

UNDERSTANDING SOCIETAL RESPONSE TO THE REHABILITATION OF EX-PRISONERS: AN EMPIRICAL STUDY

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Abstract:

The prisoner on his release from the penal institution has to face the society, from which he was cut-off for a long period. The long sentence of imprisonment leaves a stigma of conviction and it makes the society unkind or uncharitable towards prisoners after release. Further, long term imprisonment may leave the ex-prisoner without any source of livelihood. He finds it difficult to get him employed since no one wants to employ him. Incarceration turns him into a non-person and he is stigmatized to the extent of being rejected by his surroundings. He may apprehend a virtual rejection from all quarters, including his immediate family. The prospect of a prisoner's rehabilitation will be made easy only if he is accepted by the society. In the absence of such support, the prisoner may turn into a recidivist which, in turn, would defeat the correctional aspects of incarceration. The present paper intends to understand the nature of societal response towards the ex-prisoner's efforts of rehabilitation after the end of incarceration.

Key words: Incarceration, Rehabilitation, Imprisonment, Stigmatization, Recidivist.

Statement of the Problem

Imprisonment is a disheartening and threatening experience for most men. The man in prison finds his career disrupted, his relationship suspended, his aspiration and dreams gone sour. Few prisoners have not experienced comparable stress in the free world, nor have they developed coping strategies that shield them from prison problem. The pattern of behavior shown by the offenders on the outside world was brought to an end by the process of arrest and imprisonment. The transformation from the free world to closed one is substantial, for the conditions in prison are very different than those of the outside world.¹ For the prisoner the world shrinks, he is forced into a very small world within the confines of the walls of jail. A social being is coerced into isolation. His regular interaction with the wider society as well as with the dear ones stops till he completes his term.

When the prisoner is released, he returns to a very different condition in the free world, where he must structure his own life and choices. In the outside world, many aspects of the environment are highly variable, and the range of behaviors is much greater than in prison. Whatever is learned in the prison is mostly no longer congruous in the free environment of the outside world. As a result, the learning of the prison would not easily transfer to the outside world. If men are sent to prison because of deficiencies in their behavioral control mechanism on the outside, they are not likely to display the necessary control after they are released². The difference between prison and the outside world thus defines a radical transition for the inmate released directly to the street. To avoid this drastic transition, the inmates need a system of safety valve in the form of pragmatic institutional treatment that would help in the process of their re-socialization, thereby, enabling them to cope up with the alien environment after release. In absence of this safety valve, the prison remains as a very expensive system that isolates miscreants from the rest of us, holding them in suspension, behaviorally frozen until they resume their lives for better or worse after release³.

The inmate's anxiety about release often seems to take the form of a question put to himself and his friends: "Can I make it on the outside?" This question encompasses all of civil life as something to have conception and concerns about. What for outsiders is usually an unperceived ground for perceived figure is for the inmate a figure on a larger ground. Perhaps such a perspective is demoralizing, providing one reason why ex-inmates often think about the possibility of "going back in" and one reason why an appreciable number do return⁴. The inmate's perception about his future after release is always colored by these apprehensions unless serious efforts towards their re-socialization are made in line of corrective philosophy.

For a prisoner, "absence of home and family" and "absence of social life" are the most painful aspects of prison life. Consequently, when a prisoner is released, he is in need of immediate personal and social acceptance by his family and by small social group. An important concern for many long termers is separation from their families and friends. The role of family in helping the prisoner in his transition from prison to freedom is tremendous. It also plays significant part in re-inducting him as an active member of the society. This process can be realized only when the

prisoners are given enough scope to maintain their personal relationships during confinement by allowing visiting and mailing privileges which relieve their isolation to a substantial extent. In fact, the level of inmate's personal relationships and the subsequent acceptance by the immediate social group determines the nature of his perception about the future.

An important concern for most of the prisoners is separation from their families and friends. The pain of separation is often profound, and with the passing of time, the possibility of continuing to maintain contact becomes an important concern. As long-termers watch relationships between other prisoners and their families diminish, fears of their own betrayal and complete abandonment arise. As the problem associated with maintaining close "free world" relationships are compounded over time, many long termers lose their interest to remain involved in family responsibilities. Some of them slowly withdraw from all contact with family and home.

