



NATIONAL OPEN UNIVERSITY OF NIGERIA

SCHOOL OF ART AND SCIENCE

COURSE CODE: CSS 804

**COURSE TITLE: Social Policy, Juvenile
Delinquency and Criminal Justice System**

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Course Writers/Developers

Course Coordinators

Course Editor

Programme Leader

INTRODUCTION

Welcome to CSS 804 Social Policy, Juvenile Delinquency and Criminal Justice System

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CSS 804 is a 3 credit unit course for a semester that provides graduate students with the various topics on the scope of and issues in Social Policy, Juvenile Delinquency and, Criminal Justice System. It is prepared for graduate students in Criminology and Security Studies at the National Open University of Nigeria (NOUN).

Social Policy, Juvenile Delinquency and, Criminal Justice System involves the carefully structured effort to use policy-driven procedures to identify undesirable behaviour among juveniles and show how they are handled by the correctional mechanisms to ensure sustainable order among the juveniles and overall order in the country. This guide provides the graduate students with an advanced understanding of the role of Social Policy in the cognitive and behavioural restructuring of juveniles in a way that makes the social-control intervention of the criminal justice system very obvious.

To study this course, and the various units, graduate students need to be ready to consistently think independently, creatively, and critically. They need to develop constructive minds and use situational analysis, case studies and other research - oriented approaches carefully to buttress arguments in the study of behaviours involving juveniles. In this course, aims and objectives will be explained. The module provides some useful advice on the reading system, the expected role of graduate students in using the course guide, the structure of the module, and guidance for the assessment.

AIMS

a) To demonstrate an understanding of the application of the knowledge and skills in using social policy to prevent juvenile excesses in ways that ensure cohesion in society.

- b) To apply and engage the main theories and concepts of social policy as it guides conduct in society.
- c) To explain the concept of juvenile delinquency, outline and critically analyze contemporary issues related to juvenile delinquency and social protection in society.
- d) To examine how the criminal justice system deals with the typically unique nature of juveniles in Nigeria.
- e) To engage graduate students in paper presentations on how social policy controls juvenile delinquency using the instrumentality of the criminal justice system.

OBJECTIVES

- i. To introduce graduate students to the concepts of social policy, juvenile delinquency and criminal justice system
- ii. To expose graduate students to the various methods involved in making social policies, their implementations and pitfalls.
- iii. To identify predisposing personal, domestic, and systemic factors to juveniles delinquency n Nigeria.
- iv. To provoke intensive and extensive discussion of the implications of juvenile delinquency for the criminal justice system and policy intervention.
- v. To stimulate graduate students to develop an appreciation of how substantially weak or inoperable policy hadgoaded juvenile delinquency and the helplessness of the criminal justice system, in that context, in Nigeria.
- vi. To debate ina group how deficient social policy could be instrumental in social crises such as kidnapping, youth restiveness, cultism, terrorism and make the criminal justice system vulnerable to abuse.

WORKING THROUGH THIS COURSE

To complete this course, graduate students are advised to check the study units, read the recommended books as well as other course materials provided by the NOUN. Each unit contains Self-Assessment Exercise (SAE) and Tutor Marked Assignments(TMAS) for

assessment purposes. There will be a written examination at the end of the course. The course should take graduate students about 14 weeks to complete. You will find all the components of the course listed below. Graduate students need to allocate time to each unit to finish the course successfully.

COURSE MATERIALS

For this course, students will require the following materials:

- 1) The course guide;
- 2) Study units which are fifteen (15) in all;
- 3) Textbooks recommended at the end of the units;
- 4) Assignment file where all the unit assignments are kept;
- 5) Presentation schedule.

STUDY UNITS

There are fifteen (15) study units in this course broken into 3 modules of 5 units each.

They are as follows:

MODULE 1

Unit 1 General Background of Social Policy

Unit 2 Justifications of Social Policy, History of Welfare State and Globalisation

Unit 3 Communitarian Welfare in Africa and Instruments to Promote Inclusive Societies

Unit 4 Critical Policy Issues in Education, Health, and Social Protection

Unit 5 Drafting development approaches and the anatomy of state failure in Nigeria

MODULE 2

Unit 1: Operationalising Juvenile Delinquency

Unit 2: Causes of Juvenile Delinquency

Unit 3: theories of Juvenile Delinquency

Unit 4: Effects of Juvenile Delinquency

Unit 5: Dealing with the Problems of Juvenile Delinquency

MODULE 3

Unit 1: Meaning and Theories of Criminal Justice

Unit 2: The Nigeria Police

Unit 3: The Court

Unit 4: The Corrections and Prisons

Unit 5: Measuring the performance of Nigeria's criminal justice system

Each unit contains some exercise on the topic covered, and graduate students will be required to attempt the exercises. These will enable them to evaluate their progress as well as reinforce what they have learned so far. The exercise, together with the tutor marked assignments will help graduate students in achieving the stated learning objectives of the individual units and the course.

TEXTBOOKS AND REFERENCES

Graduate students may wish to consult the references and other books suggested at the end of each unit to enhance their knowledge of the material. This will enhance their understanding of the material.

ASSESSMENT**CSS 804 COURSE GUIDE**

Assessment for this course is in two parts involving the Tutor-Marked Assignments, and a written examination. Students will be required to apply the information and knowledge gained from this course in completing their assignments. Students must submit their assignments to their tutor in line with submission deadlines stated in the assignment file. The work that you submit to your Tutor-marked Assignment for assessment will count for 30% of your total score.

TUTOR MARKED ASSIGNMENTS (TMAS)

In this course, you will be required to study fifteen (15) units, and complete tutor-marked assignment provided at the end of each unit. The assignments carry a 10% mark each. The best four of your assignments will constitute 30% of your final mark. At the end of the course, you will be required to write a final examination, which counts for 70% of your final mark. The assignments for each unit in this course are contained in your assignment file. You may wish to consult other related materials apart from your course material to complete your assignments. When you complete each assignment, send it together with a tutor-marked assignment (TMA) form to your Tutor. Ensure that each assignment reaches your tutor on or before the deadline stipulated in the assignment file. If, for any reason you are unable to complete your assignment in time, contact your tutor before the due date to discuss the possibility of an extension. Note that extensions will not be granted after the due date for submission unless under exceptional circumstances.

FINAL EXAMINATION AND GRADING

The final examination for this course will be for two hours and count for 70% of your total mark. The examination will consist of questions, which reflect the information in your course material, exercise and, tutor-marked assignments. All aspects of the course will be examined. Graduate students are advised to use the time between the completion of the last unit and examination date to revise the entire course. You may also find it useful to review your tutor-marked assignments before the examination.

COURSE MARKING SCHEME

ASSESSMENT	MARKS
Assignments	Four assignments, best three marks of four count at 30% of course marks
Final Examination	70% of the total course mark
Total	100% of course marks

COURSE OVERVIEW

The assignment file consists of all the details of the assignments you are required to submit to your tutor for marking. The marks obtained for these assignments will count towards the final mark you obtain for this course. More information on the assignments can be found in the assignment file.

Course overview and Presentation Schedule

Module 1	Title of Work	Weeks Activity	Assessment (End of Unit)
Unit	General Background of Social Policy	week 1	
1			
2	Justifications of Social Policy, History of Welfare State and Globalisation	week 2	
3	Development of Social Policies, their Trajectories and Perspectives in Nigeria	week 3	Assignment 1
4	Communitarian Welfare in Africa and Instruments to Promote Inclusive Societies	week 4	
5	Nigeria and the Wellbeing of Her Welfare Infrastructure	week 5	
Module 2			

Unit			
1	Operationalising Juvenile Delinquency	week 6	
2	Causes of Juvenile Delinquency	week 7	
3	Theories of Juvenile Delinquency	week 8	Assignment 2
4	Effects of Juvenile Delinquency	week 9	
5	Dealing with the Problems of Juvenile Delinquency	week 10	
Module 3			
Unit			
1	Meaning and Theories of Criminal Justice	Week 11	Assignment 3
2	The Nigeria Police	week 12	
3	The Court	week 13	
4	The Corrections and Prisons	week 14	
5	Measuring the Performance of Nigeria's Criminal Justice System	Week 15	Assignment 4

HOW TO GET THE MOST FROM THIS COURSE

In distance learning, your course material replaces the lecturer.

The course material has been designed in such a way that you can study on your own with little or no assistance at all. This allows you to work, and study at your place, and at a time and place that best suits you. Think of reading your course material in the same way as listening to the lecturer. However, you are advised to study with your course master in the same way a lecturer might give you some reading to do, the study units give you information on what to read, and these form your text materials. You are provided exercise to do at appropriate points, just as a lecturer might give you an in-class exercise.

Each of the study units follows a common format. The first item is an introduction to the unit, and how a particular unit is integrated with the other units and the course as a whole. Next to this, we have a set of learning objectives. These objectives let you know what you are required to know by the time you have completed the unit. These learning objectives are meant to guide your study. The moment a unit is finished, you must go back and check whether you have achieved the objectives. If you make this habit, it will improve your chances of passing the course significantly.

The main body of the unit guides you through the required reading from other sources. This will usually be either from the reference books or from a reading section. The following is a practical strategy for working through the course. If you run into difficulties, telephone your tutor. Remember that your tutor's job is to help you when you need assistance, do not hesitate to call and ask your tutor for help or visit the study centre.

Read this Course Guide thoroughly is your first assignment.

- 1) Organize a study Schedule, Design a "Course Overview" to guide you through the course. Note the time you are expected to support each unit and how the assignments related to this unit. You need to gather all the information into one place, such as your diary or a wall calendar. Whatever method you choose to use, you should decide and write in your dates and schedule of work for each unit.
- 2) Once you have created your study schedule, do everything to be faithful to it. The major reason students fail is that they get behind with their course work. If you get into difficulties with your schedule, please, let your tutor know before it is too late for help.
- 3) Turn to unit 1, and read the introduction and the objectives for the unit.
- 4) Assemble the study materials. You will need the reference books in the unit you are studying at any point in time.
- 5) Work through the unit. As you work through the unit, you will know what sources to consult for further information.
- 6) Before the relevant due dates (about 4 weeks before due dates), access the Assignment file. Keep in mind that you will learn a lot by doing the assignment carefully, they have been

designed to help you meet the objectives of the course and pass the examination. Submit all assignments not later than the due date.

- 7) Review the objectives for each study unit to confirm that you have achieved them. If you feel unsure about any of the objectives, review the study materials or consult your tutor.
- 8) When you are confident that you have achieved a unit's objectives, you can start on the next unit. Proceed unit by unit through the course and try to pace your study so that you keep yourself on schedule.
- 9) When you have submitted an assignment to your tutor for marking, do not wait for marking before starting on the next unit. Keep to your schedule. When the assignment is returned, pay particular attention to your tutor's comments, both on the tutor-marked assignment form and also the written comments on the ordinary assignments.
- 10) After completing the last unit, review the course and prepare yourself for the final examination. Check that you have achieved the unit objectives (listed at the beginning of each unit) and the course objectives (listed in the Course Guide)

TUTORS AND TUTORIALS

There are 15 hours of tutorials provided to support this course. Tutorials are for problem-solving and they are optional. You need to get in touch with your tutor to arrange a date and time for tutorials if needed. Your tutor will mark and comment on your assignments, keep a close watch on your progress and on any difficulties you might encounter and provide assistance to you during the course. You must submit your tutor-marked assignments to your tutor well before the due date (at least two working days are required). They will be marked by your tutor and returned to you as soon as possible. Do not hesitate to contact your tutor by telephone, e-mail, or discussion board. The following might be circumstances in which you will find necessary contact your tutor if:

- ❖ You do not understand any part of the study units or the designed readings.
- ❖ You have difficulties with the exercises.
- ❖ You have a question or problem with an assignment, with your tutor's comments on an assignment or with the grading of an assignment.

To gain maximum benefits from this course tutorials, prepare a question list before attending them. You will learn quite a lot from participating in the discussions.

SUMMARY

The course guide has introduced you to all that you need to know in order to prepare effectively for the fifteen (15) study units on social policy, juvenile delinquency and criminal justice system. You will find the three (3) modules into which the course has been broken very interesting and useful.

Good luck in your studies at the National Open University of Nigeria.

REFERENCES/FURTHER READING

COURSE CODE: CSS 804

COURSE TITLE:

Social Policy, Juvenile Delinquency and Criminal Justice System

Social Policy, Juvenile Delinquency, and Criminal Justice System

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MODULE 1

Unit 1 General Background of Social Policy

Unit 2 Justifications of Social Policy, History of Welfare State and Globalisation

Unit 3 Development of Social Policies, their Trajectories, and Perspectives in Nigeria

Unit 4 Communitarian Welfare in Africa and Instruments to Promote Inclusive Societies

Unit 5 Nigeria and the Wellbeing of Her Welfare Infrastructure

UNIT 1 GENERAL BACKGROUND TO SOCIAL POLICY**CONTENTS**

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Definition Social Policy

3.2 Background of Social Policy

3.3 Principles and Concepts of Social Policy

3.4 Goals of Social Policy

3.5 History of Social Policy

3.6 Subject of Social Policy

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION.

One of the most convenient ways of mastering a subject is to create a deliberate interest in understanding the concepts that come together to define the essence of the entire field. In this framework, a sustainable structure of comprehension could be constructed around the history behind the concepts, their characteristics, purpose, and scope to result in a broader picture of the

subject as it operates in the society. This appreciation makes the definition of concepts the first item in this unit.

2.0 OBJECTIVES:

By the end of the unit, the graduate students should be able to: understand the meaning of the social policy and its background. They should develop a capacity to appreciate social policy from the position of being a veritable instrument to galvanise welfare and social protection

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3.0 MAIN CONTENT.

3.1 DEFINITION

The social policy implies regulations that drive individuals' lives and prescribes expectations for conduct. In the language of a man in the street, social policy entails policies and practices put in place to address the needs of individuals, i.e. to provide welfare. Technically, however, social policy means a lot more than that. It essentially concerns social issues which Rittel & Webber (1973) called wicked problems and inherently associated with the creation of social inequalities across class, race, sexualities, and gender, and is closely tied to capital. Although social policy is embedded in public policy, it is a discrete academic field that addresses the systematic evaluation of the responses of societies to social needs. As an academic discipline, the social policy is unique in its empirical focus on welfare provision but interconnects with other social science subfields such as sociology, political science, and public administration. Also, it denotes the practice of policymaking and administration (including service delivery). Social policy involves a variety of policies, including activation, families, care, health care, education, poverty/social assistance, pensions/aging, and unemployment. The Malcolm Wiener Centre for Social Policy at Harvard University refers to it as "public policy and practice in the areas of health care, human services, criminal justice, inequality, education, and labour" (Rittel & Webber, 1973, n.p.). Social policy is "an interdisciplinary and applied subject concerned with the analysis of societies' responses to social need" (The Department of Social Policy, London School of Economics, n.d.). Social policy is "public policy and practice in the areas of health care, human services, criminal justice, inequality, education, and labour" (Cheyne, O'Brien, & Belgrave, 2005, p. 3). Episodic conditions also account for the differences concerning the definition of social policy. Albrecht

holds social policy to mean all steps taken to protect the part of society that requires economic protection and ensures social security and peace (Altan, 2009). In a narrow sense, social policy involves an attitude to tackle the disagreements, inequities, and conflict of interests between bosses and staff and to safeguard agreement between classes in capitalist systems (Erdal, 2014; Talas, 1992; Selçuk, 2008).

3.2 BACKGROUND OF SOCIAL POLICY

The social policy did not become a prominent academic subject in British universities until after the Second World War. This was the period that marked the rapid development of significant public services provoked remarkable interest in the evolving ‘welfare state’. At its inchoate stage, social policy was mostly focused on what the chief architect of the British welfare state, William Beveridge, had called the ‘five giants’. In contemporary development language, these same giants manifested as ill-health, poverty, insufficient education, poor housing, and unemployment. Beveridge held that confronting these social problems was an important component of post-War reconstruction efforts. The extension of services to tackle these social misfortunes indicated a clear departure in social citizenship. To achieve this new thinking requires a new academic commitment to this significant domain of government policy. Social policy analysts, in the post-War period, began to identify gaps in the Beveridgean welfare state. While some of the scholars underscored the widespread continuance of poverty amidst, others directed public attention to ‘hidden’ giants of sexism and racism that the welfare state had unsuccessful in solving. These liabilities did not only echo an interest in government policy flaws but a widening of the coverage of the social policy as an all-embracing academic subject. This effort made the drawing much more intensely on sociopolitical ideas and implemented a more serious view on the welfare state.

Social policy practice talks about the administration of social policies and service delivery whose welfare provision is not restricted to the government—markets, employers, non-governmental organizations, churches, and informal networks that combine to play a significant role in welfare provision. This disposition is, however, place-specific in most cases. On the whole, social policy involves the study of social services and the welfare state. It explores the question of social welfare and its relationship to politics and society. Governments, all over the world, use social policy as an instrument to regulate and supplement market institutions and social structures. For

this reason, it is frequently defined as social services such as employment, health, education, and social security. Nonetheless, social policy is also concerned with the redistribution, protection, and social justice. Social policy is passionate about getting people into the centre of policy-making, not by delivering residual welfare, but by mainstreaming their needs and voice across sectors, generating stability and social cohesion. Social policy has an instrumental dimension because nearly all governments rationally use it to secure the political support of their citizens, and promote positive economic outcomes by enhancing human capital and productive employment. Social policies can also serve as a tool to create a virtuous circle that links human and economic development capable, in the long run, of benefiting everybody, boosting domestic demand and creating stable cohesive societies. Today, a discussion of 'social policy' in the United States and Canada that excludes governmental policy on pressing social issues such as confronting racism (Eilperin & Mufson, 2015), euthanasia (Thomasma & Graber, 1991) and others involving health and domestic policies may not be comprehensive

SELF-ASSESSMENT EXERCISE (SAE) 1

To what extent does William Beveridge's 'five giants' represent the reality in contemporary Nigeria especially in the context of the definition of the concept of social policy?

3.3 PRINCIPLES AND CONCEPTS OF SOCIAL POLICY

For a state to touch the lives of the vulnerable in societies, its goals and social policy needs must use some principles regarding the policies it will define. To the extent that every meaningful social policy of any state is designed to directly affect the wellbeing of the members of society. It is only through the analysis of the social policies of a state that it can regulate the welfare of its members. Commonly, the concepts and principles that are associated with social policies include reciprocity and obligation, equal rights and social justice, social needs and social problems, equity and choice, efficiency, altruism, division, difference, and exclusion (Deacon, 2007). As a matter of course, every welfare state has some basic rights that it must provide to the people. These are elaborated below.

- Equality: the quest to achieve equality triggers social policies everywhere. Equality cannot be achieved in the absence of equal distribution of resources. Equality occurs in

different forms. It could be in terms of equal opportunity, equal treatment or equal outcome.

- Equal opportunity: this implies that individuals should be equally treated by providing equal opportunities irrespective of sex, class or group. Everybody must have equal opportunities to access health facilities, educational system or in the labour corridor.
- Need: everywhere, human basic needs include food, care, and accommodation. Human needs are not restricted to many requirements. This makes the state's area of intervention very unclear.
- Freedom and rights: human beings are disposed to different forms of rights. While civil rights imply the freedom from arbitrary arrest and detention, freedom of expression, social rights involve social security, social welfare, and rights to education. Political rights consist of voting rights, individuals' rights to join political parties and their freedom to explain political opinions in a democratic and non-violent way.

Every legitimate welfare state provides the above rights. The bond of citizenship bounds individuals who live in society to the state. Therefore, citizens have the right to request their states to make policies that will make their lives more abundant. From this viewpoint, the concept of citizenship plays a significant role in the determination of a state's obligations and rights of individuals as components of social policies.

3.4 HISTORY OF SOCIAL POLICY

The social policy, which is considered to have emerged as a consequence of the economic and social developments in the nineteenth century, started to become meaningful in the context of the industrial revolution. As a result of the change in economic relations with the industrial revolution, social changes became inevitable. The emergence of the industrial revolution compelled increased production and its consequent need for more labour. The dominance of capital owners was further enhanced by the liberalization of trade on the labour market. "In a period when the liberal market economy approach (Laissez-faire) was adopted, the dominant opinion was that government interventions would negatively affect the free market (Robinson & Moggridge, 2013, p. 7). It is widely assumed that a market whose creation lacks intervention often breeds the unregulated enrichment of the people. Conversely, the belief that a market created without intervention would enrich the people, on the one hand, guaranteed the enrichment of the

capitalists and impoverishes the providers of labour. Consequently, the destitution of children and women injures humanitarian approaches (Erdut, 2002). The rising destitution that gains dominance in the period of zero-intervention in workers' income and conditions of service intensified the social problems and led to the emergence of social policies

The liberal approach in the economy threw up two diametrically opposing divisions in society - the bourgeois class who own the capital and the working class who own the labour. The reduction in wages, deplorable working conditions, and unduly long working hours increased social problems and class conflicts. The application of social policies in the nineteenth century led to the solution of the social problems that the liberal economy's understanding of the state created. To provide social peace and justice via the state intervention in the occupational relations and associated remuneration is certain. Social policies transformed from the prohibitive to a descriptive approach with the social reform movements that started in England and Canada between 1880 and 1920 (Ersöz, 2011). The descriptive approach criticized the state's role in the limitation and rigidity of work-life and recommended the state's regulation of social conditions to eliminate the pessimisms in the work-life. This period witnessed a rise in the opinion that the state's role in social policies should intensify in developed capitalist countries such as France, Germany, and the USA.

Subsequently, the occurrence of social policy in the contemporary sense is ascribed to social conditions in the intellectual-political domain that took their roots from the French Revolution and the aftermath of the industrial revolution in the social and economic domains (Çubuk, 1979). With the expectation that the state should intervene in social policies, after World War II, developed countries abandoned liberal economic approaches and adopted the Keynesian policy approach. The 1929 economic crisis and its negative consequences are an important factor in the adoption of the Keynesian approach. The expansion of the scope of social policies after the industrial revolution did not have implications for the problems of labour sector but led to the solution to the problems afflicting the whole society. Consequently, issues of the elderly, struggle against unemployment, health services poverty, elderly, and participation of women in working life, child care, environmental protection, and gender discrimination became the core areas of the state's social policy.

3.5 GOALS OF SOCIAL POLICY

Essentially, the foremost goal of social policies is to confirm that every society member lives in harmony, far away from conflicts. Therefore, the objective is to safeguard social justice, social integration, social balance, social development, and social peace (Sami, 2009).

- Were it not for social justice, it would have been impossible for everyone in society to have equal rights despite equal risks. In this manner, the inequities and inconsistencies resulting from the economic chances are eradicated. Every policy that predisposes everyone to fair opportunities concerning social security, education, wages, income, and taxes enhances the progress of social justice.
- The social policy ensures that the possibility of social balance by making everyone in society live in harmony. The need to reduce the social differences that contribute to social frictions in terms of differing access to opportunities cannot be overlooked
- because it deepens disharmony and imbalance among individuals residing in different regions. Therefore, one of the core objectives of social policy experts is to eradicate the differences in access of members of society to available social services.
- In capitalist environments, the free market policy creates sufficient social differences that weaken the fabric of solidarity in society. To preserve the prevalence of harmony and understanding in a society, there is a need to execute policies that seek to eradicate negative effects on the psychology of the members of society. In this way, social peace helps to promote and sustain policies that eradicate the causes of the weakening of the balance within the social structure.
- Social integration covers all efforts directed at ensuring that political and economic factors that threaten unity and solidarity in society are minimized. Issues that threaten social resolution in this regard include culture, moral values, and education.
- To realise the goal of social democracy, fundamental human rights and freedoms of individuals in democratic settings must be protected within the ambit of the law. Without protecting the rights of individuals to actively work and participate in social life, the goal of democracy may never be attained.

SELF-ASSESSMENT EXERCISE (SAE) 2

Exploring your understanding of the goals and subject of social policy, how would you prove that social policy strains after equity than equality?

3.6 THE SUBJECT OF SOCIAL POLICY

In Continental Europe, social policy is called “social policy” but in the North American literature it is known as “social welfare policy”. Controversy rages on these two concepts among scholars. While some authors claim that the two mean the same thing, others contend that within social policy, various policies including social welfare policy is embedded (Ersöz, 2011). Briefly put, social policies aimed at finding solutions to the problems evolving in the industrial societies. From this viewpoint, it helps secure social justice for stopping the social inequalities that the industrial revolution has imported into social policy. Social policy is a representation of the policies for striking a balance between labour and capital as it covers only the problems of worker and labour classes (Özaydın, 2008). Social policies consist of the delivery of social justice. The political policy covers the working life as the simple component through which the society can be explained. In this direction, social policy contends with questions such as trade unionism, working conditions, wages, and collective bargaining (Sami, 2009). More broadly, social policy means all-inclusive practices that tackle not only the complications and desires of the working-class but also the other associated sections of society (Kleinman, 2006). In light of this way of looking at social policy, it is convenient to propose that social policy tackles the issues associated with urbanisation, health, environment, and those others afflicting workers, the disabled, immigrants, elders, and children.

Simultaneously, the social policy and the concept of welfare state emerged after World War II. Thus, social policy covers social security, environment, city, health services, and protecting individuals’ social welfare against the hostility of unemployment and poverty. The crowning glory of achievement of the gamut of activities involved in social policy is to safeguard social justice, social peace, and equality between different interest collections (Kennet, 2004). It is only based on the redistribution that social policy can be desirably determined. The monitoring and distributive view of policies functions to safeguard that everyone active member of society enjoys social liberties and equal chances (Livemore & Midgley, 2009). The social policy ensures that every individual constitutes the welfare focus of the state and other associated structures and

institutions. Social policy helps to give legislative integration to the desires of the members of society in terms of social security, housing, education, and health services. Social developments influence social policy and changes grounded on the individuals' needs. Often, a state makes new guidelines triggered by the needs of the individuals in the area of its influence.

The social policy provides for the variety of the needs of the members of the society. This accounts for the numerous provisions which the state makes. The needs of different classes of society members differ. Sometimes, they are uniform. The need for housing of the elderly, homeless children, the disabled and families with low income may be settled the same way through social policy provision. In other cases, the social policy makes discriminatory provisions to care for different interests in society. From the foregoing arguments, it is clear that the pressures which determine the content and focus of a social policy transcend the needs of society and its members. Sometimes, ideological concerns, politics, crime rates, media, industrial groups, unemployment, media, violence, and economic recession and nature of welfare state such as social-democratic, liberal, etc. (Blakemore, 2013). In this regard, social policy embraces an area involving decisions taken with widespread participation of many stakeholders and it is enforced its foundation is determined by the state (Daly, 2003). This underscores the mutual interaction that exists between social policy and economic policies (Erdal, 2014). Therefore, the development of a country is stable and sustainable not only through economic growth but when the social policy achieves a fair and balanced growth to resolve social problems. From this viewpoint, economic and social policy problems deserve to be simultaneously treated.

4.0 CONCLUSION:

In this unit, we underscored the definitions, concepts, principles, and history of social policy. We traced the history of social policy from the pre-world war to its postwar manifestations. We also discussed the nexus between the history, concepts, goals, and the subject of social policy.

5.0 SUMMARY:

In this unit, we have shown that the history of social policy is the summary of the investment of the state and concerned individuals in the wellbeing of the vulnerable individuals in society. The goal of social policy is to provoke a situation in which the haves are not deprived of their belongings but the have nots are provided for in ways that destitution and poverty do not

combine to make life and living risky for them and for those who are socioeconomically viable in society.

6.0 TUTOR- MARKED ASSIGNMENT

- 1) Study the various definitions of social policy that you have learned and attempt to evolve a more Nigerian reality-driven definition of the concept.
- 2) To what extent would you consider individuals' needs responsible for solely goading the formation or exert considerable influence on social policy?
- 3) In which ways can social policy safeguard social justice to ensure social integration, social balance, social development, and social peace in contemporary Nigerian society?
- 4) With well-reasoned arguments, explain how the bond of citizenship bounds individuals who live in society to the state.

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UNIT 2 JUSTIFICATIONS OF SOCIAL POLICY, HISTORY OF WELFARE STATE AND GLOBALISATION

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Meaning of National Development

3.2 Justifications of Social Policy in National Development

3.3 Importance of Political Commitment

3.4 Towards Welfare State

3.5 History of Social Welfare State

3.6 Globalisation

4.0 Conclusion

5.0 Summary

6.0 Tutor-marked Assignments

7.0 Reference/Further Readings

1.0 INTRODUCTION

A national development plan is an initiative legitimately predicated on a body of social policies. For the plan to capture structured yearnings of members of the society, it has to be social-policy driven. It is only when development plans represent systematised needs and aspirations of members of society that equity can be in focus and social upheaval will give way for social cohesion and overall socio-economic development.

2.0 OBJECTIVES

It is hoped that at the end of this unit, graduate students should appreciate the significant role which social welfare plays in the equipment of vulnerable members of society and national social health. Beyond that, they should also be able to use the concepts associated with social welfare, national development, and globalization with a remarkable depth of understanding.

3.0 MAIN CONTENT

3.1 MEANING OF NATIONAL DEVELOPMENT

‘Development’ remains a concept which is contested both theoretically and politically, and is inherently both complex and ambiguous ... (Thomas, 2004, p. 1, 2). To that extent, development remains elusive and resistant to a one-size-fits-all definition (Ayodele, 2017). Thus, development is a process of historical change, which is adjusted to a vision or measure of progressive change (Thomas, 2000, 2004) and relates to performance assessment (Gore, 2000, p. 794). National development will, therefore, imply a process of transition that is tailored to the needs and desires of Nigerians in terms of progressive change.

3.2 JUSTIFICATIONS OF SOCIAL POLICY IN NATIONAL DEVELOPMENT

Social policies become imperative because all the members of society may not automatically access opportunities that enhance their socio-economic growth. It is in this regard that when social policies are deficient in terms of their adequacy, in the medium and long run, individual and collective growth are compromised. Humanitarian perspective is not the only premise to appreciate the justification of social policies. Economic and political fronts exist for the

amplification of the need for prospective growth and political stability, even if marginally to preserve citizen backing for their governments. Explicitly, the justifications for unbiased development policies are:

- Human capital develops the value and efficiency of the labour force, therefore refining the investment climate as well as growth.
- When the incomes of the poor are consciously increased, it has a multiplier effect on domestic demand. This implies a corresponding growth with greater consumption ratios among the poor that ultimately help to enlarge the domestic market.
- Societies in which inequality is intense usually advertise lower rates of growth. The effects of this manifest among children in poverty-induced malnutrition, reduced body weight, and intelligence, damaged health, and the cumulative outcomes are lower productivity in adulthood that leaves the society with a high tax burden
- Human capital development of girls and women has abundant positive implications for the socio-economic development of a country.
- Societies in which inequality is widespread play host to injustice, socio-political instability that obstructs steady economic growth.
- As inequalities become intense, related social pressures are likely to develop simultaneously. These may combine to worsen violent engagement that may eventuate in worsening terrorist appeals and behaviours capable of trivialising the essence of government and destabilising it.
- Finally, inequality is at variance with the United Nations Charter, the Millennium Declaration, and the Universal Declaration of Human Rights. All these guarantee the entitlement of everybody to minimum standards of living (clothing, medical care, food, education, housing, social security, and others). As a result of the above explanations, economic and social policies should be promoted independently, but in a way that is mutually reinforcing. This should occur from the very beginning stage of a country's national development strategy to promote public confidence in government and strengthen the social bond between government and citizens.

SELF-ASSESSMENT EXERCISE (SAE) 1

Account for the reasons that compel most independent countries of the world to make social policy the cornerstone of their national development initiatives

3.3 Importance of Political Commitment

World leaders at the 1995 World Summit for Social Development deliberated on how residual methods to social policies had caused negative effects. They emphasised the necessity of fall-inclusive universal social policies to guarantee a “society for all”, where social and economic development are supporting reciprocally. The leaders’ worries and suggestions were integrated into the Millennium Declaration, which reaffirms international commitments to central values of equality, freedom, solidarity, and peace. A vote of 189 member nations of the UN in 2000 adopted a set of measurable and time-bound targets that measure progress in attaining public goods vital to the welfare and cohesion of society to serve as the foundation for the Millennium Development Goals (MDGs). At the 2005 World Summit, the reaffirmation of these came with governments’ promising more ambitious National Development Strategies, supported by increased global assistance. The achievement of the MDGs, political commitment may not be realised, especially when governments have an abridged national “policy space” (a tightening of domestic policy-making ability in an open economy), less independence in public sector interventions and abridged fiscal capacity.

- For social policies to be sustainable, they need the establishment of enabling political partnerships, and a passion for establishing such partnerships. At the same time, attention must be paid to ensuring that the elite or vested interests do not hijack the policies.
- In an era of restricted policy options for national management, there is a need for creativity to heighten capacity for development. Therefore, governments and development agencies need to rethink state-market relations, reject minimalist government approaches, and suggest measures for the expansion of a country's policy space through diverse macroeconomic and sector policies.
- Successful social policies are the ones that are induced by the political commitment of a country's leadership. They are never imposed by the conditionalities of the donors.
- A “one-size-fits-all” policy does not exist anywhere. Country choices eventually drive country context, local needs, internal political treaties/groupings, fiscal space, and

government motivation. A state's original intentions for social policy may comprise nation-building, nurturing domestic development, social unity, and political constancy.

3.4 TOWARDS WELFARE STATE

Social welfare is "a nation's system of programs, benefits, and services that help people meet those social, economic, educational and health needs that are fundamental to the maintenance of society (Barker, 2003, p. 408). Social welfare policy comprises "decisions of various levels of the government, especially the federal government, is expressed in budgetary expenditures, congressional appropriations, and approved programs" (Moris, 1987, p. 664). The idea of a welfare state arose in the 1930s and 1940s. Different from the concept of the state which was adopted in World War II and strived to provide adequate money to sustain the requirements of army distant, welfare state struggles to provide social policy, health services and therefore deliver social needs (Greve, 2014). Welfare state appears in different forms in different countries appropriately moderated by their cultural, political, social, economic legacies, and historical developments.

Every Welfare state struggles to provide welfare to its citizens. Consistent with the demands of labour market and civil society, the welfare state interferes in the economy. Many definitions of the welfare state are in the literature. However, Asa (1961) defines it as a form of state where indeliberately structured public power is deployed to lessen the part which market forces play in the economy. Also, Serter (1994) looks at the concept of welfare state as a modern state understanding that assumes the responsibility to guarantee an equitable income distribution, safeguard the interests of vulnerable groups and, guide the social security practices, employment policies, and use the instrumentality of politics to meet the basic desires of society such as health, housing, and education, as well as takes carefully regulate the working life, through the tax and wage policies it adopts. Within the range of the duties of the welfare state to deliver the least income assurance to members of the society to ease the avoidance of certain social risks, and provide good conditions of living to members of the society through social welfare.

3.5 HISTORY OF WELFARE STATE

In the course of justifying the historical development of the welfare state, scholars encountered some challenges coming up with an acceptable definition of the concept of the welfare state.

Depending on the historical antecedents of each state, every state has its peculiar national social security system, emerging from its unique social structure that drives its exclusive needs. Customarily, every welfare state defines the policies that its economy, socioeconomic and cultural situations require and consequently back these up with the force of legislative guidelines. To do an explanatory justice to the development process of a welfare state, there may be a need to put them into three distinct epochs. The first epoch was from 1870 to 1913. The first period was between 1870 and 1913, that is to say, from when the industrial revolution began in the late seventeenth century to the early nineteenth century. The second epoch was from 1918 to 1939. The next period was the time between World War I in 1918 and World War II in 1939. The third epoch was from 1950 to 1973. The third period was between 1950 and 1973, an era commonly described as the “Golden Age of Welfare States.”

The rhythm of the welfare state altered with the economic disasters which emerged after 1973. This period came to be recognised as “Welfare State Crisis” up to the present time. The welfare state took its root in the early seventeenth century(1601) when Poor Laws got the force of enforcement in the UK. This period was characterised by the conscription of most men into the army to fight at wars. On their return, they were predisposed to different kinds of risks as there were no structured social security benefits to fall back on. Therefore, the 1601 Poor Law was, in history, the first legislative initiative to provide social security for the elders, patients, and injured people in the society. To the extent that the 1601 legislative regulation was not all-inclusive because it essentially excluded the rest of the society that needed protection, it was inadequate. In 1834, another legislative regulation was made owing to horrible economic and social pressures that accompanied the developments which the then society experienced. The social policy began to encounter the effects of stigmatization. In the periods that followed, the free market economy outcomes of Adam Smith started to influence the state policies and legislative guidelines in the UK and other countries. To the extent that all the countries spent all their incomes to prosecute World War 1, it can be concluded that the idea of the welfare state effectively began after World War II.

It became known after John Maynard Keynes’ approach was not adequate for creating job opportunities and revamping public economy in the aftermath of World War I. He thought that the provision of employment opportunities and conducive working conditions could prevent a second war. Using the instrumentality of the 1942 Social Security report (Social Insurance and

Allied Services), Lord William Beveridge intended to create a health system that would provide a minimum income and decrease the rates of employment. After the war, the opinions of Beveridge were assessed together with Keynes' approach to evolving national welfare for the UK (Rodgers, 2014). Distrust in liberalism compelled countries to embrace new expeditions. Between 1870 and 1913, states faced novel social dangers. These risks included the increase in the aging population, pension expenditures, work-related diseases, and accidents.

Bismarck made some efforts in the 1880s to deliver social security. His reform struggles attempted to protect the people through social security provisions against the risks of the industrial revolution, low income, and population movements. The long hours of work and distasteful working conditions intensified poverty and galvanised socialist movements. These developments triggered the coming into force of regulations that cover disease insurance in 1883, work accident insurance in 1884, and old-age and disability insurance in 1889. The reform movement of Bismarck was intended to establish an inclusive system that covers the state, enlisted the support of employers and employees. Consistent with the struggle, three dimensions came to characterise the system: employer's responsibilities, individual investments, and private insurance. The system does not reject the intervention by the state. As a result, it can be argued that the reform of Bismarck marked the significant development of many legislative regulations that spurred economic and political structures as well as social policies to address the diseases and injuries which industrialization induced in other countries.

In Western European Countries up to 1913, they were not such regulations and rules enforced anywhere. As a result of industrialization, the alterations in social demographic structure, and growing pressures in the nineteenth-century European states, the consciousness of the welfare state gained momentum. The public sector and economy had a rapid development in China, Brazil, and Russia. Between 1950 and 1973, the golden age of welfare state, the Keynesian approach was adopted by state intervention to steadily solve the free market economy induced problems. Nonetheless, Keynesian policies led states to go into disaster after the 1970s. Great tax rates, growing public expenses, and states having to intervene in markets were noted as the causes of the crises. In this epoch, the extent of social expenditures on public expenditures was slowly rising; motherhood, old-age, injury, and death insurances have been adopted in many countries. Moreover, unemployment insurance and family assistance were also controlled in more advanced countries (Özdemir, 2007).

