

## **The Unforgiving Society: A Disconnect With The Enhanced Rehabilitative And Corrective Mandates Of Prisons In Kenya**

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**Abstract:** Recent years have been marked by increased studies in crime, punishment and prisons. Many of these works have argued that punishment and imprisonment of criminals does very little to alter criminal behavior and that even with the modern policy changes in prisons, little is expected in terms of criminal behavioral change. While some scholars agree on the fact that religion in general and Christianity in particular can cause transformation of adult criminal behavior in rehabilitative and corrective institutions, the wider society still appears to be dissuaded from this possibility. This situation seems to leave the case of transformation especially of ex-prisoners in a quagmire. This paper examines the disconnect that exists in view between the rehabilitative and corrective roles of the prison institution on the one hand, and the wider society that still maintains that prison is an embodiment of the spirit and power of death. The study is generally guided by the functional theory in regard the prisons mandate and how this can enhance inclusivity in our societies to promote solidarity and stability. The paper does not however, ignore the fact that negative perceptions of the prison institution are warranted based on the colonial and post-colonial history of prisons in Africa in general and Kenya in particular, but also alludes a weakness in the desire for a crime free and inclusive society. The paper proposes that the society (the church included) should stop living in denial and inherent contradictions with regard to its desire for a crime free and inclusive society and its perception of Prison and ex-prisoners.

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### **I. INTRODUCTION**

The prisoner or ex-prisoner status continues to carry stigma in many African societies, and seems to hover forever over personal lives of the people involved particularly if the imprisonment was of criminal nature. In a local popular television documentary in Kenya; "the Jeff Koinange Live show with Mike Sonko on 3<sup>rd</sup> May 2017,"<sup>1</sup> this stigmatization came out clearly. The show began with anchor Koinange's presentation of Mike Sonko's imprisonment of between 1997 and 1998, further asking if Mike Sonko had been cleared by the Ethics and Anti-Corruption Commission (EACC) of Kenya to contest for a public office in politics; by implication referring to the imprisonment history of Sonko among other things. At the time Mike Sonko was a political aspirant for the Nairobi's gubernatorial race in the 2017 general elections of Kenya. Responding to the same presentation, aspirant Sonko noted, "...my past should not judge my future or my present..." The aspirant went further to give a list of individuals who had once been incarcerated but eventually made it in life. In this list he mentioned the founding father and the first president of Kenya Mzee Jomo Kenyatta, the former prime minister of Kenya and by then a presidential aspirant in Kenya in the 2017 general elections; Raila Amollo Odinga, and South Africa's Nelson Mandela among others; all who had been in prison confinement at one time or the other for political reasons. Of course aspirant Sonko was not accurate in his comparison for he failed to distinguish

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<sup>1</sup>Jeff Koinange Live is an entertainment and talk show on KTN television in Nairobi anchored by Jeff Koinange. The show hosted Mike Sonko on 3<sup>rd</sup> May 2017. Jeff Koinange Live Television interview with Mike Sonko retrieved 5<sup>th</sup> July 2017 from <http://www.youtube.com/watch?v=YRRAAU80ov4>

between political imprisonment which is often heroic and to which those mentioned on his list belonged, and the criminal prisoner status that is stigmatized by the society, and to which his case rightfully belonged.

Put simply, the foregoing discourse displays a common phenomenon in many world societies when individual ambition is marred citing past criminal record. In Kenya the constitution too seems to support this position when Chapter six of the same deems it unfit for one to vie for a public office based on past criminal record. Does it therefore mean that an ex-prisoner is permanently condemned and stands no chance to be a leader? In which way therefore is prison a corrective and transformative institution as the new policy change in Kenya puts it? What is the role of religion in general and Christianity in particular in this policy change with regard to the mandate of Prisons?

### **Transformation without the involvement of the larger society**

It would seem that the modern policy change in the mandate of prisons in general, and Kenya in particular is yet to gain currency in the larger society that includes the Church. Today in Kenya there exists a great chasm between society and prison as the Biblical story of the rich man and Lazarus in Luke 16:26-31 appears to capture in vivid terms thus;

“...And besides all this, between us and you a great chasm has been fixed, so that those who want to go from here to you cannot, nor can anyone cross over from there to us’. He answered, ‘then I beg you father, send Lazarus to my father’s house, for I have five brothers. Let him warn them, so they will not come to this place of torment....”<sup>2</sup>

This is a story of a former rich and suffering man who found himself in the other world subsequently realizing that the other world had some contradicting but ideal assumptions about life. To avoid future wrong assumptions on the part of those he left behind in this world, he appealed to Abraham (the Biblical figure) to help in the delivery of this ideal discovery but Abraham was quick to point to the chasm that existed between the two worlds where knowledge could not be shared. By implication therefore it was the lack of ideal knowledge that had contributed to suffering in this world.

