CRIME AND PUNISHMENT IN NIGERIA:
A STUDY OF PUBLIC PERCEPTION OF STATE LAWS

AND CRIMINAL SANCTIONS

BY

EDDIE MADUABUCHI IGBO

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DEPARTMENT OF SOCIOLOGY
FACULTY OF SOCIAL SCIENCES
AHMADU BELLO UNIVERSITY
ZARIA - NIGERIA

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DECLARATION

I, Eddie Maduabuchi Igbo, hereby declare that this dissertation titled "crime and punishment in Nigeria: a study of public perception of state laws and criminal sanctions", is the result of my own work, and includes nothing that has been previously presented for the award of a higher degree.

EDDIE FLOYD MADUABUCHI IGBO
SIGNATURE:
DATE: 12/06/2000

CERTIFICATION

This dissertation entitled "Crime and Punishment in Nigeria: a study of public perception of state laws and criminal sanctions"

By

Eddie Maduabuchi Igbo

meets the regulations governing the award of the degree of Doctor of Philosophy (Ph.D.) Sociology of the Ahmadu Bello University, Zaria, and is approved for its contribution to knowledge and literary presentation

10/11/2000	10/11/2000
Dr. J. E. Gyong (Major Supervisor)	Date
	14/11/2000
Dr. E. A. Unobe (Supervisor)	Date
10/11/2000	10/11/2000
Dr. J. E. Gyong (Head of Department)	Date
	19/02/01
Professor S. B. Ojo (Dean, Post-Graduate School)	Date

DEDICATION

This work is dedicated to my wife Addie, to my children Floyd (Jr.), Thelma, Westley, and Bradley

and

to the memory of my late brother Chris.

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ABSTRACT

In Nigeria, the criminal code and the penal code prescribe and punish quite a number of acts. The way the Nigerian public perceives these state laws and sanctions have serious implications for the success or failure of the law and the legal system in general to achieve set goals. What the public thinks, believes, , and feels about the law and the legal system determines whether people actually turn to law or turn away from it, whether they support the law or fight it, and therefore whether the legal system succeeds in its social control functions or fails. Yet, notwithstanding these incontrovertible facts, scholars and researchers in Nigeria have paid only minor attention to this crucial subject. The present study is therefore designed to fill this intellectual gap.

The basic research objective of the study is to conduct a survey of public perception of criminal laws and sanctions in Nigeria. In this connection, six main research questions were examined, namely: the level of public support for state laws; public choices of penalty for survey criminal offences; the fit between officially imposed penalties and public penalty preferences; the correlates of perceptions of state laws and punishment; whether subgroups of the Nigerian population vary in the way they punish offences; and finally, the level of public consensus about the relative seriousness of offences.

Three major theoretical paradigms were examined in this study. These are the consensus theory; the interactionist theory, and the marxist perspective. A review of these theories showed that both consensus and interactionist theories are unable to satisfactorily explain or account for the factors that determine the nature, extent and pattern of public support for state laws and sanctions. Nor are the assumptions they make suitable for explaining the nature, content and character of state laws and sanctions in Nigeria. Because of these limitations, the two theories were considered inadequate as theoretical tools for guiding the study. The marxist perspective, especially the neo-marxist school, was chosen as the theory to inform the study.

This is because of its relevance for understanding and explaining the character and dynamics of the capitalist social order, which order is operative in

Nigeria. Marxist theory adequately recognizes the concrete material and historically specific factors that shape both the character of state laws and sanctions, and the perceptions of these by individuals and social groups. The theory submits that many of the laws in Nigeria are biased in favour of the economically privileged class, and to that extent those laws will not receive much public support. The theory admits also that some laws exist the system which address the needs and concerns of the poor and the underprivileged classes, and that this latter class of laws will be widely supported by the public in Nigeria.

The research was conducted in four states of the country (known at the time of fieldwork as Anambra, Kaduna, Oyo, and Bendel States) selected through the multi-stage cluster sampling. In the final analysis however, the study used a sample of respondents eighteen years and above taken from households that were sampled randomly. Field data were collected from a total number of 2,048 respondents using the structured interview. Secondary data were obtained from both police and prison statistics as contained in the gazettes and annual reports of the Nigeria Police Force and the Nigeria Prison Services respectively. Other sources of secondary data are the criminal code book and the Federal Republic of Nigeria official gazettes which published decrees passed by the Federal military government. The statistical package for social sciences (SPSS) facility was employed for data analysis.

The analysis in this study suggest that: there is widespread public support for the six survey laws. The distribution of support for surveyed laws showed that a substantial majority of individuals within each of the socioeconomic and demographic subgroups identified in the study supported each of the survey laws. Each of the identified socioeconomic and demographic attributes of respondents except their gender is related to support for one or more of the survey laws. That is, the influence of socioeconomic and demographic factors is selective and restrictive to specific laws. Support for state laws is also influenced by perceptions held about laws by individuals. Other findings of the study are: that the public penalty demands for survey crimes is governed by the perceived seriousness of respective crimes; that penalty demands for crimes are influenced by the background characteristics of individuals although in a "selective kind of way; that the public recommend as adequate and fitting penalty 23years of imprisonment for the crime of drug

trafficking, 20 years of imprisonment for counterfeit and fake drug, 12 years imprisonment for fraud, 9 years imprisonment for stealing, 9 years imprisonment for receiving stolen property, and monetary compensation for the crime of assault.

The research findings also show that there is discrepancy between public choices of penalty and the penalties officially prescribed by law for all the survey offences; that there is a high positive linear association between public choices of penalty for survey crimes and the penalties imposed by law. Further findings are that: subgroups of the Nigerian population vary in the way they punish offences; and that there exists among the demographic subgroups of the sample, a very high level of consensus about the relative seriousness of various criminal offenses.

In conclusion, the study attributes the widespread support exhibited by the Nigerian public for the six survey laws as a reflection of the public's perception of these specific laws as serving general interests i.e. interests which include concerns of the dominant class and those of the underprivileged classes. Thus, this finding does not assume that every other law in the system will be supported by the public. To the contrary, it anticipates that those laws which are class- biased and partisan will not be widely supported by the public. Furthermore, the fact that the various subgroups within the Nigerian public widely supported the six survey laws should not be misunderstood. It should not be misunderstood to mean that these subgroups which demonstrate nominal support for these laws necessarily agree or concur about the extent to which each of the six acts which they (subgroups) agree should be criminalized in Nigeria constitute a serious offence. As revealed in the present findings, subgroups in Nigeria agree that these acts are offensive and should be criminalized, but they disagree (concerning each crime) about whether such crime should be seen as a serious offence, or for that matter, as a highly serious offence. This divergence between subgroups' perceptions is reflected in the present finding that subgroups of the Nigerian population vary in the way they punish each of the six survey crimes. It is in the light of the above exposition that the discrepancy revealed between public choices of penalty and official penalty prescriptions should be understood also.

A major recommendation of this study is that in order to sustain widespread public support for state laws, or even to broaden support, effort should be made by

state personnel to create laws that are just and equalitarian. That is, laws which address the needs and concerns of both the rich and the poor, the haves and the have-nots. But, more than that, a more permanent solution should lie in the wholesome dismantling of the structures of socioeconomic inequality in Nigeria, structures which are inherent in the economic system of capitalism and which generate unequal laws. Unless this is done, the majority of laws in Nigeria will elicit low or passive support, while only a few will receive the kind of wide public support revealed in this study.

In the same manner, a radical restructuring of the capitalist social order in Nigeria will redress the discrepancy observed between public choices of penalty and state-prescribed penalties.

CHAPTER ONE

1.1 INTRODUCTION

The chief object of this study is to empirically investigate the perceptions of the Nigerian public toward official state laws and sanctions operative in contemporary Nigerian Legal System, and to compare the emerging public sense of justice with official justice. The resulting insight it is hoped will supply the building – blocks for any possible tinkering with official laws in the country. In this chapter, the study will document the historical evolution of the Nigerian legal system, and place the problem of public perception of criminal laws and punishment within the context of this development.

Background of the Study: evolution of the Nigerian Legal System

One unavoidable consequence of British rule over its overseas dependencies is the introduction into these dependant territories, of the English legal system. Nigeria was one such British colonies which had the British legal model foisted upon it. In Nigeria, following the British annexation of the colony of Lagos in 1862, the main body of English law was in 1863 introduced into the territory of Nigeria (more specifically the territory of Lagos) vide Ordinance No. 3 of 1863. Before this date, there had been in existence in the territory, a fully established system of local customary law – the native law and custom (Park, 1963:1). In its procolonial traditional setting prior to British presence in the territory, the validity of customary law rested on its acceptance by the community whose affairs it governed. Popular acceptance, not sovereign enactment as is the case with codified law, constituted the criterion of validity of customary law because customary law was seen as a mere expression in legal form of the customs of the people. Customary law injunctions were backed up by some coercive sanctions although these were inadequately organized. And being unwritten, customary law norms were vague, its interpretations being

sought in actual traditions of the people. Other characteristics of customary law relate to its norms being selectively accorded the distinctive quality of "lawness": certain customary norms were regarded as obligatory, while certain others were merely matters of social observance which could be disregarded without reprove. Furthermore, customary law was, and still is, not a single body of law throughout the country. Independent communities that comprised Nigeria had their own set of customary rules, although a measure of basic uniformity of content could be identified over a considerable range of issues especially among peoples inhabiting contiguous territory and whose culture are basically the same.[1]

The above characterization define the nature of customary law in pre-colonial Nigeria. With the change of sovereignty in 1900 following the British government assumption of complete power and jurisdiction over the territory of Nigeria, the legal scenery altered significantly. The first shift in the pre-existing state of affairs came with the introduction of a new system of criminal law, alongside the establishment of municipal courts by the colonial government. This legal structure was founded upon capitalist economic ideology and patterned after the model operative in the capitalist liberal economies of Western Europe [2]. In the context of colonial society, the new system of colonial law (which was capitalist oriented) was introduced principally for the purpose of maintaining capitalist order and the promotion of colonial economic interests in the satellite region (Shaidi, 1989). In colonial Nigeria, the alien laws were meant to promote British commercial interests to the near exclusion of the interests of the native populations [3]. However, the introduction of the British system of criminal law did not result in the abrogation of the customary law system in the land. Instead, "the imperial Orders in Council" which constituted the new British administration in Nigeria expressly saved the operation of customary law by requiring the High Commissioner, as the Sole Legislator, in making laws, to respect 'any native laws regulating the civil relations of any native chiefs, tribes or populations under Her Majesty's protection' (Nwabueze,

1963). The preservation of local institutions of newly dependent territories was to be encouraged 'except so far as the same may be incompatible with the due exercise of Her Majesty's power and jurisdiction or clearly injurious to the welfare of the natives' (cf. Nwabueze, 1963).

Having thus been recognized and upheld by the British colonial policy, the continued administration of customary law was not only permitted but also encouraged. It was at this point that a dual system of law took root in colonial Nigeria. Needless to say that the imported legal system produced profound influences on the traditional customary law system which led to significant changes in the latter. Although the criterion of validity of customary law continued to rest as previously on its widespread acceptance by members of the community where it applies, some important modifications followed. First, the previously inadequately organized sanctions of customary law, which reflected the level of political development of communities embodying them, now took on an organized structure. The entire organized coercive power of the modern Nigerian state – represented by the courts, the police (both central and local), prisons, court messengers, and the army – became available for the administration of customary law. Besides this new dimension, changes in the content of customary law also took place. These consisted in direct statutory abrogation of certain obnoxious rules of customary law that were deemed incompatible with local colonial enactments. A good example is the enactment in 1901 which proscribed slave dealing. Another is the prohibition in 1903 of the customary trial by ordeal, witch-craft and juju. Further to the efforts by colonial administration to abolish the more obnoxious rules of customary law, the repugnancy clause was also introduced into customary law administration. This meant that any customary law and procedure which was adjudged repugnant to natural justice, equity and good conscience was declared void. For instance, a customary law which accorded a child to the man who paid bride price on the child's mother as against the natural father was adjudged repugnant to natural justice, equity and good conscience and therefore void (cf. Nwabueze, 1963).

Apart from these direct alterations of customary law, the introduction of the British legal system in Nigeria has had profound impact on the traditional customary system of law. Special areas of impact are those customary laws relating to family relations, land tenure, inheritance and succession. The customary laws and procedure regulating these traditional institutions has undergone radical changes under the influence of British law, and the changing social and economic conditions of colonial society. Between 1916, when the Nigerian criminal code was first enacted, and 1933, the procedure of customary criminal law as applied by the native courts was not subject to regulation by the provisions of the criminal code. In 1933, however, the operations of the native courts became subject to the criminal code. Native courts could still exercise criminal jurisdiction but they became now required to exercise such jurisdictions in accordance with the provisions of the criminal code. For instance, native courts were denied the power to impose a penalty greater than that prescribed by the criminal code on a customary criminal offence. This mix-up in the regulatory environment introduced a lot of confusion in the entire system. In 1959, the Northern Region of the country abolished both the criminal code and all customary criminal law and instituted in their place a separate code - the Northern penal code. In the Eastern and Western Regions, the criminal code remained in force. The whole point being emphasized in the foregoing is that at colonization Nigeria's legal landscape became characterized by a dual legal system -the English law and the indigenous customary law, with the former exerting profound impact on the latter. The radical change occasioned by the co-existence of these two systems of law produced serious conflicts because the domestic law was not able to adapt itself rapidly enough to fit the changed situation (Park, 1963: 16; Ajayi, 1960).

One primary source of conflict was the introduction of certain new activities, practices and institutions, such as large scale commercial activity, into the territory - transactions which were neither known to customary law, nor which the traditional laws of the territory could cope with (Park, 1963).

Consequently, the two systems of law conflicted at several points. For instance, it was sometimes not immediately clear which of the two body of laws should apply to particular cases and individuals. This lack of clarity regarding whether a validly established custom should be applied to a particular case or whether the dispute should be governed by a rule derived from the English law sometimes led to a situation whereby the legal position governing an entire case or part thereof is the result of a combination of the two systems of law. This means that certain elements of a case were governed by English law while the rest became subject to customary law[4]. The tension associated with this criminal justice scenario was further heightened by the subsequent consolidation and preservation of customary criminal law[5] side by side with the criminal code[6], the latter of which with few local additions, essentially duplicated the English criminal code. This state of affair caused many tensions particularly in the Northern part of the country where the operations of the two systems of criminal law was characterized by compelling inequities in the penalties prescribed by each competing code[7] (Park, 1963:135). For example, in a number of contexts, crimes were punishable much more severely under the customary law than was the case under the criminal code. A good case in point is the crime of homicide. Under the criminal code when this crime is committed upon sufficient provocation the offence becomes manslaughter rather than murder, and is not punishable by death. But under the customary law provocation provided no grounds for mitigation, as killing under this law was punishable by death, whether sufficiently provoked or not (Park, 1963). It made a lot of difference in the North, therefore, where an accused is tried, for whether a man is executed or not for taking another's life depended on the accident of whether the culprit was tried in a magistrate court or the Alkali court.[8]

Another area of conflict engendered by the co-existence of English and customary law was with respect to the law of land. Before the European incursion into the Nigerian territory, all land in Nigeria was held in accordance with native law and custom. All land was held by whole families or

enactment hitherto in force not only continued to be operative in the new independent Nigeria but also set the pattern for future criminalization – a pattern which has remained basically unchanged ever since (Park, 1963).

Thus within the context of post-colonial Nigerian society, the capitalist economic and legal order, with their internal logic of exploitation and institutionalized inequality, continued to perpetuate. The body of official laws and processes in Nigeria, with its emphasis on legal formalisms, continued to retain its bourgeois character both in content and its practical application (Sa'ad, 1989, 1991; Omaji, 1984). Isolated attempts by the post - independence elite group to revise official laws took the form of increased formalization of the legal system, a trend which did not redress the injustice of the colonial legal order but instead further eroded and undermined local customs and sense of justice. Contemporary official substantive laws in Nigeria therefore continue to be materialistic, individualistic, and lopsided in nature. They focus overwhelmingly on property rights, and that in a society where access to property is skewed; they relate to the individual person as a specific bearer of legal rights and therefore the exclusive subject of criminal litigation (and this in a society with a communalistic historical background), and procedurally, the laws disadvantage some people (the poor and powerless) while at the same time promoting the rights and privileges of the rich and powerful in society (Sa'ad, 1989; Quinney, 1970). These realities tend to generate a pattern of negative perception or non-support of substantive laws on the part of some significant sections of the public.

However, to fully understand the phenomenon of public perception of state laws and sanctions in a capitalist society such as Nigeria, we require to first of all understand the nature of "the state" in such a society, the character of law and sanction in capitalist society, as well as the nature of formal justice within a capitalist set up. Accordingly, therefore, these core concepts which are central to the basic research problem will be discussed in order to provide the

required background for contextualizing the subject matter of the present research effort.

1.2 Discourse of key concepts central to the research study

The concepts of "state", "law", "legal ideology", and "justice" are basic to an understanding of public perception of state laws and sanctions. This is because the basic character of the former (state, law, justice etc.) in a given society or societal type inevitably impacts on the perceptions held about these phenomena by members of that society. That being the case, this section of the study will present a definitional discourse of these relevant concepts in order to provide some conceptual background for understanding the research problem.

1.2.1 Understanding the Capitalist State

> "The state is not a thing that exists as such. What 'the state' stands for is a number of particular institutions which, together, constitute its reality, and which interact as parts of what may be called the state system" (Miliband, 1969: 49).

The state is that composite structure which is composed of the various institutions of national and local government (Haralambos, 1980). It includes the legislative, executive, judiciary, and the administrative apparatuses of government. Part of the state system are the police and the military forces whose role are the management of violence and the exercise of state power (Miliband, 1969:49-55). Several theories concerning the origin of the state abound in social and political thought. These include the social contract theory of Thomas Hobbes (1651) expressed in "The Leviathan", John Locke (1690) in "Two Treatise of Government", and Jean Jacques Rousseau (1762) in "Contrat Social"[10]. There are also the theory of divine origin[11], the theory of force[12], the patriarchal theory[13], the matriarchal theory[14], the evolutionary theory[15], and the

Marxist theory of state. Each of these divergent theories postulates a different account of the origin of the state, as well as attribute a different purpose for the existence of the political organization called the state. For the purposes of the present study however, only two of these theories are considered relevant, namely, the classical social contract theory and the Marxist theory of state. The respective arguments of these two theories as they pertain to the phenomena of state law and sanction will be reserved for more fuller treatment in Chapter 2 of this study which deals with the theoretical review of literature. But for the moment, we will briefly state the highpoints of these theories concerning the emergence and role of the state in society. We begin with classical theory.

Classical theory posits the state as a human creation, the result of a free contract and consent of men who had no previous governmental organization. The discovery by men, of the state of anarchy which characterized their existence in a state of nature and their desire to avert their own complete destruction in that state, impelled men to agree by common league to bind each other from mutual injury, and jointly to defend themselves against any of their fellows that may want to oppose the agreement. The state in terms of this theory exists for the purpose of defending the public good; to uphold public liberty from the usurpation of the individual. Classical theory assigns to the state the role of reconcilling and balancing divergent claims that may arise between competing groups and individuals in society, and this function the state performs for the benefit of society at large. In this view, the state is conceived as an impartial agency which protects equally the rights and privileges of all individuals and classes in society. The above classical views ignore the sharp contradictions that exist in class society, and deny the possibility of a dominant class in society using the apparatus of the state for the furtherance of its own class interest. These later possibilities are clearly brought out in the Marxist position on the origin and role of the state in class – divided society.

Historically, according to Marxist theory, the state emerged following the break up of communal society and the development of division of labour

based on economic class exploitation. The emergence of economic class divisions occasioned by the development of private property in post-communal society necessitated the creation of an organized instrument of power that can be employed to keep the propertyless classes under continued economic and political subjection. The newly emergent elite class in post-communal society needed to preserve, protect and promote their newly acquired wealth. It needed to consolidate its economic power base and protect it against communistic values of gentile society which placed scanty value on private property. To achieve these class goals, the new economically dominant class in post - communal society invented the institution of the state (Quinney, 1975). Engels (1942:97) formulated this development thus:

> With the appearance of economic class divisions, only one thing was wanting: an institution which not only secured the newly acquired riches of individuals against the communistic traditions of the gentile order, which not only sanctified the private property formerly so little valued, and declared this sanctification to be the highest purpose of all human society; but an institution which set the seal of general social recognition on each new method of acquiring property and thus amasing wealth at continually increasing speed; an institution which perpetuated, not only this growing cleavages of society into classes, but also the right of the possessing class to exploit the non-possessing and the rule of the former over the latter (Quinney, 1975:198)

The state thus emerged in class-divided society according to this orthodox – marxist view, primarily to serve the interests of the dominant class – the ruling class. In capitalist societies, the state perpetuates as the creation of that class in society which has the desire to protect its material basis of existence and which has the power, because of its control of productive forces, to maintain the state apparatus. The traditional role of the state in capitalist society is thus to reflect the needs and values of the capitalist class, and to defend and serve those interests. This view was forcefully stated by Marx when he said that

the state is "but a committee for managing the common affairs of the whole bourgeoisie" (Bottomore and Rubel, 1963). From this classical Marxist perspective, the state in capitalist society functions as an instrument of class exploitation and oppression; an instrument which intervenes in the class struggle between capital and labour, on behalf of the capitalist ruling class and against the working classes and their allies, the main mechanism used by the state being the legal mechanism of coercian and repression (Quinney, 1975: 199).

Orthodox - Marxist theory overstretches the power of the capitalist ruling class to constrain and control the capitalist state. While it is true that the state can be substantially influenced by the economically hegemonic capitalist class, it is not altogether true that the state is inescapably tied to the interests of the bourgeois class in the instrumentalist or mechanical sense. The state does enjoy some relative autonomy within which limits it exercizes the power

> ...in a particular case to make a decision that goes against the interest of a particular fraction of the capitalist class, usually in order to carry out the interests of the state officials as a defined interest group, or to carry out the interest of other classes or strata in society (Chambliss and Seidman, 1982).

This is a neo - Marxist view that portrays the state as a mediator between various interests in society rather than as an instrument in the hands of one single ruling class. In Nigeria for that matter, there exists more than one ruling class. There is the business bourgeois class of indigenous and foreign investors, and the bureaucratic bourgeois class of top - level government officials who are either civilian or military personnel (Osoba, 1978:72). Furthermore, there is substantial agreement (among scholars) with regard to post-colonial societies including Nigeria, that there is conflict between these two supposedly ruling classes, a conflict in which neither of the two classes, manifests an exclusive control over the state apparatus (Alavi, 1972: 59-81). Although it is to be granted that both classes are fundamentally united by their common interest in the preservation of the capitalist order, the bureaucratic bourgeoisie in Nigeria

has been demonstrated to identify with some categoric interests of the masses of the people in Nigeria (Osoba, 1978:72). In this wise, the state in Nigeria can be seen to conform to the neo – Marxist portrayal of the state as a relatively autonomous system that mediates between the diverse interests of opposing groups in society. The main interests being mediated by the Nigerian state are at least three: the interests of the bureaucratic bourgeoisie, the interests of the business bourgeoisie, and the interests of the lower classes (Alavi, 1972). It would appear that perhaps, it is the recognition of the need to mediate between these three interests that has dictated the adoption of the mixed – economy ideology as the national ideology of the Nigerian state (Sa'ad, 1988).

The Nigerian state has largely patronized these major interests by : 1) granting official access to private property accumulation to both the indigenous and foreign business bourgeoisie, thereby mediating between the interests of these two ruling classes; 2) permitting state ownership and control of commanding heights of the Nigerian economy, thereby mediating between the interests of the business bourgeoisie and the bureaucratic bourgeoisie; 3) making it possible for the bureaucratic bourgeoisie, as state officials, not only to accumulate wealth but also to use such state resources to address the needs and concerns of the lower- class poor (Sa'ad, 1998: 238 – 39). Within the context of the above characterization of the state in general, and the contemporary Nigerian state in particular, the perceptions of state laws and sanctions as held by the Nigerian public will be analysed.

1.2.2 UNDERSTANDING LAW AND THE LEGAL ORDER

Various conceptions of law exist. This in itself is a reflection of the complex nature of the phenomenon. Many of these conceptions are analytical in approach and they associate the essence of law with one attribute or another. One of such definitions of law identify law with the element of physical force or sanction, and tend to suggest that a social or cultural norm constitutes a legal norm

only if its violation is constantly met with physical force. This idea represents the views of Hoebel (1954), Spencer (1959) and others, who regard the defining element of law as consisting in the application of sanction or the threat of same at every occasion of social norm infringement. As Hoebel articulated this idea:

> a social norm is legal if its neglect or infraction is regularly met in threat or in fact, by the application of physical force by an individual or group possessing the socially recognized privilege of so acting (Hoebel, 1954: 28).

The above conception of law though narrow in definitional focus acknowledges that law exists in both structurally complex societies and in structurally simple societies of the "primitive" type since the element of coercion is found within the social control structures of that society.

But, not all theorists agree that law exists in primitive societies. These are theorists who associate the essence of law with the existence of clear cut formal hierarchy of command or authority structure. Such concepts of law as advanced by these theorists conceive of the existence of law only within the context of state power or a sovereign authority such as a ruler or sovereign monarch. Thomas Hobbes belongs to this school of legal thought. For Hobbes and his associates, customary rules of conduct which are unwritten are to be discounted as non-law if they have neither received the consent of, nor have proceeded from the sovereign who is the source of all law (Hobbes, 1983). In the same breath, Hobbes withholds the recognition of "judicial precedents" and "procedural law" as law except when these are expressly approved by the sovereign authority. Likewise, "customs" established in the process of judicial interpretation of the laws of the sovereign are to be denied qualification as law. In the Hobbesian formulation, these "customs" are to be received among the written laws not for the custom's sake (which by its own force doth not constitute a law) but for the will of the supreme commander (Hobbes, 1983).

The view of law as command, the claim that the state or the sovereign within the state makes law, suffers from profound inadequacy. To begin with, law

cannot validly by tied solely to the existence of a hierarchy of command because such a hierarchy represents but one form of the possible institutional frameworks within which law can operate (Fuller, 1969). Besides, it is to be realized that such authority structure is itself the outgrowth of law, and as such cannot legitimate law, being the product of law. If anything, law which produces the sovereign should legitimate him and not the other way round. More than that, it is known that formal authority structures usually need and depend upon informal structures such as human efforts that are independent of any law or command to persist. If formal command structures depend on informal patterns to survive, it follows that the essence and vitality of law can be sustained within non-formal or informal structures. A much more auspicious criticism of the Hobbesian definition of the essence of law as co-existent with a hierarchical ordering of command, is that instituted by theorists of the historical school of legal thought such as Sir Henry Maine who favour the historical approach to the definition of law. The essence of the historical approach is expressed thus:

> law grows as the people grow, develops with the people. Law is the result of a varying, progressive, slow and lengthy formation by society rather than of the arbitrary will of a law-giver (Maine, 1914 cf. Appadorai, 1975)

This means that the real material content of law is shaped by the historical environment in which it grows. An equally bold criticism of the hierarchy-of-command-approach to the definition of law is the sociological reputal associated with Leon Duguit and Hugo Krabbe (1921). These theorists state that the obligations involved in law arise not because they are decreed by some sovereign ruler, but that they arise out of the conditions of social life. Duguit (1921) in his book Law in the Modern State contended that:

> social solidarity constitutes the foundation of law; stealing and assault are prohibited by law; if they were permitted, society would not hold together for long, its community of interest, feeling and action would cease to exist" (cf. Appadorai, 1975)

For Krabbe, law springs from men's sense of right. That is to say that the real material content of law is shaped by the sense of the community. As he (Krabbe) put it:

> their sense of right tells men that stealing and assault are wrong, and therefore, should not be permitted.

There is yet another equally narrow conceptualization of law referred to as the realist school of legal thought. The realist approach to law is informed by the observation that wide gaps exist between what we say law is (or will do) in principle and what law proves to be (or does) in actual practice. This gap derives from the fact that legal norms are always subject to re-interpretation, and judgements given by judges many a time defeat the original intent of law. Such empirical discrepancy has led the school of legal scholars referred to as legal realists, to view law simply as what judges say it is (Holmes, 1952). In this view, law refers only to the law of precedents and procedural law thus limiting the idea of law to concrete judgements and decisions of judges, which elements also govern future legal determinations by presiding judges. Under the realist conception of law, statutes are to be discounted as non-law but simply as sources of law.

A common weakness that runs through all of the conceptions of law surveyed in the preceding paragraphs is the narrowness of these definitions. One finds in the literature some attempts to broaden conceptions of law. The works of Malinowski Brown, the British Anthroplogist, can be called to mind here. For Malinowski, law refers to:

> a body of binding obligations, regarded as a right by one party and acknowledged as a duty by the other, kept in force by a specific mechanism of reciprocity and publicity inherent in the structure of society (1926:58).

Highlighted in Malinowski's definition are three characteristic elements, namely: that law has an obligatory character; that the norm of obligation (ie. duty) entailed in law is socially recognized and acknowledged by parties subject to law

By incorporating a loose concept of authority in his definition, Pospisil marries together the highly formalistic views of Thomas Hobbes and the highly informal concepts of Hoebel and Malinowski in an accommodation that concedes the existence of law in all societies and cultures. Authority is not defined to mean a pyramidal structure of command, nor is the concept associated exclusively with absolute formal power, but is broadened to encompass the informal power exercised by a father in the family set up or by the council of elders in a village set up.

What is important here is not who exercises authority as such, but the fact that decisions passed by such an authority (whoever or whatever such maybe) are ordinarily complied with by members of the group or society (Pospisil, 1971:47). Other fresh elements included in Pospisil's conceptualization include his broadening of the concept of sanction to refer not only to physical sanction but also non-physical, psychological sanction. There is also the reference to intention in regard to the universal application of law. In stressing intention, Pospisil shifts the emphasis commonly placed on "consistency" (ie equal application of law to all persons) as the condition of legality (even when consistency is merely assumed and not known to be intended by originators of law), and places the mark of legality squarely on a proclaimed intention that norms are to apply uniformly to all. Also, his concept of 'obligatio relationship' more than recognizing the legal duty of litigants (as embodied in Malinowski's term "binding obligations") goes further to situate such duties within a social-legal network that constitutes the ordinary daily web of interaction of litigants. As Pospisil himself explains, "obligatio" describes

> ...the social – legal relations between two litigants as they supposedly existed at the time of the defendants violation of the law...(Pospisil, 1971:82).

The merits of Pospisil's conceptualization of law are obvious from the above presentation. His definition is not only sufficiently broad in scope but also cross – culturally applicable. Yet, its utility in the context of a state society is truncated. This is because, as is typical of the realist school, Pospisil's definition

limits the idea of law to only judicial decisions made by judges in adjudication. Whereas therefore, in a small – scale society wherein law – givers constitute their adjudicators as well, Pospisil's modelling of law fits almost perfectly adequately, in state society where these two levels of legal authority are distinctly separated, the seemingly greater recognition given to adjudicated law (as against legislated law) by Pospisil amounts to a limitation on the part of his definition. Pospisil's concept of law suffers equally from a failure to link law to what Marxists call the "mode of production" of society, a term that connotes the twin concepts of "productive forces of production" and "social relations of production" meaning respectively, man's relations with and degree of control of nature, and the relations that develop among individuals in the process of production of material goods and services. Coupled with this failure to link law to the economic substructure of society, each of the definitions of law treated above (including Pospisil's) has portrayed law as though it fulfilled a single purpose in society, the role of social control. Fuller (1969) discovers this weakness and remedies this definitional lapse in his own formulation which proves to be superior (at least in this sense) to all of the conceptions of law thus far examined. He observed that much more than simply being an instrument for social control, law is capable of being mobilized for the actualization of other social purposes. Furthermore, Fuller agrees that law creation is not exclusively confined within legal authority structures. This extended view of the potential of law in meeting other social needs constitutes an essential element in Fuller's conception of law, although ironically, he believes the goals of law as being idealistic, one that is relative to a society. What Fuller's definition has gained as superior strength over other competing conceptions of law, it has lost in the common error of failing to relate law to the mode and relations of production of historically specific societies. A full and adequate definition of law must tie law to the set of material relations that exist in specific societies. This is where the Marxist conception of law excel over other non – Marxist conceptions of law.

Classical Marxist theorists view law as an instrument of the ruling class in society for the exploitation, oppression and repression of the subject classes. Marxism postulates this role of law as basically arising from the inherently contradictory nature of the economic substructure of class society. According to Marxists, social classes emerge in every society that is based on private ownership of property. Private property entail that within a given class society, some individuals will own property while others will not, and the interest of those who own means of production (ie. property) will necessarily conflict with the interest of those who do not own means of production. This is a conflictual environment in which social classes are caught up in a continuing class struggle for hegemony. In a capitalist social formation, the owners of means of production are the capitalists or the "bourgeoisie" referred to as the ruling class in capitalist society. Those who do not own means of production are the working masses (the proletariat) who have only their labour power to depend on as a means of survival. In the capitalist system, workers sell their labour at a rate or value unequal to the wages they receive. Thus, workers produce surplus value (profit) which is expropriated by their capitalist employers - those who own the means of production. In the tensions and conflicts which arise out of this exploitative relationship, law and other elements of the superstructure of society (the economic base being the substructure) such as the state and ideological systems, function to legitimize, enforce, and perpetuate this capitalist relations of exploitation (Quinney, 1970, 1975; Chambliss, 1969; Taylor et al, 1973; Miliband, 1969; Esping - Anderson et al, 1976: 188; Lloyd, 1964; Freeman, 1978).

In essence, in class societies, the law, the state and particular kinds of ideological systems, represent and further the interest of one class (the dominant class) over the others (the lower classes). This view, common to many orthodox Marxists and early critical thinkers such as Richard Quinney, suggest that law is simply a reflection, an epiphenomenon of the economic relations embedded in the substructure of a society. Neo -Marxists and modern critical legal theorists alike have however shown in recent Marxist writings that this "Marxist economism" or

"Marxist instrumentalism" does not reflect the true position of Marxist theory on law. An implied criticism of the old Marxism contained in these latter Marxist writings is that those who interpret the base – superstructure metaphor mechanically are guilty of distorting the original idea intended by Marx. Fredrick Engels (1968) captures this caveat in the following theses:

> If somebody twists (the notion of the primacy of the base) into saying that the economic element is the only determining one, he transforms that proposition into a meaningless, senseless phrase. The economic system is the basis, but the various elements of the superstructure... also exercise their influence upon the course of the historical struggles and in many cases predominate in determining their forms (P, 682).

The central thesis of Engels in the above statement is that there is no such one to one unidirectional relationship between the base and the superstructure; that opposites interpenetrate each other in such a dialectical process that allows the base to influence the superstructure while also permitting the superstructure in turn to influence the base. In line with this dialectical approach, law affects the economic base as well as other aspects of the superstructure (such as politics, religion, education etc) and is simultaneously affected by each of these. In summary, neither the state, nor the law can independently, of itself and by itself, determine the course of history or the shape of society, but they can prompt society and head it along one or other of the contradictory pathways or alternative courses that lie within the base and the supersturcture of society (Sumner, 1979; Hirst, 1979; Hunt, 1980).

To effectively summarize and bring under one definitional umbrella as much of the various elements of the respective concepts of law examined in the foregoing discussions, an alternative definition can be adopted: "Law, irrespective of its source (s) (eg. Sovereign, legislature, judges, chiefs, headmen, heads of households, council of elders or a combination of two or more), is one of the socio – economic and political instruments for consolidating, setting and achieving, achieving and consolidating a society's

goals whereby the whole enterprise is basically shaped at any given time by the mode and relations of production of the society and the struggles therein" (Sa'ad, 1988:9). Embodied in this definition are all the essential elements of law, namely, the political, moral, ideological and dialectical nature of law. The definition highlights law as a variable that can operate as both a dependant and independent variable, reflects the abstract (substantive) and concrete (procedural) character of law, and posits law as a phenomenon common to all societies of all ages. By depicting the moral and ideological dimensions of law, the definition calls attention to the consensual and basically conflictual tendencies of law, a characteristic that produces the necessity for law to be enforced.

The nature of law, as well as the manner in which law is enforced in a society is a function of the degree to which the tensions and conflicts embodied in the ideological and moral systems of society are reflected in law[16]. Ideological systems themselves are the reflections of the underlying mode of production - the economic substructure of a society. Thus, both the law, legal ideology and the social organization of law creation and enforcement (including its institutions) are shaped by the economic substructure of society. Likewise, legal outcomes ie. the effect of law application on individuals, are basically influenced by the individual's position in the social relations of production of his society. The concept of law as advanced in the alternative definition cited above will be adopted in this study. However, it is clear that the role of law in society cannot be adequately understood without viewing law as an ideological system. Consequently, we shall proceed by outlining the nature of legal ideology and its role in class society.

1.2.3 LAW AS IDEOLOGY

Earlier mainstream attempts at analysing the phenomenon of law and legal processes were devoid of any ideological insight. But the more recent

process of communication" (Therborne, 1980:77,103). The ideology which becomes dominant in any given society is that ideology which musters the ability through its control of instruments of power and mass communication system to connect and combine diverse ideas, attitudes, beliefs, and structure the perception and cognition of social participants. Ideological systems, whether they are legal, political or economic "act as grids which select, sort, order, and reorder the elements of thought" prevailing in a social system (Sumner, 1979)

In the context of a capitalist society, the capitalist ruling class ideology gain ascendancy over other ideologies because of its relative superior power and ability to organize and disperse thought systems that are favourable to its class interest - the interest of capital and capital accumulation. As a reflection of economic and social relations in communication process, legal norms and doctrines (legal ideology) in capitalist society come to assume a bourgeois form with the result that what exists in capitalist society is bourgeois legality - legality based on capitalist ideology.

The ideological dimensions of law

The ideological dimensions of law consists in the power of legal ideology to mystify and distort reality as it exists in actuality. Given this general feature of ideology, all ideological analysis begin with an initial proposition that there exists no direct or necessary correspondence between what is known (the realm of knowledge) and what is real (the realm of reality or actuality). Within the Marxist theory of ideology this idea is embodied within the postulate of "reflection" which proposes that: a) the known and the real are not identical and b) the real is the "object" which produces the "image" (Hunt, 1985:20). This reflection theory of ideology while positing a relationship between knowledge and its objects, between the real and its ideological representation and distortion in which legal principles, rules, or processes function ideologically in such a way that they camouflage the true nature of existing relations as actually embodied in the object-real whose "essence" is ideologically represented (Taub and Schneider,1982). Taub and

Schneider have identified an instance of such ideological misrepresentation (distortion) of reality in their analysis of the role of law in the subordination of women. Following their analysis, the legal dichotomy between public and private law is seen as a reflection in a distorted fashion, of an existing distinction between the domestic and non-domestic social sectors - a distortion that hides and mystifies the fundamental injustice of existing sexual relations among the sexes (1982:124). The ideological character of law can be identified at three levels of the law. These are:

1) In the content of specific laws ie. concrete legal norms whether these be judicial rules or specific legislative enactments
2) In the content of legal principles
3) In the "form of law "(Hunt, 1985:22)

To understand ideology, we need to address the question of its material determination. In relation to law, the question is couched in terms of how the ideological content of law manifests in each of the three levels of law identified above, namely, in the content of specific laws, in legal principles, and thirdly in the "form of law". With regard to how concrete laws and legal principles contact ideological content, Hunt (1985) refers to a process which he calls "concrete determination" in which he identifies the role of "struggle" between interest groups in the formation of legal ideology. At these two levels of law, particular legal outcomes are seen as the result of struggles over the creation and enforcement of legal rights, a struggle whose outcome depend on the balance of forces involved. The "form of law" denotes "the logically necessary characteristics of a legal order within a specific economic or political order "(Hunt, 1985:25). It refers to the "formalism" of law. Within capitalist societies, the form of law is characterized by three elements:1) a separation of the juridico- political realms form the economic (referred to as reification);2) a separation of legal status from political or economic status (legal subjectivity); and 3) the vesting of the human person or an organizational entity with legal rights and thus considered as legal subjects

(Hirst,1979). Although no necessary ideological characteristics or content may inhere in the form of law, certain ideological values manifest some kind of "elective or homologous affinity" to the legal form such that these values preponderate within the social formation that produces the legal form, and actually function as though they (the values) constitute the form of law itself. Within capitalist society for instance such ideological values as individualism, private property, equality, and so on become universal principles and tend to be regarded as elements of the capitalist form of law. The close affinity between capitalist concept of law and these pro- capitalist (ideological) values point to a fact that these values legitimate and sanction the existing capitalist forms of social relations, a role that otherwise squarely belongs to law alone.

