Capitalist economy and the crime problem in Nigeria

by Femi Odekunle*

I. — INTRODUCTION

The attention of this paper is focused on the indisputable relationship between one of the major social problems in Nigeria, « the unjustifiable obvious and subtle inequalities in the evaluations of, and rewards given to, differentiated and ranked positions in the country.

The Problem of Crime: In this paper, crime, and much more so the problem of crime, is not seen in pure and precise legal terms. The problem of crime of any society is perhaps the most enlightening and illuminating means of learning much about that society and its social order because some of the « most important issues of ethics and of politics are revealed in our attempts to control the conduct of others by the use of the criminal law » (1). Consequently, crime is best, and should be, considered as a problem to all of us. To the law-maker, it is a problem of interest-ridden definition and articulation. To the « have » law-breaker, it is a problem system-instigated greed and avarice. To the « have-not » offender, it is one of system-engendered suffering, misery, and necessity arising from lack of legitimate alternatives. To their victims, it is either a problem of naked or subtle irremediable victimization by overpowering corporate or governmental bodies and individuals or one of fear, anxiety, injury, loss, and sometimes deprivation of life and pursuit of happiness. To the police, it is a problem of selective enforcement, detection, apprehension, and prosecution. To the lawyer, it is simply one of « commerce » and legal and other manipulations. To the judge, it is a question of due process, legal guilt or innocence, as well as a variable mesh of interest. To the prison warder, the problem is simply that of custody of societal « undesirables ». To us, students of crime and deliquency, it is a problem of understanding, explanation, interpretation, and prediction. And to all others, it is either a disturbance or a threat to peace and order.

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The Capitalist Economy : Going by the ideal-type, the capitalist economy is one in which most wealth is in few private hands through the exploitation of the sweat and labour of millions of their fellow men ; in which these same few use their wealth to create more wealth through further exploitation of these same millions, their children, and grandchildren ; and in which this lopsided distribution of wealth creates grotesque inequalities in the distribution of power, prestige, and other « rewards » and opportunities in the society. That is, in contrast to the socialist economy in which the means of production (e.g. factories, equipment, land, materials, etc) and the wealth thereof are, usually through the state, collectively rather than privately owned and controlled and are used in the interest of the society as a whole.

Even though capitalism has identifiable inherent patterns and regularities wherever it exists, variations of the phenomenon and in the form and degree of its undesirable consequences are easily discernible in any comparison of the economies of U.S.A., Britain, and Sweden. The comparison becomes much more fruitful in identifying variations if it is between two countries at different stages of development. Consider the following variations between the « established » or « developed » capitalist economy of the U.S.A. and the « developing » one in Nigeria. In the one, the economy is in the hands of indigenes and is heavily industrial and productive ; in the other, it is basically a commercial, middle-man, or consumer capitalism based on, and serving the interests of foreign multinational corporations (2). In the one, merit, competence, efficiency, corporate and national interests are observable attributes ; in the other, particularism, incompetence, inefficiency, and monetary personal interests predominate the scene. In the one, palliatives such as the « welfare » and « credit » facilities serve to alleviate some of the crushing consequences of the free-enterprise economy ; in the other, the damaging, frustrating, and depersonalizing resultants of capitalism are either blaantly ignored, hypocritically « solved » on the pages of Development Plans, or shamelessly left to the Red Cross and the U.N.O. And in the one, the definition and conception of social problems (e.g. crime and delinquency, mental illness, unemployment, drug-abuse, etc.) within the deterministic context encourage, and actually lead to, conscious and rational (in the capitalist context) budgetary and socio-legal response-measures to these problems. But in the other, these problems are neither so defined nor responded to ; instead, they are unwittingly left to ill-conceived legal sanctions or to « leadership » rhetorics about the roles of the family, the community, religion, and traditional morality, all of which have long ceased to function effectively as social security and social control agents.

In this paper, then capitalist economy is used to refer to the ideal-type's empirical variation as it exists in Nigeria.

Using available evidence from ordinary and scientific observations as well as from official police crime statistics, the first section of this paper adequately and irrefutably asserts the magnitude, seriousness, and pervasiveness of Nigeria's crime problem. In the second section,

explanations of criminal behavior within the context of biology, as behavioral abberations of randomly crazy individuals, or in terms of inadequate and inappropriate socialization are briefly considered and dismissed. Instead, an attempt is made to explain the crime-problem in Nigeria as an inevitable consequence of a social order that is inherently crimogenic in its structure and system of distribution of wealth, power, prestige, and other rewards among the members of the society.

II. — THE CRIME PROBLEM IN NIGERIA (3)

When a country is undergoing rapid techno-industrial change, experiencing a progression (regression ?) from a « gemeinschaft » to a « gesellschaft » type of existence, as well as a widening of the gap between the « haves » and the « have-nots », the emergence or aggravation of certain social problems is an historically proven correlate. That is, certain identifiable social problems are accompaniments of development, especially the capistalist or « mixed » type of development. And of these problems, those of crime and delinquency within the urban existence seem to be in the forefront. There is the obsessive pursuance of individual wealth rather than the erstwhile reliance on community or family land or cattle ; the insecurity or « being on your own » in the urban society in place of the social and psychological support previously given by the family in a rather close-knit community ; the striving to survive in the urban setting, socio-economically, by almost any means and at almost any cost ; the anonymity of urban existence and the consequent lessening of the family's group pressure towards conformity with regard to conduct norms ; and the justifications (e.g., unemployment, obvious and relative poverty) and opportunities in the cities and towns for committing, and being victims of, crime.

