CRIME RATE IN AFRICA: TIME FOR AFRICAN CRIMINOLOGICAL THEORY

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ABSTRACT

Criminological theory connotes the preposition of a theory for the scientific study of crime and possible solution to the menace of crime. The reality however, is that most criminological theories originates from scholars outside Africa continent and those scholars naturally assumed that a general criminological theory will work for all. The purport of this paper is to deviate from the populist criminological theory and advocates for Afrocentric criminological theory. The paper adopts literature review with document analyses and concludes that there is no basis for a legitimate expectation that “Eurocentric or American-centric criminological theory(ies)” will produce the desire results in a distant Africa continent (in the global struggle against the menace of crime and or its prevention).

INTRODUCTION

The central issue raised and discussed in this paper is the placement of “Afrocentric(sm)” in the criminological theory of causation and solution to the menace of crime. The researcher contends herein that the universality in the applicability of criminological theory has not been proven by scholars beyond reasonable doubt. The ingenuity in this contention is in agreement with the statement of Wassertheil-Smoller (2004:1), in which it was asserted (and rightly too) that the medicine to produce health has to examine disease; and music to create harmony must investigate discord.

Although it can be deduced from Leon-Carrion and Ramos (2003:207) that criminality is part of human nature and that criminal behaviour is as omnipresent in developed countries as it is in the developing countries. This statement can be confirmed from the global crime statistics. Leon-Carrion and Ramos (supra) refer to the information from the Central Service of the Study of Crime of the French Ministry of the Interior, and note that France, Sweden and Belgium have the highest rates of reported sexual assault in Northern Europe. This same source of information reveals that Sweden has the highest homicide rate at 10.3 per 100,000 inhabitants, while Finland occupies the lowest ranking with 0.7 per 100,000 inhabitants.
CRIME IN SOME AFRICAN COUNTRIES: NIGERIA AND SOUTH AFRICA

The type and nature of criminality or criminal behaviour tends to follow the pattern of socio-economic development of a particular society. Aggressiveness, brutality, and high levels of criminality with deviant attitudes have been identified as common denominators of countries in transition (Kempa & Shearing, 2003:25). This probably further explains one of the reasons why societies (such as Nigeria and South Africa) with low level of political and economic developments experience an upsurge in the rate of violent crimes and politically motivated killings.

Kempa and Shearing (2003:25) note that high crime rates in some countries could be due to the difficult and uncontrollable nature of change in the formative stage of a new system of government, as well as to the dismantling of an anarchical security system put in place by a previous authoritarian government and the struggle to introduce equal socio-economic opportunities brought about by a new administration. Nigeria and South Africa are typical illustrations of the above scenarios. Nigeria was under the military junta for almost three decades (1966-1979 and 1983-1999) and whereas the Republic of South Africa was under the siege of apartheid system of government from 1948 to 1994. Apartheid was a system of government (laws and policies) of total racial segregation that began in 1948 when the National Party came to power and ended in 1994, when Nelson Mandela was elected President in the first democratic elections (Olagunju, 2008) and (SA: Online).

The statistics in paragraph two of this introductory paragraph suggests that those countries have lower crime rates than Nigeria and South Africa. However, every society needs strong and effective crime prevention and social control measures to maintain law and order, promote peace and harmony and secure the lives and properties of the inhabitants (Olutola, 2011). A society which cannot protect the lives and properties of its people is not worthy of their allegiance, and such will soon become a failed state and the consequences will be heinous.

In the Tables 1 below, the experience or the familiarity of crime in Nigeria has been demonstrated. The table shows that one out every three Nigerians has experience of one crime or another. Nigeria as a country has a population of approximately One Hundred and Sixty million people (courtesy of 2007 National population census). The country has Thirty Six States excluding the Federal capital Territory of Abuja. Each of the 36 States and the Federal Capital Territory are equally represented in the Table 1 (below).
Table 1: Experience of Crime in Nigeria in the year 2012


Nearly one out of every three Nigerians has experience of crime. Most affected States are Kebbi, Ebonyi, Enugu and totality of Nigeria (in red). Table 2 below indicates the degree of the fear of crime in Nigeria. Specifically, it demonstrates fear of crime in each State of the Federation of Nigeria and the Federal Capital Territory Abuja. Fear of crime can be as a result of the perception that the services being rendered by the law enforcement agents especially the Police are inadequate and inequitable; the downplay of the maintenance of order by the police, whilst much emphasis is on crime statistics, when the citizens question the legitimacy of the Police service and when corruption manifests in the Police Service or when the Police service has a low status in the community (Peak and Glensor, 1996:14-15).