The Function of legal ideology

An important strand within the Marxist theory of ideology is the focus on the functions of ideology. This focus has drawn attention to the role of ideology as an integral element in the process of legitimation and reproduction of prevailing patterns of social and economic relations in society. Poulantzas (1975:207) borrowing from Antonio Gramsci's ideas of ideology as the "cement" of society proposes that the particular function of ideology in capitalist society is the function of cohesion. In Poulantzas' view, ideology, particularly juridico- political ideology, penetrates every level of the social structure integrating its various parts into a workable whole. Thus, within the capitalist social formation, law within its ideological boundaries fulfills " the key function of every dominant ideology: namely, that of cementing together the social formation under the aegis of the dominant class"(Poulantzas,1978:88) Canvassing the same idea, Sumner (1979) observed that the law

> "lies hidden beneath a heavy shroud of discourse, ritual and magic which proclaim the wisdom and justice of the law--- Once this shroud is torn into fathers that hegemonic bloc of classes and class

or consciousness of people who are subject to socially censured practices. When they become part of the cognition of the people, such laws readily acquire false acceptability (sociability) and legitimacy among the citizenry. This is a process of mass indoctrination whereby everyone's head is filled up with bourgeois ideology (Sumner,1981a). In capitalist society, the mass media succeeds in a situation where there is no real consensus, in making everyone believe that there is consensus over values and definitions of crime (Cohen and Young, 1973). In this process, the mass communication system throws the population into a collective misunderstanding (Sumner, 1976:163). The ideologically- heavily-studded capitalist laws imply that basically the capitalist form of justice is bourgeois justice which is skewed in favour of the rich. To understand bourgeois justice and how this justice system is perceived by the public, we need however to understand the concept of justice as a first step. Accordingly, the study will proceed with the outlining of a definition of justice.

1.2.4 CONCEPTUALIZING JUSTICE

The word justice has proved an elusive concept to define. Some scholars have approached it from an abstract point of view, while others profer ideological, concrete, or dialectical conceptions respectively. The early beginnings of the development of the concept of justice can be found in Greek philosophy. Plato's "The Republic" presents an account of the dialogue between Socrates ad Thrasymacus on the meaning of justice. Analysing the Socrates – Thrasymacus dialogue, Pitkin (1972) observed that whereas Socrates would define justice abstractly in a sense to bring out the meaning of the word, Thrasymacus adopts a concrete and dialectical approach which makes reference to the nature and social origin of actual patterns of definitions of "justice" and "injustice" in society. According to Thrasymacus, what people call just and unjust are merely ruling class labels which sanction certain actions and allow

others. This view appears to be the intellectual ancestor of the Marxist doctrine of ideology as false consciousness. According to this Marxist doctrine

> ...the accepted standards and values and meanings embodied in the culture (superstructure of society) are infact a reflection of class interest. So, what things people call "just" or "beautiful" or "good" is really determined by what is in the interest of the ruling class in any society (Pitkin, 1972).

The dialectical views of Thrasymacus on justice contrasts Socrates' abstract definitions of justice, which definitions can be said to be the precurssor of latter day liberal thought on justice.

Liberal theories of justice are characterized by their heavy emphasis on "the rule of law" and "due process of law", and a corresponding lack of interest in historical - materialist analysis. In such liberal conceptions of justice, justice is equated with fairness, equity and procedural due process of law. David Matza for instance, in trying to construct a minimum definition of justice captures the major meanings of the term as consisting of the following five concepts : a) cognizance, which means the necessity to establish proof of guilt, b). consistency, which means equality of treatment for comparable offences, c). competence, which means legitimacy of the adjudicator, d). commensurability, which means that punishment should be commensurate to offence, and e). comparison, which means that disparity in punishment should be reasonable and tenable (Matza, 1964 : 106). For Matza, each of these concepts constitutes an elementary component of justice. Richard Quinney's earlier[19] contribution to the question of what justice is runs along the same line. Quinney posits that in everyday life, the question of justice and fairness is confined to whether or not the law is arbitrarily administered. Hence, he sees in contemporary society an equation of the idea of equal justice with the formulation and administration of positive law and its enforcement based on standards. For Quinney, justice will appear to have been given when laws are not dispensed in an arbitrary manner. Thus, legality and the "rational" administration of the law becomes identified as the symbol of justice (see also Lloyd, 1981:119).

As has been alluded to, liberal theorists in their undue emphasis on legality and the protection of formal rights of the individual, ignore the important fact that the so – called rights cannot effectively be exercised by socially and economically deprived classes in society as would their socially and economically ascendant counterparts. Thus, liberal theorists fail to address the questions of material inequality and poverty, and their relationship to access to justice. This is because liberal concept of justice is narrow, and limited to formal and procedural justice[20]. Inherent in this formalistic conception of justice is the notion that the law and its agencies (the police, courts etc) are neutral bodies which apply the law without fear or favour, and without consideration for social class or such other subjective attributes of individuals. This claim is questioned by the Marxist concept of justice.

Marxist concept of justice derives from a base – superstructure analysis of society and the legal phenomenon. This approach depicts the character and role of the state, the law and its agencies (and indeed all institutions within the superstructure) as conditioned or shaped by the economic base of society composed of the forces and relations of production. In terms of this theory, the capitalist economic base which is under the control of bourgeois class of capitalists, the owners of means of production, constrains both the state and the law (and its agencies) to serve the interests of the capitalist class ie. the ruling class. As orthodox and critical Marxists would put it:

> "the state is organized to serve the interests of the dominant economic class, the capitalist ruling class... Criminal law is an instrument of the state and ruling class to maintain and perpetuate the existing social and economic order" (Quinney, 1975:199).

The implication of this classical Marxist view is that neither the state nor the law (or legal system) is free or autonomous to operate neutrally in capitalist society. In "justice" terms, this situation means that the state and the law in class society are inherently unjust being devoted solely to the service of those who own the means of production. Marxists discount the possibility of justice

in any society composed by economically unequal individuals such as a capitalist society. As Marx himself observed:

> a right in a society where members are unequal economically is a right of inequality in its 'content'. Right by its very nature can consist only in the application of an equal standard (Marx and Engels, 1968).

From this standpoint, the rule of law and civil and legal rights supposedly guaranteed by bourgeois society as safeguards against tyranny and injustice end up as hollow formalism. The struggles to entrench or shore – up these legal rights in capitalist society equally end up as mere reformism. In the final analysis, these provisions terminate in the further encapsulation and submergence of the working classes into the capitalist system, with justice still remaining elucive for them. The views expressed above represent the typical orthodox – Marxist position on law and justice. Like orthodox – Marxists, neo-Marxists deny (for the same reason) that real legal justice is possible in societies where individuals occupy unequal positions in the relations of production of society. But they (neo – Marxists) modify the views of orthodox – Marxists concerning the distinctness or autonomy of the state system and the legal order in class society. For neo – Marxists, the state and the legal system in class society is relatively autonomous, and can operate independently of ruling class influence. The state is viewed as a necessary intermediary for mediating and channelling diverse and competing interests in class society[21], and struggles over legal rights can represent strategic aspects of the on-going class struggle toward socialist revolution and the attainment of social and material justice.

Legal rights struggles take on a revolutionary posture when such struggles "play a part in the radical growth of the oppressed class and generate radical conceptions of a more equitable and just future society" (Sumner, 1981: 14 – 15). In this sense, any law or legal rights enactment which attacks the basis of inequality and injustice in the material relations of production of society would be just. To this extent, such legal rights provisions as the accused right to

bail, right to speedy prosecution and trial, right to legal representation by counsel, right to silence following arrest etc are in principle just. So also are other legal provisions that are targeted toward mitigating the effects of economic and social inequalities. These provisions include the legal aid programme, and provisions against excessive bail bonds etc. The overriding intention of these separate legal provisions is to secure justice for the poor and the weak in society. However, these superficial interventions on behalf of the poor can only produce ameliorative benefits or results that are bound to be so minimal as not to be able to counter the severe inequalities of the class system.

The foregoing discussions on law and justice point to three types of justices, namely; procedural justice, substantive justice, and social or material justice. The first, procedural justice, derives from procedural law, and refers to the justness of legal process. The second, substantive justice, derives from substantive law, and designates the justness of the content of the legal precepts. Social or material justice on the other hand refers to social equality. It connotes the idea of a fair distribution of social wealth whereby:

1). The right of the producer is proportional to the labour he supplies, and

2). The worker draws from the social stock of means of consumption an amount equal to the value of his labour.

The justness of this justice system consists in the fact that the allocation of means of consumption to units is based on an equal standard – labour defined in terms of duration and intensity. This equal right is unequal right for unequal labour, but then the inequalities that is entailed is not based on class differences (ie. on possession and non – possession of means of production) but on individual differences in natural endowment (Hirst, 1975: 213). As such, the concept of material or social justice presupposes the elimination of the inequality in the mode and relations of production in class society[22] .

In this study, the basic research problem is to analyse the perceptions of the Nigerian public of current criminal (substantive) laws and sanctions. To

achieve this research goal, we shall utilize the combined insights afforded by the concepts of substantive, and social or material justices as here defined.

1.3 STATEMENT OF THE RESEARCH PROBLEM

Modern Nigerian society operates a capitalist economy. Because of the capitalist nature of modern Nigerian society, contemporary Nigerian state laws and sanctions are essentially bourgeois in character with tendencies for selective, unequal, discriminatory, and biased law enforcement. The social reality which has emerged from this criminal justice environment is that contemporary criminal justice system (CJS) as a whole is widely perceived within the Nigerian public as unjust (Igbo, 1986). For many among the public, especially those who belong to the lower socio-economic rungs of the social stratification system, the CJS is perceived as a hollow social facility that promises little or no possibility of providing lower class members of society with effective means of advancing or defending their claims against the exploitation and oppression of bourgeois society. A separate effort to monitor public reaction to current state laws in Nigeria, based on a sampling of the national media, showed that substantive laws in Nigeria have not received total and unrestricted support and acceptance by all individuals and sections of the society. Indeed, many Nigerians, professional and social groups have criticized existing laws as either archaic, outdated or irrelevant. They perceive some penal measures as too harsh or too permissive. In their perception and judgement these set of penal laws require some tinkering. For an illustration of the emerging social currents on the issue, Newswatch of September 12, 1988; The Diet Magazine August 1, 1997; African Concord February 15, 1993; Guardian Newspaper August 5, 1997; African Concord December 26, 1988; Concord Weekly July 11, 1985:6; Guardian June 13, 1987, and Newswatch of August 14, 1995, report strong criticisms of the capital punishment by individuals and groups in Nigeria.

Condemning the penalty as "gruesomely barbaric and cruel, brutally inhuman and grossly wicked and degrading punishment which violates the basic human rights to life", these critics advocate the abrogation of the death penalty which in Nigeria is reserved for such crimes as culpable homicide. They urge the abandonment of the death sentence insisting that even though the atrocity of capital offenders are grievous, their execution is not justifiable.

Smuggling is a crime in Nigeria which attracts life imprisonment as penalty. An opinion poll in Vanguard Newspaper of December 27, 1988 report reactions for and against the life jail imposed on smugglers. The critical opinions contend that life jail as a measure for controlling smuggling would be an exercise in futility. They argue that government should adopt a more realistic approach that will address the root cause of smuggling such as unemployment, otherwise "the law may be defied". Another publication in Daily Times editorial of March 25, 1989 noted that solutions to the country's crime problem does not lie with the imposition of harsh penalties. A similar view has been expressed in relation to the crime of "Cult membership" which attracts a term of imprisonment in our society. Writing in This Day Newspaper of August 2, 1979:25, Chukwujama commented that cult violence or cult membership can be eliminated from the country's educational institutions not through legal intimidation but through understanding and empathy. Some professional groups such as members of food and pharmaceutical services association in the country have called on the Federal Government to intensify its commitment and logistic support toward the implementation of the Counterfeit and fake drug decree (Tell Magazine, February 21, 1994). Another professional group of Estate Surveyors has condemned the Lagos State rent control law arguing that regulating or pegging rents in a situation of inelastic housing supply will only generate a black – market situation in which government may inadvertently be creating an illegality from the onset (The Guardian, April 7, 1997:19). In the Democrat Weekly of July 10, 1988, a Kaduna Chief Magistrate, Malam Yahaya Mohmood pleaded for a review of the nation's juvenile law. Yet in a campaign to reform

the alien British laws in our statute books, president Ibrahim Babangida (while still in office) launched a national workshop at the National Theatre Lagos and called on Nigerians to assist the law reform commission in its drive to "update the obsolete laws" (Newswatch, November 17, 1986).

Public reaction toward laws and sanctions in the nation's legal system has been either one of outright condemnation of certain laws and sanctions, or one of mixed-reaction pattern in which some citizens express support for some laws and sanctions while others reject such laws and sanctions. The grounds for these criticisms of laws and sanctions often are that such laws or punishment are either unjust, ineffective or un-enforceable, or else the penalties such offences carry are too harsh or draconian to produce deterrent results[23]. These social currents indicate quite unequivocally that it is problematic to assume that most people in Nigeria agree that most of the behaviour conducts prescribed by the Nigerian state are infact socially undesirable and deserving of criminalization, or that penalties prescribed by the state fit the gravity of offences [24]. This being the case, the basic research problem of the present study are to investigate the concrete pattern of public support of state laws and sanctions, to determine what the public perceives and recommends as adequate penalties for selected offences, and to find out whether the penalties prescribed by the state for crimes accord with public choices of penalty for these crimes.

In the past the clamour for revision of penal laws in Nigeria, ostensibly to bring them in line with public sense of justice have resulted in direct government response. Kano State government for instance (following such public clamour) reviewed after eight years of operation, its controversial theft law reducing the penalty assigned to this crime from a mandatory minimum jail term of ten years to a term not exceeding ten years (Democrat Weekly, July 10, 1988). Both the media polls and government responses to these media expressions represent haphazard reactions. Although they offer some indication of what might be expected in terms of wider public views on the issue (of adequacy or inadequacy of society's laws and sanctions), the question needs to

the direction of the desired revisions in penal policy. Disparity between public preferences and state penal provisions affects negatively the overall effectiveness of laws and sanctions (Salem and Bowers,1970). For this reason, the discovery of what the public views are about appropriate law and punishment will be of practical relevance to the administration of criminal justice in Nigeria.

1.6 SYNOPSIS OF SUBSEQUENT CHAPTERS

The subsequent chapters of this research work are the chapters on literature review, research design, data analysis, and discussion and recommendation. The object of the chapter on the review of literature (Chapter 2) is to articulate and present the various theoretical perspectives on law and punishment, and to document empirical data on the subject. The chapter on research design (Chapter 3) will present, describe and justify the methodologies and techniques adopted in the research study. Chapter Four on data analysis will present and analyze data on the level of support for State laws, the correlation of support for laws by socio-economic and demographic characteristics of respondents, and the influence of other perception patterns on support for laws.

Chapter Five, also a chapter on data analysis, will present and analyze data on public demands for penalty. Here, the penalties prescribed by the public for various offenses will be analyzed. Also, a comparison of penalty demands by the public and officially prescribed penalties by law, for survey offenses, will be carried out. Thirdly, in this chapter, an assessment of the level of consensus among different demographic subgroups of the sample on the relative seriousness of offenses will be embarked upon.

Finally, in Chapter Six, various findings and problems of the study will be summarized, discussed, and recommendations made in relation to the impact of the study on theoretical knowledge and policy implementation.

NOTES

1. Example are the Eastern people of Onitsha Igbos and the Delta peoples of Asaba in the Western region.
2. The capitalist economy is a system of economic organization based on private ownership and control of property, and hinged upon an economic class division between those who own the material means of production (the bourgeoisie or ruling class) and those who do not own means of production (the proletariat or working class). Capitalism as an economic system is based on the exploitation of the have- nots (the propertyless poor) by the haves (the propertied rich).
3. Within the capitalist economic framework, official law and legal processes are essentially bourgeois in character in the sense that they basically serve to legitimize, preserve, and promote the exploitative interests of the bourgeoisie- the dominant or ruling class (Quinney, 1975). Under colonial capitalism, European capitalists and merchants constituted the bourgeois class.
4. Park makes reference to instances where natives acquired land by means of an English law of conveyance but in which, having acquired it, held it under customary tenures. In a different dispute, a testator left money to trustees upon trust to hold it and to distribute it according to certain native laws and customs. The trust was wholly an English concept but the beneficial interests, on the other hand, was exclusively customary.
5. By section 10A of the former Native Courts Ordinance (Cap. 1142 in the 1948 Revised Edition of the Laws of Nigeria) and by provisions enacting that section in Regional legislation after 1954. These measures were introduced in consequence of the ruling in Gubba vs Gwandu Native Authority (1947) 12 W. A. C. A. 141 Suppra, p. 52.
6. The code is contained in the schedule to the criminal code Act, Cap. 42.

12. The theory of force postulates that the state is the result of the subjugation of the weaker by the stronger. This theory emphasizes the role of wars in the enthrenchment of kings.

13. The Partrichal theory of state, championed by Sir Henry Maine in his books Ancient Law (1861) and Early history of institutions (1875), theorizes that the state is an extension of the family, the head of the state being the father; the people, his children. In this conception, the family which was the unit of social organization of primitive society traced descent through males resulting in the eldest made parent being absolutely supreme, having power over life and death. The single family group breaks up into more families which become the tribe under the headship of the first family who become the chief or patriarch. The aggregation of tribes make up the state or the commonwealth.

14. The matriarchal theory of state was advanced by Mclennan in his book Primitive society (1865); Morgan, in studies in Ancient Society (1877), and Jenks, in A history of politics (1900). The theory asserts that primitive groups had no common male head. That the real social unit in primitive society is not the tribe but the totem group, a group of individuals distinguished by the sign of some natural object such as animal or tree. Under this system kinship is traced through women. Such matriarchal societies in time however evolved into patriarchal societies.

15. Evolutionary theory of state sees the state as the result of natural evolution, the product of history. This implies a gradual and continuous development of human society out of gross imperfect beginnings through crude but improving forms of social organization toward a perfect and universal course of development (Appadorai, 1975:30-38)

16. This idea is discussed more fully in section 1.2.3 which deals with the concept of law as ideology.

17. The analysis of law as ideology lies within the Marxist tradition and "provides an instructive point of differentiation between Marxist analysis of law and mainstream sociology of law (Hunt, 1985:12)

18. When ideology is not used to refer to all ideas, it is used to refer to only those ideas that are considered unscientific ie. 'false consciousness', or else the concept is used to refer to those ideas that serve the interests of dominant classes, "class beliefs" (Williams, 1977:66).

19. I believe that Quinney's position on the meaning of justice must have changed to reflect a materialist conception of justice.

20. Within this narrow conceptual boundary, issues such as the flexibilities and rigidities in substantive and procedural laws are focused on. Arguments and discussions centre on whether or not legal definitions of criminal conducts, and criminal procedures should be broadened; whether discretionary powers of apprehension, arrest, detention, investigation, prosecution, charge, trial, and sentencing, as exercised by the relevant agents of the criminal justice system, should be widened or narrowed; and then the relationship between these options and the probabilities of the defendant obtaining justice.

21. Even in socialist societies where the state is expected to wither away, neo – Marxists view the state as necessary.

22. Communist justice requires that individuals work to their specific capacities. It distributes the means of consumption to units of consumption solely on the basis of need: "from each according to his ability, to each according to his need."

23. Albert Cohen has warned that eventhough we may grant that laws and sanctions are indispensable in society to set some limits to discretion and inclination, it may be arguable whether any particular law is necessary or even useful. According to him, much of the disputation about rules is over the question of what they ought to be rather than what the rules are.

24. Commenting in respect of the crime of smuggling, the Daily Times editorial of March 25, 1989 observed that since the inception of the decree against smuggling, not a single offender has been tried let alone convicted under the anti-smuggling law. The editorial reasoned that the absence of trials or convictions, inspite of the widely known fact that this crime has been thriving even after the promulgation of the law, may have something to do with the draconian nature of this law "which imposes such a stiff penalty for an otherwise minor offence".

CHAPTER TWO

2.0 REVIEW OF LITERATURE ON LAW AND PUNISHMENT

This chapter will articulate and present theoretical perspectives and empirical literature on law and punishment, and the latter's perception by individuals and social groups.

2.1 General introduction on the social reality of the presence of law and punishment

In all societies, both past and present, there exists laws and punishment. Law and punishment are the body of rules and sanctions recognized and applied by society for the purpose of reconciling individual rights, claims and obligations i.e the administration of justice. Normally, there cannot be punishment without law as the former proceeds from the breach of the latter. The presence of law and punishment in a society implies that in such a society certain forms of behaviour or conduct are legally prohibited and punished, while others are permitted or tolerated. Again certain breaches of the law are regarded as more grievous than others and penalized as such.

The criminalization of conduct and the penalization of criminal violation are sociological realities being the product of the interplay of social forces and demands. At the same time, the legal system of law enforcement, by its activities, creates a certain social reality i.e. an enforcement image which characterizes it as either just or unjust, oppressive or democratic, brutal or "civilized" etc., in the eyes and minds of the public. In one criminal justice environment the social reality of law enforcement may be such that official reactions to criminal deviance reflect a greater tendency toward partisan and biased definitions of crime, and discriminatory enforcement of laws than toward a just and equitable enforcement. In another, the social reality of enforcement

may portray more of an active and widespread effort to dispense justice in a manner congruent with public or subgroups sense of justice and judicial efficacy. Both kinds or reality generate differing perceptions and judgements on the part of the public and its constituent segments concerning aspects of state law and punishment. The perceptions of laws, the level of approval or support for state laws to be found within the population is a matter for empirical investigation, and theoretical ideas differ regarding what can be expected.

2.2 Theoretical Perspectives on Law and Punishment

Four broad competing modes of thought inform attempts to understand the social processes involved in criminal legislation and punishment. These theoretical orientations are the positivistic theory, social constructionist theory, phenomenological theory, and Marxist theory. Each of these body of thought presents its own peculiar views and perspectives of the legal phenomenon. We shall here examine the assumptions of three of these theoretical paradigms and show their respective strengths and weaknesses with a view to determining which of the three theoretical systems shall be adopted to inform the present study.

2.2.1 The Positivist position on law and punishment

Positivist theory of law and punishment is represented by consensus theory which contains within it two main theoretical currents known as functionalism, and the classical social contract theory. The Positivist approach emphasizes a social order which exists independent of social actors, and depicts the deviant as reacting to this external force that is beyond his control.

2.2.1.1 Functionalist theory

Functionalist analysis dates back to the works of Auguste Comte (1798-1857) and Herbert Spencer (1820 - 1903). It was developed and refined respectively by Emile Durkheim (1858 - 1917) and Talcott Parsons (1902 - 1979). Functionalism was the dominant social theory in American Sociology during the 1940s and 1950s (Haralambos, 1980: 521). Functionalism as a theoretical system interpretes society as a system with interdependent parts which together function as a whole. Functionalists equate the human society with the human organism. They argue that an understanding of the functions of any organ in the human body requires an understanding of its contribution toward the maintenance of the organism. That in like manner, an understanding of any part of society involves an examination of its relationships to other parts in terms of its contribution to the overall maintenance of society. Extending the analogy, functionalism holds that like the human organism, society has certain basic needs (functional prerequisites) which must be met if it is to survive. Parts of the social system i.e its various institutions, which are mutually interconnected function to meet these functional prerequisites of society (Parsons, 1951; Durkheim, 1938).

A basic premise of functionalist theory is that law and punishment derive from the collective values of social groups. The vast majority of people in the society share certain basic values and interests such as peace, self preservation, progress etc., and law represents this general consensus over values and norms (Durkheim, 1938). Within this view, the law is simply a form of "double institutionalization" (Bohannan,1965:36) in which some of the shared customs and values of some institutions of society are translated into legal statutes (see Haralambos, 1980:439; Hagan, 1980). Law is here seen as playing the role of protecting and maintaining those values and perspectives which are fundamental to social order (cf: Vold, 1979:23, 298-99; Durkheim, 1964:81; Haralambos, 1980:412). The functionalist perspective also subscribes to the notion of the

state as an impartial agency which exists for the purpose of mobilizing the resources of society for the attainment of goals for which a general public commitment has been made (Parsons, 1969). The state power thus functions for the benefit of the society at large.

The broad implications of the functionalist assumptions about the nature of law and punishment are many and varied. First, it assumes that there is general consensus by members of society over the definition of good and evil. Functionalists attribute a purpose to society. According to this body of theory, the purpose of society is the creation and maintenance of social order and stability (Radcliff Brown, 1963) and the satisfaction of certain biological needs of human beings such as self-preservation (Malinowski, 1944:145). Functionalist theorists argue that these basic values which are recognized as functional pre-requisites for societal survival, provide members of society with a general conception of what is desirable and worthwhile, good or evil. According to functionalist theorists, shared values give rise to common goals which in turn provide direction in specific role situations (Haralambos, 1980:527). As Turner (1978) puts it, "these shared cultural patterns – the values, beliefs, ideology, can provide actors with common view points, personal ontologies . . . (and) a common definition of the situation" (p. 50)

This functionalist argument implies that the recognition of human life by members of society as something of a high cultural value would lead to the general perception and definition of any act that threatens it (human life) as inimical, by members of society (Durkheim, 1964:81). As Parsons (1973) sees it, if members of society are committed to the same values, they will tend to share a common identity and perception (Haralambos, 1980:527). Such conceptions of what is acceptable as desirable and worthwhile, good or evil in a particular culture are reproduced and sustained through socialization processes. The empirical implications of the functionalist assumption of widespread agreement by members of society over the definition of good and evil are many. First, given this shared heritage, we are to expect all subgroups within a society

to consistently express support for the prohibition of some types of behaviour, while also consistently supporting the non – criminalization of others. Secondly, background attributes of individuals such as their socio – economic and demographic characteristics cannot influence people's approval or support for society's laws since according to the theory, all individuals and subgroups within society unequivocally subscribe to the same values and definitions of good and evil irrespective of their background profiles. Furthermore, functionalist assumption of widespread agreement by members of society over values and norms imply that in empirical terms, there will exist consensus among various subgroups of society about the relative seriousness of a set of crimes. The reason is that offence seriousness is judged against a common background of shared values. Because everyone in society subscribes to the same set of values and norms, laws which are mere translations of these values would not only be perceived similarly but positively by all individuals and subgroups within society. Also, commonly-held sense of right and wrong, and commonly-held standards of offence seriousness would lead individuals and groups alike to punish crimes similarly in terms of the kind and severity of punishment that should be applied to offences.

The functionalist assumption of widespread agreement over the definition of good and evil by the general populace, and the empirical expectations (deductions) that flow from such an assumption are questionable. Class societies, especially the modern industrial type with its base on private property is characterized not by a homogenous value system to which all segments of society subscribe, but by the existence of social groups and classes whose values, interests, goals and ideologies conflict. Within capitalist society, as indeed all class societies, two major antagonistic social classes exist. One, the ruling class, comprises of individuals who own and control the social means of production, while the other - the subordinate class, comprises those who do not own means of production. The characteristic relationship arising from the differential relationship of these two social classes to the productive forces of

capitalist society is such that one group, the capitalist class, exploits and oppresses the other - the group without means of production. This exploitative production relation creates a fundamental conflict of interest between social groups since one group benefits at the expense of the other (Haralambos, 1980:12).

In general, the interests, values, goals and ideologies of the capitalist ruling class and those of the subject classes diverge. To the extent that their needs, concerns and interests conflict, it would be impossible to uphold in more than a limited number of cases only, the functionalist claim that all groups in society subscribe to the same values, or concepts of good and evil. Rather, society is characterized more by value conflict than by value consensus. This is to say that different social groups in society have different ideas about what constitutes good and evil conduct. From the standpoint of Marxist theory espoused in the foregoing, the conceptions of good and evil held by individuals and social groups are influenced basically by each group's specific relationship to the social forces of production i.e its economic interests. In capitalist society, the economic interests of capitalists differ from, and infact conflict with the economic interests of the working classes. By that token, their conceptions of what constitutes good and evil conduct essentially differ as they reflect these differing interests. Thus, perceptions and reactions toward state laws, crime and punishment in capitalist society will differ between these two social classes, more so as capitalist laws and sanctions are fundamentally systematically biased in favour of one class (the bourgeoisie) against the other (the working masses), being basically protective of bourgeois economic interests.

Opposing class conceptions of good and evil preclude the probability of inter-class consensus or wider societal consensus on questions of law and sanction, such as regarding the necessity or justness of particular laws and sanctions in society. This being the case, we will expect some groups in capitalist society to support prevailing laws and sanctions, and others to be either non-committal or non-supportive of capitalist laws. However, it is to be

recognized that the influence of bourgeois legal ideology in capitalist society can be pervasive. Ideological system of capitalist law mystifies and distorts the true nature of laws in capitalist society (Taub and Schneider, 1982; Quinney, 1975:199) such that all classes and groups in society ultimately end up embracing such capitalist laws as universal, equitable and just. When bourgeois legal ideology succeeds in this indoctrination project (Miliband, 1969) the result is that the majority of individuals in society, irrespective of their class background, identify with, and support state laws, as well as tend to perceive aspects of the law uniformly. This is what Sumner describes as "a collective misundertanding"[1] (1976:163, 1981a; Cohen and Young, 1973).

A second and parallel assumption of functionalist theory is that the state and criminal law operate to benefit society as a whole (Sellin, 1980:3; Haralambos, 1980:439), criminal law being the direct expression of collectively shared values which have been restated in the form of enforceable statutes (Hagan, 1980:603-4; Carson, 1974:78). With reference to the research problems of this study, the functionalist claim that the state and the law operate impartially on behalf of society at large would lead one to empirically expect a close fit between penal provisions of law and the penalty preferences of members of society. Since the state and the legal order reflect the value judgements held by members of society, as argued by functionalist theory, the penalties provided by law (being the product of this reflection) ought to closely match the choices of penalty expressed by the public. Also, the concomitant assumption of functionalist theory that laws are an expression of value consensus in society imply that in reality different subgroups of society will not differ markedly among themselves in the penalties which they assign to specific criminal acts, and in their ratings of crime seriousness. This is because their judgements of crime seriousness flow from a common frame-work of societal values which is shared by all groups.

The functionalist portrayal of the state and the legal order as a set of generalized resource which operate impartially for the good of society at large is

questionable. To argue that laws operate for the benefit of society at large is to suggest that society does have a unitary set of interests, values and meanings which appeal to all persons in society, interests which laws are meant to protect and enhance. To begin with, such assumed consensus over values and interests do not exist. A compelling character of class-divided societies, especially the industrial capitalist type is the division of such societies into antagonistic social classes or groups which continually struggle to impose own standards over others. In the process of this continuing struggle which is shaped by the specific character of the prevailing mode of production in society the apparatus of the state especially its legal apparatus becomes a vital instrument for the dominant class to oppress the subordinate classes.[2] The dominant class does this by incorporating its primary economic, political and jural interests into public policy and law (see Quinney, 1970; Taylor et al, 1973; Chambliss, 1969). Thus, what receives the legal stamp as law are those values and interests cherished by the dominant class in society. As Sellin (1938) put it:

> The character of these rules (criminal laws), the kind or type of conduct they prohibit, the nature of the sanction attached to their violation etc. depend upon the character and interest of these groups in the population which influence legislation... the social values which receive the protection of the criminal law are ultimately those which are treasured by dominant interest group (cited in Alemika, 1990:5).

In capitalist societies, the dominant class which controls the state apparatus is the bourgeois class. Because of their dominant class position, made possible by their economic power, this class is at a vantage position to enthrench its class interests in the socio-legal scheme of things in society. To this extent, laws in capitalist society are an expression of the interests of capital – the interests of the bourgeois class, rather than an expression of some underlying value consensus of society. Stephen Spitzer echoes this view in his characterization of the role of the capitalist legal system as one of selectively

sorting out and treating "problem populations" which question the capitalist status quo. As he puts it:

> The creation of deviant images or definitions, as well as the state control of deviant population reflect the structure of and priorities in specific class societies, and how these are related to class conflict (Spitzer, 1975a: 640).

Under the selective – control orientation of the capitalist legal system, not all persons or groups who are ordinarily "problematic" are subjected to control by the state and its legal apparatus. Rather, "the rate at which problem populations are converted into (official) deviants (depends) on the size and level of threat presented to capitalist interests by the problem population" (Spitzer, 1975a: 644-5). Thus, while threats defined by capitalist interests as passive are sanctioned rather mildly, those defined as active threats, usually threats to economic interests, receive a more violent repression (Santos, 1980:380). This is an orthodox-Marxist view of the state and the law, a view which portrays the state and the criminal law as instruments in the hands of the ruling class. In this view, the economic base of society shapes the superstructure. Marx brought out this relationship when he stated that:

> The sum total of these relations of production constitutes the economic structure of society, the real production, on which rises a legal and political superstructure, and to which correspond definite forms of social consciousness. The mode of production of material life conditions the social, political and intellectual life process in general. It is not the consciousness of men that determines their being, but on the contrary, their social being that determines their consciousness (Marx, cf. Goulbourne, 1979:3)

The above classical-Marxist views which are also shared by contemporary critical theorists such as Quinney (1975) overstates the issue of total dependence of the state and the legal system upon the will and caprices of the ruling class. The economic substructure of capitalist society, which is dominated and controlled by capitalist interests, basically shapes and conditions

the institutions at the superstructural level such as the state and the legal system. But it does not constrain the state or the legal system in such an absolute way that these institutions are precluded from exercising independent initiative and action. A neo – Marxist view of the state which is a corrective of the classical position, while not disputing the base – superstructure argument, insists that the state and the legal system possess relative autonomy (Chambliss and Mankoff, 1976a; Chambliss and Seidman, 1982; Poulantzas, 1973). This means that each of these institutions can, and does on occasions act contrary to the interests of the ruling class. From the neo – Marxist perspective, the state and the law serve the interests of the dominant class, but they also serve those of the subject class, and mediate between these class interests (Alavi, 1979). This implies that in capitalist society three kinds of substantive laws co-exist: laws which reflect ruling class interests, laws which reflect the interest of the masses, and laws which reflect the overlapping interests of both the dominant class and the subordinate class (Haralambos, 1980:444).

Similarly, criminal sanctions in capitalist societies are applied not only to acts which threaten capitalist interests, they are also applied to acts which violate some interests of the lower classes. However, because of the capitalist nature of the economic base of bourgeois society, and the primacy of capital to capitalist social order, laws and sanctions which reflect bourgeois (ruling class) interests tend to predominate in that society. Again, because capitalist laws and sanctions become mainly bourgeois laws and sanctions (being basically protective of bourgeois interests), the bulk of the law fail to coincide with popular (ie. general public) definitions of crime. And the official penalties that flow from state laws likewise fail to accord with the penalty preferences of the populace who are mainly the economically dispossessed masses.

The overall implication of this theoretical expose with respect to the problem of public support for state laws is that individuals will support certain kinds of laws and withhold support from certain others depending on whether such laws protect or serve their particular interests or not. Perceptions of state

laws and sanctions will thus not be homogenous, unless the laws in question are those that serve general needs. In other words, laws that cater to interests which are common to both the dominant class and the subordinate classes in society. Regarding criminal sanctioning, the expose indicates that in empirical terms the official penalty provisions of the state will be discrepant from the penalty choices of the public, the two being informed by divergent values and interest.

Functionalist theory further assumes that crime is a violation of social consensus over values and norms (Durkheim, 1964). This assumption is based on the belief of functionalist theorists that since laws are merely a restatement of the collective conscience into legal statutes, their (laws) violation must constitute violations of that collective conscience which laws represent. Thus, even though in reality a crime may be a threat against only one specific person, theoretically a crime is a threat to every member of society (Morris, 1966:19-20). In positing that crime constitutes a violation of the collective conscience, functionalist adherents argue that an act stands the risk of being sanctioned by society (personified in the state) when such act proves to be a threat, is perceived to be a threat, or a potential threat, to the collective moral fibre of society (Durkheim, 1964:;81; Hagan, 1980:620-21; Swigert and Farrell, 1980:161). What the above claims suggest is that definitions of crime correspond to what most people in society recognize as minimum standards of behaviour required in society for social order. That to be considered criminal, acts must be collectively seen to be prejudicial to the moral values of society at large.

Crime cannot be said to constitute the violation of some basic and enduring social consensus for no such consensus over values and norms exist. Definitions and conceptions of crime and punishment vary across individuals and social classes, and to that extent, the claim is erroneous. Crime represents at any specific instance, either the violation of the interests and values of the bourgeois class, the violation of interests and values of the proletariat, or the violation of the interests and values held in common by members of both classes. The moral terrain of contemporary capitalist society is threefold: the bourgeois morality, the working class morality, and the convergent moral province wherein bourgeois morality and working class morality overlap. This means that crime constitutes the violation of either of these moralities. However, the majority of laws operating in capitalist society are bourgeois oriented, and to that

extent, criminal violations constitute, in the main, the violations of bourgeois morality.

Another assumption of functionalist theory is that punishment is a mechanism for restoring social equilibrium in society (Durkheim, 1938). In this view, it is argued that all members of society cannot be equally committed to the collectively shared values and moral beliefs of society. This is because individuals are exposed to different influences and circumstances which affect the strength of the moral restraints internalized by them against law breaking (cf. Haralambos, 1980:411-12). Consequently, departures from the collective sentiment is made possible. Since unusually high rate of deviance corrodes the force of the collective sentiment in controlling behaviour, punishment is needed in order to keep deviance in check thus maintaining the collective sentiment at its necessary level of strength (Durkheim, 1938). For functionalist theorists, therefore, society adopts the instrumentality of sanctions for the purpose of restoring social equilibrium. This means that punishment serves to heal the wounds done to the collective sentiments. Also, that it restores violated shared values to their original required strength thus contributing to the maintenance and well-being i.e. social equilibrium of society (Sellin, 1980:3; Haralambos 1980:439).

The functionalist view of the social role of punishment is inadequate. True enough, as functionalist theorists claim, society employs the mechanism of punishment for the purpose of forcing non-conformists to observe the rules of behaviour as defined in a particular society. What is contentious about the functionalist position is the impression given by the theory that it is the power of the group as a whole, as well as the collective norms of society at large that are being re-asserted through the imposition of punishment. This view inescapably gives the erroneous impression that there exists in every society a single morality (that of the group at large) from which laws and punishment issue.

