Review Essays on two chapters relevant to Africa in *Transnational & Comparative Criminology*, edited by James Sheptycki & Ali Wardak, 2005, London: Glasshouse Press, 375 pages

Crime, Criminology and Post-Colonial Theory: Criminological Reflections on West Africa,
by
Biko Agozino

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In his quest to provide a theoretical explanation for the militarized social control format that dominates West Africa, Biko Agozino in this chapter delves into a brief legal history of West Africa and the imperialist roles of powerful Western (European) countries in Africa. He contends that the colonizing Western countries, as well as their indigenous postcolonial versions ("'deputy imperialists' of gunslinger capitalism", p. 117), are responsible for the "'gunboat' or 'gunslinger' criminology" (p. 117) that pervades contemporary West Africa. The author is of the view that the true nature of the West African criminology and social control is to be found in an in-depth analysis and understanding of the West African pre-colonial, colonial, and postcolonial histories. Thus, he chastises criminologists, including those of the Western stock, who often lazily and condescendingly resort to reductionism when addressing

law and justice in West Africa. These reductionists minimize social control in West Africa to a mere comparison with Western populations. Rather than fall into this error of many criminologists, Agozino concentrates on some of the unique criminological perspectives emanating from West Africa, especially those perspectives rooted in the immemorial cultures of the sub-region.

Scientific reviews of the long-standing cultures of West Africa demonstrate that the sub-region's pre-colonial social controls worked well and were dynamic. Consistently with numerous research conclusions, Agozino states: "… what cannot be doubted is that social control in traditional West African society was remarkably effective" (p. 119). This is precisely why the West's imperialist intrusions and contaminations of the indigenous West African criminology and social control systems are particularly offensive, especially because the West has since turned around to accuse West Africans (indeed, all Africans) of lacking "developed" systems, which they (the imperialist West) are responsible for shortchanging. One important reason, according to the author, why Europe overwhelmed and overtook the otherwise sophisticated Africa south of the Sahara was that at pre-modernity, these Africans were largely unaware of the rest of the world. This condition allowed Europeans to manipulate the African psyche by confounding and painting false images of the earth and the supernatural for the African acceptance and consumption. But for this fact, Africa and Europe would have related to each other as equals, rather than as master and servant with Europe as the self-anointed and domineering force.

Agozino surveys social controls in pre-colonial West Africa and highlights several key points. These features distinguish West

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African social controls from their Western counterparts. Early (before Africans' contact with Europeans) African social control and justice was rooted in forgiveness, communalism, healing, and restitution, instead of retribution. Early African judges aimed primarily at compensating injured parties and their families and reconciling disputants, and not to punish offenders, as the Western penal ideology emphasizes. This is a fundamental source of disagreement between Africa and Europe. Any wonder that the various European law and justice systems, which the European imperialists forcefully injected into Africa, are largely ineffective means of social control in West Africa and other parts of the continent.

Britain and France, as colonial powers, introduced two main European law and justice systems into West Africa. A postcolonial theoretical discussion of West African criminology will be incomplete without incorporating a comparison of the British and French criminal justice policy models. Whereas the British professed the "Indirect Rule" ideology, the French preached "Assimilation". For the social control of the British West Africa, "indirect rule" purported that, with minimum disruption, law and justice was to be administered through the indigenous systems and leaders. Thus, that Britain maintained the integrity of the respective pre-existing indigenous systems and processes. Like most things about imperial British ventures, the British claim was a fraud on the Africans because Britain did everything it could to weaken, destroy, and replace the indigenous systems with the English law and justice system. The British subjugation of traditional African customs and traditions to the English law and

justice system by means of the "repugnancy test" (see Nọnso Okereafọezeke, *Law and Justice in Post-British Nigeria: Conflicts and Interactions Between Native and Foreign Systems of Social Control in Igbo*, 2002, Westport, Connecticut, USA: Greenwood Press) strongly verifies the British destructive mentality toward West African indigenous systems. The French "assimilation" policy led to a similar consequence in so far as it emasculated and worked to eradicate the various sophisticated and effective social control systems of indigenous West Africa. According to the French policy, acceptance of the French social control ideals equals development and modernity.

Thus, both the British "indirect rule" and the French "assimilation" pontifications were designed to dehumanize and exploit, and dehumanized and exploited, West Africans. This is consistent with the fundamental object of colonization: label the colonized as never-do-wells and take away the good things that they offer. Agozino points out that the various governments of the postcolonial West African countries have continued to exploit their peoples, even long after "independence" from Western colonial powers. He rightly cites the criminal, immoral, and disheartening example of the Ogoni people of present southeast Nigeria. Successive postcolonial governments of Nigeria, in concert with equally imperialist multinational corporations, have habitually stolen the natural wealth of the Ogonis, with impunity. In the process, these parasitic governments and their foreign monitors have methodically destroyed the Ogoni lands and environment. Those Ogonis who have dared to ask questions and demand fair treatment from their government have met with isolation, harassment, imprisonment, and/or death. General Sani Abacha's military junta (1993-1998) murdered Kenule Saro Wiwa and the

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Ogoni Eight for challenging the regime on this issue. Sadly, the present Olusegun Obasanjo civilian government has continued the same repressive policy of Abacha and other Nigerian dictators.

