

# CRIME AND NON-CUSTODIAN METHODS OF SOCIAL CONTROL IN NIGERIA

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## **Abstract**

Crime is "any act or omission resulting from human conduct which is considered in itself or in its outcome to be harmful and which the state wishes to prevent, which renders the person responsible and liable to some kind of punishment as a result of the proceedings which are usually initiated on behalf of the state and which are designed to ascertain the nature, extent and the legal correspondence of that person's responsibility". In the same vein, we shall define custodian methods of social control as the traditional means by which the society regulates the behaviour of its members. Every society has the methods for enforcing this conformity in the interest of its members. Since violation of societal norms are detrimental to the survival of the entire society. It is evident that non-custodian treatments tries to improve the patient or client to alter unacceptable modes of behaviour. It has shown from the research findings that traditional Nigerian societies had viable methods of crime control and social control before the introduction of formal methods by the British during the colonial period. It has also revealed that the offenders are spared the ordeal of being detained in institutions such as approved schools, prisons, remand homes and borstals.

## **Introduction**

The need to make individuals conform to social norms is as old as mankind. Every society has the methods for enforcing this conformity in the interest of its members. Since violations of societal norms are inimical to the survival of the entire society, we in the context of this define crime as the violation of significant norms and taboos of the people. In the same vein, we shall define non-custodian methods of social control as, "the traditional means by which the society regulates the behaviours of its members"(Igbo, 1992).

Throughout history, man has been grappling with the problem of how to punish offenders in the society. It was the great prison reformer and author, Wines (1895), who had observed at the close of the nineteenth century that the proper treatment of crime and criminals was one of the most perplexing problems facing mankind and one of the most resistant to solution.

Similarly, Carney (1977) has noted that even- a brief review of history would reveal that efforts of almost all evolving societies and civilizations to contain crime and punish the evildoers have consistently resulted in much cruelty and continued failure. It is only in recent times according to Carney that the society has begun to make a resilient attempt to deal with the criminals (Carney, 1977).

Put simply, in the preliterate African and indeed Nigerian societies, various non-custodian methods of social control were employed either to deter potential criminals or to punish the evildoers. In such simple traditional societies, mores, taboos, customs and morals were largely undifferentiated. Thus, Clifford (1974) notes that in the traditional African societies, basic value were much the same whether they were reflected in laws, morals, or in established customs. Jonah, P.S. (1999) for instance, observes that among the IZONS in Ekeremor Community in Ekeremor Local Government Area of Bayelsa State of Nigeria, an adulterer was required to some strokes of the cane, that is, serious flogging. This is in addition to paying fine or damage fee for his transgression against the law.

Interestingly, in almost every traditional Nigerian society, there was strong reference to unilineal groupings, villages and other types of primary groups. Social control and behaviours were clearly linked to an individual's sense of reciprocity with the groups to which he belonged. However, it must be noted that, just as crime is relative in the modern context, non-custodian crimes were also relative. Generally, traditional reactions to crime in Nigeria were predominantly sharp, severe and deterrent oriented.

## **Crime and Traditional Methods of Social Control in Nigeria**

Traditional Nigerian societies provided few opportunities for individualism and reckless isolated behaviour and violations of standardized ways of behaviour. Customs and traditions were regarded as synonymous with crimes in the modern context. Thus, like modern crimes, such violations were graded and punished according to their gravity and seriousness, which also depended on the traditions. Punishment for these serious crimes ranged from imposition of fines, ostracism, ritual cleansing, flogging, the use of masquerade institution, trial by ordeal and capital punishment which was

the last resort. Invariably, socialization, which seeks to help people internalize the norms and values of their societies, was the most effective method of social control in most traditional Nigerian societies. It was when socialization failed that the society resorted to other means of social control, which included the following:

### **Fines**

The imposition of fines on offenders, usually in the form of compensation to victims and at times as ransom to the entire society, was a popular method of crime control in most traditional Nigerian societies. For instance, Nwabara cited in Ejiofor (1984) notes that in the traditional Izon context, theft of all kinds and even adultery necessitated fines or compensation to the owner of the stolen goods and the husband of the adulteress respectively. Jonah (1999) also observes that the revealing of the name of the occupant of a masquerade or a disrespect of the masquerade among the IZONS attracted heavy material fines, which were either in cash or in kind.

Moreover, Bascom (1960) observes that among the IZONS in the Western Delta Region of Nigeria, manslaughter and assault were punished by fines whose amount depended upon the degree of negligence, provocation or damage. According to Me Ewen (1972), fines are usually imposed for civil and minor offences, contravention of local bye-laws, conduct likely to cause a breach of the peace, etc. For juvenile offenders, the parents and guardians pay the fines for their failure to take proper care of their children. The philosophy behind the imposition of fines on parents is that willful neglect and other forms of child abuse can lead to juvenile delinquency.

### **Ostracism**

Ostracism refers to the deliberate decision of isolating an offender in a traditional society. According to Hunter et al (1976), ostracism is a 'social control method most formally developed in certain village societies in which deviants or offending individuals are systematically denied virtually all forms of social contact'. Ostracism was and is still an effective and dreaded method of social control in most traditional Nigerian societies. In this respect, Jonah (2002) notes with regard to the IZON traditional society that any abomination of local customs or moral codes such as adultery was dreaded and abhorred as no member of the group would dare attract unto himself the scourge of ostracism.