Clearly, it is not the case that such a homogeneous morality which binds all members of society exist. As has been argued, the moral terrain of contemporary society would appear to indicate the existence of three moral provinces; namely, the dominant group morality, the subordinate group's morality, and the convergent province where-in the dominant group's and subordinate group's morality overlap. What the fore-going analysis suggests is that contrary to functionalist assumptions, contemporary society especially the advanced capitalist type is characterized by laws

which reflect the dominant group interest; laws which reflect the subordinate group's interest; and lastly, the middle province where-in laws are seen to reflect the overlapping interests of both the dominant group and the subordinate group (cf. Haralambos, 1980:444).

To the extent that there exists in society competing sets of morality, punishment cannot be seen as a means of restoring a violated common sentiment shared by all. Rather it should represent the means by which the state mediates and arbitrates between the demands of the various classes, and in doing so ensures the stability of society[3]. Nevertheless, beyond the immediate identifiable interests of respective social classes, interests which law and punishment address in turn, punishment in capitalist society plays the role of ultimately preserving the capitalist social order. In this particular sense, marxists as a whole are agreed that punishment in capitalist society serves mainly the interests of the bourgeoisie.

With specific regard to the relevance of functionalist analysis in explaining the major research questions of this study, the theory is found to be severely limited and unsuitable. Firstly, functionalist theory hinges its entire discourse on a faulty and erroneous assumption that society is based on consensus, and that law and punishment are the product of this social consensus. In posting social consensus, the theory not only overlooks the plurality and antagonisms that evidently characterize society, it also misconceptualizes the authentic nature and character of state laws and sanction in society. State laws and sanction do not flow from collective values of social groups, neither do they reflect and further general societal interests. Rather, laws and sanctions basically issue from, and reflect mainly the values and interests of the dominant economic class in society, and then to a much lesser degree they (laws and sanctions) reflect the interests of the masses, and the common interests of both the masses and the privileged class (Alavi, 1979). Functionalist theory's wrong notions about the nature of laws and sanctions constrain its ability to offer satisfactory explanations on the nature and pattern of public perception of state laws and sanctions in a heterogeneous class society such as Nigeria. For this reason, the theory will not be adopted in this study.

Another fundamental flaw of functionalist analysis which precludes its applicability in the present study is that within functionalist conceptions of law and punishment, no viable explanatory room exists for accounting for the relationships that exist between socio-economic and demographic characteristics of individuals

and the latter's perception of state laws and sanctions. Equally, for the same reason, functionalist analysis is unable to explain the phenomenon of subgroup variations in the way they (subgroups) punish crimes. Going by functionalist assumptions of unrestricted social consensus, and the assumption of "double institutionalization", the background attributes of individuals such as their socioeconomic and demographic characteristics cannot influence people's support or non-support of state laws, nor can they influence their punishment disposition. This is because according to the theory all individuals and subgroups within society unequivocally subscribe to the same values and definitions of good and evil, and presumably possess the same thresholds of crime seriousness irrespective of their background profiles.

The influence of socioeconomic and demographic characteristics on perceptions of state laws, and prescriptions of punishment for crimes constitute major research objectives in this study. And since functionalist theory cannot address these issues, it stands to reason that the theory is unsuitable for our purposes in this research work and therefore cannot be adopted.

Furthermore, functionalist theory is unable to satisfactorily account for the relationship between the penalties officially imposed by the state and the penalty choice of the public. This is because of the simplistic and misleading assumptions of functionalist theory concerning the nature and role of the state in society, and the sources of attitudes governing assignment of punishments by the public. Functionalist analysis conceives of the state and the legal system as a generalized resource which operate to benefit equally all groups in society (Sellin, 1980:3; Haralambos,1980:439). Based on this erroneous assumption that the state and the legal order reflect as a rule the values and judgements of the generality of members of society, functionalist analysis claims that the penalties provided by law will closely match public choices of penalty.

This is a misrepresentation of the realities of the state and the legal order as they concern the character and role of the state and the interests which state laws and sanction serve in class-divided society such as Nigeria. Functionalist analysis ignores the fact that there are social classes and value conflict in society. It fails to acknowledge the fact that the state and the legal order, as aspects of the superstructure of society, are basically shaped and conditioned by the mode of production of material life (Marx and Engels, 1969). The theory is unable to

recognize that in a capitalist society such as Nigeria, the penalties which the state prescribes tend to reflect mainly the interests of the dominant economic class. And to this extent, official state penalties tend to vary in magnitude from the penalty preferences of the underprivileged classes who constitute the bulk of the public. Because of these conceptual inadequacies, functionalist theory cannot be adopted as the theory to guide the present study.

2.2.1..2 Classical Social Contract Theory

Classical theory is based in social contract theory (see Vold, 1979:29). Social contract theory is an Century theoretical development which anchors essentially on the central idea that human society is a human creation - the result of social contract. Thomas Hobbes, John Locke, Montesquieu, Voltaire, and Jean Jacques Rousseau etc. - all social contract theorists held that men originally lived in a state of nature. This was a state in which they (men) were ruled by passion and greed, and in which men were subject only to such controls as are provided by nature itself (see Vold, 1979, Appadorai, 1975). But having considered the pros and cons of living in such a condition characterized by the "war of all against all", in which life was "solitary, poor, nasty, brutish and short" (Hobbes, cf. Appadorai, 1975), men came to a deliberation agreement to come together in a social contract to form a society (Vold, 1979:20). Under this pact, men agreed to each give up so much of their natural rights as are incompatible with peaceful co-existence.[4] Such rights or liberties for governing oneself became transferred to a sovereign authority from whom protection was expected in return. Thus, the sovereign embodies in himself the wills of all members of the civil community (Appadorai, 1975:22).

Cesare Baccaria - the major proponent of classical criminology, Jeremy Bentham, William Blackstone, and other neo-classical thinkers accept the basic assumptions and propositions of the social contract viewpoint. Classical theorists argue that all men have a stake in the continued existence of society (see Beccaria 1809 cited in Vold, 1979:23). Accordingly, by their (men's) free consent to the social contract, they implicitly agree to pursue those conditions and agendas which guarantee the preservation of the human species and the peace of mankind. In like manner, all men agree to give up all acts that are inconsistent with living in peace (Appadorai, 1975; Vold, 1979). According to classical theorists, without this general commitment to

social values by all men, society would drift into dissolution - a reversion to a state of war of all against all (Vold, 1979:23).

The recognition of certain values in society as paramount for social survival imply a tacit definition of acts by members of society as either good or evil. Thus, like functionalists, classical theorists assume the existence of consensus by members of society over the definitions of good and evil. Consequently, like functionalist theory the classical viewpoint leads one to expect widespread support of state laws within the population, and this, notwithstanding the background attributes of individuals. It suggests the empirical existence of popular agreement among subgroups in the population on the relative ordering of crime seriousness, and the penalty considered appropriate for specific crimes. The criticisms levelled against functionalist theorists regarding the assumption of consensus over definitions of good and evil also apply with equal force to this classical thought.

Following the line of functionalist theorising, classical theorists have also argued that laws are an expression of the general will (the social contract) and that crime constitutes a violation of this social contract freely entered into by all men (Rousseau, 1762 cited in Appadorai, 1975:27). They contend that laws operate to benefit society as a whole. As has been argued in this text, both contentions lack merit. Laws do not only reflect the basically divergent but sometimes overlapping moralities of social classes, their (laws') violation represent the violation of these competing moralities

Classical theorists have ascribed to punishment the role of helping to prevent crime in society. They believe that the individual is inherently selfish and will be apt "to take away from the mass of deposits of individual liberties not only his own portion, but to encroach on that of others" (Vold, 1979:23). To forestall this, classical theorists argue that punishment becomes necessary. As Baccaria put it, "society is prevented from approaching dissolution by motives (punishments) that are immediate objects of sense and which being continually presented to the mind, are sufficient to counter-balance the effects of the passions of the individual which oppose the general good" (Vold, 1979:23). Thus, from the classical viewpoint, the role of punishment is that of defending the public liberty from the usurpation of the individual. The classical portrayal of the social function of punishment is questionable. That there may not be any such thing characterizable as the "public good" has been remarked. It is therefore contentious to speak of punishment performing the role of defending such imaginary public good. Beside, the oppressive ends to which sanctions are put in plural societies

do not bear this claim out. Instead, a mere adequate conception of the role of punishment is that it serves to reconcile in the short run divergent definitions and claims held by individuals as member of sicial classes, and in the long run to consolidate the capitalist status quo.

A parallel view which the classical position on the role of punishment advances, is that the deprivation created by punishment should be commensurate with the perceived seriousness of the crime. That is, that punishment must fit the crime. From the classical standpoint, offenses are generally graded by the public in terms of levels of seriousness. And that the seriousness of any crime is determined by the degree to which it threatens the public good ie. the degree of harm or injury produced by the act. Furthermore, that levels of punishment tend to match the seriousness of offenses committed, as society merely seeks to harm the criminal to the extent that the criminal harmed the collective interests (Morris, 1966; Vold, 1979). These propositions are based on the classical doctrine of "just dessert". What these assumptions imply is that members of society share similar standards of morality against which offence seriousness is judged. They equate punishment to the gravity of offence, and manifest considerable agreement among themselves on the level of sanctions that are considered appropriate for those who engage in various types of offensive behaviour. Neo-classical viewpoint however modifies this "just dessert" position to admit of the relevance of extenuating circumstances (eg. insanity) in mitigating punishment although still locating this consideration in popular societal values. These classical and neo-classical positions are negated by the assumptions of marxist theory as already espoused in this work.

The review has brought out the varoius specific assumptions of the classical social contract theory concerning the nature of law and punishment in society, and has revealed the flaws inherent in those assumptions. With specific regard to the major research problem of this study, the theory stands flawed equally in many important respects.

The major point of departure of classical theory lies in the proposition that society was established through a consensual social contract freely entered into by social equals for the purpose of advancing the general good of all and sundry (Vold, 1969: 20). Inherent in this proposition is the wrong notion that society is based on consensus. Because the theory is rooted in consensus, and assumes the equality of all members of society, it (the theory) forces a view of state laws and punishment which ignores the

enforced, and even perceived by the public are a function of the degree to which the tensions and conflicts embodied in the ideological and moral systems of society are reflected in law and punishment (Hunt, 1985; Sumner, 1979). By failing to recognise that both the law, sanction, ideology, and the social organisation of law creation and enforcement ard reflections of the underlying mode of production - the economic substructure of society (cf. Goulbourne, 1973), the theory suffers severe limitations.

This is evident in its inability to satisfactorily account not only for the nature and pattern of public perception of state laws and sanction in plural capitalist Nigerian society, but also in the fact that it lacks the ability to explain another research question of the study, namely, the role of socio-economic and demographic characteristics in influencing public perceptions of state laws and sanctions. Classical theory is also at a loss to account for subgroup differences in penalty assignments for crimes. The theory's denial of social diversity and conflict in society, and its failure to relate social phenomena to the material relations of production makes it unable to account satisfactorily for these research problems in Nigeria. These reasons preclude classical theory from being adopted in this work.

In the same vein, classical assumptions do not provide satisfactory explanations concerning the nature of official state penalties for crimes and how these are related to public penalty preferences. This flaw stems from the theory's inadequate conception of the state, a conception which is simplistic and misleading. Classical theory portrays the state as a neutral third party whose role is to impartially harmonize relations between rational members of society, and to strike a balance between criminal violation and criminal punishment by imposing a penalty that is proportional to the degree of harm done in any event of crime (Vold, 1969). The realities of the operations of the state in modern capitalist society such as Nigeria flaws these assumptions. The state is not a neutral agency. It is primarily and heavily oriented to the service of dominent class interests in society (Quinney, 1970; Taylor et al, 1973; Chambliss, 1969). The magnitude of state penalties mainly reflect bourgeois sensibilities (Spitzer, 1975a; Santos, 1980), rather than some quantifiable standard measured in terms of an assumed wider societal value which the state and the public share in common to the same degree. The inability of classical theory to conceptualize appropriately the state and its role limits the power of the theory to account for possible discrepancies between state penalties and public choices of penalty in Nigeria. These weaknesses of the theory therefore render it unsuitable for adoption as a guide in this study.

2.2.2.1 The Interactionist Perspective on Law and Punishment

Symbolic interaction theory is founded in the pioneering thought of George Herbert Mead (1863-1931) and developed by Herbert Blumer, John Dewey, and William Thomas. This theory is based on a view of man as both the creator of, and the product of his environment ie. as both determining and determined. Symbolic interactionist theory acknowledges, in the manner of positive theory, the influence of social conditions in the causation of human social behaviour. But the theory emphasizes the active role of the individual in meaningfully responding to, interpreting, and interacting with his surrounding social environment. These views are more or less shared by labelling theory espoused by Howard Becker, and by societal reaction theory developed by Edwin Lemert. Although the specific focus of analysis of these three theories are not exactly the same, they are united by the fact that each of the theories view social behaviour as a product of social construction based on meanings and interpretations derived subjectively by individuals in interaction. One fundamental view with which the interactionist perspective is associated is the view that human beings act towards things on the basis of the meanings which they give to objects and events (Blumer, 1969). Under this view, the influence of social forces or conditions is to be understood in terms of the meanings which such conditions have for the individual. A given condition or experience such as being a victim of rape can mean very different things to different people. Interactionist theory further proposes that the meaning of a thing, a social fact, is derived from, and arises out of the interaction context which an individual shares with his fellows. This implies that the meaning of a thing or an act does not lie in the nature of that thing or act. Rather, the meaning a cultural object or social situation has for an individual is derived primarily from the meaning given to these acts by an individual's social and cultural milleux. Thus, meanings are teased out of social experience. But this experiential background of normative culture and the meanings which issue from them do not supply the

entire framework of meanings. These meanings from normative culture are further handled in, and modified through an interpretive process employed by the individual in the course of interaction. As individuals encounter social situations, they do not receive meanings as pre-given, pre-formed or fixed entities as such, but rather they re-interprete the situation in the context of the on-going interaction. This interpretive process leaves the actor with the possibility of defining or interpreting the situation in entirely new ways. In this wise, an action possesses a past in the sense that its meaning has been derived from past interactions. It has a future in that it is oriented toward other persons within the interaction situation (Meltzer et al, 1975:34).

From the standpoint of interactionist theory, human action is affected by three "definitions" which an individual constructs of past social exchanges. These are a definition of himself, a definition of his society, and a definition of his situation in that society (See Vold, 1979:256-7). The individual may define himself as a deviant or as a good citizen, as privileged or as an underprivileged member of his society. He may also see his society as oppressive and unjust, or as one devoted to the general welfare of the citizenry. These conceptions are sieved from the numerous interactions of the individual with other persons and are then generalized into one block of meaning in the individual's mind. The particular definition which the individual constructs in relation to himself, his society, or his position therein, the meanings these have for him, determines the way he acts. Thus, what a person does, whether he is deciding to commit a crime or how he reacts to a given law or crime depends largely on how he defines the situation before him (Sykes and Matza, 1957:667-70). In relation to the sociological problem of law, crime and punishment, several basic deductions can be made from the interactionist conception of social behaviour. The first is that no general consensus exists in society over values and norms. As such there is no general agreement by members of society about what constitutes deviance. As interactionists argue, there is nothing intrinsically normal or deviant about any given act. Rather , an act becomes deviant when significant others in society

perceive and define it as such. Deviant behaviour is therefore behaviour that people so label. Howard Becker declares this view in his famous statement on deviance:

> Social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labelling them as outsiders (Becker, 1963).

Becker emphasizes the absence of social consensus over definitions of deviance when he further insists that "people are infact always forcing their rules on others, applying them more or less against the will and without the consent of those others" (Becker, 1963). Also, questioning the idea of value consensus, Lemert (1972) observes with reference to Western society that:

> ...the old make rules for the young, men for women, whites for blacks, Anglo – Saxon protestant for ethnic minorities, the middle class for the working class.

In the view of interactionist theory, social rules reflect power rather than consensus. In other words, social rules, far from being fixed and immutable, are constantly constructed afresh in every occasion of interaction to suit the convenience, will and power of the participating individuals. Thus, deviance results from interaction situations in which differences in power between social actors shape the outcome of interaction in terms of whether acts are defined as deviant or normal (Becker, 1963).

This view leads to a second major assumption of interactionist theory which relates to the question of what factors or variables determine what acts are labelled deviant and what are accepted as normal. In this connection, interactionist theory proposes that definitions of crime and deviance reflect the views of the powerful in society; that definitions of crime are related to the power of the actors engaged in interaction. Seen as a reflection of power, interactionists believe that powerful social groups whose social position affords them weapons and power become best able to enforce their rules over the less powerful in society. Such socially advantaged groups have the power to impose

their own definitions of crime and deviance on the rest of society. Thus, it is the interests, views and concerns of powerful groups in society that determine what acts are defined and labelled as criminal and what are allowed. This means that it is the meanings, interpretations and definitions of the situation held by powerful groups that count in criminalization and adjudication. In terms of this theory, the right to define the behaviour of others as criminal appears to be acquired through access to political and economic advantages in society, advantages whose distribution in complex societies is skewed to benefit a "significant" minority.

A critical look at the major assumptions of interactionist theory expressed above will show that some of these theoretical assumptions reflect the true character of society and law, while a good number of them are clearly inadequate, and wanting in many respects. The assumption by interactionist theory that there exists no general consensus in society over what constitutes deviance is in order. In the Marxist critique in this chapter of consensus theory's assumption of value consensus, the impossibility of such consensus existing between the basically opposed social groups in class society was demonstrated. Like the Marxists, interactionist theorists are correct in positing the existence of multiple value systems and definitional framework in class-divided society. But then, while Marxists trace the source of social cleavages and the emerging conflictual definitional patterns to differences in the relationship of social classes to the mode and relations of production of society, interactionists appear to emphasize the role of non-economic factors also such as the differential distribution of political and other advantages in the production of social divisions in complex society. Conflicting definitions of crime among individuals and groups in society is explained by interactionism in terms of differing meanings and interpretations constructed by different individuals and groups. In emphasizing meanings and subjective interpretations, interactionism differs from Marxism (which emphasizes concrete economic interests as the determinative factors) but resembles the latter in that it eventually appears to locate the source of "meanings" in political and

economic structures of social advantage and disadvantage. Although interactionists do not explicitly tie meanings to social structure, this can be inferred from their analysis.

"Meanings", "interpretations" and "definitions of the situation" figure prominently in interactionist discourses as the effective determinants of social behaviour. But interactionist theorists leave these concepts actually hanging there in the social space. They do not effectively ground these forces within a social framework. In failing to explicitly explain the source of the "meanings" which they claim guide action, and which factor they attach so much importance in their theory, interactionist give the false impression that meanings are spontaneously created in interaction situations. Of course, interactionists do admit that structural norms do exist in society but they take them as given rather than explain their origin or source. More than that, they (interactionists) deny that such social norms constrain social behaviour. Thus, human interaction, the defining and labelling of behaviour as deviant, is portrayed as taking place in a vacuum. The theory concentrates on particular interaction situations and encounters and pays little or no attention to both the historical events which led up to the interactions, and the wider social framework within which they occur. Because of the lack of interest in explaining the source of meanings and in recognizing as critical, social-cultural constraints on human action, interactionists are at pains to account for why people consistently choose to act in particular ways in certain situations but not in all the other alternative ways they might possibly have chosen to act. The tendency to downplay normative constraints on behaviour results in the difficulty experienced by interactionists to adequately explain how standardized normative behaviour comes about[6] and why members of society are motivated to act in terms of social norms.

Meanings do not exist in a vacuum. They have their sources of origin. They are systematically generated by the social structure. The meanings which operate in interpersonal interaction situations are largely the product of class

relationships. Marxists are fully aware of this and they capture this view in the statement:

> ... the economic structure of society (is) the real foundation on which rises a legal and political structure and to which correspond definite forms of social consciousness... It is not the consciousness of men that determines their being, but on the contrary, their social being that determines their consciousness (Marx and Engels, 1969).

Meanings, like ideas, belong to the realm of consciousness, and by reference to "social being" as the determinant of social consciousness, Marxists are infact saying that material (ie. economic) conditions of life shape the ideas, attitudes and meanings which individuals hold. Marxists acknowledge appropriately that social events are both historically determined and historically continuous hence they identify in their analysis the concrete social-structural particularity that constitute the environment within which acts are designated criminal or non-criminal.

The view of interactionist theory that definitions of crime and deviance are related to the power of the actors in the interaction situation or that they reflect the views of the powerful in society is partly adequate and partly inadequate. Partly adequate because as interactionists suggest, it is the values and meanings of powerful groups in society that basically and ultimately shapes the character of laws and sanctions in class society. However, interactionists, as has been pointed out, fail to explicitly state the specific interests of the powerful groups that colour society's laws and sanctions. They are merely content to relate definitions of law to power ie. to the power of socially advantaged groups in society without specifying the exact nature of this relationship. In other words, interactionists have ignored to specify exactly how individuals acquire the right or power to define the behaviour of others as deviant, or for that matter what concrete factors inform the individual's definitions of a situation. Marxism remedies this theoretical flaw by explicitly linking such social power and influence to economic advantages in society ie. to an individual's relationship to the mode and relations of production, and ties definitions of crime to the economic interests of the individual defining an

act. Furthermore, interactionists are in error concerning their suggestion that laws, being the reflection of the views of powerful groups in society, serve and protect only the interests and concerns of the powerful in society. A neo-Marxist view of law and the state which posits these sub-systems as being relatively autonomous rejects the implied interactionist view that the legal system is at the beck and call of the dominant group in society. As neo-Marxism rightly argues, laws which curtail the interests of hegemonic groups not only exist, but those which actually advance and protect the interests of powerless groups in society can be found in class society.

The interactionist conception of crime is also far from being adequate. In their view, there is no such thing as crime or deviance. Deviance is seen as the consequence of the application by others (social powerfuls) of the rules and sanctions to an offender (Becker, 1963). From this point of view, deviance is created by official labelling. As Becker put it:

> Deviant behaviour is behaviour that people so label. There is no such thing as a deviant act. An act only becomes deviant when others perceive and define it as such. The same act may be given different meanings by actors (Becker, 1963).

By the above statement, interactionists give the false impression that deviance has no reality apart from the reality that is created through the act of labelling. In other words, members of society do not see an act as deviant until such act is officially labelled as deviant. This conception of crime amounts to a denial that social norms exist, that deviance is behaviour that breach them, and that members of society perceive reality in terms of such norms (Gibbs, 1972). Deviant behaviour is not simply created by a label. There are some actions of individuals which have led up to such labelling, and such actions are considered to have run fowl of prescribed standards of behaviour. By starting at the point of labelling, interactionists fail to account for these actions of the individual that precede his official labelling as criminal. The fact that patterns of standardized normative behaviour are commonly observed in society, and that members of

society are motivated to act in terms of social norms is sufficient proof that social norms represent general or particularistic interests in society. Thus, member of society see particular behaviours as deviant even before such behaviours are officially labelled as such. Besides, those who break the law (social norms) are normally defined as deviant whether or not such persons have been labelled officially as such. One point stands out in all of this, that interactionist theorists have failed to account for the origin of deviant acts.

With reference to the research problems of the study, the theoretical assumptions of interactionist theory reviewed above indicate quite strongly that: 1) because of its view that acts are always subject to multiple interpretations by actors, the public will be divergent in their perception of and support of state laws. Likewise, ratings of crime seriousness, and perceptions of penal severity to be applied to given crimes will diverge across individuals and social groups. In the same breath, we can expect to find empirically some discrepancy between official state penalties and public choices of penalty. This has to be so since, as we have seen from the standpoint of interactionist theory, that laws and penalties reflect the views of the dominant groups in society, views which diverge from the views of the subordinate classes who consist the majority of the public.

The social interactionist perspective has great potentials for explaining the major issues of our research problem because it duly recognizes social diversity, social conflict and power politics in complex society. However, the applicability of the theory to the Nigeiran society in particular is limited by one principal reason. That is the fact that its assumptions do not acknowledge the dialectical relationship that necessarily exists between a society's superstructure and its substructure, and in particular between state laws and sanctions and society's mode and relations of production, and the struggles embodied therein.

State laws and sanctions are not merely definitions or labels created in the process of on-going interactions as wrongly assumed by interactionist theory. State laws and sanctions have their root in, and derive their essence, content, and form from the material substructure of society which shapes them. In a state society such as Nigeira, the state is the source of all law being the institution from which the authority of law flows. And the activities of the state itself are shaped by influences from the mode and relations of produciton in society. Any analysis of, or attempt to understand state laws and sanctions and the perceptions of these by the public, must

necessarily recognise the role of the state and how the state itself is conditioned by the economic substructure of society. Interactionist theory is flawed in this respect.

The theory also pretends that there are no historical antecedents to human social behaviour. How can this be true when it is evident that the character of contemporary laws and sanctions in Nigeria is explained by the fact that current laws and sanctions are a carryover from Nigeria's colonial past (see chapter 1 section 1.1). The present socio-economic order was inherited from Britain and this is a historical fact. But interactionist theory choses to ignore this fact. It ignores as unimportant the concrete historical circumstances and the larger framework of social structure that affect the nature and character of state laws and sanctions, and the perception of these by the public. It is also this ahistorical approach to the analysis of legal phenomena that seriously flaws this theory and renders it unapplicable to the present study.

2.2.3 Marxist theory on law and criminal sanctioning In Nigeria

The Marxist perspectives have been outlined in our critique of consensus and interactionist theories of law. It begins its discourse by rejecting as mythical and fictitious the consensus notion that society is a co-operative relationship of equals aimed at achieving common goals. It argues instead, that all societies contain basic contradictions which involve the exploitation of one social group by another. In feudal society, lords exploit their serfs, in capitalist society, capitalists exploit their workers. In capitalist society, capitalists are able to exploit the workers (proletariat) because they (capitalists) dominate and control the economic sphere. They are the owners of means of production, of capital, which is the pivot upon which the capitalist system stands. Marxists have shown that the economic base or substructure of society shapes and conditions the other institutions at the superstructural level. As Marx put it:

> ...the mode of production of material life, conditions the social, political and intellectual life processes in general...(cf. Goulbourne, 1973:3).

Inherent in the capitalist system is an institutionalized inequality between capitalists and workers which allow the former to exploit and oppress the latter. This exploitative environment creates a fundamental conflict of interest between these social classes since one class benefits at the expense of another (cf. Haralambos,1980:12). Under this view, social classes are in a process of continuing struggle to enhance their respective positions in society –a struggle which is shaped by the specific character of the prevailing mode of production (Miliband, 1969; Quinney, 1975). In this class struggle, the apparatus of the state especially its legal apparatus is used as a vital instrument by the dominant class to oppress and repress the subordinate classes. This it does by incorporating its primary interests (economic, political and jural) into public policy and law (Quinney, 1970; Taylor et al, 1973; Chambliss, 1969). Thus, what receives the legal stamp as law are those values and interests cherished by the dominant class in

society. The dominant class in industrial capitalist society is able to manipulate the state system to their own class advantage because of a number of reasons. The first is that the state system draws its personnel from the elite class, individuals who share the same class background with the capitalist class. Elite co-optation into the state structure makes it possible for the interest of capital to be protected and furthered (Miliband, 1969:67). Moreover, progressive fractions of capital can determine the limits of the operations of the state structure through corporate financed, controlled, and staffed policy research and policy formation groups which originate model legislation and set the ideological boundaries within which partisan battles will be contained (cf. Esping – Anderson et al, 1975:188).

The dynamics here entail the conversion of capitalist economic power into observable political power. The state structure in capitalist society can also be constrained to favour the capitalist class by reason of the systemic constraints and imperatives of the capitalist social formation in which the state is embedded. Capital, by its very character cannot reproduce itself. Yet, this reproduction of capital is indispensable to the survival of the capitalist system. To make it possible for capital to be reproduced, a special arrangement unsubordinated to the dictates of capital itself is needed, "an arrangement which never challenging capital, will simultaneously respond to the immanent necessities of capital which capital itself has created" (Mandel, 1972:436 cf. Esping – Anderson, 1976). This arrangement lies in the devising of rules by the state, rules that reproduce private capital accumulation. Through its production policies the state manages this crisis of capitalist production. In doing this, the state indirectly places itself in the service of the capitalist class by furthering the latter's interest (Altvater, 1973; see also Poulantzas, 1973; Althusser, 1971, for the political variant of the structural Marxist approach to the state). It is to be noted that the responsibility of the state for laying the framework for the social reproduction of capital in capitalist society may on occasions involve the political defeat of the bourgeoisie. This may take the form of enacting laws that appear on the surface to curb or hinder capitalist interests. This appearance may not be real as infact the ultimate consequence of the

specific state action may reproduce and re-inforce capitalist class domination (cf. Esping- Anderson, 1976:189). Therefore, as the foregoing imply, laws in a capitalist society are not an expression of common purposes or value consensus which operate to the benefit of all and sundry. Rather, laws and criminal definitions are formulated and applied by the state on behalf of the capitalist class, on the behaviours of the powerless that conflict with the interests of the dominant class in society. Criminal definitions are applied by the class that has the power to shape the legislation, enforcement and administration of criminal law.

Above views represent the standpoint of the theoretical current in marxist thought referred to as orthodox- marxist theory. The views are also shared by early contemporary critical marxist theorists. These theorists view the state and the legal system in capitalist society as instruments in the hands of the ruling class for the oppression and exploitation of the propertyless masses. They conceive of the state and legal system of capitalist society as being inescapably tied to the interests of the ruling class. The assumption of orthodox- marxist theory concerning the non – existence of social consensus over values and norms and therefore over definitions of crime is adequate. In a capitalist society such as Nigeria that is composed of social classes and groups whose interests clash, such widespread consensus over values and interests cannot be expected. But orthodox-marxist representation of the capitalist state and the legal system as instruments that serve the exclusive interests of the ruling class is inadequate. In Nigeria, that characterization of the state does not reflect the actual nature and operation of the state system. As has been commented elsewhere in this work, the state and the legal system in Nigeria do serve occasionally and periodically the interests of the lower classes. Because of this flaw in the orthodox – marxist view of the state and the law, this view will be complemented by the more adequate views of neo-marxist theory.

A neo-marxist theory of the state and law admits that the state and the legal system in capitalist society possess relative autonomy which allows them to service the interests and concerns of both the dominant class and the subordinate classes. This theoretical position reflects more adequately the nature of the relationship between the Nigerian state and the legal order on one hand and the various social classes in Nigerian society on the other. The neo-marxist concept of justice also permits a marxist analysis of substantive state laws and sanctions in terms of the latter's perception as " just" and necessary or otherwise by the public in Nigeria.

From the analysis so far, it is evident that the marxist concept and theory of law and punishment, and neo-marxist theory in particular, depicts a characterization of law and punishment as they exist in the contemporary capitalist Nigerian setting. This being the case, the neo-marxist theory of law and punishment is considered well-suited to the research problem of this study, and therefore will be adopted as the guiding theory in this study.

In terms of this theory, criminal penalties are assigned by state personnel to offences based on their estimation of the offensiveness or threat-potential of acts i.e. based on the extent to which acts are believed to violate socially cherished values and interests. In a capitalist society like Nigeria, it is the capitalist economic values and interests, more than any other interest, that basically influence such legislative decisions of the state. Thus economic offences tend to be punished more harshly than non-economic offences; offences against identifiable interests of the ruling class tend to be punished with greater severity than those against the interests of the lower classes; and upper-class criminality. Punishment choices of the public tend to diverge substantially from those of the state because the public being mainly composed of members of the lower classes do not subscribe (at least not as equally as members of the state personnel or members of the minority bourgeois class for that matter) to the particular economic values and interests which give rise to official definitions of crime and punishment. The punishment choices of individuals are arrived at through the influence of the values and interests held by them, interests and values which derive from their class situation in capitalist society.

As has been pointed out, the present study will be guided by the assumptions of the marxist theory. The marxist framework of analysis is based on the methodology of historical materialism. This methodology allows marxist analysis to avoid the tendency suffered by functionalism, classical social contract theory, and interactionism to treat social phenomena in the abstract. The historical-materialist approach is an approach which states that "in order to understand the present nature and character of all social phenomena, it is necessary to probe into the past. Such a past must indicate the prevailing mode of production, the various classes and relationships that characterize them, the various alliances formed and the ideologies that dominate in the spheres of politics, economy, law, religion etc." (cf. Gyong,1994).

The marxist historical-materialist framework of analysis provides a wholistic insight into the understanding of the nature of contemporary Nigerian society, the laws and sanctions that are operative within it, and the nature and pattern of perceptions held by the public about these states laws and sanctions. From the standpoint of history, the legal order existing today in Nigeria is a product of colonial experience. The legal system was imported into Nigeria by the colonial administrators to co-exist as a superior partner with the customary law system that was in operation in pre-colonial Nigeria (see chapter one section 1.1). The imported alien laws were instituted to promote British commercial interest to the near exclusion of the interests of the native populations (Nwabueze, 1963). These laws were administered within the context of an underdeveloped peripheral capitalist economic system (see Rodney, 1972) which also penetrated into Nigeria through the activities of mercantile traders in the 19th Century. This capitalist economic structure in Nigeria was characterized by two broad classes, namely, the privileged or dominant class and the underprivileged or dominated class with each of these containing within it several subclasses (Shaidi, 1989). Because of the capitalist nature of the Nigerian society, contemporary Nigerian state laws and sanctions are essentially bourgeois in character, with tendencies for occasionally addressing the needs and concerns of the poor and the underprivileged (Alavi, 1979, 1972).

The Marxist scope of analysis is broad and its conception of social phenomenon is both realistic and pragmatic. By recognizing the importance of historical antecedents, by its wisdom in assigning causal role to the dialectics between the economic substructure and the superstructure, in admitting that society is characterized by conflictual groups with opposing interests and values, marxist theory places itself in a good stead to effectively address and provide satisfactory explanations for the nature and pattern of public perception of state laws and sanctions. The role of socioeconomic and demographic characteristics in influencing perceptions of state laws and sanctions, the nature of the relationship between official state penalties and public choices of penalty, as well as the patterns of punishment among subgroups in Nigeria etc., are all amenable to adequate understanding via the theoretical insights afforded by marxist theory on law and punishment.

The strength of marxist theory as a theoretical tool for understanding law and punishment in modern industrial capitalist society is further summed up in the facts that the theory does not accept the existing legal order as given: it views it as not only problematic but requiring investigation. Marxist theory encourages radical inquiry into the nature of the state, law, crime, punishment and the criminal. It questions the conservative assumptions underlying notions of these phenomena, including the value assumptions which underlie justifications of establishment interests (Hirst, 1975). Because of its ability to adequately explain the phenomenon of public perception of state laws and sanctions in Nigeria, the marxist theory will be adopted as the theory to guide the present study.

2.3 Empirical literature on perceptions of law and punishment

There is a dearth of empirical literature based on the Nigerian society on perceptions of law and punishment. Studies in this area from other societies are equally sparse.[7] The complex of feelings, attitudes and perceptions held by the public toward law and punishment has since been recognized as a crucial factor that help to establish the character, performance, and effectiveness of law and the legal system in general (Sarat, 1977). What the public thinks, believes, and feels

about the law and the legal system determines whether people actually turn to law or turn away from it, whether they support the law or fight it (Friedman, 1969:34), and therefore whether the legal system succeeds in its social control functions or not. Researchers have taken some interest in the study of perceptions held by the public or sections of it toward the legal system, or parts of it. These studies have focused mainly on attitudes toward deviance and legal punishment, perceptions of the seriousness of criminal acts, penalty demands for offenses by population subgroups, comparisons of the sentencing practices of the criminal justice system with public sense of penal adequacy, level of knowledge of criminal laws and punishment among citizens, attitudes toward the police and the courts, among others. Available empirical literature on the subject of perception of law and punishment is presented under the following subheadings.

Perception of law, crime and punishment responses

Perception of law, deviance and legal punishment are a varied and complex phenomena. They vary among individuals and groups, are as well as depend on the acts being criminalized. In his numerous field conversations with young defendants and interviews with illegal drug users, Sanders (1974) found that people generally perceive the legal system positively in the sense of seeing its existence as necessary in society for social control. Subjects in this study agree that there is a need for a social institution that will set limits and enforce acceptable standards in society. But these same subjects question the legitimacy of the laws which regulated drug use. According to Sanders, respondents perceived the drug law as "draconian, hypocritical, and largely unenforceable" (1974:200). In the minds of the drug users, "drug use was a private matter in which the hand of law had no place" (P. 200). Furthermore, Sanders reports that the drug users' definitions of their deviant act as recreational activity were related to users' view of society

(which they characterized as oppressive) and the patterns of drug use which they had developed. For these users, the legal system is hypocritical to "proscribe the use of certain drugs and allow the use of other substances especially alcohol, which though traditionally accepted are more physically harmful" (P. 200). These perceptions characterize the views of the users prior to their contact with enforcement agents, and they are more typical of the moderate and heavy drug users, and less of the light user who despite his "disagreements with and occasional behavioural disavowal of the drug laws rarely questioned the legitimacy of the total body of law regulating drug use" (Schaps and Sanders, 1970:137-143; Sanders, 1974:201).

Other studies which tap the perception of deviance by different social groups in society have revealed somewhat contrary findings. Studying the Yugoslavian society, Selih (1979)found that the three population subgroups of Ljubljana inhabitants which he investigated expressed similar positive ie. repressive attitudes toward the criminalization of twelve selected deviant acts. For each of the twelve deviant acts surveyed, the least average proportion of positive answer indicating support for criminalization of act, ie. for law, was 75.8% for drug taking. For the other eleven acts, support for criminalization was more overwhelming ranging from a minimum average proportion of 76% to 98.2% (Selih, 1979:89)[8] . The above research finding concerning the existence of popular support and affirmation of state statutes by the Yugoslavian community appears to be understandable in the light of another study by McConnell and Martin (1969) which sought to ascertain whether a community standards of what acts are right or wrong exists. Reporting on studies in the state of Washington, U.S., McConnell and Martin observed that a broad consensus shared by court judges and other three lay groups in the community (Kiwanis, Spokane and students) about right and wrong exists[9] (1969:1130). The overwhelming support may perhaps be due to an existing contemporaneous standard of morality shared by all elements in the community.

But McConnell and Martin (1969) are quick to note also that there are a number of areas in which their data do show substantial differences in attitudes between the four subgroups surveyed. These categories of differences have to do with whether actual harm is associated with an act or whether acts are victimless, whether one's interest is at stake one way or another, for instance when personal friendship is involved. Concerning these specific dimensions of crime the attitudes of the judges and the lay group diverge substantially, and the researchers believe that the observed differences are possibly explained by the education, social status, and sophistication of the judges (McConnell and Martin, 1969: 1131-1132). The latter finding suggests then that whether an act is perceived as blameworthy and condemnable or not is related to the background characteristics of the "judge". In their attempt to explain the order revealed by their findings, McConnell and Martin offer the following specific interpretations: "that certain influences are more characteristically present among higher than among lower socio-economic classes and that these influences favour the development of tolerance and 'reasonableness'". The researchers categorize these influences as "such advantages as a high level of education, opportunities for varied and broadening experience, employment situations permitting exercise of discretion and responsibility, and the opportunity for a stimulating social life" (McConnell and Martin, 1969: 1132-1133).