From Table 2 (below) one could not but agree that whatever criminological theory or criminal justice approach being used in that country is woefully failing.
Table 2: Fear of Crime in Nigeria (same period as in the Table 1 above)


With a national average of 75%, fear of crime or becoming a victim of crime. Fear of crime has become pervasive in Nigeria with severe impact on quality of life.

Table 3: SOUTH AFRICA: SERIOUS CRIME RATIO PER 100 000 OF THE POPULATION

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<tr>
<td>Eastern Cape</td>
<td>3780.0</td>
<td>3595.1</td>
<td>3300.7</td>
<td>3002.3</td>
<td>2929.8</td>
<td>2889.1</td>
<td>2806.2</td>
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<tr>
<td>Free State</td>
<td>4525.4</td>
<td>4399.4</td>
<td>4164.6</td>
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<td>Gauteng</td>
<td>6645.5</td>
<td>5676.0</td>
<td>5633.8</td>
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<tr>
<td>Kwazulu Natal</td>
<td>3136.4</td>
<td>2882.8</td>
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<td>Limpopo</td>
<td>1955.8</td>
<td>1740.6</td>
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<td>Mpumalanga</td>
<td>3787.0</td>
<td>3501.9</td>
<td>3411.0</td>
<td>3180.9</td>
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<td>North West</td>
<td>3346.9</td>
<td>3106.6</td>
<td>3014.7</td>
<td>3105.5</td>
<td>3061.1</td>
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<tr>
<td>Northern Cape</td>
<td>4993.1</td>
<td>4188.4</td>
<td>4021.1</td>
<td>3819.4</td>
<td>3793.5</td>
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<tr>
<td>Western Cape</td>
<td>7297.7</td>
<td>6278.0</td>
<td>6334.1</td>
<td>6431.2</td>
<td>6601.9</td>
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<tr>
<td>RSA</td>
<td>4329.6</td>
<td>3922.7</td>
<td>3871.7</td>
<td>3679.9</td>
<td>3608.7</td>
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Table 3 above indicates the occurrence of serious crime per 100,000 of the population per province and in the whole of the Republic of South Africa. This
The above data correlates a recent South African newspaper report quoting the country’s Minister of Correctional Services saying “South African has the highest prison population in Africa, ranked ninth in the world, with approximately 160,000 inmates…. The problem of over-crowding is a priority” (Mail & Guardian: February, 2013). Several reasons can be adduced for the disparities in crime statistics in different countries. Some of which are: (i) crime reporting, (ii) crime recording (iii) efficiency in the administration of the criminal justice systems (Waller & Sansfacon, 2000). Efforts by the criminal justice structures can play a role in crime control but not in the holistic crime prevention (Burger, 2005:310), See also Olutola (2011:271). Braithwaite (1989:133) notes that:

A criminal justice system cannot prescribe policies that will work to reduce crime; we (criminal justice) cannot in all honesty say that the societies spending more on criminological research get better criminal justice policies than those that spend little or nothing on criminology.

In the same token, the criminal justice funnel as enunciated by Ratcliffe (2008: 52-62) “shows that the criminal justice system is not well placed to respond to crime problem…for every 1,000 crimes, less than 8 per cent are detected, and less than 1 per cent of these crimes result in sentence”.

The question then is whether we can justifiably copy criminological theory from one society and paste in another society and expects it (the theory) to work? The simple answer is NO. Whilst in some countries, the citizenry have relative confidence in the law enforcement agents; the same cannot be said of Nigeria and South Africa (as shown in the Table 1, 2 and 3 above).

