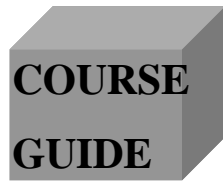# NATIONAL OPEN UNIVERSITY OF NIGERIA

SCHOOL OF ART AND SOCIAL SCIENCE

COURSE CODE : CSS 775

COURSE TITLE : CONTEMPORARY ISSUES IN CRIMINOLOGY AND SECURITY STUDIES

COURSE

GUIDE

CSS 775
CONTEMPORARY ISSUES IN CRIMINOLOGY AND SECURITY STUDIES

Course Team   Dr. K. U. Omoyibo (Developer/Writer) - UNIBEN
       Dr. M. A. Atere (Editor) - OSU
       Dr. T. Adeniyi Adegoke Coordinator) - NOUN
       Prof. Abdul R. Yesufu (Programme Leader) - NOUN

NATIONAL OPEN UNIVERSITY OF NIGERIA

CONTENTS   **PAGE**

Introduction

CSS 757: Contemporary issues in Criminology and Security Studies is a one -Semester 3 Credit Unit course. The course is available toward the award of Postgraduate Diploma course in Criminology and Security Studies. The course material can also be useful for students of Sociology, Law, and other social sciences disciplines. Besides these, others who wish to broaden their knowledge of crime, deviance and delinquency, especially in understanding technicalities of crime and security in contemporary Nigerian society.

This Course is made up of 21 units. It will begin with general introduction to Criminology and dwell on the history, theories and critical questions/issues of criminal science and issues of security studies.

The course guide tells you briefly what the course is about, what you are expected to know in each unit, what course materials you will be using and how you can work your way through the materials. It also emphasizes the need for Tutor-Marked Assignments (TMAs). Detailed information on TMAs is found in a separate file, which will be sent to you later. There are periodic tutorial classes that are linked to this course.

What you will Learn in this Course:

The course will examine the nature, scope and theories of criminology as a district field of crime and criminals in human societies. It will also identify contemporary crimes and security agencies/organizations, the management of contemporary crimes such as kidnapping, militancy, religious/ethnic crises, community crimes, cyber theft, terrorism, scientific robbery, corporate prostitution etc. which are common issues in recent times in Nigeria. security agencies like the Police, vigilante groups, the courts and other criminal justice outfits (prisons) would be examined in an attempt to understand their efficacy in the process of decriminalizing society.

Course Aims:

The course is aimed at equipping students with a sound and holistic knowledge in both the theories and practice of criminology and security study, as well as helping the student to appreciate the applications of criminology and security study in different socio-cultural context.

Course Objectives:

The course will help students to achieve the following objectives:

> To provide students with a broad and well balanced theories and methods of this course.
> To instill in students an appreciation of the importance of Criminology and Security Studies in Contemporary World Affairs.
> To cultivate in students the ability to apply their knowledge and skills of the course to the understanding and solution of societal problems in Nigeria and elsewhere.
> To develop in students a range of useful competencies in employment whether public, private or self employment.

Working Through This Course:

To complete this course, you are required to read the study units, read the recommended books and the other materials provided by the national Open University (NOUN). Each unit contains self-assessment exercise, and at points during the course you are required to submit assignments for assessment purposes. At the end of this course, there is a final examination. Below, you will find listed all the components of the course and what you have to do.

Course Materials:

Major Component of the course are:

(1)   Course Guide
(2)   Study Units
(3)   Textbooks
(4)   Assignment files
(5)   Presentation Schedule

You must obtain these materials. You may contact your tutor if you have problems on obtaining the text materials.

Study Units

There are twenty-one study Units. They are listed as follows:

Module 1:   General Introduction:

Unit 1   The Field of Criminology
Unit 2   Research Methods in Criminology
Unit 3   Crime and Criminality
Unit 4   Types and Characteristics of Crime

Module 2   Criminological Theories:

Unit 1   Deviance and Crime
Unit 2   Criminological Theories

Module 3   Crime Control/Criminal Justice Systems

Unit 1   Punishment as Social Control
Unit 2   Criminal Justice System in Nigeria
Unit 3   Crime Control Mechanisms
Unit 4   Law Enforcement: the Police
Unit 5   Court Systems in Nigeria.

Module 4   Corrections

Unit 1   Social Reactions to Crime: Correctional Institution (Prison)
Unit 2   Community Corrections
Unit 3   Juvenile Institutions and Juvenile Corrections
Unit 4   Informal Agencies of Crime Control.

Module 5   Issues in Crime:
Unit 1   Media and Crime
Unit 2   Organisational Criminality
Unit 3   Gender and Crime
Unit 4   Socio-cultural Environment of Crime
Unit 5   Professional Ethics, Law Enforcement and Security
             Management
Unit 6   Human rights and Social Justice in Nigeria.

Each unit contains a number of self tests.   In general, these self-tests question you on the material you have just covered or require you to apply the material in some ways, and thereby help you to gauge your progress and to reinforce your understanding of the material. Together with your tutor-Marked Assignments, these exercises will assist you in achieving the stated learning objectives of the individual units and of the course.

Set Textbooks

Clark, D.I.C. (2008). Criminology. Warri: Toye Clark Publishing
       Company.

Clark, D.I.C. (2009). *Sociology of Deviant and Criminal Behaviours*.
        Benin City: Temisanren Publishers.

Covington, J. and Ralph B. Tylor (1991). "Fear of Crime in Urban
        Residential Neighbourhood and its Implications". *The
        Sociological Quarterly* 32, 231-249.

Crowe, T. D. (1991). *Crime Prevention Through Environmental
        Design: Applications of Architectural Designs and Space
        Management   Concepts.* London: Heinemann/Butterworth.

Igbinovia, et al (2003). *Crime and Delinquency in Nigeria: Theories,
        Patterns and Trends.* Benin City: Kryme Monitor Books.

Igbinovia, et al (2003). Deviance: *Nature, Theories, Typologies and
        Trends.* Benin City: Kryme Monitor Books.

Igbinovia, et al (2005). *Sociology and the Study of Social Problems.*
        Benin City: Kryme Monitor Books.

Johnson, E. H. (1968). *Crime, Correction and Society.* Honewood, Ill:
        The Dorsey Press,

Levine, et al (1991). *"Study Guide to Accompany Sociology: An
        Introduction.* New York: McGraw Hill.

Marshall, G. (1998). *Oxford Dictionary of Sociology.* New York: Oxford
        University Press.

Obarisiagbon, I. (1999). *Criminology: A Socio-Legal Approach.*
        Akure.Sylva Publications.

Pollak, O. (1950). *The Criminality of Women.* Philadelphia: University of
        Philadelphia Press, USA.

Reid, S. T. (1997). *Crime and Criminology.* Eight Edition. New York:
        McGraw-Hill.

Siegel, J. L. (1995). Criminology*: Theories, Patterns, and Typologies.*
        New York: West Publishing Company.

Sellin, T. (1970). "A Sociological Approach" in *The Sociology of Crime
        and Delinquency*. 2nd Edition. Edited Marvin E. Wolfgang, et al.
        New York: John Wiley.

Smart, C. (1976). *Women Crime and Criminology.*   London: Routledge
        and Kegan Paul.

Sykes, et al (1992). *Criminology.* 2nd Edition. New York: McGraw-Hill.

Trojanowicz, R. and Bonnie, B. (1990).   *Community Policing: A Contemporary Perspective*.   Cincinnati: Anderson Publishing Company.

The 1999 Constitution of the Federal Republic of Nigeria (original).

Thomas, W. C. and Hepburn, J. R. (1983). *Crime, Criminal Law and Criminology.* Iowa: WMC Brown Publishers.

Assignment File

In this file you will find all the details of the work you must submit to your tutor for marking. The marks you obtain from these assignments will count toward the final mark you obtain for this course. Further information on assignment will be found in the assignment file itself and later in this Course Guide in the section on assignment.

Presentation Schedule

The "Presentation Schedule" included in your course materials gives you the important dates for the completion of your tutor marked assignments and attending tutorials. Remember, you are required to submit all your assignment as and when due.

Assessment

There are two aspects to the assessment of this course. First, are the tutor marked assignments; Second, there is a written examination. While working on your assignments, you are expected to apply information and knowledge acquired during this course. The assignments must be submitted to your tutor for formal assessment in accordance with the deadlines stated in the assignment file. The work you submit to your tutor for assessment will count for 30% of your total course mark. At the end of the course, you will need to sit for a final three-hour examination. This will also count for 70% of your total course mark.

Tutor Marked Assignments (TMAs);

There are forty-two tutor assignments in this course. You need to submit all the assignments. The best three (this is, the three with the highest grades of Forty-two assignments) will be counted. The total mark of the best three will be 30% of your total Course Mark.

Assignments for the units in this course are contained in the assignment file. You should be able to complete your assignments from the information and materials contained in your set textbooks, reading and study units.

However, you are advised to use other references to broaden your view point and provide a deeper understanding of the subject.

Final Examination and Grading

The examination will consist of questions you will come across in tutor marked assignments. You are therefore advised to revise the entire course after studying the last unit before you sit for the examination.

Course Marking Scheme

The table below gives a breakdown of the Course Mark:

Assessment	Marks
Assignment 1-42	Three assignments, best three marks of t assignments
Final Examination	The Final Examination Counts for 70% overall marks.
Total	100% of Course Marks

Table 1: Course Marking Scheme.

Course Overview

This table brings together the units, the number of works you should take to complete.

Units	Title of Work	Work's Activity	Assessment (en of Unit)
	Course Guide		
Module 1 General Introduction			
1	The Field of Criminology	1	Assignment 1
2	Research Method in Criminology	2	Assignment 2
3	Crime and Criminality	3	Assignment 3
4	Types and Characteristics Of Crime	4	Assignment 4
Module 2 Criminological Theories			
1	Deviance and Crime	5	Assignment 5
2	Criminological Theories	6	Assignment 6
Module 3 Crime Control/Criminal Justice Systems			
1	Punishment as Social Control	7	Assignment 7
2	Criminal Justice System in Nigeria	8	Assignment 8
3	Guide Control Mechanisms	9	Assignment 9
4	Law Enforcement: the Police	10	Assignment 10
5	Court Systems in Nigeria	11	Assignment 11

Module 4 Corrections			
1	Social reactions to Crime: Correction as Institution (Prison)	12	Assignment 12
2	Community Corrections	13	Assignment 13
3	Juvenile Institutions and Juvenile corrections	14	Assignment 14
4	Informal Agencies of Crime Control	15	Assignment 15
Module 5 Issues in Crime			
1	Media and Crime	16	Assignment 16
2	Organizational Criminality	17	Assignment 17
3	Gender and Crime	18	Assignment 18
4	Socio-cultural Environment Crime	19	Assignment 19
5	Professional Ethics, Law Enforcement, and Security Management	20	Assignment 20
6	Human Rights and Social Justice in Nigeria	21	Assignment 21
	Review	22	Assignment 22
	Review	23	Assignment 23

Table 2: Course Overview.

How to Get the Best from this Course

In distance learning, the study units replace the University Lecturer. This is one of the greatest advantages of the distance learning system. You can read and work through specially designed study materials at your own pace.

Each of the study units 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 the other units and the course as a whole. Following this is a set of learning objectives. These objectives enable you to know what you should be able to do by the time you have completed the unit. The objective should guide your study. After studying the units, you must cross check whether you have achieved the objectives. If you adhere strictly to this art of checking whether the objective is achieved or not, you will definitely 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 your set textbooks or from a "reading" section. Whenever you need help do not hesitate to call and ask your tutor to provide it.

1.   Read through this Course Guide thoroughly.

2.   Plan your study schedule. You should refer to the "course overview" for more details. Find out the time you are expected to spend on each unit and when and how to turn in your assignments.

3.   Stick to your study schedule. Don't allow anything to get you distracted.

4.   Turn to Unit 1 and read the introduction and objectives for the unit.

5.   Gather the study materials you need. All you need or a unit is given in the "overview" at the beginning of each unit. The study unit you are working on and one of your set books should be on your desk at the same time.

6.   Work through the unit. The content of the unit has been arranged in a sequential order. Instructions would be given on where to read from your set textbooks or other articles. Use the unit to guide your reading.

7.   Review the objectives of each study unit to confirm you have achieved them.

8.   Don't proceeds to the next unit, until you are sure you have achieved the objective of the unit you are working on.

9.   Don't await until your assignment is returned before working on the next unit. Keep to your schedule.

10.   When you complete the last unit, you can be preparing for exams. Be sure that you have achieved the unit objectives (listed at the beginning of each unit) and the course objective (listed in the Course Guide).

Summary

CSS 657 will lead you to a general introduction into the Field of Criminology and Module 1; while Module 2 will focus extensively on Criminological theories, and Modules 3, 4 and 5 will dwell on Crime Control/Criminal Justice System (CJS0, Corrections and Issues in Crime respectively, that deals on the issue of security studies.

On successful completion of this course, you be able to answer questions such as:

1.   What is Criminology; Crime; Deviance and Criminality?

2.   What are corrections in Criminology and Security Studies?
3.   What constitutes the Criminal Justice System (CJS0 in Nigeria.
4.   What are the Contemporary issues in Criminology and Security Studies e.g. Media and Crime, organized Crimes, Gender Component in crimes, Ethics of Professionals in Crime Management, Human Rights and Social Justice etc.

The questions you will be able to answer should not be limited to the ones above.   Contemporary Issues in Criminology and Security Studies as a course you will find interesting and stimulating – and I implore you to each week try and go through all your assignments and also engage in some practical exercises to ensure that you master this course.

Course Code   CSS 657

Course Title   Contemporary Issues in Criminology and Security Studies

Course Team   Dr. K. U. Omoyibo (Developer/Writer) - UNIBEN
Dr. M. A. Atere (Editor) - OSU
Dr. T. Adeniyi Adegoke Coordinator) - NOUN
Prof. Abdul R. Yesufu (Programme Leader) - NOUN

NATIONAL OPEN UNIVERSITY OF NIGERIA

CONTENTS   PAGE

MODULE 1   GENERAL INTRODUCTION

Unit 1   The Field of Criminology
Unit 2   Research Methods in Criminology
Unit 3   Crime and Criminality
Unit 4   Types and Characteristics of Crime

UNIT 1   THE FIELD OF CRIMINOLOGY

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
      3.1   Definition and Scope of Criminology
           3.1.1   What is Criminology?
           3.1.2   Goals of Criminology
           3.1.3   Scope of Criminology
           3.1.4   Key topics in Criminology
      3.2   A Brief History of Criminology
      3.3   What Criminologists Do?
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/Further Reading

1.0   INTRODUCTION

Criminology is the science of crime, criminal behaviour and law enforcement. It also understands how society responds to crimes and how crime can be prevented. Also, criminology examines the psychological, hereditary and environmental explanations/causes of crime. The importance of criminal investigation and conviction is very fundamental to the understanding of criminology. Thus, the analyses of the effectiveness of punishment or correction methods as compared with forms of treatment or rehabilitation of criminals is very significant in the study of criminology.

2.0   OBJECTIVES

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

      Define criminology from different perspectives
      Identify the key areas in the scope of criminology.
      Know what a criminologists can do.

3.0   MAIN CONTENT

3.1   Definition and Scope of Criminology

The discussion of both the definition and scope will provide the study with a comprehensive understanding of the subject. Thus this section presents some of the definitions and scope of criminology.

3.1.1 What is Criminology?

The term criminology is difficult to define because there are several ways of looking at it, depending on the background of the person defining it. However, a good general definition comes from the American Society of Criminology's description of the organization: "… knowledge concerning the etiology, prevention, control and treatment of crime and delinquency. This includes the measurement and detection of crime, legislation and practice of criminal law, as well as the law enforcement, judicial and correctional systems".

SYKES et al (1992) define criminology literally as the study of crime, its perpetrators and its causes and relatedly, an interest in its prevention, and in the deterrence, treatment and punishment of offenders.

Thus criminology is the study of various ways of systematically thinking about the description, production, explanation and control of crime.

SELF ASSESSMENT EXERCISE 1

Give a general definition of criminology?

3.1.2 Goals of Criminology

In general, the goal of criminology is to enable us better to predict, to explain, and in some circumstances, to modify the values and behaviour of those who make, apply, or break criminal laws (Thomas and Hepburn, 1983:5). In specific terms, therefore, the field of criminology has three major goals: (a) measuring, (b) understanding, and (c) controlling crime. Measurement involves knowing how much crime actually exists and what effective steps can be taken to control it. Understanding crimes means discovering why people choose to violate laws. Controlling crime is the process by which society develops policies that may eventually result in the reduction of criminal behaviour and the reform of criminals (Siegel, 1983:6-9). Criminological knowledge, some would contend, is sterile unless it is put to work in our efforts to control crime. Sutherland and Cressey (1974) for example, suggested that criminology: "…is concerned with the immediate application of knowledge to programs of social order

and crime control… If practical programs wait until theoretical knowledge is complete, they will wait for eternity, for theoretical knowledge is increased most significantly by practical programs" (Sutherland and Cressey, 1974:3).

Although, conceptual distinctions exist between criminal justice and criminology, there are also important interdependencies. Definitions of criminology, agree that the focus is largely on the scientific explanation of crime and criminals. Criminal justice is more concerned with societal, and particularly, official reactions to crime and criminals. Criminology consequently tends to be more theoretical and to include explanations that do not have immediate, or at least not readily adaptable, policy implications for criminal justice operations. Criminal justice is often more descriptive and is more apt to suggest immediate courses of action for criminal justice practitioners. But the distinction is a matter of emphases, not mutual exclusivity, and many students of crime use these disciplinary labels interchangeably. Academic labels aside, a thorough familiarity with the ideals and practice of criminal justice is essential to the understanding and explanation of crime. Conversely, official reactions to crime and offenders be improved upon without sound theoretical premises (Brown, Eshensen and Geis, 1991:84-85). The words of Siegel are perhaps instructive here: "Since both fields are crime related, some overlap exist between them. Criminologists must be aware of how the agencies of justice operate and how they influence crime and criminals. Similarly, criminal justice experts cannot begin to design programs of crime prevention or rehabilitation without understanding something of the nature of crime. Hence, it is common for criminal justice programs to feature courses on criminology and for criminology courses to evaluate the agencies of justice" (Siegel, 1983:5).

A final word: Some people view the discipline of criminal justice as totally separate from the study of criminology. Others view the former as an integral aspect of the latter. Whether the two areas are seen as one discipline or two mutually exclusive disciplines, none can rebut the fact that the two are closely intertwined (Pelfrey, 1983:52). Knowledge of the criminal justice contributes to a sound understanding of criminology because that process determines who is and who is not criminalized. Crime, in fact, cannot be understood independent of the criminal justice system that is intended to identify and control it. Thus, it seems possible for the two fields not only to coexist but also to help each other grow and develop.

3.1.3 Scope of Criminology

The scope of criminology covers seven (7) broad areas namely: The sociology of law, criminological theory, penology, victimology, juvenile delinquency, criminal statistics and criminal behaviour systems.

> Sociology of Law is to facilitate our understanding of how laws come into being, how they are modified and most importantly, how they are applied.
>
> Criminological theory is focused on those who violate the law rather than those who make and enforce it. The dominant issues have to do with why some people become involved in criminal behaviour.
>
> Penology is the study of the management and punishment of criminals. This broad area of criminology redefined prisons as correctional rather than retributive establishments.
>
> Victimology is the field of criminology which examines the victims of crime, including such aspects as patterns of offence, place of incident, characteristics of and relationship between victim and offender and the like. In sum, it focuses on the victims of crime and other role in criminal activity.
>
> Juvenile Delinquency concentrates on the participation of youth in criminal behaviour (Siegel, 1989:4).
>
> Criminal statistics is held to reflect accurately the incidence of crime in society. It was produced in France in 1827. It is based on notifiable (triable by jury) recorded offences and can be drawn from aggregate data recorded by official agencies such as the police and courts; and often interpreted with caution.
>
> Criminal Behaviour systems is concerned with carrying out research on specific criminal types and patterns. These include research on violent crime, theft crime, public order crime etc.

3.1.4 Key Topics in Criminology

Criminology is the academic discipline, which employs a scientific methodology to describe and explain FIVE key topics: criminal acts, criminal offenders, the victims of crime, the social contexts within which crime occurs, and the criminal justice system. It also requires us to look at crime from a societal perspective – understanding the complexities of our society as they relate to types and patterns of crime and to the responses to crime.

The study of CRIMINAL ACTS asks how and why particular acts come to be defined as crimes, demands that we appreciate the political nature of crime, and takes us into the SOCIOLOGY OF LAW.

The study of CRIMINAL OFFENDERS raises the question whether there are certain physical, psychological, or social characteristics that are unique

to offenders. Scholars in various academic disciplines, especially biology, psychology, and sociology, have raised this question.

As we have seen above, the study of VICTIMS OF CRIME asks how and why certain people become victimized by crime (VICTIMOLOGY).

The study of SOCIAL CONTEXTS OF CRIME raises questions concerning the relationship between crime rates and various factors – social, economic, geographic, and others. It draws on the work of scholars in these areas.

The fifth topic, the CRIMINAL JUSTICE SYSTEM, is one to which criminologists have devoted increased attention over the last 3 decades. It raises questions concerning the manner in which the police, criminal courts, and correctional agencies, operate. Special texts will elaborate on these topics (Bonn, 1984:13).

The bounds of criminological inquiry are stated below. Criminology is a diverse field that requires some familiarity with this range of issues.

Figure 1: **Parameters of Major Issues in the Study of Criminology**

Issues	Description of Parameters
Crimes Definition	Crime is defined along a continuum ranging from Most narrowly to most broadly conceived notion of the problem.
Paradigmatic Orientation	Theories attempting to explain crime are derived from broader theoretical perspectives termed free will, positivism, interactionism, and critical criminology, each grounded in basic assumptions. Integration of theories sometimes confronts the problem of contradictory assumptions.
Practical Application	Included in the range of views regarding the utility of criminology are commitments to managing the officially defined crime problem, actively seeking impact on crime derived from an alternative definition, and pursuing knowledge for its own sake or to learn broader social lessons.
Ideology	The values underlying criminological approaches reflect the full range of political (left to right and extremism), religions and other social values that often supply a hidden agenda.
Methods and Theories	Generally opposing one another are scientific and humanistic approaches to explaining crime, with

	further differentiation within those camps.
Gender	Criminologists in widely varying degrees consider gender and feminist issues.

Source: S.E. Brown, Fran-Aage, Esbensen and Gilbert Geis. (1991).

Although criminal justice and criminology may seem similar, there are actually major differences between them, just what are the differences between the two fields?

Criminology, to Conrad (1979), is the application of the specific method to "the explanation of the phenomena generated by the interactions of the processes in law-making, law-breaking, and the reactions of society to these processes". Criminal justice, on the other hand, he sees as the application of criminological research findings. "These professions", **Conrad** contends, "really are comparable to medicine or engineering; they stand in relation to criminology as medicine does to biology or engineering to the physical sciences" (Conrad, 1979:11).

For C hang (1979), criminal justice is concerned with causal implications of deviant behaviour within a society's political structure. In dealing with the causal aspects of deviant behaviour, he contends, we primarily look toward theoretical explanations. These explanations, he concludes are usually found in the field of criminology (Chang. 1979:4).

According to Myron (1979), criminal justice is an extension of criminology; it is more comprehensive, and in fact, criminal justice, he argues, is "all of the related studies that criminology has left out. He went on to coin the word "Justician" for the criminal justice practitioner and "justiciologist" for the criminology academic to point out these distinctions. (Myron, 1979:27).

Zalman (1981**),** acknowledges some overlap between criminology and criminal justice, but, "there is enough real difference between them for criminal justice and criminology, to be considered distinct academic areas", and therefore open to a "heuristic typology". Criminology, according to Zalman is concerned with criminal behaviour; an interest in criminal justice agencies is tangential to the nature of criminal behaviour. He went on to suggest that criminology explains the etiology (origin), extent, and nature of crime in society, whereas criminal justice refers to the agencies of social control that deal with crime and delinquency. **Zalman** further suggests that while criminologists are mainly concerned with crime and its consequences, criminal justice scholars' are engaged in describing, analyzing, and explaining the behaviour of the agencies of justice - police departments, courts, and correctional facilities (Zalman, 1981:9-11). This same theme was also pursued by Senna and Siegel (1984-89).

Pelfrey (1983), believes criminology, as a discipline is concerned with the development of a body of knowledge regarding the making of laws, and society's reaction to the breaking of laws. Quoting Newman (1978:5), he opines that "criminal justice is mostly concerned with the decision process in the crime control agencies of police, prosecutors' offices, trial courts, and correctional facilities and in programs like probation and parole. The criminal justice system, then, is the system responsible for reacting, in the name of society, to the breaking of laws. Criminal justice is both a discipline and a system".

For some other scholars, criminology is simply "**Pure Criminology**" while criminal justice is "**Applied Criminology**". In Pure Criminology the criminologist attempts to gain scientific knowledge of criminal life. Pure Criminology is an attempt to answer the question of "What", "Why", and "How". In a sense, then, it relates to the past and present.

3.2   A Brief History of Criminology

The discipline of criminology has evolved in three phases, beginning in the 18th century. Although crime and criminals have been around us for as long as societies have existed, the systematic study of these phenomena did not begin until the late 1700s. Prior to that time, most explanations of crime equated it with sin – the violation of a sacred obligation. When scholars first distinguished crime from sin, they made possible explanations of criminal behaviour that were not theological (religious). This, in turn, allowed for the dispassionate, scientific study of why crime occurs. The development of this study is now known as the era of classical criminology.

The second phase, which began in the 19th century, is referred to as modern criminology. During this era, criminology distinguished itself as a sub-specialty within the emerging disciplines of Psychology Sociology and Economics. Scholars formed criminological societies, and founded criminology journals. Criminologists conducted empirical tests (observations and experiments) of their theories, rather than rely solely on speculation, and consequently, developed a wide range of theories.

The third phase which began in the second half of the 20th century is best referred to as independent criminology. During this period, criminology started to assert its autonomy from the traditional disciplines that spawned it. For instance, in Western Europe, the United States and Canada, criminologists expanded their professional associations and published an increasing number of journals. Also, a number of universities developed graduate programmes in criminology and criminological theories have become more multi-disciplinary (spanning various fields of study) because independent criminologists seek to understand crime itself rather than study crime as one aspect of an overall sociological or psychological theory.

3.3   What Criminologists Do?

Criminologists can be effectively engaged in doing the following to:

> Study normal social behaviour and how certain factors influence deviation from norms.
> Analyse crime and criminal behaviour and attempt to explain it.
> Focus on the study of crime and criminals to increase the chance of a criminal being apprehended.
> Predict patterns and motives for criminal behaivours.

4.0   CONCLUSION

Overall, criminologists have an understanding of many disciplines (sociology, psychology, biology and education), especially those dealing with human behaviour to enable them effectively interpret, analyse and create profiles and present statistical information in an organized and easy to interpret format, for analyzing criminal behaviour.

5.0   SUMMARY

This unit has explained to you quite clearly and persuasively that criminology is the study of crimes and criminals. Notable among what you learnt in this unit include:

> Definition and Scope of Criminology.
> A brief history of Criminology
> Identification of the key areas of the discipline.
> What criminologists can do.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Identify and discuss the scope of criminology.
2.   What are the possible things a criminologist can engage in?

7.0   RFEFERENCES/FURTHER READING

Bonn, R. L. (1984). *Criminology*. New York: McGraw Hill.

Brown, S. E., Eshensen, F.A. and Geis, G. (1991). *Criminology: Explaining   Crime and its Context*. Cincinnati: Anderson Publishing Co.

Chang, D. H. (1979). *Introduction to Criminal Justice.* Iowa: Kendall\Hunt Publishing Co.

Conrad, J. P. (1979). *Two Views of Criminology and Criminal Justice: Definitions, Trends and the Future.* Chicago, Illinois: Publications of the Joint Commission on Criminology and Criminal Justice Education and Standards.

Igbinovia, *et al* (2003). *Crime and Delinquency in Nigeria: Theories, Patterns and Trends*. Benin City: Kryme Monitor Books.

Pelfrey, W.V. (1983). *The Evolution of Crimonology.* Ohio: Anderson Publishing Co.

Siegel, J. L. (1995). *Criminology: Theories, Patterns, and Typologies.* New York: West Publishing Company.

Sykes, *et al* (1992). "Criminology" 2nd Edition, McGraw Hills.

Thomas, C.W. and Hepburn, J.R. (1983). *Crime, Criminal Law and Criminology.* Iowa: WMC. Brown Publishers.

UNIT 2   RESEARCH METHODS IN CRIMINOLOGY

CONTENTS

1.0   INTRODUCTION

Certainty is a natural craving which the criminologist is not immune from.   Thus, like other social scientists, he/she is attracted to the methods of investigation which the physical scientists is able to employ with all the possibilities of measurement, objectivity in observation, and the staging of really crucial experiments (Obarisiagbon, 1999:17).

2.0   OBJECTIVES

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

   Understand the term research methods in clear and simple term. Develop some knowledge on how data are collected about the nature and extent of criminal behaviour.
   Have insight into how criminologists approach problems and questions in the field.

3.0   MAIN CONTENT

3.1   Definition of Research Method

Definition of research methods for criminology and criminal justice is a primer that provides students of criminology and criminal justice with a clear and simple approach to understanding social science research. It also engages the student and makes the complex study of research method easy for the would-be criminal justice practitioner.

Research is the systematic collection, analysis and interpretation of data to answer a certain question or solve a problem. The following are the characteristics of research:

> It demands a clear statement of the problem.
> It requires clear objectives and a plan (it is not aimlessly looking for something in the hope that you will come across a solution).
> It builds on existing data, using both positive and negative findings.
> New data should be systematically collected and analysed to answer the original research objectives.

In criminology, a wide variety of research techniques are employed to measure the nature and extent of criminal behaviour and to understand and evaluate theories and patterns of criminal behaviour. It is the methods we refer to as research methods in criminology or criminological research methods.

SELF ASSESSMENT EXERCISE 1

State the characteristics of research

3.2   Criminological Research Methods

These are Survey Research, Longitudinal research, aggregate data research, observational/case study methods, Criminal life stories; Experimental method, statistical method and Ecological/Cartographical methods. These are discussed in the under listed sub-units.

3.2.1 Survey Research

Survey research involves the use of standardized questionnaires, interviews, or both to gather data on large populations. Surveys include interviewing or questioning a group of subjects about research topics under consideration. Most surveys involve sampling. This means that the researcher selects for his study, a limited number of

subjects who are representative of the entire groups sharing similar characteristics, called population. A population is the entire group of individuals that a research wishes to study. By entire groups we literally mean every single individual. As you can imagine, a population can be quite large such as the entire Nigerian population. A researcher might be more specific however, limiting the population for study to men who are registered voters in Nigeria. Thus, we see that populations can vary in size from extremely large to very small, depending on how the researcher defines the population. A sample is a subset of a population. It is a part of the population that is selected for study. A sample is always identified in terms of the population from which it was selected. Thus, we see that a sample is a set of individuals selected from a population, usually intended to represent the population in a study. For example, a criminologist might interview a sample of 2000 prison inmates drawn from the population of 40,000 inmates in Nigeria, in this case, the sample represents the entire population of Nigerian inmates. Or a sample of secret cult members could be taken from the faculty of Social Sciences, University of Benin. Here, the sample would represent the population of University of Benin secret cult members. It is assumed that the characteristics of people or events in a carefully selected sample will be quite similar to those of the population at large.

Survey research can be designed to measure the attitudes; beliefs, values personality traits, and behaviour of participants. For example, self-report surveys ask participants to describe in detail their recent and lifetime criminal activity; victimization surveys seek information from people who have been victims of crime; attitude surveys measure the attitudes beliefs, and values of different groups such as students drug addicts, taxi drivers, police officers etc.

3.2.1.1 The Strengths and Weaknesses of Surveys

The main advantage of surveys lies in numbers. Within a relatively short span of time, a researcher can ask thousands of people hundreds of questions. Also, the impersonality of an anonymous mail survey may encourage people to give information about sensitive topics they might not tell a field worker whom they met personally. Also, the questions and quite often, the responses in surveys are usually standardized. Everyone is asked the same questions and on some surveys, given the same choice of responses. As a result, findings can easily be quantified, or translated into numbers. This in turn, permit rapid and easy comparisons between groups and quick assessment of change over time. Finally, surveys are especially useful in making generalizations.

The major weakness of surveys is standardization. Surveys often seem to reduce attitudes, beliefs and experiences to the lowest common denominator. Because the questions have to be simple, the results may seem superficial. Moreover, survey responses are influenced greatly by the phrasing of the questions and even the order in which they are asked. The answers do not reveal much about the social context – the "feel" – of the situation being studied. Also, from surveys, researchers can easily overestimate the picture they get from survey data or treat responses as "hard facts" rather than as indicators. Surveys also, are only an indirect measure of behaviour. The researcher learns what people say they do, not what they actually do.

3.2.2 Longitudinal Research

This type of research involves the observation of the behaviour of a group of people who share similar characteristics over time, also called a cohort. For example, researchers might be interested in knowing which life experiences of a group of delinquent boys led them to criminal behaviour. They might select all boys born in Benin City, Edo State, in 1980 and then follow their behaviour patterns for 20 years. The research data might include their school experiences, arrests, hospitalizations, and information about their family life (parental relations including divorce, separation and violence). The subjects might be given intelligence and physical examinations, and their diets could be monitored. Data could be collected directly from the subjects or without their knowledge from schools hospitals, police, and other sources. A carefully conducted research in this way could reveal which life experiences, such as growing up in a broken home or truancy at school, typically preceded the onset of crime and delinquency.

Often times, it is extremely difficult, expensive, and time consuming to follow a cohort over time. Since most part of the sample do not become serious criminals, a different approach may be used. This involves taking an intact group of known offenders and looking back into their early life experiences by checking their education, family, police, and hospital records to understand links to criminality. This approach is called retrospective cohort study.

To effectively carry out cohort studies, criminologists frequently use records of social organizations, such as hospitals, schools, police, and prisons. School records for example, contain data on a student's academic performance, attendance, intelligence, disciplinary problems, and teacher ratings. Hospital records incidents of drug use and suspicious wounds indicative of child abuse. Police files contain reports of criminal activity, arrest data, personal information on suspects, victim reports, and actions taken by police officers.