This story supposedly corroborates in figurative terms the nature of relationship between the society from which criminal offenders come and the prison in which they find themselves. In a Master of Arts degree research at MasindeMuliro University of Science and Technology (MMUST) on “Christianity and transformation of adult criminal behavior in the Kakamega main and women prisons,” in Kenya,<sup>3</sup> the findings indicated that there was no link between the prison and outer society in terms of understanding and accepting the corrective and transformative roles of prisons. In fact, according to the larger society as represented by the Church, the dominant view seemed to indicate that, anyone imprisoned is evil whether they have changed or not. And yet the Church should be and indeed is an active participant in the corrective and transformative processes of the prisons.<sup>4</sup> The existence of a gap or the lack of linkage, jeopardized the corrective and transformative role of prisons denying the convicts the much needed second chance in life. How then should we understand and conceive of this lack of linkage in the rather problematic role of the society as is represented by the Church?

### **The gap between prison and the outer society**

Interestingly, this gap in linkage between the prison world and the outer society in Africa in particular has to be understood on the basis of history of prisons in Africa itself. F. Bernault in *A history of prison and confinement in Africa*,<sup>5</sup> has observed in this regard that:

“By the seventeenth century prisons were pictured in the western imagination as abhorrent microcosms of vice, shame and misery. They showed how radical society was. In 1618 GeffrayManshull, an English author horrified by the excess evil that reigned in Kings Bench compared his jail to the place that to his mind could best suggest disorder and moral darkness: Africa.”<sup>6</sup>

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<sup>2</sup>New International Version Bible.

<sup>3</sup>Indeche, C. S. “Christianity and transformation of adult criminal behaviour in Kakamegamain and women prisons” (Unpublished master’s thesis) MasindeMuliro University of science and technology, Kakamega, 2017.

<sup>4</sup>Marshall, C. D. *Beyond retribution: A new testament vision for justice, crime and punishment*, William B Eerdmans publishing company, Michigan, 2001.

<sup>5</sup>Bernault, F. (ed), *A history of prison and confinement in Africa*, Heinemann, Portsmouth, 2003.

<sup>6</sup>Bernault, F. (ed), *A history of prison and confinement in Africa*.

Clearly, Manshull's comparison of Africa to prison was unwarranted. The comparison pointed to a situation where Manshull did not understand Africa yet he was quick to compare it with prison. What he did not understand was the fact that before the arrival of the west, Traditional African structures had ways of dealing with criminality in society stretching from time before individual conception to long after death. His comparison was in fact imaginary since morality existed in the indigenous African thinking as the basis of relationships. Manshull's comparison however did add to the misunderstanding of traditional Africa as a world not different from prison; an abhorring western invention and conception with excess evil.

Bernault's observations on prisons in connection to vice, shame, and misery in the foregoing citation can be understood generally against the backdrop of what C.D.Marshall discusses in his book, *Beyond retribution: A new testament vision for Justice, crime and punishment*.<sup>7</sup> According to Marshall, the prison as mentioned in the New Testament is the most despicable and violent of all modern social institutions. He further presents prisons during the Roman period as dark, disease-ridden, overcrowded places. As a result of these conditions, it was therefore common for prisoners to die in custody either from disease or starvation,<sup>8</sup> brutal torture,<sup>9</sup> execution,<sup>10</sup> or even suicide.<sup>11</sup> Based on these, if the prison situation has to be judged, then it is a true reflection of "not merely a social institution or a material entity but the embodiment of the spirit and the power of death."<sup>12</sup> This also explains the historical practical as opposed to theological position of the Church on prisons as generally negative places. If therefore the prison situation is examined from this traditional perspective, first, in practical terms, it cannot be a place of transformation but a camp to promote the very ills it is expected to combat. Second, when offenders are taken to prison, the society is right to expect a worsening of behavior and the creation of more criminals against the very desire to have a crime free society, hence both the society and prison are doomed to failure in this regard.