This interpretation is akin to the empirical assertions by Vidmar and Miller (1980:577), Rose and Prell (1955:259), and others such as Blumstein and Cohen (1980) that differences in socio-economic and demographic attributes ie. background characteristics of the reactor such as age, sex, socio-economic class, education, and religious affiliation of the individual may be important in determining the punishment reactions of individuals at a number of levels. Blumstein and Cohen (1980) for instance found out in their analysis of the American public's view about appropriate sentences for convicted offenders that sex, race, religion, marital status, education, income, occupation and age were all related to sentences assigned by their subjects to offenders. Their specific findings

are that overall, women sentence less severely than men, the differences according to them, being attributable entirely to the difference in sentences for "violent crimes" where – in men assign harsher sentences. The researchers also observe that the men in their sample show more willingness to make greater use of the death penalty relative to women. This finding by Blumstein and Cohen (1980) concerning sex differences in penalty prescriptions for violent crimes is in accord with the findings of Rose and Prell (1955) and Thomas et al (1976), but inconsistent with the previous finding that women sentence more severely than men for crimes against morals such as offenses involving alcohol, drugs, or vice. For the category of victimless crimes, Blumstein and Cohen found no significant differences between men and women.

Another specific finding in Blumstein and Cohen (1980) is that race is an important factor in sentencing with whites consistently assigning harsher sentences than did blacks. The statistically significant differences were found for "violent crimes" and for the offence class categorized "all offenses".[10] This finding agrees with the result reported by Thomas et al (1976) that blacks sentence significantly less severely than whites do for the violent crimes of murder and rape. Blumstein and Cohen's study show further that while Protestants and Catholics sentence in much the same way, and persons reporting no religious affiliation typically assign the most lenient sentences, that previously married persons give the most severe sentences for "white collar" and "other" "crime groups comparative to other marital subgroups in their sample, namely, the single and the currently married. Their results also include the finding that the absence of a secondary education is a strong discriminator of sentencing especially with reference to "white collar" and "other" offence types. The researchers report that in general, persons with less than secondary education punish crimes more severely than those possessing some secondary education (Blumstein and Cohen, 1980). This finding appears to be supported by the findings reported in Thomas et al (1976) which revealed differences in sentencing between individuals in different educational levels.

With respect to the influence of occupation on sentencing, Blumstein and Cohen (1980) have found that the least severe penalties are recommended by service workers, housewives and unemployed persons, while professional/managerial, production/non-supervisory, and retired persons prescribe the most severe sentences. The researchers however, caution that the reported difference may be due to a concentration of other mild-sentence demographic groups eg. blacks and women among service workers, housewives and the unemployed, rather than being real. In terms of income, Blumstein and Cohen (1980) report that with the important exception of persons earning below $3,000,[12] low-income subjects ie. those earning below $8,000, assign significantly more lenient penalties than persons with incomes over $15,000, particularly for "violent" and "property" offenses. This finding is congruent with the findings of Rose and Prell (1955:253-254) and Makela (1967) which conclude that upper-class or higher –income individuals tend to punish offenses more severely than lower-class or lower-income persons. Also, Rose and Prell assert in relation to type or size of community that rural respondents tend to favour more sever penalties for crimes than do their urban counterparts (1955:254). Furthermore, that rural dwellers are inclined to assign harsher punishments for crimes that generally occur more frequently in urban areas (ie. on offenders with complementary characteristics), while also punishing more severely crimes which are of greater significance in rural areas than in urban areas such as arson, cutting of electric or telephone lies ie. offenders with similar characteristics (Rose and Pell, 1955:259).

Regarding the influence of age in sentencing, Blumstein and Cohen's finding indicate that age is a factor with respect to "victimless" and "other" crimes. Younger respondents (35 years old and below in their categorization) tend to assign significantly more lenient sentences relative to older respondents. Blumstein and Cohen interpreted this pattern as a reflection of changing attitudes toward drug and sexuality among the younger generation. When the sentences assigned by Blumstein and Cohen's sample was adjusted for bias, the researchers discovered a definite interactive effect between the sex and education variables.

They found that with the exception of violent crimes, very little difference exist between the sentences assigned by low-and high-education white males for all other crimes types. However, for white females, education does prove to be important. Here, low-education white females assign significantly harsher sentences for many crime types especially the "property" and "victimless" offenses, and for rape, firearms, and aggravated assault. In general, African-Americans are shown to assign the shortest sentences, whereas white females with high-education assign the most lenient penalties among whites particularly with respect to "property" crimes.

Some of the studies reviewed above report widespread public agreement with state definitions of crime while some report a lack of agreement about what acts to define as criminal. The finding of broad-based support for state definitions of crime point to the fact that with regards to certain category of criminal proscriptions, the public generally tend to identity with the interest which such laws protect. These laws are likely to be those that protect the overlapping interests of both the upper class and the lower classes in society. On the other hand, the finding of substantial differences in perceptions of laws or legal definitions of crime point to the fact that certain other kinds of laws exist in society about which public opinion diverge regarding the necessity or justness of such laws. Such laws are likely the ones that protect the partisan interests of one class alone and not the interests of others. In capitalist society three kinds of laws exist: those that protect the interests of the ruling class, those that protect lower class interests and those that protect the overlapping interests of the ruling class and the subject class. Divergence in perceptions of law thus reflects class (and subgroup) differences in the acceptance of values and meanings that lie at the root of laws.

The reviewed studies also report significant inter-subgroup variations in sentencing. These disparities reflect the influence of the socio-economic and demographic backgrounds or circumstances of individuals in the punishment dispositions of the latter. As McConnell and Martin show, "certain influences are more characteristically present among some subgroups than others. Such

influences favour the development of tolerance and reasonableness" (McConnell and Martin, 1969). The indication here is that access to certain socio-economic and political advantages in society such as higher education, higher social status, highly rewarding occupations, and social sophistication in general tend to make the difference in the way people perceive crime, criminals and their blame-worthiness. Thus, class differences and social-demographic differences in social power and advantage produce deviations in perceptions of crime and culpability. Class and demographic differences in punishment assignments reflect differences in values, beliefs, interests and concerns held by individuals as members of various power blocs and subcultures (class and otherwise) whose value systems impact on the perceptions and cognitions of the individual. In this sense, age, gender, racial, occupational, educational etc. differences in public assignments of penalty to crime is understandable, Colin Sumner (1981a) recognized the influence of non-economic (social-demographic) factors in shaping punishment behavior when he observed that the origins of (and causal factors in shaping) social censures (including laws) are not reducible to class and economic relations only. He insists that in certain contexts, the dominant gender or the dominant race rather than the economically ascendant class or group will prove to be the moving force in determining the course of history. The implication of this contemporary Marxist position for crime perception and criminal sanctioning is that social-demographic variables can also generate inter-subgroup differences in reactions to law and crime.

Demographic differences are not the only set of factors that shape perceptions of legal punishment. Legal punishment is often belied by social-psychological processes. Vidmar and Miller (1980) have pointed out that some individuals may prescribe more severe punishments than others because they react more negatively to the characteristics of the offender, or because the sentencer holds the offender personally responsible for his crime, or again because individual sentencers differ in their perception of the efficacy of punishment in controlling or correcting behaviour (P.577). That any of these perceptual patterns can shape

perceptions of appropriate penalty for crime has been demonstrated by empirical research. Studies by Sarat and Vidmar (1976), Vidmar and Dittenhoffer (1979) provide direct evidence of the connection between punitiveness and belief in the efficacy of criminal punishment. By means of an experimental survey of three adult respondent groups who were exposed to arguments and empirical findings about the utilitarian and humanitarian facts of capital punishment, the researchers found that it was the utilitarian rather than the humanitarian information that led to the observed reduction in their respondents' support for capital punishment. Based on this finding, they reached the conclusion that perceived efficacy of punishment in deterring crime is a crucial factor in directing punishment motives. A number of other researchers, namely, Thomas (1977), Thomas and Cage (1976), Thomas et al (1976), Thomas and Foster (1975), Thomas and Howard (1977) have reached similar conclusions. Finding from these researchers indicate that beliefs in the efficacy of punishment in deterring crime leads to enhanced willingness to punish offenders. Similarly, a cross-cultural study of attitudes toward capital punishment in South Africa by Morsbach and Morsbach (1967) revealed that the two groups out of the four surveyed, which supported the death penalty did so based on their belief in the deterrent effect of capital punishment. The most supportive of the two subgroups, the Africans - speaking subjects, approved of the death penalty for three reasons: their belief in the deterrent effect of death penalty, the need to protect society, and belief in vengeance. The English - speaking law students on their own part justified their support for capital punishment solely on the ground that it possessed strong deterrent impact (Morsbach and Morsbach, 1967: 400-401).

The characteristics of the offence is another important factor that affects punishment responses. The characteristics of the crime such as the amount of personal threat it poses to the prospective sentencer, the degree of actual harm associated with the crime etc. influences both the level of seriousness attached to a crime (Rossi et al, 1974: 231-232) as well as the level of punishment it receives. Findings from Rossi et al's study show that crimes of violence were generally

judged to be more serious than property crimes (Rossi et al, 1974). Shaver (1970), Shaw and Sulzer (1964), and Walster (1966) agree that the perceived harmfulness of an act is related to punitiveness. Not merely because the larger the losses or injury arising from the act the more threatening that act is perceived to be. It is also because the more severe the consequences of a crime is, the more readily individuals will ascribe intention and responsibility to the rule violator. Morsbach and Morsbach (1967) have confirmed in their own study the importance that is placed by individuals assigning punishment on the necessity to prove responsibility ie. liability) before invoking the death penalty on capital offenders. As far as one of the two groups of respondents that support the death penalty in South Africa is concerned, the terminal punishment should not be applied unless offenders could strictly be held responsible for their crimes (Morsbach and Morsbach, 1967: 400-401). Vidmar and Miller (1980) have also found that perceived social consensus that a particular act is an offence and is dangerous can also trigger off punishment reactions in persons, in particular when no immediate threat appear to accompany the act (P. 575-76).

Empirical research has also shown that in many important ways the characteristics of the offender do mediate punishment responses. Rose and Prell (1955) for instance have found that most respondents are more severe in punishing crimes committed by higher socio-economic status offenders than they are in punishing lower status offenders (P. 255). In this sense, upper – class persons who commit the same crimes as lower status persons are held to be more blameworthy for their crimes. The gender of the offender also influences the comparative level of penalty he receives. In their comparison of the sentences assigned to male and female offenders of the same social status, Rose and Prell (1955) found that although there is little difference between the penalty recommended for male and female offenders of lower – income group, lower – income male offenders were assigned heavier penalties than their female counterparts. For the middle and upper – income offenders, the finding remained the same (P. 255). Vidmar and Miller(1980) concur that such offender characteristics as his social and

occupational status can affect punishment reactions, and in addition they list the educational status of the offender as an important factor. In their view, status attributes may affect ascription of responsibility for crime, as well as perceptions of corrigibility, and of the efficacy of punishment (P. 577).

The reported influence of the individual's perception of the efficacy of punishment in controlling behaviour, the characteristics of the crime committed, and the characteristics of the offender, in shaping punishment reactions to crime can be made sense of in terms of the assumptions of these researchers by reference to the social – cultural and class differences in meanings of crime and punishment, and in beliefs about punishment efficacy. First, individuals punish deviations because apart from other possible considerations, they believe in the efficacy of punishment in deterring crime. They punish offenders of different socio – economic and gender groups differentially because they believe punishment has different meanings for different social class and gender groups. What constitutes deterrent punishment for one group or class may not constitute deterrence for another group hence attempts to apply penalties to offenders tend to reflect these cultural and class differences in meanings of, and tolerance of punishment, and result in the application of unequal sanctions to individuals of different social classes and groups. Although this particular explanation makes logical and theoretical sense, it seems more evident from the Marxist point of view that offenders of different social class backgrounds receive unequal punishment because of the differential (unequal) social power and influence which different social classes and groups enjoy in class society. In capitalist society, the tendency is for the rich to escape punishment, or at best receive minor sanction because of his economic ability to buy justice. In capitalist society, except in a limited number of cases where public pressure or outcry forces official agents of the law to react in severe fashion against the socially powerful, justice is for sale. In situations also where the justice system operators are anxious to present appearances of neutrality and fairness, powerful individuals (ie. higher socio – economic class offenders) in society will be made to receive severe penalties. Otherwise, the tendency on the

average is that the poor and the powerless in society will be punished more often and comparatively more severely than their upper class counterparts.

This is because it is the behaviour of the poor ie. members of the lower socio-economic class that on the average breaches the predominantly bourgeois laws of capitalist society, and they are the ones that are without power to avoid the full weight of the law. At the level of the individual sentencer, people will punish acts which violate interests cherished by them. The severity of punishment applied will reflect the amount of value or importance placed on the interests that has been so violated. This observation is related to the reported differences in penalty assignments based on differences in the characteristics of the offence, a finding that can better be explained from a Marxist standpoint. At the level of the state or the criminal justice system, some acts are defined as more violative of the "public interest" (equated with capitalist interests) than others, and thus sanctioned unequally by the state. Individual sentencers on the other hand do not hold the same evaluations of acts in terms of the latter's offensiveness to so – called public interest and therefore tend to sanction the acts with differing severity as each person's social class or subgroup situation dictates. From a Marxian perspective also, the criminal activities of some subgroups, say gender or racial subgroups, may be defined as more disruptive or problematic to the "public interest", or the individual's class interests, and therefore tend to be assigned more severe levels of penalty.

Perception of Crime seriousness and the question of Consensus about Adequate Penalty for Offenses

Sellin and Wolfgang's (1964) classical empirical study on the measurement of delinquency in the U.S. has established that "a pervasive social agreement on what is serious and what is not exists throughout western cultures, and that this agreement transcends simple qualitative concordance and extends to the estimated numerical degree of seriousness of offenses" (Sellin and Wolfgang, 1964:268).

That is, there is not only the existence of nominal consensus among groups in society about what acts are serious and what are not, but also that diverse social groups display sharp similarity in their seriousness estimation of magnitude differences between a set of deviant acts. Several other studies have confirmed this finding. Akman et al (1967) who measured delinquency in Canada using 2,745 subjects comprising of groups of students, police officers, court judges, and white-collar workers have reported that strong agreement about the relative seriousness of fourteen offenses was found between these respondent groups (p.335-336). Infact, Akman et al's comparison of the magnitude scores of these groups show an overall agreement between these groups about the estimation of the relative seriousness of the fourteen offenses tested. This means that when the magnitude scores of say the judges are compared with those of the students, the ratio of increase in seriousness estimated by the two groups is almost identical. For example, when the student group estimated forcible rape as being ten times more serious than a car theft, the judges group estimated it as being eleven times more serious (p.335).

The data in Akman et al's study afforded an opportunity of testing for international differences in perceptions of crime seriousness. Analysis in this direction revealed that on the whole, the differences between the judgments of Canadian and Philadephian student groups are minimal (Akman et al, 1967:336;see Velez-Diaz and Megargee, 1971, for a similar comparison with equivalent results). Many more studies lend support to Sellin and Wolfgang's claims. Kelly and Winslow (1970), Velez-Diaz and Megargee (1971), Rossi et al (1974), McConnell and Martin (1969), Selih (1979), Sarat (1977), Thomas et al (1976), and Rose and Prell (1955), all declare that there exists a very high degree of consensus among subgroups of society on the relative seriousness of different kind of criminal offenses. As Velez-Diaz and Megargee put it. "differences in criminality, language, culture, social class and educational level did not result in any substantial difference in the mean ratings of seriousness assigned" by their six Puerto Rican subgroups of lower-class offenders and non-offenders (1971:553).

However, even though there may be considerable agreement on the ordering of crime seriousness among subgroups even when cross-classified with one another, there can still be subgroup differences in the extent to which they consider the entire set of crime to be more or less serious. Subgroups may have different thresholds concerning what is or is not to be regarded as a highly serious offence. In other words, some subgroups may regard a given crime less seriously than other subgroups. In this wise, Rossi et al's findings have shown that being African-American, female, or younger leads to a generally higher seriousness rating. That is, African-Americans, females, and younger persons possess a lower threshold of seriousness relative to their counterparts. This findings is true for all the 140 crimes they analysed: persons from lower socio-economic households have higher average seriousness rating compared to higher socio-economic status males; persons with lower education generate seriousness averages that are higher than those generated by person with better education (Rossi et al, 1974:233-234)[13]. Differences of these kinds have been explained in terms of the influence of sub - cultural differences which define certain acts quite differently (Rossi et al, 1974:231)

Rossi et al (1974) have also assigned a determinative role to individual value disagreements with the general group as a causal factor in determining crime seriousness ratings. They suggest that individuals, like social groups, may be more or less in agreement with the total sample ratings, depending on whether the values they hold are those of the total group.[14] Results from their study show that the more educated the respondent is, the more likely he or she was to agree with the total sample average. Secondly, the younger the respondent, the more likely he or she was to agree with the sample average. Their findings also show that for African-American respondents, education was less important as a determinant of agreement with total sample rating, whereas among whites, the trend appears to be: the more educated respondents are, the more likely they were to agree at a rate of increment greater than that for African-Americans (Rossi et al, 1974:236-237)[15] These findings suggest very strongly that educational attainment is the overriding

factor that determines individual agreement with group rating of crime seriousness. The interpretation which Rossi et al (1974) offer for the relationship suggested is that education enhances a more accurate understanding of the normative structure of society. In their view, this is a two-tier process in which exposure to the normative structure of society is an accompaniment of formal schooling: while educational training provides the skills necessary for the handling of verbal and written communication, effective handling of social communication provides for the schooled handler, continued cues to societal evaluations of deviant acts. Since younger persons are closer in time to formal schooling experience, the inter-relationship found between education and age on the one hand, and individual value agreement with the total group on the other makes abundant sense.

Empirical studies reviewed in the foregoing paragraphs have affirmed that there is a high degree of consensus in the ranking of crime seriousness across all social groups in society. Some other studies have equally reported the existence of consensus among subgroups concerning the relative severity of punishment ie. appropriate penalties, that should be applied to different criminal offenses. Carratura and Hartjen (1974), Rose and Prell (1955),Blumstein and Cohen (1980), Makela (1967), Gibbons (1969), Boydell and Grindstaff (1974), Grindstaff (1974) and Thomas et al(1976), all confirm from their surveys of different populations groups on the rank-order of sentences imposed for different offenses that there is a high level of agreement among subgroups of society on the nature of appropriate penalties to be imposed on most crimes[16] . However, regarding the absolute values or magnitudes of the sentences to be imposed on different offenses results from studies appear ambiguous. Rose and Prell (1955), Thomas et al (1976), Makela (1967), and Blumstein and Cohen (1980) reported significant disagreement among subgroups of society, whereas Gibbons (1969), and Boydell and Grindstaff (1974) reported agreement among subgroups on absolute values[17] . In their assessment of this apparent ambiguity, Blumstein and Cohen (1980) have concluded that "the findings of agreement when non-prison sentences are included among the options and disagreement when only the length of prison sentences are compared may

reflect a greater agreement among respondents on the decision of whether a prison sentence should be imposed or not, but less agreement about the absolute length of prison sentences to be imposed" (P.226). The question of whether respondents' views about the appropriate severity to be imposed on offenses are related to their judgements about the relative seriousness of different crimes appear also to be in dispute. Selih (1970) has reported that findings from his study do not indicate that respondents' rankings of offence seriousness is related to the level of punishment which respondents prescribe for criminal acts. In his own words, "generally respondents did not relate their ranking of the seriousness of a particular act to the belief as to whether that offender should be punished with increased severity or not" (P.92). But, in their interpretation of Rose and Prell's (1955) data, Blumstein and Cohen (1980) assert that the public's sentencing choices in terms of the level of severity they recommend for different crimes are consistent with the public's judgments about the relative seriousness of these offences (P.226).

The empirical data reviewed above in relation to the perception of crime seriousness, and regarding the existence of consensus in society about adequate penalty for criminal offences indicate four main outcomes. The first is that there is pervasive agreement in society, even among diverse subgroups, about what acts are serious (ie. worthy of criminalization) and what acts are not; and about the relative seriousness of different criminal acts. The second is that there is high level of consensus among subgroups about the relative severity of punishment to be applied to different crimes. These findings are both unexpected and surprising in the context of a socially and economically heterogeneous society such as the ones in which the above studies were conducted. The existence in these societies, of social groups and classes whose interest and values clash precludes the existence of such widespread consensus. In capitalist society, the economic interests of the privileged class (the bourgeoisie) conflict with those of the masses of the people and this conflict in economic interest emasculates every other realm of existence such that only a narrow line of agreement over issues of life can be expected between members of these opposing classes. From a Marxian perspective, the

expectation in this regard should be a pattern of perception which reflects widespread agreement over the wrongfulness of some acts and their relative seriousness ie those criminal acts which violate interests held by all classes, and strong disagreement over the wrongfulness of some other category of acts ie. those which protect the partisan interests of one class alone. Also, it is in order to expect disagreement over the relative level of penal severity to be applied to offences. However, from another point of view of Marxist theory, the reported consensus over the perception of crime seriousness and penal adequacy can be explained in terms of the role of ideology in capitalist society. That is, in terms of the pervasive influence of capitalist legal ideology in mass society.

The ideological formation of capitalist legal order working through the mass media performs the function of distorting and mystifying the essence of many capitalist laws and presenting then as the law of the people created for the public good. As an aspect of bourgeois ideology, capitalist laws and punishment acquire acceptability (sociability) and legitimacy through the indoctrinating influence of the mass communication system. But this is false acceptability based upon collective misunderstanding and false consciousness created by bourgeois ideology (Sumner,1976:163;Cohen and Young, 1973). Bourgeois laws disseminated by the capitalist mass media come in the long run to be socialized and institutionalized in capitalist society to the extent that members of the subject classes find themselves not only living under bourgeois ideology, but infact recognizing any piece of law containing ideologies identical to those held by them (subject classes) as valid, acceptable and legitimate (Sumner, 1976:171). Because the subject classes are unable to counter the authoritative dispersal of bourgeois censures with their own political and ideological resistance, they are left with the option of accepting and identifying with bourgeois definitions of reality (Sumner, 1976).

The third and fourth conclusions of the review that social and demographic subgroups in Western society differ in their ratings of crime seriousness ie. in their estimation of what is or what is not to be regarded as a highly serious offence, and about the absolute level of severity (in actual lengths of prison sentence) to be

imposed on particular offences, conform to the expectations of Marxist theory concerning law and punishment. In terms of neo-Marxist theory, crime constitutes the violation of interests and values held by particular social groups and classes in society. These interests and values are not equally shared by all classes. A given crime either violates the interests of one class or group and not those of the other, or it violates more the interests of one class and less of the other. As such, judgements about crime seriousness varies across social groups and classes and reflect the primacy or otherwise placed by particular groups on the specific value or interest that has been violated by the criminal act. A crime that violates a value or interest that is primary to a social group will be defined as very serious by that social group, whereas that same act will be defined as not very serious by a comparable social group to whom the violated value represents a secondary or minor value. The above Marxist explanation questions the validity of the explanation advanced by the researchers which explains the reported differences in subgroups' tolerance thresholds of crime in terms of the influence of subcultural differences of norms and values which define acts quite differently (Rosi et al, 1974). This non - Marxist explanation implies that inter - subgroup differences in crime ratings occur because individuals within a subgroup (say males or blacks in a multi - racial society) are enclosed within their own peculiar subculture, and identify with intra-group (ie subcultural) values and interests which are not shared (at least not equally) by members of contraposed subcultures. This explanation is hardly adequate because the values and interests that reign within subcultural groups originate from, and are basically shaped by economic forces in the material conditions of life. The significance of these values are tied to economic structures of class (or group) struggle for social power and advancement. So, ultimately it is economic factors and the political struggles they give rise to that shapes perceptions of, and reactions to crime (see for example Albert Cohen's theory of delinquent subculture which depicts lower working class boys' rejection and replacement of mainstream values as a negative reaction to a society which has denied opportunity to some of its members) (Cohen, 1955).

Relationship Between the Sentencing Provisions of the Law and the Public Choices of Penalty.

Empirical studies that compared either the penal provisions of law, or the actual sentence imposed by the courts with the punishment preferences of the public have reported wide discrepancies between the two. The findings from studies conducted by Newman (1957), Gibbons (1969), Rose and Prell (1955: 252), McIntyre (1967), Carratura and Hatjen (1974), Grindstaff (1974), Makela (1967), and Blumstein and Cohen (1980) establish that the public[18] consistently demand more severe penalties than those provided by law, or actually imposed by the criminal justice system for crimes. Reporting on a national poll in the U.S., Erskine (1974) observed that a majority of opinion think that the courts are lenient, and actually believe that the lenience of penalties are important causes of crime in the U.S. The work of Thomas (1974) is also indicative of a public call for tougher measures against criminals. In his survey of Volusia County residents in Florida U.S., he found that 65% of respondents believe that government should eliminate all "legal technicalities" that allow guilty people to escape punishment. The same survey also showed that 53% believe that if evidence proves someone guilty of an offence, it ought to be used irrespective of how such evidence is obtained. The penalties actually imposed by the criminal justice system fall short of their desire severity because penal decisions of the courts or the statutory provisions of law do not reflect public judgements of offence seriousness. The discrepancy reported in these studies between official prescriptions of penalty for offences and public preferences is understandable from the Marxist theoretical perspective. On the average as has been pointed out in this work, laws in capitalist society reflect the interests and values of the minority bourgeois class in society. And to the extent that bourgeois interests and values are not shared (at least not equally) by the masses of the working people who constitute the bulk of the public, the penal provisions of the law and public choices of penalty diverge.

The report in this review that official penalties fall short of the level of severity demanded by public choices reflects effort by the capitalist legal system not to appear over - protective of capitalist interests. In capitalist society, the interests which laws protect are mainly capitalist interests. In an effort to appear fair and just to all classes and groups in society, the legal system become motivated (especially in the face of previous public pressure) to step down brutalities in official punishment.

2.4 Methodological Issues and Problems in the study of perception of law and punishment

Survey research of the present type on perceptions of law and punishment has a potential for contributing to an understanding of the legal system. However, such surveys are beset by some basic difficulties which require mentioning. The first set of difficulties is both conceptual and operational in nature. Because of the subjective character of perceptual variables, there is the difficult task of specifying in concrete and unambiguous terms the proper meanings and measures of the concepts employed in perception studies. On occasions, because standard and uniform definitions and measures are lacking, concepts and variables may be variously and imprecisely defined and operationalized. At the level of data collection, this problem can lead to substantial misunderstanding of the research questions and therefore produce inappropriate responses from research subjects. At the level of measurement proper, such conceptual confusion leads to methodological diversity, a condition in which different researchers attempt to measure the same reality using empirically confusing, non-distinct or indistinguishable referents. For instance, many researchers require their subjects to prescribe penalties for given crimes based on the respondents' judgment of the seriousness of such crimes. To tap responses on this research objective, researchers often find themselves wording their research questions in such ways as permit multiple interpretation by subjects. As an illustration, it is obvious that to

different respondents, crime seriousness might mean one of a number of things: "heinousness" of crime, "offensiveness" of crime, or yet the "disruptiveness" of a given criminal act. "Seriousness" being a global phenomenon (Kelly and Winslow, 1970:127) is apt to be variously or diversely interpreted such that the resulting data may infact be misleading. To elicit valid data, there must be specificity in conceptualization and operationalization of phenomenon, otherwise reliability, and comparability of research finding cannot be guaranteed. This is not a difficulty that is so very easily overcome. It calls for methodological sensitivity and terminological discipline.

There are also some perception studies which involve the assignment of penalties by the public to criminal acts. Some of the penalties that are assigned come in the form of death penalty, or the criminal fine. A major methodological difficulty which this kind of study presents is the problem of how to render all the penalty options readily comparable to one another. For instance, the death penalty has in some way to be made comparable to a penalty prescription in amount of fine, or a penalty assignment that is prescribed in years of imprisonment. Otherwise the researcher cannot effectively summarize the scenario he is investigating.

Beyond methodological difficulties, the second major difficulty which survey research on perception of aspects of the legal system has to contend with is a theoretical one. It concerns the theoretical problem of how to adequately tie survey findings to the research questions that have been raised in such a way that we demonstrate, explain, and make intelligible the precise nature of the influence of the independent variables on the dependent variables. Scattered and isolated empirical findings do not make sense of their own. They need to be linked together in a theoretical system. This is often not a cheap task. The first kind of difficulty was overcome in this work through the in depth interview which created the opportunity for thorough, personal, and direct explanation of research questions to respondents. It was this particular problem that discouraged our adoption of the questionnaire as the data gathering tool for the study. The second kind of problem

could be overcome by reducing all the punishment choices to figures and treating them as a crude scale by thus assigning numeric values to them. In this way, the estimates of sentences assigned by respondents are deflated. By thus deflating them artificially, these punishment choices are rendered comparable. However, in this particular research work, we avoided this method of comparison by simply analysing the penalty assignments of the public as they recommended them. Concerning the third kind of difficulty which is theoretical, the problem was overcome through the borrowing of insights from already existing theoretical paradigms in the field.

NOTES

According to Colin Sumner, the media in capitalist society throws the population into a collective misunderstanding by succeeding, in a situation where there is no real consensus, in making everyone believe that there is a consensus over values. This view was first remarked by Cohen and Young in The Manufacture of News.

This primary Marxist view of the state as Miliband (1965) refers to it, is explicitly expressed in the famous socialist document "The Communist Manifesto" in which Marx stated that: "The executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie", and political power is "merely the organized power of one class for oppressing another".

The compromise and mediatory role of the state imply that in one occasion capitalist interests will suffer and in another, the interests of the subject class will suffer defeat. By making concessions to the subject class, the state prevents radical opposition to the status quo, thereby establishing social order (Poulantzas, 1973).

Through the application of reason, men came to the realization that the only way to guarantee self preservation is through the seeking of peace ie. the relinquishing of the right to all things which being retained hinder the peace of mankind.

Symbolic interactionism concentrates on individual subjective interpretations without emphasizing the role of power in the communicational exchanges. Labelling theory focuses squarely on the role of power in the social construction of meanings, while societal reaction theory examines in particular the social consequences of labelling and "how" the individual develops a criminal career.

6. For instance, why do the police appear to have particular meanings and definitions of crime which lead them to label some individuals and not others. Again why are some activities viewed as criminal in a particular society and not in another.

7. Concerning the U.S., Friedman had in 1969 commented that "opinion research that touches on the law is rare" (1969:40). Such researches only began to emerge and grow sparsely in the U.S. in the seventies (Sarat, 1997). The focus of the empirical review to be presented here will therefore be general as touching on societies other than our own.

8. Studies of the death penalty also report widespread public support for the penal measure. Thomas and Forster (1975), Kohlberge and Elfenbein (1975), Sarat and Vidmar (1976), Vidmar and Ellsworth (1974), and Morsbach and Morsbach (1967) all report that a substantial majority in their samples favour or support the death penalty. Infact, Vidmar and Ellsworths' study points to an increasing trend in recent years in the support for the death penalty. In general, therefore, it can be concluded that penal laws of the state are well received by the public who show a tendency to be favourably disposed to it, except, as it appears, in limited cases where the bulk of public opinion is squarely opposed to an unpopular penal law.

9. The researchers however qualify their finding with the caution that respondents are overwhelmingly from various layers of the middle class, although a few belong to upper, and the lower classes. That differences in attributes might be greater if a clearly lower - class sample were included in the study.

10. The "all offenses" class comprise 1st degree and 2nd degree murder, manslaughter, aggravated assault, rape, armed robbery, burglary, larcency, simple assault, stolen property, narcotics sale, fraud, medicaid fraud, employee safety, sodomy, weapons, and drunk driving. Violent crimes are

1st degree and second degree murder, manslaughter, rape, aggravated assault, and simple assault.

11. White collar crimes in the reviewed work are medicaid fraud, employee safety, and fraud, while "other" comprise drunk driving, and possession of weapons.

12. Persons with incomes less than $3,ooo are reported to assign more severe sentences. The researchers believe that this tendency for greater punitiveness might be due to a concentration of retired persons who typically assign harsher penalties.

13. Rossi et al have noted that none of the subgroup characteristics eg. education, socioeconomic status etc. accounts for much total variation between crime ratings compared to the overreaching effect of the characteristics of the crime being rated. According to the researchers, a large amount (68%) of the variation from crime to crime in average seriousness can be accounted for by the characteristics of the crimes.

14. Rossi et al have pointed out that it is quite possible to have substantial individual variation within a subgroup and still have considerable between - subgroup consensus. This is because theoretically the number of individual disagreements will at any given time be negligible comparative to the entire subgroup population of which they are part. Unless of course, ab initio we do not expect to find substantial intersubgroup consensus. Interestingly enough, against the exceptions that idiosyncratic factors will work against possible individual agreements with total sample ratings, a finding of this study has revealed "a great deal of agreement between individuals and the total sample" (P. 235-236).

15. Rossi et al report that none of the other variables eg. socio-economic status, race, sex, victimization experience contributed enough independently to be statistically significant in determining agreement with total sample rating.

16. Alenka Selih (1979: 90-91) however reached a contrary finding in his own study of a Yugoslavian community. He reported that the two subgroups he surveyed manifested different levels of sensitivity to deviant acts. They differ from each other in their estimates of both seriousness and social dangerousness of acts. According to him, this means that each subgroup assesses the same acts differently.

17. The first set of studies reporting disagreement compared the mean prison sentences assigned by subgroups for offenses, whereas the second set of studies that report agreement between subgroups included non-prison sentences such as fine and probation in their analysis.

18. In some of these studies a clear majority, in some cases up to 78%, of respondents demand more severe penalties than are imposed by the legal system. In the remaining others, the respondents recommend mean penalties that are greater in severity than those prescribed or imposed by law for offenses.

CHAPTER THREE

3.0 THE RESEARCH DESIGN

This chapter will present, describe, and justify the methodologies adopted in this research study.

Measurement of Variables

a) Dependent Variables

Following from the research objectives of this study, the following dependent variables are examined:

1. Respondents' perception of State laws as necessary or unnecessary for ordering society ie support for laws.
2. Level of severity of penalties recommended for criminalized acts.
3. Level of consensus among respondents on the relative seriousness of crime.

These variables are conceptualized as dependent variables in the study because, as the theoretical expose suggests, they are influenced or determined by a second set of variables, namely, the background characteristics of individuals. These background attributes are gender, marital status, religion, ethnicity, educational attainment, age, income level, employment status etc.

a) Independent Variables

The independent variables of this study are:

1. The socio-economic and demographic attributes of respondents.

2. Respondents' perception of specific laws as serving either general or sectarian interest.
3. Respondents' belief in the efficacy of criminal penalty in controlling criminalized acts.

The above independent variables are conceptualized as such in this study because at their level of analysis they determine support for laws, the punishment assigned to criminal offenses, and the level of consensus among subgroups about the relative seriousness of offenses. As expected, the independent variables outlined above are hypothesized to have casual influence on respondents' perception of state laws, the level of penalty prescribed by them for the various offenses, as well as influence the level of consensus to be found among respondents about the relative seriousness of crimes.

3.2 Population and Sample

For the purpose of this study, four state in Nigeria were selected as focus areas. At the time of field work (1991) these states were known as Anambra, Kaduna, Oyo, and Bendel States. These States which were chosen as the sampling and interviewing areas for the study were chosen through a multi-stage cluster sampling plan.

3.2.1 The Pilot Study

The Pilot Study covered a period of three days spanning 30th June-2nd July, 1990. In constructing the pilot test instrument – the questionnaire, secondary data mainly prison statistics sourced from the Nigerian Prisons Service Annual Reports was used. These reports contained data on the national breakdown of prison admissions classified according to several criteria. Such criteria are major offence type, national or ethnic origin, sex, religion, state of origin of inmates, recidivism record of offenders in different states of the country.

Information from this source was sought in order to guide the study in choosing survey offenses. The selection of survey offenses was partly guided by whether a particular crime represented a significant contribution to current prison population in Nigeria, among other logical considerations.

Police crime statistics also proved a useful source-material as it relates to the selection of offenses based on how widespread or rampant they are in Nigeria. These statistics were contained in the Nigeria Police Annual Reports which were found in the Ahmadu Bello University Library and the Nigeria Prisons Staff College Kaduna. In these reports, annual statistics are recorded which reflect the number of reported cases in each of the various offense types recorded. The records offer a quick indication of what offenses are more prevalent than others across the years. This assisted the selection of survey offences based on the criterion of how rampant an offence is. Likewise, information was obtained from the federal Government official Gazette, as well as from the penal code, the criminal code, and the criminal procedure code. Information obtained from these sources permitted the identification of acts defined as criminal, especially acts that had until about the time of this study been non-crime such as drug trafficking. Information on the official penalty prescribed for crimes was also available from these sources. These official sources of information of the laws of the Nigerian State were available at the Federal Court of Appeal Library Lagos.

Other secondary data were also obtained from the office of the Director of Public Prosecution (DDP) at Enugu and Awka. The files available at these offices contained actual descriptions of offenses for which various accused persons have been charged. The necessity to offer scenario descriptions of offenses to respondents in order for them to assess these in their "normal" forms rather than through the spectacle of some over-exergerated stereotypical constructions or images, compelled the study to seek these descriptions of real-life cases of criminality from the case file at the DPP's office. After the construction of the questionnaire instrument, thirty test questionnaires were

distributed to respondents in Awka a university town in Anambra State. The respondents were picked purposively, the main consideration being convenience. The idea behind the pilot study was to try and identify, as well as asses the difficulties likely to be faced by different respondents in comprehending and responding to the questionnaire items, and consequently to attempt to eliminate such difficulties in the follow-up field data collection. Out of the thirty questionnaires distributed, twenty-seven were returned completed. Out of this number, eighteen were fully and correctly completed, while nine were either incorrectly completed or partially completed. Analysis of the returned questionnaires, pointed out a number of observations which included the fact that some respondents, especially the less educated ones, appeared confused. There was evidence of misunderstanding of some questions asked, as well as inability to respond in the desired way to questions asked. It was also noted that some respondents may have been overtasked from responding fully to all the questionnaire items by the too many survey offenses for which perceptions were sought. The number of offenses listed by the pilot survey was ten. In view of these observations, it was felt that the research objective would be better served if the idea of the questionnaire as data-gathering tool was dropped. Again, it was felt that the number of survey offenses should be limited to a very manageable number so as to make the task of supplying information less cumbersome. Of course, the need to modify certain questions came up. Consequently, the interview method was chosen in preference to the questionnaire as the means for collection of primary data needed for the main study. The number of aggregate offenses to be surveyed was also scaled down to only six.

3.2.2 The Sampling Plan

The sampling plan that was adopted for this study is the probability sampling plan known as multi - stage cluster sampling. Using this procedure, we began the sampling process by dividing the country into geographical sections with

horizontal and vertical grid lines and numbering each section. The sections that emerged corresponded roughly with the spatial distribution of states in the country. At this point we used a random numbers table to draw four sections out of twenty-five to constitute the sample for the study. Four sections were picked instead of just one because we wanted to ensure a wider spread of respondents for the study. These four sections were identified as Anambra state, Kaduna, Oyo and Bendel states, and these constituted the first-stage units sampling. Because each of these sections (states) selected contain extremely large populations, we needed to narrow down the sampling field and to do this we proceeded to draw another random set of sections from each originally drawn section. Along this line, we subdivided each selected state in the manner done previously and drew randomly using the random numbers table, two sections from each state. Each of these sections was identified as a local government area. At this second-stage units sampling, Onitsha and Nsukka local government areas were drawn from Anambra state, Kaduna and Soba from Kaduna state, Oredo and Ovia from Bendel state, and Oluyole and Ibadan Municipal Government from Oyo state (see Appendix 3 note 2). This stage was followed up by a third-stage units sampling which resulted in the drawing of three wards (as demarcated by the National Electoral Commission, NEC) from each of the eight LGA selected at the second - stage. To sample wards at the LGA level, we employed the simple random method of the fishbowl draw type which took the form of identifying all the constituent wards in each selected LGA, and the putting of numbers on slips of paper to identify and represent specific wards. The paper slips were then folded and deposited in a bowl, and after a thorough mix - up, one number ie. ward was drawn at a time while blind-folded until the desired number of wards (three for each LGA) was achieved. The wards thus selected, became the representative wards within which further sampling took place (see Appendix 3, Note 3).

