SCCJR The Scottish Centre for Crime & Justice Research

Rehabilitation and Reintegration: Whose responsibilities?

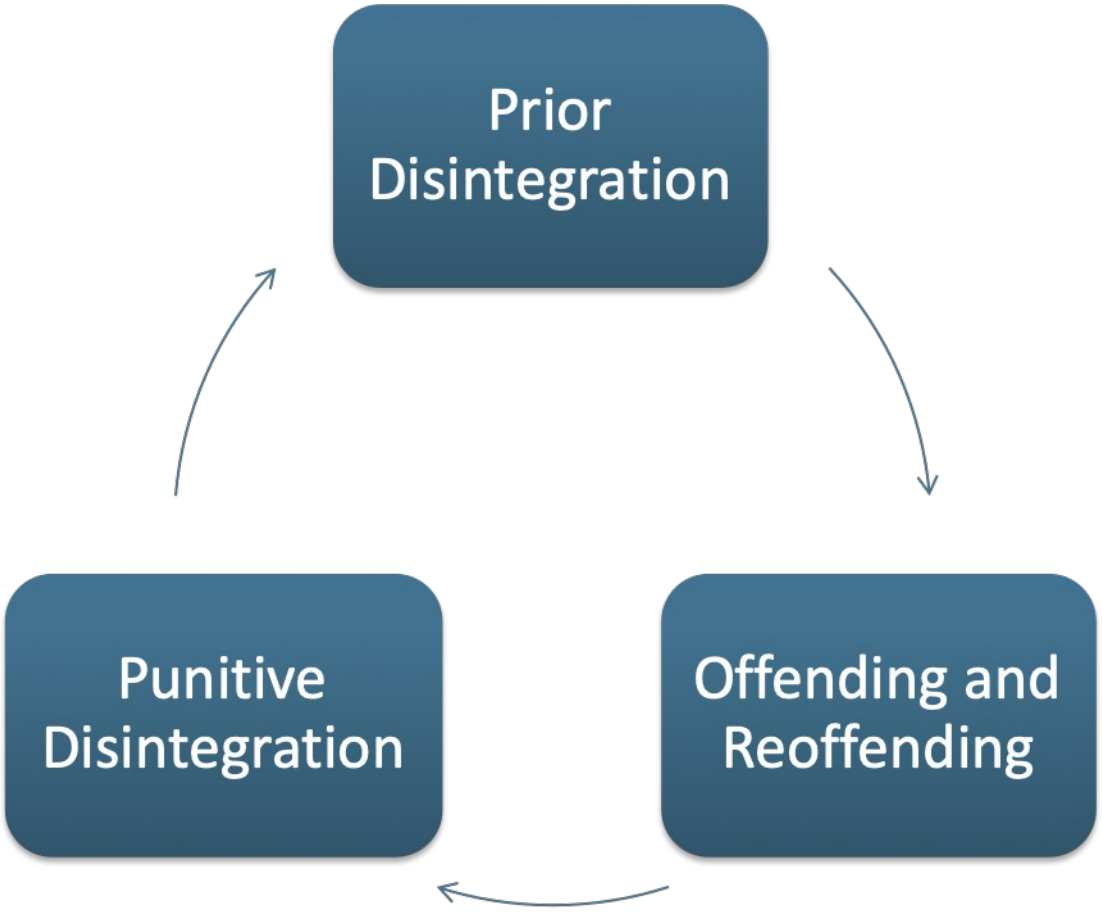


Fergus McNeill
Professor of Criminology & Social Work
University of Glasgow
Fergus.McNeill@glasgow.ac.uk
@fergus_mcneill

