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Understanding the Stigmatization of Ex-Convicts in Society: A Comprehensive Study

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ABSTRACT

The persistent issue related to stigmatization of those who have a criminal past holds potential repercussions not only on an individual's life but on the community as a whole. These individuals faced multiple hurdles to reintegrate into mainstream society. Rejection, devaluation, and discrimination based on their criminal past make their lives hell and often hinder their ability to establish social relations, economic independence, or even to live their lives to the fullest. This stigma among ex-convicts often restricts their civil and legal rights as a collateral consequence of having a criminal history. The primary objective of this study is to understand the interplay between community skepticism with respect to ex-convicts' reintegration in society and their perceived stigma, to investigate the root causes related to stigma, and to examine factors like media-driven, legal, and social elements that specifically contribute to the stigmatization of these individual. Further, this study delves into the grave effects of stigmatization, such as being excluded from mainstream society, difficulty gaining work, detrimental effects on mental health and overall well-being, etc. Additionally, it focuses on potential mitigating strategies, including rehabilitation programs, educational campaigns, and policy reforms to deal with this enduring social issue. Thus, it comes to a conclusion with every detail to foster social justice in our community.

Keywords: Stigma, Ex-convicts, Society, Crime, Reintegration.

I. INTRODUCTION

"It's not how we make mistakes, but how we correct them that define us."

- **Rachel Wolchin**

As a human being, it is quite normal to make mistakes; no one is sinful here in this materialistic world. But in the case of some people, they exaggerate their mistake so much that they have to atone. What is not a mistake, or, in other words, what is appropriate behavior in society has no real definition. Since long traditional history, society has set a periphery within which all members of the society have to behave in a particular way, which is known as right. If anyone

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goes outside of this parameter, he will be known as a guilty person. When this mistake constitutes an ‘unlawful act’, attacked bluntly not only on any person but upon a community, such wrongful acts are in violation of the criminal law of the land, referred to as ‘crime’ or ‘offence’, therefore punishable by the state itself.²

In any of the criminal justice system, when the commission of crime proved against any person, the court of law declares conviction it may be in form of imprisonment or payment of fine. This is how he made to realize his mistakes. But conviction does not in any way forfeit his ‘right to life’. The Article 21 of the noble Indian Constitution reiterated the ‘right to life’ and ‘personal liberty’³, the Article 3 of the ‘Universal Declaration of Human Rights, 1948’ states that “Everyone has the right to life, liberty and security of the person”.⁴ After the end of his conviction or atonement, the particular individual deserves to get free from past burden as well back to his normal life. It should be thought like that the ex-convicted person may want to start his life afresh keeping in mind the past mistakes to avoid any issue in future. But here the society starts hitting him, it seems like society hesitates to accept him as a member. The matter reached its extreme if in case the ex-convict is from marginalized community.

A ubiquitous and noteworthy social phenomenon is the stigmatization of individuals having conviction history. These ex-convicts frequently come across chronic discrimination that hinders them from actively participating in the mainstream society, despite of numerous efforts of reintegration. In order to solve this intricate issue prevailing in the society, it is very crucial to grasp its roots causes and symptoms that influence stigma among ex-convicts. This study underscores a comprehensive detail with the aim to mainly contribute to the discourse on the issue of stigmatization of ex-convicts and therefore participates in examination of its root causes, consequences also its potential solutions. It further intent to promote social justice among all members in the society by reducing stigma and increasing public awareness.

II. KEY FACTORS THAT PERPETRATES THE STIGMA AMONG EX-CONVICTS

- **The effect of Punitive Approach in Criminal Justice System:** The punitive approach or ‘ideology’ in the criminal justice system reflects the offender as ‘bad person’ and threat to the victim as well as to whole society. Mostly, in punitive approach the applications of punishment are in the form of ‘deterrence’, ‘retribution’, or ‘incapacitation’.⁵ The prioritization of incarceration rather than rehabilitation led to

² Crime, <https://en.m.wikipedia.org/wiki/crime/> (last visited May 17, 2024).

³ INDIA CONST. art.21.

⁴ UDHR art.3.

⁵ F B Raymond, *Reasons We Punish*, vol 7, no.2, 65-78, 1979 Journal of Humanics, <https://www.ojp.gov/virtual->

stigmatization among individuals having a conviction history. Society viewed him always as a guilty person even after his release, never provide him redemption in true sense, this stigma remains with him lifelong.

