



العرفاء : مجلة الشريعة والاقتصاد الإسلامي والقانون

**AL-ARFA: Journal of Sharia, Islamic Economics and Law**

Journal website: <https://al-arfa.my.id>

E-ISSN: 2988-0483

DOI: <https://doi.org/10.61166/arfa.v2i1.39>

Vol. 2 No. 1 (2024)

pp. 15-32

Research Article

## The Attitudes of Muslims Towards Muslim Women In Prisons

**Abdul Aziz Shamhuna**

Religious Studies Department, Islamic University College, Ghana; [shamhuna@iug.edu.gh](mailto:shamhuna@iug.edu.gh)



Copyright © 2024 by Authors, Published by AL-ARFA: Journal of Sharia, Islamic Economics and Law. This is an open access article under the CC BY License <https://creativecommons.org/licenses/by/4.0/>

Received : September 21, 2023

Revised : June 17, 2024

Accepted : July 22, 2024

Available online : August 18, 2024

**How to Cite:** Abdul Aziz Shamhuna. (2024). The Attitudes of Muslims Towards Muslim Women In Prisons. *Al-Arfa: Journal of Sharia, Islamic Economics and Law*, 2(1), 15–32. <https://doi.org/10.61166/arfa.v2i1.39>

**Abstract.** The Prisons across the world are meant to serve the interest of the human society. This is to help the society punish its non-law abiding citizens. In the early societies the believed in revenge, torture, the removal of offenders from the midst of 'good people' and even execution were common. As civilization occurs, the idea of punishment, torture and even execution have been substituted with reform and transformation. This change was important by the rights of prisoners instituted by the United Nations. Base on the above information, the conditions of many prisons in Ghana as well as the prisoners are nothing to write home about. Prisoners' rights and freedoms are always infringed upon of which Muslim Women Prisoners are most often the victims. This article sought to find out the attitudes of Muslims towards Muslim Women in the Prisons. It was among the main objectives of the work to find out, the attitudes of Muslims towards Muslim women in the Prisons, whether the Muslim women were accorded the right respect in society, especially after serving their prison terms, right to practice their religion, whether there was any religious education available to the Muslim women in the prisons, and find the general conditions in the Prisons. The work used qualitative

methods. Questionnaires were administered to the Muslim women prisoners, Muslims, Islamic Scholars and Prison officers, in order to gather the data. The data was afterward analyzed. After the research, it was realized that Muslim women in the prisons had the chance to practice their religious duties. They also had religious education as well as visiting scholars. The conditions of the prisons were very bad and the inmates had insufficient food, water and medical care.

**Keywords:** Inmates, Prison, Offence, Prisoners, Conditions

## INTRODUCTION

A woman is an important figure in the community and to the nation as a whole. Women play a vital role in human society. The issue of women in Islam, and other related religion are held in a higher esteem. Before the advent of Islam, women were treated like slaves or properties. Their personal consent concerning anything related to their well-being was considered unimportant, to such a degree that they were never even treated as a party to a marriage contract. In addition, they had no independence, own no property and were as well not allowed to inherit. In times of war, women were treated as part of the war booty.<sup>1</sup>

One of the main purpose of the coming of Islam was the attitude of men towards women which Allah raised the statue of women. Certain rights were granted to women over 1400 years ago taught by the Holy Prophet Muhammad (SAW).

The Holy Quran,

*"O you who believe! You are forbidden to inherit women against their will, and you should not treat them with harshness, that you may take away part of the Mahr (bridal-money given by the husband to his wife at time of marriage) you have given them, unless they commit open illegal sexual intercourse. And live with them honorably. If you dislike them, it may be that you dislike a thing and Allah brings through it a great deal of good."*<sup>2</sup>

Prison, is a place designated to keep a person convicted of a kind of offence. Prisons are meant to serve the interest of the society, also to help the society to punish its non-law abiding citizens. The early societies believed in revenge, torture, the removal of offenders from the midst of "good people" and even execution. The use of physical detention was not common during ancient times except to ensure that an offender awaiting trial, execution or banishment was secured.<sup>3</sup>

The advancement in ancient societies saw the construction of large and secure facilities that could be used to keep offenders in detention. Before this

---

<sup>1</sup> Lombroso, 1968

<sup>2</sup> Quran 5:19

<sup>3</sup> Lombroso, 1968

development, prisons were found in Royal Palaces, Temples, Churches, and the private homes of court officials and wealthy individuals. Prisons were places of incarceration in the ancient times.<sup>4</sup>

In the 19<sup>th</sup> century, the concept of prisons as a place of incarceration was strongly challenged by the Italian, eugenicist, criminologist, phrenologist, physician, and founder of the Italian school of criminology, Cesare Lombroso. Cesare Lombroso being a leading positive criminologist believed that criminal behavior is like a mental illness which may be passed on from one generation to the other. To him, if mental illness can be treated then criminality should also be 'treatable'. This idea engineered a paradigm shift from incarceration to the transformation or reformation of prisoners.<sup>5</sup>

With regards to the numerous functions of women in society in creating a good family, most of the Muslim women get involved in some acts that end them up in prisons. In this case, they become restricted and even the performance of their religious obligations become difficult.

