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Islam and Inmate Rehabilitation in Nigerian Correctional Service

Oyekunle O. Oyewo

The Prophet Muhammad (peace be upon him) said, "Prevent punishment in case of doubt, release the accused if possible, for it is better that the ruler be guilty of the wrong of forgiving than the wrong of punishment."

I. Introduction

The role of religious activities in the social reformation and rehabilitation of prison inmates cannot be over-emphasized. Religious groups have been long recognized as important force in the process that led to the preeminence of corrections in offender management. Punishment in human societies was replete with all form of wickedness until the birth of the modern prison system between 18 and 19th century. According to Foucault (1995) before the birth of the modern prison system, punishment was a public spectacle in which the body of the felon was the object of punishment; offenders were tortured, dismembered, amputated, symbolically branded on face or shoulder, exposed alive or dead to public view. Although modern prison system started essentially as a punitive institution, influence of intellectuals such as Beccaria 1819, Bentham 1843, Foucault 1995 etc. and numerous non-governmental organizations (faith, and non-faith based) constitute the critical mass that drove the idea of rehabilitation into the prison system. Consequently, prisons now have to function essentially as a normalizing and persuasive institution of the state albeit it's coercive nature

Rehabilitation objective has now gained ascendency in offender management in many countries across the world (King, 2001; Howell, 2008; Dambazau, 2012). The idea of rehabilitation in the prisons, in the words of Bentham (1843:226) is generally concerned with how to turn the prisons into 'a mill for grinding rogues honest and idle men industrious' so that re-entry of ex-convicts into the larger society becomes mutually beneficial to the society and themselves. Conversely, prisons in Nigeria engage in warehousing of inmates for a time, releasing them in no better condition than when they arrived (Nafuka and Kake 2015). A good number of inmates both convicted and awaiting trial detainees; therefore, pick up negative skills to the detriment of ordinary peace loving Nigerians. Meanwhile, several studies have been conducted to understand the challenges of rehabilitation in Nigeria but the role of Islamic organizations in relation to the challenges of effective inmate rehabilitation in Nigeria remains under-researched in Nigeria. According to the Nigerian Correctional Service Bill, 2018, the process of inmate rehabilitation is expected to include: initiating behavior modification in inmates through the provision of medical, psychological, spiritual and counselling services for all offenders including violent extremists. It is on the basis of that this paper examines the role of Islamic organizations in the management of offenders in Nigeria.

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II. Conceptual Clarification

This section attempts to explain the basic concepts engaged in this work in order to properly situate their usage within a particular context in which they are employed.

Inmate Rehabilitation: The concept of rehabilitation is a general term for programmes or set of actions aimed at restoring an individual or object to a 'normal' life or condition after deviation from societal norms and values or known standards are identified. Inmate rehabilitation therefore, connotes efforts to realign a deviant with an acceptable way of life of a society. According to Cullen and Gilbert (1982) inmate rehabilitation consists of intervention programmes for the benefit of the offenders in order to prevent further criminality. For them, term inmate rehabilitation involves purposive actions aimed at restoring someone to health or normal life through training and therapy after imprisonment, addiction or illness. Many other definitions of inmate rehabilitation abound (Gibbons 1999, 274; Sechrest, White, and Brown 1979, 20–21), however, they tend to coalesce around three issues: (1) the intervention is planned or explicitly undertaken, not a chance or unwitting occurrence; (2) the intervention targets for change some aspect about the offender that is thought to cause the offender's criminality, such as his or her attitudes, cognitive processes, personality or mental health, social relationships to others, educational and vocational skills, and employment; and (3) the intervention is intended to make the offender less likely to break the law in the future-that is, it reduces "recidivism" (Cullen and Gendreau 2000).

Non-Governmental Organizations: The term, "non-governmental-organization" known as NGO, came into limelight in 1945 as a result of the need for the United

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Nations to differentiate between intergovernmental specialized agencies and international private organizations in its Charter. In spite of this development, however, the definition and usage of the tern NGO remain a subject of debate. According to Willetts (2017), the term NGO carries different meanings in different circumstances. However, the following features of NGOs separate them from other types of organizations:

1. It must be independent of the direct control of any government.
2. An NGO will not be constituted as a political party.
3. It will be non-profit-making.
4. It will be not a criminal group, in particular, it will be non-violent.