The welfare state has not stopped transforming since 1975. The state intervention which intensified with the 1929 economic disaster was traded with another system wherein the state concentrated on the oil crisis between 1973 and 1979. In this period, states became convinced about the need to play a less interventionist role in economic and social policies. The pressure of social expenditures induced budget deficit increased in this period when Western European countries experienced chronic unemployment, increased inflation rate, and decreased economic growth. The emergence of a neoliberal approach in this period was adopted as a new form of liberalism, an outcome of a solution-seeking initiative against Keynesian policies (Şenkal, 2005). Following the fierce competition that resulted from the economic crises, a new era began in the late 1970s, when the Keynesian welfare state experienced a crisis.

With globalization, the welfare state that was characterised by stable economic growth, acceptable working conditions and price offers ended and ushered in a new period in which nation-states lost a significant amount of their authority began. These developments influenced social policies and caused the adoption of a neoliberal approach for lessening social expenditures. States adopted restructuring as new reforms to re-start economic growth. Therefore, many countries have resorted to guidelines to lessen social expenditures. However, in various countries, public expenditures have not reduced, in its place, they have amplified. The underlying reasons for the condition transcend mere economic factors. They included the change of demographic structure such as the aging population and the changing family structure.

Since economic policies have been shown to have mutual interactions with social policies, the changes in economic policies are expected to affect social policies, as one is not independent of the other. Conversely, the economic condition of the welfare state is connected to individual behaviours and the social security system to cohere with labour market and social welfare. The contradiction between labour market and state intervention remains unsolved (Greve, 2014). The development of the welfare state remains dynamic as the state still plays a significant role in social policies' determination. Therefore, in addition to economic indicators, the changes occurring in demographic and social structure help to determine the policies of the welfare state. The welfare state redistributes income and plays an interventionist and regulatory function. Also, it strives to eradicate pessimism in working life. It defines the minimum wage, embarks on social security and welfare services, and interferes through taxes and other expenditures to eradicate discriminations in income distribution (Clarke, Hughes, Lewis, & Money, 1995). The

welfare state is conveyed as the developed and extension of the classic defensive state (Rosanvallon, Refah, & Çev, 2004). The welfare state, whose last attained stage has been the modern state, is no longer a “spectator state,” but it is a role “player state” (Serter, 1994).

None of the definitions of the welfare state excludes the mind-set of the protection of the individuals who are socially and economically vulnerable. There is a consensus that it is only through social policies that protection can be achieved. Therefore, the intervention of the welfare state for the sake of eradicating the undesirable conditions, which the welfare state exists to achieve as one of the goals of its social policies, is proper and necessary. The rhythm and scope of welfare state differ. The variation depends on each country’s social, cultural, economic, and demographic conditions. Essentially, these changes centre on the safeguarding the protection of children, the disabled, the elders, families, and women. They extend also to creating jobs, providing vocational training, and education, struggling against low income and poverty, and improving the working conditions. Considering the norms of the welfare state, numerous peculiarities have been made based on the services and expenditures to safeguard social welfare. The most important study on this issue by Gosta Esping-Andersen classifies welfare state systems as follows:

- Liberal welfare model which is practiced by the USA and UK
- Conservative and Continental Europe model which is practiced by Germany, France, and Belgium
- Social Democratic Scandinavian Model which is practiced by Sweden and Denmark (Esping-Anderson, 1990; Anderson, 1999).

The welfare state, a new form of the liberal state, is one of the measures intended to mitigate the problems of inequality and pessimism that characterise post-industrial revolution. The freedom of operation enjoyed by capital and market in the absence of state interference threatened social interests under the liberal approach. Also, the socialist approach that sought to champion the cause of the working class was inadequate to meet social needs. The welfare state came as a system to solve the problems of liberal and socialist systems.

Concerning the welfare state, the following conclusions could be reached about this period until the commencement of the process of globalization and neoliberalism (Özdemir, 2004).

- An institutional approach replaced the evolution of the residual approach.
- Social welfare transformed into a human right accruing to every citizen.

- While the welfare was initially designed to care for the poor only, it later blossomed into a global resource that covers the needs of the whole society.
- It transformed from a restricted welfare budget to huge welfare expenditures.
- The belief that problems such as poverty and joblessness did not arise from individual errors but due to the insufficiency of the state and its institutions.
- Taking responsibility for the provision of social welfare has ceased to be a function of volunteer individuals and institutions to become the burden of public institutions.

After the 1970s, the prevailing economic crises caused problems that undermined the Keynesian welfare state. As a result of rising unemployment, declining economic growth and the increase in retirement age, and health expenditure due to aging of the population led to a budget deficit as a critical problem. The major subsisting criticism of the welfare state is that its social policy practices caused all the adverse, socioeconomic and political challenges. The enduring consideration of demographic variations and the influence of globalization on the welfare state have created new opportunities for discussion of the future development of the welfare state (Greve, 2014). However, the following are a few of the criticisms of the welfare state:

- There is a consistent rise in poverty and unemployment rates, and the failure of social welfare policies.
- The impact of welfare intervention results in adverse outcomes for family structure as it raises divorce rates and worsens moral values
- Its impact on the taxes on income and capital has been prohibitive
- Social expenditures have risen (Özdemir, 2004; Glazer, 1990).

In response to the criticisms of the welfare states, they have started to develop new policies that will help them restructure their social policies.

SELF-ASSESSMENT EXERCISE (SAE) 2

What do you understand by social welfare? Explain the steps towards state welfare and state the trajectory of its history in Nigeria.

3.6 GLOBALISATION

The transformations which social policy and the welfare state have experienced take can be clarified under the shadow of globalization. In the 1990s, privatization and marketization had

significant implications for some of the conservative governments because they had a more generous approach to civil society and economic policy. Globalisation canvases a free market economy, liberal democracy, and cultural variations in the process leading to a holistic world economy (Aktel, 2001). The impetus of the globalisation process rose after 1980. Based on economic liberalisation, the neoliberal model became central to compelling the state abandonment of its active role in social policies. In some developed countries with a long history of the practice of the neoliberal model, social policy implementations began to lose their appeal while they experience complete neglect in less developed countries. At the end of the twentieth century, the effects of globalisation became more apparent. This led to the welfare state becoming increasingly less interfering in character especially in the context of social protection as a result of the pressure caused by social expenditures and increased taxes. On account of the rising competition among the welfare states, joblessness and poverty have risen, and inequalities have arisen in income distribution (Özdemir, 2007).

The reduction of social welfare state practices in the process of globalisation was instrumental in the restriction of social rights. Liberal philosophy restricts the state's responsibilities in security, justice, and infrastructure provision. Liberalisation shrinks the state. The quest to maintain a balance between capital and labour after the industrial revolution threatened the vulnerable people who were apparently in need of social protection. The rising unemployment rate is one of the major threats.

At variance with their liberal philosophy, in the process of globalisation, the states that adopted neoliberal models had to develop their social policy practices further. Also, in contrast to expectations, developments show that the problems of social policies deepen the model adopted in the process of globalisation. The effects of globalisation on the welfare state model and social policies are assessed from four different viewpoints:

- Globalisation eradicates the freedom of nation-states that solely target economic growth. International income inequality and poverty rise owing to economic pressures and weakening social protection. Thus, the welfare of nation-states declines with neoliberal policies (Mishra, 1999).
- Globalisation is not the lone reason for the decline of the power of welfare states. As an external influence, globalisation may need a renewal in the shaping of states, but this reform should not be a decrease in social policies. In this process, states should also

consider the internal implications such as demographics, migration, and social trends and decide therefore on the reform process (Pierson, 2006).

- While guiding globalization, nation-states having solid economic and political structures should favour the most pleasant practices for their future (Esping -Anderson, 1999).
- According to Rieger & Leibfried,
- Globalization developed due to the efforts of the nation-states to lessen the adverse effects of objection to the liberal model. The economies of nation-states are free from the global economy; thus, the reform process and the formation of pertinent policies should be assessed in this respect (Reiger & Leibfried, 2003).

Globalization, an external factor and internal variables that are connected to the social structures of states are the causes of the crisis of the welfare state in developed countries. Another reason is the demographic structure, which has altered due to the aging population, elongation of life, and declining birth rates. Furthermore, family structure has altered, divorce cases have risen, public expenditures, pension and health expenditures, and taxes have also gone up while economic growth has deteriorated. The competitive power of the countries in the international arena has reduced as a result of the rise in the expenditures of the welfare state to guarantee social welfare. Having sought a solution that will eliminate the financial pressures brought about by the expenditures related to rising welfare, the welfare states have engaged a restructuring process. In the reform and survival process, the financial pressure tried to ease through the privatization of the pension system, raising the retirement age, increasing the premiums, and reducing the financial pressure. As the welfare state reduces in number, the provision of welfare services has also altered. The service provision which the state had performed was given through local administrations at the local level, and it has been left to the nonprofit organization, implying that it has been “privatized” (Özdemir, 2004).

4.0 CONCLUSION

The welfare state strives to ameliorate the adverse effects of the industrial revolution. It brought reforms to bear on the treatment of the vulnerable members of the society by making social provisions for their needs. With time, it became obvious that the social welfare of the welfare state is no longer for the poor alone but the entire society.

5.0 SUMMARY

The welfare state meant well for the poor by rescuing them from the adverse effects of the industrial revolution. Globalization came to limit the rate at which the welfare state could intervene in the economy and market operation. For its marked limitations, the welfare state was criticized.

6.0 TUTOR-MARKED ASSIGNMENTS

- 1) What is social welfare?
- 2) Account for the steps towards the actualization of a welfare state.
- 3) Account for the justifications for the emergence of the welfare state and the major reflections that critics cast on it.
- 4) Under the shadow of globalization, in what major types can the transformations into which social policy and the welfare state have experienced can be clarified. Explain them.
- 5) State the effects of globalization on the welfare state model and social policies. Account for four different perspectives they can be assessed.

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MODULE 1

UNIT 3 DEVELOPMENT OF SOCIAL POLICIES, THEIR TRAJECTORIES, AND PERSPECTIVES IN NIGERIA

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Pre-Colonial Era

3..1.1 Colonial Era

3.1.2 Post Independence Period

3.2 Perspectives on Education

3.3 Perspectives on Health Policy

3.4 Perspective on Housing

3.5 Perspectives on Social Security

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION.

There is hardly a way by which any academic effort to chronicle the development of social policies, and their trajectories and perspectives in Nigeria without essentially having to transverse the precolonial, colonial and postcolonial phases before the various sectoral perspectives can be put in their appropriate context. In this unit, we do exactly these.

2.0 OBJECTIVES:

By the end of the unit, the graduate students should be able to understand the stages through which the development of social policies traversed to become easily linked with perspectives that help to explain sectoral items such as education, housing, and health. The graduate students should develop a capacity to appreciate social policy from being developments from different historical phases.

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3.0 MAIN CONTENT.

3.1 PRE-COLONIALERA

The traditional family and its community made up the foundation of social service and welfare provision in pre-colonial Nigeria just as the case is in other traditional societies. In pre-colonial Nigerian communities, mutual social security shaped extended family and group living. The traditional family considered it a compulsory moral duty to provide for its vulnerable members. Thus, be it old age, deformity, delinquency or sickness, the family or the whole kinship group handled it as a direct collective problem. Solutions, as it seems, were often based on mysticism and could cause death or victims quarantine instead of the provision of assistance for them. The inception of Christianity and Islamism provided new alternatives for the provision of solving human and social problems. Almsgiving constitutes one of the five pillars of the Islamic faith. Therefore widows, aged, infirmed and other vulnerable members of the society were willingly available to receive alms. Aside from the voluntary alms, a special tax called zakat; another pillar of Islam is collected yearly and distributed to the needy. Conversely, Christianity added its quota

to social welfare and service delivery provision. To confirm these, Anna Hinderer and Mary Slessor were missionaries who built motherless babies home and respectively cared for abandoned twin children.

The traditional societies of pre-colonial groups in Nigeria also had numerous other provisions by which the needs of the vulnerable people were handled. These provisions were the customs and traditions of the people that bore the semblance of social policies because they were products of communal legislations of individuals in positions of cultural leadership. In sum, there was no conscious structured framework that can be referred to as social policies in terms of what a modern government does, nevertheless, conventions and practices have evolved longstanding social and welfare services that took care of the social problems of the vulnerable members of the pre-colonial communities of the modern-day Nigeria (Ikeanyibe, 2013, p. 252).

3.1.1 COLONIAL ERA

During the colonial epoch, the early colonial policies worked for social control and regulation instead of the provision of social services. This is a result of the colonial effort to proscribe customary laws it considered loathsome through the instrumentality of formal legislation and regulations. In the early colonial epoch, Christian missions, with little assistance from the colonial government predominantly provided voluntary welfare services. The only concern of government in the provision of social service in the early period of colonial rule, apart from regulatory policies, was essentially restrictive. It targeted only the expatriate officials. The provision of comfort and protection for the expatriate community against a hostile physical environment that got expression in the Government Reservation Area (GRA) was one of the explicit priorities of the colonial government. Therefore, the social policy at the early stage of colonialism was discriminatory and exclusionary, geared towards unilateral protection of colonial interest and their minority white settlers.

However, the period after the Second World War saw greater participation of the colonial government in social welfare policies. Some factors were accountable for this change in the colonial welfare commitment direction.

First, the end of the world war marked intensified nationalist movements for freedom. This attracted significant political concessions from the colonial government.

Second, the rising pressure that America brought to bear on Britain to grant freedom to her colonies (Ibezim, 1999).

Third, in the context of economic concern, the trade between Nigeria and Britain improved in this epoch providing increased revenue that could be used for developmental objectives. This implied that Nigeria had to adopt a Ten Year Plan of Development and Welfare in 1946. This plan intended development in areas of health, education, agriculture, communication, veterinary research, and extension of urban and rural developments (Ibezim, 1999).

3.1.2 POST INDEPENDENCE PERIOD

In the post-independent period, social welfare expanded steadily in Nigeria. With the integrated development plans on the ground as early as 1962, subsequent renewal of the plan every four years has helped to boost a state-driven system of development planning. With time, social policy and all sectoral policies began to form part of a comprehensive national development plan. A strong social policy initiative aimed at building physical, social, economic and human infrastructure exists in Nigeria. Major programs in education, health, communication, etc. at that stage, received due attention. Thus, the model of social policy transitioned from the remedial and restrictive framework of the colonial epoch to that of unlimited social service provisions. The Nigerian welfare state became manifest and exceptional in the post-civil war Rebuilding, Reintegration and Reunion policy of the federal government. It was a period of the institutionalisation of social policy in Nigeria. The huge revenue of the country from the oil boom of the early 70s sustained the universal framework service provision (Ikeanyibe, 2013). The determination of the Nigerian government to guarantee adequate social services resulted in the entrenchment of the same in the 1979 constitution of the federal republic of Nigeria. In it, provisions were made for the health, safety, education, and welfare of all persons without discrimination.

However, the universal services era did not last for long as the oil glut of the late 70s and early 80s starved the government of the needed funds to implement its good intentions. This starvation with fund led to a radical alteration in the focus and conceptualization of social policy from the mid-1970s during the groundwork of the 3rd National plan. Henceforth, regardless of the constitutional provision, attempts were made to define the focus. Thus, the guidelines to the Third National Development Plan (1975 - 1980) indicated five areas of federal government focus

in the context of social policy. These areas include youth, workers' welfare, destitute, sports development and promotion of co-operatives (Ikeanyibe, 2013: 259)

SELF-ASSESSMENT EXERCISE (SAE) 1

The scope, rhythm, and focus of social policy significantly differ during pre-colonial, colonial and postcolonial epochs. To what extent is this claim true?

3.2 PERSPECTIVES ON EDUCATION

The government strengthens and improves the wellbeing of Nigerians using its education policy a component of social policies. Since her independence in 1960, the successive governments of Nigeria have not improved the quality of the nation's education system through the instrumentality of their education policies. A critical appraisal of the education policy of Nigeria shows that it covers the pre-primary education, primary education, secondary education, tertiary education, mass literacy, adult and non-formal education, special education, educational services as well as financing, administration and supervision of education (Etuk, Ering & Ajake, 2012).

Historically, the European missionaries and colonialists brought formal education to Nigeria. However, the scope of education provided in Nigeria then was essentially instrumental. This probably explained its narrowness and lacked a properly defined focus. The government began to be involved in formal education with the 1882 Education Ordinance for British West African countries. Other important signposts in the development of educational policy in colonial Nigeria include The 1919 Amendment Ordinance that equipped government inspectors more powers to inspect schools, the establishment of Advisory Committee on Education in 1923, the 1926 Education ordinance which gave out new guidelines based on the memorandum on Education Policy in British Tropical Africa, the 1948 Education Ordinance, the 1952 Education Ordinance and the Ashby Report of 1959 (Ikeanyibe, 2013: 270).

At independence in 1960, the indigenous Nigerian leaders have made some serious comparable strides. The provision of education was the responsibility of the respective regional governments. The free and compulsory education policy that the western and eastern regions provided gave the regions leverage that makes them outstanding in Nigeria up to the present time. The glaring imbalance in educational services must have compelled the federal government to be involved in

educational policy became more critical with time as the implications of became glaring. The precursor of a comprehensive National Policy on Education came with the National curriculum conference held in 1969 which produced the popular 6-3-3-4 education system (Nwabuisi, 2008). Successive legislative efforts of the federal government towards providing educational services in Nigeria are numerous. A few of these are listed below:

- i. The coming on board of the universal primary education in 1976
- ii. The comprehensive National Policy on Education (NPE) in 1977
- iii. The insertion of meta-policy of government in education in the 1979 and its retention in the 1999 constitution
- iv. The numerous decrees by different military administrations
- v. Federal government's re-introduction of the universal Basic Education in 1999
- vi. The revised Education policy in 2004 etc. (Ikeanyibe, 2013)

3.3 PERSPECTIVES ON HEALTH POLICY

The health care system existed before colonialism in Nigeria. The traditional health care system was virtually free as those who had its knowledge dispensed it for the public good. Cost never prevented any member of the community from addressing his/her healthcare needs instead, the only major limitation at that time was that imposed by inadequate knowledge. Orthodox medical care accompanied the Christian missionaries and the colonialists much the same way the formal education did at that time. The first healthcare facility that existed in Nigeria was the dispensary commissioned in 1880 by the church missionary society in Obosi. The first hospital in Nigeria was the Sacred Heart Hospital that the Roman Catholic Church built in Abeokuta in 1885 (Schram, 1971; Ajovi, 2010 in Ikeanyibe, 2013). Gradually, several government-owned healthcare facilities developed. These ranged from health centres to general hospitals. However, the effort of the missionaries in founding healthcare facilities exceeded that of the government at the time of independence.

Oyewo (1990, in Ikeanyibe, 2013), observes that the beginning of a meaningful health service policy of the government began with the first Ten Year National Development Plan (1946-1956) where health entered the concurrent legislative list allowing the exercise of powers within their areas of direct administrative control. However, Ajovi (2010) reports that health control services were shifted to the Regional government between 1952 and 1954 (Ikeanyibe, 2013).

The Second National Development Plan (1970 - 1975) deliberately attempted to draw up a wide-ranging national health policy that included capacity building in health, provision of widespread health care based on Basic Healthcare service scheme, disease control, medical research, competent use of health resources, and health planning and management.

Successive plans, the Third (1975 – 1980) and the Fourth (1981 - 1985) greatly emphasised Basic Health Services Scheme (BHSS) having (according to Adeyemo, 2005) the following objectives as provided in the Third National Development plan

1. To initiate the provision of adequate and effective health facilities and care for the entire population
2. To correct the imbalance between preventive and curative care
3. To provide infrastructures for all preventive health programmes such as control of communicable diseases, family health, environmental health, nutrition, and others.
4. To establish a healthcare system best adapted to the local conditions and the level of health technology in the country (Ikeanyibe, 2013, p. 292)

Other health policies that were introduced in Nigeria included the National Health Policy and Strategy to Achieve Health for All Nigerians, in 1988 and the National Health Insurance Scheme, introduced in 1999. These and numerous others were the government's struggle to provide good healthcare to Nigerians.

3.4 PERSPECTIVE ON HOUSING

Next to food and clothing, housing is the most basic of the needs of man. Before the coming on of colonialism, group efforts provided houses for all adult members of or each married couple in the community. Colonialism and modernization did introduce housing to Nigerians. Most objectively, what they did to the housing sector in Nigeria was simply to intensify its qualitative and quantitative demands. Since it had a preconceived target, the General Welfare Housing Policy was not the priority of the colonial government. However, probably because of the collateral implications of an unsanitary environment for their health, the colonialists imposed sanitation rules and house spacing regulations on some urban centres like Lagos. Therefore, the provision of housing for expatriate officials and selected indigenous staff in specialized occupations such as railways and police during the colonial period was the first colonial intervention in public housing delivery in Nigeria.

It was from the 1950s that sufficient housing for Nigerian citizens began to occupy a central place in politics and governance. The establishment of the Nigerian Building Society (NBS) in the 50s kick-started this to provide low-interest housing loans to public servants. Thereafter, the government started to articulate formal housing policies into the National Development plans. Although the First National Development plan (1962-1968) did not do anything concrete in terms of housing policy development, it acknowledged the need for urban centres and therefore incorporated a section on the town and country planning. After the workers' strike in 1964, the government created the Ministry of Housing, in the first republic, to provide opportunities for more stable development of policies and their implementation in the housing sector. Other efforts at sufficient housing are, the establishment of the Federal Housing Authority (FHA) in 1973, Employees' Housing scheme in 1979, the National Housing program in 1980, etc. The Babangida regime in 1989, through the promulgation of the Mortgage Institution Decree of 1989, regulated and supervised the operation of primary mortgage institutions which his military administration established to provide affordable housing through long-term repayment of housing loans for low-income earners. Moreover, the regime also established the National Housing fund in 1992. Similarly, the democratic dispensation that began in 1999 has attempted a restructuring of housing policy to give Nigerians affordable and sufficient housing.

SELF-ASSESSMENT EXERCISE (SAE) 2

To what extent have the perspectives on education, health and housing influenced the living standards of Nigerian from the pre-colonial times to contemporary times?

3.5 PERSPECTIVES ON SOCIAL SECURITY

According to Ikeanyibe (2013, p. 328), UNCDF and UNDP (2011) defined social security as “public and private interventions and support and enable individuals, households and specific groups in their efforts to prevent, manage, and overcome a defined set of risks vulnerabilities, aimed at reducing extreme and chronic poverty”. The way it stands today, there appears to be no concrete social security that is enforceable in Nigeria. The only area of social security in which the people have any entitlement to seek welfare services as a right is the pensions and retirement benefits. Apparently about the most legally guaranteed social security schemes in the country still has cases of individuals who are denied their legitimate entitlements. However,

some other items appearing as components of policies fall within the category of personal services and social security in Nigeria include pension schemes provided at all levels of government and some large private sector establishments. Also, some agencies of government that channel their efforts in ensuring social security the National Agency for Prevention of Trafficking in Persons (NAPTIP), which oversees the problem of trafficking in persons, National Directorate of Employment (NDE) which addresses unemployment problems, National Poverty Eradication Programme (NAPEP) which takes care of poverty alleviation.

4.0 CONCLUSION:

In this unit, we unpacked the numerous efforts made in the past, recent past, and present in the context of social service delivery in the domains of education, health, housing, and social security interventions. Despite all these successive efforts, the provision and quality of education in Nigeria has continued to nosedive; health infrastructures are experiencing progressive decay; the collapse of the available inadequate houses and social security exists only on paper. The sorry state in which all these essential services require some pragmatic policy and implementation interventions for Nigeria to survive and endure.

5.0 SUMMARY:

In this unit, we have presented the trajectories of social welfare and the numerous perspectives that drive its sectoral provision. There are perspectives on education, health, housing, and social security. From available data, social security in Nigeria is scanty and needs to be intensified and guarantee for the citizens of Nigeria to live qualitative lives in their lifetimes.

6.0 TUTOR- MARKED ASSIGNMENT

- 1) Exploring the 2011 UNCDF and UNDP's definition of social security, how well will you consider it a representation of the contemporary situation in Nigeria?
- 2) To what extent would you argue that Nigeria's social security is adequate for the survival of the contemporary Nigerians?
- 3) Appraise the various efforts of successive governments in Nigeria to address the provision of educational services to numerous Nigerian citizens from independence to the present day.

- 4) Account for the trajectory of social service provision from the pre-colonial through colonial to the post-colonial epoch in Nigeria.

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UNIT 4 COMMUNITARIAN WELFARE IN AFRICA AND INSTRUMENTS TO PROMOTE INCLUSIVE SOCIETIES

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 The Rise and Fall of Communitarian Welfare in Africa
 - 3.1.1 Future of the Welfare State and Social Policy
 - 3.1.2 Selected Instruments to Promote Inclusive Societies
 - 3.1.3 Critical Policy Issues in Labour
 - 3.1.4 On the Supply Side
 - 3.1.5 On the Demand Side
 - 4.1 Employment and Labour
 - 4.1.1 Critical Policy Issues
 - 4.1.2 Arguments for the Decent Work Agenda
 - 4.1.3 Dispute settlement mechanisms need to be in place.

- 4.1.4 Skills Development for Enhanced Productivity
- 4.1.5 Productive and Freely Chosen Employment
- 4.2 Education
 - 4.2.1 Critical Policy Issues
 - 4.2.2 Eliminating Fees and Promoting Universal Free Primary Education
 - 4.2.3 Importance of Secondary, VTET and Tertiary Education
 - 4.2.4 Quality and Relevance of Education:
 - 4.2.5 Other Programmes for Education for All
- 4.3 Health
 - 4.3.1 Critical Policy Issues
 - 4.3.2 Extending Coverage of Health Care
 - 4.3.3 The main options for expanding health coverage are:
 - 4.3.4 Maternal and Reproductive Health
 - 4.3.5 Combating HIV/AIDS and Malaria
 - 4.3.6 Other Programmes to Promote Health for All
- 5.1 Social Protection
 - 5.2 Social protection programmes include:
 - 5.3 Critical Policy Issues
 - 5.3.1 Expanding Pension Coverage
 - 5.3.2 Addressing Urgent Community Needs
 - 5.3.3 Supporting Women and the Unpaid Care Economy
- 6.1 Child Protection
- 7.0 Conclusion
- 8.0 Summary
- 9.0 Tutor-Marked Assignments
- 10.0 Reference/further readings

1.0 INTRODUCTION.

Before the advent of colonialism and missionary in Nigeria, the precolonial Nigerians had time tested communitarian welfare practices with which they promoted social equilibrium among the well to do and the vulnerable members of the community. When members of the community

have equal access to the resources of the society to meet their respective needs, the conflict will disappear and in cases of the emergence of inevitable deviance, mechanisms that ensure inclusivity in society help to preclude the divisive outcomes of being significantly different from others in the society.

2.0 OBJECTIVES:

By the end of the unit, the graduate students should be able to acknowledge that Nigerians had customary welfare norms on which the colonialists predicated their supposedly modern values of social welfare. In the events of the existence of a conflict in society, the students should be versed in the knowledge of the mechanisms that promote inclusivity in society.

3.0 MAIN CONTENT.

3.1 THE RISE AND FALL OF COMMUNITARIAN WELFARE IN AFRICA

In opposition to the widely held perception of welfare as a modern western policy initiative (Miller, 2006; Adejumo, 1999), public governance having fundamental implications for the welfare of the citizens is familiar to customary governance in Africa. However, through exposure to political transformation in Africa, a cultural character that has become redefined over the years now reflects an admixture of local and foreign components. In contradiction to her largely communitarian traditional direction, the economy of the African continent has been designed and redesigned along with its politics through her interaction with slavery and colonialism. The value erosion that characterised this transition was consummated by the universal spread of capitalism which was clothed in the attires of democratization, adjustments, and aid.

“Oba lo n’ile” is an age-long Yoruba phrase that implies all land is the property of the king who exercises allocative powers, discretions, and justice. It is in this context that the “Baale” plays the role of land allocative discipline. To the extent that social welfare was not operationalised in a way that captures all non-state welfare practices, the community-based role which pre-colonial traditional welfare providing structures played in equilibrating vulnerable members of the society. It should be noted that social services in traditional African societies involved, among other things, the bridge building, road maintenance and creation, creating and observing markets, policing the community to ensure public safety, and the maintenance of public spaces. “Africa’s

experience may be summed up as the overthrow of traditional social welfarism by liberal welfarism in Africa” (Lumumba-Kasongo, 2006, p. 1).

The traditional structures of “wealth” in Africa were eroded and replaced with a perception that favours the introduction of the money system and its inexplicable capitalist accumulation. This is because “in pre-colonial Africa, poverty occurred more as a non-monetary phenomenon. Wealth was in form of land, chieftaincy titles, livestock, skill and vocation, age, wisdom, spirituality, kingship, and membership of royalty, social class, etc....The reason why some scholars referred to a Merrie Africa was because it was difficult to refer to a man who lacked money in pre-colonial Africa as poor. After all, the yardstick for measuring poverty was essentially, and as stated earlier, non-monetary” (Decker, 2010, p. 1). Reinforcing this position, Bennel (1982, p. 127–154) contended that historical chapters such as colonialism had caused the “reconstruction of the phenomenon of poverty and wealth which became an increasingly monetary occurrence, particularly with the gradual domination of Western monetary exchange system”. The African continent, in its historical traditional segmented pattern, displayed a robust culture of communitarian existence before its being captured by European and colonial institutional and cultural antics. These destroyed the social and community network as well as the extended family system that bonded Africans together in the pre-colonial epoch. Rodney (1973, p. 337-338) looked at it this way. Generally, wherever communalism encountered the money economy, the latter swallowed the former. Cash-crop farming and wage labour was the first attraction of the extended family from the community based on production and distribution.

A South African maxim succinctly captures the essence of this argument this way “the white man has no kin, his kin is money”. That is a thoughtful admission of the distinction between capitalist and pre-capitalist societies. Thus, “when capitalism came into contact with the still largely communal African societies, it introduced money relations at the expense of kinship ties”. Remarkably, it is “only with the coming of colonial rule, market economies, and urbanization, so it is often claimed did things start to fall apart” (Illife, 1987, p. 3). It is in the context of a deeper understanding of African belief that it is profoundly appreciated that there were no poor and rich because the haves lived for the needy. “No man starved because he had no food; no child cried for milk because its parents did not have milk cows; no orphan or old person starved because there was nobody to look after them. These things were unknown in ancient Bantu society (Illife, 1987, p. 3). This erosion of Africa’s traditional communalism boosted slavery as

traditional rulers and kinsmen inexplicably started to betray their fellow kinsmen by exchanging them for the European traders-imported ostentatious commodities during the era of the slave trade.

3.1.1 FUTURE OF THE WELFARE STATE AND SOCIAL POLICY

To predict the future state of welfare, almost infallibly, may be difficult to achieve in light of the precariousness of the involved variables. Social, economic, cultural, and demographic structures of states determine the variability or otherwise of a welfare state. Traditional methods may be fraught with lots of flaws if they are used to provide the statement in respect of welfare finance. In the light of the 2008 financial crisis, in particular, the welfare state seems to have developed a view that a system in which the core player is the state may not sufficiently galvanise economic growth. For the growth of the welfare state, rising unemployment is a critical inhibition. Additionally, as the population of many states grows older, their demographic structure changes. The labour markets deserve intervention by way of creating new jobs to meet rising the employment needs of the people. To be on top of the situation, the states must determine their policies in response to rising public expenditures on increasing pension payments with the aging population. This makes the expectations that the welfare state provides welfare to increase significantly. The provision of welfare has diverse approaches. While some states adopt liberal approaches, some prefer corporatist and yet some others go for universal approaches. In recent years, however, there has been an understanding that economic policies cannot singlehandedly achieve a welfare state competently. In this regard, a welfare state requires to be achieved using the instrumentality of social policies. Among the many arguments that have emerged in the context of the discussions on the future of the welfare state, the two most dominant views are the rightist and leftist perspectives.

- The rightists contend that the welfare state will triumph in the crisis only if it shifts its base to adopt neoliberal policies. They insist that the compulsory modification that occurred in the industrial revolution is repeatable in the Information Age which arose in the last quarter of the twentieth century. They hold on to the belief that supranational organizations should develop social policies after the change of welfare state.
- Conversely, the leftists argue that welfare states are capable of dynamic self-modification; and therefore, they can subdue the crisis using reforms and restructuring. They prefer the adoption of

the neo-Keynesian approaches to the neoliberal approach in the reform process. Alternatively, neoliberals and conservatives have arrived at new initiatives captioned the “New Right,” while the new initiatives of the social democrats and social liberals are titled “The Third Way” (Özdemir, 2007). Moreover, the New Right and The New Left have challenged the legitimacy of the welfare state. On the ground of having too weak a role concerning the markets, the New Left criticized the state’s role and suggested a reformulation of the state’s role in societal development. On the other hand, The New Right looked at the role of bureaucracy and pressure groups and considered society’s welfare more important than bureaucracy and the interests of pressure groups (Greve, 2014).

Some writers have indicated that globalization is a reason for the transformation of the welfare state and social policies. It increases its impact with the involvement of the World Bank, the World Health Organization, and the International Monetary Fund [Deacon, 2007; Yeates, 2001; Holdern, 2017]. For welfare plans to succeed remarkably, nation-states must execute socio-economic policies, not about external processes but internal dynamics. Although nation-states have related structures, each country has diverse treatments for social protection. At this point, the core focus is the determination of the impacts of modification on demographic and cultural structures of the countries to enable proper intervention. Briefly, national political authorities may choose to present the outcomes of globalization as the sole purpose of their national policies. In preference to this perspective, it may be a more practical approach to attempt to profit from the positive effects of globalization on reducing problems at the national level. This way, the development of more efficient instruments to preclude rising social problems would be possible.

The development of welfare states in the world is still a project in progress. This causes most contemporary states to look for ways to achieve better work and life conditions through enduring social security systems which cover all social vulnerabilities. From this perception, a real crisis does not exist in welfare states; but credible efforts to remove obstacles before the economic growth are evident. There is an urgent need for welfare states to reduce unemployment rates, taxes, and public expenditures due to the weakening economic growth (Greve, 2014). There appears to be a predisposition for thinning in social policies as the proportion of social expenditures in public expenditures is high. Reform resourcefulness to lessen the welfare crises in the welfare states have given more importance to “active social protection” understanding in

social policy executions (Palier, 2006). These practices received experimentation in the 1990s and were aimed at dynamic cooperation in the labour market, they were driven by regulations that encourage working and restricting passive expenditures. To decrease the passive expenditures, the period of taking advantage of social benefits was shortened, and their conditions made tougher. On the evaluation of the impact of the reform implementations on social expenditures, it is realised that children's poverty has increased and the mechanisms for giving family aids and providing vocation education have been inadequate. It is obvious that as the population ages, retirement age and health expenditures will continue to increase. Therefore, the rise of passive expenditures owing to the aging of the population is an obstacle before realization of active and passive reforms (OECD, nd). Consequently, welfare states continue to exist in diverse ways. It may be theoretically argued that the welfare states that subscribe to this view will maintain objective policies about making social expenditures in future years.

3.1.2 SELECTED INSTRUMENTS TO PROMOTE INCLUSIVE SOCIETIES

Here, we present some selected instruments and policy choices to accelerate justifiable and inclusive social development in the areas of employment, education, health, social protection, culture and conflict prevention. The selection of inclusive instruments is based on:

- Creating decent employment as a priority to decrease poverty and increase living standards;
- Tackling serious social needs through sufficient social protection and multi-sectoral programs.

3.1.3 CRITICAL POLICY ISSUES IN LABOUR

3.1.4 On the Supply Side

- To intensify budgetary provisions for social programs to increase coverage and aim at universal provision.
- To eradicate obstacles to access for poor and excluded groups such as fees for services and concealed fees such as school uniforms, extracurricular activities, deceitful payments, etc.
- Intricate or obstructive administrative procedures.
- Services provided in languages not understood by the learning population.

- To tackle the divergent needs of women and men, for instance, addressing women's double work problem and safeguarding access to adequate infrastructure in water, sanitation, transport, and child care.
- To focus on inaccessible remote areas.
- To ensure that minorities and special population groups are included in designing targeted programs if necessary.
- To increase the quality of services from a userperspective.

3.1.5 ON THE DEMAND SIDE

- To increase awareness and stimulate behaviour modification.
- To maintain demand for services (e.g. guaranteeing that people know of them, using conditional cash transfers if necessary).

SELF-ASSESSMENT EXERCISE (SAE) 1

To ensure the future sustenance of welfare states, their socio-economic policies must be implemented not with external processes but internal dynamics. Discuss.

4.1 EMPLOYMENT AND LABOUR

Creating decent employment must be a key development objective of any worthwhile political structure. In the next decade, it is projected that 430 million jobs will berequired to make employment available, but the form of job creation in recent years has been the reverse: increased labour insecurity, "jobless growth", and segmented labour markets with great wage disparities. Labour market policies were extensively used in the post-World War II up to the mid-1970s happen together with major real wage and employment growth. Historically, countries having effective developmental experiences intervened in their labour markets; governments increasingly the labour force operate formally as a means of expanding the tax base, building social protection systems, raising social standards and developing their domestic markets. However, during the 1980s and 1990s, "the United States deregulated labour market and residualist welfare state became widely acknowledged as the model for good employment performance... lower wages, less job security, and reduced income support" (Howell, 2005, p. 2). Labour market reforms promoted wage and income inequality increased in most countries

including the United States. In 1965, chief executive officers earned 51 times as much as a minimum wage earner in the United States. However, in 2005, this amount had increased to about 821 times; in most developing countries of the world, mostly in Africa, the number of “working poor” has gone up. Labour flexibilization reforms did not result in better employment. Consistent with the ILO, world averages indicate that both unemployment rates and employment-to-population ratios have remained constant between 1995 and 2005. Instead, labour reforms caused greater formalization of the labour force than before, mostly in Latin America, Eastern Europe, and the former Soviet Union.

This increased uncertainty of work did not only have adverse effects on people selling their labour, it also reduced the national tax base, limited financing for social policies, shrank domestic markets, and stimulated migration (Economic Policy Institute, 2006; ILO, 2006). National Development Strategies should support labour-absorbing development patterns. This requires the coordinated action of all development-related ministries and an understanding of the interactions between economic and social policies. Different policies and different sectoral patterns of development affect poverty reduction; poverty reduction is more intense when growth is labour-intensive. In the 1980s -90s economic policies were separated from social objectives such as creating employment and defending people’s incomes. This leaves economic policies with a thin focus on the containment of inflation, budget deficits, liberalizing product/factor markets and trade. These were a major reason why inequality increased worldwide. Eventually, full employment only happens if a country’s economic growth and activities engage labour. For this, governments require employment-sensitive macroeconomic policies, as offered in other UN DESA Policy Notes. Contrary to conventional wisdom in macroeconomic theory, the impact of monetary policy on total demand is vital for employment. Therefore, employment creation is an essential but not adequate condition for poverty reduction; many workers in developing countries work for long hours in meagre incomes, under health-threatening working conditions, yet they are unable to rescue their households from poverty. This explains the ILO’s introduction to the “decent work agenda” in 1999. The agenda involves (i) fair income, (ii) standards in the workplace, (iii) social protection for all, (iv) skills development for enhanced productivity, and (v) social dialogue.

