitative programmes, considering a habitus lens, sees those who engage sharing similar values, visions, norms, working language, systems, symbols, beliefs and habits. They have collective behaviours and assumptions that are continuously expressed (but also sometimes contested) by new members (Mkhize, 2016, p. 13). This expresses a way of life with shared beliefs and expectations within the programme. Bourdieu's concept of habitus has provided new interpretations of socialisation once a female offender has been released from the correctional facility, as on the other hand, being excluded from a rehabilitation programme has made this tougher for the female offenders as they are still ill-equipped to successfully re-integrate into their fields and may turn back to crime as a supportive measure.

Conclusion

Although female offenders represent a small proportion of offenders, not only within South Africa but also globally, little is known about their experiences in a correctional centre and rehabilitation programmes as policy has to date been based on the male offender experience. The study confirms that there is a link that exists between exclusionary reform practises and recidivism and suggests that gender-sensitive rehabilitations programmes are necessary and imperative for female offenders and desistance. That is, by investigating female offenders' unique standing and

the implications for a gendered rehabilitation policy and practice, the study makes a point for a reformed policy respond to not only a gender sensitive system, but one that is also inclusive and available to all female offenders. This is because, reintegration is difficult and challenging for many female offenders because they simultaneously face a variety of challenges which may affect their adjustment to life outside the correctional facility and maintain their reformative behaviours. Without being equipped to deal with these challenges, a great risk of recidivism for female offenders arises.

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