### **Review Literature**

In his book "*Women in Prison*", Chicago: Altura Solution, Robert Kravitz (2010) pointed out that, when the general public thinks about prisons, typically what comes to mind are overcrowded facilities and high walls with barbed wire. They also typically picture an all-male population, with most inmates covered in tattoos. It is true that the number of women in prison is very small in proportion to the overall prison population. Although the statistics can vary, approximately 2.5 million people are incarcerated in U.S. prisons and jails, of these, according to a study conducted by the Institute on Women and Criminal Justice (IWCJ) in 2006, the number of women in prisons is approximately 105,000 in the United States.

Also, the same study reports that the female population in prison has risen an astonishing 75.7 percent from 1977 to 2005. Most experts believe that the massive increase is the result of tougher sentencing laws and a record of a number of drug offenders. Whatever the reason, it leaves the United States with the distinction of having the largest prison population and the highest rate of incarceration in the world. Because the female prison population is growing so rapidly. Prison administrators are taking a closer look at the conditions and the needs of women in prison, specifically those that can have a negative impact on their health. What administrators are realizing is that although many of these issues and conditions are similar to those found in all-male prison facilities, female prisoners do have special needs that must be recognized and addressed. Numerous studies have addressed the issues of women in prisons, including their special health needs

---

<sup>4</sup> Ibid

<sup>5</sup> Ibid

and how they differ from men's prisons. Two of the most notable and extensive studies were published in 2009 making their findings extremely useful.

An article in a Journal entitle "*Prisoner in Prisons*" written by L.W. Carlson, (1998), pointed out that, most people commit crime and thereafter find themselves in prisons as a result of the abuse that they had suffered from some people. In an attempt to revenge their victimization, they find themselves being caught in the act. The journal gave reasons like; restoration of self-esteem, self-worth and human dignity as somewhat the motives behind crimes. The writer explains that victims suffer long after the event (s) of abuse and consequently, sometimes there arises a feeling that it is now their turn to do to others what had been done to them. For it seems through abusing someone else some of their lost self-esteem, self-worth, and human dignity is somehow restored. This distorted form of thinking and feeling leads abused victims to act out destructive behavior in various ways. Furthermore, he states that, it is learned from written accounts that victims try to find solace in drugs, alcohol, promiscuity, and solace in the act of abusing others after they have suffered.

## **METHODOLOGY**

The study was qualitative in nature. Simple random sampling technique was used to select the respondents and also used two main sources of data collection, (Primary and secondary collection of data). The primary data collection was through interviews and questionnaire. The questionnaire was design to concerned reasonable number of Muslim scholars, prison officers, Muslims, prisoners in the prisons. The data is collected across sentence, crime or offence, how long one has served, occupation, educational background and so on. The secondary data collection involves Books, Long Essays, Theses Magazines, Articles, Newspapers and information from the internet relevant to the case under study.

## **RESULTS AND DISCUSSIONS**

### **The Quranic View**

The Holy Qur'an presented the following verses to expatiate the concept of prison and prisoners

*It is not for any Prophet to have captives until he hath made slaughter in the land. Ye desire the lure of this world and Allah desire (for you) the Hereafter, and Allah is Mighty, Wise. Had it not been for an ordinance of Allah which had gone before, an awful doom had come upon you on account of what ye took. Now enjoy what ye have won as lawful and good, and keep your duty to Allah. Lo! Allah is Forgiving and Merciful.*<sup>6</sup>

---

<sup>6</sup> Quran 8:67-69

*Now when ye meet in battle those who disbelieve, then it is smiting of the necks until, when ye have routed them, then making fast of bonds; and afterward either grace or ransom till the war lay down its burdens.<sup>7</sup> And feed with food the needy wretch, the orphan and the prisoner, for love of Him (saying): We feed you, for the sake of Allah only. We wish for no reward nor thanks from you.....<sup>8</sup>*

The above verses spell out clearly on the issues of prisoners at war and the morality of dealings with prisons in the code of Islam. It means that the enemy should be completely defeated and his fighting power should be completely crushed before the enemy soldiers are taken as war prisoners.

Since the above mentioned principle was not fully acted upon by the followers of Islam in the Battle of Badr, God has disapproved their action and reprimanded them. The Battle of Badr was the first major clash between the forces of Islam and forces of disbelief and in this battle the Muslims proceeded to take the enemy soldiers as prisoners before crushing the fighting power of the enemy and later on decided to release these prisoners against ransom. Had the Muslims pursued the enemy when it fled and crushed it completely, they might have been spared future hardships which the enemy created for them. As it was not done, their action regarding taking of prisoners and releasing them on ransom, which was otherwise permitted in the Quran 4:47.

The second understanding of the Holy Quran indicates that, the prisoners should be taken in the actual battle field before the hostilities cease and war terminates. The idea is that, they should be accorded kind and humane treatment. They should be properly fed. The Qur'an considers it as an act of virtue and goodness to feed prisoners for love of Allah without wishing any reward or thanks.

Regarding the release of the prisoners of war, the Qur'an prescribes two options, namely: they should be set free either as a favor and grace, or they should be released for a ransom. Release of prisoners for ransom includes: they should be set free after accepting ransom money; that they should be set free after taking some service from them or that they can be exchanged for the Muslim prisoners of war who are in the custody of the enemy.