To narrow down the sampling process from the ward level to the individual respondent level, the study went into the next sampling stage, the fourth-stage of identifying all the main streets in the case of urban wards, and all the kindred

groups or villages in the case of rural wards which compose each of the selected wards (see Appendix 3, Note 4). From these lists, a number of streets or kindred groups or villages (as the case may be) was selected through a simple random sampling process of the fish-bowl draw type described above. This consisted in putting numbers on slips of paper identifying and representing specific streets, kindred groups, or villages in the selected wards. From these list of elements, given number of cases eg. streets was selected to serve as sampling frame for further sampling. The specific number of streets or kindred groups, or villages, taken from each selected ward depended on the total number of streets, kindred groups, or villages composing that particular ward. Greater number of streets or kindred group, usually four elements, was sampled from wards that are large in size comparative to smaller wards wherein smaller number of cases was taken. Having picked a number of representative streets, kindred groups, or villages, the study proceeded to sample systematically a number of houses in the case of urban wards. To this end, every fifth house on the selected streets beginning from the first house was picked. To accomplish this, a listing of all the plots on selected streets was made according to their identification numbers or marks. From this list, every fifth house was ticked off as a sampling case. It was from these randomly selected houses that interview respondents were drawn on a random basis until the required number of respondents for each state, namely; 581, 498, 464, and 505 for Anambra, Kaduna, Oyo, and Bendel States respectively was achieved. With regard to rural wards, interviewers simply interviewed one respondent from each household in a selected kindred group or village until the specific target number of respondents was achieved. However, to pick actual interview respondents interviewers employed, in both urban and rural wards, the use of household schedules which contained the list of all adult members 18 years and above of a chosen household in a given selected plot or compound. From these schedules which interviewers constructed upon arrival at a selected household were picked randomly only one member of a selected household for the interview. This was done through the fishbowl draw method[1].

In the final analysis therefore, this study used a sample of households with respondents within households. It is instructive to note that while all houses or compounds within a given ward had equal probability of being included in the sample of houses or compounds drawn, especially in urban wards, members of the eligible adult population in a chosen household had unequal chances of selection, as the probability of selection varied with the number of adult members of that household. The choice of the multi - stage cluster sampling plan as the procedure for generating our research sample was informed by the comparative advantages which this sampling format has over the other types. Being a probability sampling plan, it ensures that all elements within our research population have an equal and independent chance of being included in the study sample. Secondly, the present study is dealing with a large population that is scattered over a large geographical area. To canvass such a wide territory as Nigeria, cluster sampling affords an easy tool to apply. Furthermore, the use of cluster sampling does not require the researcher to have a predetermined list of elements inhabiting the given area. The researcher simply draws a random number of geographical sections and then interviews people within the boundary of the random section. In these senses, cluster sampling makes the sampling process a lot easier. Another advantage of cluster sampling is that respondents can be readily substituted. Flexibility is another attribute of the cluster sampling design. Its multi-stage application allows the incorporation of other different forms of sampling in several successive stage of the process (Black and Champion, 1976: 295 - 96).

3.2.3 The Sample Size

For the main study, a total of two thousand forty-eight (2,048) respondents were interviewed across the country. This figure is a little below the figure statistically determined as the adequate sample size for the study: namely, two thousand four hundred and ninety-nine (2,499) respondents. The shortfall was

occasioned by constraints of finance and manpower. To determine the suitable sample size for the present study, the following formular was employed.

$$n = \frac{N}{1 + Ne^2}$$

where: N = the population size
e = Limit of tolerance
1 = a theoretical constant
n = sample size (see Yamane, 1973)

For the purposes of determining the sample size, the population of Nigeria (the study population was put at one hundred million (100,000,000), while 98% (i.e 0.02) was chosen as the level of confidence in the computation. Two reasons informed this choice of tolerance limit. First, a 95% or 0.05 confidence level will yield too small a sample size. At 0.05, the size would come to a mere 399 cases or respondents. Secondly, adopting a 0.02 confidence level would increase accuracy of decision (to reject Ho: when it is wrong) and reduce the margin of error. Applying the formula, we have:

$$n = \frac{100,000,000}{1 + 100,000,000\ (0.02)^2}$$

$$= \frac{100,000,000}{1 + 40,000}$$

$$= \frac{100,000,000}{40,001}$$

$$= 2,499.9375$$

$$= \underline{2,499}$$

The target sample size for the study therefore was two thousand four hundred and ninety-nine respondents. However, the study was able to attain a sample size of 2,048 respondents. The return rates from each of the eight selected LGAs are as follows:

Anambra State -	Onitsha LGA	=	277 respondents
-	Nsukka LGA	=	304 respondents

Kaduna State	-	Soba LGA	=	279 respondents
	-	Kaduna LGA	=	219 respondents
Oyo State	-	Ibadan Municipal Government(LGA)	=	286 respondents
	-	Oluyole LGA	=	178 respondents
Bendel State	-	Oredo LGA	=	293 respondents
	-	Ovia LGA	=	212 respondents[2].

(See Appendix 3 for a narrowing-down of the sampling process).

As already pointed out, it is realized that a total research sample size of two thousand forty-eight (2,048) respondents may not be adequate for a country-wide study of this kind, but the study was unable to achieve the suitable sample size because of budgetary and manpower constraints. Nevertheless, an attempt was made, as the above break-down or distribution of interview respondents shows, to ensure that equivalent number of respondents were interviewed in each of the four selected states. The idea here had been to give fairly equal representation to all constituency so as to forestall the potential bias-effect that might arise from chance over-representation or under-representation. The necessity for this fairly equitable representation in the study sample is recognized because it is believed that the reliability of the findings may ultimately depend on the representativeness of the responses across the various socio-political constituencies in the country.

3.2.4 Methods of Data Collection

Data for this study was collected mainly by means of structured interviews. The interview schedule consisted of two basic sections: the first dealt with questions pertaining to the personal and social characteristics of the respondents (demographic information), while the second section contained several questions relating to respondents' perception of specific criminal laws, offenses, and punishment (See Appendix II for the interview schedule). The choice of the interview technique for data collection was informed by the awareness that a good

proportion of our prospective respondents were illiterates and therefore incompetent to complete questionnaires. Infact, the questionnaire was originally conceived as the method for data gathering, but following the pilot survey it was realized that it would not be an adequate instrument, and consequently the idea was dropped in favour of the interview.

The field interviews were conducted by a total of sixteen field assistants in conjunction with the investigator. Each local government area selected was covered by two assistants who were undergraduates studying in higher institutions within or around the research location. Each group of interviewers was first given three hours of formal instruction during which an item-by-item review of procedures to be followed were clearly spelt out. All of the field assistants where individuals who could communicate in the local languages of the research area. This took care of the language problem, as well as the acceptance problem which is usually associated, at least in Nigeria, with lack of ability to identify linquistically with local populations. Interviews began on January 5, 1991, and ended on February 10,1991. Interviewers were briefed on the sampling procedure adopted, and consequently assigned to specific wards, and dwelling units from which to draw interview subjects. Interviews with respondents lasted for an average of 45 minutes per respondent.

3.2.5. The Survey Offenses

A total of six offenses were surveyed in this study. These are Stealing, Drug trafficking, Manufacture and sale of counterfeit and fake drugs, Receiving stolen property, Fraud, and Assault. These criminal offenses were selected partly with a view to reflecting the several classes of criminal offenses that exist (e.g. property, victimless, white-collar etc. categories). Also, selection was influenced by a number of other logical considerations. These are the controversial nature of an offence or penalty, whether a particular crime represents a significant contribution to current prison population in Nigeria, how widespread or rampant a

particular crime is in Nigeria. Again, crimes that are currently engaging attention e.g, white-collar crimes, were also included in the survey. A review of current police and prison statistics showed that such property offenses as Stealing, and Receiving stolen property are not only widespread and rampant in Nigeria, but also represent a significant contribution to current prison population in Nigeria. For example, the offence of Stealing constituted 26.40% of overall prison admission totals in 1986 with a total of 20,449 prisoners admitted countrywide for the offence (see table 3.2.5 below). The offence of Receiving stolen property on the other hand had a total number of 4.189 prisoners committed countrywide. This figure represented 5.41 percent of overall prison admission total for that year (see the Nigeria Prisons Service Annual Report, 1986 for a comprehensive list of crime types and prison admission figures).

Table 3.2.5 Prison Admission Statistics Showing Figures For Selected Offenses (1986 Figures)

S/NO	Type of crime	Number of prisoners admitted for the year.	Percentage of overall admis-sion total for the year.
1.	Stealing	20,449	26.40
2.	Receiving Stolen Property	4,189	5.41
3.	Drug trafficking	138	0.18
4.	Assault	4,348	5.61
5.	Counterfeit and fake drug	Figure not available*	Figure not Available
6.	Fraud	257	0.33

Source: Nigeria Prisons Service Annual Report, 1986.

**This act was criminalized about the time of the study.*

Inspection of the comprehensive prison admissions statistics for 1986 which is selectively presented in Table 3.2.5 above, show that the offence of Stealing topped the list of prison admissions in terms of number of admissions recorded for that year. Receiving stolen goods ranked the fifth highest in number of admissions, following after Stealing (26.40%). Breaking and Entering (8.82), Wandering (6.06%), and Assault (5.61%). The offence of wandering has now been de-criminalized. It was partly on the same ground of the contribution of particular crimes to current prison population in Nigeria that the offence of Assault (contributing 5.61%) was selected for inclusion in the survey.

In the case of Drug trafficking, which by 1986 prison statistics had a figure of 0.18% of overall prison admission total, the major consideration that dictated its selection as one of the survey offences concerns not only the controversial nature of the penalty it attracts at the time in Nigeria (imprisonment up to 20 years), but also there are indications that this crime is on the increase in Nigeria today (see Newbread Magazine of November 5, 1990, page 8).[3] The offenses of Manufacture and sale of Counterfeit and Fake drugs, and Fraud, respectively, are offenses of the white-collar variety which are currently engaging public attention. Public awareness of the criminal nature of these two offence types appear to be growing.[4] This is especially the case with the offence of Manufacture and sale of Counterfeit and fake drugs, which act the Federal Government of Nigeria has recently (in 1989) sought to check through the establishment of the National Drug Law Enforcement Agency (NDLEA), which has been invested with wide powers of arrest and prosecution.[5] The survey offenses have been classified as follows:

S/NO	Survey offenses	Offence class
1.	Stealing	Property crime
2.	Receiving Stolen property	Property crime

3.	Drug Trafficking	Person crime/ "other"
4.	Assault	Violent/person Crime
5.	Counterfeit and fake drug	White- collar crime
6.	Fraud	White-collar crime

The following scenario descriptions of survey offenses were offered to interview respondents (see Appendix II) as a guide in their weighting of crimes and punishment.

1. **Stealing:** A person sneaked in and stole a radio set from another man's house with the intention of selling the article for monetary gain.
2. **Receiving (Possession of) Stolen Property:** A person bought a radio and T.V. set which he knew were stolen.
3. **Drug Trafficking:** A young man who was travelling overseas was discovered at the airport to be carrying in his possession, without legal authority, some quantity of cocaine (a drug known to be harmful to the user) which he was intending to sell on arrival abroad.
4. **Assault (occasioning harm):** Following a misunderstanding in a public place between two strangers, one of the parties to the quarrel using his fist hit the other in the face causing him injuries.
5. **Manufacture and Sale of Counterfeit and fake drug:** A drug merchant manufactured and sold to the public drugs which he knows to be fake and adulterated.
6. **Fraud:** A government official and a civil servant knowingly supplied false documents and also rendered false financial returns of government funds entrusted to their care. Their intention was to enrich themselves and defraud government of substantial amount of money.

3.3 Analytical Methods

After the completion of the interviews, the interview responses were coded as there was no previous coding. Following the editing and coding of responses, standard computer techniques, namely the Statistical Package for Social Scientists (SPSS) was employed for data analysis. To pursue the various specific objectives of the study, the use of different test statistics was called for. These included the use of percentages, the scatter diagram, the chi-square test of independence, the z-test of difference between proportions and between means, the product moment correlation co-efficient (Pearson's r), the Pearson's co-efficient of contingency(c), and the rank-order correlation statistic. In choosing appropriate statistics to apply in the analysis of data, due consideration was paid to the following factors:

1. The nature of variables
2. The sample size
3. The power and robustness of the chosen statistic.

In the study, percentages were used for aspects of the study which section dealt with count data. Percentages were used to measure frequency distributions. This rudimentary quantitative statistic was considered adequate because data being dealt with here are at the nominal scale of measurement. At this level of analysis, the variables treated were in nominal scale form and the objective was merely to categorize research variables.

The chi-square test of independence was employed in chapter four section 4.3 - 4.12 and chapter five section 5.2 - 5.12. The analytical objective here was to investigate association or relationship between certain dependent and independent variables. To established dependence or causal relationship between a set of variables entail a general test procedure which enables one to compare two or more samples with respect to a variable. This involves the evaluation of whether or not frequencies empirically obtained differ significantly from those which would be expected under a certain set of theoretical assumption. This is a contingency problem requiring the cross-classification of two variables. In both sections 4.3 -

4.12 and 5.2 - 5.12, the tests involved are the test of independence and they call for the application of the chi-square statistics as the test of hypotheses. The second basis for applying the chi-square test statistic to these sectional objectives is that the samples being dealt with are independent samples. This means that the probability of any one respondent or subgroup giving a particular response does not influence the probability of another respondent or subgroup responding in a particular manner. Again, the outcome of the various samples are independent since the number of respondents giving a particular response in a particular demographic subgroup does not depend on the responses of respondents in another subgroup. It should also be noted that the chi-square statistic is applicable to both small and large sample sizes (see Obikeze, 1986: 188 - 89).

To verify the research hypothesis in these sections using chi-square analysis, the calculated chi-square (X^2_c) was compared with the theoretical chi-square (X^2 (,V) at the 0.05 level of significance and degree of freedom V = (r-1) (c-1)*. The null hypothesis of independence is rejected when $X^2_c \geq (X^2$ (œ ,V) i.e. when the computed chi-square is equal to or greater than the expected chi-square. The highness or lowness of the computed chi-square was used as an indicator of the strength relationship. Other statistical measures used in chapter four and five are the gamma and the Pearson's product moment correlation coefficient. These two were applied to analyze data at the ordinal and interval scale measurements respectively. In chapter five section 5.3. the scatter diagram was constructed. The analytical purpose here was to investigate relationship between two interval scale variables - the penalties prescribed by the public for survey offenses and the penalties provided by the law. The

scattergram is typically used to discern the nature, degree, and direction of relationship between two interval – scale variables, and to indicate the appropriate measure of association. The product – moment correlation co-efficient (Pearson's r) was also employed in section 5.3 to measure the degree of linear association between respondents' choices of penalty and penalties officially prescribed by the law. The Pearson's Product Moment Correlation was given by:

$$r = \frac{n\Sigma xy - \Sigma x \Sigma y}{\sqrt{(n\Sigma x^2 - (\Sigma x)^2 \ (n\Sigma y^2 - (\Sigma y)^2)}}$$

where X and Y are the two variables under consideration.

In section 5.4 the z-test of differences between sample means was used. The test objective here was to test whether significant differences exist between the mean penalty of two sample categories. The z-statistic was considered appropriate and adopted here because the variables under examination are at the interval scale of measurement. Furthermore, the samples being dealt with are independent large samples of sizes greater than thirty[7]. In addition to these reasons, the z-statistics is applicable because the population from which the samples were drawn is normally distributed. These assumptions upon which the z-test is based supply the rationale for the use of the z-statistic in this study (see Spiegel, 1972). To compute the z-test, the general procedure that was followed was to reject the null hypothesis at the 0.05 level of significance when z-computed (Z_c) is greater than the z-table (Z_t), or when z-computed is negative and less than z-table.

The z-test statistic was given as:

$$Zc = \frac{X_1 - X_2}{\sqrt{\frac{\sigma^2_1}{n_1} + \frac{\sigma^2_2}{n_2}}}$$

while the mean and standard deviation respectively was given as:

$$ux_1 - ux_2 = \frac{\sigma}{\frac{\sigma 1^2}{N_1} + \frac{\sigma 2^2}{N_2}}$$

and $\sigma x_1 - x_2 =$

Furthermore, the rank – order correlation analysis (the Spearman's rho co-efficient) was also employed in section 5.6 of this study. This was needed in order to find out if consensus exists among various demographic subgroups of the sample on the relative seriousness of survey offenses. The extent of variation between the average penalties assigned by the respective subgroup samples for the various offenses, plus the degree of agreement between the rankings of the various offenses by the various subgroups would indicate whether consensus exists among the subgroups or not. The rank – order correlation was computed by first computing the mean sentence severity scores (MSSS) of each pair of subgroups for particular offenses (see section 5.6). This was followed by the ranking of offenses using the computed mean sentence lengths of these pairs of subgroups (see table 5.6 and 5.7). The various rankings developed reflected the crime seriousness ratings of pairs of subgroups for various offences. In this wise, the highest computed mean sentence score for each pair of subgroup for any particular offense, meant that that subgroup pair would rate that particular offence as more serious than other offenses which that same subgroup pair assign a lower mean sentence severity score, in that order. Having obtained the rankings of the various criminal offenses, the rankings of the various pairs of subgroups were compared with a view to finding out if there is consistency between the rankings of the various pairs of subgroups. To do this, the spearman's RHO (P) was represented as:

$$P = 1 - \frac{6\Sigma D^2}{N(N^2 - 1)}$$ where

D = the difference between two rank orders

N = total number of cases

The significance of rho was determined at the critical value of 0.05 level of significance, and the adopted test of consensus is the expectation that correlations between alternative forms of the test correlations should be .70 or more (see Rossi et al, 1974 : 227 for this approach to consensus). In general, the co – efficient of rank correlation (R) lies between –1 and +1, with the measures of agreement interpreted as follows:

R	=	+1	Perfect agreement
R	=	0.5	Some degree of agreement
R	=	0	Neither agreement nor disagreement
R	=	0.5	Some degree of disagreement
R	=	-1	Perfect disagreement (See Martin and Firth, 1983: 87).

The rank – order correlation analysis requires that variables exist at the interval scale level of measurement. The nature of the variables dealt with in this section conforms to this requirement.

3.4 Definitions of Terms and Variables

In this research study, the following terms which constitute part of the research variables were defined as follows:

Urban Residence: refers to residence in environments characterized with heterogeneous populations, as well as formality of interpersonal relationships.

Rural Residence: refers to residence in environments whose population is homogenous and stable, as well as characterized with high level of informality of interpersonal relationships.

Self – employed: means respondents who were not in paid – employment. These individuals exercise some level of control over the ownership and management of the factors of production at their disposal.

Paid – employment: refers to those employed by either government establishments or by their private employer.

Low Income Earners: refers to those whose annual income fall between less than ₦1,500.00 – ₦12, 999.00. This represents the lower half of the income distribution of research subjects.

High Income Earners: refers to those whose annual income fall between ₦13,000.00 – ₦25,000.00 and above. This represents the Upper half of the income distribution of research subjects.

Younger Respondents: refers to respondents who were 31 years or younger.

Older Respondents: refers to respondents who were 32 years and older.

Higher Education: refers to respondents with University degree, HND and NCE i.e Post Secondary Education.

Lower Education: refers to those with secondary education, T.C. II, Commercial, Primary/Arabic Education, or no formal education.

Majority/Dominant Tribes: refers to the major ethnic groups in Nigeria, viz: Igbo, Yoruba, Hausa/Fulani.

Minority Ethnic Groups: refers to ethnic groups which are not one of the dominant groups in Nigeria viz: Bini, Tiv, Ijaw etc. and non-Nigerians.

Other Variables: are self – explanatory e.g. Sex, Marital Status.

Consensus: about the relative seriousness of offenses implies whether there exists among the respondents substantial agreement about the comparative level of seriousness to be attached to specific crimes, or whether no such agreement exist at all. This is inferred empirically from the level of severity of punishment which comparable subgroups assign to a set of crimes. If the penalties assigned by subgroups are equivalent, then consensus is inferred. In this study, respondents are asked to assign to crimes penalties that match their seriousness.

Offence Seriousness: is defined in terms of the consequences produced by a given crime as perceived by respondents. A particular crime visits a greater or lesser injury on its victim. Respondents are left to judge seriousness.

Penal Severity: Respondents who recommend penalties above the median penalty of the sample for a crime are categorized as punishing more severely,

while those who prescribe penalties below the median penalty of the sample for a specific crime are categorized as punishing less severely.

3.5 The Limitations of Study

The difficulties encountered in the field were of several kinds. There were occasional reports of cases of non co-operation from the respondents. Some prospective respondents simply would not grant interviews. To take care of this situation, interviewers hawa standing instruction to substitute respondents from within the same household, or to carry out on the spot random picking of another household within the same plot or compound if a reluctant interviewee cannot be persuaded to participate. Secondly, given the scope of the study, and viewed against the background of constraining factors such as finance, it was difficult to generate a research sample that is completely representative of the universe. However, through a multi-stage cluster sampling plan, attempt has been made to achieve a near-complete representativeness in the sample. This implies that the study recognizes the need for larger sample considering the estimated national population. Notwithstanding this, it is believed that the sample size of 2,048 respondents is adequate for this study.

NOTES

1. Household schedules were drawn up on the spot by the interviewer before the interviews commenced.
2. Note that equal numbers of interview schedules (320) was made available to field interviewers for administration in each of the eight selected LGA, but owing to differences across LGAS in public willingness to participate in the interviews, and other constraints already mentioned different rates of returns were recorded.
3. Customs' records on "arrests and drug seizures" made between 1982 and April 1990, at the Murtala Mohammed International Airport, Lagos indicate "a rising trend in the demand for and trafficking in narcotic drugs and psychotropic substances ... Records on the number of Nigerians arrested and convicted abroad for drug trafficking between 1979 and 1989 also indicate a similar rise in trend.
4. Health Care Magazine, Vol. 5, December, 1990 records that traders in Onitsha embarked on the destruction of fake drugs which were searched out from dealers. In the same publication the Chairman of Pharmaceutical Society of Nigeria, Anambra State Branch, Mr. Levi Okafor likened the situation of fake drug hawking in Onitsha to Church Street of Lagos in those days which gained notoriety as the den of fake peddlers. In the September 19, 1990 issue of the Daily Star Newspaper, the Chairman of Niger State task force on Counterfeit and fake drugs, Major Abel Anighi urged the Federal Government to promulgate a decree on drug advertisement and to set up a quality control unit (in Minna) for certifying the genuineness of all drugs.
5. See Federal Government of Nigeria Decree No. 48 of 1989.

6. Cramer (cf. Yamane, 1973) maintains that when the expected frequencies are larger than 10, the chi – square approximations are at their best fit.
7. The z-test statistic is applicable only to large samples of sizes greater than thirty. The present study has samples whose respective sizes are by far greater than thirty.

NOTE

1. Contingency tests of independence or association involves the evaluation of whether or not frequencies empirically obtained differ significantly from those which would be expected under a certain set of theoretical assumption. In a contingency analysis, distributions which at face value appear similar can yield significant differences between them because of the values of expected frequencies.

respondents. Further analysis of the frequency distribution of the respondents in terms of demographic characteristics, revealed that our research subjects were a relatively well-educated group. Slightly over one-half of our sample population (52.2% or 1,068) indicated that they possess post-secondary education. Those possessing secondary education constituted 24.0% (492 respondents), while those with primary-level education and below represented 23.8% (488 respondents) of the research sample. Data on the respondents' ages show that overall, the respondents were a relatively young group: 63 9% (1,309 respondents) belonged to the 18-31 years age bracket whereas 36.1% (739 respondents) belonged to the 32 years and above age bracket. Analysis of the occupational status/labour-force participation of research subjects also showed that a slightly higher proportion of respondents (35.8% or 733 respondents) are engaged in salaried/paid employment. Following closely in size is the unemployed category (housewives, students, applicants etc.) who constituted 31.7% (650 respondents) of the sample. A third category - the self-employed - made up 32.5% (665 respondents) of the sample population.

When data on respondents' average annual income was analysed, it was observed that well over one-half of the sample (1,747 or 85.3%) belonged to the "lower" income brackets, while a minority 14.7% (ie 301 respondents) fell within the "higher" income bracket. Data on type of community showed that a far more greater number of respondents (71.7% or 1, 469 respondents) resided or were domiciled in the urban/semi - urban environment, compared with the 28.3% (579 respondents) who indicated rural residence (See Table 4.1 below for a tabular presentation):

Table 4.1 PROFILE OF RESPONDENTS

Full Sample (N = 2048)		
Profile	Number(n)	Percentage
1. Gender		
Male	1351	66.0
Female	697	34.0
2. Marital Status		
Single	1068	52.1
Married	980	47.9
3. Religious Affiliation		
Christian	1331	65.0
Muslim	566	27.6
Other	151	7.4
4. Ethnic background		
Hausa/Fulani	419	20.5
Igbo	709	34.6
Yoruba	472	23.0
Other	448	21.9
5. Educational Attainment		
Post - Secondary	1068	52.2
Secondary education	492	24.0
Primary education and below	488	23.8
6. Age		
Younger (18 - 31 years old)	1309	63.9
Older (32 years and above)	739	36.1
7. Occupational Status		
Self-employed	665	32.5
Salaried employment	733	35.8
Unemployed	650	31.7
8. Average Annual Income		
Lower Income/No Income (12,999 & below)	1747	85.3
Higher Income (13,000 & above)	301	14.7
9. Type of community		
Urban/Semi-Urban	1469	71.7
Rural residence	579	28.3

4.2 Perception of Criminal Laws

The first major objective of this study is to find out what the perception of respondents are toward various selected criminal laws in terms of whether respondents support these laws as necessary instruments for ordering social life in Nigeria To pursue this objective, respondents were asked in respect of each law whether they perceived such laws as necessary measures for ordering society. The responses to the question items are presented in table 4.2 below:

Table 4.2 General Perception of the Necessity of Criminal Laws in Nigeria

	QUESTION ITEMS	RESPONSES	
		Yes	No
1.	Support of law prohibiting stealing	2,038 (99.51%)	10 (0.49%)
2.	Support of law prohibiting drug trafficking	1,900 (92.77%)	148 (7.23%)
3.	Supporting of law prohibiting the production and sale of counterfeit and fake drug	2,020 (98.63%)	28 (1.37%)
4.	Support of law prohibiting the act of receiving stolen property	2,014 (98.34%)	34 (1.66%)
5.	Support of law prohibiting assault	1,975 (96.44%)	73 (3.56%)
6.	Support of law prohibiting fraud	1,984 (96.88%).	64 (3.12%)

Note: N = 2,048

An examination of the data contained in table 4.2 above shows that an overwhelming majority of our respondents perceived all of the laws surveyed as necessary in Nigeria. These figures (in table 4.2) indicate that there is popular public support for state laws. This is evidenced by the proportionally larger number of respondents who endorse in each of the

cases surveyed the state definition of conduct as criminal. The wide differences recorded in percentages for support is indicative that the proportion of respondents supporting the law in each case is significantly different from the proportion not supporting the law.

Analysis of the reasons for support of survey laws showed that public support for state laws stemmed from some agreement among individuals regarding the harmful nature of the criminalized acts. Among the back-ground reasons given by respondents for supporting the criminalization of the act of stealing include that : "Act is harmful", "act often leads to death of innocent citizens", "act can cause insecurity of life and property", "act is un-Islamic", "act reduces the wealth of the individual", "act is unethical", "it is an immoral act", "it is prohibited by Islam", "because it is a cheating to some hardworking citizens" etc. In the case of manufacture and sale of counterfeit and fake drug the common expressions or reasons given for acceptance include:: "Act is harmful", "adulterated drugs kill", "act can prompt a disease onset", "act is a harmful activity which can cause death", "act is dangerous to the general public health". In the case of receiving stolen property, such reasons as these were given: "law will discourage the act of stealing", "act promotes stealing " etc. For the law of assault, respondents believed that the law is a good law because according to them: "act will bring lack of respect", "act can lead to public crises", "act is an indecent act", "act is very dangerous because it could lead to the death of the weaker ones" etc. The arguments presented in favour of criminalizing the act of fraud include: "fraud affects the economy of the country", "act affects or decreases government ability to provide services to the public", "Fraud is un-Islamic", "it retards economic development", "it causes a lot of economic hardship to the less privileged" etc. With respect to the act of drug trafficking, the common reason advanced was that "act can lead ultimately to serious mental health problem".

4.2.1 Pattern of support for state laws across socio-economic and demographic sub-divisions of the country

Data on support for survey laws was also analysed in terms of the distribution of support across socio-economic and demographic sub-divisions of the sample. Below in table 4.2.1 is a tabular presentation of the pattern that emerge.

Table 4.2.1 Distribution of support for laws across socioeconomic and demographic sub-divisions of the sample (frequencies)

	SUPPORT FOR LAW OF:											
	Stealing		Drug Trafficking		Counterfeit and fake drug		Receiving stolen property		Assault		Fraud	
SUB-GROUPS	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
Male	1343 (99.4)	8 (0.6)	1257 (93.0)	94 (7.0)	1330 (98.4)	21 (1.6)	1328 (98.3)	23 (1.7)	1301 (96.3)	50 (3.7)	1315 (97.3)	36 (2.7)
Female	695 (99.7)	2 (0.3)	643 (92.3)	54 (7.7)	690 (99.0)	7 (1.0)	686 (98.4)	11 (1.6)	674 (96.7)	23 (3.3)	669 (96.0)	28 (4.0)
Single	1061 (99.3)	7 (0.7)	982 (91.9)	86 (8.1)	1046 (97.9)	22 (2.1)	1046 (97.9)	22 (2.1)	1027 (96.2)	41 (3.8)	1020 (95.5)	48 (4.5)
Married	977 (99.7)	3 (0.3)	918 (93.7)	62 (6.3)	974 (99.4)	6 (0.6)	968 (98.8)	12 (1.2)	948 (96.7)	32 (3.3)	964 (98.4)	16 (1.6)

Christian	1324 7 (99.5) (0.5)	1218 113 (91.5) (8.5)	1309 22 (98.3) (1.7)	1304 27 (98.0) (2.0)	1273 58 (95.6) (4.4)	1279 52 (96.1) (3.9)
Muslim	565 1 (99.8) (0.2)	544 22 (96.1) (3.9)	562 4 (99.3) (0.7)	563 3 (99.5) (0.5)	556 10 (98.2) (1.8)	563 3 (99.5) (0.5)
Other faith	149 2 (98.7) (1.3)	138 13 (91.4) (8.6)	149 2 (98.7) (1.3)	147 4 (97.4) (2.6)	146 5 (96.7) (3.3)	142 9 (94.0) (6.0)
Hausa/Fulani	417 2 (99.5) (0.5)	413 6 (98.6) (1.4)	416 3 (99.3) (0.7)	416 3 (99.3) (0.7)	415 4 (99.0) (1.0)	414 5 (98.8) (1.2)
Yoruba	472 0 (100) (0.0)	427 45 (90.5) (9.5)	463 9 (98.1) (1.9)	468 4 (99.2) (0.8)	454 18 (96.2) (3.8)	464 8 (98.3) (1.7)
Igbo	703 6 (99.2) (0.8)	656 53 (92.5) (7.5)	700 9 (98.7) (1.3)	697 12 (98.3) (1.7)	673 36 (94.9) (5.1)	675 34 (95.2) (4.8)
Other ethnics	446 2 (99.6) (0.4)	404 44 (90.2) (9.8)	441 7 (98.4) (1.6)	433 15 (96.7) (3.3)	433 15 (96.7) (3.3)	431 17 (96.2) (3.8)
Primary education	486 2 (99.6) (0.4)	451 37 (92.4) (7.6)	484 4 (99.2) (0.8)	485 3 (99.4) (0.6)	477 11 (97.7) (2.3)	480 8 (98.4) (1.6)
Secondary education	491 1 (99.8) (0.2)	463 29 (94.1) (5.9)	486 6 (98.8) (1.2)	482 10 (98.0) (2.0)	475 17 (96.5) (3.5)	472 20 (95.9) (4.1)
Post Secondary	1061 7 (99.3) (0.7)	986 82 (92.3) (7.7)	1050 18 (98.3) (1.7)	1047 21 (98.0) (2.0)	1023 45 (95.8) (4.2)	1023 36 (95.8) (4.2)
Younger	1304 5 (99.6) (0.4)	1215 94 (92.8) (7.2)	1284 25 (98.1) (1.9)	1282 27 (97.9) (2.1)	1269 45 (96.6) (3.4)	1263 46 (96.5) (3.5)
Older	734 5 (99.3) (0.7)	685 54 (92.7) (7.3)	736 3 (99.6) (0.4)	732 7 (99.1) (0.9)	711 28 (96.2) (3.8)	721 18 (97.6) (2.4)
Self employed	659 6 (99.1) (0.9)	610 55 (91.7) (8.3)	657 8 (98.8) (1.2)	656 9 (98.6) (1.4)	632 33 (95.0) (5.0)	637 28 (95.8) (4.2)
Salaried employment	732 1 (99.9) (0.1)	688 45 (93.9) (6.1)	725 8 (98.9) (1.1)	724 9 (98.7) (6.3)	709 24 (96.7) (3.3)	715 18 (97.5) (2.5)
Unemployed	647 3 (99.5) (0.5)	602 48 (92.6) (7.4)	638 12 (98.2) (1.8)	634 16 (97.5) (2.5)	634 16 (97.5) (2.5)	632 18 (97.2) (2.8)
Lower income	1739 8 (99.5) (0.5)	1628 119 (93.2) (6.8)	1725 22 (98.7) (1.3)	1719 28 (98.4) (1.6)	1692 55 (96.9) (3.1)	1694 53 (97.0) (3.0)
Higher income	299 2 (99.3) (0.7)	272 29 (90.4) (9.6)	295 6 (98.0) (2.0)	295 6 (98.0) (2.0)	283 18 (94.0) (6.0)	290 11 (96.3) (3.7)
Urban community	1461 8 (99.5) (0.5)	1348 121 (91.8) (8.2)	1443 26 (98.2) (1.8)	1441 28 (98.1) (1.9)	1408 61 (95.8) (4.2)	1414 55 (96.3) (3.7)
Rural community	577 2 (99.7) (0.3)	552 27 (95.3) (4.7)	577 2 (99.7) (0.3)	573 6 (99.0) (1.0)	567 12 (97.9) (2.1)	570 9 (98.4) (1.6)
TOTAL (n) *% of n*	*2038 10* 99.51 0.49	*1900 148* 92.77 7.23	*2020 28* 98.63 1.37	*2014 34* 98.34 1.66	*1975 73* 96.44 3.56	*1984 64* 96.88 3.12

Note: N = 2048. Figures in bracket are percentages of the ones above them.

Table 4.3.1 Contingency table of association between gender and support for law of stealing

	Support for law		
Gender	Support	Non-support	Total
Male	1343*(99.4)** (1344.40)*** 0.00****	8*(0.6)** (6.60)*** 0.30****	1351 0.30****
Female	695*(99.7)** (693.60)*** 0.00****	2*(0.3)** (3.40)*** 0.58****	697 0.58****
TOTAL	2038 0.00****	10 0.88****	2048 0.88****

NOTE: * = Observed frequency (n)

( ) ** = Percentage frequency of n

( ) *** = Expected frequency

( ) **** = chi-square value per cell

Test Result:

X^2 computed = 0.8815

$X^2_{0.05}$ at d.f.1 = 3.841 (X^2 Table Value at 95% level of significance)

Conclusion = $X^2_c < X^2_T$, therefore test is not significant

Hence Ho Accepted

The above test result shows that support for the law of stealing is not related to gender.

4.3.2. Correlation of support for the law of Drug trafficking by gender

The specific hypotheses tested here are:

Ho: That support for law of drug trafficking is not related to gender

H1: That support for law of drug trafficking is related to gender

Research data in this study show that out of a total male sample of 1,351, 1257 (or 93.0%) expressed support for the law of Drug trafficking while 94(or 7.0%) expressed non-support for the law. For the female sample, 643 (or 92.3%) expressed support for the law of drug trafficking while 54 (ie 7.7%) expressed non-support for the law. Table 4.3.2 below presents a chi-square contingency table of association for the above distributions.

Table 4.3.2 Contingency table of association between gender and support for the law of drug trafficking

Gender	Support	Non-support	Total
Male	1257*(93.0)** (1253.37)*** 0.01****	94*(7.0)** (97.63)*** 0.14****	1351 0.15****
Female	643*(92.3)** (646.63)*** 0.02****	54*(7.7)** (50.37)*** 0.26****	697 0.28****
TOTAL	1900 0.03****	148 0.40****	2048 0.43****

NOTE: * = Observed frequency (n)
( ) ** = Percentage frequency of n
( ) *** = Expected frequency
( ) **** = chi-square value per cell

Test Result:

X^2 computed = 0.4277

$X^2_{0.05}$ V = 1 = 3.841

Conclusion = $X^2_c < X^2_t$, therefore test is not significant

Hence Ho Accepted

The above test results signifies that support for the law of Drug trafficking is not related to gender.

4.3.3 Correlation of support for the law of Counterfeit and fake drug by gender

The specific hypotheses tested here are:

Ho: That support for law of counterfeit and fake drug is not related to gender

H1: That support for law of counterfeit and fake drug is related to gender

Data in this study reveal that out of a total sample of 1351 respondents who are males, 1330 (ie. 98.4%) support the law of counterfeit and fake drug while 21 (or 1.6%) do not support the law. For the female sample, the proportion who support the law of counterfeit and fake drug is 690 (or 99.0%) respondents whereas 7 (ie. 1.0%) do not support the law. The above distributions are presented below in Table 4.3.3

Table 4.3.3 Contingency table of association between gender and support for the law of counterfeit and fake drug

Support for law

Gender	Support	Non-support	Total
Male	1330*(98.4)** (1332.53)*** 0.00****	21*(1.6)** (18.47)*** 0.35****	1351 0.35****
Female	690*(99.0)** (687.47)*** 0.01****	7*(1.0)** (9.53)*** 0.67****	697 0.68****
TOTAL	2020 0.01****	28 1.02****	2048 1.03****

NOTE: * = Observed frequency (n)
( ) ** = Percentage frequency of n
( ) *** = Expected frequency
( ) **** = chi-square value per cell

Test Result:

X^2 computed = 1.0318

$X^2_{0.05}$ V = 1 = 3.841

Conclusion = $X^2_c < X^2_T$, therefore test is not significant

Hence Ho Accepted

The above test result shows that support for the law of counterfeit and fake drug is not related to gender.