- **Marginalization and ‘Social Exclusion’:** The burning social issue from ancient history to till date is marginalization of certain community within the society. This marginalization led to ‘Social Exclusion’ and how it create stigma among general public it is not possible to describe in few words but critical examination of this two persistent problem in daily life reflects numerous problem like- ‘isolation’, ‘lack of decision making’, ‘separation’, ‘sense of inferiority’ etc.⁶ Thus, it is very obvious if it is the situation for general public belongs to marginalized community, no doubt ex-convicts from these communities disproportionately targeted and suffered from extreme stigmatization. The amount of emotional pain they have to endure is beyond imagination.
- **Role of Media in shaping public perception:** The media portrayals hold a significant threat towards stigmatization and marginalization of ex-convicts. The selective, biased representation of convicted person lead to preconceived narratives about him in the mind of the public. The content portrays in media often builds stereotypes, prejudice, fear and discrimination towards the convict, also towards his family. This type of apathy promotes stigma among ex-convicts, make it difficult for him to reintegrate in the society.

The audience generally more prone to watch those contents which are hidden and secretive, thus media attracts the public easily, films and televisions generally represent over dramatic and sensational content regarding prison, law enforcement agencies and therefore significantly shape the public view about crime and criminals. These content may differ from actual real incident in many ways but the fictional portrays make it difficult to understand the reality. Thus, misconception spreads among masses regarding any individual having criminal past is sufficient to make it more challenging to reintegrate into mainstream.⁷

- **The Role of ‘Biological Theories’ of criminal behavior:** Each theory in criminology that discusses the reasons of criminality among individuals posses different perception.

library/abstracts/reasons-we-punish (last visited May 17, 2024).

⁶ MARGINALIZATION AND EXCLUSION, <https://www.studocu.com/in/document/jamia-milia-islamia/diplom-in-tribal/studies/marginalization-and-exclusion/24359323> (last visited May 17, 2024).

⁷ Media Portrayals of Prison Life and Criminal Justice: A Narrative Literature Review on Shaping Public Perceptions and Policy Implications, available at: <https://www.researchgate.net> (last visited May 17, 2024) DOI:10.47152/ziksi2023035

In 19th and 20th century the 'Biological' hypothesis of crime generate a new dimension of discussion. This theories challenges the preconceived notion of 'No one is born criminal' and depicts that people commits crime due to their genetically reasons, are 'biologically inferior'.⁸ Among these theories "Degeneration Theory", "Atavistic Theory of crime", "Sheldon Somotypes Theory", Terrie Moffit's "Two Path Theory", "Neorological Theories of crime" made an evolutionary contribution.⁹

These theories though participated strongly in criminological research field but at the same time labeled individuals as "criminals" because of their biological deficiencies stigmatized them sufficiently. This may lead to systematic racism, and increased existing inequalities, make difficult for these ex-convicts for re-socializing in the society after their release.

III. EFFECTS OF STIGMATIZATION

- **Social Exclusion of ex-convicts:** One of the grave effects of stigmatization among the individuals with criminal past is none other than 'social exclusion'. It encompasses over various dimension from discrimination, rejection in society, facing loss of social support and limited opportunities, to impact on self identity the effect of stigmatization is far reaching. These ex-convicts avoids social gatherings, peer or community occasion in fear of rejection and verbal abuse, they often seems to be in fear of rejection, being a victimized of untrustworthy and dangerous portrays and stereotypes negative attitude. The consequence of which found in diminish of social connection, even the friends and family members keep themselves distant from ex-convicts in fear of passing societal judgment by other society members. These individuals experiences limited social opportunities in terms of community events, institutional set-ups etc., actually these factors altogether effects their life so much that they internally stigmatized, suffers from self-doubt, guilt and shame, even struggling to reconcile with their past experiences and questions their self-identity.

Social exclusion may result in 'social ostracism', where a particular individual would completely be ignored by company of other members in any particular group. This can be done to dehumanize the particular individual by giving a harsh punishment especially when they are being excluded in social engagements. Being socially ostracized the ex-convicts may develop again the sense of criminality when they themselves realized a negative perception of hatred by

⁸ Riddhi Rahi, *The biology of criminal behavior: Whether or not it's all in the genes*, LawBhoomi, (last visited May 17, 2024, 8:31 PM), <https://lawbhoomi.com>

⁹ Charlotte Nickerson, *Biological Theories of Crime*, SimplyPsychology, <https://www.simplypsychology.org/biological-theories-crime.html>

the society.¹⁰

- **The Employment Barriers:** Another grave effect reflects on the employment opportunities among ex-convicts. This may include financial instability due to under employment or unemployment, coming back to the cycle of poverty after release, facing employer biases on hiring decision, screening practice in entry level, different occupational licensing barriers etc. The negative stereotypes about a person having past criminal records often perceived by the employers as untrustworthy, unreliable and having a potential risk in the workplace that effectively led to screening out in entry level. The limited skill or qualification further made them unsuitable for a job requiring sufficient skill and qualification to work. This lack of opportunities in employment sectors limits the upward mobility of ex-convicts influence their economic hurdles. The employment barriers hinder their successful rehabilitation, struggled their sense of stability in future life as well.

