

the Howard League for Penal Reform

Early Career Academics Network Bulletin

Justice and Penal Reform conference special No.2
September 2016 – Issue 30

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ECAN Facebook Group



The Howard League for Penal Reform is active on [Facebook](#) and [Twitter](#). There is a special page dedicated to the Early Careers Academic Network that you can reach either by searching for us on Facebook or by clicking on the button above. We hope to use the Facebook site to generate discussions about current issues in the criminal justice system. If there are any topics that you would like to discuss, please start a discussion.

Introduction

This is the second special edition of the ECAN bulletin containing papers from the Howard League conference Justice and Penal Reform: Re-shaping the penal landscape. These papers continue to challenge and generate debate about how *justice is done* in the UK and around the world.

While this collection of papers is among the final artefacts coming out of the Howard League's What is Justice? symposium it is very much a starting point, it will be the catalyst for thinking and ideas that will be developed in the coming months and years at the charity.

If you were at the conference, or now wish you were, look out for the pamphlet based on Professor Thomas Vander Beken's presentation on John Howard's prison journeys and how he followed in his footsteps. We will also be posting podcasts of selected plenary sessions for you to listen to and use as teaching resources.



Features

Ontological theory and women's desistance: Is it simply a case of 'growing up'?

Una Barr

Introduction

"I've just got to grow up really, more than anything." – Marie

This article critically explores the ontological theory of desistance from offending as put forward by authors such as Glueck and Glueck (1950) and Gottfredson and Hirschi (1990). These authors argue that offending is a behaviour from which most individuals will 'naturally' desist. This article examines the desistance journeys as travelled by a small group of Northshire¹-based women. As a starting point, it is worth considering the average age of the women interviewed as part of this study: 39 at the time of first interview. The average age of last offence was 37. It can be immediately surmised that for the women involved in this study, offending was not a behaviour limited to adolescence. Yet as will be seen, the women in this study represent a variety of offending trajectories. For example, there are women interviewed who had only ever committed one offence, women who confined their offending to later in life and there is some qualitative support nonetheless for the power of aging and the passage of time in the desistance process.

¹ All places and names in this article are pseudonyms.



Literature Review

The longest-held theory of desistance emerges from the Gluecks' (1950) study of juvenile delinquency. It was here that the link was made between ageing and the decline of criminal or delinquent behaviour. The study concluded that 'ageing is the only factor which emerges as significant in the reform process' (1950: 105). The Gluecks suggested that desistance was a natural process which happened spontaneously and without the influence of other factors. Speaking at a 1997 conference, Shadd Maruna described this explanation as 'the most influential theory of desistance in criminology' (published, 1999).

The offending which traditional criminology tends to focus on is

usually confined to young adulthood. Illegal warmongers, large scale environmental polluters, corrupt bankers and politicians aside, the offending which traditional criminology centres on tends to be that committed by young adults. As Bottoms and Shapland concede, the 'criminality of even recidivist offenders declines sharply in the age range 20-30' (2011: 44), and this is true of both recorded and self-reported offending patterns. McIvor et al. (2000) in their study of young people in Scotland, have agreed that offending is usually a 'transitory phenomenon'. Ontogenetic explanations suggest that the age-crime curve can be easily explained by ageing in itself. Desistance therefore is linked to individual biological processes and the passage of time whilst deviance can be explained as something that (most) people will eventually 'grow out of' (Gove, 1985). As Gottfredson and Hirschi maintain in their *General Theory of Crime*, 'spontaneous desistance is just that, change in behaviour... that occurs regardless of what else happens' (1990: 136).

This 'aging out process' explanation of offending trajectories has been subject to much criticism in more contemporary desistance studies. Bushway et al. (2001) suggest that whilst it is true that as individuals age, their likely involvement in criminal activities or deviant behaviour decreases, this explanation 'offers no insight into the causal mechanisms that generate these changes' (pg. 492 - 93). As Rumgay (2004) elaborates, if we are to believe that desistance is a natural process, that is the same as suggesting that external

factors are unnecessary to promote desistance and therefore virtually eradicates the need for any form of intervention, whether this is practical or psychological. A worrying consequence of viewing desistance in this way may be the suppression of public support for rehabilitative programmes and re-integrative services (Maruna, 2001).

Maruna (2001) critiques the idea that desistance is linked to biological ageing. Age not only accounts for changes in biology or physiology but also in subjective beliefs, attitudes, life experiences and social contexts including experiences of social or institutional processes not limited to the criminal justice system (Weaver and McNeill, 2010). Monica Barry (2006) has argued that desistance is not just a natural consequence of the aging process but is a process which is more likely because of the increased opportunities for social recognition through both the desire to care for others in a generative fashion and the responsibility taking that ageing offers. Moreover, the ontogenetic explanation does not account for differences in offending patterns over time, including differences within gender, ethnicity and socio-economic background nor does this theory reveal the underlying sociological processes associated with aging. As Sampson and Laub (1992) maintain, maturational reform theorists fail to 'unpack' the meaning of age. This article will therefore explore the ontological process of desistance as considered from the narratives of a group of Northshire based women.

Methodology

The research presented in this article is based on observations conducted from Spring 2013 to Spring 2014 at five Women's Centres (WCs) located across Northshire as well as 23 semi-structured interviews with women with recent convictions (n= 16) and staff members (n= 6) [one woman, Rebecca, fell into both categories]. These women with recent convictions were either part of the Housing for Northshire (HfN) Project or were completing/ had recently completed Specified Activity Orders at Northshire WCs. Narratives were collected, content-coded and analysed for patterns in tone, theme, plot, roles, value structure, coherence and complexity (Maruna, 2001) using N-Vivo software. In the current article, the focus will be on the narratives of six of these women. Their narratives broadly represent the trajectories of the women in general.

Support for the ontological theory of desistance

Some of the women interviewed as part of this study followed a 'typical' offending trajectory, offending during their late teens and early twenties followed by a decline into adulthood. In particular, the narratives of Holly and Grace who were 23 and 31 respectively at the time of interview reflected this pattern. For Holly, 'deviant' behaviours began in high school.

UB²: And what were you like when you were at school?

Holly: I got kicked out in year 10³

UB: What happened?

² UB is the researcher.

³ Year 10 is the first year when students begin studying for their GCSEs.

Holly: I got excluded for fighting with some girls, me and my best friend. So we both got excluded at the same time

UB: And did you go back after that?

Holly: No we got kicked out permanently; I didn't go to another school after that

UB: What were your first experiences of offending?

Holly: Skiving

UB: When did that start?

Holly: Year 9

UB: And why was that?

Holly: It were 'cause everyone else were doing it so I followed into their footsteps. And most of my friends from where I live had been excluded so I think it were just the normal thing. (Holly, Age 23)

Holly notes that at the time being excluded was not something she worried about, indeed she notes that she felt "happy at the time 'cause all my friends were excluded... but I regret it now." From here there was a period where Holly remembers being regularly cautioned by the police for "just bits and bats and stuff like criminal damage and drunk and disorderly, just little bits like that". Holly relates offending during this time to her friends and the area in which she lived where the behaviour was routine and normalised. However, whilst for Holly's best friend Ciara, becoming a mother signalled a turning point, Holly carried on offending once her friend had desisted despite Holly's own motherhood.

She got pregnant and that, settled down and stuff, she stopped doing everything and I still carried on. (Holly, Age 23)

Recently however, Holly has expressed a desire to stop offending and "settle down" herself. This process began with giving up

smoking cannabis when her partner, Nick, was released from prison recently.

'Cause like everyone around me were, my cousins and my friends and that, everyone were smoking it so, I was just doing what everyone else around me were doing. But then he'd stopped when he were inside so I stopped smoking 'cause he weren't and we were on two different levels so I've cut everything out now, I just smoke tobacco. (Holly, Age 23)

Whilst stopping smoking cannabis, just like becoming a mother, did not automatically lead to stopping shoplifting for Holly. She has now also moved in with Nick. They hope to regain custody of their daughter from Holly's grandmother soon and look forward to a "stable" future. At the time of interview, Holly had not shoplifted nor otherwise offended for "five or six months". Holly notes that amongst her peers, "everyone is growing up a bit now." In particular, Holly makes reference to her older brother who has followed a very maturational (Gottfredson and Hirschi, 1990) desistance pathway with elements of the social bonds thesis (Sampson and Laub, 1993).

He were getting into crime at one point. He got sent down, he got sent down for like three and a half year... it was like for fighting and stuff, he were always lashing out at people. And then he met a really nice girl and she works at the chemist round there near Rivertown and he's got a job now, he works doing boiler installations and he's got a kid on the way so it's right good. She's only seven weeks so they're right happy. He's settled down now. He hasn't been in trouble for a few year now. (Holly, Age 23)

Building on Gottfredson and Hirschi's theory of developmental

self-control, Laub and Sampson (2001) for example argue that, 'traits like self-control can change over time as a consequence of changes in the quality or strength of social ties' (p.7). Holly's brother certainly appears to follow this trajectory in Holly's subjective narrative. Holly's story is different, as a female with a history of domestic abuse, mental health issues and self-harm as well as being a mother, Holly's own desistance journey will arguably require more support than her brother's journey. Her journey will not only involve looking to the future but also recovering from the past. Yet it is clear that for Holly "growing up" naturally involves a move away from offending. Just as the beginnings of offending were a natural process for Holly once her peers began offending, attempts towards desistance have now also been normalised as part of this process of "growing up".

For Grace, drinking alcohol and smoking cannabis also began in secondary school.