Labour market policies and programs are basic to poverty reduction, facilitation of human capital development, solving discrimination, improve working conditions, assign human resources to their

most productive uses, and inspire growth and development. The following programs and policies may be considered:

Active Labour Market Programmes

- Direct employment creation (encouraging small and medium enterprises, cooperatives, wage subsidies, public works, guaranteed job schemes).
- Labour exchanges or employment services (job brokerage, counselling offices)
- Skills development initiatives (training and retraining of labour to improve employability and productivity).
- Special programmes for youth and persons with disabilities.

Passive Labour Market Policies

- Unemployment insurance.
- Income support policies.
- Labour regulations and standards such as adequate wage policies (minimum salaries, equal pay for work of equal value), job security provisions (recruitment/dismissal of employees), working conditions (minimum age, maximum working hours and overtime, leave provisions, occupational health, and safety), industrial relations, special protection for mothers, and antidiscrimination provisions to protect women and minorities.

Labour management issues are very significant, especially the ability of Labour Ministries to sufficiently inspect working conditions to guarantee enforcement and compliance.

Generating a Decent Employment

Decent jobs are a result of adequate macroeconomic and labour policies:

(i) Employment-sensitive macroeconomic and sector policies:

- Monetary policies that improve aggregate demand; a tight monetary policy focussed on controlling inflation does not create jobs.
- Sufficient exchange rate policy joined with technology policy to motivate output growth; steady and chronological trade opening to support it.

(ii) Labour policies: Decent employment is not only about creating jobs, most poor people work long hours but they cannot rescue their families from poverty; it is also about sufficient income and working conditions.

- Social Pacts/Dialogue
- Active and passive labour market policies, including labour standards and fair income
- A Labour Department needs to have sufficient staff at the national and local levels.
- Two types of inspections exist (i) routine contract and payroll reporting from firms and (ii) on-site inspections.
- Dispute settlement mechanisms need to exist: Oversight Commissions, Labour Courts. These must include complaint and appeal processes for both employers and employees.

4.1.1 CRITICAL POLICY ISSUES

(1) Starting the Decent Work Agenda: Social Agreements for Employment-Generating Policies. National Development Strategies are best to express labour market policies with positive synergies between economic and social development. National Development Strategies, through their social pacts, are suitable to reach optimal solutions in macroeconomic policy, the need for productivity, job and income security and support for employment-generating initiatives. The level of safety, benefits, and flexibility will differ from country to country; the key is recognising a balance to guarantee constant economic activity and positive social outcomes, where employers can win on output gains and workers from a job and income security. Sufficient management of economic and social policies is vital for success. Social discourse on labour and competitiveness matters is not adequate; tight, employment constraining, highly contractionary macroeconomic policies have negative effects on employment. There needs to be coherence between labour and competitiveness policies, and monetary policies. Denmark, Ireland, the Netherlands, and Sweden are settings of recent success stories. These countries balanced macroeconomic policies, social protection and labour standards for workers and competitive policies for employers. Some of these countries outdid the United States experience in terms of employment generation, without embarking on labour flexibilization programs.

4.1.2 ARGUMENTS FOR THE DECENT WORK AGENDA

Towards the end of the twentieth century, the orthodox free-market claim was that an elastic labour market using narrow regulation was healthier for development as it cheapens costs and made firms more viable, enlarged entrepreneurial activities and therefore assisted firms to create more employment. However, current evidence indicates that Employment: Labour flexibility has

not been gone along with better employment in economies where the demand for labour is little, a condition shared by most countries. Instead, it leads to informalization and job instability. Many European countries such as Denmark, Ireland, Netherlands, Spain, and Sweden considerably reduced joblessness without labour market reforms but maintain substantial unemployment schemes (Howell, 2005). Employment is not associated with labour market elasticity, but to macroeconomic policies that are effectively harmonised with social policies. The strong welfare states of northern Europe such as Denmark, Netherlands, Norway, and Sweden having employment rates as high as the United States and the United Kingdom, prove that employment is entirely friendly with “rigid” labour markets, high social protection and collective bargaining.

- **Productivity:** It is completely proven that decent work increases productivity; it develops workers’ health, skills, and incentive, reducing extravagant labour turnover.
- **Labour costs:** There is more argument concerning its effects on labour costs. increasing standards is consistent with raising labour costs; but, evidence also exists that:
 - Higher labour standards, unless very extraordinary, do not decrease FDI (OECD, 2000); in developing countries, FDI displays more anxiety for non-labour issues such as accessing domestic markets, corruption or quality of infrastructure.
 - Higher labour standards influence local labour-intensive firms using unskilled labour at very low wages without protection; however, the competitiveness a country may have by exploiting cheap labour is momentary, drives a country into a “race-to-the-bottom”, and does not add to the improvement of a domestic market.
- **Both investor and consumer activism in advanced countries request higher standards and exporting local firms can build on it (DFID, 2004).**
- **Poverty Reduction:** Effects on poverty reduction are enormous. Work-related injuries can plunge families into poverty, preventable with adequate occupational health and safety and social protection. Better earnings decrease poverty, and have a positive effect on decreasing child labour, and increasing the probabilities that a child will be educated.
- **Domestic Demand:** By increasing incomes, the decent work agenda helps to boost domestic demand and expanding national markets.
- **Equality:** Labour standards tackle discrimination in employment and are key to encouraging wide-ranging policies for women, or ethnic and minority groups. Freedom of association may tolerate even informal workers to discuss better prices for their work.

- **Political Stability:** Social negotiation may form national coalitions for development; citizens living with more dignity and income tend to support their governments.

All governments are dedicated to supporting “full employment and decent work for all...as a central objective of our...national development strategies” at the 2005 World Summit. The decent work agenda is officially supported by UN agencies and by major financiers like the EU.

4.1.3 DISPUTE SETTLEMENT MECHANISMS NEED TO BE IN PLACE.

Other wage determination devices are indexation of wages to inflation. A great global worker apprehension is how to preserve the real value of wages. Employers (concerned about labour costs), and governments (about inflation), often share the same position on wage increases in tripartite negotiations, and indexation tends to be lower than inflation.

- ▶ **Identification of a sufficient wage increase:** Some European and Asian countries have established National Wage Councils for tripartite negotiations to safeguard optimal solutions and maintain good levels of output and international competitiveness. In Singapore for example, additional to wage increases through the National Wage Council, profit-sharing in the form of bonuses has been promoted as a productivity incentive and a way to share an interest in enterprise development by unions; in 2006, as part of the Progress Package, a program to enhance redistribution of growth profits among Singaporeans, the Workfare Bonus Scheme was introduced by the government to shore up low wage workers (ranging US\$75- 375 monthly, to be paid 90 percent as a cash transfer and 10 percent as a contribution to the Medisafe medical scheme).
- ▶ **Implementation:** By ordinance/law, or as a government recommendation.

4.1.4 SKILLS DEVELOPMENT FOR ENHANCED PRODUCTIVITY

Skills development embraces a diversity of pre-employment training programs for young people, retraining and skills upgrading for staff. Training may include workers from skilled operators (drivers, machine operators) to technicians and paraprofessionals (electronics, para-medical, nurses, etc.). Skills development programs are not limited to public agencies such as Ministries of Labour or Education. Private companies also deliver them. What is important is an adequate linkage with labour market demand and employer requests which may be best attained when it goes together with internships in companies. Often, labour exchanges or employment services,

job brokerage and counselling offices, also provide short-term training to improve skills. Their main goal is to link supply of labour with its demand, matching unemployed people with job vacancies, assisting job-searchers to develop their CVs or biodata, conducting preliminary interviews, and helping workers improve productivity and find better jobs such as typing, telephone skills, etc. Labour exchanges or employment services are relatively inexpensive and should be encouraged as they are significant components for enabling a dynamic labour market; nonetheless, it is essential to identify their limits in countries where the demand for labour is low.

4.1.5 Productive and Freely Chosen Employment

Direct employment generation interventions help to encourage public works, self-employment, youth employment programs, guaranteed job schemes, wage subsidies to companies, support to cooperatives or small and medium enterprises. In OECD countries, they are the most heavily funded employment programs. These interventions can positively create employment and support disadvantaged or at-risk workers, but substitution, deadweight, and displacement effects can waste their potential benefits. Good program design, implementation and most predominantly careful monitoring are important, necessitating that benefited companies release information.

- Wage and employment subsidies: Often, companies receive tax breaks, grants, secured government contracts, subsidized credits, and other financial incentives; the logic of this public strategy is to attract investment. The creation of employment opportunities can be made a criterion for receiving public support. Cooperatives, small and medium enterprises, and large enterprises can enjoy the government's subsidy in line with the number of jobs they create. By assisting companies, the governments may inspire longer-term job creation and economic development. Regulating the duration and degree of a wage subsidy differs from country to country; companies receive a 50 percent wage subsidy for up to two years under the United States Targeted Job Tax Credit. Special welfares to companies can be added if firms employ people with fewer opportunities such as young people or persons with disabilities such as "Jobstart" program for youth in Australia and the United Kingdom.
- Public works programs are extensively used as a short-term employment measure. Public works do not reduce lasting unemployment; the objectives are to (i) provide emergency

jobs such as anti-poverty measures, during economic crisis and (ii) connect workers with the labour market, reducing the likelihood that they become stigmatized by being unemployed for too long. Usually, the targeting method is self-selection.

4.2 Education

Education is the pivot of virtually all dimensions of development – human, economic, and social. An educated, technically skilled workforce is required for long-term economic growth. Intensifying girls' education has encouraging effects on fertility, infant mortality, nutrition, and enrolment rates of the next generation. Education is also a strategic factor in enriching governance, as education empowers people, developing in them critical thinking and life skills.

Education involves:

- ❖ Early Child Development (ECD) to guarantee the balanced psychomotor development of the child through basic nutrition, preventive health, and educational programs
- ❖ Primary Education
- ❖ Secondary Education
- ❖ Higher Education
- ❖ Vocational and Technical Education and Training (VTET)
- ❖ Non-formal Education and Adult Programs
- ❖ Special Education for persons with intellectual or psycho-social disabilities.

4.2.1 Eliminating Fees and Promoting Universal Free Primary Education

The removal of school fees is a part of the progress made in terms of the achievement of the translation of the MDGs into school enrolment ratios which, in recent years, have risen significantly. This includes eradicating hidden fees such as school uniforms, extracurricular activities; a national programme was enacted in September 2005. The program is a major strategy to fight poverty in rural India, promising wage employment at least 100 days to every rural household in which adult members offer to do unskilled manual work. Any adult who applies for work under the Act is entitled to be employed on public works within 15 days. Thus, the Employment Guarantee Act provides a universal and enforceable legal right to basic employment. The programme is starting in 200 districts, to be expanded to all 600 districts of India in five years. State governments, Panchayat Raj institutions as well as NGOs are involved

in its implementation. It is expected that the programme will cost 2% of GDP and has a significant positive effect on the protection of rural households from poverty and hunger, reducing rural-urban migration, and fostering a more equitable social order in rural areas.

4.2.3 Importance of Secondary, VTET and Tertiary Education

To achieve the MDGs, a lot of emphasis has been placed on basic education; often overlooking the importance of other necessary education services, injurious development struggles. Without the secondary, VTET and tertiary education, the development of professional skills and critical thinking required to upgrade a country will be lacking. At all stages of their development, every country requires trained experts such as medical graduates and teachers who possess significant management skills that are essential for sound public administration and economic activities. This may seem as if one is emphasising the obvious. However, the prominence given to basic education has often come at the expense of higher education, disregarding the positive externalities of universities. Technical and vocational education is especially desirable because it equips individuals with market-relevant skills that increase employment prospects. This becomes inevitable especially when programs of studies are suitably structured to respond to local productive activities. It has been argued that when this is associated with employment support programs such as “first employment” for young persons, it can have significant positive social effects. However, funding is a critical challenge. In the history of the 19th century, many OECD countries including the United States, gave free secondary and tertiary education as components of their development approaches, nonetheless, the state of the financial capacities of many developing countries could not cope with this need. In most countries, secondary, VTET and tertiary education receive public support which comes to students at a fee. The UN Convention on the Rights of the Child advocates free primary education and, where suitable, free secondary education to expand access.

4.2.4 Quality and Relevance of Education:

Education systems should guarantee that children and young individuals acquire critical thinking, problem-solving skills and knowledge required to be effective in the contemporary world. It is in this regard that curriculum reform, which does not lose sight of improved curricula that are local

needs friendly (predominantly in rural areas, resonating with local economic activities), teacher training, school accreditation and reinforced national educational standards are needed for education to catalyze development and poverty reduction.

4.2.5 Other Programs for Education for All

Education for all involves the provision of the benefits of education to every member of society in all countries of the world, paying special attention to girls, indigenous communities, and children with disabilities. Guaranteeing enrolment and retention of children at risk, together with multicultural and special education can compensate for the inequities in education. The pervasiveness of high adult illiteracy is a solid symbol of inequity and exclusion in a country. Non-formal basic education and literacy programs for adults and out-of-school youth are significant for better equality and efficiency in a country. Moreover, educating women of child-bearing age has large positive effects on households.

4.3 Health

Advancement in Social Protection has been much less encouraging than in Education. ILO claimed that only 20 percent of the world's population has some type of health and social security coverage. In Sub-Saharan Africa and South Asia, only 10 percent have some kind of elementary coverage. This implies that 80 percent of the world's population has no coverage at all. The user-friendliness of health care services and access to them are inevitable for the wellbeing of individuals and communities. It directly has implications for productivity and economic performance. Countless people conceive of health as a personal consumption problem, without appreciating that advances in health offer substantial economic benefits. Up to 95 percent of private financing for health comes from individual out-of-pocket expenditures in low-income countries, while in high-income countries this figure is merely 37 percent. It is in light of this that developing countries should engage stakeholders to provide public funding. The arguments for public support of health services are concrete and numerous. Improved health intensifies workers' productivity. It decreases the number of days off on the account of illness. Among children, reduced intelligence, body weight, and returns on educational investment are the casualties of malnutrition. The interventions of the public in health are significant to the overall health of a society. They are the only effective means of

avoiding extensive transmission of communicable diseases such as malaria, HIV/AIDS, tuberculosis, cholera, polio.

4.3.2 Extending Coverage of Health Care

To raise the health profiles of populations, the coverage of affordable health services must be the main priority of the expansion initiative in which the public support occupies a prominent place. This necessitates some level of public support. In history, numerous countries followed redistributive health care based on Universalist goals. They achieved this either by subsidizing social insurance or providing tax-based public health services. This took place in most OECD countries (except the United States), and some low- and middle-income countries, such as Costa Rica, the Republic of Korea, and Taiwan (Province of China). Numerous African states in their early post-independence era tried to quickly expand the public provision of health services to their populations, but some constraints abridged the effort. Also, all socialist states such as China, Cuba, Sri Lanka, and the former Soviet Union before the 1980s built public health services.

In the 1980s, the advocacy for market-based reforms and a residualist approach to social policy led to a trend in which health services in middle- and low-income countries were commercialized. Development agencies stimulated a “private-public mix”; liberalization of private clinical provision, insurance, and pharmaceutical sales to move away from tax-based systems to the encouragement of local resource mobilization, including user charges for government-provided services, drugs, and supplies. This symbolized a departure of the state from the provision of health services. Governments were, therefore, implored to perform a discreet regulatory role, with the responsibility to tackle market disappointments and provide basic health services for the needy when the private sector failed to deliver. The improved devotion to poverty reduction at the end of the 1990s caused questioning of this model, as evidence arose that it had intensified inequalities and caused greater poverty in the following regards:

- Fees and cost-recovery mechanisms are deteriorating; poor beneficiaries are excluded, while unbearable health expenses cause poverty in situations in which health care is privately borne. UNICEF and WHO observe that user fees usually offer a very tiny quota of health budgets, hardly more than 5 percent; nevertheless, they have highly adverse effects on poor people who may not access health services on the account of poverty.

- With limited public incomes, the provision of health services for the poor experienced some reduction as a result, the quality was very low and most human beings remain without access.
- Pro-poor health services that did not take cognisance of the better-off and the healthy thwarted cross-subsidization and risk pooling, the core of public health systems in most developed countries.
- Private health care is expensive as its providers are prone to over-treating patients which increases costs. Properly managed public systems can be cost-effective. In the United States, inequities in the domains of health service provision are substantial. Therefore, the residual public system for low income/uncovered citizens essentially absorbs a considerable amount of public funds, particularly for older persons.
- Ironically, developed countries have almost entirely established liberal social insurance or government-based health care systems (only the United States and Singapore have private shares over 50 percent), while most low- and middle-income developing countries, with the largest number of poor people who cannot access health services and drugs on the account of poverty, have deteriorating private health care systems. This includes India and China, whose populations suffer severely from this obstacle to health care access.
- Statistically, countries having longer life expectancy, smaller morbidity and higher output have redistributive health care systems and higher public health expenses. At present, UN agencies and sections of the development banks are concentrating health policy attention on expanding coverage and reconstructing public-sector capacity. Addressing barriers to health starts by investing in inclusive health care services, with adequate local-level service provision, including access to emergency obstetric care. Fees for basic health services and essential drugs are discouraged (unless if are insignificant).

4.3.3 Some Options For Expanding Health Coverage Exist.

The main options in the context of healthare:

- ❖ Option 1- Increasingly extending an existing social insurance scheme, making it general by targeting poor/excluded groups. This often starts by capturing the formal sector people and then expands towards the inclusion of the self-employed. Universalization involves substantial subsidies to those outside the formal sector, whose unsteady forms of employment do not permit standard insurance arrangements.

- ❖ Option 2: Introducing universal benefits/services simultaneously, funded from general taxes/state revenues. In Thailand, Prime Minister Thaksin Shinawatra declared in 2001 the availability of health care for to all. This immediately opened up a universal health care system for a nominal fee (the so-called 30-baht insurance scheme) equivalent to US\$0.75 co-payment per visit. For this option, the critical problem is resources; the ambitiousness of such a political obligation may help ensure they are made available.

- ❖ Option 3: Encouraging contributory micro-insurance schemes for the informal sector and tarrying for them to expand, hoping that ultimately the coverage gap between the formal and informal sectors may vanish – as in Bangladesh and India. Numerous significant issues arise with this option. First is the capacity of some micro-insurance schemes to endure; while successful examples exist, including Grameen Kalyan in Bangladesh and SEWA in India, a countless other smaller schemes present problems of sustainability and adequacy of benefits, given the little contributions the poor can make; better linkage to microfinance and reinsurance schemes must be stimulated. Second, progress is very sluggish; voluntary schemes will most probably take decades, if ever, to cover everybody in the informal sector. If this occurs, it will pose the third issue of harmonizing and merging schemes. There should be conscious encouragement of mutual and self-help schemes, given that they are supporting as many as 40 million poor and excluded people; however, they are no panacea and should not be considered as a substitute for a universal national social security system.

From a variety of points of view, Option 1 appears most practicable. In most low-income countries (Sub-Saharan Africa, South Asia), the leading form of primary care comes from small-scale private providers dispensing drugs to individuals, particularly in rural areas, for fees. Better public health services under an efficient social insurance scheme may complement it. In most middle-income countries, public and private health systems operate simultaneously and their services could also be harmonised under a social insurance scheme. It could begin by covering the formal sector (middle and working classes), universalism can be accelerated through non-contributory targeted welfares for poor/excluded groups, financed from general budget revenues. For instance, providing low-income households with a health card that allows

members to use health services for free or for a nominal fee quickly reduces the gap between the poor and non-poor. A policy similar to this was developed in Colombia in 1993 with very successful outcomes. Within just four years, access to medical services expanded from 10 percent to 50 percent of the poorest quartile of the population.

4.3.4 Maternal and Reproductive Health

Maternal and reproductive health services include curative and preventative health services for women of reproductive age. The challenges of reproductive health are enormous, and free public services are advised, given their helpful effects on (i) women's health, (ii) infant and toddler health, and (iii) fertility regulation. About one woman dies every minute from problems of pregnancy and childbirth; but reproductive health does not stop at the mortality/morbidity, it extends to the recognition of women's rights to control their fertility and sexuality, and empowering women to avoid sexual violence, rape, genital mutilation and honour killings, etc. The Self-Employed Women's Association (SEWA) is a registered trade union working mainly with women in the informal sector. Since 1972, it has struggled to safeguard that the lowest wage is obtained, to provide a legal alternative where necessary, and to ensure democratic representation at every level of the organization. The trade union has almost 250,000 members who are mostly hawkers and vendors, home-based workers, and labourers.

The scheme covers health insurance (including a small maternity advantage component), life insurance (death and disability), and asset insurance (loss or damage to a housing unit or work equipment). SEWA members can choose to become members of the insurance scheme (at present, only 14 percent of all SEWA members are insured). The asset and health components come as a package, and life insurance is a choice. The entire premium is about \$1.5 (Rs60) per annum for the combined asset and health insurance package and an additional Rs15 provides life insurance too. Premiums and benefits are currently being reorganised. Membership and claims processing are carried out by the SEWA Bank, along with a substantial field presence. Mobile services are also available for premium collection (normally associated with microfinance deposits and loan repayment collections).

4.3.5 Combating HIV/AIDS and Malaria

This is a worldwide priority and part of the MDG commitments. In developing countries, struggling with the spread of HIV/AIDS and malaria requires substantial international assistance, as their fiscal space is limited and treatment expensive. In Tanzania, direct budget support from donors is supporting 50 percent of health expenditures. Global funds are also essential, e.g. for fighting malaria.

4.3.6 Other Programmes to Promote Health for All

- Nutrition programs are low-cost and have high effects on the poor. They are a very cost-effective priority for governments to reflect on.
- Health education is additionally very important for households – issues such as healthy lifestyles, adequate use of water, nutrition, prevention of communicable diseases including HIV/AIDS, occupational health and safety at work, and awareness of health problems in the community can be taught and have important effects on the well-being of populations.
- Immunization programs also fit to this category of low-cost high-impact interventions.
- Often the availability of health services is not adequate to safeguard their use: demand has to be promoted – conditional cash transfers
- Remote communities can be assisted by mobile services, like Bolivia's Health Brigades who provide periodic check-ups and emergency services to native communities in the Andes.
- Individuals with disabilities need special services that must be built-in such as orthopaedics, rehabilitation.
- Avoiding exclusion in indigenous communities requires their agreement, medical staff speaking native languages and integrating traditional practices in a complementary (but never substituting) manner.

5.1 Social Protection

Social protection or social security offers a set of instruments to fill the gap between vulnerable groups and the non-vulnerable by lessening individuals' exposure to risks and improving their capacity to defend themselves against hazards/loss of income. For the reason of the strength of the redistributive character of most social protection policies, conventional approaches during the 1980s-90s did not favour them (except pension reform projects); in extreme cases like Bolivia, the Ministry of Social Security was closed down. However, social

protection is essential in any society because the profits of growth do not usually reach all, and therefore, people do not have the same capacity to overcome risks. Given the urgency with which poverty is being eradicated, social protection is currently occupying the forefront of the social development agenda.

Therefore, social protection programs include the following:

- Social insurance to mitigate the risks associated with unemployment, poor health, disability, work injury, and old age.
- Social assistance, for groups with no other means of adequate support, such as:
 - Social services, institutionalized or community-based, to vulnerable sections of the population, such as severe cases of disability, orphans, street children, battered women, substance abusers, migrant workers, refugees.
 - Conditional or unconditional transfers of cash or goods.
 - Temporary subsidies, such as energy life-line tariffs, housing subsidies, or price support mechanisms (e.g. supporting the price of staple food in a crisis).
 - Other schemes to assist communities and the informal sector include agricultural insurance, food insecurity programs, social funds, disaster prevention, and management.

The adequate mix of social protection policies will vary from country to country, depending on the specific risks and vulnerabilities that the diagnosis of the National Development Strategy brings to the fore.

5.3.1 Expanding Pension Coverage

In the 1990s many pension reform programs were promoted in developing countries, particularly in Latin America and Eastern Europe. The intention was to prevent an old age crisis in which social expenditures would swamp government spending, promote individual contributions to ease workers' mobility, avoid government mismanagement of pension funds and have positive externalities for the financial sector as people's savings are invested in capital markets. The general model used for reforms is a multi-pillar system.

- ✓ Pillar I involves contributory and non-contributory pensions, usually with a defined advantage, funded through a Pay-As-You-Go (PAYGO) public system (current working generation paying retirees through tax contributions), the most common pension scheme worldwide.

- ✓ Pillar II consists of well-defined contributions (instead of a secure defined benefit) invested in financial instruments usually through private insurance/pension funds.
- ✓ Pillar III consists of voluntary additional pensions for upper-income groups. Most radical reforms involved a complete abandonment of PAYGO (Pillar I) to develop Fully-Funded (Pillar II) pension systems.

Social insurance is significant because it makes for even-handed cross-subsidization – e.g. in health insurance, the healthy pay for the sick; in publicly provided pensions, the younger generation is the custodian for the older generation. When privately funded systems were introduced in many countries, this equitable intergenerational social contract was ruined; however, the critical need to reduce poverty and achieve the MDGs has caused many people to question this approach in developing countries. The arguments are:

- Reforms did not have any effect on improving coverage given that the poor do not have any capacity to add to expensive private insurance systems, nor do private pension fund companies have the interest to help the poor.
- The changeover from a public to a funded private system is expensive, difficult to afford for most countries, as the present generation has to pay for the retirees under the old system (through taxation) and pay their private contributions. Many developing countries, starved of resources for basic social investments, restructured their pension systems and now are paying the high monetary costs of the changeover.
- The administrative costs of insurance/pension fund companies appear to be very high, therefore, lowering returns.
- The danger of financial market instabilities is borne by pensioners, who risk losing all their life savings if financial markets collapse. In numerous cases, the state (the taxpayer) acts as a guarantor of last resort, having to bail out private companies and provide safety nets for citizens in case of financial downturns.
- The positive effect of funded private systems on capital markets did mostly occur, making them more liquid and mature; however, the objective of a pension system is not to develop capital markets, but to provide effective old-age income support.
- Moreover, investing savings in financial instruments excluding national bonds meant a loss of resources for governments, as pension savings have been vital in financing public

investments in many of the ‘late industrializers’ (e.g. electrification in Finland, housing in Singapore, etc.).

For rural poor households, having an older person has become an advantage, a source of income to sustain basic needs for the whole family. Also, transfers serve as cash injections to rural economies, having a helpful effect on local development. United Nations and ILO estimate these basic non-contributory pensions may be cheap for most countries, estimated at around 0.5 to 2 percent of GDP on average, at least much more affordable than contributory private funded schemes. In Brazil, contributory pensions cost 7.3 percent of GDP, while the poverty-reducing non-contributory rural pension program is estimated to cost only 1 percent of GDP. In low-income countries, transfers, whether conditional or unconditional, are fast redistributive mechanisms that are gradually used to (i) reduce poverty and food insecurity in low-income households, (ii) expand coverage of pensions in countries where social security is not well established, (iii) promote use/demand for social services, and (iv) monetize rural economies.

5.3.2 Addressing Urgent Community Needs

Other social protection instruments for the informal sector include:

- ▶ Multisector short-term high-impact programs. Food security programs must be a top government priority, and start with timely warning systems mapping food-insecure households (by the degree of inadequate food consumption and under-nutrition), and combating the causes of food vulnerability with medium-term policy options such as small-scale

5.3.3 Supporting Women and the Unpaid Care Economy

In developing and developed countries, the foundation of social protection is women’s voluntary family care. Societies would not survive if women (and girls) did not perform many tasks, including housework, cooking, childcare, care for the elderly and sick family members, and largely sustaining the social fabric. This unpaid work covers shortfalls in the formal social protection but carries important costs borne by women (and girls), leading to the tendency for them to fall far behind men in educational and remunerative economic fulfilment. Worse, most of the unpaid work of women and girls are usually not even socially dignifying. It often results in shame, restriction of freedom, even slavery. Women’s development involves improved social

protection. In developed countries, birth grants, child benefits, extended maternity leave, kindergartens, home care, and free or low-cost access to medical services, were vital to women's liberation, integration into the paid labour force, and had the positive externality of population regulation.

Self-Assessment Exercise (SAE) 2

Despite the many advantages of the advocacy for market-based reforms and a residualist approach to social policy, this model was said to have intensified inequalities and facilitated poverty. State the ways by which the model manifested these effects

6.1 Child Protection

Children and youth make up about half of the world's population. Thus, investing in them is important for raising labour force productivity and a country's global competitive advantage. Lack of adequate protection and under-nourishment result in stunting, poor health, and low intellectual capacity which constitute high costs to societies. Also, as agreed in the UN Convention on the Rights of the Child, children should be protected from all forms of abuse and exploitation, such as child labour, child prostitution, or the hardships faced by the girl child. ECD, nutrition and school feeding programs, child allowances, initiatives to help street children, programs to empower the young to escape marginalization, criminality, sexually transmitted diseases, early pregnancies, and drug addiction, are some important social protection instruments.

4.0 CONCLUSION:

In this unit, we have considered the rise and fall of communitarian welfare in Africa. We looked at the future of the welfare state and social policy. There was also an examination of selected instruments to promote inclusive societies. Employment and labour were reviewed particularly in the context of the decent work agenda. Under this, we discussed the social agreements for employment-generating policies and the national development strategies and explored how dispute settlement mechanisms need to be in place for industrial harmony. Education was discussed as the pivot of all dimensions of development. To promote all-inclusive capital development, the elimination of fees and the promotion of universal free primary education came

under discussion. We examined the significance of secondary, VTET and tertiary education. As advancement in social protection, health was brought under analysis. Special consideration was given to maternal and reproductive health and how HIV/AIDs and malaria can be combatted. We examined social protection and discussed how urgent community needs can be collectively be addressed. The question of how supporting women and the unpaid care economy and child protection can make the contemporary world equitable and free of conflict was exhaustively discussed.

5.0 SUMMARY:

In this unit, we have indicated the nexus between employment, health, and education as drivers of a community that must survive. Without especially providing for women, girl children, the aged and the at-risk population in Nigeria, the development will at best be lopsided.

6.0 TUTOR- MARKED ASSIGNMENT

- 1) In the context of the aftermath of slavery and colonialism, is Lumumba-Kasongo (2006, p. 1) merely exaggerating the implications of the European interactions with Africans when he observed that the experience of Africa may be summed up as the overthrow of traditional social welfarism by liberal welfarism in Africa?
- 2) To make the social welfare policies of states succeed, there are some imperatives to be appreciated at both supply and demand ends. State these and explain them.
- 3) State the options with which health coverage may be expanded in a developing country such as Nigeria
- 4) State the conditions that can make labour reforms lead to greater informalisation of labour force mostly in Latin America, Eastern Europe, and the former Soviet Union
- 5) State the major attractions of ILO to its introduction of the decent work agenda in 1999
- 6) How justifiable are the arguments that buttress the decent work agenda particularly in the 1980s and 1990s?

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MODULE 1

UNIT 5 NIGERIA AND THE WELLBEING OF HER WELFARE INFRASTRUCTURE.

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Welfare Infrastructure and Social Service Delivery in Nigeria

3.2 Reviewing Africa's Economic Decline and the Neoliberal Panacea

3.3 Privatization and Social Welfare in Nigeria

3.4 Domestic factors and Nigeria's Neoliberal Reforms

3.5 Welfare Infrastructure and Social Service Delivery in Nigeria

3.6 The Nigerian State in Recess: Anatomy of State Failure.

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION.

Welfare Infrastructure and Social Service Delivery in Nigeria have been responding to review by use before the western values of welfare was imposed on the country by the colonialists. Welfare which was seen and handled as part of the communitarian values soon became commodified, marketized and privatized. The colonial intervention has inevitably deprived of Africa's indigenous social welfare of its Africanness such that what obtains in Africa today does not only undergo neoliberal reforms; it is almost comatose and adds to the issues of state failure which requires anatomy for redress.

2.0 OBJECTIVES:

By the end of the unit, the graduate students should be able to recognize that the African traditional welfare system predates what is today presented as social welfare. They should relate with the African reality of welfare being a mechanism by which the rich accept the responsibility of the welfare of the poor in the spirit of Africans being their brothers' keepers.

3.0 MAIN CONTENT.**3.1 Welfare Infrastructure and Social Service Delivery in Nigeria**

The presence of sufficient infrastructure is central to the provision and sustenance of public welfare, in addition to the enrichment of growth and development in any part of the present world. Although in recent times, this duty has become a dispersed one with the growing participation of the private sector, overall delivery ability of public-oriented infrastructure makes up one of the most important conditions for the evaluation of governments' performance across the world. In Nigeria, this capacity has been a major problem, causing the decline of the country since the 70s, and still making the country's many crises seem insurmountable. There are infrastructural degeneration, social anxiety, economic insecurity, increasing ethnic tension, prevalent, and institution-suppressing corruption, threatening religious disturbances and violence, environmental intimidations and disasters, political violence and

resource struggles to militancy, armed violence, and terrorism. The consequence of this on public welfare is generic. The unfortunate state of national security in Nigeria is recognised in the Failed State Index. In the 2011 report, Nigeria ranked 14th among the most failed states, ranking as a failure alert state in a rating of 177 countries of the world (Fund for Peace, 2011, p. 6). The level of infrastructural adequacy has a serious effect on productive enterprise, large or small, employment generation and the capacity of the economy to attract and retain foreign direct investment (FDI). Thus, sufficient infrastructure reduces the costs of production, which affects cost-effectiveness, levels of productivity, and employment. When infrastructure works, productivity and labour rise. When infrastructure fails, citizens suffer, particularly the poor. Thus, economic rebirth and societal welfare become suspended or stopped (McNeil, 1993, p. 1-5).

It is, therefore, not surprising that Nigeria performed miserably over the years in basic economic productivity performance indicators across the world. In her Global Competitiveness Report for the years 2002—2003, the World Economic Forum graded Nigeria 76 out of a total of 82 countries on the infrastructure sub-index. This unfortunate display is also supported in her poor performance in economic competitiveness standing. In the GCI Report for 2006—2007, Nigeria ranked 101 out of 125 countries indicating a poorer performance compared with the 83 recorded for the previous year (Eboh & Igbokwe, 2006, p. 20). Moreover, there is a notable recurring relationship between access to infrastructure and being poor. The absence of infrastructure stalemates the prospects of poverty reduction efforts by making small and large scale productive activities hard to manage. Similarly, its uneven distribution produces income discrimination and wealth distribution, thereby further broadening the gap between the Haves and the Have-nots. This has extensive effects on social stratification and processes in Nigeria. Indeed, Nigeria has one of the most imbalanced societies in the world (AEO, 2010). Inequality increased in the country, intensifying from 0.43 to 0.49 on the index between 1985 and 2004. This indicates that inequity in access to basic infrastructure and services are strategic drivers of poverty, defencelessness, and discrimination in Nigeria (UNDP, 2000).

On a broader economic scale, there is the problem of brain drain and capital or investment flight. Numerous firms such as the PZ Cussons, Michelin, Peugeot, among others previously involved in manufacturing and production in Nigeria have relocated to healthier infrastructure settings while uncountable numbers of able and qualified young persons have travelled overseas in

search of greener pasture after years of joblessness and living in squalor. The few companies that manage to operate under the harsh infrastructural situation only do so bypassing the cost on to the consumer. These few remaining companies are reluctant to bear the huge cost of relocation which includes high set up costs and huge capital and other requirements (Eboh & Igbokwe, 2006, p. 22). Hence the choice to remain in business by transferring the attendant cost to product pricing by most companies. Documented statistics show that the Nigerian state has been undergoing developmental regression irrespective of the government's consistent denial of the truth. For instance, according to the Mo Ibrahim Index of African Governance which ranks for the year 2012, Nigeria dropped from her 42nd position to 43, pitching its tenth in the group of 10 worst performers. It is regrettable that "Angola, Liberia, and Togo have left the IIAG's group of the ten worst performers. They have been replaced by Eritrea, Guinea Bissau, and Nigeria... Nigeria, West Africa's powerhouse, has for the first time this year fall into the bottom ten governance performers on the continent" (IIAG, 2012, p. 2). While the state has often maintained a reactionary stance to statistics and rankings it considered unedifying, the majority of the Nigerian seems to maintain convergence on the harsh realities of near-absent social infrastructure or its abysmal inadequacy. Hence, based on this empirical hardship, little impetus to question Statistical rankings. For instance, while South Africa (with a population of roughly 47 million people) consumed 40,000 megawatts of electricity, its Nigerian counterpart (with a population of roughly 160 million) celebrated a production output that vacillated between 3,500 and 4,000 megawatts. Similarly, per capita consumption in South Africa stood at 215.1 while in Nigeria, it was 19.21 (Akinyemi, 2012, p. 3).

3.2 Reviewing Africa's Economic Decline and the Neoliberal Panacea

By the 1980's barely two decades into political independence in most African countries, leadership failure, infrastructural decline, foreign debt burden, and economic instability became more obviously crippling while the euphoria of self-rule began to peter out (Anadi, 2005). The need for alternative funding to accelerate development projects in many African states became inevitable. This reality of the socio-economic context is probably best captured below: "Since the 1980s, the Nigerian economy has been on a perpetual decline. Until the recent debt relief by the Paris Club, Nigeria's external debt stood at about \$39 billion. There is widespread poverty in the country, where more than 40% of the people live on less than \$2 a day. Poverty

levels worsened with the pursuit of neo-liberal reform policies (Action Aid Nigeria, 2007, p. 50). Nigeria's decline of infrastructure coincided with the period of the oil boom, giving rise to such phenomenon as "resource curse" (Gelb, 1988; Auty, 1993), and the "paradox of plenty" (Karl, 1997) all are results of the irony of economic decline and underdevelopment amidst rising wealth in Africa.

A review of neoliberal economic restructurings in the developing countries of the world since the 1970s reveals the expansion of western capitalism by extending aid to the developing nations of Africa, Eastern Europe and elsewhere, in exchange for their acceptance of west-suited reforms despite clear differences in levels of social and economic development (DeLong & Eichengreen, 1999). Attracted by the glamour of economic internationalism and access to international financial-institutions provided "cheap" capital, governments across the continent undertook a substantial restructuring of their economic policy persuasions from welfarism to market-centricism (Dansereau & Zamponi, 2005, p. 8). These economic recommendations debatably were driven more by a need to seek foreign markets for European goods which increased in the war-time regulation especially in Britain, America, and France (de Regil, 2001; Hossein-Zadeh, 2011; Jones, 2011). This occurred because western nations had adopted Keynesianism (state intervention) policies to economic and social recovery during its time of crises despite the conservatism promoted by Reagan and Thatcher in the 70s. These reforms, notwithstanding, development has been more obvious in its decline, with escalating crime rates, increasing poverty levels, increasing unemployment rates, dwindling infrastructure, poorer security of life and property, and general welfare collapse. Possibly, western nations have encouraged neoliberal restructuring as strategies for the persistence of resource exploitation in the developing world.

Facts are driving this reality. First, the general practice by Western developed nations of hiding government subsidies to their farmers to avoid giving real and concrete concessions to developing countries. Second, the use of creative accounting, comprising the 'Enronisation' of accounts—falsification of financial statements to conceal economic trade partners in poor countries. And finally, manipulation of aids and loans conditions thus opening debt traps for LDCs. Liz Stuart's comment contains the proof that: "The EU and the US are cheating the poor. They are telling poor countries that they have to open their markets in return for cuts in farm subsidies in the West, but in reality, they are cooking the books with devastating consequences for the poor" (Elliott, 2005, p. 7).