3.2.3 Aggregate Data Research

The use of large databases gathered by government agencies and research foundations by criminologists makes up the aggregate data research. Criminologists in their research have used all the Nigerian Population Commission data, National Youth Service Corps, data, Prison reports etc.

Aggregate data can be used to focus on the social forces that affect crime. In studying the relationship between poverty and crime, for example, criminologists make use of the data collected by the Federal Office of Statistics, the Federal Ministry of Finance, and the Federal Ministry of Employment and Productivity on income, the number of people that are unemployed, and single parent families in an urban area and then cross reference this information with official crime statistics from that same locality. Aggregate data can tell us about the effect of overall social trends and patterns on the crime rate. In Nigeria however, such methods should be employed with the strictest care because Nigeria is lousy at keeping records. We certainly do not know the size of the unemployed population, the number of single-parent families, or even the real amount of crime in Nigeria. Also, information on a wide range of topics available, is more often than not based on happen chance than on concerned effort to record and keep same. So relying on figures from official sources should be done with some degree of caution.

3.2.4 Observational/Case Study Methods

The first-hand observation of criminals to gain insight into their motives and activities is a common criminological method. This usually involves going into the field and participating in-group activities. For example, a criminologist belonging to a secret cult on campus in order to have a first hand understanding of the internal dynamics of their activities. Other observers conduct field studies by remaining in the background, observing but not being part of the ongoing activity (Igbinovia, et al 2003:90).

The case study method is related to the observational method. This involves the intensive study of individual cases. It may take first-hand observation of the treatment of process.   At times, the period of observation is short, consisting of maybe one or two specially arranged interviews. Of course these are normally supplemented by a study of the offender's history. Here facts about his family life and his social experience are gathered from a variety of sources (school, himself, family, etc.)

3.2.5 Criminal Life Stories

This is very related to the case study method. In this, the criminal tells the story of his own life, describing and trying in the main to account for his own descent into criminal activities (Shaw, 1930). For example, accounts by prisoners of their prison experience fall within the same class. This method could be most revealing to see the problem through the eyes of the offender himself, but only if he is perceptive and frank.

3.2.6 Experimental Methods

This method adopt a process by the criminologist to manipulate some aspect of a situation and observe the effects on subjects' behaviour. The purpose of an experiment of this nature is to test cause-and-effect relationships.   The major advantage of experiments is control. However, on the negative side, criminological experiments are relatively rare because they are difficult and expensive to conduct. They involve the manipulation of subjects' lives, which can cause ethical and legal problems, and also require long follow-up periods to verify results.   Nonetheless, they are important source of criminological data.

3.2.7 Statistical Methods

Those who lay emphasis on the need to evolve a methodology comparable with that of the natural science have developed the statistical method as a solution. Perhaps shying away from the subtlety and intricacy or the causal matrix, they may turn for refuge to a calculation of the degree of association between the general trends shown in the annual criminal statistics and in, say the national figures of unemployment. This has no way of telling us anything about the substance of the causal process. In fact, the best one can decide with the result of such an enquiry is that the two quantities do go together to a significant extent (Obarisiagbon, 1999:20).

3.2.8 Ecological Methods

Some criminologists have applied statistical methods in a rather unique way.   How, you might venture to ask?   These criminologists have plotted the addresses of criminals, the center of gang activities, or the places where crimes have been committed, on a map. Having done this, they have then sought to account for the differences in distribution between different areas (Shaw and McKay, 1942). Apparently, the marked differences between different areas have little or no significance, as they must be expressed as a rate-proportion of the number at risk. For instance, an area with very few children might,

because of that reason alone, have a very low incidence of juvenile crime. This requirement as it were has tended to limit the usefulness of these "ecological" or cartographic method.

SELF ASSESSMENT EXERCISE 2

List the major research methods in criminology.

4.0   CONCLUSION

An understanding of research methods in criminology is very important, because it makes comparison between different criminological research methods adopted to understand crime and criminality among individuals, social groups or categories of people very rational and scientific.

5.0   SUMMARY

This unit took you through the definition of research methods in criminology. You learnt about the characteristics of research, and the unit also exposed you to the different criminological research methods used in explaining and understanding crime and criminality.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Define research methods in criminology and state clearly the characteristics of research.
2.   Identify any three criminological research methods you are familiar with, and explain one in detail.

7.0   REFERENCES/FURTHER READING

Igbinovia, et al (2003). *Crime and Delinquency in Nigeria: Theories, Patterns and Trends.* Benin City: Kryme Monitor Books.

Obarisiagbon, I. (1999). *Criminology: A Socio-Legal Approach.* Akure: Sylva Publishers.

Shaw, C. R. (1930). T*he Jack Roller: A Delinquent Boy's Own Story.* Chicago: University of Chicago Press.

Shaw, C. R. and McKay, H. D. (1942). *Juvenile Delinquency and Urban Areas.* Chicago: University of Chicago Press.

UNIT 3   CRIME AND CRIMINALITY

CONTENTS

1.0   INTRODUCTION

In a broad sense as presented in Unit 1, Criminology refers to the entire body of knowledge regarding crime, criminals, and the efforts of society to repress and prevent them.   It does includes within its scope the activities of legislative bodies, law enforcement agencies, courts, educational and correctional institutions, and private and public social agencies.   Therefore, it is important that, 'in both senses, a good examination of the term "crime" will provide a comprehensive understanding of the subject matter of
Criminology.

2.0   OBJECTIVES

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

Define what crime is.
Distinguish between the legal and social conceptions of crime.
Identify and explain the essential elements of crime.
Understand who a criminal is.

3.0   MAIN CONTENT

3.1   What is Crime?

There is lack of agreement concerning the meaning of crime.   An examination of the historical meaning of crime shows that crime is not "absolute", rather crime is relative – 'this means that what is crime varies with time and space.

Generally, a crime is held to be an offense which goes beyond the personal and into the public sphere, breaking prohibitory rules or laws, to which legitimate punishments or sanctions are attached, and which requires the intervention of public authorities- the state or a local body.(Marshall, 1998:125).   However, because the definition of crime, must be clean, precise, unambiguous and usable, the definition must clarify who is and who is not a criminal. Various approaches have been used to define and study crime.   For our present purpose, however, focus shall be on the strict: "Legal" and "Social" conceptions of crime.

3.1.1 Historical Meaning of Crime

Originally, crime did not involve official action because all acts were considered private matters. Individuals who were wronged took action against the wrongdoer or the wrongdoer's family. Justice was left to the concerned individuals. Punishment at this time was intended to satisfy revenge. No parties acted as referees. This system eventually broke-down when the family structure obtained, societies became more complex, and people become more mobile.

Later, the concept of crime and criminal law developed with the emergence of the state or monarchy, but was confined only to acts committed against the king.   Private revenge remained the only punishment for acts against private citizens.   Eventually, the king representing the state, realized that the peace of the community was at stake and decreed that the act of wrongdoing an individual should be reported to the king.   Anyone who injured one of the king's subjects was considered to have injured the king and the phrase "keeping the peace of the long" developed (Reid, 1994:4).

Consequently, the state by way of the king's authority assumed the administration of justice by defining crimes, codifying laws, establishing fines, and implementing the court system.   Out of this approach emerged a dual system: Criminal law and Civil law.   These will be examined in some detail later in this material.

We have seen that crime is relative to time. Crime is also relative to place. What is against the law in one state may be perfectly legal in another state. Drinking alcohol for example, is legal in Edo State, but not so in Zamfara State. Also, certain forms of sexual behaviour are defined as crimes in some places but simply as private wrongs in other places. Some states in Nigeria. (Sharia States) label premarital sex and adultery as crimes whereas, other states view such conduct as simply a matter of personal discretion.

3.1.2 Legal Conception of Crime

It is legally conceived that, Crime is an act defined by law. Behaviour may be dealt with as criminal only when it violates a criminal law. Thus without a law, there can be no officially recognized crime. This does not suggest that only acts prohibited by law are wrong. The issue of what should or should not be a crime is different from what is crime according to law. Thus crime is "an intentional act or omission to act, committed without defense or justification, that endangers the public, as prohibited by the law, and is punished by the state". (Igbinovia, et al, 2003:107).

3.1.3 Social Conception of Crime

Social scientists argue that restricting the study of crimes and of criminals to persons who are convicted of violating the criminal law is too limiting. They further argued that if we are interested in knowing why people engage in behaviour that is detrimental to society, then we must go beyond the strict legal definition of crime. However, when crime is defined socially, rather than legally, the term takes on a much broader meaning. A social definition include:

> Ethical Consideration – of what should or should not be criminal behaviour.
> Behaviour considered as crime, but for which no arrest has been made.

One example of a social definition of crime states that, "Crime is anti-social behaviour that is injurious to those social interests which rules of behaviour (including legal codes) are designed to support (Johnson, 1968:13).

There are a variety of social approaches to the study of criminal behaviour, and most criminologists are popular proponents of this approach. For example, Sellin (1970), a renowned criminologist summed it up this way, "I am not against the legal definition of crime, but if a science of human conduct is to develop, the investigator must rid himself of shackles which have been forged by criminal law. He

emphasized, the development of conduct, norm, which are ways of doing things that are developed by a group through social interaction.

SELF ASSESSMENT EXERCISE 1

1.   What is the social definition of crime?
2.   Define crime from the legal perspective.

3.2 Essentials of Crime

Section 2 of the Nigeria Criminal Code defines an offence/crime as an act or omission which is rendered punishable by some legislative enactment. However, a thorough examination of this definition reveals that it nearly always consist of two essential elements namely:

>   Physical Element, and;
>   Mental Element

In section 394 of the criminal code, an offence/crime under physical essential can be the killing of an animal capable of being stolen; while the mental essential is the intent to steal the skin.

3.2.1 The Physical Element of Crime

This is referred to as 'Actus reus' in Latin words, meaning guilty act. It is essentially a "guilty conduct" usually consisting of an act of commission. "Actus reus" must be an act prohibited by laws.

3.2.2 The Mental Element of Crime

This is often referred to as the "Mens Rea".   It essentially means a "guilty mind" or the accused attitude of mind to what he was doing. In such cases, the onus is on the accused to prove that he/she acted without any guilty intention.

Thus the essentials of the mental elements are whether a crime is committed:

>   Purposely
>   Knowingly
>   Recklessly; and,
>   Negligently.

(a) Purposely

A person acts purposely with respect to a material element of an offense when:

If the element involves the nature of his conduct or result thereof, if it is his conscious object to engage in the conduct of that nature or to cause such a result, and if the element involves the attendant consequences, he is aware of the existence of such circumstances or he believes or hopes that they exist.

(b) Knowingly

A person acts knowingly with respect to a material element of an offense when:

(1)   If the element involves the nature of his conduct or the attendant circumstances, he is aware that his conduct will produce circumstances of that nature or that such circumstances exists; and

(2)   If the elements involve the result of his conduct, he is aware that it is practically certain that his conduct will cause such a result.

(c) Recklessly

A person acts recklessly with regard to a material element of an offense when he consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that will consider the nature and purpose of the actors conduct and the circumstances. Known to him, its disregard involves a gross deviation from the standard of conduct that a law-abiding citizen would observe in the actors situation.

(d) Negligently

A person acts negligently with respect to a material element of an offense when he should be aware of a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that the actor's failure to perceive it considering the nature out purpose of his conduct and the circumstances known to him, involves a gross deviation from the standard of care that a reasonable person would observe in the actors situation.

The interpretation of these four tiers of culpability has been the subject of heated debates. However, it is clear that a person may be held criminally liable for the unintended consequences of an intended act. In

addition, a person may be held criminally liable for injury or death to a victim other than the intended victim or for a more serious degree of harm than that intended. We may consider the following examples.

In the first case, Osa was angry with Ehi over a deal gone sour. He needed to teach him a lesson and so he hired thugs to rough him up and give him a scare. The thugs went a shade two far and killed him. Osa could be charged with the death of Ehi. In the second case. Mrs. Eke had become very unhappy with her neighbourhood. She complained several times to her husband about the people particularly the women who were very quarrelsome and petty, the filth and noise of the neighbor's children, and the wicked sinister appearance of the youth of the area. She also impressed on her husband the need to move out of such a place insisting that the place was not safe. But the husband wanting to live a low profile life and enjoying the attitude of the people around them would not be swayed. So one day, she hired some men to pose as armed robbers to come to her home and scare for husband believing that would convince him of the wisdom to move out of the place. Unfortunately, the husband being very stubborn challenged the robbers and was killed in the process. Even though there was no specific intent to kill the man, the woman and the hired robbers would be charged for murder. They had plotted an act, and somehow did carry out an act that a reasonable person should have known could have resulted in serious injury or death.

The concept of mens rea also encompasses the situation in which a person intends to commit a crime against one person but injures another instead. For example, if Uwa intending to kill Bose, poisoned Bose's food, which Emeka (Bose's boyfriend) ate and died. Uwa is guilty of murdering Emeka even though she had no intension of doing so. Under the doctrine of transferred intent, the original criminal intent is transferred to the unintended victim.

As we have noted before, mens rea is also found in situations in which harm has resulted because a person has acted negligently or recklessly. Negligence as has been pointed out involves a person acting unreasonably under the circumstance. For example, we can deduce criminal negligence from the action of a drunken driver, who speeding and zigzagging across lines, hits and kills another person. It is criminal negligence because the law prohibits a person from driving when intoxicated. A reasonable person would not drive a car when he is drunk. The intent that underlies the finding of criminal liability for an unintentional act is called constructive intent (Stegel, 1995:39).

SELF ASSESSMENT EXERCISE 2

List the essential elements of criminality.

3.3 Association between Mens Rea and Actus Reus

The law requires that the criminal act (actus reus) must have resulted from the criminal state of mind (mens rea). This simply means that there is no true crime where an innocently committed act occurs prior to the criminal state of mind. Also, the law requires that the actus reus must have legally caused the injurious results that led to the criminal charge. This implies that the relationship between the act and the resulting harm must have been reasonably direct. Both the actus reus and the mens rea must be present before a person can be convicted of a crime.

Despite this however, several crimes defined by statute may not require mens rea. In this case, the actor is guilty by simply doing what the statute prohibits. At such times, the law would not assess the mental intent of the actor. Offenses that do not require mens rea to establish the guilt of offenders are referred to as strict-liability crimes. They are also known as public welfare offences. These offences include health and safety regulations, traffic laws, and narcotic controls. Because the underlying purpose of these laws is to protect the public, intent is not required.

3.4 Who is a Criminal?

A strict legal definition would limit the definition of criminal to those who have been convicted of a crime. A social definition on the other hand, would attach the criminal label to anyone who does anything felt to be offensive to the subjective observer. Thus, rather than relying upon the "Legal or Social" boundaries of criminal behaviour, we should be more concerned with the understanding of the criminal social status. When we see crime as social status, we are looking at the process of attaching the criminal label to someone. This approach encourages the criminologist to examine the forces that operate when assigning the criminal label to certain acts and actors while overlooking the actions of others that merit legally or socially similar treatment. This notion, also encourages criminologists to study the forces that lead to the creation of new classes of criminals. That is, the behaviour of special interest groups that sponsor legislation making, by making certain previously legal activities a crime such as the Idia Renaissance and forced prostitution and trafficking in Edo State. Thus it will be helpful if we see the criminal as; "One who is given his or her status by those in society who have the legal or political power to establish the label as a social fact". (Igbinovia, et al, 2003:118).

4.0 CONCLUSION

What all conceptions of "crime" have in common is that perceived violations evoke a response by a formal criminal justice system. A system which is empowered by government or any recognized authority in any society. Crime, then, is the violation of criminal law enacted by local, state or national government.

5.0 SUMMARY

In this unit, you learnt that the definition of crime has both legal and social connotations. Other notable issues discussed are:

> The essentials of crime, and
> Who a criminal is.

6.0 TUTOR-MARKED ASSIGNMENT

1. Examine the essential elements of crime.
2. Distinguish between the Legal and social conception of crime.

7.0 REFERENCES/FURTHER READING

Johnson, E. H. (1968). *Crime, Correction and Society*. Homewood, Ill.: The Dorsey Press.

Igbinovia, et al (2003). *Crime and Delinquency in Nigeria: Theories, Patterns and Trends*. Benin City: Kryme Monitor Books.

Marshall, G. (1998). *Oxford Dictionary of Sociology*. Oxford: Oxford University Press. NY.

Reids, S. T. (1994). *Crime and Criminology*. Seventh Edition. Orlando: Harcourt Brace College Publishers.

Sellin, T. (1970). "A Sociological Approach", in *The Sociology of Crime and Delinquency*. 2nd Edition. Eds. Marvin E. Wolfgang, et al. New York: John Wiley.

UNIT 4   TYPES AND CHARACTERISTICS OF CRIMES

CONTENTS

1.0   INTRODUCTION

The generic term "crime" includes all the many diverse and varied offences against society (i.e. the public interest) that are proscribed/prohibited/sanctioned by the criminal law of a country, such as Nigeria. To facilitate analysis, crimes are classified into different categories and specific types in accordance with certain important criteria which help to distinguish them from one another (Clark, 2008:131-132). However, there are no hard and fast rules or blueprints available anywhere for classifying crimes and criminals across the world.

2.0   OBJECTIVES

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

Identify the different classification of crimes
Describes the contents of crimes under the different classification
Distinguish the classification of crimes by criminologists from the others.

3.0   MAIN CONTENT

3.1   Legal Classification of Crimes

Crimes are legally classified in criminal law into two different forms namely.

1.   Severity or seriousness of the crime, and
2.   Types of victims.

3.1.1 Classification in Terms of Severity/Seriousness

This category entails classifying crimes in terms of the degree of severity as follows:

1.   Treason
2.   Felonies
3.   Misdemeanors

3.1.2   Classification in Terms of Victims

This entails classification into three major categories as follows:

1.   Crimes against persons.
2.   Crimes against properties; and
3.   Crimes against public safety and morals.

Although these legal classifications of crimes in criminal law are quite useful for several purposes to a great extent, it should however, be noted as well that they are not completely so. This is because of their broad and abstract nature.   Anyhow, they provide the very basis to bring theoretical order to understand the variety of behavioural patterns that are legally labeled as crimes (Clark, 2008:134).

SELF ASSESSMENT EXERCISE 1

List the two forms into which crime is classified legally.

3.2 Classification of Crimes by Law Enforcement Agencies

The Nigerian Police Force (NPF) classifies types of crimes and offences, which it reports on under four major categories, as identified and discussed under the other sub-units.

3.2.1 Offences against Persons

Under this category, there are about thirteen (13) specific types of Crimes or offences. They are: Murder; Attempted Murder; Manslaughter; Suicide, Attempted Suicide; Grievous harm/wounding; Assault; Child Stealing; Slave dealing; Rape/Indecent assault; Kidnapping; un-natural offences; and others.

3.2.2 Offences against Property

There are specifically twelve (12) types of crimes or offences in this category. These are: Armed robbery; Demand with menace; Theft/stealing; Burglary; House breaking; Store breaking; False pretence/Cheating; Forgery; Receiving stolen property; Unlawful possession; Arson and other offences.

3.2.3 Offences against Lawful Authority

There are eight (8) specific types of crimes or offences listed under this category. These are: Forgery of currency notes; coining offences; Gambling; Breach of peace; Perjury; Bribery and Corruption; Escape from custody and other offences.

3.2.4 Offences Against Local Acts

There are usually reports on seven (7) specific offences against "Local Act". They are as follows: Traffic offences; Township offences; liquor offences; Dogs Act; Firearms Act; Narcotics and others offences.

3.3 Classification of Crimes by Criminologists

Criminologists are unsatisfied with the classification of crimes found under criminal laws and in official crime reports. Thus, because of their desire to provide clarity and precision in the study of crime, criminologists usually classify crimes into four (4) major categories in order, to facilitate empirical research and theoretical explanations. These classifications are discussed under the other sub-units.

3.3.1   Conventional Crimes

The crimes under this category include crimes against the person, such as murder, manslaughter, assault, forcible rape, and other types of sex offences. While there are also crimes against property, like burglary, armed robbery, theft and stealing, and arson.

3.3.2   Business World/Economic and Financial Crimes

These consist of white-collar crimes, organized crimes, drug trafficking, 419 crimes – (otherwise known as Advance Fee Fraud), and victimless crimes, or crimes without victims.

3.3.3   Political Crimes

These are crimes committed against governments, and crimes committed by governments, and terrorism.

3.3.4   Juvenile Delinquencies

Crimes listed under juvenile delinquencies include: truancy, vagrancy, stealing, thieving, prostitution and assault.

However, criminologists categorize conventional crimes though not listed in the different categories in the above units as common law crimes and distinguish them from all other categories. Common law crimes are the offences which everyone agree are really crimes such as assault, murder, rape, burglary, robbery and arson. Lawyers refer to these types of crimes as "mala in se" – which means offences that are bad in themselves.

SELF ASSESSMENT EXERCISE 2

How do the criminologists classify crime?

3.4   Crime Patterns

We have attempted an analysis of the various sources of criminological data available in unit 2. but what exactly do they tell us about crime in Nigeria? What do we know about the nature of crime and criminals? What are the trends and patterns of our crime rates and how can they help us understand the causes of crime?

Generally speaking, criminologists look for stable patterns in the crime rate in order to gain insight into the nature and causes of crime. They are interested in knowing what patterns exist for different parts of a

society.　To know for example whether the crime rate in Northern Nigeria is higher than that for Southern Nigeria, and how this knowledge might be used to explain the etiology of crime. What then are the determinants of the trends and pattern of crime rate?

3.4.1　The Ecology of Crime

Many attempts have been made to link crime rate to ecological factors. Along this line, season and climate, population density and region/zone have been identified as having direct effects on crime rates.

3.4.1.1　Region

There are some regional variations in crime rates in Nigeria.　The differences in crime between regions have been expressed. It is believed that the crime rate in Southern Nigeria is many times higher than the rate for Northern Nigeria. Also, cities have usually reported more crime than rural areas, although it is quite likely that rural crime has been slightly under reported.　In recent years, rural and suburban crime rates have been climbing faster than urban crime rates, reducing the rural-urban, crime differential.　For example, the rates for murder have increased immensely in such suburban communities as Ekpoma, Auchi and Ekiadolor in Edo State. One reason for this is the activities of secret cults in higher institutions located in these communities.　Similarly, the rates for armed robbery, burglary, theft, rape, and assault have also increased correspondingly, thereby, significantly reducing the rural-urban crime differential.

3.4.1.2　Season and Climate

There are slight seasonal and climate variations in type of crime, with more rapes and assault in the dry season, and more thefts and larcenies in the rainy season. These variations however are moderate. During the dry season, many young persons especially teenagers, who play greater roles in crime commission are on holidays and idle, and consequently have the opportunity to commit crime.　During dry season, people spend more time outdoors making themselves easy target.　Also, homes are left vacant more often during this period making them easy targets for property criminals.　In December and early January, more murders and robberies occur, because of the search for money by prospective holidaymakers and fun seekers who take advantage of the yuletide and end of your celebrations to attack people.

3.4.1.3   Population Density

Population plays a huge role in overall crime rates. Large urban areas with large population sizes have higher crime rates than small rural communities. Many factors may account for this trend. Perhaps the most important of these is the fact that rural societies are characterized by what Durkheim described as mechanical solidarity, which promotes social similitude. Here, people are supposed to be each other's keepers. In such small-scale societies characterized by sameness, the crime rates are expected to be low. An example is the Agbede community in Edo State. In contrast, large cities with very large populations are likely to show a high trend in crime reporting. Such large cities, like Lagos, Benin, Ibadan, Kano, Enugu, Onitsha etc attract very many persons who seek to take advantage of job opportunities, public amenities like electricity and good road network etc. Many of these persons having being displaced and alienated by the impersonal nature of social relations may take to an active line of crime as the best alternative, thereby increasing the crime rates. There are exceptions to this rule, however. Some low-population resort areas with large treatment or seasonal populations such as Abviele in Edo, Kona Dangora in Kano, Ore in Ondo etc. have reported very high crime rates.

3.4.1.4   Use of Firearms

There is no doubt whatsoever that the use of firearms plays a very central role in the commission of crime. The relationship between firearms and crime is not surprising, considering the recent availability and use of handguns in Nigeria. Daily, the print and electronic media report the seizure of large cache of arms from importers and smugglers in Nigeria. Similarly, many youth especially in tertiary institutions, display ostensibly, their rich stock of guns with which they cause mayhem in their academic environments. During a recent crackdown on secret cult members in higher institutions, a large amount of firearms and other sophisticated weapons were recovered from students, many of whom double as armed robbers and hired assassins. The police also display daily, the weapons seized from criminal groups. It is believed that the amount and quality of weapons in the hands of private citizens especially youths in Nigeria, far exceed official expectations. That more of these guns are available for use by young people is an indication of the increase in crime rates in the Nigerian society. The ability of authorities to control the possession and use of firearms therefore, will impact significantly on the crime rates in the country.

3.4.1.5 Social Class and Crime

A lot has been said about the relationship between social class and crime.   Traditionally, crime is conceived of as a lower-class phenomenon.   This is because lower-class people are believed to possess the greatest incentives for committing crime.   Lower-class people have been conceptualized as lacking in the means and ability to achieve legitimate goals using legitimate means, hence, their resort to crime.   Along this line, persons living in poverty stricken areas are believed to engage in disproportionate amounts of violent crimes as a means of expressing their rage, frustration and anger against society. This is what Siegel (1995) describes as expressive crimes. Expressive crimes include rapes and assaults, which occur in high poverty areas in order that those engaging in violence may develop an alternative source of positive self-image by viewing themselves as tough, strong, or bad.

Official statistics available on crime in Nigeria indicate that crime rates in poor, overcrowded, inner city areas such as Ojuelegba. Ajegunle, Upper Sakponba etc. are generally higher than those in sub-urban or wealthier areas such as Victoria Island, Ikoyi, Ugbo road, and Lekki extension. Another official indicator of the relationship between crime and class can be obtained from prison surveys.   A 1997 survey of recidivists at the Benin Prisons showed that prisoners were members of the lower class and were unemployed or underemployed in the period immediately before their first incarceration.   For recidivists (repeat offenders), their ex-convict label or status effectively made them unemployable in job-scarce Nigeria and therefore safe bets for re-admission into prisons (Okonofua, B. A. 1997).

3.4.1.6   Age and Crime

Many scholars have attempted to link age with criminality. According to Hirschi and Gottfredson (1983), "Age is everywhere correlated with crime.   Its effect on crime does not depend on other demographic correlates of crime" (Hirschi and Gottfredson, 1983:552-584).   Apart from factors such as sex, marital status, ethnicity, etc. age has had a tremendous impact on the Nigerian crime profile. Younger persons in Nigeria commit crime more often than older people.

Official statistics indicate that young people are arrested at a disproportionate rate to their numbers in the population. Although, the reviewed police statistics does not show the ages of accused persons, it appears that those involved are youths less than 30 years of age (Ohaeri, J. 1996:113).   In a study of murder cases reported to the police in Kaduna between 1983-1987 for example, Ogungbemi and Ahmed

(1993:157-162) discovered that 92 percent were aged between 20 and 40 years.

The relationship between age and crime is of major theoretical significance. Many criminological theories fail to explain why the crime rate drops as age increases. Siegel (1995) calls this process the "desistance phenomenon". The failure of major criminological theorists to account for desistance has spurred intense debates among reknown criminologists. In their view, Hirschi and Gottfredson (1983) observed that the relationship between crime and age is constant. Because of this, the age variable that all people regardless of their demographic characteristics commit less crime as they age, as such, age should not be considered as a factor in explaining crime. They argued that even die-hard chronic offenders would commit less crime as they age, so what would be the point of dwelling on the age factor? Hirschi and Gottfredson (1983) went on to argue that differences in offending rates for groups (e.g. between men and women) that exist at any point in their life-time accounts fro the above trend. For example, if an 18 year old boy was five times more likely than an 18 year old girl to commit crime, then a forty-five year old man would be five times more likely to commit crime than a forty year old woman, although the actual number of crimes committed by both males and females will constantly decline.

4.0   CONCLUSION

Since a legal definition of crime is not sufficient and what society defines as crime is socially constructed and highly relative; the types, and characteristics of crimes also takes different forms as the socio-cultural environment.

5.0   SUMMARY

In this unit, you learnt the necessary characteristics required in classifying crimes into types – legal classification; classification of crimes by law enforcement agencies and classification of crimes by criminologists.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Distinguish between the legal classification of crime and that of the criminologist.
2.   How do law enforcement agencies typify crime?

7.0   REFERENCES/FURTHER READING

Clark, D.I.C. (2008). *Criminology*. Warri: Toye Clark Publishing Company.

Hirschi, T. and Gottfredson, M. (1983). "Age and Explanation of Crime". *American Journal of Sociology*, Vol. 89

Ogungbemi, K. and Ahmed, M. H. (1993). "Psychological Aspects of Murder in Nigeria". *Forensic Science International*. Vol.59

Ohaeri, J. (1996). "Violent Crimes in Nigeria". In *Issues in Crime Prevention and Control in Nigeria*. (Eds.) A. B. Danbazzau, M. M. Jumare, and A. M. Yakubu. Kaduna: Baraka Press and Publishers Limited.

Siegel, L. J. (1995). *Criminology: Theories, Patterns and Typologies*. New York: West Publishing Co.

MODULE 2   CRIMINOLOGICAL THEORIES

Unit 1   Deviance and Crime
Unit 2   Criminological Theories

UNIT 1   DEVIANCE AND CRIME

CONTENTS

1.0   INTRODUCTON

In society, most people conform to most norms most of the time, and social life therefore takes on a fairly regular and predictable pattern. Yet this picture is incomplete. We need only to look at the world around us to see that social norms are often violated as well as adhered to. People rob, rape, and defraud others. They wear peculiar clothing, shoot heroin, and take part in riots. They embrace alien religions, become mentally disordered and commit bigamy. A full picture of society therefore, must include deviance from social norms as well as conformity to them. (Robertson, 1981:179). Hence, most deviant behaviours transform into the commission of crime.

2.0   OBJECTIVES

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

> Explain the nature of deviance and describe its most common forms.
> Discuss the functions of deviance from a functionalists interactionists and conflict perspectives.
> Distinguish between deviant behaviours and criminal behaviour.

3.0   MAIN CONTENT

3.1   What is Deviance and Crime?

All societies have norms that govern acceptable behaviour and mechanisms of social control – systematic practices developed by social groups to discourage deviance.

Deviance is relative and it varies in its degree of seriousness. Some forms of deviant behaviour are officially defined as a CRIME – a behaviour that violates criminal law and is punishable with fines, jail terms, and other sanctions.

3.1.1   Criminology and Deviance

Criminology is also sometimes confused with the study of deviant behaviour. However, significant distinctions can be made between these areas of scholarship. According to Siegel deviant behaviour is behaviour that departs from social norms. Included within the broad spectrum of deviant acts are behaviours ranging from committing murder or rape to being a nudist or eating with one's fingers in public or "fouling the air" in a public place (Siegel, 1983:5-6).

Siegel (1983) went further to also suggest that crime and deviance are often confused. He points out, however, that not all crimes are deviant, and not all deviant acts are crimes. For example, smoking cigarette in a public facility may be illegal, but is it deviant? A significant percentage of Nigerians have smoked or are still smoking cigarettes in public facilities. Therefore, to argue that all crimes are behaviours which depart from the norms of society, is probably erroneous. Similarly, according to the author, many deviant acts are not criminal. For example, suppose someone observes a person drowning and makes no effort to save that person. The person could not legally be considered criminal. Though society would probably condemn the person's behaviour as immoral and deviant, it could not take legal action. In sum, many criminal acts, but not all, fall within the concept of deviance.

Similarly, some deviant acts, but not all, are considered crimes. (1983:6).

Two issues that involve deviance are of particular interest to criminologists, according to Siegel. These are: How do deviant behaviour become crime? When should crimes be considered only deviant behaviours and therefore not subject to state sanction?

According to Siegel, the first issue involves the historical development of law. He argues that many acts that are legally forbidden today were at one time considered unusual or deviant behaviour. For example, he says, the sale and possession of marijuana was legal in the U.S. until 1987, when it was outlawed. To understand the nature and purpose of law, criminologists study the process by which crimes are created from deviance. Marijuana use was banned because public opinion was swayed against its use. When an entire family (father, mother, two brothers, and a sister) was axed to death by a young marijuana addict in Florida in 1937, as a result, a deviant behaviour (marijuana use), became a criminal behaviour, and previously law-abiding citizens were now defined as criminal offenders (1983:6).

Finally, according to Siegel, criminologists also consider whether outlawed behaviours have evolved into social norms and, if so, whether they should be either legalized or decriminalized (have their penalties reduced). For example, there has been frequent debate over the legalization of abortion and prostitution. If an illegal act becomes a norm, should society reevaluate its criminal status and let it become merely an unusual or deviant act? In sum, criminologists are concerned with the concept of deviance and its relationship to criminality. The shifting definition of deviant behaviour. Siegel concludes, is closely associated with our concept of crime (Siegel, 1983:6).

Because of the centrality of deviance to the overall understanding of crime and delinquency, we may need to examine deviance in some greater detail.

3.1.2 Deviance and Society

At the simplest level, deviance refers to something that is "different" from something else. Many people believe that deviants are not like "us" that "they" behave differently. It however, goes beyond the simple and everyday observation that people and behaviour are different from one another. For example, we may observe differences in styles of dress that do not in anyway indicate deviance.

Beyond the idea of differences however, deviance refers to something that is evaluated negatively or that is devalued. Returning to our fashion example, the colours that people wear may be different but considered deviant only if they are so different that they are considered in bad taste, such as when the colours clash with one another (colour riot). What one wears may also be considered deviant if they are not suitable for the occasion such as wearing a dinner dress to class or wearing a bathing suit to class.

However, colours that clash or clothing that is not suitable for certain occasions are problems only for some persons and not others. Youth who prefer to dress sexily and enchantingly seem to value wearing dinner and see through dresses to class. This suggests that deviance is a relative motion that depends upon the audience to the behaviour or condition that defines something as deviant. These three ideas, differentness, judgment, and relativity, are each important to a sociological understanding of deviance. These ideas let us understand the meaning of individual deviant conduct, as well as the connection of that individual conduct to the larger social community.

3.1.3 Differentiation and Deviance

There are several ways in which people are different from one another. These include age, sex, race, educational qualification, and occupational level. Differentiation is the sociological term that refers to such differences. At the most general level, deviance refers to being different. As, such, the concept of deviance would have no meaning in an undifferentiated society. Since as Durkheim (1895) has observed, a society where there is no differentiation and where everyone is the same cannot and does not exist, deviance is everywhere. According to Durkheim. deviance is found even in a society of saints where although the differences among them would be small, they would be morally magnified. In other words, some saints would literally be "than" others.