### **The Sunnah (Hadith) View**

Ibn Omar reported that the Apostle of Allah sent Khalid b. Walid to Banu Jizimah and invited them to Islam but they were not good enough to say: We accepted Islam. They began to say: We are Sabeans, we are Sabeans. Then Khalid began to put them to death and make them captives. He allotted one captive to

---

<sup>7</sup> Quran 47:4

<sup>8</sup> Quran 76:8-9

every one of us till one day Khalid passed order to put to every captive under us to death. I said: By Allah, I shall not kill my captive, and none of my companions will kill his captive till we approach the Prophet and mention it to him. He raised up his hands and said: O Allah, I am innocent to Thee of what Khalid did twice"

Ayesha reported that when the Apostle of Allah took captives of those who joined at Badr, he killed Oqbah-b-AbiMuait and Nazr-b-Hares and he showed favor to Abu Garrah al-Juhamiy".

Jubair d. Mut'em reported that the Apostle of Allah said about the captives of Badar: 'Had there been Mut'em b. Adi alive and then interceded to me for these impure captives, I would have set them free on his account".

Anas reported that eighty men from the inhabitants of Makkah with full arms suddenly fell upon the Prophet from the hill of Tan'eem intending thereby to attack the Prophet and his companions unawares. He arrested them suddenly and gave them life, and in a narration: *"He set them free". Then the Almighty Allah revealed: And He it is who withheld their hands from you and your hands from them in the valley of Makkah*" Quran 48:24)

From the traditions reported above and from the battles fought by the Prophet and his companions who have been recorded in Islamic history, we get the following information regarding the treatment of the Prophet with prisoners of war.

Seventy prisoners fell into the hands of the Muslims in the battle of Badr. The question arose how to treat these prisoners. The Prophet consulted his companions on this vital issue. The opinion of Abu Bakr was that the prisoners should be released on ransom, while Umar suggested that the prisoners should be put to sword. The Prophet (S.A.W) agreed with the views of Abu Bakr and decided to release the prisoners on receipt of ransom. Those prisoners who were poor were required to teach ten Muslim children each and, thus, get their liberty. The rich among the prisoners were obliged to pay ransom (generally four thousand Dirhams per head) for securing their freedom. The Prophet's uncle Abbas and son-in-law Abu'al A's had to pay ransom for their release. Those prisoners who were poor and also illiterate being unable to pay ransom or teach children were set free without ransom.

It is reported that when Uqbah bin Abi Muait was being put to death for his war crimes, he cried: who will care for his children? The Prophet replied: Fire. This reply of the Prophet has been unfortunately subjected to very harsh criticism by the enemies of Islam particularly by some of the non-Muslim scholars of modern times whose enmity against Islam is otherwise an open secret. They assail the conduct of the Prophet on human and compassionate grounds. Research, however, reveals that Uqbah belonged to tribe called Bani-An-Nar (children of fire) and the reply of the Prophet in fact referred to that fact which would mean that people of his tribe shall take care of them. Otherwise the man who has been referred to in the Qur'an as Mercy for both the worlds, who was a champion and a great protector of the rights

of orphans and widows, and whose love for children was proverbial, would not give such an inhuman reply.

Even the refusal of the Prophet to release Uqbah on the pretext of "who will look after his children" can be defended on the principle of justice. If this pretext is to govern the dispensation of justice, then no criminal on earth who is guilty of war crimes, robbery, adultery, murder, rebellion, etc. can ever be punished as in case of his conviction his children may face hardships.

There are three ways put before Muslims to ransom prisoners:

- (a) That they should be set free on payment of a ransom;
- (b) That they should be set free after taking some special service from them; and
- (c) That they should be exchanged for the Muslim prisoners of war who are in the custody of the enemy.<sup>9</sup>

How to deal with the prisoners of war the discretion has been left with the commander. The commander of the forces or in certain important cases the caliph would decide whether war captives are to be beheaded, enslaved, released on paying ransom, exchanged with Muslim prisoners, or released gratis.<sup>10</sup>

The Holy Prophet and the Companions at different times acted in one or the other way as the occasion demanded. The Divine Law has not bound the Islamic government to act in only one particular way. The government can take any action it deems appropriate on a particular occasion.

Beheading of Prisoners is the general principle of law which has been enshrined in Quran 47:4 "*either grace or ransom*" which means that the war prisoners may be released gratis or after ransom. From this the jurists hold that the prisoners should not be put to death. This is the general rule upon which almost consensus exists among the jurists of every age. However, possibilities of exceptions to this general rule also exist, as the above mentioned verse of the Holy Qur'an does not clearly forbid to kill a prisoner. The Prophet of Islam is also reported to have ordered capital punishment for certain particular prisoners on some occasions in exceptional circumstances.