THEORETICAL FRAMEWORKS AND GENERIC CRIMINOLOGICAL THEORIES

There are colossal theoretical frameworks on why people commit crime. Scholars will never agree as to why people commit crime. It all depends on the angle at which one is looking at the argument. Although this article is particularly
about advocating for the necessity of Afrocentric criminological theory, it needs to be reiterated that the menace of crime and corruption are antithetical to religion, gender and race. George Soros and Raghavan Srinivasan (2000) note that although most commentators on crime, corruption and “good governance” dwell on developing countries not industrialised ones, most call attention to the petty corruption of low-paid civil servants, not to the grand corruption of wealthy multinationals. Most focus on symptoms such as missing resources, not causes such as deregulation of state enterprises. Most talk about bribe-takers, not bribe-givers (George Soros and Raghavan Srinivasan, 2000).

Sutherland’s theory of differential association argues that human behaviour is learnt through interaction and involvement with people around us in our various societies and communities. Sutherland’s theory of differential association is based on the assumption that mal-behaviour or faulty thing is learnt rather than inherent or inborn (Bezuidenhout, 2011:144). Lipsey, Landenberger and Wilson (2007), note that inaccurate thought is an outstanding feature common in offenders. Holmqvist, Hill and Lang (2009), observe that aggression replacement training (ART) is a treatment is designed to reduce anger and violence and reduce setback in violent behaviour in individuals who are prone to criminal behaviour. The aggression replacement training has three components. Firstly, social skills training. This training is based on assumption that aggressive and violent people have skills deficits which is related to offending behaviour. Secondly, anger control training which is based on training to reduce impulses to behave with anger by increasing self-control. Thirdly, moral reasoning training, a program designed to raise offenders level of fairness, justice and concern with the needs to differentiate between what is right and what is wrong.

Another important criminological theory is ‘Biological foundation’. Cesare Lombroso, an Italian physician, is the father of biological explanation of causes of crime (Conley and Bennet, 2000:458-67). Lombroso opined that crime is caused not as a human choice, but by inherited and uncontrollable biological and psychological traits. Conley and Bennet (2000:458-67) asked: “Is Biology Destiny?” This argument was supported by Siegel and Sienna (2008:95) as they found that low-birth babies have been found to suffer poor educational achievement and academic deficiency and have also been linked to delinquency and drug abuse.

The above issue of the relationship between crime and biology was also confirmed in a study by Schauss (1980), who demonstrated the strong relationship between criminality, diet, crime and delinquency. Schauss shows that diet, toxic metals, food additives, insufficient nutrients, food allergy and lack of exercise can contribute to criminal behaviour. As a result of the above factors and to guide against continuous youth involvements in crime, Canada in the 1980s introduced and promoted an extensive good nutrition project among the Canadian youth, mostly through programs directed at the youth population and specifically at pregnant women (Schauss, 1980). Further, the bio-criminologists draw a relationship
between brain activity and behaviour. In one of her works, Psychologist Diana Fishbein (2000:139-59) notes that persistent abnormality in the way the brain metabolises glucose could be linked to abuse – namely, the commission of a crime. In her bio-criminological study on the causes of crime, Fishbein (supra) focused on hypoglycaemia, a condition that occurs when blood glucose (sugar) falls below normal and impairs efficient brain functioning. Siegel and Sienna (2008:96) note that symptoms of hypoglycaemia include irritability, anxiety, depression, crying spells, headache, confusion and likely criminalities.

Another school of thought concerning the causes of crime in the society is offered by the Social Disorganisation Foundation. Hooley (1962:5) notes that the mass movement of people from rural to urban areas is destructive in nature as it causes frustrating experiences as a result of the social dislocation and disorganisation of individuals, resulting in criminal behaviour. A review of the migration and mobility in sub-Saharan Africa by the Economic and Social Affairs of the United Nations in 2008 revealed that poverty forces people to migrate from rural to urban cities in Africa. The aforementioned study has shown that migration is seen predominantly in negative terms as it places pressure on urban areas, promotes the spread of crime and HIV/AIDS, stimulates land degradation and reinforces both urban and rural poverty (UNO, 2008). This rural-urban drift places a huge burden on the social and criminal justice institutions as they battle to cope with absolving the mass movement of citizens.