Bernault<sup>13</sup> agrees with I.D.Aguedze<sup>14</sup> on the fact that:

Europeans imposed the prison systems in Africa a century ago to serve a specific colonial objective; thus transforming a complex form of local repression. After independence, regimes carefully reworked the prison system to meet modern, if sometimes unfortunate, political purposes...since independence, African governments have maintained the prison at the heart of their legal systems. Some governments have built new modern corrective facilities but the popular perception of prison remains ambivalent.<sup>15</sup>

It is noted that, the purpose of punishment for a Crime in traditional African society was to show the inhabitants the guilt of the offender, act as deterrent to others and bring about restoration. Even in the face of most adverse crimes members were banished from the society to be given room for punishment and soul searching while in exile.<sup>16</sup> Bernault on traditional African way of dealing with crime notes that the process involved productive recuperation or destructive exclusion and punishment was compensatory. For instance, in *Things fall Apart*, by Chinua Achebe,<sup>17</sup> which is a fictitious book that expresses the African values, Okonkwo

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<sup>7</sup>Marshall, C. D. *Beyond retribution: A new testament vision for justice, crime and punishment*, William B Eerdmans publishing company, Michigan, 2001.

<sup>8</sup>Matthew 25:36.

<sup>9</sup>Matthew 18:34.

<sup>10</sup>Mark 6:14-29.

<sup>11</sup>Philemon 1:19-24.

<sup>12</sup>Marshall, C. D. *Beyond retribution: A new testament vision for justice, crime and punishment*, William B Eerdmans publishing company, Michigan, 2001, 14.

<sup>13</sup>Bernault, F. (ed), *A history of prison and confinement in Africa*.

<sup>14</sup>Aguedze, I.D. *The principles underlying the African religion and Philosophy*, Maillu Publishing House, Nairobi, 1990.

<sup>15</sup>Bernault, F. (ed), *A history of prison and confinement in Africa*, 2.

<sup>16</sup>Aguedze, I.D. *The principles underlying the African religion and Philosophy*, Maillu Publishing House, Nairobi, 1990.

<sup>17</sup>Achebe, C. *Things fall apart*, Heinemann educational publishers, Nigeria, 1958.

kills a tribesman and is ex-communicated from *Umofia* village. His home and yam plantation is destroyed. While in exile he is visited by his friend from *Umofia*. When he is allowed to come back he finds everything has changed, and he cannot cope, and eventually commits suicide. What is evident in this African classic is that Okonkwo commits a crime, he is punished for it with consequences ranging from destruction of his property to exile in *Mbanta*, he is visited by clansmen while in exile; an archetype of a prison situation, and when he comes back he cannot cope up with the realities of the new life and he later commits suicide as a personal option to deal with his challenges in a new society that has rendered him irrelevant.

From an African perspective, it can be argued that Okonkwo's kinsman and friend who visited him in exile was a link between the unknown world of exile and the known world from which Okonkwo was excommunicated. While in exile a lot had happened to him. The challenge of the contemporary prison as posited by this study is the disconnect in which the current prison situation lacks a link with the wider society to enable informed decisions to be made regarding ex-offenders who like Okonkwo have to come back into society. The gap in linkage has been captured by Bernault in terms of knowledge between what happens in prison and the outer world when he argues that, early prisons were erected in all European garrisons and administrative posts long before colonial powers were in full control of territories.<sup>18</sup> From this it can be understood that the colonial prisons that are the pioneers of the prisons as institutions in Africa were not built as a response to crime, but rather as the European projection of this structures back at home. These Prison structures had created criminals at home back in the west, and their projection was that the same structures could not produce anything better abroad. Bernault further observes that the prison situation was more economic and it provided the white man with free labour, they used crooked means to deal with Africans in the prisons and considered Africans as delinquent race.<sup>19</sup>

It is submitted in this study that, the building of prisons by the Europeans did not serve the purpose of deterring crime. The traditional African initiatives were aimed at deterring crimes even if they were often considered barbaric as opposed to the European building of prisons that was aimed at taming political opposition and getting free labor from the Africans. The perception of the prison in Africa and Kenya in particular today is believed to be no different because leaders still use them politically to tame their opponents. The same prisons have been neglected in terms of maintenance and insufficiently funded at the detriment of their functioning as they should. All the negative factors combined, paint the prison as a true embodiment of the spirit and power of death with nothing redemptive to offer. Criminologists and experts in the field of crime have demonstrated the nonfunctional nature of Prisons generally by showing how little good most jail sentences and punishments do in deterring crime and restoring maladjusted people to usefulness especially among the youth and first time offenders.<sup>20</sup> Analyzed data from the study that informed this paper saw majority of the respondents claim that prison experience had given them time to reflect positively on their lives almost corroborating claim by Robertson<sup>21</sup> who observes that imprisonment gives room for reflection on one's life. However, the study did not ignore the fact that if transformation in prisons was to be judged based on the history of prisons, Rasmussen's views can be upheld.