A recent example illustrates the wisdom of Durkheim's observation. Recently, the media played up the issue of controversy or conflict within the church in Nigeria. Two very popular television evangelists- Rev. Chris Oyakhilome of the Christ Embassy, and Pastor T.B. Joshua of the Synagogue Church of all Nations- were accused of using unholy powers to perform miracles including healing the sick. In other words, they were accused of being fakes. The news is that other members of the clergy like Rev. Chris Okotie who insisted that their umbrella Christian bodies- the Christian Association of Nigeria and the Pentecostal Fellowship of Nigeria- use their powers to dismember these two reverend gentlemen and their supporters attacked them. Thus, we see that even among men of God, some claim to be holier than others.

The conditions that promote social differentiation in society also promote deviance. The conditions that increase differentiation are also likely to increase the degree and range of social stratification by increasing the number of ways in which people can be compared with one another. These comparisons are usually invidious or ranked, with some characteristics being more highly valued than others. This essentially means that when the yardstick for stratifying society increases, the range and conditions that are disvalued increases.

The more people are different from one another, the more likely they are to be stratified with respect to one another. Nigeria for example, is extremely complex in the ways in which people are differentiated from each other. Apart from differences in characteristics such as age, sex, and ethnicity, persons in Nigeria today display greater diversity than persons who lived in Nigeria in 1900 in terms of their behaviour, attitudes, interaction patterns, and dress style. Even within present day Nigeria, there are differences between urban and rural areas concerning such matters. Sometimes, what some people mean by deviance is diversity, or behaviour that results from social differentiation.

Beyond this however, it seems clear that the more persons are stratified with respect to one another, the more likely some of these rankings will reflect disvalued characteristics. That is not only will some persons be ranked lower than others, they may be disvalued as well. For example, to the extent that education is valued, under education is disvalued; to the extent that working hard at one's job is valued, laziness and slovenliness is disvalued; to the extent that having a regular job is valued, armed robbery is disvalued. When we make judgments about "better" or "worse" we are making judgments about deviance.

It is in this ways that deviance is linked with the stratification system in society. The range of statuses that are ranked to form a stratification system have roughly the same range from top to bottom as the range of ranked negative statuses that comprise a structure of deviance. A more highly differentiated society would have a greater number of ranked statuses, while a less differentiated society would have a smaller number of ranked statuses. In the same vein, a more stratified society would have a greater number of negatively ranked statuses than a less stratified society.

Deviance is not static or constant. Deviance changes constantly in terms of its forms and the degree of disapproval it elicits. Very often, to understand which conduct or conditions are disapproved, we may need to understand the issue of social power. Power can be defined as the ability to make choices by virtue of political, economic, or social resources. Persons in society who have money, education, and social

influence are generally more powerful than those who do not. People who have power have more influence and are therefore more able to define what is deviant. They expectedly would find more deviance among persons of lesser power than themselves or among persons with no social power at all.

The importance of social power can be expressed in terms of social differentiation. Deviance is relative not because behaviour is not always deviant, but because the processes of social differentiation and social change produce alterations in social judgments. The pertinent question is why are some acts and actors deviant but not others? This question can be answered in terms of power. Power groups define some conditions and actors as deviant. A generic term for this is "norm promotion". This is the ability to promote successfully particular norms to the exclusion of other competing norms.

3.2   Functionalists Perspectives on Deviance

Emile Durkheim (1966) regarded deviance as a natural and inevitable part of all societies. He posited that the "universality of deviance" serves three important functions namely:

> Deviance clarifies rules
> Deviance unites a group
> Deviance promotes social change.

Functionalists also acknowledge that deviance may be dysfunctional for society; if too many people violate norms, everyday existence may become unpredictable, chaotic and even violent.

3.3   Interactionist Perspectives on Deviance

This perspectives holds that associations or society is fundamental in creating deviant or criminal actions. There are two major theories under this perspective. They are: differential association and labeling theories.

3.3.1 Differential Association

States that individual have greater tendency to deviate from societal norms when they frequently associate with definitions that are more favourable toward deviance than conformity.

3.3.2 Labelling Theory

States that deviants are those people who have been successfully labeled as such by others. Under this category we have primary deviance - the initial act of rule breaking; and secondary deviance – occurs when a person who has been labeled accepts that new identity and continues the deviant behaviour.

SELF ASSESSMENT EXERCISE 1

List the three importance of deviance by functionalists.

3.4   Conflict Perspectives on Deviance

According to conflict theorists, people in position of power maintain their advantage by using the law to protect their own interests.

3.4.1   The Critical Approach

According to the critical approach, the way laws are made and enforced benefits the capitalist class by ensuring that individuals at the bottom of the social class structure do not infringe on the property or threaten the safety of those at the top.

3.4.2 The Feminist Approaches

While there is no single feminist perspective on deviance and crime, three schools of thought have emerged namely:

> **Liberal Feminism –** explains women's deviance and crime as a rational response to gender discrimination experienced in work, marriage and inter-personal relationships.
> **Radical Feminism –** Suggests that women's deviance and crime is related to patriarchy (male domination over females) that keeps women more tied to the family, sexuality, and home, even if women also have full-time paid employment.
> **Socialist Feminism –** asserts that women's deviance and crime is the result of women's exploitation by capitalism and patriarchy (e.g., their over representation in relatively low wage jobs and their lack of economic resources).

SELF ASSESSMENT EXERCISE 2

Identify the three approaches by the Feminists in understanding deviance and crime.

3.5　Deviance and Crime in the 21st Century

Although many scholars of crime and delinquency all over the world agree that crime is one of the most important problems facing many countries, they are, however, divided over what to do about it.

The best approach for reducing delinquency and crime ultimately is prevention – to work with young people before they become juvenile offenders so as to help them establish family relationships, build self-esteem, choose a career, and get an education which will help them pursue that career.

4.0　CONCLUSION

All societies have norms to reinforce and help teach acceptable behaviour. However, as long as sexism, classicism, and ageism exist in our society, people will see deviant and criminal behaviour through a selective lens.

5.0　SUMMARY

In this unit, we discussed the relationship or distinction between deviance and crime, and the different theoretical perspectives in understanding deviance; as well as the issue of deviance and crime in the 21st century.

6.0　TUTOR-MARKED ASSIGNMENT

1.　Discuss the functionalist perspective on deviance.
2.　The conflict perspective on deviance is more comprehensive than the other perspectives. Discuss.

7.0　REFERENCES/FURTHER READING

Durkheim, Emile (1895\1966). *Suicide*. New York: Free Press.

Robertson, I, (1981\1983). *Sociology*. 2nd Edition. Worth Pub.

UNIT 2   CRIMINOLOGICAL THEORIES

CONTENTS

1.0   INTRODUCTION

A theory is the attempt which an analyst of a subject matter (e.g. crime, political instability etc.) makes to explain and/or predict the causes of that subject matter. It provides a set of logical and plausible reasons which the theorist feels are responsible for the occurrence of the subject-matter. For example, whenever there are increases in the rates of occurrence of any crime, such as prostitution, embezzlement of public monies, armed robbery, drug trafficking, bribery and corruption, examination malpractices etc., many concerned people usually ask why there are such increases in crime rate; and they also ask about the reasons why some particular people are involved in crimes. Many other people, such as criminologists, lawyers, policemen, politicians and laymen and women try to offer answers to such questions. The answers which provide systematic, logical and plausible reasons why some people commit crimes or why the rate of crime increases are called theories. (Clark, 2008:64).

2.0   OBJECTIVES

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

> Define the concept of theory.
> Identify the characteristics of theory (scientific theory)
> Understand criminological theories in explaining crimes in society.

3.0   MAIN CONTENT

3.1   Basic Understanding of Theory

The single most important aspect of criminology is theory. In its most general sense, a theory is an explanation of a relationship between two or more things. In this sense, theories are vital to us; as we use them everyday in order to function. However, more scientifically, Schmalleger (1995:79) states that, "ideally, theories are composed of clearly stated propositions which posits relationships, often of a causal sort, between events and things under study." He argues further, that a theory gains explanatory power from inherent logical consistency and is "tested" by how well it describes and predicts reality.

3.1.1 Nature of Theory

Some experts have observed that theories offer us the opportunity to learn about basic factors in a problem and to gain insight into its many facets, implications and variety of possibilities, which need investigation for its solution (Moore, et al, 1960). Hall and Gardner notes that:

… when a theory is carefully developed and stated, other scholars have an opportunity to examine it carefully, analyze it against their own knowledge and background and are either stimulated toward new and other unexplored ways of thinking about a problem, or use critical analysis to the advantage of clarifying their own thinking (Hall and Gardner: 1957).

Essentially therefore, theory points the way to further research and exists as a tool against which to measure the adequacy or otherwise of research efforts to improve human social life.

For Schrag, the objectives of criminological theory are:

(1)   To provide a conceptual framework for developing and establishing accurate observation and reliable description of crime and the reaction to crime.

(2)   To systematically formulate propositions by which crime and
       societal reaction can be explained.
(3)   To establish a foundation of knowledge and method that under
       certain conditions may make the control or regulation of criminal
       behaviour and societal reaction possible.
(4)   To develop a workable conception of criminal justice (Schrag C.
       1971).

3.1.2 Characteristics of a Scientific Theory

Our day-to-day theories are mostly based on "common sense" but today,
this trend has changed from common sense to being scientific.

Hence, the characteristics of scientific theories are as follows:

> While "common sense" theory is developed based on conceptual
> schemes that may be fanciful and not subject to evaluation.
> Scientific theory is based on evidence.
> Objectivity: Scientists verify their theories in ways believed to be
> objective.
> Control is important in science. In this context, control refers to
> the efforts of scientists to rule out other explanations for a
> phenomenon that their theory does not take into account.
> The non-scientist is likely to seize on a chance occurrence and
> immediately develop a cause and effect theory to explain a
> relationship that is not there. A lucky shirt is an example of this
> sort of unscientific logic.
> Scientists, unlike non-scientists (and philosophers) rule out "meta-
> physical explanations" for events.

SELF ASSESSMENT EXERCISE 1

1.   What is Theory?
2.   Identify the characteristics of Scientific Theory

3.1.3 Approaches to Criminological Theory

The approaches to the study of criminology are as varied as there are
theorists who write on the subject. However, a closer look at these
different approaches would reveal that they can be correlated and say
practically the same thing. The theories appear to be different on the
face of it, as a result of the use of each exotic terms like "single factor"
and "multiple factor" versus "ad hoc" and "generic", or "dependent" and
"independent" variables. All these terms mean essentially the same thing
and do not in any way imply differences in approaches in the systematic
study of criminology. In fact, if these terminologies are not properly

understood, they can very easily impede the adequate understanding of the position of each theorist.

In other to adequately describe the criminological approaches available for the study of criminology, we may rely on the simple outline designed by Hermann Mannheim (1965). For him, the study of criminology can be accomplished along three broad dimensions. These are: (1) the descriptive approach: (2) the normative approach, and (3) the causal approach.

3.1.3.1   The Descriptive Approach

In its purest form, the descriptive approach simply describes what one sees. It involves the careful measurement of observation of criminological reality. It applies very strongly to the use of cognitive abilities in the appreciation and understanding of criminal behaviour. However, Mannheim cautions that the term "description should not be applied in a narrow sense.

3.1.3.2   The Normative Approach

According to Bodenheimer (1940), this approach can be observed as the law shaping the force of custom and habit combined with the normative power of the factual. To simplify, this is the tendency to regard as lawful what has been done over a long period of time. Thus, because of the effect of norms in all known human societies, there is the tendency to see norms as perfectly rational creatives evolved to control and maintain the behaviour of members of society. Thus, crime is seen as a normative concept, which encourages criminology to make a study of norms. Therefore, criminology is a normative discipline.

3.1.3.3 The Causal Approach

This approach has been the subject of much debate in criminological theory. It usually derives its impetus from the descriptive approach. And as Mannheim has observed 'the interpretation of the observed facts can be used to search for the causes of crime either in general or in individual cases". For example, following an observation that rape means the forced, without consent sexual intercourse with a female adolescent, we may want to discover the causes of these phenomena. This is what is referred to as the etiology of crime. The importance of this branch of criminological research has come to attract much attention especially recently. It is a matter that has generated much controversy (Mannheim, H. 1965).

The controversy surrounding causation centers around the issue of single causation and multiple causation. Single causation is seen as inadequate in describing criminal causes. Single causation theories blame crime on particular causes. For example, burglary may be linked to poverty or to low intelligence. Such a very simple hypothesizing cannot explain all crimes. Thus, multiple cause theories that list potentially causal factors that bear statistically significant correlation to crime are adjudged better alternatives to the single cause theories.

By and large, according to Solomon (1975), the search for causes of crime has been an essential element of the work of criminologists for a long time and still possesses an appeal that is too strong to dispense with especially at a time when, except for limited practical purposes such as prediction techniques, substances have not been fully developed to fill the gap.

3.2   Criminological Theories

There are many different types of theories of deviant and criminal behaviour. The various available major theories are usually classified according to the different academic specializations of their various authors and proponents. Thus, for example, there are the biological, the psychological and the social psychological theories of criminal behaviour.

However, criminology is a multi-disciplinary and ecclectic discipline.

The various major theories of deviant/criminal behaviours which are most frequently discussed in the literature of criminology fall into four major categories namely:

> Classical criminological theories
> Biological criminological theories
> Psychological criminological theories, and
> Sociological criminological theories.

The details on those theories are explained in the sub-units below:

3.2.1 Classical Criminological Theories

The major proponents/founders of these theories are Cesare Beccaria and Jeremy Bentham. The classical criminological theories simply refer to the ideas of the forerunners or the harbingers of modern criminological theories. These theories were formulated in the 18th century in Europe. These classicists were lawyers, doctors, philosophers, and even

sociologists.   They were not really criminologists as such, because criminology as a field of study and discourse did not exist at that time.

In the 18th Century in Europe the dominant philosophy was "Conservatism". It promoted the idea of absolute morality.   This underlined the policy and practice of applying very harsh punishment on criminals that was prevalent at that time.   In contrast, the opposing philosophy at that time was "liberalism", it emphasized the notion of justice and fairness, the principles of social contract, and a balance between the social good and individual liberty.

There are many "liberal" scholars who criticized the arbitrariness, corruption and wickedness that characterized the criminal justice system in 18th century Europe, but the works of two of them, namely the Italian, Cesare Beccaria and the English man Jeremy Bentham were quite influentials.

3.2.1.1 Cesare Beccaria

He was born in Milan, Italy in 1738. He published only one major book, on crime and punishment. Beccaria's book contains almost all modern penal reforms. But its greatest contribution was the foundation it laid for subsequent changes in criminal legislation (Schafer, S. 1969:106).   His underlying philosophy was "free will". He maintained that behaviour is purposive and is based on hedonism" – the pleasure – pain principle. He stated, that human beings choose those actions that give pleasure and avoid those that bring pain. Therefore, punishment should be assigned to each crime in a degree that result in more pain than pleasure for those who commit forbidden acts. He argued that punishment should fit the crime. (Reid, 1997:75).

3.2.1.2 Jeremy Bentham

He was born in 1748. He was British by nationality and a contemporary of Cesare Beccaria. His philosophy was to "let the punishment fit the crime", because he believed that people act rationally.   That people choose acts because they give them pleasure, and avoid acts that result in pain. Bentham called his philosophy of social control as "utilitarianism".

Classical criminological view points have enjoyed a renaissance in modern criminology in the form of Rational choice theories (Clark, 2008:73).

3.2.2 Biological Criminological Theories

The major proponents in this school of thought are Cesare Lombroso (1835-1909), William Sheldon (1949), and Eleanor Glueck (1956).

The Basic highlights of the Biological criminological theories are:

Biological interpretation of crime look for explanations of criminal behaviour within the individual.

Specifically, they focus on the physical and genetical features which they claim predispose individuals to committing crime.

The biological perspective on crime causation presume that criminality is a sign that something is "wrong" with the individual, rather than with the society.

They see the biological factors which cause crime to be outside or beyond the individual's control.

That if scientific criminological research could successfully identify the biological causes of crime, it would be possible to make recommendations about how to eradicate the biological factors which cause crime.

3.2.3 Psychological Criminological Theories

Like biological theories, psychological theories of crime also look for explanations of criminal behaviour within the individual, not society. The major proponents of this school of thought are William McCord and Joan McCord (1956). They are both psychologist with common interests in criminal behaviour. The highlight of the psychological criminological theories are:

Focus on personality traits of the individual in determining criminal behaviour.

Helping to explain why some individuals deviate from norms, but they do not explain why there is greater deviance in some groups, social categories, social classes, sub-cultures, and societies.

More importantly, like the biological theories, the psychological interpretation of crime look for explanations of deviance within the individual, not society.

3.2.4 Sociological Criminological Theories

These theories specifically seek to account for variations in rates of deviance within groups and societies by examining the social environment. There are two divergent sociological group in this category namely:

The Social – Structural Approach/Theories: These are theories which emphasize the differences between certain sub-groups in the society and larger society.

The Social-Process Approach/Theories: These include; cultural transmission or learning theories (e.g. Differential Association Theory), Control Theory and Labelling.

SELF ASSESSMENT EXERCISE 2

Name the varieties of criminological Theories you learnt.

4.0   CONCLUSION

Because criminology is a multi-disciplinary and eclectic discipline; we have presented the four major theoretical position for the explanation of crime and criminal behaviour. However, none of those theories provides a complete explanation of criminal behaviour.   Each one merely highlights an important source of criminal actions because criminal behaviour takes many forms. Therefore, we must approach each form in its own right to determine the specific factors involved.

5.0   SUMMARY

In this unit, you learnt about the terminology "theory" and the basic characteristics of a scientific theory. Also, you learnt about the multi-disciplinary theoretical approaches to the understanding of crime and criminal behaviour because of the eclectic nature of criminology.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Highlight the major contributions of the classical theorist(s) to modern criminology as a science of crime.
2.   Identify the major contributions of the biological criminological theories to the understanding of crime.

7.0   REFERENCES/FURTHER READING

Clark, D.I.C. (2008). *Criminology*. Warri: Toye Clark Publishing Company.

Hall, S.C. and Gardner, L (1957). *Theories of Personality*. New York: John Wiley.

Hermann, M. (1965). *Comparative Criminology*. Boston: Houghton-Mifflin.

Reid, S. T. (1997). *Crime and Criminology*. Eight Edition. New York: McGraw-Hill.

Schafer, S. (1969). *Theories in Criminology*. New York: Random House.

Schmalleger, F. (1995). *Criminal Justice Today*. Third Edition. Englewood Cliffs, New Jersey: Prentice-Hall.

Schrag, C. (1971). *Crime and Justice: American Style*. Washington D. C: U.S. Government Printing Office

Solomon, H. M. (1975). *Studies in Criminal Theory*. Millburn, N.J: R. F. Publishing Inc.

MODULE 3   CRIME CONTROL/CRIMINAL JUSTICE SYSTEMS

Unit 1   Punishment as Social Control
Unit 2   Criminal Justice System in Nigeria
Unit 3   Crime Control Mechanisms
Unit 4   Law Enforcement: the Police
Unit 5   Court Systems in Nigeria

UNIT 1   PUNISHMENT AS SOCIAL CONTROL

CONTENTS

1.0   INTRODUCTION

The attempt to curb delinquency and prevent crime in society called for collective efforts to ensure conformity to the norms and laws – forms of social control.

Long before punishment became an issue of concern to criminologists, philosophers had debated the nature and intent of punishment.

2.0   OBJECTIVES

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

Understand the meaning of punishment as a means of social control.
Identify and explain the philosophies/purposes of punishment.
Describe the methods of punishment.

3.0　MAIN CONTENT

3.1　Meaning of Punishment

According to Moberly (1968:379) who is a modern authority on punishment, "Whatever further qualities it may have, in the first instance punishment is always an infliction of pain, or loss upon an offender in view of his offense". To those who oppose punishment, like the conflict theorist, they see punishment, "as nothing more than an instrument of political discrimination." (Mitford, 1973:232). In other words, punishment is seen in this context as an instrument of class and race oppression. That is, the poor and the vulnerable ones in society are the ones subjected to punishment for offenses, while the elite escapes justice.

It is easily seen then that views about punishment have oscillated between those who see punishment as advantageous, and those who insist that there can be no gain in the punishment of offenders advocating instead, the treatment of such offenders.

3.2　Origin of Punishments

Opinions are divided in the exact origin of punishment. Some scholars like Zilboorg (1968) strongly believe that vengeance is its source and as such the application of punishment is indefensible. Others contend that, it is the fear of the offended gods. Yet another group believe that its origin can be located in the conflict of the interests of different groups as one group imposes its authority upon another (Mitford, 1973).

It appears rather unlikely now that we shall ever know how, when or why punishment originated; but it is probable that its roots were already present when man first appeared as a social being (Obarisiagbon, 1999:59).

SELF ASSESSMENT EXERCISE 1

Recount a brief history of punishment.

3.3　Philosophies/Purposes of Punishment

The historical and global philosophy of punishment implies "the penalty inflicted by the state upon a person adjudged guilty of a crime". However, in modern day society, the administration of punishment usually involves the desire to produce some kind of pain, which is justified in terms of its assured values. The pain is usually intended to be either physical as in whipping or mental suffering, as in imprisonment.

Thus, the two essential features of punishment philosophy are:

a.　　Public condemnation of anti-social behaviour, and;
b.　　The imposition of unpleasant consequences by political authority.

Deriving from the two essential features of punishment philosophy.

There are four principal purposes of punishment and these include:
　　　　Vengeance
　　　　Deterrence
　　　　Rehabilitation
　　　　Prevention.

These are discussed in the sub-units below.

3.3.1 Vengeance

The justification of punishment on this basis implies retribution. This involves the consideration of two essential concepts that is:

> Punishment as end in itself. That means it is not a viable means of reforming criminals. It is just "punishment for punishment sake".
> The act committed deserves punishment.

The implication of both is that society does not gain and the individual equally does not gain before and after the punishment of the offender.

When punishment is an end in itself, then it cannot be considered as a viable means of reforming criminals. On the other hand, when the major justification for punishing criminals is that their acts deserve punishment, we are constrained to eliminate two very important factors: (1) any gain for society and (2) any gain for the individual. These viewpoints call to mind the ancient Lex Talionis (law of retaliation).

The underlying philosophy of vengeance and retribution was first articulated in the middle of the 18th century by Immanuel Kant (1724-1804) and Georg Hegel (1770-1831). While Kant appeal that punishment was a "categorical imperative" and incontestable self-evident truth, Hegel believed punishment to be the criminals "right". Their philosophies gave immeasurable support to the classical schools doctrine of absolute freedom of will.

In addition to these, retribution is seen always as a reaction to an earlier act or event. Thus, any attempt to cope with a past criminal act, whether based on punishment or treatment, is retributive. In all of these

retributive punishment is based on the assumption that human beings, and therefore criminals, are moral beings.

3.3.2 Deterrence

This refers to the use of punishment to prevent other individuals from committing crimes. For this goal to be achieved, the offender is punished so that he will be held up as an example of what happens to people who go against the laws of the land.

The next development in the justification of punishment was the belief that punishment has the specific potential of being able to deter (prevent) crime. In the classic work of Goerg Rusche and Otto Kirchheimer, feudal societies with their warrior-lords and serfs, were shown as possessing a well-defined legal relationship. The criminal law was an important means of preserving the social system and its hierarchy. In the early middle ages, penance, compensation (fines and the law of feud were the main methods of punishment. The later middle ages were characterized by harsh capital and corporal (Physical) punishments.

There has been a wide, often, violent debate over whether punishment deters (prevents) crime in fact, it is impossible to determine whether severe punishment, especially capital punishment, can make people resist the urge to commit crime, because we can never know how many people have been in this manner deterred. This is even more so when we consider that those who refrain from criminality may actually have been deterred by their own value systems rather than by the fear of punishment. This first becomes apparent when we consider that most criminals do not consider the penalties attached to their crimes before committing the acts. Do armed robbers operating in different states in Nigeria consult the penal codes of the states to find out the penalties that might be imposed for their crimes? Do burglars determine in advance the difference between first-and second-degree burglary and their penalties before they attack a target? Do rapists choose one victim rather than another because they know the difference between statutory rape and forcible rape? These are precisely some of the kind of thinking that motivates support against the deterrence theory of punishment.

Arnold Green, a former professor of sociology at Pennsylvania State University added an interesting dimension to the issue of deterrence. Green argued that the primary purpose of punishment is not to change the behavior of the criminals, but rather to reward law-abiding citizens by giving them visible residence (the imprisonment of criminals) that their way of life is valued (Green, 1950: 554). Given drew upon an analogy first made by Justice Holmes of the US, applying it by inference to the imprisoning of criminals. According to the analogy, the person

waiting to be hanged and the soldier waiting to die on the battlefield are both sacrificed for the good of society.

There is much support for the theory of deterrence although most correctional workers and scholars do not agree with the theory. For example, Fred Inbau and Frank Carrington have argued that severe punishment although necessary, does not go down well with liberal social scientists who are able "to explain the motivations of the criminal, but who can do little to protect the innocent against the mugger or armed robber" (Inbau and Carrington, 1971: 19-27). Proponents of the deterrence theory believe that "it is a realistic rather than a punitive position. They believe that crimes of violence are mainly inflicted upon the poor, not the rich. Therefore, the deterrence approach (severe punishment) is seen as an effort to protect the most victimized – the poor. The justification for deterrence lies in the fact that the failure of society is the failure to arrest, convict, and imprison enough criminals. But because the poor are much more likely than the rich to get arrested, they would also be victimized disproportionately. It is for this reason that Menninger considers deterrence as only a subterfuge for vengeance (Menninger, 1965: 206).

Apart from the practical question of whether punishment deters or prevents crime, there is a much more fundamental issue, the ethics of deterrence which is seldom discussed (Zimring, F. 1971). This simply calls for the enforcement of the sanctions threatened for breaking laws, because it would be pointless to describe certain acts as criminal and yet provide no penalty for performing them. For example, sections of the Nigerian law have defined certain electoral practices as crimes, but how many persons, since the laws were created or in the history of Nigeria, have been punished for electoral crimes? The concept of imposing sanctions to prevent future misbehaviour raises an entirely different issue – the issue of justice. This presents an ethical dilemma. Is it proper to impose a penalty for behaviour that has not and may not be performed, in a future that has not yet taken place?

3.3.3 Rehabilitation or Reformation

This also implies the reformation of the criminal. In developed nations like the United States, United Kingdom, Germany etc. emphasis is placed upon rehabilitation of the criminal. Unfortunately, this may not hold hundred per cent for our country – Nigeria; except in theory.

Rehabilitation ensures that after punishment the individual becomes useful to himself and society. He is easily integrated into society by virtue of his acquired skills while he was undergoing punishment for the committed crime.

No single event or idea can be credited with motivating the shift from deterrence to a reformative or rehabilitative attitude toward criminals. Rather, several factors account for this shift in focus, the most important of which perhaps, concern the development of the scientific viewpoint and its application to the behavioural sciences. In this regard, the Italian school of criminology made an early contribution to the application of the scientific principle to criminology.

Apart from this, it became apparent at a certain point, that punishment was not achieving its stated objectives (to prevent and control crime). As a result, specific reformative techniques such as probation and parole were developed to help change people's attitude toward the criminal. Also influential at this time was the increased belief in the philosophy of humanism with its overriding concern for human welfare. All these factors helped encourage the development of the reformative viewpoint.

Before the mid-19th century, European efforts at curtailing crime were based on the retributive philosophy. In the society of titled landowners, which prevailed in the early middle ages, the overriding concern was the prevention of vengeance from developing into blood feuds. As a result, councils of free men were established and empowered to ensure that culprits either did penance or paid fines. This is because at this time, crime was seen as an act of war, and peace was maintained almost exclusively by the imposition of fines. The inability of the poorer classes to pay the fines eventually led to the introduction of corporal (physical) punishment. The introduction of the retributive system was predicated first on economic disparity, and then on increasing domination of judicial rights by the feudal lords and the incontrollable impulse to increase public revenues from fine.

Poverty has always been a strong determinant of criminal behaviour and its control. Poverty increased in Europe from the 15th century due to increases in city populations, which consequently stretched to the limits, the ability of people to secure jobs that offered even the slightest opportunities for self-improvement. The flocking to the city of large numbers of propertyless serfs in societies where only the lords owned property, put intense pressures on the artisans (skilled workers), whose means of livelihood were threatened by the population increase. The usual problems that accompany sudden population growth – overcrowding, noise, filth, inadequate housing, unemployment, destitution, crime – developed, and wandering bands of workers sprang up, that provided cheap labour. Landowners quickly hired this cheap labour. The consequent exploitation of the masses could well be said to have contributed immensely to the development of capitalism and its attendant problems.

The poorer the masses became, the more their desperation to eke out a living by whatever means, the more the crime, and the harsher the punishments imposed for crimes.   In the course of time, physical punishment, which initially served only as substitutes for fines, became the rule.   Where execution and mutilation had been exceptions, they became the preferred forms of punishment.   According to Barnes and Teeters (1950) there may well have been an average of six hangings per day during the reign of Henry VIII of England. Punishments were not only frequently imposed, they became increasingly brutal. With an over abundance of labour, the value of life decreased, and the whole system could be described as a collective expression of sadism. The cruelty that prevailed, however, as Rasche and Kircbheimer have observed, could only be understood in terms of the special interrelationships of the period (Rusche and Kirchheimer, 1939:19).

Owing to the increasing severity of punishment, early attempts were made to seek better ways of dealing with offenders. In the 13th century for example. The Laterran Council outlawed trial by ordeal as a way of extracting a confession or determining guilt. Also, in the 17th century, the Quakers opposed the inhuman treatment of persons in the colonies. The efforts of the Quakers perhaps, more than any other factor, was responsible for Pennsylvania becoming the cradle of prison reform in the United States. In Britain as in other parts of Europe and the new world, houses of correction began to be established because of the concern for the welfare of the young. The first European house of correction was established in Amsterdam and was one of the few that offered any real hope of correction, as most others were miserable places.

In the 18th century, men like John Howard (1726-1790) helped the thrust for correctional reform. Through his popular book, the State of Prisons, Howard brought to the fore, the critical need for prison reform embodying rehabilitation and reformation rather than deterrence. Apart from Howard, Sir Samuel Romilly (1757-1818), was another untiring advocate for correctional reforms. He attacked the barbarous English criminal code with its excessive capital punishments. Through his work, England's first modern prison, the Millbunk Prison was built.

In the middle of the 19th century, correctional reforms were helped along by the efforts of Alexander Maconochie in Austrialia and John Augustus in the United States, both of whom made penological history by originating parole and probation as reformative treatment devices.

3.3.4 Prevention and Public Protection

This ensures public protection. Hence, it is argued that the rehabilitation or reformation of criminals and the protection of the public go hand in

hand. It is further argued that if reformation or rehabilitation is achieved, the public is protected. However, there has been a major shift in philosophy from reformation of criminals to the prevention of crime.

It has been argued that the rehabilitation or reformation of criminals and the protection of the public go hand in hand. If rehabilitation or reformation is achieved it is argued, then the public is protected. However, there has been a major shift in focus which has been encouraged by the development of the social sciences and especially by sociology, psychology, and cultural anthropology (the study of differences between society).

The earlier approach of providing monocausal explanations for crime, whether biological (caused by bodily difference), anthropological (caused by racial inferiorities), or psychogenic (caused by mental or emotional conflict), changed as a result of discoveries in biology, anthropology, sociology, psychology, as well as in other disciplines. Where sociology has shown the influences which social institutions and social interactions have on behavioural patterns, cultural anthropology has exposed the influence of cultural factors and cultural conflicts on the development of behaviour, psychology and psychometry (measurement of mental capability) have exposed classificatory biases and the deficiencies of earlier diagnosis.

These disciplines in the social sciences have shown that people become criminals not because they were criminal by nature or that they wished and preferred being criminals, but because social injustices, deprivations, class inequalities, cultural conflicts, and some other sociogenic factors ensured that they become criminals.

This Social Science knowledge has been introduced into the treatment of criminals. Since society has become aware of some of the social factors responsible for crime, it behooves on society to perform corrective surgery that would reduce if not eliminate the scale of the problem. It has been established that poverty and the constant economic and social pressures on the have-nots create a climate conducive to crime and delinquency.

Many scholars have accumulated data on the causes of crime in society. These suggest that if we could discover the factors responsible for crime, we would be able to determine the areas where crimes are likely to occur and the individuals who might develop criminal careers. We could then begin preventive treatment early in their lives.

SELF ASSESSMENT EXERCISE 2

State the global and historical philosophy of punishment.

3.4 Methods of Punishment

From time immemorial, man's imaginative potential have been displayed in his devise of diverse methods for the punishment of those who violated the laws of the land. Some of the most common methods include:

Physical torture e.g. flogging, branding (i.e. burning of the first letter of his offence on the forehead, hand or face of the criminal), mutilation of the body etc.
Payment of fines e.g. forfeiture of lands, goods or monies etc.
Death (capital punishment).
Imprisonment
Banishment (i.e. excommunication of the criminal from that community or state etc.).

4.0 CONCLUSION

Although, there are contentions about the disadvantages and gains of adopting punishment for criminals or offenders. A middle position would appear to be one that reconsiders the reconstructive potential of punishment, emphasizing deprivation instead of pain, seeing punishment as a pre-determined penalty, and viewing its imposition as aimed at advancing rehabilitation.

5.0 SUMMARY

In this unit, we have learnt about punishment as a means of social control, its origin and the philosophies and purposes of punishment. We have also learnt that punishment is a universal standard in every society but the method of application differs in line with the authority that dispenses punishment to the criminal or offender.

6.0 TUTOR-MARKED ASSIGNMENT

1. Identify and explain the purpose(s) of punishment.
2. Recount briefly the origin of punishment.

7.0   REFERENCES/FURTHER READING

Barnes, H. E. and Teeters, N. K. (1950). *New Horizons in Criminology.* Englewood Cliffs, N.J. Prentice-Hall.

Green, A. W. (1950). *Sociology*. Third Edition. NY: Mc-Graw Hill.