Literature review has revealed that the Sociological school is another generic school of thought on the causes of crime. Hope, a proponent of the Sociological School, opines that the weakening of family and of ethnic and community traditions is the root cause of crime (Hope, 1995:21). Van der Walt, Cronje and Smit (1994) refer to this as the ‘natural dimension’, which they further divide into ‘somatic’ and ‘subsistent’ dimensions. It is also the argument of eminent Criminologists of the Harvard School of law, that although war on poverty is desirable, parental love is not purchasable and cannot be replaced with an increase in wages. “You cannot make good parents out of bad ones simply by raising their incomes or moving them into new house” (Lewin, 1968:34). However, Critical Criminologists emphasise that money, power and political factors have direct links to criminal behaviour in the society. Siegel and Sienna (2008:112-113) note that the theft of an item worth five dollars by a poor person can be punished much more severely than the misappropriation of millions by a large corporation. It is further contended by Siegel and Sienna (supra) that the history of criminal sanctions worldwide has shown that those sanctions have responded to the needs of the wealthy and that the police, the court and the correctional agencies have almost always served as the tools of the powerful members of society, simply because people in government have control and direct the legal system. Unfortunately, this encourages criminality.
THE THEORY OF CAUSALITY AS IT RELATES TO THE CRIMINOLOGICAL THEORY

Causality theory presupposes the cause of events (or simply put what made events occur). Two important theories of causality in Africa relevant to the criminological theory become apparent and require brief attention. This is because Hamminga (2005:28) notes that in the traditional African setting knowledge is not attained through labour but given by the ancestors. In other words, knowledge is not universal but local and tribal. This confirms further the argument in this paper that generic criminological theory cannot work for all? Hamminga (2005:28) posits that knowledge is passed from one generation to the next. In the conventional African setting no knowledge of reality exists if the individual is not connected to the mainstream (Nasseem, 2002:264). This is rekindled by the principles of Ubuntu (infra). African epistemology postulates that knowledge is the integration and cooperation of all human experiences, feelings, reasoning and integration. Nasseem (2002:264) warns that care must be taken not to present the African view as if it were a Western view, as the two are worlds apart.

Prior to the scramble for and the partitioning of the Africa continent by the colonialist in the first part of the nineteen century, the Nigeria nations had their respective traditional legal systems and the machinery for the administration of criminal justice. Chukkol (1988) notes:

*Long before the white man set foot on Nigerian soil our various communities had a system of meting out punishments for wrong doings and many acts that we today call crimes were treated more or less the same by the early inhabitants of what is now the Nigerian nation. What our forefathers regarded as heinous conducts and deserving punishment remain more or less similarly regarded by us today.*

Ibidapo-Obe (2005:39) observes that in the monarchical African traditional societies such as Igbo of Nigeria, the Nuer of Sudan and the Talensi of Ghana, a proposed idea or legislation (criminal justice legislation inclusive) will be passed into law after it has been meticulously discussed at the village square (Oha) on the principle of equal participation by the members of the community. However in today’s world, the criminal justice legislations in Nigeria and South Africa do not take cognisance of the traditional methods which explain how and why events occur. Although, the 1999 and the 1996 Constitutions of Nigeria and South Africa respectively recognise traditional institutions, but not to the extent of involving locals in the prosecution, adjudication and rehabilitation of offenders in the way and manner it was done in the traditional African society (before the scramble for and partitioning of Africa by the colonialists). The question that needs to be asked is; could it not be possible that criminality is thriving in Nigeria and South Africa because of the neglect of the African causality theory?

Additionally, Sogolo (2002:192) opines that in the traditional African thought,
there are two basic theories of cause of events, namely mechanistic and non-mechanistic theories. According to Sogolo (2002:198), when a person is attacked by malaria as a result of a mosquito bite, a Westerner would attribute the malaria to the mosquito bite and sees a nexus between the bite and the malaria; in other words it would be seen as the mechanistic cause of event. Conversely, in the African non-mechanistic way of life, a person inflicted by malaria will dwell on thoughts such as: ‘Why should such a malaria attack be on me or my family, why not on another person or family?’ (Sogolo, 2002:198).