#### **Stigmatization and transformation in prison: who is to blame?**

Did traditional Africa produce criminals? Aguedze notes that, "...Originally, all over the continent of Africa there were no police, because there was no need for them; prisons or jails were unknown, because there were no criminals living to be stored in them..."<sup>22</sup> This situation as observed by Agueze is captured by an Archbishop of the Church of England who lived in Uganda who in one of his addresses in England in 1931 said that:

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<sup>18</sup>Bernault, F. (ed), *A history of prison and confinement in Africa*, 3.

<sup>19</sup>Bernault, F. (ed), *A history of prison and confinement in Africa*.

<sup>20</sup>Rasmussen, A. T. *Christian social ethics: Exerting Christian influence*, Printice-hall, Inc. Englewood Cliffs, 1956.

<sup>21</sup>Robertson, O. *The impact of parental imprisonment on children*, Quaker United Nations Office, Geneva, 2007.

<sup>22</sup>Aguedze, I.D. *The principles underlying the African religion and Philosophy*, Maillu Publishing House, Nairobi, 1990, 187.

“Before we went to these people they had no police, no prisons, for there were no criminals. Their customs are a germ of morality and decency. And now we have forced our laws, ideas of morality, and institutions upon them, and have granted a free license to criminality, because we are making trade out of it.”<sup>23</sup>

Evidently, the structures in pre-colonial/missionary Africa did not produce criminals and where an African violated the morals of the society, some communities bound stones around their necks; their faces painted and forced to walk through towns as a proclamation to the natives that they are guilty of lying or perjury. This method is arguably very effective as above else, it involved not just the individual, but the society as well. It can be argued from this that the traditional African initiatives to curb crime were aimed at changing the individual while involving and using the society.

Traditional African was aware of the fact that people’s behavior was based on factors that are evident in their environment.<sup>24</sup> Behavior to Africans was based on both heredity and prenatal environment. There was also learnt criminality which arose from one’s social company.<sup>25</sup> Therefore, African initiatives to deter crime were to act on all these factors and Bernault echoes the fact that, “imprisonment was comparatively rare in sub-Saharan African societies before the advent of colonialism.”<sup>26</sup> The common and known incarceration in Africa was what Bernault terms as “ritual incarceration” which had a sacred dimension. It forced an individual or a group to end all contact with others for a certain period of time.<sup>27</sup> In this situation, it can be seen that Africans would give the offender a chance to go away and rejoin the society after the period was over.

Bernault further observes that:

“Imprisonment may not have carried a stigma but the deprivation of liberty was certainly a severe form of punishment for many Africans because they were accustomed to living a close, communal life.”<sup>28</sup>

Examining Okonkwo’s situation in Chinua Achebe’s *Things Fall Apart* already mentioned earlier, the conversation between Obierika and the District commissioner is informative. According to Obierika, Okonkwo was one of the greatest men in Umuofia village but he was driven to his death by circumstances facilitated by the Commissioner’s end. As a consequence, they had stigmatized his circumstances in death, and Okonkwo was to be buried like a dog. It becomes evident that stigma has a way of pushing people towards particular reactions either against themselves or the society when hope is not visible. He kills himself.

B.F. Skinner’s understanding of human behavior is close to traditional African position. According to Skinner, most of the problems the world is facing today can only be solved effectively dealing with human behavior as situated in their physical and social environments. Instead of concentrating on changing the individual, focus should be on society viewed as both physical and social environment and this will help restore man’s dignity. Skinner further notes against the traditional assumption that, punishment does not necessarily change unwanted behavior since people can avoid punishable behavior even with their unwanted behavior. However, he acknowledges that, under punitive contingencies a person appears to be free to behave well and to deserve credit when he does so.<sup>29</sup>

The situation today however is totally different with many ex-offenders reporting stigma from the wider society as a challenge they have to face. They are already branded as a different lot because of their prison or criminal record. No one wants to employ them or where they wish to be employed their criminal record has to be presented against them. The ex-prisoners (men and women) involved in this study confirmed that when they came back to society life was no longer the same for them. They had to re-learn a society they had once been part of. For some, they had to begin afresh since their crimes called for cultural reactions and the once friendly society did not want them even to access even their former properties. Where they were accepted, there were a

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<sup>23</sup> Aguedze, I.D. *The principles underlying the African religion and Philosophy*, Maillu Publishing House, Nairobi, 1990.