The situation in Nigeria, as in many other free entreprise oriented developing countries, has just been described. However, there is the belief that we do not have a « crime problem » and that such a problem is the exclusive characteristic of the developed nations of Europe and America. This belief is contrary to reasoning and observable facts. Under conditions of development as the one we are experiencing, the « crime problem » may be presumed present. One has to take cognizance of, and give due recognition to, « cultural universals » (i.e., certain needs, desires, forms, practices, etc.) that are found to exist in almost all cultures (4) ; the cultural and socio-economic communications and interdependencies among modern societies ; the fact that our present legal and economic systems originated in, and were received from, one or the other country of the West ; the similarities between the patterns of our ongoing urbanization and industrial-economic development and those of the nations of the West several decades ago ; and the emergence or accentuation of certain economic, social, and psychological problems (e.g. crime and delinquency, marginal and outright unemployment, unaccepted proverty, divorce and broken homes, frustration, insecurity, mental illness, etc.) which Frantz Fanon saw as the unenviable distinguishing attributes of the Western system and

against which he vainly warned us. Nigeria has chosen a particular line of development. While I am not trying to convey any idea of finality or irreversibility about that choice, it is short-sighted not to admit or even recognize the accompanying manifest and latent problems of such a line of development.

Pseudo-theoretical presumptions and cultural universals aside, casual observation attests to the existence of a crime problem in Nigeria. Bribery, corruption, white-collar, and corporate crimes, which cost us (economically, socially, and morally) more than the thousands of petty crimes for which our prisons are over-crowded, have come to be accepted by almost every Nigerian as part of ou « normal » existence. Our daily and sunday papers are, in some respects, crime bulletins. There was the prevalence or armed robbery that « forced » the government to decree the death penalty for anonyme found guilty of the offense. Motorists are still afraid to travel after dark in certain parts of the country for fear of becoming person-and-property victims of armed robbery. The problem of goat and cattle stealing became so serious that the former northeast state government issued an edict to mandatorily jail, for ten years, anyone convicted of the offense : the Prison Department had to appeal to that government to repeal the edict because its prisons in the state were soon overcrowded with cattle thieves. And the continuing burglary « attack », as it were, on university campuses, which may be considered cases of affluence in their urban deserts of unmet and unrealized desires and aspirations, is another good indication of the existence of a crime problem. The menace of property crime is rather widespread in most towns and cities in Nigeria. Goods stolen or burglarized in one town are sometimes « discovered » in other distant towns and cities a few days after the event — a pointer to the existence of crime and burglary networks, thriving markets for stolen goods, information channels, distribution systems, and perhaps police collaboration.

Research materials and scholarly writings (5), scanty as they are, provide another set of evidence. The most revealing of these is that of Chambliss. He notes that « In at least Ibadan and Lagos, gangs of professional thieves operated with impunity. These gangs of thieves were well-organized and included the use of beggars and young children as cover for theft activities. The links to the police were sufficient to guarantee that suspects will be treated leninently, usually allowed to go without any charges being brought. In one instance, an entire community within the city of Ibadan was threatened by thieves with total destruction » (6). And with regard to prevalence of crimes as well as the risk of criminal victimization, he asserts that « robbery, theft, and burglary are common offenses (in a sample of 300 residents of Ibadan, 12.7 percent reported having been victim of burglary)... » (7).

Official figures (8) unreliable and underestimated as they are, show increases in the country's crime rate from year to year as well as the preponderance of property crimes over person offenses. The 1961 Police Annual Report show that crime trends noted in 1960 continued in 1961 : « offenses against the person increased by 8 %, while property offenses (mostly theft and burglary) were up by almost

16 % » (9). The value of property stolen was worth over 3 million naira, an increase of over 100 % over the 1960 figure (10). The monetary figure here, I should add, does not include money lost to the nation and its individuals members through bribery, fraud, corruption, white-collar, corporate, and organized crime. One will never know. The picture is also similar when one considers the 1965 Report : person offenses increased by 3,000 and property crimes by approximately 9,000 offenses over the 1964 figures (11). Also, in 1965, of the recorded 330 criminal offenses commited by male juveniles in Lagos alone, 212 were property offenses ranging from stealing to outright robbery (12).

The above figures, by themselves, are not unconvincing. But for the purposes of emphasis, one needs to add that they did not include those crimes committed under the jurisdictions of then highly politicized Native Authority and Local Government police forces under the regional governments (13). In fact, the figures become more compelling when one realizes that they are for the first half of the 1960's and that in the decade between then and now, nothing has changed in the socio-economic order (which dictates the magnitude and seriousness of a country's crime problem) to render invalid any speculation that the crime problem has worsened. And some date for the last half decade provide evidence in support of such a speculation.

