



NATIONAL OPEN UNIVERSITY OF NIGERIA

SCHOOL OF ARTS AND SOCIAL SCIENCES

COURSE CODE: CSS 211

COURSE TITLE: THE SOCIOLOGY OF CRIME AND DELINQUENCY

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## **Introduction**

Welcome to CSS 211: The Sociology of Crime and Delinquency.

This is a three – credit course for the students of Criminology and Security Studies. The course is suitable for beginners as a foundation course on the subject matter of knowing the concept of crime; and more especially the sources and avenue to learn and commit crime. It highlights the extent, and nature of delinquency, as well as the theoretical explanations of crime and delinquency.

This course guide will give you an overview of the course. It provides you with information on the organization and requirement of the course. Similarly, it enables you to know what the course is all about, what you ought to know in each unit, what course materials you need to use and how you can work your way through in this course.

## **Course Aims**

The basic aim of CSS 211: The Sociology of Crime and Delinquency is to expose students of Criminology and Security Studies to the meaning of Crime and Delinquency. It covers a review of the social origins of crime, criminal law, and exposure to learning, and committing crime. It also highlights law, crime and delinquency in Nigeria legal system.

The broad aims of this material will be consummated through:

- i. The extent and nature of delinquency
- ii. The concept and nature of crime.
- iii. Theoretical explanations of crime and delinquency.
- iv. Examining law, crime and delinquency.

## **Course Objectives**

In each of the unit, has a specific objective. It is advisable for students to go through these objectives, before reading through the unit. In doing this, you would have covered the prerequisite of that unit. To achieve the aims set out in CSS 211, the major objective for the course would be emphasized. On successful completion of the course, you should be able to:

- a. Define the concept of crime and delinquency.
- b. Explain the sources of crime.(why people commit crime)
- c. Distinguish between crime and delinquency.
- d. Evaluate the community reaction to crime.
- e. Discuss the extent and nature of Delinquency.
- f. Examine key theories, in the quest to crime and delinquency e.g. the Differential Association, Psychoanalysis, Reinforcement theories, etc.
- g. Outline the punishment, correction and rehabilitation of criminals.

### **Working through This Course**

To complete course, you are required to read the study units and other related materials. Each unit contains self – Assessment Exercise (SAE) and Tutor – Marked Assignment (TMA).

These exercises are to aid you in understanding the concepts of the course. You are required to answer the e-Tutor- Marked Assignments for Assessment purposes. At the end of the course, you will be required to write the final e – examination. Below are the components of the course and what you are expected to do.

### **Course Materials**

- Course Guide
- Study units
- Assignment file
- Relevant textbooks (including the ones listed under each unit).

### **Study Units**

There are twenty units in this course. They are listed below:

#### **Module 1:**

**Topic:** The Extent and Nature of Delinquency

- Unit 1:** The Concept of Delinquency
- Unit 2:** Adolescence, Peer and Delinquency
- Unit 3:** Family and Delinquency
- Unit 4:** Drug, Youth and Delinquency
- Unit 5:** Family Court (juvenile court)

#### **Module 2:**

**Topic:** The Extent and Nature of Crime

- Unit 1:** The Social Concept of Crime
- Unit 2:** The Measurement of Crime and its Impact
- Unit 3:** Sources of Learning to Commit Crime
- Unit 4:** Community Reaction to Crime
- Unit 5:** Understanding Deviance

#### **Module 3:**

**Topic:** Explanations of Crime and Delinquency

- Unit 1:** Different Association Theory
- Unit 2:** Psychoanalysis Theory
- Unit 3:** The Conflict Theory
- Unit 4:** Functionalist View: Anomie Theory
- Unit 5:** Interactionist Perspective: Labeling Theory

#### **MODULE 4:**

Topic: **Law, Crime and Delinquency**

- Unit 1:** Legal Definitions of Crime
- Unit 2:** Meaning of Criminal Law
- Unit 3:** Nigerian Criminal/Penal Code
- Unit 4:** Criminal Justice Administration in Nigeria
- Unit 5:** Punishment, Correction and Rehabilitation

## **Textbooks/References**

Some books have been recommended in each of the units, you may wish to purchase them for further reading.

## **Assessment and Tutor-Marked Assignment (TMA)**

There are two types of assessment in this course. The first is the Assignment file. In this file, you will find the details of your work for marking. The marks you obtain in this assignment will make up your final marks. This Assignment will account for 30% of your total score.

The second one is the e – Examination. This will be discussed in details on final examination and grading. There are twenty tutor-marked assignments in this course. Every unit has a Tutor – marked assignment (TMA). You will be assessed in four of them but the best three performances from the TMA will be used for your 30% grading. The assignment for every unit in the course is well stated in the assignment file.

## **Final Examination and Grading**

The final e-examination for CSS 211: The Sociology of Crime and Delinquency will be of three hours duration and a value of 70% of the total course grade. Relevant areas of the course will be examined. Find time to read the units over and over before your final e-examination. The examination will consists of questions, which reflect the kind of self – assessment exercises and tutor – marked assignments you have previously encountered. All areas of the course will be assessed.

## **Course Marking Scheme**

The following table spelt out the allocation of marks.

<b>ASSESSMENTS</b>	<b>MARKS</b>
Assignments (best three Assignment out of the four e-TMAs)	30%
Final e- examination	70%
<b>Total</b>	<b>100%</b>

## **Presentation Schedule**

The dates for the completion of all assignments will be communicated to you. You will also be told the date of completing the study units and dates for the final e- examination.

## Course Overview and Presentation Schedule

UNIT	TITLE OF WORK	WEEK'S ACTIVITY	ASSESSMENT OF EACH UNIT
	<b>COURSE GUIDE</b>		
Module I	The Extent and Nature of Delinquency		
Unit 1	The Concept of Delinquency	Week 1	Assignment 1
Unit 2	Adolescence, Peer and Delinquency	Week 2	Assignment 2
Unit 3	Family and Delinquency	Week 3	Assignment 3
Unit 4	Drug, Youth and Delinquency	Week 4	Assignment 4
Unit 5	Family court	Week 5	Assignment 5
Module 2	The Extent and Nature of Crime		
Unit 1	The Concept of Delinquency	Week 6	Assignment 1
Unit 2	Measurement of Crime and its impact	Week 7	Assignment 2
Unit 3	Sources of Learning to Commit Crime	Week 8	Assignment 3
Unit 4	Community Reaction to Crime	Week 8	Assignment 4
Unit 5	Understanding Deviance	Week 9	Assignment 5
Module 3	Explanations of Crime and Delinquency		
Unit 1	Differential Association	Week 10	Assignment 1
Unit 2	Psychoanalysis Theory	Week 10	Assignment 2
Unit 3	The Conflict Theory	Week 10	Assignment 3
Unit 4	Functionalist View: Anomic	Week 11	Assignment 4
Unit 5	Interactionist Perspective: Labeling	Week 12	Assignment 5
Module 4	Law, Crime and Delinquency		
Unit 1	Legal Definition of Crime	Week 12	Assignment 1
Unit 2	Meaning of Criminal Law	Week 13	Assignment 2
Unit 3	Nigerian Criminal/Penal Code	Week 14	Assignment 3
Unit 4	Criminal Justice Administration	Week 15	Assignment 4
Unit 5	Punishment, Correction and Rehabilitation	Week 16	Assignment 5
	Revision	1	



	Examination	1	
	<b>Total</b>	<b>18</b>	

### **How to Get the Best from This Course**

In distance learning, the study units replace the conventional university lectures. This is one of the great advantages of distance learning. You can read and work through the special designed study materials at your own pace, and at a time and place that suits you best. Think of it as reading the lecture instead of listening to the lecturer. In the same way, a lecturer might give you some reading to do, the study units tell you when to read, and spelt out your text materials or reference books.

You are provided exercises to do at appropriate points, just as lecturer might give you an in-class exercise. Each of the study unit follows a common format. The first item is an introduction to the subject matter of the unit, and how a particular unit is integrated with other units and the course as a whole. Next to this, is a set of learning objectives? These objectives allow you to know what you should be able to do by the time you have completed the unit. The learning objectives are meant to guide your study. The moment a unit is finished, you must go back and check whether you have achieved the said objectives. If this is made a habit, then you will significantly improve your chances of passing the course.

The main body of the unit guides you through the required reading from other sources. This will usually be either from the reference books or from a Reading section.

The following is a practical strategy for working through the course. If you run into any trouble, telephone your facilitator. Remember that your facilitator's job is to help you when you need assistance. Do not hesitate to call and ask your facilitator to provide it.

- Read the course guide thoroughly, it is your first assignment.

- Organize a study schedule. Design “course overview” to guide you through the course.

Note the time you are expected to spend on each unit and how the assignments relate to the units. Whatever method you choose to use, you should decide on and write in your own dates and schedule of work for each unit.

- Once you have created your own study schedule, do everything to stay faithful to it. The major reason that students fail is that they get behind with their course work. If you get into difficulties with your schedule please, let your facilitator know before it is too late to get help.
- Turn to unit 1, and read the introduction and objectives for the unit.
- Assemble the study material you need, textbooks, and the unit you are studying at any point in time.
- Work through the unit. As you work through the unit, you will know other sources to consult for further information.
- Up-to-date course information will be continuously available there.
- Well, before the relevant due dates (about 4 weeks before due dates) access the assignment file on the NOUN website and down load your next required assignment. Keep in mind that you will learn a lot by doing the assignment carefully. They have been designed to help you pass the examination. Submit all assignments not later than the due time.
- Review the objectives for each study unit to confirm that you have achieved them. If you feel unsure about any of the objectives, review the study material or consult your facilitator.
- When you are confident that you have achieved a unit’s objectives, you can start on the next unit. Proceed unit by unit through the course and try to pace your study so that you keep yourself on schedule.
- When you have submitted an assignment to your facilitator for marking, do not wait for its return before starting on the next unit, keep to your

schedule when the assignment is returned; pay particular attention to your facilitator's comments, both on the Tutor-marked Assignment, form and also the written comments on the ordinary assignments.

- After completing the last unit, review the course and prepare yourself for the final e-examination. Check if you have achieved the unit objectives (listed at the beginning of each unit) and the course objectives (listed in the course guide).

### **Tutors and Tutorials**

You will be notified of the dates, time and location of these tutorials, together with the name and phone number of your facilitator. Keep a close watch on your progress and on any difficulties you might encounter. Your facilitator will provide assistance to you during the course. Do not hesitate to contact your facilitator by telephone or e-mail for help. Contact your facilitator if:

- You do not understand any of the study unit or the assigned readings.
- You leave difficulties with the exercises

You should try your best to attend the tutorials. This is the only chance to have a face-to-face contact with your facilitator and ask questions which are answered instantly. You can raise any problem encountered in the course of your study. To gain the maximum benefits from course tutorials, prepare a question list before attending them. You will learn a lot from participating on discussion activity.

### **Summary**

This course guide gives you an overview of what you expect in the course of this study. The course teaches you the basic principles underlying the manifestation of Crime and delinquency. We wish you success with the course and hope that you will find it both interesting and useful.

<b>COURSE CODE</b>	<b>CSS211</b>
<b>COURSE TITLE</b>	<b>THE SOCIOLOGY OF CRIME AND DELINQUENCY</b>
<b>COURSE TEAM</b>	<b>CHUKWUNKA, C.A.C. ESQ (WRITTER/DEVELOPER) - NOUN.</b>  <b>DR. ADEDIRAN DANIEL IKUOMOLA (EDITOR)- AAUA.</b>  <b>DR. A.T. ADEGOKE (CO-ORDINATOR)-NOUN.</b> <b>PROF.D. OTUBANJO (DEAN, SASS)-NOUN.</b>

# NATIONAL OPEN UNIVERSITY OF NIGERIA

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- Unit 1:** The Concept of Delinquency
- Unit 2:** Adolescence, Peer and Delinquency
- Unit 3:** Family and Delinquency
- Unit 4:** Drug, Youth and Delinquency
- Unit 5:** Family Court (Delinquency court)

### **Module 2:** The Extent and Nature of Crime

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- Unit 1:** Different Association Theory
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## **Module 1: The Extent and Nature of Delinquency**

**Unit 1:** The Concept of Delinquency

**Unit 2:** Adolescence, Peer, and Delinquency

**Unit 3:** Family and Delinquency

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### **UNIT 1: THE CONCEPT OF DELINQUENCY CONTENTS**

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- 7.0 References/Further Reading

#### **1.0 Introduction**

We shall examine the concept of Delinquency. We shall look at the explanation of Delinquency by many scholars and the developmental progression of antisocial behaviour. We will also study the concept of juvenile delinquency and the early study of Juvenile behavior.

#### **2.0 Objectives**

At the end of this unit, you should be able to:

- i. Understand the concept of delinquency and juvenile delinquency.
- ii. Explain the various views about delinquency.

- iii. Expose the early prohibitions of juvenile behavior.

### **3.0 Main Content**

#### **3.1 The Concept of Delinquency**

Martha M. Butt, in the book, "The fair child family" (1818), said that "all children are by nature evil and while they have none but the natural evil principle to guide them, pious and prudent parents must check their naughty passions in any way that they have in their power, and force them into decent and proper behaviour and into what are called good habits". This serious quote opens a different view about the life of children. We believe that the regulation and control of children should always be the concern of the authorities in the maintenance of rules and social order.

Among the adolescents rebelliousness and experimentation is always common. However a few children consistently participate in problematic behaviours that negatively affect their academic, social and personal functions. These children posed great concern to the community at large. Delinquency is a legal term for criminal behaviours carried out by a juvenile. This criminal behaviour is often as a result of escalating problematic behaviour. Delinquency varies among different groups. We shall view the concept of delinquency in four different perspectives:

- I. A parental view
  - II. An educational view
  - III. A mental health view and
  - IV. A legal system view.
- 
- I. A parental view of delinquency looks at the disruptive and delinquent behaviour that result in disobedience. It accompanies with fighting with siblings, destruction of property, stealing of money from the family members or they threaten parents with violence.
  - II. The educational school of thought regards delinquent behaviour as that which interrupts or disturbs classroom learning. This behaviour

violates the school code of conduct and threatens the safety of students.

- III. In mental health view, mental health professionals consider delinquency to include a wide range of disruptive behaviours that may involve aggression towards others. It includes destruction of property, deceitfulness, theft, violation of curfew and school attendance.
- Iv. In the legal system view, it establishes that government considers persons under the age of 18 to be juvenile. However, when children under this age commit serious crime such as murder, they may be prosecuted as adults especially in the case of physical development and intelligent.

The early starters in delinquency are the youngsters who begin their criminal activities before the age of 15. What leads to this early-occurring delinquency could be detected as early as preschool periods. They include aggressive impulse, and lacking in social skills and self-control. Factors such as genetic influences also predispose the youngsters to delinquency. These early delinquent youngsters come from families with neglectful, hostile, and antisocial parents who fail to instill self-control and a healthy conscience. Their families tend to have low socioeconomic status, frequently unemployed, and oftentimes divorced. As children, in school they exhibit low verbal ability, poor academic records and serious reading problems.

A research carried out by a school centre for learning which was led by patterns patterson concluded that much of what the child learns about aggressive behaviour emanate from the interactions with siblings and parents at home. In a study by Patterson (1986), it was discovered that 30 -40 percentage of antisocial behaviour was as a result of family interaction. In normal families, children use aggressive ways to resolve conflict. Conflict occurs more frequently and children resolve conflict successfully through physical attacks. Parents of antisocial children threaten and scold but they



seldomly follow through. The parents normally at this period give in to the demands of the children rather than setting limits. Thus, children in these families learn that aggression works. Patterson concluded that a break-down in parenting practices produce antisocial behaviour in children. The Antisocial behaviour in turn, leads to delinquency in early adolescence. These antisocial behaviours learned in the family are also transferred to the school with the same response to the teachers and peers. Unfortunately, it is observed that teachers normally respond to such behaviours with negative sanctions. It is only the well behaved children that receive support from the teachers.

The Figure 1 below indicated a developmental progression for Anti social behavior in a delinquent child.

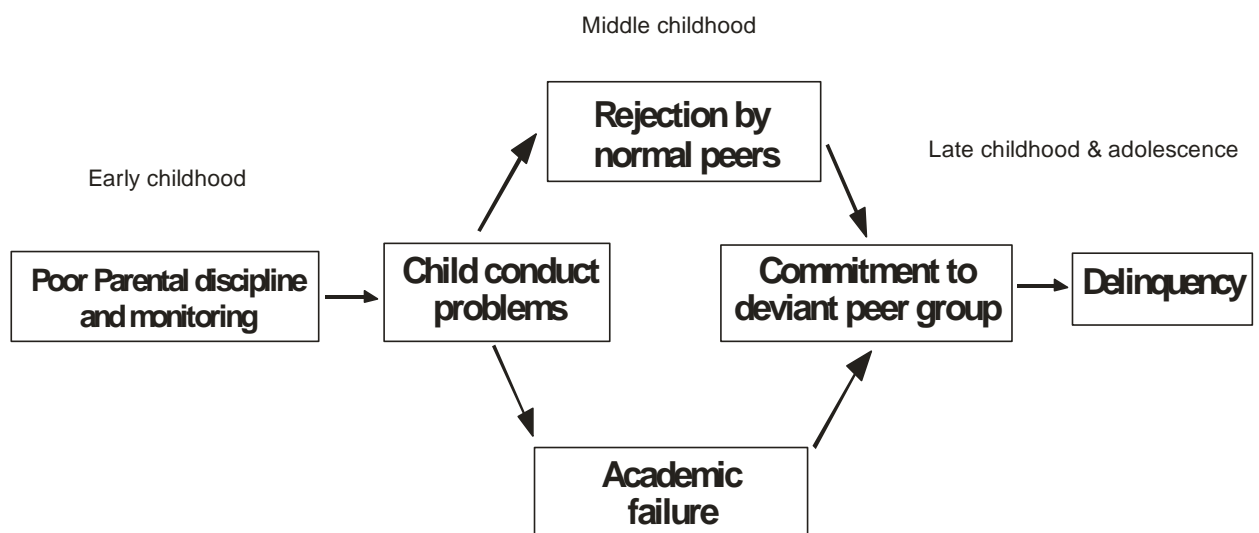


Figure 1 :Source of Patterson, DeBaryshe, Ramsey, 1989.

Delinquent behaviour is divided into two categories.

(a) 'Status' Offences

(b) 'Delinquency' Offences.

- A. Status offences are those offences or act which would not be considered as an offence if it is committed by an adult. They include acts as truancy (running away from school), alcohol possession or use; and curfew violations.

- B. Delinquency offences involve destruction or theft of property, violent crimes against persons, illegal possession of weapon and possession or sale of illegal drugs.

### **Self-Assessment Exercise**

What is delinquency?

### **3.2 Juvenile Delinquency.**

Juvenile delinquency is a social problem because a significant number of people find faults with the behaviour of children in the society. According to Armand Mauss (1975), he describes the social problem in objectivist theories. The objectivist theory locates the cause of social problems on social structures. There are two types of objectivist theories. (a) Left-Wing theory blames the cause of social problem on the needed change. In this perspective, a problem like juvenile delinquency is a product of the society. (b) Right-Wing theory explained that social problem emanates from rapid social change. It argues that whenever a society changes too rapidly, the relations among the people become overstretched. When there is upset in the balance, social problems are likely to occur. That is, structural disruptions will occur in the society and juvenile delinquency will directly emanate from these disruptions. In their social definitions, Morris and Hawkins believed that juvenile delinquency means different things to different groups. It also has meant different things in the same group at different times. The term is used to describe a large number of disapproved behaviour of children and youths. In this case, almost anything that youth does that others do not like is called Juvenile Delinquency. For example, within a juvenile 's own home, parents, siblings, or older relatives may call a certain behaviour 'delinquent' even though no law has been violated. The youngster who occasionally refuses to do his household chores, fights with siblings, associates with 'bad' friends may well be called delinquent by the parents .The family court would likely ignore such problem.

Paul Tappan provided the legalistic definition of Juvenile delinquency. According to Paul Tappan 1949, cited in Regoli and Hewitt,1991, he defines delinquency as any act, course or conduct, or situation which might be brought before the court and adjudicated; whether in fact it comes to be treated there or by some other resource or indeed remains untreated. He adds that Juvenile delinquent is a person who has been adjudicated as such by a court of proper jurisdiction though he may be no different, up until the time of court contact and adjudication, at any rate, from masses of children who are delinquent. In this legalistic approach, any child considered as delinquent is only defined by the Juvenile (Family) Court. In a related way, juvenile delinquency reflects the combination of many factors. First, it includes that behaviour specifically defined as delinquent according to the various states' juvenile codes. But these codes are sometimes slightly ambiguous and leave room for judicial discretion in the actual application of the law. In other words, juvenile delinquency may be considered at times to be only violations of local normative expectations of appropriate behaviour.

### **Self-Assessment Exercise**

Compare and contrast the social and legal definitions of juvenile delinquency.

### **3.3 Early Prohibitions against Deviant Behaviours.**

The oldest known set of written law against delinquency is the code of Hammurabi. This code listed appropriate punishments, including the one that was specifically aimed at juveniles who disobey their parents. For example, if a son strikes his father, his hands shall be cut-off. In the sixteenth and seventeenth centuries, it was discovered that the legal codes of the New England colonies reflect the Biblical Scripture of Deuteronomy 21:18-21, which states thus: "if a man have a stubborn and rebellious son, which will not obey the voice of his father, or the voice of his mother, and that, when they have chastened him, will not hearken unto them; then shall his father and his mother lay hold on him, and

bring him out unto the elders of his city, and unto the gate of his place; and they shall say unto the elders of his city, This our son is stubborn and rebellious, he will not obey our voice; he is a glutton, and a drunkard. And all the men of his city shall stone him with stones, that he die; so shall thou put evil away from among you”.

The Massachusetts code of 1648 states that if a man have a stubborn or rebellious son, of sufficient years and understanding, i.e. 16 years of age, who will not obey the voice of the father or voice of the mother, and that when they have chastened him will not harkens unto them; then shall his father and mother being their natural parents, lay hold on him and bring him to the magistrates assembled in court and testify unto them, that their son is stubborn ---,such the son shall be put to death. At the end of the seventeenth century, concern over juvenile delinquency becomes widespread. Most of the juvenile delinquencies involved theft of some sort, violent crime was also common. The juveniles were sent to prison for theft and murder while at the same time others receive harsher penalties.

The puritans viewed juvenile delinquency as being born in sin and on the other hand, they believed that special legal provisions, for the juveniles should be different from that of the adults. For the puritans, delinquency and sin were not distinguishable. The misbehaviours of the children were viewed as an offence against God and God’s law.

### **Self-Assessment Exercise**

Explain the early treatment of juvenile behaviours in the sixteenth and seventeenth centuries.

## **4.0 Conclusion**

From this unit, we have learnt about juvenile delinquency as an unacceptable range of behavior. The juvenile delinquency is a social problem because of their unusual normative behaviour in the society. We concluded that juvenile

delinquency is a product of the society due to social changes, and at the same time the overstretched economy.

## **5.0 Summary**

In this unit, we have learnt about the concepts of delinquency and juvenile delinquency. The explanations of delinquency by different scholars with different views were considered.

## **6.0 Tutor-Marked Assignment**

Compare and contrast the social and legal definitions of juvenile delinquency.

## **7.0 References/ Further Readings**

Regoli, R.M. and John D.Hewitt (1991). Delinquency in Society : A child – centred Approach. New York: McGraw.

Siegel, Larry J. and Joseph J. Senna (2005). Introduction to criminal Justice 10<sup>th</sup> ed. Australia: Thomson.

## **UNIT 2: ADOLESCENCE, PEER, AND DELINQUENCY.**

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- 7.0 References/Further Readings

### **1.0 Introduction:**

We shall explain the concepts of adolescence and peer group. The biological and psychological perspectives in adolescence will be discussed. The subject-matter is the study of behaviours that are fraught with storm and rebellion against adult authority.

### **2.0 Objectives:**

At the end of this unit, you will be able to:

- (a) Understand the concepts of adolescence and peer group,
- (b) Explain the various biological and psychological perspectives in adolescence and peer group, and
- (c) Examine the physiological and social characteristics of adolescence and peer group.

### **3.0 Main content**

#### **3.1 Adolescence, Peer and Delinquency.**

##### **(A) Adolescence.**

Adolescence has different meanings to different people and groups. According to Morris, 1996, adolescence is a buffer stage between childhood

and adulthood. He argued that it corresponds roughly to the teenage years. This is associated with the emotional and social turmoil. During this awkward period of life, the individual is neither a child nor an adult. Adolescence entails a period of storm and stress, full of identity crisis fraught with conflict. It is a period a young person experience conflict with their parents. They attempt to discover who they are and their place in the society. This period is linked to the onset of puberty. This signifies a sexual maturation. In girls, the growth spurts in first menstrual period (Menarche) between 12 and 13 years. The age at menarche is influenced by health and nutrition. The cognitive abilities of adolescents undergo transition from the concrete operation to the understanding and manipulation of abstract concepts. The point of which individuals become biologically capable of reproduction .It is a typical stage of life to physiological changes. The sociological explanation argues that the instability of adolescence results from inconsistencies in the socialization process.

Here, we shall examine the biological and psychological view points of adolescence.

The biological approach looks on the adolescent life through biological changes in the puberty stage. The puberty period introduces some dramatic and obvious changes. Such changes include genital and shoulder development in boys, menstruation, breast and hip development in girls. Similarly, the growth of pubic hair, changes in voice pitch and sweat glands and major increases in weight and height. According to Zuckerman, 1991, the biological changes determined the features of the youths to indulge in sensation seeking. The reason is that there are particular biochemical and hormonal conditions found at that stage of development.

The psychological approach dominates the field of adolescence. According to the psychological view, adolescence is characterized by an emotional and turbulent field of storm and stress, brought on by the various biological changes of puberty. Such storm and stress were viewed as inevitable and thought to be

universal. It is not limited to any particular social class or culture. Thus, it was concluded that adolescents in general suffer from rather serious problems: emotional volatility, need for immediate gratification, impaired reality test, failure of self criticism, and indifference to the world at large. And, of course, the adolescent personality has also been viewed as unique, one that will hopefully, change with growth and maturity (Regoli and Hewitt, 1991).

### **Self-Assessment Exercise**

(1) Describe the biological components of adolescence.

#### **(B) peer groups**

The peer groups are people with common interests and social position who are usually of the same age. A peer is usually drawn from the neighbourhood and playmates. They are usually composed of friends from schools and recreational activities. The group has similar interests and strong mutual attachment. This nature of interaction which tends to be small- unisex relations in early adolescence is called cliques. It is later developed to mix -sex groups in which romantic interests are common (Morris, 1996). The young people are often attracted by peer groups because they escape from the obligations of the parents and teachers. They developed their own sense of social relationships from their families. Their interactions are more, and intensively outside the family. This independence gives them valuable experience in forging social relationships. This makes parents to express concern about who their children's friends are. This greater autonomy of peer group often makes the parents to prefer their children associations with those from the same social background only. According to Macionis, it will reinforce the group rather than undermine them. In a society, where the social patterns, interests and attitudes of the peer group differ considerably from the parents, result in what we called 'generation gap'. Here, the peer groups often rival the influence of parents. The greatest type of peer group is observed during the adolescence. It is a period when the young people begin to break away from their parents. They think of themselves as responsible



adults. They seek to conform to their in-groups while forming an identity in opposition to various out groups (Macionis, 1987).