4.3.4 Correlation of support for the law of receiving stolen property by gender

The specific hypotheses tested here are:

Ho: That support for law of receiving stolen property is not related to gender

H1: That support for law of receiving stolen property is related to gender

Research data show that 1328 (or 98.3%) of respondents who are males, and 686 (ie. 98.4%) of respondents who are females support the law of receiving stolen property. While 23 (i.e. 1.7%) of male respondents and 11 (or 1.6%) of female respondents do not support the law. These distributions are shown in Table 4.3.4 below.

Table 4.3.4 Contingency table of association between gender and support for the law of receiving stolen property

Gender	Support	Non-support	Total
Male	1328*(98.3)** (1328.57)*** 0.00****	23*(1.7)** (22.43)*** 0.01****	1351 0.01****
Female	686*(98.4)** (685.43)*** 0.00****	11*(1.6)** (11.57)*** 0.03****	697 0.03****
TOTAL	2014 0.00****	34 0.04****	2048 0.04****

NOTE: * = Observed frequency (n)
( ) ** = Percentage frequency of n
( ) *** = Expected frequency
( ) **** = chi-square value per cell

Test Result:

X^2 computed = .04348

$X^2_{0.05}$ V = 1 = 3.841

Conclusion = $X^2_C < X^2_T$, therefore test is significant,

Hence Ho Accepted

The above test result shows that support for the law of receiving stolen property is not related to gender.

4.3.5 Correlation of support for the law of Assault by gender

The specific hypotheses tested here are:

Ho: That support for law of Assault is not related to gender

H1: That support for law of Assault is related to gender

Research data in this study show that 1301 (or 96.3%) of male respondents, and 674 (or 96.7%) of female respondents indicate support for the law of Assault. While 50 (or 3.7%) of males and 23 (or 3.3%) of female respondents do not support the law of Assault. Below is a contingency table of association between support for law of Assault and gender.

Table 4.3.5 Contingency table of association between gender and support for the law of assault

Gender	Support for law: Support	Non-support	Total
Male	1301*(96.3)** (1302.84)*** 0.00****	50*(3.7)** (48.16)*** 0.07****	1351 0.07****
Female	674*(96.7)** (672.16)*** 0.01****	23*(3.3)** (24.84)*** 0.14****	697 0.14****
TOTAL	1975 0.01****	73 0.21****	2048 0.22****

NOTE: * = Observed frequency (n)
( ) ** = Percentage frequency of n
( ) *** = Expected frequency
( ) **** = chi-square value per cell

Test Result:

X^2 computed = 0.2152

$X^2_{0.05}$ V = 1 = 3.841

Conclusion = $X^2_C > X^2_T$, therefore test is not significant,

hence Ho Accepted

The test result above shows that support for the law of Assault is not related to gender.

4.3.6 Correlation of support for the law of Fraud by gender

The specific hypotheses tested here are:

Ho: That support for law of Fraud is not related to gender

H1: That support for law of Fraud is related to gender

Research data show that out of a total of 1351 male respondents, 1315 (or 97.3%) support the law of Fraud, while 36 (or 2.7%) do not. With respect to females, 669 (or 96.0%) support the law, while 28 (or 4.0%) of them do not. These distributions are presented below in Table 4.3.6.

Table 4.3.6 Contingency table of association between support for the law of fraud and gender

Gender	Support for law: Support	Support for law: Non-support	Total
Male	1315*(97.3)** (1308.78)*** 0.03****	36*(2.7)** (42.22)*** 0.92****	1351 0.95****
Female	669*(96.0)** (675.22)*** 0.06****	28*(4.0)** (21.78)*** 1.78****	697 1.83****
TOTAL	1984 0.09****	64 2.69****	2048 2.78****

NOTE: * = Observed frequency (n)
( ) ** = Percentage frequency of n
( ) *** = Expected frequency
( ) **** = chi-square value per cell

Test Result:

X^2 computed = 2.7783

$X^2_{0.05}$ V = 1 = 3.841

Conclusion = $X^2_c < X^2_T$, therefore test is not significant

Hence Ho Accepted

The above test result shows that support for law of fraud is not related to gender.

4.4.0 MARITAL STATUS AND SUPPORT FOR STATE LAWS

4.4.1 Correlation of support for the law of stealing by marital status

The specific hypotheses tested here are:

Ho: That support for the law of stealing is not related to respondents' marital status

H1: That support for the law of stealing is related to respondents' marital status

The research data show that 1061 (or 99.3%) of single respondents support the law of stealing while 7 (or 0.7%) do not support the law. Of the married group, 977 (or 99.7%) support the law while 3 (or 0.3%) do not support the law. Table 4.4.1 below shows a contingency table of these distributions.

Table 4.4.1 Contingency table of association between support for the law of stealing and marital status

Marital Status	Support for law: Support	Non-support	Total
Single	1061*(99.3)** (1062.79)*** 0.00****	7*(0.7)** (5.21)*** 0.61****	1068 0.61****
Married	977*(99.7)** (975.21)*** 0.00****	3*(0.3)** (4.79)*** 0.67****	980 0.67****
TOTAL	2038 0.01****	10 1.28****	2048 1.28****

NOTE: * = Observed frequency (n)
( ) ** = Percentage frequency of n
( ) *** = Expected frequency
( ) **** = chi-square value per cell

Test Result:

X^2 computed = 1.2833

$X^2_{0.05}$ V = 1 = 3.841

Conclusion = $X^2_c < X^2_t$, therefore test is not significant

Hence Ho Accepted

The above test result shows that support for law of stealing is not related to marital status.

4.4.2 Correlation of support for the law of Drug trafficking by marital status

The specific hypotheses tested here are:

Ho: That support for law of drug trafficking is not related to the marital status of respondents

HI: That support for law of drug trafficking is related to the marital status of respondents

Research data in this study show that 982 (or 91.9%) of single respondents and 918 (or 93.7%) of married respondents support the law of drug trafficking. While 86 (or 8.1%) of those single and 62 (or 6.3%) of married respondents do not support the law. Table 4.4.2 below presents a table of contingency for these distributions.

Table 4.4.2 Contingency table of association between support for the law of drug trafficking and marital status

Support for law

Marital Status	Support	Non-support	Total
Single	982*(91.9)** (990.82)*** 0.08****	86*(8.1)** (77.18)*** 1.01****	1068 1.09****
Married	918*(93.7)** (909.18)*** 0.09****	62*(6.3)** (70.82)*** 1.10****	980 1.18****
TOTAL	1900 0.16****	148 2.11****	2048 2.27****

NOTE: * = Observed frequency (n)
( ) ** = Percentage frequency of n
( ) *** = Expected frequency
( ) **** = chi-square value per cell

Test Result:

X^2 computed = 2.2706

$X^2_{0.05}$ V = 1 = 3.841

Conclusion = $X^2_c < X^2_T$, therefore test is not significant

Hence Ho Accepted

The above test result shows that support for law of drug trafficking is not related to marital status.

4.4.3 Correlation of support for the law of Counterfeit and fake drug by marital status

The specific hypotheses tested here are:

Ho: That support for law of counterfeit and fake drug is not related to marital status respondents

H1: That support for law of counterfeit and fake drug is related to marital status of respondents

Research data in this study show that 1046 (or 97.9%) of single respondents and 974 (or 99.4%) of married respondents support the law of counterfeit and fake drug. On the other hand, 22 (or 2.1%) of singles and 6 (or 0.6%) of those married do not support the law of counterfeit and fake drug. Below is a contingency table of the distributions.

Table 4.4.3 Contingency table of association between support for the law of counterfeit and fake drug marital status

Support for law

Marital Status	Support	Non-support	Total
Single	1046*(97.9)** (1053.40)*** 0.05****	22*(2.1)** (14.60)*** 3.75****	1068 3.80****
Married	974*(99.4)** (966.60)*** 0.06****	6*(0.6)** (13.40)*** 4.09****	980 4.14****
TOTAL	2020 0.11****	28 7.83****	2048 7.94****

NOTE: * = Observed frequency (n)
( ) ** = Percentage frequency of n
( ) *** = Expected frequency
( ) **** = chi-square value per cell

Test Result:

X^2 computed = 7.9426

$X^2_{0.05}$ V = 1 = 3.841

Conclusion = $X^2_c > X^2_T$, therefore test is significant

Hence Ho Rejected

The test result above shows that support for law of counterfeit and fake drug is related to marital status. The value of the computed chi-square indicates that this association is a weak one.

4.4.4 Correlation of support for the law of receiving stolen property by marital status

The specific hypotheses tested here are:

Ho: That support for law of receiving stolen property is not related to marital status of respondents

H1: That support for law of receiving stolen property is related to marital status of respondents

Research data in this study indicate that 1046 (or 97.9%) of single respondents and 968 (or 98.8%) of married respondents support the law of receiving stolen property. Conversely, 22 (or 2.1%) of singles and 12 (or 1.2%) of those married do not support the law. These distributions are presented in Table 4.4.4 below.

Table 4.4.4 Contingency table of association between support for law of receiving stolen property and marital status

Support for law

Marital Status	Support	Non-support	Total
Single	1046*(97.9)** (1050.27)*** 0.02****	22*(2.1)** (17.73)*** 1.03****	1068 1.05****
Married	968*(98.8)** (963.73)*** 0.02****	12*(1.2)** (16.27)*** 1.12****	980 1.14****
TOTAL	2014 0.04****	34 2.15****	2048 2.18****

NOTE: * = Observed frequency (n)
( ) ** = Percentage frequency of n
( ) *** = Expected frequency
( ) **** = chi-square value per cell

Test Result:

X^2 computed = 2.1848

$X^2_{0.05}$ V = 1 = 3.841

Conclusion = $X^2_c < X^2_T$, therefore test is not significant

Hence Ho Accepted

The test result above shows that support for the law of receiving stolen property is not related to marital status.

4.4.5 Correlation of support for the law of Assault by marital status

The specific hypotheses tested here are:

Ho: That support for law of Assault is not related to marital status of respondents

H1: That support for law of Assault is related to marital status of respondents

Research data in this study show that 1027 (or 96.2%) of single respondents and 948 (or 96.7%) of married ones support the law of assault. While 41 (3.8%) of those single and 32 (or 3.3%) of those married do not support the law. The contingency presentation of the figures is provided in Table 4.4.5 below.

Table 4.4.5 Contingency table of association between support for law of assault and marital status

Support for law

Marital Status	Support	Non-support	Total
Single	1027*(96.2)** (1029.93)*** 0.01****	41*(3.8)** (38.07)*** 0.23****	1068 0.23****
Married	948*(96.7)** (945.07)*** 0.01****	32*(3.3)** (34.93)*** 0.25****	980 0.26****
TOTAL	1975 0.02****	73 0.47****	2048 0.49****

NOTE: * = Observed frequency (n)
( ) ** = Percentage frequency of n
( ) *** = Expected frequency
( ) **** = chi-square value per cell

Test Result:

X^2 computed = 0.4892

$X^2_{0.05}$ V = 1 = 3.841

Conclusion = $X^2_c < X^2_T$, therefore test is not significant

Hence Ho Accepted

Above test result shows that support for law of assault is not related to marital status.

4.4.6 Correlation of support for the law of fraud by marital status

The specific hypotheses tested here are:

Ho: That support for law of fraud is not related to marital status of respondents

H1: That support for law of fraud is related to marital status of respondents

Research data in this study show that out of a total of 1068 respondents who are single, some 1020 or (95.5%) of them support the law of Fraud while 48 (or 4.5%) do not. Of the married ones (980 in number), 964 (or 98.4%) support the law of Fraud, while 16 (or 1.6%) do not. These distributions are presented in Table 4.4.6 below.

Table 4.4.6 Contingency table of association between support for law of fraud and marital status

Marital Status	Support for law: Support	Non-support	Total
Single	1020*(95.5)** (1034.63)*** 0.21****	48*(4.5)** (33.38)*** 6.41****	1068 6.62****
Married	964*(98.4)** (949.38)*** 0.23****	16*(1.6)** (30.63)*** 6.98****	980 7.21****
TOTAL	1984 0.43****	64 13.39****	2048 13.82****

NOTE: * = Observed frequency (n)
( ) ** = Percentage frequency of n
( ) *** = Expected frequency
( ) **** = chi-square value per cell

Test Result:

X^2 computed = 13.8249

$X^2_{0.05}$ V = 1 = 3.841

Conclusion = $X^2_c > X^2_T$, therefore test is significant

Hence Ho Rejected

The above test result shows that support for the law of fraud is related to marital status. The value of the computed chi-square indicates a weak association between support for law of fraud and marital status.

4.5.0 FURTHER ANALYSIS OF CORRELATIONS BETWEEN SUPPORT FOR STATE LAWS AND SOCIO-ECONOMIC AND DEMOGRAPHIC ATTRIBUTES

In this chapter of the study, a total of thirteen independent variables are expected to be cross-tabulated by support for six separate laws (i.e. survey laws). This means a total of seventy-eight separate contingency analyses. We have so far in section 4.3 and 4.4 analysed support for each of the six laws by two independent variables - i.e. gender and marital status respectively. These two alone have taken up several pages of this work. We are left with sixty-six more separate analyses to perform. Presentation of separate contingency tables for the remaining sixty-six units of analysis will be too unwieldy. Therefore, we will at this point construct and present comprehensive tables of contingency that will summarize data relating to a given independent variable and to all six laws at a glance. The following section presents data on the analysis of association between religion and support for laws.

4.5 Correlation of support for state laws by religion

The specific hypotheses tested here are:

Ho: That support for state law is not related to the religious affiliation of respondents

H1: That support for state law is related to the religious affiliation of respondents

Below is a contingency tabular presentation of the data that pertain to the verification of above hypotheses.

Table 4.5 Comprehensive contingency table of association between religion and support

Law of	Independent variables	Dependent variables			Statistical measures		
		Support	*Non support*	*Total*	X^2c	d.f.	Signif.
Stealing	Christian	(O) 1324 (99.5) (E) 1324.50	(O) 7 (0.5) (E) 6.50	1331	3.34292	2	NO
	Muslim	(O) 565 (99.8) (E) 563.24	(O) 1 (0.2) (E) 2.76	566			
	Other	(O) 149 (98.7) (E) 150.26	(O) 2 (1.3) (E) 0.74	151			
		TOT 2038	10	2048			
Drug trafficking	Christian	(O) 1218 (91.5) (E) 1234.81	(O) 113 (8.5) (E) 96.19	1331	13.0148	2	YES
	Muslim	(O) 544 (96.1) (E) 525.10	(O) 22 (3.9) (E) 40.90	566			
	Other	(O) 138 (91.4) (E) 140.09	(O) 13 (8.6) (E) 10.91	151			
		TOT 1900	148	2048			
Counterfeit and fake drug	Christian	(O) 1309 (98.3) (E) 1312.80	(O) 22 (1.7) (E) 18.20	1331	2.6387	2	NO
	Muslim	(O) 562 (99.3) (E) 558.26	(O) 4 (0.7) (E) 7.74	566			
	Other	(O) 149 (98.7) (E) 184.94	(O) 2 (1.3) (E) 2.06	151			
		TOT 2020	28	2048			
Receiving stolen property	Christian	(O) 1304 (98.0) (E) 1308.90	(O) 27 (2.0) (E) 22.10	1331	6.4386	2	YES
	Muslim	(O) 563 (99.3) (E) 556.60	(O) 3 (0.5) (E) 9.40	566			
	Other	(O) 147 (97.4) (E) 148.49	(O) 4 (2.6) (E) 2.51	151			
		TOT 2014	34	2048			

Assault	Christian	(O) 1273 (95.6) (E) 1283.56	(O) (E)	1331	7.7853	2	YES
	Muslim	(O) 556 (98.2) (E) 545.83	(O) (E)	566			
	Other	(O) 146 (96.7) (E) 145.62	(O) (E)	151			
		TOT 1975		2048			
Fraud	Christian	(O) 1279 (96.1) (E) 1289.41	(O) 52 (3.9) (E) 41.59	1331	19.2869	2	YES
	Muslim	(O) 563 (99.5) (E) 548.31	(O) 3 (0.5) (E) 17.69	566			
	Other	(O) 142 (94.0) (E) 146.28	(O) 9 (6.0) (E) 4.72	151			
		TOT 1984	64	2048			

Note: Figures in bracket are the percentages of the ones by their side (i.e. of observed frequency)
Level of significance = 0.05; d.f = degree of freedom
(O) Observed frequency
(E) Expected frequency
X^2 *0.05 V = 2 = 5.99*

Data in Table 4.5 above on the correlation between religion and support for state laws show that the independent variable: religion, is related to support for four out of the six laws surveyed. These are the laws of drug trafficking, receiving stolen property, Assault, and Fraud. In other words, support for the laws of drug trafficking, receiving stolen property, Assault, and Fraud is affected by the religious affiliation of respondents. On the other hand, support or non-support for the laws of stealing, and counterfeit and fake drugs is found to be independent of religion. The computed chi-square values for the four significant cases indicate in each case a weak association between support for the law and religion.

4.6 Correlation of support for state laws by ethnicity

The specific hypotheses tested here are:

Ho: That support for state law is not related to ethnic background of respondents

H1: That support for state law is related to ethnic background of respondents

Below is a contingency table of data that pertain to the verification of the above hypotheses.

Table 4.6 Comprehensive contingency table of association between ethnicity and support for state laws

Law of	Independent variables	Dependent variables			Statistical measures		
		Support	Non support	Total	X^2c	d.f.	Signif.
Stealing	Hausa/Fulani	(O) 417 (99.5) (E) 416.95	(O) 2 (0.5) (E) 2.05	419	4.2031	3	NO
	Igbo	(O) 703 (99.2) (E) 705.54	(O) 6 (0.8) (E) 3.46	709			
	Yoruba	(O) 472 (100.0) (E) 469.70	(O) 0 (0.0) (E) 2.30	472			
	Other	(O) 446 (99.6) (E) 445.81	(O) 2 (0.4) (E) 2.19	448			
		TOT 2038	10	2048			
Drug trafficking	Hausa/Fulani	(O) 413 (98.6) (E) 388.72	(O) 6 (1.4) (E) 30.28	419	29.2976	3	YES
	Igbo	(O) 656 (92.5) (E) 657.76	(O) 53 (7.5) (E) 51.24	709			
	Yoruba	(O) 427 (90.5) (E) 437.89	(O) 45 (9.5) (E) 34.11	472			
	Other	(O) 404 (90.2) (E) 415.63	(O) 44 (9.8) (E) 32.38	448			
		TOT 1900	148	2048			
Counterfeit and fake drug	Hausa/Fulani	(O) 416 (99.3) (E) 413.27	(O) 3 (0.7) (E) 5.73	419	2.5137	3	NO
	Igbo	(O) 700 (98.7) (E) 699.31	(O) 9 (1.3) (E) 9.69	709			
	Yoruba	(O) 463 (98.1) (E) 465.55	(O) 9 (1.9) (E) 6.45	472			
	Other	(O) 441 (98.4) (E) 441.88	(O) 7 (1.6) (E) 6.13	448			
		TOT 2020	28	2048			
Receiving stolen property	Hausa/Fulani	(O) 416 (99.3) (E) 412.04	(O) 3 (0.7) (E) 6.96	419	12.0214	3	YES
	Igbo	(O) 967 (98.3) (E) 697.23	(O) 12 (5.1) (E) 11.77	709			
	Yoruba	(O) 468 (99.2) (E) 464.16	(O) 4 (0.8) (E) 7.84	472			
	Other	(O) 433 (96.7) (E) 440.56	(O) 15 (3.3) (E) 7.44	448			
		TOT 2014	34	2048			
Assault	Hausa/Fulani	(O) 415 (99.0) (E) 404.06	(O) 4 (1.0) (E) 14.94	419	13.1709	3	YES
	Igbo	(O) 673 (94.9) (E) 683.73	(O) 36 (5.1) (E) 25.27	709			
	Yoruba	(O) 454 (96.2) (E) 455.18	(O) 18 (3.8) (E) 16.82	472			
	Other	(O) 433 (96.7) (E) 432.03	(O) 15 (3.3) (E) 15.97	448			
		TOT 1975	73	2048			
Fraud	Hausa/Fulani	(O) 414 (98.8) (E) 405.91	(O) 5 (1.2) (E) 13.09	419	15.55204	3	YES
	Igbo	(O) 675 (95.2) (E) 686.84	(O) 34 (4.8) (E) 22.16	709			
	Yoruba	(O) 464 (98.3) (E) 457.25	(O) 8 (1.7) (E) 14.75	472			
	Other	(O) 431 (96.2) (E) 434.00	(O) 17 (3.8) (E) 14.00	448			
		TOT 1984	64	2048			

From the research data in Table 4.6 above, it can be seen that the null hypothesis is rejected in the case of the laws of drug trafficking, receiving stolen property, Assault, and Fraud. This means that for these four state laws, support is affected by ethnic factor. On the other hand, support for stealing, and Counterfeit and fake drug is independent of ethnicity. The computed chi - square values for the four significant cases indicate in each case a weak association between support for the law and ethnicity.

4.7 Correlation of support for state laws by educational level

The specific hypotheses tested here are:

Ho: That support for state law is not related to educational attainment of respondents

H1: That support for state law is related to educational attainment of respondents

Table 4.7 below presents data on the above hypotheses.

TABLE 4.7: Comprehensive table of association between educational level and support for state laws

SUPPORT OF STATE LAWS

Educational Subgroup	STEALING Suppt	non Suppt	n	DRUG TRAFFICKING Suppt	non Suppt	n	COUNTERFEIT AND FAKE DRUG Suppt	non Suppt	n	RECEIVING STOLEN PROPERTY Suppt	non Suppt	n	ASSAULT Suppt	non Suppt	n	FRAUD Suppt	non Suppt	n
Post-Secondary education	1061	7	1068	986	82	1068	1050	18	1068	1047	21	1068	1023	45	1068	1023	45	1068
Secondary education	491	1	492	463	29	492	486	6	492	482	10	492	475	17	492	472	20	492
Primary education and below	486	2	488	451	37	488	484	4	488	485	3	488	477	11	488	480	8	488
Total			2048			2048			2048			2048			2048			2048
	r = -0.28			r = -0.03			r = -0.24			r = -0.25			r = -0.20			r = -0.24		

Table 4.7 above shows the correlation between educational level of respondents and their support for the six state laws surveyed. The table shows the gamma values of -.28 for the law of stealing; -.03 for drug trafficking; - .24 for counterfeit and fake drug; -.25 for receiving stolen property; -.20 for assault; and -.24 for the law of fraud. These results show that educational level is significantly associated with support for all the six state laws. However, the correlations are found to be weak and negative (inverse) in all the six cases. That is to say that educational level of respondents is negatively and weakly related to support for all the six state laws.

4.8 Correlation of Support for State Laws by age

The specific hypotheses tested here are:

Ho: That support for state laws is not related to age of respondents.

H_1: That support for state law is related to age of respondents

Data relating to the above hypotheses are presented in the table below:

TABLE 4.8: Comprehensive table of association between age and support for state laws

SUPPORT OF STATE LAWS

Age subgroup	STEALING Suppt	non Suppt	n	DRUG TRAFFICKING Suppt	non Suppt	n	COUNTERFEIT AND FAKE DRUG Suppt	non Suppt	n	RECEIVING STOLEN PROPERTY Suppt	non Suppt	n	ASSAULT Suppt	non Suppt	n	FRAUD Suppt	non Suppt	n
18 - 31 years	1304	5	1309	1215	94	1309	1284	25	1309	1282	27	1309	1264	45	1309	1263	46	1309
32 years and above	734	5	739	685	54	739	736	3	739	732	7	739	711	28	739	721	18	739
Total			2048			2048			2048			2048			2048			2048
	R = .02			R = .00			R = -.06			R = -.04			R = .01			R = -.03		
Significance:	P = .18			P = .46			P = .00			P = .03			P = .34			P = .09		

Note:

Ho: P = 0

Alpha = 0.05

Ho rejected if P < 0.05

Ho accepted if P >0.05

Table 4.8 above shows the correlation between age of respondents and support for the six state laws surveyed. The table shows the Pearson's product moment correlation coefficient of .02 for the law of stealing; .00 for drug trafficking; -.06 for counterfeit and fake drug; -.04 for receiving stolen property;.01 for assault; and -.03 for the law of fraud, and a significance value (P) of .18, .46, .00, .03, .34 and .09 respectively. These results show that age is significantly associated with support for the laws of counterfeit and fake drug, and receiving stolen property only. The correlations for the two laws are weak and negative. No significant association is found between age and support for the other four state laws, namely, stealing, drug trafficking, assault, and fraud.

4.5 Correlation of Support for State Laws by occupational status

The specific hypotheses tested here are:

Ho: That support for state law is not related to occupational status of respondents.

H_1: That support for state law is related to occupational status of respondents

Research Data relating to the hypotheses above are presented in table 4.9 below:

TABLE 4.9: Comprehensive table of association between occupational status and support for state laws

SUPPORT OF STATE LAWS

Occupational Subgroup	STEALING			DRUG TRAFFICKING			COUNTERFEIT AND FAKE DRUG			RECEIVING STOLEN PROPERTY			ASSAULT			FRAUD		
	Suppt	non Suppt	n	Suppt	non Suppt	n	Suppt	non Suppt	n	Suppt	non Suppt	n	Suppt	non Suppt	n	Suppt	non Suppt	n
Self-employed	659	6	665	610	55	665	657	8	665	656	9	665	632	33	665	637	28	665
Salaried	732	1	733	688	45	733	725	8	733	724	9	733	709	24	733	715	18	733
Unemployed	647	3	650	602	48	650	638	12	650	634	16	650	634	16	650	632	18	650
Total			2048			2048			2048			2048			2048			2048
	r = -.30			r = -.04			r = .15			r = .22			r = - .24			r = -.16		

Table 4.9 above shows the correlation between occupational status of respondents and support for the six state laws surveyed. The table shows the gamma values of -.30 for the law of stealing; -.04 for drug trafficking; .15 for counterfeit and fake drug; .22 for receiving stolen property; -.24 for assault; and -.16 for the law of fraud. These results show that occupational status is associated with support for all the six state laws. However, while occupational status is positively related to support for counterfeit and fake drug, and receiving stolen property respectively, it is negatively associated with support for the other four state laws, namely, stealing, drug trafficking, assault, and fraud. The table also indicates that except for the law of stealing whose correlation is fairly strong, the association found in the case of the other five laws is weak.

4.10 Correlation of Support for State Laws by annual income

The specific hypotheses tested here are:

Ho: That support for state law is not related to annual income of respondents.

H_1: That support for state law is related to annual income of respondents

Data relating to the above hypotheses are presented in table 4.10 below:

TABLE 4.10: Comprehensive table of association between income level and support for state laws

SUPPORT OF STATE LAWS

Income Subgroup (Annual)	STEALING Suppt	non Suppt	n	DRUG TRAFFICKING Suppt	non Suppt	n	COUNTERFEIT AND FAKE DRUG Suppt	non Suppt	n	RECEIVING STOLEN PROPERTY Suppt	non Suppt	n	ASSAULT Suppt	non Suppt	n	FRAUD Suppt	non Suppt	n
₦12,999 and below	1739	8	1747	1628	119	1747	1725	22	1747	1719	28	1747	1692	55	1747	1694	53	1747
₦13,000 and above	299	2	301	272	29	301	295	6	301	295	6	301	283	18	301	290	11	301
Total			2048			2048			2048			2048			2048			2048
	R = .01			R = .04			R = .02			R = .01			R = .05			R = .01		
Significance:	P = .32			P = .04			P = .16			P = .31			P = .01			P = .28		

Note:

Ho: P = 0

Alpha = 0.05

Ho rejected if P < 0.05

Ho accepted if P >0.05

Table 4.10 above shows the correlation between income level of respondents and support for the six state laws surveyed. The table shows the Pearson's product moment correlation coefficient of .01 for the law of stealing; .04 for drug trafficking; .02 for counterfeit and fake drug; .01 for receiving stolen property; .05 for assault; and .01 for the law of fraud. The table also shows a significance value (P) of .32, .04, .16, .31, .01 and .28 for the six respective crimes. These results show that income level is significantly associated with support for the laws of drug trafficking and assault, but not with the laws of stealing, counterfeit and fake drug, receiving stolen property, and fraud. The correlation in the two cases are both positive and weak. This means that income level is positively related to support for the laws of drug trafficking, and assault.

4.11 Correlation of support for state laws by community type

The specific hypotheses tested here are:

Ho: That support for state law is not related to type of community domiciled by respondents

H1: That support for state law is related to type of community domiciled by respondents

The data pertaining to the hypotheses above are presented in table 4.11 below.

Table 4.11 Comprehensive contingency table of association between community type and support for state laws

Law of	Independent variables	Dependent variables			Statistical measures		
		Support	Non support	Total	X^2c	d.f.	Signif.
Stealing	Urban/semi-urban	(O) 1461 (99.5) (E) 1461.83	(O) 8 (0.5) (E) 7.17	1469	0.3390	1	NO
	Rural	(O) 577 (99.7) (E) 576.17	(O) 2 (0.3) (E) 2.83	579			
		TOT 2038	10	2048			
Drug trafficking	Urban/semi-urban	(O) 1348 (91.8) (E) 1362.84	(O) 121 (8.2) (E) 106.16	1469	7.9113	1	YES
	Rural	(O) 552 (95.3) (E) 537.16	(O) 27 (4.7) (E) 41.84	579			
		TOT 1900	148	2048			

Counterfeit and fake drug	Urban/semi-urban Rural	(O) 1443 (98.2) (E) 1448.92 (O) 577 (99.7) (E) 571.08	(O) 26 (1.8) (E) 20.08 (O) 2 (0.3) (E) 7.92	1469 579	6.2494	1	YES
		TOT 2020	28	2048			
Receiving stolen property	Urban/semi-urban Rural	(O) 1441 (98.1) (E) 1444.61 (O) 573 (99.0) (E) 569.39	(O) 28 (1.9) (E) 24.39 (O) 6 (1.0) (E) 9.61	1469 579	1.9245	1	NO
		TOT 2014	34	2048			
Assault	Urban/semi-urban Rural	(O) 1408 (95.8) (E) 1416.64 (O) 567 (97.9) (E) 558.36	(O) 61 (4.2) (E) 52.36 (O) 12 (2.1) (E) 20.64	1469 579	5.2269	1	YES
		TOT 1975	73	2048			
Fraud	Urban/semi-urban Rural	(O) 1414 (96.3) (E) 1423.09 (O) 570 (98.4) (E) 560.91	(O) 55 (3.7) (E) 45.91 (O) 9 (1.6) (E) 18.09	1469 579	6.5774	1	YES
		TOT 1984	64	2048			

Note: Figures in bracket are the percentages of the ones by their side (i.e. of observed frequency)
Level of significance = 0.05; d.f = degree of freedom
(O) Observed frequency
(E) Expected frequency
X^2 *0.05 V = 1 = 3.841*

Examination of the test results in Table 4.11 above shows clearly that support for law is related to type of community only with respect to four out of the six laws surveyed; namely, Drug trafficking, Counterfeit and fake drug, Assault, and Fraud. For the laws of Stealing, and Receiving stolen property, support for law was not found to be dependent on type of community. The computed chi – square values for the four significant cases indicate in each case a weak association between support for the law and community type.

4.12 Correlation of support for laws by perceptions held by respondents about laws

A concomitant objective of this section of the study is to investigate whether suppo for state laws is related to the perceptions held by individuals about state laws. The data pertaining to these enquiries are presented below.

4.12.1 Correlation of support for state laws by perception of the interest which the law mainly serves

The specific hypotheses tested here are:

Ho: That support for state law is not related to the perception held by respondents ab the interest which the law mainly serves

H1: That support for state law is related to the perception held by respondents about i interest which the law mainly serves

Research data relating to the investigation of the above hypotheses are presented in Table 4.12.1 below.

Table 4.12.1 Comprehensive contingency table of association between perception of the interest mainly served by law and support for state laws

Law of	Independent variables	Dependent variables			Statistical measures		
		Support	Non support	Total	X^2c	d.f.	Signif.
Stealing	Interest of all Nigerians	(O) 1512 (99.7) (E) 1508.60	(O) 4 (0.3) (E) 7.40	1516	6.0497	1	YES
	Sectional interest	(O) 526 (98.9) (E) 529.40	(O) 6 (1.1) (E) 2.60	532			
		TOT 2038	10	2048			

Drug trafficking	Interest of all Nigerians	(O) 1400 (96.6) (E) 1345.21	(O) 50 (3.4) (E) 104.79	1516	105.738	1	YES
	Sectional interest	(O) 500 (83.6) (E) 554.79	(O) 98 (16.4) (E) 43.21	532			
		TOT 1900	148	2048			
Counterfeit and fake drug	Interest of all Nigerians	(O) 1750 (98.9) (E) 1745.80	(O) 20 (1.1) (E) 24.20	1516	5.4425	1	YES
	Sectional interest	(O) 270 (97.1) (E) 274.20	(O) 8 (2.9) (E) 3.80	532			
		TOT 2020	28	2048			
Receiving stolen property	Interest of all Nigerians	(O) 1800 (99.7) (E) 1776.02	(O) 6 (0.3) (E) 29.98	1516	165.0838	1	YES
	Sectional interest	(O) 214 (88.4) (E) 237.98	(O) 28 (11.6) (E) 4.02	532			
		TOT 2014	34	2048			
Assault	Interest of all Nigerians	(O) 1400 (97.0) (E) 1391.56	(O) 43 (3.0) (E) 51.44	1516	4.8557	1	YES
	Sectional interest	(O) 575 (95.0) (E) 583.44	(O) 30 (5.0) (E) 21.56	532			
		TOT 1975	73	2048			
Fraud	Interest of all Nigerians	(O) 1600 (98.2) (E) 1579.06	(O) 30 (1.8) (E) 50.94	1516	43.5265	1	YES
	Sectional interest	(O) 384 (91.9) (E) 404.94	(O) 34 (8.1) (E) 13.06	532			
		TOT 1984	64	2048			

Note: Figures in bracket are the percentages of the ones by their side (i.e. of observed frequency)
Level of significance = 0.05; d.f = degree of freedom
(O) Observed frequency
(E) Expected frequency
X^2 0.05 V = 1 = 3.841

The test results of the analysis in Table 4.12.1 above show that support for state laws i associated with the respondents' perception of the interest which the law mainly serves. other words, whether respondents perceive the law as serving general interest or partisa interest make the difference in their support or non-support of state laws. In all the cas

Counterfeit and fake drug	Efficacious Non efficacious	(O) 1410 (99.4) (E) 1391.69 (O) 600 (95.2) (E) 618.31	(O) 8 (0.6) (E) 26.31 (O) 30 (4.8) (E) 11.69	1128 920	42.2081	1	YES
		TOT 2010	38	2048			
Receiving stolen property	Efficacious Non efficacious	(O) 1610 (98.8) (E) 1595.78 (O) 395 (94.5) (E) 409.22	(O) 20 (1.2) (E) 34.22 (O) 23 (5.5) (E) 8.78	1128 920	29.5845	1	YES
		TOT 2005	43	2048			
Assault	Efficacious Non efficacious	(O) 1200 (94.5) (E) 1177.60 (O) 699 (89.8) (E) 721.40	(O) 70 (5.5) (E) 92.40 (O) 79 (10.2) (E) 56.60	1128 920	25.4132	1	YES
		TOT 1899	149	2048			
Fraud	Efficacious Non efficacious	(O) 1450 (99.2) (E) 1424.88 (O) 546 (93.2) (E) 571.12	(O) 12 (0.8) (E) 37.12 (O) 40 (6.8) (E) 14.88	1128 920	60.9618	1	YES
		TOT 1996	52	2048			

Note: Figures in bracket are the percentages of the ones by their side (i.e. of observed frequency)
Level of significance = 0.05; d.f = degree of freedom
(O) Observed frequency
(E) Expected frequency
X^2 *0.05 V = 1 = 3.841*

The outcomes of the analysis in Table 4.12.2 above indicate that support for state laws is related to the respondents' perception of the efficacy of criminal laws in controlling prohibited acts. That is to say that the perception held by individuals about the efficacy of specific laws in controlling prohibited acts influences their support for laws. Without exception, the null hypothesis claiming independence between the variables was not supported. The computed chi - values for all six significant cases indicate in each case a weak association between support for that law and perception of the efficacy of the law in controlling the prohibited act.

4.13 SUMMARY OF FINDINGS OF CHAPTER FOUR

The objectives which the study set out to achieve in chapter four are: to find out what the public perception is about specific criminal laws in terms of whether the public, and the subgroups within it support these laws or not; to investigate the pattern of public support across the socioeconomic and demographic sub-divisions of the sample; to find out if support for laws is associated with or related to the socio-economic and demographic characteristics of research subjects; and thirdly; to investigate whether certain perceptive patterns held by respondents are related to support for state laws.

The principal finding of this chapter is that there is popular public support for state laws. An overwhelming majority of research subjects supports the state's criminalization of each of the offenses surveyed. The distribution of public support for state laws revealed that a substantial majority of individuals within each of the socioeconomic and demographic sub-aggregations of the sample: gender, marital, ethnic, religious et cetera subgroupings supported each of the survey laws. In a few cases though, the distributions revealed under contingency analysis, significant inter-subgroup differences in levels of support for the survey laws. Another significant finding of this chapter is that respondents' support for state laws is related to all of the identified socioeconomic and demographic characteristics of respondents except their gender. In this connection, the specific findings are that marital status is associated with support for the law of counterfeit and fake drug, and Fraud; religious affiliation is associated with support for the law of Drug trafficking, Receiving stolen property, Assault, and Fraud; ethnic background is associated with support for the law of Drug trafficking, Receiving stolen property, Assault, and Fraud; ethnic background is associated with support for the law of drug trafficking, receiving stolen property, assault, and fraud. Educational status is associated with support for all the six laws but in each case, the association is both negative and weak.

Age is associated with support for the laws of counterfeit and fake drug, and receiving stolen property. The association is also weak and negative in the two cases. Occupational status is also associated with support for all the six laws. The association is positive for counterfeit and fake drug, and receiving stolen property, but negative for the other four laws, namely, drug trafficking, stealing, assault, and fraud. Again except for the law of stealing where a fairly strong association is found, the correlation for the other five laws is weak in each case.

Furthermore, income level is positively but weakly associated with support for the laws of drug trafficking and assault only. Type of residential community is associated with support for the laws of drug trafficking, counterfeit and fake drug, assault, and fraud, but in each case the correlation is weak. Similarly, the association found between marital status, religious affiliation and ethnic background respectively, and support for the laws reported as being correlated with them, is in each case a weak association. On the other hand, gender was not found to be significantly associated with support for any of the six state laws surveyed.

In addition, the perceptions held by respondents about the interest which the law mainly serves (i.e. whether general or sectional interest), and about the efficacy or otherwise of state laws in controlling prohibited acts, were found to be associated with support for each of the laws surveyed. The association found between these perceptive variables and support for state laws was also weak in each case. From the above presentation, it can be seen that when specific socio-economic and demographic attributes are found to influence support for state laws, the influence of such a factor is found to be restrictive or selective. That is, a given socioeconomic and demographic factor may influence support for some laws but not for others. This is however not the case with the influence of the perceptions held by individuals, whose effect on support for laws is uniform rather than selective.

PUBLIC DEMANDS FOR PENALTY: PERCEPTION OF ADEQUATE PENALTIES FOR CRIMINAL OFFENCES

This chapter will present and analyze data on total sample demands for penalty, as well as subgroups' demands for penalty. It will compare the penalties recommended by the public for offences with that provided by law, and also assess the level of consensus among subgroups on the relative seriousness of crimes

5.1 Penalty assignments of the public for survey offences

The fourth major objective of this study which is undertaken in this section is to investigate what the public i.e. the total sample perceives as adequate penalty for each of the crimes under survey. To pursue this objective, respondents were instructed to assign to each of the survey offence a maximum penalty which they felt matched the seriousness of each particular offence. The data generated from the responses are presented in table 5.1.1. below.