Of the fifty countries that sent in figures (14) for their prisoner populations to the United Nations for the year 1974, Nigeria ranked a high 16th and a rather high 12th with regard to the number of persons awaiting trial. The same document shows that 45 of every one hundred thousand Nigerians are imprisoned (criminals » (15). Figures recently made available to the author, on request, by police authorities indicate that adult crimes alone in 1974 amounted to an increase, quantitatively at lest, of nearly 150 % over the 1969 figures (16). Yet, these figures must be seen as grossly unrepresentative of the true volume and character of crime in Nigeria in the context of inefficient record keeping by the Nigeria Police Force (17), and in light of the established fact that, in any country, a lot of crimes go undiscovered, unreported, and unrecorded (18). Also, a 1975 burglary victim survey, by the author, in which nearly 500 household heads in the university residential areas in Zaria were interviewed shows a 21,4 % burglary victimization rate for the year under study (19). And the thousands of civil servants of various grades (retired » or dismissed in the latter half of 1975 as well as other post-Gowon revelations appear to indicate that the state of crime in the country has worsened.

Thus, a crime problem exists in Nigeria and, had there been uniform and comprehensive reporting and recording systems, we would have had, statistically at least, « alarming » crime rates and « frightening » crime trends. The more important point here, however, is that the problem should be expected to worsen and become recalcitrant in the years ahead if the experience of developed nations whose line of development we are following, whose socio-economic order we are copying, is something to go by.

III. – EXPLAINING THE CRIME PROBLEM IN NIGERIA : A PROBLEM OF CAPITALIST ECONOMY

Many explanations have been offered for criminal conduct in human society. The earliest ones, with only very few adherents today, located causative factors in either the individual's « free-will », biology (21) or his personality (22). But as Wolfgang (23) rightly observes, it has been recognized for some time that it is the « cultural and group forces that produce actors who represent forms of deviance from the dominant value, or moral demand, system ». He points out that « Biological needs and psychological drives may be declared uniformly distributed and hence of no utility in explaining one form of behavior relative to another. They may be seen as differential endowments of personalities that help to assign, for example, a label of mental incapacity to a group of individuals, some of whom have also violated the criminal codes ». And in light of already established macroscopic patterns and regularities of crime, he asserts that ... neither the biology of many biographies nor the psychology of many personalities helps to explain the overwhelming involvement in crime of men over women, slums over suburbs, youth over age, urban over rural life ».

The discrediting of the classical notion of free-will, its replacement with the idea of the bio-physical and psychological explanations, coupled with the further development of positivism and its attempted application to law-enforcement and the administration of criminal justice, ushered in an era of « sociological » explanations (24) which are dubbed « functional » after the Durkheimian tradition or « liberal » because they locate etiological factors within the social and cultural sub-systems rather than in the individual, and because their suggested « therapies » involve socio-economic changes and engineering of existing sub-systems. Liberal or functional, these latter explanations have been, and are being, correctly challenged as orhodox (25).

They are orthodox in that, almost like their bio-physical and psychological predecessors, they hold this or that sub-system or sub-culture responsible. The total political and socio-economic order is never brought in for critical examination in its entirety. For instance, after convincingly showing that the probability and frequency of committing crime, especially property crime, in socialist countries, is rather low, leading American criminologist cautiously adds that « No inference need be made, in this context, that the socialist countries represent a further step in social evolution » (26). Criminal codes and the proscriptions and prescriptions within them are taken for granted as if they were god-given or made by an unanimous vote taken in the village meeting. Furthermore, the behavior and actions of law enforcement and justice administration officials (policement, judges, prison officials, etc.) as well as the implications of these for the further aggravation of crime problem are, more or less, usually ignored.

Crimes commited by better positioned members of the society are really not « crimes » and the delinquences of society are really not « crimes » and the delinquences of their juveniles are « normal » manifestations of adolescence or masculinity. But for the crimes of poorer

souls and their children, explanations are to be found either in the « unstable » structure and organization of their community, the deteriorated ecology of their neighborhood, the transmission of « deviant » values from one generation to the next, or in intrafamily situation and interaction. Thus, while attempts are made to explain crime in this or that group, and crime of this or that type, the crime problem itself has escaped explanation. And it is therefore not surprising that despite thousands of research projects and the half-hearted applications of their findings in crime pervention and crime control programs, much dent has not been made in the crime problem of, for instance, the U.S.A.

The obvious « partiality » of these theories, the works of sociologists like Merton (27) and Tumin (28) and those of social deviance theoreticians like « interactionists » Goffman (29), Becker (30), and Schur (31) and particularly the ongoing politicization of many social science discipline, have led to what is currently and variously know as the « new », « radical » or « critical » criminology (32). This new orientation is not valuable merely because of its currency, or its challenge to what is now orthodox criminology, but because of its total conceptualization of the crime problem. Its « utility in demasking the moral and ideological veneer of an unequal society » (33) and in « saving » criminology has been admitted even by its critics : « ... they have drawn attention to the dangers of allowing criminology to serve as a mere prop of existing systems... they have helped to remove blinkers, to widen our outlook and attitudes » (34). With this approach, questions of crime and crime control are as political and economic as they are sociological.

The type of socio-economic order which a country operates dictates, in large part, the type, magnitude, and seriousness of that country's crime problem. (And in the same vein, the form, emphasis, and extent of success or failure of social control and crime prevention programs is, more or less, a function of the operative order). Chambliss, in an admittedly impressionistic conclusion on his comparison of the « political economy of crime » in two capitalist countries (Nigeria and the USA), notes that the « crime rate in the USA is probably amongst the highest in the world and its resources the most concentrated in the hands of a few. Chinas's resources seem to be far more equitably distributed and their crime rate correspondingly lower. Sweden and Norway are,... somewhere in between the extremes of China and the USA on both variables. And one gets the impression that crime in East Germany is far less prevalent than is the case in West Germany » (35).