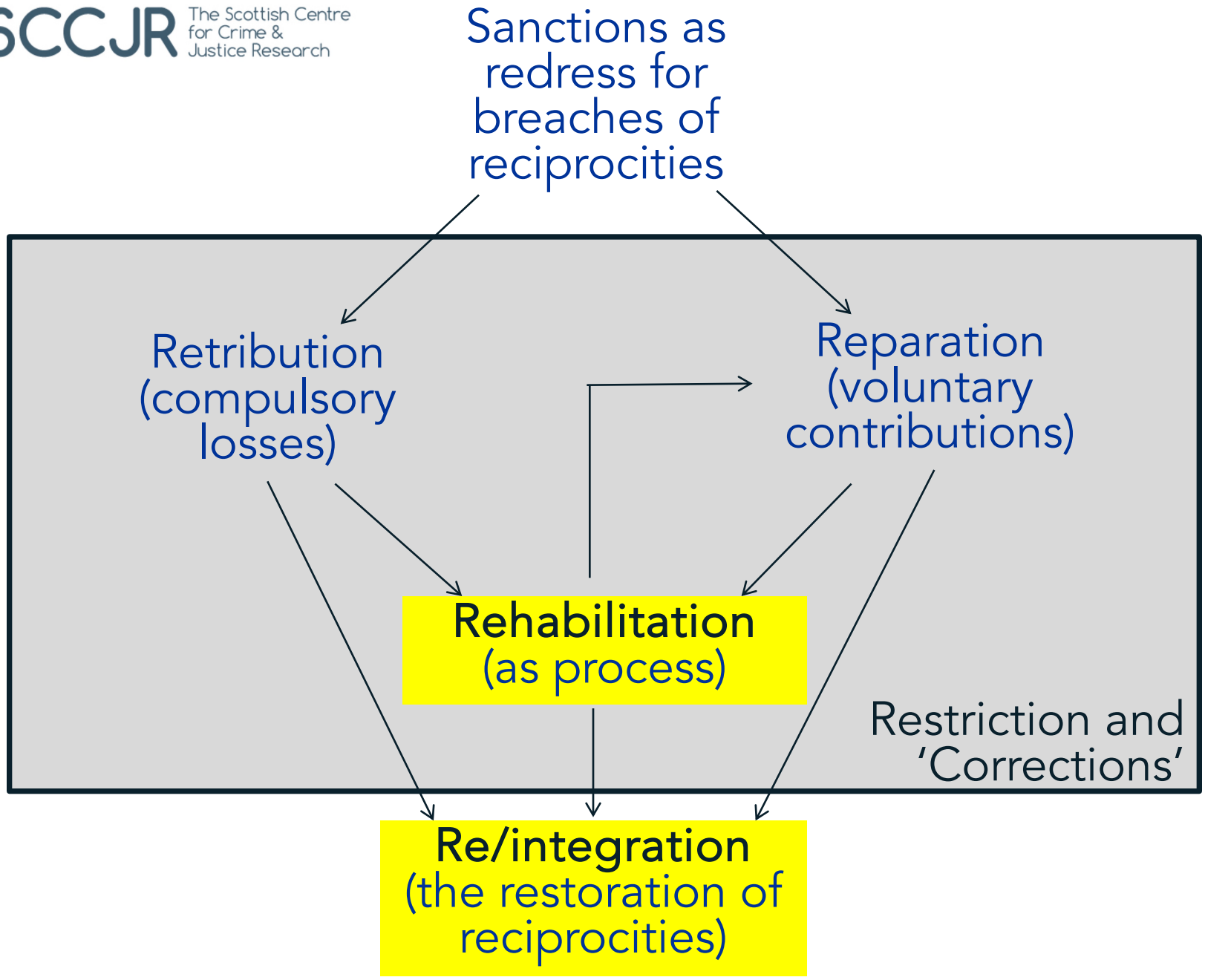
SCCJR The Scottish Centre for Crime & Justice Research