Table 5.1.1 Frequency table showing the number of respondents recommending various penalties for survey offences

PENALTY ASSIGNMENTS BY TYPE OF PUNISHMENT

Survey Offences	Death Penalty	Prison Penalty		Non-Prison Penalty							TOTAL
		Life Jail	Imprisonment in lengths	Fine	Compen-sation	Recovery/ Confiscat-ion	Flogging	Dismis-sal from service	No punish-ment	oth er	
Counterfeit & fake drug	100 (4.88)	372 (18.16)	1319 (64.40)	167 (8.15)	---	52 (2.54)	10 (0.49)	---	28 (1.37)	---	2048
Drug Trafficking	75 (3.66)	375 (18.31)	1097 (53.56)	308 (15.04)	---	40 (1.95)	5 (0.24)	---	148 (7.23)	---	2048
Fraud	44 (2.15)	381 (18.60)	1184 (57.81)	260 (12.70)	---	85 (4.15)	5 (0.24)	25 (1.22)	64 (3.12)	---	2048
Stealing	15 (0.73)	313 (15.28)	1178 (57.52)	405 (19.77)	---	115 (5.62)	12 (0.58)	---	10 (0.49)	---	2048
Receiving stolen property	---	5 (0.24)	1451 (70.85)	485 (23.68)	12 (0.59)	36 (1.76)	25 (1.22)	---	34 (1.66)	---	2048
Assault	---	2 (0.10)	490 (23.93)	278 (13.57)	1026 (50.10)	---	179 (8.74)	---	73 (3.56)	---	2048

Note: Figures in bracket are the percentages of the ones above them

Analysis of the data in table 5.1.1 above shows that the typical punishment recommended by respondents for survey offences is imprisonment. In five out of the six offences surveyed, a majority of respondents indicated lengths of imprisonment as their prefered penalty for these offences, namely; Counterfeit and fake drug, Drug Trafficating, Fraud, Stealing, and Receiving stolen property. For the crime of Assault, majority of the respondents prescribed monetary compensation to the victim as adequate penalty. Below in sections 5.1.2 - 5.1.6 are presented the frequency distribution of the public assignment of imprisonment lengths from the lowest to the highest terms for the five offences mentioned above.

5.1.2: Pattern of public assignment of imprisonment terms for the crime of stealing

Data on the public assignment of imprisonment terms for the five offences identified was also analysed in terms of its distribution from the lowest term to the highest. The emerging pattern as it relates to the crime of stealing is presented in table 5.1.2 below.

Table 5.1.2: Frequency distribution of imprisonment terms assigned by the public for the crime of Stealing

Subgroup	Length of imprisonment recommended in years				
	1-10 yrs.	11 – 20 yrs	21 – 30 yrs	31 years & above	Tot. No assigning imprisonment
Male	450 (64.29)	195 (27.86)	50 (7.14)	5 (0.71)	700
female	128 (26.78)	285 (59.62)	57 (11.92)	8 (1.67)	478
Single	300 (37.04)	400 (49.38)	101 (12.47)	9 (1.11)	810
Married	168 (45.65)	170 (46.20)	30 (8.15)	0 (0.00)	368
Christian	207 (24.94)	510 (61.45)	100 (12.05)	13 (1.57)	830
Muslim	120 (60.0)	50 (25.0)	10 (5.0)	20 (10.0)	200
Other	6 (4.05)	96 (0.44)	37 (25.0)	9 (6.08)	148
Hausa/Fulani	150 (60.0)	70 (28.0)	22 (8.8)	8 (3.2)	250
Igbo	200 (44.44)	210 (46.67)	35 (7.78)	5 (1.11)	450
Yoruba	50 (14.29)	250 (71.43)	40 (11.43)	10 (2.86)	350
Other	78 (60.94)	30 (23.44)	15 (11.72)	5 (3.91)	128
Post - secondary	100 (12.5)	525 (65.63)	150 (18.75)	25 (3.13)	800
Secondary	100 (40.0)	70 (28.0)	60 (24.0)	20 (8.0)	250
Primary & below	98 (76.56)	20 (15.63)	10 (7.82)	0 (0.00)	128

Younger	140 (17.72)	540 (68.35)	100 (12.66)	10 (1.27)	790
Older	100 (25.77)	210 (54.12)	72 (18.56)	6 (1.55)	388
Self-employed	128 (33.86)	205 (54.23)	39 (10. 32)	6 (1.59)	378
Salaried	200 (44.44)	195 (43.33)	45 (10.0)	10 (2.22)	450
Unemployed	50 (14.29)	248 (70.86)	41 (11.71)	11 (3.14)	350
Lower income	361 (33.80)	602 (56.37)	80 (7.49)	25 (2.34)	1068
Higher income	13 (11.82)	80 (72.73)	13 (11.82)	4 (3.64)	110
Urban residence	200 (33.33)	322 (53.67)	60 (10.0)	18 (3.0)	600
Rural residence	78 (13.49)	413 (71.45)	79 (13.67)	8 (1.38)	578

Note: The figures in bracket are the percentages of the once by their side.

Analysis of the data in table 5.1.2 above shows that a majority of males prescribe imprisonment lengths of 10 years and below, while a majority of females prescribe imprisonment terms of between 11 to 20 years for the crime of Stealing. A majority of both single and married respondents recommend between 11 - 20 years imprisonment. Whereas a majority of christians recommend 11 - 20 years, muslims prescribe mainly 10 years and below, while persons of other faiths favour imprisonment lengths of between 21 - 30 years. Hausa\Fulanis and other ethnics recommended 10 years imprisonment and below; Yorubas prescribe mainly 11 - 20 years, while an almost equal proportion of Igbos prescribe 10 years and below, and 11 - 20 years respectively. Respondents with post-secondary education prescribe lengths between 11 - 20 years, whereas those with secondary, and primary level education prescribe mainly imprisonment length of 10 years and below. Both

younger and older respondents prescribe imprisonment lengths of between 11 - 20 years. Those who are in self-employment predominantly assign imprisonment lengths of between 11 - 20 years; those in salaried employment are divided between recommendations of 10 years and below, and 11 - 20 years imprisonment. The unemployed prescribe 11 - 20 years in lengths of imprisonment. With respect to income groups, both persons of lower and higher income recommend 11 - 20 years; urban and rural residents alike fall mainly within the 11 - 20 years prescription. Thus, with the exception of males, Muslims, Hausa/Fulanis, other ethnics, and persons with secondary, and primary level education, and to an extent salaried persons, Igbos, and married individuals, all other subgroups within the research sample recommend imprisonment lengths in excess of the average length prescribed by the total sample (MSSS) for the crime of stealing, namely 9 years imprisonment.

5.1.3: Pattern of public assignment of imprisonment terms for the crime of Drug trafficking

Table 5.1.3 below shows the distribution of public assignments of terms of imprisonment for the offence of drug trafficking.

Table 5.1.3: Frequency distribution of imprisonment terms assigned by the public for the crime of drug trafficking

Subgroups	Length of imprisonment recommended in years: 1-10 yrs	11 - 20 yrs	21 - 30 yrs	31 yrs & above	Tot. No Assigning Imprisonm-ent terms
Male	50 (6.67)	150 (20.0)	230(30.67)	320(42.67)	750
Female	12 (3.46)	95 (27.38)	140(40.35)	100(28.82)	347
Single	48 (5.93)	162 (20.0)	434(53.58)	166(20.49)	810
Married	30 (10.45)	50 (17.42)	139(48.43)	68(23.69)	287
Christian	25 (6.0)	30 (7.19)	260(62.35)	102(24.46)	417
Muslim	64 (11.43)	48 (8.57)	340(60.71)	108(19.29)	560
Other	15 (12.5)	20 (16.67)	55 (45.83)	30 (25.0)	120
Hausa/ Fulani	58 (14.5)	30 (7.5)	211(52.75)	101(25.25)	400
Igbo	18 (9.63)	42 (22.46)	100(53.48)	27(14.44)	187
Yoruba	43 (10.49)	51 (12.44)	208(50.73)	108(26.34)	410
Other	15 (7.5)	35 (17.5)	105(52.5)	45(22.5)	200
Post-Secondary	29 (13.36)	46 (21.20)	121(55.76)	21 (9.68)	217
Secondary	23 (5.75)	27 (6.75)	180 (45.0)	170 (42.5)	400
Primary & below	76 (15.83)	110(22.92)	191(39.79)	103(21.46)	480

Younger	86 (13.29)	61 (9.43)	302(46.68)	198(30.60)	647
Older	40 (8.89)	60 (13.33)	209(46.44)	141(31.33)	450
Self-employed	67(17.72)	61 (16.14)	153(40.48)	97(25.66)	378
Salaried	48(10.67)	152(33.78)	164(36.44)	86(19.11)	450
Unemployed	40(11.43)	10(2.86)	213(60.86)	87(24.86)	350
Lower income	101(10.18)	111(11.19)	652(65.73)	128(12.90)	992
Higher Income	15(14.29)	35(33.33)	32(30.48)	23(21.90)	105
Urban residence	42(6.03)	58(8.32)	389(55.81)	208(29.84)	697
Rural residence	20 (5.0)	30 (7.5)	194(48.5)	156 (39.0)	400

Note: The figures in bracket are the percentages of the ones by their side.

Data in table 5.1.3 above reveal that with respect to the crime of drug trafficking, males mainly prescribe imprisonment lengths of 31 years and above, while females mainly assign lengths of between 21-30 years. Both single and married respondents assign mainly between 21-30 years; Christians, Muslims, and persons of other faith likewise prescribe between 21-30 years imprisonment for the offence. With the singular exception of persons who earn higher incomes, all the other subgroups in our sample viz: ethnic, educational, age, employment type, and residential subgroups prescribe imprisonment lengths of between 21 - 30 years. It follows therefore that Hausa/Fulanis, Igbos, Yorubas, other ethics, persons with post-secondary, secondary, and primary level education, younger and older respondents, the self-employed, salaried persons, the unemployed, lower-income earners, and both urban and rural residents prescribe mainly imprisonment of 21 - 30 years for drug trafficking. Higher income earners on the other hand appear

divided between prescriptions of 11-20 years and 21 -30 years, although a slight majority of them favour the 11 - 20 years prescription. Most subgroups in the sample therefore assign imprisonment lengths that overlap with the length prescribed by the total sample for drug trafficking namely, 23 years of imprisonment.

5.1.4: Pattern of public assignment of imprisonment terms for the crime of Counterfeit and fake drug

Table 5.1.4 below shows the distribution of public assignments of terms of imprisonment for the crime of Counterfeit and fake drug.

Table 5.1.4: Frequency distribution of imprisonment terms assigned by the public for the crime of Counterfeit and fake drug

length of imprisonment recommended in years

Subgroups	1-10 yrs.	11 - 20 yrs	21 - 30 yrs	31 yrs & above	Tot. No assig -ning impr ison ment
Male	40 (4.44)	160(17.78)	540 (60.0)	160 (17.78)	900
Female	79 (18.85)	90 (21.48)	140 (33.41)	110 (26.25)	419
Single	53 (6.63)	97 (12.13)	497 (62.13)	153 (19.13)	800
Married	19 (3.66)	200 (38.54)	180 (34.68)	120 (23.12)	519
Christian	46 (6.78)	77 (11.36)	317 (46.76)	238 (35.10)	678
Muslim	29 (5.17)	60 (10.70)	278 (49.55)	194 (34.58)	561
Other	4.(0.25)	14 (17.5)	51 (63.75)	11 (13.75)	80

Hausa/Fulani	8 (6.72)	11 (9.24)	68 (57.14)	32 (26.89)	119
Igbo	62 (10.51)	106 (17.97)	301 (51.02)	121 (20.51)	590
Yoruba	74 (18.05)	20 (4.88)	211 (51.46)	105 (25.61)	410
Other	14 (7.0)	36 (18.0)	130 (65.0)	20 (100)	200
Post-secondary	93 (14.95)	114 (18.33)	310 (49.84)	105 (16.88)	622
Secondary	23 (10.50)	40 (18.26)	130 (59.36)	26 (11.87)	219
Prim. Educ. & Below	28 (5.86)	20 (4.18)	328 (47.09)	102 (21.34)	478
Younger	150 (15.79)	100 (10.53)	529 (55.68)	171 (18.0)	950
Older	48 (13.01)	102 (27.64)	138 (37.40)	81 (21.95)	369
Self-employed	35 (6.86)	60 (11.76)	317 (62.16)	98 (19.22)	510
Salaried	12. (2.36)	32 (6.29)	351 (68.96)	114 (22.40)	509
Unemployed	10 (3.33)	40 (13.33)	210 (70.0)	40 (13.33)	300
Lower income	73 (6.36)	118 (10.29)	841 (73.32)	115 (10.03)	1147
Higher income	26 (15.12)	22 (12.79)	114 (66.28)	10 (5.81)	172
Urban residence	184 (17.54)	296 (28.22)	437 (41.66)	132 (12.58)	1049
Rural residence	37 (13.70)	19 (7.04)	209 (77.41)	5 (1.85)	270

Note: The figures in bracket are the percentages of the ones by their side.

Data in table 5.1.4 above show that both males and females predominantly assign imprisonment lengths of between 21-30 years for the offence of Counterfeit and fake drug. Similarly, both the single and the married, christians, muslims, and persons of other faiths; Hausa\Fulanis, Igbos, Yorubas, as well as persons from other ethnic backgrounds; those with post-secondary education, secondary education and those with primary level education, all tend to prescribe

imprisonment lengths of between 21 – 30 years for the offence. This pattern also applies to younger and older respondents, self-employed, salaried, and unemployed persons as well as persons of lower and higher incomes, urban and rural residence who mainly assign between 21 – 30 years imprisonment. Without exception, all the subgroups within the sample recommend mainly imprisonment lengths exceeding (though slightly) the average length prescribed by the total sample for the offence of Counterfeit and fake drug namely, 20 years imprisonment.

5.1.5: Pattern of public assignment of imprisonment terms for the crime of Receiving stolen property

Data on the distribution of public assignment of imprisonment lengths for the crime of Receiving stolen property is presented in table 5.1.5 below.

Table 5.1.5: Frequency distribution of imprisonment terms assigned by the public for the crime of Receiving stolen property

Subgroups	Length of imprisonment recommended in years				
	1-10 yrs	11 – 20 yrs	21 – 30 yrs	31 yrs & above	Tot.No assigning imprisonm-ent
Male	150 (18.75)	520 (65.0)	121 (15.13)	9 (1.13)	800
Female	151 (23.20)	417 (64.06)	74 (11.37)	9 (1.38)	651
Single	101 (20.16)	301(60.08)	83(16.57)	16 (3.19)	501
Married	200(21.05)	622(65.47)	115 (12.11)	13 (1.37)	950
Christian	222(20.13)	641(58.11)	209(18.95)	31(2.81)	1103
Muslim	30 (15.0)	110 (55.0)	52(26.0)	8 (4.0)	200

Other	46(31.08)	98 (66.22)	4 (2.70)	0 (0.0)	148
Hausa/ Fulani	35 (11.67)	213 (71.0)	48 (16.0)	4 (1.33)	300
Igbo	100 (18.18)	357 (64.91)	70 (12.73)	23 (4.18)	550
Yoruba	50 (14.29)	218 (62.29)	64 (18.29)	18 (5.14)	350
Other	71 (28.29)	110 (43.82)	62 (24.70)	8 (3.19)	251
Post-Secondary	200(28.57)	413(59.0)	65(9.29)	22(3.14)	700
Secondary	151(33.48)	218(48.34)	40(8.87)	42(9.31)	451
Prim. Edu. & below	40(13.33)	151(50.33)	30(10.0)	79(26.33)	300
Younger	207(24.32)	521(61.22)	98(11.52)	25(2.94)	851
Older	296(49.33)	201(33.5)	87(14.5)	16(2.67)	600
Self-employed	88 (14.92)	431(73.05)	63(10.68)	8(1.36)	590
Salaried	151(30.14)	341(68.06)	9(1.80)	0(0.0)	501
Unemployed	154(42.78)	197(54.72)	8 (2.22)	1(0.28)	360
Lower income	397(29.41)	890(65.93)	23(1.70)	40(2.96)	1350
Higher income	25(24.75)	76 (75.25)	0(0.0)	0(0.0)	101
Urban residence	357(40.07)	454(50.95)	65(7.30)	15(1.68)	891
Rural residence	88 (15.71)	413(73.75)	47(8.39)	12(2.14)	560

Note: The figures in bracket are the percentages of the ones by their side.

From the data in table 5.1.5 above, it is evident that the imprisonment length favoured mostly by both males and females in the sample for the offence of

Receiving stolen property is 11 - 20 years. Likewise, the single and the married; christians, muslims and persons belonging to other faiths; Hausa/Fulanis, Igbos, Yorubas and other ethnics; individuals with post-secondary education, those with secondary, and primary education respectively prescribe mainly the 11 - 20 years length of imprisonment. The same is true of younger respondents, the self-employed, salaried workers and the unemployed, lower and higher income earners, urban and rural residents. Only the older respondents recommend imprisonment lengths that mainly fall within the 10 years and below category. This implies that overall the imprisonment lengths prescribed by the subgroups for this crime exceed the average length prescribed by the total sample for the crime, namely 9 years imprisonment.

5.1.6: Pattern of public assignment of imprisonment terms for the crime of Fraud

Data on the distribution of public assignment of imprisonment terms for the crime of Fraud is presented in table 5.1.6 below.

Table 5.1.6: Frequency distribution of imprisonment terms assigned by the public for the crime of Fraud

Subgroups	length of imprisonment recommended in years				
	1-10 yrs.	11 - 20 yrs	21 - 30 yrs	31 years & above	Tot. No Assigning Imprisonm-ent
Male	230(30.67)	501(66.8)	17(2.27)	2(0.27)	750
Female	200(46.08)	217(50.0)	11(2.53)	6(1.38)	434

Single	300(46.15)	315(48.46)	27(4.15)	8(1.23)	650
Married	34(6.37)	475(88.95)	25(4.68)	0(0.0)	534
Christian	22(2.46)	771(86.24)	98(10.96)	3(0.34)	894
Muslim	92(48.42)	87(45.79)	9(4.74)	2(1.05)	190
Other	51(51.0)	39(39.0)	10(10.0)	0(0.0)	100
Hausa/ Fulani	80(43.48)	99(53.80)	5(2.72)	0(0.0)	184
Igbo	100(28.57)	198(56.57)	42(12.0)	10(2.86)	350
Yoruba	50(11.11)	328(72.89)	52(11.56)	20(4.44)	450
Other	50 (25.0)	120(60.0)	24(12.0)	6(3.0)	200
Post-secondary	250(41.67)	246(41.0)	79(13.17)	25(4.17)	600
Secondary	184(47.92)	149(38.80)	47(12.24)	4(1.04)	384
Prim.edu. & below	10(5.0)	170(85.0)	18(9.0)	2(1.0)	200
Younger	100(16.67)	420(70.0)	75(12.5)	5(0.83)	600
Older	234(40.07)	294(50.34)	47(8.05)	9(1.54)	584
Self-employed	50(25.0)	144(72.0)	6(3.0)	0(0.0)	200
Salaried	284(48.63)	261(44.69)	37(6.34)	2(0.34)	584
Unemployed	10(2.5)	287(71.75)	101(25.25)	2(0.5)	400
Lower income	255(23.42)	731(67.13)	94(8.63)	9(0.83)	1089
Higher income	35(36.84)	41(43.16)	18(18.95)	1(1.05)	95
Urban residence	100(12.5)	610(76.25)	75(9.38)	15(1.88)	800

Rural residence	184(47.92)	151(39.32)	39(10.16)	10(2.60)	384

Note: The figures in bracket are the percentages of the ones by their side.

From the distribution in table 5.1.6 above, it can be gleaned that males and females alike mostly prescribe imprisonment lengths of 11-20 years for the offence of Fraud. In the same manner, single and married persons assign mainly lengths within this category, although among the single there is a tendency to equally favour prescription of imprisonment lengths that fall within the 10 years and below category. Christians assign mainly terms of between 11-20 years in contrast to persons of other faiths who mainly recommend imprisonment lengths of 10 years and below. Muslims on the other hand appear to be divided in their prescription between recommending 10 years and below on the one hand, and 11 – 20 years imprisonment on the other for the crime of Fraud. However, in terms of simple majority their preferred imprisonment length for Fraud is 10 years and below. Hausa/Fulanis, Igbos, Yorubas, and other ethnics predominantly prescribe imprisonment lengths within the 11-20 years range for the crime of Fraud. Individuals possessing post-secondary education are ambivalent. Almost one-half of this subgroup prescribes a length of 10 years and below while another one-half (almost) prescribes lengths between 11-20 years. For those with secondary education, a majority endorsed lengths of 10 years and below, whereas persons possessing primary education prescribe mainly lengths between 11-20 years. Furthermore, both younger and older respondents prescribe imprisonment of 11-20 years as their main recommendation for the crime of Fraud. With respect to the employment subgroups, the self-employed recommend mainly 11-20 years imprisonment for Fraud, salaried workers prescribe between 10 years and below and 11-20 years, with almost equal proportion of individuals prescribing either of the two ranges; and the unemployed clearly prescribing 11-20 years imprisonment for the crime. Both lower and higher income earners, as well as urban residents

prescribed in their majority 11-20 years imprisonment. Rural residents on the other hand mainly recommend 10 years and below for the crime. Thus, the imprisonment lengths prescribed by persons of other religious faiths, persons with secondary education, and rural residents fall short of the average length recommended by the total sample for the crime of Fraud (namely, 12 years imprisonment) while the prescriptions of the other subgroups average (i.e. overlap) that of the total sample for the crime (see table 5.1.7 below for data on total sample prescriptions).

5.1.7: Total sample prescriptions of imprisonment lengths for offences

Beyond the analysis of subgroups' prescriptions of imprisonment lengths for the five offences that received imprisonment terms as typical penalty recommendations, the actual lengths of imprisonment desired by respondents for each of these five cases was investigated in order to determine the absolute length of imprisonment which the public considers adequate for these crimes. To execute this objective, a mean sentence severity score (MSSS) was computed for the number of respondents prescribing lengths of imprisonment, and for each offence concerned. The computed penalty averages are 9 years imprisonment for the crime of Stealing, 23 years for Drug trafficking, 20 years for Counterfeit and fake drug, 9 years for Receiving stolen property, and 12 years imprisonment for the crime of Fraud. This implies that as far as the respondents are concerned, the adequate or fitting penalty for survey offences in our society should be as follows: for Stealing, nine years imprisonment; for Drug trafficking, twenty-three years imprisonment: for Counterfeit and fake drug, twenty years imprisonment: for Receiving stolen property, nine years imprisonment: for Fraud, twelve years imprisonment; while for the offence of Assault, monetary compensation would be adequate[1]. See table 5.1.7. below for a tabular presentation.

Table 5.1.7 Respondents' recommendations of imprisonment in actual lengths to be served

Offence type	Respondents' recommendations of penalty in lengths of imprisonment
Stealing	9 years
Drug Trafficking	23 years
Counterfeit and fake drug	20 years
Receiving stolen property	9 years
Fraud	12 years

From the table data above, it can be seen that the offence of stealing was assigned an imprisonment of 9 years. This represents the penalty prescription of the majority (57.52%) of respondents. Among the rest of our respondents, 0.73% prescribed the death penalty, 15.28% prescribed life jail, 19.77% recommended fine, 5.62% assigned recovery/confiscation as adequate penalty for stealing, 0.58% recommended flogging and some 0.49% said offence should not be penalized. Drug trafficking as can be seen from table 5.1.7 received 23 years imprisonment as penalty prescription of a majority (53.56%) of our respondents. Among the others who did not recommend imprisonment terms, 3.66% recommended death penalty, 18.31% recommended life jail, 15.04% prescribed fine, 1.95% recommended "recovery/confiscation", 0.24% recommended flogging, and some 7.23% recommended "no punishment". The offence of Counterfeit and fake drug attracted a penalty of 20 years imprisonment as the penalty prescription of a majority of the respondents who represented some 64.40%

of the total sample assigning criminal penalty. Among the others who favoured other penalty options apart from imprisonment terms, some 4.88% prescribed the death penalty, 18.16% prescribed life jail, 8.15% recommended the criminal fine, 2.54% indicated "recovery/confiscation", 0.49% prescribed flogging, and 1.37% recommended "no punishment". Table 5.1.7 also shows that with respect to the crime of receiving stolen property, the public assigned a penalty of 9 years imprisonment as adequate and fitting penalty for the offence. This penalty prescription reflects the recommendation of 70.85% of the total sample assigning penalty. Another 0.24% of respondents recommended life jail, 23.68% recommended fine, 0.59% prescribed "monetary compensation", 1.76% recommended "recovery/confiscation", 1.22% assigned flogging, and another 1.66% recommended "no punishment". In the case of the crime of Fraud, the penalty deemed adequate by the public is 12 years imprisonment. This penalty is prescribed by 57.81% of the total sample. Among the others not prescribing this penalty, 2.15% recommended the death penalty, 18.60% assigned life jail, 12.70% recommended fine, 4.15% prescribed "recovery/confiscation", 0.24% recommended flogging, 1.22% prescribed "dismissal from service", while another 3.12% recommended "no punishment". As Table 5.1.1 shows with reference to the crime of Assault, the majority of respondents (50.10%) prescribed "monetary compensation" as adequate and fitting penalty for the crime. Among those who prescribed other penalty alternatives, 0.10% recommended life jail, 23.93% prescribed lengths of imprisonment, 13.57% recommended fine, 8.74% assigned flogging, and 3.56% said "no purnishment" (see table 5.1.1 for the distribution of penalty assignments by the sample). It is instructive to note that among the majority that prescribed "monetary compensation"

for the crime of Assault, almost all of them (99.95%) indicated that actual amounts or levels of compensation payable to the victim would be impossible to fix or recommend in advance of offence. In their opinion, level of compensation would depend strictly on the actual physical harm inflicted on the victim. In the absence of recommendations of levels of compensation by the public and its subgroups, there are no meaningful frequencies across subgroups that can be compared and analysed in relation to penalty prescriptions for Assault.

5.2 Correlation of level of severity of imprisonment terms assigned to crimes by socioeconomic and demographic attributes of respondents

In this section of the study effort was made to investigate the influence of sociodemographic factors on prescriptions of imprisonment lengths for survey offences. That is, to find out whether the socioeconomic and demographic characteristics of respondents affect the length of imprisonment that respondents prescribe for criminal offences. In this analysis, the dividing line between "more severe punishment" and "less severe punishment" is the median imprisonment length assigned to a given crime by the punishing sample i.e. those who prescribed lengths of imprisonment for each of the five crimes under analysis.[2] Thus, respondents who assign prison sentence lengths that are above the median length assigned for that offence by respondents are classified as punishing the crime in question more severely, while those who assign imprisonment lengths below the median length prescribed by the sample for the given crime are classified as punishing that crime less severely. In the sections that follow, the data relating to these tests of independence are presented in

comprehensive contingency tables of association that explore association between punitiveness (defined as severity of length of imprisonment) and socioeconomic and demographic factors[3].

5.2.1 Gender and punitiveness toward crime

The specific hypothesis tested here are:

Ho: That the level of punishment assigned to crimes is not related to gender

H1: That the level of punishment assigned to crimes is related to gender

Below is a contingency tabular presentation of the data that pertain to these hypotheses.

Table 5.2.1 Comprehensive contingency table of association between Punitiveness and gender

Crime	Independent variables	Dependent variables			Statistical measures		
		More severe	Less severe	Total	X^2c	d. f.	Signif.
Stealing	Male	(O) 250 (35.71) (E) 356.54	(O) 450 (64.29) (E) 343.46	700	159.89	1	YES
	Female	(O) 350 (73.22) (E) 243.46	(O) 128 (26.78) (E) 243.54	478			
		600	578	1178			
Drug trafficking	Male	(O) 550 (73.33) (E) 540.11	(O) 200 (26.67) (E) 209.89	750	2.04	1	NO
	Female	(O) 240 (69.16) (E) 249.89	(O) 107 (30.84) (E) 97.11	347			
		790	307	1097			

Counterfeit and fake drug	Male	(O) 700 (77.78) (E) 642.22	(O) 200 (22.22) (E) 251.78	900			
	Female	(O) 253 (59.67) (E) 301.78	(O) 169 (40.33) (E) 117.22	419	46.55	1	YES
		950	369	1319			
Receiving Stolen Property	Male	(O) 650 (81.25) (E) 634.05	(O) 150 (18.75) (E) 165.95	800			
	Female	(O) 500 (76.80) (E) 515.95	(O) 151 (23.20) (E) 135.05	651	4.31	1	YES
		1150	301	1451			
Fraud	Male	(O) 520 (69.33) (E) 477.62	(O) 230 (30.67) (E) 272.38	750			
	Female	(O) 234 (53.92) (E) 276.38	(O) 200 (46.08) (E) 157.62	434	28.25	1	YES
		752	430	1184			

Note: Figures in bracket are the percentages of the ones by their side (i.e. of observed frequency)
Level of significance = 0.05; d.f = degree of freedom
(O) Observed frequency
(E) Expected frequency
X^2 *0.05 V = 1 = 3.841*

Data in table 5.2.1 above on the correlation between gender and punitiveness toward crime show that the gender factor is related to the level of punishment prescribed for four out of the five crimes analysed, namely; Stealing, Counterfeit and fake drug, Receiving stolen property, and Fraud. The computed chi – square values for these four cases indicate in each case a weak association between gender and punitiveness.

5.2.2 Correlation of punitiveness by marital status

The specific hypotheses tested here are:

Ho: That level of penal severity assigned to offences is not related to marital status of respondents

H1: That level of penal severity assigned to offences is related to the marital status of respondents

Table 5.2.2 below contains the data on the above hypotheses.

Table 5.2.2 Comprehensive contingency table of association between punitiveness and marital status

Crime	Independent variables	Dependent variables			Statistical measures		
		More severe	Less severe	Total	X^2c	d. f.	Signi f.
Stealing	Single	(O) 510 (62.96) (E) 488.20	(O) 300 (37.04) (E) 321.80	810	7.84	1	YES
	Married	(O) 200 (54.35) (E) 710.00	(O) 168 (45.65) (E) 146.20	368			
		710	468	1178			
Drug trafficking	Single	(O) 600 (74.07) (E) 595.87	(O) 210 (25.93) (E) 214.13	810	0.413	1	NO
	Married	(O) 207 (72.13) (E) 211.13	(O) 80 (27.87) (E) 75.87	287			
		807	290	1097			
Counterfeit and fake drug	Single	(O) 650 (81.25) (E) 576.19	(O) 150 (18.75) (E) 223.81	800	85.88	1	YES
	Married	(O) 300 (57.80) (E) 373.81	(O) 219 (42.20) (E) 145.19	519			
		950	369	1319			
Receiving stolen property	Single	(O) 400 (79.84) (E) 397.07	(O) 101 (20.16) (E) 103.93	501	0.159	1	NO
	Married	(O) 750 (78.95) (E) 752.93	(O) 200 (21.05) (E) 197.07	950			
		1150	301	1451			
Fraud	Single	(O) 350 (53.85) (E) 466.64	(O) 300 (46.15) (E) 183.36	650	229.14	1	YES
	Married	(O) 500 (93.63) (E) 383.36	(O) 34 (6.37) (E) 150.64	534			
		850	334	1184			

Note: Figures in brackets are the percentages of the ones by their side (i.e. of observed frequency)
Level of significance = 0.05; d.f = degree of freedom
(O) Observed frequency
(E) Expected frequency
X^2 *0.05 V = 1 = 3.841*

From the research data in table 5.2.2 above, it can be observed that marital status affects punitiveness only with respect to the crimes of Stealing, Counterfeit and fake drug, and Fraud. For the crimes of Drug trafficking and Receiving stolen property, marital status and punitiveness were not found to be dependent. The analysis shows that in the three cases that were found to be significant, the degree of association found in each case was a weak one.

5.2.3 Correlation of punitiveness by religious affiliation

The specific hypotheses tested here are:

Ho: That level of penal severity recommended for crimes is *not* related to the religious background of respondents

H1: That level of penal severity recommended for crimes is related to the religious background of respondents

The relevant data on the above hypotheses are presented below in table 5.2.3.

Table 5.2.3 Comprehensive contingency table of association between punitiveness and religious affiliation

Crime	Independent variables	Dependent variables			Statistical measures		
		More severe	Less severe	Total	X^2c	d.f.	Signif.
Stealing	Christian	(O) 623 (75.06) (E) 595.37	(O) 207 (24.94) (E) 234.63	830	146.64	2	YES
	Muslim	(O) 80 (40.0) (E) 143.46	(O) 120 (60.0) (E) 56.54	200			
	Other	(O) 142 (95.95) (E) 106.16	(O) 6 (4.05) (E) 41.84	148			
		845	333	1178			
Drug trafficking	Christian	(O) 362 (86.81) (E) 340.21	(O) 55 (13.19) (E) 76.76	417	17.749	2	YES
	Muslim	(O) 448 (80.0) (E) 456.88	(O) 112 (20.0) (E) 103.12	560			
	Other	(O) 85 (70.83) (E) 97.90	(O) 35 (29.16) (E) 22.10	120			
		895	202	1097			
Counterfeit and fake drug	Christian	(O) 555 (81.86) (E) 559.77	(O) 123 (18.14) (E) 118.23	678	2.621	2	NO
	Muslim	(O) 472 (84.14) (E) 463.18	(O) 89 (15.86) (E) 97.82	561			
	Other	(O) 62 (77.5) (E) 66.05	(O) 18 (22.5) (E) 13.95	80			
		1089	230	1319			
Receiving stolen property	Christian	(O) 881(79.87) (E) 876.47	(O) 222(20.13) (E) 226.53	1103	13.953	2	YES
	Muslim	(O) 170(85.0) (E) 158.92	(O) 30(15.0) (E) 41.08	200			
	Other	(O) 102(68.92) (E) 117.60	(O) 46(31.08) (E) 30.40	148			
		1153	298	1451			

Fraud	Christian	(O) 872(97.54) (E) 769.41	(O) 22(2.46) (E) 124.59	894	401.08	2	YES
	Muslim	(O) 98(51.58) (E) 163.52	(O) 92(48.42) (E) 26.48	190			
	Other	(O) 49(49.0) (E) 86.06	(O) 51(51.0) (E) 13.94	100			
		1019	165	1184			

Note: Figures in bracket are the percentages of the ones by their side (i.e. of observed frequency)
Level of significance = 0.05; d.f = degree of freedom
(O) Observed frequency
(E) Expected frequency
X^2 0.05 V = 2 = 5.99

Analysis of the data in table 5.2.3 above shows that the religious background of individuals influence their punitiveness toward four out of the five offences analysed, namely; Stealing, Drug trafficking. Receiving stolen property, and Fraud. Furthermore, a weak associations was found to exist in each of the four cases reported.

5.2.4 ***Correlation of punitiveness by ethnic background***

The specific hypotheses tested here are:

Ho: That level of penal severity prescribed for crimes is not related to the ethnic background of respondents

H1: That level of penal severity prescribed for crimes is related to the ethnic background of respondents

The data resulting from this analysis is presented below in table 5.2.4

Table 5.2.4 Comprehensive contingency table of association between punitiveness and ethnic background

Crime	Independent variables	Dependent variables			Statistical measures		
		More severe	Less severe	Total	X^2_c	d. f.	Signif.
Stealing	Hausa/Fulani	(O) 100 (40.0) (E) 148.56	(O) 150 (60.0) (E) 101.44	250	164.24	3	YES
	Igbo	(O) 250 (55.56) (E) 267.40	(O) 200 (44.44) (E) 182.60	450			
	Yoruba	(O) 300 (85.71) (E) 207.98	(O) 50 (14.29) (E) 142.02	350			
	Other	(O) 50 (39.06) (E) 76.06	(O) 78 (60.94) (E) 51.94	128			
		700	478	1178			
Drug trafficking	Hausa/Fulani	(O) 312(78.0) (E) 306.29	(O) 88(22.0) (E) 93.71	400	24.327	3	YES
	Igbo	(O) 127(67.91) (E) 143.19	(O) 60(32.09) (E) 43.81	187			
	Yoruba	(O) 215(86.0) (E) 191.43	(O) 35(14.0) (E) 58.57	250			
	Other	(O) 186(71.54) (E) 199.09	(O) 74(28.46) (E) 60.91	260			
		840	257	1097			
Counterfeit and fake drug	Hausa/Fulani	(O) 100(84.03) (E) 89.14	(O) 19(15.97) (E) 29.86	119	9.886	3	YES
	Igbo	(O) 422(71.53) (E) 441.94	(O) 168(28.47) (E) 148.06	590			
	Yoruba	(O) 316(77.07) (E) 307.11	(O) 94(22.93) (E) 102.89	410			
	Other	(O) 150(75.0) (E) 149.81	(O) 50(25.0) (E) 50.19	200			
		988	331	1319			

Receiving Stolen Property	Hausa/Fulani	(O) 265 (88.33) (E) 247.07	(O) 35 (11.67) (E) 52.93	300	29.76	3	YES
	Igbo	(O) 450 (81.82) (E) 452.96	(O) 100 (18.18) (E) 97.04	550			
	Yoruba	(O) 300 (85.71) (E) 288.25	(O) 50 (14.29) (E) 61.75	350			
	Other	(O) 180 (71.71) (E) 206.72	(O) 71 (28.29) (E) 44.28	251			
		1195	256	1451			
Fraud	Hausa/Fulani	(O) 104 (56.52) (E) 140.49	(O) 80 (43.48) (E) 43.51	184	84.14	3	YES
	Igbo	(O) 250 (71.43) (E) 267.23	(O) 100 (28.57) (E) 82.77	350			
	Yoruba	(O) 400 (88.89) (E) 343.58	(O) 50 (11.11) (E) 106.42	450			
	Other	(O) 150 (75.0) (E) 152.70	(O) 50 (25.0) (E) 47.30	200			
		904	280	1184			

Note: Figures in bracket are the percentages of the ones by their side (i.e. of observed frequency)
Level of significance = 0.05; d.f = degree of freedom
(O) Observed frequency
(E) Expected frequency
X^2 *0.05 V = 3 = 7.815*

Research data in table 5.2.4 above show that the ethnic background of respondents is significantly related to respondents' punitiveness toward all the five crimes analysed. A weak association is however found to be present in each of the five cases.

5,2.5 Correlation of punitiveness by educational attainment

The specific hypotheses tested here are:

H0: That level of penal severity prescribed by respondents for crimes is not related to the educational level of respondents.

H1: That level of penal severity prescribed by respondents for crimes is related to the educational level of respondents

Data dealing with the above hypotheses are shown in table 5.2.5 below.