Similarly, Non-governmental Organization (NGO) according to Mazibuko refers to any grouping of people who have a common mission to meet a particular need in their society or community, and are not formed or controlled by government. NGOs are a subset of larger civil society and their funding is mostly expected to come through non-governmental channels. Non-governmental organizations (NGOs) may be described as non-profit, voluntary citizens' groups organized on a local, national or international level. They are either faith-based or non-faith based organizations and are generally task-oriented and driven by people with a common interest. They provide variety of services including the provision of humanitarian services, bring citizen concerns to governments, advocate and monitor policies and encourage political participation through provision of information. A good number of non-governmental organizations are organized around specific issues, for example, human rights, environmental and health related issues, community development, education, agricultural development, prison welfare and related services.

Prisons: the term prisons like many others in social sciences are not amenable to clear cut definitions. In the words of Sparks, Bird and Brangan (2016: 56) prisons seem to be amongst the most paradoxical as well as contentious of institutions. According to Odekunle (1981) prison is an isolated community-often with a high wall, locked order and barbed wires-it is expected to return its clients who were once the undesirables of the society back as fit into the mainstream of larger society. Similarly, Mc Corkle and Korn (1954) see prison as a physical structure in a geographical location where a number of people live under highly specialized conditions, utilize the resources and adjust to the alternatives presented to them by a unique kind of social environment that is different from the larger society in so many ways. The prison is one of the legs of criminal justice system in many countries across the world. It is an agent or institution of the state in which certain categories of individuals are kept. Prison service of Nigeria derives its power from Cap. 366 Laws of the Federation of Nigeria, (1990) to perform the following functions amongst which include; take into custody all those legally intended and set in motion mechanisms for their training and reformation; preparatory to returning them back to the society as normal and law-abiding citizens.

Prisons are generally classified based on several factors such as ownership (private and publicly owned prisons), sex (male and female prisons), and age (juvenile and adult prisons). Prisons are also categorized according to the risk their inmates represent to society and to each other. In this regard, there are supermax, maximum, and medium security prisons. Similarly, prisons are also split on the basis how long they can hold offenders. There are satellite (local) prisons which are meant to hold inmate temporarily, and dispersal prisons which are for both determinate and indeterminate sentences.

Meanwhile, the term prisons and corrections are often interchangeably used. While corrections are concerned with improving the behaviour of criminals, prisons are seen as state institution whose principal objective is to punish offenders. For example, Nwolise (2010) opines that 'corrections implies organisation and administration of prisons as a form of social clinic' in which psychologist, medical doctors, social workers, researchers, spiritual workers and other operate hand in hand with correctional personnel to achieve the best result of transforming the inmates away from being deviants to being disciplined, productive, useful and patriotic citizens. Thus, corrections imply a modern and more humane term for describing prison institution. The prison, on the other hand, is an old term meant to qualify that institution which seeks to punish the breakers of societal norms and codified laws.

According to Ostreicher (2003), the term correction becomes inseparable from prison system as a result of 'new thinking' which according to him is predicated upon the understanding that those who have fallen foul of the collective norms and laws of the society expressed in criminal laws should be reformed. The objectives of the Nigerian prisons as contained in CAP 366, LFN include custody, deterrence and rehabilitation/correction thus showing that the task of correction and punishment are not mutually exclusive. Although Foucault (1995:105) argues that the prison "is not at first a deprivation of liberty to which a technical function of correction was later added; it was from the outset a form of 'legal detention' entrusted with an additional corrective task, or an enterprise for reforming individuals that the deprivation of liberty allowed to function in the legal system". Nevertheless, prison is more associated within efforts to reform the inmates within the confines of a prison facility while corrections entails reformation of offenders through custodial and mom-custodial methods. For this purpose of this work,

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the two concepts shall be interchangeably used within the context of custodial sentence.

III. Islam and Inmate Rehabilitation in Nigerian Correctional Service

The history of Islam in offender management in Nigeria is as old as the prison system in the country. Although it took several decades before inmate rehabilitation was officially pronounced as a major policy of the prison service in Nigeria (the Nigerian Prison Service), the right of inmates to profess their faiths and worship in the country's penitentiaries could be said to be part the modern prison system since inception. The whole gamut of issues relating to Islam in offender management is rooted in obligatory prayers for Muslims (Salat), and the Islamic tradition of care for individuals of different races, and faiths who are experiencing spiritual, social, psychological, and physical distress, using methods based on understanding of the Qur'an and the teachings and practices of the Prophet Muhammad (PBUH). Care giving through visiting those in distress and offering care within the Islamic tradition is considered as a pious and sacred duty owed to both Muslim and non-Muslim family members, friends, and neighbors.

