

THE SOCIO-PSYCHOLOGICAL CONSEQUENCES OF FREEDOM DEPRIVATION¹

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Abstract

Through this research, I intended to point out the particular characteristics of prisoners, by trying to define a more comprehensive image of the prisoner's personality, as well as understanding these phenomena by developing a socio-psychological profile of the individuals through theoretical information.

The need for an extensive work must approach with priority this type of issues, with such extremely complex, but in the same time controversial consequences, based on a series of questions that appear in the literature, seeking urgent for answers.

To achieve this objective, I used a methodology based on documentary research in order to explain a set of concepts and specific terms for this subject, which become an area of interest for specialists who investigate the causes, motivation and personality of prisoners.

Thus, my purpose was to identify, emphasize certain personality characteristics present with prisoners through answers, information provided by them, but also by other subjects included in this research.

Key words: *detention, psychological consequences, criminal law, detention system, social reintegration, imprisonment shock.*

JEL Classification: *K14*

1. Influence of punishments on convicted persons

As a social phenomenon, criminality prejudices the interests of society are, and those who break the rules are labeled as such. The penalty for them is imprisonment, where the detainee is submitted to coercive effects of prison life, having a subordinate status before the law³.

Deprivation of liberty is for any individual, a high significance situation in his lifestyle, during detention and afterwards, in his freedom.⁴

The effects of freedom limitations disrupt the normal evolution of personality, as they create conditions for the emergence and amplification of mental and psychosocial disorders.

Affecting the whole personality, putting a mark on the entire behavior, the lack of freedom deeply marks the lives of individuals and their social relationships. The social institutionalized reaction against criminals and crime represents a coherent and unified system of measures dosed depending on: the values which are protected by the rules of criminal law; the overall dynamics of the infraction phenomenon and crime genres; the etiology of crime; the effectiveness of social control exerted by specialized bodies in preventing and combating crime; the efficiency of institutions and extra-penal means in preventing and combating crime⁵.

Acute restriction of individual freedom, impersonal relationships, lack of information, the authoritarian regime, a closed environment and monotonous activities, all perceived by prisoners as violations of their integrity as human beings. In many cases, the impact of deprivation of liberty on personality components is dramatic, generating and perpetuating conducts that are different from those previously held in a free environment⁶.

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³ Ioan Chiș, Dragoș Răzvan Niță, *Fundamente de drept execuțional penal*, A.N.I. Publishing House, Bucharest, 2005, p. 122.

⁴ Ana Bălan, Emilian Stănișor, Marinela Mincă, *Penologie*, Oscar Print Publishing House, Bucharest, 2003, p. 16 et seq.; Gheorghe Florian, *Fenomenologie penitenciară*, Oscar Print Publishing House, Bucharest, 2003, p. 9 et seq.

⁵ Petrance Zidaru, *Drept penitenciar. Tratatamentul penitenciar. Regimul penitenciar. Practica penitenciară*, Universul Juridic Publishing House, Bucharest, 2001, p. 126 et seq.

⁶ F. Gheorghe, *Psihologia penitenciară*, Oscar Print Publishing House, Bucharest, 1996.

Prison creates a special type of interpersonal relationships that have dynamic content and unique ways of structuring and manifestation.

There are two factors that determine these interpersonal relationships:

- the specific context of prison: manner of organization; types of activities; constant surveillance;
- and the type of prison population⁷.

Many of them are social misfits, unwilling or unable to integrate into the requirements of social cohabitation norms; many of them have a dubious morality and a heavy past, pressing against their consciousness.

Coming in prison torments the balance of personality by a triple reduction:

- the living space;
- personal time: suspension of future; relativity of the past;
- social behavior: isolation; abandonment.

The prison is a “total” institution, in the sense of a place of resistance where a group of individuals who have an identical situation, being separated from the outside society for a certain period of time (sometimes considerable), live together a life cycle restricted through formal prohibitions (to conduct certain activities, to have contact with their family, to personalize the living space, to take initiatives etc.⁸)

In conclusion, the prison population has a number of features, generally unfavorable to a cultural-educational approach, which is why moral correction in detention becomes very difficult. Statistics generally indicate low levels of education, including the illiterates, professional instability, age of up to 30 years, negative traits of character, a certain antisocial experience even for those who have no criminal record, level of aspirations on the material aspects of life, in contrariety with the opportunities and personal qualities.

So, the prison environment does not allow an authentic externalization of feelings and thoughts of the prisoners, because the inter-human relations are marked by deprivation of liberty, and by emotional and informational frustration.

Therefore, prison educators have an important role in humanizing this institution.

2. Psycho-sociological phenomena of the custodial environment

The arrival of a person in prison is not caused by an own act of will (e.g. a voluntary admission to a hospital), but represents a penalty imposed to the person who has strayed from the moral and legal norms. Once the individual enters prison he/ she feels, to a greater or lesser extent, depending on age, his/ her psychological structure, social maturity and level of culture, the effects of liberty deprivation and reacts in a personal way to this new situation

- ***Submission shock (incarceration)***

Deprivation of liberty involves multiple forms and, in qualitative terms, give rise to a special phenomenon, namely incarceration shock. This causes a complex range of psychological and psychosocial unrest, starting with a detention crisis manifested in silence until the occurrence of aggressive and self-aggressive behaviors (suicide, self-flagellation). Submission shock manifests itself even by restricting individual freedoms.

