Crime Control in Traditional African Societies: A Review of Crime Control in Nigeria

Onwe Friday(Ph.D)[1], Eze Ogbonnia Eze(Ph.D)[2]

[1]Department of Psychology/Sociological Studies(Sociology unit), Faculty of Social Sciences and Humanities, Ebonyi State University, Abakaliki,
P.O.Box 751, Ebonyi State. Nigeria.
Email: onwefryde@yahoo.com
Mobile phone: (+234)8037437562)
[2] Department of Psychology/Sociological Studies(Psychologyunit), Faculty of Social Sciences and Humanities, Ebonyi State University, Abakaliki, Nigeria.
Email: ezeogbonnia@gmail.com
Mobile phone: (+234)8034554687)

Abstract: *This review dealt with the traditional methods most African countries utilize in dealing with issues of crimes considered to be very serious, which seriously affect the traditional societies in those African countries. Although there has been modern introductions, but these methods are still being practiced and very effective in most of the rural areas.*

Keywords: Crime control; Traditional; African Societies

INTRODUCTION

The first recorded crime in the Holy Bible was of course the brazen murder of Abel by Cain in Genesis 4:8. That heinous crime provides us with a clear clue that crime is not of a recent development. As Hale (1977) has noted, the first recorded criminal code on earth was developed in Babylon under King Hammurabi about two thousand years before the birth of Christ. The code defined the responsibilities of individuals to each other and to the society at large. Later, Egypt, Persia and Greece developed similar jurisdictions with accompanying administrative structures to facilitate the administration of justice. Crimes were however, not originally defined. The historical development of crime and crime control can be explained from two major perspectives. These are the social contract perspective and the perspective on the intervention by kings.

1. Social Contract Perspective: According to Pinchin (1990) the social contract theory was originally proposed in 1599 by Juan De Mariana prior to the writings of famous political philosophers such as Hobbes, Rousseau and Locke. According to Pinchin, Mariana had in her original proposition returned to a state of nature existing before any form of social organization. In such a state according to her, men were completely free, though it was however not a desirable kind of freedom since man lived like beasts. There were no laws, no institutions and no private property and in short according to this perspective there was neither civilization nor culture. As one would expect, this natural state was filled with danger as the only rule was that of force and all human actions were governed by instinct. In order to respond to this undesirable state of man which Thomas Hobbes had described as Solitary, Poor, Nasty, Brutish and short (Mitchell 1968:92), men organized themselves along social lines. Thus, members of any particular group either openly or tacitly entered into a contract whereby the members agreed to delegate their power or authority as a group to a leader (Pinchin, 1990).

2. The perspective of intervention by Kings: According to this perspective, at a certain stage of societal development, Kings and tribal lords took over the responsibilities of revenge from private individuals. Thus, Hale (1977) has noted that with the advent of primitive organized societies, tribal leaders ascended to positions of power and leadership. During this period according to Hale, tribal chieftains performed the duties of decision maker, law enforcers, administrator and arbiter (Hale, 1977:3): Reid (2000) had also observed that at certain stage of the development of the concept of crime, it was confined to acts committed against the King. Thus, against the backdrop of the problems of private revenge, Reid noted that the King representing the State suddenly realized that the peace of the community was at stake and therefore decreed that the act of wrongdoing of a person should be reported to him. In addition, anyone who injured one of the king's subjects was considered to have injured the King and the phrase, keeping the peace of the King was developed (Reid, 2000:5). According to this perspective, victim retaliation was gradually replaced with victim compensation and thus, the widening of the revenge circle or blood feuding was successfully brought to an end. A system of fine also emerged about the same time with the King collecting most of the money paid by offenders. As the society continued to evolved, the state took over these responsibilities of protection and collection of fines from the Kings.

These are some forms of traditional mechanisms of crime control in place and dates way back.

a. Fines and Compensation
b. Ritual Cleansing
c. Trial by Ordeals
d. Ridicules and Gossips
e. Masquerade institutions
f. Confinement
g. Ostracism
h. Banishment
i. Capital Punishment

To forward this study ahead, it is crucial to analyze each of the above mentioned mechanisms one after the other.

a. **Fines and Compensation**: The imposition of fines on offenders, usually in the forms of compensation to victims and at times as ransom to the entire society. Furthermore, in most traditional African societies, it was a popular method of crime control. According to Bascom (1960)he noted that this method played a key role in the maintenance of order and social control in traditional societies and was essentially necessitated by the fact that social control and behaviors were tied to an individual's sense of reciprocity with the group to which he belonged. In this respect, groups were largely responsible for enforcing restitution orders against offenders in favour of victims. It must be emphasized that apart from serving as an instrument of social control. This method was a veritable tool of conflict resolution especially between offenders and their victims. Unlike formal resolution in criminal courts, this method ensured that offenders and victims lived in peace and harmony after the former had duly compensated the latter.

b. **Ritual Cleansing:** In traditional societies, violation of certain norms and values were considered as pollution of the land *(aruru ali)* and sometimes as direct insult or affront to the gods. In such circumstances, the appropriate remedial measure was a form of ritual cleansing offences such as adultery, murder and incest usually attracted this method of punishment. Ritual cleansing especially with respect to adultery, subject women to public ridicule and indignity and consequently served as serious deterrence mechanism for potential offenders.