Peer groups have been a topic of considerable interest and concern in the twentieth century. The apparent rise of peer group was the growing division between the young people and their parents (the older generation). This division included differences in social activities, political interests, clothing styles, and music. This division enables the young people to turn away from their parents and seek close ties with their peers or age-mates. They create their own subculture. They manufacture their own culture-language, symbol, and value distinctions unlike those of adults.

As a result of this rapid changes, they become anomic, a condition in which people cannot agree on what the norms and values should be. The parents will typically want them to retain the same norms they were raised with. The parents become resistant to this new role and want to slow down the change as much as possible. But in doing this, they create conflict with their own children. The adolescents find that the norms and values, their parents want to maintain do not give them a sense of worth or accomplishment. The peers assume a crucial role in the socialization process. They developed suggestions on how to adapt to the normlessness of the adolescence. They discovered that their play mates respect them and give them a dignity that their parents do not. Like adults, children like how it feels to be respected. Thus, they come to enjoy spending time with those peers who are most respectful toward them (Regoli and Hewitt, 1991).

### **Self-Assessment Exercise.**

Describe the social relationships between the peers and parents.

#### **Alarmist Views on Peer Groups.**

The Alarmists believed that the period of adolescence and intense peer group activity is a time in youth's life which is most likely to lead to conflict with adults, conventional institutions, and the law. Rebellious group behaviour is viewed by

the alarmist as the indication of extensive in-group rejection of conventional values. For instance, groups of young person walking down side walks appear intimidating to the adults. This is because of their choice of clothing, the music that comes from their 'ghetto blasters' or their look of alienation and separation from adult roles. Some scholars of criminology believed that many youngsters belong to delinquent gangs whose primary goal is to commit offences against persons and property. Adolescents who are delinquents are said to accept the delinquent role because they learn it early on while associating with older delinquents. Soon they look upon delinquency as a way of life and finally a career. As they are committed to delinquency, they feel compelled to commit more and more offences. The alarmists caution that the juvenile justice policies need to pay greater attention to those social forces that leads youths away from the conventional adult roles into adolescent subculture. This subculture is characterized by gangs, sex, drugs, and crime (Regoli and Hewitt, 1991). According to Herman and Julia Schwendinger, delinquency is largely concentrated in social groups or networks that are independent of social class lines. These peer-status groups are relatively informal and autonomous and yet maintain social compositions in forms of dress, and languages. The first group called the socialites (referred to as ' gods', elites, or swingers) imitates the lifestyles of the more affluent.

### **Self-Assessment Exercise**

Explain the major view of the Alarmists.

## **4.0 Conclusion**

From this unit we have explained adolescence as a period of storm and stress. The classical view of adolescence is fraught with conflict, anxiety and tension. Adolescence is what Marcia called Moratorium status. It is a period of identity crisis. In peer group, the child is subject to less adult supervision.

## **5.0 Summary**

In this unit, we have learnt about the concept of adolescence and peer group. We x-ray the explanations of the biological and psychological perspectives of adolescence. We discussed also physiological characteristics of adolescence as well as the sociological characteristics of peer groups.

## **6.0 Tutor-Marked Assignment**

Explain the psychological view as it relates to adolescence.

## **7.0 Reference / Further Readings**

Macionis, J. J. (1987). Sociology .New Jersey: Prentice-Hall.

Morris, Charles G. (1996). Psychology: An Introduction. 9th ed; New Jersey: Prentice-Hall.

Reid, Sue Titus. (2006). Crime and Criminology. 11<sup>th</sup> edition; Boston: McGraw Hill.

Regoli, R. M. and John D. Hewitt.(1991). Delinquency in Society: A Child-Centred Approach. New York: McGraw – Hill.

Zuckerman, Marvin (1991). Psychobiology of Personality. Cambridge: Cambridge university press.

## **UNIT 3: FAMILY AND DELINQUENCY**

### **CONTENTS**

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Family and Delinquency

4.0 Conclusion

5.0 Summary

6.0 Tutor – Marked Assignment

7.0 References/Further Reading

### **1.0 Introduction**

We shall examine the family institution and the cause of delinquency. We shall look at two perspectives about the family. We shall finally look at the family structure considering the factors of teenage pregnancies, broken homes, abuse etc.

### **2.0 Objectives**

At the end of this unit, students would be able to:

I .The concept of the family as a variable related to delinquency

Ii. Explains the alarmists and reassuring views about the family

Iii .Explore the sociological explanations of the family structure that influence delinquency.

### **3.0 Main Content**

#### **3.1 Family and Delinquency**

Social class may not be a cause of delinquency. Other variables thought to be related must be considered along with other factors. For example, a traditional approach is that broken homes are the most related variables to delinquency. But according to Cesar F. Rebellon cited in Reid 2006, research shows that many

children from broken homes do not become delinquent. He maintained that separation and divorce of parents are more strongly associated with delinquency than are single – parent household. There is evidence that physical, emotional, psychological, sexual, and other forms of abuse of young children are associated with subsequent behaviour problem.

According to Hawkins, juveniles with criminal fathers are much more likely to commit juvenile offences. Those who are sexually abused or physically abused in other ways as children are more likely than others to engage in delinquent and criminal acts. Lack of good family management is associated with subsequent delinquency and substance abuse. Poor family management includes the following: Lack of clear parental expectations, poor supervision and monitoring by parents, severe and inconsistent discipline. Low levels of parental involvement in children's activities may precipitate aggressive and violent behavior and separation of children from their parents before those children are 10, may predict future violence. There are two perspectives viewed in respect of family and delinquency: (1) the Alarmist view and (2) the Reassuring view.

1. The Alarmists say that the family is in very serious condition and is getting progressively worse. They cite these degenerative symptoms that marriage is something fewer and fewer people want. That being a homemaker is something that fewer and fewer women want, i.e. if a woman does not want to marry and make a home, then she will seek satisfaction and fulfillment elsewhere. They believed that fewer and fewer people want a large number of children. Sacrifice and self – denial are things that fewer and fewer people are willing to practice. Hedonism and self – fulfillment are things that more and more people are pursuing. More people actively seek a life with new thrills and pleasure instead of order, and the tedium of work. The alarmists argue that the family is the one institution that holds society together. If the family loses its influence, children will not get the guidance they need. So, in this case the children grew up wild,

unsocialised, and disruptive. The Alarmists say the family should revert to the traditional form. It should have a resident father and an ever-present mother who instruct their children the values and morals of the society. They should also provide role models, authority, and supervision. Otherwise, children might turn to serious delinquency.

## **2. The Reassuring View**

The argument is that today's family is alive and well, vital and hardy. Still the family is the primary force in raising the nation's young.

It is natural that here we shall consider the sociological explanations of delinquency by examining the family structure and factors that influence the behaviours of delinquency than the experiences of the child growing up in the family.

### **Self – Assessment Exercise**

- (a) Examine the two views about family and delinquency.

#### **A. Single – Parent Families and Delinquency**

The section examines the impact of teenage pregnancy and the rise of single – parent families (created through-out-of-wedlock). This is rapidly becoming a norm in the society. Teenage pregnancies are strongly associated with a variety of compounding problems for the child?????. The teen mothers are more likely to leave secondary school prior to graduation; more likely to be unwedded and to remain unmarried. The teenage mother has to manage not only social disapproval but also the task of caring for and financially providing for her child. In order to do so, she is typically forced to leave school and to forgo further job training and other opportunities for economic advancement (Regoli and Hewitt, 2006).

Single – parent families of all ages are much more likely than intact families to experience economic pressures. Early adolescent pregnancies have been associated with rebelliousness at school (disciplinary problems in school, truancy, etc.) and in the home. Girls who report greater emotional distance from their

parents and who rarely talked with parents about their activities are more likely to become single mothers. Similarly, girls who perceive that their where about and who they are with are also at greater risk of single motherhood. Other factors such as developmental immaturity, peer influences, limited satisfactions, academic failure, low self – esteem, and general boredom.

Prevention of teenage pregnancies should be relied primarily on educating adolescents about their sexually and birth control. Hayes, 1987 cited in Regoli and Hewitt, 2006 advocates that contraception and abortion are anathema to family life. Teenagers should be taught the value of sexual abstinence or deferment until marriage.

### **Self – Assessment Exercise**

What are the disadvantages of single – parenting?

### **b. Broken Home and Delinquency**

The broken home is produced by a separation or divorce. It has been the focus of research to examine relationship between family structure and delinquency. Divorce generates “family tensions” in which relatives and friends choose sides and attempt to ‘win’ by attacking the former spouse. Children find themselves caught in the middle, often being defined as a victim or expected to accept new definitions of the former spouse. In either case, the conflict becomes stressful for the child.

Waller stein and Kelly 1980, cited in Regoli and Hewitt, 2006 studied families that were in their early stages of breaking up relationships. That is, after 18 months apart, and after 5 years intervals. In the first period, both parents felt a lower standard of living, depressed and loneliness. The mothers were over-burdened with the roles of breadwinning and home making. The children were often up set and opposed to the divorce. In general, children become more angry, aggressive, and unruly during this initial stage, because of their deteriorating relationship with their mother.

Eighteen months later, some mothers were still depressed, but parent – child relations were healing and children themselves improved. Girls improved more than boys by the end of this second stage. At the 5 – year point, conditions were slightly worst than at 18 months. The children increased in anger and depression. How the child progressed depend on the relationship with the same – sex parent. The stepfather usually does not complement the role of the natural father.

The research concluded that divorce sets in motion a chain of actions that hunts family life for many years. Some specific consequences of divorce on children include all dimensions of living, not limited to discipline, playtime, physical care, and emotional support. It is discovered that divorcing parents spend less time with their children and are less responsive to their needs

### **Self – Assessment Exercise**

What are the effects of Broken Homes?

#### **c. Parental Attachment, Abuse, Neglect and Delinquency**

Alarmists view of the family and its impact on delinquency is based on the parental absence, leniency, and inadequate supervision. Parents influence their children through emotional closeness. That is, children who like their parents very much will respect their parents' wishes and stay out of trouble. According to Nye and Hirschi, children with strong connections to their parents, often in the form of an affectional relationship are less likely to be involved in delinquent behavior. According to Hirschi, parents, with criminal records do not encourage criminality in their children.

Regoli and Hewitt believed that the family is an oppressive institution. The reason is that family relationships are built around dominance and control of activities. Neglect is the failure to act and abuse is to act excessively. Abuse can be either physical (which includes sexual) or mental physical abuse reflects hits, pushes, kicks, bites, or punches against a child. Physical abuse is a curious



phenomenon where nearly all parents hurt their children. Even the traditional spanking of children are said to be abusive, parents strike a child until they see that the pain level is enough. But some parents cannot stop hitting once they start. They lose control and hit and hit and hit.

### **Self – Assessment Exercise**

What is the importance of disciplines in the families?

## **4.0 Conclusion**

From this unit, the students should be able to know the structural factors in the family that cause delinquency. We demonstrated that the tendency to point to teenage pregnancies, broken homes, abuse and neglect are the major causes of Delinquency.

## **5.0 Summary**

In this unit, we have learnt about family and delinquency underlying the structural factors of the family that brought about delinquency. We also mentioned about the alarmists and reassuring views about family and delinquency.

## **6.0 Tutor – Marked Assignment**

Evaluate the structural factors of the family to understanding delinquency.

## **7.0 References/Further Readings**

Conklin, E. John (2007). Criminology. 9th edition. Boston: Pearson.

Hall-Williams, J. E. (1982). Criminology and Criminal Justice. London: BUTterworths.

Reid, Sue Titus (2006). Crime and Criminology. 11th edition. Boston: McGraw Hill.

Regoli, R. M. and John D. Hewitt (1991). Delinquency in Society: A Child-Centred Approach. New York: McGraw – Hill.

## **Unit 4: Drug, Youth and Delinquency**

### **Contents**

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Drug, Youth and Delinquency

4.0 Conclusion

5.0 Summary

6.0 Tutor – marked Assignment

7.0 References/Further Readings

### **1.0 Introduction**

We shall look at the conflicts in the families' war between drug, Youth and Delinquency. We shall examine the drugs that are frequently abused by the youth. Finally, we shall examine the effects of drugs and delinquency.

### **2.0 Objectives**

At the end of this unit, the students should be able to: identify the classes of drugs often abused by the youth. Establish drug use and its effects, and explore the ways the youths learn to commit crime.

### **3.0 Main Content**

#### **3.1 Drug, Youth and Delinquency**

Conflict in families, poor communication between parents and children, discipline problems and poor performance in classroom are myriads of problems facing youths using drugs. Drugs use usually brings about delinquency among the youths. Some of these drugs are grouped into (1) stimulants; (2) Narcotics, (3) Depressants and (4) Cannabis.

1. Stimulants are drugs that stimulate the central nervous system and alter the state of the user. Examples of drugs in this category are cocaine, amphetamine, caffeine and nicotine. Cocaine is called snow or blow in Nigerian streets. Amphetamines are used to increase energy and fighting spirit.
2. Narcotics are drugs which diminish the awareness of sensory impulses, especially pain, by the brain. This action makes for the relief of pain. This depressant action works to relieve pain and to induce sleep. Examples of this drug are heroin, opium, morphine and codeine. It is common in Nigeria streets where it is called either gbana, staff or horse. From the street, the youths learnt that such drugs could be used to escape anxiety, boredom and loneliness.
3. The depressants otherwise called sedative or hypnotics are drugs that have effects on the brain. This category includes the sleeping pills – barbiturates, tranquilisers, (valium, Librium) and alcohol (beer, whisky, etc). The barbiturates and mild tranquilizers are common. They are called sleeping pills or sleeping tablets. Alcohols are known as booze, ogogoro, holy water, etc on the streets. It is one of the depressants in particular that is most abused by youths.
4. Cannabis is obtained from the Indian hemp plant called cannabis sativa. It is another important aspect of drug that is abused by youths today. On Nigerian streets, Cannabis are called all sorts of names ranging from grass, wee – wee, kaya, stone, eegbo, etc. Among the youths marijuana is the second most common drug abused after alcohol (Chukwuka, 1992).

According to Merton, drug abuse causes delinquency. The cause is as a result of the competitive and materialistic nature of the society. In this type of society, success through legitimate means is obtained by relatively few individuals. The situation denotes frustration and disappointment because of the burdensome hurdles it erects to accomplishing goals. The youths who are not able to achieve success are most likely to choose deviant options/ behaviours in order to deal with their failure. Merton added that Retreatism, as an adaptation, involves

rejection of both the cultural goal of success and the approved means to achieve success. To Richard Cloward and Lloyd Ohlin (1960), they argued that delinquency is the result of the great disparity between what youths are taught to have and what is actually available to them. Youths who join a delinquent subculture want to achieve success, but since their legitimate path is blocked, they turn to illegitimate means in the form of delinquency and, eventually, crime. Regardless, drug use is seen as a way out from failing to 'make it' in the conventional society as well as failing to achieve success in the criminal world. The individual has failed twice and, consequently, retreats into a world of drugs.

### **Self – Assessment Exercise**

Name the classes of drugs you have studied.

#### **1. Drug use and Delinquency**

We establish here the spurious relationship between adolescent drug use and delinquent behaviour. According to Wolfgang, (1958) the effects of alcohol is clearly associated with crime of violence and sexual aggression. Violent crimes are also committed by persons acting under the influence of drugs other than alcohol. Studies conducted showed that after alcohol, barbiturate is the most common drug taken by adolescents who engaged in assaultive behaviours. But while barbiturates and alcohol do not directly cause an individual to commit a criminal or violent act they may well enhance the possibility or increase the likelihood of the individual acting violently. Violent crime has also been found to be associated in other drugs such is cocaine, opiates, and methadone. Perhaps more than any other drug, heroin has been associated with criminal behaviour. The crime rate among heroin users is extremely high and much of the criminal activity of addicts is goal – oriented; it is aimed at generating money to buy more heroin. Juveniles who use heroin are much more likely to be involved in delinquent behaviour before having tried heroin the first time. It is true that most individuals who become users of narcotics engaged in delinquent behavior even before they try to

use drugs. Their use of and involvement in narcotics does not significantly accelerate the frequency with which they engage in criminal activity.

Finally, sociologists suggest that having delinquent friends and engaging in delinquency is likely to lead an adolescent into drug use. They concluded that there was a causal relationship between subsequent drug use and two other factors: prior delinquency and involvement in delinquent peer groups. In other words, having strong bonds to delinquent peers increases the risk of both delinquency and drug use for all youths. In addition, as youth are more involved in drug use, they are significantly more likely to become sexually active.

This pattern has important long – term implications. For examples, as youths are more sexually active, and the frequency of sexual intercourse increases, so too does the probability of becoming pregnant for girls and giving birth to an unplanned, and possibly unwanted, child. In this way, drug use may contribute to the cycle of abuse, and delinquency.

## **2. Learning to use Drugs**

According to Edwin Sutherland, delinquency behaviour is learned. The idea is that a person learns delinquent or criminal behaviour through an interactive process as learning. In operant conditioning drawn from the field of psychology, Goode (1989) discusses about social learning. He argues that a person's behaviour is as a result of group – based reinforced learning situations.

He believes in his book that, by interacting with members of certain groups, people learn definitions of behaviour as being good or bad. It is in the group setting, differentially for different groups, where reward and punishment take place, and where individuals are exposed to behavioural models and normative definitions of certain behaviour as good or bad.

Adolescent drug use for example, then, is positively reinforced by exposure to role models, approval of drug use of peers, and the perceived positive or pleasurable effects of the drug itself. To the extent that the individual's drug use also is not negatively reinforced by either bad effects of the drug or by statements or actions

by parents, peers, or authorities, drug use will persist. Further to this, Radoservich et.al, added that social learning concludes the extent to which substances will be used or avoided depends on the extent to which the behaviour has been differentially reinforced over alternative behavior and is defined as more desirable.

**i. Weakening of social Controls**

According to Hirschi (1969), delinquency is the result of an absence or weakening of those social control mechanisms that ensure conformity. Without established social controls, people will simply pursue their self – interests, including the pursuit of pleasure. A strong social bond to conventional social institutions reduced the likelihood of deviation from normative expectations. But the weakening of the bond releases people from the constraints of those norms.

**ii. Socialization into drug use by the subculture.**

The basic factor to this approach is that youths begin and continue to use drugs as the result of their involvement in social groups in which drug use is encouraged. For many adolescents, membership in one drug subculture may bring involvement in other drug subcultures. For example, alcohol – using, marijuana – using, cocaine – using, heroin – using of multiple drugs etc. As an adolescent's involvement in a drug – using subculture deepens, he becomes increasingly socialized into the values and norms of the group and drug – using behavior is likely to ensue.

Howard Becker has described the process of becoming a marijuana user through the interaction with marijuana – using subculture. For an individual to become a marijuana user, three elements must occur. First, one must learn the proper technique for smoking marijuana to produce the desired effects. Second, one must learn to perceive the effects and connect them with marijuana. And third, one must define the effects of marijuana smoking as pleasurable.

**iii. Oppression and Family Conflict**

Our position here is that delinquency is essentially a product of the oppressive treatment of children by adults in society. This occurs mainly in a home

characterized by poverty, disruption, and conflict. The presence of these conditions is capable of producing drug using habit among the children. Parental failures, fighting, extreme or inconsistent discipline of children, lack of communication, physical and sexual abuse, emotional distance and disrupted marriage all take toll on children.

Drug use may help to ease the pain of criticism. It may function as an escape from the fears of next assault by an abusive parent or group. Jurich et al (1985), reports that adolescent drug abusers (those who use drugs nearly on daily basis) were more likely to have parents who use laissez faire or authoritarian patterns of discipline rather than democratic ones or whose parents were inconsistent in their disciplinary pattern.

#### **4.0 CONCLUSION**

From this unit, the students would be able to understand the negative effect of addiction and psychological dependence of drugs. We established the roles and development or learning of drugs by the delinquents.

#### **5.0 SUMMARY**

In this unit, we have learnt about the conflicts between drug, youths and delinquency. We examined the classes of drugs frequently abused by the youths. The reasons for the weakening of social controls and the emergence of the subcultures. We also examined the roles and development of drugs by peers

#### **6.0 TUTOR-MARKED ASSIGNMENT**

Examine the many views about the factors to learn the use of drugs.

#### **7.0 REFERENCES/FURTHER READING**

Butt, M. Martha (1818).The history of the Fairchild Family; the importance and Effects of a Religious Education. London:Piccadilly and sons Ltd.

Regoli, R. M. and John D. Hewitt (1991). *Delinquency in Society: A Child-Centred Approach*. New York: McGraw – Hill.

Siegel .J. Larry and Joseph J. Senna (2005). *Introduction to Criminal Justice*. 10thed. Australia: Thomson.

John W. Santrock (2001). *Adolescence*. New York: McGraw – Hill.



## **Unit 5: Family Court (Juvenile Court)**

### **Contents**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Family Court
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor – marked Assignment
- 7.0 References/Further Readings

### **1.0 Introduction**

Family court is otherwise known as juvenile court because of its paternalistic philosophy. A family court is the court that decides on matters and orders which relates to family law. Family court is a statutory creation which deals with equitable matters of superior court. The family courts were first established in the United States in 1910, then it was called domestic relations courts.

### **2.0 Objectives**

At the end of this unit, the students should be able to: understand the concept of the family court; be aware of the concept of *parens patriae* philosophy; examines the juvenile justice system and the origins of juvenile justice.

### **3.0 Main Content**

#### **3.1 Family Court (Juvenile Court)**

Family court is otherwise known as juvenile court because of its paternalistic philosophy (i.e. related through father). A family court is the court that decides on matters and orders which relates to family law. Family court is a statutory creation which deals with equitable matters of superior court. The family courts were first established in the United States in 1910, and then it was called

domestic relations courts (Regoli and Hewitt, 1991). The family courts deal with laws that are family-related as well as issues of domestic relations. The law deals with (a) the nature of marriage, civil unions and domestic partnership. (b) Issues arising through marriage, including spousal abuse, surrogacy, child abuse and abduction. (c) the termination of the relationship and ancillary matters including divorce, annulment, property settlements, alimony, and parental responsibility orders. (d) paternity fraud, and juvenile adjudication. It means that reformers emphasise more on the needs than the rights of the children. The juvenile court reaffirmed and extended on the *parens patriae* doctrine.

The *parens patriae* (state as father) doctrine states that the states, not the parent(s) assume the exclusive guardianship of children. That is, the state acts as the benevolent parent to assume responsibility for the care and development of its children. As a parent, the state enjoyed wide attitude in its effort to redeem the delinquent child. The reformers view the control of state over the lives of the children as a positive expression of society's concern. The state's regulation of the child's life takes a variety of forms. The variety includes compulsory school attendance, restrictions on child labour, and strict supervision of leisure activities. The concerned reformers enlarged the ideal of the state as parent. They include the handling of children in the judicial system. The most important of the court organization is its system of probation. The probation officers (the arresting officers) perform two crucial tasks: investigates the case and reports to the judge all available information about the family and other features of the environment of the boy, the boy's personal history at home, school and on the street and post sentence supervision.

The significance of the juvenile court is the separation of the youthful and adult offenders. The juvenile court was an attempt to supervise the problems of the children closely rather than the previous times when the supervision was done in the child's own home. In 1962, the Family Court Act of New York avoided the use of the term juvenile delinquent in its jurisdictions because it was negatively labeled. It was applied to those children between 7 and 16 who had committed

an act that would be considered criminal if committed by an adult. For those children who were habitually truant, disobedient, or incorrigible who were beyond parental control, the court utilized anew label, persons in need of supervision (PINS).

The juvenile justice system was meant to prevent future criminal conduct by applying techniques and services designed to reform and rehabilitate the youthful offender. Therefore, the state, acting as *parens patriae*, intervened in the juvenile's life. Such broad jurisdiction was based on the assumption that the natural parents are concerned with the undesirable behaviours of the children. Today, the juvenile court's power is typically exercised over youths charged with conduct that would be criminal if committed by an adult (delinquency jurisdiction). The youths are charged with undesirable behaviours conducts that could not be criminal if performed by an adult (status offence jurisdiction), and youths who come to the court's attention because of parental deficiencies or misconduct (dependent, neglected, and abused children) are also charged.

In juvenile court status, detention means the temporary care of children in physically restricting facilities pending adjudication, disposition, or implementation of disposition. However, the juvenile courts generally are not organized to gather and assess relevant facts and to make official decisions. But, it is based on three reasons: to protect the child; to protect society from further lawbreaking by the child; and to prevent the child from absconding. The juvenile court system emerged from a vehement belief that the aim of the rehabilitation could be best attained if juveniles were treated with maximum flexibility, informality, and discretion, especially at the dispositional stage. The dispositional hearing is the sentencing stage of the criminal court proceedings.

The modern practice of legally separating adults and juvenile offenders can be traced to two developments in English custom and law: poor laws and chancery court. Both were designed to allow the state to take control of the lives of needy but not necessarily criminal children.

The poor laws was a statute passed in 1535, whose aim is the appointment of overseers who place the neglected children with families, to train them in agricultural, trade, or domestic services. This practice was referred to as indenture. In contrast, chancery courts were created to protect the property rights and welfare of the more affluent minor children who could not care for themselves. That is, children whose position and property were of direct concern to the monarch. Chancery courts operate under the *parens patriae* philosophy, which held that children were under the protective control of the state and its rulers were justified in intervening in their lives.

The establishment of the juvenile court was an attempt to control and care for neglected youths. Therefore, youngsters found delinquent in juvenile court could spend years in a state training school. The reform schools were based on the concept of reform through hard work and discipline. The general system was to be away from punishment and toward rehabilitation through attending to the needs of the individual and by implementing complex programmes of treatment.

The juvenile justice system establishes the right of juveniles to receive due process of law. The juveniles have equal rights as those of the adults in areas of trial process, including the right to confront witnesses, notice of charges, and the right to counsel.

Once a juvenile has been taken to custody, the child has the same right to be free from unreasonable searches and seizures as an adult does. Children in police custody can be detained prior to trial, interrogated, and placed in line. However, because of their youth and inexperience, children are generally afforded more protections than adults.

#### **4.0 CONCLUSION**

From this unit, we have established the fact that the juvenile court or family court emanated from the concept of paternalistic philosophy which states that the state acts as the benevolent parent to assume responsibility for the care and

development of its children. The issue of juvenile court is an attempt to control and care for the neglected youths.