The exchange of Prisoners on ransom, as already explained, also includes release in exchange. Several instances of the exchange of prisoners are found in the life of the Prophet; sometimes one for one, at others one for more. We have already related a Hadith according to which the Prophet exchanged one prisoner of Banu Qqail whom Muslims had captured with two Muslim prisoners who had been captured by Banu Saqif an ally of Banu Qqail. On another occasion one female captive who had been taken prisoner in an expedition led by Abu Bakr was exchanged with Quraish of Makkah for several Muslims whom Quraish detained. Hence the exchange of prisoners became a rule and is still followed, although in

---

<sup>9</sup> Tom, 1994

<sup>10</sup> Ibid

later times it developed into a complicated institution involving exchange of thousands of prisoners. However, there is consensus that if a non-Muslim prisoner embraces Islam of his own free will, he may not be handed over to disbelievers for the purpose of exchange.

The treatments of enslaved Prisoners that is, those captives of war who are not released gratis or on ransom or not exchanged are distributed among their capturers or among the ordinary Muslims as slaves. Before distribution the Islamic government is responsible for their food, clothing, and lodgment and in case of illness for their treatment. But as soon as they are distributed, those in whose custody they are given become responsible for their food, clothing, lodgment, medical care, and so on.<sup>11</sup>

General instructions issued by the Prophet to his followers about the prisoners were that they should be accorded very kind treatment and provided food, clothes and accommodation according to means. The prisoners cannot be killed or mutilated by those in whose custody they are given. The Prophet also issued instructions: "If there is a woman with a child among the prisoners, she is not to be separated from her child, nor near relatives from one another. And prisoners are to be treated according to their status in their society".

### **What is Prison?**

The Macmillan English Dictionary defined prison as "an institution where people are kept as punishment for committing a crime. The people who stay in prison are called prisoners"<sup>12</sup>.

"A public building used for the confinement of people convicted of serious crimes" Prison is a place used for the confinement of convicted criminals. Aside from death penalty, a sentence to prison is one of the hardest punishments that could be imposed on a convict. Confinement in prison, also known as penitentiary or correctional facility, is the punishment that courts most commonly impose for serious crimes, such as felonies (murder or arson). For lesser crimes, courts usually impose short-term incarceration in a jail, detention center, or similar facility.<sup>13</sup>

### **Prison and the beginning of Islam**

Islam, as a religion of peace always and at every instance seeks that, peace and tranquility prevail. In order to achieve this and also to bring justice and harmony in the society, Islam recognizes the establishment of prisons. At the beginning of Islam, the concept of prison meant hindering the prisoner and preventing him from controlling his own life and mixing with other people.

During the life time of the Holy Prophet Muhammad (S.A.W), there were no established prisons. Therefore, offenders were either punished instantly or

---

<sup>11</sup> Tom, 1994

<sup>12</sup> Macmillan, 2009

<sup>13</sup> Tom, 1994



excommunicated for a maximum period of one year. When the Islamic empire expanded during the reign of Caliph Omar Ibn al-Khattab and the insertion of new administrative rules and systems, caliph Omar decided to found prisons. Thus, he bought a house from Safwan Ibn 'Umayya al-Jumahi for four thousand dirhams and turned it into a prison in Mecca.<sup>14</sup>

Apparently, this house was not a prison in the real sense of the word. It was a place that hinders or confines the movement of the prisoners. In fact, the prison substituted the person's house or the mosque. The first one who built a prison in Islam was Ali Ibn Abu Talib. Two prisons were built during his period, Nafi' and al-Makhis.

During the reign of the first Umayyad caliph, Mu'awiya b. Abu Sufyan, the prisons were organized and provided with guards. One of the most famous prisons in Islam was al-Dimas, which was built by al-Hajjaj b. Yusuf al-Thaqafi. This prison had no roof to protect its inmates from the heat of the sun during the summer or rain during the winter and it was called 'al-Dimas' because of its deep darkness and wilderness and was located in the city of Wasit, Jahdar, the thief who was imprisoned in al-Dimas, said the following lines of poetry:

- The nights helped me to survive the Dimas and the lion, and therefore they did me an undoubted favour.
- They set me free from the manacles, sending out from the horror of the prison the brave and watchful man (that is, the prisoner)
- As if its inmate (prisoner) resurrected his soul, where the poison moved in his body.
- And between the two walls of Baghdad. It was a very wide prison that included subterranean vault and dark cellars.

Other prisons were mentioned in the resources such as al-Mutraf, where al-Hallaj's body was burned on its wall after he was crucified in 922 A D. The new prisons in Baghdad and the prison of Dawwar in Yamam and other places are examples of the above. It seems that some caliphs and leaders used to build prisons in their palaces.

It is believed that Muawiyah I (602-680) was the first to establish prisons in the standard form known today and appoint wardens. Abdullah ibn Al-Zubayr built a prison in Macca behind Dar Al-Nadwa, which was known as Arem and shut down after he was killed. (624-692)

### **Supporting and Feeding of Prisoners**

Caliph Ali b. Abu Talib put rules for supporting the prisoners. It was of the view that, if the prisoner had money, he should spend it on himself while he is in

---

<sup>14</sup> Tom, 1994

prison, but if he had no money, Bayt al-Mal (The Treasury of the State) would be used to feed them. They should buy him food, bread, and clothes in summer and in winter. Ali b. Abu Talib said, Feeding the prisoner and treating him well is an obligatory duty, even if you are to execute him the next day.<sup>15</sup>

The Umayyad Caliph 'Umar b. 'Abdul 'Aziz (Umar the Second) ordered that prisoners should be given support from the charity. Sometimes, the prisoners were going out with their guards (with hand cuffs) to beg. They used to cry in the streets 'Starvation!' 'Starvation!' but jailors were taking most of what the prisoners managed to collect. Those who were not crying or begging were punished more severely by their jailors.