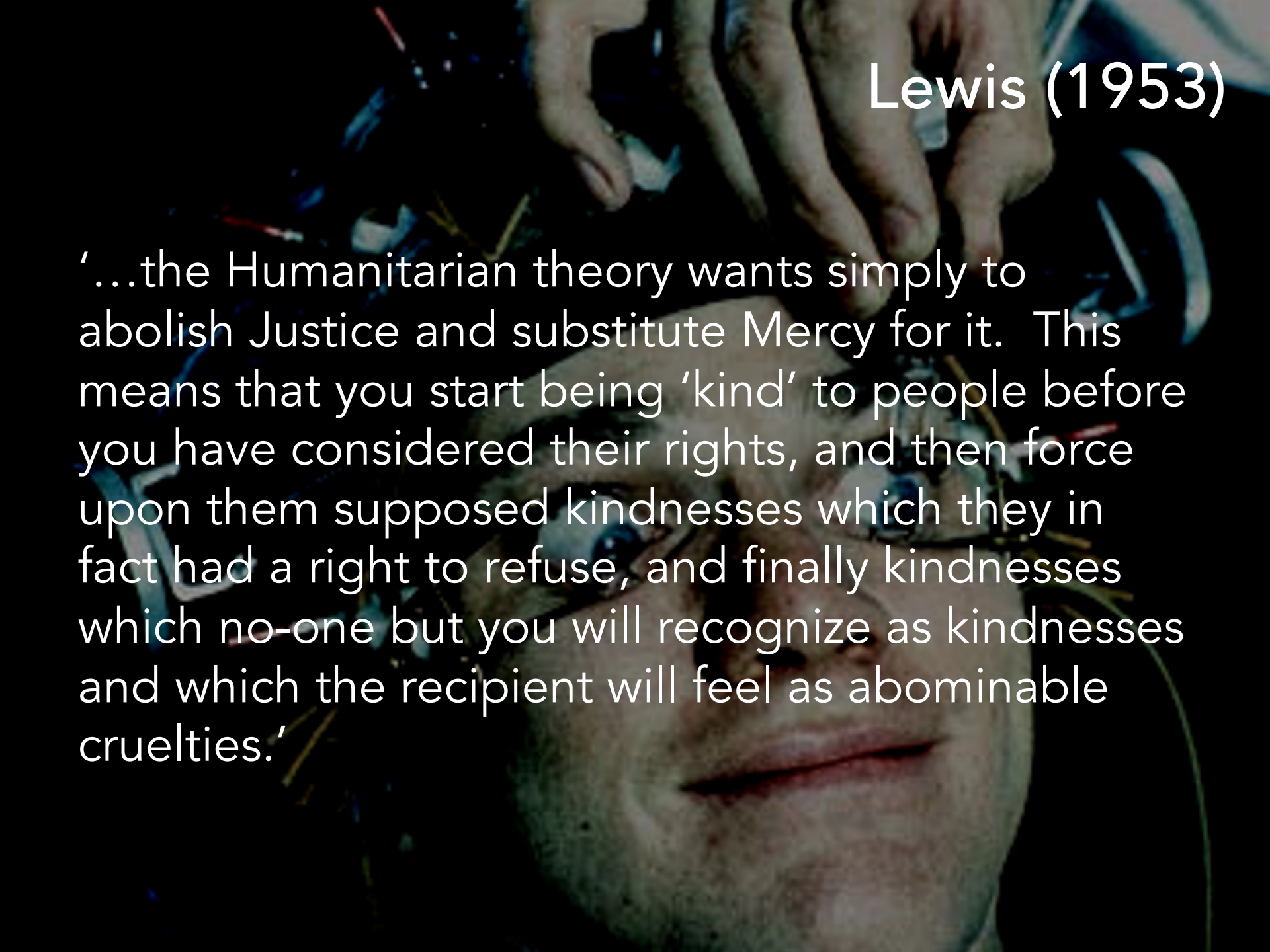
Confronting the penal paradox

- Crime is a source, a sign, and a symptom of relational problems.
- Punishment often makes relational problems worse.