<sup>24</sup> Skinner, B. F. *Beyond freedom and dignity*, Alfred Knopf, Inc. New York, 1971.

<sup>25</sup> Aguedze, I.D. *The principles underlying the African religion and Philosophy*, Maillu Publishing House, Nairobi, 1990.

<sup>26</sup> Bernault, F. (ed), *A history of prison and confinement in Africa*, 97.

<sup>27</sup> Bernault, F. (ed), *A history of prison and confinement in Africa*, 76.

<sup>28</sup> Bernault, F. (ed), *A history of prison and confinement in Africa*, 101.

<sup>29</sup> Skinner, B. F. *Beyond freedom and dignity*.

lot of change in perceptions about them. 90% of the ex-prisoners contacted during the study on, “Christianity and transformation of adult criminal behavior in Kakamega main and women prisons” cited stigma, suspicion and rejection as prevailing in their lives after their incarceration. The main emergent challenge was when Christianity had been cited as the cause of transformation of ex-prisoners, and yet the churches were reluctant to accept them in the church unconditionally like everybody else. Clearly this presented aspects of stigmatization connected to prison incarceration status on the part of the larger society that included the church. The stigmatized experience of ex-prisoners in the larger outside world as it emerges in this study is perhaps captured best by K. Kafer<sup>30</sup> who notes in regard that:

Reentering society is a very difficult process for ex-prisoners. Ex-prisoners are often confronted with culture shock when they get out. Simple choices such as picking an entrée from a menu can be overwhelming. Jobs can be difficult to obtain even in the best economy when one has a felony on the record. Social adjustments can be difficult too. Joining a church community can feel intimidating. All too often families have turned their backs. New friends are hard to make, while old friends beckon one back to drugs and crime.<sup>31</sup>

### **Historical perspective to prison reforms**

Examining the issue of prison reforms from a colonial perspective, Bernault has observed that:

They believed that if you gave prisoners comfort in reforms, they'd take it for compensation for their misdeeds. It was necessary therefore to make it a foreign place to the people it was to correct....by removing meat and fish from their rations.<sup>32</sup>

Today strides have been made and the dominant theme in prison is rehabilitation, yet it would still seem that the outside world or the larger society is yet to appreciate this fact. It was an emergent fact in this study that, the society still looked at prison from the torturous and punitive perspectives when the times and prisons struggle to adopt a corrective and rehabilitative new stance. The popular image of the shadow of death like situations in prison still lingers in the minds of the society and its members. This largely explains the stigmatization of relations when the outside world is dealing with ex-prisoners.

For a long time, prisons have been seen generally in paradoxical terms as places where good people are made bad and bad people worse. This image has stuck despite the prisons' reform agenda such as that in Kenya that for instance was to turn prisons into correctional facilities instead of an embodiment of the spirit of death. R. A. Owila notes in this regard that, "...prison reforms in Kenyan Prisons were introduced to address human rights issues in prisons and turn Kenyan prisons from punishment, torment and humiliation to correctional and rehabilitation facilities..."<sup>33</sup> The reforms called for the introduction of specialists like psychologists, social workers and medical doctors to help address the issues affecting offenders with a view of rehabilitating them back to acceptable members of society after prison. O. J. Onyango(2013) agrees with this observation by Owila that prisons in Kenya today have a mandate to be centers of rehabilitation and reformation, but adds that, prison officers and the larger society must first accept that prisoners are incarcerated 'as a punishment' and not 'for punishment' and they must have the ability to facilitate behavior and attitude change.<sup>34</sup> To do this, Owila like Onyango agrees that there is need for specialists to come into contact with the offenders on a regular basis. There is however a challenge on who should manage who when the skills, academic qualifications and life experiences of prison officers fall below that of prisoners.

It is evident that some efforts at rehabilitation and reformation in the Kenyan prisons are underway but this is without a corresponding appreciation in the least on the part of the larger society including the body of Christ; the Church. This is in spite of the Church's bold message as amplified by, Marshall who notes that the

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<sup>30</sup>Kafer, K. "Prison fellowship: Redemption, restoration and reconciliation," Colorado University case study, 2014. Retrieved from: [https://www.CCU.edu/pages/About\\_ccu](https://www.CCU.edu/pages/About_ccu) on May 19, 2017.

<sup>31</sup>Kafer, K. "Prison fellowship: Redemption, restoration and reconciliation," Colorado University case study, 2.

<sup>32</sup>Bernault, F. (ed), *A history of prison and confinement in Africa*, 24.