Perhaps the first person that put down fixed rules for supporting the prisoners was Judge Abu Yusuf Ya'qub b. Ibrahim. He did that after Caliph Harun al-Rashid demanded that. He allocated fixed monthly salaries to be paid for the prisoners. He had a registration book for those who deserve such salary. He also allocated payments for clothes, which consisted of a shirt, trouser and a cloth in winter and a wide garment in summer. He also added, a head veil for women in order to avoid them going out in handcuffs to ask for charity. Harun al-Rashid once asked the jailors: How much did you allocate for Yahya b. Abdullah b. al-Hassan al-Talibi. They answered: Four loaves, and eight pounds of water. He decreased that to a half and then to a quarter.

According to the sources, the government used to allocate budgets for prisons and prisoners. For example, the Abbasid Caliph al-Mu'tadhid-billah allocated 1500 dinars from the government budget to be paid monthly for the expenses of prisons and the food for prisoners and their provisions. Reliable and loyal people administered the prisons. Finally, the supervision of the prisons of the state was put in the hands of the judge.

### **The Treatment of Prisoners**

The prisoners used to be handcuffed by different kinds of mental and manacles. Sometimes, an iron link was added to the handcuffs and tied the hands to the back. Ali b. Abu Talib allowed those who wanted to attend the Friday prayer to do so and return to the prison after the prayer ended. The Umayyad Caliph Umar b. Abdul-Aziz ordered his governors to allow the Moslem prisoners to be relieved of their handcuffs during the praying time.

In the year, he wrote to his governors ordering them not to handcuff the prisoners. The sick and the disabled prisoners were given some sanitary and health care by examining them or giving them medicine and preparing special food for them. It is mentioned that at the beginning of the Tenth Century, Doctors were

---

<sup>15</sup> Wasa'il al'Shia, Vol. 11, P.69, No.3

appointed to take care of the prisoners. They were going into the prisons and giving the prisoners medicine and drinks.<sup>16</sup>

The prisoner's parents and friends were allowed to visit their prisoners in distant periods and generally on holidays and feasts. The prisoners were allowed also to read and write. For example, Ibrahim al-Musili learned how to write and read in the prison.<sup>17</sup>

### **The Religious activities of Muslim Women Prisoners**

According to the United Nations High Commissioner for Human Rights, "All prisoners have the right to observe the tenets of their religion and to have access to a minister of that religion". Per the declaration by the UN therefore, every prisoner must be allowed to practice his/her religious duties such as prayer, fasting and to possess the Qur'an and religious books such as Prayer and Supplication books.<sup>18</sup>

The Muslim inmates in the prisons are not an exception to this so for that matter; they are given the chance to pray with the exception that, they are not able to perform the prayers on appropriate time. For the early Morning Prayer (Fajr) for instance, they don't get the chance to perform it congregationally this is because they would be in their cells by then. Only a few are able to pray in their cells while majority of the inmates pray after they have been allowed outside their cells at 6:30 am. The majority who are not able to pray in their cells is as a result of congestion in the cells. At 1:00 pm, they pray the afternoon prayers (Zuhr) and the late afternoon prayer (Asr) is said at 3:00 pm. As for the two evening prayers (Magrib and Isha), they combine them because they will have to go back into their cells. The time for re-entry into cells in the evening is 5: 00pm but the authorities give the Muslim inmates some extra time in order that they will be able to perform their evening prayer. The inmates pray by themselves whereas sometimes too they perform congregational prayers with the help of external Muslim clergies.

Also, whenever they seek the services of a religious clergy from outside, they are provided with one. According to Imam Shirazi, in his book *The Rights of Prisoners according to Islamic Teachings*, during the holy month of Ramadan, the prisoners who fast must have their food provided during the allocated times; thus before dawn and after dusk. The inmates of several prisons are given the chance to fast without any restriction. They have their meals for both dawn and evening. A prisoner must be allowed to attend religious festivals and all other important religious ceremonies. The inmates in several prisons do celebrate both the Eid-Fitr and Eid-Adha as well as celebrating the birth of the Holy Prophet Muhammad (S.A.W) which is organized by the Tijaniyya Muslim inmates.

It is reported that Imam Ali (A) used to release the prisoners, who were debtors or murder suspects, to attend Friday prayers and then are returned to prison

---

<sup>16</sup> Tom, 1994

<sup>17</sup> Ibid

<sup>18</sup> UNHCHR, 2005

by their guarantor. It is also narrated that Imam Sadiq (A) said that the leader must arrange for the prisoners to attend congregational prayers on Fridays and on other festive occasions such as Eid. When they perform their prayers they are returned to prison by their guards.

The Muslim inmates have a channel through which they pass their problems to the prisons authority. They are not restricted from exercising their religious rights even though they do not get it at the right time. This to some extent suggests that the Muslim inmates are not doing that bad in the prison yards. Since they are in incarceration, there is no doubt that they will not be denied some of their rights and liberties.