THE NEED FOR AN INDEPENDENT CRIMINOLOGICAL THEORY IN AFRICA

Dalgleish (2005) opines that, although in contemporary time, scholars have done more than in any other period to advance African criminological writings, nevertheless, there is still much to be done. Thus it is important for African scholars to advance Africanisation of criminology and to shift from European and American theories of crime and its prevention. More so, relying on Eurocentric (European culture) and American-centric criminological theories in Africa will be tantamount to assessing and evaluating other cultures in a manner with which the latter would not necessarily agree. Commenting on the need for Africa (Nigeria and South Africa inclusive) to have indigenous criminal justice principles and concepts Ibidapo-Obe (2005:50) posits that Nigeria have tried the Westminster justice model, but it did not work; she tried the Washington model and it is failing. Although Nigeria is rich in models, it appears that nobody seems to study them. Ibidapo-Obe (2005:50) emphasises that African countries’ tendency to embrace foreign political culture and social control systems has been total, while their traditional institutions languish in the peripheries. It is pertinent to reiterate that Africa as a continent has unique way of doing things before the arrival of the British colonialist in 1816 in the Lagos protectorate of Nigeria or in 1806 in the Cape colony of South Africa. Suffice it to say that the idea being propagated today by the United Nations against the usage of death penalty is after all, not novel to the indigenous African society.

The imperial power truly brought into Africa (Nigeria and South Africa inclusive) among many other things; the new religion of Christianity and the common law principle of capital punishment. Most of the laws in the Nigeria statute book today including death penalty were inherited from the British. Hitherto to the arrival of the British in Nigeria in 1816, the Yoruba’s’ in the Western part of Nigeria practiced African Traditional Religion and consults the Odu-Ifa through Ifa priest; (a herbalist) in the same manner the Christian (the imperial religion) consults the priest or the pastor using Holy Bible. Maulana Karenga (1999: iii) notes:

*the Odu Ifa is a corpus of sacred texts designed essentially to answer questions of human life through the process of divination. But as Awise Wande Abimbola has pointed out in his seminar works on Odu, they contain a wealth of knowledge and teachings in the realm of various*
fields including, art, literature, medicine, history, religion and ethics.

Bewaji, (2006:51) notes that the Yoruba’s in their indigenous culture believes that all other rights a human being may have, emanate from right to life. The significant of the right to life much emphasised by the ‘human rights fighters’ today can be noticed from the Yoruba (West of Nigeria) adage as: “Emi loju” (‘life is sacred); Ba o ku ise ko tan (If we are not dead, we still have roles to play).

In the same sense, the Bantu people of Southern Africa prior to the arrival of the colonialisit expressed their disgust against death penalty through the Ubuntu philosophy. Ubuntu is an African way of life that teaches us that there is a common bond between us as humans. That life is sacred and should not be taken away on the pretext of punishment. The Zulus in South Africa put it succinctly and say:

_Umuntu Ng’muntu Ngabantu, which means that a person is a person through other persons._

The concept of Ubuntu cuts across Africa; though it is with different names but same philosophy. In Zimbabwe (formerly Rhodesia), it is known as Unhu in the Shona language. Samkange (1980) noted that there are three maxims of Ubuntunism or Unhuism. First, it connotes that to be human is to recognise the humanity of others. Second, when one is faced with conflicting decisions of choosing between wealth and preservation of life, one must choose preservation of life and thirdly the leaders or the Kings owed their status to the will of the people under him. Notwithstanding the dominance of Americanisation and the Eurocentric bias of criminological theory, there is no doubt that the search for the causes of crime and the answer to criminality is a worldwide quest. Gibbons (1979: xiii) states:

_The contemporary criminological enterprise is worldwide in scope. Relatively large numbers of persons are doing criminology in England, Germany, and a number of other European countries. Criminology is also flourishing in Australia...Canada, Japan... as well as in pockets in China, Pakistan, and various other countries of the world..._

The appropriateness of the above quote becomes more real in view of the contemporary situation in Africa. In Africa, despite the introduction of the imperial criminal justice systems and generic criminological theories to the indigenous people of Nigeria and South Africa and the other African countries, the value of the traditional social control of these countries is subsisting. Okafo (2007:5) identifies a few reasons for this. One reason is the inefficiency of the English law and its judicial system in the African context. Secondly, the imposed English based common law and social control in Africa lack the foundation they enjoy in their native England and or Europe. Thirdly, African people take great pride in their culture.