Criminologists have agreed that long-term imprisonment frustrates the inmate's re-socialization process. The severity of sentence defeats the very objective of punishment. The more severe the sentence, the less are chances of rehabilitation of the offenders. In other words, longer the sentence of imprisonment, the longer is the period taken in re-socialization of the prisoners. The Supreme Court of India in a number of cases⁵ observed that an ordinary long prison term was sure to turn the prisoner into an obdurate criminal or it might brutalize the offender, and blunt his finer sensibilities so that the end product could perhaps be more criminal than one at the point of entry.

There are some studies which support the observation of Supreme Court. Bull⁶ compared convicts serving sentence of different terms and found that longer sentences were associated with higher or identical failure rates. Following the U.S. Supreme Court's decision in Gideon's case, a large number of prisoners were released in Florida before the termination of their sentences. The prisoners released early showed significantly lower rates of recidivism (13.6% vs. 25.4%) than the individuals who served substantially longer sentences⁷. Burges⁸ in his study concluded that the longer a prisoner remains in prison, the more likely he was to violate parole, when released. Clemmer⁹ found that the continued exposure of an inmate to the influence of universal factors of the prison community disrupts his personality, making readjustment impossible.

The stages in the criminalization process—from arrest, to sentencing, incarceration and release—set up a series of roles which the inmate's family members found themselves enacting: "mother of accused", "wife of convicts", "brother of ex-convicts" etc. whenever the family fills these roles they become stigmatized. Thus, stigmatization becomes a part of the lives of the inmates' family. The inmates' perception of stigmatization when dealing with the outer environment is of crucial importance since it influences their re-socialization process. On many occasions the inmate's self-respect is assaulted whenever he tries to interact with relatives or friends who categorize him as criminal, making derogatory statements, or treating him in a disrespectful manner. This not only reminds him of his stigmatized status, but also makes the adjustment process very difficult.

Prisoners don't just have the pressure of being in prison to cope with but they may have to cope with problems which may happen outside the prison. The real pressure of prison goes beyond the surface discomforts created by a harsh environment. The loss encountered by the prisoners originates from numerous sources. A wife may have eloped, another having an affair, a son may become a school dropout, a father may contract a terminal illness, the family as a whole may incur heavy financial losses and so on and so forth. All these problems cause difficulties in any family. But being inside the prison, makes even harder to cope with. The prisoner's self is mortified up to the extent that he fails to rationalize present failure by assuming future success. The losses incurred due to conviction force him to be skeptical and subsequently perceives of a bleak future following release. This negative perception creates problem in the process of inmate's re-socialization. This further hinders the prospect of his re-adjustment with family and society after release.

It is generally accepted that "Every society gets the criminal it deserves". Since the society is regarded as responsible for making criminals, proper treatment of criminals has been accepted as society's responsibility. For the rehabilitation of the released prisoners, their social adjustment and assimilation in the social order are essential and for that the stigma attached to them has got to be removed. However, as already noted, society places a stigma on the prisoners and the prisoners are aware of it.

A prisoner gets out from the jail upon release with the tag "Ex-convict" indelibly marked on him, and usually faces an unfriendly and hostile environment. In his efforts towards assimilation in society, he faces negative syndrome—for instance, he loses many of his civil rights and is legally held as not bearing a good moral character. He finds it difficult to get himself employed since no one takes him into confidence. Long imprisonment turns him into a non-person. It may deprive him of his job or other means of livelihood. He may become homeless and deprived of family's support. And, in most of the cases, people show a sort of hatred towards him, particularly when he served the sentence for

committing heinous crime. The stigma of conviction would haunt him like a shadow and it becomes very difficult for him to adjust with the society. Thus, it becomes obvious that the prisoners upon release would look for a congenial atmosphere where adjustment becomes effortless and easier. His success depends on the society's reciprocity in this regard. The problems faced by the ex-prisoners are further aggravated if the society does not play a supportive role. In fact, the difficulties in adjustment would turn an ex-prisoner into a recidivist, thereby, defeating the very objective of incarceration.