Self-Assessment Exercise (SAE) 1

To what extent does infrastructural decay account for Nigeria's miserable performance over the years in basic economic productivity performance indicators across the world?

3.3 Privatization and Social Welfare in Nigeria

The beginning of privatisation project in Nigeria legally took place in July 1988 with the promulgation of Decree No 25. The Technical Committee on Privatisation and Commercialisation (TCPC), an organ charged with the duty of overseeing the process of state divestment from, and restructuring of public enterprises, is a child of Decree 25. This committee came to be known as the Public Enterprises Bureau in 1993 (Ariyo & Jerome, 2004). The decree provides the privatization program of Nigeria would:

- i. Restructure and rationalize the public sector to lessen the preponderance of unproductive investments;
- ii. Re-orientates the enterprises towards a new horizon of performance improvement, viability and overall efficiency;
- iii. Ensure positive returns on investments in commercialized public enterprises;
- iii. Check absolute dependence of commercially-oriented parastatals on the treasury and encourage their patronage of the capital market; and
- iv. Initiate the process of gradual cessation of public enterprises that can be best managed by the private sector (Ariyo & Jerome, 2004, p. 8-9).

Before 1988, particularly with the beginning of the economic crisis from 1981, successive administrations in Nigeria have been preoccupied with the issue of public enterprise reform. In May 1981, the Shagari Administration established the Presidential Commission on Parastatals headed by G O Onosode with its terms of reference being to examine the viability of public enterprises, among other things, and suggest ways of how to improve their performance. Submitting its report in October 1981, the commission recommended the acceptance of selective privatization restricted to areas not considered as "strategic" or "security sensitive" by the state (Federal Government of Nigeria, 1981, p. 63). The report recommended that where privatization cannot be implemented, improved performance should be stimulated by setting performance targets for boards and management. Although the Shagari regime accepted these

recommendations, its political inactivity made it incapable of implementing any meaningful reform before the overthrow of the Administration in December 1983. As a successor to the Shagari Administration, the Buhari regime also tried to reform public enterprises and corporations in Nigeria by setting up a study group on statutory corporations and state-owned enterprises and public utilities in August 1984. The study group submitted a report similar to Onosode's Commission. It recommended selective privatisation and the restructuring of enterprises mostly in the public utilities and infrastructure sector. However, the Buhari regime objected to the logic of privatisation, particularly in the area of public utilities owing to its nationalist outlook by imposing strict measures such as financial stringency, greater accountability and reduction in workforce in some corporations and parastatals.

Following the exit of the Buhari regime in August 1985, Babangida regime came in to champion the adoption SAP agenda in Nigeria (Adejumobi, 1999). Before this time, part or full provision and maintenance of certain public utilities such as roads, water supply, electricity, health services, education, postal services, telecommunications, and waste disposal housing, transport, Medicare and education were considered as compulsory public goods from the state to the citizenry. This assumption had a basis. Rather than inducing greater efficiency in service delivery, the SAP induced reforms caused commercialization and privatization to impose higher welfare costs on the people and curtailing access apart from job losses. Moreover, the tariff charged by NITEL for telephone calls increased quite exorbitantly during this period... while the tariff for international telephone calls per minute was 22 naira in 1988, this jumped to 60 naira by 1992, further to 175 naira in 1995 and higher to 220 naira in 1996, representing a percentage increase of over 1000% between 1988 and 1996. Also, the cost of acquiring telephone lines increased very substantially (Adejumobi, 1999, p. 102). Currency devaluation, high-interest rates, hyperinflation which made production cost and tariff charges high were some of the adverse consequences of commercialized public utilities that characterised SAP. Moreover, on the outcomes of monetarism, it "has sought to secure the rigorous subordination of civil society and the state to the rule of money, against all popular, democratic and bureaucratic resistance. It has attempted to overcome democratic resistance by by-passing and dissolving democratic bodies or by eroding their powers. It has attempted to overcome bureaucratic resistance to its political reforms by introducing managers from the private sector and trades union resistance by the threat of privatization. It has attempted to overcome civil resistance by strengthening the repressive

apparatus of the state. However, the result of the monetarist revolution in government has been not efficient but chaos. The drive to impose rigid financial controls and to cut costs in the public sector has disrupted well-established planning mechanisms and managerial procedures to create administrative chaos, economic irrationality, and a collapse of morale that threatens the breakdown of public services” (Clarke, 1988, p. 225).

3.4 Domestic Factors and Nigeria’s Neoliberal Reforms

Some factors, some of which are products of its historical evolution, have shaped and re-shaped Nigeria’s policy environment. A few of these include:

- a) National Size: Nigeria is not only the most populous country in Africa but also has a public enterprise possibly the largest in Sub-Saharan Africa. The enormous size implies larger and more intricate administrative structure, greater funding, and a wider scope in shocks and pulls on efficiency.
- b) Ethno-religious Rivalry: ethnically, Nigeria is divided into more than 250 ethnic groups, each aware of its share in the control of the nation’s resources. Nearly all the component groups interact with themselves based on mutual suspicious fear. Efforts at socio-economic and political reforms have, consequently, often been interpreted against ethno-religious competitive backgrounds of who, what and how groups are involved.
- c) Low Public Participation in Policy Process: Nigeria’s long exposure to centralization of power that characterised earlier military dictatorship has raised dictatorial ‘democrats’ who even when they wield popular mandates, are uncomfortable with dialogue and consensus in policymaking. Its cumulative effects manifest in the texture of state-society relations especially considering the executive arms of government’s lethargy to public opinion and consultation.
- d) Resource Grab Factor: public resource management in Nigeria is governed by the ideology of “National Cake Sharing”. This idea has become a part and parcel of public office and power and reflected in society-sanctioned personalization of public resources whether by an individual, ethnic group state or zone. National resources are often seen as no man’s own in particular, causing unhealthy competition among opportune actors to snatch any advantage.
- e) Endemic Corruption: graft and society-wide venality infiltrate all sectors of national life in Nigeria. The state itself seems stranded as it maintains a hypocritically passive posture to

anti-corruption campaigns with a daily loss of huge sums causing damage to economic growth and development.

- f) Past Policy Failures: the account of resource management in Nigeria is full of policy summersaults and failures which limit the integrity and legitimacy of government projections. In all, the people are the casualty. Thus, 'Nigeria experiences a conspicuous crisis of governance in which the ruling elites and public institutions perpetually fail to provide essential collective goods, such as physical infrastructure, the rule of law, or legitimate symbols of state authority and political community' (Lewis, 2007, p. 89).

As Nigeria's case shows, pervasive corruption, and the penchant to undermine rules and divert public resources is the nuisance of development. It is noteworthy that only a few high profile corruption victims in Nigeria have received court sentences for their criminal acts. It is apparent that while neoliberalism as a development policy model may not be broadly lacking, the nature of the domestic environment is critical to its visions in Nigeria.

3.5 Welfare Infrastructure and Social Service Delivery in Nigeria

The existence of sufficient infrastructure is vital to the provision and sustenance of public welfare, as well as the improvement of growth and development in any part of the current world. Although this duty has in recent times, become a dispersed one with the increasing involvement of the private sector, the inclusive delivery ability of public-oriented infrastructure constitutes one of the major criteria for the evaluation of governments' performance across the world. In Nigeria, this capacity has been a major challenge, remaining at a declining state since the 70s, and complicating the nation's many crises: from infrastructural decay to insecurity, mounting ethnic tension, economic instability, threatening religious upheavals and violence, pervasive and institution-suppressing corruption, environmental threats and disasters, political violence and resource struggles to militancy, armed violence, and kidnapping. The effect of this on public welfare is unlimited.

The poor state of national security in Nigeria is recognized in the Failed State Index. In the 2011 report, Nigeria ranked 14th among the most failed states, rating as a failure alert state in a rating of 177 countries of the world (Fund for Peace, 2011, p. 6). The level of infrastructural sufficiency has serious implications for productive enterprise, large or small, employment generation and the capacity of the economy to attract and retain foreign direct investment (FDI).

“Adequate infrastructure reduces the costs of production, which affects profitability, levels of output, and employment. When infrastructure works, productivity and labour increases. When it does not work, citizens suffer, particularly the poor.

Self-Assessment Exercise (SAE) 2

Some domestic factors shape and reshape the policy environment of Nigeria. Identify and exhaustively discuss these factors.

3.6 The Nigeria State in Recess: Anatomy of State Failure.

The failure of the state in tackling the problems of infrastructural deficiency in Nigeria is made clearer in the growing phenomenon of “personal governments”—the rising occupation of individuals, groups, and community/collective actions on basic social utility delivery and infrastructure projects hitherto within state regulation, in response to failure of government regulatory mechanisms, and or alienation of the people from private sector-driven utilities (Akinola, 2007). These often comprise the provision of social benefits such as the provision of potable water supply facilities, road construction and repair, collectively-funded power supply/generator projects and so on. While the number of households having access to pipe-borne water—a facility solely provided and maintained by the state—decreased from 14.5% in 2004 to 8.8% in 2008, Bore-hole and Tanker/Truck/Van supply systems—normally used by individual households and community efforts increased from 17.6% to 28.4% and 0.4% to 3.2% respectively. This situation clearly illustrates a “paradox of plenty” (Karl, 1997, p. 31-48; Mehrara, 2011, p. 1; Omotola, 2010, p. 1) as the nation experiences regression amid resource abundance.

The weakening of social service in Nigeria has continued despite rising incomes the government receives and the wave of divestment of government expenditure from the sector with the rise of the private sector (Akinyemi, 2012). Thus, the Federal Government’s expenditure on infrastructure has fallen even as her income improved over the years. While the central government has considerably shed a large portion of its commitments in social service funding, she has maintained control in the revenue sharing scheme by taking 52 percent to itself (The Punch, May 23, 2012, p. 18). Yet, the state continues to experience a fall in performance. While Nigeria’s underdevelopment is not exclusive in the developing world, it is exceptional in its

scope and persistence as its developmental failure and the ironies surrounding its disorderstrangely places her in sharper respitein comparison with other developing countries. While Nigeria has been severally ranked as one of the poorest countries in the world, she possesses the resources or capital necessary for economic and social development. Remarkably, Nigeria had made about US\$500 billion in petroleum exports, much of which was accrued as income to the central government and supposedly spent by its many prodigious leaders who profess aspirations for development, on infrastructure and social services with little or nothing on ground to show for it (Lewis, 2007, p. 83). The prevailing condition of social service is one of the evidence of the collapse of the statehood.

Contrary to the founding of the social service agencies such as the Nigeria Railway Corporation, National Electric Power Authority, the now-dead Nigerian Telecommunications Limited among others from the colonial epoch to the late 80s, there has been a markeddrop in the numbers of these agencies since the 90, causing increased service affliction on the citizenry. Currently, every family is a government of its own in terms of social service and utility provisions. Citizens not only bear responsibility for the delivery of basic services such as education, road, electricity, water, health and so on, they are also exploited at two points. First,they pay the cost of poor utilization of funds from tax-payers as a result of endemic corruption and mismanagement. Second, they are surcharged for inexistent services in the form of utility bills. Moreover, a regime of terror permeates the country, as one or more forms of insecurity occur in all regions of the country holding the state to ransom. These range from kidnapping in the South-east, militancy in the South-south, ethno-religious killings in the far north, transport union clashes, daylight robbery, plane disasters, floods in the South-west, and the expanding terrorism of the fundamentalist Boko-haram group that has occupied the most of the North, and now spreading southwards. This state of insecurity and other reasons that the country currently occupies the position of the 14th worst state in the 2011 Failed State Index which ranked 177 countries worldwide. It is against this background that one is compelled to interrogate the status of Nigeria's statehood considering alarming empirical evidence of a decline in the state's capacity to provide for the welfare and security of its people if welfare and effective authority and control are undeniable features of the state.

A greater proportion of the failure in government efficiency in Nigeria has arisen over the years, from both domestic and foreign factors. While mismanagement and corruption remain the most

endemic disincentives to the development of Nigeria's infrastructural capacity, policy importation that often does not resonate with domestic conditions has further worsened the effects on public welfare. In the 1980s, political leaders across the developing world were obliged to embrace policies of state withdrawal from social services and welfarist interventions to receive foreign loans. IMF and World Bank foisted these conditions on them "even if they do not agree with them" (Little & Dolan, 2005, p. 209) as it became requirements for international support. Only a very few developing countries were able to keep these imperial attempts at bay, and those who did as in the case of Libya since then remained in constant hostility with the western powers. This push for economic deregulation was ostensibly inspired by the hunt for foreign markets for European domestic products. Therefore, developed nations discouraged domestic production of such products. These countries used the logic of comparative advantage to declare them as far too expensive relative to imports. This rationale appeared to captivate the victim developing countries who were hoodwinked into substituting domestic production for 'cheaper' importation of European goods. Supported by the World Bank and IMF, it prepared African economies for its long-lasting reliance on foreign goods (Kasekende et.al, 2004; Sundaran, et.al, 2011).

Reagan and Thatcher criticized state obligations on anti-poverty programmes as "mere welfare giveaways" that is not in the interest of the state. Conditioned by the dominance of the United Kingdom and the United States of America in the emerging international finance and economic management institutions in the 80s, the IMF and the World were used to foist these policies on developing nations as such policies became conditions for economic rescue and access to foreign loans (Milward, 2000, p. 25; Thorne, 2010, p. 5; Sap Nigeria, 2010).

4.0 CONCLUSION:

In this unit, we looked at the welfare infrastructure and social service delivery in Nigeria. We reviewed Africa's economic decline and the neoliberal panacea. Also, the privatization and social welfare in Nigeria received due treatment. We focussed attention on the domestic factors that predisposed Nigeria to neoliberal reforms. The welfare infrastructure and social service delivery in Nigeria was considered to examine the justification of the claim that the Nigerian state is in a recess to subject the anatomy of state failure to due intellectual analysis.

5.0 SUMMARY:

In this unit, we have shown that the influence of the west on the development challenges of most developing countries is deliberate. They used suspicious rationalisations. The fact that they did not force countries does not make them legally guilty. Most countries committed socioeconomic suicide by not subjecting the advantages of European economic policies to critical analysis before taking the pills. Some credible global agencies such as the World Bank and the IMF made the thumb screwing of most countries into agreement very easy.

6.0 TUTOR- MARKED ASSIGNMENT

- 1) How can Nigeria reverse the adverse effects of the relocation of numerous firms such as the PZ Cussons, Michelin, Peugeot, among others that were previously involved in manufacturing and production in Nigeria to healthier infrastructure settings and qualified young citizens migrating overseas in search of greener pasture after years of joblessness and living in squalor?
- 2) Account for the latent strategic goals of the economic recommendations that drove Nigeria to seek foreign markets for European goods which increased in the war-time regulation especially in Britain, America, and France.
- 3) To what extent is the narrative that holds some international agencies such as the World Bank and IMF as instruments of economic strangulation of some developing countries credible?

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MODULE 2

Unit 1: Operationalising Juvenile Delinquency

Unit 2: Causes of Juvenile Delinquency

Unit 3: Theories of Juvenile Delinquency

Unit 4: Effects of Juvenile Delinquency

Unit 5: Dealing with the Problems of Juvenile Delinquency

UNIT 1 OPERATIONALISING JUVENILE DELINQUENCY

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Introduction to Juvenile Delinquency
 - 3.2 Meaning of Juvenile Delinquent?
 - 3.3 Variations on a Theme
 - 3.4 The Hidden Delinquent
 - 3.5 Each One Is Different
 - 3.6 Why Juvenile Delinquency Exists
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignments
- 7.0 Reference/further readings

1.0 INTRODUCTION.

One of the most convenient ways of mastering a subject is to create a deliberate interest in understanding the concepts that come together to define the essence of the entire field. In this framework, a sustainable structure of comprehension could be constructed around the history behind the concepts, their characteristics, purpose, and scope to result in a broader picture of the subject as it operates in the society. This appreciation makes the definition of concepts the first item in this unit.

2.0 OBJECTIVES:

By the end of the unit, the graduate students should be able to: understand the meaning of the social policy and its background. They should develop a capacity to appreciate social policy from the position of being a veritable instrument to galvanise welfare and social protection

3.0 MAIN CONTENT.

3.1 Introduction to Juvenile Delinquency

Regardless of massive technological improvements noticeable in all countries today, the processes for assisting children and youth to complete adulthood still task the imagination of parents and youth workers. As one observes the painstaking efforts of the professional teachers, social workers, judges, psychologists, sociologists, psychiatrists, who seek to find ways and means to prevent and control the wayward behaviour of youth, it becomes apparent that the professionals cannot solve or even control the delinquency problem by themselves. Every citizen and every parent must share the task. And, conscious efforts must be made to include youth themselves in the provision of solutions to what is essentially a youth problem. This analysis is useful for parents, concerned citizens, and older youths who may want to appreciate and help those youngsters whose behaviour has brought them to the notice of control authority. This effort does not itemise any specific recipes for the preclusion or re-education of the delinquent; nonetheless, it does indicate the need to define and differentiate the delinquent and it reviews a variety of tactics that may be used in helping different types of youthful offenders. These approaches generally reflect a causative, diagnostic, and rehabilitative orientation.

There is a need for the AU countries to define more specifically 'the delinquent child'. They need to form the theoretical frames of reference which drive their practices in prevention and control. They need continually to assess and reassess their programmed struggles to help youthful offenders. Otherwise, wasted motion and wasted lives may result when irrelevant or even injurious procedures are employed with naughty youth.

Hitherto, children were treated as belongings having no legal recourse to legal protection. Shoemaker (2009, p.14-27) offers a summary of societies' evolving response to youth misbehaviour. Formerly, state intervention in dealing with the problem became compulsory. This ended in the principle of 'parens patriae' - the state taking over control of children from parents observed as failures in nurturing their children. This trend led to the formation of juvenile detention centres such as houses of refuge, reformatories, and industrial schools. The latter developments were based on the emerging idea that children needed nurturing and care through adult supervision. Supporting this view Hill et al (2009, p. 9) state that societies saw children as

“criminals in the making”, hence the need to regulator their behaviour through the above-mentioned facilities by way of interventions.

Global trends in juvenile justice indicate that societies are now moving towards decriminalising juvenile delinquency by treating offenders humanely (Geneva Convention for the Rights of The Child, 2007; Child Rights Information Network (CRIN), 2010 & World Youth Report (WYR), 2003).

3.2 Meaning of Juvenile Delinquent

This question makes some people nervous; they grope for an answer and it is often a violent or irritating one. There is no scarcity of emphatic emotion and, very often, emotion seems to exist that the juvenile delinquent acts as he does to annoy, if not frightening, the more cultured and decent people in their environment. This kind of resentment so often distracts people that they cannot begin to conjecture what a juvenile delinquent means. The people are often too absorbed in mentioning what he has done. But who exactly is he? Where does he reside? What are his wrongdoings? What is his penalty? What is his prospect? The answers to these posers are obscure, but throughout the world, agrowing number of adults are sensing the urgency of finding out the truth about the young individual who has been so historically branded. The worryingunderstanding that world-wide delinquency exists, and shows no signs of abating, has affected many thoughtful citizens whether they live in Vienna or Lagos, New York or Calcutta. The claim that juvenile delinquency is not new to the world is one of the ways of diverting public attention from the problem. There is even evidence of its dating back to 306 B.C., for among the first laws of the Romans special provisions already existed for children who had stolen. The Romans recognized that their concern for such crimes was limited. And it can also be emphasized that juvenile delinquency is in no way peculiar to this generation. And, to some extent defensively, numbers of people can claim that no one country or culture has control over it.

But such facts are of little comfort. They do not help us to measure the problem or confront it or attempt to solve it. While it is likely, that in many countries the extent and ferocity of juvenile delinquency have been overstated, or underestimated, in the press or by certain films, this hardly explains or refutes the proof that delinquency is a universal challenge. In the United Nations report, Five- Year Perspective, 1960-1964, issued by the Department of Economic and Social Affairs, there is a reminder: ‘In the field of crime and delinquency there is a serious and

widespread problem today (but appearing to be particularly acute in some of the most highly developed countries): that of juvenile delinquency. The various services that experts have hoped would be effective in preventing juvenile delinquency have mostly failed in doing so, for whatever reason. The problem of underlying causes needs to be reviewed from a broad viewpoint, and new methods developed to sort out these causes.’ Almost every language in the world now produces a phrase identifying those youngsters of many nations whose behaviour or tastes are different enough to provoke suspicion if not apprehension. They are the ‘teddy boys’ in England, the ‘nozem’ in the Netherlands, the ‘raggare’ in Sweden, the ‘blousons noirs’ in France, the ‘tsotsis’ in South Africa, the ‘bodgies’ in Australia, the ‘halbstarcken’ in Austria and Germany, the ‘tai-pau’ in Taiwan, the ‘mambo boys’ or ‘taiyozuku’ in Japan, the ‘tapkaroschi’ in Yugoslavia, the ‘vitelloni’ in Italy, the ‘hooligans’ in Poland, the ‘.stiliugyi’ in the U.S.S.R. and *omo ita* or *agbero* in Lagos, Nigeria. But it is not our right to assume that every teddy boy or every blouson noir is vigorously engaged in delinquency.

These names often misinform members of the public. It is unjust to assume spontaneously that a youngster, who likes rock’n’roll music or bizarre clothing is on his way to becoming a delinquent if he is not one already. Too frequently, the adult world has used the word ‘delinquent’ to express anger or bafflement at adolescent sensitivities. Many professionals in education and psychology object to the expression ‘juvenile delinquent’, for the public has used it too often and too casually to describe young people who, in some way, offend us. The second United Nations Congress on the Prevention of Crime and the Treatment of Offenders recommended: ‘Without attempting to formulate a standard definition of what should be considered juvenile delinquency in each country, it recommends: (a) that the meaning of the term juvenile delinquency should be restricted as far as possible to violations of the criminal law, and (b) that even for protection, specific offences which would penalize small irregularities or maladjusted behaviour of minors but for which adults would not be prosecuted, should not be created.’ Here is the sensible proposal that we do not apply the words ‘juvenile delinquent’ without cause and restraint. It is not every minor who breaks a rule or who behaves indecently should be considered a delinquent. This is because the behaviour of young people rarely consistently conforms with the standards and expectations that adults have for them. The second part of this United Nations recommendation also makes the plea that, in each of our societies, we

do not extend the laws, to such a degree that children who have committed minor offences would be punished, although adults would be exempt.

3.3 Variations on a Theme

Consistent with Schmallegger and Bartollas (2008, p. 26), a report in the “Japanese Times” (2006), states that the Japanese public allegedly has a favourable perception of capital punishment for the rising number of juvenile criminals there. In the United Kingdom, it has been found that the “knife-carrying culture” of adolescent delinquents has caused more injuries and deaths than gunshot incidents (Schmallegger & Bartollas, 2008, p. 39). In South Korea, cigarette smoking, alcohol abuse, bullying and mostly cybercrime are purportedly increasing among adolescents and thus pose a serious challenge to the deeply conservative nation (Kim & Kim, 2008, p. 1– 15). Finally, America, which is one of the most industrialised countries in the world, is “alarmed and baffled” by the violence with which juvenile delinquents perform antisocial acts (Heilbrun, Goldstein & Redding, 2005, p. 6). They supposedly attack their teachers, shoot people, commit rape, engage in gang activity, terrorise neighbourhoods and are remorseless when caught. Therefore, today, the delinquent population in the USA “poses a great threat to public safety” as compared to the rest of the citizenry (Heilbrun et al., 2005, p. 6).

What are the offences and what are the penalties? The differences from country to country only indicate the extent of the division which the world experiences. What is a juvenile delinquent? Who is a delinquent, who is not, and what can be done to reduce its deleterious effects? A widespread form of delinquency in Cairo is the collection of cigarette butts from the street, an offence which is strange in other parts of the world. A survey in India, conducted in two urban areas, Lucknow and Kampur, indicated that the second most common juvenile offence was destitution. A few years ago in Hong Kong, juveniles brought before the magistrate’s court reached the astounding figure of over 55,000 and yet over 90 percent of them had committed only technical breaches of the law such as illegal hawking. In these cases, the outsider can hardly know if such delinquent acts are not gestures of the abandoned, the ill-fed or the desperate child. In Kenya, stricter enforcement of the vagrancy and pass regulations some years ago increased the number of juveniles appearing before the Nairobi Central Juvenile Court to more than 3,000 in one year. Available information from Lagos, Nigeria, shows that a delinquent there is mainly an

offender against the unwritten laws of the home; disrespect and disobedience are regarded as serious offences.

Therefore, the numbers of children referred to as delinquents can at times be misleading except the nature of the offences and what particular law they violate, and how they were apprehended and recorded by the authorities are all known. There is rarely much in common between the boy who collects cigarette butts in a Cairo gutter, the Nigerian who defies his family, the American who uses a switch-blade or the European who commits theft. The very differences between them are amazing yet all could be defined as delinquents. It can only be said that delinquents throughout the world are involved in such a wide range of behaviour, from the most trivial to the most serious, that it is scarcely possible to generalize about all types of offences except to point out that they are usually committed by boys in an age-range from 7 to 18, depending on the locality. In most countries, the upper age limit under the law for juvenile offenders varies from 16 to 19. In the United States, it differs very much from State to State. In Wyoming, for example, a boy is lawfully an adult at 19 while a girl is considered a minor until 21. In another State, Connecticut, the upper limit is 16. The minimum age at which a child is held responsible for his acts and brought before any kind of court again varies from country to country. For example, it is fixed at 7 in the United States, at 9 in Israel, 10 in Great Britain, 12 in Greece, 13 in France and Poland, 14 in Austria, Belgium, Czechoslovakia, the Federal Republic of Germany, Italy, Norway, Switzerland, and Yugoslavia.

And, finally, punishments prescribed by the laws and also penal methods vary significantly from country to country. Corporal punishment was once legally accepted by a large number of countries: today a judge can still order it in Burma, Ceylon, India (except for the Bombay region), Iran, Iraq, Pakistan, and Thailand. Yet even when we take the most cautious attitude towards statistics on delinquency-for its scope and extent cannot be expressed in rows of well-ordered figures-from all corners of the world, the evidence mounts. The offences are diverse. They range from vandalism, stealing and property offences, petty extortion and gambling to violent behaviour, rowdiness, truancy, immoral or indecent conduct, drinking, and drug addiction. In almost every city in the world where delinquency exists, so does the juvenile gang which shows up as a modern social institution. Despite remarkable national modifications, the teen-age gangs are ostensibly wandering groups of rootless, restless, unemployed adolescents who most frequently meet on street corners. Some 15 gangs-for examples, a few in East Los

Angeles, California-have murdered while others do nothing more offensive than mimic or insult passers-by in the street.

But these gangs, blameless or wicked, are a significant component in the general pattern of juvenile delinquency. Examining delinquency in a global context, one does not often see individual youngsters becoming delinquent each in his fashion, but rather some boys partaking in shared activities that derive their meaning and pleasure from a set of common sentiments, loyalties, and rules. While numerous gangs are tightly organized; some are loosely conceived and drift apart rapidly. The majority of these gangs frequently participate in acts which do not always attract financial gains and to the rest of the world seem almost purposeless in their malice. In Poland, teen-age gangs have damaged railroad trains and molested passengers for no apparent reason. In Saskatchewan, Canada, groups of boys have broken into private homes (when the owners were away) and mutilated expensive furnishings without attempting to steal a single item. In Chiangmai, Thailand, a band of male minors, with a symbol of a white eagle tattooed on their arms, found their greatest diversion in terrorizing or injuring outsiders at such times as they were not engaged in challenging a rival gang to a war. In Argentina, gangs of boys have assembled in cafés or bars to abuse or humiliate other customers or pedestrians; after this, they have sometimes wrecked a parked car. In the Philippines, reports on teen-age gangs indicate the same urge for vandalism. Numerous youngsters travelled through the city of Manila in a car and went on a riot, breaking glass windows of fashionable stores and residences. For several nights this particular gang kept the police of three adjacent cities busy trying to track them down and guess where they might strike next.

Some juvenile delinquents, however, have clearly defined goals in mind. Their fulfilments come from more money-spinning acts. Racketeering or petty extortion are good examples. A gang in Detroit, Michigan, which was made up of fifteen boys from 13 to 16 years of age, prearranged an uproar in which all the smaller children of the locality were forced to pay five cents for the insurance of not being molested on the way to and from the local cinema. A report from India shows that gangs of young boys and girls have learned to be highly successful smugglers of illicit liquor and drugs. In Israel, a juvenile court judge finds that groups of young people engaged in stealing cars is a 'striking new feature' because gang behaviour has been infrequent. It should not be anticipated, however, that these gangs are always in constant motion and that their numbers, year in and year out, are fixed. In each country, their histories vary somewhat like

the lines in a fever chart. A German psychologist, Dr. Curt Bondy, stated that there seem to be years which are marked by violent outbursts of gang activities and then years of relative calmness.

An article in *The Observer* of 15 July 1962, states: ‘In North London, as the police will tell you, the “gangs” are no more than social gatherings in dance halls and cafés of bored youths from the same area. They have no organization, no accepted leader and no real name, just being referred to as “the mob from Highbury” or But the danger is that anyone. . . can quickly whip up a gang to “turn over” any individual or group which has offended him. Then the iron bars and the knives appear like magic.’ However limited the information on world-wide juvenile delinquency is, several conclusions have been drawn. None of them is comforting. A United Nations report¹ prepared by the secretariat states: ‘It would seem that in a general way violence is becoming more and more a feature of juvenile delinquency. Violence is not necessarily restricted to offences against the person but also occurs in offences against property. The number of homicides and bodily injuries seems to be taking an upward trend in some countries, and the same applies to burglary and breaking. Another manifestation of violence, although often hidden, is typified by the delinquent activities of certain gangs, who, by offering protection, or without offering it, obtain various advantages, services or goods, including food. Finally, violence seems to have increased through the growing number of acts of seriously damaging or vandalism, committed in revenge, or for the fun of it, or an expression of a rebellious attitude. . . .’

Self-Assessment Exercise (SAE) 1

From the consensus of the public throughout the world, it does mean that the concept of juvenile delinquency has been largely misconceived leading inexorably to its effects being resistant to treatment. As a student criminologist, how would you want to see the concept of juvenile delinquency defined supporting your position with evidence from across the world?

3.4 The Hidden Delinquent

In the past, presentations on the backgrounds of a cross-section of juvenile delinquents always appeared to show that these children were brought up in poor living conditions. Another conclusion, also in this same United Nations’ report, indicates a strong alteration in this tendency. At present, it can no longer be said that juvenile delinquency is a social property of a

specific socio-economic group. Abundant and growing indications exist that children from the higher-income brackets are prone to and are even becoming delinquents. In France, the expression 'blousons dorés' (jackets of gold) is a slightly mocking reference to delinquents from richer families than those of the blousons noirs. A report about a shoplifting in large stores in Belgium makes this point. It stated '... these thefts are rarely taken to court but information from other sources shows they are being committed, in the overwhelming majority of cases, by children of about 12; in nine cases, out of ten, by boys, often by groups, whose members encourage each other to steal for the fun of it; the thieves come from all classes and nearly always steal items of little value; in conclusion, they come from better homes than other categories of delinquents. . . '. And this emphasizes still another aspect of the problem that confronts humanity. We cannot be worried only with those children who are labelled as delinquents because they were reported to the law-enforcement agencies. In every country, there are also groups, such as the young shop-lifters in Belgium who, for numerous reasons, are not referred to the police or the authorities. In some cases their families protect them, or the school or the complainant is unwilling to press charges. But it is these two groups who make up the problem.

The first-the known delinquents-is somewhat akin to that part of a huge iceberg that sticks out above the water. But the second group of unrecorded, or uncounted delinquents, is much like the submerged part of the iceberg, hidden under the water. In the United States, a survey discovered that a comparatively large number of teen-age boys acknowledged that they had committed serious acts of delinquency which had never become a matter of court record. These were the sons of middle- and upper-income families. Increasingly, studies from sources in many parts of the world have indicated that the number of 'hidden' or un-tabulated delinquents is more substantial than hitherto estimated and these include a growing percentage of children from financially stable homes. But 'hidden' delinquency is a problem in economically disadvantaged groups, too. Although there may be many common features, juvenile delinquency presents its particular characteristics in each region and certainly in each country. And amid often conflicting reports and interpretations of juvenile delinquency, one thing is clear. Each delinquent is exclusive. This is so even when all his outer actions are similar to those of other delinquents and when little he says or does shows any degree of uniqueness.

Before we can truly appreciate why he is unique-and this is important if we hope to help him-then the attitudes of the adults towards young offenders must alter. If for no other reason, the very spread and intensity of juvenile delinquency must force the adult to examine his prejudices and reactions to it. Too infrequently we ask why and often simply assume that we have all the answers. It is the exception when any person honestly acknowledges not having an idea of the reasons that underlie delinquency. Only the specialists, aware of the marvellous gaps and inconsistencies in our knowledge of human behaviour, show a degree of modesty in trying to analyse and lessen this intricate problem. It is true that some of the specialists have isolated some of the answers for some of the children involved, but not entirely and not nearly adequate. Yet this seldom prevents the most ignorant person from talking lengthily about juvenile delinquency. People cannot be criticized for holding private opinions about delinquency; they can only be reminded, and cautioned, that it is a subject that is much more complicated than they suspect.

In the minds of many people, the cause of delinquency can be traced to the cinema. They mention those films which seem to glorify or 'glamourize' criminal or delinquent behaviour. It is assumed that youngsters who see such films are essentially contaminated and that any abnormal behaviour on their part can be traced to and blamed on what they saw-and possibly admired-in a cinema. But the most careful and intense scientific research has been unable to establish the degree of direct influence; indeed, it is almost impossible to be sure there is one. It can always be indicated that in the last decade a few films, for example, *Rebel Without A Cause*, provoked a wide reaction from many of the young people who saw it in cities all over the world. This encourages people who claim that films actively provoke delinquency. And yet, as in the case of this specific film, we are apt to overlook the fact that the film's influence may not be very deep or lasting and that possibly it most affected or stimulated adolescents who were already attracted to delinquent behaviour. There will always be films that capture a momentary mood of any nation; it can hardly be said that such films create the mood or the problems which result in certain conflicts. The very theme of the impact of the cinema on children and adolescents is one of dispute and continuous discussion, but we do not know very much about the subject. There is little scientific evidence that a film, or many films, can persuade a child to become a delinquent.

The very wide generalization might be made that some films can have a provocative effect but can hardly be regarded as the causal factor for any type of deviant or criminal behaviour. No doubt there are many films and television programmes that have exerted a type of harmful

influence on certain children. This influence might even affect the child involuntarily. Many effective and reliable criticisms have been made of the cinema, television programmes, and comics, but it is an unempirical and somewhat over-simplified conjecture to blame them entirely for delinquency. One cannot assume that every delinquent in the world has been exposed to their influence and so shaped by it. Many children, who are lonely, or unhappy in some way, find solace by going to the cinema, watching television and reading comics to an excessive degree. But it might be said that delinquent behaviour is due to much more profound and often more delicate influences than the films alone or a continuous diet of television programmes, or even a library of lurid comics. This is not to deny the impact they may have on children, which is often unsuitable and unreal; it is only to emphasize that viewing films or television is not the sole path to delinquency.

Another myth sustained by numerous people is that working mothers are responsible for delinquent children. Without attempting to repudiate the fundamental significance of a mother's relationship with a child, there is again little scientific evidence that the effects on her absence may have invariably included delinquent behaviour. In many cases where the mother works, children may be deprived because she is not at home. But this cannot be held responsible for juvenile delinquency when some steady, happy families include mothers who hold jobs without harmful outcomes to their children. It is also extensively held that 'broken' homes have caused or increased a good percentage of all juvenile delinquency but here again the available data on the subject does not corroborate this as an inclusive explanation. A child is not apt to benefit when his parents separate for, after his infancy, he needs both parents almost equally. But the mere physical presence of parents is hardly adequate. The supposed 'broken' home is not always more destructive to a child's growth than a home where the parents live together in an emotional atmosphere of pressure or sadness. There are always people who identify slum areas as the source of the problem. But research has shown that slum clearance in itself, while highly admirable, is not the whole answer to preventing or wiping out delinquency. Hot and cold running water, central heating and fresh paint are all desirable, but they do not automatically decrease or prevent delinquency. Neither will a well-equipped playground, for it takes more than a concrete area and sports equipment to cause a sincere change in the attitudes of a child or adolescent who has delinquent tendencies.

Some people have reached the painful assumption that all juvenile delinquents are stupid, if not retarded, and their lack of intelligence accounts for their behaviour. There is a scarcity of any trustworthy scientific evidence to support the idea that delinquents are steadily less intelligent than other children or adolescents. Many youngsters from poor families have indeed scored lower on certain intelligence tests than children with other backgrounds. Educators have indicated that this may well happen because of the involvement of their reading abilities, vocabulary and general cultural knowledge. Very often an intelligence test, which measures all three, depends on intellectual capacities that are especially emphasized in middle-class homes. The delinquent child is at a disadvantage through no fault and deficiency of his/hers. Many delinquents have become extremely bright when they are tested according to their backgrounds. There is also the legend that delinquents 'inherit' certain tendencies that make anti-social behaviour inevitable. Scientists have refuted the 'bad seed' theory, for children cannot take over a 'wicked' nature. Because of many factors, they can and do develop into unhappy and desperate people but they are not born as destined delinquents or criminals. One much-publicized theory in Europe about the cause of delinquency has been that children affected by the war conditions of 1939-45 caused the crime wave. But comprehensive studies in England indicate that these children, who are now young adults, 'contribute no more and no less than their share of juvenile delinquency, maybe because the circumstances of the deprivation called forth a very positive response in the general community'.

Self-Assessment Exercise (SAE) 2

The assumption that children raised in poor living conditions are predominantly juvenile delinquents is no longer tenable as abundant and growing evidence exists that children from the higher-income brackets are prone to and are even becoming delinquents. To what extent, therefore, is juvenile delinquency a social property of a specific socio-economic group in contemporary times?

3.5 Each One Is Different

To begin to appreciate the problem of delinquency, there is a need to realize and recall, that delinquents often do the same things for massively different reasons and to achieve vastly different outcomes. Similar behaviour, which seems identical, may satisfy very different

functions for different persons. To exemplify these differences, to the extent that explanations and outcomes go – presented here are examples of boys each of whom might go for a juvenile delinquent. A 15-year-old American, John G., from Los Angeles, California, is one of twelve members of a street gang called the ‘Sharks’. The gang has a fixed code of values, standards, and morals. To this peculiar code, all the members have sworn allegiance, for John G., it is the most serious and important emotional vow of his life. Last summer, he and four other gang boys stole a car that was parked in the neighbourhood. They abandoned the car, a mile and a half away, the next morning around 4 a.m. When John G. was questioned by a juvenile court, he did not feel concerned to explain why he had done it and there was not the slightest attempt to show remorse by saying ‘sorry’. He had previously been in trouble for breaking windows and slashing the roofs of convertible cars with a razor.