UB: ...what were you like at school?
You said you were quiet?

Grace: Yeah, as I say I was very good, I liked going to school, the teachers liked me, I was always you know, top marks for everything... Got to high school, and it just went downhill from there basically. I think, just, you know, got in with the wrong people and you know other circumstances along the way. I started smoking weed quite young, I was 12, maybe 13, em ... drinking at weekends, to the point of passing out, you know having to be carried home and that... basically just buying cannabis, I have no other offences other than that one that's basically on... Apart from when I was 16 I was caught shoplifting. (Grace, Age 31)

Whilst Grace felt that she had matured since her early offending, she was recently charged with a drugs offence for growing cannabis. Grace's most recent offence was associated with choice and indeed careful consideration; it did not indicate a move away from her pro-social identity which was based around her role as a mother. For Grace therefore this offence was associated with bad luck and did not reflect a deviation from her pro-social identity (of course we may question Grace's 'vocabulary of motive' (Wright Mills, 1940) speaking to myself as a researcher here or to justice practitioners in the past). Nonetheless her subjective interpretation is important despite 'techniques of neutralisation' (Matza and Sykes, 1964) employed).

I was growing cannabis, um... I will say it was the wrong thing but for all the right reasons, there was reasons why I did it. I had a young daughter and the house, the house that I'm still in, it's, you know in winter, it's very cold, it's drafty, and somebody offered. I didn't go out looking for it, somebody offered for, if I were to set up some plants, you know whatever they made of it, they would give me half, and, you know it's like two and a half grand, it's a lot of money when you haven't got and I were thinking about it and I basically worked out I could do it twice a year, all I had to do was water them, that's all I have to do with them. And then, April, round about my daughter's birthday, I would get a big lump sum then, and then like in the winter, just before Christmas, I'd get another lump, so it was sorta like it would see me through Christmas, make sure I could buy presents, make sure I could keep the house warm, because it was very cold. That was it basically. (Grace, Age 31)

As can be seen in Holly and Grace's interviews, the 'natural processes of growing up did occasionally mean deviations into offending yet this did not always mean deviations from the pro-social identity which they had been individually cultivating as they matured. Matza's (1964) theory of 'drift' has salience here with the sporadic nature of offending seen in these women's narratives which appear chaotic at times. As Carlsson notes, 'drifts' or 'lulls' in offending are likely to occur due to the nature of the social world, full as it is with its complexity, coincidences and contingencies' (2012: 915).

For these women offending in earlier years was associated with a carefree attitude and a normalised behaviour related to what 'everyone else' was doing. Offending in youth also tended to involve drugs or alcohol. Whilst it was a relational experience in youth, drug use tended to be an isolating experience in older age for the women. We can note the links here to cultural criminology, for example Jack Katz' 1988 work on emotions and crime where offending is related to a buzz, where at the time there are no regrets and offending is exciting. In later years however this type of offending lost its appeal for the women and they began to consider alternative 'settled' lifestyles much like the desisting youth in Barry's (2006) study.

As these examples show, offending was not solely a 'natural' process which Holly and Grace 'grew out of'. Overall, offending was generally a 'transitory phenomenon' (McIvor et al., 2000)

for the women. Yet desistance was not a process which happened (or was happening) 'naturally'. Desistance, on the contrary, required both the 'will and the ways' to stop. For Holly, desistance means 'settling down' with her partner and regaining custody of their daughter. Grace's desistance narrative meanwhile focuses on her relationship with her best friend and gaining education and employment. Whilst self-control gained through the aging process has a role here, it is not the sole desistance-promoting factor.

Late onset offending

The beginnings of offending occurred at different points for the women studied. Whilst Marie's quote introduces us to this article, it must be noted that Marie was 40 at the time of our interview, certainly out of the peak of the age-crime curve found within traditional criminology. Marie herself recognises that her offending trajectory was the opposite of what a researcher might usually expect.

UB: We're going to talk about your background, community, family and school and so on. So what were you like as a child?

Marie: Um... Better behaved than I am now (laughs). I were basically, I were quite a good child really...

UB: And do you remember what you were like at school?

Marie: I were a bit of a bugger but I weren't really bad. I wasn't as bad then as I was now, I seem to have gotten worse as I've got older. (Marie, Age 40)

Although Marie mentions a shoplifting incident when she was 10 or 11, she describes the incident

as a one-off and a 'giggle thing', not something she was regularly involved with. Marie spoke in great detail about her background and employment history to highlight that the change in her behaviour did not actually mean a change in her identity as an essentially good and caring person.

I mean I were a nurse, I were in St John Ambulance when I were a kid. Ten year I used to teach first aid, I've got a qualification. A B.Tech national diploma in science, I've got all qualifications in things. And then I got pregnant, I had Jo, I couldn't go back to nursing. And I'll tell you how I started offending. I lived on a building site, this building site and they were building round me. And this lad said to me, "oh that's that Kingspan there" you know, insulation? It were like insulation for like walls. He said, "If you get me some of that I'll give you like fifteen quid a pack." So I started half inching it didn't I? Right. So I were making a fortune of it (laughs). And I started going all over, started going on other work sites and that. Anyway, I didn't really got caught doing any of that. And then I started hiring tools, it just got... it grew should I say. It's just... not greed; I'm not a greedy person. I've had money and then lost it... I used to have money... I used to make £1000 a week cash and that were legit money, I had my own pub and hotel so... But I went from that, then everything went tits up and then I just started basically doing it 'cause I were skint... It's been like possibly, over the last ten years really that I've been in bother. It's not really, I'm not a naughty, naughty girl, I wouldn't go and burgle someone or owt like that, I've got an heart do you know what I mean? One of them, it's I'm stubborn and I'd rather go out and dig some flags up from an old farm that's disused than ask me mum for money do you know what I mean? (Marie, Age 40)

Marie is quick to note that she is not a “greedy person” or a “naughty girl” but that offending in later life was related to both poverty and chance. Marie’s partner, Claire claims that Marie has “ODD” or Oppositional Defiance Disorder which she argues explains Marie’s late onset offending. In my field notes, I note that Marie was probably in the ‘primary desistance’ (Maruna and Farrall, 2004) phase of her offending trajectory. As part of her sentence Marie is banned from driving and she is proud when relating that she has not driven “yet”, the “yet” here suggestive of her possible actions in the future. She relates stealing stone flags to a “buzz” as well as a needed income stream, much like the early cultural offending of Holly and Grace. Marie speaks about her offending in the present tense. Marie’s trajectory does not follow a maturational course as desistance has not happened naturally or without the influence of other factors (Glueck and Glueck, 1950). Whilst Marie recognises she must “grow up”, without the will and the ways to do so, desistance has not been forthcoming.

Similarly Rebecca notes that her offending has been confined to later life. Although in her early days Rebecca remembers being expelled from school, after a difficult childhood caring for her schizophrenic mother and dealing with her parent’s divorce, she quickly turned her life around whilst in a privileged school in Europe which she was able to attend thanks to her grandfather’s connections.

I went into secondary school; while I did all my school work, I was an A+

student, I still became a bully, that’s what I became, I became a bully. So I was quite manipulative ... And then eventually that resulted in me being excluded or as it was called then expelled from school... So as soon as I’d been expelled from school I then was on a boat to Belgium and I was packed off to boarding school... And that was it; I went to boarding school... And they were all diplomats, very... you know quite wealthy children... I felt totally isolated for the first six months... So it took me about 6 months and then from then on in it was essentially the main kick up the bum... well I say that it put me on the right track until I was 42. So you know, and I did manage to get my head down. (Rebecca, Age 46)

From here Rebecca lived a fairly privileged life, working for international companies and travelling the world with her husband and two young children. However on the family’s return to England at the age of 32, Rebecca began to develop an alcohol dependency which essentially led to her offences.

So from being 33 up until I was 42 was the real decline with alcohol. And you know my marriage broke down, my ex-husband then took the children, didn’t bring them back, took them out of the country. I then went through probably as many courts as I could, hired solicitors, racked up huge legal fees, and ran away from it all. Moved to Austria, thought I’d go back to Europe, worked there, tried to get my life on track but the booze was, you know, it had now got a complete grip of me... So I just blew every penny I had, I was getting in a mess... And I then rang my father and sort of said, “Come and help”... I was just in a total mess. So he said, “Yeah.” Came back to Easton, so I was 42. Came back to Easton, sort of you know quite broken. Moved in with my father and my step-mother who I’d had quite a difficult history

with... Then what happened was my own bills caught up with me because they always do ... I ended up committing credit card fraud in my step-mother's name. And she reported that to the police. I knew what I was doing; I knew it was wrong... I paid it off for a while so until my money ran out and then it all caught up with me. And you know I got found out, she reported me to the police and then obviously I went through the CJS. (Rebecca, Age 46)

Following this conviction Rebecca signed a cheque for rent which bounced and was once again convicted of fraud and eventually became homeless. Unlike Marie however, Rebecca is certainly in the secondary desistance phase (Maruna and Farrall, 2004). Her generative work and cognitive shifts have led to desistance promotion, something which can clearly be seen with her work with her Housing for Northshire Project.⁴

So I then went back to my mother's and began researching, saved up enough to get my deposit, and moved into my own house... I spent a while thinking, "Well actually, looking around for other women who had written their own narratives, I couldn't really find very much. And I thought, "Well there's a lot of men's stuff out there, there's not a lot of women's stuff." So ... and then it sort of grew, I never really expected it to grow like it did... And I thought... "I've got to do something for women in the criminal justice system. I am going to do something. (Rebecca, Age 46)

For both Marie and Rebecca, acquisitive offending was partly a

product of the conditions they found themselves in in later life. Carr and Stovall-Hanks (2012) found that women with late onset offending shared characteristics including frequent mention of loss, caretaking (both social and economic), and addiction as turning points or periods that contributed to their involvement in crime. For Marie, caretaking and for Rebecca, addiction and loss were also factors that contributed to the onset of offending. Carr and Stovall-Hanks (2012) also note that social bonds (Sampson and Laub, 1993; 2003) such as entering a new job or relationship are factors in the desistance of female late-onset offenders. The same can be said for Rebecca and Marie here. Desistance for both the women has not been something which happened naturally over time as they aged but has been an active and difficult process requiring relational support as well as individual agency.