Another reason is that indigenous African people desire swift, inexpensive justice. Contrary to this, the adversarial justice systems in Nigeria and South Africa that were imposed by the colonialist are based on the English common law system, which is expensive, time consuming and insensitive to the indigenous African
Criminal justice in Nigeria and South Africa is administered through their respective established imperial laws. A prominent source of law in Nigeria and South Africa is the common law which was inherited from the English law. This form of law requires legal representation in a court of law. It is directly opposite to the African people's concept of a social control mechanism of swift, less expensive and culturally relevant social justice (Okafo, 2007:6).

The researcher concedes that, although it is not impossible, it will be an onerous task to develop a single criminological theory for Africa (Africa continent has an average fifty countries; consisting of not only Anglo-Franco both American and Portuguese colonies). Van der Merwe (1996:1-15) elaborates that plurality of cultures may deceive researchers to resort to absolutism or relativism in their assessment of other cultures. Absolutism might, on the one hand, rob a researcher of bias of criticism or being tagged as absolutist, whereas relativism on the other hand might preclude self-understanding of other cultures or their way of life (Van der Merwe, 1996:1-15).

In the traditional African society and before the arrival of the imperialists, the maintenance of law and order and the prevention of social vices such as crime were in the domain of the traditional leaders. Unfortunately, European scholars have not been fair to the African jurisprudence. For instance, Fortes and Evans-Pritchard (1946:21) note that Africans do not analyse their social system, but live it. Ayoade and Agbaje (1989:55), Ibidapo-Obe (2005:70) appraised the opinion expressed by Fortes and Evans-Pritchard, arguing that they offer the extreme suggestion that Africans are thoughtless. Ayoade and Agbaje (1989:55), Ibidapo-Obe (2005:70) elaborate, claiming that the fact that Africans had developed institutions prior to the arrival of the colonialists’ means that anti-African scholars could not be right, as institutions cannot exist in vacuum. Agozino (2005: 119) reflects on the development of indigenous Africa’s criminological theories and emphasises that the colonialist intrusions and contaminations of the sophisticated, effective social control and criminal justice systems that existed in West Africa before the arrival of the imperialists, were nothing but a set-back to the development of the effective traditional criminal justice systems which existed prior to the arrival of the colonialists.

Okafo (2007:4) notes that the lifestyle of Nigerians and other Africans (including the majority of South Africans) seems to be fundamentally different from that of the English or other Europeans. Regrettably, the Nigerian and most other African governments in post-colonial Africa are pursuing social control - including control of criminal justice systems - that are consistent with the systems and techniques bestowed on them by the colonialists.

In reality, the English justice system is best suited to regulate and control the prevalent situation in England and its environments, and not in a faraway African nation with its different ideologies. The imperial system reflects imperial norms, and
not African norms. An average African who in any event is illiterate in the English language (Nigerians and South Africans inclusive), suffers from a confused (norm-less) condition in which the rules of conduct of the criminal justice official differ from those of his indigenous practices (Okafo, 2007:4). It is the humble opinion of the researcher (although contestable), that if Nigeria and other African countries have continued to apply their erstwhile indigenous criminal justice systems that are swift, inexpensive and require no legal representation, the administration of criminal justice in these two countries could possibly be more efficient than it is at present.

**CRIMINAL JUSTICE SYSTEM**

Olutola (2011:17-18) notes that an excellent way to understand what is meant by the term criminal justice is to give an holistic view of the term. In summary, it is better to view the term criminal justice as both a system and a process. As a system, criminal justice contains various components, whereas as a process, criminal justice involves stages. In other words, the combination of the efforts of the criminal justice institutions (components and structures) and the processes (procedures/decision making stages) through which an offender, the victim of an offence and the society will pass in a coordinated manner (when a suspect is suspected of having committed a crime or an offender has committed a crime) to ensure justice in the society, is known as the criminal justice system.

**ADVERSARIAL AND INQUISITORIAL CRIMINAL JUSTICE SYSTEMS**

Schmalleger (2002:739) notes that, there are two types of criminal justice systems: The adversarial and the inquisitorial systems.