<sup>33</sup>Owila, R. A. "Inmates and warders' perception of prison reforms in Kenya: A case of Eldoret G.K prison, in Eldoret, Kenya," *Public policy and administration research*, 2014 Vol. 4, No.11.17.

<sup>34</sup>Onyango, O. J. "Challenges facing rehabilitation of prisoners in Kenya and the mitigation strategies," *International journal of research in social sciences*. June 2013. Vol 2, No. 2

overwhelming emphasis of the Bible is that God's purpose is to break open prison cells and set captives free.<sup>35</sup> Release of prisoners was an important element of messianic expectation as well and can be captured in Jesus' inaugural speech at Nazareth<sup>36</sup>Examining the book of the Acts of the Apostles, Marshall further observes that the apostles are reportedly being broken out of prison by divine intervention perhaps demonstrating God's attitude towards incarcerating people. Why then is the status of ex-prisoner stigmatized even from the Church itself? Does it not perhaps imply that the secular western customary position with regard to negativity about prisons has become much stronger than the liberation waters of Christian baptism?

It is ironical in a way that Skinner rationalizes the entire issue of corrective and rehabilitative mandate of the prison from a contemporary and totally secular dimension, and concludes that the ex-convicts can change for the better; a position that is a true reflection of the Christian theological position. Skinner's argument upholds that under punitive contingencies a person appears to be free to behave well and to deserve credit when he does so.<sup>37</sup> Therefore, the prison environment itself in some ways cannot be written off as a powerful tool to cause behavior change in the lives of offenders and ex-offenders.

### **Of Christianity and Behavioral Transformation**

It is that Christianity stakes a claim to transform adult criminal behavior, yet this study finds church outside prison fairly accused of sidelining reformed 'Christian' ex-prisoners. This leads to one of the main questions posited by this study; must Christian transformation of behavior be of necessity a product of an ecclesiastical institution with a name, location and particular leader (also read as church in the conventional sense), or it can also be produced elsewhere including Christian campaigns in prison? In an attempt to answer this question, the study proposed to look at two biblical personalities and their Christian experience in the prison. The Story of Paul and Onesimus in the book of Philemon argues against the notion that Christian transformation of criminal behavior must necessarily be a product of ecclesiastical structures under the tutelage of a particular specialist.<sup>38</sup>

In this episode Onesimus must have gone to Rome where he came in contact with Paul (under prison circumstances) and somehow had become a Christian, the child whom Paul had begotten in prison. Seemingly, Onesimus had become very useful to Paul in prison that Paul wished to remain with him. Paul knew perhaps it was risky and had to seek consent from Philemon before sending Onesimus over to the later. Barclay on this issue notes that, "slaves were not people by perception but...living tools."<sup>39</sup>Therefore, as a runaway slave, on return without consent and protection, he would have been crucified and would die a torturing death. Onesimus thus had undergone transformation while in prison and had become useful by name and nature. Onesimus therefore, it can be argued, had transformed in Prison into a useful man and Philemon thus should receive him as a brother and not a slave.

Seen from this perspective, the study concurs indeed that Christianity introduces new relationships between people in which all external differences are supposed to be abolished. It is arguable from this point of view that religion effects behavioral changes in human life and as can be seen from the case of Paul and Onesimus these changes took place in prison. John Denney as quoted by W. Barclay is therefore right when he notes that, "...Christianity is the power which can make bad men good..."<sup>40</sup>This also challenges the belief that it is only in churches (structures with leaders) that transformation occurs. Christian transformation brought about in the prison situation, makes another church that is quite distinct from the ecclesiastical institution as the church is commonly known, in which transformation and conversion is possible. As we see, Onesimus goes to prison a criminal and leaves the prison a transformed and useful man to the society; a confirmation of the theoretical basis that Christianity is transformative and that the transformation is beyond ecclesiastical structures called the church.

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<sup>35</sup>Marshall, C. D. *Beyond retribution: A new testament vision for justice, crime and punishment*, William B Eerdmans publishing company, Michigan, 2001.

<sup>36</sup>Luke 4:18.

<sup>37</sup>Skinner, B. F. *Beyond freedom and dignity*.

<sup>38</sup>Philemon 1:1-25.

<sup>39</sup>Barclay W. *The letters to Timothy, Titus and Philemon*, Westminster press, Philadelphia, 1960, 310.

<sup>40</sup>Barclay W. *The letters to Timothy, Titus and Philemon*, Westminsterpress, Philadelphia, 1960, 320-321.