It is not only in terms of magnitude that differences exist among different types of social order : there are also predictable differences in the predominating type of crime as well as in the form and emphasis of government response measures. For instance, one finds that in socialist countries, there are crimes but no « crime-problem », and the crime scene is dominated by political crimes, traditional person-offenses, and drinking offenses (36) that are manifestations of a rather rigid and controlling social order. And in terms of the form and emphasis of government response, Connor, an American, observe that in Russia,

penalities for even traditional crimes such as murder and rape are not as severe as in Western countries. But most relevant to our point here is his assertion that the State is not so harsh against property crimes where individuals are victims : « it is crime against State property that systematically carries heavier punishments across the whole gamnt of acts (theft, robbery, extortion, damage) that can be committed against both types of property. This is not surprising in a system where State or socialist ownership is regarded as higher category than personal ownership » (37).

And in most of pre-white Africa, whatever crimes were committed were mostly offenses against the person rather than against property. There was « full employment » in the context of the socio-economic order of the time and whatever property (land, cattle, and women) there was usually got distributed through the families constituting the community. The point here becomes clearer when one compares traditional and present forms of land ownership in Southern Nigeria and discovers the amount of crimes of violence and fraud that are characteristics of the latter form ; a comparison of existing forms of the same variable in present day southern and northern Nigeria yields a similar discovery. Also, because most communities were close-knit, thus ensuring the effective presence of the family's and community's pressure toward conformity, there was little or no room, or even justification, to perpetrate crimes, especially property crimes, on individual bases. And finally, community sanctions were severest, not against person and property crimes but against violations of cummunity morals and taboos.

But the capitalist economy is inherently crime producing. Not so much because it has taught Nigerians to compete. Its crimogeny is obvious in many ways but of particular relevant here are its creation of the amoral, greedy, and avaricious « economic man » who accumulates wealth and property at the expense of others to further exploit others ; of unemployement, marginal and meaningless employment ; and of obvious, relative, and unaccepted proverty. That is, the creation of the « haves »and the « have-nots » as well as the perpetuation, if not the widening, of the gap between them. The papers of the 1975 Annual Conference of the Nigerian Economic Society, with « Poverty » as its theme, provide ample « scientific » evidence for this already obvious situation.

In Nigeria today, the sky is the limit for a few in whose hands are concentrated the wealth, power and prestige of the country. They can acquire whatever they want and they have almost limitless opportunities to do as they please. These few have houses and money, many and substantial enough to house and feed the combined populations of Gabon and Gambia as guests. They even feed their imported « racially integrated » dogs and cats with imported canned foods and take them to the animal doctor when they fall sick. Yet, in the same « free » entreprise system, millions of other Nigerians have the « freedom » to be unemployed or marginally employed, to be poor, to starve or go hungry, to be unable to sleep in a decent room, to die of unattended illness, and the « freedom » not to be able to afford basic necessities for even subsistent existence.

The point being made here is further illustrated by the hyperbolic but real contrasts of two unique events in the lives of two differently positioned Nigerians. The one imported and air-freighted a Rolls Royce and paid the hundreds of thousands of naira import duties in cash and on the spot — the event made news because nearly half of the country was experiencing drought and near-famine at the time. The other, an unemployed citizen, was being tried for stealing a sheep and he told the judge that the proceedings and legal technicalities were unnecessary, that he was pleading guilty to the charge, and that he was requesting the judge to hurry up and sentence him quickly before lunch time was over in the prison (38). The country was in the midst of the oil-boom at the time. And in line with the latter event, it is common knowledge in Social Welfare departments that a significant unmber of parents « frame » or exaggerate offenses against their children and « beg » and « bribe » officials to get such children committed to Approved Schools and Borstals where they would have opportunities for skill training and formal education, free of charge. One has to wonder about a socio-economic order in which some citizens are « forced » to prefer the social, economic, and psychological deprivations of imprisonment or custodial institutions to existence in the free community.

Had the capitalist system been able to create not only the desires and aspirations for weath, property, power, and prestige in everybody but also provide effective checks and balances as well as guarantee the equitable distribution of the means to meet the created desires and aspirations, the « corrupting privileges » of the rich, the « corrupting depravations of the poor » (39), and the crime problem that is a function of both, could have been minimized, if not avoided. Because there are not checks and balances to effectively limit the « freedom » to be wealthy and the « freedom » to be poor, both the beneficiairies and the exploited are « forced », at it were, to contribute their quota to the crime problem. And herein lies crimogeny of the capitalist system.

First, the have-nots. The association between unemployement, poverty, and other depravations on the one hand, and crime on the other hand has been established beyond doubt (42). Even though crime is not confined to the poor and the unemployed, the disadvantages of poverty, the degradations of unemployment, the resultant living from one day to the next, the want, and the misery do hinder an immense number of people from resisting the temptations to commit crime. This is why even though the economic determinism of Marx is not bought in its purity or entirety, criminology is now very alive to the fact that unemployment and poverty together constitute one of the foremost crimogenic milieux. The point here is further illustrated by a jocular but insightful criminological poster with a picture of questioning policemen standing over a man who has just been assailed by a mugger : « How do I feel about being mugged ? Well, naturally I didn't enjoy it and I certainly dont condone violence or threats of violence as a means towards social change. However, I can emphasize with my assailant and realize that in his terms this is a valid response to the deteriorating socio-economic situation in which we find ourselves » (41).