SCCJR The Scottish Centre for Crime & Justice Research





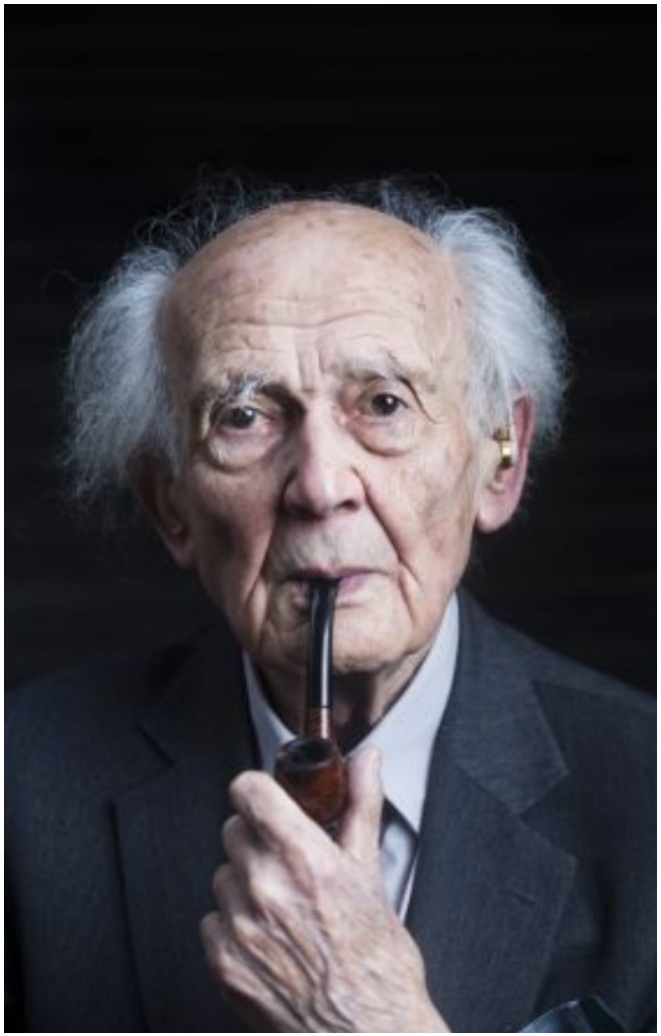
Lewis (1953)

‘…the Humanitarian theory wants simply to abolish Justice and substitute Mercy for it. This means that you start being ‘kind’ to people before you have considered their rights, and then force upon them supposed kindnesses which they in fact had a right to refuse, and finally kindnesses which no-one but you will recognize as kindnesses and which the recipient will feel as abominable cruelties.’

SCCJR The Scottish Centre for Crime & Justice Research

Bauman (2000)

'…[T]he question of 'rehabilitation' is today prominent less by its contentiousness than by its growing irrelevance.'



SCCJR The Scottish Centre for Crime & Justice Research

Carlen (2013)

'…the ideal of rehabilitation is played-out through different disciplinary, welfare and security rhetorics, and yet with always the same effect – of malignantly returning poorer and already-disadvantaged lawbreakers to their place at the same time as benignly keeping richer and more powerful criminals in theirs.'



SCCJR The Scottish Centre for Crime & Justice Research

Cullen (2007)

'What the punishment paradigm has wrought 'in the real world' over the past decades is disquieting; doing more of the same would be an unpardonable mistake. It is time to take a new pathway – one that draws on Americans' long-standing cultural belief in offender reformation and on the emergent 'what works' scientific literature. We should reaffirm rehabilitation as corrections' guiding paradigm.'



SCCJR The Scottish Centre for Crime & Justice Research

Garland (2001)

‘It is future victims who are now '**rescued**' by rehabilitative work, rather than the offenders themselves. The practice of **rehabilitation** is increasingly inscribed in a framework of risk rather than a framework of welfare’.



SCCJR The Scottish Centre for Crime & Justice Research

Robinson (2008)

- Neither a principled nor an evidence-based reform, but rather its 'correction' and co-optation?
- Not anthropocentric but authoritarian
- Robinson's (2008) analysis of 'the evolution of a penal strategy':
  - Utilitarian rehabilitation
  - Managerial rehabilitation
  - Expressive rehabilitation
    - Punitive
    - Communicative