*Adversarial Criminal Justice system*

Adversarial system can best be viewed as two opponents (The State vs. The Accused) facing each other in a legal contest refereed by the judge. Justice is done under the adversarial criminal justice system when the most effective adversary is able to convince the judge or the jury that his or her perspective on the case is the correct version. Fairchild and Dammer (2001:140) compares adversarial criminal justice system to a game or contest in which both sides (The State and The Accused) are trying to win and a neutral umpire decides who wins. Ideally, the judges are supposed to act as umpire for both sides of the contest. This is unlike African traditional method of administration of justice but typical criminal justice system inherited under the common law by the colonies in Africa.

Recheil (2005:151) lists some of the advantages of adopting the adversarial criminal justice system; such as (i) the suspect has the rights to remain silent and presumed to be innocent of the offence charged (see sections 35(2) of the 1999 Nigeria Constitution and section 35(1) of the 1996 Constitution of the Republic...
of South Africa (ii) the right to be free from unwarranted searches and arrest; (iii) the right to compel witnesses to appear for the defence; (iv) the right to confront ones accuser; (v) the right to appeal. The abovementioned advantages and other rules of criminal process in the adversarial criminal justice system help to keep the prosecutor from automatically winning a case. Nigeria, South Africa, America, Britain and most of the former British colonies in Africa practices the adversarial criminal justice system.

Reichel (2005: 151) identifies two safeguards of adversarial system: First, it uses cross examination to confront witness evidence (each side has a chance to question the truthfulness of the witnesses. Second, instead of granting power to a single actor in the administration of justice (all the participants: the prosecution, the defence, the judge and or the jury share the power). The prosecutor represents the State in trying to prove the guilt of the suspect. The Attorney to the suspect; attempts to argue the innocence of the suspect and ensures that the suspect has all the legal protection possible.

**Inquisitorial criminal justice system**

Reichel (2002:130, 2005:168) opines that one of the first things necessary to understand Inquisitorial criminal justice process is to separate it from the term Inquisition. The learned author stressed further that the Spanish Inquisition of the late fifteen century (1400-1499) was notorious for its use of torture to compel cooperation in its investigations. The only thing it had in common with today’s Inquisition process was the prominent role given to the judges. Abadinsky (1988) cited by Reichel (2002:130) notes that rather than competition between the opposing sides, a trial under inquisitorial system is more like a continuing investigation; (i) the parties in the case must provide all relevant evidence to the court (ii) the judges, not the attorneys for the parties call and actively examine the witnesses. (iii) In this way the Inquisitorial system assumes that the truth can be, in fact must be discovered in an investigation procedure. Erika and Dammer (2001:146) note that in the modern civil law systems, the Inquisitorial system refers not to any legacy of the Inquisition but to the extensive pretrial investigation and interrogations that are designed to ensure that no innocent person is brought to trial. Examples of the countries practicing Inquisitorial criminal system of justice include, France, Germany, China and Japan. Italy, as a civil law country changed its pretrial process in 1988, and its systems now follow or resemble common law procedures in many ways. However, the Italian calls its system “Process Perry Mason”.

Reichel (2005:150) summaries the differences between the inquisitorial and adversarial criminal justice process by asking four distinct questions: (i) who plays the role of the accuser? (ii) How is the truth determined? (iii) Where does power lie? (iv) What level of cooperation is expected of the defendant (accused)?
CONCLUSION

The researcher will like to reiterate that most criminological theories focus on what makes people ‘criminal’. The outcomes of literatures searched have alluded to distant reasons for criminalities, such as genetic make-up, child rearing practices, and psychological or social processes. These theories are difficult either to test or are of varying and sometimes questionable scientific validity; and yield ambiguous policy implications that are mostly beyond the power of the police and the criminal justice structures (Clarke and Eck, 2005). However, it is certain that whenever researchers (especially crime theorists in Africa) write, talk or analyse crime and solutions to crime, it is necessary to understand why criminals commit crime and what the benefits they seek to obtain. It is equally important in our quest to find solutions to the problem of criminalities in Africa, to take hints from Africa causality theory which elucidates the cause of events (or simply put what makes events occur). The causality theories (especially as applicable to Africa jurisprudence) as earlier enunciated in this paper must be well-thought-out. This is because knowledge is not always universal but could as well be fundamentally local and tribal.

LIST OF REFERENCES