In Ekeremor Community for instance, habitual thieves, adulterers and especially prisoners were summarily ostracized. Then, ostracism placed the offender, and indeed members of his/her family, in extreme difficult situation because no one was usually allowed to visit, talk to, or also not allowed to visit anyone no matter the circumstance. If an individual was seen communicating with an ostracized member of the community (usually in secret), he, too, was ostracized since it was believed that such actions encouraged the misconducts that led to such a societal reaction. Every case of ostracism generally had a fixed period of time, the end of which was usually accompanied with some fines, which were either in cash or in kind. These fines were usually presented to the segment of the society mostly concerned with the offence. After the atonement had been made, the defaulting individual was usually reintegrated into the community. Social ostracism, as Clifford (1974) observes, was usually much more than any physical punishment or any obligation to compensate the victim.

### **Ritual Cleansing**

In most traditional Nigerian societies, ritual cleansing was recognized as a veritable means of social control. However, adultery, murder and incest were the major offences that attracted this method of punishment. For example, Ekeremor Community in Oporomor Kingdom in Bayelsa State of Nigeria, women who have committed adultery in secret will confess during child labour. Thus, often under fear of death, especially in pregnancy, such a woman guilty of adultery was compelled to name the accomplice in public. In such a case, the anointing sacrifice (ritual cleansing), which usually accompanied such confession must be made with a fowl and other materials to the forefathers (*Opu-Aduwoi*).

### **Flogging**

Flogging is used as a form of social control in the traditional Nigerian societies. The commonly quoted maxim "spare the rod and spoil the child" best summarizes the philosophy behind flogging. Rather than serve as a deterrent, flogging has been described as "a primitive, inhuman and most depraved form of social control" (McEwen, 1972). It is humiliating and degrading and is administered on the buttocks or on the bare body, usually the back. According to McEwen, where juvenile offenders have been accustomed to flogging by their parents or guardians for minor offences, flogging as a mechanism of social control will have no effect to repeated and unnecessary flogging often become incorrigible, hardened and bitter not only against their parents and guardians but also against society as a

whole.

### **Masquerade Institutions**

As a secret society, masquerade institutions were, and are still very important method of crime and social control in traditional societies. The identity of the animator of the masquerade is hidden, suppressed and strictly guarded as a secret. Isichie (1976) has also observed that members of these secret societies would appear masked often at night in the role of supernatural beings and denounce and attack offenders.

In some traditional societies, these masquerades had the monopoly of executing the wrong doers. According to isichie (1976), the anonymity of the members and their supernatural aura made the society a potent sanction against crime. In Ekeremor Community in Oporomor Kingdom of Bayelsa State of Nigeria, for instance, the *Asi-Ogeh* has been effectively contributing in crime control through its active participation in vigilante operations during the festival period.

### **Trial by Ordeals**

Trial by ordeals was another important and recognized method of social control in traditional Nigerian societies. For the purpose of this paper, we shall define trial by ordeals as a traditional method of proving the innocence or guilt of serious offences beyond any reasonable doubt. Moreso, trial by ordeals involved oath-taking or/and the administration of traditional concoctions in different forms, which were usually by drinking, rubbing on the body, etc.

According to Adewoye (1973), the use of ordeals in the administration of justice in the pre-colonial days in Nigeria attracted no moral opprobrium. This was because, according to him, it was a legitimate means of arriving at the truth. Talbot (1926) observes that ordeals were of many kinds but that the commonest included, the administration of poison, the invocation of juju, the use of boiling palm oil, and the like. According to him, consciousness among the people of the possibility of resorting to an ordeal in any dispute was assuredly one of the greatest safeguards of justice. Thus, the dreaded horrors that were usually associated with ordeals provided effective control on people's behaviour.

### **Capital Punishment**

In ancient Africa and especially in traditional Nigerian societies., heinous offences such as murder or adultery with the Chiefs wife attracted capital punishment or death usually by hanging. Forde (1967:75), for instance, noted that among the Izons in the Western Delta of Bayelsa State of Nigeria, murder was regarded as an offence both against, the community and the "Earth Deity: *Amakiri-Ogbo*", and that the punishment varied from death to heavy fine and compensation to the victim's family or the rendering of beneficial services to the community.

### **Conclusion**

From the foregoing discussion, it could be concluded that traditional Nigerian societies had effective methods of crime and social control before the introduction of formal methods by the British during the colonial era. During the colonial era, indigenous criminal laws and other traditional methods of social control were modified to conform to the British standards of formal criminal justice system. However, some of these traditional methods of social control have, as a result of their efficacy, defiled the formal methods especially in some contemporary rural Nigerian societies. It is in this respect that we feel constrained to recommend that some of these traditional methods, which have proved to be complementary to the formal methods, should be given the necessary support and encouragement by all the three tiers of government in Nigeria. Such a situation would undoubtedly contribute to our national security and development.

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