As Agozino points out in this worthy article, a credible discussion of West African criminology and social control must be rooted in the sub-region's long history. Despite imperialist efforts to portray West Africa negatively, scientific research shows that, before contact with Europe, West Africa had sophisticated, effective, and efficient social control systems. Many of these systems and elements of the systems remain effective and are, in many instances, preferred by Africans even in the contemporary period. An intellectually honest theory of crime and social control in West Africa has to recognize the critical role of the traditional systems and processes, even in the "modern" world. Also, such a theory needs to identify and advocate for addressing the exploitive tendencies of the Western-based, colonial-era social control systems and their postcolonial versions.

"Some Critical Reflections on the Governance of Crime in Post-Apartheid South Africa", by Anne-Marie Singh
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Social control, particularly policing, in a contemporary society is generally regarded as a shared responsibility involving the government, on the one hand, and the governed, on the other hand. "Government" refers to the official personnel, agencies, and institutions of a modern State and its constituent divisions. The "governed" are the private citizens of a society as well as the non-governmental groups, organizations, and institutions in the society. Although the government plays a critical role in the social control of a modern State, the government's effort will meet with limited success if the governed withhold their participation. In particular, business organizations and companies have the capacity to contribute to increased social control because of the financial resources at their disposal. Perhaps, with the foregoing in mind, Anne-Marie Singh in this chapter analyzes the role of business in crime control efforts in post-apartheid South Africa (SA).

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According to Singh, the Nedcor Project on Crime, Violence and Investment (Nedcor Project) and Business Against Crime (BAC) illustrate the role of business in crime control efforts in post-apartheid SA. Both initiatives were established in 1995. The Nedcor Project recognizes that crime prevention and control rest ultimately and exclusively with government. However, the Project aims to educate business on how business persons and groups could contribute to crime prevention and control. For the Nedcor Project, the Cellwatch Program exemplifies crime-fighting involving joint efforts. Cellwatch entails multiple eyes (including cellular phone users, a radio station and its listeners, and the police) looking for reported stolen motor vehicles, thus heightening the chances of recovery.

In the Nedcor Project, the respective roles of the government and business are couched as a partnership, with business primarily interested in the impact of crime and violence on business investments. In fact, a Nedcor Project survey found that foreign companies tend to associate violent crimes with political instability. Also, the Project is designed to gather and maintain a crime-related databank on crime "causes, cycles, victims, perpetrators, frequency, costs, etc" (p. 138). The databank is intended to assist programs designed to reduce crime levels and their impact on the SA economy. Business Against Crime (BAC), like the Nedcor Project, believes that investor concerns could be lessened through the provision of accurate crime data. That is, numbers, properly presented, can serve to reassure otherwise anxious investors.

Business Against Crime (BAC) resulted from the SA government appeal for cooperation between the private and public sectors to tackle crime, corruption, and violence. A conference (BIACC) organized after the appeal eventually led to BAC. The BIACC conference pictured the following projects as important initiatives for crime control in SA: "Community Police Force Forums, reward schemes for identifying criminals [and] crimewatch phone, TV and radio services" (p. 139). Because of its concern about what it characterizes as offenses detrimental to the national morale, BIACC identifies certain crimes (mostly, violent crimes) for closer monitoring. No doubt, BIACC is concerned, at least in part, about the negative impact of these crimes on investor confidence and the SA economy. The crimes include murder, rape, use of a weapon in the commission of a crime, possession of illegal firearms, vehicle hijacking, dealing in stolen goods, drug trafficking, extortion, witness intimidation and bribery of government officials. To underline the seriousness with which it views the crimes, BIACC proposes that searches of suspects and property should be performed without warrant, that the suspects should be denied bail to ensure preventive detention, that persons convicted of such crimes should be sentenced to maximum mandatory terms, they should not be paroled, and that the special young offender status should not apply to a person accused of any of the itemized offenses.

Why have competing business persons and groups come together to address the crime problem in post-apartheid SA? According to Singh, it is because the businesses regard crimes – especially those identified in the BIACC document as detrimental to the national morale – as a common problem. Moreover, individual businesspeople and companies, acting alone, will have limited

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success against these crimes. A common front involving all the businesses in concert with the government will be far more effective in checking and combating these crimes. Another reason for the business involvement in fighting crimes is rooted in the need for business to be perceived favorably by the SA public. In the apartheid era, many businesses actively colluded with the racist white minority rulers and exploited the majority Africans. At the dawn of the post-apartheid democracy, understanding their political vulnerabilities, these businesses believe that they need to paint a more positive image of themselves to convince the public that these companies have changed from their oppressive ways. As a result, these SA businesses participate in "a series of high visibility anti-crime initiatives designed to re-present [themselves] as responsible corporate citizen[s]" (p. 149). The objective observer should note, as the author has stated, that these business "funders appear concerned less to do good than to be seen to be doing good" (p. 150). Thus, these initiatives are mainly marketing ploys.

Singh's paper is a commendable critique of business involvement in crime control in post-apartheid SA. The idea of business participation in social control seems praiseworthy, even if some businesses participate for selfish reasons. It would be a good idea to follow-up Singh's research with another study to track any changes in the involvement of SA businesses in crime control in the country. Specifically, do the businesses participate less in crime control ventures the further away the country moves from the beginning of multiracial politics and government?