His background showed that both parents worked and their combined incomes were scanty. Their apartment was too small for the five members of the family. John G.’s record in school was depressing and his teachers begrudged his attitude of world-weariness and disdain. His attitude, in school or outside of it, was spiteful and wicked, yet a psychiatric examination showed no noticeable emotional disorders and normal intelligence. By conventional standards, the law-abiding parents of John G. might take him as a disgrace, as a failure by his school and as a threat by his community. And yet there is an effective logic in what he does. All of this delinquent’s most offensive acts won the approval and respect of the people he most admires: gang members of the ‘Sharks’. Perhaps every future project that John G. embarks on will threaten or violate some rule established by the school, the community or the law, but he will continue to be warmed by the approval of the ‘Sharks’. His behaviour is right by the standards of his street-corner subculture, even if it happens to be wrong to the outside world. A 13-year-old English boy, Basil P., hails from a wealthy family in London. Basil does poorly in school, much to the agony of his father who also studied there and achieved a standing as a student. Basil’s most obvious trouble is poor reading; in any subjects requiring much effort. In reading, he is apt to become unfocused or indolent. He might have remained an unidentified or insufficient student, but for the fact that several of his teachers and many of his classmates know that Basil has ‘a habit of taking things’.

The child makes no effort to refute it. For a long time, he has been stealing items from other boys, stealing both treasured and trivial things. Basil does not store them but often gives them away to

classmates, deliberately increasing the danger that the original owner will see his property and reclaim it. On one occasion, in London on a holiday, Basil stole three gramophone records from a music store. He says he is 'sorry' he steals, he claims he does not know why he does it and he wishes he could discontinue the habit. His parents are depressed, his teachers are angry and some of his classmates are scornful. A psychiatric examination revealed that on a deep symbolical level the objects Basil stole stand for, or substitute, something unconsciously desired but somehow not allowed or beyond his reach. It was suggested, and agreed, that he would receive psychiatric help and treatment. Do we consider this child as an uncounted delinquent? Although Basil was emotionally disturbed, this was not the case with John G. Can every anti-social act be considered a neurotic symptom? A 17-year-old African, Pierre N., travelled from his home village on the Ivory Coast to search for a hotel job in the nearest city. Pierre N. could read and write. He speaks two languages and was a bright teenager. In the city, a clerk caught him while attempting to steal a shirt from a store. To the judge of a court, Pierre explained that his clothes were shabby, he had no money and he hoped a new shirt would make a better impression when he appeared for a job interview. Is Pierre a juvenile delinquent? If he had been successful the first time, would he have continued to steal? Does all stealing by young people make up an act of delinquency?

The significant differences between these three case histories give a summary of the dangers of lumping all adolescents' wrongdoings under the label of juvenile delinquency. It is not always so easy to decide who is a socialized delinquent, who is an emotionally troubled child and who commits a single offence motivated by an obvious and clear need. It is meaningless to talk diagnostically of 'the delinquent'. The assertion that a child is a juvenile delinquent is not the same as the clinical diagnosis that a child is an epileptic. In most cases, a delinquent act may mean completion of a personal need at the conscious and unconscious levels, and this act, usually a violation of what we consider law-abiding behaviour, may be seen as signifying a medical problem. Truancy, a violation of both school and legal principles, is one example of symptomatic behaviour. While truancy may be regarded as a symptom of the healthy revolt of a normal adolescent who abandons the home for a day, it may be a symptom of a child's genuine inability to face and cope with the terrible realities of daily life. Maybe realization of how very little individuals who make value judgments on juvenile delinquency know about the

nature and causes of these symptoms can inspire a new look at the problem of delinquency with a new curiosity and new compassion, and with a new open mind.

4.0 CONCLUSION:

In this unit, we looked at the various factors that contribute to juvenile delinquency. We found out that once the myths and misinterpretations about delinquency are uncovered, the average person begins to realise that sweeping statements about children and their conduct are useless. Therefore, such explanations as slum living, broken homes, films, and deprivation fail to provide universal and realistic justifications. However, each of these may sometimes be one among numerous factors that shape a child's life but no one factor can be accepted as the single general reason for the countless cases of juvenile delinquency.

5.0 SUMMARY:

In this unit, we have seen that the majority of opinions on which an understanding of juvenile delinquency is predicated is essentially conjectural. As a result, to find new potent solutions to the question of juvenile delinquency, it is appropriate to approach the understanding of its nature and scope from an entirely new perception. The phenomenon presents different characteristics in different areas of the world making solutions to it somewhat place or culture-specific

6.0 TUTOR- MARKED ASSIGNMENT

- 1) Presently, to what extent can juvenile delinquency be said to be a social property of a specific socio-economic group?
- 2) The two categories of delinquents that make the juvenile problems very elusive to solution involve the seen and the unseen groups. Discuss.
- 3) Each delinquent is unique. Discuss.
- 4) There is little scientific evidence that a film, or many films, can induce a child to become a delinquent. Discuss.
- 5) Does all stealing by young people constitute an act of juvenile delinquency?

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UNIT 2 CAUSES OF JUVENILE DELINQUENCY

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Community as a Risk Factor

3.1.2 Individual Risk Factors

3.2 The Family and Juvenile Delinquency

3.2.1 Broken Homes

3.2.2 Role-Modelling of Antisocial Behaviour

- 3.2.3 Poor Parenting Skills
- 3.2.4 Parental Conflict
- 3.2.5 Non-Cohesive Families
- 3.3 Child Maltreatment and Sexual Abuse
- 3.4 Risk Factors within the School
 - 3.4.1 Poor Structure and Organisation
 - 3.4.1.1 Poor School Ethos
 - 3.4.1.2 Poor Leadership
- 4.0 Limited Resources
- 5.0 Academic Failure
- 6.0 Poor Management Styles
- 7.0 Gang Activity In The School Neighbourhood
- 8.0 Peer Influence as Risk Factor
- 9.0 Conclusion
- 10.0 Summary
- 11.0 Tutor-marked Assignments
- 12.0 Reference/Further Readings

1.0 INTRODUCTION

The world has moved away from the conventional assumption that household poverty as the sole predictor of juvenile delinquency to embrace the multifactorial perspectives which essentially see poverty as one of many causes of juvenile delinquency in the contemporary world. As a solution, this unit emphasizes the involvement of all the critical stakeholders in child development in the provision of inclusive solutions to the menace.

2.0 OBJECTIVES

It is hoped that at the end of this unit, graduate students should appreciate the multifactorial dimension of juvenile delinquency to capture its diverse extent and as

future practising criminologists acquire skills to provide solutions to the problem of juvenile delinquency in society through structured social re-engineering.

3.0 MAIN CONTENT

3.1 Factors Contributing to Juvenile Delinquency

Numerous factors predispose adolescents to participate in delinquent acts. In his study, Shoemaker (2000, p. 4) found that “the question of causation is foremost in various research findings throughout history”. While this review proposes that there is a striking relationship between the exposure to risk factors and juvenile delinquency, some scholars assert that it is the collection of risk factors, as opposed to single factors, that tend to result in antisocial conduct (Conners et al, 2004, p. 95). The latter scholars further claim that risk factors, at variable levels of intensity, trigger juvenile delinquency globally. Some of the risk factors are discussed below.

3.1.1 Community as a Risk Factor

A community is “a social group that shares common geographical boundaries, values and interests”(Cindi, 2006, p. 40). The expression, “children are a mirror of their community”, suitably defines the correlation between juvenile misconduct and antisocial behaviour shown in the individual’s community. More frequently cited as criminogenic are factors such as over-population, high-density housing, diverse racial, ethnic or cultural composition, particularly in the most developed countries. The assertion of Prinsloo (2007, p. 155–163) that “modern materialism is one of the critical sources of societal moral decay which impact on adolescent behaviour” succinctly captures the essence of the contributions of the community to juvenile delinquency. Materialism causes the individual to be infatuated with self-enrichment and personal gratification, thus predisposing the individual to be at risk of offending. Citing South Africa as an example, De Wet (2003, p. 97) suggests that “violent juvenile delinquents, for example, mirror a society that is violent.” In their argument, Stewart and Simons (2010, p. 591-593) indicate that the community provides a ‘tool-kit’ for numerous forms of antisocial conduct, particularly in poor communities.

In some communities, some kinds of antisocial behaviour are gradually becoming normative and, therefore, culturally acceptable. For instance, a technical report on substance abuse by learners at

the Gauteng secondary school agrees and also declares that the mounting “abuse of alcohol amongst youth is socially acceptable and tolerated” (Bureau of Market Research, 2012, p. 3). However, numerous research findings overwhelmingly identify poverty as one of the major causative factors of antisocial behaviour among adolescents.

3.1.2 Individual Risk Factors

“Certain factors within the individual predispose him/her to antisocial acts. When an individual rebels against pro-social norms and values or is involved in delinquent acts at an early age, he/she may be incarcerated” (Lawson et al., 2010, p. 205). There is no doubt that physiological and psychological factors induce some individuals to offend. It is against this background that Hill et al. (2001, p. 12) recognise the point at which biological, psychological and social factors meet to interact in the cause, set of causes or manner of causation of antisocial conduct among juveniles. The above justifies the submission of Stephens (2010, p. 1) when he cites psychological risk factors such as angry outbursts, disciplinary problems, cruelty to animals and pre-occupation with weapons as significant in the study of problem behaviour. In his postulation, Ford (2005, p. 642 – 643) submitted that there is a relationship between alcohol abuse and juvenile delinquency, as the former tends to hamper an individual’s psychological functioning. In addition to these, sexual abuse is an independent risk factor for delinquent behaviour (Swanston et al., 2003, p. 746). However, Upchurch et al. (1999, p. 920) show that the family and neighbourhood contexts are implicated in the adolescents’ early involvement in sexual activity, which is a risk factor for delinquency. Nonetheless, youth with a negative self-concept also tend to engage in delinquency (Levy, 2001, p. 343). On the whole, aggressiveness, disobedience, lying, stealing, deviance, destructiveness, and poor self-control are additional examples of individual risk factors (Steyn, 2008, p. 211).

3.2 The Family and Juvenile Delinquency

The family environment is significantly positively correlated with juvenile delinquency, both as a precursor of and buffer against youth misconduct (Sanni et al., 2010, p. 21- 27). Some scholars suggest that this social institution is probably the single most important cause of delinquency (Gottfredson & Hirschi, 1990, p. 97; Loeber, Farrington & Petechuk, 2003, p. 8; Ernest, 2003, p. 2).

3.2.1 Broken Homes

Dysfunctional family structures are the collateral effects of the changes in social factors that broken homes often cause. When parental interactions deteriorate into consistent fights, break-ups, and step-parenting, delinquency is likely to take its firm root. In some cases, adolescents turn out abusing illegal substances, involving risky sexual behaviour, fighting with others and are violent (Horne, 2004, p. 331-334; Horne, 2001, p. 5-3). Consequently, “affected children run away from such home environments and opt for street life, which is more dangerous... they participate in risky behaviours such as stealing or prostitution to survive harsh street conditions (Tyler et al., 2001, p. 151). The study of Ernest (2003, p. 74) resonated with the beliefs of numerous other studies which concluded that parental divorce hurts children’s behaviour, causing loss of identity and emotional conflict, which may trigger delinquency. However, other scholars blame adolescents’ antisocial activities on single and step-parent families. These latter structures tend to cause instability and stress among adolescents, leading to misconduct (Upchurch et al., 1999, p. 920-922).

3.2.2 Role-Modelling of Antisocial Behaviour

“In families where parents are cruel or violent, read pornographic material, gamble or use foul language, children emulate these behaviours and use them in other contexts” (Sanni et al., 2010, p. 23; Williams-Evans & Myers, 2004, p. 32-33; Swarts, 1997, p. 40-41). The works of these scholars seem to buttress the idea that antisocial children are the direct products of their homes and mirror the home environment. Bronfenbrenner (2003) cited in Mhlongo (2005, p. 38) claims that “family members who spend most of their time together, often emulate one another’s antisocial behaviour.” Children, who are by nature vulnerable in adolescence, especially girls, are easily influenced to misbehave by their older siblings, particularly if there is a reward to be gained (Craine, Nishima & Conger, 2009, p. 436-437; Wester, MacDonalds & Lewis, 2008, p. 103-104). Matsoga (2003, p. 163-164) states that “parental abuse of substances and selling them for gain are precursors of adolescents’ abuse of drugs and alcohol since the former seems to sanction the behaviours.” Another example of parental role-modelling of bad behaviour is when mothers, who are caregivers, abuse alcohol and drugs: thus influencing children to behave in the same manner (Conners et al., 2004, p. 86).

Self-Assessment Exercise (SAE) 1

To what extent do school policies contribute to truancy, and leaving school at a young age for high-risk youngsters, impact on adolescent delinquents and those at risk of delinquency in society?

3.2.3 Poor Parenting Skills

Whereas Jekielek (1998, p. 907) found that harsh or inconsistent punishment by parents cause children to be stubborn or rebellious, other findings show that lack of or inconsistent parental monitoring and supervision of a child's homework, for example, can lead to delinquency (Griffin et al., 2000 p. 180-182). Without knowing, some parents expose children to probable delinquent tendencies when effective communication fails between parents and their children, as a result, children lack suitable problem-solving skills. In adolescents, the above-mentioned factors may cause poor coping and stress. In agreement with the findings of other scholars, "harsh discipline, poor supervision, lack of direction and guidance cause delinquency, especially among male adolescents (Klein et al., 1997, p. 61-76; Kiriakidis, 2010, p. 95-103; Levy, 2001, p. 336).

Upchurch et al. (1998, p. 931) argued that when parents are extremely regulatory, for example, adolescents deliberately rebel against them and engage in early sexual conduct. But Orbot (2003, p.5) concludes that poor parenting skills can make the adolescent "inappropriately powerful" in the family. Once an individual has acquired a position of tremendous power within the family, he/she might hijack his/her parents' decision-making role and become too dominant or abusefamily resources convinced that parents will tolerate his/her excesses.

3.2.4 Parental Conflict

Coley and Medeiros (2007, p. 144-145) contend that parental conflict and subsequent split-up and the non-intervention of the non-resident father in the family unit has adverse effects on children of low-income minority parents. They tend to undertake delinquent acts more often than the children of non-resident fathers who are more actively involved in their children's rearing. The study of Jekielek (1998, p. 9320) proposes that intensified parental clash has anundesirable impact on the emotional health of children. The findings imply that a delayed divorcemay have

harmful implications for the general well-being of the affected children, including antisocial conduct, more than would be normally expected if the divorce is expedited.

3.2.5 Non-Cohesive Families

Matherne and Thomas (2001, p. 655-662) define family cohesion “as the level of attachment and emotional bonding between family members.” They suggest that families such as non-traditional families with both parents, often lack cohesion and experience poor communication, which accelerates delinquency. Gorman-Smith, Tolan, and Henry (2000, p. 92) corroborate the increased risk of delinquency if there is poor emotional link between family members, particularly in the parent-child relationship. These scholars add that the danger is not toned-down by regular parental discipline, monitoring, and structured family roles. Steyn (2008, p. 212) quotes “poor parent-child ties, child abuse and neglect as some of the causative factors in delinquency.”

3.3 Child Maltreatment and Sexual Abuse

The occurrence of child neglect typified by the lack of a child’s elementary physical and emotional desires intensifies antisocial conduct. According to the West Cape News (in City Press, 2010, p. 13), neglected delinquents, from poor families without family support in the Cape Flats are frequently vulnerable to gang influence. Incidents of child abuse are also associated with delinquency. But a history of child sexual abuse is a precursor of misconduct and criminal behaviour for both girls and boys (Swanston et al., 2003, p. 746). In Goba village in Komatipoort, Khoza (2012, p. 26) observes that 11 learners reported being raped by their relatives at home. If, after this, they participate in delinquency, the sexual abuse they had experienced might be a factor in the behaviour. Therefore, children who become adults in dysfunctional families and are abused sometimes run away from home. Regrettably, by so doing they swap family problems for far worse inherent problems in the streets. As a result, the cycle of maltreatment and abuse continues, and they eventually engage in deviant and risky behaviour to survive street life (Tyler et al., 2001, p. 173). The above factors indict the family structure, environment, and processes and probably characterise it as the risk factor with the most influence in juvenile behaviour.

3.4 Risk Factors within the School

In the social development of children within structured environments, the school is the second most significant. This is because “learners are prepared for adult roles through the imparting of relevant knowledge and skills at school level” (Thabethe, 2010, p. 39-40). Besides, societal values and proper conduct are taught to them in a response to societal demands of conformity. Also, the school exists to defend and further societal needs. Finally, the school is customarily supposed to protect all learners who may be at risk in and outside the school environment. Nonetheless, undesirable feelings are associated with the school worldwide. The factors identified and discussed the next feature amongst some of the risk factors acknowledged within the school.

3.4.1 Poor Structure and Organisation

Masitsa (2011, p. 165) and Papacosta (2009, p. 24) claim that “effective schools are characterised by factors which act as a buffer against juvenile delinquency in the school context, namely: good discipline practices; environment conducive for teaching and learning; professional and caring teacher conduct; good school management and governance skills; and high expectations of learners.” However, these indicators in themselves, without the practical element required, will not safeguard learners in danger of antisocial behaviour. The following argument explores some of the risk factors inside the school that are frequently positively associated with juvenile delinquency.

3.4.2 Poor School Ethos

In contrast to the above-mentioned school effectiveness indicators, Hagell et al (2006, p.:52) quote poor structure and organisation as some of the causes of delinquency in the school environment. Poor organisation and school’s structure expose children who are in danger of delinquency are exposed to intensified chances of misbehaving. For example, when the school fails to explain in simple terms and promote its values through its philosophy, and when teachers hesitate in the demonstration and application of these same values, learners participate in antisocial behaviour owing to lack of direction. The obvious absence of ethical direction is also cited as the reason of conflicts and low involvement in school activities by both learners and teachers. Ladokun (2010, p. 126) found in South Africa that “teachers are not empowered to be effective managers of learner behaviour.” it is in light of this that Sullivan et al (2008, p. 15-16)

argue that an absence of regular staff meetings stimulates a negative tone for the school, thereby generating “conflict as each group prioritises its challenges at the expense of the rest of the school community.”

3.4.3 Poor Leadership

Research findings cite poor school leadership as one of the factors in adolescent misbehaviour. Some scholars cited in De Wet (2003, p. 92), reiterate the findings of other studies. For example, in South Africa, there is a predisposition by learners at risk to form gangs to protest against punitive and unpredictable discipline by teachers, by participating in violent acts (Bemak & Keys, 2000). Conversely, teachers and principals contend with their challenges. When the lack of job satisfaction frustrates the teachers, they are likely to abandon their role of loco parentis. They partake in stay-away action, learners often see them abusing alcohol during school hours and show an obvious lack of pride in their work. These instances demonstrate a lack of ethics amongst teachers. A reported incident in the media suitably corroborates the claim as teachers in some Soweto schools were among seven hundred latecomers, a figure which comprised many learners (Seale, 2012, p. 3). Also, the findings of Spaulding (2005, p. 2) show that when teachers bully, gossip, disrespect authority, harass and utter derogatory comments about their peers, as role-models they are reproducing the behaviours that schools are charged to eliminate. In the same way, some “principals lack leadership and management skills, and consequently, become ineffective managers” (Kabali-Kagwa, 1997, p. 2; Sithole, 1996, p. 26-27). The failure of principals to lead by managing teachers’ misconduct, as expected and required by the DBE’s labour laws, therefore suggests that a laissez-faire attitude amongst teachers will prevail to the detriment of learners. From the above instances, it is clear that unsuitable learner conduct takes its roots from the teachers’ behaviour.

4.0 Limited Resources

Schools in poor regions lack significant resources such as space, time and adequate human resources which stimulate a caring environment. Overcrowded classrooms and teachers overloaded with work decrease the suitable interaction required between teachers and learners, therefore reproducing an impersonal environment. Mufanechiya and Mufanechiya (2011, p. 97-98) contend that big school size affects the micro-climate of schools, thus causing negative emotions

and learning conditions. In such schools, learners at risk fail to benefit in terms of the individual attention they require and teachers lack opportunities to sway decisions on issues of discipline. Furthermore, poor and abandoned school buildings cause learner conflict and may trigger violence (Sullivan et al., 2008, p. 13-14; De Wet, 2003, p. 92; Ladokun, 2010, p. 8). There is also a general argument that under-resourced schools in poor areas and elite private schools often receive the impact of learners' disruptive behaviour and sexual violence, amongst other delinquent acts (Ladokun, 2010, p. 8). It is suggested that in South Africa the government abandons public schools in poor areas due to a lack of policy initiatives by government to help teachers "become more effective managers of behaviour" (Ladokun, 2010, p. 126).

Govender (2012, p. 10) supports the aforementioned theory. He cites the absence of basic resources such as food, water, electricity, sanitation and appropriate structures as an indictment against the South African education authorities. When a school lacks a culture of caring and is therefore impersonal, the flexibility of learners who are dogged by adversities in other contexts is adversely affected, causing them to be at risk of delinquency. The school contexts cited above also compromise the norm of diversity, thus abandoning individual learners' needs, abilities and disabilities. The scholars conclude that chances for attachment and bonding with teachers serve as a safeguard against delinquency, the basis of which may be within the individual learners coupled with the social contexts in which they live.

5.0 Academic Failure

Learners having consistently poor academic attainment tend to choose risky outlets such as drinking alcohol, abusing drugs, fighting and other antisocial behaviours to counterbalance feelings of frustration (Crosnoe, 2006, p. 57-58; De Wet, 2003, p. 92-97). Contending that learners who fail academically due to subject-streaming practices, De Wet, (2003, p. 92-97) and Van Breda (2006: 50), argue that they become frustrated and lose interest in their studies, turning to delinquent behaviour such as truancy and violence. Seale (2012, p. 3) notes on teachers' misconduct as a forerunner not only of learner under-performance but also of delinquency. She cites the example of teachers who got to school late, in full view of their learners - one arriving with music blaring from her car, with the explanation of having slept late the previous night.

6.0 Poor Management Styles

According to Ramatsui (2006, p. 11-15) learning institutions use different management styles to manage learner behaviour, namely:

- Democratic
- Autocratic
- Parietal
- Participative
- Laissez-faire.

Elliot (2009, p. 183-185) agrees and claims that parental and school management styles create similar behaviours among adolescents. The above-mentioned scholars cite despotic management styles that tend to deny learners the opportunity to be innovative, creative and intuitive. Learners then protest against school rules and participate in antisocial behaviour. A liberal management style, which is the opposite extreme of autocratic discipline, leads to a failure in normative behaviour, and as a result, disorder within the school as discipline collapses. Vandalism, theft, bullying, violence, and truancy become the standard as learners behave anyhow. The ethos of the school can only find suitable expression in the administrative style of the school management team and its teachers.

7.0 Gang Activity In The School Neighbourhood

Schools that are located in communities controlled by gangs are in danger of encountering intensified delinquency (De Wet, 2003, p. 92-93). Some learners may import these external gang membership into the school. Some news reports show that gang action in South African township schools is increasing. In January 2012, Makhaya Sizimele High School in Khayaletu experienced five gang-related stabbings. Media reports offer ample evidence that gangs are terrifying schools. As a result, fearful learners and teachers may participate in truancy and absenteeism, respectively, thus causing a decline in discipline and learner performance. In South African township schools, gang-infested schools and communities have caused many learners to relocate to inner-city and suburban schools (Maseko, 2009, p. 3). All the above issues are some of the many factors which worsen juvenile delinquency within the school.

Self-Assessment Exercise (SAE) 2

When learners have consistently cumulative poor academic attainment, they choose risky outlets of consuming alcohol, drinking, abusing drugs, fighting and other antisocial behaviours to counterbalance their feelings of frustration. To what extent do these activities enhance or curtail the incidence of juvenile delinquency in your locality?

8.0 Peer Influence as Risk Factor

Social relationships have a great influence on behaviour. The peer group is one such relationship after the home and school, all of which are essential factors in the positive socialising of the adolescent. Nonetheless, there is overpowering evidence that it is the 'breeding ground' for delinquency of at risk adolescents (Mathye, 2004, p. 53; WYR, 2003, p.191-192). Examples cited comprise unsupervised girls who reported indulging in drinking, smoking and experiencing conflict with parents because of peer influence (Flannery, Williams & Vazsonyi, 1999, p. 248-252). De Wet (2004, p, 92) states that adolescents who destroy school property do so to be acknowledged by peers. The WYR (2003, p. 191-192) supports the view that delinquency frequently occurs in a group context such as among the peer. The report emphasises that two-thirds of all adolescent misbehaviour are committed by members of peer groups - they steal, rob, rape, and commit other delinquent acts. As a result, delinquency is intensified in adolescents in danger if they bond with delinquent peers (Haynie, 2001, p. 1051). Flannery et al (1999, p. 248-252) state that peer influence is more in the absence of adult supervision after school. The above indicates that peer group influence, whether examined as a single factor or in conjunction with other contexts, is vital in the onset and escalation of delinquency.

8.0 CONCLUSION

To construct an analysis of the causative factors of juvenile delinquency using a one-factor perspective will merely scratch the question on the surface. To avoid this scratchy effort, we examine the causes of juvenile delinquency using a multifactorial approach. We began from the examination of the community as a risk factor, looked at the individual risk factors, the family and juvenile delinquency, we considered the roles played by broken homes, role-modelling of antisocial behaviour, poor parenting skills, parental conflict, non-cohesive families, child maltreatment and sexual abuse, risk factors within the

school, poor structure and organisation, poor school ethos, poor leadership, limited resources, academic failure, poor management styles, gang activity in the school neighbourhood, and peer influence as a risk factor. This provided an all-inclusive appreciation of the causative factors of juvenile delinquency for us to learn and apply to lifelike realities.

10.0 SUMMARY

In this unit, we have shown that juvenile delinquency is not a one-factor-driven phenomenon. It has community, individual, environmental, institutional, structural and peer group related dimensions. It is only when the causative contributions of these diverse critical stakeholders to juvenile delinquency is extensively and intensively interrogated that a lasting solution to the phenomenon can be evolved.

11.0 Tutor-marked Assignments

- i. The chances for attachment and bonding with teachers serve as a safeguard against delinquency driven by the individual learners' strength of internal control mechanism and the social contexts in which they live. Discuss.
- ii. To what extent is the fact that certain factors within the individual predispose him/her to antisocial acts as a reflection of social reality?
- iii. Harsh or inconsistent punishment by parents can cause children to be stubborn or rebellious and choose delinquent pathway to actualise their dreams. Discuss.
- iv. If family cohesion is "the level of attachment and emotional bonding between family members" (Matherne & Thomas, 2001, p. 655-662), how does it goad juvenile delinquency in your neighbourhood?
- v. To what extent the schools that are characterised by factors that act as a buffer against juvenile delinquency in the school context?

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UNIT 3 THEORETICAL UNDERPINNINGS OF JUVENILE DELINQUENCY

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Theoretical Foundations of Juvenile Delinquency
 - 3.2 Social Learning Theory
 - 3.3 Ecological Theory
 - 3.4 Anomie and Strain Theories
 - 3.5 Labelling Theory
 - 3.6 Social Control Theory
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignments
- 7.0 Reference/further readings

1.0 INTRODUCTION.

This unit is anchored on the submission of Kurt Lewin (1951) one of the founding fathers of social psychology. He said that “there is nothing so practical as a good theory.” On this

philosophy, we shall base our understanding of the capacity of a good theory to guide effective action by turning knowledge to wisdom.

2.0 OBJECTIVES:

By the end of the unit, the graduate students should be able to capture the essence of using theories to explain juvenile delinquency as a means of providing informed and enduring solutions for existing and emerging problems in the contemporary society.

3.0 MAIN CONTENT.

3.1 Theoretical Foundations of Juvenile Delinquency

Theory illuminates the character of a phenomenon, in this case, juvenile delinquency, by describing and explaining its nature. In addition to this purpose, a good theory should goad both abstract and practical understanding of youth misconduct in its manifestation. Shoemaker (2000, p. 7) notes that theory formulation and subsequent research should provide an unending understanding of how problem behaviour “is either maintained or discontinued”. This suggests that theory is dynamic. This elastic character makes it possible for researchers to track the changing nature of juvenile delinquency over time. This view indicates that for any theory to improve practice and policy issues related to the problem of juvenile delinquency, it should be open to constant appraisal.

3.2 Social Learning Theory

Albert Bandura (1977) is widely recognised as the father of the Social Learning Theory. He proposed that individuals learn new behaviours by observing and imitating modelled attitudes, emotions, and behaviours towards the environment. For children, they tend to imitate good and bad behaviour from adults and their colleagues. Individuals who are at risk of antisocial conduct learn from others that socially unacceptable behaviour is right. Some scholars argue that youth who are not well protected against being influenced easily learn antisocial behaviour through the attitudes and behaviour of their peers (Haynie, 2001, p. 1021-1022). In trying to activate the learnt skills, they may steal, lie, fight, disrespect others, bully, cheat in tests, and commit serious offences such as rape and murder, individually or in groups. Social Learning Theory centres on

the social context as a place for learning behaviour and the mutual influence between the individual, the behaviour and the environment. Agreeing with the above claim, Jekielek (1998, p. 908) cites the example of children who learn their parents' aggressive behaviour towards each other through observation and apply it to solve their life issues. These kinds of children have learnt that it is acceptable to swear, bully, use vulgar language, threaten and assault others in situations engagement. Therefore, any unsuitable behaviour by adults, irrespective of the context, puts children at risk of misbehaviour.

3.3 Ecological Theories

The concept "ecological" refers to an examination of the association between people and their environment and that the ecological theory is embedded in Shaw and McKay's (1942) work, which charted various delinquent incidents (Breetzke, 2008, p. 1-2). Citing poor physical environments as a cause induced by urban growth as examples of risk factors of crime, Shaw and McKay (1942) argued that criminal conduct takes place in space and that researchers can gain tremendous insight into the dynamics of human behaviour by using this perspective. Therefore, they probed geographical areas occupied by individuals and groups having been hypothesised that they are either criminogenic or protective factors for delinquency. To reinforce this assumption, Hassett-Walker (2009, p. 12) refers to low economic status, ethnic heterogeneity, and residential mobility as precursors for delinquent acts.

Self-Assessment Exercise (SAE) 1

Is juvenile delinquency capable of being learnt in association with individuals that exhibit attitudes and behaviours that are favourable antisocial behaviour?

3.4 Anomie and Strain Theories

The studies of Merton, Cloward, Cohen, and Agnew on Strain Theory drew their theoretical inspirations from the work of Emile Durkheim who defined "anomie" as a state of normlessness in which society lacks clearly defined norms that guide human behaviour. He contended that society has the authority and duty to impose social norms to control the insatiable desires of individuals (Harrell, 2007, p. 6). Merton (in Hagan, 2012, p. 159-160) proposes that since societal values encourage materialism among citizens, it is the incoherence between the

culturally prescribed goal and the social means of achieving it that causes the strain which makes delinquency inevitable. Harrell (2007, p. 6) highlighted that in highly industrialised countries such as the USA, citizens always pursue and amass material possessions. The acquisition of such possessions, therefore, becomes their core goal. In most cases, the socially acceptable means of achieving the culturally prescribed goal are often considered as either too elaborate or difficult for some individuals to access.

Acquiring the kind of education that will qualify one for an enviable career to reap the returns of education may be seen by poor communities as an ostentatious preserve of the privileged. Therefore, this realisation creates a strain within the individual to seek offensive means to accomplish their needs. In the process, they might steal, cheat, fight, bully or kill to get what they want. Orcutt (1983: 68-75) argues that the theory of Merton provides a framework for explaining a variety of antisocial behaviour. This is a significant contribution to social research because it helps sociologists to capture the reasons underlying the desire of some individuals to explore conventional means for the achievement of their goals while others yield to antisocial means. Like other scholars, Rauch (2005, p. 9) tracks the relationship between crime and moral breakdown to the ideas of Durkheim and Merton. Despite the criticism levelled against Anomie and Strain's theories, they remain the theory to be consulted when trying to unravel the origin of juvenile delinquency and crime.

3.5 Labelling Theory

Frank Tannenbaum (1938) is considered the grandfather of the Labelling or Societal Reaction Theory, which was originally called "dramatization of evil" (Townsend, n.d, n.p). The theory postulates that through the condemnation of individuals who reject the habits, institutions, and values of the society unwittingly creates criminals and delinquents. Tannenbaum's ideas were later popularised by scholars such as Edwin Lemert (1951) and Howard Becker (1963).

Nonetheless, scholars such as Hirschi contend that the theory disregards numerous factors other than the reaction of society that predisposes individuals to criminality and delinquency (Townsend, n.d, n.p). Despite the criticisms against labelling theory, its validity for the study of juvenile delinquency, amongst other problem behaviours remains outstanding. The above overview of theories of delinquency is not overly all-encompassing. Nevertheless, the effort provides a solid foundation for the study of juvenile delinquency.

Self-Assessment Exercise (SAE) 2

“There is nothing so practical as a good theory.” (Lewin, 1951). Discuss

3.6 Social Control Theory

Control theories have a long history (Hagan, 2012, p. 171-175). Control theories include Shaw and Mckay’s Social Disorganisation Theory; Informal Social Control Theories of Reckless and Sykes and Matza’s theory. These are precursors to Hirschi’s (1969) Social Control Theory. Shaw and Mckay’s (1942) ecological studies claim that crime is the result of social disorganisation in which the environment negatively influences the individual. In situations of environmental failure to provide individuals with positive socialisation in the context of extreme poverty, homelessness, deviant peer and community culture, the affected “individuals resort to crime” (Hagan, 2012, p. 165). In 1943 Reckless constructed his Informal Social Control theories on the framework of inner and outer containment and interrogated why some individuals resort to criminal behaviour while others can resist it. Inner moral strength, ethics and a positive self-concept safeguard individuals who are in danger of unsuitable behaviour and assist them to regulate their impulses to act improperly. If the inner ability to avoid crime fails, the external factors such as friends, family and the wider community help the individual to abstain from criminal activity through counselling. Regrettably, new empirical studies are not conducted to validate it. Thus, the theory is not seen as favourable for intervention programmes. Delinquent individuals use neutralisation techniques to rationalise their deviant actions (Bailey, 2004, p. 6-9). The theorist identifies (1) denial of responsibility; (2) denial of injury; (3) denial of the victim; (4) condemnation of the condemners; and (5) appeal to higher loyalties as the five techniques that individuals use to make their criminal acts seem insignificant. Consequently, they heap the blame for their actions on the shoulders of other people or situations.

4.0 CONCLUSION:

In this unit, we examined the significance of theoretical intervention in the analysis and prevention of juvenile delinquency. It began its review from the perspective that juvenile delinquency is learnt in the course of interaction with others to whom antisocial behavior is an acceptable way of life. The structure of the environment in which people live could facilitate

juvenile delinquency or prevent it depending on the volume of criminogenic property present in the environment. We considered the normlessness which often accompanies chaotic situations that intrude social life once a while. Finally, we presented the social control theories that help in the regulation of social life in society.

5.0 SUMMARY:

In this unit, we have shown that numerous interrelated theories could be explored to understand the phenomenon of juvenile delinquency. Despite the many criticisms that trail each of the theories, they are useful mechanisms for explaining the intense value to clarify problems that beset the contemporary world.

6.0 TUTOR- MARKED ASSIGNMENT

- 1) No single theory has the explanatory strength to cover all the possible angles to a phenomenon. In light of this reality, to what extent is it then possible for any particular theory to interrogate all the perspectives that juvenile delinquency presents?
- 2) When the acquisition of culturally prescribed goals cannot be achieved through socially approved means, disjuncture emerges. The incoherence triggers delinquency. Discuss.
- 3) Examine the extent of the rationality of the proposition that geographical areas occupied by individuals and groups are either criminogenic or protective of delinquency.

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UNIT 4 EFFECTS OF JUVENILE DELINQUENCY

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Effects of Juvenile Delinquency on Society

3.2.1 The Individual and Juvenile Delinquency

3.2.2 The Victim and Juvenile Delinquency

3.2.3 The Family and Juvenile Delinquency

3.2.4 The School and Juvenile Delinquency

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION.

There is hardly anything having a cause without maintaining a complementary effect. Consistent with this philosophy, in this unit, we present the effects of juvenile delinquency on the various stakeholders including the delinquent individual in the society, his/her numerous victims, the family, and other critical institutions in society.

2.0 OBJECTIVES:

By the end of the unit, the graduate students should be able to identify the intense implications of juvenile delinquency on the perpetrators, their various victims that include the overall society, themselves, their families, and other critical stakeholders in society. It is hoped that this extensive exposure will equip the graduate students with the knowledge base to handle issues involving juvenile delinquents, the various institutions that their excesses may impact.

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3.0 MAIN CONTENT

3.1 Effects of Juvenile Delinquency on Society

Juvenile delinquency has enduring and telling effects especially on the delinquent, the family, and the overall society. If the numerous effects of juvenile delinquency are left to linger untreated for

a long time, they may generate monstrous problems that may have deleterious implications for social interaction, development and the overall survival of society. When problems are at their inchoate state, they are easy to be nipped at the bud so that they do not graduate into critical problem behaviour that may manifest in chronic misbehaviour. Since past behaviour remains the “best predictor of future behaviour and treatment”, juvenile delinquency is better handled at its early onset so that its monumental adverse effects on the process of rehabilitation become easily reversible (Loeber et al., 2003, p. 3–4; Palmary & Moat, 2002, p. 4). These scholars, however, lament delayed research intervention until a time the problem has developed firmly fixed roots. Therefore, they favour prevention programmes that could curtail the problem at its earliest onset. The society as a collective body experiences huge financial costs arising from juvenile delinquency. According to,

“In 2009 alone, young offenders in England and Wales cost the public approximately 4 billion pounds on policing, punishment and trials. In the USA, the government spent an average of \$240.00 per juvenile offender of the 93 000 incarcerated, which translates into 5.7 billion dollars each year” (Williams, 2012, p. 2). If such expenditure was committed to addressing social issues such as poverty, housing backlogs, and job opportunities, those societies would have promoted the principle of social equity to some extent. Identifying with the above position, Ellis (2012) states that “teenage abortions in South Africa drain the resources allocated for other societal needs (p. 1). Furthermore, the unremitting fear of victimisation is evidence of the government’s inability to curb crime and, therefore, lessen the fears of society. As a result of the incapacity in this regard, the government may lose public confidence in it. When this occurs, it compromises the preventive efforts carefully made by government agencies, politicians, educators, faith-based communities and non-profit organisations. In the context of money earmarked for building new schools in South Africa, De Wet (2004) acknowledges that it “is often used to repair and replace vandalised buildings and equipment” (p. 206). Moreover, Mendoza (2009) emphasises that “the quality of life of the community is reduced due to the high costs incurred by health and welfare services.” (p. 2).

3.2 The Effects of Juvenile Delinquency on the Delinquent and the Victim

Most frequently, delinquency does not spare the delinquent in the all-inclusive experience of the effects of juvenile delinquent acts. It ravages his/her intimate associates, institutions and the

extended society. The segments that follow will focus discussion on how the problem affects the delinquent and his/her numerous victims.