One-off offending

A final trajectory was recognised in the narratives of the women who had carried out one-off offences and can be seen in Heather's and Katie's narratives. Both were charged with benefit fraud offences. Both of these women had little to no contact with the criminal justice system prior to their fraud offences. Offending here was not behaviour but an action.

It [the police and courts] were all new (Heather, Age 24)

I had quite a sheltered life really and didn't go out much. Mum and dad were quite strict, very strict. So I didn't go out much ... here was some people that did offend. And there was lots of stealing going on from cloakroom

⁴ Rebecca leads the Housing for Northshire Project which provides women who have been involved in the criminal justice system and those outside it with housing amongst other services

pockets and things, because you used to leave your bags and coats in the cloakroom. So there were things like that but, no I didn't, I kept away, I kept away from people like that, otherwise my parents wouldn't have liked it. If they didn't like somebody I couldn't speak to them so... (Katie, Age 60)

Particularly for Katie, the entry into the criminal justice system was something which was wholly unexpected and out of the ordinary. At the time of our interviews she did not see herself as an offender but maintained her pro-social identity which was connected to her childhood and upbringing.

If somebody had have sent me a letter, I wouldn't have ignored it, I've never been like that. I've always been brought up to you know, know right from wrong. My father, he would never claim benefit or anything. My mother wouldn't, they didn't believe in it you know, so I weren't brought up that way. (Katie, Age 60)

Nonetheless both Katie and Heather had lives which can be regarded as typical of females entering the criminal justice system. Both suffered from myriad mental health issues including self-harm and suicide attempts, Heather had a history of childhood abuse from her father and her alcoholic mother whilst Katie had physical health problems and relationship problems with her husband and daughters. For both women, their problems were exacerbated and multiplied with their entry into the criminal justice system. Minor offences by women are currently resulting in harsher responses across the western world (Sheehan et al, 2007; Barry and McIvor, 2008). Whilst neither Katie nor Heather can be considered

persistent offenders, their lives share many of the conditions and disadvantages of females with convictions in general and their desistance narratives are therefore important. Neither Katie nor Heather's desistance occurred as part of a natural process but much like the other women previously mentioned required both support and agency.

Women who may be viewed as 'one-off' offenders or even offenders without intent, should not be eliminated from any consideration of desistance. Like the women who follow a 'traditional' trajectory of offending, or those who come to offending in later life, 'one-off' and non-intentional offenders travel the same criminal justice pathway; they are arrested, put on trial, 'punished' or 'treated' accordingly. This pathway has an effect on their lives and identities. Often, as Katie and Heather's experiences show, their lives have been blighted by gendered or structural inequalities. Furthermore, they travel the same journeys of resilience and survival which often mirror their fellow 'offenders' desistance attempts.

Conclusion

Whilst many of the women studied decreased the concentration and level of their offending as they aged, others did not offend until later in life and for yet others offending was comparable to a blip in an otherwise law abiding narrative which was nonetheless marred by disadvantage. Whilst the maturational theory, which considers offending to be a behaviour that (most) individuals will 'grow out of' does have some salience in the experiences of the

women affected by the criminal justice system who were part of this study, it is far from the only factor in explaining their desistance pathways. Attempts to 'go straight' such as those noted by Grace and Holly were challenged when the chaotic nature of the women's lives reached a particular level. For Marie, who is arguably most aware of the expectations placed on her to change, self-control has not been enough to prevent her from offending in later life. Neither was Rebecca prevented from offending by her maturity. For Katie and Heather, at either ends of the age spectrum of the women studied, maturity and self-control had nothing to do with their convictions. These were women punished by what Garland terms the 'crime control complex' (2001).

The notion that desistance is a 'natural process' effectively silences the narratives of resilience of women affected by the criminal justice system. Although many of the women interviewed as part of this study appear at first glance to follow the ontological perspective that offending is something which individuals essentially 'grow out of', this viewpoint ignores the conditions in which the offences and desistance journeys of women take place. To suggest that desistance is a natural process for women is to ignore the poverty, domestic abuse, drug and mental health issues that invade both their offending and desistance.

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About the author

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Protection of sex workers in a mal-adaptive legislation: Need for India to step up her game

Abhinav Surollia and Prashasti Singh

Introduction

Sex workers are particularly vulnerable group. It is our contention that they are subject to grave violations of human rights. A majority of the sex workers go into this profession when they are minors, often without their consent and thereby become vulnerable to sexual violence and economic exploitation (Misra and Shah, 2000). Sex workers in India suffer frequent harassment by variety of people connected with this profession and unlawful detention by police (Jayasree, 2004).

The Indian Constitution of 1950, a plethora of legislation to prohibit gender discrimination and exploitation by gender and being a signatory to many international conventions on the rights of women have not facilitated the end of discrimination against women from her society. India has been unsuccessful in protecting the human rights of women in particular those of sex workers.

Governmental policies that focus on rescue and rehabilitation, or are based on the idea that sex work is immoral, have various gaps are unlikely to succeed in promoting the well-being of sex workers. Often it is the very institutions that are meant to protect rights that violate them. An Amnesty



International (1992) report highlighted human rights violations committed by the police and other state actors in India. Also the lethargic attitude of courts, various human rights and women's commission has resulted in further violations of rights (Misra and Shah 2000).

This paper seeks to advocate the human rights of sex workers, particularly in the Indian society, also give an account of the legislation for the protection of sex workers, taking into reflection the Government's attitude towards them.

United Nations Rights

One half of the world's population is systematically discriminated against and denied opportunity for the 'crime' of having a female chromosome (Watkins 1995).

To eliminate all forms of discrimination and to attain equality between women and men are fundamental human rights and United Nations values. In the preamble to the United Nations'

Charter⁵ there is an emphasis on reaffirming the faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small.

The Universal Declaration of Human Rights (UDHR) was adopted in 1948 and it proclaimed the equal status of women and men to the rights contained in it, "without distinction of any kind, such as ... sex" In drafting the Declaration, there was considerable discussion about the use of the term "all men" rather than a gender-neutral term. The Declaration was finally adopted using the terms "everyone" and "all human beings" in order to leave no doubt that the rights contained in the Declaration were intended for both men and women alike.

In 1949, the United Nations General Assembly adopted the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.⁶

- Article 1 requires nations party to the Convention to punish any person who "procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person" or "exploits the prostitution of another person, even with the consent of that person."

- Article 2 makes running a brothel or renting accommodations for prostitution purposes as punishable offences.
- Article 6 asks the state parties to abolish all regulations that subject prostitutes "to special registration or to the possession of a special document or to any exceptional requirements for supervision or notification".
- Article 20 obliges states to take necessary measures for the supervision of employment agencies in order to prevent persons seeking employment, in particular women and children, from being exposed to the danger of prostitution since many a times employment agencies under a pretext to provide employment sell women and children into prostitution.

The most significant document is the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000). Its preamble declares that 'effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking by protecting their internationally recognised human rights'. While article 3 defines trafficking and states that trafficking is done for the purpose of exploitation (i.e. at a minimum, the 'exploitation of the prostitution of others' or 'other forms of sexual exploitation', forced labour or services, slavery or practices similar to slavery, servitude or the

⁵Charter of the United Nations and Statute of the International Court of Justice, <https://treaties.un.org/doc/publication/ctc/uncharter.pdf> (Accessed, December 2, 2015).

⁶India signed this convention on 9 May 1950 and ratified it on 9 January 1953.

removal of organs). Since 2000, this Protocol has defined the international legal framework to fight trafficking in persons. While the Protocol comprehensively aims to criminalise people trafficking in every possible form, leaving the terms 'exploitation of the prostitution of others' and 'other forms of sexual exploitation' undefined. The drafters of the Trafficking in Persons Protocol refused to comment on whether voluntary adult prostitution should be considered trafficking in persons, thus positioning the regulation or prohibition of prostitution as a matter for domestic jurisdictions (UN General Assembly 2000).⁷

Female sex workers or prostitutes constitute a group of women whose fundamental human rights have been widely neglected, have become victims of discrimination and suffer atrocities daily living in unimaginable conditions. There is a need to respect and protect the human rights of sex workers while recognising that many choose to engage in sex work and regard it as their profession. The Indian organization SANGRAM which works for the rights of sex workers states, "People have the right not to be rescued by the outsiders who neither understand nor respect them" (SANGRAM 2011)

⁷Section 3 of the protocol defines trafficking in persons but doesn't explicitly include prostitution as trafficking.