- ***Prisoners' perception on punishment and deprivation environment***

This phenomenon is often determined by how each detainee solved his atonement problem⁹. When the penalty is assessed as being proportional with the offense, the daily condition express an acceptance of all rigors, but when the penalty is seen as more severe than the crime committed, the prisoner believes that he is suffering an injustice and an undeserved punishment.

⁷ T. Bogdan., I. Santea, R.Cornianu, *Comportamentul uman în procesul judiciar*, Serviciul Editorial M.I Publishing House, Bucharest, 1983.

⁸Ioana-Teodora Butoi, Tudorel Butoi, *Psihologia judiciară*, Editura Fundația „România de Măine” Publishing House, Bucharest, 2003, p. 383.

⁹ N. Mitrofan, *Aspecte privind relația etic-juridic-psihologic*, „Revista penitenciară” no. 3, 1995, p. 392.

As a result, the detainee will remain irreconcilable, claiming and hostile to the administration of detention, dominated by feelings of victimization.

In terms of detainee perception about the penitentiary environment, it is determined by a complexity of factors - material and spiritual; objective and subjective; social and psychosocial, which only corroborated and interdependent become relevant for understanding the specific ambiance specific to the deprivation environment.

- ***Prison environment and depression of convicted persons***

For the person executing a custodial sentence, the prison environment puts in order two types of problems:

- adaptation to specific norms and values accordance to this lifestyle
- the further development of his personality.

For any person, imprisonment in the penitentiary environment is a special situation, with ample resonance in his living environment, both during detention and afterwards, in freedom. As long as the individual is in the place of detention, between people who - like him - have committed antisocial acts, the greatest difficulties are located in relations with others.

Interpersonal relationships that are established between inmates are strongly colored by isolation, and by emotional and informational frustration. This makes the relationships between prisoners be determined by certain interests who forge the moral atmosphere within the group of prisoners. Thus, we can hardly speak about the existence or maintenance of prisoners with attitudes to serve as a model for the rest of inmates.

In prison, for leading to a transformation of prisoners' mentality it is necessary to reconstitute a functional system of values, in parallel with the activation of self-confidence and in the future, correcting the attitude towards work, law and punishment. In time, we can appreciate that the individual has progressed morally if his actions are quantitatively and qualitatively improved in the moral sense compared to the past, if this improvement gives him a degree of humanization, lived as a state of inner happiness¹⁰.

Imprisonment, as punishment stipulated by law and applied by the court, is a complex measure, which raises an entire series of problems¹¹:

- firstly, as duration (months or years), the execution of a sentence must be observed, guided and supervised throughout detention;
- secondly, the execution of sentence must be done in a special and complex institution, namely prison, an institution that has a specific organizational structure, starting with the material base, security and safety issues, the issue regarding personnel and its peculiarities, and ending with the daily problems in prison;
- thirdly, there are many personal problems (health, education, work, needs, etc.) extremely difficult for those who serve the sentence in prison.

Stress factors that will influence those categories of individuals are:

- sentence length;
- range of mental and psychosocial unrest (detention crisis, aggressive and self-aggressive behaviors);
- removing the external symbols of personality by being forced to wear the uniform etc.

It is desirable that, during the execution of the penalty, measures that reduce differences between the open and enclosed environment and creating conditions for a progressive return to life in society should be taken¹².

In most penitentiary regimes, prisoners' life is almost normal and carefully regulated, so that it reduces almost to zero the ability to show initiative and to take responsibility. In this prior release it is necessary for the prisoner to be able to entrust certain responsibilities on oneself or on work,

¹⁰ T. Gânju, *Discurs despre morală*, Junimea Publishing House, Iași, 1981, p. 44 și urm.

¹¹ Ana Bălan, Emilian Stănișor, Marinela Mincă, *Penologie*, Oscar Print Publishing House, Bucharest, 2003, p. 103.

¹² For example, for this purpose, the New Penal Code stipulates the possibility of parole: art. 90, 100 New Penal Code, which creates the possibility to accustom the inmate with the free environment prior to fully executing his penalty. Using them in work without security outside penitentiaries also represents a method for preparing them for a normal life in society.

family, maintenance, spending money or crossing from a maximum security regimen to a less hard one.

The shock of incarceration, the contact with the lower education in prison makes the inmate to form a new vision of themselves and develop a "*survival strategy*".

Detention induces a hostile attitude of learning (in plain sight or hidden¹³) against the prison staff, against the world outside and developing loyalty to their "colleagues", supporting each other whenever their interests come into conflict with certain legal provisions.

The adoption of these "prison norms" are generated from a strong motivation which, as formulated by A. Maslow, subsumes to the class of reasons designated through 'the need of belonging to a group'. The detention phenomenon is the result of "social pressure" exerted by an informal group of prisoners and is a force of counter-education against the educational – therapeutic efforts of specialized staff in the penitentiary.