Area of study: A profile

The present study had been carried out in Assam, a part of North Eastern region of India. The total geographical area of the state is 78,438 sq.km., which accounts for about 2.4 per cent of the country's total geographical area. As per 2011 census, the total population of Assam was 31,169,272. The density of population in Assam is 497 persons per square kilometer. The share of Assam's population to the total population of India is 2.5%. Assam is the 14th most populated state in India. The literacy rate in the state was 73.18%. The male literacy rate was 78.81% and the female literacy rate was 67.27%. According to 2011 census, 61.47% were Hindus, 34.22% were Muslims. Other religions followed include Jainism (0.1%), Buddhism (0.2%), Sikhism (0.1%) and Animism (amongst Khamti, Phake etc. communities).

Objective of the study

The success of a convict's rehabilitation depends largely on the response of the society. Unless the society re-inducts him into its fold, the prospect of rehabilitation remains bleak. The present study intends to examine the nature of societal response vis-à-vis the rehabilitation of the ex-prisoners.

Methodology

For the purpose of the present study, data were collected to understand the pattern of society's response towards the rehabilitation prospects of ex-prisoners. The data were collected from both urban and rural areas in the state of Assam. For this purpose, a sample consisting of individuals from different backgrounds was selected. The total number of respondents was 700, which included seven categories: the teachers, prison personnel, police personnel, other professionals, persons from informal service sector, students, and housewives. The respondents from each section were selected on random basis. The sampling rate had been kept constant and each unit represents 100 numbers. After completing the field survey, the responses were coded and were compiled in the form of master tables with the heads: 'Teachers', 'Prison personnel', 'Police personnel', 'Other professional', 'Informal service sector', 'Students', and 'House wives'. Further, the responses of the similar questions were compiled in the form of comparative tables and then the assumptions were tested. A questionnaire was prepared to seek the opinion from the respondents.

Hypothesis

A tentative supposition has been made to guide the work in a logical direction. The hypotheses are drawn on the basis of theoretical perception and available empirical studies on prisoners and their rehabilitation prospects. The main assumptions are follows:

- Society is not sympathetic to the ex-prisoners.
- Conviction attaches stigma on the prisoners and their families.
- Employment prospect of the ex-prisoners is bleak.
- Ex-prisoners are held as criminals by the society.
- The responsibility to rehabilitate the ex-prisoners lies with the society.

Findings and Discussion

The present author in course of this study sought to understand the nature of social response towards ex-prisoner's efforts of rehabilitation after release. Opinions were sought from the respondents bearing considerable age, occupational and spatial variation. Opinions was sought on different aspects of social behavior concerning the society's attitude towards the ex-prisoners. As stated in methodology, the respondents belonged to different professional categories like teachers, prison personnel, police, other professionals (including doctor, technocrats, administrator, advocates, businessman, clerks etc), and persons employed in informal service sector (like rickshaw puller, daily wage earner, domestic servants, vendors, labourers etc). The responses of college/university students and the housewives were also taken into account.

The respondents were asked whether they have any sort of sympathy towards the ex-prisoners. Their responses are shown in the Table 1.1

TABLE 1.1
Sympathy towards ex-prisoner: Societal Response

Sl. No	Respondent	Yes	No	TOTAL
1.	teachers	54	46	100
2.	prison personnel	31	69	100
3.	police personnel	22	78	100
4.	other professionals	42	58	100
5.	informal service sector	64	36	100
6.	college/university student	28	72	100
7.	housewives	18	82	100
	total	259	441	700
	in percentage	37.0	63.0	100.0

The above table shows that a majority of the respondents (63.0%) were not sympathetic towards the ex-prisoners. This would definitely cause problem in rehabilitating the inmates in society following their release.