Status of Sex Workers in India

यत्रनार्यस्तुपूज्यन्तेरमन्तेतत्रदेवताः।
यत्रैतास्तुनपूज्यन्तेसर्वास्तत्राफलाःक्रियाः
॥⁸

The above verse (*shloka*) from Manusmriti upon which the Indian Society has developed means that "the divine are extremely happy where women are respected; where they are not, all actions (projects) are fruitless." Thus it is the Indian patriarchal society that suppresses women within it but this is not proscribed within the religious texts. While the Indian Constitution, in theory, guarantees equal protection and rights to women, deep rooted gender discrimination is visible at every level of Indian society, as well as in current law, policy, and social practice. The patriarchal Indian society still looks upon women as inferior to men, where at times women are subjected to discrimination and suffer from crimes committed against them such as rape. Women in Indian society are still dominated by men and their status is dependent on men, as a mother, a wife or a daughter.

Sex work still is viewed by many in India as an occupation that protects society from the uncontrollable sexual urges of men (Menon 1999). Although prostitution is not a category that the Indian Government reports as component of its labour statistics or in its assessment of recognised economy occupations, this is an industry that is the source of earnings for over two million

⁸Manusmriti Chapter 3, Verse 56.



women and innumerable others who profit from the jobs the industry spawns.

Human rights violations are common throughout India, particularly in the lives of people involved in prostitution and sex work. Sex workers face similar kinds of discrimination that are faced by other marginalised groups based on religion, caste, race or class. Sex work is not regarded as work but as a filthy and immoral lifestyle which is a threat to the innocent public and society at large (SANGRAM 2011). Discrimination against sex workers results in the infringement of rights for both sex workers and their families. Women sex workers often lack good healthcare and are often subject to abuse and exploitation by police and government officials (Jayasree 2004).

Sex workers in India are perceived as criminals and not citizens (Pai et al 2014). This has resulted in major breach of human and fundamental rights like right to life, equality,

dignity, and equal protection of female sex workers. Disgrace or stigma attached to sex work puts them at risk from violence from family members as well as from their clients. Violence is considered as a tool with which to assert sexual control; it is normalised as a reprimand for having sex with other men (Ibid.). There is little or no social or legal recognition of sex workers which often results in sexual assault and rape. People have developed myths like “a sex worker cannot be raped” (Kinnel 2008) for she has agreed to numerous partners or commercial sex; she has forfeited the right to refuse other partners or other acts.

In the Indian scenario, the state is considered as a mechanism of violence. It is feared instead of seen as a protector or promoter of rights. Authorities usually demand sexual favours from sex workers for speedy redress of their grievances or for providing those entitlements (Pai et al 2014). The use of sexual innuendo and language is quite rampant and the authorities verbally abuse sex workers creating a sense of fear in the minds of sex workers who then perceive the protectors of law as the violators of the law. Police ill-treat sex workers, unlawfully detain, sexually assault and torture them in custody (ibid.).

Misconceptions and a narrow understanding of sex work are key factors in the poor treatment of sex workers. The media portrays women engaged in prostitution as either overly sexual outcasts who threaten the very structure of Indian family life, or abused and exploited victims. In fact, women in sex work cannot be compartmentalised. While there are certainly victims of

trafficking in sex work today many women in sex work consent to doing it (SANGRAM 2011). But traditionalists cannot divorce sex from its sacred and religious implications. Indian laws and policies concerning sex work are formulated from a didactic standpoint and people involved in sex work are defined by, and treated as, their “immoral” profession (Ibid.).

Indian Legislation

Over two million women and girls in India remain employed in prostitution (Dennerstein L. 2000). Cases of sex trafficking and transportation of women and girls in India who are enslaved in the web of prostitution by kingpins of international sex trafficking without any sort of fear are manifold. Exploitation and abuse of sex workers is widespread, in part due to current legislation turning a blind eye to the realities of the practice of prostitution in India (Gangoli 2007). This necessitates change.

The statutory framework is based on the Immoral Traffic in Persons Prevention Act 1986 (ITPA).⁹ It is supported by a series of laws which can be used in tackling the abuses faced by sex workers (including the Indian Penal Code, 1860 with provisions against trafficking and slavery of women and children and the state-level police, railways, health and public order legislations (see Kotiswaran 2001)). In addition, State governments are allowed to frame rules and regulations under ITPA regarding licensing and

⁹The ITPA replaced the Suppression of Immoral Traffic in Women and Girls Act 1956. This legislation directly followed India signing, in 1950, the UN’s 1949 Convention. For a fuller discussion see Kotiswaran 2001.

management of protective homes. Protective homes under the ITPA is an institution, by whatever name called, in which people who are in need of care and protection, may be kept under this Act and where appropriate technically qualified persons, equipment and other facilities have been provided but does not include a shelter where those under trial may be kept in pursuance of this Act, or a corrective institution.¹⁰

The basic approach legislation prior to ITPA was to tolerate prostitution, thus accepting that commercial sex was a necessary social evil. Whereas the Immoral Traffic (Prevention) Act (ITPA) defines prostitution as the sexual exploitation or abuse of persons for commercial purposes¹¹, the language of the Act is quiet vague. It criminalises activities associated with prostitution such as managing brothels and attracting clients in public places but it does not criminalise the practice itself (Gangoli2007:67). Thus, prostitution is difficult, but not impossible, to carry out, and its practitioners enjoy limited rights (Ibid.).

¹⁰Sec. 2(g), The Immoral Traffic (Prevention) Act, <https://womenchild.maharashtra.gov.in/Sitemap/womenchild/itpa1956.htm> (Accessed December 8 2015).

¹¹Sec. 2(f), The Immoral Traffic (Prevention) Act, <https://womenchild.maharashtra.gov.in/Sitemap/womenchild/itpa1956.htm> (Accessed December 8 2015).



Sex work is not an offense *per se* in India but ITPA includes provisions that criminalise almost every aspect relating to sex work. Provisions of ITPA have been misused to arrest and harass sex workers, not considering whether they are in sex work voluntarily or have been forced for these acts. National Human Right Commission (NHRC) in its 2004 report (Nair 2004) observed that it was disturbing to note that out of almost 14,000 persons arrested every year under ITPA, approximately 90 percent are women. The other 10 percent include brothel keepers, pimps and clients. Thus women engaged in sex work are more vulnerable to abuse by the officials than men engaged in maintaining activities related to sex work.

ITPA sections 7 and 8 target prostitutes by penalising sex work in public places. Section 8B, under which a huge majority of women are arrested, prohibits soliciting in a public place. Generally convictions under these sections are instant, as sex workers admit and accept the charge to speed up the proceedings which they see as a better option than being in custody waiting for trial and lose earnings. In reality, the police use

these provisions to abuse sex workers, particularly those working in the streets. Thus, a law meant to protect women is being used to punish them (Jayasree A, 2004).

NGOs, in an effort to eradicate sex work and to enable sex workers to benefit from rehabilitation especially if they believe they have been trafficked, work alongside the police in raids and searches. It has also been suggested that the raids are carried out to evict sex workers from a 'red light area' and to 'sweep the streets' of sex workers who are then harassed by officials asking for bribe and sexual favours from them (Pai et al 2014:7). It has been reported that police authorities, while conducting the raids, often engage in physical violence and excessive verbal (sexual) abuse, to threaten sex workers (Pai et al 2014).

Rehabilitation and rescue provisions contained specifically under Sections 19 and 21 of the ITPA can also be seen to result in human rights violations, in particular through police and NGO brothel raids to rescue women and place them for rehabilitation

facilities. These raids are regular in red light areas and under the pretext of rescuing minors; do not differentiate between minors and consenting adults who work voluntarily as sex workers. In 2012, in perhaps one of the biggest raids in recent times in India, an operation was carried out over 3-4 days in a red light area called Simplex Building in Mumbai and over 200 women were “rescued and sent to correction homes”. Narratives of raid and rescue operations point out the extremely abusive and cruel nature of these raids (Ibid.).

The wishes of the adult women who are “rescued” are immaterial; they are sent to correction homes regardless of them testifying that they were in sex work willingly. Often the final step in the rescue process is the *involuntary* rehabilitation of women in sex work. Rehabilitation programmes are generally run by NGOs or the government. Sex workers are taken to rehabilitation homes/correction homes where they are kept in jail-like conditions and suffer repeated sexual abuse in the hands of people managing them (Pai et al 2014). Later, these adult women are released into the care and custody of parents or family members on the condition that they will give up sex work. Often the decision to hand over “custody” of the adult sex worker to the parent or family member is based on moral judgments ignoring any legal provisions of the ITPA.

Forced rehabilitation process of sex workers so “rescued” is a matter of concern. The Indian Supreme Court in the case of *Budhadev Karmaskar v. State of West*

*Bengal*¹² observed that *rehabilitation training and assistance for sex workers should not be made contingent on forcible stay in corrective homes, nor can sex workers be involuntarily incarcerated in corrective homes which they consider a virtual prison*. Regardless of these observations, forced rehabilitation continues to be carried out across the country. Further a Supreme Court panel recommended that central government and Election Commission should issue voter ID cards, to sex workers and state governments and local institutions should issue ration cards to sex workers¹³. Thus the Court has assured that sex workers are entitled to a right to life and must be provided the protection guaranteed to every citizen.

Although there is indisputable evidence coming from government (Pai et al 2014), non-government research (Ibid) and from various affected sex workers, the state and law has failed in its obligation to respect, protect and promote the rights of sex workers who are arbitrarily arrested and evicted. The State has failed to evaluate laws such as ITPA which may be regarded as punitive and may result in sex workers and their families being regarded as ‘criminal’ and live in stigmatised environments. In addition, the manner in which and the nature of rehabilitation programmes as the

¹²(2011) 10 S.C.R. 577.