## **5.0 SUMMARY**

In this unit, we have learnt about the juvenile justice system that is concerned with delinquent children, as well as those who are beyond the care and protection of their parents.

The juveniles involved in antisocial behavior come under the jurisdiction of juvenile or family court systems.

## **6.0 TUTOR-MARKED ASSIGNMENT**

Analyse the concept of the paternalistic philosophy in juvenile or family court system.

## **7.0 REFERENCES/FURTHER READING**

Regoli, R. M. and John D. Hewitt (1991). *Delinquency in Society: A Child-Centred Approach*. New York: McGraw – Hill.

Siegel .J. Larry and Joseph J. Senna (2005). *Introduction to Criminal Justice*. 10th ed. Australia: Thomson.

John W. Santrock (2001). *Adolescence*. New York: McGraw – Hill.

Rice, F. Phillip and Kim Gale Dolgin (2002). *The Adolescent: Development, Relationships, and Culture*. Boston: Allyn and Bacon.

## **Module 2:**

**Topic:** The Extent and Nature of Crime

**Unit 1:** The Social Construction of Crime

**Unit 2:** The Measurement of Crime and its Impact

**Unit 3:** Sources of Learning to Commit Crime

**Unit 4:** Community Reaction to Crime

**Unit 5:** Understanding Deviance

## **UNIT 1: THE CONCEPT OF CRIME**

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- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 The Social Construction of Crime
  - 3.2 Nature of Crime
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor – Marked Assignment
- 7.0 References/Further Reading

### **1.0 Introduction**

In this unit, we shall examine various definitions of crime. We shall establish different views about crime. Students will be exposed to the meaning of crime.

### **2.0 Objectives**

At the end of this unit, you should be able to:

- i. Understand the meaning and definition of crime.
- ii. Discuss different views of scholars to crime.
- iii. Explain the meaning of crime in your own way.

### **3.0 Main Content**

#### **3.1 The Social Concept of Crime**

Child abuse, murders, domestic violence, fraud, political corruption and so on, are always the news of the day, on our local media. Even in the newspaper reports and suspense novels always gather the best – sellers list in the world. The crimes that appeal most to the news media are those that are visible and spectacular. They have sexual or political implications and always threaten the social order. They can be presented in a graphic – usually violent – terms and seem to be a product of individual aberrations rather than social conditions. Most people have a common sense of what crime is, but social scientists try to define crime in precise terms. By defining crime in an exact way criminologists specify the domain of their study. The definitions of crime influence the causes of criminal behaviour that criminologist will study.

Michael Gottfredson and Travis Hirschi,(1980), in their influential book – “A General Theory of Crime”, define crime as “an act of force or fraud undertaken in pursuit of self – interest”. They explicitly avoid defining crime in legal terms. That is, a definition in terms of violating the criminal law. They preferred a definition that is based on “the nature of crime”. This is based on what they referred to as “ordinary crime”. Ordinary or mundane crime is described as a crime that provides immediate and easy gratification of desires, few long-term benefits, little skill or planning, and pain for the victim. This definition excluded the highly organized crimes such as murder and armed robbery, etc. Gottfredson and Hirschi suggest that highly structured crimes are rare in certain societies because scholars or law – enforcement officials have imposed rules on what is really the impulsive behaviour of individuals.

A very different concept of crime appears in a book written by Herman and Julia Schwendinger (2001). They define crime as violations of “the historically determined rights of individuals”. They suggest that their broader definition would incorporate most current violations of the criminal law, but it would reconstitute the study of crime by focusing attention on racism, sexism, and

poverty. They treat as criminals those people who deny others the basic human rights. However, criminologists differ in such definition. The problem is that they disagree on what constitute the basic human rights. They argue for instance, by posing the question is political leaders who allow poverty to persist by not redistributing income to be regarded as criminal? Or might they be seen as criminal if they taxed the rich at such a high rate as to deprive them their property? The Schwendingers' definition of crime implies that the causes of crime exist in the institutions of society, and more especially in the institutions of capitalist economies. This definition allows them to develop a radical critique of capitalism and to encourage criminologists to become "guardians of human rights" rather than "defenders of order".

Social scientists argue that if we are interested in knowing why people engage in behaviour that is detrimental to society, we should go beyond the legal definition and include behaviours that is defined as criminal but for which no arrests have been made. They further argued that those accused of crimes but not prosecuted because of the legal technicalities should be included. The main factor is that the focus must be on the behaviour. We then ask thereof why do people do what they do? This approach claims that the legal technicalities are not relevant to the study of criminal behaviour.

To understand the social concept of crime, social scientists in addition emphasized that deviant behaviour, which is behaviour that is quite different from the peoples' held social norms but not generally covered by the criminal law, should also be studied. For example, in Nigeria, fornication, prostitution, smoking, gambling etc is unconstitutional. Some people consider these behaviours to be deviant and reject its typical legal approach today. The behaviour 'deviant' is established only when force is used or the acts involve minors or other persons who are unable to consent legally. In some societies, we observed that it is only those persons who have actually been convicted of crimes that are considered criminal. All these positions and approaches are important in the analysis of why people do what



they do and why society reacts as it does. The social concept of crime formulates the basis for the study of criminal behaviour.

### **Self – Assessment Exercise**

What is meant by the social concept of crime?

## **3.2 The Nature of Crime**

The study of crime and criminal behaviour necessitates a close look at types of crime, Criminal behaviour is analysed in terms of typologies which is the focus of this unit. Here, we shall examine the four typical types of crime according to their nature of affiliations. There are (a) violent crimes, (b) property crimes, (c) business and government related crimes and (d) drug abuse, drug trafficking and organized crimes.

### **A. Violent crimes**

Violent crime is one of the conventional crimes. The other is property crimes. Violent crimes are more feared, but property crimes are more common. The major types of serious violent crimes are (i) murder and non – negligent manslaughter, (ii) forcible rape, (iii) robbery, (iv) aggravated assault,(v) others are domestic violence and terrorism.

- i. Murder and Non-negligent Manslaughter are combined and defined as “the willful (non-negligent) killing of one human being by another”. But not all willful killings are considered as murder. Generally, the term homicide is used to refer to all killings, some of which may be lawful. Homicide is the killing of a human being by the act, procurement, or omission of another, death occurring at any time, and is either,(1) murder, (2) homicide by abuse, (3) manslaughter, (4) excusable homicide, or (5) justifiable homicide. Some of these terms need further explanation. The killing of another person might be justifiable homicide, as when a police officer kills in the line of duty or a police officer’s shooting of a dangerous offender who is about to hurt someone. A homicide may be excusable, such as

taking the life of another person who is trying to inflict serious body harm or accidental shooting of a playmate by a child. Homicide by abuse involves a death that occurred as a result of abusing a child or an adult.

The above statement involves only the killing of "a human being".

In addition to varying definitions of murder, the law distinguishes degrees of murder, such as first, second, or third, with first – degree murder being the most serious. They also distinguish murder from manslaughter we have two types – voluntary manslaughter and involuntary manslaughter. Voluntary manslaughter refers to an intentional killing of a person while the defendant is in the heat of passion and provoked by the victim. Involuntary manslaughter is a killing which was not intended. An analysis in murder must consider the impact of Euthanasia, also called mercy killing. Euthanasia involves taking the life of a person who has indicated that he or she wishes to die but needs assistance in doing so. Usually the person is in severe pain as a result of a terminal illness or a disability.

### **Self – Assessment Exercise:**

What is homicide?

Distinguish between justifiable and excusable homicide with examples

#### **ii. Forcible Rape**

Under the common law, forcible rape was referred to as the unlawful carnal knowledge which limited the sex to acts involving the male penis and the vagina of a woman without her consent. The act required penetration of the penis into the vagina. In this definition, the victim cannot be a man; nor could the female victim be the spouse of the perpetrator. Technically, the definition of forcible rape could include marital rape, which is the rape of a woman by her husband, but in fact, the prosecution of such case is rarely reported. Another type of rape is date rape where there is a forced sexual intercourse during a situation in which the alleged victim has agreed to some forms of social contact but not sexual intercourse. Some statutes define rape in different ways. Some define it to

include only the rape of women; others include the rape of both genders. While some state refer it to the actual penetration of the vagina by the penis; others include rape by instrumentation. Rape by instrumentation involves the penetration of the genital or anal openings of another by a foreign object under specified circumstances.

The most important component of rape is that a person commits the offence when he has carnal knowledge of;

- (1) A female forcibly and against her will; or
- (2) A female who is less than ten years of age. Carnal knowledge in rape occurs when there is any penetration of the female sex organ by the male sex organ.

### **Self – Assessment Exercise:**

What are the factors that could constitute the acts of rape?

### **iii. Robbery**

Two elements distinguish robbery, a form of theft, from larceny-theft. In robbery, possessions are taken from a person by the use or threat of force. Thus, robbery is not just a property crime but also a crime against the person. The crime might result in personal violence. The use or threat of force must be such that it would make a reasonable person fearful. Common law defines robbery as the taking the property of another, with the intent of permanently depriving the person of that property by means of force or fear. Types of robbery include armed robbery which uses weapons, aggravated robbery uses deadly weapons, High way robbery takes place in public places such as sidewalk, street and parking lot, and Carjacking is the act of stealing a car from a victim by force.

### **Self – Assessment Exercise**

Distinguish between robbery and larceny

#### **Iv. Aggravated Assault**

An assault is an unlawful attack by one person on another, some criminologists distinguished between simple and aggravated assaults. In simple assault, no weapon is used and no serious injury incurred, but in aggravated assault, the purpose of the attack is to inflict severe injury and a weapon is typically used. An Assault could be distinguished from a battery. Technically, a battery is the unauthorized, harmful or offensive touching, while assault is the threat to inflict immediate bodily harm.

#### **Self – Assessment Exercise**

What is the difference between assault and battery?

#### **V. Domestic Violence and Terrorism**

Any person who willfully inflicts upon a person who is his or her spouse, former spouse, cohabitant, former cohabitant, or the mother or father of his or her child, corporal injury resulting in a traumatic condition, is guilty of a felony and constituted domestic violence. Domestic violence has been considered a personal, domestic problem, and not an act of terrorism. Domestic violence involves other types of violence such as child abuse, abuse of the elderly or aged, female and male battery. Child abuse is used to include neglect as well as physical and sexual abuse.

#### **Vi. Terrorism**

Terrorism comes from a French word 'terrorisme' which was derived from the latin verb terreo meaning 'I frighten'. A person is guilty of terrorism if he threatens to commit any crime of violence with purpose to terrorise another or to cause evacuation of building, a place of assembly, or facility of public transportation, or otherwise to cause serious public inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience. The categories of Terrorism include (a) civil disorder (b) political terrorism (c) non-political terrorism (d) quasi

terrorism (e) limited political terrorism and (f) official or state terrorism. A primary objective of a terrorist is to create violence, or instill the fear of violence, for the sake of effect. In addition, he seeks to destroy the confidence people have in government.

### **Self – Assessment Exercise**

What is the difference between Domestic violence and Terrorism?

## **B. Property Crimes**

Property crimes involve either the theft or the destruction of property. Theft can take the form of burglary, Larceny, motor vehicle theft, or fraud. Destruction of property occurs in the crimes of arson and vandalism.

The distinction between violent crimes and property crimes are not clear-cut. For instance, a robbery is the theft of property from a person by force or threat of force, making it both a property crime and a crime of violence.

### **i. Burglary**

Burglary is unlawful entry of a building to commit a serious crime, usually the theft of property. A burglary might turn into robbery if the person confronts the owner of the building and uses force to steal. The target of a burglar is both/or could be private and public establishments such as stores and offices.

### **Self – Assessment Exercise**

What is burglary?

### **ii. Larceny – theft**

Larceny – theft is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession (the condition of having the power to control and item along with the intent to do so) of another. The crime does not include embezzlement and forgery of cheques. It does include

crimes such as shoplifting, pocket-picking, purse-snatching, theft from motor vehicles, thefts of motor vehicle parts and accessories, bicycle thefts, etc in which no use of force, violence, or fraud occurs.

### **Self – Assessment Exercise:**

What are the crimes that constitute Larceny?

#### **iii. Motor Vehicle theft**

Motor vehicle theft is often distinguished from larceny, of which it is actually one form. The reason is that motor vehicle theft involves property of much greater value than is commonly stolen in other types of larceny. .

#### **iv. Fraud**

Fraud is the crime of obtaining money or property by false pretences. In criminal law, fraud is a wrongful or criminal deception that intends to result in financial or personal gain or to damage another individual. It is an example of white-collar crimes committed by high-status persons in corporate companies. There is always low awareness to this crime because it is not adequately reflected in official statistics. It is not also frequently investigated by the police. Fraud can be committed through many media, including mail, wire, phone and the internet (computer crime).

#### **v. Arson**

Arson is defined as any willful or malicious burning or attempt to burn, with or without intent to defraud, a house, public building, motor vehicle or aircraft, or personal property of another. The definition includes only those fires that are found to be set maliciously or willfully. Fires of unknown or suspicious origin are excluded in the definition.

#### **vi. Vandalism**

Vandalism is the willful or malicious destruction, injury, disfigurement, or defacement of property without consent of the owner. Breaking the windows in an abandoned building is an act of vandalism.

### **Self – Assessment Exercise**

Differentiate between vandalism and arson.

### **B. Business /Government – Related Crimes**

Social scientists disagree about the best way to categorize crimes associated with occupations and businesses. The most familiar term – white-collar crime is not defined uniformly. It was coined by Edwin H. Sutherland (1949). By white-collar crime, Sutherland meant “a crime committed by a person of respectability and high social status in the course of his occupation. They established that corporate crime is a form of white-collar crime, but unlike the later, it may involve individuals or small group of individuals acting within their professional or occupation capacity.

There are many criminal acts that may be classified as business – related crimes. They are (i) avoidance or evasion of taxes, (ii) bribery or extortion, (iii) conspiracy, and (iv) embezzlement.

#### **(i) Avoidance or evasion of taxes**

Tax fraud is a crime that may be committed individually or in conspiracy with another person. The most commonly recognized tax fraud charge is that of evasion of federal or state income tax. It could also be through evasion of sales tax.

#### **(ii) Bribery and Extortion**

Historically, bribery was defined as corruption in the administration of justice. The modern concept of bribery includes the voluntary gift or receipt of anything of value, in corrupt payment for an official act already done or to be done, or with the corrupt intent to influence the action of a public official or any person involved with the administration of public affairs. The law defines bribery and graft as the offering, giving, soliciting, or receiving of anything of value in connection with the procurement of materials. Bribery is distinguished from extortion or blackmail, which refers to obtaining property from others by wrongful use of actual or threatened force, fear or violence, or the corrupt taking of a fee by a public officer. Extortion is the threat to do something illegal, or the offer not to do something illegal, in the event that goods are not given, but primarily using words instead of actions to achieve the goal.

### **Self – Assessment Exercise**

Differentiate between bribery and extortion.

#### **(iii) Conspiracy**

Conspiracy simply means a secret plan by a group to do something unlawful or harmful; i.e. the action of plotting. In criminal law, conspiracy occurs when two or more people agree to do something illegal, or to do something legal but to do it in an illegal way. There are two categories of conspiracy: a. Statutory and b. common law conspiracy. With one exception, the two are mutually exclusive. If the act the conspirators agree to commit is an offence, then the charge should be statutory conspiracy. The exception is when the conspiracy is fraud. The statutory conspiracy as stated in the actus reus of the criminal law act, provides that if a person agrees with any other person or persons that a course of conduct shall be pursued which, if the agreement is carried out in accordance with their intentions, either: (a) will necessarily amount to or involve the commission of any offence or offences by one or more of the parties to the agreement, or (b) would do so but for the existence of facts which render the commission of the offence or any of



the offences impossible, he is guilty of conspiracy to commit the offence or offences in question. Elliott and Quinn (2004).

There must be an agreement, advice, persuasion, threats or pressure, communicated in writing, speech, or through signs that the planned actions will be committed by one or two parties to that agreement. There is an argument that there should be liability only when the agreement is carried out. This is because there is no real threat to society until the conspirators start acting on the agreement. For example, the accused person could only be liable to a conspiracy of rape based on the fact that the woman was not consenting to sexual intercourse. Mens rea must be established. Intention or knowledge will be required for conspiracy to commit such offence. On the other hand, a girl under 18 in Nigeria cannot be liable for conspiring with her boyfriend to have under-age sex, even though she planned it with him, and he was guilty of the main offence.

#### (iv) **Embezzlement**

Embezzlement is the act of wrongfully appropriating funds that has been entrusted into one's care but which is owned by someone else. The most common embezzlement is by employees, but others with fiduciary responsibility can also be charged with embezzlement. Fiduciary implies a relationship in which one person has a responsibility of care for the assets or rights of another person. The term is derived from a Latin word which means 'faith' or 'trust.'

Four conditions must be present in order for a charge of embezzlement to be relevant:

- a. There must be a fiduciary relationship between the two parties.
- b. The defendant must have acquired the property through the relationship rather than other manners.
- c. The defendant must have taken ownership of the property or transferred the property to someone else.
- d. The defendant's actions were intentional.

Example of embezzlement include the bus conductor who takes passenger refunds for himself, the bank teller who pockets deposits, and the payroll clerk who doesn't deposit the correct amount of employment tax, keeping the rest for himself.( en.wikipedia.org).

### **C. Government – related crimes**

A variety of crimes may be committed against the government. The crime focuses on (i) obstruction of justice, (ii) official corruption, and (iii) civil-rights violations

#### **(i) Obstruction of Justice**

The term obstruction of justice refers to acts that interfere with the orderly process of civil and criminal courts. The crime may be committed by judicial and other officials, in which case it might constitute the crime of official misconduct in office. It refers to any willful, unlawful behaviour by public officials in the course of their official duties. The misconduct of many consists of a failure to act or an improperly performed official acts.

### **Self – Assessment Exercise**

Define the term, "obstruction of justice".

#### **(ii) Civil rights Violations**

In recent years attention has been focused on one of the most offensive types of abuse of power by government, the violation of civil rights. The most recent and serious civil rights violations example is the abuses committed by the Muslim militant sect called Boko Haram. The sect was responsible for killings, bombings, and other attacks throughout Nigeria. Other serious violations include politically motivated and extrajudicial killings by security forces, arbitrary arrest and detention, executive influence on the judiciary and judicial corruption, the killing of children suspected of witchcraft, child sexual exploitation, regional

discrimination and trafficking in persons for the purpose of prostitution and forced labour.

### **Self – Assessment Exercise**

What are the crimes that constitute Government related?

## **4.0 Conclusion**

From this unit, the students should be able to know the social definition of crime as defined by social scientists. They will be able to evaluate the difference between the legal and social definition of crime. The students will be able to classify and explain the nature and types of crimes in this unit.

## **5.0 Summary**

In this unit, we described the social concept of crime.

Most people have a common sense of what crime is, but social scientists try to define crime in precise terms. By defining crime in an exact way criminologists specify the domain of their study.

We identified the various views of social scientists toward crime. Finally, we outline the typology of crime. There are (a) violent crimes, (b) property crimes, (c) business and government related crimes and (d) drug abuse, drug trafficking and organized crimes.

## **6.0 Tutor – Marked Assignment**

1. (a) Why is robbery considered a violent crime?  
(b) What are the elements of violent crime?

## **7.0 References/Further Readings**

Conklin, E. J. (2007). Criminology, 9<sup>th</sup> edition. Boston: Pearson.

Elliott, C. and Quinn, F. (2004). Criminal law. London: Pearson Education.

Hirschi T. and Gottfredson M.(1980). Understanding crime: Current Theory and Research. Beijing: McGraw Hill.

Reid, Sue Titus (2006). *Crime and Criminology*, 11<sup>th</sup> edition. Boston: McGraw Hill.

Regoli, M. Robert and John D. Hewitt (1991). *Delinquency in Society: A Child Centered Approach*. New York: McGraw Hill.

Sutherland, Edwin (1949). *White Collar Crime*. New York: Dryden press.

Schewendinger, Herman and Julia Schewendinger (2001). "Defenders of Order or Guardians of Human Rights?" In Stuart Henry and Mark Lanier (eds.), *what is Crime?* New York :Rowman and Littlefield Publishers, Inc.

En.wikipedia.org.

## **Unit 2: The Measurement of Crime and its Impact**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 The Measurement of Crime and its Impact
  - 3.2 Official Crime Statistics
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- 4.0 Conclusion
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### **1.0 Introduction**

In this unit, we would identify and measure crimes. By measurement of crime, we mean the statistics of crimes committed in the society in a certain period of time. Here, we are interested in knowing how crimes are perceived and recorded; and the establishment of the official and unofficial records of crime. This will definitely help to acknowledge the volume, nature, character and trends of crime committed in a particular society.

### **2.0 Objectives**

At the end of this unit, you should be able to:

- i. Examine the meaning and nature of measuring crimes.
- ii. Identify the two principal factors of measuring crimes and,
- iii. Identify the various sources of crime – surveys and as well as its importance.

### **3.0 Main Content**

#### **3.1 The Measurement of Crime**

Measurement of crime today, is more complex and more modern than in earlier times. The starting point in the discussion of the measurement of crime is to consider the statistics of crime.

Crime statistics is the basic and official instrument for the measurement of crimes. It is on this basis, we could know the characteristics of crime in the society (Hall williams, 1984). It enables us to know whether crime is growing or decreasing.

By crime statistics, we mean the uniform data on offence and offenders expressed in numerical terms. It is derived by official agencies like the police, prisons, courts, Nigeria Drug Law Enforcement Agency (NDLEA), the Customs, Immigration, Independent Corrupt Practices and other Related Offences Commission (ICPC), Economic and Financial Crimes Commission (EFCC), Federal Road Safety Corps (FRSC), National Agency for the Prohibition of Traffic in Persons (NAPTIP) etc.

These numerical data are often tabulated, classified and analysed in order to establish relationship between or among the classes of offences recorded. It helps us to understand the distribution of persons in crime in different areas of the society. Criminologists usually begin their search for the measurement of crime by looking at the figure provided for crimes known to the police. The data based on police records in recent times in Nigeria showed an unprecedented crime wave, especially in the areas of kidnapping and terrorism. Instances abound in the terrorism activities of the Boko Haram in Northern Nigeria especially in Maiduguri, Abuja, Zubwa, Bauchi, Kaduna, kano and Suleja.

#### **Self – Assessment Exercise**

1. What do you understand by the term, "Crime Statistics".

From here, we turn to the two major sources of crime statistics. They are (i) Official and (ii) Unofficial Statistics.

### **3.2 Official Statistics**

Official crime statistics are mainly gotten from the prisons, police and the court. These are the traditional sources of crime statistics. It records a high level of the patterns of criminality. Other sources include the customers, Immigration, FRSC, ICPC, EFCC, NAPTIP, Records of juvenile institutions and census data from either the state or Federal statistics.

Nevertheless, official statistics sometimes seem to be incomplete due to dark figures (unreported crimes) and grey figures (reported but unrecorded crimes and manipulation of records to satisfy political and, or institutional interests). An instance of the grey figure is the case of the daughter of the erstwhile head of state in Nigeria, Chief Olusegun Obasanjo. She is Senator Mrs. Bose Bello-Obasanjo. She was alleged to be involved in a N10 million bribe when she was the chairperson of the Health Committee of the National Assembly in 2008. At the end, the case was manipulated.

Official Records are indicators of criminal activities brought to the notice of the criminal justice system and the actions that they take in respect of reported incidents. Each year the crime statistics give the figures for offences cleared up. These are expressed as a proportion of the offences known in relation to the total volume of serious offences. These figures are regarded as some indication of police efficiency or effectiveness.

An offence recorded by the police is said to be cleared up if the person has been arrested, summoned and prosecuted for the offence. If it is ascertained that the offence was committed by a child under the age of criminal responsibility, he must be cautioned for the offence because he is a juvenile.

Official crime statistics in Nigeria suffer many weaknesses, in addition to the more universal problems of dark and grey crime figures. Some of the sources of the weaknesses have been identified in the lack of necessary skills and resources for statistical and information management; lack of effective planning, monitoring and evaluations of information.

### **Self – Assessment Exercise:**

- (a) What are the importance and weaknesses of the official crime statistics?

### **3.3 The Unofficial Crime Statistics**

As a result of the doubts concerning the reliability, validity and utility of the official statistics of crime, criminologists have considered using other means for measuring crimes. These sources are called the unofficial sources. They are obtained through (1) Direct observation, (2) Weighting sources, (3) Self Report source and (4) Victim –survey source. They are called unofficial because they are not compiled by the state officers, but by individuals or researchers. The aim of the unofficial statistics is to compliment the official sources in order to make it richer and create utility.

#### **(i) Direct Observation**

This happens when the researchers/criminologists participate individually to observe and record events as it occur in a particular area. This is very necessary for research, in order to have a deeper understanding and to gain a greater insight into the groups. Direct observation is a type of research mainly conducted in victimless offences such as gambling, prostitution, and homosexuality. These offences are the major forms of crime that could be directly observed. (Maguire, 2002).

#### **(ii) Weighting of Crime**

This is done by the compilation of questionnaire. It is send to members of the society to respond to and give a feedback of grievous crime. In this situation, the most serious offence will be ranked. The least serious offence will be ranked the lowest mark while the most serious offence will be ranked the highest mark. In this condition, the weight is considered to indicate the seriousness of the crime (Hall Williams, 1984).



### (iii) Self – Report Studies

Another name for self – report studies is crime survey. It involves the study of a sample of a population. It investigates the types and number of crimes that are committed during a particular period, usually the past year. The crime survey examines whether or not the crime has been detected or reported to the police. The method uses questionnaire to collect relevant information. The self – report studies are better conducted on juveniles in Schools to ascertain which offence they have committed (Appelbaum, 2003). This is based on an assumption in criminology that children are delinquent.

Self – Report study is as well characterized by many weaknesses. First, the questionnaire tends to contain more questions on minor crimes with which the respondents are more comfortable. But questions on more serious and sensitive crimes are avoided. Second, respondents may not accurately recall their criminal activities, and third, respondents tend to under report serious crimes that they may have committed.

### (iv) Victim – Surveys

Victim – surveys are used to obtain data on the extent of criminal victimization. Some criminologist many years ago had proposed the study of victims as an important focus for criminology. The subject matter of victim studies or victimology is concerned with the scientific study of victims of crime. It is a science of social concern for the victim. It focuses on the scientific analyses of the patterns, regularities and causal factors as it relates to the victim.

Unlike the crime survey, which uses data on the extent and patterns of crimes committed by members of a society, the victim – survey is used to measure the extent and pattern of victimization in a community, among members of a group or nation. Questionnaire are designed and administered to gather information on respondents' experiences in the hands of criminals. This method also suffers several deficiencies, including inability of the respondents to accurately report events during the period covered by the survey. The early pioneers of victim

studies or victimology were Benjamin Mendelsohn and Heng Von Hentig (Hall Williams, 1984).