The respondents were asked to define the ex-convicts either in terms of criminal, fellow human beings or sick persons. Their opinion in this context holds significance as that would reflect the extent of ex-convicts acceptability in society. The responses are shown in the Table 1.2

TABLE 1.2
Opinion towards the Ex-Prisoner: Societal Response

Sl. No.	Respondents	Criminal	Fellow-human being	Sick Person	Total
1.	teachers	28	34	38	100
2.	prison personnel	44	22	34	100
3.	police personnel	53	20	27	100
4.	other professionals	29	30	41	100
5.	informal service sector	36	52	12	100
6.	college/univ. student	42	30	28	100
7.	house wives	57	11	32	100
	total	289	199	212	700
	in percentage	41.28	28.42	30.28	100.0

The above table showed that 41.28% of the respondents hold the ex-prisoner as criminal, which subsequently reduce the possibility of their acceptance in society after release. Only 28.42% regard them as fellow human being who became the victim of circumstances. For 30.28% of the respondents, the prisoners were mentally sick persons in need of urgent treatment.

Long term imprisonment as an extreme form of punishment results into the isolation of the convicts from the society for a long period of time, thereby, not only demoralizing them but also making them socially unacceptable. As stated earlier, conviction attaches stigma on an inmate's identity. His family is also suffered from such stigmatization. The given study intends to understand whether such stigma represents a myth or social reality. The respondents were asked if they feel conviction attaches any sort of stigma on the convict and his family. The responses are shown below in Table 1.3

TABLE – 1.3
CONVICTION AND STIGMATISATION: SOCIETAL RESPONSE

Sl. No	Respondent	YES	NO	CAN'T SAY	TOTAL
1	teachers	86	12	02	100
2	prison personnel	94	06	--	100
3	police personnel	91	09	--	100
4	other professional	82	11	07	100
5	informal service sector	56	32	12	100
6	college/univ. student	74	19	07	100
7	housewives	93	--	07	100
	total	576	89	35	700
	in percentage	82.28	12.71	5.0	100.0

The findings show that the fact of stigma is not a myth but a reality as 82.28% of the respondent felt that there exists a definite relation between conviction and stigmatization. No doubt, the process of stigmatization would halt the progress of convict's rehabilitation after release.

The prisoners after release need to be rehabilitated in the society. The process of rehabilitation is made easier only when the ex-convicts are suitably accommodated in some form of employment. In other words, it becomes imperative on the part of the society to provide them an adequate means of livelihood. The response of the society really determines the nature of ex-convicts rehabilitation. On completion of a prison term, the convicts enter into the society where his acceptability remains a million dollar question. In an adverse situation like this, the prospect of getting employed for an ex-prisoner is really very tough. Even the state is not very responsive in providing job opportunities to the ex-prisoners. Rather through its policies, the state makes it tough for him to get a job. In this context, the practice of getting the police verification done before appointing a person in a government job in India and elsewhere may be mentioned. If the person in question bears a past criminal record, he automatically gets disqualified for a government job.

To test the validity of the above assumption, the author sought to know from different quarters as to whether an ex-prisoner could be hired as employee if he is otherwise found suitable. In this respect, a variation in response was expected. Affirmative attitude was expected from the prison personnel as they are involved in reforming a prisoner with application of corrective measures during the period of incarceration. The reverse was expected from the police personnel as they usually act negatively at the entry point of criminal justice system. Police with its coercive authority is supposed to eliminate the menace of crime in the society. So, a sense of negativity was expected in their dealings with the prisoners. Positive response was expected from teachers. No assumption was made on the probable responses from other quarters. The responses are shown below in Table 1.4

TABLE 1.4
HIRING AN EX-PRISONER AS EMPLOYEE: SOCIETAL RESPONSE

Sl. No	Respondent	YES	NO	CAN'T SAY	TOTAL
1	teachers	12	84	04	100
2	prison personnel	32	68	--	100
3	police personnel	06	94	--	100
4	other professional	11	76	13	100
5	informal service sector	19	81	--	100
6	college/univ. student	14	69	17	100
7	housewives	03	97	--	100
	total	97	569	34	700
	in percentage	13.85	81.28	4.85	100

The findings show a very depressing environment waiting to greet the prisoners after release so far as their employment is concerned. There is almost no variation in the responses. Only 13.85% of the respondents were in favor of engaging ex-prisoner as employee, which virtually seals their job opportunities after release. The situation would remain critical unless the government bails them out by arranging employment opportunities.