These ex-convicts sometimes found unemployed because of their characteristics issue which includes- limited work experience, limited education and cognitive skills, substances abuse, problems related to their physical and mental health etc, due to long term incarceration any prior job skills or positive experiences no doubt erode completely, now if they want to re-enter the job market their poor skills and limited work experiences hinder their earning potentiality.¹¹ All these factors limit their “basic job-readiness” which is basic requirements or pre-condition for employment universally.¹²

- **Effect on Mental Health:** The ex-convicts faced multiple mental or psychological issue due to effects of stigma that includes- psychological distress related to depression, anxiety, post- traumatic stress disorder etc., identity conflict that lead to a feeling of confusion, doubt, guilt, shame, feeling of despair etc., rejection and marginalization from peer group can make the feeling of alienation which may further increased the risk of depression, mental health disorder, exacerbate feeling of loneliness and despair etc., stigmatized individuals often suffers from lack of confidence to change or motivate themselves, overcome difficulty to reintegrate in the society. Stigmatization and social exclusion heightened the risk of suicidal tendency and self-harm attitude due to feelings

¹⁰ Ahmed Aminu Musa and Prof. Madya Dr. Abd Halim B. Ahmed, *Criminal Recidivism: A Conceptual Analysis of Social Exclusion*, 7 IISTE, 28 (2015), <https://core.ac.uk/download/234690982.pdf>

¹¹ Harry J. Hozlar et.al, *Employment Barriers Facing Ex-Offenders*, <https://www.urban.org/sites/default/files/publication/59416/410855-Employment-Barriers-Facing-Ex-Offenders.PDF>

¹² Ibid

of extreme hopelessness, negative thoughts, fear of societal judgments, mental illness etc.

Various research underlined different mental health issue due to stigmatization among ex-convicts, most diagnoses frequently observed the ‘schizophrenia’ and the ‘borderline personality disorder’(BPD), few researches also highlighted persons having less stigma suffers from anxiety disorders.¹³ Research has found that individuals having ‘schizophrenia’ disease suffers negative belief of public such as dangerous and unpredictable. People with criminal past who were particularly indulge in crime like sexual offences suffered more negative attitudes than who convicted due to non-sexual offences. However, the issue of ‘dual stigma’ indicates more serious psychiatric risks and therefore it deserves more comprehensive focus and researches.¹⁴

- **Drawbacks of Re-integration in the society:** The impact of stigma upon an individual release from incarceration, especially on his self-esteem and social involvement is extremely wide that lead to changes in the self-image perception and greatly diminish the ability to re-integrate into society. This fact has been proven by numerous researches (Link et.al., 1989; Rosenfield, 1997; Prince & Prince, 2002). Further in one research it was also held in which sample of individuals was collected those having different mental issues such as “schizophrenia, affective disorders and more” (Prince& Prince, 2002) that expected stigma invades the community integration.¹⁵

Re-integration of ex-convicts into society therefore undergoes from several drawbacks and the foremost drawback can be identified as difficulty in building social trust. The lack of social acceptance impedes their other efforts to re-entry into mainstream. Even the family relationships strained due to distrust and emotional distance. The post-release stage overwhelms the ex-convicts to re-establish their parenthood also. Rebuilding relationships, stabilizing economy, fighting with mental disease are few drawbacks that hinders successful reintegration that again increased the risk of recidivism and relapse.

IV. POTENTIAL MITIGATION STRATEGIES TO OVERCOME THE EFFECTS OF STGMATIZATION AMONG EX-CONVICTS

¹³ Rachel C. Tremlin & Peter Beazley (2022): *A systematic review of offender mental health stigma: commonality, psychometric measures and differential diagnosis*, Psychology, Crime & Law (2022) DOI: 10.1080/1068316X.2022.2072842

¹⁴ Ibid

¹⁵ Lindsey Ryan-Jones, *Stigma related to Criminal Justice History: The role of Offence type, Mental health treatment, Mental illness, and race from formerly incarcerated persons’ perspective*, City University of New York (CUNY) (May, 2022) , https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1254&context=jj_etds

To deal with the multifaceted effects of stigmatization among ex-convicts it needs visionary approach and comprehensive understanding of each mitigation strategies that addresses multiple issues such as societal attitudes, create possible opportunities, building of social support etc.