### **Self – Assessment Exercise**

Differentiate between the official and unofficial statistics of crime as instruments of measurement.

Some criminologists become much interested in the potentiality of the unofficial crimes, that they made a review of the concept of hidden criminality.

The interests of the criminologists lie more on the general light thrown into the dimensions of the dark figures of crime. Their attentions are drawn to the 'dark – number' of offences which do not appear in the crime figures but are hidden from view. This is what we called the 'ice – berg' crime. It is a situation where a large proportion of offences lies beneath the surface and are never revealed or recorded. These unreported, unknown, undetected and unrecorded crimes constitute the hidden criminality.

These problems indicate that the crime statistics produced by the criminal justice agencies – the police, prisons and courts – are not true. They do not reflect the accurate extent and pattern of criminal activities and victimization in society (Hall Williams, 1984). But what proportion the 'dark figure' represents, it is impossible to say. Nevertheless, estimates have been made that sexual offences in Nigeria are considered the most hidden criminality from view, especially the crimes of rape and bribery.

### **4.0 Conclusion**

From this unit, the students should be able to know what crime statistics is and also know that crime statistics are tabulated and analysed into numerical figures for easy understanding. As a student of criminology, you should be able to know the two principal sources of crime statistics and also be able to differentiate between weighing of crime and direct observation.

## **5.0 Summary**

We have been able to discuss the measurement of crime. We tried to defined crime statistics as the major instrument of the measurement of crime. We identified official and unofficial statistics as the two principal sources of crime measurement. The hidden or unrecorded aspects of crime were discussed.

## **6.0 Tutor – Marked Assignment**

- (1) Compare and contrast between crime – surveys and victim – surveys. Give disadvantages of each.
- (2) Differentiate between the official and unofficial crime statistics of measurement.

## **7.0 References/Further Readings**

Appelbaum, Richard P. and William J. Chambliss (2003). Sociology. California: Harper Publishers.

Hall Williams, J. E. (1984). Criminology and Criminal Justice. London: Butterworth.

Maguire, Mike, ed. et al, (2002). The Oxford Handbook of Criminology: Oxford University Press.

## **Unit 3: Sources of Learning to Commit Crime**

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- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Sources of Learning Crime
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### **1.0 Introduction**

Criminals usually learn the most skills and motives needed to violate the law. Nevertheless, they acknowledge that the violation of the law constitutes crime. But they tend to justify their criminal acts and be relatively free from the bonds of the legitimate social order of the law by techniques for neutralizing the law.

### **2.0 Objectives**

At the end of this unit, you should be able to:

- i. examine the sources of learning to commit crime.
- ii. explore the social structure of the community and delinquent behavior
- iii. highlights the motives and skills from the general culture and,
- iv. examine the effects of the peer group in committing crime and delinquency.

### **3.0 Main Content**

#### **3.1 Sources of Learning to Commit Crime**

Leslie Wilkins in 1964 drew attention to the relationship between certain features of the so-called affluent society and the rise in property crime: "In any stable

social system the increase in economic activity and affluence would lead to increased opportunities – opportunities for honest and dishonest practices (Hall Williams, 1984).

Wilkins observes that as the amount of money being transferred legitimately increases, so do the opportunities for crime. As the number of motor cars increases, so do the opportunities for theft or stealing of cars.

Offenders learn motives and techniques for breaking the law from many sources, including the community, the peer group, the general culture, the media, pornography, and correctional institutions.

### **(A) Community**

Every community has its own unique culture which is transmitted from generation to generation in the form of social heredity. These are written and unwritten rules and regulations; matter of facts, prejudices; standards for social etiquette and demeanour. These are the established customs showing how members should relate to peers, superiors and traditions that clarify to members what is appropriate behavior and what it is not. This falls on the chief of the community who exercises the traditional power to his subjects, so that these social etiquettes of the community will be complied with.

The community becomes an agent for the internalization of values, ideas, beliefs and customs through the process of learning, so as individual, who has been properly socialized into the community and culture, learn how things are done. What behaviours and values are acceptable and desirable and which ones are not. So the importance of cultural forces in the development of individuals against crime and delinquency is very great (Chukwuka, 1992).

Opportunities to learn to commit crime are associated with the social organization of a community. Learning about crime is easier when there are close ties and frequent interaction among people of different ages within a community. Interaction between teenagers and adult criminals, as well as between teenage

gang members and non – members, provide opportunities to engage in criminal activities under the supervision of more experienced offenders.

**(B) Peer Groups**

This emphasizes the place of peer group influence on the behavior of people generally. It was observed that peer group play an important role in crime and delinquency. So the activities of close associates will not be overlooked. It is obvious that when a child is born, he is helpless and dependent on others for the gratification of his biological needs. As he advances in age, he becomes aware of his environment and understands the principles of reality.

He therefore comes in contact with other children and people in the process of socialization. A process by which co-operative and communication among the members of a peer- group are facilitated. Attitudes toward others are learned by observing and imitating models. Based on this, it could be said that those who have intimate associations are offenders of crime and delinquency are likely to engage in crime (Chukwunka, 1992).

Adolescents who do not have a stake on conformity sometimes join gangs and learn criminal behaviours and skills from peers. This encourages and reward violation of the law. Learning to commit crime often occurs within groups or gangs (Conklin, 2007). Delinquents are more likely to have delinquent friends than non-delinquents. The relationship between friendship and delinquency is a commonly assumed pattern in poor family relationships leading to attachments to peers, which leads to delinquency. Hirschi concluded that weaker peer – group ties are associated with higher rates of delinquency. Delinquent behavior leads to delinquent peer association (“birds of a feather flock together”). Association with delinquent peers also increases delinquent behavior (“rotten apples spoil the barrel”).

Delinquents’ interactions with delinquent peers increase the chance of more delinquency. Non – delinquency interaction with non – delinquent peers increases the chance of more conformity behavior (Conklin, 2007). Research

observed that those that join gangs are involved in violent crime, vandalism, drug use and selling which supports the rotten apples” hypothesis.

### **Self – Assessment Exercise**

What do you understand by this phrase – “rotten apples spoil the barrel”?

#### **(C) General Culture**

People sometimes learn criminal activities from the general culture. For instance, at the end of the Nigeria-Biafra War in 1970, the nation experienced an increase in violent crimes. The increase was particularly dramatic. The culture emphasizes machismo, that is, an exaggerated belief that men should be aggressive, dominant and strong. That is, men are ought to have more rape and other violence against women than are cultures that deemphasize such actions. The best explanation of this is that war makes violence legitimate.

According to this view, delinquents do not hold values that are completely or diametrically opposed to dominant values. The social norms that define expected or appropriately behavior for particular situations lack specificity to how and when they apply. In other words, the norm that states that theft is wrong might be qualified so that theft is tolerated or even encouraged. According to Sykes and Matza (1957), denial of responsibility is one of the neutralization techniques in which people refuse to be held personally accountable for one’s action. People sometimes claim that a criminal or delinquent act is an accident or assert it is caused by factors beyond their control. They feel that they were motivated by the social environment, rather than in control of their own lives. For instance, the increase in violent crimes especially kidnapping in the Niger Delta Region of Nigeria from 2004 to 2011 were particularly dramatic.

Some argued that Nigeria is “a nation of victims” with increasing numbers of people using an abuse “excuse” to support a claim that they should not be blamed for their actions.

This is part of the attempt to shift responsibility in our society. Nobody seems to be responsible for his own actions anymore. It’s always somebody else’s fault. The violent activities of the militia in the Niger Delta attribute their behavior to

“exploitation by the power structure, restitution for past injustices, and brutalization by the system” (Conklin, 2007).

This denial of responsibility has also been used to justify white collar crime and political corruption in Nigeria. At the same time, the rapists justify their crimes by saying that their victims deserved to be raped because they were sexually experienced, promiscuous, or had a bad reputation. And such women are “public property” and have no right to reject them as sex partners. Rapists also portray women as seductresses, claim that women mean “yes” when they say “no”. They also contend that most women eventually relax and enjoy the sexual assault. They assert that nice women do not get raped (Conklin, 2007).

### **Self – Assessment Exercise**

What are the factors that rapists used to justify their crimes?

#### **(D) Pornography**

There is a widely held view that pornography as an obscene material is more likely to commit sex offences because they are stimulated to act on their sexual fantasies. Pornography is material that is intended to arouse people sexually by portraying sexual matters in visual or verbal terms. Obscene material is a material often pornographic in nature, which has been declared illegal because it poses a threat to the state or to organised religion, violates common morality and has no redeeming social value. Even though pornographic material arouses people sexually, yet not everyone responds to it in the same way. Those who are most sexually aroused are the youths, the religiously inactive and the sexually inexperienced.

#### **(E) Correctional Institution.**

The correctional institutions such as the prisons and juvenile detention centres have been described as “schools of crime” by sociologists. This is a place where relatively inexperienced offenders found themselves with the skilled



criminals. The focus of this discussion is diametrically on the spreading of criminal motives and techniques from the more experienced offenders to the less knowledgeable inmates. Offenders learn the motives and skills to commit crime from a variety of sources. One of the sources of which people learn to commit crime through interaction with others is differential association theory. Sutherland advocates that criminal behavior is learned in interaction with other persons in a process of communication. This communication can be either verbal or non-verbal (Conklin, 2007).

### **Self – Assessment Exercise**

How does Correctional Institutions invigorate crime and delinquency?

### **4.0 Conclusion**

From this unit, students should be able to know about the sources of learning crime and how to commit crime and delinquency. You should be able to understand the causes of crime and delinquency through peer group, pornographic materials, correctional institutions, community and the general culture.

### **5.0 Summary**

We have been able to discuss how people learn skills and motives to commit crime from many sources. The social structure of some communities is conducive to learning criminal and delinquent behavior. Many delinquents are learned from older adolescents in gangs. People also learn criminal motives and techniques from the general culture, exposure to pornographic materials and interaction among inmates.

### **6.0 Tutor – Marked Assignment**

- a. What are the sources from which people learn to commit crime or delinquency?

## **7.0 References/Further Readings**

Chukwuka, C.A.C (1992). The Incidence of Drug Abuse among Youths in Port Harcourt. A Research Project Submitted to the University of Calabar, Calabar.

Conklin, E. John (2007). Criminology, 9<sup>th</sup> edition. Boston: Pearson.

Hall Williams, J. E. (1984). Criminology and Criminal Justice, London: Butterworths.

## **Unit 4: Community Reactions to crime**

### **Contents**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Community Reactions to Crime
- 4.0 Conclusion
- 5.0 Summary
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### **1.0 Introduction**

The sociologist, Emile Durkheim defined crime as a behaviour that shocks the sentiments of all “healthy” consciences. Due to the fact that crime is that behaviour that offends our shared sense of what is valued, punishment becomes a reaction to that behaviour. The opposition enhances social solidarity within a community.

### **2.0 Objectives**

At the end of this unit, you should be able to:

- i. Understand the concept of social control
- ii. Discuss the structure/ function performed by the social control agents
- iii. Establish the two forms of social control which are the basis of community reactions to crime
- iv. Differentiate between formal and informal social control.

### **3.0 Main Content**

#### **3.1 Community Reactions to Crime**

One reaction to crime is social control, a process that brings about conformity to society’s norms and laws. We shall discuss about the two forms of social control

that brings about conformity to society's norms and laws. They are: (i) the informal social control and (ii) the formal social control. Meanwhile, we shall examine the concept of social control.

## **1. THE CONCEPT OF SOCIAL CONTROL**

Social control is a process that brings about conformity to society's norms and laws. Every society tries to ensure an orderly way of life for each member. It adopts a set of rules for controlling and limiting individual actions. The nature of these rules differs greatly from one society to another. To keep people behaving cooperatively is always the general purpose of the society. In very small – scale societies, everyone knows one another. Each depends for survival on the help of his neighbour. The desire for approval is enough to bring the individual into what others hold to be good behaviour.

In fact, in a stateless society, the rules of conventions and morality bind people to maintain order. Such rules are effective because the people fear the ridicule or disapproval of their neighbour. People accept and obey many rules of behaviour that are not laid down by the state authority. They developed and have ideas of what is right and wrong. The two fundamental dimensions that determine social control are: (a) structure and (b) function performed by Social institutions.

### **(a) Structure**

There are three different terms we use to characterize the structure of social control. The terms are group, community or society. Each implies a sort of orderly arrangement of persons. Structure in society is based on organization. Social structure is the widely used term for social organization. It is an arrangement of persons or parts. There are different types of social organization. These include the family, a political party, an empire, an athletic team, a League of Nations, etc. These are the arrangement of persons or parts that constitute the organization. That is, the basic and constituent units of a social organization

are persons. This arrangement is sometimes called pattern (Ogburn and Nimkoff, 1964).

(b) **Function**

Structure is subordinate to function when the interest is in social life. The structure exists primarily to perform functions. The basic unit of the functioning of the social structure is the act. The act is the social action and social interaction. Acts of an actor involving another person are social acts. There are some social acts that are often repeated, when such social acts are repeated frequently, they become customs. In the same way, individuals act, if the social acts are repeated, and it then becomes a habit. Customs are social habits and through repetition, they become the basis of an order of social behaviour. A social practice must be in existence sometime before it is called a custom (Ogburn and Nimkoff, 1964).

**Self – Assessment Exercise**

1. Explain what social control is.

**2A. INFORMAL SOCIAL CONTROL**

In society without centralised political systems, legal systems are self – helped. We observed that violations of norms usually result in sanctions and punishments for the offender. This served to correct the behaviour of particular people and to show others the penalties for such deviance. The severity of sanctions and the process by which sanctions are imposed differ greatly. This could be on the seriousness to which the culture is attached to the violated norm.

Anthropologists have given a specified insight into these informal methods of social control. They observed the kinds of pressures which induce people to conform to certain norms and values. They observe that informal social control occurs in preliterate societies where we have face-to-face kind of social relationships. It is a simple society which is agrarian in nature (Bailey and Peoples, 2002).

In the absence of formal mechanisms of government, informal social control comes into focus. Communities react to crime by means of a number of informal mechanisms such as socialization, public opinion, corporate lineages, familial systems and moots. We shall explain these terms in details.

### **Self – Assessment Exercise**

Explain the characteristics of the informal social control.

#### **a) Socialisation**

Every society tries to survive by passing its social norms from one generation to another. Every society has some forms of socialization. This process involves a pattern where the young ones inherit the proper ways of life. They were socialized not to violate the social norms. People learn their social norms with a certain degree of moral compulsion. People internalize social norms so effectively that they would never be considered violating them. When people learn their norms, they are at the same time internalizing the moral necessity to obey them Douglas(1964).

### **Self-Assessment Exercise**

What is socialization?

#### **b) Public Opinion**

One of the most compelling reasons for not violating the social norms is public opinion or social pressure. In general, people from all parts of the world wish to be accepted. They desire affection by other members of the society. Most people fear being rejected or talked about by their friends or neighbours, they desire to win approval from other members of their society. They are determined not to shun or violate the social norms because of the fear of negative public opinion. There are many instances where social pressures deliberately keep people in line. Indeed gossip, ostracism, rumour, derision are all powerful corrective measures for reforming social behaviour. For instance, a senior military officer who was found guilty in a martial court in Bauchi State of Nigeria in 2011

for aiding and abetting a Boko Haram leader to escape from custody, was ceremoniously stripped of his insignia as a public display of humiliation. Harold Garfinkle called such display with this term, "degradation ceremonies", that is, an informal societal mechanism of public humiliation.

### **c) Corporate Lineages**

Corporate lineages served as localized communities. They number from several hundred to several thousand relatives. The members have frequent and intense interaction with one another on daily basis. It is virtually impossible for anyone to maintain his/her anonymity. Corporate lineages play a dormant role in most small scale (acephalous) societies. As the members often live, work, play and pray together, properties are controlled by the lineages. Property is the major factor by the lineages from which people derive their primary identity and reaction to crime. Even religious matters are important. Ancestral worship is a very important aspect of religion. The lineage has a powerful impact on the everyday lives of its members. They exert a considerable pressure on the people to conform to the social norms.

One means by which corporate lineages exert reaction over its members is economic. All important property, such as land is controlled by the elders of the corporate lineage. Often property is allocated on the basis of conformity to social norms. Those who behave as the society expects them to behave are likely to receive the best plots of land. On the other hand, those who violate the social norms are likely to be denied some valuable economic resources. For example, a man who wants to engage in a socially inappropriate behaviour such as having an extramarital affair in the lineage needs to think it twice. He could engage in extramarital affair and remain undetected in a large scale society. But the small scale nature of the lineages tends to inhibit social deviance because it is very difficult to get away with (Douglas, 1964).

### **Self – Assessment Exercise**

Discuss corporate lineage as a social control mechanism.

#### **d) Moots**

Moot is an informal court found in many African societies. Moots serve as a highly effective mechanism for conflict resolutions. Moots are informal airing of disputes involving kinsmen and friend of the litigants. These adjudicating bodies are ad-hoc, with considerable variation in composition from case to case. Moot generally deal with the resolution of domestic disputes such as the maltreatment of a spouse, disagreements over inheritance, or the non- payment of debts owed to kins or neighbours.

Anthropologist James Gibbs (1965), described in considerable detail the moot system found among the Kpelle, a mande – speaking people of Liberia and Guinea. Gibbs found that moots differ from the more formal court systems. The moots are held in the homes of the complainant rather than in public places. The parties concerned are the elders, litigants, witnesses and spectators who sit very close to one another. This is in contrast to the formalized courts which physically separate the plaintiff, the defendant, and the judge. Moots do not attempt to blame one party unilaterally. They attribute fault in the dispute to both parties. The sanctions imposed by the moot are not so severe. This is done so that the losing party would not develop grounds for a new grudge against the other party. The party found to be at fault is assessed a small fine. It is expected that the wronged party is given a token gift, and to make a public apology.

Moots attempt to reintegrate the guilty party back into the community, restore normal social relations between disputing parties. It is aimed to achieve reconciliation without bitterness and acrimony. The ritualized apology given by the guilty party symbolizes the consensual nature of the resolution. Its emphasis is on the healing of the community rather than simply punishing the wrong doer (Ferraro, 2001).

#### **Self-Assessment Exercise**

What is the purpose of the moot?



## **2B. FORMAL SOCIAL CONTROL**

One of the reactions to crime is social control. It is a process that brings about conformity to society's norms and laws. The formal social control includes efforts by the police, the courts and correctional institutions (prisons) to produce conformity to the law. These are often referred to as the criminal justice administration system.

According to Richard Quinney "the concept of formal social control is developed in a formal institution as a result of the complexity of the society. The violation or deviation from social norms and values often results in disputes among people in the society. The violent conflicts resulting from such disputes become known as the crimes (theft, assault or homicide). These violent conflicts threaten the social cooperation of its members and the society. The society therefore, develops an explicit mechanism to address and resolve the conflict. The heterogeneous nature of population in large – scale societies symbolizes the need for a formal institution. It is a society where there are different groups of people with conflicting interest.

According to Emile Durkheim, it is a society characterized by organic solidarity. Here, the society is not held together by kinship relationships. The social relationships are based upon ideas, beliefs, and values which everyone shares. But it is owed by economic, political, social and legal relationship. It is not emotions that hold people together, but a functional relationship.

In organic solidarity, the society is characterized by a complex "division of labour". Durkheim explained that such society is more differentiated. There is almost an endless variety of specialist functions for individuals and groups. This fact could be observed in the nature of such society. It is seen that the social control is based on the nature of criminal laws which are largely penal or restitution. These laws provide enough social control to keep the complex society going on. It appears that crime is more likely to occur in complex society than in the less complex societies. The incidences of crime vary considerably from society to society. No society in the world is immuned from crime. Legally

speaking, without criminal laws there can be no crime. A crime is considered as a public wrongs against the society. So it is the state that suffers rather than the individuals. This is why the state prosecutes and punishes the accusers. Carrabine, et al (2004).

### **Self – Assessment Exercise**

Explain the Emile Durkheim's view about the reactions to crime.

#### **a). The Police Force**

The police force is the primary points of contact between the population and the criminal laws. The uniqueness of the police force borders much on its decision. It is the society's formal response to crime. The policemen are the "gate-keeper" of crime control. They lubricate the system through the apprehension, investigation and arrest of suspects. In carrying out the arrest, the policeman exercises discretion. The police men detect and apprehend the criminal offenders. He makes a principal determination on either to initiate a criminal process or not.

The function of a police officer is complex. He participates in court proceedings as well as investigating in crime. According to the U.S. National Advisory Commission on Crime Justice Standards and Goals, it identifies eleven functions of the police. From all indication, the functions have universal applications. They include

1. preventing criminal activity
2. detecting criminal activity
3. apprehending criminal offenders
4. participating in court proceedings
5. protecting constitutional guarantees
6. assisting those who cannot care for themselves or who are in danger of physical harm
7. control traffic
8. resolving day-to-day conflicts among family, friends and neighbours

9. creating and maintaining a feeling of security in the community
10. investigating crimes and
11. Promoting and preserving civil order. Maguire, et al( 2002).

### **Self – Assessment Exercise**

1. List out the universal functions of police.

### **b) The Court**

After arrests, a court determines a suspect's guilt or innocence. The decision of the court has an important consequence for crime control. The justice scale is the symbol of justice. The public sees the court as the platform of fairness and impartiality. The court is an agency set up by the government to define and apply the law, to order its enforcement, and to settle disputed actions involving individuals or groups. Section 33 of the 1979 constitution of Nigeria covers the right to fair hearing which also includes the presumption of innocence of every person charged with a criminal offence.

The main actors in court disputes include the accused- that is, the person accuse of crime. He is the centre of attraction in the court. He is sand witched between the prosecutor and the defence in a battle of two differing parties. The prosecutor represents the states. He carries the burden of proving the case beyond reasonable doubt in order to earn the accused conviction. The defence represents the accused. He rebuts the case presented by the prosecution in order to earn the accused discharged and acquittal; the judge or jury is a neutral arbitrator who listens to the charges. He analyses the facts as they relate to the law, and determines guilt or innocence.

### **Self – Assessment Exercise**

State and explain the main actors in the court system.

### **c) The Prisons**

The prison is responsible in carrying out measures to prevent escapes of the convicted persons – such measures are the erecting of high walls, or chain link

fence, placing armed guards, constant checks of cells, providing system of passes for movements within the prison and constant surveillance; other stringent measures is to prevent riots. The prison is therefore an avenue for making an individual or accused pay for the crime committed against the society. Male and female prisoners are typically kept in separate locations or separate prisons altogether.

According to Erving Goffman, the prison is "a total institution". That is, an institution in which the accused is locked up in a physical, psychological and social sense. The prisoner is denied the rudiment choices of everyday life. The idea of the prison is the isolation of the offender from the rest of the society. The offender is deprived from anything that could facilitate his criminal acts. Lack of such isolation could encourage and breed revolts and plots. Prisons are categorized according to the type of inmates, the structural features, and the extent of security arrangement. The Categorisation is based on the level of risk a prisoner might pose to the public or national security. The emphasis here is on the issue of escape or the likelihood of making attempts to do so. In Britain, prisons were classified into category A, B, C, and D. The British prison system is also divided into "Open" and "Closed" prisons. Categories A-C are considered "Closed" prisons as prisoners cannot be trusted to interact with the public, while category D prisons are generally "Open", meaning that prisoners with a good record and who are approved can be allowed limited interaction with the public such as home-leave or a nominal employment. In fact generally, Prisons are characterized into maxi-maxi security, maximum security, medium security, minimum security and women prisons (Maguire, 2002).

### **i. Maxi-Maxi Security Prison**

The maxi-maxi security prisons are prisons for the most dangerous criminals. This is otherwise known as category A of prison classification in Britain. The prisoners are those that would pose the most threat to the public, the police or national security should they escape. Security conditions in category A prisons are designed to make escape impossible for these prisoners. The nature of the offence determined the type of the security. Such security is created for property

crimes. Example of such prison is found in the Capetown Bay, South Africa where Nelson Mandela spent 18 years of his 27 years incarceration.

## **ii. Maximum Security Prison**

The maximum security prisons are characterized by high walls and multiple fences with wires. This provides maximum control over the inmates. Example is the Kirikiri maximum security prison in Nigeria.

## **iii. Medium Security Prison**

The medium security prison is characterized as an early attempt by the prisons to reform offenders. Inmates are exposed to many programmes in order to help them become useful members of the society when released. The prison provides rehabilitation instruments for the welfare of the offenders.

## **iv. Minimum Security Prison**

This is a rehabilitation centre for drug addicts and juvenile homes, for those who can be reasonably trusted not to try to escape. They are given the privilege of an open prison. This is the lowest level of security to which an inmate can be assigned directly. The inmates are considered to be non-violent. The prisons are made for people who have low risk of escape. The minimum security prison is like the category D classification, (Maguire, et al 2002).

## **v. Women Prisons**

The prisons are designed to cater for women convicts. The prisons were patterned to cater for gender differences. Women are said to be less violent than the men. Therefore, they require less stringent supervision.

## **Self – Assessment Exercise**

Prison is a "total institution", Discuss!

## **4.0 Conclusion**

From this unit, students of criminology would be able to know about the concept of social control as an aspect of the community reaction to crime. They will be able also to understand the two forms of social control, i.e. formal and informal social control.

## **5.0 Summary**

We have dealt with the concept of formal and informal social control. Every society tries to ensure an orderly way of life for each member by adopting a set of rules for controlling and limiting individual actions. Prisons were categorized into maxi-maxi, maximum, minimum, medium and women securities. This reflects the types of inmates and security arrangement.

## **6.0 Tutor-Marked Assignment**

Compare and contrast between the formal and informal social controls.

## **7.0 References/Further Reading**

- Barley, G. and James P. (2002). Essentials of Cultural Anthropology. Canada: Wadsworth Thomson Learning.
- Carrabine, E. et al (2004). Criminology: Sociological Introduction. London: Routledge.
- Conklin, E. J. (2007). Criminology, 9<sup>th</sup> edition. Boston: Pearson.
- Douglas, M. (1964). Man in Society: Patterns of Human Organization. London: Macdonald Publishers.
- Ferrero, G. (2001). Cultural Anthropology: An Applied Perspective, 4<sup>th</sup> edition. Canada: Wadsworth Thomson Learning.
- Gibbs, J. L. (1965). The kpele of Liberia: In people of Africa. New York: Holt, Rinehart and Winston.

- Maguire, Mike et al (2002). The Oxford Handbook of Criminology. Oxford: Oxford University Press.
- Ogburn, W. F. and Meyer F. N. (1964). Sociology. New York: McGraw-Hill Books.

## **Unit 5: Understanding Deviance**

### **CONTENTS**

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- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Understanding Deviance
  - 3.2 Deviance as Normal and Necessary
  - 3.3 Formal Norms and Sanctions
  - 3.4 Informal Norms and Sanctions.
- 4.0 Conclusion
- 5.0 Summary
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### **1.0 Introduction**

We shall examine the meaning of Deviance. We shall look at the views of Durkheim on the normal and necessary parts of the concept. Finally, we shall classify the three segments of formal norms and sanctions.