Inbau, F. E. and Carrington, F. G. (1971). "The Case for the so-called Hardline Approach to Crime" in *Annals of American Academy of Political and Social Science* Vol.397

Menninger, K. (1965). *The Crime of Punishment*. New York: The Viking Press.

Moberly, W. (1968). *The Ethics of Punishment*. Hamden Court: Anchor Books.

Rusche, G. and Kirchheeimer, O. (1939). *Punishment and Social Structure*. New York: Columbia University Press.

Ziboorg, M. D. (1968). *The Psychology of the Criminal Act and Punishment*. New York: Greenwood Press.

Zimring, F. E. (1971). "Perspectives on Difference" in *National Institute of mental Health, Crime and Delinquency Issues*. Center for Studies on Crime and Delinquency. U.S. Government Printing Office.

Mitford, J. (1973). *Kinds and Unusual Punishment*. New York: Alfred A. Knopf.

Obarisiagbon, I. (1999). *Criminology: A Socio-Legal Approach*. Akure, Nigeria: Sylva Publishers.

UNIT 2   CRIMINAL JUSTICE SYSTEMS (CJS) IN NIGERIA

CONTENTS

1.0   INTRODUCTION

There are no standard and uniform ways of combating and controlling all the various forms of criminal behaviours that occur and that are detected in all the different countries of the world. But rather, there are different measures and agencies for controlling deviant and criminal behaviours across the world.

The Nigerian criminal justice systems are based on the philosophy that the defendants dignity must be recognized and that the defendant is innocent until proven guilty by the state (or Federal Government) and that the state must follow proper procedures (due process) in proving its case against the defendant. Violations of these rules, which are common place in Nigeria, impairs the rights of defendants as free citizens and greatly threatens the foundations of the Nigerian Criminal Justice Systems (Igbinovia et al, 2003:427).

2.0   OBJECTIVES

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

Define criminal Justice System in the Nigerian context.
Identify the components of the Criminal Justice System.
Describe the characteristics of the CJS.
Explain the stages in the CJS.

3.0   MAIN CONTENT

3.1   Definition of the Criminal Justice System (CJS)

According to Reid (1996:404), the criminal justice systems are "the agencies responsible for enforcing criminal laws, including legislatures, police, courts, and corrections. Their decisions pertain to the prevention, detection, and investigation of crime; the apprehension, accusation, detention and trial of suspects; and the conviction, sentencing, incarceration, or official supervision of adjudicated defendants". Thus, the criminal justice system refers to the entire framework for the administration of the criminal laws of any social system, such as a local government council, a town or city, a state, a country, or the whole world at large.

3.1.1 Concepts of Nigerian Criminal Justice

Nigerian systems of criminal justice are based on the adversary or accusatory model. This model of criminal justice is characterized by the concepts of due process and equal protection under the law, which guarantees numerous rights to persons who are charged with crimes.

3.1.1.1 The Adversary and Inquisitorial Systems

There are basically two systems of criminal justice the adversary and inquisitorial systems. A fundamental feature of the adversary system is conflict and opposition. It functions on the basic assumption that the best way to get the fact is to have a contest between the two sides – the state and the prosecuting counsel representing the side of the society and the victim (in a criminal trial) versus the defense counsel and the defendant. Under this system, the accused is presumed innocent until proven guilty. This essentially means that the burden of proof rests squarely on the shoulders of the state (the state must prove that the defendant is guilty of the alleged offense).

In contrast to this system is the inquisitorial system, which is usually the preferred criminal justice model in countries of Eastern Europe. Under

this system, the accused is presumed guilty until proven innocent. In this case, the burden of proof lies squarely on the accused that must prove his innocence.

The major difference between these two systems is the presumption of guilt versus the presumption of innocence.   This is a fundamental difference because in the Nigeria system, the burden of proof is a critical element in resolving a case. For example, in criminal cases, the burden is *proof beyond a reasonable doubt.* Proving that the defendant is guilty beyond a reasonable doubt is a heavy burden imposed on the state because it is believed that it is better to set free a guilty person than to convict an innocent one.   In civil cases, the burden is proof on a *preponderance of the evidence.*   This recognizes that although both parties may share the blame, the party whose share of the blame is greater (51%-49%) is the guilty party.

Although wrongful convictions can occur in both the adversary and inquisitorial systems. It is believed however, that the adversary system provides greater protections against judicial travesties.   Although the adversary system has attracted considerable criticisms, it is however important that we understand the underlying philosophy of the system, which is based on the twin concepts of due process and equal protection for all criminal defendants no matter their creed or cradle.

3.1.1.2 Due Process and Equal Protection

The two fundamental principles crucial to the application of the adversary system are the concepts of due process and equal protection. Both these concepts are extremely difficult to define and have been the subject of intense debate and numerous court decisions.   Justice Felix Frankfurter, a former American Supreme Court of Justice, explained due process in this way:

"Due Process", unlike some legal rules, is not a technical conception with a fixed content unrelated to time, place and occurrences. (a) cannot be impersonal within the treacherous limits of any formula. Representing a profound attitude of business between man and man, and more particularly between the individual and government, "due process" as compounded of history, reason, the past course of decisions, and stout confidence in the strength of the democratic faith which we possess. Due process is not a mechanical measurement. It is not a yardstick. It is a process (Reid, 1994).

Due process is fundamentally a democratic application, which subsumes all the rights, duties, and obligations of citizen and the responsibilities of government.   It is a system of rules, frames, equity, measurements,

exactness, and faith. It sums up the legality of man as a rational being concerned with the improvement of himself and of himself.

The principle of equal protection under the law on the other hand, is also the subject of complex, intense debates and litigations. In its simplest form, equal protection prohibits the differential treatment of individuals in the administration of justice because of their class, sex, age, gender, ethnicity, or religion. This principle aims to protect and maintain the rights and status of man as equal in all respect before the law. The law is seen as an axe, which swings every way apportioning justice according to the merits of the case and not on the peculiar characteristics of particular actors. It is this principle that our law seems to reflect in our logo of justice – a blindfolded woman with a scale of measurement in one hand and a knife in the other.

3.1.2 Selected Constitutional Rights of Defendants

3.1.2.1 The Right to be free from unreasonable searches and Seizures

The Nigerian constitution recognizes that defendants have certain constitutional rights within the context of the criminal law. These include but are not by any means limited to the following:

The Nigerian criminal code prohibits unreasonable searches and seizures. Unreasonable searches and seizures are banned because the constitution guarantees every Nigerian a reasonable expectation of privacy. In some cases, however, the protection of society permits the invasion of privacy. This is often the case when there is probable cause to believe that invading the privacy of some social object was needed to protect society from harm. For example, the National Drug Law Enforcement Agency (NDLEA) may raid the premises of a suspected drug baron without a valid search warrant which is a violation of the constitution. The Nigerian law does not prohibit searches, but it does require that when the right of privacy must be reasonably yielded to the right of the search, in most cases, the decision should be drawn by a neutral and detached magistrate instead of being determined by the officer engaged in the enterprise of detecting crime.

The constitution allows a search warrant to be issued by a neutral Magistrate only after ascertaining probable cause, which simply means that in the light of the facts of the case, a reasonable person would believe that the evidence sought exists and that it exists in the place to be searched. This requirement applies also when an officer is searching without a search warrant. Probable cause in essence can be

conceptualized as having both a subjective and an objective component. An officer must subjectively believe that a thing is subject to seizure, and the belief must be reasonable under the circumstances. Probable cause in other words, does not seem to require certainty.

3.1.2.2 The Right not to Testify against Oneself

The Nigerian constitution provides that in a criminal trial, defendants cannot be compelled to testify against themselves. Perhaps, the most pertinent reason behind such a requirement is the idea that the law cannot make even the most hardened criminal sign his own death warrant, or dig his own grave, or pull the lever that springs the strap on which he stands. The Nigerian society has in the cause of history developed a considerable feeling for the dignity and intrinsic importance of the individual man. Society recognizes even the man whose heart is filled with evil to be a human being. Infact, in Nigeria, an accused need not sway anything at all at his trial (Section 33 Subsection 1 of the 1979 Constitution). The evidence act in Section 159, provides that:

Every person charged with an offense shall be a competent witness for the defense, but a person so charged shall not be called as a witness except upon his own application. Failure of such person shall not be made the subject of any comment by the prosecution.

Also, it was held in Inspector-General of Police vs. Madilas and Karaberis that where a trial judge chooses to comment on the failure of an accused to give evidence, he must do so with care, always reminding himself that the accused is not bound to give evidence. We saw this principle (the right to remain silent) at play when Nafiu Rabiu, in Kano State vs Nafiu Rabiu, just stood still and said nothing compelling Jeffery Jones the trial judge to discharge him.

The criminal code also contains prohibitions against physical and mental methods, for extracting confessions. It is a cardinal principle of the Nigerian criminal justice system that a confession channel from an accused person by force, threat or inducement is inadmissible in the court (Section 27 and 28 of the Evidence Act).

3.1.2.3 The Right to Counsel

The Nigerian criminal code provides that in all criminal prosecutions, the accused shall have the assistance of counsel for his defense except he expressly waives that right before a court. Defendants are entitled to counsel and if they cannot afford counsel, the state must provide counsel. The right to counsel is of little value however, unless the attorney who represents the defendant provides an effective defense. This invariably

implies that the right to counsel means absolutely the same thing as the right to effective counsel. The problem is that there is little consensus on the meaning of the term effective counsel.

Many Nigerian lawyers and judges have attacked the issue, although their suggestions have varied. A high court judge ruled in 1984 when the defendant's counsel fell asleep during trial, that the act (sleeping during trial) was inherently prejudicial. According to the court, an unconscious or sleeping counsel is equivalent to no counsel at all. Similarly, in the famous case of Lawrence Anini armed robbery trial, the tribunal chairman commended the defense counsel for his diligence and for putting up a brave and intelligent defense for the defendants.

Many defendants have appealed against convictions secured against them on the basis of ineffective assistance of counsel. For example, in a 1984 Supreme Court case in the United States, a defendant argued that his counsel who specialized in real estate, had virtually no experience in criminal cases and had only twenty five days to prepare his defense. Because of this, he alleged, he lost the case. In announcing its decision, the court reinstated the convictions of the lower courts. According to the court, "the benchmark for judging any claim of ineffectiveness must be whether counsels conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced the result." Thus, the issue of ineffective assistance of counsel can be resolved only if the defendant is able to prove that his or her counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable. In a nutshell, to determine whether a defendant had effective assistance of counsel, the following elements must be present:

(a)   Counsel must be a reasonably competent attorney whose advice is within the range of competence of attorneys in criminal cases.
(b)   To show ineffective assistance of counsel, defendants must show that counsels' representation fell short of an objective standard of reasonableness.
(c)   Counsel owes the client a duty of loyalty, a duty to avoid conflict of interest. Counsel must consult with his or her client, advocate that client's course, and keep the client informed of the important developments in his or her case.
(d)   Counsel has a duty to bring to bear such skill and knowledge as will render the trial a reliable adversarial testing process.

3.1.3 Components of the Criminal Justice System

The criminal justice system in Nigeria is made up of four major components, as follows:

The Police, or the law enforcement agencies.
The Prosecutor (Straddling both the police and the Attorney-General's Office).
The Courts
The corrections, or the Prison and Juvenile systems.

These four components which shall be explained in units 10, 11, 12, 13 and 14 respectively are all hinged or founded on a common philosophy which states that "the defendants dignity must be recognized, and that the defendant is innocent until proved guilty by the government, which must follow proper procedures in proving its case against the defendant". Although, there are constant violations of those rules by the agencies; the implications are; the impairment of the defendant's rights; and the denting of the image of the country's criminal justice system.

3.1.4 Characteristics of The Criminal Justice System

There are two major characteristics of the CJS namely:

System effect of elements and procedures; and
Discretion.

These are explained in the under-mentioned sub units.

3.1.4.1 System Effect of Elements and Procedures

Criminal justice systems in Nigeria are composed of processes as well as structures as reflected in sub unit 3.1.2.   Therefore, changes in one process or structure usually impact heavily on other elements within the system.   For example, it is a common knowledge that many crime experts, non-governmental organizations(NGO's) and even prison officials in Nigeria complain about the overcrowded Prisons in the country; however, instead of putting the blame squarely on the inadequacy of the prison building and their structures, blames are rather put on the courts for delaying justice.   Because cases drag on for too long. This example is cited not to suggest that arrest, prosecution and incarceration are not warranted, but rather to show that attempts to handle a problem within one area of criminal justice system may create problems in other areas.

3.1.4.2 Discretion

The Nigerian criminal justice system permits important justice officials to exercise a certain degree of discretion in the daily discharge of duties. This is because the police do not have sufficient personnel to enforce all laws at all time.   This situation is also applicable to the inadequate

number of Magistrates, Judges and other professionals involved in the dispensation of justice.

Discretion itself is an inevitable feature of the criminal justice systems. Though guidelines, laws and constitutional amendments may be passed to regulate discretion, it can not be eliminated altogether. Properly used discretion is functional.

3.1.4.2.1   Who Exercises Discretion in the Criminal Justice System

S/No	The Criminal Justice Systems	Most often Decide Whether or Not or How?
1	Police	* Enforce Specific Laws * Investigate specific crimes * Search People, vehicles, buildings * Arrest or detain people * File charges or petitions (complaints, reports etc.) * Seek indictments * Drop charges
2.	Magistrates or Judges	* Set bail or condition for release * Accept pleas * Determine delinquency * Dismiss charges * Impose sentence * Revoke Probation
3.	Correctional Officials	* Assign to type of correctional facility * Award privileges * Punish for disciplinary infractions
4.	Paroling	* Determine date and condition for parole. * Revoke parole.

 Source: Sue Titus Reid, (1997). *Crime and Criminology*. Eighth Edition. McGraw-Hill. P.410.

SELF ASSESSMENT EXERCISE 1

1.   What are the major components of the Nigeria Criminal Justice System?
2.   List the characteristics of the Criminal Justice System.

3.2   Stages in Criminal Justice System

There are about thirteen (13) procedures/stages of the criminal justice system. These are taken in the order of sequence.

Investigation prior to arrest: This is a procedure the police adopt on receiving a complaint or when they are witnesses to a crime. This is done by interviewing witnesses in order to obtain information that lead to an arrest.

Arrest: When a person is arrested, he or she is taken into custody (usually to the police station) and formally charged with a crime.

Booking: This involves the recoding of information relevant to the crime as well as the personal information (socio-demographic) of suspects such as name of suspect, location, age, time and purpose of arrest.

Initial Appearance: This is a statutory requirement by the Nigerian Constitution that after arrest, a suspect must be taken quickly (within 48 hours) before a court of competent jurisdiction for initial appearance.

Preliminary Hearing: Here, the government evidence is considered. At this stage the Magistrate and Trial judge may dismiss the charges or hand the suspect over to the prosecutor for information. The Judge and Magistrate may grant bail or set the amount or refuse bail or other forms of release.

Information: This is a legal document sufficient to send a suspect to trial.

Arraignment: After information is secured, the suspect must appear before a court of competent jurisdiction for an arraignment. Here, the defendant may enter a plea.

Reduction of Charges: At any stages in the Criminal Justice System the prosecutor may drop charges or the judge may dismiss cases.

Trial: If the case is not dismissed along the line or the defendant does not plead guilty, the case is set for trial.

Sentencing: Following a guilty plea by the defendant, or when the defendant is found guilty as charged at the trial, the judge enters a judgment or conviction and sentences the accused accordingly.

Appeals and Remedies: Defendants may have legal grounds on which to appeal their convictions to the appellate court. Defendant may also challenge their confinement through various post confinement remedies such as "habeas corpus" – which is a challenge on constitutional ground to legality of detention.

Incarceration: Convicted persons are incarcerated in prisons or other facilities in Nigeria.

Release from the System: When a conviction is secured and a defendant is incarcerated in a prison, such a person must be released upon completion of the sentence.

SELF ASSESSMENT EXERCISE 2

What are the stages in the Criminal Justice System?

4.0   CONCLUSION

While each relatively autonomous administrative unit has some measure of its autonomy in legislating, policing, prosecuting, adjudicating and enforcing its criminal law in other parts of the world like the United States and European countries; In Nigeria, the Criminal Justice System (CJS) is uniform in its applications/operation at the Local, State and Federal levels of government. For example, there is only one police system (the Nigerian Police Force); three court systems (the Local, State and Federal); and only one prison system (the Federal Prison network).

5.0   SUMMARY

In this units, you have learnt; the definition of the criminal justice system, its components and characteristics, as well as the stages of the Criminal Justice System (CJS).

6.0   TUTOR –MARKED ASSIGNMENT

1.   Identify and explain the key characteristics of the Criminal Justice System (CJS).
2.   Who are those that exercise discretion in the Criminal Justice System.

7.0   REFERENCES/FURTHER READING

Igbinovia, et al (2003). *Crime and Delinquency in Nigeria: Theories Patterns and Trends.* Benin City: Kryme Monitor Books.

Reid, S. T. (1994). *Crime and Criminology*. Seventh Edition. Orlando: Harcourt Brace.

Reid, S.T. (1997). *Crime and Criminology*. Eight Edition. New York: McGraw – Hill.

UNIT 3   CRIME CONTROL MECHANISMS

CONTENTS

1.0   INTRODUCTION

Crime has adversely affected the societies of both developed and developing countries by impairing the quality of life, threatening human rights and fundamental freedom and posing a serious challenge to the community. No country has remained unaffected, although the level and intensity of the problem may vary from one nation to the other.

2.0   OBJECTIVES

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

       define crime control in very simple and comprehensible term
       Explain why crime control has become a viable mechanism for
       crime prevention
       Recount the different forms of crime control mechanisms.

3.0   MAIN CONTENT

3.1   Definition of Crime Control

Crime control refers to a method in criminal justice which places emphasis on reducing the crime in society through increased police and prosecutorial powers.

3.1.1 Nature of Crime Control

Crime has become as complex as human nature. Modern technological advancement and tremendous progress in communication have facilitated criminals of every corner of the world to commit a crime using sophisticated equipment in one place and then escape to another place.

The present day world faces the grin problem of illicit drug trafficking, smuggling, hijacking, kidnapping, terrorism etc. In spite, of vehement national and international efforts towards combating such crime, it is quite disappointing to note that the crimes are rapidly growing in various forms.

An act or omission of an act which is punishable by law is a crime (Clark, 2001). A crime in one place and in one time may not be in another place and time. Intent and opportunity are two major factors that lead to the occurrence of a crime. An individual cannot commit a crime unless and otherwise he gets an opportunity even if he has an intention to commit one. So the real strategy for crime control is to provide no opportunity to commit a crime.

SELF ASSESSMENT EXERCISE 1

What are some of the efforts essential for crime control?

3.2 Forms of Crime Control

The popular saying that "prevention is better than cure" is the fundamental philosophy of crime control. This entails the following:

> Prevention saves the life and property of the people whom the police are in duty to protect.
> Prevents a good deal of trouble to the victim both physically and mentally.
> Rules out litigation which follow in the wake of a crime.
> Prevention also saves the police from the trouble of recording first information report at all odd hours of the day and night and of taking immediate action for investigation.

There are two major forms of crime control mechanism namely: Traditional Policing and Community Policing. These are discussed in the sub-units below.

3.2.1 Traditional Policing Method

This method entails "beat Patrol". A beat is a given route or an area to be covered and patrol is the duty performed on a beat. There are many factors determining patrol deployment. Some of these are:

> The area of the beat to be covered.
> The amount and type of crimes
> Location of crimes
> Populated residential areas versus industrial centers
> Socio-economic factors e.g. slum residential areas; areas populated by low income earners etc.
> Nature of streets and highways (e.g. Oshodi in Lagos, Ring road in Benin City; Ibadan Lagos Expressway, Benin Bye Pass in Edo State, etc.).
> Residence of criminals in the area that has been identified.
> Any special feature rendering the locality more prone to the criminals.

3.2.1.1 Methods and Essentials of Beat Patrol

One of the most important functions of traditional policing is to carry out **regular patrols** of beat. There is **no regular pattern set out** for this purpose as not to give room for criminal minded persons to exploit. Beat should be patrolled **clock-wise** and **anti-clockwise**. The pace of beat walking should be such that the patrol man occasionally takes cover to investigate and detect unusual occurrences. It is advisable that the beat should be patrolled in a "**zig zag**" manner to scare away criminally minded persons. Most patrolling should be done at night; and the route and starting point of your patrols should be changed frequently to ensure the element of surprise in coming across devious crimes.

Efforts to be made to control crime entails:

> Planning the co-ordination among district police offices
> Briefing the situation from time to time
> Organizing meetings with the border police counterpart
> Effective supervision of officers
> Through projecting crime situation of yesterday and today into tomorrow, prediction can be made concerning how much?, which and where crime is going to happen.
> Selecting the best man (officer) for a particular assignment
> Determining the amount, nature and distribution of police equipment etc.

3.2.2 Community Policing Method

This is a strategy for safety and security in the 21st century particularly, in developing countries of the world. It is a philosophy of policing based on the concept that police officers are private citizens working together in creative ways can help solve contemporary community problems related to crimes, fear of crime, social and physical disorder and neighbourhood decay (Trojanowicz, et al 1990). Thus, community policing is a collaborative effort between law enforcement and the community to identify problems of crimes and disorder and involves all substantial elements in the community. Consequently, community policing is a strategy based on the notion that community interaction and support can help control crimes, with community members helping to identify suspects, detain vandals and bring problems to the attention of the police.

3.2.2.1 Objectives of Community Policing Method

One of the major objectives of community policy is to establish an active partnership between the police and the community that can identify common crimes. The others are:

> To be able to provide effective feedback on the nature of crimes on the bases of everyone knowledge of the environment.
> To describe the benefits and the importance of citizens involvement and also, identify strategies for effective crime control in communities.
> To facilitate the gathering and sharing of information (intelligence) and data between the police and citizens.
> To restore public confidence in "police service" rather than in "police force".

Thus, the community policing method balances reactive responses to calls for service with proactive problem solving centered on the cause of crime and disorder.

SELF ASSESSMENT EXERCISE 2

State some of the major objectives of community policing method in crime control.

4.0   CONCLUSION

Crime control prioritizes the power of the government to protect society, with less emphasis on individual liberties. Those who take a stance

favouring tough approaches to crime and criminals may be characterized as proponents of crime control.

5.0   SUMMARY

This unit has taught you the nature of crime control in society. Specifically, it dwelt on the two major forms of crime control and the factors determining patrol deployment and the essentials of beat patrol. It is hoped that what you have learnt in this unit will equip you to be alert in your socio-cultural environment in terms of crime control.

6.0   TUTOR-MARKED ASSIGNMENT

1.   What are the two forms of crime controlling you have studied in this unit? Explain in detail any one.
2   Discuss, the popular saying which states, that "prevention is better than cure" in crime control.

7.0   REFERENCES/FURTHER READING

Clark, C.I.D. (2001). *Sociology of Deviant and Criminal Behaviours*. Benin City: Temisanren Publishers.

Trojanowicz, R. and Bonnie, B. (1990). *Community Policing: A Contemporary Perspective*. Cincinnati: Anderson Publishing Company.

UNIT 4   LAW ENFORCEMENT: THE POLICE

CONTENTS

1.0   INTRODUCTION

Law enforcement is one of the four major components of the Criminal Justice System (CJS). It is the agency that helps to ensure that people obey a particular law or rules in a defined territory, state or country. In fact, the agencies enforce the Legislation in any nation state. The Police is the major and foremost formal agency of law enforcement that is legally empowered by the constitution of most countries of the world to control all forms of deviant and criminal behaviours throughout the length and breath of the country.

In Nigeria, the Nigeria Police Force (NPF) is a Federal Government owned and controlled law enforcement agency. It is an enormous bureaucratic organization.   It is centralized administratively and operationally, and also considerably dispersed throughout the country administratively and operationally (Clark, 2001:198).

2.0 OBJECTIVES

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

Define who a police is and the police as a major component of the Criminal Justice System.
Identify the major objective/functions of the police.
Understand the problems plaguing the Nigeria Police Force.

3.0 MAIN CONTENT

3.1 Definition of "The Police"

The Police essentially "describes agents of the state whose official
function is maintenance of law and order, and enforcement of the
regular criminal Code". (Obarisiagbon, 1999: 96). Thus, the police is
a citizen's first link with the Criminal Justice System, and in many
ways the most important one.

When a crime occurs, the police is usually the first agency of the state to
become involved. However, in most countries of the world (Nigeria
inclusive) the police evokes contrasting images ranging from the heroic
to the hated and feared.

3.1.1 History of Policing in Nigeria

The emergence of the formal system of policing in Nigeria can be traced
back to our colonial experience with Britain. Before British colonial
rule, the various ethnic nationalities that make up the present day
Nigeria had some kind of community-based police services. This
included the highly developed age-grade system among the Igbos of
south-eastern Nigeria, the secret societies such as the Ogboni and Oro
cults of the south-west, to the Ekpe cult among the Efiks in the south-
south. All these societies, based essentially in the communities, helped
to maintain law and order as well as encourage general development.

As was customary in those days, Britain introduced into their colonial
enclaves, variants of their type of government including their systems of
policing. The British created the modern Nigeria police, armed and
distinct from civil society, to serve the interests of the British colonial
government. Between the years 1861 to 1904, the British colonialists
subjected the estimated 400 nationalities to colonial rule, the British
established police forces and constabularies to protect its interests.
These forces and constabularies were armed as quasi-military squads
and comprised of officials who were strangers in the communities
where they were employed. This practice was deliberate. It aimed at
alienating the police from the communities they served so as to ensure
that such officials when deployed to execute punitive expeditions would
act as an army of occupation and use maximum violence to coerce the
people into obedience and loyalty.

Evidence of this abounds. For example, in 1863, the Colonial Governor
of Lagos Colony, H.   S. Freeman, wrote a letter to the Duke of
Newscastle in which he highlighted the advantages of an estranged
police for the colonial government.   According to him, deploying

policemen to areas where they were aliens would foster effective deposit of violence in the community policed. According to Freeman:

"The men (Hausamen recruited into the force in Lagos Colony) being from the interior and professing the mussulman (Muslim or Islam) religion are hated by the natives of these parts who have hitherto only known them as their slaves. They (Hausas) are disliked also by the Europeans as being of a more independent character than the Lagos people.   They thus have only the government to depend on, and if properly managed will prove a valuable resource to this settlement".

The arrangement obviously, was a success, as a result of which 30 years later in 1893, another Colonial Governor, in a letter to London, reported that:

"In our Hausa force we have a body of men dissociated from the countries immediately around Lagos both by birth and religion, and who are as a matter of fact the hereditary enemies of the Yorubas. This is such an enormous advantage in any interior communication (opposition to colonial rule) that I should be sorry to see it abandoned if it were possible to obtain a supply of recruits in any other way."

The formal police system was introduced into Nigeria in 1861, with the establishment of colonial fiat, of a consular guard comprising of 30 men, whose primary responsibility was the maintenance of order and the keeping of the public peace.   In 1863, the consular guard was transformed into the Hausa guard, which in turn was transformed and enlarged into the Hausa Constabulary in 1879, headed by an Inspector-General.

With the expansion of colonial economic activity especially along the coastal areas where the lucrative trade in oil, local gin, and wood was carried out, control of the police was handled by the Royal Niger Company, which established the Royal Niger Constabulary from the remains of the Hausa Constabulary, in 1888.   The company aimed to safeguard its economic interest and to be able to put under quick control, pockets of resistance especially arising from local communities unhappy with the economic exploitation of the people and area by the Royal Niger Company. Their operation centered mainly on the coastal areas.   In essence, the police force in place was first and foremost founded upon the philosophy of order maintenance and the protection of the status quo.

This system of policing was restructured in 1930, when the Southern Nigeria Regiment and the Southern Nigeria Police Force were merged by colonial fiat to form the Nigeria Police Force, under the control of

the Inspector-General of Police, and with headquarters in Lagos Nigeria. Since then, the structure of the police in Nigeria has undergone considerable transformation both in the content of policing and in specific ideas about policing a fast changing, complex society like ours.

We have seen therefore, that there was a colonial interest in ensuring hostility and violence between the police and citizens. The colonial government organized the police as instruments of opposition, riot, and suppression. They were not organized to promote human rights, the rule of law, community safety or for rendering social services. They were used chiefly as expedition forces to further the goal of colonial annexation of territories, and to suppress opposition against colonial exploitation.

When Nigeria gained independence in 1960, there were expectations that the police would be reorganized and reoriented from a colonial occupation force to one organized to truly serve the people. This has so far not happened. Early Nigerian political parties that were elected into government both in the federal and regional areas, found it more convenient to retain all existing colonial structures of coercion in their attempt to remain in power and to secure the loyalty and obedience of the people.   Thus, instead of a clean break with the past and the restructuring and repositioning of the Nigeria police to serve the interest of the people, what we saw was a ceremonial oath which transferred allegiance of the Nigeria Police Force (NPF) from the British Crown to the Federal Republic of Nigeria, and a change of their former crests bearing the symbol of the British Crown to the Federal Coat of Arms. All other characteristic features of the colonial police that made them hated and feared were retained.

As a result of the persistent seizure of power by the military and the truncating of civilian democracy, police behaviour has also undergone some form of transformation.   From the military takeover of government in 1966 until the last regime of Abdulsalam Abubakar, and with the appointment of the Inspector General of Police into the Armed Forces Ruling Council etc, a marriage of convenience has been forged between the police and the military which has extended the suppressive police behaviour in colonial times to unmanageable proportions now. According to Ibrahim Coomasie (former Inspector-General of Police), "the force has been torn between the civil populace and the military, so much so that its civil traditions are almost lost to military authoritarianism".

3.1.2 The Structure of the Nigeria Police Force

The law enforcement powers of the Nigeria Police Force are derived from the constitution of the Federal Republic of Nigeria. It is the foremost agency recognized by law with the constitutional authority to maintain law and order, prevent and control crime and provide security and protection not only for the lives of Nigerians and all who reside in Nigeria, but also for their property. In fact, the duties of the police are defined in section 4 of the Police Act, as 'the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of property and the due enforcement of all laws and regulations with which they are directly charged."

The Nigeria Police Force is an example of a centralized system of policing which typically feature one large, indivisible system responsible for policing the entire society. Although, it is centralized administratively and operationally, it never-the-less has devolved considerable powers to the states in order to recognize and or appreciate peculiar local practices and customs of the various Nigerian peoples.

The headquarters of the Nigeria Police Force is located in the Federal Capital Territory, Abuja, although for decades, it was headquartered in Lagos, the former capital city. The Nigeria Police Force is headed by the Inspector-General of Police who controls the activities of the police from his office at the Etim Edet House in Abuja. The Inspector-General of Police is assisted by Deputy Inspectors-General and Assistant Inspectors-General of Police, who take charge of the various programme departments and who report to the Inspector-General. Specifically, the Assistant Inspectors-General of Police also controls the zonal police commands of the force and report directly to the appropriate Deputy Inspector-General of Police.

At the state level, the Nigeria Police Force has established command headquarters in each of the 36 states of the federation and the Federal Capital Territory, Abuja. Each state police command is headed by the Commissioner of Police who in turn is assisted by Deputy Commissioners and Assistant Commissioners of Police. These take charge of relevant programme areas of the police including investigations, administration, operations etc. In all, the Nigeria Police Force has a command structure, which is basically hierarchical in nature, with powers and command flowing from the top to the bottom level of the hierarchy.

The statutory functions and duties of the Nigeria police are fundamentally preventive. As a result, all its sworn personnel are general duties personnel irrespective of their postings from time to time

(operations, investigations, prosecutions, traffic, administration).   The primary duty of the police is the prevention of crime. Along this line, under the current organizational structur5e of the Police Force, the Directorate of Operation is saddled with the responsibility, subject to the approval of the Inspector-General of Police of formulating and executing strategies and tactics for crime prevention and control. It is also responsible on behalf of the Inspector-General, for the mustering and deployment of adequate forces for the suppression of civil disorder; such as the Maitatsine disturbances, the Warri ethnic clashes, the communal strife between Ife and Modakeke, and religious disturbances in Northern Nigeria.

According to the Police regulations of 1968, the Force Intelligence and Investigation Bureau (FIIB) have as its first primary responsibility, the prevention of crime and not the investigation of crime as it is popularly believed.   Criminal Investigations according to Adamu Suleiman (1996), forms only "its secondary responsibility, which was evolved to cover lapses in its primarily preventive function. Criminal investigation in truth only dries the tears of the victim of crime after the vent, after the harm has been done as it were".

The approach to crime prevention of the Nigeria Police Force revolves around the system of foot beats and patrols, which emanates from Police Stations and is supplemented by the coverage of key and vulnerable points and static posts, including road blocks/check points. Foot beats and patrols are undertaken by both uniformed policemen and policemen in mufti (plain clothes men of the FIIB).

3.1.3 Police and Crime

Ordinarily, to the average Nigerian citizen, police duties are simply to apprehend law breakers and prevent crime. This view about the police is a limited perception when viewed against the background of their operations in other developed countries of the world. For example in developed countries like the USA, Germany, Canada, United Kingdom (UK), Spain, Netherlands to mention but a few, police response ranged from the following:

> Mediating in family disputes, to providing emergency first aid services etc.

These are indications that outside crime-related calls they take on those services. But in Nigeria, it is the crime-related function that provides the critical events in the life of a policeman and that makes police behaviour a major political issue.

However, Section 4 of the "Police Act" (1958) as well as section 214 of the 1999 constitution of the Federal Republic of Nigeria spells out clearly the cardinal objectives and aims of the police force. These are:

> Prevention and detection of crime
> Apprehension of Offenders
> Preservation of Law and Order
> Protection of lives and properties
> Enforcement of all laws and regulations made by the Federal and State Governments, cum bye-laws made by Local Government Councils

These and others form the basic functions of the police as the subject of the next sub-unit.

3.1.4 The Functions of the Police

As a follow up to sub-unit 3.1.3. There are basically three traditional functions that police play in society. The most important is law enforcement, followed by order maintenance and service related duties.

3.1.4.1 Law Enforcement

This function empowers the police to stop, question, detain, and arrest people who violate the law. This power range from apprehending traffic violators to apprehending persons suspected of committing serious felonies, which apprehension may involve the use of deadly force. The police also investigates crimes and collect and preserve evidence for criminal trials.