### **The church and the conflict on criminal behavioral transformations**

The wider society, like the church in its ecclesiastical structural form, has had a problem acknowledging the Christian behavioral transformation that occurs in prison. To a large extent this is due to stigmatization arising out of the not very pleasant history of the prison as an institution in the society. It is ironical that on the one hand, the society wants a crime free and inclusive society where people can transform and realize positive potential. Yet, the same society is very particular on where the transformation should come from. Primary data findings in this study significantly indicated that Christian behavioral transformation from prison was subject to doubt by the wider society that included the church in its ecclesiastical structural form. This represented an internal contradiction in the ideals of the society and its practices particularly as it is informed by Christianity.

It is the position of this study that, just as there are people in the ecclesiastical structural form church who have never confessed their commitment to the Christian faith, so are those in prison with the same offer who have never made that commitment. This argument therefore does not support the assumption that all those who go to church in its ecclesiastical structural form in the outer society as opposed to prison, are committed Christians by virtue of attendance as was the thinking based on the research findings in this study. It is equally not founded that those in prison are committed sinners by virtue of their imprisonment as the views of the wider society in this study seemed to suggest. Indeed, just as there are people in the ecclesiastical structural form churches who have committed their lives to the Christian faith, there are those in prison who have equally made their commitment.

The main challenge seemed to lie in the fact that when an ex-prisoner falls back from their commitment in their faith, they are judged more harshly by the society than backslidden church goers. This is largely due to the stigmatization by the society that prisons do not change people's character if not worsening them. On the other hand, if ecclesiastical structural form church goers fall back, they are supported to come back on track. What comes out of all these is a warped logic, for example that, 'a thief who has never been caught and jailed, and who confesses his crime in the ecclesiastical structural form church is much better than the ex-thief who is an ex-prisoner who confesses.' This study argues for the position that if the same support system given to the backslidden ecclesiastical structural form church member is given to the ex-prisoner who seems to be falling back, it will greatly impact their behavioral transformation. This is because even with transformation, criminals still need nurturing which the wider society seemed not to be ready to give reformed ex-prisoners.

Primary research data in this study confirmed the challenge of reintegrating ex-prisoners back to the society since society had not accepted that people in prison could transform positively. The prison and the wider society are two worlds that don't understand each other. These are worlds that have made a decision not to understand what happens to each once an individual is imprisoned. The wider society believes that prison nurtures hard cores and is a place of torture. Therefore, anyone who goes to prison is not expected to be better but worse. The implication was the stigma that prisoners do not change, and whenever they do not live up to the expectations of the claimed changed status, it was ground enough for a generalized judgment.

On the other hand, both prisoners and ex-prisoners in the study maintained otherwise. To paraphrase one such response,

"...Change and salvation are in the hands of God and about his grace. Just like people outside the prisons could abuse this grace, some offenders also follow suit. We cannot say prison did not change them. They were given the same offer that people in the free world are given and do not utilize. The problem then is not that Christianity in prison did not change them..."<sup>41</sup>

Jesus in Matthew 25:39-40 reminds his followers of a kingdom entry requirement and prison visit is given an eschatological significance. If you did it for prisoners, you did it for Christ and this should challenge every Christian to find areas of action in the prison situation. This is because God is seen to identify with the imprisoned offenders and actively involved in their liberty. The Bible as such, is not silent on the issue of adult criminality and God's involvement in the lives of the criminals and many of them went out of prison useful rather than useless. Their internal (spiritual) liberation prepared them for the physical liberation. The debate within the wider society and church should therefore shift towards understanding that the current social setup calls for the arrest of the suspected criminal, trial, and incarceration as a procedure of merely solving problems like crime in society. It would be very important therefore to ask how the incarcerated can still regain their integrity and remain helpful individuals in society after incarceration. The church and wider society in general should see themselves as partners with prisons in the transformation of prisoners and ex-prisoners, rather than conflicting on whose transformation counts.

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<sup>41</sup>Oral interview, 17 March, 2017.