### **2.0 Objectives**

At the end of this unit, you should be able to:

- i. Understand the meaning of deviance.
- ii. Explain the view of Emile Durkheim toward deviance in the society and
- iii. Highlight the fundamental segments of formal norms and sanctions.

### **3.0 Main Content**

#### **3.1 Understanding Deviance**

According to Nancy Heitzeg (1996), Deviance is created by society. This goes to suggest that deviance is socially created. It is a violation of socially constructed norms. This is also subjected to socially constructed sanctions. One fact about



deviance remains that it is relative, normal and necessary. To understand the concept of deviance, our discussion will take us to the social creation of deviance. Heitzeg argues that some deviant category exists and a person must be viewed as violating the deviant category. And at the same time, there must be a demand for enforcement. The focus has been on the evolution and change of deviance as well as how and why people react to the violators and the reasons why people violate the socially created norms.

Every society has norms or rules that modify acceptable behavior. By norms, we mean an appropriate act and condition for a society's member (Heitzeg, 1996). Some norms tell us what we ought to do, i.e. it is prescriptive. For instance, in Nigeria children are expected to greet their elders, the parents must educate and take care of their children, etc. Other norms are proscriptive, i.e. they tell us what we should not do. For example, we should not steal; children should not drive a vehicle etc.

The fact remains that every norm is affiliated with a corresponding sanction or punishment that is applied to those who violate the norms. Therefore, norms are meaningless without sanctions. Every society defines and controls norms. In an ideal world, a social norm is interpreted by the society's members. This, in theory, is the subject of socialization. Socialization is a process where the individuals internalize the social norms and at the same time translate them perfectly into conforming actions. The socialization process in any society is an attempt to maximize internal self-control, produce conforming behaviour, and minimize internal self-control.

Looking at the Sociology of Deviance, we observed that human actors are differentiated into many kinds of collectivities. This consciousness ranges from the relatively small units such as the Nuclear family to relatively large ones such as a nation or culture. People in society, learn to deal with deviance in different levels and distinguish it in their own daily activity. For instance, in Obohia Ndoki, Eastern part of Nigeria, a man is expected to disown and disinherit his son for conduct that violates old family traditions or within the same kindred. The

compound chief has the authority to ostracize a member of the compound who violates the traditions and customs of the people. These standards are built to maximize internal self-control and produce conforming actions.

According to Erikson (1996), communities are boundary maintaining. Each community has a specific territory in the world as a whole. It is not only in the sense that it occupies a definite region of geographical space but also in the sense that it takes over a particular niche in what might be called cultural space. The community therefore develops its own "ethos" or "way" within that compass. These dimensions of group space, and geographical cultures, set the community apart as a special place and provide an important reference point for its members. That is to say, that a human community can be said to maintain boundaries. It is in the sense that its members tend to confine themselves to a particular radius of activity, and to regard any conduct which drifts outside that radius as somehow inappropriate or immoral. Thus the group retains a kind of cultural integrity.

There are social groups on the surface of the earth which possess complexes of conduct norms. But due to the differences in their mode of life and social values, they appear to set themselves apart from other groups in many respects. For instance, we may expect a conflict of norm when a village dweller moves to the town. Nevertheless, immediately the village dweller settles in the city, we assume that he has absorbed the basic norms of the culture which comprises both the town and rural codes.

Conflicts of cultures are inevitable when the norms of one cultural or subcultural area migrate to or come into contact with those of another. Conflicts between the norms of divergent cultural codes may arise with these reasons: (a) when these codes clash on the border of contiguous culture areas, (b) when, as may be the case with legal norms, the law of one cultural group is extended to cover the territory of another, or (c) when members of one cultural group migrate to another ( Sellin, 1996).

### **3.2 Deviance as Normal and Necessary**

Deviance is everywhere. All societies and all social groups have norms and sanctions, rules and regulations. This observation has two major implications, both of which were developed and addressed by sociologist, Emile Durkheim (1858 – 1917). For Durkheim, deviance is not a pathological social aberration to be destroyed; rather it is normal and necessary part of every social order. Deviance is normal because it is present in every society. It is the rule and not an abnormal exception (Heitzeg, 1996).

What Durkheim is saying is that in every society there are deviant and criminals such as murders, aggravated assaults, rapes, mental illness etc. There is always someone to be a deviant. For instance, in 1967, a man from the neighbouring community killed and surreptitiously ate a snake in Obohia Ndoki but the community gathered together and sanctions him. This is because it is against the norm of the people in Obohia-Ndoki. There must be deviance; it is a normal part of every society. Deviance is normal because it cannot be avoided. Every society has deviance because the people seek social boundaries to fine its members. They provide them with a sense of belongings and at the same time cast out deviants.

Deviance is necessary because it brings society together. That is, crime brings together honest people. This is because the case is abnormal and anomalous. Thus, Deviance unites conforming members of a social group. It reaffirms their values and at the same time strengthens group cohesion. Deviance delimits the group boundaries. It implies that people with norms of acceptable behaviours cut across group boundaries. Therefore if there is no deviance, there will be no social cohesion.

#### **Self – Assessment Exercise**

What is the view of Emile Durkheim towards Deviance in society?

### **3.3 Formal Norms and Sanctions**

In this sub unit, we shall look at the types: deviance, Norms and sanctions. We should consider the formal norms and sanctions and the informal norms and sanctions. Norms and sanctions vary with regard to their formality and seriousness. A society where there is no government, no state structure, no laws, and such society will experience chaos and anarchy. A social control is therefore required and that is the role of norms and sanctions.

Formal norms and sanctions are codified. That is, the norms are written in law. They are formalized in every situation. The norms are enforced by specially designated and empowered agents of social control. The sanctions are also fixed by law and the set procedures are carried out according to the law. The formal norms and sanctions are evident in three forms: (a) Criminal law (b) Civil law and (c) Administrative laws.

#### **(a) The Criminal Law**

The criminal law is regarded as the most serious rules of any society and a drastic punishment is always mete- out to the offenders. The law is made up of acts that are viewed as public wrongs. This is due to the belief that such proscribed behaviour threatens the entire social order of the society. A criminal is said to have two victims. The first one is the individual (person) and the next is the state (government). These are some of the criminal laws prohibited as acts of the state: (i) crimes against the person; examples are: homicide, rape and other sexual offence, assault and battery, robbery and kidnapping; (ii) crimes against property; examples are: burglary, larceny, embezzlement, forgery, arson, and vandalism; (iii) crimes against public order; examples are : breaches of peace, vagrancy, public drunkenness, and disorderly conduct (iv) , crimes against morality; examples are: prostitution, possession sale, and use of illicit drugs, sale of pornography to minors (young ones) and gambling.

It is important to note that a criminal law must be mens rea before the accused would be regarded as a criminal. The mens rea means “the guilty mind”. That is, the law establishes that the act must be intentionally committed before the

person would be found to be guilty. Violations of criminal law are treated in a formal system or structure known as criminal justice system. Its mandate ranges from apprehension, prosecution and punishment of criminals, various agents of social control such as police officers, prosecutors/defence attorneys, judges, probation and correctional officers have the right and responsibility of ensuring the sanction of offenders. They do this in a process of mandates and procedures established in a formalized fashion.

The criminal law and criminal justice inevitably have the most serious sanctions. Some punishments of criminal justice system are minor, i.e. the offenders receive fines or it may be community supervision, while others are certainly severe. Therefore, the criminal law is concerned with public wrongs and not individual disputes. The community correction is one of the several social control systems. It is a correction which allows the offender to remain in the community as a full sentence. It is a part of punishment based on the medical model rehabilitative ideal. Community correctional options include probation which is the oldest and most commonly used alternative to incarceration. Probation requires the offender to fulfill set conditions and meet regularly with the probation officer who supervises the offender throughout the probationary period (Heitzeg, 1996).

The criminal law is legislatively created on three governmental levels in Nigeria. They are the (i) federal (ii) state and the local level. The federal legislation is passed by the National Assembly- (i.e. the Senate and House of Representatives) and signed into law by the president. The state laws require passage by the State House of Assembly and signed by the Governor. The local – level law or ordinance are written and voted on by the local government area councilors and approved by the chairman.

### **Self – Assessment Exercise**

1. What is formal norm?
- 2.

### **(b) Civil Law**

The civil law is designed to resolve private disputes. Here, legal actions are initiated by persons and not the state. Nevertheless, an offender may simultaneously be criminally prosecuted by the state and civilly sued by the individual victims. Civil courts are bound by less strict procedural requirements. It has a lower standard of proof. The civil court resolves private disputes. The sanction is employed in monetary terms. It is a sort of compensation rather than punishment. In fact, this is the goal of civil courts. The violators of civil law are requested to make exact monetary restitutions to their victims. They do sometimes pay extra amount for pain, suffer and future financial loss due to the victim. Civil suits include a broad range of rules that govern various aspects of personal relationships. They include contracts, intentional harm to persons and property defamation of character, negligence, wills and estates, marriage and divorce, real estate sales, copy rights, and patents.

#### **Self – Assessment Exercise**

What is the difference between civil and criminal law?

### **(c) Administrative Law**

The administrative law involves a legislative creation of agencies which are empowered to create and enforce law within a particular sphere of the social life. Administrative law arose as a failure of the civil and criminal laws to adequately regulate the corporations. Much of the laws involves the protection of individuals from corporate wrongs and from organizational offends. Examples of these administrative agencies include National Agency for Food and Drug Administration and Control (NAFDAC), National Drug Law Enforcement Agency (NDLEA); Federal Road Safety Commission (FRSC); Independent National Electoral Commission (INEC); Nigerian Immigration Service (NIS); Nigerian Institute of Advanced Legal Studies (NIALS) etc.

## **3.4 Informal Norms and Sanctions**

Informal norms and sanctions are categorized to explain and control many acts and statuses through informal means. Due to the nature of informal norms, they were not codified. They are informally understood and interpreted. The violation of informal norms does not constitute crime rather they are deviants of social variations. That is, they are divergence from commonly accepted customs and practices.

The acts and practices of informal norms are stigma, style, leisure, and lifestyle. These are the society's socially disapproved behaviours. The social definition of informal deviance is not guided by clearly defined criminal codes (Heitzeg, 2007). Examples of informal deviance include breaches of etiquette, situations of stigma, differences in appearance and style, and activities associated with leisure and life-styles. Each of these will be discussed in details.

(i) **Stigma**

Stigma is a categorization of persons as deviant due to a stigmatized status. That is, this stigmatized status could be physical ability, appearance, race, gender or age. For instance, in terms of age the subculture, may be labeled as young and foolish or old and senile. The stigma could be attributed to a group. e.g. Germans are Nazis, the Jews are greedy and tight, Urhobos are fraudulent, etc. The definition of stigma is rooted to who people are, or how they look, rather than what they have done. It is designed to control status than activity. It does not bring about societal reaction. It is only based on stereotypes, i.e. beliefs.

(ii) **Styles**

A style is a norm of etiquette and appearance. It is one of the greatest numbers of informal rules. It relates to what we may wear, and when and how to behave in a mannerly fashion. They are deeply embedded in our consciousness than we question there. For instance, we know that some Christian women don't put on trousers, six-year-old girls should not wear make ups, and we should not refer to our superiors as "Hey". The appearance is a form of non-verbal communication. It establishes an identification of the persons so that we can interact appropriately. It is a major source of symbolic meaning. It is the first

clue others have about who we are. How we appear often furnishes the framework for further communication (Heitzeg, 2007).

### (iii) **Leisures**

Leisure is a norm which defines the appropriate use of leisure time and special rules of leisure. Leisure leads to deviance, especially among the youths. It is based on a proverb that says that "an idle hand is a devil's workshop". The implication is that an undirected leisure will "lead to trouble". These activities reinforce drinking, drug abuse, sexual promiscuity and generalized criminal offences. For instance, sports and music are seen as the ways of instilling conformity and thereby thwart deviance.

### (iv) **Life Styles**

Life style is the norm that defines certain philosophies of life and ways of organizing day-to-day life as deviant for example, rock music since its inception has been defined as deviant. Others are hippies and the punks.

## **4.0 Conclusion**

From this unit, students would be able to understand and explain the sociology of deviance by the view – points of Emile Durkheim and the role to self – preservation. It was established that deviance is normal and necessary in every society. It concludes by looking at the formal and informal types of explaining social control.

## **5.0 Summary**

We learnt about the concept of deviance as societal constructed. We dealt with deviance as a normal and necessary part of society. All societies experience and have norms and sanctions. We also discussed about the formal and informal aspects of norms and sanctions.

## **6.0 Tutor – Marked Assignment**



Compare and contrast civil and criminal law.

## **7.0 References/Further Readings**

Heitzeg, N. (1996). *Deviance: Rule Makers and Rule Breakers*. New York: West Publishing Co.

Erikson, K.T. (1996). *On the Sociology of Deviance in Deviant Behaviour: A Text Reader in the Sociology of Deviant*, 5<sup>th</sup> ed. New York: St. Martins Press.

Kelly, D.H. (1996). *Deviant Behaviour: A Text Reader in the Sociology of Deviant*, 5<sup>th</sup> ed. New York: St. Martins Press.

Thorsten, S. (1996). *The Conflict of Conduct Norms in Deviance: Rule makers and Rule breakers*. New York: West Publishing Company.

## **MODULE 3: EXPLANATIONS OF CRIME AND DELINQUENCY**

**Unit 1: Differential Association Theory**

**Unit 2: Psychoanalysis Theory**

**Unit 3: The Conflict Theories**

**Unit 4: Functionalist View: Anomie theory**

**Unit 5: Interactionist Perspective: Labeling Theory**

**Unit 1: Differential Association Theory**

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3.4 Professional theft and Differential Association Theory

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### **1.0 Introduction**

The unit shall examine the theoretical explanations of crime and delinquency here. In the process of understanding why people engage in criminal behavior, solution/prediction and control of behaviour will be explore. A theory is an explanation to the study of criminal behavior. For example, it involves efforts to test the reality of thoughts or explanations about how variables (such as gender, family background, school, age, etc.) are related to criminal behavior).

In understanding criminal behaviour, we shall first examine the sociological theories which emphasise the use of social-structural and social-process concepts

to crime. The social structural concept examined (a) Ecological theories by Ernest W. Burgess and Robert E. Park,(1967). (b) Classic Anomie by Emile Durkheim (1893),and Robert K. Merton (1938), Contemporary Anomie by Robert Agnew and Richard Rosenfeld, (2001). (c) subculture of gangs by Frederic M. Thrasher (1963),and William F. Whyte,(1943) (d) Neutralisation and Drift by Gresham Sykes and David Matza,(1961) (e) Differential opportunity by Richard Cloward and Lloyd Ohlin (1960), (f) the lower-class boy and lower-class culture by Albert k. Cohen (1955),and Walter B. Miller (1958), (g) Conflict theory – Karl Marx and Friedrich Engels (1947), (h) Conflict Theory – Facilitating by Frank Tannebaum (1938), and Willem D. Bonger (1916), (i) Culture and Group Conflict by Thorsten Sellin (1938) and George B. Vold,(1979) etc. The social process concept examined the works of Sutherland’s Differential Association (1949), Reiss and Nye’s control theory (1958), Reckless’s containment theory (1970), Hirschi’s Bonding Theory, (1969) . Gottfredson and Hirschi’s self control theory (1990), labeling theories of Howard S. Becker (1963) and Edwin Lemert, (1964). Integrated theories of Sampson, sellers (1999), Cullen Francis (1994), and Thornberry Terence (1987). This unit shall examine few of them. The unit shall examine the psychoanalysis approach of Sigmund Freud in the field of psychology; the Differential Association, the conflict theories, the Anomic theory and labeling theory.

## **2.0 Objectives**

At the end of this unit, student should be able to:

- i. Understand differential association theory.
- ii. Recall the nine principles of Edwin Sutherland.
- iii. Compare between professional theft and differential association theory.
- iv. Finally, examine the relationship between white-collar crime and differential association theory.

## **3.0 Main Content**

### **3.1 The Differential Association Theory**

Differential Association is a sociological theory of criminal behaviour which uses the social – process approach. It is concerned with the process by which people become criminalized through interactions with others. It tries to delineate, how and under what circumstances people learn criminal behaviour. Differential Association theory is thus a process theory because it details the experiences a person must go through in order to become a delinquent. It tries to explain why any given individual does or does not become a criminal Conklin,( 2007).

Differential Association theory rejects the assumption that individual pathology or biological factors cause crime. The theory was developed by Edwin Sutherland (1949), a sociologist of the famous Chicago school on his contribution to the study of delinquency. He emphasized that criminal behaviour is learned in interactions with others in a process of communication within intimate groups. For instance, Children learn techniques, motivations, and attitudes along with definition of criminal code as being favourable or unfavourable. Children become delinquent because of an excess of definitions favourable to violation of law over learning definitions unfavourable to the violation of law. Learning to become delinquent involves all of the mechanisms involved in any type of learning. Social organization affects the kinds of associations a person has. Delinquency therefore, is rooted in and is an expression of social organization Regoli & Hewitt, (1991).

#### **Self – Assessment Exercise**

What do you understand by the term "Differential Association Theory".

### **3.2 Principles of Differential Association Theory**

Edwin H. Sutherland established nine propositions explaining why crime rates are distributed among various groups. The first principle of differential association theory is that delinquency behaviour is learned. In this proposition, Sutherland emphasised that delinquent behaviour is not inherited. He claimed that only a sociological explanation could account for a person's involvement in delinquency.

Therefore, a criminal's specific action can be as a result of a combination of factors such as skills, ideas and opportunities that are available only to that individual.

The second principle says that delinquent behavior is learned through communication with others in intimate groups. This communication involves non-verbal interactions such as gestures as well as verbal interactions. Sutherland claims that only small, face-to-face gatherings really have an influence in criminal behaviour. He focused much attention on family or peer groups as the most likely sources of initiation into delinquent values and activities.

The third principle claims that, the principal part of learning criminal behaviour occurs within intimate personal groups. He did not believe that the media play an important role in the process. The theory regards the media as unimportant because the theory was developed before the mass ownership of the print and electronic media.

The fourth one says that when criminal behavior is learned, the learning includes (a) techniques of committing the crime, which are sometimes very complicated, sometimes very simple; (b) the specific direction of motives, drives, rationalizations, and attitudes. Sutherland believes that rationalizations and attitudes toward the law are learned from people we associate with. For example, it occurs regularly among the Indian hemp smokers in Mushin, Lagos. They seem not to notice the illegality of smoking the substance. The people opposed to the laws and assert that such restrictions are senseless. They reasoned that the law has purpose to discriminate against the younger generation. They also believed that Indian hemp does no harm than alcohol and that the lawmakers are joy killers. Sutherland reiterates that little or no skill is needed to commit some crimes, e.g. the word of another person requires little skill, especially if the weapon to kill is available. Another example is the embezzlers of fund. They only use their accounting skills for such illegal ends.

The fifth principle is that the specific direction of motives and drives is learned from definitions of the legal codes as favourable or unfavourable. Sutherland

pointed out that the definitions of the law are mixed. Some favour violating the laws, while others support compliance. The mixture creates cultural conflict with respect to the legal codes. He states that the fifth principle is the heart of differential association theory. It states that people who are more exposed to verbal signs and suggestions favour law violations than the ones favoured to be obedience; who are more inclined to breaking the law. Thus, parents who lie may foster delinquency in their children unless it favours obeying the laws.

The sixth principle states that a person becomes delinquent because of an excess of definitions favourable to violation of law over definition unfavourable to violation of law. Those who engage in criminal behavior do so because they have close intimate relationships with that kind of behaviour and are isolated from anti-criminal behaviour.

The seventh proposition establishes that differential associations may vary in frequency, duration, priority, and intensity. This seventh statement is a crucial one in Sutherland's theory. It means that associations with criminal and non-criminal behavior vary in terms of these four elements. It is the nature of association with criminal and non criminal ways, rather than the mere fact of associations, that is important. Associations that are more frequent, play a larger role in the balance between definitions favourable to violation of the law and definitions unfavourable to violation of the law. Associations that endure over the longest time are the most significant in determining criminal behaviour. Associations that occur earlier in life, especially in childhood or adolescence, are the most forming definitions of the law, this is what is called the priority of association.

Finally, the intensity of association is very important. This means that the prestige of the source of definition of the law and the individual's emotional reactions to the source are significant in learning definitions of the law. Thus, a young child who learns a definition favourable to violation of the law from a parent who presents that definition frequently and over long stretches of time will be more influenced in the direction of violating the law than an adult who is

exposed to a definition favourable to violation of the law by a passing acquaintance whom the adult sees less frequently and for short periods.

The eighth statement argues that the process of learning criminal behaviour by association with criminal and anti-criminal patterns involve all of the mechanism that are involved in any other learning. This statement confirms Sutherland's view that crime is a form of behaviour that is learned in the same way as non criminal behaviour. That is, the same learning theory that explains non criminal behaviour explains the criminal behaviour. He emphasized that criminal behaviour is not restricted to the process of imitation. It also involves learning.

Lastly, the ninth proposition says that while criminal behaviour is an expression of general needs and values, it is not explained by those general needs and values since non criminal behaviour is an expression of the same needs and values. Here, Sutherland argues that criminal behaviour cannot be explained by a general desire to accumulate property or enhance status among peers. This is because those motives can also lead to noncriminal behaviour. The last statement is very important because it negates the belief that hungry people steal because they are hungry. That belief fails to explain why some hungry people do not steal.

To Sutherland, the attempt to explain criminal behaviour in terms of a person's needs or desires was as futile as trying to explain the behaviour in terms of respiration. Sutherland stated that it was not necessary to explain why a person has the associations he has. For example, we shall examine the high rates of criminal behaviour of two boys growing up in a neighbourhood. One boy, who is outgoing active, and athletic, might associate with the criminals in his neighbourhood and learn their behaviours. A second boy, who is shy and withdrawn, may not become acquainted with other boys in the neighbour and thus not engage in the same type of delinquent behaviour they do. These contacts or the lack of them occur within the total social organization in which the boys live including their families. Thus, behaviour can be determined by many other associations within a society.

### **Self – Assessment Exercise**

Outline the nine principles of Sutherland propositions on differential association theory.

### **3.3 Evidence on Differential Association Theory**

Evidences are available to show the consistency of the differential Association theory in relationship between delinquent behaviours and the patterns of interaction among the adolescents. It shows that the associates of juvenile delinquents are usually other delinquents. That is, delinquency takes place and frequently committed in groups. For instance, a study of juvenile theft established that the offenders always associate with other adolescents who had already stolen properties. This is very important in leading the boys to steal, especially if the association began when the boy was quite young, continued it over a long time and involve boys who stole frequently. Another study found out that delinquency has more impact on recent friendships than friendships formed earlier in life Conklin, (2007).

Research suggests that delinquent behaviour is more strongly influenced by learning from direct observation of peers' behavior than it is by learning peers' attitudes Warren & Stafford, (1991). Much delinquency takes place in groups. The extent varies in the specific offence and with age and sex of the offender. Broken homes are as a result of weak parental supervision. Thus, there were increase interactions with delinquent peers which were exposed to definitions favourable to delinquency and eventually, delinquent behaviour. Broken homes also contribute directly to an excess of definitions favourable to delinquency over definitions unfavourable to delinquency. Conklin( 2007).

#### **Self – Assessment Exercise**

How does intimate relation affect delinquent behaviour?

### **3.3 Professional Theft and Differential Association Theory**

Evidence consistent with differential Associations theory comes from the studies of professional thieves Edwin Sutherland (1937). Sutherland discovered that members of the subculture of the professional thieves teach new recruits the skills



that make expert theft possible. That process of instructions provides new thieves with knowledge of how to open opportunities for theft. The instruction ignites opportunity to plan and carry out thefts. This is what we know as the process of tutelage. That is, Burglars learn specific skills such as how to enter a building or open a safe. Robbers learn to interpret their criminal codes and mastery during the crime. The young members of the juvenile gangs sometimes learn techniques of car theft from older members. Pick pockets learn specific skills, practice them, and are evaluated by other thieves. They refine their skills to be accepted as professionals by other pickpockets. Letkemann in his study of professional thieves in a Canadian prison concluded that an early involvement in juvenile delinquency is a major factor in adult career as a professional criminal Conklin( 2007).

### **Self – Assessment Exercise**

What do you understand as “the process of tutelage” in criminality?

### **3.4 White-Collar Crime and Differential Association Theory**

William k. skinner and Anne M.Fream (1997), in the study of social learning theory analysis of computer crime among college students concluded that differential association theory can be used to explain white-collar and computer crimes, because it is featured in the learning of material success which is a cultural goal. Criminals pursue these cultural goals through illegal means. Skinner and Fream observed that students are more likely to engage in software piracy or illegal access if they had friends who had committed computer crimes. It happens in this way because of inadequate enforceable code of ethics to limit the pursuit of material success to legal means. Those factors or rules which are unfavourable to the violation of the law are not easily learned in the world of business. It is only those rules that are favourable into a business organization that are likely to be violated by law.

According to Jensen (1976), a study of attitude towards bribe was found to be experienced at executives than were business students who lacked experience in

the world of business. Therefore, business experience is conducive to the learning of definitions supportive by bribes. Learning from superiors and colleagues in the company is probably a more important determinant of business crime than is the personality of the individual.

#### **4.0 Conclusion**

From this unit, the students should be able to know and explain the concept of 'differential association theory' as propounded by Sutherland. They should be able to outline the nine principles of Sutherland of differential association theory. The students also should be able to evaluate the relationships between juvenile delinquency, and professional; and theft, white-collar crime and differential association theory.

#### **5.0 Summary**

In this unit, we expressed the meaning of differential association theory, discussed the Edwin Sutherland nine assumptions about differential association theory. Finally, we examined the relationship between evidences in differential association theory.

#### **6.0 Tutor – Marked Assignment**

Mention and explain the nine principles of differential association theory as listed by Sutherland.

#### **7.0 References/Further Readings**

Conklin, E. J. (2007). Criminology, 9<sup>th</sup> edition. Boston: Pearson.

Cullen, F. (1984). Rethinking Crime and Deviance Theory: The Emergence of a structural Tradition. New York: Rowman and Allanheld.

Gottfredson, M.R and T.Hirschi.(1990). A General Theory of Crime. Stanford: Stanford university press.

Hirschi, T.(1969). Causes of Delinquency. Los Angeles: university of California.

Reid, S. (2006). Crime and Criminology, 11<sup>th</sup> edition. Boston: McGraw Hill.

Sellers, C.S. (1999). Self control and Intimate violence: an examination of the scope and specification of the general theory of crime.

Sutherland, E.H. (1978). The principles of criminology 10<sup>th</sup> ed. New York: Wiley.

Sutherland, E.H.(1937). The studies of professional thieves. New York: wiley.