3.2.1 The Individual and Juvenile Delinquency

The aftermath of juvenile delinquency has remarkable adverse effects on the individual and his/her numerous relationships with the environment. The reckless exhibition of boundless antisocial behaviour tends to reduce the individual's interactional efficiency that comes as a result of having been properly socialised into the society in which he/she is a member. If an individual fails to successfully internalise the norms and values of his/her society, he/she can hardly initiate and complete any positive social action in his/her community. His/her physical, mental and spiritual individuality is unduly compromised. Wickliffe (2012) assumes that "one of the negative effects of juvenile delinquency is that the individual loses out on the necessary nurturing and support from the family" (p. 5). It is also generally known that delinquents who misuse dangerous substances are in danger of indulging in unsafe behaviours such as unprotected sex, which may cause teenage pregnancy, unlawful abortions, STDs and HIV/AIDS. In addition to these, Marte (2008) observes that "the offender is open to further multiple risk factors, amongst which are deviant and impulsive behaviour" (p. 4).

While "chronic offending may lead to unemployment later in life, and those who may be employed, may struggle with the work environment" (Williams, 2012, p. 14; Hagell et al., 2006, p. 54); also, "delinquents lose opportunities to learn new pro-social behaviours and skills that can advance their interaction with others, especially in the workplace" (Estevez & Nicholas, 2011, p. 70). Extensive research data also suggest that in the event offenders befriend delinquent peers, they may remain trapped in a life-long, antisocial, and dangerous lifestyle. Moreover, Prinsloo (2007, p. 156) argues that fragile authority structures are likely to rob antisocial children of the chance to learn "the value of discipline and self-discipline". If the juvenile youth graduates into chronic delinquency and he/she is incarcerated; he/she may be tried and sentenced as an adult. Besides, antisocial behaviour may compromise the future career choices of delinquents.

Self-Assessment Exercise (SAE) 1

Account for the numerous ways by which juvenile delinquency impacts the life and career chances of the juvenile delinquent him/herself.

3.2.2 The Victim and Juvenile Delinquency

Barker (1999: 1) identifies some of the effects of delinquency on the victim as including but not limited to the following:

- i. Psychological trauma, which adversely affects relationships and the self-concept;
- ii. Loss of wages of the employed individual delinquent as he/she could be absent from work;
and
- iii. The individual suffers huge medical expenses and the costs of replacing damaged goods.

These above factors are some of the issues which cause the society to fear the youth, even when some scholars have condemned the fear which they considered irrational and, therefore, unfair.

3.2.3 The Family and Juvenile Delinquency

As a behaviour modification institution, the family plays a vital role in the nurturing of children, and “is a major buffer against youth antisocial conduct” (Mqadi, 1994, p. 312). However, once a family member becomes predisposed to engage in offending behaviour, the family is unfavourably affected in numerous ways. Firstly, in almost all cases, parents struggle to deal with their delinquent youth. Once there is a case of juvenile delinquency in a family, it experiences a decline in its functionality, it becomes dysfunctional and delinquency intensifies (Hoge, 2001 p. 3; Mhlongo, 2005, p. 41).

Barker (1999) itemizes the following effects of juvenile delinquency on the family:

1. Affected families may have to make provision for the needs of the offender;
2. If their child is an offender, they are ethically bound to shoulder some of the needs of the victim;
3. They may be compelled to attend group therapy sessions which may disrupt their daily activities;
4. They have to pay lawyers' fees; and
5. Trips to the detention centre to visit the individual may add to their financial costs (p. 1-3).

Self-Assessment Exercise (SAE) 2

Juvenile delinquency does not only have effects on the members of the offender's family alone, it also adversely impacts the offender's life. Discuss.

3.2.4 The School and Juvenile Delinquency

The school, similar to the home, has a major influence on the social development of the youth. However, “it is also the locus for various forms of juvenile misconduct” (Schmallegger et al., 2008, p. 29). These scholars also argued that juvenile delinquency within the school not only disrupts pleasant teaching and learning activities but also compromises the safety of teachers and learners. Almost daily, teachers are confronted by acts of indiscipline on the part of the learner resulting in the victimisation of other learners. Quite often, various cases of bullying, aggression, fights, violent outbursts, vandalism, theft, the use of illegal substances, carrying of dangerous weapons and inappropriate language directed at teachers and learners appear in the conventional media. Frequently, such juvenile delinquents’ behaviour has harmful implications for the “perpetrators and others inside and outside the school environment” (Gottfredson, 2001, p. 1-4). In some schools in South Africa and other African sub-regions, teachers abandon their classes, leading to high rates of teacher absenteeism. Bezuidenhout and Joubert (2003) identify some of the experiences of teachers in crime-riddled schools:

- 1) Feelings of hopelessness;
- 2) Sudden drop in work performance;
- 3) Very high or low energy levels;
- 4) Social withdrawal;
- 5) Frequent tearfulness; and
- 6) Beginning or increased substance abuse (p. 58).

All these experiences have left some teachers harbouring deep-seated feelings of frustration and inadequacy rendering them unable to deal with learners’ delinquency. “The abolition of corporal punishment in South Africa and some other countries undermines the disciplinary role of teachers, thus leading to a decline in their morale” (Steyn, 2008, p. 206; Masitsa, 2008, p. 237). Since the abolishment of corporal punishment, learners have been known to misbehave with impunity and continue to exhibit the following undesirable behaviours:

- i. bungle classes deliberately;
- ii. fail to submit assignments;
- iii. disregard teachers and SMTs;
- iv. damage and steal property;

- v. intimidate other learners and teachers; and
- vi. Engage in inappropriate sexual acts in full view of others within the school premises.

Conversely, learnersexperience numerous harmful effects of juvenile delinquency which include some of those enumerated in Thabethe (2010, p. 143):

- 1) School phobia;
 - 2) Truancy;
 - 3) Behavioural problems;
 - 4) Stress indicated by physical and emotional changes; and
 - 5) Inability to cope with learning activities.
- 6) The next section traces societies' reactions to the problem of juvenile delinquency over time.

4.0 CONCLUSION:

In this unit, we made a comprehensive overview of juvenile delinquency by disaggregating its effects to see the extent the juvenile delinquent is a victim of his/her antisocial resources. We also isolated how juvenile delinquency impacts the entire Society. Furthermore, we discussed the effects of Juvenile Delinquency, one after the other, on the Individual, The Victim, The Family, and the School. Juvenile delinquency has comprehensive effects on the entire society, in some instances having multiple overarching implications for some of its victims.

5.0 SUMMARY:

In this unit, we have shown that juvenile delinquency is not without serious effects on society. Just as it affects the career choices of the juvenile delinquents, it affects their victims, their parents, close associates, institutions of which they are members and the overall society.

6.0 TUTOR- MARKED ASSIGNMENT

1. State the effects of juvenile delinquency on the delinquent's family
2. Critically appraise how the effects of juvenile delinquency on the family differ from those of the schools.
3. What are the effects of juvenile delinquency on the society as a whole?

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UNIT 5 Dealing with the Problems of Juvenile Delinquency

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Introduction

3.2 The World Youth Report 2003

3.3 Universal Views on Juvenile Delinquency

3.4 Early Perceptions about Juvenile Delinquency and Juvenile Justice

3.5 Changing Perceptions about Juvenile Delinquency and Juvenile Justice

3.6 Deviance

3.7 Retributive Versus Restorative Justice

3.8 Dealing with Juvenile Delinquency

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION.

There is hardly a way by which the problem of juvenile delinquency can be tellingly resolved without having to develop a new look at the phenomenon. This would involve the development of a new perception of children's behaviour in the context of what society considers to be desirable norms of social conduct. In this way, the old ways of looking at the problem that have yielded the same unsatisfactory outcome will now give way for a new orientation to have desirable effects.

2.0 OBJECTIVES:

By the end of the unit, the graduate students should be able to appreciate the reasons underlying the variation of the understanding of juvenile delinquency across the world and intelligently proffer solutions in academic discourses.

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3.0 MAIN CONTENT.

3.1 Introduction

An overabundance of studies has found that juvenile delinquency is a grave problem worldwide that distresses many societies (Hoge, 2001, p. 1; Du Preez & Luyt, 2011, p. 33; Ladokun, 2010, p. 1; Shoemaker, 2000, p. 3-5; Barberet et al., 2004, p. 96-99; World Youth Report (WYR), 2003, p. 189; Juvenile Justice Around the World (JJAW), 2013, p. 329). The problem of juvenile delinquency is “as old as ‘problem families’ and the paranoiac discovery of alcohol beverages”(Goldson, 2011, p. 34-35). Stephens (2010) provides a list of scores of violent deaths in schools between 1992 and 2010 that youth perpetrated in the United States of America (USA). In just an incident in Madison, a learner was shot in the school hallway during class change. Also, in Indianapolis and California, an art technical director and a school resource officer, were assassinated within the school premises by learners respectively. Agreeing with this, Barberet et al (2004, p. 14-21) found that England, Wales, the Netherlands, and Spain, share similar rates of youth offending. Although delinquency rates in Japan and India are reportedly low, there are concerns that the problem needs to be addressed (Friday & Ren, 2006, p. 214-225). Other studies elsewhere tend to corroborate these findings (Dunkel et al., 2011, p. 23-26). Shoemaker (2000, p. 3) supports these assertions and points to the existence of numerous historical records on human behaviour, in particular juvenile misconduct.

3.2 The World Youth Report 2003

In respect of The World Youth Report, the Secretary-General of the United Nations Organisation (2003, p. 189-199), states that youth are facing new challenges, therefore the acceleration of juvenile misbehaviour. The report reveals that the following challenges are amongst those that are a continual source of concern for the modern society:

- Unemployment and under-employment of youth;
- A decline in the authority of local communities;
- The disintegration of the family structure;
- Ineffective education systems;
- Rapid population growth; and
- Over-crowding in poor areas and juvenile delinquency

These challenges are regarded as fertile ground for the development of adolescent behavioural problem. The above problems are the root causes of juvenile crime that afflicted the USA, one of the most developed countries in the world. However, developing nations are

reportedly most affected by the problem (The World Youth Report, 2003, p. 189). To document the extent of the intensity of juvenile delinquency problem, a global report entitled: JJAW, (Chapter 13: 329), based on the WYR (2003, p. 189), shows that between the 1980s and 1990s, delinquency among underage children went up by 50%, except in the USA. However, countries in transition, in particular, have experienced a rise of 30% since 1995 in offences such as substance abuse, which is the commonest offence. The WYR has identified some striking factors in its description of the modern state of juvenile delinquency globally.

3.3 Universal Views on Juvenile Delinquency

WYR (2003, p. 189-196) identifies the following are current thoughts and the associated features of the juvenile delinquency problem globally:

- i. Delinquent behaviour encompasses all public misdemeanours by youth aged between 12 and 20;
- ii. Adolescents are both delinquents and victims of juvenile delinquency – they are the victims of more than 80% of all violent acts which they do not report;
- iii. There are more male than female delinquents. For example, according to the Encyclopaedia Britannica (Delinquency, n.d, n.p.), in America alone, 80% of the delinquent population is boys – a rate similar to that of other countries globally;
- iv. Between 1992 and 2000, 80 million to 150 million children living in poverty were at risk of offending;
- v. Delinquency is largely a group activity involving mostly 14 year-olds;
- vi. Social, economic and cultural conditions tend to cause the problem to escalate; and
- vii. There is no systematic global action to address the problem.

Despite the above-mentioned factors, there are some attempts to address the problem. The United Nations Guidelines for the Prevention of Juvenile Delinquency view juvenile antisocial conduct as a transitional phase between childhood and adulthood and should be regarded as normal (WYR, 2003, p. 191).

3.4 Early Perceptions about Juvenile Delinquency and Juvenile Justice

Previously, children were treated as possessions without legal recourse to protection. Shoemaker (2009, p. 14-27) provides an overview of societies' evolving reaction to youth misconduct. In the

past, state intervention in dealing with the problem became mandatory. This culminated in the principle of ‘*parens patriae*’ - the state taking over control of children from parents perceived as failures in rearing their children. This development led to the establishment of juvenile detention centres such as houses of refuge, reformatories, and industrial schools. The latter developments were premised on the emerging notion that children needed nurturing and care through adult supervision. Hill & Maughan (2009, p. 9) support the notion and state that societies saw children as “criminals in the making”, hence the need to control their behaviour through the aforementioned interventions. Global trends in juvenile justice show that societies are now adopting the decriminalisation of juvenile delinquency by treating offenders humanely (Geneva Convention for the Rights of The Child, 2007; Child Rights Information Network (CRIN), 2010 & World Youth Report (WYR), 2003. In this regard, the principle of ‘*parens patriae*’ remains a guiding principle in the treatment of juvenile delinquency.

Self-Assessment Exercise (SAE) 1

If between 1992 and 2000, 80 million to 150 million children living in poverty were at risk of offending seems to be making some valid points about the state of juvenile delinquency. Construct a convincing analysis of the implications of the above data for the future of the problem in the contemporary world.

3.5 Changing Perceptions about Juvenile Delinquency and Juvenile Justice

Some citizens and scholars blame juvenile justice systems for being too lenient or too harsh towards youth crime. Today, the concept “juvenile justice” is gradually pervading socio-educational discourses in the global context. As early as the 1800s and 1900s, there was a growing awareness of the need to treat juvenile offenders differently from adult criminals. It was contended that since adolescence is a normal developmental phase, juvenile delinquents needed more support than societal control (Springer et al, n.d, p. 15). In agreement with the above-mentioned opinion, are Hagell et al (2006, p. 47), who posit that people hardly consider biological and psychological influences on adolescent misconduct as risk factors in probing delinquent behaviour. These factors are, in some cases, acknowledged as forerunners of antisocial behaviour. As emotional beings, there is a need for adolescents to be given the reassurance that they matter to others and can make a difference. In this connection, Elliot (2009, p. 12) assumes that being regarded as significant to others plays a great and protective role against antisocial

behaviour. Thein-thing in socio-criminological research is a growing collaboration among stakeholders in dealing with juvenile misconduct. The family, state and other social control agencies may not successfully run away from the problem as they are answerable for children's misbehaviour (Stewart et al, 2010; Steyn, 2008). Other views support the latter claim and recommend that the above-mentioned agencies have a shared duty towards the well-being of children and youth by training them to be human (Barberet et al, 2004, p. 99).

Self-Assessment Exercise (SAE) 2

Juvenile delinquency rides on the back of deviance to gain global recognition in the contemporary world. Discuss.

3.6 Deviance

The literature review indicated that the concept “deviance” in the study of juvenile delinquency is a key concept in understanding the problem. Thus, its discussion starts here. The concept of deviance is defined as “any behaviour considered by public consensus to be out of line with the norms and values of society” (Mathye, 2004, p. 55). Also, Lawson et al. (2010, p. 3), define deviant behaviour as “more lightly censored by a social rather than a necessarily official reaction”. Some scholars suggest that persons who deviate from societal norms to follow individual interests are inclined to reduce the collective support they need to be amicably socialised. On their part, Friday et al. (2006, p. 17) suggest that the cycle of individualistic self-centred behaviour could be mitigated through collective engagement with the individual.

3.7 Retributive Versus Restorative Justice

The concepts “punishment” and “deterrence” were used concurrently to explain the unforgiving manner in which delinquent children were treated. Retribution is one option that asks the question – how does society punish an offender? On the opposite side of this approach is the use of restorative justice, which asks the question - how does society repair the damage caused by an offender? “Restorative justice is a philosophy which embraces human emotions such as healing, mediation, compassion, forgiveness, mercy and restoration, amongst some other emotions” (Van der Westhuizen, 2004, p. 82-84). Proponents of restorative justice argue that society should treat

juvenile delinquents and criminals compassionately, to repair the damage caused by their offending. The latter purpose is facilitated by various intervention and support initiatives to guarantee that the individual's well-being is reinstated. Various scholars and countries some of which are signatories to the Geneva Convention of the Rights of the Child (2007) champion the above-mentioned and CRIN approach.

3.8 Dealing with Juvenile Delinquency

Global reaction to the problem of juvenile delinquency should start with an appreciation of the dimension, extent and environmental peculiarity of the problem. All these inextricably call for a global definition and probably redefinition of the problem. 'Status offences' is one concept that represents a core challenge in delinquency scholarship. Some scholars have asserted that status offenders are often unfairly treated. For instance, social reformist, Miller, contends that very few juvenile delinquents have committed provable crimes at the time of apprehension (New World Encyclopaedia Contributors, Anon, Juvenile delinquency, n.d). In its report, the Child Rights Information Network (CRIN) agrees and posits that the concept 'status offence' tends to stigmatise, victimise and criminalise young people (2010, p. 1). The United Nations Report on Violence against Children cited children in the report as having called for the eradication of status offences to give them equal status as adults. In agreement with the libertarian principles of countries such as the USA may disagree with the CRIN report for using strict curfew laws to limit juvenile misbehaviour.

To the extent that culture determines the content, rhythm and scope of delinquency, its understanding, tolerance and punishment will depend on the context in which the problem is being treated. To promote some level of international coherence in terms of the confusing boundary between juvenile delinquency and criminality which impacts on how societies treat juvenile delinquency, the report by JJAW (Chapter 13, p. 329-330) offers a synthesis of various definitions of juvenile delinquency in the five criteria to streamline the definition:

- There must be evidence of an offence;
- Affected children must be proved to be at risk of delinquency;
- Affected children must be found to be living in dangerous environments;
- Affected children must have been arrested for improper reasons; and
- Affected children or their families must have applied for asylum.

It is recommended that the above-mentioned criteria could be adopted for use as possible strategies on how societies could respond to antisocial youth.

4.0 CONCLUSION:

In this unit, learning progressed from the World Youth Report (2003) as the basis of discussion. Next, we examined universal views on juvenile delinquency to resonate with early perceptions about juvenile delinquency and juvenile justice. Also, we considered the changing perceptions about juvenile delinquency and juvenile justice to capture the essence of deviance. It is from this vantage point that our understanding of retributive versus restorative justice leads quite naturally to the question of how we could decisively deal with juvenile delinquency to achieve social order in contemporary society.

5.0 SUMMARY:

In this unit, we have shown that there is a correlation between the definition of juvenile delinquency and what the people understand by it as a platform to deal with the question of its undesirable outcomes. If the war against juvenile delinquency is won, half of the contact crime that afflicts the affluent modern world is resolved.

6.0 TUTOR- MARKED ASSIGNMENT

- 1) In what concrete ways has the existence of the law creating status offences perpetuating the injustice against juvenile in terms of youth offending?
- 2) Using the highlights of the World Youth Report, in respect of which the Secretary-General of the United Nations Organisation (2003) contends that youth are facing new challenges, identify and discuss the factors that make juvenile delinquency an endless source of concern for the contemporary society.
- 3) In what ways has the overabundance of existing studies found that juvenile delinquency is a grave problem that distresses many societies worldwide?
- 4) To what extent do you consider the contemporary global trends in juvenile justice that makes societies favour the decriminalisation of juvenile delinquency by treating offenders humanely capable of achieving social order in society?

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MODULE 3

- Unit 1: Meaning and Theories of Criminal Justice
- Unit 2: The Nigeria Police
- Unit 3: The Court
- Unit 4: The Corrections and Prisons
- Unit 5: Measuring the performance of Nigeria's criminal justice system

UNIT 1 MEANING AND THEORIES OF CRIMINAL JUSTICE

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
- 4.0 Meaning of Criminal Justice System
- 4.1 Structural Functionalism Theory
- 4.2 Theory of Planned Behaviour (TPB) and the Nigerian Criminal Justice System
- 4.2.1 Attitude
- 4.2.2 Subjective Norm
- 4.2.3 Perceived Behavioural Control (PBC)
- 4.3 Communicator's Credibility, Cognitive Response Theory and The Nigerian CJS

- 4.4 Foot-in-the-door (FITD) ("Ask for an inch, then take a mile") and the Nigeria CJS
- 5.0 Conclusion
- 6.0 Summary
- 7.0 Tutor-Marked Assignments
- 8.0 Reference/further readings

1.0 INTRODUCTION.

The criminal justice system as the basis of justice dispensation requires understanding more than any other agencies of governance because it determines the liberty and the rights to life of some citizens. It is the realization of this that makes the essence of theory induced explanation and understanding an inevitable commitment. It is for the promotion of the required knowledge-based understanding that makes the introduction of the criminal justice system the hub on which other theoretical discussions revolve.

2.0 OBJECTIVES:

By the end of the unit, the graduate students should be able to use the appropriate sociological theories with significant understanding and apply them in studying, explaining and solving the problems of humanity in their different locations.

3.0 MAIN CONTENT

3.1 Meaning of the Criminal Justice System

Criminal Justice System (CJS) is an essential part of the attempt of any civilized nation to guarantee justice, equity and good conscience in the administration of justice, the rule of law and the institutionalization of a democratic structure. As a system, the CJS involves numerous bodies, groups, institutions or agencies that have been saddled with the tasks of safeguarding social agreement and mass compliance with the law, and determining whether or not an individual is a criminal and the punishment that is adequate for the law-breaking behaviour of such an individual. Besides such duty, the CJS also cares for and rehabilitates the individuals confirmed to have broken the laws and to whom specific judgment has been passed. Considering anecdotal data and a passing observation one finds that the fearful distribution of crime incidence

in Nigeria is suggestive of the occurrence of a fundamental problem somewhere. Nigeria is replete with news of life-threatening criminal cases of kidnaps for a ransom, miraculous disappearances of individuals, daylight armed robberies and the like. More irritating is the disturbing cases of recidivism that questions the efficiency of the reformatory interventions of the CJS.

All over the world, the CJS exists to control conducts that threaten social order using the instrumentality of codified laws. As a result of variation in the historic trajectories of the different societies of the world, the differences that result from the interjections often regulate the organization, rhythm, and efficiency of the CJS that the developing countries inherited from their colonisers. On account of the colonial alignment of Nigerian scholars, they often probably inadvertently unleash the Europocentric national curriculum on students in Nigeria rather than evolving environment-friendly program of studies. Therefore, dwelling too intensely on foreign textual resources when Nigerian teachers instruct their students in Nigeria causes an insidious indoctrination that predisposes young learners to understand the existing state of affairs of the CJS in developing countries as ideal. Evidence of corruption that plagues the CJS portrays the system as essentially fundamentally flawed. The police in addition to their woe of counterproductive policing receive bribes barefacedly; judges are removed from office on proven allegations of having illegitimately enriched themselves, prison officials extort money from inmates to allow them import weeds and dangerous items into the reformation facility. The problem of suspects awaiting trials being more in Nigeria's correctional facilities than convicted criminals confirms the inefficiency that characterises the entire CJS and makes a sustainable case for a systemic reform of the institution.

The determination of how a country defines and utilizes its CJS as an institution of social control is the prerogative of governance. Therefore, on the governance index, the performance of a country will depend, to a large extent, on how well it manages its justice system. This realisation makes a proactive and efficient CJS the core foundation upon which natural justice, equity and good conscience is erected. The CJS helps to adjudicate cases and punishes the individuals who violate social norms (Garland, 1990). When a country ensures that its CJS is firmly rooted on fairness and justice, issues of corruption that impede progressive administration of justice give way for socioeconomic development because a country does well in the context of social justice that is devoid of undue rancour and mutual hatred. Thus, in this unit, how the Nigerian criminal

justice as it is constituted by the police, court system and the prison services together steer the criminal justice system will be exhaustively discussed.

The criminal justice can be looked at either as a system or a process (Moore, 1997). If it is held as a system, it implies the set of agencies and processes created by the state to administer crime and enforce penalties on the individuals who disobey the criminal law (Newman, 1978). The criminal justice system includes the criminal justice process and comprises the procedure for apprehension, arraigning, trial and detention of a suspect. Customarily, guidelines on the CJS are based on five components of (1) the law enforcement, (2) the court system, (3) the prosecution, (4) corrections system and (5) the community (Clare & Krammer, 1977). Moses (2011) argues that the CJS is an epitome of crime controlling methods, which signifies the entire variety of government institutions that functions as the tool of the state for the enforcement of its set rules helpful for the preservation of peace, order, and serenity. Through detection, apprehension, prosecution, adjudication and sanctions of individuals who disobey the established laws, the CJS implements its task of social order in society (Ugwuoke, 2010). By interpretation, it could be said that the efficiency of the CJS could be determined using the performance index of the entire system in actualising the task of deterrence, incapacitation, retribution, rehabilitation, and reintegration. The extent of coordination that exists among the various components of the CJS almost always determines the level of the achievement of its goals. Based on the report of Oti (2016) that eighty (80) percent of Nigeria prisons population are awaiting trial, most of whom, are held for trivial offences that require the offenders being released on bail instantly.

3.2 Structural Functionalism Theory

The theory of structural functionalism looks at a society as a single interrelated social system, each element of which does a specific job (Ottong, 2004). The basic feature is the integration of its constituents and the functional integration of system caused by interdependence of parts. Functionalism acknowledges balance in the social system (Ottong, 2004). Functionalism framework holds human society as a system constituted of co-dependent and interrelated constituents that work cooperatively to produce effects that are characteristic of a whole because the constituent parts play their respective roles harmoniously for the benefit of the whole social system. The harmony in action produces an effect that nourishes the entire system to actualise the needs of the system and remain stable in existence. In criminology, the constituent parts of

the social system are the police and associated agencies, the judicial system and the prisons. These three discrete institutions must function harmoniously to ensure the efficiency of the Nigeria criminal justice system. This is the only plausible way by which the predominant question of awaiting trial can be effectively resolved in Nigerian prisons. This sociological perspective recognizes equilibrium in the social system. However, in situations whereby the components function discordantly, social disequilibrium becomes inevitable. Within the context of the inability of the correctional institutions, the judiciary, and the law enforcement agency will continue to perform their constitutional mandate ineffectively to increase the quantum of awaiting trials as well as an upward movement of the rate of recidivism in Nigeria.

Self-Assessment Exercise (SAE) 1

Conscious of the need for separation of powers between the components of the criminal justice system, there is a need to ensure harmonious interaction in the performance of their duties to prevent unduly large population of awaiting trial and rising incidence of recidivism. Discuss.

3.3 Theory of Planned Behaviour (TPB) and the Nigerian Criminal Justice System

The theory of planned behaviour was proposed by Ajzen (1991) as an individual's plan to conduct him/herself in a particular way. In the literature on the causal analysis of human behaviour, the theory of planned behaviour is acknowledged to have significant relevance, particularly in forecasting behaviour in a particular context. It brings attitude, beliefs and motivation together in clarifying human behaviour. Human behaviour is influenced by some considerations. Behavioural goal in a specific context covers the stimulating factors that drive a person to desire to get involved in the assumed behaviour. However, there are independent determining influences on whether such plans will gain expression in real behaviour. Such influences include perceived behavioural control, subjective norms, and attitude towards the behaviour (Ajzen, 1991).

4.2.1 Attitude

Whether or not a person is positively willing to perform a specific behaviour will impact his or her behavioural intention and whether such intentions will become obvious in actual behaviour. Attitude, the positive or negative assessment of a stimulus, is an outcome of considerations of the

effects of such stimulus. In terms of behaviour, whether the effects or outcomes of behaviour are projected as wanted or unwanted in the person's opinion decide the attitude that a person will develop towards such behaviour. Therefore, with behaviours of expected positive effects, the more positive attitude towards such will be and vice versa.

4.2.2 Subjective Norm

Subjective norm denotes the values and defined normality and abnormality of behaviour as conceived by significant others. This is irrespective of significant others whom might have a favourable or unfavourable attitude towards a planned behaviour. Subjective norm is emphasized by normative belief in the envisioned behaviour. With a supposed favourable attitude of significant others towards an intended behaviour, the higher the probability to want to participate in such behaviour and that intention may gain expression in real behaviour and vice versa. In this context, significant others may include the family, culture, social norms, law, national orientation and values.

4.2.3 Perceived Behavioural Control (PBC)

PBC is all about an individual conceiving the self as having or not having the capacity, wherewithal and chances to actualise an intended behaviour (Ajzen, 1991). Ajzen also related this characteristic to the concept of self-efficacy suggested by Bandura, in his social cognitive theory (1986); which talks about the assessment of how well one can initiate behaviours that will cause the performance of a specific action. Furthermore, the theory also encapsulates such factors as the time, opportunity and other resources that an individual may need to implement the behaviour which the individual considers accessible or is within his/her power to obtain. The more accessible the resources to an intended behaviour are the less the challenges encountered in the performance of the behaviour, the more individual considers the self as being capable to perform the intended behaviour. Moreover, feelings of personal capacity to perform behaviour may also be a function of the individual's past experiences with the behaviour. Experiences of associates, families, or significant others, therefore, serve as motivations for a personal assessment of the ability to perform the behaviour. The social learning theory of Bandura (1977) also competently captured this phenomenon.

When an individual has a solid aim to perform behaviour, and such intention is supported by perceived effectiveness to make it occur, the behaviour is most likely to happen (Ajzen, 1991). Generally, a positive attitude towards an intended behaviour in addition to subjective norms that acknowledge such behaviour and a perceived capability to objectify such behaviour, the stronger the individual's intention to perform the behaviour will be (Ajzen, 1991). Nevertheless, the weight that each of the components brings to bear on motivating behaviour varies concerning the specific intended behaviour and situation (Ajzen, 1991). As a reaction to the examination of the sufficiency of the TPB in predicting behaviour, Beck and Ajzen (1991) reflected on the idea of personal feelings of moral obligation as well as the other components of the model for behaviours with moral effects. Using the TPB to understand the lack of achievement of the Nigeria CJS in crime control, the components of the theory can be examined within the Nigeria socio-cultural specifics. How does the peculiarity of the situation of Nigeria affect her citizen's evaluation and hence their disposition towards crime, their normative belief (subjective norm) about crime and their sensitivity about their ability to commit crime? Do Nigerians have a positive attitude towards the commission of crime, do their subjective norms favour crime commission and do people believe in their ability to commit crime?

Granted that national data on Nigerians' favourable or unfavourable disposition towards crime do not exist; a high proportion of Nigerians are deeply entrenched in crime such that they see criminality as a normal way of life (Afrobarometer, 2005; Anaedozie, 2016; Ashiru, 2016; Gire, 1999). Considering available reports on people's perception of crime, actual participation in crime, level of corruption of Nigerians and world rating on Nigeria's involvement in crime, systemic crime exists in Nigeria. Crime has become the engine oil of efficiency in Nigeria. Without it, nothing seems to work. This probably explains the predominance of criminal acts such as bribery, nepotism, stealing, cheating, embezzlement, corruption and others in Nigeria's polity and socioeconomic life (Afrobarometer, 2005; Amnesty International, 2008; Anaedozie, 2016; CLEEN, 2012; Pring, 2016; Wambua, 2015; Osasona, 2016). In line with this position, CLEEN (2012) reported that the number of people who were scared of becoming victims of crime rose to 75% in the year 2012 from the 72% of the preceding year and one in every three participants had experience of crime in the period covered by the report. Similarly, a research partnership of Afrobarometer and Transparency International shows that in Nigeria, 75% believed that corruption had increased over the past year and of the countries surveyed, Nigeria

was one of the countries whose citizens had the most undesirable view of the scale of corruption in the country.

To the extent that actual behaviour is a function of attitude, it is probably safer to assume that the increase in corruption and associated criminal varieties in Nigeria are outcomes of increasing positive attitude towards crime or acceptance of crime as normal. Contrary to normative Nigerian practices, there seems, in the recent past an acceptance of the culture that glorifies the acquisition of shady wealth in Nigeria. For example, “(L)ate Alamiyeseigha, James Ibori, Bode George, and Al-Mustapha were criminals, from different ethnic backgrounds in Nigeria, whose people celebrated as role models, making corruption seem normative in Nigeria” (Ayodele, 2019, p. 9). The administration of Babangida from 1985 to 1993 was found guilty of embezzling \$12.4 billion (Ekpo, Chime & Enor, 2016). Also, the administration of General Abdulsalami Abubakar was said to have mismanaged the sum of N650 billion while Ms. Stella Oduah, an ex-Aviation Minister concluded her tenure in office despite evidence of mismanagement of 255 Million Naira (Ekpo, Chime & Enor, 2016). Moreover, ex-Bayelsa state governor, Diepreye Alamiyeseigha, who was impeached for corruption, after being arrested in Britain, was reported to have dressed as a woman and jumped bail. President Goodluck Jonathan pardoned him two days after receiving his prison sentence, having already spent two years in jail while awaiting the verdict and the pardon makes it possible for him to serve in a public office in the future (Gambrell, 2013; The African Sun-Times, 2015). Also, he shielded Abdurrasheed Maina who stole pension funds until the National Assembly went overtly antagonistic (Suraju, 2013), only for Maina to pay 750 Million Naira fine for embezzling Billions of police officers pension funds.

As a result, the emphasis shifted from integrity to the use of corner-cutting to amass wealth and acquire material things. What appears to be significant is the acquisition of wealth, the how does not concern anybody (Ashiru, 2016; Gire, 1999; Anatusi & Nnabuko, 2012). With many criminals becoming the true friends of the police because of their possession of wealth, the perception that crime has become a rewarding enterprise is rapidly gaining ground. Consequently, countless criminal acts go undetected, those detected attracted no penalty and criminality becomes the pastime of every interested citizen. Nigerians' reports on crime indicate that between 2005 and 2009, the number of serious crimes reported to the police was 333,368 and between 2009 and 2011, 837,552 serious crimes were reported to the police (Nigerian Bureau of Statistics [NBS], 2010; 2012).

The customary ideal is that the CJS in Nigeria is the bastion of hope for the hopeless in terms of access to justice. It is distressing, however, to read reports about corrupt practices of the police who are supposed to be the gatekeepers of that temple of justice. The judges who are also expected to be holier than the other Nigerians have been shown to imbibe corrupt practices even more than the retrograde guttersnipes. Regrettably, the prison officials who are paid to supervise the rehabilitation of convicted offenders to make them able of effortless reintegration into the society often worsen their moralities and make true rehabilitation unthinkable. From this analysis, it is probably easier to conclude that the principal actors of the Nigeria CJS are themselves neck-deep in criminal activities. In recent times, the scandal involving corrupt judges who were alleged to have kept corruption money of 1.3 million US Dollars in their homes reminds one powerfully of the decay that has grown firm roots in the hallowed chambers of justice. One of the judges was reported to have confessed that a chief judge strategically assigned them “lucrative” and high profile cases of crime and then told them to request bribes in dollars. The amount they found in his home was, therefore, his share. Consequently, after such immoral payments, justice goes to the highest “bidders” (“Chief Judge of Nigeria’s”, 2016).

The manner with which the CJS investigates and prosecutes criminal activities in Nigeria runs a sad commentary on the integrity of that arm of government. For instance, Andrew Oru and Joe Igbuzor accused James Ibori the Governor of Delta State from 1999–2007 of being an ex-convict and therefore, unfit to be Governor in 2003. The EFCC under Ribadu went after Ibori who was believed to have bankrolled the election of late President Umaru Yar’Adua. His arrest without presidential approval reportedly displeased Yar’Adua, who strategically reassigned Ribadu to the Nigerian Institute of Policy and Strategic Studies, on a course. On the death of Yar’Adua, following pressures from the United States, Jonathan directed the then-new EFCC boss, Waziri to launch a fresh offensive against Ibori, who was immediately declared wanted. Ibori instantly went into hiding from where he fled to Dubai. Following an alert by the Metropolitan Police, Interpol arrested and extradited him to London (Mojeed, 2012), where he was tried and jailed. An Abuja High Court and a Federal High Court in Asaba discharged and acquitted Ibori on 8 November 2004, and 17 December 2009, respectively. Ordinarily, the common Nigerians felt the court had applied extant laws to set the suspect free. Later, Ibori was extradited to London from Dubai where he was confronted with a 10-count charge of money

laundering and conspiracy to defraud Delta State. Amazingly, he pleaded guilty to the charges brought against him (Anele, 2012).

For criminals that were jailed, what kind of treatment have they received in prison? For instance, the ex-Delta State governor, James Ibori, was reported to have been given special treatment in prison (Isenyo, Kaduna & Isiguzo, 2007). Similarly, the then outgoing Inspector General of Police Mr. Abubakar in 2014 was said to have restored and redeployed Mr. Sam Chukwu, a former Divisional Police Officer (DPO) of Ogui Police Station, Enugu; who was implicated in kidnapping and murder case in 2009. He failed to show up for the trial as zonal provost at the Zone 9 headquarters of the Nigerian police based in Umuahia. The inspector general was said to be aware of the pending case of Mr. Sam Chukwu and his being a fugitive of justice (Olagunju, 2016). By performance, the CJS of Nigeria appears to be favourably disposed to criminal practices. In sum, the TPB displays its relevance and capacity to facilitate understanding and explain the wave of crime in Nigeria. The actors of the CJS through their ineffectiveness, betrayal, inefficiency, corruption and injustice could not encourage and bolster favourable public attitude to anticrime behaviour. Therefore, Nigeria's CJS as it presently operates cannot engender public admiration.

4.3 Communicator's Credibility, Cognitive Response Theory and Nigeria's CJS

For social influence in persuasion, the communicator's credibility is a key concept or strategy. Therefore, in the literature on communication, advertisement and persuasion, there are proofs of using reliable sources in manipulating an audience (Ajzen, 1992; Harmon & Coney, 1982; Sternthal, Dholakia & Leavitt, 1978). Communicator's credibility encapsulates the perceived reliability and expertise of the communicator by the recipient of a message (Ajzen, 1992; Myers, & Spencer, 2001; Passer, et al., 2003). It summarises whether, in the opinion of the message recipient, the initiator of communication can be trusted and is knowledgeable and confident about the information being disseminated. Investigation into the effectiveness of the source of persuasion has repeatedly indicated that trustworthy and expert communicators stimulate favourable attitude towards the position of the communicator in comparison with those communicators found to be of less credibility (Harmon & Coney, 1982; Sternthal et al., 1978). The effect of source credibility has been explained within the framework of Cognitive Response Theory of Greenwald (1968). The theory suggests that in a situation of persuasive intentions, the

idea of a source's credibility come into play by influencing the instigation of thought that contradicts or supports the position of the communicator in the reception of the message.

The success of persuasion here is determined by how favourable the thought triggered in the recipient is towards the received message. The thoughts activated in the memory of the recipient are significant information in the contemplation of the trustworthiness of the communicator. This theory predicts that in situations where the message recipient opposes the position of the communicator, a highly credible source will inhibit or reduce counter-arguments and is likely more able to succeed in influencing the recipient while a less credible source stimulates the activation of thoughts that stimulate counter-argument against the communicator's message (Ajzen, 1992; Greenwald, 1968; McGinnies, 1973; Sternthal et al., 1978). The most effective communicator is one who presents as both trustworthy and an expert on the message (Hovland, Janis & Kelley, 1953). Factors such as the intelligence, education, attractiveness and social standing of the communicators can give the impression of expertise in the message (Ajzen, 1992).

To use the concept of Cognitive Response Theory to explain the absence of effectiveness of the Nigeria CJS in the administration of justice in Nigeria, some questions become inevitable: to what extent are the different actors of the CJS trustworthy and demonstrated expertise in the responsibility given to them? Does their behaviour demonstrate that they can be trusted and have proven knowledge of their jobs? Does behaving in ways which negate their statutory obligation and expose their office to ridicule not capable of generating doubts in their audience and demonstrate their incapacity to do their job well? What credibility do corrupt police officers, judges and prison officials have to project an image of trust in the minds of highly disillusioned citizens to eschew crime in their daily lives? Do they have the moral force to enforce the laws? Do they have the capacity to exert a positive influence on members of the public? With the extent to which the police have compromised law enforcement; judiciary, commodified justice delivery and correction staff deprived rehabilitation of true community re-entry relevance, can these CJS components ensure compliance with the law, dispense justice dispassionately and maintain the ethos of rehabilitation in Nigeria?