### **Attitudes of Muslims towards Muslim Women Prisoners**

It is among the most important goals of any correctional facility to help prisoners change their criminal behavior and avoid re-offending after release. Consequently, the correctional facilities offer a number of rehabilitation programs. It is important that the professionals providing these programs hold positive attitudes towards the prisoners. Not only the prison officers but also the prisoners' family as well as the general public must change their attitudes towards prisoners and ex-convicts. Positive attitude is meant to signify a view of prisoners as normal persons capable of positive change, whereas negative attitudes signify a view of prisoners as incurably deviant individuals.<sup>19</sup>

First of all, Muslims and the society as a whole, attitudes towards prison inmates are very important. Positive attitudes held by Muslims have been shown to be critical in facilitating change prior to successful release from prison. Muslims are in day-to-day interaction with the inmates and in this unique situation they have the power to enhance or undermine the primary goals of the correctional institution where they work. The Muslims work situation has been described as psychosocially taxing. Negative attitudes have been demonstrated in some studies. Some Muslims generally have even been described as cynical, authoritarian and pessimistic. Some seem to hold the view that the correctional facilities' main objective is to offer passive storage of criminals rather than to promote rehabilitation and prevention. Such negative attitudes seem to be more common in correctional facilities with little focus on rehabilitation than in institutions with a strong focus on such.

In addition, the inmates' attitudes towards their fellow prisoners, and indeed the inmates' attitudes toward themselves, that is their self-esteem, are important, because these attitudes are likely to influence the way prisoners respond to the correctional regime and the over-all effectiveness of the various rehabilitation programs offered. Whether rehabilitation will be successful or not will also depend upon the attitudes held by the population into which the prisoner will be released.

---

<sup>19</sup> Ellen, Skoglund, and Rustad, 2007

According to Carlson in his *Victims Issues: An Inside View of Prison Life*, prisoners are very hostile to themselves. He states an example that when there is a jail-house theft, the victim is dealt with by their inmates in a bad manner. He states "Stealing from another prisoner is dealt with harshly, there are no second chances, and there are no excuses for ripping somebody off".<sup>20</sup>

Furthermore, others have attributed the vicious cycle of crime in society to the reluctance of the public to welcome ex-convicts into their fold. This attitude was the negative attitudes towards prisoners, had the propensity to harden criminals to perpetuate crime in society. There are families who do not accept an ex-convict back into the society thereby making them stranded, useless and valueless. As a result of these treatments, most of the ex-convict commit crimes again landing them back into prisons. Even with the skills most of the ex-convicts gain from the prisons as a result of the rehabilitation they had gone through, they still find it difficult to secure a job basically because of the fact that they had been in prisons.

### **Type of Offences and Reasons for committing the Offence**

The type of offence committed by the inmates and the reasons why the inmates committed those crimes were part of the article. After the survey it was realized that, most of the respondents were convicts and few were on remand. With offences, it came out that some were convicted on drug-related offences, some were convicted on sex related issues, some were armed robbers and others were convicted on assault, others were convicted as murderers, and few were convicted of stealing, others did not respond.

It also came out after the survey that the following were the reasons for the commitment of crimes: financial problems, innocence, lack of patience, ignorance, misunderstanding, unemployment, others did not respond.

### **Analysis of Positive and Negative Rehabilitation and Reformation**

The purpose of the prisons is to help prisoners to lead law-abiding and self-supporting lives after their release. Therefore, the theory behind prisoner rehabilitation is that an inmate is not permanently criminal but it is possible to restore them to a life in which they can contribute to themselves and to the society around them. Although the importance of punishing those who breach law and order is paramount, rehabilitation must also be given a priority in the prison system. It is the belief among humanitarians that rehabilitation should be used as an alternative to capital punishment. Prisoner rehabilitation programs vary; some work towards re-education, employment and drug treatment, while others may follow a religious or spiritual awakening route. Examples of these programs include: drug treatment, faith and religion based programs, meditation and education programs,

---

<sup>20</sup> Carlson, 1998

and joint business ventures. Religious prison rehabilitation programs: Religion is essential to the growth and development of prisoners.

Religion is also a fundamental means to eradicating criminal behavior and rehabilitating prisoners. Religion provides stability and structure to people who come from broken homes. People who did not get the opportunity to group up in structured environments often discover a foundation on which to build a better life after release. Religious rehab programs involve teaching different religious beliefs to inmates. The beliefs to be taught usually depend on the country's major religion. But most prisons allow teaching of different religions like Christianity, Islam, Buddhism, and Judaism to cater for every inmate's personal religious belief.

For instance, the major religions that are practiced in the prisons are Islam and Christianity. Supporters of religious rehabilitation programs believe that the prisoners' souls should be healed, too, after their dark past. Through having a positive perspective in their lives, the prisoners also have hopes for a better life after their release from the prison. They also tend not to abuse the chances given to them in the prisons but rather get involved in religious studies and activities. Interestingly, some of the prisoners who take religious rehabilitation programs become religious leaders themselves and impact greatly in their communities upon their release.