SCCJR The Scottish Centre for Crime & Justice Research

The pains of rehab and reentry

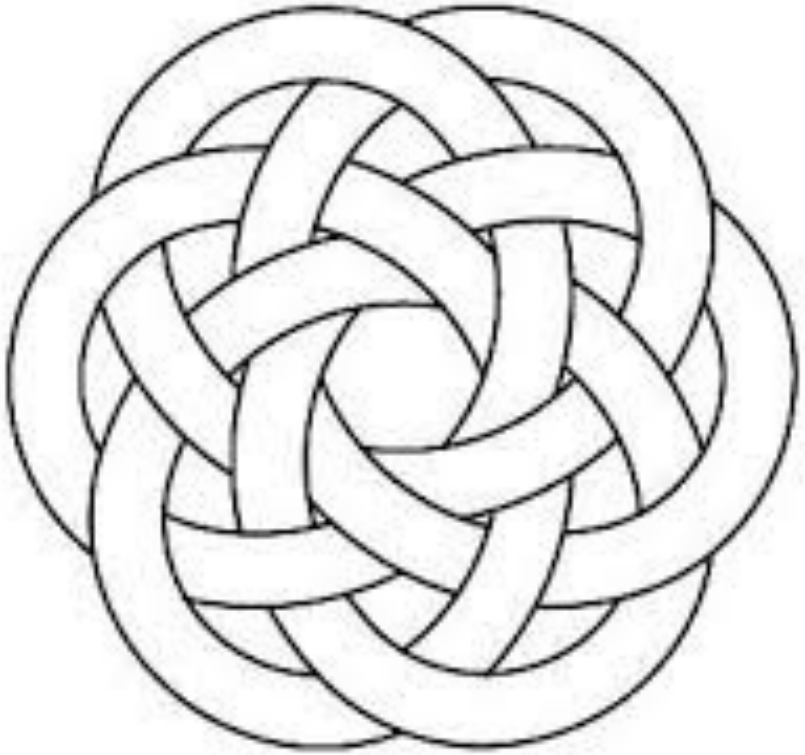
'Reentry organizations, while not acknowledging this, engage in a logic in which former prisoners 'prove' their submission to a program of personal transformation by (1) completing programs designed to broker within them an ethic of transformation; and (2) sharing in treatment groups the kinds of struggles on which they are working. Thus, a changed life is one of constant (re) evaluation, (re) discovery, and above all consistent progress toward the moving target of personal transformation. Unwillingness to transform is disciplined by service providers who facilitate reentry programs, and by former prisoners participating in these groups themselves' (Miller, 2014: 325).



SCCJR The Scottish Centre for Crime & Justice Research

Rehabilitation:
A fankle or a (Celtic) knot?





SCCJR The Scottish Centre for Crime & Justice Research

Raynor and Robinson (2009)

- 'the action of restoring something to a previous (proper) condition or status' (OED)

1. An action
2. That restores
3. To a desirable state

- Implies…

4. [judgement against some normalising standard]
5. [third party intervention]

SCCJR The Scottish Centre for Crime & Justice Research

One criminological definition

- '…taking away the desire to offend, is the aim of reformist or rehabilitative punishment. The objective of reform or rehabilitation is to reintegrate the offender into society after a period of punishment, and to design the content of the punishment so as to achieve this' (Hudson, 2003: 26).
- Processes *and* outcomes…
  - Removing (non-confirmist) desires?
  - Rehabilitation and reintegration
  - Individualising a relational problem?

SCCJR The Scottish Centre for Crime & Justice Research

The possibilities of 'we-ness'

- "Put simply, subsidiarity is a way to supply the means of constructing 'we-ness' – a way to move resources to support and help the other without making him or her passive or dependent. It allows and assists the other to do what must be done to realise his or her priorities or aspirations. Subsidiarity cannot work without solidarity which means sharing a responsibility through reciprocity (Donati, 2009)" (Weaver and McNeill, 2015).
- N.B. This describes personal rather than professional relationships (usually)

SCCJR The Scottish Centre for Crime & Justice Research

The pains of 'us and them-ness'

- Schinkel and Nugent (2016)
  - Two very different samples… similar experiences
  - The pains of isolation
  - The pains of goal failure
  - The pains of hopelessness
- Structural and cultural barriers to desistance and reintegration

- Material and symbolic aspects of re/integration processes interact and reinforce one another.