¹³Interim Orders, Sex Workers Rehabilitation Case, Supreme Court of India, 16 September 2011, Law Resource India.
<http://indialawyers.wordpress.com/2011/09/16/sex-workers-rehabilitation-case>.
(Accessed 20 January, 2016).

only, state sanctioned route open to sex workers seeking to leave prostitution, means the State has failed in its duty to protect the rights of sex workers.

Human rights of sex workers

In India prostitution in general may be regarded as a result of intense poverty. India has made constant commitments to international human rights law, which condemns the abusive trafficking and prostitution system being carried on within its borders. India is also a signatory to the International Covenant on Civil and Political Rights (ICCPR) and the Abolition of Forced Labour Convention. (AFLC) Furthermore, the Indian government has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child. However, the picture drawn in this paper suggests that India's laws which criminalise prostitution providing safe and healthy

communities. When sex work is actually increase human rights violations and in fact work against Child, which necessitate member states to defend against discrimination and to curb all forms of trafficking in women and children. India was also a primary contributor to Universal Declaration of Human Rights (UDHR) with its representative to Human Rights Commission, Hansa Mehta, helping to draft the Declaration. India's support of these declarations and treaties are the picture shown to the world as India's stance on human rights.

However, the picture drawn in this paper suggests that India's laws which criminalise prostitution actually increase human rights violations and in fact work against providing safe and healthy communities. When sex work is unlawful, sex workers suffer from societal and legal obstacles and it becomes impossible for them to have safe accommodation, other



forms of employment, birth certificates for their children, health care facilities, including HIV/AIDS prevention, treatment, and care.

The evidence presented suggests that penalising sex work also brings sex workers at bigger risk of violence, be it in the hands of clients, brothel managers, or even law enforcement officers.

It is difficult to conceive that criminalising sex work would put a stop to prostitution, it would still happen and it would make it impossible for sex workers to approach authorities against human rights abuse. Accepting sex work as a choice of an adult and organising it legally would be a better option to safeguard the rights of the individuals involved in sex work.

Apart from various human rights which everyone is entitled for without any discrimination based on sex, colour, and race, sex workers should have few special human rights. These rights are:

- **Right to protection against HIV**
Human Immunodeficiency Virus (HIV) is a morbid disease, and other sexually transmitted diseases (STDs) increase the chances of HIV infection. According to the International Guidelines on HIV/AIDS and Human Rights, (which are not binding but authoritative interpretation of the problem) marginalized people, including sex workers, have suffered discrimination and been deprived of equal access to HIV prevention services. The United Nations Joint Programme on AIDS (UNAIDS) (OHCHR, 2006)

on seeing that sex workers commonly suffer human rights abuse suggests:

With regard to adult sex work that involves no victimization, criminal law should be reviewed with the aim of decriminalizing, then legally regulating occupational health and safety conditions to protect sex workers and their clients, including support for safe sex during sex work. Criminal law should not impede provision of HIV prevention and care services to sex workers and their clients.

- **Right to freedom of profession and freedom from arbitrary detention**

Women in general including sex workers should have a right to decide how they would want to earn their livelihood. Article 19 of the Indian Constitution although subject to reasonable restriction provides for the right of citizens to practice any profession, or to carry on any occupation, trade or business. The ICCPR guarantees the rights to “liberty and security of the person” and to be free from “arbitrary arrest or detention.” The Yogyakarta principles (2006) were aimed at an application of prevailing international human rights law to sexual orientation and gender identity, advocates for ending of laws that promote inequality before law.

Sex workers in India are perceived as criminals and not citizens. This has resulted in major breach of human and fundamental rights like right to life, equality, dignity, and equal protection of female sex workers. Disgrace or stigma

attached to sex work endangers them to violence from family members as well as from their clients. Use of sexual innuendo and language is quiet rampant and the authorities verbally abuse sex workers. The law executing is considered by sex workers as the most oppressive state agency. Police ill-treat sex workers, unlawfully detain, sexually assault and torture them in custody. All of which is very shameful.

Conclusion

Justice Ramaswamy observed in the case of *Gaurav Jain v. Union of India and Others* that *women coerced into prostitution should be viewed more as victims of socio-economic situations and not offenders of the society.*¹⁴

Therefore accepting sex work as a choice of and individual the human rights and other rights of the sex workers should be protected and effective safeguards should be there against human rights abuse of sex workers.

The government, as well as the public, should have an educated approach in addressing prostitution as a criminal justice issue. India should focus on sex workers' needs and search for ways in which the police and other law enforcement agencies can be sensitive towards their rights and be productive in providing safety to sex workers. Sex workers' complaints should be registered in a prompt and respected manner not discriminating between sex workers and other types of victims. They should be assured that they would not be penalised if they report (human rights) abuse

suffered by them, even if they suffered such abuse during the course of prostitution. It is important that law assures sex workers that they will not face investigation or be arrested for criminal behaviour if they report a crime of violence against them. If police officers fail to address complaints or they are proven to have engaged in acts of sexual abuse they should be prosecuted and strict legal actions should be taken against them.

Officials must be trained to identify and distinguish between trafficked sex workers and other sex workers who are in brutal situations and send them to organisations that can assist them and help them in rehabilitation. Those forced into sex work should not be arrested or kept in detention rather they should be brought to safe housing, organisations, and lawyers who can assist them. Services to support sex workers such as medical facilities, counselling service and job training should be expanded. Service providers should be educated to deal sensitively with sex workers.

Most importantly, medical facilities including regular check-ups should be provided to women engaged in sex work. Sex workers should be educated regarding the use of contraceptive measures such as use of condoms and other contraceptive pills. Not only educating them about proper contraceptive measures should be done but also providing them with such measures effectively is more important.

Removing penalising laws connected to sex work, including laws that penalise clients, can help

¹⁴ AIR 1997 SC 3021.

in creating a legal environment that helps them to access HIV and other health services, to report violence and human rights abuse by various stakeholders involved in this trade including police.

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Politics of survival: Co-production of order and the organic nature of governance

Oriana Hadler

As it will become clear, I need to start this article briefly introducing myself. I am a Brazilian social psychologist, which might be different from many involved in criminology and prison studies in the UK. As a social psychologist, I take a particular ethical and epistemological stance. Since the redemocratisation period in Brazil¹⁵, social psychology has occupied an important place problematising political, economic and cultural matters, mainly by putting forward discussions and ideas within public policies and human rights. So, as a social psychologist developing research in prison studies, it means I am interested in questioning how a set of practices and relations became entangled, producing modes of existence and subjectivity.

This article draws upon some of my early PhD findings on the Brazilian prison system and in particular its workings with young people and criminality. This analysis emerges from an ethnographic study of the Central Prison of Porto Alegre/RS which is the largest custody house in south Brazil. The focus on young people and criminality is derived from the fact that every month, for the last couple of years, around 300 young people, aged between



18 and 29, enter this prison facility; approximately 70% of the local imprisoned population (Rio Grande do Sul, 2013). The national picture presents a similar reality: since the early 1980s prison system databases have registered a dramatic increase in the youth prison population. In addition, there is growing concern over violence and mortality levels amongst young people in public discourses, strategic planning and the political agenda of the Federal Government. Given these conditions, interventions aimed at the Brazilian youth have focused on two issues: public security and human rights which are, in effect, polar opposites.

¹⁵ This followed a period of military rule between 1964 and 1985. It is marked, in 1988, with a new Constitution.

The social construction of criminal youth has been regarded as a security matter since Colonial (1500 - 1822) and Empire (1822 - 1889) periods in Brazil¹⁶, characterised in punitive, segregating and racist rationality. However since the end of the Military Regime and the construction of the democratic rule of law, there has been a shift in the democratic with regard to (infant)-juvenile practices. These are based on the ideal of a democracy consolidated at the mercy of market logic, in which the discourse of human rights and the political economy is grounded in neoliberal intelligibility (Teles, 2013). Nevertheless, this does not mean that punitive reasoning and diverse forms of violence associated with slavery and military heritage have disappeared. To the contrary, precisely during the period when more public policies for Brazilian youth have been created, there have been unprecedented levels of homicide and youth incarceration.

According to the National Council of Justice (Brasil, 2014), there are over 600,000 people imprisoned in Brazil: of the prisoners in closed conditions, over 550,000, (32%) are on remand. This reality places Brazil in fourth in the world ranking of imprisonment, however if including the number of outstanding arrest warrants and those under house arrest, Brazil would occupied the third position, bypassing Russia and surpassed

16 Colonial period in Brazil reflects its 'discovery' by the Portuguese in 1500 and it has an end with Brazil's independency in 1822. The Empire period indicates the end of colonialism and goes until the abolition of slavery and the proclamation of the Republic of Brazil, on 15 November 1889.

only by the United States and China. Young people are at the centre of these statistics, representing 56% of the national prison population (Brasil, 2012).