c. **Trial by Ordeals:** This is another important and recognized method of social control in traditional African societies. For the purpose of the study, trial by ordeals will be defined as a traditional method of proving the innocence of guilt of serious offences beyond any reasonable doubt. Generally, trial by ordeals involves oath taking, invocation of juju, the use of boiling palm oil, and the administration of traditional medicinal concoction in different forms which were usually taken either by drinking or rubbing on the body. According to Adewoye (1973) the use of ordeals in the administration of justice in pre-colonial days in Nigeria attracted no moral opprobrium. Because, it was a legitimate (and a swift) means of arriving at the truth.

d. **Ridicules and Gossips:** Social control and behaviour in the traditional African context were significantly tied to relationship with primary groups. With regard to this, deviation from expected norms and values consequently attracted unfavourable reactions from friends and mostly in the forms of ridicules and gossips which served as powerful instruments of crime control. However, this type of crime when a woman who commits adultery, or a girl who becomes pregnant before marriage for instance, becomes automatically an object of ridicule and gossip. With this, her name often becomes the latest music in the community and readily amplified at her appearance in any public gathering. The same treatment is often applied to thieves and other deviants. Since most individuals inherently don't want to be disgraced publicly, they try to avoid deviant conducts/behaviours. Thus, an individual who tried to break out of the established pattern of conduct as Clifford (1974) has observed was usually shunned, disdained and perhaps feared. In addition according to Clifford, such deviants were regarded with suspicion, animosity and disgust and were denounced and excluded from group councils and even expelled in extreme situations.

e. **Masquerade Institutions:** Masquerade institutions were and still very important organs of crime and crime control in some traditional African societies. Ishichie (1976) had observed that members of the masquerade institutions would appear masked often at night in the role of supernatural beings and would denounce and attack offenders. Similarly, Onyeneke (1993b) has noted that the personal identity of the animator of the masquerade is hidden suppressed and strictly guarded as a secret. Moreover, the hidden identity of members of the masquerade institutions provided a formidable platform for enforcing criminal laws in traditional African societies. Thus, Masquerades were even used to execute dangerous criminals in some traditional societies. In addition, masquerade institutions were also veritable organs of socialization. In most cases the application of this method succeeded where the Cain failed. Such institutions were useful for disciplining deviant children and women by frightening them and by instilling good behaviour, conduct, obedience and truthfulness in them.

f. **Confinement:** The idea of confinement or what is today known as "imprisonment" was used as a method of punishment and indeed had become

established among many traditional African societies long before the colonial era. Opara (1980) had reported that many traditional Nigerian societies had evidence of the use of places where offenders had to concur to a sentence of confinement (imprisonment) as an admission of guilt. Oral evidence also abounds to suggest that among the Igbo of South Eastern Nigeria, the houses of chiefs had rooms for keeping suspects from where offenders were often sold into slavery. This was usually facilitated through the help of the much dreaded "long juju" of Arochukwu. The use of confinement as a method of crime control was often restricted to dangerous criminal who were often considered as "security risk".

g. **Ostracism:** Ostracism refers to the deliberate decision of isolating an offender in a traditional society. This method was and is still effective because it meant severing social contacts of friends and relatives which entails a lot of social and psychological pains. Every case of ostracism generally had a fixed period of time and the expiration of such periods was usually accompanied by some fines which were either in cash or in kind in traditional African society. Offences that attracted this type of punishment include, adultery, poisoning and habitual stealing, Clifford (1974) had observed that social ostracism in the African traditional context was usually much worse than any physical punishment or any obligation to compensate the victim,

h. **Banishment:** Banishment is the act of sending an offender away from his/her community either for a short or long period. According to Ugwuoke(2005) he noted that this method was also used for getting rid of dangerous criminals in traditional societies. It provided either a permanent or temporary avenue for expelling a miscreant from his community. This method was significant because, it prevented immediate action or retaliation by the victim's family and facilitated their acceptance of an indemnity and peaceful settlement with the family of the offender. Furthermore, offences that attracted short term banishment in most traditional African societies, included: persistent stealing, repeated cases of Adultery, Sexual Union with a Widow and manslaughter. On the other hand, offences which attracted long term banishment and even life exile in extreme situations like, Murder or Culpable homicide, established cases of poisoning and treasonable felony. Banishment was a dreaded method of crime control because; it brought disgrace both to the offender and his kinsmen.

i. **Capital Punishment:** Capital punishment was the ultimate form of crime control in traditional African societies. Felonious offences such as murder or

culpable homicides and adultery with the Kings wife promptly attracted capital punishment. There is evidence to show that many traditional Nigerian societies adopted various methods of execution. Dr. Dorubo Narebor, a former lecturer in criminal law at the University of Lagos had noted that the Oyo people of South Western Nigeria had an official executioner who decapitated the criminal by the mere blow of a sword.

Formal Methods of Controlling Crime: This refers to the institution of the state established to control human conducts. These institutions includes; the police, the courts and the correctional institutions such as the prisons, remands homes etc most aspect of human social life are governed by rules and norms.

In modern societies, criminal laws are often enacted in place of these rules and norms. Individuals who violate criminal laws usually attract the attention of formal crime control agencies and officials. When such individuals are prosecuted and convicted, they become criminal. Under age individuals who commit similar or less offences are however referred to as juvenile delinquency and their cases are usually heard in juvenile courts.

In sum, it must be stressed that the various crimes control agencies that is; formal and informal usually work in tandem to ensure efficiency and effective control of crime and delinquency in the society.

CONCLUSION

 Among the most successful checks on crime in any society are those stemming from traditional and informal social mechanisms, superstition, taboos, religions, customs, shared values and moral standards in one way or another have proceeded the laws upon which the more formal criminal justice system of an advanced societies are developed (Alderson, 1979). In the south-eastern part of Nigeria predominantly populated by the Igbo ethnic group precisely.

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