In this digital age, it is regrettable that most Nigeria police officers cannot communicate articulately, lack IT skills or have no specific training concerning their jobs, do not understand the law or choose to misinterpret it and the police force has no reliable crime database

(Alemika&Chukwuma, 2005; Ugwuegbu, 2011). Similarly, it is common knowledge that most court and prison officials cannot communicate suitably in English. Essentially, the prison officials in Nigeria lack the basic professional training in rehabilitation, correctional ethics and management of prison inmates (Ugwuegbu, 2011). With the wind of globalisation that has blown across the world, most Nigerians have seen the way foreign CJS works in comparison with Nigeria's. With this kind of awareness, Nigerians might have a low opinion about the vigilance, expertise and detachment of the actors of the Nigeria CJS to solve crime (Drss, 2015; GentleToks, 2015; Ojeifo, 2015; Ugwuegbu, 2011). A CJS can only exert a positive influence on the populace when, by the performance of all its component units, it is efficient and credible. But when it is riddled by the same improprieties it accuses others of committing; it saliently gives credence to the common saying in Nigeria that "everyone is corrupt" (Moses, 2016; Ugwu, 2016). On the whole, people are more willing to be law-abiding when they accept the legitimacy of the officers of the law to enforce such laws (Tom & Jeffrey, 2008). Thus, the belief of the people that the authorities and their political and legal framework are legitimate is the basis of social order and the regulation of personal behaviour (David, 2007).

Self-Assessment Exercise (SAE) 2

With explanations drawn from the recent political experiences of Nigeria, state how the cognitive response theory can be used to analyse the problems inherent in Nigeria's criminal justice system

4.4 Foot-in-the-door (FITD) ("Ask for an inch, then take a mile") and the Nigeria CJS

In the social influence literature, the technique of foot-in-the-door; a strategy in getting people to comply with one's request is an alternative concept that can be used to explain the ineffectiveness of the Nigeria's CJS in criminal behaviour control. This concept is a relevant and potent tool in the examination of the effectiveness of the Nigeria CJS. The foot-in-the-door is an inducement technique which involves getting an individual to conform with a small request before making a bigger request (Freedman & Fraser, 1966). It is an incremental request that starts with a small request to gain obedience with a bigger one. Once an individual has been influenced to comply with the first request, the larger or subsequent demands are more likely to be allowed (Freedman & Fraser, 1966). In explaining the justifications for the achievement of such a compliance, Freedman and Fraser (1966) suggest that once an individual complies with an initial request, such individual's attitude may alter, and therefore become favourably disposed to

such a request; such that the individual begins to define the self as one who engages in such behaviour or grants such a request. In applying the FITD concept to the ineffectiveness of the Nigeria CJS, one can explore the following analogies:

Over the years, Nigeria's CJS has demonstrated that it is a porous system that has allowed a bulk of the crime it has processed to have gone without commensurate penalties. This causes individuals who are favourably disposed to criminality to graduate from little to high profile crimes while Nigeria's CJS was patently unable to reverse the trend. The CJS has provided shelter for almost all indicted public servants for different forms of criminal behaviour involving large sums of public fund in Nigeria's political, social and economic history. The helplessness of the CJS appears to have given tacit approval for criminality to burgeon in Nigeria. The situation in Nigeria, therefore, looks like the actors of the CJS have been persuaded to develop a favourable attitude towards crime because different forms of bizarre crimes have already had their feet in the door. The way Nigeria's condition is between criminality and its control by the CJS shows an institution equipped with experts who operate at variance with the ethics of their professional practices. Consequently, they now appear to have been compelled to agree to more criminal behaviours, having tolerated criminal acts of lesser magnitude. Since Nigeria's CJS is established as a body to maintain justice and fairness and prevent criminal activities, the mechanism of FITD can explain the behaviour of the Nigeria CJS. Under these ideal expectations, it is rational to assume that any activity that touches on injustice, unfairness and criminality should invoke fear in the actors of the CJS because they run counter to their statutory responsibilities.

Everywhere in the world, the dominant impression is that all Nigerians are corrupt (Moses, 2016; Ugwu, 2016). However, when corruption is mentioned in Nigeria, it is most frequently in the emphasis of the corruption in government; particularly that of the political office holders (Nwodo, 2015). Flowing from this atmosphere of generic corruption in Nigeria, it is believed that corruption in governance spills down to the masses. Most often the crime of corruption involving the poor has repercussions while the rich do not only go scot-free, they get rewarded with titles and political appointment.

The psychology literature on conformity and obedience to authority emphasises the fact that people conform and obey authorities when such authorities have a formidable influence, prestige, and exercise some much power. Explicitly, it highlights the role of institutional authority in

compliance and conformity behaviours (Kelman & Hovland, 1953; Milgram, 1963; Myers & Spencer, 2001; Ornstein, 1991). Authority that is derived from institutionalized social roles holds particular power in generating obedience (Milgram, 1963; Ornstein, 1991). The question then arises. Who are the communicators of prestige in Nigeria who have used the FITD techniques to persuade and desensitize the Nigeria's CJS to crime? Who are the individuals with the authority that ensure the CJS complies with ethos of crime control? The general impression in public sentiment is that political office holders use their office to perpetrate all manners of corrupt acts by working in cooperation with the actors of the CJS, particularly the police and judges. There is hardly a way by which most of their cases can get past these actors and attract sentencing and serving those sentences, ensure a comfortable prison-stay without encountering these critical stakeholders. It is generally assumed that in contemporary Nigeria, judges are complicit in corruption. The judges who decide who is discharged or acquitted is him/herself involved in the marketization of justice shows the extent of the decay the institution is experiencing.

Reacting to a public demonstration at the National Assembly to introduce the death penalty for corrupt government officials, some Nigerians ventilated their views online and posed the following questions: "Who will kill who? Is it the corrupt judges that will sentence the corrupt politicians? Dogs don't eat dog," "It can only affect the poor not the rich people, and we know our country and the rich people can buy the mind of the judge with money..." (Nwodo, 2015). Underscoring the pervasive culture of social inequity in Nigeria, Chidiogo (2014) notes that "Nigeria is a country where the elites make laws which are only applicable to the poor while the "big shots" only use these laws as a tool through which they show their supremacy". Similarly, a Deputy Senate President Ike Ekweremadu once said "Only the less privileged go to prison in Nigeria" For example, President Goodluck Jonathan exemplifies the belief that the powerful wield influence in the execution of justice in the Nigeria CJS in his controversial state pardon granted Alamiyeseigha and other ex-convicts in 2013 the point that. All those granted the presidential pardon were at once government officials who had been found guilty of corruption and treason (Daniel, 2013). In an attempt to explain away the state pardon he granted his former boss, President Jonathan was reported to have said "That is an action that has been taken by the National Council of States and I have no apology for that.", "We must begin to respect and honour our institutions. I don't need to defend the action that has been taken.", "A man was deposed. He was hounded, tried and jailed. What is wrong with giving pardon to a remorseful

sinner?” (Ateboh, 2013). Alamiyeseigha was not the only Nigerian criminal who was remorseful. How come others who committed minor crimes and have been languishing in jails for many years? Are they not deserving of state pardon? It is clear from this that the powerful can influence the course of justice in Nigeria.

5.0 CONCLUSION:

In this unit, we examined the meaning of the criminal justice system, espoused the structural functionalism theory and theory of planned behaviour (TPB) concerning Nigeria’s criminal justice system. We interrogated the significance of attitude, subjective norm, perceived behavioural control (PBC), the communicator’s credibility in light of cognitive response theory and Nigeria’s CJS. Also, we considered the foot-in-the-door (FITD) vis-à-vis the inefficiency of Nigeria’s CJS. On the whole, the rule of law in Nigeria is still heavily influenced by who you know rather than the weight of the law.

6.0 SUMMARY:

In this unit, we have demonstrated that there is a criminal justice system on the ground. It has all the prospects of doing well but primordial influences prevent it from dispensing justice as fairly as it could have done. The net effect of this discrepancy is that law enforcement is lopsided. It is skewed against the poor. While the rich and well connected enjoy president pardon, the poor languish in the prison. In situations where the rich end up in jail, he/she lives a better life than free average Nigerians. As operated by the criminal justice system in Nigeria, justice is not yet for all.

7.0 TUTOR- MARKED ASSIGNMENT

- 1) To what extent is the perceived behavioural control a useful explanatory tool to assess how well an individual can initiate behaviour that will cause the performance of a specific action concerning the CJS in Nigeria?
- 2) With specific reference to Nigeria, assess the independent determining influences that could make people’s assumed behaviour gain expression in real behaviour.
- 3) How can the theory of structural functionalism be used to explain the problems that characterise the Nigeria’s criminal justice system?

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UNIT 2 THE NIGERIA POLICE**CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 The Police as Gateway to the Criminal Justice
 - 3.2 Media Narratives on the Nigeria Police
 - 3.3 The Police and Public Confidence
 - 3.4 The Police and Public Peace
 - 3.5 The Police and Corruption
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-marked Assignments
- 7.0 Reference/Further Readings

1.0 INTRODUCTION

The police serve as the gateway into the justice system of every modern human settlement. Even in the traditional justice system in Nigeria, especially in the Yoruba kingdom and other kingdoms or chiefdoms, the traditional police ensured the apprehension of the suspect and processed him/her for judgment. In situations where the police compromise their integrity, lopsided law enforcement inevitably perverts the cause and course of justice.

2.0 OBJECTIVES

It is hoped that at the end of this unit, graduate students should be conversant with the origin of the police, their functions, and lapses. They should be able to account for the reasons behind the public loss of confidence in the agency which has caused the entire criminal justice its integrity. Also, they should be able to present logical position papers

on how best the police could redeem their image and truly become the friends of the people in Nigeria.

3.0 MAIN CONTENT

3.1 The Police as Gateway to the Criminal Justice

Globally, the baseline function of the police is the maintenance of law and order. To the extent that this central objective involves such responsibilities as prevention, control and combating of criminality; maintenance of public order and peace; rendering assistance and services to members of the community who require them and upholding the rule of law, the police perform a gatekeeping duty. Thus, a case will not be adjudged to have been seen by the criminal justice system until it has been documented and presented to other components of the system for processing. In performing the 'Gateway' functions to the formal criminal justice system, the police are involved in critical decision-making processes in the police custody suite. These must not just induce fear in the offender or distrust in the victim. They must give the assurance that the 'Gateway' to the criminal justice system proactively develops a more effective approach to preventing offending and supporting victims. At the gateway, there is a need to emphasise the importance of giving listening ears to victims, who deserve to be convinced that the criminal justice system has taken the crimes that victimised them seriously and has designed a credible effort to prevent its recurrence.

Before the police take their decision, they must have conducted a preliminary investigation into an allegation. Following the findings of the police detective, they decide whether to treat the incident as a crime and, if so, what classification do they put it as a particular crime. It is one of the significant requirements of the regulations of the Police department that the detective must make the decision and justify it in a report that must be submitted within a stipulated time of the incident. As a follow-up, a supervisor in the violent crimes unit to which the detective is assigned appraises the report and approves it. After a thorough investigation has been conducted, specialists assess the entire file at the detective division headquarters to guarantee that the complaint had been properly handled.

The police intervention in crime processing occurs at the early stages of the criminal justice system response. There are two formal critical decision-making stages by criminal justice actors in the justice system. The first is the police officers' decision to treat the victim's complaint as

legitimate. This involves a situation in which the police receive a grievance regarding an alleged criminal act, from an aggrieved. On subjecting the complaint to the test of whether or not it meets the requirements established by legal standards, the police must make a decision. If the complaints meet the conditions, it continues to the next stage. If it does not, it implies that it cannot be held as constituting a crime. The second is the prosecutor's later decision to accept the police officers' judgment and start formal proceedings against some individual. These two critical decisions constitute the gateway to the criminal justice system. Certainly, these decisions govern which cases will be taken seriously as a proven instance of an offence having been committed and which victims will be afforded the full redress of the criminal law. Making these decisions in the Gateway requires the best evidence available, from research, witness testimony or forensics, instead of reliance on precedent, experience, prejudice and assertion.

The operation of the 'Gateway' to the criminal justice system is a critical characteristic of the effectiveness of the hallowed chamber of justice. The Gateway or entry to the formal criminal justice system in England and Wales centres on decisions taken in the police custody suite. Dependent on the decision of the custody officer, a suspect will be released without charge, diverted or prosecuted. In making their decision, the custody officer needs to filter out cases where there is insufficient evidence or no public interest in prosecution while focusing increasingly scarce resources on harmful and persistent cases, on prevention and protection for victims.

The Nigeria Police is a civil non-force federal institution whose control is under the Presidency in Nigeria. Therefore, the Nigeria Police is constitutionally assigned the duty of discovering, probing and solving crime to guarantee peace and stability in the nation. The police, within the criminal justice system, are referred to as the gatekeeper (Alemika, 2014) since they initiate every criminal case. Within the category of the Nigeria Police Force are other similar structures such as the Nigeria Customs Service, Economic and Financial Crimes Commission [EFCC] and Immigration Services, to mention a few (Alemika, 2014). Following the constitution of Nigeria, the police initiate criminal cases. The police investigate, summon, make arrest, detain and set the case in motion. However, when the police compromise the ethos of policing with unbecoming behaviour, they put the society, sometimes unwittingly on an inevitable path to anomie. Afrobarometer, a pan-African, non-partisan research network that appraises public opinions on issues of governance, democracy and other developmental issues that span more than 30 African

countries, found in a survey, that across 34 countries, about half (53%) of citizens would seek out the police first for assistance in a crime situation (Wambua, 2015).

3.2 Media Narratives on the Nigeria Police

The conventional media is awash with reports of police misdemeanours. Therefore, newspaper headlines such as the following are no longer strange to newspaper scanners and readers in Nigeria. “The Nigerian Police Force on Monday said it has arrested an officer ... Mr Chiyem demanding money in dollars from a Nigerian-American and his two friends. Mr Chiyem had detained them for alleged traffic-related offences...” (Ibeh, 2014). Also, “A heavily drunk policeman was spotted Thursday morning at a popular bus stop in Surulere area of Lagos...the man was so drunk that he could barely walk...this happened around 8.45am...” (NaijaGists.com, 2015). Moreover, “A police officer of the Mobile Police (Mopol) wing..., was caught on camera brutalizing two women... who dipped one severally in mud water and later pointed his rifle at her and threatened onlookers with a shot in the air” (Nigeria Police Watch, 2014). Most ridiculously, “...Former Inspector General of Police (IGP), Mr TafaBalogun was yesterday sentenced ... to a six months imprisonment for concealing vital information to the Economic and Financial Crimes Commission (EFCC) over his alleged business concerns... amounting to over N17.7 billion...” (Oji & Okenwa, 2005). From these reports, it is clear that a lawless crop of police officers cannot galvanise the confidence of the public. Most of the problem of value collapse that Nigeria suffers today is the outcome of the impunity which police failure has inflicted on the systemic wellbeing of the country. Since the police have become a commodity which any criminal can buy, the determination of public norm becomes what the individual defines it to be. It is most disheartening when the police paid from public coffers to protect public interest collaborate with criminal to wage wars of terrorism against the people. This brings up the case of Monday Anini, Monday Osunbor and a police officer named Festus Iyamu in the early 1990s. Iyamu was later exposed as the police officer (DPO) in Benin City who provided the armed robbery gang with ammunitions for their operations and leaked police secrets about the gang’s arrest to them. Society becomes unsafe when the police become the friends of the criminals instead of the people. Crime does not just prevail; it becomes a gainful economic venture. This reality is a negation of the principle that brought the institution about. Rather than eradicate crime and preserve peace and social order, the police worsen social vices. In sum,

police dishonesty weakens their perceived value and effectiveness in the eye of the citizen (Kumssa, 2015).

Self-Assessment Exercise (SAE) 1

Judging by the realistic relationship between the Nigerian citizens and the police, is the Afrobarometer finding which Wambua (2015) reported as Nigerians would seek out the police first for assistance in a crime situation a representation of the truth for all times?

3.3 The Police and Public Confidence

On police public image and Crime Prevention, Ogunwale (2004) claims that the Nigeria Police falls below best performance. Due to excessiveness in police conduct in areas such as corruption, inefficiency, over-use of legitimate force, bad temper and other abuses of citizens' rights with impurity, the police no longer enjoy the customary trust and respect they enjoyed from Nigerians. Little wonder then that often, police officers are accused of violence, abuse of human rights, aiding and abetting of criminal activities and involvement in bribery and corruption (Odinkalu, 1998). Omisakin (2004) observed that the Nigeria police are far behind meeting their statutory expectations in terms of crime prevention and detection. Often, the police are impolite to victims of crime because they believe they are mere sources of crime evidence and not legitimate citizens whose rights had been infringed because of their inefficient enforcement of law and order (Omisakin, 2004; Odinkalu, 1998).

The abusive relationship that characterised the colonial police and the contemporary Nigerian public has a historical antecedent. In this regard, the public takes the police as an adversarial tool and the government's political face that is always prepared to unleash terror on the members of the public at the slightest opportunity. The victim, therefore, held their customary victimizers in low regard which up to the present day has deprived the police of the habitual cooperation of the public. Scholars have shown that the public perception of the police is not shaped by the nature of the police job rather; it is dictated by the attitude of the police officers. Police roles in numerous cases have been found to depreciate the law, endanger the citizens and blot the institutional reputation of the police that they represent. The police are aware that the public loathe them despite their putting their lives on the line to save them. At the very slightest opportunity, members of the public booed and geared at the police, calling them derogatory and disgusting names. This customary resentment of the police has some links with the colonial

history of the Nigeria Police. To the extent that Nigerians have found it difficult to relate a hostile police with protection, the people take the police as adversaries and not committed members of a service organization for Nigerians. The communication gap that has culminated to the relationship gulf started from the conception and introduction of the police to Nigerians. Going by the distrustful mien of the police, the police/public mutual distrust that was expected to have petered out with time has continued to grow wider. “The unfortunate mundane picture of the police painted here by the public has created serious problems for the police/public relations and public perception of the police in crime prevention” (Ajayi, 2014, p. 2)

To maintain peace in any human settlement, effective policing is indispensable. Thus, effective policing will ensure that members of the community are safeguarded in their persons and properties so that their energies are not dissipated on the business of self-help (Onovo, 2009). Today, for doing critical policing assignment for Nigerians, the police are supposed to be luxuriating in significant public respect and admiration. However, the vital work of the police presents an alternate image to the generality of the Nigerian people because the police in Nigeria have always been viewed and characterized as brutal, corrupt and ineffective (Iwah, 2013). Defending the police performance in Nigeria, Alemika (2013) stated that a combination of structural, political and socio-economic and cultural factors, as well as institutional inadequacies, prevented the Nigeria Police from satisfactorily performing their duties and in compliance with the rule of law at all time. These insufficiencies deepened crime rate in Nigeria. Also, Dalhatu (2013) restated that the Nigeria Police have a very serious image problem in the estimation of the people they hope to protect and serve. There is no doubt that Nigeria is currently experiencing a growing crime problem, which is increasingly threatening her sovereignty, security, and development (Alemika, 2012). Also, of the 34 countries, the police ranks lowest of the trusted public institutions in Nigeria. The report concluded that the police institution is the most corrupt in all the African nations surveyed and issues related to police performance and effectiveness prevented people from reporting crimes to the police. Human Rights Watch (2005) reported that about 900 police officers were dismissed in the year 2004 from the Nigeria Police Force on the ground of extortion. In another report, 51% of Nigerians expressed dissatisfaction with the police, a figure higher than the Africa average of 45%. While of all security institutions in the nation, the Nigeria Police has the least trust of the citizens with 59% indicating that they have no trust in the police (Afrobarometer, 2005). Another study conducted in 2003 by CLEEN

foundation reported that the incompetence of the Nigeria police to curtail corruption, brutality and unruliness undermines public opinion of them. Equally, there are incessant reports of police officers violating their code of conduct and the fundamental human rights of citizens. A look at newspapers and other online media publications exemplifies some of the atrocities perpetrated by some officers of the Nigeria police force.

3.4 The Police and Public Peace

The problems weighing against the effective performance of the Nigeria Police as an institution of law enforcement are too outstanding to be ignored by governments and individual Nigerians. In contemporary times, successive governments have attempted to help the police out of the crisis of inefficiency but being in constant interaction with the citizens, who oftentimes oil the engine of incapacity, inefficiency and the police appear to have become so inseparably glued together. In recent times, governments and public-spirited individuals are making significant efforts to heighten the efficiency and effectiveness of the Police towards the promotion of peace and security in Nigeria. Internally, from the late 1990s to date, the Nigeria Police has carried out numerous crime-fighting initiatives. A few of them include Operation Sweep, Operation Flush, Operation Fire for Fire, Anti-crime Patrol, Operation Dzenda. All these efforts to guarantee peace appeared to have met the momentary needs that triggered their establishment. The fact that none of the efforts could sustain peace beyond their epochs is enough justification for their temporary effectiveness if they ever were. There may be the need to examine the operation fire for fire to clarify the extent to which the programmes have endured.

Operation Fire for Fire Crime Control Programme: The scheme came into being at a time when the weapon of destruction used by men of the underworld to wage their reckless war of terror on the society became unbearable. Criminals were eliminating political personalities in ways that Nigeria had never witnessed. In this period, Chief Bola Ige, the then-current Attorney General of the Federation was murdered in December 2001, Barr. Mrs. Igwe in September 2002, Chief Harry Marshal, Alhaji Isiaku Mohammed among others were also assassinated (Balogun 2004). On assumption of duty, Tafa Balogun as the then Inspector General of Police came up with a proactive 8-point crime control strategy called "Operation Fire for Fire" to give criminals the deserved frontal challenge as a means of maintaining minimal crime to guarantee peace and security in Nigeria. This intervention could not achieve the expected objective because of the

influx of firearms into the country. However, Operation Fire For Fire apprehended a notorious Benin Republic armed robber Tijani Hamani that dealt a deadly blow to trans-border crimes. It did not overlook the threat of ethnic militia groups which constituted parallel non-state structures. It effectively clipped their wings and restored the peace, security, and unity of the country. Despite the offensive lodged against these movements, the Actualization of the Sovereign State of Biafra (MASSOB) Oodua People Congress (OPC) and a few others exist up to this day. On the removal of Tafa Balogun, as inspector general of police, “Operation Fire for Fire” became comatose. Another crime-control approach called “serve and to protect with integrity” whose aspiration transcended crime control to including the redemption of the tattered image of the Nigeria police. The 2005 initiative developed broader coverage than its predecessor. It is a 10 point programme formally adopted by the Nigeria Police as its Action Programme to guide the Police in performing their duties. It strived to attain effective crime control via intelligence-driven policing, conflict prevention and resolution, police/community policing partnership, zero tolerance for police corruption and indiscipline among others. The programme succeeded in improving the working conditions of the police. It simplified the recruitment and promotion procedure for police officers. Despite these successes, the programme failed to contain crime and insecurity in the country as criminality assumed an unprecedented height. Armed robbery caused everyone to sleep with only one eye closed, advance fee fraud (419) became an open and “approved” deviant economy. Violent Cult activities intensified such that police no longer possess the will power to challenge the cult members.

Self-Assessment Exercise (SAE) 2

Given the level of its complicity in bribery and corruption, are the Nigeria police, by performance, an ideal gateway for a criminal justice system that could impartially dispense justice in Nigeria?

3.5 The Police and Corruption

Corruption, commonly defined as abuse of authority for private gain, is among the world’s oldest practices (Spector, 2011). Transparency International’s 2012 Corruption Perceptions Index ranked Nigeria 139th out of 176 countries. She tied with Azerbaijan, Kenya, Nepal, and Pakistan. In the context of law enforcement, corruption implies the complete absence of equity in

access to justice. In itself, the effects of this manifest in weak fair trials, unfair elections, unstable economic prospects and social chances, incongruous cultural expressions, and blocked access to the necessities of food, housing, health, education, and water (International Council on Human Rights Policy, 2009). The corrupt practices of the Nigerian Police has been identified as one the most visible manifestations of corruption in the country (Ladapo, 2013) with the former Inspector General of Police noting that corruption had come to typify the behaviour of the average police officer (Okiro, 2007). Correct data about the prevalence of police corruption is difficult to obtain because their corrupt activities often happen covertly and police organizations are not sufficiently motivated to publish information about corruption (Kratcoski, 2012). Police officials and researchers, in some countries, have argued that large-scale corruption involving the police does not only exist, they can even become institutionalized (Skolnick, 2002; Wang, 2013) Nigeria police officers are considered some of the most openly corrupt in the world (The Africa Report, 2014).

Also, in an opinion poll conducted by Centre for Law Enforcement Education (CLEEN), the police was identified as the most corrupt public institution in the Nigeria (The Africa Report, 2014). “Corruption describes a wide range of social conduct, which are condemned and rejected by societies all over the world as dishonest. Corruption is associated with some sentiments of rejection, rotten, contaminated, or depraved” (Vilakazi, 2015, p. 35). This implies, therefore, that once corruption is overcome, another source of all major problems in the society is captured. If the police that are customarily established to be the most significant and defensive law enforcement structures in modern societies compromise the ethics of their calling, the definition of Onuigbo & Eme (2015) that corruption is unethical behaviour which deviates from the legal responsibilities of a public officer, such as fraud, bribery, and favouritism, suitably applies. Reinforcing this claim, Orole, Gadar & Hunter (2014), note that the police have been the key organization constitutionally saddled with the responsibility of maintaining and preserving the public peace. In further support, Onuigbo & Eme (2015) also add that the police are the civil agency of a national or local government, who are mainly responsible for the maintenance of law and order in the society. In recognition of this herculean trust, it is, therefore, demoralising to see the police who are paid to fight corruption and other evils, now operating as the chief perpetrators of corruption (Egbedina, Popoola & Lawal, 2014; Nte, 2011).

A bulk of the reports and articles on the question of police corruption in Nigeria emphasises how the menace has eroded public trust in the police to the devastation of effective policing (Aremu, Pakes, & Johnston, 2011; Nte, 2011). For many years now, Nigeria has been ranked very high in corruption (Transparency International Corruption Perception Index (TI CPI), 2013). Taking this into consideration, Owen (2014) observes that corruption in the Nigeria Police is not only systemic but also a microcosm of the wider societal problem. Although Adegoke (2014) observes that the Nigeria Police is not the only corrupt agency of government, nevertheless, the involvement of the police in corruption at all is an indictment of the criminal justice system for which the agency serves as its significant gateway. Inyang & Abraham (2013) attest to the compromise of police integrity when they note that it was a fact that Nigeria police frequently collect “tips” from motorists at roadblocks and request that complainants to pay money to execute investigation.

Similarly, many Nigerians who had not cooperated with some police officers’ demand for bribes at the roadblocks and tollgates had been extra-judicially shot dead by the police (Human Rights Watch (HRW), 2010). Onwuka (2011) provides some justification for the frustrations of the police to resort to corruption when he claims that the monthly earnings of Nigerian police officers are still very poor. Anytime police corruption comes up for debate, different kinds of precipitating factors emerge. The essential activities of policing are massive such that it tends to allow for corruption (Miller, 2016). However, other legal and institutional factors that facilitate the widespread corruption in policing exist (Inyang & Abraham, 2013; Porter & Warrender, 2014). Moreover, Miller (2016, p. 27) also looks at the direction of the cultural anatomy of society when he notes that “police officers also face considerable temptations to avail themselves of these opportunities. They may be offered material inducements, such as the offer of money or favours in return for protection, or dropping of charges”. Buying into the idea of habitual community practices, Miller (2016) and Nte (2011) state that citizens acknowledge some corrupt practices by the police because the citizens themselves tend to encourage corruption by cheerfully offering bribe to the police or conniving with the police to bully or maltreat another citizen. Furthermore, Vilakazi (2015) shows that junior-rank police officers are at risk of engaging in corruption due to insufficient wages. The necessity to make ends meet lures them into corrupt practices.

In a study conducted by Nte (2011) on police corruption and the national security challenge in Rivers State Police Command, he found that poor conditions of work and poverty aggravate the factors of police corruption in Nigeria. Cataloguing the reasons that underlie the decay in ethics and discipline of the Nigeria Police, Osayande (2008) identifies the struggle among senior police officers for promotion or posting, lack of knowledge of the rules and regulations of the police, her traditions and manuals are the plain causes of corruption in the police. This has a lot to do with the findings of a descriptive study by Orole, Gadar & Hunter (2014) on leadership style, policing, and perception of corruption in Alausa Police Command, Lagos State, Nigeria. The study found a low transparency and poor ethics in the Nigeria Police, as well as the overall perception rate of corruption in the police force, is very high.

It may sound argument of Bowden (1978) that “the role of the Nigerian police force includes the repression of the poor and the powerless to protect the interest of the rulers” (p. 19) may sound bizarre; nevertheless it is a tacit representation of the police/corruption reality in Nigeria.

Little wonder then that the political economy and social conflicts theorists insist that the police were not established to serve “society” or the “people” but some components of society and some people at the expense of others,” (Institute for the Study of Labour and Economic Crisis 1982, p. 12), usually the poor, often in majority. Today, corruption is so deep-rooted that it is becoming systemic. Many people who have transacted any law enforcement business with the Nigeria Police officers have discovered that the agency harbours some very corrupt characters (Pekuliameesi 2005). The public confidence and trust which was already low in the Nigeria police has caused many scholars to claim that the perceived ineffectiveness is occasioned basically by the incidence of corruption within the police force (Soyombo, 2003). But Aluko (2002, p. 47) argues that “corruption cannot be eradicated in a polity where material foundations for it do not exist. Poverty is an obstacle, perhaps the principal obstacle to the eradication of corruption”

4.0 CONCLUSION

In this unit, we examined the police as a gateway to the entire criminal justice system. As a means to gauge public perception of the police, we looked at the media narratives on the Nigeria police. It is against this background that media data complement empirical findings about public confidence in the police. We tried to find out if public trust in the police provides a fair measure

of the ability of the police to guarantee public peace. In all of these, we discussed the impact of corruption on the performance of the police and its implications for public acceptance of police activities.

5.0 SUMMARY

In this unit, we have shown that the Nigeria police are neck-deep in corruption. We advanced numerous reasons for the never disappearing relevance of corruption in law enforcement in Nigeria. If the police demand for a bribe and the citizens refuse to give, the problem will respond to treatment. The internal mechanisms that the police evolve were marred by corruption. This makes crime control a difficult assignment for the police organisation in its present structure.

6.0 Tutor-marked Assignments

1. What considerations should public policy focus on to make the Nigeria police a desirable Gateway to the Criminal Justice System?
2. Could the unfavourable media reportage of corruption in the Nigeria Police be a reflection of institutional hatred to the law enforcement organization?
3. What steps can the law enforcement structures and the governments take to restore Public Confidence in the Nigeria Police?
4. Does the way the Nigeria Police are currently structure makes them able to achieve Public Peace in Nigeria?
5. Can the Nigeria police officers execute policing agenda in the absence of corruption?

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MODULE 3

UNIT 3 THE COURT

CONTENTS

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 The Court System as the Second Most Important Component of CJS

3.2 Weaknesses of the Court System in Adjudication of Criminal Cases

3.3 Awaiting Trial Problem

3.4 Media Narratives of Corruption in the Judiciary

3.5 Problem of Delay in Dispensation of Criminal Justice

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION.

The court is the hub around which all other components of the criminal justice system revolve because it serves as the hallowed chambers where the accused people are tried for crimes and punished accordingly. The police feed the court with cases and the outcomes of its pronouncements create schemes of work for corrections. Being a formal institution, a court has statutory authority to decide legal disputes between or among parties and dispense justice in civil, criminal and administrative matters following the rule of law (Walker, 1980). The system of courts responsible for the interpretation and application of the law is collectively recognized as the judiciary. While the place where a court sits is the venue, the room where court proceedings take place is called as a courtroom, and the building is a courthouse.

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2.0 OBJECTIVES:

By the end of the unit, the graduate students should be able to distinguish between the nature of the work of the judges and the lawyers; discuss the court system as the second most important component of the CJS; identify the weaknesses of the court system in the adjudication of criminal cases; underscore the implications of the awaiting trial problem for the dispensation of justice; appraise the media narratives of corruption in the judiciary and the problem of delay in dispensation of criminal justice. Moreover, they should recognize with ease the differences between the judiciary, the venue, the courtroom, and the courthouse.

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3.0 MAIN CONTENT.

3.1 The Court System as the Second Most Important Component of CJS

In terms of significance, the court system is the second most essential component in a triangulated relationship of the criminal justice system involving laws, courts, and enforcement agencies. It is the court system that is the only formally recognised institution through which

legal actions against accused persons are conducted. The decisions and disposition of the court system remarkably impact other components of the criminal justice system. These centre on the investigative preoccupation of the police and the rehabilitative responsibilities of corrections. It should be noted that within the context of the imprisonment stages of the criminal justice process, the Magistrate courts in Nigeria are the most important as over 90% of criminal cases that get tried commenced in the court (Pedro, 2012) and 80% or more of those cases end in magistrate court (Ali, 2016). It is tragic that the same court that dispense... the bulk of criminal trials in Nigeria is relegated to the background by the managers of the system, so much that the bulk of allocation to the judicial sector is spent on other levels of courts systems and magistrates have to resort to the use industrial actions such as strikes as a bargaining tool to get better condition of service (Vanguard, 2013).

3.2 Weaknesses of the Court System in Adjudication of Criminal Cases

Beyond this, in Nigeria, superior courts though they receive a bulk of attention in terms of budgetary allocation and manpower but do not fare better in the adjudication of criminal cases. It is believed that conservatively, it will take an average of 15 years to successfully take a criminal case from the High Court through to the Supreme Court (Iriekpen, 2013). A Nigerian Prison Service conducted a survey which used some select states as samples indicates that within 6 months, some states recorded below 3 criminal convictions (Orakwe, 2005). Holding charge is the practice of bringing a person accused of a crime before a court that lacks jurisdiction (the capacity to try him/her) to secure a legal remand order. Therefore, holding charge practices by magistrate courts is one of the tragic causative factors responsible for the remarkably high pre-trial inmates' population in Nigerian prisons. If 70% of Nigeria's Prison Population is awaiting trial inmates (NHRC, 2015), the problem of the system is so fundamental that it requires an urgent review. Considering the cost of feeding the awaiting trial inmates which stands at more than N5.5 billion a year is an indictment of the criminal justice system contributing its quota to the economic adversity of Nigeria. As of 2015, the population of Prison personnel in Nigeria was 28,065 (Leadership Newspapers, 08/10/2015). This will figure will continue to rise because the factors causing awaiting trial have not been effectively addressed.

Self-Assessment Exercise (SAE) 1

The fact the court tries persons accused of crimes does not absolve the key operators of the courts from committing crimes. Discuss.

3.3 Awaiting Trial Problem

The major factor weighing against the efforts by the Nigeria Prisons to efficiently carry out their constitutional responsibility remains the issue of awaiting trial persons (Usman, 2014). The crisis of awaiting trial inmates got worse, with the percentage of persons standing trial in custody rising to 72 percent (Osasona, 2017). The Nigerian judiciary as an institution is complicit in the current failure of the criminal justice. For about 45,263 Nigerians who are awaiting trial inmates went through questionable routes to custody. Some who are forgotten in custody are there without remand warrants issued by legitimate courts. But why has the judiciary been operationally indifferent to the crisis of awaiting trial inmates in Nigerian prisons beyond the worn ritual of Chief Judges' occasional visitation releases of inmates and what can be done to change this in 2017? (Osasona, 2017). On one of such visits to a prison in Lagos, the State Chief Judge confirmed the impact of awaiting trial on human liberty when he lamented "...some of you have just been languishing here without appearing in court or being charged with any offence" (Punch Newspaper, 2013). This kind of invasion of human rights has led to an overwhelming adverse public perception of the integrity of the Nigerian courts. A survey that finds 70% of Nigerians believing that there is corruption in the Nigerian Judiciary (SERAP, 2010) bears an empirical testimony. Furthermore, another survey observes that "Nigerian courts of law receive the biggest and highest bribes from citizens among all institutions in which corruption is rampant" (NBS and UNODC, 2010). Outside ethical burdens, the Nigerian judicial system is overwhelmed with procedural deficits that make it difficult to dispense justice impartially and dispose of cases expeditiously.

3.4 Media Narratives of Corruption in the Judiciary

In Nigeria, Newspaper accounts of corrupt judges promote significant public insights into the misdemeanours of judges. These accounts include the following: Following the attempt to settle the election dispute between Nicholas Ukachukwu against that of Dr. Ugochukwu Uba in the Anambra South Senatorial District election petitions' tribunal, two justices of the court of appeal who were alleged to have taken bribe to reverse the election result were interrogated. After a thorough investigation... Justice Okwuchukwu Opene... took a bribe of N15,000,000.00... and

Justice David AdedoyinAdeniji took a bribe of N12,000,000.00...and three unascertained Ghana-must-Go bags... These unethical acts caused the dismissal of these two Justices from the Judicial Bench of Nigeria... (Otorofani, 2010). Similarly, the figure is startling – 64 of the 1,020 superior court judges have been sanctioned in the past five years for corruption... (Onanuga, 2015). These accounts of judicial corruption are alarming given that these people are supposed to ensure justice and fairness and be the “hope of the common man”. What is the hope of a nation whose judiciary is enmeshed in corruption and making a mockery of the constitution of the nation? This, no doubt, affects its credibility in dispensation of justice and protection of the rights of the citizenry.

Self-Assessment Exercise (SAE) 2

Explain the possible implications of corrupt judiciary for social order and economic progress in a country such as Nigeria.

3.5 Problem of Delay in Dispensation of Criminal Justice

A cliché summarises the essence of the delay in justice delivery anywhere in the world. A delayed justice is a denied justice. Thus, delay in the delivery of justice in Nigeria remains the most disturbing of the many challenges which the criminal justice system faces. In the country, criminal trials are often stalled by legal distractions advanced by lawyers. Deliberately, the persons standing trial engage the services of legal practitioners who could help in exploiting the available legal loopholes to cause delays or frustrate the trial. This dishonest scheme is common among the corrupt politicians and political office holders who have used undue means to misappropriate public fund. To go unpunished, they devise numerous legal avenues including the exploitation of the deficiencies of the criminal justice to get off the legal hook through whatever means possible. With the public money they had stolen, most of them can afford to employ the services of the most senior advocate of Nigeria to champion their cases and drag trial to the point that conviction becomes unlikely. Their nauseating theatrical displays, in the face of undue prolongation of cases, often cause witnesses to lose interest and no longer cherish the idea of court presence. The political practices also provide enabling opportunities for corrupt politicians to enjoy undeserved immunity. In some cases, some suspects use their influences to distort facts relating to their cases or in the course of their cases they win elections that qualify them for immunity in the pendency of their cases. With the influence of cultic and political networks, the

criminal justice becomes so enfeebled to conclude criminal trials involving the high and mighty while the bulk of persons constituting victims of awaiting trials in majority of the prisons are the poor.