Prison population represents a group of people that has the characteristics of any other group: statutes and formal or informal rules, formal and informal leaders, which have a word to say.

The group is submitted to norms that are not necessarily identical to those desired by prison management as well as to traditions transmitted from a "*generation*" of inmates to another. Moreover, socio-affective phenomena (attraction, rejection, isolation, ignorance, neutrality) occur in the group, which have a great importance, both friendships and hostilities are "*life and death*", which affects the organizational climate and state of discipline.

Convicts are in the situation of losing intimacy, of being controlled directly, of being bodily searched, of not being able to express themselves freely, of behaving according to the standards that most often they detest or not accept. The lack of some attributes of freedom, living in communities of criminals, permanent restrictions, absence of loved and close ones, long standing confinement in overcrowded rooms, creates for the most prisoners the desire, more or less manifested, to escape this way of life, and to do everything possible to return into society.

In this "*world*" of criminals negative leaders affirm themselves, who recruit "*lieutenants*", surround themselves by acolyte and sympathizers, they subjugate the physically and mentally weak, achieving an internal "*order*" in prison, which sometimes escapes supervisors or is used by them to keep control of the large groups, given the fact that the staff is reduced, not very prepared or equipped, when the management is weak and careerists, wanting more "*peace in prisons*" than solving real problems. Thus, even in prison "*clans*" appear, that dominate prison life, rivaling each other and fighting for supremacy, taking advantage of the difficult situation and permanent crisis in the prison system, to bring the rules of organized crime from "*outside*".

Consequently, prison is faced with the occurrence of drug distribution networks, ways to corrupt personnel, doctors, judges, for obtaining "*conditional*" release, sentence interruption "*for cases of sickness*", hospitalization for attempting escape, punishment interruption for various medical interventions "*that cannot be achieved in the network penitentiary*", or because the criminals "*do not support the prison regime.*" All these circumventions of law cannot be done without a large sum of money, benefits or blackmail, traditional means of organized crime.

There are also convicts "*who have nothing to lose*", and among them are those who are at the beginning of a very large sentence, of 20 - 30 years, or those convicted to life imprisonment, multi-convict offenders whose convictions exceeds two or three decades, usual criminals who "*cannot resist*" in freedom for more than a month or two, as their lives are only in prisons, convicts who have no one in the outside world, without any relatives, or with relatives who have denied them for their crimes, ill prisoners with incurable diseases, or most often, with serious mental illnesses, whom, when presented with the opportunity, try to form coalitions to get all kinds of facilities or to take revenge against personnel or against - the criminal, social, cultural, ethnic, etc. - "*system*"

¹³ Ever since decades ago (1940), the Canadian Criminologist D. Clemmer signaled the imprisonment phenomena, defined as "socialization "to the deviant culture of inmates, process by which the inmate adopts and shares the viewpoint of inmates on the penitentiary world and society, in general.

Mental capacity, essential to be chargeable and to apply a penalty, in absence of which person cannot be criminally liable, consists of a sum of psychological characteristics that form and develop gradually with age, during childhood and adolescence, meaning all the period preceding the coming of age of majority, and which our criminal and civil laws define under the name of minority.

Minors normally know, alongside with their physical development, a progressive development and improvement of overall mental faculties, a continuous enrichment of their intellectual and moral "heritage". During this process, they gradually acquire the ability to distinguish right from wrong, to be aware of what can be allowed and what cannot be allowed, to realize the nature and consequences, harmful or not, of their behavior. Only when the minor's mental capacity has reached this level of development, can he be charged with a crime, because under these conditions, the child becomes responsive to the needs of the criminal law and may react positively to criminal treatment.

3. Conclusions

Considering all these issues approached by the presented theme, a considerable proposal aims to create facilities that allow the participation of a larger number of inmates in training courses, professional training, schooling, etc. This positive fact is reflected in the re-education process within detention and also helps them later on, after returning from prison, for finding work and for individual accomplishment.

It is well known that some of the people who execute custodial sentences have no training base, many of which lacking elementary school education. It is much harder to find a place in society after leaving the prison.

In supporting these people, and in addition to the idea of actively participating in schooling or professional (qualification) courses during detention, we come forward with the suggestion which would allow their social reinsertion in optimal conditions. We hereby refer to the encouragement by state institutions to hire people who have served custodial sentences, through various methods, such as reduction of the employer's income tax for a determined period, of the social insurance contributions for those individuals, or other economic facilities.

All these things are based on the principle that prisoners belong to society, not to penitentiary, and without the contribution of society, many people who have served custodial sentences will return in prison, not finding a place in society.

A better collaboration between the prison system and other institutions of the state would certainly support an easier reintegration into society of persons who have served custodial sentences.

But the most important thing to do is changing the mentality according that which former offenders are pariah of society, for which the social reintegration barriers cannot be crossed.

The standard of civilization in a society can be measured by how we treat the weak. It results in the fact that the manner in which we treat prisoners, these people whom by accident of fate, or a thoughtless gesture, became vulnerable, poor, deprived temporarily and only partly from their rights, we can talk in the most competent way about our standard of civilization.

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