The extent of imprisonment among Brazilian youth is echoed in another statistic: the homicide rate. Since the first Map of Violence¹⁷ was produced, Brazil's young people featured strongly in the number of violent deaths. Each year there are over 30,000 homicides in Brazil: 82 young people a day, 7 every two hours. Among those murdered, 93% are men and 77% are black (Amnesty International of Brazil, 2014). The young appear to be at the end of a two-edged knife:¹⁸ either as the perpetrator of the social evil and who should be imprisoned, or as the victim of violent death and as such in need of protection. Young people and criminality thus are tied to the iconography of Brazilian violence and as such the target becomes, not any young person, but the black, poor, and especially those considered as 'being in a situation of vulnerability'. Where race intersects, what can be thought of as, the curve of vulnerability is crucial in how public

17 Document that provides diagnosis of violence against youngsters in Brazil, offering subsidies for the construction of public policies for this population. Since 1998, it has been produced by sociologist Julio Jacobo Waiselfisz in a partnership with UNESCO and the Ayrton Senna Institute. It is currently as federal research developed by the National Council of Youth (Waiselfisz, 2014).

18 In the Portuguese language, the popular saying known as "a double-edged sword", has a peculiar difference, known as: "a double-edged knife". It is said of a situation that presents two contrasting points of view, but that are undeniable linked between themselves.

policies and discourse balances its response to young people and public security.

It is important to acknowledge that the notion of 'vulnerability' is vague, imprecise and flexible. Usually, public policies in Brazil are targetted on those groups considered to be vulnerable, however for someone to 'be in a situation of vulnerability', this person can be having with problems in a wide range of areas – social, psychological, environmental, biological, etc. Public security policies, as well as other public policies (assistance, health, inclusive education) aimed at young people, have as a primary justification for their actions the 'degree' of vulnerability in which the youngster and their families are found. In the Statute of Youth, implemented in 2013 by the Brazilian Government, the discourse of a vulnerable youth is maintained (Brasil, 2013).

Considering the overcrowded conditions of the Brazilian penal state, it is understood that neoliberal punitive rationality relates directly with the criminalisation of poverty (Reishoffer and Bicalho, 2013; Wacquant, 2001). In this context, the construction of vulnerability becomes the objectification device of the young subject that legitimises punishment over his future actions and defines the young person either as a criminal or a victim. The curve of vulnerability thus becomes the object used to sharpen the double-edged knife. The degree of vulnerability will ultimately, like a blacksmith, will brand the young person with either the sign of crime

or death. If vulnerability becomes the object that sharpens this knife, who are the sharpeners or the blacksmiths?

Psychological practices have had direct impact on the objectification of the young criminal. Psychology practices within justice system produce complex inquisitorial techniques that are being used as tools for 'discovering' traits in the young person. Moreover, the discourse of vulnerability has been strengthening and legitimising psychological practices in its relationship with the legal system. Therefore, to question how psychology produces knowledge and interventions on imprisoned youth will enable the problematisation of its own practices and how it becomes an important tool between public security and human rights.

This article draws on the disciplines of psychology and prison studies, and its relation with imprisoned young people. It discusses the experiences of imprisoned young people and how they are mediated or witnessed by psychology practitioners inside prison.

Presídio Central de Porto Alegre

In June 2013, I was invited to participate in research with young people, aged between 18 and 29 years, imprisoned at the *Presídio Central de Porto Alegre* (PCPA) - known as "the gateway" of Rio Grande do Sul's prison system. In 2008, the Prison Parliamentary Commission of Inquiry considered the PCPA one of the worst prisons in the country, to which it became best-known not only as the largest pre-trial detention house of southern Brazil, but as having



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structural subhuman conditions post redemocratisation. Currently, the PCPA has more than 4,000 prisoners, 200% more than its official capacity. It is divided into nine housing pavilions each holding a different gang or subset of prisoners. The prison is run by 295 officers from the Military Police Brigade.

The Rio Grande do Sul is the only Brazilian state to have prison houses run by a police task force. The Military Police Brigade assumed control of the PCPA after a rebellion in 1994, where the present director was shot and paralysed, five people died and 49 prisoners escaped. As a way of containing the riots, the state government deployed a police task force to take over the prison for six months; however it still remains and has been renewed every semester for the past 20 years. The Military Brigade admits there are

seven factions inside PCPA and that dialogue with their leaders is the key to maintaining daily order.

For two years I spent almost every day in this prison. It led me to think about the following three questions:

- What is at stake in the operationalisation of some prison houses considered 'abandoned' by state forces?
- How are psychological practices performed inside this prison?
- How are Brazilian prisons sustained?

The Brete¹⁹ and A Partnership

I present here an entangled scene>: *The Brete and A Partnership*, in which I describe the intricacies of the daily triage, or the screening process the prisoners have to pass through when arriving at the prison. In this context, a psychologist, a police officer and a prisoner work together to calm down a frightened just-turned 18 year old first time prisoner. Using this scene, I analyse how prison overcrowding, minimal institutional structure and the ruptured prisoners' rights produces a homeostasis system in which entangled relations are sustaining the penal system itself.

The 'triagem' is the process of interviewing all prisoners on arrival regardless of age, or whether they are first timer or returning to the prison in order to gather personal data, gather information about their legal case as well as their basic needs (eg health, assistance, clothing). This happens each week day, except Thursdays, and is usually conducted by *technical* prison staff: psychologists, public attorneys and social assistants. When people arrive at the weekend, they have to wait in a cell located below the administrative

19 In the Portuguese dictionary 'Brete' has the meaning of: 1. Bird trap; 2. Deceit, deception; 3. Corridor closed on both sides, through which the cattle passes in order to take a medicinal bath or to be killed; 4. A construction made of strong planks or trunks, forming a tall and narrow corridor, its width suiting an animal and its extension built to fit four or five of them for shearing, castration, cure or brand (Michaelis, 2014). After speaking with prison staff, it became clear that the third and fourth description of this word is the one used in this analogy.

wing of the prison until the next 'triagem' period starts. This 'waiting cell' is called 'Brete' or 'Cattle Chute' and despite being created to 'safely secure' ten prisoners, the 'Brete' usually holds around 60 prisoners, especially at weekends.

In the 'Brete' all prisoners stay together, regardless of whether they belong to one gang or another, creating an atmosphere different from the other prison wings: in the main prison cell blocks are divided according to gang factions, in order to prevent riots. Another measure taken to prevent violence and as a result of overcrowding was the removal of all cells' doors so the prisoners could wander freely and organise themselves on each wing. This self-organisation aspect is also seen at the 'Brete'.

The PCPA was in its usual overcrowded state when one Saturday evening a psychologist was called to intervene when a first-time offender was panicking inside the 'Brete'. No one knows what precisely caused his anxiety attack, but perhaps the idea of being stuck with 60 other prisoners in a cramped cell, after being dragged and held for hours in a dark van, without receiving any food (prisoners only receive food after being sent to their wing), can drive anyone to lose their mind.

The police officer on duty called the psychologist after being summonsed by prisoners to see the young man who had just turned 18. He was in total despair. The psychologist responsible for the Youth Coordination of Prison Services was used to managing this sort of situation, however that



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day a different approach expected her. When she arrived, the young person was waiting in one of the interview rooms with his hands cuffed behind his back, tears flowing down his face and his body trembling. The prison officer was standing next to him. After talking to him for quite some time without being able to calm him down, both psychologist and guard were in no doubt: they asked for the *prefeito* (the leader or 'mayor' if literally translated from Portuguese) of the first-time offender gallery to join them.

One might view this as intending to threaten the new prisoner, however, what came next showed something different. As soon as the *prefeito* arrived, the three of them – psychologist, prison officer and prisoner – started an intervention towards the young man. They assured him that what he had heard about prison life in popular discourses was erroneous: he would not be physically abused nor have his clothes stripped off; he

would contact his family and lawyer as soon as possible, and so on. Still, even though they dismantled this violent notion, they were also truthful about prison life difficulties and poor conditions. It was no fair tale told to quiet a child; it was a real description of prison community and its dynamics.

After this intervention, he was not sent to the 'Brete' again, but straight to the wing where first-time prisoners were held. Both the psychologist and prison officer stayed behind, while the 'prefeito' accompanied him.

To analyse this scene, I will return to the questions posed earlier:

What is at stake in the operationalisation of some prisons considered 'abandoned' by state forces?

For years the PCPA has been condemned as one of the worst penal institutions in southern Brazil, not only in terms of penal (mis)treatment, but in the sense of being completely abandoned by the government. Since the police task

force took control, there seems to be an agreement between popular discourses and those working there (police officers, commanders, and civil practitioners) that the local government had given up investing in the PCPA. One might think that this would lead to uprisings or riots and injuries to prisoners by police officers. Complaints or abuses have not stopped, but considering the overcrowding at the PCPA, violence is relatively low: in 2014 the number of deaths in Rio Grande do Sul state was 7.8 per 10,000 prisoners, a little below the national average of 8.4 (Fórum Brasileiro de Segurança Pública, 2014). How is this the case? This is what I call the 'micropolitics of survival' (developed from Fassin, 2007; Foucault, 2008). This is the idea that there is a way of life fighting back against all odds creating a sense of community instead of bare disorder. It *means finding meaning in the finitude of existence* (Fassin 2007:263).

When an individual is put into a place of despair, and literally trapped in confinement, taken away from their freedom, a new sense of collectiveness is produced. In the case of the young man in the 'Brete', that is arrested for the first time and has to face an unthinkable reality, his despair reverberated onto others. In addition, prisoners find ways of dealing with signs of frailty as frailty unbalances the constructed order. Thus, when the prisoners asked for the help of prison officers, instead of beating the young man like many might expect, they were respecting a certain order. At the same time, when the police officer decided to call the psychologist, instead of using force to control the young man, he was preserving a preexisting homeostatic system

where, as Didier Fassin (2007:263) has said, *the care of the self is also a care for others: in short, an ethics.*

Using this dynamic, it is possible to understand how a penal community develops as a form of survival. For this state of things to be sustained, however, a set of practices needs to be co-arranged, such as the development of new strategies, the production of unusual partnerships and the ability to make use of stressful situations and deal with them through informal methods skipping bureaucratic mechanisms. In our story, the alternative to filing a complaint or waiting for the new 'triagem' process to start on Monday, was the decision of working together.