Thrasher, F.M.(1963). The Gang. Chicago: university of Chicago press.

Vold, G.B. (1979). Theoretical Criminology. New York: oxford university press.

## **Unit 2: Psychoanalysis Theory of crime.**

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### **1.0 Introduction**

Psychoanalysis is a branch of psychiatry. It uses particular personality theory and a specific treatment method, usually individual case study. Sigmund Freud is credited as the greatest contributor to the development of psychoanalytic theory. He believed that the only way to find the roots of delinquent behaviour is to delve into the individual's background such as: personality, trait, social behaviour, conscious and unconscious minds, etc.

### **2.0 Objectives**

At the end of this unit, you should be able to:

- i. Understand Sigmund Freud and August Aichhorn psychoanalytical approaches to crime and delinquency.
- ii. Recall the relationship between psychoanalytic theory and delinquent behaviour, and finally, examine the psychopathic personalities that cause defections of conscience.

### **3.0 Content**

#### **3.1 Psychoanalysis Theory**

Psychoanalysis theory is the basis of Sigmund Freud (1856 – 1939) analysis of crime. According to Freud, crime and delinquency are a consequence of an imbalance between three factors of the subconscious mind. Freud viewed that the personality, or psyche, is made up of three parts. They are the id, ego, and superego. The id (instinct gratification) is the component of the subconscious mind that is self – serving, egocentric and concerned with self – gratification. The id is the original system of the personality that is present at birth. It represents all of the individual's basic biological and psychological drives. This includes the Libido, a word that is used to attribute to the full range of sexual urge within all animals. It is fueled by pleasure principle. That is, it is associated with antisocial behaviour. Therefore, if the id is left without check, it may destroy the individual. It is basically the unconscious portion of the personality or psyche.

The ego mediates between the contrasting needs of the id and superego. It attempts to fulfill either the desires of the id or the superego within the boundaries of social conventions. If the id or superego overpowers the mediating force of the ego, crime, delinquency, and other forms of irrational behaviour may or not occur. The ego grows from the id. It represents the problem – solving aspects of the personality. The ego differentiates the reality from the fantasy. That is, the ego tells the child that stone is not food. The child learns to delay gratification until later because acting on impulse may get him into trouble. Some children are punished, for instance, for eating the stone or a child who does not take meat from the mother's pot for fear of being punished by the parents, for men who go against the norm of the society are labeled (Carrabine, et al 2004). The superego is the component of the mind or personality that represents morality and conscience. The superego grows out of the ego; it is the norms and value individuals acquired in the process of socialization. It is responsible feelings of guilt and shame. That is, an individual that develops superego will surely restrain from committing crime of stealing or telling a lie etc. The process of

adapting to this moral and ethical standard of the society is known as the process of introjections, Chauhan (1978).

### **Self – Assessment Exercise**

Explain the three important dynamics of human personality.

Another contributor to the psychoanalytical explanations of crime is August Aichhorn. He developed a psychoanalytical approach to the problem of juvenile delinquency. In 1925, he published his book 'Wayward Youth', which described the characteristics of the disturbed and delinquent children. He introduced the concept of "Latent delinquency" into the psychoanalytical literature. He maintained that latent delinquency should be understood before progress could be made in understanding the delinquent behaviour itself.

He believed that to find the causes of delinquency we must not only seek the provocation which made the "latent delinquency" manifest, but we must also determine what created the latent delinquency. 'The predisposition to delinquency is not a finished product at birth, he maintained, but is determined by the emotional relationships, that is, by the first experiences which the environment forces upon the child' Williams (1984).

Aichhorn establishes that every child is at first an asocial being. The child demands direct primitive instinctual satisfaction without regard for the world around him. To the child, such behaviour is considered asocial or dissocial in the adult. The responsibility is therefore to lead the child from this asocial to a social state. Unfortunately, the development process of a young child does not follow a fixed or normal course. This resulted where the child remains asocial or stimulates social adjustment by suppressing his instinctual wishes so that a state of latent delinquency arises. Aichhorn uses the term "dissocial" to describe this state.

Aichhorn also discussed on the need to achieve a balance between the 'pleasure' principle and the "reality" principle. This modifies one's behaviour to have some regard for the surroundings and consequences both to one self and to others.

The role of the therapist also establishes in the subject a superego or 'ego ideal' or conscience by which behaviour may be controlled.

### **Self – Assessment Exercise**

Explain what you understand by the term "latent delinquency".

## **3.2 Psychoanalytic Theory of Delinquent Behaviour**

The theory implies something about delinquency. This is because it assumed that all individuals are antisocial with only the id. Some scholars equate the id with delinquent behaviour. Delinquents are young people who have not tamed their id factor sufficiently. In other words, they failed to transform their impulses into socially accepted ways of behaviour. These obligations belong to the ego, which look realistically at a situation, and at the same time, the superego which looks at the parents in telling children what to do.

With psychoanalytic theory there are at least two major reasons given for delinquent behaviours. They are (a) an underdeveloped superego and (b) over developed superego Regoli & Hewitt (1991).

### **A. Underdeveloped Superego**

Underdeveloped superego is the first reason for the delinquent behaviour of the young man. It occurs as a result of socialization process which has been inadequate or incomplete. In this process, the superego is simply too weak to remedy the impulses and drives of the id. This resulted in an antisocial behaviour, a direct expression of the id. In this case, you want what you want when you want it, e.g. if you want something, just go and steal it. Delinquent behaviour may then be a symbolic expression of the unconscious impulses. Thus, a young man with an unresolved Oedipus complex may murder his father or commit a symbolic act of sexual intercourse with his mother Regolis & Hewitt (1991).

## **B. Overdeveloped Superego**

The second reason of delinquent behaviour is overdeveloped superego. The delinquent behaviour results because the socialization process was too extreme and the superego is overdeveloped. In this case, impulses and drives of the id, even the mild ones, may elicit strong disapproval from the superego. This on-going conflict between the id and the superego may cause the ego to experience guilt and anxiety. To get rid of the guilty, the ego realizes that punishment follows a crime.

### **Self – Assessment Exercise**

Explain the two major reasons as propounded by Aichhorn for delinquent behaviour.

## **3.3 The Psychopathic Personality**

Sigmund Freud believed that people develop through stages. When abnormality occurs in the process of the stages, conflict is experienced. The conflict emanates from the individual's basic drives (id) and social controls. Due to the fact, that the conflict is painful to confront, people tend to push into their unconscious those experiences that produce conflict.

A psychopath is a person without a conscience (superego) and thus, without control over his or her behaviour. A psychopath is a product of faulty socialization in morality.

There are two major aspects of psycho pathetic personality which causes defective conscience. (a) The first aspect referred to the inability of the young man to apply the moral standards of the society to his behaviour. In fact, he steals, cheats, does not keep promises, etc. In other words, he has not internalizes the "thou shalts" and the "thou shalt nots" of his society and cultural milieu. (b) The second aspect is the one that deals with absence of guilt. Guilt is an important aspect of as well-developed conscience, when a normal person violates the moral code he feels guilty; he feels sad and blames himself for the wrong-doing. Regoli & Hewitt( 1991).



## **Self – Assessment Exercise**

Explain the two major aspects of psychopathic personality.

### **4.0 Conclusion**

From this unit, the students should therefore be able to know the three basic factors that are composed in human psyche or personality; that is, the id, ego and superego. They will be able to understand the Aichhorn explanation of crime by his concept of “Latent delinquency” in psychoanalytical approach. The students will also be able to understand the two major reasons for delinquent behaviour, as well as the two major aspects of psychopathic personality that causes defective conscience.

### **5.0 Summary**

In this unit, we explained both the Sigmund Freud and August Aichhorn’s psychoanalytical approaches to crime and delinquency. We explored the relationships between psychoanalytic theory and delinquent behaviours. Finally, we examined the psychopathic personality that causes defective conscience.

### **6.0 Tutor-Marked Assignment**

Compare and contrast between Sigmund Freud and Aichhorn’s analysis of delinquent behaviour.

### **8.0 References/Further Reading**

Aichhorn, A.(1964). Psychoanalytical approach to Delinquency. London: prentice.

Aichhorn, A.(1954). A primer of Freudian psychology. London: prentice.

Aichhorn, A.(1925). Wayward youth. London: prentice.

Carrabine, E. et al (2004). Criminology: Sociological Introduction. London, Routledge.

Chauhan, S. S.(1978). Advanced Educational Psychology. New Delhi: Vikas publishers.

Regoli, R. M. and John D. H. (1991). Delinquency in Society: A Child – Centred Approach. New York: McGraw-Hill.

William Hall, J. E. (1984). Criminology and Criminal Justice. London: Butterworths.

## **Unit 3: CONFLICT THEORIES**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Conflict Theories
  - 3.2 Modern Conflict Approach
  - 3.3 Culture and Group Conflict
  - 3.4 Power and Conflict
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor – Marked Assignment
- 7.0 References/Further Reading

### **1.0 Introduction**

This unit will examine conflict theories as it relates and explain its relationship in discussing delinquency, we shall look at Durkheim and the Marxists' views about conflict; similarly, the background of the modern theory of conflict will be discussed. The views of Thorsten Sellin on the concept of culture conflict and Austin Turk's "power and conflict" will also be examined.

### **2.0 Objectives**

At the end of this unit, the student should be able to:

- i. understand the meaning of conflict and the basis of conflict in society.
- ii. examine the background of the modern conflict theory.
- iii. review the position of social-structure, as a causative element in the discourse of conflict.

### **3.0 Main Content**

#### **3.1 Conflict Theories**

The conflict theory of juvenile delinquency is based on the principle of rejection that laws emerged out of consensus. The traditional approach to the study of crime based on this consensus was championed by Emile Durkheim, who believed that laws emerged because societies understand the need to institute a more formal system of social control. Emile Durkheim said that any society that permits deviance will definitely expect crime. He also agreed that criminals and non-criminals are two distinct groups.

But the conflict theorists disagreed with these assumptions. The conflict scholars believed that laws emerged out of conflict and not consensus. Laws are legislated by the groups in power as a means of controlling those who are not in power. That is, the legal system reflects the interests of the state. The state has a vested interest in the creation and enforcement of laws. Law represents the values deemed most fit by that segment of society with the power or influence to have their interests reflected into law.

According to Chambliss (1984) cited in Regoli & Hewitt(1991), law reflects those values that are considered essential to maintaining social order and the control of potentially threatening groups. It represents the protection of values that are in the interest of particular groups.

The explanations of juvenile delinquency to many scholars are found to be in the relatively normal conflict that occurs between groups in modern societies.

Furthermore, the conflict perspectives considered the fact that criminals do not necessarily differ from non-criminals, except possibly in the way society reacts to their behaviour. For example, in 2006, a commissioner in Zamfara State, Nigeria was alleged to have embezzled millions of Naira from the state government's treasury and it was handled quietly, whereas a hungry man who takes a piece of yam from a farm was brought before the criminal justice system in the state , i.e. his hands and legs were amputated. Members of minority groups may be treated

more harshly than those who are from the majority. Power and conflict may explain these differences.

### **Self – Assessment Exercise**

#### **(a) What are the key issues in the explanation of conflict theory?**

### **3.2 Background of the Modern Conflict Approach**

The works of Karl Marx, along with those of Friedrich Engels have had a significant impact on the thinking and policies of the modern world. Many scholars today originated modern criminology conflict perspectives from the social and economic upheavals of the 1960s, including the racial conflicts and the civil rights movement. Marx and Engels ideas, from the mid-nineteenth century have form the basis for modern conflict theory.

In the conflict theory of Marx and Engels, they viewed the implications of understanding criminal behavior from the social – structural vantage. They believed that crime is viewed in terms of the social structure. The social-structure is characterized by social-class conflict, which is the important by-product of capitalism. The scholars argued that those who have private ownership of property create social structural vantage in some members of the society. Those who owe this means of production exploit those who do not have. Those that do not have turn to crime as a result of poverty. Marx and Engels therefore believe that capitalism is the major determinant of crime. They also argued that it is the causative element in all social, political, religious, ethical, psychological, and material life. The Marxists narrowly define the nature of social conflict as residing in the competition between classes over scarce resources; as well as in the inequality of the distribution of resources. The class conflict between these two groups also produces the lumpen-proletariat which is the direct conditions for juvenile delinquency. The lumpen-proletariat is a “dangerous group”, a parasitic class living off productive labour by theft, extortion and beggary. The groups also produce “services” such as prostitution and gambling Reid (2006).

## **Self – Assessment Exercise**

What is the cause of social-class conflict?

### **3.3 Culture and Group Conflict**

The culture conflict concept is reflected in the works of sociologist Thorsten Sellin in his book, "culture and conflict in crime", (1938). He argues that crime and delinquency is as a result of conflicting norms. He focuses his attention on the relationship between normative systems of groups and delinquency. He observes that every person has the right (normal) and wrong (abnormal) way of acting in every specific situation. These conduct norms are defined by the groups to which individuals belong. In any process of social differentiation, these norms clash with other norms. Here, the culture conflict becomes the inevitable result of the conflict between the conduct norms Regoli & Hewitt( 1991).

He distinguish between criminal norms (those found in the criminal law) and conducts or group norms (those norms specific to localized groups which may or may not be consistent with the crime norms).Criminal norms contained in the criminal law reflect rules or norms that prohibit specific conduct and provide punishments for violations. Conduct norms, on the other hand, reflect the values, expectations, and actual behaviours of a group in everyday life. Conduct norms can be very specific to particular groups. Conduct norms may be shared by many diverse groups. They may also come into conflict with each other. Nevertheless, conduct norms are not found in the criminal law. In fact, they are in direct conflict with the conduct norms.

Sellin believes that as societies become more heterogeneous and complex, conflict will naturally arise between the conduct norms of the groups and the crime norms reflected in the criminal law. Sellin observes that delinquency rates will be higher in communities that are more heterogeneous (Urban societies with large numbers of groups) and lower in areas of greater homogeneity (sub urban areas with few ethnic, racial, or class differences).

## **Self-Assessment Exercise**

What is the difference between crime norms and conduct norms?

### **3.4 Power and conflict**

The power and conflict concept is highlighted in the works of Austin Turk, in his book, 'criminality and legal order' (1969). He views society as organised into weak and powerful groups. Here, the powerful dictates the norms that are proper for all and establish sanctions. The sanctions are imposed on the weak groups who violate the norms. By power, Turk means the ability to secure compliance from an unwilling person. He suggests that the persons likely to be labeled criminal are least powerful groups in the society because of their law violation. For Turk, criminality is essentially a status that is conferred or ascribed by persons in authority to individuals who engage in a particular set of behaviours. He adds, 'No one is intrinsically criminal'. Criminality is a definition applied by individuals with the power to do so. Turk's position is based on the social structure. He sees the structure of the social institutions as the relevant ingredients to the labeling process. He therefore cautions on the conditions under which cultural and social differences between authorities and subject may probably result in conflict. Turk emphasizes that criminologists must study the difference between the status and roles of legal authorities and subjects. He argues that these two roles are differentiated in all societies and that authority-subject relationships are accepted because it is felt that they are necessary for the preservation of a social order that permits individuals to co-exist Reid (2006).

Furthermore, those in power have some control over the goods and services that might be available to others. That control is exercised through the use of power. According to Turk, the likelihood of conflict is affected by the degree of organization and level of sophistication of both authorities and subjects. The term 'sophistication' means having the knowledge of patterns in the behaviour of others which is used in attempts to manipulate them. The Conflicts between authorities and subjects are most likely to occur when subjects are highly

organised but relatively unsophisticated. On the other hand, when subjects are unorganized but sophisticated, conflict is least likely to occur. This practice was targeted by the late Libyan leader Muammar Gaddafi in 1969, when he created Revolutionary committees in-order to keep tight control over internal dissents. Surveillance became the order of the day in his government, in factories, and in the educational sector. People who form political parties were executed, and talking about politics with foreigners is punishable by three years in prison. Dissent was illegal under the Libyan Law 75 of 1973. This denies freedom of expression to all citizens. Gaddafi eventually had a disgraceful death on the 20<sup>th</sup> of September, 2011 (Maxona, 2011).

### **Self-Assessment Exercise**

What are the causes of conflict between the authority and the subjects?

## **4.0 Conclusion**

From this unit, the students should be able to know (1) the objective contrast between the functional and the conflict perspectives of delinquency. They will be able to understand the views of Emile Durkheim and that of the Marxists. (2) That the Marxists believed that the social- structure is the basis of delinquency. We examined the views of Thorsten Sellin and Austin Turk's Power and conflict.

## **5.0 Summary**

In this unit, we have learnt that conflict explanations of juvenile delinquency assumed that social order is maintained through the use of force. Sellin and Turk argued that conflict is normal in societies characterized by diverse groups with different values. The Marxists focused on the political economy as the basis of social class structure. Turk looked on the relationship between the Authority and the subjects as the source of conflict in the society.



## **6.0 Tutor – Marked Assignment**

1. Evaluate Sellin's contributions to our understanding of conflict Theory.
2. What is Austin Turk's position regarding conflict and criminality.

## **7.0 References/Further Readings**

Bonger, W. (1916).Criminality and Economic conditions. Boston:Brown.

Carrabine, E. et al.(2004). Criminology: A Sociological Introduction.  
London: Routledge.

Conklin, E. J. (2007). Criminology, 9<sup>th</sup> edition. London: Pears.

Reid, S. (2006). Crime and Criminology, 11<sup>th</sup> edition. Boston: McGraw Hill.

Regoli, R. M. and John D. H. (1991). Delinquency in Society: A Child  
Centred Approach. New York: Mcgraw – Hill.

Sellin, T. (1938). Culture Conflict and Crime. New York: social science  
Research council.

Taylor, I. Walton, P. and J.Young.(1973). The New criminology. London:  
Wiley.

Taylor, I. Walton, P. and J.Young.(1975). Critical Criminology. London:  
Wiley.

Turk, A.T. (1982). Political Criminology: The Defiance and Defence of  
Authority.

Hall-Williams, J. E. (1982). Criminology and Criminal Justice. London:  
Butter-worths.

Maxona Magazine, publication of Maxibit Plus, Ibafo, Ogun state, 2011.

## **Unit 4: FUNCTIONALIST VIEW: ANOMIE THEORY**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Anomie theory
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor – Marked Assignment
- 7.0 References/Further Reading

### **1.0 Introduction**

We shall examine the functionalist view of Anomie theory, the views of Robert Merton and the individual modes to criminality. We shall also look at the works of Cloward and Ohlin's delinquency and opportunity; Emile Durkheim's division of labour in society and Cohen's delinquent subcultures.

### **2.0 Objectives**

At the end of this unit, you will be able to:

- iv. Define Anomie.
- v. Recall the works of Merton and the modes of individual adaptation to delinquency.
- vi. Establish the views of Cloward and Ohlin, Emile Durkheim and Cohen towards delinquency.

### **3.0 Main Content**

#### **3.1 Anomie Theory**

The anomie theories were based upon field research by sociological intellectuals such as Robert Merton, Emile Durkheim, Albert Cohen, and Richard Cloward and

Lloyd Ohlin. The concept of Anomie as a form of sociological interpretation of Crime and Delinquency is linked to the French sociologist, Emile Durkheim (1858 – 1917). He awarded three different meanings to anomie or normlessness:

- i. In his first definition of anomie he said that it is a failure of the people to internalize the norms of the society.
- ii. The second meaning attached to anomie is that, it is an inability of the delinquent to adjust to the changing norms of the society.
- iii. Finally, Durkheim defined anomie as the tension resulting from conflict within the norms themselves. We shall explain the views of these intellectuals in detail.

#### **A. Concept of Anomie**

Robert K. Merton (1910 – 2003), Harvard Sociologist, went one step further to popularize the concept. In one of the most cited discussions of the twentieth century, the Merton's social structure and Anomie (1938); Merton explains crime on the basis of structural strain or frustration as a result of person's position in the social structure, especially the stratification system. He noted that the American society places enormous emphasis on the pursuit of material success. He observed that human beings have a natural tendency to observe norms which are reflected by personalities called conscience. Yet, some people often act against their conscience because of the terrible strain upon them. He distinguishes between a social structure (which provided economic roots to success) and a culture (which provided norms, value and goals). "Anomie theory portrays a deviant as a person torn between guilt and desire, with desire gaining the upper hand" (Stark, 1987). The index of success in the society is material possession. In stable societies, Merton noted that the conventional successes are achieved through talent and hard work. But in unstable societies, what is important is not the prescribed legitimate means but the goals. In the latter society, there is the proclamation of equal opportunity for everybody but in reality the opportunity is a mirage.

Merton pointed out that when a society is in a state of anomie, several reactions, or modes of adaptation”, are possible besides innovation. There are conformity, ritualism, retreatism, and rebellion. Each of these modes of adjustment represents a way of coping with a balance or imbalance of goals and means. According to Merton, the five major modes of adaptation create a state of anomie. In the table below, the plus (+) signifies “acceptance”, a minus (-) indicates “rejection”, and the combination sign of plus and minus ( $\pm$ ) indicate “rejection and substitution of new goals and means” (Carrabine, 2004).

These modes of adaptation are discussed below.

**Table 1: Merton’s Models of Individual Adaptation to Anomie**

<b>Mode of Adaptation</b>	<b>Culture Goals</b>	<b>Institutionalized Means</b>
Conformity	+	+
Innovation	+	-
Ritualism	-	+
Retreatism	-	-
Rebellion	$\pm$	$\pm$

These modes of adaptation shall be done in details.

i. **Conformity**

Conformity refers to the acceptance of a society’s goals and the approved means for achieving the goals. That is, it is an act of living a conventional life involving acceptance of culture/ goals and culture/ means. It accomplishes the true way of success to gain wealth and prestige through hard work and talent.

ii. **Innovation**

Innovation represents acceptance of the goals but rejection of the means for obtaining them. For instance, an individual who seek wealth through crime – say, by dealing in cocaine. Merton called this type of behavior – innovation. It is an

attempt to achieve a culturally approved goal (wealth) by unconventional means (crime). They believed that hard work, honesty, saving, investment and education cannot give them the ultimate goal, rather through cheats. They make money illegally. The deviant behaviours exist in form of burglaries, robberies, drug, trafficking, prostitution, and other types of crime.

### iii. **Ritualism**

Ritualism refers to a rejection of the goals but acceptance of the means. In Merton's scheme of things, it is the means-goal gap. Seeing that the goal of material success was very hard, people abandon it. They resolve the strain of limited success by abandoning cultural goals in favour of almost compulsive efforts to live respectably. In essence, they embrace the rules to the point that they lose sight of their larger goals. They believed that "a good name is greater than silver and gold". They are honest people.

### iv. **Retreatism**

Retreatism refers to the rejection of both the goals and means. That is, the rejection of the cultural goal of material success and access to the approved means. They may adopt an alternative lifestyle as a vagrant, pursue altered states of consciousness. Retreatism entails removing oneself from a reality that just does not seem workable. In effect, they are "dropouts". They include alcoholics, drug addicts, and "Area – boys". They don't believe in hard work, honest, investment and education, even in seeking wealth.

### v. **Rebellion**

Rebellion rejects the goals and means of the present society and attempt to establish a new social order. In contrast to retreatism, Merton termed rebellion as the rejection of both the cultural definition of success and the normative means of achieving it. People therefore invented a new cultural goals and new means of achieving the desires. That is, advocating a radical alternative to the existing social order. There are people who dedicate their lives to revolutionary

organizations or transformative social movements, substituting new cultural goals and new means of adaptation ,Reid (2006).

### **Self – Assessment Exercise**

List and explain the Merton's five modes of individual adaptation to Anomie.

#### **B. Delinquency and Opportunity Theory**

Richard Cloward and Lloyd Ohlin "Delinquency and Opportunity" (1960), argued that there is greater pressure towards criminality on the working classes because they have less opportunity to 'succeed' by legitimate means. Cloward and Ohlin identified three sub-cultures in opportunity structures. There are (i) criminal subculture (ii) conflict subculture and (iii) retreat/escapist sub-culture.

- i. The criminal subculture as where criminal youths (delinquencies) are closely connected to the adult criminals. The criminal youth is at the top hierarchy, where there is a development in alternative means to financial success.
- ii. The conflict sub-culture is a very unstable area, where the offenders seek to resolve their frustrations and problems through violence.
- iii. The retreat or escapist sub-culture is neither a criminal subculture nor conflict subculture. They are retreatists who turn to drugs, drink, sex and other forms of withdrawal from the wider social order.

Cloward and Ohlin argued that crime and delinquency can represent conformity. In modern society, there are a range of sub-groups with their own subcultures that include norms, values and attitudes that differ from and conflict with those of the rest of the society. Conformity within such sub-groups will involve some form of deviance from conflict with the wider society Wolfgang, ed. (1968).

### **Self – Assessment Exercise**

What are the views of Cloward and Ohlin regarding criminal behaviours.

#### **C. Emile Durkheim Perspective**

According to Durkheim crime has positive or functional consequences in the society. Crime helps prepare society for changes, so crime is normal. No society can be exempted from crime. Durkheim saw crime as a product of norms.

In his book –“the Division of Labour in Society” (1893), Durkheim introduced the concept of Anomie derived from Greek word meaning “without norms”. He believed that one of the society’s most important elements is its social cohesion or social solidarity. The social cohesion represents a collective conscience. Durkheim identified two types of solidarity: (i) mechanical and (ii) organic.

According to Durkheim mechanical social solidarity is characterized by primitive societies. The type of law is dominated by collective conscience. But the societies become complex, the emphasis shifted from collective conscience to individual wrongs. The law becomes restitutive. The idea of restitutive in organic solidarity is to punish the offender for what he has done to another person. This is because there are separations between persons, sense of feeling isolated, and self – identify in organic society. It is under the conditions of anomie that crime and delinquency flourishes Reid (2006).

To him, crime and delinquency is as a result of a necessary consequence of the existence of a collectively supported morality. Crime can be seen as a necessary part of every social order because any social order needs a collectively supported morality. He uses laws as an indicator of moral norms. He divided laws into (i) criminal and (ii) civil/administrative laws. Durkheim said that a violation of criminal laws constitutes a violation of the collective conscience. It is understood that a person who violates a society’s law invites society’s anger and must be disciplined. Durkheim asserts that “an action does not shock the common conscience because it is criminal; rather it is criminal because it shocks the common conscience. We do not reprove it as a crime, but it is crime that is why we reprove it” Carrabine (2004).

The civil/administrative laws represent a lesser expression of collective conscience in view of the nature of the consequences that flow from them. A violation of criminal law calls for punishment, but a violation of a civil law requires

compensation of the victim by the offender. For example, if a person fails to pay a debt, he is called upon to pay it, and may be required to compensate his creditor. Criminal laws call for retribution whereas civil laws seek to restore parties to their status quo ante.

### **Self – Assessment Exercise**

Explain the views of Emile Durkheim in his book, "the Division of Labour in Society (1893)".