Clifford emphasizes the « paralysis and disorder » of urban unemployment in Africa, asserts that « its magnitude and gravity make it the continent's most serious social, economic and political issue », and warns that from the standpoint of crime, which is primarily urban and predominantly youthful, the influence of unemployment is crucial (42). And he added that « ... indeed the low income or employment factor has shown up in nearly all the limited studies of delinquent groups which have been carried out so far » (43).

This situation should be expected because, after all, it is a fact of elementary sociology that the social organization of any society is an opportunity structure and a system of social control. And the corollary of this is that the efficacy of any society's social control system largely depends on the proportion of its population that is opportuned to participate, or believes it is opportuned to participate, in the socio-economic « life » of that society. A substantial degree of conformity should therefore not be expected in a country like Nigeria where a majority of the population does not really participate in the wealth, power, and prestige that are the constituents of its capitalist system. They have little or nothing at stake ; they have no « good » reason to be deterred.

The justifiable propensity of the marginally employed, the unemployed, and the poor toward crime is further aggravated by the pervasiveness of bribery, corruption, and other related practices in the country. To operate successfully in Nigeria (44), unlike in Algeria or Iran for instance, international firms have to « adapt » to the « given business environment » in the country : « the main source of competition is the kickback » and « Bribes are the basis of competitive advantage » rather than the offer of « the best price, terms, and quantity ». Military take-over of power (however functional this may sometimes be), the pseudo-legitimacy of governments, the sudden wealth of anybody who comes to power or is near power, the « normality » of giving and receiving bribes in order to get almost anything done, the legally unpunished and socially unstigmatized corporate and white-collar crimes, etc. — all these, in contradiction to the socially and economically deprived majority, constitute a « criminal environment » by which the « haves » inadvertently encourage, require, and even reward criminality in the general population, and thereby the breeding of a population in which a substantial number of citizens believe that crime pays.

Laws, and crimes which constitute their violation, are largely defined by those in power (45). Even though they are supposed to reflect and protect, through prescriptions and proscriptions, the dominant value or moral-demand system of the society, they are usually reflective and protective of whoever is in power at any point in time (46). One would have expected that the « haves », being makers of the laws which protect their value-system, property, and person (in that order) would obey the laws. But laws are constraining, even for those who make them. Such constraints are, realistically, not in time with the capitalist spirit that the sky is the limit : a man should acquire as much as he can and by all « possible » means. Constraints are therefore usually side-tracked (47). They create loopholes in the law ; their crimes

are protected from being discovered by their wealth, power, and prestige : and if they are discovered, the probability of arrest, prosecution, conviction, or imprisonment is rather low. They always have the benefit of the doubt, money to hire « top-notch » (48) lawyers and bribe character witness, and to pay if convicted and, as it usually happens, given the alternative of fine.

Thus, Nigeria loses more (monetarily, socially, morally and politically (49) from fraud, embezzlement, bribery, and other forms of white-collar and corporate crimes than it does from those thoussands of petty crimes for which it imprisons thousands of ill-placed Nigerians. Only periodically do Nigerians get informed of the gravity of the situation as they were shortly after Gowon was ousted from office : the millions of naira embezzled or directly or indirectly stolen by Gowon, his Governors, and their military and civilian henchmen ; the cement-affair ; the deliberate importation of impotent drugs ; the « paper » contracts that were paid for but which never materialized in delivered service or finished products ; the « shortages » of oil and other essential household commodities ; etc. Even though these were only the tips of various icebergs, apparent are their effects in terms of political and economic instability, insecurity and loss of lives in the country, and in terms of many other depravations unnecessarily visited on the population. And it is signifiant to note that every succeeding government since 1960 had come in to eradicate these ills, but each of them has been shown, after being ousted by another « cleanser », to be as corrupt and as embezzling as the one it had replaced.

Tanner articulates the consequences of this « criminal environment », created by the reckless but « undiscovered » or unpunished criminality of the « haves », for the crime problem. He observes that « the man in the street, and in the village for that matter » has seen or head of bribery, corruption, forceful take-over of governments and may no doubt believe that « crime pays at the top ». « It is too fine a moral point for most people to distinguish between house and armed robbery and open theft at the road block, or to decide that murder for gain in the village, or a fight to death over land or cattle is significantly different from other (legalized) killing » (50). The extent of corruption, which is widespread at the most influential levels of national life, he asserts, will also make it difficult for the « criminal » to consider reforming himself : few prisoners think of themselves as criminals and most correctly consider that they are in prison only because of bad luck or because they had no money for a lawyer (51).

Most frustrating and disillusioning is the combined effect of capitalist inequalities and the existing criminal environment on law-enforcement, justice-administration, and their official agents. A study of the records of Ibadan Central Police Station over a period of time shows that even when the accused is known, « there is no necessary relationship, between the validity of a complaint and the likelihood of its being charged to court, it must first be sifted through the variable mesh of interests, influence, and bribery before a decision is taken as to whether a prosecutable offence has been committed or not » (52). And Chambliss, analyzing along the lines of Quinney's latest work (53)

on the criminality of crime control apparatus and personnel in capitalist societies, states that « in Nigeria the acceptance of bribes is blatantly public and virtually universal » (54). Payment of bribes to the police is usually possible whenever an arrest is likely... It was said, and research bears this out, that one with money could pay to be excused from any type or amount of crime. Who then did get arrested ? In general, those who lacked either the money or the political influence to fix a criminal charge (55).