This situation then leads to the next question:

How are psychological practices performed inside this prison? It is with the simple aim of living that men join together and maintain a political community, continues Didier Fassin (2007: 263) when discussing South African HIV patients and their strength in enduring suffering, in surviving. Survival, within contexts of grave deprivations, is a powerful mechanism towards collectiveness. To express this does not mean that penal communities emerge without contradictions or power disputes, even if they are without any form of violence; on the other hand, it is exactly through the need to confront these difficulties that partnerships arise in prison. In this sense, a set of practices and knowledges are put into action, helping maintain order inside. Psychology is one of them.

To be a psychologist inside a prison calls upon the practitioner to be able

to reinvent themselves. Being a psychologist in a Brazilian penal institution means having to ignore many of your clients' personal issues (the desire to let families know their sons and daughters' conditions, or to call public prosecutors and demand news over a running legal action, etc) and having to deal with a lot of empty feedbacks from the penal system (the endless trials, the non-responsive measures regarding the prisoners that spend months unaware of their inquiries, the interminable demands of family members). Nonetheless, to be a prison psychologist, in this case at PCPA, is to be able to create new interventions using whatever resources are presented to you. It is to be able to survive yourself.

Unlike the Military Police Brigade running the prison, other practitioners psychologists are hired to work at the PCPA through the Penitentiary Supervision Services (known as SUSEPE, using the Portuguese acronym): the institution responsible for delivering prison sentences across the State of Rio Grande do Sul. After the redemocratisation period, SUSEPE moved away from punitive policies towards the ideal of resocialisation, in contrast to other penal authorities in other parts of the country. Since the late 1990s, SUSEPE began to offer positions for psychologists, social assistants and other humanities professionals to work in the so-called 'penal treatment' of prisoners. These professionals are required to evaluate and report on prisoners' behaviour. Their reports play an instrumental part in judicial proceedings, for instance decisions to allow prisoners to progress from closed to open conditions, and

decisions to grant parole. However, this is far more complex than it might seem.

Moreover, prison psychology is subject to becoming a political tool. Not only does it have to deal with particular nuances of personality disorders (which are typically worsened by the harsh, not to mention subhuman conditions inmates have to bear), but it also has to understand systems of leadership between prison gangs. It also has to be flexible enough to deal with reciprocal relationships between prisoners and prison staff. That is one of the reasons that in our scenario, the psychologist worked both with the police officer, who is not always a synonym of security, and the 'prefeito', who is not always the ultimate bad guy. Survival is a line that also delineates psychological practices inside the PCPA.

The entangled scene sheds light over new understandings of the everyday realities of informal dynamics within the prison system, especially when focusing upon two entwined mechanisms of Brazilian prison dynamics: the co-production of order and the organic nature of governance. In other words, it makes it possible to visualise what the notion of micropolitics of survival is: at that precise moment there wasn't a particular knowledge that was more worthy than the other – it was the concretisation of a penal community, finding mechanisms to cope with overcrowding and minimal institutional structure. In other words, what Darke (2013) highlights as an acceptance of inmate collaboration and self-governance.

This leads towards the final question.

How are Brazilian prisons sustained? Or Politics of Survival: Co-production of order and the organic nature of governance
A different approach is needed to answer this question. One that forces us towards a wider perspective, to move away from our soty to a certain extension of it: a quotidian scene of Brazilian carcerality or penal rationality. And for that, we'll start with a foucauldian tale.

In 1978 Foucault (2012) analysed Perrault's book *The red pullover* (Perrault, 1978). In the book Perrault produces a treatise on the confessional *dispositif* to determine a prisoner's sentence. Condemned for murdering a young girl, Christian Ranucci was guillotined on 28th July 1976, after a trial where a combination of local coincidences, time lapses and, especially, his confession after a twelve hour inquiry, determined his fate. More than an analysis of a single case, Foucault dismembers the penal system when unsettling the relation between truth and the good use of the criminal. Without concrete proof, the defendant's confession enables the case to close. At this point, having a manifested criminal, to those actors responsible for the case – judges, psychiatrists, lawyers, etc. – the only thing left to do was to clean up the uncertainties left tying the crime to the subject: when the missing elements to a crime had been put together, a profile for the criminal could be written. The crime was, therefore, a necessary consequence of confession (Foucault, 2012).

Brazilian contemporary criminal justice needs criminals, so do public opinion and the media. It is the criminal who all others will hate, it is towards the criminal that all penalties will be implemented and forgetfulness will be induced. The courts, juries, social and human sciences need criminals and through this process it is possible to witness a division: on one side there are the dossiers (the complicated estimative, facts, traces and evidences, the uncountable elements that produce a crime); on the other, the flesh and bone criminal, alive, incontestable. The criminal's face and expressions; all those 'unmistakeable' traits that feed research and knowledge, producing files and archives. An entire market depends upon this person. In this sense, to think about governance is to think about intricate relations, about how certain things are disposed and how they are best managed and conducted. It is not an imposed form of government, the domain of one over others, but a strategical field where a multiplicity of practices of governance happen (Foucault, 2008).

In this setting, if precarious lives become so invisible to the point they cannot secure their survival, if indeed these lives are given to total abandonment, it would mean an exclusion of the economic sphere. Therefore, it is essential that even infamous subjects have their lives guaranteed, since their survival is necessary for the sustainability of a ceaseless criminal justice market. As a prisoner put it when interviewed by a journalist²⁰ "if I

20 Interviewed shown at the television programme 'Muito Show', from channel RedeTV!, August 2007. Available at:

don't steal, you, no one would have a job. Everyone would be unemployed if I didn't steal. If I don't get mine, you don't get yours". Surprised and interested in such a statement, the journalist asked, "so... you mean that, with your ideology, with this mentality of yours, you mean to say that you generate employment to police officers, to us journalists...?". To which the subject finally answered, "...to the journalist, to the scribe, the commissioner, the judge, the prosecutor. Everything is acquired through me, who is a thief. Contributing to the greater good".

What is the utility of precarious lives and its mechanism for surviving? Didier Fassin (2007, 2013) suggests there is a relationship between precarious life and hierarchies of humanities. He identifies how different values attributed to certain modes of existence produce a utilitarian aspect towards bodies considered vulnerable and an agency, or a potent strength of these bodies, or, what he calls: a politics of survival.

This understanding opens a possibility to think about informal dynamics of Brazilian prisons not only as pre-determined places of chaos and despair, but where life acquires its raw potency to resist: to survive. In other words, either at the Brete, finding support in an unusual partnership, or answering back to the journalist, such scenes unsettle totalitarian and media controlled images of Brazilian criminal justice seen as the representation of violence. Such scenes provoke new gazes towards multiple perspectives among the entangled actors of

'penal communities', displacing how we perceive punishment and imprisonment. And, especially when sharing such stories, it raises the question of our own roles played in this setting. Us: the social science and humanities researchers.

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Desistance, culture, and the delivery of justice

Dana Segev, University of Sheffield

Introduction

Little attention has been given to comparing desistance processes across different countries. Moreover, it is difficult to find research that provides an in-depth comparison into how broader social factors (such as the economy, social institutions and familial patterns) may shape the ways in which people desist in different countries. Much of the research in the field is mainly UK or US based and often involve longitudinal cohort studies, which tracks individuals and change over time (Farrall and Calverley, 2006; for examples of studies see Burnett and Maruna, 2004; Sampson and Laub, 1993). Other studies focus on the self-narratives of people with convictions, in which they describe change in their life retrospectively (for example, Maruna, 2001). Some studies involve a combination of both methods, focusing on self-narratives and track change over time (see Farrall et al., 2014; Giordano et al., 2002; Leverentz, 2006).

A key feature examined in longitudinal studies is the development and change of desistance over *time*. And a common feature in self narrative studies is an overemphasis on individual processes, while little attention is given to the social and penal contexts, which may shape these processes (see Farrall and Bowling, 1999). The gap in research into the spatial dynamics of



desistance, how these processes vary or are alike in different countries with different social, economic, and criminal justice conditions, may be a missed opportunity. The delivery of justice and other social factors influences people with convictions when they try to move away from crime. A study that explores how these processes are alike or vary in different places can deepen our understanding of how social, political, and criminal justice matters may shape the dynamics of desistance and how people approach the obstacles and avenues under different (or comparable) conditions.

As part of a doctoral study that aims to fill this gap, I compare desistance processes in England and Israel. This study explores the social issues desisters face; the delivery of justice; and individual's narratives of how they are 'going-about' desisting from crime. Participants were recruited from the Probation Services in England and Israel. The study places emphasis on factors related to reintegration that are unique to each country and culture. There are two types of comparisons which are undertaken. First, is a comparison of the social, economic, political, cultural etc. contexts in the two countries which (possibly) structure routes away from crime. There are four sources of data that inform this analysis:

1. interviews with professionals that work with people with convictions, such as mentors, probation officers, and those who work in non-profit organisations;
2. data from the European Social Survey (ESS);
3. official statistics; and
4. the experience of living in each country.

The second type of comparison is of the narratives and processes of adult men on probation who wish to stop offending. Here, what is explored is how participants frame their wish to desist; the issues they face; and how they approach these issues. The main aim here was to interview people as they try to negotiate their desistance and are, thus, in the midst of it; rather than narrating their stories retrospectively.