Educational rehabilitation programs, Prison reform educational programs are those that involve allowing the inmates to obtain an academic knowledge. Any courses available in universities and colleges are also available for prisoners. With offering education in prison, the men and women are given the chance to have a better future outside of the system by becoming equipped with the necessary knowledge to go on. Aside from earning the education, prisoners can also take simpler training courses such as cooking, carpentry, masonry, repairing computers, or creating recycled crafts. Prisoners who have undergone this rehabilitation program also receive help with their job applications when they are released.

Vocational programs are also designed to equip prisoners with some kind of trade and commerce. Its main aim is to engage prisoners while in incarceration not only that but also to give them a channel for them to follow to earn a living. This program is highly helpful due to the fact that they are considered as a break from traditional prison routines. Another vital factor is that they provide follow-up services for inmates when they are released, which has resulted in attracting a target population of potential learners and providing marketable training skills. Prison literacy and vocational programs have been very helpful and successful to released inmates. Ex-prisoners who participate in employment and vocational education programs in prisons do have chance of maintaining employment and earning slightly more money than those who had not participated.

Another successful form of rehabilitation is joint venture. Joint venture is a late 20th century, business-based initiative where inmates are offered the opportunity to learn valuable skills that translate into opportunities for employment

upon release. The first joint venture opened in July 1991 and the initiative is still growing strong, providing roles for inmates in a variety of roles in industries including farming, landscaping and manufacturing. In the United States for instance, approximately 72,000 prisoners are employed in inmate work programs at any time. An increase in positive inmate programming has proven to minimize institutional violence because of decrease in general idleness. Inmates are involved in purposeful activities which provide them with a sense of inclusion among a larger community. Joint venture programs have shown the potential for successfully transitioning inmates from prison to the world of work. Helping to create success for inmates has changed the way prison culture is allowed to dictate interaction at every level of institutional life.

Prison rehabilitation programs were not actually created to reduce crime rate. Instead, these programs aim to reduce re-offences. The programs have proved to be effective. Other rehabilitation programs in other parts of the world have almost the same results. However, not all prison rehabilitation programs are successful because of ineffective administration. For this reason, careful planning, intensive studies and training for those who will work for rehabilitation programs are needed. Above all, the genuine interest to help offenders should be there. Without this, it is almost impossible to get positive results. It is true that prisoners can choose to change all by themselves. But giving them a hand is a lot better. Almost all prisoners who are thinking about change don't really know how to start. By providing prison rehabilitation programs, they will be enlightened that a brighter future still awaits them.

On the other hand, the prisoners need to withstand the entry shock by adapting quickly to prison life. Prisoners are exposed to a new culture, which is very different from their own culture. Then they need to maintain outside links. For example, keeping in contact with family and friends becomes frustrating. While being in prison the prisoner must determine her ways of passing the time since the hours appear endless. For some prisoners the major source of stress would include the loss of contact with family and friends outside the prison. Moreover, there is lack of personal choice within the prison environment which may affect prisoners. After many years of being told what to do they may well lose the ability to think for themselves and make their own decisions and choices freely.

There is also the pain of confinement. This includes the loss of liberty, where prisoners experience a limitation of movement. There is also the pain of moral rejection implied in confinement. Confinement applies that the prisoner is not trusted or respected therefore she should not be able to move freely amongst other citizens.

In addition, Prisons have very serious health implications. Prisoners are likely to have existing health problems on entry to prison, as some of them are predominantly from poorly educated and socio-economically deprived sectors of the general

population, with minimal access to adequate health services. Their health conditions deteriorate in prisons which are overcrowded, where nutrition is poor, sanitation inadequate and access to fresh air and exercise often unavailable. Psychiatric disorders, HIV infection, tuberculosis, hepatitis B and C, sexually transmitted diseases, skin diseases, malaria, malnutrition, diarrhea and injuries including self-mutilation are the main causes of morbidity and mortality in prison. In countries with a high prevalence of TB in the outside community, prevalence of TB can be up to 100 times higher inside the prisons. In most countries HIV infection in prisons is significantly higher than within the population outside prison, especially where drug addiction and risk behaviors are prevalent. Prison staffs are also vulnerable to most of the diseases of which prisoners are at risk. Prisons are not isolated from the society and prison health is public health. The vast majority of people committed to prison eventually return to the wider society. Thus, it is not in vain that prisons have been referred to as reservoirs of disease in various contexts.

Overcrowding is one major source of negative effect on prisoners. Crowding has arisen due to correctional institutions being forced to house far more inmates than they were designed to hold, due to the fact that prison populations are on the increase. A relationship has been found between crowding and the psychological effects of imprisonment.

### **Recommendations**

According to the Muslim women prisoners, they enjoy listening to visiting Muslim scholars than those that they have in the prisons. They are recommending to the Muslim scholars and the authorities to extend their time of teachings to enable them received the total understanding of Islam.

From the research, it has been found that the Muslim women prisoners do not have good food and even what they are served is not enough for them. Based on this, the appeal to Muslim organizations to assist the government to make provision for enough food.