To make the criminal justice system able to display justice with dispatch and dispassionately, ethical considerations must be taken seriously. Reckless adjournments must be criminalized. The electronic recording of trials should be introduced as a means of reducing the problems associated with trial and evolving a more functional criminal justice system. Every citizen in Nigeria should have access to justice irrespective of the political status, whether victim or the suspect and the overall society. It is regrettable that in Nigeria, the victim is still relevant only as witnesses to crime events as if he/she has no right for his/her injured interest to be rightfully addressed. For a criminal justice to be fully operational, the victims of criminal acts should be made the core focus of the criminal justice system. Perhaps, the best point at which the problems of the criminal justice system should commence is the decongestion of courts by relieving the prison structure of the unwholesome prison population of awaiting trial inmates. Beyond the provision of a well-articulated policy that will ensure the reduction of caseload per judge and the increase of the disposal rate of cases, political leaders should garner significant political will to cause policy execution by appointing more judges and introduce case management and tracking system with adequate funding.

4.0 CONCLUSION:

In this unit, we have examined the court system as the second most important component of CJS. We also considered the weaknesses of the court system in adjudication of criminal cases along the awaiting-trial problem. We appraised the media narratives of corruption in the judiciary and looked at problem of delay in dispensation of criminal justice.

5.0 SUMMARY:

In this unit we have demonstrated that the judiciary even when it handles the matter of life and death for offending individuals in the society, it is fraught with human challenges. The awaiting trial is probably the most debilitating of its problems and corruption of the judiciary is the next.

6.0 TUTOR- MARKED ASSIGNMENT

1. To what extent do the decisions and dispositions of the court system impact other components of the criminal justice system?
2. Account for how reckless adjournments invalidate the dispensation of justice by the Nigeria's criminal justice system.
3. State the causes, consequences, and safeguards of the awaiting trial inmates in the Nigerian prisons.
4. As the fourth estate of the realm, how does the watchdog function of the Nigerian media help the cause of the criminal justice system in Nigeria?
5. The problem of judicial delays in dispensing justice and the concept of awaiting trial inmates in Nigerian prisons are two sides of one criminal justice system coin. Discuss.

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MODULE 3**UNIT 4 THE CORRECTIONS AND PRISONS****CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Meaning of and Background of Prisons and Corrections
 - 3.2 Rising Incidence of Non-Official Prisons and Detention Centers in Nigeria
 - 3.3 The State of Prisons in Nigeria
 - 3.4 Rehabilitative Functions vis-à-vis the Lapses of the Nigeria Prisons and Corrections
 - 3.5 Prison Reforms
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignments
- 7.0 Reference/further readings

1.0 INTRODUCTION.

In terms of the sequence of the journey of a criminal through the entire criminal justice system, the prison is the exit while the police serve as the entry. The police may do a marvelous investigation that leads to the arrest and arraignment of a criminal and based on which the judiciary recommends the criminal for custodial treatment with the hope that the prison intervention will provide rewarding stimuli capable of making the criminal do a rethink of his/her entire life for voluntary rejection of criminal behavior. If the prison provides experiences that do not reinforce reformation, the carefreeness of the prison may rubbish the good work that the police and judiciary had done to bring the culprit to the point of custodial intervention.

2.0 OBJECTIVES:

By the end of the unit, the graduate students should be able to: appreciate the nexus between the police, judiciary and the prison system. They should develop an understanding that the components of the criminal justice system work like the coaches of a train system in which one pulls the other to achieve a systemic efficiency in the dispensation of justice in Nigeria.

3.0 MAIN CONTENT.

3.1 Meaning and Background of the Prisons and Corrections

A prison is a facility reserved for the confinement of criminals or persons that await trial or who have been found guilty of a criminal offence. In other words, a prison is a place where the state legally holds or confines individuals who have disobeyed its laws. It is a facility that individuals awaiting trial or have commenced their punishment following a judicial verdict of guilty. A prison comprises of the land on which the facility is built, every other associated structure situated within the larger institution and is exclusively used for incarceration. As a result of this, the first prison administration that was fashioned after the British tradition in operation was commissioned in 1862 by the then Governor, H.S. Fremanto appoint judges and other functionaries. Later, in 1872, the Broad Street Prison was built in Lagos but the prison ordinance authorising the establishment of the prison did not enjoy legislative approval the coming into force of the Supreme Court ordinance in 1876. Legally, it is factual to state that the formal prison administration began in Nigeria in 1876 on the coming into force of the prison ordinance. The functions of the prisons were performed by the police department from 1876 to 1920. Nevertheless, the police stopped to exercise imprisonment powers in Nigeria by 1920 (Ekechi, 1983; Asiegbu, 1984).

Globally, the history of prisons started as structures for the safekeeping of persons involved in the criminal justice systems either as awaiting trial or the implementation of their punishment which may be whipping, banishment and death. They were not final institutions for punishment and correction (Rothman cited in Alemika, 1987). With time, in the mid-nineteenth century, in Europe and North America, the prison's function as a short-term custodial facility experienced a reform that transformed it to institutions for guaranteeing penalty, repentance and behaviour modification of the offender. The new role formed a part of the functions of the first prison in

Nigeria in 1872 when it came on board. Numerous statutes provided the legal muscle for the establishment and growth of the prisons in Nigeria right from the colonial period to contemporary times. In these statutes, there are the 1916 Prisons Ordinance; Laws of Nigeria (1948 & 1958) as well as the Prison Decree No. 9 of 1972.

In 1971, a Government White Paper defined the roles of the prison service to consist of custody, diagnosis, correction, training, and rehabilitation of incarcerated offenders. Moreover, the Nigerian Prison Service Staff Duties Manual enumerated a supplementary role that involves the generation of funds for the government through prison farms and industries. Also, the colonial ordinance of 1916 and the Laws of Nigeria 1948 and 1958 acknowledged the function of the prison to consist of the safe custody of a convict. The Nigerian Prison Services (NPS) is an essential Department of the Federal Ministry of Interior. It is directed by a Comptroller-General of prisons. The Nigerian Prisons Service is managed by the Custom, Immigration and Prisons Services Board (C.I.P.B). Currently, it is located at Gwagwalada in Abuja. While the CIPB Decree No. 14 of July 11, 1986, established it; Col. John N. Shagaya, the then Honourable Minister of Internal Affairs, now the Ministry of Interior became the Chairman of the CIPB on October 17th, 1986. However, right from the beginning of the CIPB, there seem to be substantial dissatisfaction among officers and men of the Nigeria Prisons Services owing to cases of prison overcrowding, insufficient prison funding, errors in the existing prison laws, and absence of rehabilitative and correctional mechanism in the Nigeria prison.

3.2 Rising Incidence of Non-Official Prisons and Detention Centres in Nigeria

Stephen (1989) notes that the Prison Decree number 9 of 1972 remains the authority that governs the establishment of a prison in Nigeria. While section 2 (1) states that:

➤ The commissioner may, by orders in the Federal Gazette, declare any building or place in Nigeria to be a prison, and by the same or subsequent orders, specify the area for which the prison is established;

Section 2 (11) states that:

➤ Every prison shall include:

- a) The ground and buildings within the prison enclosure.
- b) Any lock-up house for the temporary detention or custody of prisoners newly apprehended or those under remand which is declared by the Commissioner, by order in the Federal Gazette, to be part of the prison.

Except a building or structure is delimited and declared to be a prison by the law of the state and empowered to restrain and take custody of individuals who have been accused or convicted of disobeying the criminal laws of the state, any structure used to restrict the freedom of any individual is not a prison. For clarification, the literature identifies five classes of prisons the contemporary Nigeria today: • Convicted prisons, Divisional prisons, • Provincial prisons, • Lock-ups, • Prison camps. Furthermore, some states of the federation have been identified to run informal prisons and detention centres wherein extrajudicial killings and inhumane treatments occur (Hembe, 2016). In these illegitimate structures, the inmates are kept under insanitary conditions that are essentially life-threatening. The structures are usually rickety and manifestly devoid of appropriate medical facilities and attention. Regrettably, the government maintains a lukewarm attitude towards revolutionizing the laws that govern Nigeria prisons since its establishment in 1947 (Adams, 2015). The situation today cries for remedy especially when the facility that has a capacity for 49,505 now houses 56,785 inmates with just 32% of the population, according to the Nigeria Prison Services website, having had the advantage of trial and conviction (Adams, 2015). Also, the absence of educational, training and reorientation opportunities to address the criminal minds of incarcerated individuals to prepare them for an enduring re-absorption into the society on completion of their jail terms makes them incapable of coping with life after release, (Okoroafor, 2015). Except these crippling setbacks are addressed by proactive reforms, the prisons may not be able to achieve the rehabilitative phase of its customary mandate to Nigerians.

Self-Assessment Exercise (SAE) 1

State the causes and consequences of the rising incidence of non-official prisons and detention centres in Nigeria.

3.3 The State of Prisons in Nigeria

The customary functions of prison when it was introduced to Nigeria have altered in contemporary Nigeria. This departure from the norm explains the occurrence of different forms of oddities. The media is awash with gory narratives of inhuman within the Nigeria prisons such as extortion from inmates and their guests, creation of VIP cells for money, misappropriating of gift items from support organisations, pilfering of inmates' properties, rape, denial of medical requirements, deliberate exposure to hostile weather, extrajudicial killings, mismanagement of monies, and unlawful release of prisoners (Adams, 2015; Hembe, 2016; Onyegbula, 2016). The study of Osondi show a constantly rising prison administration issues such as poor funding, prison overcrowding, and the failure of the existing prison laws to tackle the key objective for creating prison and rehabilitation for prisoners. This has constituted a major challenge to prison administration success in Nigeria. The funding of the prison system and the number of prison inmates are inversely proportional. This regrettably has led to preventable prison congestion with its adverse implications for the health of inmates. This dearth of provision cannot be divorced from the development in which there have been accusations of corrupt practices among few high ranking officers of the prison administration.

The personnel of the Nigerian prisons typify corruption and are grudgingly perform their duties because of the absence of morale-boosting incentives. They are not motivated to carry out their legitimate official duties and responsibilities because of their dissatisfaction with their conditions of service (Achu, Owan & Ekok, 2013). The facility designed to reform convicted criminals has unfortunately become a training ground for intense criminality. This painful outcome could be a direct outcome of the overreliance of the act that established the prison system on punishment at the expense of rehabilitation (Ogwezzy, Adebayo, & Kekere, 2016; Nickel, 1987; Osondi & Obiozor, 2008). The Nigerian prisons are in a serious disaster as therate of overcrowding among the inmates particularly thoseawaiting trial is extremely high that facilities designed to house a population capacity of 30,000 inmates now hold above 58,000 inmates. Development in terms ofinfrastructure and logistics upgrades has remained standstill for centuriesthat has made the prison system counterproductive (Ogundipe, 2006). The entry and exit traffic out of the prison indicate the active presence of some problems in the system. These have slowed down the pace of progress of the system making the fulfilment of the legitimate expectations of Nigerians from

the functions and existence of the institution essentially incapable of fulfilment in terms of effective deprogramming of criminals by replacing their deficiencies with skills and competences (Obioha, 2011). The state of the prisons was deplorable.

Public perception of prison staff as being prisoners, one way or the other predisposed them to bestial behaviour. Most departments of the prisons nationwide had no single means of mobility in case of any emergency. The very few that had vehicles had unserviceable ones because of poor funding. Before 1999, the Nigeria prisons had no reputable corporate headquarters. All these combine to make the prison system in Nigeria one of the weakest institutions in Nigeria's criminal justice sector (Ojukwu & Briggs, 2005). The penal system in Nigeria is extremely punishment oriented, humiliating and degrading. It almost always predisposes released prisoners with re-entry difficulties in the society. However, ex-convicts who come out of the dungeon alive face the challenge of readjustment to the realities of normal life insurmountable and recidivism takes its course (Oduyela, 2003). Most probably, the disgusting state of the Nigeria prisons might have compelled Professor Ben Angwe, the Executive Secretary of the National Human Rights Commission [NHRC] to conclude that the state of the Nigeria's prison reflects that of the criminal justice administration in Nigeria (Okoroafor, 2015).

In the Nigeria's prison system, there are some unique subcultural interactions in which a marshal who occupies the position of the president determines the goings-on in the cell. This 'officer' pays the warder to ascend the 'throne' and generates funds for them. Also, within the prison, a special section for VIPS exists. Inmates who have the wherewithal pay between N30,000 to N100,000 in agreement with the sophistication of the cell rooms (Onyegbula, 2016). Looking at the problem from infrastructural decay, Okoroafor (2015) observes that Nigeria has 240 prisons. The structures of about 200 of them were built before 1960. This implies that infrastructures that do not support reformation in the 21st century are what inmates are provided and from which Nigeria expects a wholesome reintegration of her processed offenders. Confirming the problem of mismanagement of prison funds, Uwujaren (2015) notes that Akon Esu-Nte, the Head of Capital Accounts Unit of the Nigeria Prison Service was said to have stolen the sum of N200 million from the coffers of the institution. It is a tragic paradox that the institution that was established to reform offenders have officers whose conduct shows that the drivers of reformation themselves require intensive and extensive behaviour modification therapies.

3.4 Rehabilitative Functions vis-à-vis the Lapses of the Nigeria Prisons and Corrections

Customarily, prisons are intended to function as facilities that initiate, execute and sustain reformation and reintegration of individuals who have been found guilty to appreciate the need to live norm-complying lives, acquire new competencies that will facilitate their reabsorption into community life on the completion of their sentences (Ndukwe & Nwuzo, 2014; Omagbemi & Odunewu, 2008).

Although prisoners have infringed the law before their incarceration, as individuals, they still have their inalienable rights protected. A key issue that upsets offenders' welfare involved respect for their other fundamental human rights despite their incarceration (King, 2001). Among these violations are the inadequate treatment of serious medical cases, poor health education on disease control; denial of visits by spouses, denial of access to education. Therefore, the engagement of specialists such as psychologists, social workers, and medical doctors as prison officers (Thomas, 1972; Hill, 1988; O'Brien, 1998, Enuke, 2001) represented a pragmatic departure from the norm and a symbolic measure in many developing countries concerning the provision of well-adjusted needs of the inmates. The preference of custodial functions in addition to the rising prison population has resulted in prison congestion. This causes most of the prison facilities to presently accommodate twice the population of inmates they were designed to hold, especially Awaiting Trial Persons (ATPs) (Enuke, 2001). Following the sudden demise of General Sanni Abacha, the former Military Ruler of Nigeria from 1993 to 1998, the state of the Nigerian prison made daily newspaper headlines with every political detainee having one gory tale to tell about the harrowing experiences of inmates in the prison (Enuke, 2001). Shortage of fund has undermined the maintenance of the inmates and rendered the provisions of necessary resources difficult. The rehabilitation of prisoners, which is a customary key focus of imprisonment, has become incapable of attainment (Enuke, 2001). Therefore, with the disappearance of rehabilitation, inhuman conditions and inherent congestion of inmates have caused the prisons to be described as human cages (Kayode, 1987) and human zoos (Enuke, 2001). For a long time, the content of education that the prisons provide has been selective among inmates, even if unorganised apprenticeship is used to maintain the prison system. (Enuke, 1987). Regrettably, that the way education has been designed cannot reconstruct the

human psyche in respect to the despicable influence of the prison environment (Parkinson, 1983, p. 67).

Similar to other components of the criminal justice system in Nigeria, the policy direction, structural orientation and operational culture of the Nigerian correctional services are vestiges of colonialism in Nigeria. Even though the prisons are presently governed by a 1972 Act, which defines the goal and orientation of the prison as custody and production of inmates on request by the court, restoration and reintegration into the community, Nigeria's prisons essentially apply the painfully winding and primitively punitive institutions. Thus, the prisons are characterised by human rights abuses, overcrowding, appalling health conditions, pitiable funding, inadequate management and officials that are poorly trained and retrained (NHRC, 2012). At this moment in time, there are 145 Prisons, 83 Satellite Prison Camps, 10 prison farms, 2 Borstal Institutions and 9 cottage industries for the training of inmates in Nigeria. These prison structures are not just old; they are unmanaged dilapidated colonial legacies that are reminiscent of the poor management culture of Nigeria. For instance, the years of the penal antiquities chronologically arranged, we have the Warri Prison was constructed in 1805, Azare in 1816, Ningi in 1820, Misua in 1827, Degema in 1855 and Suleja in 1914 (NHRC, 2012). However, some additions have been made since 1999. These include the Kontogora Prison, Niger State – 1999; Lafiagi Prison, Kwara State – 2000; MSP Minna, Niger State – 2001; Makurdi, Benue State that was built in 2002; Boastal Training Institute Ilorin, Kwara State – 2005; Okene Prison, Kogi State – 2007; Medium Security Prison Omu Aran, Kwara State – 2008; Mandala, Kwara State – 2009; Dukpa Model Farm, Gwagwalada FCT – 2009; MSP Keffi, Nassarawa State in 2009; MSP Nassarawa State in 2010 and Lamingo Prison Agric Project, Plateau State in 2012. The Federal government feeds the prison inmates with less than \$1.5 (N200) per inmate per day contrary to about \$5.2 (N800) which the prison authority allocated to feed the prison inmates throughout Nigeria (Sunnews online).

The majority of the prison facilities in Nigeria do not have well equipped and functional hospitals managed by qualified medical staff. In some ridiculous situations, some prison facilities have just first aid boxes managed by dispensary assistants. Recreational facilities are similarly not provided in most of the prison structures and where they are, they are insufficient. In the North-West Zone of Nigeria particularly, nearly 60% of the prisons operate without any form of recreational facilities (NHRC, 2012). The Nigeria prison system contends with a high percentage

of awaiting trial inmates. Paradoxically, the prisons hold less number of convicted inmates. The fact that the inmates awaiting trial syndrome specifically afflicts essentially the 30 prisons located in urban centres seems to confirm the claim that the present composition of the criminal justice system is neither a product of thoroughly conceived policy intended to solve the law and order challenges that are unique to the states (Ogundipe, 2009). The Kirikiri medium security prison was built to accommodate 835 inmates but it houses 2,554 inmates of which above 2,100 await trial; similarly, the Owerri Prisons, was initially built to house 548 prisoners, it now houses 1,827 inmates with 1,663 awaiting trial inmates (Vanguard, 2013); the Port Harcourt prison was built for 804 prisoners, but houses 2,798 inmates, out of which about 2,487 await trial. With this overcrowding reality, the prison facilities spend more of its allocations on securing individuals who, in the first place, have no business constituting an annual N5.5 billion burden on the Nigerian government on the ground of innocence. Moreover, the holding of inmates within the age brackets of 26 and 50 by the prison system is a colossal waste of human capital (Vanguard, 2013). By the outcome of the rehabilitative investment of the system on the processed products, their inability to function outside the system without resorting to recidivism clearly shows that the prison system has an undesirable effect on reintegration in Nigeria. Released convicts often cannot live efficient and rewarding lives after re-entry into their communities. They suffer untold stigmatisation, no integration, nobody trusts them, they do not get employed, and poverty makes the world of criminality attractive and back they go to the institution that claimed to have satisfactorily processed them for social integration.

Self-Assessment Exercise (SAE) 2

Explain how the military intervention in Nigeria's politics has caused the Nigeria's prison system to digress in terms of inmates' rehabilitation and concentrate on custodial penalty.

3.5 Prison Reforms

A critical review of colonial and post-colonial laws seems to underscore the prison's custodial functions while ignoring the correctional functions of the contemporary prison. The NPS reform is among the reform policies of the Nigerian criminal justice system (Odekunle, 2007) that is consistent with the global prison service movement from a punitive and retributive system, to a reformatory and rehabilitative one in which the welfare of offenders receives primary attention.

The claim that in Nigeria, sixty-five percent of prison inmates have never been charged with the commission of any crime, even with some inmates awaiting trial for up to a decade (Amnesty International, 2008) is concrete enough to justify a reform of the prison system. The Nigerian government founded the Nigerian Prisons Service (NPS) as an institution “to correct social deviants, punish and reform criminals and to complement the processes of legal adjudication and law enforcement” (FGN, 1990:3-5). The ambition of government in respect of the establishment of the prisons has not been completely achieved. There is, therefore, the need to reform the system to make rehabilitation effective and promote social order in the Nigerian society. Sampling about 30 prisons across the country, in 1998, it was revealed that in some of the prisons “as much as 98% of the population of those in prison custody were awaiting trial” (Oloyede, 1998, p. 5, Ojukwu & Briggs, 2005, p. 2). Eze (2009) recalled that as a country, Nigeria has witnessed more than twenty-nine years of military interruption in democratic rule. As a result, the Nigeria Prisons have become mere concentration camps in which pro-democracy activists, civil rights campaigners, and some sociopaths are held under insanitary conditions. The Nigeria Prison Service was worsened by the prevailing military leadership which Nigeria had experienced since independence. The experience of the institution under the military in its twenty-nine years of political domination essentially presented and treated the prison as a punitive organisation and was therefore not committed to reinforcing its infrastructural conditions. He observed that each time the military periodically visited the prison facilities it was not to inspect their states but to confirm that their victims remained uncomfortable within the squalid and overcrowded cells that made inmates vulnerable to communicable diseases and higher rates of mortality (Enuku, 2004; Ogundipe, & Adepoju, 2016).

Chukwudi (2012) recommended that the political class should develop a genuine political will to embark on a reform with a human face that is devoid of party predispositions and thoughts, prejudice and partiality. Moreover, viable prison reforms should imply post imprisonment vocational efficiency that makes them useful to themselves, families and the entire Nigerian nation. For this to occur, effective acquisition of skills that offer practical services to the people in carpentry, fashion designs, shoemaking, painting, and building should be provided. On their part, Asokhia & Agbonluae (2013) suggested that the implementation of correctional education programmes should be extended beyond the confines of the Nigerian prisons such that rehabilitation services will embrace awareness programmes, counselling services, information

communication technology, correctional education, and skills acquisition programmes. They underscored the establishment of schools within the prisons' facilities to offer quality prison educational programmes to develop the cognition and build the capacities of the prison inmates for effective employment absorption on discharge. With sound education, ex-convicts will eschew criminal behaviour that would put recidivism in abeyance. Public policy should replace vocational training in welding, auto-mechanics, hair-dressing, cosmetology, photography, and printing with the traditional blue-collar employment for inmates. Finally, the federal government should urgently provide more functional recreational facilities and services to the inmates of the Nigerian prison system.

The Obasanjo's administration gave indications about its policy on prisons within the first six months of its span in 1999 by ordering prisons' decongestion throughout Nigeria (The Reformer, 2006: 29). The beneficiaries of this directive included: one thousand four hundred and three long-standing awaiting trial persons (ATPs) who regained their freedom in 1999. Three hundred and eighty inmates who were juveniles also gained their liberty. Finally, convicts who were condemned and had served 20 years and more breathed the air of freedom; condemned convicts who had served between 10 and 19 years had their death sentences commuted to life imprisonment. As a result, 254 condemned convicts gained their freedom and 654 had their death sentences commuted to life imprisonment (Ogundipe, 2006, p. 29). This prison decongestion policy directive did not explicitly give the impression that an honest reform was attempted. It simply appeared to be a reaction to personal experiences or expectations of party loyalists about the release of their relations who were victims of the earlier military dictatorship. The same Obasanjo who decongested the prisons later re-congested them with vocal political opposition activists. However, on the 3rd of July, 2000, the administration of Obasanjo granted the Nigeria Prisons administrative autonomy and directed the Nigeria Police Force to transfer all court-escort duty the prisons with effect from June 2001 to guarantee speedier dispensation of justice (The Reformer, 2006: 30). On September 28, 2006, Obasanjo's regime approved a Five Directorate Structure for the Nigeria Prisons. The Controller General will serve as the Chief Executive Officer. This effort was aimed at revolutionizing the institution in the 21st Century.

4.0 CONCLUSION:

In this unit, we underscored the history, mandate, challenges, and the need for the reform of the Nigeria prison system. If the prison reform is done with patriotic zeal in consonance with research suggestions, it will make the dispensation of justice very stable and respectable.

5.0 SUMMARY:

In this unit, we have shown that the prison institutions in Nigeria have only succeeded in their custodial responsibility but have failed in their rehabilitative duties. This claim is justified by the rising incidence of recidivism in Nigeria. All the evidence of systemic collapse that manifests in prison congestion, extortion, insanitary environment and lack of enduring vocational equipment that combine to predisposed ostensibly finished inmates for reintegration into the larger society make the clarion call for the reform of the prison system a patriotic duty.

6.0 TUTOR- MARKED ASSIGNMENT

- 1) Discuss the factors that make the prison system unable to deliver on its rehabilitative mandate.
- 2) Why has the Nigeria prison system succeeded in its custodial functions but failed abysmally in its rehabilitative functions?
- 3) Account for the reasons that cause awaiting trial become a critical challenge in Nigeria's prison system.
- 4) With well-reasoned arguments, explain how the culture of Nigeria impedes the effortless reintegration of ex-convicts into the contemporary societies.

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UNIT 5 MEASURING THE PERFORMANCE OF THE NIGERIA'S CRIMINAL JUSTICE SYSTEM

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Share of conversation
 - 3.2 Timing and relevance
 - 3.3 Nigeria criminal justice policy
 - 3.4 The Awaiting Trial Dilemma
 - 3.5 Rigidity of the penal law and the Awaiting Trial Problem (ATP)
 - 3.6 Why the Criminal Justice System is Averse to Change
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignments

7.0 Reference/further readings

1.0 INTRODUCTION

If the performance of the criminal justice system is to be objectively assessed, assertions would not be an approach. Providing a valid evidence-based outcome would require objective measurement. To achieve this, procedures that are loyal to rationality would need to be adopted.

2.0 OBJECTIVES:

By the end of the unit, the graduate students should be able to appreciate the limitations of the conclusions reached without using clearly defined methods that apply the rules and show a capacity to assess the efficiency of the criminal justice system through scientific procedures for measurement.

3.0 MAIN CONTENT.

3.1 Share of Conversation

Public perception of the criminal justice system in Nigeria is tremendously undesirable. While Amnesty International labelled Nigeria's criminal justice system a "conveyor belt of injustice, from beginning to end" (Amnesty International, 2008), Ayorinde (n.d) referred to it as "dysfunctional, outdated and not fit for purpose". The Punch Newspaper (2013, n.p.) reported the former Speaker of Nigeria's House of Representatives to have said that "our criminal procedure has remained largely old and unresponsive to the quick dispensation of justice". Similarly, Daily Trust (2013) Alhaji Abdullahi Yola, The Solicitor General of the federation and permanent secretary at the Ministry of Justice stated that Nigeria's criminal justice system lacks the necessary policies and legislation that accelerate fair trial of suspects.

3.2 Timing and Relevance

Timing and relevance as measurable variables could be used as another indices of measurement. Their adoption discloses that the critical components of the system are out of sync and underachieving. There are four out of the five major legislative properties that collectively regulate criminal justice in Nigeria- the Penal Code, the Criminal Code, the Criminal Procedure

Act, and the Evidence Act are all vestiges of colonial legislation and culture. No amendments have succeeded to execute a Nigerian-specific agenda on criminal Legislation. Similarly, the Police Act 1943, which was re-enacted by a decree in 1967. In terms of speed and quality of justice, the Nigerian judiciary does not show evidence of healthy performance as it takes an average of 5.9 years for a contested case to move from filing to delivery of justice (Peter Anyebe, 2012). In the last segment of the criminal justice system, the Prisons are nothing but overwhelmed human warehouses, the actual capacity of the Nigerian prisons is about 50,153 but the prison currently holds 57,121 inmates. 39,577 (69%) of the total prison inmates are awaiting trial inmates (Nigerian Prison Service, 2014).

Self-Assessment Exercise (SAE) 1

Does evidence exist to prove that the performance of the criminal justice system can be accurately measured?

3.3 The Nigerian Criminal Justice Policy

Traditionally, every country designs its criminal justice system to reflect its prevailing sociocultural orientation. This is apt because the criminal justice as a remarkable tool of social control has to be situated within the cultural milieu within which it functions. Therefore, an effective criminal justice policy regime needs every society to construct its institutions of social control, which reflects popular societal beliefs, norms, mores and values. Criminal law legislation should completely reflect government's policies as they relate to the control of behaviours that threaten law and order in a territory. Nonetheless, the policy document that comprehensively articulates the end of criminal justice system does not exist in Nigeria (Onimajesin, 2009). For defining rights, duties, obligations and relationships with other components of the system, criminal legislation is the most significant component of the criminal justice system. The Criminal Code is the basic law that deals with crime in Nigeria. It is applicable in the southern states. But the Penal Code operates in the Northern states. Originally, these two pieces of legislation were enacted in 1902 and 1960 respectively. Substantially, they are more reflective of British colonial interests than current Nigerian social realities. The public policy processes do not give rise to it in a way that they are targeted by the Nigerian government at specific social problems within Nigeria's current social environment. Continuous modifications in the social engagements demand a progressive review of criminal legislations. Predicating a

criminal justice system on an obsolete criminal code that has limited alternatives to incarceration, in an era of non-custodial sentencing, indeterminate sentencing systems and Community supervision is certainly one of the reasons that underlie the dysfunctionality of the criminal justice system of Nigeria. The years of experience of Nigeria at democratic governance has not produced any significant change in the criminal justice system regime in the country. It should be noted, however, that only Lagos State out of the 36 States in Nigeria has comprehensively reformed its criminal justice legislations. This fact may be due, in part, to Raji Fashola's era as governor of Lagos because he is a lawyer. However, the following six critical criminal justice system's bills are pending before the federal legislature in Nigeria:

1. Administration of Justice Commission Bill,
2. Police Act Amendment Bill, Community Service Bill,
3. Victims of Crime Remedies Bill,
4. Prisons Act Amendment Bill and
5. The Elimination of Violence in Society.

The social framework of our criminal legislation is external and archaic. It is, therefore, appropriate to state that Nigeria has no widespread criminal justice policy, produced by contemporary social necessities.

3.4 The Awaiting Trial Dilemma

There is an atmosphere of uneasiness among stakeholders concerning the problem of awaiting trial (AT) in Nigeria's prisons. This worry is made more difficult by the seeming unending increase in the prison population across the country. It stands at seventy-two thousand (72,000) inmates (IPCR, 2017). The Port Harcourt Maximum Prison, calculated from inception to house eight hundred and four (804) inmates; currently houses about three thousand eight hundred and twenty-four (3824) inmates, with above three thousand, four hundred and twenty-two (3422) inmates in AT list (Azubuike, 2016). The continuous increase in the population of suspects awaiting trial in Port Harcourt Maximum Prison is caused by institutional failure, incompetence of law enforcement agencies and other state apparatus, saddled with the responsibilities of driving prosecution of criminal cases in the state (Uwais, 2004). This recurrent problem has caused some problems such as 2011, 2015 jailbreaks, and an attempted jailbreak of 2016. This development has its associated security risk as both convicted and detained prisoners escaped

during jailbreak without being recaptured. The ATP challenge has further led to numerous health-associated problems such as scabies, asthma, tuberculosis, rashes, and HIV/AIDS (Jarma, 1999). Others include insufficient feeding, poor clothing, worn-out amenities, shortage, or broken-down welfare rehabilitation facilities. The problem of awaiting trial has also led to serious management difficulties as can be seen in the incapacity of prison management to separate hardened criminals from minor offenders (Otite & Albert, 2004). The issue of awaiting trial persons and their unacceptable living conditions exacerbate the likelihood of aggression among suspects and can cause unrest and other cruel behaviour in the prison (Amnesty International 2008). In an attempt to address these problems in Nigerian prisons, governments (military and civilian) have established panels of inquiry, committees, and introduced reform programmes intended to develop the general well-being of inmates and to reorganise the criminal justice system for efficient service delivery. Unfortunately, most of these attempted reforms failed to meet up to expectations.

3.5 Rigidity of the Penal Law and the Awaiting Trial Problem (ATP)

The inflexibility of the Nigeria penal code is bizarre and scary; it has strangely increased the problem of ATP across the prisons in Nigeria. To realize justice in any human settlement, penal laws are inevitable. The state uses penal laws as tools to address individuals' actions that violate established norms and laws (Ndifon, 2012). The justice system in Nigeria is inflexible, intolerant, and generous like that of developed nations of the world (Abuchi, 2013). All over the world, when individuals are accused of trivial offences like violating traffic rules, fighting, among other minor crimes, the standard practice is to pay fine, take part in community service or pay back what they have unlawfully collected from others (Abuchi, 2013). In Nigeria, the reverse of this global convention is the case. This failure causes the prisons in Nigeria to be inundated with inmates who have been convicted of minor offences or their presence in the prisons is not documented at any other earlier stages of the criminal justice system. This anomaly has significantly worsened the problem of prison congestion in Nigeria (Abuchi, 2013). The concept of holding charge which Dahiru Musdapher, the former Chief Justice of Nigeria (CJN), conceives as a system whereby citizens are dumped in prison by a court, which lacks jurisdiction to try them has lots of implication for awaiting trial problem in Nigeria. The necessity of holding suspects in detention, under normal conditions, is to enable the law enforcement officers to carry

out detailed investigations with a level of assurance as to his availability when required. Therefore, the need for the use of holding charge in the criminal justice system ought not to have transcended the genuine desire to ensure that an accused person does not jump bail when the court requires him to answer to the allegations against him.

In recognition of the abuse into which the concept of holding charges have been put in Nigeria, stakeholders have contended that the practice is responsible for the rising incidence of ATP in Nigeria's prison, and by itself, a major source of prisons congestion (Chigozie & Ajah, 2011, Ukwai, Okpa, Adewoyin, Angioha, Udom, 2017). These scholars note the devastating population of awaiting trial persons in Nigeria prisons and point at empirical evidence that corroborate stakeholders' argument that majority of the accused persons awaiting trial in Nigeria's prisons, after appearing in court on holding charges end up spending periods that range from one week to seven years in detention (Agbakoba & Ibe, 2004). The Nigeria law does not make provision for holding charges. The law, however, stipulates that, when an accused person is arrested, he or she should be arraigned before a court of competent jurisdiction within 24 hours. It is in recognition of the position of the Nigerian law on holding charges that Justices of the Appellate Court and Supreme Court of Nigeria have reported that the practice of "holding charges" is inconsistent with the provision of the Nigerian constitution and to that extent, illegal. The inadequacy of the police population to cope with the policing needs of Nigerians may be advanced for the rising incidence of awaiting trial in Nigerian prisons. However, the judges granting the holding charges must act ethically and with the fear of God because the liberty that is at stake is that of another human being who at the end of the investigations may be found innocent. Access to justice involves having sufficient legal provisions and unnecessary interruption in the dispensation of justice. Delay in the delivery of justice fertilizes the development of the problem of ATP gains physical expression in prison congestion. Certainly, delay in court proceedings and ATP problem throughout Nigeria undermine the safety and security of lives and properties (Ibanga, 1996), because some arraigned innocent suspects who could not afford the payment of bail will eternally reside in the prison. This understanding probably underlies some schools of thought which believe that the delay in discharge of justice is the remote cause of ATP problem in Nigeria prisons (Alemika & Chukwuma, 2006).

Self-Assessment Exercise (SAE) 2

The third and final tier of the criminal justice bears the brunt of the inefficiency of the earlier two tiers in the problem of awaiting trial inmates. Discuss

3.6 Why The Criminal Justice System is Averse to Change

To dig to the roots of the reasons that underlie the existence and rising incidence of awaiting trial problem in Nigeria, Osasona (2015) posed the following questions: “Why is the judiciary operationally indifferent to the crisis of the awaiting trial inmates in the Nigerian prisons beyond the worn ritual of Chief Judges’ sporadic visitation releases of inmates when the court system is culpable in prisoners’ unjustified incarceration? What is the incentive for the prison system to retain so many awaiting trial inmates? Why has 14 years of democratic governance not engendered a humane and human rights-respecting criminal justice policy in Nigeria? Is the low prisoner per capita in Nigeria indicative of Nigeria’s low crime rate or asymptomatic of a non-functioning criminal justice system? What is the political economy of the criminal justice system in Nigeria today? What governance indicator does this problem point to?” (p. 77). Osasona (2015) blamed the failure of the stagnancy that causes the problem of awaiting trial to endure in the Nigerian prison on legislative incompetence. He recognizes that as the fundamental pillars of democratic governance, the legislature is saddled with the policy transformation and frameworks into operable laws through enactment, repeals, revision, and regulation. Regrettably, the legislative houses across all tiers of government in Nigeria have failed abysmally in the area of engendering suitable and workable criminal justice legislations. “Clumsy legislative processes and procedure, inadequate experience in technical areas such as policy reform, appropriation procedures, and processes, corruption, political and social differences all combine to impede legislature in Nigeria in creating criminal policies that work expeditiously. The political elites have benefited from the delay in the administration of justice by exploiting weaknesses in the system to delay or frustrate their trials. The tale of the criminal justice system is one of a system that lacks the capacity and the will to conclude trials involving rich and politically connected individuals while conversely increasing the number of indigent people held without trial in the prisons” (Osasona, 2015, p. 77).

Moreover, “the flawed process of appointment, inadequate funding, archaic judicial infrastructure, excessively bureaucratic processes, poorly trained and inefficient supporting court staff, poor remuneration and non-consideration of the magistracy as judicial officers even though it handles 75% of all court cases in Nigeria and flawed administrative policy... these are factors that contribute massively to the inefficiency of the judiciary. These factors explain the indifference of the judiciary to the crisis of mounting pre-trial prison inmates in Nigeria and why the only response has been the tokenism of releasing prisoners who have no business being in prison in the first place. The judiciary is as guilty as any other sector in the value chain.” (Osasona, 2015, p. 78).

4.0 CONCLUSION:

In this unit, we examined the share of conversation, timing and relevance, Nigeria criminal justice policy, the awaiting trial dilemma, rigidity of the penal law and the awaiting trial problem (ATP) and why the criminal justice system is averse to change one after the other. It is hardly possible to have a dependable criminal justice system that will drive a healthy society if its professional operators are not motivated to discharge their functions ethically. If the criminal justice system has remained as an unconquerable moral force in Nigeria, all other segments of the Nigerian society would not have been this neck deep in corruption.

5.0 SUMMARY:

In this unit, we have shown how the interconnectedness of the components of the criminal justice system has led the prisons/corrections to bear the brunt of the inefficiency of the first two tiers of the system- the police and judiciary. If all the three tiers of the criminal justice system do their bits professionally by the ethics of their units, there would not have been reckless cases of innocent suspects arraigned before judges for processing. Similarly, the question of awaiting trial problems that almost burst the prisons will not emerge and the corrections would have been practically correctional in its rehabilitative impact on inmates.

6.0 TUTOR- MARKED ASSIGNMENT

- 1) What are the effects of delayed justice on the fundamental human rights of the victims and the efficiency of the prisons?

- 2) How has the going out of sync of the criminal justice system translated into underachievement of the critical components of the system?
- 3) How does the efficiency of the other two tiers of the criminal justice system depend on the resilience of the judiciary?
- 4) Account for the causes, consequences, and solutions to the awaiting trial dilemma in Nigeria's prison system
- 5) What are the reasons that account for the aversion of the criminal justice system of Nigeria to change?

7.0 REFERENCE / FURTHER READINGS

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