#### **D. Delinquent and subcultures**

Cohen studied delinquent boys and delinquent subcultures. He focused on young males who lived in economically disadvantaged environment but who were judged by the standards of the more affluent population. To Cohen's language, he referred to it as the "lower – class boy and the middle – class measuring rod". He claims that the lower – class parents are not able to socialize their children as effectively as middle – class parents in what is considered appropriate middle – class behavior. In schools, teachers use the middle – class measuring rod to judge all children. The lower-class children fall below the status ladder. Low status causes frustration. Frustrated children gather together to share their common problems, forming a subculture. In the subculture, middle-class values are rejected because they are source of failure. The children therefore develop a new code rewarding the opposite behavior, a process Cohen calls reaction formation. Cohen created a "status frustration" as the explanation for delinquency, the subculture is called a "gang" and the children are called "delinquents" Reid (2006).

Cohen makes four assumptions about delinquency

1. Many lower – class youths do poorly in school.
2. Academic performance is linked to delinquent behavior.
3. Poor school performance results from the child's inability or unwillingness to fare well on the middle – class measuring rod.
4. Lower – class make delinquency synonymous with gang delinquency.



### **Self – Assessment Exercise:**

According to Cohen, what are the main characteristics of delinquents?

### **4.0 Conclusion**

From this unit, students should be able to know the Merton's individual's mode of adaptation as sources of conformity and service. Cloward and Ohlin's criminality pressure on the working class; Durkheim's view on division of labour in the society and Cohen's lower – class boy with the middle – class measurement.

### **5.0 Summary**

In this unit, we studied about the Merton's legitimate and institutionalized means to success. The Cloward and Ohlin retreatist subcultures examined where boys achieve wealth by joining the criminal subculture and Cohen lower-class youths who create their own values due to status – frustration.

### **6.0 Tutor – Marked Assignment**

According to Merton, what are the causes of delinquency?

What is the importance of the "middle – class measuring rod" in Cohen's theory of delinquency?

### **7.0 References/Further Readings**

8.0 Aichhorn, A.(1964). Psychoanalytical approach to Delinquency. London: prentice.

9.0 Aichhorn, A.(1954). A primer of Freudian psychology. London: prentice.

**10.0** Aichhorn, A.(1925). Wayward youth. London: prentice

Carrabine, E. et al. (2004). Criminology: A Sociological Introduction. London: Routledge.

- Cohen, A. (1955). *Delinquent Boys: The culture of the Gang*. Glencoe: Free press.
- Cloward, R. and L. Ohlin. (1960). *Delinquency and Opportunity*. Glencoe: Free press.
- Durkheim, E. (1933). *The Division of labour in society*. New York: Free press.
- Lemert, E. M. (1967). *Human Deviance, Social problem and Social Control*. London: McGraw Hill.
- Merton, R. (1968). *Social Theory and Social Structure*. 2<sup>nd</sup> ed. New York: Free press.
- Reid, S. (2006). *Crime and Criminology*, 11<sup>th</sup> edition. Boston: McGraw Hill.
- Stark, R. (1987). *Sociology*, 2<sup>nd</sup> edition, Belmont: Wads Worth Publishing Company.
- Sykes, G.M. and D. Matza. (1957). *Techniques of Neutralization: A Theory of Delinquency*. New York : Free press.
- Wolfgang, E. M., ed. (1968). *Crime and Culture*. New York: John Wiley.

## **Unit 5: INTERACTIONIST AND SOCIAL REACTION PERSPECTIVE: LABELING THEORY**

### **Contents**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Labeling theory
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor – Marked Assignment
- 7.0 References/Further Reading

### **1.0 Introduction**

In this unit, we would examine the meaning of labeling. We will be exposed to the two perspectives of labeling i.e. the interactionist and the social reaction. Finally, we would give in details the scholaristic approaches of Frank Tannenbaum, George Mead, Howard Becker and John Braithwaite.

### **2.0 Objectives**

At the end of this unit, you should be able to define labeling. Understand the various aspects of labeling. Identify with the Mead's concept of interactionalism, Becker's 'outsider concept' and Braithwaite's 'shaming' to understand criminal behaviours.

### **3.0 Main Content**

#### **3.1 Labeling Theory**

Labeling theory became a dominant sociological theory of crime in the late 1960s and 1970s. The labeling theory highlights social reaction. It turns its focus on societal reactions to crime. Societal reactions could range from the informal

responses of public opinion or the mass media to the more formal responses of police, courts and prisons Carrabine, et al (2004).

Definitely, a criminologist concerns himself with explanations of criminal behaviour; the causes of the behaviour; why do people commit crimes and what to do in order to prevent future criminal acts. But in contrast, labeling theory asks why the person was designated a criminal. The key issue is not the behaviour itself but why the behaviour is labeled deviant. Nevertheless, not all who engage in certain kinds of behavior are labeled deviant, but some are.

A criminal behavior is explained according to the responses of others rather than the characteristics of the offender. The appropriate subject-matter to label a person as criminal is the audience, and not the individual. The significant thing is the existence of the behavior and not why it occurred. Only the audience's response determines whether that behavior is defined as criminal. The labeling perspective uses a social-structure approach. It is primarily a social process theory because it attempts to explain labeling as a process by which some people who commit deviant acts come to be known as criminals whereas others do not. The labeling theory is not limited in the explanation of delinquency. It is also applied to other types of deviance, such as alcoholism, drug abuse, mental disorder and suicide. There are two types of perspectives in labeling theory.

- (a) The interactionist perspective and
- (b) The social reaction perspective.

The interactionist perspective focuses on self – identification. That is, it is that which is concerned with what is in the minds of the deviants themselves. It was developed by Frank Tannenbaum, George Herbert Mead, Charles Cooley, Erving Goffman and Edwin Lemert. The social reaction perspective focuses on the identity of individuals as assigned by others. The subject-matter of the explanation is focused on what is in the minds of others; usually social control agents. This perspective is developed by Howard Becker and John Braithwaite.

### **Self – Assessment Exercise**

Discuss the two perspectives of labeling.

## **THE INTERACTIONIST PERSPECTIVES**

The interactionist perspective represents the earliest attempt to explain the process of becoming delinquent. Before this time, delinquency was looked as caused by a force beyond the control of the delinquents. But with the emergence of this perspective, criminal behavior is seen as a process where delinquents actively learn to break the rules through association with others. The foundations of interactionist approach were Erving Goffman, George H. Mead and Charles H. Cooley. Their works on symbolic interactionism had a major influence in the sociological thought of deviance.

They made essential contributions to the micro-level social processes of self – concept, socialization and small-scale social interaction. Before this time, deviance was looked as caused by macro orientation (i.e. viewed the social person as secondary to social structure). According to Mead and Cooley, society is possible because of communication involving shared symbols; society, in fact, is a series of symbolic interactions. New members are socialized by learning the meaning of commonly shared symbols. They learn language, customs, roles and norms through interaction with others. It is through socialization and symbolic interaction that the self is developed.

For Mead, socialization is complete when the subjective self (the 'I') is complemented with an objective self (the "me"). The 'me' represents an internalized, 'generalized others' that served as the forces for social rules and roles. Mead and Cooley's fundamental concepts form the foundation of interactionist approach in deviance or criminal behavior Heitzeg (1996).

### **Self – Assessment Exercise**

What do you understand by interactionist perspective.

## **THE 'SELF-FULFILLING PROPHECY CONCEPT' OF INTERACTION**

In the twentieth century, the self-fulfilling prophecy concept of the interactionist perspective was the origins of the labeling theory attributed to Frank Tannenbaum in his classic study of crime and the community (1938). The theory has a number of roots on the idea of W.I. Thomas that "when people define situations as real they become real in their consequences". This is sometimes also known as the "self-fulfilling prophecy". The elementary understanding is captured in a popular phrase such as "give a dog a bad name". (I.e. when a person already has a bad reputation, it is difficult to change it because others will continue to blame or suspect him).

Tannenbaum argued that the process of making a criminal, therefore, is a process of tagging, defining, identifying, segregating, describing, emphasizing, making a conscious and self – conscious; it becomes a way of stimulating and evoking the very traits that are complained of. The person becomes the thing he is described as being.

According to Tannenbaum, he sees delinquent as well adjusted people. Delinquent behaviour is behaviour so labeled by adults in a community. This is because the adults have more power than the children. To this effect, they were able to label the children 'delinquent'. Once children are labeled delinquent, they become delinquent. Tannenbaum stressed the importance of the meanings, definitions of the situations, and attitudes. He believes that when conflict between the gang and the community breaks out, both sides resort to name – calling. The adults call the youth's activity delinquent. Calling a child a delinquent makes it likely that he will accept the description and lives up to it. The child's attitudes become harden. According to Tannenbaum, name – calling and stereotyping lead a child to isolate himself from the rest of the community. This makes it possible for the child to associate with other youths who have been tagged with the same label. These youths stick together and function as a group of gang Regoli & Hewitt( 1991).

### **Self – Assessment Exercise**

What is the Tannenbaum's concept of identifying an offender?

### **THE SOCIAL REACTION PERSPECTIVES ('THE OUTSIDERS')**

The basic premise of the social reaction perspective in labeling theory is clearly explained by Becker in his influential book 'outsiders': studies in the sociology of Deviance (1963). He began by attacking other social scientists. He opined that their researches were based on the general public question about deviants – namely, "why do they do it". But to Becker, attention in research and theory building should be: who applied the label of deviant to whom? What consequences did the application of a label have for the person so labeled? Under what circumstances is the label of a deviant successfully applied?

A 1963 statement by Howard Becker describes the labeling concept as follows:

Social groups create deviance by making rules whose infractions constitute deviance, and by applying those rules to particular people and labeling them as outsiders. From this point of view, deviance is not a quality of the act a person commits, but rather a consequence of the application by others of rules and sanctions to an "offender". The deviant is one to whom the label has successfully been applied; deviant behavior is behavior that people so label.

According to Becker, deviants are not a homogeneous group. Some who are labeled deviant have actually not broken any rules. They are the "falsely accused". Others have broken rules but have never been caught or officially labeled. These are the "secret deviants". That is, if the rule violation is undetected, no label will be attributed to the violator, and therefore should not be qualified as a deviant. For example, an individual who violated the payment of income tax and defraud the government but was not detected could not be referred to and declared as a criminal. If the act is violated and detected, it becomes defined as a criminal behaviour.

Therefore, Becker focused on how people acquire their labels. He argued that whether an activity is deviant depends on how other people react to it, not on the nature of the activity itself Reid (2006).

### **Self – Assessment Exercise:**

What is the subject-matter of Becker's concept of 'outsiders'?

#### **b. THE SHAMING CONCEPT**

Braithwaite's shaming concept of the Social Reaction Perspective is the recent refined of the labeling theory. On his attempt to revitalize the theory, he argued that labeling must be examined in the context of the total social structure. The social structure might cause some to abandon criminal activity, while it might cause others to continue. Braithwaite uses the key word – shaming, to attribute to delinquency. Shaming is defined as a social disapproval that has the "intention or effect of invoking remorse in the person being shamed or condemned by others who become aware of the shaming.

According to Braithwaite, shaming may go further to stigmatize the person labeled. This is the process he referred to as stigmatization or disintegrative shaming. The disintegrative shaming propelled the individual into delinquent or criminal behaviour. Disintegrative shaming does not involve any attempt to reintegrate the shamed person into society. It stands in contrast to reintegrative shaming. The reintegrative shaming is an attempt at reintegration of the offender into the community through words or gestures of forgiveness or ceremonies to correct the offender as deviant. It helps to reduce the negative effect of shaming. It also helps to reduce the chances that the shamed person will continue in crime Reid (2006).

### **Self – Assessment Exercise**

What do you understand by the concept of shaming?

## **4.0 Conclusion**

From this unit, the students should be able to know that labeling theory is an underdog explanation of juvenile delinquency. They will be able to acknowledge the Frank Tannenbaum tagging of delinquent, the Mead's interactionism perspective and the social reaction perspective of labeling.



## **5.0 Summary**

In this unit, we explained the interactionist and social reaction perspectives of labeling theory. It begins with George Mead's process of becoming delinquent through socialization. Frank Tannenbaum stresses the dramatization of delinquent while Howard Becker looked delinquency as an aspect of labeling and John Braithwaite examined the concept of shaming theory as an aspect of a refinement in labeling theory.

## **6.0 Tutor – Marked Assignment**

According to labeling theory, how does the concept of interactionist perspective help us to understand delinquent behaviour.

## **7.0**

## **8.0 References/Further Readings**

Becker, H.S. (1963). *Outsider: studies in the sociology of deviance*: New York. Free press.

Braithwaite, J. (1979). *Inequality, Crime and Public policy*. London: Routledge and Kegan Paul.

Braithwaite, J. (1989). *Crime, Shame and Reintegration*. Oxford: Oxford university press.

Carrabine, E. et al. (2004). *Criminology: A Sociological Introduction*. London: Routledge.

Heitzeg, N. (1996). *Deviance: Rule makers and Rule Breakers*. New York: West Publishing.

Regoli, M. R. & John H. H. (1991). *Delinquency in Society: A Child-centered Approach*. New York: McGraw-Hill, Inc.

Reid, S. (2006). *Crime and Criminology*, 11<sup>th</sup> edition. Boston: McGraw Hill.

Tannenbaum, F. (1938). *Crime and community*. New York: Columbia university press.

Thornberry, T. P. (Ed.). (1997). *Developmental theories of Crime and Delinquency*. New Brunswick: Transaction publishers.

## **Module 4: Law, Crime and Delinquency**

### **Unit 1: The Concept of Law**

### **Unit 2: Meaning of Criminal Law**

### **Unit 3: Nigerian Criminal/Penal Code**

### **Unit 4: Criminal Justice Administration in Nigeria**

### **Unit 5: Punishment, Correction and Rehabilitation**

### **Unit 1: The Concept of Law**

#### **Contents**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Concept of Law
  - 3.2 Schools of thought in Law
  - 3.3 Classification of Law
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor – marked Assignment
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### **1.0 Introduction**

The consequences of crime and delinquency in the society prompted criminologists to initiate rules of action that will govern its members and this is known as criminal justice system. Criminal justice, in its strictest sense is the criminal procedures and array of activities which have to do with the enforcement of the body of law. Criminal justice is a part of social

justice which has to do with the understanding of right and wrong. Its general purpose is to prevent social misconduct or delinquency.

## **2.0 Objectives**

When you complete this unit, you should be able to: (1) describe the concept of law; (2) explain the schools of thought in law; (3) examine the classifications of law and perform the Self – Assessment Exercises.

## **3.0 Main Content**

### **3.1 The Concept of Law**

Every society tries to ensure an orderly way of life for each member. It tries to adopt a set of rules to control and limit the action of individuals. The nature of these rules however, differs greatly from one society to another. Nevertheless, their general purpose is always the same, to keep the people together and maintain co-operation.

But rules alone cannot guarantee co-operative behaviour. There must be some ways to enforce them. In other words, the rules must be backed up with the threat of penalties. In a state, the power to make and enforce, i.e. to maintain order and security is always in the hands of central authority (Douglas, et al, 1964).

Generally speaking, the concept of law depicts different meaning to different people. For example, the physicist talks of the law of gravity or Isaac Newton's law of motion and the economist, the law of supply and demand.

Law, in its generic sense, is a body of rules of action or conduct prescribed by controlling authority and having a binding legal force. According to Black's law Dictionary, law is that which is laid down, ordained, or established. In this very general sense, law could consist of a culture's moral code, the commandments of a religion, or the regulation enacted by a political body to govern its members.

In Nigeria today, most citizens understand the concept of law to consist of the federal, state or local enactments of legislative bodies. The legislative power of the government in any given state is the power to make laws. The federal level consists of House of Senate and Representative, while the state level is made up of the state house of assemblies and local councilors. The legislative powers in Nigeria were grouped under three headings: the exclusive list, the concurrent list and the residual list. These are the powers which the national assembly (house of senate and the representative) has in making laws in specific areas. The national assembly has rights to make laws in Nigeria through the exclusive legislative list. For example is the legislation on the creation of states, on custom and excise duties, currency, police, immigration, etc. the concurrent list is the legislative power of making laws which falls under both the national assembly and the statehouse of assembly while the residual list is reserved only for the local government councilors,(1999 Nigeria constitution).

In making laws, lawmakers distinguish between two kinds of rules. The first is religious and moral values, and the second is rules created by government to protect individuals and promote social welfare. Some people believed that some actions may be immoral, even though they are not illegal. In addition, people generally believe that they should be able to live according to their religious principles, go long as their actions do not violate the law. The citizens also disagree about what behaviour that should be regulated by the government. For example, in November 2011, the National Assembly brought a bill to legislate same – sex (gay or homosexual) marriage in Nigeria. Some people believe that gay should be considered abomination and thus should be prohibited by law; others hold that decisions about homosexual should be made on personal religious or moral grounds, without government interference. (Garland, 2006).

### **3.2 Schools of thought in Law**

To establish the intricate nature of law, we shall examine here general terms under the major schools of thought. They are:

- i. The nature of law
- ii. The historical school
- iii. The positivist school
- iv. The sociological or functionalist school and
- v. The realist school.

i. **The Natural Law School of thought**

The central purpose of the Natural law is that it has a divine or supernatural origin. It states that the validity of human laws must conform to certain objectives of moral obligations based on the nature of man and the dictates of reason. It has a line of thinking based on the interplay of spiritual forces in the physical organization of human societies.

This school of thought emanated from the classical works of early Greek philosophers such as Aristotle, Plato and Christian theologians. Aristotle makes clear distinctions between the human laws and natural laws. The human laws vary in forms and in their respective historical experiences while natural law is by nature found in all states and appear to be designed for all mankind. He argued that human laws are subordinate to natural laws. The human laws can stand or fall according to the dictate of natural laws.

The stoic philosophers argued that man should live according to nature and reason. Man should be ordained to live according to a definite manner which is ascertained by reason and common sense; just as the sun is ordained to rise from the East. This school implies that harsh and repulsive legislation which conflict with the ideal moral principles as dictated by reasons are considered invalid. In the other way, such legislation cannot be relied upon to justify any action considered to be in breach of natural law. Natural law thinking has been widely used in international law, the introduction of fundamental (natural) rights and the rules of natural justice.

ii. **The Historical School**

The historical school is an offshoot of the Hegelian philosophy. It is based on the organic growth of the state which is nurtured by historical forces. Historical school argued that law is an outgrowth from the history of the society rather than an artificial factor. This makes it to share the same idea of the natural law school. Law, according to this perspective, is developed organically from the spirit of the people, just like language and culture. This concept is in support of the pre-eminent position of customary laws, which, more than any other laws have grown from the instinctive sense of rightness of the native communities. One important characteristics of this theory is it's emphasizing on the socio-cultural relationship in which it develops. It accounts for the popular consciousness and traditional values of the society from which it is derived.

### iii. **The Positivist School**

The positivist school is opposed to the natural and historical schools. It denies the upward growth of law from the society. The positivist school is an offshoot of the empirical philosophy. The positivists distinguished between physical laws and normative laws. The physical laws are tested scientifically while the normative laws are not. The normative is said to be the human laws. This is because it lay down rules of conduct that are always obeyed. It derives its value from the habitual compliance by the generality of the society.

The positivists believed in the scientific observations rather than metaphysical myths. They drew a distinction between laws as it is and laws, as it ought to be. The law, as it is, is the formal characteristics of laws which fell within the province of jurisprudence, while the law, as it ought to be is a content reserved for the moralists.

The scholars in this proposition were Bodin, Hobbes, Bentham and John Austin. But the John Austin's positivism is hinged on the command structure perspective. Austin believed that law is the command of a political sovereign to a political inferior, which is backed by sanction upon disobedience. This idea of

command is in order emanating from a political or determinate human superior who has the effective ability to punish an inferior.

#### iv. **The Sociological or Functional School**

This concept came in a period when man use scientific factors to study his society through the essence of the law. Law was viewed as a means of ordering society by regulating conflicting interests. According to Radolf Von Jhering, the lawyer should not be contented with law as a set of abstract norms but should endeavour to study the sociological basis and implications of such laws in order to check the inherent conflict of claims and interests Asein (1998).

Furthermore, Dean Roscoe pound reiterated that there should be a need for the use of the sociological approach to the study of law in modern times. He argued that the basis of understanding a phenomenon is to examine its functions. He expresses his thought that jurists should study the actual social effects of legal institutions and to ensure that the legal rules are effective in meeting the aims for which they are established. This will help to understand the underlying social factors of many laws and its aim to defeat any abnormal administration.

#### v. **The Realist School**

The Realist School sees law as an expression of the state through the court. The courts occupy the position of the sovereign. According to Oliver W. Holmes,(2005) he argued that we should not look into the statute books rather we should look up to the courts. That is, we should identify of what purpose, what constitutes a court. In addition, he places more emphasis on law for its action rather than what the statute books convey. This line of thinking no doubts helps to situate the overbearing role of courts and the influence of officials in the final outcome of any legal dispute Asein (1998).

### **Self – Assessment Exercise**

Outline the schools of thought in law.



### **3.3 CLASSIFICATION OF LAW**

It is observed that there is no single universal classification of law. There are many classes of law. But the major ones are as follows:

1. Private law and public law
2. Civil law and criminal law
3. Common law
4. Municipal law and international law
5. Substantive law and procedural law and
6. Customary law and non – customary law (Asein, 1998).

1. Private law regulates the conduct of person in their interpersonal dealings, rights and obligations. It includes the law of contract, property law, tort, family law and succession, commercial law, equity and trust, etc. Public law on the other hand, is concerned with the smooth running of the machinery of the state. It includes the constitutional law, administrative law, criminal law, revenue law, etc.

2. Civil law is concerned with the competing private interests and obligations in our written or judge – made laws. The party bringing the action is called the plaintiff while the adverse party is the defendant (or respondent as the case may be). Conversely, criminal law is the enforcement of rules of conduct, usually statutory, the infringement of which will result in punishment.

Civil law and common law, common law is developed by English courts from the common customs and practices in England. Common law is concerned with the resolution of particular disputes and makes emphasis on procedural rules rather than substantive laws.

3. Municipal law and international law are classified based on its territorial limitations in law. The municipal law is the force of law within a particular

country while international law is binding on states, regulating their mutual co-existence and relationship. Its sources include international customary practices, treaties, bilateral agreements and conventions.

In municipal law, individuals or jurist persons are the main subjects while international law deals with the states. One may further distinguish between public international law that is described above and private international law or simply conflict of laws. While the former deals with the relationship between the states, the latter treats the conduct of persons in a particular state in relation to the laws or persons of another state (in essence, a part of municipal law).

4. Substantive law defines the existence and extent of a right or liability in a particular branch of law. The procedural law, on the other hand, involves the rules by which an action may be brought and disposed of. It prescribes the method for enforcement of rights.

5. The customary law is involved with the indigenous or native laws. It is treated as being repugnant to natural justice, equity and good conscience. Non – customary law covers the English law (comprising common law, the doctrines of equity and statutes of general application), local statutes and rules of law derived from judicial precedents Asein (1998).

### **Self – Assessment Exercise**

Distinguish between civil law and criminal law.

## **4.0 CONCLUSION**

At the end of this unit, students should be able to describe the concept of law; explain the schools of thought in law; examine the classifications of law and perform the Self – Assessment Exercises.

## **5.0 SUMMARY**

We have been able to discuss what constitute law. Law was a control system because humankind has sought to minimise turmoil and chaos by the imposition

of some set of rules by which we live. We have also looked at the different school of thoughts to law and finally the classification of law.

## **6.0 TUTOR-MARKED ASSIGNMENT**

Distinguish between private and public laws.

## **7.0 REFERENCES/FURTHER READING**

Asein, J. O. (1998). Introduction to Nigerian Legal System. Ibadan: Sambookman Press.

Douglas, M. et al (1964). Man in Society Patterns of Human Organization. London: Macdonald & Co. Publishers Ltd.

Garland, D. (2006). Concepts of culture in the sociology of punishment: The theoretical criminology. Oxford: Oxford University press.

Garland, D. (1990). Punishment and Modern society. Oxford: Oxford university press.

Holmes, O. W. (2005). The Common Law. New Jersey: the law book exchange.

Siegel, L. J. and Joseph J. S. (2005) Introduction to Criminal Justice. Australia: Thomson/Wadsworth.

1999 Constitution of the Federal Republic of Nigeria.



## **Unit 2:     Meaning of Criminal Law**

### **Contents**

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- 2.0   Objectives
- 3.0   Main Content
  - 3.1   The meaning of criminal law
  - 3.2   Purposes of criminal law
  - 3.3   Sources of criminal law
- 4.0   Conclusion
- 5.0   Summary
- 6.0   Tutor – marked Assignment
- 7.0   References/Further Readings

### **1.0   Introduction**

It is an established fact, that societies are aggregations of individuals who have the collective instinct to survive and flourish. This degree of structure makes it possible for criminal law in order to prohibit the actions of people against interference to enjoyment of property and life.

### **2.0   Objectives**

When you complete this unit, you should be able to: (1) explain the meaning of criminal law; (2) identify the purpose of criminal law; (3) and describe the sources of criminal law.

### **3.0   Main Content**

#### **3.1   The Meaning of Criminal Law**

The roots of the criminal codes can be traced back to the early legal charters of Hammurabi (2000 B.C), Mosaic code (1200 B.C) and the Roman Twelve tables (451 B.C). These codes were formulated by ten noble Roman men. This was in

response to the lower class complains in the society against the arbitrary powers of the wealthy class in these legal codes.

The system of the Roman law becomes the basis of the future criminal legal classifications. This western world codification was made possible by the Byzantine emperor Justinian's great law code called *corpus Juris civilis*, or body of civil law Siegel & Senna( 2005).

Criminal law is a body of rules that define crime. It sets out their punishments, and mandates the procedures for carrying out the criminal justice. That is, to be convicted of a crime, a person must violate the criminal law. A crime is a social wrong or social evil. The crime is punishable under the criminal law or statute. All states have criminal code. The penal code is a collection of criminal statutes. There are some relatively new developments in criminal justice, stemming from the use of technology, such as High – technology crimes in electronic communications.

According to Curzon (1997) criminal law is a branch of public law which deals with the relationship between members of the public and the state. That is, it spells out clearly the trial and punishment of offenders, criminal law deals with criminal behaviour. It is a branch of law, which lists the various criminal offences, identifying the elements or ingredients which make up the offences, and specifying the punishment for each group of offences accordingly. Major objective of criminal law is the prevention and control of crime.

The criminal law consists of three basic ideas or fields:

1. The General Principles of Criminal liability
2. The Definition of Offences
3. Rules of Evidence and Criminal Procedure.

1. The general principle of criminal liability explains on what basis society considers a person liable or guilty. The criminal law is based on the ethic of freewill that persons will be found responsible only if they acted intentionally or,

recklessly. They may be considered innocent if they have defences such as insanity, intoxication, self-defence, or mistake of fact.