There is the need for the Prison Service to employ more Islamic scholars into the prisons to aid the inmates in acquiring more knowledge in Islamic education. Most of the prisoners have plead to grant them amnesty. Some of them also have asked the prison officers to change their hostile attitudes toward them. Equivalence of healthcare and the right to health is a principle that applies to all prisoners, who are entitled to receive the same quality of medical care that is available in the community. Therefore, the medical care in the prisons must be improved.

It is one of the principle objectives of the United Nations in the area of prison reform to contribute to the successful reintegration of prisoners into society following their release. In light of this, the prisons reformation and rehabilitation programs must be improved and made effective by those who administer them.



There were also some issues about cell congestions, so the Prison Service has to do well to decongest the cells to prevent infections and discomfort to the inmates. The Muslim community outside is also recommended to often visit the Muslim women prisoners as well as aiding them materially and financially.

## **CONCLUSION**

The genesis of prisons was the abode of incarceration, torture and execution. The phenomenon changed as civilization took underway. Prisons rather became a place of transformation and reformation which carries with it improved conditions of stay in the prison cells. The problem that brought about the establishment of this study was the perception that the freedom and rights of prisoners especially Muslim prisoners were being infringed upon. In order to ascertain the content of veracity of the said problem, the researcher therefore under took this study. After the study, it could be established that, the participants said they had access to religious scholars. With regards to the rights of religious activities, it could be prayers said without the least doubt that they are accorded that right. For instance, with daily, the inmates responded that they allowed them to pray. To add to it, some participants responded that they were usually allowed to attend even 'Eid prayers. This is a clear sign that Muslim inmates of Prison are accorded the right to exercise their religious obligations. Nevertheless, there were complaints about the time they pray Fajr, Maghrib and Isha. This has also shown that Muslim inmates have access to education on affirmation by the inmates. What is more affirmed was that, there was religious education with varieties. On the issue of general conditions of the prisons, most responded that, the general conditions of prisons are bad. Taking into account of the respondent's food was of bad quality, a lot of respondents agree that the food was insufficient. It was agreed that there was no much medical care only when one is sick. Among the inmates, there were convicts, and some of them were convicted on drug-related suggesting that most of them were engaged in. The article also sought to find out the reasons why Muslim women inmates committed those crimes. It was found out that some of them were innocent of the crimes convicted of and some of them said they committed the crimes as a result of financial problems. In a nut shell, it could be said that Muslim women prisoners were accorded with the right to practice their religious activities though with some limitations. The general conditions of the prisons rather are not in the best of state thereby discomforting the inmates. The general conditions therefore need to be improved upon.

## **REFERENCES**

### **BOOKS**

- Amidi, M., Zuberi (2002) *Being in Prisons- Right or Wrong*. Macedonia.  
Cesare, Lombros(1968) *International Encyclopedia of the Social Sciences*.

- Christopher, R., Bartol, and Michael, Bartol (1994) *Psychology and Law: Research and Application* (2nd ed.). Pacific Grove: CA: Brooks/Cole.
- Emile, Durkheim (1976) *Elementary Forms of Religious Life*. London: George Allen & Unwin publications.
- Ghana Prisons Service (2012) *Prison Officers Training Manual for Cadet Officers*. Accra.
- Ibn Taymiyya (1998) *Majmu' al-Fatawa*. Vol (37), Dar al- Wafa'ilTabi'awal- Nashur.
- Johnson, Rod (1996) *Hard time: understanding and reforming the prison*. California: Wadsworth Publishing Company.
- Kjelsberg, Ellen, Skoglund, T. H., Rustad (2007) *Attitudes towards prisoners, as reported by prison inmates, prison employees and college students*.
- James Fort Prisons. History of James Fort Prisons, (n.d).
- Rowell, John, Americo Rodriguez, and Harry, S. Dammer (2004) *Religion in Prison: Encyclopedia of Prisons & Correctional Facilities (Ed)*. Thousand Oaks: Sage Publications.
- The 1992 Constitution of the republic of Ghana.

## **ARTICLES**

- Muhammad, Shirazi (2003) *The Rights of Prisoners according to Islamic Teachings*. In Z. Olyabek (3rd Ed. and Trans). London: Fountain books.
- United Nations (2005) *Human Rights and Prisons: A Pocketbook of International Human Rights Standards for Prison Officials*. New York and Geneva: Author.
- United Nations Office on Drugs and Crimes. *The Religious Rights And Duties Of Muslim Inmates In Prisons - A Guide For Criminal Justice Personnel*. Author.
- Wayne, Carlson (1998) *Victims Issues: An Inside View of Prison Life*. Journal of Prisoners on Prisons. Vol. 9 No. 2, 4-5.

## **INTERNET**

- <http://www.macmillandictionary.com/dictionary/british/prison>.
- International HIV & AIDS Charity. *Prisons, Prisoners and HIV/AIDS*, retrieved from <http://www.avert.org>, accessed on 15th April, 2013.
- Krestev, J., Prokipidis, P. and Sycamniyas, E. *The Psychological Effects of Imprisonment*, retrieved from <http://www.uplink.com.au/lawlibrary>, accessed on 11 June, 2014.
- Mrs. Matilda Baffour-Awuah. *Negative attitude towards prisoners is dangerous to society*, retrieved from [www.modernghana.com](http://www.modernghana.com), accessed on 5-04-20