### **Beyond imprisonment there is life for offender and society**

The conviction of criminal offenders should not mark the end of the victims in their societies nor that of the society in its thinking about the life of the criminal offender. There is life after that as an examination of the early church may inform. It could be argued that the early church was led by a bunch of jail birds and God was an accomplice in their escape.<sup>42</sup> Yet for some time the society from the positions already examined in this study can be said at best to have blocked its mind from admitting that prison can produce changed people and in fact is a societal institution with a function to help bring back the maladjusted to the fold of the larger society with the assistance of the very society. The story of Charles W. Colson as presented by Jonathan Aitken<sup>43</sup> in the article: "Remembering Charles Colson, a man transformed," suffices to reinforce this point. This is a story of Charles Colson a successful politician and a senior aide to President Richard Nixon of United States and whose name was at one moment synonymous with the Watergate scandal of the president Nixon's administration. Colson was known to use dirty and ruthless tricks in politics acquiring the title of "Nixon's hatchet man." The breaking of the Watergate scandal saw him become a prime suspect as the mastermind of the scandal. During the time, Colson is recorded as being "unchurched" while considering himself as a nominal Episcopalian.<sup>44</sup> The scandal caused his exit from the white house and later his conversion through a former friend. Colson was mentored by Doug Coe, an Orthodox but effective Washington pastor who ran the National prayer breakfast, even though a few of those who worked with Doug wanted anything to do with him

It is relevant for this study that Colson's story is a testimony of a criminal story before, during, and after prison. The moment of discovery that Colson had become a man of prayer witnessed cynicism erupting everywhere with the media damaging any chances he had of evading the clutches of the prosecutors. Aitken notes that:

Painful though it was, Colson's repentance was authentic. The most dramatic sign of this was that he became so convinced of his sin that against the advice of his lawyer he decided to plead guilty and was sentenced to a 1-3 year prison term.<sup>44</sup>

The time spent in prison taught Colson how to be humble and patient despite the challenges he faced. He was denied the presidential pardon he had expected. He was stopped from practicing law. His father is said to have died while Colson was in prison and his son arrested for narcotic possession but he surrendered to God's will. During this time in prison, he continued in Bible study, started prayer groups with fellow prisoners and completed the design for discipleship course which was published by the Navigators. Like any other inmate, Colson was frustrated in many ways. His application for parole was initially denied but later on unexpectedly given in July 1975 after serving seven months of his sentence. Settling into the world of freedom was yet another challenge with his former friends and secular opponents waiting for the moment he would stumble and fall but he remained true to his commitment. During President George Bush's administration, Colson came back to the white house and advised on issues relating to the rehabilitation and reemployment of prisoners.

This story should be a challenge to the society including the church that thinks prisoners and ex-prisoners have nothing to offer beyond prison. Aitken, the author of the article about Colson, is himself a campaigner of prison reforms and was a member of the British parliament for 23 years before pleading guilty to charges of perjury and serving a seven-month prison sentence. It is a lesson in this study that Colson and Aitken's lives did not end with imprisonment. There was life beyond imprisonment and the prison walls. The society should not block its mind when it sends people behind the bars, but should instead view prison as a fall back system for the maladjusted to find their way back to the larger outer society.

## **II. CONCLUSION**

This paper concludes that there is a disconnect in the understanding, appreciation and acceptance of the prison as a rehabilitative and corrective institution. The wider or outer society, it would appear, is still stooped in its traditional position that once incarcerated the ex-prisoner is no longer helpful to the society. The society's perception of the prison situation as influenced by the history of prisons in Africa has contributed significantly to this perception. Scholarly arguments hinged on the premise that prison and punishment do very little to alter

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<sup>42</sup>Marshall, C. D. *Beyond retribution: A new testament vision for justice, crime and punishment*, William B Eerdmans publishing company, Michigan, 2001.

<sup>43</sup>Aitken, J. "Remembering Charles Colson, a man transformed." 2012, Retrieved from: [www.christianitytoday.com/ct/2012/aprilweb/charles-colson-aitken.html](http://www.christianitytoday.com/ct/2012/aprilweb/charles-colson-aitken.html) on May 19, 2017

<sup>44</sup>Aitken, J. "Remembering Charles Colson, a man transformed."

criminal behavior have also informed this perception. As a result of this traditional perception, the contemporary transformative reforms in prisons in line with their enhanced mandate as corrective and rehabilitative institutions have not convinced the wider society including the church.

However, an examination of the dynamics of the discussions entertained in this study would confirm that, there is evidence that there is transformation going on in prisons in which Christianity is a major player. Even then, there is a beckoning need for the church to put its act together to avoid the conflicts when the church outside prison has been accused of sidelining reformed 'Christian' ex-prisoners. that aspect, it would seem that both the Christian church, as opposed to Christian teachings, and the African culture as well, are strongly influenced by the western perspective to prisons as inherently evil thereby justifying the denial of a second chance in life to ex-prisoners when this really is the ultimate message of Christ; to give humanity a second chance. The contribution of the church that is true to its mandate has the potential to contribute to the wider society's acknowledgement and participation in a 'more human perception that, beyond imprisonment is life.

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