2. The definition of offences states the antisocial acts such as murder, sexual assault, robbery, or theft. They are substantive laws which define offences as well as the rights and duties of citizens. They prescribe and proscribe legal activities and stipulate penalties for the violation of laws.

3. The rules of evidence and criminal procedure states how the accused is declared by the fact-finder to be guilty. The trial is carried out according to the rules of evidence and criminal procedure. Criminal procedure is the law that defines how to proceed with an alleged offender. The principal enactments of the law are the criminal procedure Act (CPA) cap.43 LFN 1958 which operates in the southern states and the criminal procedure code (CPC) Cap.30 1963 which operates in the northern part of Nigeria. Other sources of criminal procedures are the 1999 Nigeria constitution, magistrate court laws ;the high court laws, federal high court law1999;court of appeal Act 2002;supreme court Act1985;children and young person's law 1994;coroner's laws of the states; and police Act cap. 359 vol.20 LFN 1990.

### **Self – Assessment Exercise**

What is criminal law?

### **3.2 The Purposes of Criminal Law**

It is incomplete to say that criminal law is to prevent and punish criminal offenders. The criminal justice includes:

#### **1. Deterrence**

Some criminal punishments are designed to deter people. That is, to stop, discourage or prevent a person from performing a certain act of committing

crimes. For example, once an individual understands that he will be punished for a certain act; he will be deterred from committing the act.

## **2. Rehabilitation**

In theory, the benefits of criminal laws include the offering of education, counseling, training and treatment. Rehabilitation is the process of helping a person to attain or regain his potential as a citizen. It may take the form of therapy or counseling.

## **3. Incapacitation**

Another purpose for the punishment of offenders is incapacitation. Incapacitation is the act of restraining a person from taking certain actions. For example, if a person who is dangerous to the society is placed in prison or jail, that person cannot injure members of the public. The criminal is literally restrained or incapacitated from injuring others. This restraint may take the form of extended incarceration or even death.

## **4. Retribution**

Retribution takes place when society through criminal justice system, takes revenge on the offender. It takes place through the criminal justice system. Retribution means punishment for a crime. Victims of crime must not seek their own retribution. For example, the eye for an eye and tooth for a tooth. This is what the criminal statute comes to serve Homes & Yvonne( 2006).

### **Self – Assessment Exercise**

**Mention the four purposes of criminal law**

### **3.3 Sources of the Criminal Law**

There are three major sources of criminal law. They are

- 1 Common law, Statutes and Case decisions
- 2 Administrative Rules and Regulations
- 3 Constitutional Laws



## **V. Common Law, Statutes and Case Decisions**

The Common law crimes such as murder, rape etc were adopted into the state codes. Common law is a body of law that was developed through the courts. This form is the major source of the substantive criminal law today. Again, statutes enacted by the states and federal legislators have been built into these Common laws. The statute is a way in which the criminal law is created, modified or expunged.

The statute deals with issues of morality such as gambling and sexual activities as well as traditional and Common law crimes such as murder, burglary and arson. In fact, they reflect the social conditions of the environment.

Case laws and judicial decisions make a change and influence the law. For example, a Statute may say that murder is an unlawful killing of a man by another with malice. The court decision may explain the term malice or examine whether man include a foetus.

## **VI. Administrative Rule Making**

The administrative agencies help to maintain conduct in the society. These agencies make laws on taxation, health, environment, control drugs, illegal gambling or pornographic materials. In Nigeria, we have the Environmental Protection Agency (EPA), which has successfully prosecuted a significant violation of some major environmental statute such as the prosecution against the indiscriminate hazardous waste dumping that resulted in serious injuries and death. Others are oil spills that caused significant damage to waterways; international smuggling of CFC (Chlorofluorocarbon) refrigerants that damage and increase skin cancer risk and illegal handling of hazardous substances such as pesticide and asbestos that exposes children and the poor to serious illness.

## **3. Constitutional law**

In Nigeria, constitutional law must conform to the rules and dictates of the constitution. Any criminal law that conflicts with the various provisions and articles

of the constitution will definitely be challenged in the Appellate courts. The constitution makes it impossible for the government to ex-post facto laws. The ex-post facto laws are actions which the government may make a crime that was not a crime at the time it was committed. The constitution also forbids legislative act that inflicts punishment without a judicial trials.

In addition, criminal laws have been interpreted as violating constitutional principles if they are vague to give clear meaning of their intent. For example , a law forbidding adults to engage in immoral behaviour could not be enforced because it does not use clear and precise language or give adequate notice as to which conduct is forbidden. The constitution also forbids laws that make a person's status a crime. For example, addictions to narcotics cannot be made a crime, though laws can forbid the sale possession and manufacture of dangerous drugs.

In general, the constitution has been interpreted to forbid any criminal law that violates fairness and equality of a person's right. This principle is referred to as substantive due process Siegel & Senna( 2005).

### **Self – Assessment Exercise**

Mention the sources of criminal law.

## **4.0 CONCLUSION**

From this unit, students of criminology and security studies would be able to understand the concepts of substantive criminal law as a criminal code that defines crime and punishment. The purpose of the law is to regulate behavior and maintain order in society.

## **5.0 SUMMARY**

We have been able to discuss about the concept of substantive criminal laws. We discussed about the term criminal law and its purpose to the society. We also examined the sources of criminal law.

## **6.0 TUTOR-MARKED ASSIGNMENT**

What are the purposes of criminal law? To what extent does the criminal law control behaviour in Nigeria?

## **7.0 REFERENCES/FURTHER READING**

Asein, J. O. (1998). Introduction to Nigerian Legal System. Ibadan: Sambookman Press.

Curzon, I. B. (1997). Criminal law. 8<sup>th</sup> ed. New York: MacDonald & Evans.

Chukwuka, C. A. C. (2009). Introduction to criminology I. Lagos: NOUN press.

Reid, S. (2006). Crime and criminology, 11<sup>th</sup> ed. Boston: McGraw-Hill.

Siegel, L. J. & Joseph J. S. (2005). Introduction to criminal justice. Australia: Thomson/Wadsworth.

Homes, J. B. & Yvonne, E. (2006). Introduction to law. 3<sup>rd</sup> ed. New Jersey: Pearson Prentice Hall.

Linden, R. (1996). Criminology: A Canadian Perspective. 3<sup>rd</sup> ed. Canada: Harcourt Brace & Company.

## **Unit 3: Nigerian Criminal/Penal Code**

### **Contents**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Nigerian Criminal/Penal Code
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor – marked Assignment
- 7.0 References/Further Readings

### **1.0 Introduction**

The development of the criminal code act of the Southern Nigeria and the penal code act which operates in Northern Nigeria are some of the numerous criminal procedures which originate from the international and the continental or regional instruments to which Nigeria is a member.

### **2.0 Objectives**

When you complete this unit, you should be able to: (1) identify the various international standards and continental instruments of children's rights; (2) explain the various offences and treatment of criminal offenders under the Nigerian criminal and penal codes.

### **3.0 Main Content**

#### **3.1 Nigerian Criminal/Penal Code**

The International standards have been used as a benchmark for the provision ideal laws for the protection of Children. This exists for the benefits and protection of children under the criminal laws in Nigeria. The provisions are

established from the United Nations convention on the rights of the Child, (UNCRC,1989).

In the convention a child is anyone who is from 0 – 18 years. The highlights of the convention are as follows;

- Article 19: Protection from Abuse and Neglect.
- Article 20: Protection of a Child without a family.
- Article 22: Refugee and Displaced children.
- Article 23: Children with Disabilities
- Article 32: Child Labour
- Article 34: Sexual Exploitation
- Article 35: Sale, Trafficking and Abduction of Children
- Article 37: Torture and Deprivation of Liberty
- Article 38: Armed Conflict
- Article 39: Rehabilitative Care
- Article 40: Administration of Juvenile Justice.

The relevant articles as contained in the report are:

1. Article 19: Protection from Abuse and Neglect.

The state shall protect the child from all forms of maltreatment by parents or others responsible for the care of the child and establish appropriate social programmes for the prevention of abuse and the treatment of victims.

2. Article 20: Protection of a Child without Family

The state is obliged to provide special protection for a child deprived of the family environment and to ensure that appropriate alternative family care or institutional placement is available in such cases.

3. Article 23: Children with Disabilities

A disabled child has the right to special care, education and training to help him or her enjoys a full and decent life in dignity and achieves the greatest degree of self – reliance and social integration possible.

#### 4.Article 32: Child Labour

The child has the right to be protected from work that threatens his or her health, education or development. The state shall set minimum age for employment and regulate working conditions.

#### 5.Article 34: Sexual Exploitation

The state shall protect children from sexual exploitation and abuse, including prostitution and involvement in pornography.

#### 6.Article 35: Sale, Trafficking and Abduction of Children

It is the states obligation to make every effort to prevent the sale, trafficking and abduction of children.

#### 7.Article 37: Torture and Deprivation of Liberty

No child shall be subjected to torture, cruel treatment or punishment, unlawful arrest or deprivation of liberty. Both capital punishment and life imprisonment without possibility of release are prohibited for offences committed by persons below 18 years. And child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so. A child who is detained shall have legal and other assistance as well as contact with the family Chukwuka ( 2002).

### **Self – Assessment Exercise**

Explain the Articles 23 and 32 of the UN conventions.

In Northern Nigeria, the penal code, which is Islam based, is the applicable law. These are:

- a. Indecent treatment of boys less than 14 years – section 216.
- b. Section 222: Indecent treatment of girls under 16 years.

- c. Section 225: Abduction of girls under 18 years with intent to have carnal knowledge.
- d. Section 327A: Infanticide.
- e. Section 328: Killing an unborn child.
- f. Section 329: Concealing birth of a child by making a secret disposition of its dead body.
- g. Section 371: Child stealing.
- h. Section 372: Wilful desertion of a child under 12 years old and
- i. Section 30: Dealing in children by way of selling or trading by barter under the children and young persons Acts (CYPA) 1967.

By section 30 of the Nigerian criminal code, a person under the age of 17 years is not criminally responsible for an act or omission, unless it is proved that at the time of doing the act or making the omission he had the capacity to know that he ought not to do the act or make the omission. If a child of 12 years old commits an offence, he is not subjected to the criminal jurisdiction of the ordinary court. The child is subjected to criminal proceedings in a juvenile court until he is 17 years old. Onibokun, vol. 4.

The criminal code, section 218, 221 and 222 cap 77 laws of the Federation of Nigeria 1990 make it an offence to defile a girl. That is, to engage in sexual intercourse or to deal indecently with girl children below the age of 13 years, or to subject boys below the age of 14 years to indecent treatment. The criminal code in section 225 is also very clear on the offence of abduction, enticement and inducement.

Many sections of the code punish immoral acts perpetuated against children below certain ages. Between 14 and 18 years, sexual involvement with a child is criminal, if it is done without the consent of the child. The penal code which is applicable in the Northern states of Nigeria stipulates that sexual intercourse with a girl below the age of 14 years is rape, and attracts life imprisonment. It is assumed that the child is incapable of granting consent to such acts. Even if the

child is said to consent to such acts, this is no defence to an offence because such apparent consent would be negated by the victim's immorality (Nigerian Criminal Code). In Section 39 of the penal code, it states that consent is not valid if it is given by a person who is under 14 years of age. For example, a person who has unlawful carnal knowledge of a girl under the age of 11 years (13 in Lagos) commits a felony punishable with imprisonment for life with or without caning. But dealing unlawfully and indecently (seduction, enticement, and procurement) with a girl under the age of 13 years (16 years in Lagos) is an offence punishable with imprisonment for two years. Indecent treatment of young boys is punishable with a 7 years jail term.

### **Self – Assessment Exercise**

Explain the operation of the section 39 of the penal code.

## **4.0 CONCLUSION**

From this unit, students of criminology and security studies would be able to know that the Nigerian criminal code emanates from the UN conventions and the AU charter. It ensures that no child who is detained, or imprisoned should be subjected to torture, or punishment.

## **5.0 SUMMARY**

In this unit, we have been able to discuss the Nigerian criminal codes. The criminal law operates in the Southern Nigeria while in Northern Nigeria penal code is applied. The criminal law and penal code are both a federal and state's law.

## **6.0 TUTOR-MARKED ASSIGNMENT**

Explain the provisions of the section 218, 221 and 222 of the criminal code of the Federation of Nigeria.

## **7.0 REFERENCES/FURTHER READING**



Chukwuka, C.A.C. (2002). International Protection of Child Rights: A Case Study of the Nigerian Child. A Master Degree Thesis to the Faculty of Law, University of Lagos.

Onibokun, M. O. Vol. 4 Child Protection Measures. Review of Policies and laws Protecting Children from Abuse in Nigeria, University of Ibadan. In Child Protection in Nigeria: Summary of Research Findings on Protection and Violation of Children's Rights. UNICEF/National Child Rights Implementation Committee.

The Nigerian Criminal Code Cap 77 Laws of the Federal of Nigeria 1990.

The criminal law of Lagos state 2011

## **Unit 4: Criminal Justice Administration in Nigeria**

### **Contents**

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- 1.0 Objectives
- 3.0 Main Content
  - 3.1 Criminal Justice Administration in Nigeria
- 4.0 Conclusion
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### **1.0 Introduction**

The criminal justice administration is view as a process in which the offender through series of decision rehabilitates the delinquency back into the society. The entire concept of the criminal justice administration in Nigeria is to embrace the analysis of the Rehabilitation perspective in juvenile justice system.

### **2.0 Objectives**

After reading this unit, you should be able to: (1) identify the two major enactments towards the criminal justice administration in Nigeria, (2) explain and recognize the three steps in the determination of criminal justice of juveniles in Nigeria.

### **3.0 Main Content**

#### **3.1 Criminal Justice Administration in Nigeria**

Criminal procedure generally, is either the process by which a criminal case is prosecuted or the body of laws and rules regulating the administration of criminal law. This type of law is very essential in view of the importance the citizens expected of it to ensure a free and fair trial for all citizens, irrespective of the offences for which they are charged.

The two major enactments guiding criminal procedure in Nigeria today are the penal code in force in the Northern states and the criminal law code which applies generally in the Southern states and throughout the federation in offences against federal laws. Each of these states has its respective criminal laws similar to the provisions of the general criminal law code. Also, the laws of the Federation of Nigeria chapter 32, known as children and young person's Acts, deal with the Deprivation of liberty and administration of juvenile justice. These sections guarantee that children shall not be subjected to unlawful arrest or deprivation of liberty. Both capital punishment and life imprisonment without the possibility of release are prohibited for offences committed by persons below 18 years Onibokun, Vol. 4.

The criminal justice process of an alleged offender is dealt on the trial, and possible conviction of the offender. These steps are determined by the

1. Role of the police
2. The role of the Home office and
3. The role of the juvenile court.

#### 1. The Role of the Police

Under the law, it is the police officer that should have the evidence which points to a crime. He takes steps to place the evidence before the court of law. The first decision required is whether to arrest the suspect, or invite him to the police station for further inquiries to be made Hall Williams (1982). Afterwards, initial contact and investigation have been gathered. The initial contact takes place as a result of the police action. The purpose of the investigation is to gather sufficient evidence to identify a suspect and support a legal arrest.

The arrest power of the police involves taking a person into legal custody for the purpose of restraining the accused until he can be held accountable for the offence at court proceedings. The moment after an arrest is made, the detained suspect is considered to be put into police custody. If the police make an arrest without a warrant, the arrestee must be brought before the magistrate court

within 48 hours for a probable cause hearing. That is, if a person is taken into custody for a misdemeanor, a hearing is held to determine if probable cause of the crime exists or not. If the arresting officer believes that sufficient evidence exists to charge a person with a crime, the case will be turned over to the prosecutor's office. After conducting a preliminary investigation of the legal merits of a case, prosecutors may decide to take no further action. The action is known as *nolle prosequi*, i.e. decision by a prosecutor to drop a case after a complaint has been made because of insufficient evidence, witness reluctance to testify or police error Siegel & Senna (2005).

## 2. The Role of the Home Office

The department of social work handles cases of delinquency among children. When parents bring children to the social welfare department, the following procedures take place: (a) the social worker will interview the delinquent and the parents, (b) if necessary, the social worker may discipline the child; (social worker describes this act as sharp treatment). This may also include earning (c) after being disciplined, the child is released on supervision, that is, the child will be released for a period of time, to be monitored by the social worker on the case, (d) if the child is brought back by his parents for the second time, the social worker may take the child to a remand Home. He is now being classified as beyond parental control.

## 3. The Role of the Juvenile Court (Family Court)

The establishment of juvenile court acts is enshrined in both the civil and criminal laws. In civil Law, it takes care of the juveniles who are in need of care and protection or beyond parental control. In a criminal Law, it deals with the juveniles charged with offences. In both capacities, the court serves three important functions; first, as a social service it must uphold at all times the welfare of young persons, brought before it. Second, as a guardian of civil liberties of young persons, it must adhere to the rule of law, third, it must

provides to the general public with protection from the aggressive acts of delinquents and unruly children.

The trial of juvenile is a private affair which is unlike that of the adults. The press is kept away and cannot pry into the affairs of the court. When we deal with endangered juveniles and juveniles in need of care and attention; such children may be sent by court order to an approved institution or committed to the care of some fit person willing to undertake their care. They may be placed for a specified period with 3 years maximum under the supervision of probation officers. Their parents or guardian may be ordered to enter into an agreement to exercise proper care and guardianship for them. A constricted juvenile is not sent to prison like the adult counterparts. The juvenile is sent to a house of correction called approved institution. These are the 'remand Homes' the approved School and the Borstal institutions where, trained personnel are equipped to provide care Owasanoye, Vol. 4.

#### **4.0 CONCLUSION**

From this unit, you would be able to understand the criminal procedure of Nigerian criminal justice system towards juveniles. It also ensures a succinct step in order to follow the justice process of the alleged offender.

#### **5.0 SUMMARY**

In this unit, we have been able to discuss the criminal justice administration in Nigeria. The contemporary criminal justice system functions as a cooperative effort among the primary agencies – the police, juvenile court and corrections (Home Office).

#### **6.0 TUTOR-MARKED ASSIGNMENT**

Explain the two major enactments guiding criminal procedure in Nigeria.

## **7.0 REFERENCES/FURTHER READING**

Onibokun, M. O.(2000) Vol. 4 Child Protection Measures. Review of Policies and laws Protecting Children from Abuse in Nigeria, University of Ibadan. In Child Protection in Nigeria: Summary of Research Findings on Protection and Violation of Children's Rights. UNICEF/National Child Rights Implementation Committee.

Owasanoye, B.(2001). Vol. 4 Institute of Advanced Legal Studies. University of Ibadan.

Siegel, L. & J. J. Senna (2005). Introduction to Criminal Justice. Australia: Thomson/Wadsworth.

## **Unit 5: Punishment, Correction and Rehabilitation**

### **Contents**

- 1.0 Introduction
- 1.1 Objectives
- 3.0 Main Content
  - 3.1 Punishment, Correction and Rehabilitation
- 4.0 Conclusion
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### **1.0 Introduction**

It is important to examine punishment philosophies and sentencing. The major punishment philosophies include incapacitation, retribution, deterrence and rehabilitation. Today, the major issue regarding punishment is not whether the state should punish offenders but the question depends on what circumstances, to what extent, and in what manner should it be.

### **2.0 Objectives**

After reading this unit, you should be able to: (1) understand the concept of criminal punishment, (2) describe the traditional and modern models of correction, and (3) discuss the restorative justice of punishment through Rehabilitation.

### **3.0 Main Content**

#### **3.1 Punishment, Correction and Rehabilitation.**

Our expectation in the society is to punish and rehabilitate the people who commit crime. Punishment and rehabilitation are two of the world recognized objectives of the criminal justice system. Others are deterrence and incapacitation. Many criminologists throughout history have argued which is more

effective, punishment or rehabilitation. The classical school of criminology proposed that punishment is used to create deterrence. The positivist school of criminology believes that the practice of rehabilitation reduces recidivism. Let's discuss them in details

#### (i) Punishment

In every society, delinquent behaviour fascinates many people. The society becomes anxious on those people who are caught and are dealt with. As a result, the role of the police in enforcing the law becomes important towards the punishment of offenders.

The use of institutions for confining people against their will is ancient. Today, punishment and correction of criminals has changed its character. In early Greek and Rome, the most common state administered punishment was banishment, or exile. Only slaves were commonly subjected to harsh physical punishment for their misbehaviours.

Interpersonal violence, even attacks that resulted in death, was viewed as a private matter. The ancient people usually use economic punishments, such as fines, for such crimes as assault on a slave, arson, or housebreaking (Siegel and Senna, 2005).

The explanation of punishment as a social phenomenon is beyond the approach of penology (specific institutions of punishment). Punishment occurs in various social contexts such as in the family, at school and at work. But the focus of the subject matter is based on the legal system.

Punishment may involve fines to the state, restitution to the victim or others, community service or work, probation with or without supervision, imprisonment corporal punishment, participation in programmes, the death penalty, or other provisions. Some of these punishments, such as corporal punishment, are not recognized by Nigerian secondary and tertiary institution and courts today, although they were considered appropriate in the past.



In criminal law, punishment refers to penalties that are inflicted by the power of the state, that is, the authority of law after a court has found the defendant guilty of a crime. In the past the authority of private individuals to impose punishment on offenders was recognize. But today in most countries, that power is vested only to the state. The question not whether the state should punish offenders but under what circumstances, to what extent, and in what manner it should be done.

The legal punishment of offenders is a complex process which involves law making, conviction, sentencing and administration of penalties. The major aim of punishment is to reduce the rate of crime. But punishment was seen as a means to an end, to control crime. Still, the rate of crime is ever-greater in number. It could be argued that punishment has failed. So, it is probably unrealistic to expect punishment to control crime Marsh (2002).

In 1970, after the Nigerian – Biafran war, there was an ever-increase rates of crime. This prompted the government to introduce capital punishment. The capital punishment was seen as the ultimate form of deterrence. Nevertheless, those who advocated for the reintroduction of capital punishment for murder have argued that the death penalty have a deterrent effect, and lead to a reduction in serious crime.

### **Self – Assessment Exercise**

What is the legal aim of punishment?

#### **(ii) Correctional models**

After disposition in juvenile court, delinquent offenders are placed in some forms of correctional treatment. The correctional treatment is based on the traditional and modern correctional models such as the probation and parole, the reintegrative shaming and restorative justice.

The probation and parole is the traditional community – based correctional model. Probation comes from the latin word probare, which means “to test” or “to

prove". Technically, probation, which may be granted only by the court, is a form of sentencing. It is regarded as a disposition in lieu of sentencing. In some cases the court sentences a defendant to a term of incarceration but suspends the sentence to a particular period of time, in which the offender will be placed on probation. If the term of the probation is not violated, the offender will be set free, but if the probation is violated, the offender may be incarcerated. Parole refers to the release of offenders from correctional facilities after they have served part of their sentences.

Reintegrative shaming according to John Braithwaite is the process of preparing both the community and offender for the offender's return as an acceptance and productive citizen. The disapproval is limited to the offender's criminal behavior and not the offender himself. In this criminal justice, the law violator is made to realize that his actions caused harm and that the offender is still a valuable person to be reaccepted to the society. A critical element of the reintegrative shaming occurs when the offender begins to understand and recognize his wrongdoing and shames himself. To be reintegrative, shaming must be brief and controlled and then followed by ceremonies of forgiveness, apology and repentance Siegel & Senna(2005). Reintegrative shaming eschews vengeance, stigma, and labeling.

The restorative justice may be the model that best serves alternative sanctions to crime. Restorative justice is a policy based on restoring the damage caused by crime and create a system of justice that includes all the parties harmed by the criminal act, i.e. the victim, offender, community and society. Restorative justice is one of the reintegrative shaming's source which turns the justice system into a healing process rather than being a distributor of retribution and revenge Reid (2006).

### **Self – Assessment Exercise**

What is 'reintegrative shaming'?

### (iii) Rehabilitation Model

Rehabilitation is the major aim of community – based corrections. Rehabilitation is based on the fact that people are never beyond reform. The terms rehabilitation and reforms are interchangeably used. Reform refers to individuals being persuaded and given the opportunity to change themselves, while rehabilitation involves a more planned and regulated treatment. The focus is on how punishment can be used to correct the offender's behavior. Religious influence has always been the emphasis of the correctional model of the offender. Victorian reformers believed that prison should be a place where the offender might become a reformed person. They advocated for a long period of solitary confinement for an offender to regain his souls and consciences. The contradiction between reform – based and retribution – based punishment is a basic problem that faces any system of punishment Marsh (2002).

In Nigeria, the state has an obligation to ensure that child victims of armed conflict, torture, neglect, maltreatment or exploitation receive appropriate treatment for their recovery and social integration. It should be mentioned that children's rehabilitation services in Nigeria are grossly inadequate in type, quantity and quality. According to Onibokun,(2000) it seems that adequate machinery is not in place for child victims to be socially reintegrated into the society.

When a juvenile court sentences a juvenile, the child will be admitted to a remand home, an approved school or a prison. Many of the states in the federation do not have any of these rehabilitative institutions. In the rehabilitation homes, children may be subjected to official abuse in form of punishment, loss of privileges, reduction in quality or quantity of food and corporal punishment. These are punitive and not protective measures.

The remand homes are not allowed to provide literacy or vocational education. Social welfare probation services are not always provided from arrest to conviction and the eventual committal of offending children. There is only one Borstal institution in Kaduna with an annex in Lagos. It was established by the federal government for the detention of convicted offenders aged 18 – 21 years.

The Borstal is supposed to provide training and reform for young offenders and prevent them from committing further crimes Onibokun, Vol. 4.

### **Self – Assessment Exercise**

What is the aim of Rehabilitative model?

## **4.0 CONCLUSION**

From this unit, students of criminology and security studies would be able to understand that legal punishment is the ultimate goal of social control in criminal justice. The community – based corrections and the concepts of the reintegration of offenders into the community are the practices of handling the offences.

## **5.0 SUMMARY**

In this unit, we have been able to discuss the punishment, correction and rehabilitation as the principle models of criminal justice.

## **6.0 TUTOR-MARKED ASSIGNMENT**

What are the correctional models in criminal justice.

## **7.0 REFERENCES/FURTHER READING**

Marsh, L. (2002). Sociology: Making Sense of Society, 3<sup>rd</sup> ed. Hoston: Pearson/Prentice Hall.

Onibokun, M. O.(2000). Vol. 4 Child Protection Measures. Review of Policies and laws Protecting Children from Abuse in Nigeria, University of Ibadan. In Child Protection in Nigeria: Summary of Research Findings on Protection and Violation of Children’s Rights. UNICEF/National Child Rights Implementation Committee.

Reid, S.(2006). Crime and Criminology, 11<sup>th</sup> ed. Boston: McGraw Hill.

Siegel, L. & J. J. Senna (2005). Introduction to Criminal Justice. Australia: Thomson/Wadsworth.