SCCJR The Scottish Centre for Crime & Justice Research

Re-defining re/habilitation

Movement towards (re-) integration requires:

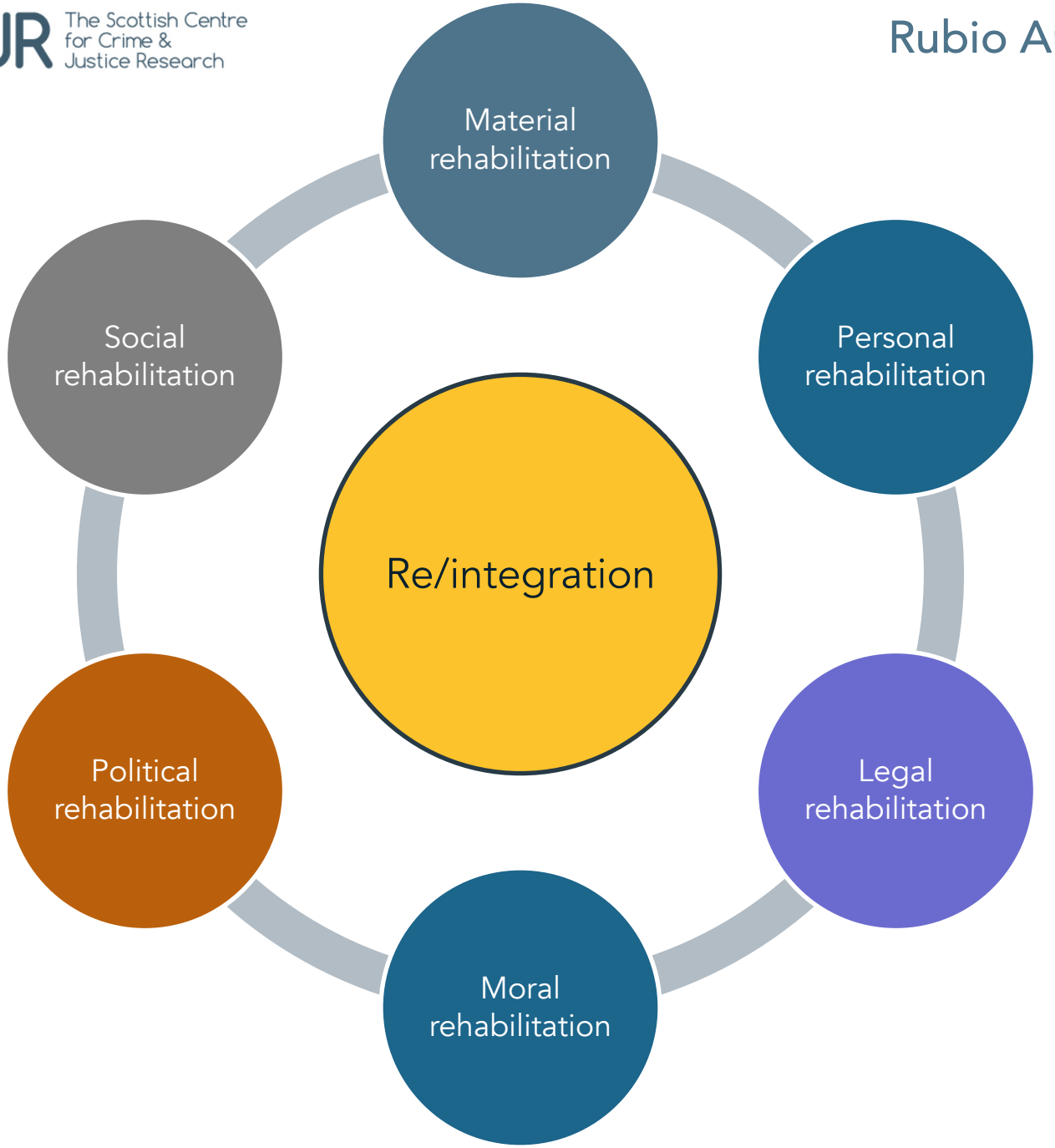
- Recognition of personal potential
- Recognition of equal citizenship
- Recognition of moral and political worth/rights (voice)
- Recognition as a member of a community

Resourced by the state, enabled by and with civil society and citizens.