3.1.4.2 Order Maintenance

This function empowers the police to prevent social disorder; and by social disorder is meant behaviour that either disturbs or threatens to disturb the public peace or that involves face – to – face conflict among two or more persons. (Wilson, J. 1983). It is further maintained, that it is important that the police rather than some other professionals responds to such problems because they may result in violence

3.1.4.3 Service Related Duties

Apart from Law enforcement and order maintenance, the police is also involved in providing other service related duties such as:

> Providing directions to lost persons or strangers

Sanitizing congested traffic situation in highways or sub-ways
Providing information on missing persons when contacted.
Providing services like removal of debris of wrecked vehicles
from accident scenes and evacuation of victims etc.

SELF ASSESSMENT EXERCISE 1

1.   Define the term Police.
2.   State the cardinal objectives and aims of the Police Force in
      Section 214 of the 1999 Constitution of the Federal Republic of
      Nigeria.

3.2   The Nature of Policing

Historically, the police have had greater responsibility for enforcing the
peace than for law enforcement. It was their function to handle riots
and other civil disturbance; to regulate street behaviour and to inspect
bars, liquor stores and other businesses requiring licensing etc. all these
numerous responsibilities made it usually difficult for the police to
effectively police society. Thus, the nature of policing the world over
entails the following; the:

Deployment of its personnel to patrol strategic roads, quarters
and other parts of towns and cities to maintain law and order.
Utilization of various crime prevention tactics like stake-outs,
decoys and night patrols, whenever necessary in vulnerable
areas.
Maximization of police presence and use of aggressive anti-
crime patrols especially at night whenever necessary.
Imposition of curfews in certain strategic and crime infested parts
of cities and towns whenever necessary.
Ordinary private citizen is relied upon for information to enable
the police go to scenes of crime to investigate and make arrest
where necessary
Police investigate most cases of alleged criminal behaviours and
make appropriate recommendations to the various ministries of
justice for further determination of trials in courts of law
whenever necessary.

3.2.1 Problems Plaguing the Police Force

Despite the enormous responsibilities entrusted on the police force the
world over. The agency is adjudged in most countries of the world
(Developed and Developing) as grossly incompetent and incapable of
combating and controlling crimes-especially the most serious and

problematic types of crimes such as; armed robbery, smuggling, drug trafficking, embezzlement of public funds, bribery and corruption etc. These challenges are consequences of the under-listed militating factors:

Lack of adequate operational equipments (such as communication equipment, logistic vehicles, weapons, residential accommodation etc.)

Inadequate training and re-orientation of law enforcement operatives charged with combating crime.

Gross lack of vital statistics and other related data on crime occurrences in the society

Gross lack of co-operation and support from the public (this is manifested either due to lack of security consciousness or lack of trust in police personnel by the citizenry). This is a cardinal impediment to crime control.

Other problems can be highlighted as bribery and corruption, poor public perception of the police, lack of adequate funds for the service etc.

4.0 CONCLUSION

The Police as the foremost component of the Criminal Justice System (CJS) is not quite in a position to combat and control criminal behaviours effectively by its own efforts alone. There are other complementary systems like the courts, other informal security agencies, the role of the mass media, the efforts of private individuals, and the organized efforts of the private sector through civil defence operatives. Above all, the provision from the Federal government to sustain the police should not be denied.

5.0 SUMMARY

In this unit, we have learnt that the police is the major and foremost formal agency of law enforcement that is legally empowered by the constitution. Some of the functions and nature of policing was dealt with. You also learnt about the problem plaguing the police force in both developed and developing nations.

6.0 TUTOR-MARKED ASSIGNMENT

1. Explain the functions of the Police Force
2. Historically, what has been the nature of policing in the developing world?

7.0   REFERENCES/FURTHER READING

Clark, C I.D. (2001). *Sociology of Deviant and Criminal Behaviours*. Benin City: Temisanren Publishers.

Obarisiagbon, I. (1999). *Criminology: A Socio-Legal Approach.* Akure: Sylva Publishers.

Wilson, J.Q. (1983). *Crime and Public Policy*. New York: ICS Press.

The 1999 Constitution of the Federal Republic of Nigeria (Original)

UNIT 5   COURT SYSTEMS IN NIGERIA

CONTENTS

1.0   INTRODUCTION

The Court is an important component of the criminal justice system (CJS). It is with the court that the crucial pre-trial, trial and post trial appeals and petitions either occur or are supervised. The courts do not restrict their functions to only legal professionals but also to the public as well. In fact, the decision to prosecute is a crucial one, involving the discretion of a prosecuting lawyer (attorney), who brings the charges against the accused, and a defense lawyer (attorney), who represents the accused, or the defendant. This, prosecutors and defense lawyers function within the criminal court systems. (Clark, 2008:243).

2.0   OBJECTIVES

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

       Understand the court system in Nigeria.
       Describe the structure of the court system in Nigeria.
       Explain the role of lawyers in criminal court systems.

3.0   MAIN CONTENT

3.1   Understanding the Court System

The court is a part of the criminal justice system. It is empowered to hear and decide civil and criminal cases. Some courts have the power to determine whether acts of legislatures fall within the constitutional provisions. This power of "judicial review" represents the court's highest authority. The high courts of states determine the constitutionality of state laws according to the constitution, while the Supreme Court of Nigeria apart from being the apex court of the land with the power to determine cases, emanating from Federal Appeal Courts, also specifically decides whether statutes or court decisions violate the Nigerian Constitution (Igbinovia, et al, 2003:478).

The Courts are presided over by judges. In Nigeria, like in the U.K. and in the U.S.A., the criminal justice system is an "Adversary system" – that is, the person accused of a crime (defendant) is presumed to be innocent until proved guilty in a court of law by the representative of the state (Prosecutor).

In many other countries, the questioning of witnesses is handled by a judge or panel of judges. But the Nigerian system assumes that justice is best served by pitching opposing lawyers against each other before a neutral judge or panel of judges (Clark, 2008:243).

The court system in Nigeria adopts the following court processes:

> **"Jurisdiction";** refers to the power of the court to hear and decide a case. Thus if a court lacks jurisdiction, over the subject matter or of the parties who are involved in the action, the court may not hear the case.
> **Rule of 'stare decisis':** Nigerian courts usually abide by or adhere to cases already decided. The law being flexible, the court may over rule (specifically or by implication), their previous decisions.
> **Legal reasoning:** This involves a case-by-case analysis. This is fundamental because facts differ from one case to the other. Consequently, when facts are similar, the holding of the decided case applies; but if facts are dissimilar, then the holding of the decided case does not apply.
> **Reliance on Written opinion:** Nigerian appellate courts rely on written opinions. However, judges or justice who concur with part of the court decision and dissent from the remaining also write some opinions.

3.1.1 The Nature of Nigeria Court Systems

Nigeria operates a dual court system made up of state and federal courts. State crimes are prosecuted in the state high courts while federal crimes are prosecuted in federal courts. The criminal court systems differ from northern to southern states, especially with the recent adoption of the Sharia legal system in many parts of northern Nigeria. Irrespective of minor differences, all states have trial courts. While the serious cases (felonies) are often heard by the high courts, the misdemeanors are heard by the magistrate courts and the area courts.

The federal court system has three levels excluding special miscellaneous tribunals, rent courts, traffic courts etc. The federal high courts are the trial courts. Cases may be appealed from these courts to the Federal appellate courts. The highest federal court is the Supreme Court of Nigeria, basically an appellate court, although having original jurisdiction in a few cases. Cases may be appealed to the Supreme Court only if a federal statutory or federal constitutional right is involved.

3.1.2 Trial and Appellate Courts

A distinction should be made between trial and appellate courts. Trial courts hear the factual evidence of a case and decide the issues of fact. Judges or magistrates make the decisions as the case may be. Appellate courts on the other hand, rather than try the facts such as the defendant's guilt in innocence, try the lower courts. The appellant (defendant) who was convicted at initial trial and is appealing that conviction - alleges procedural errors of the trial court. These errors could be the trial court's admission of hear say evidence or admission of confessions obtained by duress. In challenging his conviction upon these grounds, the appellant may ask for a new trial or for outright acquittal. The appellate (prosecutor at trial) on the other hand argue that other error did not exist or, if they did, they were not reversible error – meaning that they did not prejudice the appellant and therefore the conviction should stand.

In Nigeria, when a trial court has ruled against a defendant, he or she has a right of appeal in the federal appeal court, although the defendant does not have the right to appeal to the Supreme Court except in a few specific types of cases. Appellate courts hear and decide only a small percentage of the cases appealed. The appellate court may affirm or reverse the lower courts decision. If the defendant is found not guilty at trial, he or she may not be retried for that offence, although prosecutors might appeal the case on a point of law to get a ruling that may be of benefit in future trials.

3.2   The Structure of the Court Systems in Nigeria

The court system of Nigeria refers to the totality of the various courts of law that exist across the country as enshrined in the Nigerian Constitution, chapter VII, Section 230 to section 296. There are three categories of courts in the country namely:

> The Customary Courts (exist largely in Southern Nigeria).
> The Sharia Courts (exist in the Moslem practicing areas of Northern Nigeria).
> The Western-oriented Courts (administer and enforce the Criminal Laws in the South and the Penal Code in the North).

Our main interest in criminology is in the third category of court, that is the western-type courts. The structure of the western-types of courts in Nigeria comprises a hierarchical court system in which the courts are arranged in a super-ordinate and subordinate manner. The hierarchy of the judiciary consists of four major strata namely:

> The magistrate Courts
> The High Courts
> The Appeal Courts
> The Supreme Court of Nigeria

These are expatiated on, in the sub-units below.

3.2.1 The Magistrate Courts

The magistrate courts are at the very bottom of the hierarchy of Nigeria's Western-type courts. They are the lowest courts, with the least powers in terms of the seriousness of the cases they can handle, and the amount of punishment that they can impose on convicted offenders. They are next to the High Courts; and owned, and controlled and funded by the Judicial arm of the government of each of the thirty-six states and the Federal Capital Territory, Abuja. They are under the authority of the Chief Judge of each state.

3.2.2 The High Courts

They are responsible for handling serious criminal cases ranging from felonies to treasons. They administer and enforce the civil law cases. There are two parallel forms of High Courts in Nigeria namely:

State High Courts

They are owned, controlled and funded by each of the thirty-six states and the Federal Capital Territory, Abuja. They handle cases affecting their state's criminal law, as well as the cases arising from the federal criminal laws.

Federal High Courts

They are owned, controlled and funded exclusively by the Federal Government of Nigeria. They are located selectively in some states of the federation. But all the Federal High Courts are headed by the Chief Judge of the Federal High Court system, who is based at the Federal Capital Territory (FCT), Abuja.

3.2.3 The Appeal Courts

These courts have "appellate jurisdiction" or power over the High Courts. They are also referred to as referral courts. Fresh cases are not heard in these courts. It is meant only for dissatisfied litigants in the High Courts to make appeals.

All Appeal Courts are owned, controlled and funded by the Federal Government of Nigeria. The Courts of Appeal are headed by the President of the Courts of Appeal, who is based at the FCT, Abuja.

3.2.4 The Supreme Court of Nigeria.

The Supreme Court of Nigeria is the "apex court" of the country. Section 232, sub section 1, of the Nigerian constitution states that, "The Supreme Court shall, to the exclusion of any other court, have original jurisdiction in any dispute between the Federal and a State or between States if and in so far as that dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends". Thus, the Supreme Court is the last court of appeal in the country.

There is only one Supreme Court in Nigeria. Hence, the decisions which are made by the Supreme Court in any judicial matter in the country are final and binding on all the adversaries, who go to it to seek justice.

The Supreme Court of Nigeria is located in the Federal Capital territory, Abuja. Its justices are drawn from the various geo-political zones of the country. The head of the Supreme Court of Nigeria is the Chief Justice of Nigeria.

The Supreme Court of Nigeria is owned, controlled and funded by only the Federal Government of Nigeria.

SELF ASSESSMENT EXERCISE 1

1.   State the hierarchy of the Court System in Nigeria from the lowest to the highest.
2.   What is the "adversary system" in Criminal Justice in Nigeria?

3.3   The Role of Lawyers in the Court System

In the Nigerian criminal justice systems, lawyers perform two (2) fundamental roles namely:

    Prosecution, and
    Defense.

These are explicated on in the sub-units below:

3.3.1 Prosecution

This role is very important for lawyers involved in criminal cases in Nigeria. The prosecuting counsels represent the interest of the state or the federal government and is responsible for securing and organizing the evidence(s) against the defendant and for arguing the case, if it should go on trial or not. They (Prosecutors) exercise wide discretionary power in the performance of their constitutional duties – they have the power to decide whether or not to prosecute.

3.3.2 Defense

The Nigerian Criminal Codes provides that persons accused of the commission of a crime have the right to legal representation. The lawyer representing the defendant in a criminal trial is the "defense counsel" whose principal function is to protect the legal rights of the accused. In the Nigerian Criminal Justice Systems, the defendant is entitled to a fair trial in which the state must prove its case against the defendant beyond all reasonable doubts and in accordance with proper procedures. (Igbinovia, et al 2003:482).

Other areas where Lawyers roles can not be undermined are in:

    Pre-trial Release: That is helping to secure bail for a criminal offender.
    Plea Bargaining: This involves a negotiation between prosecution and the defense in which the defense agrees to plead

guilty to a lesser charge or to the current charge in exchange for the prosecutor's promise to recommend a light sentence or drop other charges, or make some other concessions.

3.4   Sentencing

One of the most important stages in the criminal justice system is sentencing. Sentencing represents for offenders the determination of punishments that are imposed and by implication, how they will spend the coming months or years. For some offenders, sentencing determines whether they will live or die. It represents for the society however, a time for decisions that necessitates not only action in peculiar cases but recognition of the philosophies that underlie the concept of punishment.

An interesting new twist has been added in the issue of sentencing with the suit instituted by Goodnews Agbi and Anthony Alubi to disqualify Governor James Ibori of Delta State from contesting the governorship election.   In their suit before the Abuja High Court the petitioners prayed the court to declare Ibori unqualified and ineligible to re-contest the governorship seat by virtue of his alleged conviction of criminal breach of trust by the Bwari Upper Area Court in 1995. the plaintiffs counsel Mr. Moses Odirri in his submissions argued that "once a person pleads guilty, a conviction has already taken place. A conviction falls squarely upon the decision of a competent court or jury, adjudging a person guilty of a punishable offence."

But Ibori's counsel, Mr. Alex Izinyon (SAN) while conceding that the judgment exhibited before the court was a Certified True Copy of the 1995 judgment, however argued that nobody was convicted by the said judgment. According to him, the document did not contain the word 'conviction', which was mandatory before a sentence could be passed on anybody. He contended "what is contained in the document (CTC) of the Bwari Upper Area Court was that somebody was sentenced to a fine of 500 naira or six months imprisonment but there was no certificate of conviction with fingerprints of the convict and neither was conviction contained in the CTC".

Delivering judgment, Justice Husseini Baba-Yusuf of the Abuja high Court, said although Ibori entered a plea of guilty in case No. CR-81-95 before the Upper Area Court, the court merely sentenced him without adhering to the procedure that would have led to his conviction. According to the judge. "I found you liable should you have followed the admittance of guilt. This exercise is lacking in this case. We agree that area courts are not bound by the strict processes of the law, but they are to be guided by its tenets. Since there is no conviction in Exhibit A, the accused in the case was not convicted, since all the claims by the

plaintiffs are tied to the resolution of the exhibited exercise powers to dismiss all the claims." The judge argued that the Bwari Upper Area Court undertook a somersault by proceeding with the sentence after the accused's plea of guilty, without first stating it expressly that he accused was convicted upon being found guilty of the alleged offence. Although Justice Baba-Yusuf agreed with the plaintiffs' counsel that customary courts were not subject to the provision of the Evidence Act or Criminal Procedure Code (CPC), he however insisted that such courts must be guided by these provisions. According to him "I however agree with the plaintiffs' counsel that the area or customary courts are not regimented to the Criminal Procedure Code (CPC). However, order of a court should not be lost in a guess or conjecture as is the case with the CTC named Exhibit A attached to the plaintiff's claims. The Bwari Upper Area Court to my mind should have been guided by the provisions in the Evidence Act and Criminal Procedure Codes".

The court's decision has received wide condemnation from many who see it as a miscarriage of justice and insist that there cannot be any true dichotomy between conviction and sentencing. They ask whether a person who pleads guilty to a crime has not been convicted on the basis of that plea if sentence was passed and indeed executed. On what basis they argue, was the defendant sentenced, if the sentencing does not imply conviction? Why did the defendant choose to obey the sentence (in this case payment of the prescribed fine of 500 Naira) instead of challenging the sentence on the strength of the fact that he had not been duly convicted? The questions are endless.

On the other hand, supporters of the defendant hailed the judgement as a "landmark", and a good testament to the maturity of the Nigerian judiciary. Governor Ibori (the defendant) has also praised the decision describing it as a vindication of his position and a triumph of good over evil. He lauded the courage and integrity of the judge in "asserting the independence of the judiciary and bringing about the triumph of justice over injustice."

3.4.1 Types of Sentences

Historically, many types of sentences have been imposed in Nigeria, ranging from corporal punishment to the payment of fines. Offenders may be required to pay a fine (a financial payment to the state or restitution payment to the victim). Some offenders are incarcerated in prisons. However, our primary focus here will be on two types of punishment whose adoption and implementation have historically been controversial and remain controversial even to this day: Corporal and capital punishment.

3.4.1.1 Corporal Punishment

Historically, corporal punishment was frequently used and inflicted in public because it was seen as capable of deterring offenders and the rest of society who observe its effect on offenders, from violating the law. Some scholars have argued recently that, corporal punishment is more humane and less expensive than incarceration.

According to Graeme Newman (1983) who has written extensively on punishment, electric shock is a better substitute to incarceration for most offenders. He argued that electric shock would inflict punishment only where it belongs – on the offender and not on the offender's family, who usually suffer the consequences of the offender's incarceration. According to him such brand of punishment would remove from the society the expense of incarceration and of supporting poor families whose breadwinners are in prison. Under this proposal, all offenders would receive the same penalty for the same offense and no additional punishment would be meted out because of the offender's past crimes. His approach is similar to the classical approach where punishment is tailored to fit the crime, not the criminal. Apart from these reasons, corporal punishment would also be fairer because unlike prison, corporal punishment works on the offender's body and not on his or her mind.

There are several variations of corporal punishment. In early times, rapists were castrated. In recent years, few judges have ordered chemical castration of rapists or given convicted rapists the choice of chemical castration or imprisonment. This issue is extremely controversial, as some people have argued that even when the choice of castration is voluntary, the process still violates the constitutional rights of the accused.

Even more controversial than chemical castration is physical castration. In March 1992, a United States judge excused himself out of a Houston, Texas, case involving an African American charged with aggravated sexual assault of a thirteen-year-old girl. The defendant agreed to be castrated in exchange for a ten year deferred adjudication and probationary term. The agreement led to accusations that the white judge was bigoted. The judge on his part accused his critics of polarizing an already divisive community. In the end, the plan was abandoned as a result of the criticism as no doctor would agree to perform the operation.

In Nigeria, corporal punishment has been used sparingly. Often, offenders were asked to be flogged in open courtrooms in the belief that the pain of flogging and public disgrace and opprobrium that

accompanies such an exercise will deter offenders and the public from violating laws. But recently, with the adoption of the Sharia Legal code in some parts of Nigeria, corporal punishment has been reinvigorated. As a result of the debilitating effect of such measures, many have asked for the repudiation of the system and a return to the status quo ante, where criminal offenders are treated with more civility and humaneness. However, protagonists for the adoption of Sharia (Islamic Legal Code) insist that the system exists to control the behaviour of men in society and to ensure that man operates within the bounds of humility, civility and hard work. They allege that the penal code with all its defects and shortcomings lacked the ability to control and preempt the antisocial behaviour of man, hence only the Sharia system could achieve success where all else has failed.

3.4.1.2 Capital Punishment

The capital punishment is a second type of punishment used extensively in the past and enjoying a great resurgence today. Capital punishment by its very nature should not be used arbitrarily and unfairly as that would amount to cruel and unusual punishment frowned at by the criminal code. Capital punishment typically features the execution of convicted felons by society. Over the last two decades, hundreds of offenders have been executed in Nigeria for varying offenses including drug trafficking, armed robbery murder, coup plotting etc.

The morality of capital punishment has been called to question. Many scholars worried by the approach have conducted numerous researches on the effects of capital punishment on society, with the conclusions ranging from its ability to deter would be offenders to its low impact level on deterrence. The public also has reacted with mixed feelings to capital punishment. Some have condemned the practice as barbaric, ancient, immoral, inhuman and counter productive, while others praise its adoption insisting that it is one of the best and surest way to control the rising incidence of serious violent crimes. These persons support the measure and express fascination about its details.

The political aspects of capital punishment have gained worldwide attention. In early 2002, a woman convicted by a Sharia court for adultery was given reprieve from her scheduled execution after world political leaders, including the president of the United States and the Secretary-General of the United Nations, religious leaders including Pope John Paul II, non-governmental organizations, the press, humanitarian and charity organizations, beauty queens from across the world etc. lent their voices to already bloated appeals for clemency.

Despite the fact that virtually all the thirty-six states in Nigeria permit the death sentence and that execution has increased over the last couple of years, most condemned prisoners are not executed. One scholar has said that if we executed twenty-five of our condemned prisoners per year, it would take us one century to execute all of those currently on the death sentence and that at the current rate of growth, there would be 17,000 more condemned prisoners by the end of that century. Another scholar has calculated that after the sentence approximately 50 percent of capital cases is reversed on appeal (Kere, W. P. 1992:11-15).

4.0   CONCLUSION

The courts are or may be considered as the crux of the criminal justice system in Nigeria because it is seen as the "last hope of the common man". However, when we see the injustices created by an over worked court that must decide cases quickly; couple with over worked prosecutors and defense counsels, then the inefficiency and the injustice of the crowded courts leads to lack of public confidence in the court systems and the entire Nigerian legal system.

5.0   SUMMARY

In this unit, you have learnt that court is a significant aspect of the CJS and, you also learnt about the structure of the courts as it operates in Nigeria and more importantly, the role of lawyers in the court system.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Explain the role of Lawyers in the criminal justice system (CJS).
2.   What processes do the court system in Nigeria adopts?

7.0   REFERENCES/FURTHER READING

Clark, C. I.D. (2008). *Criminology.* Benin City: Toye Clark Publishing Company.

Graeme, Newman (1983). *Just and Painful: A Case for the Corporal Punishment of Criminal*s. New York: Macmillan.

Igbinovia, et al (2003). Crime and Delinquency in Nigeria: Theories, Patterns and Trends. *Benin City: Kryme Monitor Books.*

The 1999 Constitution of the Federal Republic of Nigeria.

MODULE 4   CORRECTIONS

Unit 1   Social Reactions to Crime: Correctional Institution (Prison)
Unit 2   Community Corrections
Unit 3   Juvenile Institutions and Juvenile Corrections
Unit 4   Informal Agencies of Crime Control

UNIT 1:   SOCIAL   REACTIONS   TO   CRIME: CORRECTIONAL INSTITUTION (PRISON)

CONTENTS

1.0   INTRODUCTION

It has become customary for criminologists to argue in ancient and non-literate societies that correctional institutions (Prisons) existed not only for the purpose of detaining suspects or offenders but to rehabilitate, reform, train and transform the offender in order to become a better person.

2.0   OBJECTIVES

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

       Understand the term correctional institution.
       Distinguish different types of correctional institutions.
       Understand the prison as a major form of correctional institution.

3.0   MAIN CONTENT

3.1   What are Correctional Institutions?

Correctional institutions do not refer to prison only but to such things as reformations, farms, ranches, camps, jails, work houses, and training or industrial schools. These have their individual purposes. However, our presentation will be limited in this unit to a thorough examination of the concept – "Prison" as a correctional institution.

3.1.1   Types of Institutions for the Confinement of Adult
            Offenders

There are different institutions for the confinement of adult offenders, although most offenders are confined in jails, prisons, or some other community-based facilities. In some countries like Nigeria, adults are detained in lock-ups, which are temporary holding facilities used for the detention of suspects on a short-term basis while they are awaiting criminal prosecution Lack-ups in Nigeria are operated by the police and are located at police stations across the length and breadth of Nigeria. Apart from the detention of adult offenders pending criminal prosecution, lock-ups may also be used for the detention of juveniles pending when their parents or guardians take custody of them from the police or when they are placed in other facilities such as remand homes, etc.

3.1.1.1 Jails

The Latin word of the term Jail is *Cavea*, which means *cavity, cage, or coop.* Reid (1995) suggested that jails should be defined as public cages or coops. The majority of jail inmates are awaiting trial or other court procedures; many have been convicted and are serving their time in jails, while others are waiting to be moved to prisons.

Theoretically, jails are used for the confinement of offenders only on a short-term basis. Convicted offenders are sent to jails usually when their sentences are for a year or less. However, in many cases, jail inmates remain in jail for longer than normal because the prisons to which they have been sentenced are overcrowded. Reid suggested that the number of persons who pass through US jails in a given year for example, is at least four times higher than the number of people who are incarcerated in state and federal prisons. According to Hans Maltick, the jail is a "major intake center not only for the entire criminal justice system, but also a place of first or last resort for a host of disguised health, welfare, and social problem cases" (Mattick, H. 1974.: 777-781). According to the US Bureau of Justice Statistics Reports (1983), jails are operated by local

governments and hold a mix of persons at various stages of criminal justice processing. These include:

(a)   Awaiting trial (unconvicted inmates)
(b)   Convicted but awaiting sentence
(c)   Sentenced to prison but awaiting transportation
(d)   Held in jail because of prison overcrowding
(e)   Convicted of probation or parole violations.

3.1.1.2 History of Jails

We can trace the history of jails to that time when they first appeared "in the form of murky dungeons, abysmal pits, unscalable precipices, strong poles or trees, and suspended cages in which hapless inmates were kept" (Flynn, E.E. 1973:49). Jails at this time were established principally for the detention of people on trial, transportation, the death penalty, or corporal punishment. These jails were not escape-proof, and many of them approved an extra allowance for the person in charge for shackling inmates. The jails at this time suffered several problems including the fact that inmates were not separated because there were no systems of classification in place, physical conditions were terrible, food was inadequate and of very poor quality and standard; and there were no programmes established for the rehabilitation of inmates.

In the United States for example, jails were proposed as humane replacement for corporal punishment, whereas in reality, US jails at that time were not humane places, with conditions worsening over time. Conditions prevailing in the US jails at the time were such that Joseph Fishman, a federal prison inspector, investigator and consultant in his book "Crucible of Crime" observed that some of the convicted would ask for a year in prison rather than endure six months of hell in US jails. Jails at that time typically featured overcrowding, inadequate meals, nonexistence of bathing facilities, no hospitals, and no separate facilities for juveniles.   We can summarize Fishman's conclusion with his definition of jails as:

As unbelievably filthy institution in which are confined men and women sewing sentences for misdeamenors and crimes, and men and women not under sentence who are simply awaiting trial. With few exceptions, having no segregation of the unconvicted from the convicted, the well from the diseased, the youngest and most impressionable from the most degraded and hardened. Usually, swarming with bedbugs, cockroaches, lice, and other ermine, has an odor of disinfectant and filth which is appalling, supports in complete idleness thousands of able-bodied men and women, and generally affords ample time and opportunity to assure inmates a complete course in every kind of viciousness and crime. A

melting pot in which the worst elements of the new material in the criminal world are brought forth blended and turned out in absolute perfection (Fishman, J. F. 1923:13-14).

3.1.1.3   Prisons

Prisons are for the long-term incarceration of offenders. There are several types of prisons although the term is often used synonymously with maximum-security prisons. The maximum-security prisons are the most secure of all prisons. They are typically surrounded by high fences, secured with razor wire, and watched by heavily armed correctional workers round the clock the housing architecture of maximum-security prisons usually consists of large tiers of cellblocks made up of individual cells and housing far more than its stated or required number. Theoretically, maximum- security prisons incarcerate only serious offenders or others who might present a security risk. In reality however, many maximum-security prisons hold less-serious offenders, perhaps due to the intense pressure of population on the entire prison system, which may be more telling on other prisons.

Medium-security prisons are theoretically for the incarceration of less serious offenders. Within these prisons, inmates have greater freedom of movement. They are typically surrounded by high fences with barbed wire and may be watched by armed correctional workers. The housing architecture may include individual rooms and dormitories instead of cells.

Minimum-security prisons do not feature armed correctional guards. Also, many of these prisons do not have fences or bars, and inmates who are often accommodated in individual rooms or dormitories, generally have greater freedom to move about within the institution than in maximum- or medium-security prisons [Reid, 1994: 611].

In recent years, many prisons have become maxi-maxi institutions or wings of institutions, hosing the most dangerous inmates of such institutions are confined individually because of their dangerous nature, and are allowed out of their cells for only short periods, for example one hour a day. In many prison in Nigeria, certain inmates who are considered dangerous are isolated from other inmates and may be allowed out of their cells for only a few hours each week. Some of these inmates are shackled when they leave their cells. An example of this type of institution is the Kirikiri Maximum-security prison, which houses many dangerous federal inmates, including those thought most likely to attempt escape.

Categories other than security levels may differentiate prisons. Some are exclusive by gender; many are for men only. Some house both genders, where the rules do not permit sexual relations. Problems encountered with housing both genders in the same general facilities have led to calls for their abolition and have actually led to their abolition in many systems.

3.1.2   The Prison as a Correctional Institution

According to Sellin (1970), "Prisons were places of detention or temporary confinement for military captives, persons awaiting trial or execution, and for those unfortunates who had aroused the sovereign's anger".   Viewed from this perspective, it can be insinuated in some societies at least, that the evolution of prison date back to the time of the practice of cannibalism.   Thus, in the ancient times incarceration of political and religious offenders were the order of the day.

According to Thomas and Hepburn (1983:740), Prisons have existed for several thousands of years from biblical times to the era of the Roman Empire; and that physical punishment grew harsher until the eighteenth century.

However, prisons are meant to serve the following purposes:

> Retribution (vengeance)
> Deterrence (punishment)
> Rehabilitation (Reformation)

3.2   The Emergence of Prisons in Nigeria

Prior to the emergence of modern prison system in Nigeria, studies have revealed that there were already in existence indigenous institutions that were used to enforce compliance to the societal norms and values. Mention must be made of the following; the traditional legal system in the North established the "Gidan Yari"- which was often built behind the palace of the emirs. The Yorubas had the "Ogboni room". The Tivs and Binis had the "Kpan" and "Ewodo" houses respectively.   From Frederick Lugard's comment, it is known of Kano City's "Gidan Yari" in 1903 that "… the interior was divided into departments, each 17ft and the wall were pierced with holes at the base through leg of those sentenced to death thrust up to their thigh, and they were left to be trodden till they die. It is unventilated except for one hole in the wall through which they creep in. The total space is one to 2618 cubic feet and at the time Kano was taken over, they were 135 inmates". (Meek, 1969).

The modern prison system in Nigeria which was established in 1872 represents one of the colonial legacies to the country. The first of such prison is the Broad Street Prison built in the heart of Lagos designed at that time to accommodate 300 prisoners. Later, prisons were built at Calabar, Onitsha, Benin City, Sapele and Degema. All of these Prisons were patterned along Broad Street Prison.

Nigeria today, has some 132 'modern prisons' spread across 36 states and the Federal Capital Territory, Abuja.

3.2.1 Nigerian Prison Service

The objectives of the Nigerian Prisons Service can be theoretically conceptualized as follows:

1.   To keep safe custody of persons who are legally entered.
2.   To identify the causes of their anti-social behaviour, treat and reform them to become disciplined and law-abiding citizens of a free society.
3.   To train inmates toward their eventual reformation, rehabilitation and re-integration into the society after their discharge, and
4.   To generate funds for the government through prison farms and industries.

It is upon these objectives that the Nigerian Prisons Service was anchored with the hope of positively impacting on the lives of inmates and leading them to live better lives upon re-integration into society.
According to Jarma, "administratively, Nigerian Prisons Service is sandwiched between the Ministry of Internal Affairs (MIA) and the Immigration and Prison's Service Board(IPB) [Jarma, 1996: 203]. Whereas the Ministry of Internal Affairs has the absolute financial control over the Prisons Service, the Immigration and Prison's Service Board, formulates general policy guidelines and also appoints, promotes, and disciplines all senior officers of the Service. The implications of this on the overall organization, control and development of Nigerian Prisons are crucial to understanding why many people including Seun Adeoye of the Guardian Newspapers describe Nigerian Prisons as "seriously battered Nigerian prisons" and why from the mud walls of remote gaols in Nsukka, Birnin Kebbi, and Gembu to the iron gates of Gashua and Kirikiri, the overriding picture seems to be that of grim images of neglect overcrowding, absence of basic sanitation, and lack of medicare.

The administration of Nigerian Prisons oscillates between the Ministry of Internal Affairs and the Immigration and Prisons Service board, leaving the Controller-General, a technocrat by training, with virtually no control over the appointment of the senior personnel he is expected to work with

to achieve stated organizational objectives, and no control over the finances of the Service. Yet, the direct responsibility for the reformation and rehabilitation of inmates falls squarely on his shoulders.

Also directly related to this problem is the training of prison stiff across the country.   The prison's, ability to effectively achieve its goal of reformation and rehabilitation is a direct function of its training content, Alexander Patelson in realization of this has argued that:

Prison buildings, however well arranged and well appointed, cannot by themselves effect the moral transformation and turn an idle rogue into a honest worker, every country in the world gets the prison system, it is prepared to cater for. It is comparatively cheap to employ sentries, who will bear the rules and maintain their distance, it is more expensive to select and train masters who will rain offenders by force of personality and leadership who will be exemplary and influence them into direct habits of self-control and industry (Ihama, 1996:203).

These ideas are lost on Nigerian prison administrators whose efforts at training prison staff are at best epileptic and half-hearted. Examining prison training institutions in Nigeria, Nuhu" Suru, former Commandant prison Training School (PTS) Kaduna, described the school as having been built since 1915 (some 88 years ago) and till date, it is the same foundation, the same wall, the same windows, the same doors and the same roof. The school has no library, no standard blackboard and no senior staff quarters.

This situation also prevails in the other prison training institutions located in Lagos and Enugu.

3.2.2   Obstacle to Effective Prison Services in Nigeria

Today, there are significant hindrances to effective prison services in Nigeria. These include the following:

    Poor ventilation of the prisons
    Over crowdiness of the prisons
    Poor sanitary conditions
    Spread of diseases and epidemics amongst inmates
    Poor condition of inmates due to poor feeding and clothing.
    Lack of adequate medical care
    Prison budgets are quite inadequate, etc.