Prison Da'wah *Da'wah* is the channel through which Islamic teaching and practices are propagated in the prison facilities in Nigeria. The word *Da'wah* is an Arabic word derived from the word da"a" – which connotes to call, to invite another person or group of persons to embrace the way of Allah through Islamic teachings. Any person who embarks on such project is called *Da'ii /Da'iyyah*, meaning the caller. This definition and understanding is underscored by Abdul Ghani and Modibbo (2012). According to them, *"Da'wah* refers to the act of inviting people to the real teachings of Islam through lawful available means". *Da'wah* is an act of Ibadah' and it is rooted in the teachings of the Qu"ran – "and let there be from you, a group of people inviting to all that is good, enjoining what is right and forbidding what is evil/wrong, and those will be the successful" (Q3:l 04).

Islamic organisations are involved in rehabilitation programmes through Da'wah activities in the Nigerian prisons are presented in phases of daily, weekly, quarterly and annual programmes. The spiritual teachings include faith education. This is designed to rekindle and sustain their total surrender and trust in Allah. The *Imam* and other prison *Da'wah* agents configure programmes such as spiritual diet, lectures, sermons and *Da'wah* – supplications on topics cognate to faith building and the plight of the inmates. There is also the„ *Ibadah'* – devotion or worship. The *Ibadah* include, the *Salat* (the five daily obligatory prayers), the weekly *Jumat* prayer, the *Tarawih Ramadhan* prayer, as well as the two *Eids* prayer. Muslim inmates are also exhorted to practice *Sadaqah* – Charity. They are taught to give alms to the less privileged amongst them, as a way of extending the love of Allah and foster the Islamic spirit of brotherhood. Conversely, those who don't have anything to offer are encouraged to engage more in meditation of the course of Allah, be more prayerful and of good conduct, in and out of the prison custody. The prisoners are meant to understand that such disposition is rewarding before Allah. (Iheanacho, 2015). There is also teaching and encouragement of Muslim inmates to practice *Tatawah* – voluntary fasting, especially on Mondays and Thursdays.

Da'wah activities in Nigerian prisons also consist of welfare based activities such as medical aid, legal support, payment of fines, correspondence services, empowerment programmes for the discharged inmates and other aftercare services (Oyewo, 2019). Justification for the involvement of faith-based organizations, particularly, Islamic organizations in the task of offender management in Nigeria is based the eclectic approach adopted by the country's correctional service. According to the Prison Act (repeal and Enactment) Bill, 2018, correction shall be the primary goal of the Correctional Service and the functions are:

a) Taking custody of all persons legally interned;
b) Providing safe, secure and humane custody for inmates;
c) Conveying remand persons to and from courts in motorized formations;
d) Identifying the existence and causes of anti-social behaviours of inmates;
e) Conducting risk and needs assessment aimed at developing appropriate correctional treatment methods for reformation, rehabilitation and reintegration;
f) Implementing reformation and rehabilitation programmes to enhance the re-integration of inmates back into the society;
g) Initiating behaviour modification in inmates through the provision of medical, psychological, spiritual and counseling services for all offenders including violent extremists….

However, in spite of the growing recognition of the relevance of Islam in offender management Floyd-Thomas (2012) Islamic organization's involvement in offender management in general and prison inmate rehabilitation in Nigeria is jaundiced by a number of factors. First, lack of co-ordination among the various Islamic groups and organizations. In Nigeria today, there is no such organization that could co-ordinate programmes and manage trends, and developments affecting the adherents of Islamic faith. This gap does not only affect service delivery of Islamic organizations to the Muslim inmates but also denies the various organizations the benefits of feedbacks from the existing efforts. Second, the ad-hoc nature of services rendered

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by Islamic organizations to Muslim inmates affects the effectiveness of their services. Several Islamic organization only engage in prison support programmes during major festivals only. This is inadequate considering the fact that the welfare and spiritual support for the inmates are matters of daily necessities. Lastly, lack of funding is another major factor affecting prison support service by the Islamic organizations in Nigeria. The challenges of offender management in infrastructural gap in the Nigerian prisons is so enormous that non-governmental organizations are unofficially saddled with responsibilities bigger than available resources.

IV. Concluding Remarks

In addition to the provision of social and welfare services, regular prison visitation, and establishment of central da'wah committee in the prisons, Islamic non-governmental organizations are equally expected to engage in advocacy programmes, particularly those directly affecting the rights and duties of Muslim inmates. For example, forceful consumption of forbidden foods (where it exists), lack of permission to observe obligatory prayers at prescribed times, and lack of assess to conjugal bliss.

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