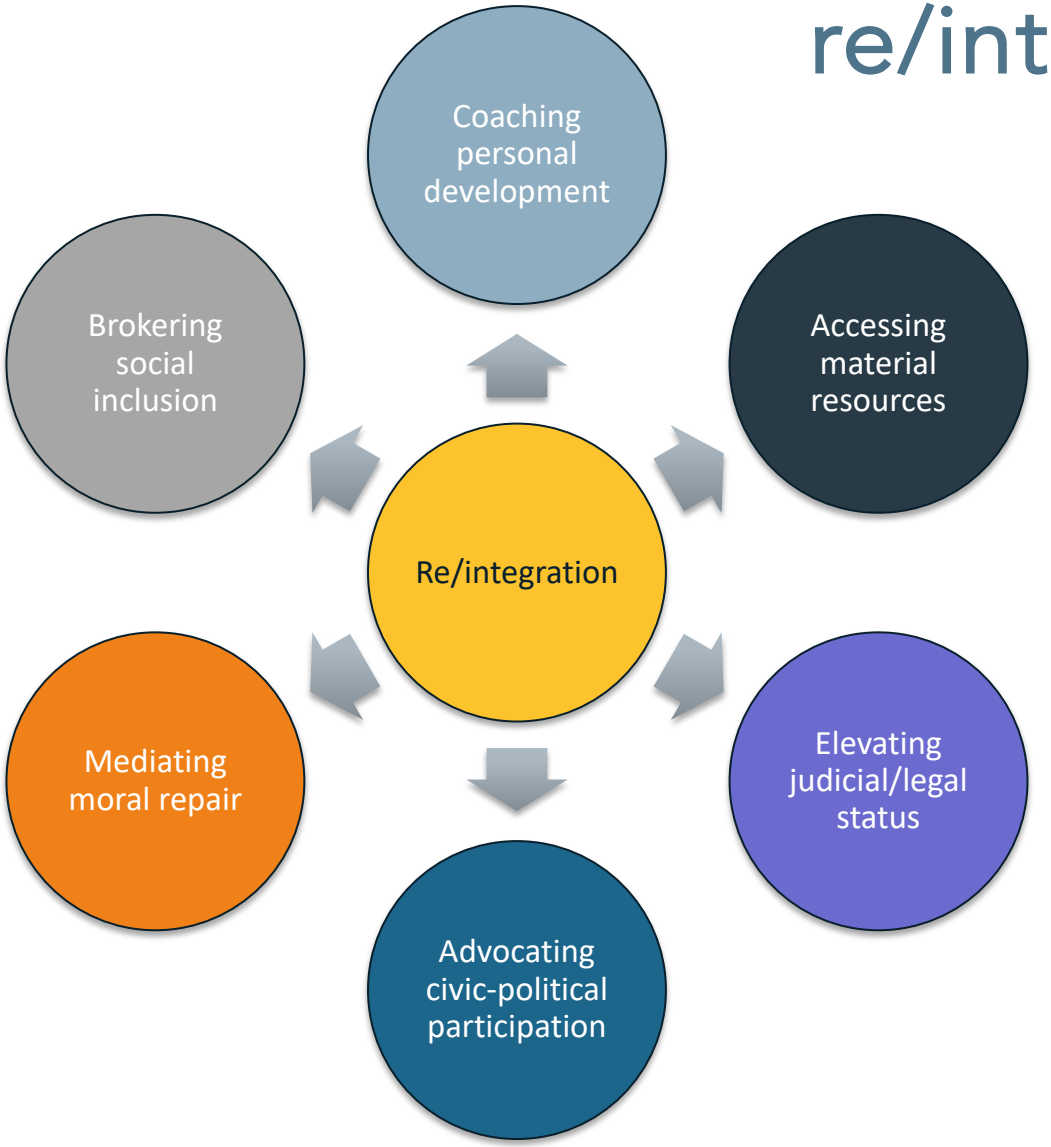
SCCJR The Scottish Centre for Crime & Justice Research

Rubio Arnal (2021)



SCCJR The Scottish Centre for Crime & Justice Research

Six tasks for re/integration



SCCJR The Scottish Centre for Crime & Justice Research

Conclusion

- Relational problems (dis/integration) require relational solutions (re/integration)
- The state cannot and should not re/integrate, but it can facilitate and resource re/integration…
- In many jurisdictions, we need to reinvigorate that tradition, re-learning how to work horizontally with civil society.