3.3 Prison Restructuring and Inmates Well-Being

Due to the lapses identified in sub unit 3.2.1 in the provision of effective prison services in Nigeria, voices were raised in protest against the wretchedness and degradation of prisoners. But no serious attempts at change were addressed until May 2005 when the former Comptroller – General of the Prison Service of Nigeria – Mr. Abraham Akpe joined the retinue of clamour for reformation (also known as restructuring) of the prisons in Nigeria for the well being of inmates. Restructuring refers to the socio-economic and psychological transformation of the prisons and inmates. These include:

> Provision of adequate vocational training and education of Prison Warders and inmates.
> Provision of adequate health facilities.

Economically, restructuring of the prison entail the following:

> Increase in prison budgets to cater for increase in inmates allowances (feeding, clothing and other welfare packages).
> Ensure that their welfare packages are regular and not dis-continued or delayed for any reason(s).
> That the living condition is sanitized (i.e. the environment should be congenial);
> The sizes and dimension of rooms occupied by inmates should meet the appropriate design to avoid over crowding.
> That the provision of offices for prison officials should meet the international standard.

SELF ASSESSMENT EXERCISE 1

1. List the problems plaguing the prison system in Nigeria.
2. Distinguish between Retribution, Rehabilitation and Deterrence.

4.0 CONCLUSION

The prison is a correctional institutions. However, a cursory examination of any modern judicial system will reveal that every adjudged adult criminal/offender that is convicted is committed to the prison abode or otherwise.

5.0 SUMMARY

This unit exposed the learner to a fundamental correctional institution (prisons) as it is all over the world. Specifically, you learnt about the emergence of prisons in Nigeria dating back to the pre-colonial times;

the obstacle to effective prisons services in modern times and the clamour and need for prison restructuring; particularly in Nigeria.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Define correction institution. How is the prison a correctional institution?
2.   Why do you think, there should be prison restructuring in Nigeria?

7.0   REFERENCES/FURTHER READING

Fishman, J. F. (1923). *Crucible of Crime: The Shocking Story of the America Jail".* New York: Cosmopolis.

Flynn, E. E. (1973). " Jail and Criminal Justice". Chapter 2 in *Prisoners in America'.* (Ed) Llyord E. Ohlin. (Englewood Cliffs, N.J: Prentice Hall.

Jarma, I. M. (1996). "Prisons and Reformation of Offenders" in *Issues in Crime Prevention and Control in Nigeria.* Vol 1.

Maltick, H. (1974). "The Contemporary jails of the United States: An Unknown and Neglected Area of Justice". In *Handbook of Criminology.* (Ed.) Daniel Glaser. Skolie, Ill: Rand McNally.

Meek, C. F. (1969). "Prison Restructuring and Inmates" cited in *Prison Restructuring and Inmates Well being in Nigeria Prisons* by O. O. Balogun (2008). An unpublished M.Sc. Thesis in Criminology. University of Benin, Nigeria.

Reid, S. T. (1994\1995). *Crime and Criminology.* Orlando: Harcourt Brace .

Sellin, T. (1970). "A Sociological Approach" in *The Sociology of Crime and Delinquency* (ed). Markin E. Wolfgang, *et al*. New York: John Wiley.

Thomas, W. C. and Hepburn J. R. (1983). *Crime, Criminal Law, and Criminology".* Iowa: WMC. Brown Publishers.

UNIT 2:   COMMUNITY CORRECTIONS

CONTENTS

1.0   INTRODUCTION

The problems associated with the use of imprisonment as a social reaction to crime or a form of correction as presented in Unit 12 influenced the need for alternative means of corrections referred to as community corrections.

2.0   OBJECTIVES

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

> Define Community Correction
> Identity the varied and viable forms/types of community corrections
> To state why it is important to adopt the varied forms of community corrections as alternative to incarceration or imprisonment.

3.0   MAIN CONTENT

3.1   Definitions of Community Corrections

Community Corrections or Community-based Corrections as it is sometimes referred to is a system whereby offenders are diverted from criminal justice systems to other institutions based within the community including the imposition of fines, restrictions, or community

work sentences in place of imprisonment, or placing offenders on probation" (Igbinovia, et al, 2003: 522).

Although, the practice of this form of correction is criticized by experts who are knowledgeable in corrections; it however, has its positive features such as;

> Cost effectiveness of the practice compared to the use of incarceration or imprisonment.
> Lesser evidence of recidivism amongst offenders compared to the other practice of imprisonment.

3.2   Community-Based Corrections

The problems associated with imprisonment such as over crowding, recidivism of offenders and others prompted the adoption of community based corrections as discussed under the varied types in the sub units below.

3.2.1 Diversion

This is an informal way of handling offender as against the usual and characteristics adult court system. The major reason for its adoption is to respond to the following:

> Reduction in prison population.
> To ensure that the philosophy of rehabilitation is not negated; and
> To ensure that conscious attempt is made to help offenders who had been sentenced, reintegrate into the community.

McSparron (1980) identified the underlisted as some of the characteristics of community correctional facilities:

> Location in urban not rural communities, where participants live and sometimes work.
> A country or municipal (local governments) political sub-division rather than the state handles correctional responsibility.
> The responsibility for working out treatment programmes lies mainly with offenders.
> Community correctional centers are generally small and have limited budgets.
> Representatives of the community may also take part in and assist the programme.

Emphasis is placed on establishing successful relationships in the community, with family, peers or employees
.

3.2.2 House Arrest

In this case, offenders are placed on probation in their own homes and must follow specified regulations, including restrictions on when they may leave the premises for whatever reasons. Some of the advantages of adopting house arrest as a community based correction mechanism include:

Cost effectiveness

Social benefits to the offender

Flexibility that permits the adaptation of the institutional plan to the individual needs of the offender and the community and;

The implementation ease and timeliness.

However, the disadvantages of the method – according to Petersilla, (1978) include:

House arrest may widen the net of social control.

House arrest may focus primarily on offender surveillance.

House arrest is intrusive and possibly illegal.

Race (ethnic or religious) and class bias may enter into participant selection.

House arrest compromises public safety.

3.2.3 Probation and Parole

According to Igbinovia, et al (2003:526). "The community-based approaches we have examined already are relevant and viable alternatives to incarceration. They all have varying degrees of success and have been useful in efforts to ensure the human treatment of offenders, while at the same time pursuing the objectives of public protection and rehabilitation". By far, the most frequently used alternatives, to prison is probation and Parole. In fact, it is the most controversial alternative to incarceration.

Technically, probation is a form of sentencing which is often considered in lieu of sentencing. It may only be granted by the court. In other words, the court sentences a defendant to a term of incarceration but suspends that sentence for a specified period of time, during which the offender is on probation. Thus probation is a judicial determination that does not involve confinement but other conditions imposed by the court.

Although, probation originally was intended for non-violent offenders, probation today is applied to offenders convicted of felonies.

On the other hand, parole is a form of conditional liberty; it is also an intermediary step to freedom, with supervision between prison confinement and complete freedom in the community. In a nutshell, parole refers to the release of an offender from correctional facilities after he/she has served part of the sentence. It can be distinguished from the unconditional release of offenders to the extent that the Parolee is placed under supervision and conditions – imposed on his or her behaviour.

3.2.4 Half Way Houses

The halfway house represents an attempt by correctional planners to reintegrate offenders properly into their environments where they can be bonded with other significant persons. This is important in order to overcome difficulties offenders face soon before release, especially when they have been incarcerated for a long time. Halfway houses therefore, offer offenders the opportunity and facilities in adjusting to others and to their own problems. The halfway house may focus on a specific problem such as drug treatment and may be used in place of incarceration rather than as a translation from incarceration to the free world. They may be used especially, for some high risk offenders who probation will be difficult to correct.

Prison administrators in order to solve the problem of prison congestion may use halfway houses. The use of these facilities is uncommon in Nigeria, which appears to have a mindless fixation and preference for the use of prisons. The major problem with the system appears to be the difficulties encountered by administrators in determining inmates who are most suitable for the programme.

3.2.5 Shock Incarceration

Shook incarceration takes many different forms, although it is designed essentially to incarcerate the offender for a brief period, followed by supervision within the community. Like the halfway house, it has the specific potential or ability to reduce prison congestion. The term is used synonymously with shock probation established in Ohio in 1965. As originally conceived, the judge could sentence an offender to a brief period of incarceration followed by probation.

The term 'shock probation' is technically incorrect, since the historical use of the term 'probation' made no provisions for incarceration but is rather, an alternative to incarceration. The purpose of shock probation

is to expose offenders to the shock of prison before placing them on probation at the same time that the system aims to release them before they were negatively influenced by prison experience.

There are important differences between shock probation and shock incarceration, the most significant of which is that under shock probation, offenders are sent to prison in order to experience prison life, while in shock incarceration, the offenders are separated from the general prison population. In this case, offenders are placed in special facilities called 'boot camps' in which the offender must participate in a strongly regimented daily routine of physical exercise, work, and discipline, resembling military training. The programme may also incorporate rehabilitative elements such as drug treatment and educational programme.

Many persons have criticized shock incarceration. Some early reports allowed that while offenders who go through hoot camp experiences may show greater changes in social attitudes than those who go through regular probation and parole programmes; they are just as likely to be returned to prison for committing another offence during their first year of the programme (Reid, 1994:652). Thus, according to Mackenzie et al (1992), the positive changes the boot camp offenders experience "may not be enough to enable them to overcome the difficulties they face in returning to the home environment", they argued further that "There is no evidence… that shock incarceration will reduce recidivism or improve adjustment". The military style organization and routine of boot camps have also been condemned by scholars who insist that it does not work even in the military today and that when this is combined with rehabilitative goals, the result will be disastrous for corrections. Among the likely consequences of the military style approach are increased aggression against correctional staff and other offenders and a "devaluation of women and so-called feminine traits (e.g. sensitivity) and other negative effects of an unpredictable, authoritarian atmosphere" (Morash and Rucker, 1990:218).

SELF ASSESSMENT EXERCISE 2

1.   Identify the characteristics of Community Correctional facilities that you know.
2.   State the disadvantage of House Arrest as a form of Community Correction.

4.0   CONCLUSION

Community corrections has helped the developed nations like the United States, Germany, Canada and many other European nations, to complement and supplement the use of outright imprisonment as corrections for criminal offenders. This has solved both space and cost problems.

5.0 SUMMARY

In this unit, you learnt about what community correction is and the major types of existing community based corrections.

6.0 TUTOR-MARKED ASSIGNMENT

1. Define Community based corrections? Distinguish Community Corrections from imprisonment.
2. Identify the types of community based corrections that you know and explain one in detail.

7.0 REFERENCES/FURTHER READING

Igbinovia, et al (2003). *Crime and Delinquency in Nigeria; Theories, Patterns and Trends*. Benin City: Kryme Monitor Books.

Petersilla, *et al* (1978). *Criminal Careers of Habitual Felons.* National Institute of Law Enforcement and Criminal Justice. Washington, D.C: Government Printing Office.

Reid, S. T. (1994). *Crime and Criminology*. Seventh Edition. Orlando: Harcourt Brace.

UNIT 3　　JUVENILE INSTITUTIONS AND JUVENILE CORRECTIONS

CONTENTS

1.0　INTRODUCTION

The origin of juvenile institutions as a form of correction for delinquents can be traced to the nineteenth century. During this period, many American courts designed procedures for dealing with young offenders who deviated from the Criminal law. It was an "1899 Act" of Illinois Legislature in the United States that first established a juvenile court/juvenile institution. Today, statutes are found the world over (Nigeria, inclusive) establishing juvenile courts or its equivalent.

2.0　OBJECTIVES

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

Define the terms juvenile courts/Juvenile institutions/Juvenile delinquents.
Differentiate between Juvenile Institutions and Prisons as correctional Institutions.
Understand the need for Juvenile Institutions.

3.0　MAIN CONTENT

3.1　Definition of Juvenile Courts

Juvenile Courts create statutes outside the criminal law for dealing with young offenders. Thus, the essence of the juvenile courts is to "help

children in trouble to do what is in the best interest of the child, and to rehabilitate him". (Obarisiagbon, 1999:136). So the official language of the juvenile courts are selected with great care in order to avoid the terminology of the criminal process. Thus, it talks of "petition on behalf of the child" rather than "indictment"; of "hearing" rather than "trial"; of "disposition" rather than "sentencing"; of "training School" rather than "prison", to mention but a few.

3.1.1 Juvenile Institutions

These are institutions created by federal laws and the laws of most states to serve as corrections for young offenders. For instance, a child under seven years was irrebutably presumed to be incapable of having the criminal intent" which is a 'sine-qua-non' ingredient of a criminal act. However, children from seven to fourteen years were generally assumed to be capable of criminal intent. This assumption was capable of being rebutted by evidence of their immaturity. The general rule being if not capable of criminal intent, he is not capable of crime. Consequently, his act of delinquency becomes a matter of his parents, kinsmen, master or priest certainly not for the criminal courts/prison but for the juvenile courts/juvenile institutions like remand homes, reformatory etc.

3.1.2 Juvenile Delinquency

In Nigeria, Federal Laws and the laws of most states define juvenile delinquency as any act committed by persons less than eighteen years old, which if committed by an adult, would be a crime. In other words, juvenile delinquency is any adult crime committed by minors. Minors in Nigeria are young people who are between the ages of one and eighteen years. Most of the offences that are associated with them include truancy, petty stealing and prostitution (Clark, 2001:7).

Typically, the juvenile delinquent has been seen as an urban male, usually working class, aged between 12 and 20, associated with a variety of anti-social behaviours, e.g. membership of a gang, and having a history of trouble with the authorities and of recidivism. Infact, a high proportion of serious (indictable) offences are committed by people in this age group. On the other hand, the problem of delinquency is one that always seems clearly demonstrable and inviting obvious explanations (Gordon, 1998:146).

3.2   Elements of Juvenile Delinquency

Some of the elements of Juvenile delinquency are better understood when discussed side by side (in a typology) with adult criminal behaviour as shown below:

Adolescent Criminal Behaviour	Adult Criminal Behaviour
Criminal behaviour is unorganized	Criminal behaviour is very organized.
Crime is a passing phase	Crime is a career
Legitimate opportunities may be available later in life.	Legitimate opportunities may be blocked continuously due to frustration.

3.2.1 Theoretical Explanations of Delinquency

Numerous theoretical explanations of delinquency have been developed by criminologist(s)/other social scientists. In general, the underlisted three theories are fundamental in seeking explanations to delinquency.

1. Biological Approaches

Rely on the idea that because of defects in heredity, the youth suffers from brain pathology or because of glandular or chromosomal imbalance or a certain body structure, he or she has a temperament prone to delinquent behaviour.

2. Psychological Approaches

Here, personality maladjustment underlies the explanation of delinquency. The delinquent misbehaves in response to some kind of psychological pathology – this explanation varies depending on the orientation(s) of the individual whether it is psycho-analysis, psychiatry or clinical psychological orientations.

3. Sociological Approaches

This describes conditions in the social structure such as "poverty or blocked opportunities", which propel the minor to the commission of crime. More so, the delinquent sub-culture in which the patterns are learned by the minor also affects crime commission.

SELF ASSESSMENT EXERCISE 1

1. What is the meaning of Juvenile Courts?
2. What do you need to have Juvenile Institutions?

3.2.2 Theory of Delinquent Subcultures

Albert Cohen first articulated the theory of delinquent subculture. In his classic 1955 book, "Delinquent boys', Cohen's fundamental point is that except perhaps for the category of rebellion, Mertonian strain theory is incapable of explaining "purposeless" crime – crime committed just for the "fun' of it (Cohen, 1955). Cohen's thesis is that class based status frustration is the origin if subcultures, malice, non-utilitarianism, the negativism form the content of subcultures and young, working-class males, explain the distribution of subcultures. Cohen's focus is on school based achievement status. The institution of the school embodies middle class values for honesty, courtesy, personality, responsibility, and so forth ("middle class measuring rod"). It is the milieu where competition takes place for status, approval, or respect. Strain for Cohen is therefore not structural but interpersonal, located at the level of group interaction. "Group interaction is a sort of catalyst which releases potentialities not otherwise visible" (Cohen, 1955, p. 136).

Losers in the competition for stains experience strong feelings of frustration or deprivation. Most of them adopt a corner boy attitude (Whyte, 1955), accepting their fate, but a significant number turn to crime.   For Cohen as opposed to Merton, the working class, a configurative term including lower, working, and qualitatively similar middle class (Cohen and Short, 1958), are capable of revising their aspirations downward (Rodman, 1963). What distinguish those who turn to crime are the social variable of peer influence and the psychological variable of reaction formation. These two variables, represent a type of interpersonal and normative strain, respectively, and cannot be understood without classification of Cohen's more important concept of status frustration.

Frustration is generally regarded as an aversive internal state due to goal blockage or any irritating event (Berkowitz, 1993). It has often been implicated in explanations of unexpected acts of violence (Glueck and Glueck, 1950; McCord, McCord and Zola, 1959). Unexpected acts of disrespect for property could just as easily be predicted by Cohen's strain theory since versatility in offending is assumed. Frustration due to lower status origins would appear to be associated with more serious, repetitive offending, according to some aspects of the theory and gold's (1963) research, incidence of crime among a low status group was found to be explained by low expectations in spite of aspirational down grading. High status repeaters did not anticipate failure at getting a prestigious job, but showed the same aspirational concerns for self-respect. The combination of high ascribed status with low achieved status has been found to be particularly frustrating (Jackson and Barke, 1965).

Stinchcombe's (1964) research demonstrated the pervasiveness of status frustration in all social classes and for each gender using a measure of anticipated social class over expected prestigious job attainment, which significantly differentiated those who thought school was unfair and those who did not. Perceptions of unfairness were associated with more diffuse status concerns, such as personality, intelligence and grooming. Reiss and Rhodes (1963) found feelings of deprivation about clothes and housing to be related to deviant involvement with negligible social class, ethnicity, and gender differences (Reiss and Rhodes, 1963). These findings suggest that status frustration is intimately involved in peer comparisons regardless of the referent. Beliefs about what are fair allocations of tangible and intangible rewards are also important causal factors.

While theoretical importance in Cohen's strain theory is granted to the more immediate goal of intangible rewards (Short and Strodbeck, 1965; Greenberg, 1977), another line of related research focuses upon tangibles in the school failure experience. Proponents of "school status theory" (Polk, 1969; Kelly and Balch, 1971. p. 426) ignore status deprivation altogether claiming poor performance in school alone is responsible for crime and deviance. School failure in terms of grades, spelling ability, language usage, and general intelligence has been found to lead to crime and deviance even when perceived deprivation (Philips, 1975), familial based class (Kelly and Pink, 1975), and outside misconduct (Phillips and Kelly, 1979) were controlled. These researchers argue that ascription based stratification and tracking systems in schools lead poorly skilled students to reject being taught and create their own failure (Polk and Schafer, 1972). These same researchers also take issues with the idea that higher status groups are equally involved in crime, but do not contest the idea that peer influences can provide the belief that crime will be status rewarding.

According to Cohen's strain theory, there is no abrupt, discontinuous leap from a pressure situation to crime. Instead, action is "tentative, groping, advancing, backtracking, and sounding out" (Cohen, 1965, p.8). The psychological variable, reaction formation, is necessary to complete the causal chain from frustration to crime. Middle class values, such as honesty, are not just rejected but flouted. At the same time, dishonesty represents a desperate need for status approval according to precepts of Cohen's reaction formation as well as related tenets of alternative theories (Matza, 1964). Cohen does not go quite so far as saying criminals are pathological liars, but his reaction formation concept suggests they are convinced of their own truthfulness. Liebow (1967) has documented the kind of fictions deprived people live by. Many interpersonal problems are self-created. There is some research supporting the idea that status frustration leads to dishonesty of the kind

that can be measured by use of social desirability scales (Allison and Hunt, 1959, Stephenson and White, 1968).

For Cohen (1977), the importance of having deviant friends is to help deal with a common problem of legitimacy.   There is no need for attachment, as control theory postulates (Hirschi, 1969). Actors become insulated from conventional standards, resolving their inner doubts and conflicts. They may even plan offenses that will legitimate their group. There is some evidence from case studies in recidivism to suggest that youth in trouble do derive psychological satisfaction from their peer groups in this fashion. (Haskell, 1961). More recent research on serious offending indicates that peer groups have some of the   same characteristics as gangs, and affect both males and females in the same directions (Morash, 1986).

Much of Cohen's work has been both praised and criticized. It helps to answer questions that remain unresolved by strain and cultural deviance theories. His notion of status deprivation and the middle-class measuring rod has been very useful to researchers. His theory, however, fails to explain why some delinquent subcultures eventually become law-abiding, even when this social class position is fixed. Later, he expanded his theory to include not only lower-class delinquents but also variants of middle-class delinquents and female delinquent subcultures.   Cohen's theory stimulated later formations of new theories.

3.2.3 Theory of Differential Opportunity

In 1959, Richard Cloward noted that Merton's anomie theory specified only one structure of opportunity. He, however, argued for two and not one.   He thus proposed that there are also illegitimate avenues of structure, in addition to legitimate ones. In 1960 he and Lloyd Ohin worked together and proposed a theory of delinquent gangs known as Differential Opportunity Theory.   This theory, like Cohen's theory, combines the strain, differential association as well as the social disorganization perspectives.

Delinquent subcultures, according to Cloward and Ohlin, flourish in the lower classes and take particular forms so that the means for illegitimate success are no more equally distributed than the means for legitimate success. They argue that the types of criminal subcultures that flourish depend on the area in which they develop. They propose three types of delinquent gangs. The first, the criminal gang, emerge in areas where conventional as well as non-conventional values of behaviour are integrated by a close connection of illegitimate and legitimate business. This type of gang is more stable than the ones to follow. Older criminals serve as role models and they teach necessary criminal skills to the

youngsters. The second type, the conflict or violent gang, is non-stable and non-integrated, where there is an absence of criminal organization resulting in instability. This gang aims to find a reputation for toughness and destructive violence. The third and final type, the retreatist gang, is equally unsuccessful in legitimate as well as illegitimate means. They are known as double failures, thus retreating into a world of sex, drugs, and alcohol. Cloward and Ohlin further state that the varying forms of delinquent subcultures depended upon the degree of integration that was present in the community.

The main emphasis of the "theory of differential opportunity systems" (Cloward and Ohlin, 1960) is on the intervening variables that account for the particular forms that crime and deviance can take (Cullen, 1988). Cloward (1959) had earlier shown how blocked access to illegitimate as well as legitimate opportunities would be a logical extension of Mertonian strain theory. An illegitimate opportunity is more than simply the chance to get away with a criminal or deviant act, it involves learning and expressing the beliefs necessary for sub-cultural support. These beliefs constitute the main intervening variables in Cloward and Ohlin's strain theory. In their well-known work "Delinquency and Opportunity", they combine strain and social disorganization principles into a portrayal of a gang sustaining criminal sub-culture (Cloward and Ohlin, 1960).

The theory relies upon previous work showing that communities vary by the extent criminal and conventional values are integrated (Kobrin, 1951). While the form that behavior takes depends on how well criminal beliefs are learned, the causal mechanism is a class-linked sense of injustice from actual or anticipated failure at achieving status by conventional standards. "Our hypothesis can be summarized as follows: the disparity between what lower class youth are led to want and what is actually available to them is the source of a major problem of adjustment" (Cloward and Ohlin, 1960, p. 86).

Individuals' search for solutions to their adjustment problem will be triggered by a gap between their aspirations and expectations. The effect of this gap will vary depending upon precisely what it is that the individual aspires toward. Cloward and Ohlin (1960) believe that many individuals aspire to a middle class lifestyle but that many others simply want money without having to improve their lifestyle or change their present social class membership. These latter types (Type III) are then under the most pressure to become criminal or deviant because of their desire for money and need for conspicuous consumption. Thwarted in their materialistic aspirations, they turn to "seeking higher status within their own cultural milieu" (Cloward & Ohlin, 1960, p. 96).

Because such individuals resent the push for social mobility but are led to believe that money is the means for success, the gap they experience would be predictive of more serious criminal involvement. Bernard's (1984) review shows that Cloward and Ohlin's theory merits considerable support when the focus is on more serious and persistent crime.

Type of Youth:	Middle Class Orientation	Money Orientation
Type I	+	+
Type II	+	+
Type III	+	+
Type IV	+	+

Generally, the distinction between materialistic aspiration has been supported by research on different success symbols, such as housing versus clothing (Reiss and Rhodes, 1963). Studies have reliably shown incarcerated youth differ significantly in terms of rejecting lifestyle values such as self improvement, work, courtesy, education, and wealth (Landis, Dinitz, and Reckless, 1963; Landis and Scarpiti, 1965). Lower educational expectations combined with expectations of improvement in economic position were found to be associated with anticipated failure and effectively distinguished gang and non-gang members (Rivers and Short, 1967). Higher job goals than educational expectations would make an adequate measure of Cloward and Ohlin's structural strain.

Whether the proper focus of Cloward and Ohlin's theory is serious crime is questionable. We believe that they were concerned with persistence, not seriousness. Elliott's (1962) research showed that lower class youth do aspire to middle class status in terms of jobs but engage in crime only when they do not expect to go far in school. Further, the relationship held when social class position was held constant. Spergel's (1964) research showed how low educational expectations explained both lower and middle class crime regardless of illegitimate opportunity structure. Both Epps (1967) and Hitschi (1969) found variation in expectations to be more significant in explaining self reported crime and deviance. Inability to revise aspirations downward signifies persistence with deviance or trivial crime because of an unwillingness to expect being 'less well remunerated" (Cloward & Ohlin, 1960, p.94).

Central to Cloward and Ohlin's strain theory are intervening variables that further help to determine the specific form that crime and deviance will take. These intervening variables have generally not been seen in the empirical research (Ireland, 1990). Probably the most important of these is degree of integration between criminal and conventional values in a community environment. Spergel's (1964) study and a more recent research by Bursik (1980) show that some degree of specialization can

be predicted by a community organization variable. Briefly, the theory predicts that actors are not free to assume any role they like, but that well integrated communities offer more illegitimate opportunities for property offending, disorganized communities for violent offending, and if neither theft nor violent subcultures exist, retreatist crimes emerge. The causal chain is similar to Cohen's strain theory except that inner conflict is demonstrated by a tendency to attribute blame for actual or anticipated failure to the 'social order or himself'. In fact, internal attributions are associated with solitary adaptations, and outside the scope of the theory.

Research by Simons and Gray (1989) indicates that system blaming helps an individual to overcome feelings of guilt or remorse and is associated with experience of more repeated anticipatory failures. System blaming points to persistence, and because the individual is still conflicted, they are likely to engage in more deviance than crime and until they learn more sub-cultural beliefs.

The intervening variable that stabilizes inner conflict and prepares the individual for recruitment into a subculture is withdrawal of legitimacy. Cloward and Ohlin (1960, p.3) discussed this variable as a "challenge to the legitimacy of the basic institutions of the society', separating crime from deviance. The beliefs that a subculture looks for are signs that an individual has given up hope of any fairness in the world. Withdrawal of legitimacy can be hypothesized to predict involvement in serious crime.

4.0   CONCLUSION

Juvenile institutions is unlike the criminal courts. The essence of juvenile institutions is to help children who are in trouble to do what is in the best interest of the child and to rehabilitate him.

5.0   SUMMARY

In this unit, you learnt about the juvenile institutions as an avenue of correction for "minors"; and the theoretical explanations for delinquent behaviour. Your focus was also drawn at the differences between adolescent criminal behaviours and adult criminal behaviours

6.0   TUTOR-MARKED ASSIGNMENT

1. Distinguish between adolescents criminal behaviour and Adults Criminal behaviour.
2. Identify and explain the existing theoretical positions of delinquent behaviour.

7.0   REFERENCES/FURTHER READING

Clark, D. I. C. (2001). *Sociology of Deviant and Criminal Behaviours.* Benin City: Temisanren Publishers.

Cohen, A. (1955). *Delinquent Boys*. New York: Free Press.

Cullen, F. (1988). "Were Cloward and Ohlin Strain Theorists?: Delinquency and Opportunity Revisited". *Journal of Research in Crime and Delinquency.*

Glueck, S. and Glueck, E. (1950). *Unravelling Juvenile Delinquency*. Cambridge: Harvard University Press.

Marshall, Gordon (1998). *Oxford Dictionary of Sociology*. Second Edition. New York: Oxford University Press.

Matza, D. (1964). *Delinquency and Drift*. New York: John Wiley.

Obarisiangbon, I (1999). *Criminology: A Socio-legal Approach*. Akure: Sylva Publishers.

UNIT 4   INFORMAL AGENCIES OF CRIME CONTROL

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
         3.1   Definition of Informal Agencies of Crime Control.
                 3.1.1   Law as social Control
                 3.1.2   Types of Social Control
                         3.1.2.1 Informal Social Control
                         3.1.2.2 Formal Social Controls
                         3.1.2.3 Evolution of Formal Social Control
         3.2   Reasons for Informal Crime Control Agencies
                 3.2.1 Insufficient Personnel of Formal Crime Control Agencies
                 3.2.2   Insufficient working tools of formal Crime Control Agencies.
                 3.2.3 Impersonality of formal Crime Control Agencies in their Mode of Operations.
                 3.2.4 Lag in time of response to distress calls and actions by Formal Crime Control Agencies.
         3.3   Types of Informal Agencies of Crime Control.
                 3.3.1 Private Security Guards
                 3.3.2 Private Vigilante Groups
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/further Reading

1.0   INTRODUCTION

The informal agencies of crime control regard criminals and people they target as living outside the social bonds and communal ties that hold our society together. It is not so much that they dehumanize their target, but that the target represents an alien enemy that must be defended against. The target must also be punished outside the law. Any and all legal matters on the subject are seen as unnecessary intrusions on the basic freedom that all communities enjoy to protect themselves.

The mindset of informal security agencies is the opposite of the due process of crime control. Their thinking is precisely the opposite of any notion of fairness, fair play or a chance for acquittal. Informal Crime Control agencies do not care to wait for the police to finish their investigation, and they care less about any court's determination of

proof. What they do care about is justice, - quick, final, and cost effective justice.

2.0　　OBJECTIVES

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

> Define the term informal agencies of crime control
> Identify informal crime control agencies
> Explain the reasons for the existence of informal crime control agencies in society.

3.0　　MAIN CONTENT

3.1　　Definition of Informal Agencies of Crime Control

According to Clark, (2001:206) "informal agencies of crime control are all of the private individuals, groups, and organizations which take part either voluntarily or by being hired in preventing the perpetration of criminal acts by criminal elements in the society". 'Thus, all informal crime control agencies are basically intended to supplement and complement the formal crime control agencies.

It should be noted that the informal agencies of crime controls are not provided for in the constitution and they are not established by government. This is a sharp contrast to the existence of formal crime control agencies like the police.

3.1.1　Law as Social Control

Law is used as an agency of social control. Before the emergence of law, social control was achieved in less formal ways that are not sufficient by today's standards. Every society has certain functions that must be performed in order for society to survive. Some arrangements must be made for the replacement of members. Also, society must provide for the feeding, clothing and shelter needs of its members. Society must be able to promote and maintain a sense of belonging among its members. More importantly, a society must regulate the behaviour of its members and decide how much deviation from norms it can permit, and what sanctions it will impose on members who violate group norms. Society must teach these norms to new members, a process sociologists call socialization.

According to Reid, human societies can be described and studied by carefully analyzing the social systems that make up those societies. According to her, when sociologists speak of a social system, they are

referring to the interrelationship of acts of the systems members. Because it is virtually impossible for everybody in complex societies to do everything necessary for the continuance of society, or even to fully satisfy their own personal needs, a division of labour developed. Within the context of this division of labour individuals occupied different positions within the society. According to Reid, these positions involve social roles, the obligations of which are defined by the social norms of that group (Reid, 1994:17).

3.1.2 Types of Social Control

There are basically two types of social control mechanisms existing in society. These are the informal social control and the formal social control.

3.1.2.1 Informal Social Control

William Graham Summer (1906) has distinguished between two types of norms, folkways and mores. According to Summer, behaviour begins with acts, not thoughts. The first reason for acts is need, and needs is satisfied by a trial-and-error method in an attempt to find the best solution. Gradually, these ways of acting become habit or routine. Summer argued that these ways of acting are not the creation of human purpose and wit. They are the folkways, which are the correct way of doing things because they are rooted in tradition.

According to Summer, when folkways are developed into doctrines of welfare, they become mores. This means that folkways have elements of what is right and wrong. But when this distinction is extended to include issues concerning the public welfare, they become mores. Mores are not questions, they are answers. They tell people how to behave. They do not stimulate thought, rather, they do the contrary. According to Summer "the thinking is already done and is embodied in the mores" (Summer, 1906:1-79).

Out of mores come laws. However, laws do not emerge until people become capable of verification, reflection, and criticism. Until this happens, the behaviour of people are regulated by customs and taboos. Among primitive societies, there is little differentiation in terms of position and status. Because within such societies there is little or no technology; there are fewer kinds of jobs than in more complex societies. Most people take care of their own needs and live at a subsistence level. They grow or capture their own food and make their own clothing and housing. They have no need for exchange of goods and services. They have a normative structure that is not codified into law. It is not civil or criminal law, but submission to custom that controls most of their

behaviour. The family system (nuclear and extended) predominates over any other social group. Because such a society does not need many rules to control or regulate the behaviour of members it can have informal social control.

Among primitive people there are few conflicting and competing interests. Formal law is not needed to protect individual's interests. Those who derive from the norms of the group are spotted easily, the community can react with sanctions other than laws. These informal sanctions, which may be more effective than laws, could be a disapproving glance, an embarrassed silence following an action, a smile, a nod, a frown, a social invitation, or social ostracism. The threat of being banished from society can be a serious deterrent to deviant behaviour among such groups. The key to success of these informal methods of social control is that the groups are closely knit. Within close-knit human groups, it is relatively easy to know the norms and the general will of the group, and also very easy to identify transgressors.

3.1.2.2   Formal Social Controls

Formal social controls involve organized efforts to control crime from specialized agencies and organizations. The two major types are those instituted by the political state (government) and those imposed by agencies other than the state. This later group includes the direct efforts of churches, business and labour groups, educational institutions, clubs and other organizations to control the behaviour of erring members.