After the police, this unjust conveyor belt moves on to the courts. By emphasizing and applying variables such as social status and money in the granting or denial bail, by remanding in prison those who cannot afford to raise bail or find surety for months and sometimes years, and by routinely imposing fines (as alternative to terms of imprisonment) on offenders they know cannot pay such fines, the courts delay and deny justice to those of little or no means.

Considering all the above, one is not surprised by the character of the « problem of crime » in Nigeria in terms emphases in the law, the predominant kind of violations, the geography of crime in general and of recorded crime in particular, and in terms of the socio-economic distribution of « official » or imprisoned « criminals ». A majority of the laws are either property — protective or property — related ; and the crime-scene is dominated by property-offenses of all kind (56). The geography of crime in general shows that they occur mostly in towns and cities where the wealth, power, and prestige are concentrated and where the gap between the « have » and the « have-not » is widest and most glaring ; and that of recorded crime points to the lower or working class areas that are, relatively, ecologically « depressed » (57).

Similarly, the socio-economic distribution of « official » or imprisoned offenders is heavily in favour of the poor, the unemployed, and the marginally-employed. Some of the papers of the First National Conference on the Prison System in Nigeria become helpful here (58). In Asuni's Abeokuta prison study, about 86 % of the prisoners « were unemployed at the time of their criminal offences ». A larger study which involved a sample of 546 prisoners from Ibadan and Lagos prisons shows that in terms of occupation prior to arrest, about 89 % were either houseboys, hawkers, apprentices, farmers, or unemployed. Also in his report to the Conference, the Prison Medical Superintendent observes that « poverty brings many young men to prison for the first time, either for stealing, or for inability to pay fines ». And of a total prison population of 75,000 in 1964-1965 (59), 45,442 were either debtors, jailed in default of fine, or remanded for inability to raise bail.

Even in the end of the tunnel, the prisons, the manifestations of the capitalist society persist. If and when any of the « haves » gets imprisoned, he receives « elitist » treatment in terms of accomodation, interaction with staff, food, clothing, work-allocation, visitations, and a variety of other privileges. But for the majority of the « normal » prisoners, they are made to exist on the minimum of anything and

everything ; they are used as « houseboys » for staff and « madams » household chores, gardens and farms ; and they are used as slave-labour in prison workshops, industries, and farms whose products are sold cheap to contractors and government officials. And since the capitalist society is such that the post-release socio-legal stigma of imprisonment can be mitigated only by socio-economic well-being, the cycle begins another revolution, and the relatively high recidivist rate and population are respectively, dominated by property-offenses and « have-not » property offenders.

IV — CONCLUSION

Briefly then, the implication of the situation we have been describing and analyzing is that the society (particularly its law-enforcement and justice-administration) appears to be organized to cooperate with, and to protect and provide cover for, the most criminal groups and individuals in the society while enforcing laws against those whose offenses are only a minimal threat to the social, economic, and political life of the country.

Whether we look at the making of laws, the patterns and the regularities of the violations of these laws, their selective enforcement by the police, or the usually unfair and unjust administration of justice by the courts and the prisons, the inequalities of the capitalist system seem to be at play. It is not an « error », for instance, that a very high proportion of crimes are property offenses, or that though the crimes committed by the « haves » are more injurious to the society than those committed by the « have-nots », it is the latter that usually get imprisoned. It is not an « error » because mere errors are random ; behind a persistent and systematic error in a definite direction as the one we have shown, there must be a cause other than error alone. The problem of crime, as well as its social and economic « causes » and consequences, is a continuous indictment of, and challenge to, the inequality-ridden capitalist social order in Nigeria.

REFERENCES :

1. R. Quinney, *The Problem of Crime*, New-York: Dodd, Mead & Co., 1970, p.v.
2. T. Turner, « Multi-national Corporation and the Instability of the Nigerian State », *Review of African Political Economy*, N° 5, Jan- April, 1976, pp. 63-79.
3. This section is a modified version of a part of an earlier paper by the author. « The Need for Social Defense System Planning in Nigeria », presented at the *Conference on Social Research and National Development in Nigeria*, N.I.S.E.R., Unversity of Ibadan, Nigeria, September-October, 1975.
4. George P. Murdock, « The Common Denominator of Cultures » in Ralph Linton (ed.), *The Science of Man in the World Crisis*, New-York : Columbia University Press, 1945, pp. 123-142.