- **Vocational Training Programs:** This vocational training is very crucial in respect of rehabilitation measures. In most of the central jails vocational training programs and courses are given in the form of agriculture, carpentry, handloom making, tailoring, weaving, oil extracting, bakery item production etc to mainly facilitate the convicted offenders rehabilitation, reformation and reintegration into mainstream society. This skill development opportunities may help them long term after getting release and this is basically the main aim behind providing such courses. They products produce by inmates sales outside, even daily wages are given to them, makes the convicted persons self-dependent and employable.¹⁶ The vocational and skill development programs further brush up their skill and built a sense of responsibility, that after getting release it not only help them to get job but also build confidence to admeasure their families.
- **Cognitive Behavioral Therapy (CBT):** Among various mental health programs the ‘cognitive behavioral therapy’ is one of the most effective and proved to be a better way to re-enter in society. The United States contributed majorly in needs of reform in the criminal justice system and multiple organizations also worked in respect of achieving this noble goal. The ‘criminogenic needs’ is one of the risk factor that create obstacle in way of re-entry into society that encompasses over impulsivity, aggression, lack of self-control skills, substance abuse, negative attitude towards work and authority etc.¹⁷ The effect of stigmatization extended these negative attitudes, therefore it is most important to tackle these risk factors for getting re-entry. ‘Cognitive behavioral therapy’ is one of such method that would be great help to reduce such behaviors. It is highly effective to reduce depression, anxiety, eating disorder, alcohol and drug consumption, also to reduce violence and other criminal behaviors.¹⁸
- **‘Parole’ release:** ‘Parole’ is basically a temporary release of a convicted person based on his good attitude during conviction days and release is specially based on promise to

¹⁶ Manoj Kumar Gupta & Manish Tiwari(2024), *Study of Educational and Vocational Training Programs For Reformation of Prisons: A Case Study of the Central Jail, Delhi*, Educational Administration: Theory And Practice, 30(4), 7410-7421, DOI: 10.53555/Kuey.v3oi4.2584, <https://www.researchgate.net>

¹⁷ Amy Barch, Stanford SOCIAL INNOVATOIN Review, *A Better Way to Keep People From Getting Back to Prison*,(May 18, 2024, 9.20 AM) https://ssir.org/articles/entry/a_better_way_to_keep_people_from_going_back_to_prison

¹⁸ Ibid

return back to complete his conviction period. This concept is widely accepted as a great way to reintegrate the incarcerated persons into society. Though there are several instances of misuse of parole system but no doubt it is one of the most effective and crucial phenomenon in criminal justice system. It provides the parolee a sufficient correctional facility with chances to not only educate himself for a productive social life but to develop a sense of responsibility towards family and society at large.¹⁹ If parole can implement in a effective way by keeping check and balance it will be a tremendous way of reintegration of ex-convicts into society.

- **Support Services and provide Opportunities:** To reduce the wide effect of stigmatization among ex-convicts and for their successful reintegration into society the foremost effort which is indeed required is public awareness and educational campaigns. This is essential for changing the negative stereotypes among society members and promote empathy and equality, it will be of great help to foster community engagement between ex-convicts and society members that would further help to reduce fear, prejudice related to ex-convicts. Another support service would be to create job opportunities and providing subsidies to develop any suitable business. Mental Health Care, Mentorship Programs and Peer programs again are very good initiatives that would practically help these individuals to overcome challenges of reintegration and build positive relationship with mainstream society.

To reduce stigma and promote successful reintegration of ex-convicts into society it is very crucial to effectively implement these mitigation strategies. The non-profit organization, governmental agencies, civil societies therefore requires to be collaborating to achieve this goal and address the multifaceted needs of ex-convicts.

V. CONCLUSION

Everyone deserves a second chance in their life if they realize their guilt in time and the society members should encourage the good in them rather criticizing, to make it easy to re-entry in society. The stigma creates barriers in the life of the ex-convicts which not only affect their physical and mental health but widely disturb their social life. Therefore, society needs an awareness and educational campaigns that will help to alter their negative perception towards individuals having criminal past. As stated by Mahatma Gandhi that:

“The true measure of any society can be found in how it treats its most vulnerable members.”

¹⁹ Sushree Saswati Mishra, *REVISITING THE CONCEPT OF PAROLE SYSTEM IN INDIA: CRITICAL ANALYSIS*, 7(2), NUJS Journal of Regulatory Studies, 71-84 (2022)

The crucial factor is that potential mitigation strategies to reduce effects of stigmatization requires a holistic approach and collective support from policy reformers, public educational institutions, community support service providers to build a successful pathway for reintegration in the society. Further, vocational performs, financial opportunities and incentives, stable employment, fair hiring practice, housing subsidies, mental health care service etc. can help to alleviate the effects of stigma and will foster equal environment to contribute in the community.