3.1.2.3   Evolution of Formal Social Control

Why did it become necessary for human societies to move beyond the informal methods of social control and to develop law? Sociologist Emile Durkheim believed that as societies become more complex, they developed a division of labour. As this happened, they moved from mechanical solidarity characterized by social 'similitudes' (sameness), integration, cohesion, filial bonding, cultural and functional similarities, to organic solidarity characterized by large scale social differentiation, complex division of labour, integration through functional interdependence, and alienation.   Along with this development, repressive sanctions were replaced by restitutive sanctions, which produced a more formal system of social control.

Many eminent sociologists have argued that the development of a formal system of social control was necessary for the development and progress of society.   For example, Max Weber's study of modern capitalism concluded that a precondition of its growth was the development of formal systems of social control (laws). Therefore, as societies become

more complex and differentiated and as they become more economically advanced, they became more rational, which also enhanced its growth.

3.2   Reasons for Informal Crime Control Agencies

Fundamentally, most of the informal agencies for controlling crime emerge spontaneously in response to the upsurges in violent crimes and they operate as more or less loose, ad-hoc, and temporary groups and organizations, which cease to exist whenever the crime threat subsides. Other reasons include the follow:

> Insufficient personnel of formal crime control agencies Insufficient working tools of formal crime control agencies Impersonality of formal crime control agencies in their mode of operation.
> Lag in time of receiving distress calls and action.

These other reasons are expatiated in detail in the sub units below.

3.2.1   Insufficient Personnel of formal Crime Control Agencies

In Nigeria, the formal crime control Agencies especially the Police Force is grossly under staffed. This makes it difficult for them to engage in effective patrolling of beats and all other nooks and crannies of the country to contain criminal elements activities.

3.2.2   Insufficient Working Tools of Formal Crime Control Agencies

Equipments for crime control in the formal crime controlling agencies are grossly inadequate. For instance, motor vehicles, helicopters, speed boats, arms and ammunitions, telecommunication gadgets and other anti-crime tools for effective crime control are inadequate. Even in circumstances where they are available, most of them are not in good working condition. This makes effective policing very difficult for the formal agencies of crime control.

3.2.2   Impersonality of formal Crime Control Agencies in their Mode of Operation

The prescribe rules and roles of the formal agencies of crime control are necessarily impersonal. As a result, they are usually too rigid and slow in responding to distress calls from members of the public to provide help for victims of violent crimes like armed robbery attacks. (Clark, 2001:209).

3.2.4 Lag in time of Response to Distress Calls and Action by Formal Crime Control Agencies

There is usually a protracted lag between the time the formal law enforcement agencies receive distress calls from the members of the public and time when the officials will actually arrive at the scene of violent crime to provide the needed assistance to victims of violent crimes like armed robbery, burglary, or hired assassinations. The lag may be due to:

> Delay in assigning officials to take responsibility (i.e. delay in dispatching officials). This is often due to the bureaucratic nature of the formal law enforcement agencies, and
> Lack of operational/functional equipment like arms and ammunition, vehicles, etc.

SELF ASSESSMENT EXERCISE 1

1. What are informal agencies of crime control?
2. What are some of the reasons for lag in distress calls by informal control agencies?

3.3 Types of Informal Agencies of Crime Control

There are many different specific types of informal crime control agencies for controlling crime. However, in Nigeria there are two major categories namely:

> Private Security Guards; and
> Private Vigilante Groups

These are discussed in the sub units below:

3.3.1 Private Security Guards

These are popularly referred to as "Mai-guards", "day and night watch men", "gate man" etc. Some carry arms while others do not. But majority of them rely on the use of cutlasses, daggers, bows and arrows etc. private security guards are hired by a few elites, who can afford to pay for their services.

3.3.2 Private Vigilante Groups

These are groups of volunteers or hired security guards who are organized to maintain Law and Order in a place in the absence of a regularly constituted government force. To a vigilante, punishment

should be inflicted upon those deserving of it at the first opportunity. No waiting, and the more severe the punishment, the better. Punishment is the foundational matter of justice meted on the criminal; and those who deserve punishment (criminals) also deserve to pay or receive some kind of harm equal to the harm they have done to their victims. The vigilante knows it is not vengeance they seek, nor even some lending of respectability to the spirit of vengeance. The vigilante is no avenger. The vigilante simply wants punishment, or just deserts, and they want it swift and sure. Some of those powerful and rich neighbourhoods usually help to procure gun licenses and guns for their vigilante groups to enhance their defense capabilities. Examples of vigilante groups include Bakassi boys in the East; Odua' Peoples Congress in the West, and Arewa Youths in the Northern parts of Nigeria.

4.0   CONCLUSION

The major advantage of the informal agencies of crime control is that they provide personalized and customized security services for their employers. In that way they help to fill some but not all of the big gaps which the weaknesses of the official law enforcement agencies leave in the security of this country.

5.0   SUMMARY

This unit introduced us to a fundamental issue in security study – informal control agencies. We learnt from this unit, that informal control agencies help to supplement and complement, formal control agencies like the Police. The major existing forms of informal control agencies were explored.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Explain the reasons for the emergence of informal control agencies.
2.   Identify the types of informal control agencies. Discuss one of them.

7.0   REFERENCES/FURTHER READING

Clark, D. I. C. (2001). *Sociology of Deviant and Criminal Behaviours*. Benin City: Temisanren Publishers.

Reid, S. T. (1994). Crime and Criminology. Seventh Edition. Orlando: Harcourt Brace.

Sumner, W. G. (1906). *Folkways*. New York: Dover

MODULE 5   ISSUES IN CRIME

UNIT 1   MEDIA AND CRIME

CONTENTS

1.0   INTRODUCTION

The media is a controversial agent of socialization. There is evidence
that violence on prime time programmes encourages aggressive
behaviour and that commercials promote sex stereotyping. But there is
also evidence that Television can encourage pro-social behaviour and
provide positive models for behaviour (Levine et al , 1991:46-47).

2.0   OBJECTIVES

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

Define the "media" as a mechanism to shape human development
by reducing crime in society.
Explain the role of the media in crime control.

3.0   MAIN CONTENT

3.1   Definition of Media/Mass Media

The concept of the media can refer to a variety of things:

Technologies – such as television, DVD and ICT (Information and Communication Technologies)

Mode of Communication: Print (newspapers, books, magazines); Visual (television, film) aural (radio).

Organizations, such as the BBC or news International, which are involved in producing and distributing messages of various kinds.

People: who work with such organizations. For example, news reporters, producers and editors.

Methods of disseminating messages to audiences (as distinguished from the technologies used in that dissemination); for example film shown within cinemas.

The term media is used rather too broadly as popular language. Academically, it is most appropriate to adopt the term "Mass Media" – where a message is conveyed from one point to a very large number of other points.

3.1.1   The General Functions of the Mass Media

The mass media is an agent of socialization that has a profound-impact on both children and adults. The mass media perform the following general functions:

Information about us and events around us.

Introduce us to a wide variety of people and about their habits, style, heritage and culture

Provide an array of view points on current issues.

The television is the most pervasive form of media all over the world. For example, in the United States, over 98 percent of all houses have at least one television (Kendall, 1998:43). In Nigeria, the situation is not any different. Sadly, television has been blamed for its potentially harmful effects, such as the declining rate of literacy, rampart consumerism, and increase in violent crimes.

SELF ASSESSMENT EXERCISE 1

1.   State the general functions of Mass Media.
2.   What is mass media?

3.2   The Role of the Mass media in Crime Control

The mass media, all over the world is an establishment made up of majorly the press, the television and the radio, etc. Although, the internet is available, but its use is still very limited in accessibility to a large chunk of the people.

The mass media play an invaluable role in crime prevention and control. However, the major tasks which these media organizations perform in crime prevention measures are as follows:

> Engagement in occasional massive anti-crime campaigns through news media.
> Engage in intensive and focused investigative journalism, on crimes and criminals; and
> Publish (or broadcast) expositions against crime suspects and their accomplices.

3.2.1   The Anti-Crime Campaign

This campaign takes two main forms namely:

> Occasional airing of programmed propaganda and
> Threats to expose criminals and their accomplices.

In most cases programmed propaganda are translated in the major ethnic languages existing in the state involved at frequent interval on television and radio.

3.2.2   Investigative Journalism on Crime Matters

This measure pertains to the fact that mass media men who are interested and/or proficient in crime – investigation, embark on open and more focused and intensive investigative journalism of specific criminal incidents. In that process they produce certain vital information and dig up certain clues which may be put into use by the police, civil defense groups, and other agencies which are directly involved in maintaining the security of persons, places and properties.

3.2.3   Censoring Undesirable Criminal Information

The essence of censoring is to prevent some criminal tendencies from spreading and contaminating the innocent members of the society. This method is often readily used by government to suppress varieties of undesirable information, notably insightful, seditious, libelous,

pornographic, and other anti-social types of information. (Clark, 2001:204-205).

3.3   Television and Violence

When discussing this issue of television and violence, what programmes are we really talking about?   The following programmes could be classified as typical violence oriented programmes:

i.   Western (American movies inclusive) i.e. Home, Detective, Thrillers; Mafia; Cowboy.
ii.   Chinese – i.e. Kung-fit
iii.   War-War films
iv.   Sports – Wrestling, Boxing, Kick Boxing

Does viewing violence on television really move one to become violent and aggressive? This question has been passionately debated. At the heart of this debate is the difficulty of proving that one thing (viewing) causes another (aggressiveness). For example, that early exposure to televised violence causes physical aggressiveness later in life.

On the other hand, many crime experts have argued that the effect of television viewing cannot be over-flogged, whether positive or negative. The argument is that if television programmes do not have effect on their audiences why then do multinational corporations spend so much on advertisement of about 30 seconds. For example, in 2004 alone, the Coco-cola Company spent 2.2 billion dollars advertising its products world wide, in print, on the radio and on television. The company made a profit of 22 billion dollars that same year (Awake. 2006). If adverts of 30 seconds could have effect on the mentality of humans, what about repeated scenes of violence? Another argument put forward is that a single photograph such as a photograph of oppression may move us to anger, tear, joy. While music, too, stirs our emotions profoundly.

It therefore remains a fact that different types of programmes produce different types of reaction and effects on those exposed to them. Lyrics (1952) held the opinion that if a constant diet of television advertisement can influence buyer's choice; then similar efforts are expected from other programmes. Berkowitz (1962) agrees with the view that television programmes, with violent contents, will have great effect on individual just like sex movies (pornographic films). Greenberg (1965) notes that television has potentials for greater effects on viewers because of the content and frequency of its broadcast.

Brunk (1975) states that 'television, although offering an expansion of the world's view of an individual, it also has potentials for serious

damage". A situation where viewers are exposed to violence mediated programmes, they tend to believe that it is a socially desirable norm. The problem becomes more difficult with children, as they are unable to discern what is socially acceptable from a content saturated with violence and tends to blindly inculcate behaviour pattern which excites them. Children fail to understand that such scenes of violence are not real. This, therefore, make them have the impression that murder is a day to day affair.

Baker and Baker (1969) discovered that one week of television programmes in France yielded 670 murders, 15 rapes, 27 tortures and 20 scenes of sex. They also observed that during the evenings and Saturday mornings of just two weeks on television in 1967 and 1968, nearly 800 persons were left dead or injured.

Kerby (1992) argues that "the content and frequency of violent materials on television are unhealthy for children". According to him, the time the child reaches 12 years of age, the children would have watched about 8,000 murders and about 100,000 acts of violence. Such repeated viewing of murders and acts of violence will definitely make such things normal to these kids or children", he concludes.

In their work, Murray and Kippax (1979) explain that from early window to late night shows, children in America ranging from ages 2-11 spend an average of 28 hours viewing television weekly. By the end of the week the child must have viewed on the average 203 violent scenes.

If a single photograph can have effect on the emotions of a person, what of repeated scenes of violence, crime and pornography?

Severym, et al (1976) notes that children of between age 5 and 14 have been observed to spend an estimated average of 1,200 – 4,000 hours a year watching television (this is longer than total hours spent at school). During the period a child watches 13,000 people killed on television. Consequently, on the average acts of violence like murder were committed sixteen (16) and thirty-one (31) minutes respectively. Severym, et al (1976) conclude that time spent viewing television programme and the interest towards it is a determining factor in finding degree of influence which viewers have.

3.3.1 Effects on Televised Violence

In an experiment conducted by Herbert and Baron (1981) on aggression among children, as a consequence of exposure to selected television programme, it was found that a high rating for violence portraying films, than travel or athletic/sports films was favoured.

One reason put forward was that violence on television offers viewers the techniques for exhibiting violent behaviour. Television may also serve as an instigator or rein-forcer of aggressive drives in children, especially as they tend to learn more from expressive behaviour (Bandura, 1973).

Berkowiz (1968) in his study found out that prior to exposure to television violence, viewers showed less hostility than after contact with it. To rationalize this he explained that violence on television stimulates viewers towards violence only when there is justification for such action.

Feshbach (1955) believes that the extreme effects arising from televised violence is cathartic that is, a situation where an individual's drive for violence becomes expelled by watching others behave violently.

Studies carried out by Serveym and Schlenker (1976) show that viewers mood changes from sad to excitement when they see their favourite actor triumphing in a fight and in some other situation, particularly agonizing moments in television shows, some youngsters hide their faces or throw objects at the screen (television) when their favourite actor/actress is being attacked, or losing a fight.

Television has also been known to create immunity against shock(s) in individuals; that is the insensitivity to threatening situation. Televised violence makes them indifferent to acts of aggression, whether it is on screen or in real life.

In 1975, some Yale Psychologists carried out an experiment, and observed that young adults are more tolerant to the sight of gun than ever before. They concluded that the media (television, print) are partly responsible for this, since the commonest weapon used on television to effect violence is the gun.

Robinson and Bachman (1972) carried out a survey, in which some youth ages 9-13 years were asked if they were pushed off their bicycles, as they were playing what would they do? 45 per cent responded that they would react in a violent way, by either hurting the individual or fighting the person.

3.3.2 Televised Violence in Nigeria

All cases and examples cited are from other countries. The case of Nigeria is further compounded as there is no effective and efficient control over what television station air. About 75-85 per cent of all programmes aired on Nigerian Television Stations are foreign, although this led to NBC (Nigeria Broadcasting Commission) insisting on 60 per cent local content, even at that, things have not really changed.

In 1985 Bankole Balogun, the then General Manager of Bendel Television (now Edo Broadcasting Service, EBS) ordered a Chinese serial programme to be discontinued because of the effect which it had on children. Young boys were observed to display Kung-fun or Karate techniques, a behaviour pattern considered as aggressive during play (Edo Broadcasting Services files).

This researcher (Omoyibo and Okaka, 2007) carried out a survey, among 60 youths between the ages of 12-16 years. When asked what will normally anger them about 90 per cent answered oppression and injustice. On how they would react to acts of oppression and injustice, 44 of these youth, which represent 71.42 percent, responded violently, that is, they would fight their oppressors, while only 12, which represent 20 percent of the respondents say they would react calmly. Of the 44 that would fight oppression, 39 would either use Kung-fu, Karate or Kick boxing, while 19 among them would use whatever means, including battle axes and guns.

The researcher went further to find out the type of movies they preferred. 41 of them which is 68 percent, preferred American, or Mafias, while 8 among them preferred Chinese films and when they were asked why they prefer these types of movies, the answer were unanimous. Their content is "action". While only 10 of them, representing 16 percent would prefer Nigerian Home Videos, ironically the 10 of them are girls. 32 of these respondents, 53.3 percent, would only watch violent sports such as wrestling or boxing as an alternative to American/Western films.

4.0 CONCLUSION

There are a variety of possible effects that the mass media may have upon society, and several different dimensions along which effects may be classified. One of such, is the social construction of identity today which should be free of criminal intent only if the media provides some of the positive tools and channel it positive direction.

5.0   SUMMARY

In this unit, you learnt about the influence of the mass media on attitude or behavioural formation (especially as it affects crime). You also learnt about the general functions of the mass media and its components.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Define Media, and identify the major components of the media.
2.   Discuss the role of the mass media in crime control.

7.0   REFERENCES/FURTHER READING

Awake (2006) October, Vol. 87, No. 10 Watchtower Publications, New
      York, U.S.A.

Bandura, A. (1973). *Aggression: A Social Learning Analysis.*
      Englewood Cliffs: Prentice Hall

Berkowitz, L. (1962\1968). *Aggression: Social Analysis*. New York:
      McGraw-Hill.

Brunk, W. J. (1975). *Child and Adolescent Development*. Chicago:
      Lippincott.

Clark, D.I.C. (2001). *Sociology of Deviant and Criminal Behaviours*.
      Benin City: Temisanren Publishers.

Greensberg, S. B. (1965). "Dimension of Informal Communication".
      Cited in *Guardian* (2007), September 4, Lagos, Nigeria

Kendal Project (2001a).   Newsletter No.1   http.www.Kendal
      project.org.UK.

Kerby, A. (1992). "Violence in Society". www.leaderu.com\org/robe

Levine, <u>et al</u> (1991). *Study Guide to Accompany Sociology: An
      Introduction.* McGraw-Hill.

Omoyibo, K. U. and Okaka, E. (2007). "Micro Survey on Youth
      Behaviour in Oredo Local Government Area" Benin City, Edo
      State.

Severym, <u>et al</u> (1976). *A Contemporary Introduction to Social
      Psychology*.   New York: McGraw Hill.

UNIT 2   ORGANIZATIONAL CRIMINALITY

CONTENTS

1.0   INTRODUCTION

Organized crime is a non-ideological enterprise involving a number of persons in close social interaction, organized on a hierarchical basis, with at least three levels/ranks, for the purpose of securing profit and power by engaging in illegal and legal crime activities (Okpiabhele, 2005:1).

This form of crime cuts across boundaries between countries. In fact, the advent of globalization of business has also affected the globalization of crime in the form of organization of criminality.

2.0   OBJECTIVES

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

Define the term organized criminality other wise known as 'organized crime'.
Identify the basic qualities/characteristics of organized crimes.
Identify the existing forms of organized crimes in society.
Recount a brief history of organized crime.
Explain the mode of operation and structure of organized crimes.

3.0   MAIN CONTENT

3.1   Understanding "Organized Crime":

Organized crime or criminal organizations are groups of operations run by criminals, most commonly for the purpose of generating a monetary profit. Also, the Organized Crime Control Act (U.S., 1970) defines organized crime as "the unlawful activities of a highly organized, disciplined association". Criminal organizations, such as terrorist organizations, are politically motivated. Gangs sometimes become "disciplined" enough to be considered "organized'.

An organized gang or criminal set can also be referred to as a mob. The act of engaging in criminal activity as a structure is referred to in the United States as "racketeering". Hence, in the U.S. organized crime is often prosecuted federally under the Racketeer Influenced and Corrupt Organizations Act (RICO), Statute (18 U.S.C. Part 1 Chapter 96:1961-1968).

3.1.1 Basic Qualities/Characteristics of Organized Crime

Organized crimes are characterized by a few basic qualities such as:

> durability over times: It eschews competition and strives for monopoly on an industry or territorial basis.
> Diversified Interests: Because of diversified interests, membership of organized crimes are restricted, although non-members may be involved on a contingency basis.
> Hierarchical Structure: Leadership is hierarchical. This is to ensure that discipline and order is maintained.
> Capital Accumulation: The purpose is to secure first and foremost profit for the organization. This forms a strong basis for securing power by engaging in legal and illegal activities.
> Re-investment of profit.
> Access to political protection: Through bribery and intimidation of political office holders.
> Use of violence to protect its interests.

Above all, there are explicit rules, oral or written, which are enforced by sanctions that include murder of any erring member of the "ring".

3.2   Brief History of Organized Crimes

Organized crime developed among immigrants who were not familiar enough with the mainstream culture to participate in its economy and

who were suspicious of the police and other authorities who do not speak their language. As a result, organized crime has followed the pattern of "ethnic succession".

The Irish crime syndicates in 19th Century America were followed by those of European Jews, and then in the 1920's by Italian crime families that gained power through "Prohibition Law of Alcohol". When alcohol was legalized again in the 1930's, the Italian syndicates had the capital, the experience, the personnel, and the overseas contacts to move into the heroin trade.

Italians remain prominent in American organized crime, but the ethnic picture has become more complex to explain. One factor is the source of drugs, like heroines. In the 1960s, most heroin was made from opium grown in Turkey: processed in Marseilles, France or Corsica, and then sold in the United States. In the 1990s, groups with contacts in other opium producing countries such as, Mexico, Columbia, Pakistan, Iran, and countries in Southeast Asia began to move in. Today, organized crime syndicates in drugs have been described as "a United Nations of Drug Smugglers, including Chinese, Indians, Iranians, Afghans, Nigerians, Pakistanis, Thais and Isrealis (Kerr, 1987:1). Thus organized criminality has transcended the drug trade to include all sorts including cyber crimes, prostitution, human trafficking, terrorism to mention but a few.

SELF ASSESSMENT EXERCISE 1

1.   Recount a brief history of organized crime.
2.   What is another name for "raketeering" in the United States?

3.2.1 Mode of Operation of Organized Crime

Criminal organizations keep illegal actions "very secret", and members communicate by word of mouth, telephone, or internet. Many organized crime operations have legal fronts, such as licenced gambling, building construction, and trash hauling, which operate in parallel with and provide cover for drug trafficking, money laundering, prostitution, extortion, murder for hire, hijacking, fraud, and insider trading.

Other criminal operations engage in, are human trafficking, political corruption, black marketeering, political violence, racist and religiously motivated violence, terrorism, abduction, prison break and crimes against humanity (genocide).

In order for a criminal organization to prosper, some degree of support is required from the society in which it lives. Thus, it is often necessary to

corrupt some of its respected members, most commonly achieved through bribery, blackmail and the establishment of symbiotic relationships with legitimate businesses. Judicial and police officers, and legislators are especially targeted for control by organized crime via bribes, threats or a combination of both.

The mode of operation by organized crimes is to make financing of their illegal businesses easier by the development of a customer base inside or outside the local population, as occurs for instance in the case of drug trafficking.

In addition, criminal organizations also benefit if there is "social distrust" of the government or the police. As a consequence criminal organizations sometimes arise in closely-knit immigrant groups who do not trust the local police. They are quick to capitalize on newly opened markets, and quick to rebuild themselves under another guise when caught by authorities.

3.3   The Structure of Organized Crime:

Organized crimes all over the world operate like an empire almost beyond the reach of government, with vast resources derived from a virtual monopoly of both legal and illegal businesses.

The information provided by many governmental commission in combination with scholarly research, has established that the structure of an organized crime group is similar to that of a "Sicilian family in Italy" – Here family members are joined by adopted members; non-member auxiliaries then aid the family at the functional level.

They are organized on a hierarchical basis and positions involving functional specialization may be assigned on the basis of kinship or friendship, or rationally assigned according to skill.

The positions are not dependent on the individuals occupying them at any particular time. Permanency is assumed by the members who strive to keep the enterprise integral and active in pursuit of its goals.

The use of military designations such as Caporegima (Lieutenant) and "soldier" does not alter the fact that a criminal organization is rather more like a closely – knit family business enterprise than like an army.

3.4   The Impact of Organized Crime on Society

Americans have felt the impact of organized crime, and they have followed the media coverage of the mob wars and their victims with

fascination. But little was known, about the Mafia's actual structure in the United States until a succession of government investigations began to unravel its mysteries. The major investigations were conducted by the Committee on Mercenary Crimes in 1982, the Special Senate Committee to Investigate Organized Crime in interstate Commerce (the Kefauver Crime Committee), from 1950 to 1951, the Senate Permanent Sub-Committee on Investigations (the McClellan Committee), from 1956 to 1963; President Lyndon Johnson's Commission on Law Enforcement and Administration of Justice (the Task Force on Organized Crime), which reported to President Reagan in 1986 and 1987. The findings of these investigations established the magnitude of organized crime in the United States. It had become an empire almost beyond the reach of government, with vast resources derived from a virtual monopoly on gambling and loansharking, drug trafficking, pornography and prostitution, labor racketeering, murder for hire, the control of local crime activities, and the theft and fencing of securities, cars, jewels and consumer goods of all sorts. Above all, it was found that organized crime had infiltrated a vast variety of legitimate types of business, such as stevedoring (the loading and unloading of ships) the fish and meat industries, the wholesale and retail liquor industry (including bars and taverns), the vending machine business, the securities and investment business, the waste disposal business, and the construction industry.

Specific legislation and law enforcement programs have allowed governmental agencies to assert some measure of control over organized crime. Cases have been successfully prosecuted under the Racketeer Influenced and Corrupt Organizations Act (RICO) of 1970. this statute attacks racketeering activities by prohibiting the investment of any funds derived from racketeering in any enterprise that is engaged in interstate commerce.   In addition, the Federal Witness Protection Program, established under the Organized Crime control Act of 1970, has made it easier for witnesses to testify in court by guaranteeing them a new identity, thus protecting them against revenge.   Fourteen thousand witnesses are currently in the program.

On the basis of testimony presented by Joseph Valachi to the president's commission on Law Enforcement and Criminal Justice in 1963, the commission Task force on Organized Crime was able to construct an organization chart of the typical Mafia Nostra, family.

Relations among the various families which were formerly determined in ruthlessly fought gang wars have more recently been facilitated by a loosely formed coordinating body called "the Commission'.   By agreement, the country has been divided into territorial areas of jurisdiction, influence, and operation. These arrangements are subject to revision from time to time, by mutual agreement. Likewise, rules of

conduct have become subject to control or regulation by the heads of the various crime families. They consider, for example, to what extent each family should enter the hard drug market, how much violence should be used, and how each will deal with public officials and the police. Informants at the 'convention' of the so-called Apalachin conspirators provided a rare opportunity to learn about the way crime families reach agreement on their operations. On November 14, 1957, sixty-three of the country's most notorious underworld figures were arrested in Apalachin. New York; at or near the home of Joseph M. Barbara, a well-known organized crime figure. Apparently they had congregated at Barbara's home to settle a dispute among the families, which had earlier resulted in the assassination of mobster Albert Amastasio and the attempted murder of Frank Costello. None of the conspirators, however, publicly revealed the true nature of their meeting. Some suggested that quite by coincidence, all had simply gone to visit their sick friend Joe Barbara. All were indicted and convicted for refusing to answer the grand jury's questions about the true purpose of the meeting. The convictions were subsequently reversed.

The activities of the Mafia appear to have shifted from the once extremely violent bootlegging and street crime operations to a far more sophisticated level of criminal activities.

4.0   CONCLUSION

In conclusion, modern organized crime has assumed a global dimension. It extends not only to international drug traffic but also to such legitimate enterprises as real estate and trade in securities and indeed to many other lucrative businesses. This transition has been accomplished both by extortion and by entry with laundered money derived from illegitimate activity.

5.0   SUMMARY

In this unit, you learnt about organized crime in terms of their mode of operations and their structure. You also learnt some of the basic qualities and characteristics of organized crime to enable you identify forms of criminality in society. The unit enlightened you briefly on the history of organized crime.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Define the term organized crime and state some of the basic characteristics of organized crime.
2.   Discuss the mode of operations of organized crime globally.

7.0   REFERENCES/FURTHER READING

Documents on Racketeer Influenced and Corrupt Organizations Act (RICO); (Statute 18, U.S.C. Part 1, Chapter 96:1961-1968).

Kerr, P (1987). "Drug Smugglers: New Breed of Ethnic Gangs". New York Times, March 21, A1-31.

Okpiabhele, S. (2005). "Organization of Crime." Term Paper on Selected Topics in Criminology (M.Sc); University of Benin, Benin City, Nigeria.

UNIT 3 GENDER AND CRIME

CONTENTS

1.0 INTRODUCTION

Until very recently, interests in the study of female crime and deviance was extremely limited. In fact, some general theories in the areas of sociology and criminology continue to neglect gender as a factor influencing criminality. This is despite the fact that official figures suggest that gender is perhaps the most significant single factor in whether an individual is convicted of crime. Consequently, contemporary criminological or sociological theories which fail to explain the relationship between gender and crime could be seen as inadequate.

2.0 OBJECTIVES

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

Define 'gender' as different from 'sex'.
identify gender stereotypes and its relationship with criminality.
Understand the causes of female crime and deviance.

3.0 MAIN CONTENT

3.1 Definition of Gender?

According to Calhoun, et al (1994:269) "gender refers to non biological, cultural and socially produced distinction between men and women; and between masculinity and feminity". In other words, it is a misconception to refer to "gender" as "sex". The term "sex" is often properly restricted

to the biological differences between the male and female. Thus sex differences are the products of heredity and biology. While gender differences result from socialization. For example, it is society that raises the female child to know that she is a female and must engage in domestic house chores like cooking, dressing as a female etc. While the male is socialized from the beginning as a dominant figure in society. It is from this social constructs that concept of "gender inequality" derives.

3.1.1 Gender and Crime

Sexual variations of crime are striking, as men are arrested and convicted many times more than women. According to Ohaeri (1996), available police records indicate that the perpetrators of murder in Nigeria were males in 94 percent of the cases. Recently, however, female crime rates have shown percentage increases, although the percentage increases in female arrest rates computed on very narrow bases, obscure the fact that female crime seems to be growing about as rapidly as male crime. While crime by females typically has been non-violent and confined often to petty offenses, arrest of women for serious offenses has increased by over 25 percent during the last two decades. The number of women in Nigerian prisons has also increased. Increases in female crimes are sometimes attributed to the feminist emancipation of women, their domestic liberalization, civilization, urbanization, changes in family structure (particularly changes in female roles within this structure and perhaps most importantly, modern Nigeria economic imperatives and exigencies, which have forced women to compete more aggressively with men in the available economic climate.

3.1.2 Gender and Victimization

Many studies have been conducted on the phenomenon of gender variables and criminal victimization. According to the CWI, males are four times more likely than females to be victims of armed robbery and nearly eight times more likely to be victims of assault. Males are also more likely to loose property to thieves, burglars and fraudsters. Females are 98 percent more likely to be raped and 95 percent more likely to be victims of domestic violence.

Several reasons can be adduced for this trend, the most important of which perhaps, is the structure of the Nigerian society itself. Nigeria is a patriarchal (male dominated) society, which implies that men are more visible, flaunt their wealth, and visit areas where they are more likely to be victimized (bars, night clubs, highways etc) more often than women, although the female ratio of victims is increasing steadily.

When females are attacked in Nigeria, the perpetrator usually is a male relative or acquaintance. Husbands, boyfriends, in-laws, distant relatives, or acquaintances attack the majority of female crime victims. On the other hand, males are likely to be victimized by other males with whom they had had no prior contact. The number of women victims of crime is increasing however, perhaps due to the increasing clamour for and liberalization of women and their subsequent involvement in economic activities. Their improved economic status, visibility, interpersonal relations, and integration into the economic structure of society have marked them out as suitable targets for criminal victimization. In a sense therefore, just as more women are getting involved in criminal activity, including violent crime, so are many women getting victimized by criminals including violent criminals.

3.2   Gender Roles, Stereotypes and Criminality

Gender inequality is virtually universal. Many people hold that the ultimate reason gender differences are so widespread is biology. This is because gender roles are the expected behaviours, attitudes, obligations and privileges that a society assigns to each sex; while gender stereotypes are over simplified but strongly held ideas about the characteristics of males and females. They help maintain gender roles by shaping ideas about the tasks to which men and women are naturally suited. These roles and stereotypes that are socio-culturally constructed helps to identify personality traits, interests, abilities of males and females that make gender a significant consideration in determining "criminality". These differences indicate that men are more aggressive, strong, proud, disorganized, courageous and confident while women were described as emotional, talkative, sensitive, affectionate and patient.

It is the belief that with the distinction between male and female "the males are better endowed" to commit crimes than women as a matter of physiological differences and by way of socialization (Calhoun, et al 1994:272).

SELF ASSESSMENT EXERCISE 1

1.   Differentiate between Sex and Gender from what you learnt.
2.   Men are more criminal than women. True or False?

3.2.1   Gender and Pattern of Crime

Sexual variations of crime is striking, as men are arrested and convicted many times more than women all over the world (Ohaeri, 1996). However, Smart (1976) argues that the extremely limited amount of

information on gender and the pattern of crime could be adduced to a number of reasons. Some significant areas are that:

> Most crimes committed by women seem to be of a comparatively trivial nature and may therefore be considered unworthy of recording.
> That most criminologist(s) and crime experts tended to be male dominated. Consequently, their focus are on studies of men and about men in crime.
> That traditional criminology is motivated by a desire to control behaviour that is regarded as problematic, and since women's criminality has been seen as less problematic than men's, it has received correspondingly less attention.
> Overall, women are seen/tend to commit fewer crimes than men, so female offenders are seen as less of a problem to society

3.2.2 Criminality, Sex and the Law

According to Otto Pollak (1950) "official statistics on gender and crime were highly misleading. He claimed that the statistics of most countries seriously underestimated the extent of female criminality. He further asserted that from the examination of official figures in a number of different countries, he identified certain crimes that are usually committed by women but which are particularly likely to go unreported. Such as shoplifting and criminal abortions; and many other unreported crimes committed by female domestic servants – such as poisoning of relatives and sexually abusing their children as well as crimes of prostitution (Haralambos and Holborn, 2004:382-383).

In theory at least, the vast majority of laws are sex blind: the possibility of being charged, or the type of offence for which you are charged does not depend upon your sex. However, there are few laws that only apply to members of one sex. For example, in Britain, only men can be convicted of rape or offences of homosexuality. On the other hand, only women can be convicted of infanticide or soliciting as prostitutes.   In reality, only a very small proportion of crimes come into one of these categories and legal definitions therefore make little difference to the overall statistics for male and female crimes.

4.0   CONCLUSION

Where as "gender" is significant in understanding crime in society; our knowledge is still in its infancy.   In comparison with the massive documentation on all aspects of male delinquency and criminality, the amount of study done on the area of women and crime is extremely limited.

5.0   SUMMARY

In this unit, you learnt about how the term "gender" is socio-culturally constructed; and how it has been used to determine the trend and pattern of criminality between males and females. You also learnt in this unit, how female crimes are under reported by law enforcement agents and how the law itself has not been able to effect the errors of sexuality and crime.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Describe how criminality has been influenced by sexual variation.
 2.   Is it true that official statistics on Gender and Crime is misleading? Why?

7.0   REFERENCES/FURTHER READING

Calhoun, et al (1994). *Sociology*. International Edition. New York: McGraw–Hill.

Haralambos, M. and Holborn, M. (2004). Sociology. Sixth Edition. London: Harper Collins.