For the purpose of this paper, I focus on the social conditions and penal policies in England and Israel, which can have consequences for

the avenues and obstacles that people with convictions face when they try and reintegrate back to society. Several themes emerged from the first type of comparison: employment; family; culture; and criminal justice aspects. This is followed by a brief description of what is meant by culture and different social conditions, before discussing the themes that emerged.

A place to desist

England and Israel, each, had different 'set conditions' at the time of the research, for example, the geography and population, political climate, socio-economical conditions, the laws and bureaucracy in place. The countries also display different cultures, which, borrowing Karstedt's (2001) definition, is viewed as an overarching frame for values and patterns of actions by individuals. Culture can be unique to a place, 'expressed' in a certain way and demonstrate a pattern (Nelken, 2010). An expression of culture (patterns of people's values, perceptions, wants, and actions) is, arguably in interplay with certain realities or 'set conditions' of that place (Bourdieu, 1977). The themes discussed next describe the 'set conditions' in the two countries and offer some conclusions on the patterns that emerge in each country. Particularly, how these patterns can have implications for the avenues and obstacles that people with convictions face.

Getting a job

The first theme regarding employment relates to the laws and regulations around the rights of employer to ask about a criminal conviction. The second relates to

the *patterns* in which these laws are practiced by society. There are two laws or regulations in England and Israel that are relevant for our discussion: in England the Rehabilitation of Offenders Act 1974 (ROA); and, in Israel the regulations around the disclosure of a criminal record 'Tehodat Yosher' (direct translation: 'integrity certificate'). Very broadly, the ROA was created for the purpose of supporting the rehabilitation of people with convictions into employment and their overall reintegration to society (ROA, 1974). For most people and offence types, after a set time (the period of which depends on the sentence that was imposed), a conviction becomes spent which then means persons are not required to declare their convictions when they apply for, for instance, employment, housing, or insurance (ROA, 1974). Thus, in most cases a person only has to disclose previous criminal convictions if they are 'unspent'. In 2014, amendments to the ROA increased the length of maximum custodial sentences that can become spent (after a set time). Previously, custodial sentences over 30 months were never classed as spent but the 2014 amendments pushed this upper limit to 48 months (Beard and Lipscombe 2015). Furthermore, in most cases, but not all, the length of time that people have to wait until a conviction is regarded as spent has been reduced (*ibid.*). Generally speaking, until a conviction is 'spent', a person will often 'ticks a box' when applying to most jobs, to indicate that he or she has a criminal record. Professionals working in non-profit organisations actively approaching potential employers to get them to delay asking questions regarding

previous criminal records until the latter stages of a recruitment



Rehabilitation of Offenders Act 1974

1974 CHAPTER 53

process – and preferably until after the interview stage. While some employers are doing this and seem more willing to hire people with previous convictions, it is still a challenge to foster change in social attitudes to this issue.

Like England, in Israel a conviction can be regarded as 'spent' after a set time in which a person has avoided any trouble with the law (CRARR, 1981). A potential employer sometimes asks for a document that is referred to as 'Tehodat Yosher' ('integrity certificate'), however it is not clear how frequently they do so. Unlike England, where you can expect that in most cases a person will be asked to 'tick a box' to indicate whether they have a criminal conviction, the way this issue is approached in Israel is less consistent or organised. Furthermore, it is illegal in Israel for a public or private figure or organisation to ask a person to handout information about a criminal record. People or organisations that 'should' have access to such information are supposed to already have independent access to it (ISP, 2016).

To deal with the pressure from potential employers that request 'Tehodat Yosher', there is a new

government format in which the first page does not disclose any information of a criminal conviction (ISP, 2016). Rather, all criminal convictions are disclosed only on the second page. A person may only handout the first page giving the impression that this is the whole document (ISP, 2016). Thereby giving a potential employer the impression that there is no second page which would contain a list of criminal convictions or past involvement with the criminal justice system (ISP, 2016). This is the solution suggested by the Israeli government, which proposes that a person has a right to privacy (ISP, 2016) and, in a way, that one's history should not be grounds for bias. On the other hand, in England, a person may be 'rightfully' fired for not disclosing a conviction during a job application, even after he or she worked in the company for a while.

An important additional consideration is the way things work in practice. England shows a more consistent pattern that better correspond to the laws and regulations in place. Professionals in England talked about employers and potential employees having to 'tick a box' in the application process to indicate whether a person has a conviction or not. They also thought that this discourages some people from applying in the first place and that employers tend to not employ a person with a criminal record. Professionals suggested that the social attitudes towards people with convictions in England posed a challenge, and that they were often viewed as less trustworthy and hiring them may be perceived as a risk.

As noted earlier, the day-to-day practice in Israel is more 'messy', can be informal, and less organised — in short, it does not always corresponds to the laws and regulations in place. For people with convictions, this sort of informality may allow for *flexibility* in how to gain employment or how to make a change. There are more varied avenues for a person with convictions to pursue in Israel. An Israeli professional noted that to find a job, an important source of support is 'knowing people', and the help of family (one was born into) and friends. Although professionals in Israel often attributed re-offending to unhealthy familial dynamics, for those who do not have familial support, professionals suggested that it is particularly difficult to find jobs or get one's life 'sorted'.

Familial characteristics

Professionals in *both* countries suggested that one's family can be an important source of support. However, the fieldwork undertaken and the interviews with professionals suggested that the role of the family has a greater influence on Israeli day-to-day life than in British. Israel is characterised as having traditional family patterns and collective attitude (Scharf, 2014). A close and frequent contact with family members, especially parents, is maintained throughout a person's life in the Jewish culture (Ibid.) Israeli professionals in this study suggested that it can be particularly difficult to rebuild a life without such familial support.

In England, in order to rebuild one's life, a concept that came up in the fieldwork is 'growing up': how a person 'should grow up' and 'sort-out their life'. Being a grown up in

England was culturally linked to finding a job, or, rather, starting to build a life that is no longer dependent on the family. In Israel, on the other hand, when a child reaches 18 and undertakes mandatory national military service, parental involvement often becomes more intense (Lavee and Katz, 2003). The involvement of (and dependence on) the family continues into young adulthood and there are indications that family ties remain strong throughout a person's life. The Israeli concept of growing up can be characterised as 'can wait for later' and there is less of a tendency for 'growing up' to equate with being no longer dependent on your family.

Moving on from familial and friends' support, one can question the role of government assistance and the type of resources people with convictions would require when they reintegrate back to society. While some Israeli professionals attributed family, friends, or 'knowing people', as an important resource of social support for desisters, English professionals raised the issue of the role of communities and the government in assisting people, noting the role of communities in taking care of each other was replaced by statutory bodies. Importantly though the impact of government cut backs to social assistance were also highlighted and the suggestion made that this role is currently not being fulfilled either by communities or by statutory bodies. However, this is outside the scope of this paper.

Informal background checks and 'information segregation'

Israel demonstrates a greater type of 'bridging social capital' than England. Bridging social capital is the ability to link people of different

social groups more easily together, and thereby inform people about various opportunities such as employment (see Hawkins and Maurer 2010; Szreter and Woolcock 2004). Why is there a difference? Israel is a small country with a mandatory military service requirement, both these factors may facilitate relationships and social links across the country, including among people from different socio-demographic groups (eg different ethnic groups, class or education style). England is larger and has no mandatory military service. This difference has led to reflections regarding i) the ability to conduct informal background checks on people with convictions, and ii) the ability to create a sort of 'information segregation' in each country (ie the ability of preventing people from learning information about one's past or present, and the possible implications for people with convictions).

It is difficult to be completely anonymous in Israel, while anonymity can be more easily achieved in England. If a person is financially able (and chooses) to move to another city in the UK that is far enough from where he or she used to live, they can then more easily cut ties with people from the past and from people that know something about their past. This, in turn, makes it easier to 'block' the information flow – create a sort of 'information segregation' – between a person and the people around him or her. While in Israel, it is easier to seek information about other people, undertake 'informal background checks', and 'figure-out something' about a specific person. Moving to a different area in Israel means that you are not moving too far away

from people you know, or people that know people you know and so on.

There can be both positive and negative consequences for the patterns in each country. The ability to 'distance' oneself from a type of life, people's knowledge about your past and remain more anonymous may be helpful for 'building up' something different. Yet, England demonstrates less of a bridging type of social capital which can help in linking people together and inform people about employment opportunities, for example (see Coleman, 1988). Israel demonstrates a greater source of bridging social capital that can inform people about various opportunities. Having someone 'who knows' you, even not entirely well, can lessen the 'need' for informal background checks and bridge over trust between people. There would be less of a need to 'check' on a person, whether that person has a criminal conviction or not, because someone you know can 'vouch' for you. This can be beneficial for employment prospects, especially if Israel shows a more flexible pattern that does not always correspond to the laws and regulations in place. However, the other 'set conditions' in Israel can have negative consequences for people with convictions: such as running into people from your past that you are trying to avoid and having an easier access to informal background checks.

Where to next?

Many more questions need to be answered in this research study. The main question to now ask is: what, if at all, are the consequences of these differences for desistance

processes? With a comparative analysis into the two countries explores the link between social, cultural and criminal justice aspects and the issues that people with convictions can face. This, in turn, raises questions about how desisters 'manoeuvre through' these social structural conditions and how these processes unfold differently or the same in the two countries.

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About the author

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