5. E.O. Oloyede, « Juvenile Delinquency in Nigerian Law : A Case for Closer Study, *Nigeria Lawyers Quarterly*, Vol. 5, N° 1, pp. 31-47 ; P. Clairmonte and T.A. Lambo, « Attribution of Stigma as Factor in Juvenile Recidivism in Nigeria : A Preliminary Inquiry » (Was to be published in the *International Review of Criminal Policy*) ; A. Bamishaiye, « The Spatial Distribution of Juvenile Delinquency and Adult Crime in the City of Ibadan », *International Journal of Criminology and Penology*, 1974, 2, pp. 65-83 ; T.O. Elias, (e.d.), *The Prison System in Nigeria*, Paper submitted at the National Conference on the Prison System, July 1-5, 1968, Lagos : University of Lagos Press ; A. Milner, *The Nigerian Penal System*, London: Sweet and Maxwell, 1972, especially Chapter 1, « Crime in Nigeria ».
6. W.J. Chambliss, « The Political Economy of Crime : A Comparative Study of Nigeria and the USA », in Taylor, Walton, Young (eds.), *Critical Criminology*, London : Routledge and Kegan Paul, 1975, p. 171.
7. *Ibid.*, p. 173.
8. Figures available to the writer cover only the period of 1960 to 1965. For instance, the Nigeria Police Force has not published its *Annual Reports* since 1966.
9. Federation of Nigeria, *Annual Reports of the Nigeria Police Force*, 1961, Lagos : Federal Ministry of Information, 1962, p. 12.
10. *Ibid.*, p. 13.
11. Federal Republic of Nigeria, *Annual Reports of the Nigeria Police Force*, 1965, Lagos : Federal Ministry of Information, 1966, p. 9.
12. Federal Republic of Nigeria, *Annual Report, Federal Ministry of Labour, Social Welfare Division*, 1965, Lagos : Federal Ministry of Information, 1966, pp. 15-16.
13. Until 1967, when the police forces were unified under the N.P.F., Nigeria had three police organizations.
14. *Fifth UN Congress on the Prevention of Crime and Treatment of Offenders*, United Nations Publication, Congress Working Paper A/Conf. 56-6 pp. 68-72. (Note : the rankings lack the benefit of computations against total population figures).
15. *Ibid.*, p. 70.
16. Crime figures received from Police Inspector-General's Office, Force Headquarters, Lagos, 6 December 1975.
17. O. Odekunle, « Efficiency in the Police Protection Aspect of Social Defense Administration : An Assessment of the Nigeria Police Force » paper presented at the *Symposium of Productivity and Efficiency in the Public Service*, University of Ife, Nigeria, 5-7 July 1976, pp. 10, 22 ; Federal Republic of Nigeria, *Public Service Review Commission : Main Report*, Lagos : Federal Ministry of Information, 1974, pp. 86-88. The Report observes that there was no accurate and well-maintained records of duties performed, actions taken, and decisions made as to arrest and detention ; that one cannot ascertain much from police records (e.g., percentage of crimes cleared among those accepted) ; that the final returns are devoid of any detailed analysis of the character and variables of crime and criminals such as age, sex geography, etc. ; and that the « reporting and recording system be completely overhauled ».
18. R. Hood and R. Sparks, *Key Issues in Criminology*, New-York : McGraw — Hill Book Co., 1970, Chapter 1.
19. O. Odekunle, « The Victims of Crime in a Developing Country : A Nigerian Study », paper presented at the *Second International Symposium of Victimology*, Boston, Mass., September 5-11, 1976.
20. For theories in criminology, see S. Schafer, *Theories in Criminology*, New-York : Random House Inc., 1969 ; M. Wolfgang and F. Ferracuti, *The Subculture of Violence*, London : Tavistock Publications, 1967 ; G. Vold, *Theoretical Criminology*, New-York : Oxford University Press, 1958 ; and G. Nettler, *Explaining Crime*, New-York : McGraw-Hill Book Co., 1974.
21. S. Schafer, *op. cit.*, p. 126 ; see also, M. Wolfgang, « Cesare Lombroso » in H. Mannheim (ed.), *Pioneers in Criminology* (2nd ed.), Montclair, N.J. : Patterson Smith Publishing Co., 1972, p. 271.
22. Wolfgang and Ferracuti, *op. cit.*, pp. 141-146.
23. M. Wolfgang, « The Viable Future of Criminology », in Denis Szabo (ed.), *Criminology in Action*, Montreal : University of Montreal Press, 1968, pp. 109-110.
24. For a brief but informative material on the linear development of explanations in criminology, see L. Radzinowicz and J.F.S. King, « Concepts of Crime », *Times Literary Supplement*, September 26, 1975, starting from p. 1087.
25. *Ibid.*
26. M.E. Wolfgang, « The Viable Future of Criminology », *op. cit.*, pp. 122-123.