Igbinovia, et al. (2003). Crime *and Delinquency in Nigeria: Theories, Patterns and Trends*. Benin City: Kryme Monitor Books.

Ohaeri, J. (1996). "Violent Crimes in Nigeria" in *Issues in Crime Prevention and Control in Nigeria.* Edited by A. B. Dambazau, M. M. Jumare, and A. M. Yakubu. Kaduna: Baraka Press and Publishers Ltd.

Pollak, O. 1950). *The Criminality of Women*. Philadelphia: University of Philadelphia Press.

Smart, C. (1976). Women, Crime and Criminology. London: Routledge and Kegan Paul.

UNIT 4   SOCIO-CULTURAL ENVIRONMENT OF CRIME

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
       3.1   Overview of Socio-Cultural Environment of Crime
       3.2   Physical Environment and Crime
             3.2.1   Housing design and block layout
             3.2.2   Land use and circulation patterns
             3.2.3   Residents-generated Territorial Features
             3.2.4   Physical Deterioration
       3.3   Socio-Cultural Implications and Crime level in Neighbourhoods
             3.3.1   Social Disorganization and Crime Level
                    3.3.1.1   Assumptions of the Chicago Schools
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/Further Reading

1.0   INTRODUCTION

Globally, the past 30 years have seen vast changes in our attitude toward crime. More and more people live in gated communities, prison populations have increased in geometric proportion; and issues such as racial profiling, community policing, and "zero-tolerance" policies dominate the headlines. The question is, how is it that our response to crime and our sense of criminal justice has come to be so dramatically reconfigured?

2.0   OBJECTIVES

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

       Know how people's culture/attitudes can help control or check crime rate in society.
       Understand how the physical environment of a people can help propel or reduce criminality in a place.

3.0   MAIN CONTENT

3.1   Over view of Socio-Cultural Environment of Crime

According to Covington and Tylor (1991), changes in crime and criminal justice have been shaped by two underlying social forces namely:

> The distinctive social organization of late modernity of society; and
> The Neo-conservative politics that came to dominate policy formulation on crime.

Both scholars further explains how the new policies of crime and punishment, welfare and security, changing class, race and gender relations in most developed and developing nations that under pin them, are linked to the fundamental problems of governing contemporary societies, as states, corporations, and private citizens grapple with a volatile economy and a culture that combines expanded personal freedom with relaxed social control.

It is the risky, unfixed character of modern life that underlies our accelerating concern with control and crime control in particular. It is not just crime that has changed; society has changed as well, and this transformation has re-shaped criminological thought, public policy and the cultural meaning of crime and criminals.

3.2   Physical Environment and Crime

It is the position of Crime Prevention Through Environmental Design (CPTED) that physical features of the environment can prevent crime or reduce the problems thought to be crime related – such as fear of crime or residents' concerns about neighbourhood viability.   This environmental design identified four major sets of physical features that link neighbourhood and street block physical features with crime, fear of crime and other related outcomes. These are:

> Housing design or block layout.
> Land use and circulation patterns
> Resident-generated territorial features, and;
> Physical deterioration

Each of these approaches is discussed individually in the sub-units below.   However, the fundamental question that it answers from a rational perspective is; how physical features influence behaviour?

Offenders often operate in rational fashion; they prefer to commit crimes that require the least effort. Provide the highest benefits and pose the lowest risks.   Also, crimes are most likely to occur when potential offenders come into contact with a suitable crime target where the chances of detection by others are thought to be low or the criminal, if detected, will be able to exit without being identified or apprehended. In short, the crime site lacks a natural guardian.

3.2.1 Housing Design or Block Layout

This approach makes it more difficult for offenders to commit crimes by reducing the availability of crime targets, removing barriers that prevent easy detection of potential offenders or of an offense in progress, and increasing physical obstacles to committing a crime.

3.2.2 Land Use and Circulation Patterns

This is an approach that creates safer use of neighbourhood space by reducing routine exposure of potential offenders to crime targets. This can be accomplished through careful attention to walkways, paths, streets, and traffic patterns, and location and hours of operation of public spaces and facilities.   These strategies may produce broader changes that increase the viability of more micro-level territorial behaviours and signage. For example, street closings or a revised traffic patterns that decrease vehicular volume may, under some conditions, encourage residents to better maintain the side walk and street in front of their houses.

3.2.3 Residents-Generated Territorial Features

This approach encourages the use of territorial markers or fosters conditions that will lead to more extensive marking to indicate vigilant residents occupy the block or site.   Sponsoring clean up and beautification contests and crating controllable, semi private out-door locations may encourage such activities.

3.2.4 Physical Deterioration

This is an approach of controlling physical deterioration to reduce offenders perceptions that areas are vulnerable to crime and that residents are so fearful they would do nothing to stop a crime. In other words, physical improvements may reduce the signals of vulnerability and increase commitment to joint protective activities.

SELF ASSESSMENT EXERCISE 1

1.   What does "CPTCD" represents?
2.   What are the four major features in the "CPTED"?

3.3   Socio-Cultural Implications and Crime Level in Neighbourhoods

There are several practical implications (socio-cultural) at the neighbourhood level in determining the rate and pattern of crime.

Firstly, Social and organizational conditions are important when changes in layout, traffic, or land use are being considered. Community involvement of residents, neighborhood organizations, and local businesspersons is essential for developing a plan free of adverse effects on major interest groups.

Secondly, local involvement may be an important precondition not only for rational, maximally beneficial change but also for achieving a redesign that will actually reduce crime. One study suggests that changes in layout, under conditions of community mobilization, appear to have been partially responsible for decreases in some crimes (Fowler and Mangione, 1986). But the crime-preventive benefits of changes in layout appear to weaken as community mobilization wanes.

Thirdly, an early step in planning redesign to prevent crime understands offender location. For some offenses, such as auto theft, offenders may come from other neighborhoods. For other offenses, such as drug dealing, offenders may live in the area. If they come primarily from outside the neighbourhood, can residents readily distinguish between these potential predators and individuals who are in the neighborhood for legitimate purposes?   If they can make the distinction, physical impediments to entry and circulation may result in less crime committed by certain types of offenders.

Fourthly, neighborhood layout   and   boundaries ensure ease   of circulation, a higher proportion of non-residential land use appear to be linked to higher street crimes and more burglary.   These implications need to be tempered by the recognition that crime prevention is just one objective of land use. Other objectives, such as economic development or equal housing opportunities, might at times conflict with a crime-prevention or fear-reduction objective.   The planning process surrounding design or redesign will need to balance these potentially competing goals. At the street block level, non-residential land use and high traffic volume may interfere with residents' ability to manage

activities on the block and to recognize people who belong to the neighborhood.

3.3.1 Social Disorganization and Crime Level

Social disorganization is a rather difficult term to define. It basically refers to the failure of social institutions or social organizations (e.g., schools, business, policing, real estate, group networking) in certain communities and or neighborhoods (although nothing prohibits such theories from being vouched at the "macro" level to talk about all of society). It has its origins in the study of ecology, which is the examination of relations between an organism and its environment. In criminology, social disorganization is usually treated as both perspective and theory, while ecology is an approach or "school". All social disorganization theories are really theories about place, not people (contextual, not compositional), and to understand them, it's best to start at the beginning with the Chicago School.

3.3.1.1 Assumptions of the Chicago School

Although there is probably much disagreement over it, the following are some of the important assumptions in most, if not all, social disorganization theories.

1. Crime and delinquency are caused primarily by social factors (environmental determinism).
2. The facts speak imperfectly for themselves, but better if fitted into theory (positivism).
4. The city is a perfect natural laboratory (cities like Chicago reflect society as a whole).
5. Components of social structure are unstable (conflict, anomie, social disorganizations; conflict or anomie if talking about political economy or society; social disorganization if talking about cities and neighborhoods).
6. Instabilities and their effects are worse for the lower classes (lower class crime focus).
7. Human nature is basically good (social ability thesis) but subject to vulnerability and inability to resist temptation.

A couple of points can be made about the above. Environmental determinism means that people are NOT ordinarily going to know what causes all the crime around them, and in fact, under such circumstances, they are most likely to blame bad people rather than the bad places (this is often what is meant when it is said sociological forces are mostly invisible). The components of social structure being unstable implies that there is stable pattern somewhere, someplace where all social

institutions and organizations function as they're supposed to (in other words, a functionalist perspective on social systems is somewhat taken, however, social disorganization theorists do NOT tend to be functionalists). The social ability thesis refers to the revolution in social psychology in shifting from Freud's Id-Ego-Supergo model of the self to Mead's I-Me model of the self. The shift from a tripartite to a homo deplex model, where the Me develops through role taking (what others see you as), became nothing less than the birth of symbolic interactionism in sociology. In criminology, it represented a shift from a social disability conception of the self (social disability thesis) which saw people as socially as well as physically and mentally handicapped to a social ability conception of the self (social ability thesis) which saw people as inherently capable of doing many things competently.

4.0   CONCLUSION

Socio-cultural environment is very important aspect to the development of crime and crime related activities. In fact, the type of environment determines the degree of crime that exists in that society.

5.0   SUMMARY

This unit has taught you, how the socio-cultural environment (especially the physical environment) can affect the attitudes of a people towards crime control; and at the same time affect the "psyche" of criminals/offenders towards criminality.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Give a brief over view of the Socio-cultural environment of Crime.
2.   What are the specific physical environmental factors that can help propel or reduce criminality in any community.

7.0   REFERENCES/FURTHER READING

Covington, J., and Ralph B. Tylor (1991). "Fear of Crime in Urban Residential Neighbourhoods: Implications of Between and Within-Neighbourhood" *The Sociological Quarterly* 32, 231-249.

Crowe, T. D. (1991). "Crime Prevention Through Environmental Design: Applications of Architectural Designs and Space Management Concepts". London: Heinemann/Butterworth.

UNIT 5   PROFESSIONAL ETHICS, LAW ENFORCEMENT AND SECURITY MANAGEMENT

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
    3.1   Definition of Key Concepts
        3.1.1   Professional Ethics
        3.1.2   Law Enforcement
        3.1.3   Security Management
    3.2   General Professional Ethics for Law Enforcement Agents/ Security Personnel
        3.2.1   Professional Character Versus Private Character
    3.3   The Police Personality
        3.3.1   The roots of Police Behaviour
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/Further Reading

1.0   INTRODUCTION

Many of the moral principles governing the actions of individual persons seem to be universal, they apply to individuals at all times, both in private and in public. For example, the moral principle prohibiting murder is universal. However, some moral principles governing action seem to apply to some professions but not to others. Hence, while to deceive others is in general, morally wrong, it is necessary for some professionals, such as under cover police operatives. (Igbinovia, et al 2003:468-469).

2.0   OBJECTIVES

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

Define the key concepts – Professional ethics, law enforcement and security management.
Identify the general professional ethics for law enforcement agents and others in the security sphere.
Distinguish between professional character and private character.
Understand Police Personality and roots of Police behaviour as a case study.

3.0   MAIN CONTENT

3.1   Definition of Key Concepts

There are three (3) key concepts to be understood in order to comprehend this unit.   The concepts are; professional ethics, law enforcement and security management.   These are defined in the sub units below.

3.1.1 Professional Ethics

This is all about what an individual member of a profession ought to do and about what rules and procedures the organization that increasingly houses members of the profession ought to have.   It is also about what the character of members of a profession ought to be.   Thus, professional ethics can be likened to the 'culture code' of a group of people.   For example the way you dress, how to engaged people in certain circumstances etc.

3.1.2   Law Enforcement

They are the agencies established by the law of the land to make sure that the citizenry or people obey the laws as stipulated in the constitution or statutory law of the land.   Examples are the Nigerian Police Force (NPF).

3.1.3   Security Management

Criminologists use the term to mean the mobilization of security personnel, resources and other security facilities to ensure that sanity is maintained in society – by warding off criminal elements from society.

3.3   General Professional Ethics for Law Enforcement Agents/ Security Personnel

Some of the general professional ethics are:

Suspicion: the different purposes and activities of different profession generate differences in required character.   For instance, it is because the police and other security personnel must track down and arrest criminals that police officers need to have a disposition to be suspicious of every happenings in his environment.

Physically Courageous: This is necessary for law enforcement/security personnel, but not for academics,

accountants, or most of the rest of us. Fitness and to be daring is
very fundamental to their operation.

Patience: This is required because task may be long and tedious.
Also, investigation may take time while waiting to apprehend
suspect.

Power of Observation: This ethics is also tied to having a very
sound memory. It enables the law enforcement/ security officer
to jot down all events, description or contacts, of times as they
occur.

Alertness: This combines effectively with resourcefulness. This
is because no matter how much planning that is done before you
conduct surveillance, you are likely to come across unanticipated
occurrences.

Others include the ability of the law enforcement/security personnel to
act rationally under all circumstance as if he/she belongs at the scene of
crime, he/she must be able to adapt to any environment. Here he/she
must be flexible and clever. Also he or she must be able to act promptly
under any circumstance.

3.2.1   Professional Character Versus Private Character

There is a further point about moral character that might follow from the
nature and purposes of law enforcement/security personnel.   This
concerns moral character conceived in general terms, as opposed to
specific character traits. Perhaps, the minimum standards of <u>integrity,
honesty</u>, <u>Courage</u> and so on demanded of them, ought be higher than for
many, even most, other professions. After all, they have extra-ordinary
powers not given to Others, including the powers (briefly) to take away
the liberty of their fellow citizens.

SELF ASSESSMENT EXERCISE 1

Define the following concepts: professional ethics; Law enforcement,
and Security Management.

3.3   The Police Personality

As we have seen, the Nigerian policeman is motivated by several factors
in his daily discharge of duties and responsibilities. As a result, very
often, his behaviour both on and off the job leaves much to be desired.
Very frequently, he abuses his constitutional authority, makes very
wrong decisions and is hampered by the bureaucratic environment
within which he works. But how should the policeman behave
especially in the discharge of his constitutional responsibility?

The Nigeria policeman must learn how to establish his authority by cajoling, requesting, threatening and by avoiding the use of force. He must learn to use his body to express with his whole self, the authority represented by the appearance he presents. He must learn to use it as a weapon when the situation demands. He must learn when to mobilize his physical resources and when to let them idle, and allow his legal power to act for him. In all of his actions, he must learn to acquire a quickness, resolution, and decisiveness that urge him forward when others withdraw. He must accept and welcome the fact that as a policeman, he must be in control of the situation lest it be in control of him. He must learn to accept challenges from citizens without backing down.

All these would suggest the existence of a police personality. But is there a police personality? Many kinds of people are conscripted into police work. They bring into the force, various behavioral characteristics which are usually a reflection of their diverse social, economic, political and religious backgrounds. This eventually points to the fact that individuals behave differently from one to the other. However, there are certain regularities of conduct and outlook that occur with great frequency. For example, the policemen in the city probably differ in important respects from the policemen in the village. We can attempt an identification of the many behavioural patterns characteristics of the Nigerian policeman in contemporary Nigerian society. These include but are not limited to the following:

(1)   Cynicism
(2)   Punitiveness
(3)   Repressiveness
(4)   Conventionalism
(5)   Political conservatism
(6)   Prejudice against minorities and the poor
(7)   Secretiveness
(8)   Solidarity, alienation and militancy

We may take some time to examine these traits especially in order that we understand them and place them in context of police behaviour in the contemporary Nigerian society.

The cynicism of the Nigeria Police has many targets and results from a multi-faceted view of society. First, it results from the deep pessimism of the police about human nature and behaviour. This pessimism derives from the context of police work and from the fact that much police work obtains from a background of disorder. People are either criminals, examination cheats, rioting or demonstrating violently against some social object. This is what has given rise to the pessimism of the

Nigeria policemen – that all men have criminal intentions and are only prevented from acting out their criminal tendencies by the presence of the law as represented by the police. Thus, nothing good ever comes from the average Nigerian.

Policemen are also cynical about the support that the people give to the police. Since man is inherently evil and possesses the natural tendencies to disobey the law, then, what support can he give to the police? They accuse the people of complacency and complicity. What support can a people give who frequently will engage in behaviour that it's in itself offensive to the law? Against this background, the Nigerian policeman frequently sees himself as operating from an unfriendly and uncooperative environment.

Moreover, the policemen are cynical about the way the organization itself is run. They feel that there is a large amount of political interference with police administration. Many of them believe that promotions and rewards are given on the basis of favouritisim also known as the "who you know" syndrome. As a result, many police officers are disillusioned. They are torn between the ideals of the profession and the social context of that profession. As Arthur Neiderhoffer (1967), puts it:

"The (recruit) begins with faith in the system. He tries to follow the book of rules and regulations, then, he discovers that many cases have repercussions of which the book seems wholly ignorant. He is chastised by his colleagues for being naïve enough to follow the book. Gradually, he learns to neglect the formal rules and turns elsewhere for direction. Individual interpretation replaces the formal authoritative dictum of the official book and the young policeman is an easy prey to cynicism."

New Police officers are in this way initiated into a number of rituals corruption, absenteeism etc. They also learn soon enough that the surest way to get about in the system is to have a "godfather" an influential person in the hierarchy who will promote their careers. They may also learn about "egunje" (bribery) and the need to repay favours and about reciprocal obligations and arrangements. Along this line, it is also compulsory for them to learn how to keep records that involve widespread collusion and deception.

The cynicism of the police especially when it involves human behaviour tends to make the police punitive and repressive. Since the police encourage its members to assert and maintain authority, they frequently use force to deal with the members of society. The police are political conservative and very often support groups with rightist or conservative philosophies such as Youth Earnestly Ask for Abacha (YEAA), the

Obasanjo and Atiku Solidarity Organization, the PDP etc.   They also adhere strongly to middle class values.

While the Nigeria policemen support conservative pro-government groups they are quite likely to stereotype various ethnic and class gossips.   They are markedly unsympathetic to ethnic minority groups such as Movement for the Survival of Ogoni People (MOSOP), Ijaw Youth Congress (IYC), Odua Peoples Congress (OPC) etc, the poor, labour movements and other underdog groups.   The police for example have negative feelings about the Ijaw Youth congress (IYC).   They tend to embrace the stereotypes that the Ijaw youths are lazy, prone to violence, and grossly irresponsible.   Thus in the 1980s they attributed civil disorder and restiveness in oil producing communities to failings in the oil producing communities themselves, disrespect for law, indiscipline, and agitation.   They give credence to poverty discrimination, deprivation, pollution and frustration as causes.   In fact, they believed that members of these communities were enjoying the best of Nigeria and had come to be favoured. As for themselves, the police in these communities believe that indifferent and very hostile persons, who hate peace and frequently resort to violence at the least provocation, surround them.

Although efforts have been made by the police to promote good public relations and increase police-community communications, policemen in their role tend to be introverted and secretive. Policemen are unwilling to discuss police work with the public.   Very often, especially on sensitive issues, the police have an official policy against the discussion of police business with the public even if such knowledge would have doused tension and increase the peoples rating of the police.   At the individual level, where officers keep their own companies and reduce the contacts with individual members of society to the barest minimum, they belong to police traditional organizations and attend social functions involving the police with notable frequency.   This social pattern results especially because civilians are suspicious and uneasy even in the presence of off-duty policemen.

Partly because of this isolation and the nature of police work, which takes place in an atmosphere of danger and insecurity, the police tend toward a high degree of solidarity. Publicly, they tend to support each other and refrain from criticizing one another. However, the feelings of fraternal solidarity and loyally should not be exaggerated.   Ethnic, religious and other tensions are often divisive forces, which continue to plague the police. But as soon as there is outside criticism, the police unite.

Police solidarity has a practical foundation, police work is dangerous and the danger tends to draw the members together. For example, when a police officer is killed, the police leave no stone unturned in bringing the culprit to sanction. Also, any police officer in trouble no matter his ethnic, religious and class affiliations, can count on the support of fellow officers. Because of the danger inherent in their work, policemen place a high value on teamwork and cooperation, which must come instantaneously and automatically without time for deliberation.

Police solidarity runs vertically up and down the command structure, as well as horizontally among the officers. Thus, the police organization is difficult to control from outside. It is almost invulnerable to ordinary forms of executive or civilian control. Some forms of misconduct such as the unjustified firing of a weapon are widely accepted by the police. Police officers who unjustifiably fired their weapons were rarely subject to strong disciplinary measures. Thus, such misconduct, which, frequently leaves a member of the public, maimed or killed, and which are apparent violations of both the letter and the spirit of police policies, are cordoned either by outright justification or by extremely mild discipline.

In Nigeria, the police has a culture of hostility and its hostility has many targets – elected officials, the pres, leaders and spoke-persons for minority and rights groups, organized labour, judges, students and the public in general. They often see themselves as 'pawns' in a political game over which they have no control. They attack the hypocrisy of the Nigerian system especially in political class and attribute their anger and frustration to a soft, permissive, over legalized society, which frequently imposes restriction on police authority thereby allowing criminal activity to thrive. Frequently, they attack courts accusing judges of being unconcerned with true justice by releasing dangerous criminals, enforcing unrealistic standards, ignoring the practicalities of law enforcement and for disregarding the law itself.

Policemen have responded to their alienation and frustration by becoming more militant politically, and by increased unionization. These responses in a sense are methods for defending themselves in a hostile and threatening environment. Police strikes which for a long time was a taboo is now being witnessed. The police now engage in work actions with increasing frequency. They may not call it a strike, but refer to it instead as a show of dissatisfaction. But whatever the label, policemen in Nigeria are no longer reluctant to use such actions to further their interest.

3.3.1 Roots of Police Behaviour

Many writers and social commentators have observed that there is a distinctive pattern of police behaviour. That policemen, by virtue of the nature of their work and the personality disposition they bring to the discharge of that work are set apart from other members of the society. If this is true, then we may need to ask a pertinent question: why and how does this behaviour come about? What are the roots of this behaviour pattern that is so distinctively police? Are particular personality types attracted to police work or do the particular environment in which the police actually operates shape and determine the attitudes and conduct of the police?

Social scientists have for long been interested in the personality type known as the authoritarian personality. This personality type has variously been associated with such authoritarian traits as toughness, racial and ethnic prejudice, power, low tolerance of ambiguity (tended to see things in strict good/bad terms) cynicism, aggressiveness and conventionalism. These traits are also linked to police work to varying degrees. Thus, it has been hypothesized that police work attracts authoritarian personality types. We can pitch this against the intense pressure of police work, which shapes and modifies behaviour itself.

Police work traditionally has been attractive to working-class males who see it as a means of achieving relative financial security and escaping the poverty associated with chronic unemployment. Therefore, police behaviour reflects this fact. Consequently, police language is crude and its banter is landed with sarcasm and ethnic stereotypes. This is partly a result of the fact that working-class talk itself is crude and filled with stereotypes. In their work style, policemen also reflect a working class manner. They have an overriding concern with maintaining self-respect and are preoccupied with showing their masculinity. These are recurring concerns of working-class men. Apart from these, the police are not sticklers for rules. On the contrary, they have shown much contempt and dislike for these rules and prefer the direct approach in action and language. According to Skolnick (1966), this is due to the constant pressure of physical danger that accompanies normal police work and which constantly reminds the police that they have to stick to the basics.

4.0   CONCLUSION

The professional ethics of law enforcement agents/ security personnel sometimes conflicts. However, they must be able to study people and their habits to enable them bring their professionalism to active action in cracking crime.

5.0 SUMMARY

In this unit, you have learnt about the necessary professional ethics required by both formal and informal security agents. This unit highlighted the general ethics required by security personnel and distinguished professional character from private character.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Distinguish between professional character and private character.
2.   Explain the general professional ethics for law enforcement agents/security personnel.

7.0   REFERENCES/FURTHER READING

Igbinovia, *et al* (2003). *Crime and Delinquency in Nigeria; Theories, Patterns and Trends*. Benin City: Kryme Monitor Books.

UNIT 6   HUMAN RIGHTS AND SOCIAL JUSTICE IN NIGERIA

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
        3.1   What is Human Rights?
                3.1.1   Social Justice and Human Rights
                3.1.2   Categories of Rights in Nigeria.
                        3.1.2.1 Civil Liberty: Rights of Citizen
                                3.1.2.1.1   Political Rights
                                3.1.2.1.2   Civil Rights
                                3.1.2.1.3   Economic Rights
                                3.1.2.1.4   Educational Rights
                                3.1.2.1.5   Social rights
        3.2   A Brief History of Human Rights
        3.3   Individual Rights and Social Justice
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/Further Reading

1.0   INTRODUCTION

Nigeria is a pluralistic human society, with multi-ethnic, multi-religious and multi-cultural communities. Some authorities put the number of cultural groupings and systems in the country at some three hundred and seventy-four (Otite, 1990).   This complexity tend to create and exacerbate the potential for conflict over contested issues such as the attempt to balance the right to free speech and the right to freedom from incitement to ethnic, cultural and religious hatred over equitable distribution of economic resources and power.   Thus, a sense of citizenship and harmonious society can be encouraged through developing a pluralistic human rights culture that stipulates mutual respects between individuals from different ethno-religious and cultural entity, in order to create a just and crime free society.

2.0   OBJECTIVES

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

define what Human Rights is/are?
identify the categories of Rights in Nigeria that constitute Fundamental Human rights.

recount a brief History of Human Rights
describe the relationship between Individual Rights and Social Justice.

3.0   MAIN CONTENT

3.1   What is Human Rights?

These are the aggregate of the rights recognized by the state. That is, by law and which are guaranteed by the state. (Appadorai, 1975).

The adoption of human rights is necessary to 'lay down the moral minimum'. This, on its own, is not enough though to produce a more harmonious society. Whatever, the state stipulates, only the development of mutual respect in every day life between individuals from different communities can secure a harmonious society; and a society free of crime.

3.1.1 Social Justice and Human Rights

The two concepts have been consistently and constantly interchanged in terms of usage by both scholars and non-scholars alike.   Thus for the purpose of academic convenience and analysis, it is important for the witness to draw out the basic distinctions between both terms.

From the preceding definition of social justice, it was established that 'social justice' is based more on moral principles with a strict consideration that is socially necessary. However, since state exist not to enforce morals but to enforce what is socially expedient (law), it is still conveniently practicable that most states enforce both morals and law in order to make society possible and at the same time to make good individual for the purpose of development.

On the other hand, Fundamental Human Rights are strictly constitutional issues or matters of legality. For instance, the 1999 Constitution provides a detailed chapter on the fundamental rights of individual. The Fundamental Human rights guaranteed under the 1999 Constitution are:

    The Right to life
    The Right to dignity of human person
    The Right to fair hearing
    The Right to private and family life
    The Right to freedom of thought, conscience and Religion
    The Right to freedom of expression and the Press
    The Right to peaceful assembly and association

The right to freedom from compulsory acquisition of property and limited rights to legal aid in the enforcement of these rights.

The 1979 Constitution being formerly the supreme or fundamental law of the land was binding on government and individuals alike.

Thus, while a violation of fundamental human rights could be enforceable in the law courts, social justice issues are in most cases not justifiable. For instance, social justice emphasizes issues like equality of all individuals in society. Strictly speaking, such issues are moral issues. In other words, the sphere of 'social justice' is more elaborate amorphous, and unlimited as it encompass all issues of fundamental human rights as well as issues that are controlled or enunciated by public policy enactments – like Health for all by the year 2000, availability of water supply, good network of roads and educational facilities for all in the nearer future. These are issues that border on 'social justice' but are more technical to being legal.

Therefore, while abuse or violation of fundamental human rights of the individual could be considered as 'social injustice', not all complaints of social injustice could be considered as a violation of the individual fundamental human rights. That is to say, the scope of coverage of fundamental human rights are more definite, restricted and documented in the constitution of any nation state.

Fundamental human rights are generally taken to mean political rights and civil liberties and social rights are often impeded by strategies of unequal development and by the unjust international economic order. That is, the sharp divide between developing and developed nations tend to affect 'social justice' at a higher level where the developing countries are worst hit by international policy decisions often in favour of the developed world. In other words, it would be difficult for individuals to press for fundamental human rights without strict recourse to the underlying principles of morality (social justice). It is only in so doing that very meaningful relationship can be established in nation states like Nigeria.

3.1.2 Categories of Rights in Nigeria

There are many categories of rights recognized by the 1999 constitution of the Federal Republic of Nigeria in Chapter IV, Section 33 to 46. Some of these rights are discussed in the sub units below.

3.1.2.1 Civil Liberty: Rights of Citizens

This consists of the rights and privileges which the state creates and protects for its citizens. The most important of these rights and privileges the citizens of any state enjoy can be grouped into two groups as follows:

> Political rights, and;
> Civil Rights.

These are explained in the next sub units.

3.1.2.1.1   Political Rights

This provides that every adult citizen is entitled to vote or be voted for in any election unless and, until he is disqualified by competent
authority of the state.

3.1.2.1.2.1   Civil Rights

These are rights that inheres in the individual. They are *ipso facto* protected, by the basic law or the constitution and indeed the legal processes of the state. The rights are:

> Right to life
> Right to dignity of human person
> Right to personal liberty
> Right to fair hearing
> Right to freedom of thought, conscience and religion
> Right to private and family life
> Right to freedom of expression and the press
> Right to peaceful assembly and association
> Right to freedom of movement.
> Right to freedom from discrimination
> Right to private property.

3.1.2.1.3   Economic Rights

In section 18, sub-section 2 of the 1999 constitution provides *inter alia* that:

> The economic system should be operated in such a way as to enhance or encourage the distribution of wealth or the means of production rather than its concentration in a few individual or a group.

Provision of suitable and adequate shelter, food, minimum living wage, old age care and pension, and unemployment benefit for all Nigerian citizens.

3.1.2.1.4   Educational Rights

The constitution provides that equal and adequate educational opportunities be available at all levels to the citizen. It provides *inter alia* that the government shall when practicable provide the people with free, compulsory and universal primary education, free secondary education, free university education and free adult literacy programme.

3.1.2.1.5   Social Rights

These include that, every citizen shall have equality of rights, obligation and opportunities before the law; and that the independence, impartiality and integrity of courts, law and easy accessibility there-to shall be secured and maintained, etc.

Accordingly, and as suggested by Okoli and Okoli ((1990), citizens have certain obligations vis-à-vis the state which are inextricably associated with the rights and privileges that they enjoy as members of the state.

These obligations are outline below:

A citizen is expected to place the interest of the state before any other interest.
Prompt payment of taxes.
Obedience to laws of the state.
Defence of the state against internal and external enemies.
Upholding the honour and dignity of the state.
Respecting the symbol and symbolism of the state.
Paying the supreme sacrifice for the state when its continued existence or its territorial integrity is threatened.

SELF ASSESSMENT EXERCISE 1

1.   List any five (5) rights under the civil rights categories.
2.   Define political rights?

3.2   A Brief History of Human Rights

The idea of 'rights' has been championed in many different ways through history. However, the modern Western conception of rights may be traced through the English Magna Carta to the U.S. Declaration of

Independence and constitution, and the French Declaration of the Rights of Man and the citizen.

In the wake of international concern over the Holocaust on December 10th 1948, the General Assembly of the Untied Nations proclaimed a Universal Declaration of Human Rights, which included the Right to life, Liberty and Security of Person; Recognition everywhere as a person before the law; Freedom of movement; and nationality; Freedom of thought, conscience and religion; Freedom of peaceful assembly and association and freedom to take part in government (Marshall, 1998:568).

3.3   Individual Rights and Social Justice

Social justice is used interchangeably with human rights. However, in a global world as in the lives of states, conflict is inevitable, but the end must be the attainment of respect for the 'rights of all groups, a recognition of their identity and an acknowledgement of the principle of solidarity (Omoyibo and Oriakhi, 2002: 169). But for the purpose of academic convenience, there is a clear distinction between human rights and social justice.   While social justice is based on moral issues/principles, Fundamental Human Rights are strictly issues or matters of legality. In other words, they are constitutional matters. So, while all Fundamental Human Rights issues are justiceable the reverse is the case for Social Justice matters.

In the words of Plato, "the rules that make society possible also make men good". Consequently, social justice is the condition of every other virtue of the state that predisposes the individual as a criminal offender or a conformist and responsible citizen.

In the Nigerian context, the individual assessment of himself in terms of the indices (objective), of what constitutes absolute social justice include:

> Pull employment for all citizens.
> A national minimum wage compatible with decent living and economic well-being.
> Free education at all levels.
> Free medical services.
> Modernization of agriculture.
> Improvement in infrastructural facilities.
> A comprehensive social insurance scheme.

For all citizens and in addition, a strict guarantee of the fundamental human rights of the individual as enshrined in the Constitution. The

average Nigerian proposes a situation where the major indices of 'social justice' would not simply be seen as 'moral issues' that are conventionally adopted but justiceable. The belief is that, it is only under this condition that the individual as a propelling force of development could be optimized.

Moreso, social justice relates to the sanctity of the individual as well as his rights within the socio-political milieu in which he/she is located. As a result, the individual is entitled to a bundle of rights, privileges and morals among which are the right to life, the right to property and the right to participate in the political process of his country.

4.0   CONCLUSION

For all citizens, a strict guarantee of the fundamental human rights of the individual as enshrined in the constitution and an assurance to the average citizen that the major indices of "social justice" are not simply seen as "moral" issues but justiceable can propel the individual as an agent of positive change in society rather than a "Criminal Mind".

5.0   SUMMARY

In this unit, you learnt what are fundamental human rights and how they are related to issues of social justice. This unit also taught you how to understand the categorization of the human rights and the responsibilities (obligations) of citizens to the state in return for the guarantee of those rights. Above all, you learnt that a guarantee of those rights can help deter the average individual from engaging in criminal activity.

6.0   TUTOR-MARKED ASSIGNMENT

1.   What are the categories of Rights we have in Nigeria?
2.   Describe briefly the relationship between individual Rights and Social Justice.

7.0   REFERENCES/FURTHER READING

Appadorai, A. (1975). *The Substance of Politics*. London: Oxford University Press.

Okoli, E. F. and Okoli, F. C. (1990). *Foundations of Government and Politics.* Onitsha: African – Fep Publishers.

Omoyibo, K. U. and Oriakhi, D. (2002). "Social Justice, Individual and National Development" in *Nigerian Peoples and Culture,* 2nd Edition, *eds.* A. D. Nzemeke and E. O. Erhagbe.

Otite, O. (1990). *Ethnic Pluralism and Ethnicity in Nigeria.* Ibadan: Shaneson .

Marshall, G. (1998). *Oxford Dictionary of Sociology.* New York: Oxford
University Press.

The 1999 Constitution of the Federal Republic of Nigeria.