The reformation and re-socialization of offenders and ex-prisoners is a task primarily to be performed by the criminal justice system. This cannot achieve fruitful result unless "public participation" is ensured to assist in the reformation and re-socialization of the ex-prisoners. No programme of prisoner's rehabilitation is likely to succeed if it lacks vigorous and uninhibited community support. In this context, S.P. Srivastava¹⁰ has rightly observed:

".....modern methods of penal treatment seek the social rehabilitation of the offender by endeavouring to prepare him for carving out his place in society as a law-abiding citizen. But all this cannot be done until the offenders feel that they are the part of the community, and the community takes a continuing interest in their welfare. The efforts of the prison based correctional programmes might go fruitless unless the difficult transition to life in the world outside the prison gate is helped and guided by a humane and efficient system of after-care that takes over the responsibility and continues the effort till the purpose is achieved....."

An efficient system of aftercare may be ensured only by ensuring public participation in the rehabilitation of ex-prisoners. In India, the potential of this participation, though very high, has not been explored properly. The reason behind this has been the out-dated public perception, which considers this task of rehabilitation as entirely the responsibility of law-enforcement agencies.

The given study intends to understand the extent of people's awareness about their own responsibility towards rehabilitating the ex-prisoners in society. The respondents were asked to give their choice as to where primarily the responsibility of re-habilitating the ex-prisoners rest: government, society, voluntary organization, or the convict himself. The respondents were asked not to give more than one respond. The findings are shown in Table 1.5

TABLE 1.5

RESPONSIBILITY OF REHABILITATING THE EX-PRISONERS: SOCIETAL RESPONSE

Sl. No	Respondent	Govt.	Society	Vol.org	Convict	Total
1	teachers	30	44	--	26	100
2	prison personnel	42	34	--	24	100
3	police personnel	31	28	--	41	100
4	other professional	28	46	04	22	100
5	informal service sector	62	22	--	16	100
6	college/univ. student	41	24	06	29	100
7	housewives	32	26	--	42	100
total		266	224	10	200	700
in percentage		38.0	32.0	1.42	28.57	100

The Table shows that 38% of the respondents bestowed the responsibility of rehabilitating the ex-prisoner primarily on the government; 32% on society; 28.57% on the convict himself. Only 1.42% of the respondents bestowed the responsibility on voluntary organization. The findings reflect society's apathy in accommodating the ex-prisoners in the rehabilitation process.

Conclusion

From the above findings, the following observation may be made:

- The society is not sympathetic to ex-prisoners.
- The ex-prisoners are held as criminal, not acceptable to the society without reservation.
- Society attaches stigma on convicts and their families.
- The stigmatization process hardens the chances of ex-prisoner's rehabilitation.
- Employment is generally denied to the ex-prisoners and the scope for self-employment remains restricted.
- Society refuses to shoulder the responsibility of rehabilitating the ex-prisoners.
- Society fails to evolve an efficient system of after-care to help and guide the prisoner's transition to freedom after release.

From the aforesaid discussion based on empirical findings, it may be concluded that the task of rehabilitating the prisoners after release lies with community. In the face of distress and prospective insecurity, material assistance helps but it does not end there. In fact, only a friendly and sympathetic attitude towards the ex-prisoners will restore his confidence and increases his chance of rehabilitation. This attitude must come not only from the family of the prisoner, but also from the community as a whole. The problem of rehabilitation of prisoners is not an isolated problem, which cannot be solved in isolation but in co-operation with the community and the private agencies working for the latter. However, the findings in the given study show that the community as such is not interested in the problems of ex-prisoners. In fact, most persons here tersely sum-up the convict as "criminals" and refuse to extend any sympathy or support to them. They also consider that the convicts themselves are to be blamed for the position of helplessness where they are in. The findings of this study have shown that the attitude of the society towards convicts is, in general, the attitude of resentment and distrust. The discharged prisoner in this environment is most likely to feel frustrated – an outcaste, devoid of community's care and support.

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