27. R. Merton, « Social Structure and Anomie », in M.E. Wolfgang et al, (eds). *The Sociology of Crime and Delinquency*, (2nd ed.), New-York: John Wiley and Sons, 1970.
28. M. Tumin, *Social Stratification : The Forms and Functions of Inequality*, Englewood Cliffs, N.J. : Prentice-Hall, 1967.
29. E. Goffam, *Stigma*, Englewood Cliffs, N.J. : Prentice-Hall, 1963.
30. H.S. Becker, *Outsiders : Studies in the Sociology of Deviance*, New-York : The Free Press, 1963.
31. E. Schur, *Crimes Without Victims*, N.J.: Prentice-Hall 1965.
32. For this current orientation in criminology, see Richard Quinney, *Crime Control in Capitalist Society : A Critical Philosophy of Legal Order*, Boston : Little, Brown & Co., 1974 ; and especially, Taylor, Walton, Young, *op. cit.*
33. *Ibid.*, p. 4.
34. Radzinowicz and King, *loc. cit.*
35. Chambliss, *op. cit.*, p. 178-179.
36. W. Connor, *Deviance in Soviet Society : Crime, Delinquency, and Alcoholism*, New-York : Columbia University Press, 1972.
37. *Ibid.* p. 255.
38. Reported on Kaduna TV evening news of II August 1975.
39. Radzinowicz and King, *loc. cit.*
40. Schafer, *op. cit*, p. 19.
41. Nettler, *op. cit.*, front cover.
42. W. Clifford, *An Introduction to African Criminology*, Nairobi : O.U.P., 1974, p. 187.
43. *Ibid.*, pp. 61-62.
44. Turner, *op. cit.*, pp. 67, 68 and 63, respectively.
45. J. L. Gillin, *Criminology and Penology, New York* : Appleton-Century Co, 1945. He defines crime, sociologically, as « an act that is socially harmful, or that is believed to be socially harmful by a group that has the power to enforce beliefs and that places such an act under the ban of positive penalties ».
46. Albert Cohen, *Deviance and Social Control*, New Jersey : Prentice-Hall, 1966, p. 35.
47. Some examples of this side-tracking in recent times are in order :
    a) when sections of certain degrees were being challenged in court, an obnoxious decree was promulgated that outlawed such challenges in court ;
    b) after two citizens swore to affidavits accusing a Commissioner and a Governor of corruption and abuse of office, the Chief Justice issued a « clarification » that, in effect, outlawed the voluntary swearing of affidavits ;
    c) the anti-corruption decree has been « countered », as it were, by another decree which makes it very difficult, if not impossible, for anybody (except a witch, a top-notch detective, or a legal wizard) to accuse any public official of corruption without himself getting convicted for « wrongful » or « malicious » accusations ; and
    d) rent edicts are deliberately strewn with loopholes and escapists clauses that they are almost ineffectual.
48. There are very few, if any, brillant lawyers in Nigeria. Thus, « top-notch » or « brillant » in the context of legal practice in Nigeria. usually virtually means « influential » or « well-connected ».
49. Turner, *op. cit.* The focus of her whole article is the causative role of corruption with respect to the instability of the Nigerian State.
50. R.E.S. Tanner, « Penal Practice in Africa - Some Restrictions on the Possibility for Reform, « *The Journal of Modern African Studies*, Vol. 10, n° 3, pp. 448-449.
51 *Ibid*, p. 452.
52. Bamishaiye, *op. cit.*
53. Quinney, *op. cit.*
54. Chambliss, *op. cit.*, p. 170.
55. *Ibid.*, p. 172.
56. See, pp. 8-10 above ; also, Elias, *op. cit.*, p. 119, Table VI shows that over 67 % of the 546 prisoners (in Lagos and Ibadan) interviewed in one study in 1968 committed property offenses.
57. Elias, *op. cit.*, p. 121. Table VIII shows that nearly 70 % of the Lagos Kirikiri prisoners interviewed in the 1968 study came from the lower/working class areas of Lagos and its environ.
    316-317 (Appendices 12 and 13).
59. *Prison Annual Reports* have not been published since 1965.
58. Elias, *op. cit.*, respectively, p. 215 ; p. 217 (Table III) ; p. 296 (Appendix 2) ; and pp.

RÉSUMÉ

Cet article vise à établir un lien entre les principaux problèmes sociaux que connaît le Nigéria et le système capitaliste qui le régit. Le problème de la criminalité est un problème social qui découle du système économique et social d'un pays, du traitement réservé aux différents sujets qui varie en fonction de leur catégorie sociale et des interêts fondamentaux de ces catégories.

Dans une première partie, l'auteur reconnaît et décrit l'importance, voire la gravité du problème criminel au Nigéria et à cet effet il cite un document des Nations-Unies publié en 1974 et dont les statistiques, établies sur la base d'une cinquantaine de pays, place le Nigéria au seizième rang en ce qui concerne le nombre de détenus « criminels ». Le problème ira s'aggravant à en juger par l'expérience des nations développées dont le Nigéria essaie de copier le modèle socio-économique.

Rejetant d'emblée les théories bio-physiques et psychologiques du crime, l'auteur s'en prend aux explications « sociologiques » dite « fonctionnelles » de la tradition de Durkheim, de même que la tradition dite « libérale » parce qu'elle a pu retracer les facteurs étiologiques à partir de sous-systèmes sociaux et culturels plutôt qu'à partir de l'individu. Toutes ces théories, qu'elles soient « libérales » ou « fonctionnelles », relèvent de la pure orthodoxie, la raison étant le manque total d'examen critique de l'ordre socio-économique et politique. Il y a heureusement une orientation « nouvelle », « radicale » ou « critique » de la criminologie qui considère que les problèmes de la criminalité sont autant d'ordre politique et économique que sociologique. L'économie capitaliste, de par sa nature, incite au crime non seulement à cause de la philosophie de la concurrence mais aussi par la création de *l'homo economicus* amoral, avare, cupide amassant les richesses et la propriété au détriment d'autres et afin d'exploiter d'autres hommes, entraînant dans son sillage le chômage, le sous-emploi, la marginalisation et, somme toute, une misère inacceptable et inacceptée. Le cas du Nigéria en est l'illustration.

Sans être toutefois un inconditionnel du « déterminisme économique » de Marx, l'auteur conclut que la criminologie contemporaine reconnaît le fait que le chômage et la pauvreté constituent les principaux facteurs criminogènes, et pour qui veut comprendre le problème de la criminalité au Nigéria, elle est la conséquence inévitable de l'ordre social qui est essentillement criminogène de par sa structure et son système ed répartition des richesses, du pouvoir, du prestige et autres privilèges parmi les membres de la société.