TABLE 5.2.5: Comprehensive table of association between punitiveness and educational status

LEVEL OF SEVERITY OF PUNISHMENT ASSIGNED

Educational Subgroup	STEALING			DRUG TRAFFICKING			COUNTERFEIT AND FAKE DRUG			RECEIVING STOLEN PROPERTY			FRAUD		
	More severe	Less severe	n	More severe	Less severe	n	More severe	Less severe	n	More severe	Less severe	n	More severe	Less severe	n
Post-Secondary education	700	100	800	142	75	217	415	207	622	500	200	700	350	250	600
Secondary education	150	100	250	350	50	400	156	63	219	300	151	451	200	184	384
Primary education and below	30	98	128	294	186	480	430	48	478	260	40	300	190	10	200
Total			1178			1097			1319			1451			1184
	r = .76			r = .22			r = - .47			r = - .17			r = - .31		

Table 5.2.5 above shows the correlation between punitiveness and educational status of respondents. The table shows the gamma values of .76 for the crime of stealing; .22 for drug trafficking; -.47 for counterfeit and fake drug; -.17 for receiving stolen property; and -.31 for the crime of fraud. These results show that educational level is significantly associated with the level of penalty assigned to all of the six criminal offences. In this case of the crime of stealing, the association is positive and very high. For drug trafficking, the association is also positive but weak. With respect to counterfeit and fake drug, receiving stolen property, and fraud, the association is negative. But while the correlations in counterfeit and fake drug, and fraud, are fairly strong, it is weak in the case of receiving stolen property.

5.2.6 Correlation of punitiveness by age

The specific hypotheses tested here are:

Ho: That level of penal severity recommended for crimes is not affected by the age of respondents.

H_1: That level of penal severity recommended for crimes is affected by age of respondents

The data pertaining to the hypotheses above are presented in table 5.2.6 below:

TABLE 5.2.6: Comprehensive table of association between punitiveness and age

LEVEL OF SEVERITY OF PUNISHMENT ASSIGNED

Age Subgroup	STEALING			DRUG TRAFFICKING			COUNTERFEIT AND FAKE DRUG			RECEIVING STOLEN PROPERTY			FRAUD		
	More severe	Less severe	n	More severe	Less severe	n	More severe	Less severe	n	More severe	Less severe	n	More severe	Less severe	n
18 - 31 years	650	140	790	500	147	647	700	250	950	644	207	851	500	100	600
32 years and above	288	100	388	350	100	450	219	150	369	304	296	600	350	234	584
Total			1178			1097			1319			1451			1184
Significance:	R = .09 P = .00			R = - .01 P = .42			R = .14 P = .00			R = .26 P = .00			R = .26 P = .00		

Note:

Ho: P = 0

Alpha = 0.05

Ho rejected if P < 0.05

Ho accepted if P >0.05

Table 5.2.6 above shows the correlation between punitiveness and age of respondents. The table shows the Pearson's product moment correlation coefficient of .09 for the crime of stealing; -.01 for drug trafficking; .14 for counterfeit and fake drug; .26 for receiving stolen property; and .26 for fraud. The table also shows a significance value (P) of .00, .42, .00, .00, and .00 for the respective offences. These results show that age is significantly correlated with punishment assignments for the crimes of stealing, counterfeit and fake drug, receiving stolen property, and fraud, but not with drug trafficking. In all the four cases, the correlations are positive and weak.

5.2.7 Correlation of punitiveness by occupational status

The specific hypotheses tested here are:

Ho: That level of penal severity recommended by subjects for crimes is not related to their occupational status.

H_1: That level of penal severity recommended by subjects for crimes is related to their occupational status.

Data pertaining to the verification of the above hypotheses are presented in table 5.2.7 below:

TABLE 5.2.7: Comprehensive table of association between punitiveness and occupational status

LEVEL OF SEVERITY OF PUNISHMENT ASSIGNED

Occupational Subgroup	STEALING			DRUG TRAFFICKING			COUNTERFEIT AND FAKE DRUG			RECEIVING STOLEN PROPERTY			FRAUD		
	More severe	Less severe	n	More severe	Less severe	n	More severe	Less severe	n	More severe	Less severe	n	More severe	Less severe	n
Self-employed	250	128	378	125	25	150	415	95	510	502	88	590	150	50	200
Salaries	250	200	450	250	100	350	465	44	509	350	151	501	300	284	584
Unemployed	300	50	350	400	197	597	250	50	300	206	154	360	390	10	400
Total			1178			1097			1319			1451			1184
	r = - .27			r = .21			r = -.12			r = .44			r = -.51		

Table 5.2.7 above shows the correlation between punitiveness and occupational status of respondents. The table shows the gamma values of -.27 for the crime of stealing; .21 for drug trafficking; -.12 for counterfeit and fake drug; .44 for receiving stolen property; and -.51 for the crime of fraud. These results show that occupational status is significantly related to the level of penalty assigned to all the five criminal offences. The correlations are however negative and weak with respect to the crimes of stealing, and counterfeit, and fake drug. For fraud, the correlation is also negative but strong. In the case of drug trafficking, and receiving stolen property, the association is positive but while it is weak for the crime of drug trafficking, it is fairly strong for receiving stolen property.

5.2.8 Correlation of punitiveness by income level

The specific hypotheses tested here are:

Ho: That level of penal severity assigned to offences by respondents is not related to their income levels.

H_1: That level of penal severity assigned to offences by respondents is related to their income levels.

The relevant data employed in this analysis are presented in table 5.2.8 below:

TABLE 5.2.8: Comprehensive table of association between punitiveness and income level

LEVEL OF SEVERITY OF PUNISHMENT ASSIGNED

Occupational Subgroup	STEALING			DRUG TRAFFICKING			COUNTERFEIT AND FAKE DRUG			RECEIVING STOLEN PROPERTY			FRAUD		
	More severe	Less severe	n	More severe	Less severe	n	More severe	Less severe	n	More severe	Less severe	n	More severe	Less severe	n
₦12,999 and below	707	361	1068	780	212	992	956	191	1147	953	397	1350	834	255	1089
₦13,000 and above	97	13	110	55	50	105	124	48	172	76	25	101	60	35	95
Total			1178			1097			1319			1451			1184
	R = - .14			R = .18			R = .10			R = - .03			R = .08		
Significance:	P = .00			P = .00			P = .00			P = .16			P = .00		

Note:
Ho: P = 0
Alpha = 0.05
Ho rejected if P < 0.05
Ho accepted if P >0.05

Table 5.2.8 above shows the correlation between punitiveness and income levels of respondents. The table shows the Pearson's product moment correlation coefficient of -.14 for the crime of stealing; .18 for drug trafficking; .10 for counterfeit and fake drug; -.03 for receiving stolen property; and .08 for the crime of fraud. The table also shows a significance value (P) of .00, .00, .00, .16, and .00 respectively for the five offences. These results show that income level is significantly associated with the level of penalty assigned to the crimes of stealing, drug trafficking, counterfeit and fake drug, and fraud, but not associated with the penalty assigned to receiving stolen property. The association is positive for the crimes of drug trafficking, counterfeit and fake drug, and fraud, but negative for stealing. In all the four cases, association is weak.

5.2.9 Correlation of punitiveness by type of community

The specific hypotheses tested here are:

Ho: That level of penal severity prescribed for offences is not related to the type of community domiciled by respondents

H1: That level of penal severity prescribed for offences is related to the type of community domiciled by respondents

The data relevant for the investigation of the above hypotheses are shown in table 5.2.9 below.

Table 5.2.9 Comprehensive contingency table of association between punitiveness and type of community

Crime	Independent variables	Dependent variables			Statistical measures		
		More severe	Less severe	Total	X^2_c	d.f.	Signif.
Stealing	Urban Rural	(O) 400 (66.67) (E) 438.40 (O) 500 (86.51) (E) 441.60	(O) 200 (33.33) (E) 141.60 (O) 78 (13.49) (E) 136.40	600 578	64.26	2	YES
		900	278	1178			
Drug trafficking	Urban Rural	(O) 597 (85.65) (E) 601.69 (O) 350 (87.5) (E) 345.31	(O) 100 (14.35 (E) 95.31 (O) 50 (12.5) (E) 54.69	697 400	0.734	2	NO
		947	150	1097			
Counterfeit and fake drug	Urban Rural	(O) 569 (54.24) (E) 622.72 (O) 214 (79.26) (E) 160.28.	(O) 480 (45.76) (E) 426.28 (O) 56 (20.74) (E) 109.72	1049 270	55.709	2	YES
		783	536	1319			

Receiving stolen property	Urban Rural	(O) 534 (59.93) (E) 617.74 (O) 472 (83.99) (E) 388.26	(O) 357 (40.07) (E) 273.26 (O) 88 (15.71) (E) 171.74	891 560	95.914	2	YES
		1006	445	1451			
Fraud	Urban Rural	(O) 700 (87.5) (E) 608.11 (O) 200 (52.08) (E) 291.89	(O) 100 (12.5) (E) 191.89 (O) 184 (47.92) (E) 92.11	800 384	178.49	2	YES
		900	284	1184			

Note: Figures in bracket are the percentages of the ones by their side (i.e. of observed frequency)
Level of significance = 0.05; d.f = degree of freedom
(O) Observed frequency
(E) Expected frequency
X^2 *0.05 V = 2 = 5.99*

From the data in table 5.2.9 above, it is evident that the type of community domiciled by individuals influences their punitive disposition toward the crimes of Stealing, Counterfeit and fake drug, Receiving stolen property, and Fraud, but not toward the crime of Drug trafficking. Similarly, the strength of association found between the variables in respect of the four cases found significant was weak.

5.3 Investigation of relationship between public choices of penalty and penalties provided by law

A fifth major objective of this study is to determine if officially prescribed penalties for offences accord with public choices of penalty. This entails a comparison of the two penalty provisions. Data in section 5.1 of this chapter which analysed the penalty assignments of the public for survey offences has shown that for each survey crime, the public is substantially divided amongst itself in its recommendations of penalty for particular offences. For a particular offence, as we have seen in table 5.1.1, various proportions (ie. numbers within the sample) of the public prescribed simultenously various types of punishments ranging from the

death penalty, life jail, imprisonment lengths, fine, monetary compensation, recovery/confiscation, flogging, and dismissal from service. This implies that with respect to any one of the survey offences, there is no total consensus on the specific type of penalty to be imposed on the given crime. The only kind of consensus that can be inferred from the scenario of penalty assignments is the one that is produced by the modal distribution, that is, the cluster of penalty recommendations typical of the majority of respondents in the sample, and which also can be taken to represent the average view of the sample. For the purposes of the comparison intended in this section between official penalties and public choices of penalty therefore, the penalty prescription which reflects the majority view of the sample will be adopted as the basis for the comparison with official penalties. This approach will not be taken to mean that other pockets of minority prescriptions of penalty do not exist within the sample.

As has been shown, imprisonment lengths represent the typical penalty recommended by the public for all the survey crimes except Assault whose typical penalty recommendation is "monetary compensation". This being the case, the lengths of imprisonment prescribed for the five survey crimes by the public will be compared with the penalties provided by law for these five offences. Since the official penalties for these crimes are also in the form of lengths of imprisonment, a direct kind of comparison which also permits quantitative analysis is made possible. In the case of Assault, comparison is necessarily descriptive and indirect as the two prescriptions represent different typologies of punishment that are not readily comparable in a direct sense. However, as stated above, the comparison will proceed using the typical penalty prescriptions of the public. But, before this task is executed, we first sought to understand the relationship

that exists (if any) between the penalties assigned by the public and those provided by the law. To investigate association between these two variables, we constructed the scatter diagram of the two penalty prescriptions. The scattergram will reveal the nature, degree and direction of the relationship that exists between the two variables, and at the same time indicates the measure of association that is appropriate. If the shape of the scatter points shows that a definite linear trend exists, then a linear association is indicated, and that calls for the application of the Pearson's Product-Moment Correlation coefficient as the association measure. But if a non-linear or curvilinear relationship is indicated by the scattergram, then the appropriate measure of association would be the Correlation Ratio (J) (Obikeze, 1986:300-3). Table 5.3 below shows the respondents' typical recommendations of penalty in lengths of imprisonment and the officially imposed penalties for survey offences. while figure 5.3 (following) shows the scatter of the points of the penalty prescriptions.

Fig. 5.3: SCATTER DIAGRAM SHOWING RESPONDENTS' PUNITIVE RECOMMENDATIONS & OFFICIALLY IMPOSED PENALTIES FOR SURVEY CRIMINAL OFFENCES

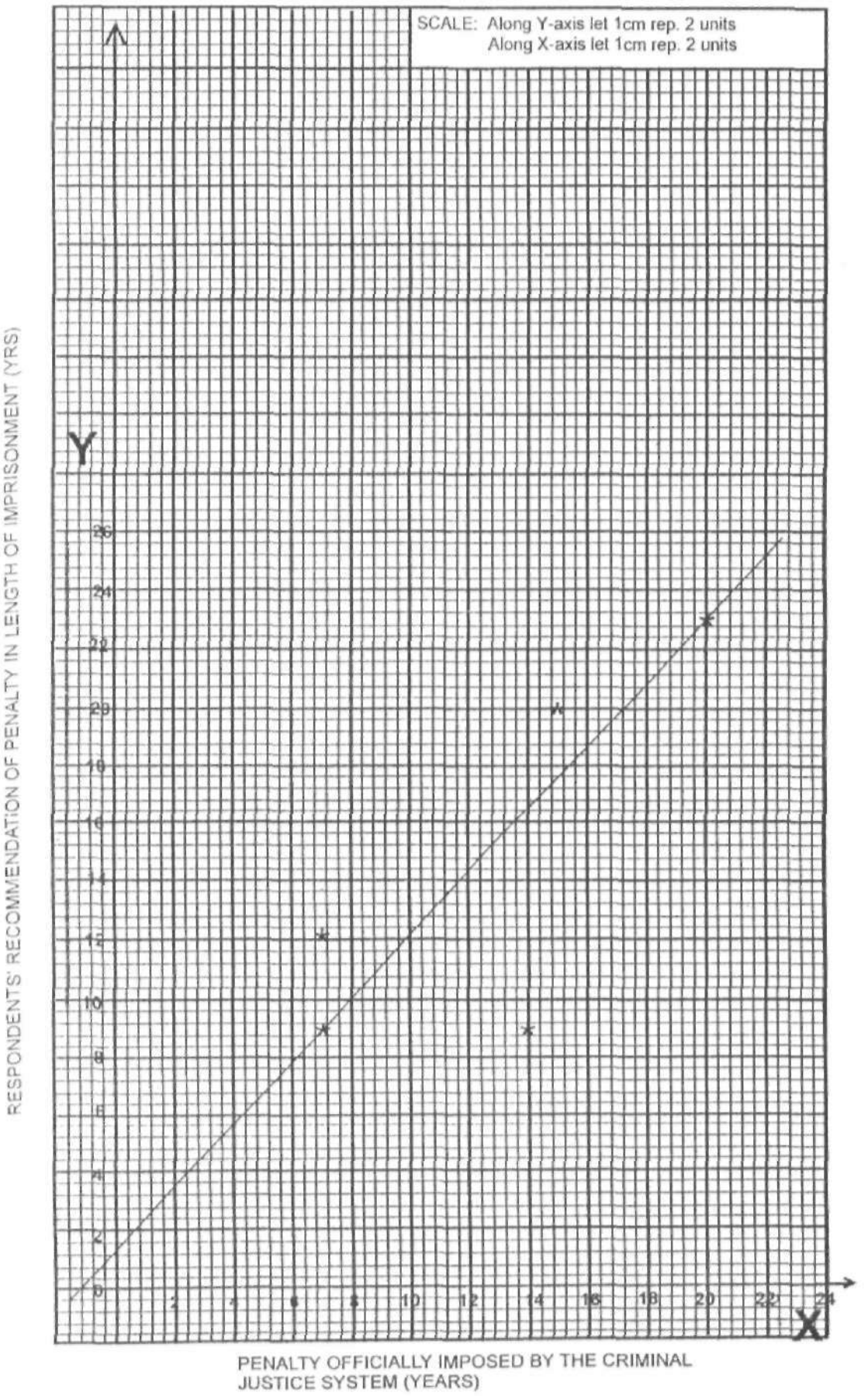


Table 5.3 Showing respondents' punitive recommendations and officially imposed penalties for survey offences

Offence Type	Respondents' recommendations of penalty (in lengths of imprisonment (Years) (Y)	Penalty officiall imposed by the Cri Justice System (Y (X)
Stealing	9	7*
Drug Trafficking	23	20**
Counterfeit and Fake Drugs	20	15**
Receiving Stolen Property	9	14*
Fraud	12	7*
Assault	monetary compensation	3*

**Source: The Criminal Law and procedure of the Southern States of Nigeria (Paragraphs: 1856; 1951; 1973; 1755)*
***Source: Federal Republic of Nigeria Official Gazette (Decree Nos. 22 and 17 of 1986 and 1989).*

The scatter diagram in Figure 5.3 above shows that there is positive linear relationship between respondents' penalty demands and the penalties officially imposed by the criminal justice system. A measure of degree of linearity between these two penalty prescriptions using the Pearson's r i.e. product-moment correlation coefficient revealed a correlation coefficient (r) of 0.87 which indicates that there is a high positive linear association between public recommendations of penalty and the penalties officially imposed by law. Infact, the analysis shows that about 75% (r^2 x 100%) of

the variations in public choices of penalty (Y) is associated with variations in the penalties officially imposed by law. Thus, it can be concluded that the penalties prescribed by the public can be predicted from the penalties officially prescribed by law[4].

5.4 Comparison of Public choices of Penalty and Penalties Provided by Law

To execute the fifth major objective of this study, namely, to determine if officially prescribed penalties for offences accord with public choices of penalty, the imprisonment terms recommended by respondents as adequate penalty for five survey crimes, and the non-prison term for the sixth survey crime (see Table 5.3) were compared with the penalties officially prescribed by law for those offences (see Aguda, 1982). Since respondents were asked to assign their maximum recommended penalties which they believe fit the seriousness of each offence concerned, the maximum penalties provided by law for offences, in cases where the law provides alternative penalties, were used as the basis for comparison. This renders the penalty assignments of the public and those of the legal system effectively comparable. To test whether official prescriptions of penalty is greater (or equal, or less) than the public prescriptions of penalty in the five cases that the public typically awarded imprisonment sentences, the z - test of difference between means was employed. This involved finding the sample mean sentence severity score (MSSS) for the five offences involved, and consequently testing the Null hypothesis which states, for each offence, that the mean penalty recommended by the respondents for each of those offences is not equal to the officially prescribed penalty for that offence. When the Null hypothesis is rejected then a discrepancy is

taken to exist between officially prescribed penalty and the public choices of penalty for that offence. Table 5.4 below shows the two prescriptions of penalty, and the hypotheses tested in this connection are:

Ho: That penalty demands by the public are not significantly different from the penalties prescribed by law.

H1: That penalty demands by the public are significantly different from the penalties prescribed by law.

Table 5.4 Showing Comparisons Of Penalty Demands by the Public and Officially Prescribed Penalties by Law for Survey Offences

		Sample	Penalty Sets	Sample Standard Deviation	Sample Standard Error	Test Result: Level of Signif.	Z-Computed	Z-Table	Conclusion	Discrepancy
Stealing	Public Demands	900	9	14.53	.48	a = 0.05	4.129388	1. 96	Z-computed >Z-Table Therefore Ho rejected	YES
	Officially Prescribed	-	7	-	-					
Drug Trafficking	Public Demands	900	23	19.1	.64	0.05	4.712042	1.96	Z-computed >Z-Table Therefore Ho rejected	YES
	Officially Prescribed	-	20	-	-					
Counterfeit and fake drugs	Public Demands	900	20	22.58	.75	0.05	6.643047	1.96	Z-computed >Z-Table Therefore Ho rejected	YES
	Officially Prescribed	-	15	-	-					
Receiving Stolen Property	Public Demands	900	9	18.28	.61	0.05	-8.20569	-1.96	Z-computed >Z-Table Therefore Ho rejected	YES
	Officially Prescribed	-	14	-	-					
Fraud	Public Demands	900	12	6.48	.22	0.05	23.14815	1.96	Z-computed >Z-Table Therefore Ho rejected	YES
	Officially Prescribed	-	7	-	-					

A comparison of the punitive demands by the public to the provisions of statutory law, as shown in Table 5.4 above, indicate that there is discrepancy between public choices of penalty and the penalties officially

prescribed by law for all the five offences compared. At a 0.05 level of significance and a z-computed value that is greater than the z-table value of 1.96, the null hypothesis that states that penalty demands by the public are not significantly different from the penalties provided by law is rejected in each of the five cases. This implies that significant discrepancy exits between the penalty sets in all the five cases compared. Out of the five offences investigated, the respondents demanded significantly more severe penalties in four, while with respect to the remaining one, namely Receiving stolen property, the penalty demanded by the public is significantly lesser in severity than the penalty provided by law. With specific reference to the offence of stealing, the respondents recommended some nine (9) years imprisonment against the seven (7) years specified by law (See Table 5.4). For Drug Trafficking the respondents recommended a penalty of twenty- three (23) years imprisonment in contrast to the twenty (20) years prescribed by law. In the case of the offences of counterfeit and Fake drugs, respondents prescribed a penalty of twenty (20) years imprisonment as against fifteen (15) years stipulated by law. With respect to the offence of fraud, the penalty recommendation of the public (12 years imprisonment) is also in excess of the seven (7) years specified by law.

However, with regard to the two crimes of Receiving stolen property, and Assault respectively, the penalties prescribed by the law are significantly greater in severity than those recommended by respondents. For Receiving stolen property, the respondents recommended a penalty of nine (9) years imprisonment while the law specified fourteen (14). In the case of Assault, public choice of penalty is monetary compensation to victim while the law provides for three (3) years imprisonment as penalty - an obviously harsher disposition. In view of the fore-going , it can safely be

concluded that official prescriptions of penalty for the various offences surveyed are not in accord with public preferences or choices of penalty. This decrepancy is further demonstrated in the fact that official penalty provisions exclusively provide for imprisonment lengths as the sole penalty option for each of the survey crimes in contrast to public choices which basically provides an assortment of penalty options that include not only imprisonment lengths but also death penalty, life jail, fine, monetary compensation, recovery/confiscation, flogging, dismissal from service, and infact "no punishment".

5.5 Penalty demands by demographic subgroups for survey offences

In this section of the study, the typical penalty demands (ie. imprisonment lengths) of sample subgroups for the five survey offences are analyzed. The objective here is to investigate whether subgroups vary in the way they punish crimes. In Table 5.5 below, the mean penalty prescriptions (MSSS) of the segment of the sample which recommended lengths of imprisonment for five survey offences are presented[5]. The mean penalty represents a measure of the average penal severity in lengths of imprisonment, which a particular subgroup within the sample of respondents recommending lengths of imprisonment, prescribes for each of the five offences. A subgroup with a higher mean penalty than another subgroup is judged to punish the crime concerned more severally than that other subgroup with a lower mean penalty score. The data are presented below.

Table 5.5 PENALTY ASSIGNMENTS BY SUBGROUPS (MEAN PRISON SENTENCES (IN YEARS)) ASSIGNED BY

	Male	Female	Single	Married	Christian	Muslim	Other	Hausa Fulani	Yoruba	Igbo	Other	Primary Educ & Below	Secondary Educ.	Post-Sec.	Younger	Older	Self empld.	Paid sal. emplmt.	Unemployed	Lower income	Higher income	Urban Community	Rural Community
1. Stealing	8.3 (700)	10.3 (478)	9.3 (810)	9.4 (368)	9.8 (350)	6.8 (200)	10.1 (148)	5.8 (250)	11.6 (350)	9.4 (450)	6.3 (128)	9.1 (128)	7.9 (250)	9.4 (800)	9.8 (790)	8.1 (388)	8.9 (378)	8.7 (450)	9.5 (350)	9.5 (1068)	7.1 (110)	7.9 (600)	11.6 (578)
2. Drug Trafficking	22.6 (750)	22.2 (247)	22.1 (810)	21.5 (287)	19.1 (417)	29.8 (560)	18.1 (120)	32.6 (400)	22.7 (250)	18.6 (187)	19.6 (260)	24.7 (480)	22.8 (400)	21.2 (217)	23.4 (647)	21.5 (450)	20.8 (150)	21.6 (350)	25.1 (597)	22.3 (992)	19.9 (105)	23.9 (697)	18.8 (400)
3. Counterfeit and fake drug	19.4 (900)	19.1 (419)	18.5 (800)	19.6 (519)	19.3 (678)	19.5 (561)	18.5 (80)	18.6 (119)	19.1 (410)	19.5 (590)	18.7 (200)	20.3 (478)	17.9 (219)	19.3 (622)	19.4 (950)	18.8 (369)	19.6 (510)	19.9 (509)	18.5 (300)	19.5 (1147)	18.9 (172)	19.5 (1049)	18.9 (270)
4. Receiving stolen property	8.2 (800)	7.8 (651)	7.6 (501)	9.5 (950)	8.1 (1103)	7.9 (200)	8.2 (148)	7.5 (300)	7.8 (350)	9.4 (550)	5.1 (251)	9.9 (300)	7.8 (451)	7.2 (700)	8.0 (851)	8.2 (500)	8.4 (590)	7.9 (501)	8.0 (360)	8.5 (1350)	6.9 (101)	7.3 (891)	10.1 (560)
5. Fraud	11.9 (750)	11.0 (434)	11.7 (650)	12.1 (534)	12.1 (894)	10.8 (190)	11.2 (100)	10.8 (184)	12.0 (450)	11.5 (350)	8.8 (200)	12.1 (200)	11.0 (285)	11.5 (600)	12.0 (850)	11.1 (584)	11.5 (200)	10.9 (584)	12.4 (400)	11.7 (1086)	10.8 (95)	12.1 (800)	10.3 (384)

Note: Figures in bracket are the number of respondents (s) prescribing prison lengths for respective offences

Analysis of data in Table 5.5 above show that males are inclined to prescribe harsher penalties than are females for such offences as Drug trafficking, counterfeit and fake drug, receiving stolen property, and fraud, and a more lenient one for the crime of stealing which is punished more severely by females. Married individuals are shown to punish the crimes of counterfeit and fake drug, receiving stolen property, and fraud more severely than single persons whereas the latter i.e. single persons impose the more severe penalties on stealing and drug trafficking comparative to their married counterpart. Analysis of punitiveness by religious subgroups show that Muslims demand the most severe penalties for the crimes of drug trafficking, and counterfeit and fake drug, while persons professing "other faiths" demand the least penalties for those two offences. The crimes of stealing, and receiving stolen property are punished more severely by persons professing "other faiths", while these same offences, in addition to the crime of fraud, receive the least punishment from muslims. The data also show that christians punish the crime of fraud more severely than other subgroups.

From the table data it can be gleaned that Hausa-Fulanis demand the most severe penalty for the crime of drug trafficking; that Yorubas are inclined to punish stealing, and fraud more severely than other ethnic subgroups; and that Igbos show a tendency to prescribe harsher punishments for the crimes of counterfeit and fake drug and receiving stolen property. On the lenient end of the punishment scale, Hausa-Fulanis are shown to prescribe the lowest penalty for stealing and counterfeit and fake drug; Igbos would punish drug trafficking most leniently, while the "other ethnics" demand the least penalties for receiving stolen property, and fraud. Respondents with the lowest educational attainment are easily the

most punitive of all the educational subgroups. Persons with primary education and below recommend the highest penalties for four out of the five crimes analysed. These are drug trafficking, counterfeit and fake drug, receiving stolen property, and fraud. The exception - stealing - receives the heaviest penalty from persons with post-secondary education. On the other hand, persons with secondary education assign the least penalties for stealing, counterfeit and fake drug, and fraud; while those with post-secondary education assign the least penalty for drug trafficking, and receiving stolen property. Younger respondents are inclined to assign the greater penalty than are older respondents for stealing, drug trafficking, counterfeit and fake drug, and fraud, but a less severe penalty for receiving stolen property which is sanctioned more severely by their older counterpart.

Data in Table 5.5 also reveal that persons who are unemployed demand the more severe penalties for stealing, drug trafficking, and fraud, while assigning the least severe penalty for counterfeit and fake drug. Self-employed persons assign the most severe penalty for the crime of receiving stolen property while also assigning the least penalty for drug trafficking. Paid or salaried employees prescribe the heaviest penalty for counterfeit and fake drug, and the least penalties for stealing, receiving stolen property, and fraud. There is a clear tendency for lower income earners to be more punitive and repressive in outlook than higher income earners. Overall, lower income respondents prescribe the more severe penalties for all the five crimes analysed without exception. Table data also show that respondents in the urban community would punish the crimes of drug trafficking, counterfeit and fake drug, and fraud more severely, and would punish stealing, and receiving stolen property more mildly than their

rural counterpart. Rural respondents on the other hand would demand harsher punishments for stealing, and receiving stolen property comparative to urban community dwellers. From the foregoing findings, it is evident that subgroups of our sample vary among themselves in the level of punishment which they assign to crimes.

5.6 Assessment of the Level of Consensus Among Subgroups of the Sample on the Relative Seriousness of Criminal Offences

The principal objective of this section of the study is to investigate whether consensus exists among various subgroups of the Nigerian population (as represented in the study sample) on the relative seriousness of criminal offences. To pursue this objective, mean penalty scores i.e. average penalty recommendations in lengths of imprisonment, were computed for each subgroup represented in the sample of respondents that recommended imprisonment lengths for crimes (see table 5.6 below) as well as for the total sample that would typically punish crimes with varying lengths of imprisonment. These mean penalty assignments (MSSS) were used as basis for rank-ordering crimes according to perceived seriousness[6] (see table 5.7 below). For each sub-group set (say males), the crimes with the highest prescribed imprisonment lengths was ranked top as one, in that order until the crime with the least recommended length is ranked at the bottom as five (five of the survey crimes are analysed here). By means of these rank-orders, it was possible to assess the extent of agreement[7] or otherwise in the rankings of the five crimes by comparable subgroups of the sample. To measure agreement between dichotomous subgroups i.e. involving pair-wise comparisons, the Spearman's rank correlation co-efficient (rho) was employed, while for k-ranks (i.e. k-subgroups) the rank correlation co-efficient of concordance was used (see Freund and Walpole, 1987). In addition to these within-subgroup ranking, the ranking

of each subgroup of the sample was also compared with the ranking of the total sample. The goal here was to find out if there is agreement between the ranking of each subgroup pair and those of the total sample. Such an agreement would indicate consensus between the total sample and the component subgroups. The resulting rank-orders and the sets of correlations that emerge are presented in Table 5.7 below.

TABLE 5.6

MEAN PENALTY DEMANDS (IN YEARS) BY SUBGROUP FOR OFFENCES

OFFFENCE	Total Sample	GENDER		MARITAL STATUS		RELIGION			ETHNICITY				EDUCATION			AGE		OCCUPATION			INCOME		TYPE OF COMMUNITY	
		Male	Female	Single	Married	Christian	Muslim	Others	Hausa Fulani	Yoruba	Igbo	Other	Post-Sec.	Second-ary	Primary Below	Younger (18-31) Yrs.old	Older (32yrs. & above)	Self emplo-ed	Salaried emplo-ment	Unemp-loyed	Low N12,999 & below	High N13,000 & below	Urban Semi-Urban	Rural
STEALING	8.99	8.3	10.3	9.3	8.4	9.8	6.8	10.1	5.8	11.6	9.4	6.3	9.4	7.9	9.1	9.8	8.1	8.9	8.7	9.5	9.5	7.1	7.9	11.6
DRUG TRA-FFICKING	22.43	22.6	22.2	22.1	21.5	19.9	29.8	18.1	32.6	22.7	18.6	19.6	21.2	22.8	24.7	23.4	21.5	20.8	21.6	25.1	22.3	19.9	23.9	18.8
COUNTER-FEIT AND FAKE DRUG	19.34	19.4	19.1	18.9	19.6	19.3	19.5	18.5	18.6	19.1	19.5	18.7	19.3	17.9	20.3	19.4	18.8	19.6	19.9	18.5	19.5	18.8	19.5	18.9
RECEIVING STOLEN PROPERTY	8.06	8.2	7.8	7.6	9.5	8.1	7.9	8.2	7.5	7.8	9.4	5.1	7.2	7.8	9.9	8.0	8.2	8.4	7.9	8.0	8.5	6.9	.7.3	10.1
FRAUD	11.60	11.9	11.0	11.7	12.1	12.1	10.8	11.2	10.8	12.0	11.5	8.8	11.5	11.0	12.1	12.0	11.1	11.6	10.9	12.4	11.7	10.8	12.1	10.3

TABLE 5.7
RANK-ORDERING OF CRIME SERIOUSNESS AMONG SUBGROUPS (CORRELATIONS AMONG RANKINGS BY SUBGROUP DIVISIONS)

		GENDER		MARITAL STATUS		RELIGION			ETHNICITY				EDUCATION		AGE		OCCUPATION			INCOME		TYPE OF COMMUNITY	
Crime	Total Sample	Male	Female	Single	Married	Christian	Muslim	Other	Hausa Fulani	Igbo	Yoruba	Other	Post Sec.	Secon-dary	Prim.& Below	Youn-ger	Older	Self-employed	Salaried employed	Unemplo-yed	Low-er	High-er	Urban/ Semi-Urban	Rural
Drug Trafficking	1	1	1	1	1	1	1	2	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	2
Counterfeit and fake drug	2	2	2	2	2	2	2	1	2	1	2	2	2	2	2	2	2	2	2	2	2	2	2	1
Fraud	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	4
Stealing	4	4	4	4	5	4	5	4	5	4	4	4	4	4	5	4	5	4	4	4	4	4	4	3
Receiving stolen prpperty	5	5	5	5	4	5	4	5	4	4	5	5	5	5	4	5	4	5	5	5	5	5	5	5
Correlations within Subgroups		1.00		0.94			0.95			0.96				0.97			0.94		1.00			1.00	0.86	
Correlations between rankings of subgroups and total sample ranks		1.00	1.00	1.00	0.94	1.00	0.94	0.94	0.94	0.94	1.00	1.00	1.00	1.00	0.94	1.00	0.94	1.00	1.00	1.00	1.00	1.00	1.00	0.89

An inspection of the co-efficient shown in Table 5.7 above reveals a very high level of consistency or agreement among the rankings of the various sets of subgroups, as well as between the rankings of each subgroup pair and those of the total sample ranks. Specifically, Table 5.7 shows that three subgroup sets (the gender, occupational, and income subgroups) manifest perfect agreement (i.e. a co-efficient of + 1.00), while the other six sets of subgroups manifest a near-perfect agreement: The least of the co-efficient for the six sets of subgroups is .86, while the others are as high as .94, .95, .96, .97, and .94. Similarly, Table 5.7 shows that as many as fifteen subgroup pairs manifest perfect agreement with total sample ranks while the remaining eight manifest co-efficient values of .94, .94, .94, .94, .94, .94, .94, and .89 respectively. These certainly indicate very high levels of agreement. The above findings confirm that a very high level of consensus exists among subgroups in the sample about the relative seriousness of criminal offences.

5.7 SUMMARY OF FINDINGS OF CHAPTER FIVE

The objectives which the study set out to achieve in Chapter Five are: to find out what the public perceive as adequate penalty for each of the survey offences in terms of the level of penal severity it would impose on the various criminal offences; to find out if socioeconomic and demographic factors influence punitiveness toward survey crimes; to find out if public prescriptions of penalty for offences accord with penalties officially prescribed by law; to find out if subgroups of the Nigerian population vary among themselves in the way they punish offences; and to determine if significant variations exist in the seriousness ratings of offences by demographic subgroups of the Nigerian population.

The first finding of this Chapter is that the majority of respondents favour the imposition of imprisonment lengths as adequate and fitting penalty for five of the survey offences, and monetary compensation for one. For Stealing they recommend 9 years; 23 years imprisonment for Drug trafficking; 20 years imprisonment for Counterfeit and fake drug; 9 years imprisonment for Receiving stolen property; monetary compensation for Assault; and 12 years imprisonment for Fraud. Thus, the subjects consider the crime of Drug trafficking as the most serious crime on the list, followed by Counterfeit and fake drug, Fraud, Stealing, Receiving stolen property and lastly, Assault[8]. The socioeconomic and demographic characteristics of individuals were also found to influence the level of penalty in lengths of imprisonment individuals would prescribe for offences. However, the influence of socioeconomic and demographic factors in this direction is selective rather than uniform. That is, a particular background variable of the individual, say his gender or ethnic background, affects the severity of imprisonment length he would assign to some offences but the same variable would not influence his assignment of imprisonment lengths to other crimes. Another finding of this chapter is that there is a high positive linear association between respondents' penalty demands and the penalties officially imposed by the criminal justice system. Infact, about 75% of the variations in public choices of penalty is associated with variations in the penalties officially imposed by law. Furthermore, there is discrepancy between public choices of penalty and the penalties officially prescribed by law for all the survey offences. Specifically, for the offence of stealing, subjects typically recommended nine years imprisonment, while the law specified seven years; for drug trafficking research subjects prescribed twenty-three years imprisonment against the twenty years prescribed by law. For Counterfeit and fake drug respondents prescribed twenty years imprisonment against fifteen years stipulated by law; while for Fraud

research subjects' typical recommendation was twelve years imprisonment against the seven years specified by law. With respect to these four crimes, respondents demanded more severe penalties than those imposed by the criminal justice system. On the other hand, penalty demands by subjects for the crimes of Receiving stolen property, and Assault, were found to be less severe than those prescribed by statutory law. For Receiving stolen property, respondents demanded nine years imprisonment against fourteen years specified by law; while for Assault the public choice of penalty is monetary compensation to victim against the three years provided by law. Furthermore, there is the important finding that apart from the typical penalty of imprisonment which the public prescribed for five out of the six crimes surveyed, there are also other minority prescriptions of penalty which respondents simultaneously recommended for the various crimes. These included the death penalty, life jail, fine, monetary compensation, recovery/confiscation, flogging, and dismissal from service. Thus, whereas official provisions provided exclusively for imprisonment lengths as the sole penalty option for each of the survey crimes, the public in contrast provided a varied assortment of penalty options that include but is not limited to imprisonment alone.

Additional findings are that sample subgroups vary among themselves in the level of imprisonment which they assign to various crimes for which they typically recommend imprisonment. Also, there exists a very high level of consensus among subgroups of the sample, as well as between each of the subgroups investigated and the total sample assigning imprisonment terms, on the ranking of crime seriousness.

NOTES

1. When respondents were asked to indicate the amount of compensation to be paid to crime victim, the majority (99.95%) insisted that compensation would depend strictly on actual physical harm inflicted on the victim. Consequently, the almost total agreement that amount of compensation payable cannot be fixed in advance of offence does not give room for the investigation of differences in this prescription across the relevant subgroups within the sample. Such an exercise would be futile and meaningless as there are no frequencies in levels of compensation that can usefully be compared across subgroups.
2. The tests of independence carried out in this section is limited to the five crimes for which lengths of imprisonment was typically awarded by respondents, and only the prescriptions of respondents who indicated lengths of imprisonment were analysed. The median penalty here is the 50th percentile i.e the 1/2Nth of the observations arranged in order of magnitude. This means in each case, the middle prescription scores in the respective distributions. For stealing, Drug trafficking, Counterfeit and Fake drug. Receiving stolen property, and Fraud, the median penalties are 10,20,20,10,10 years imprisonment respectively (for a discussion of the median statistic, see Loveday, 1970, page 18-19).
3. Comprehensive tables of association are used here as a way of summarising the data because as observed in chapter four section 4.5.0. the presentation of separate contingency tables for the many number of separate analysis required in this section will be too unwieldy.

4. The formular for the product moment correlation coefficient was given as:

$$\frac{n\,xy - x\,y}{n\,x^2 - (x)^2\,(n\,y^2 - (y)^2)}$$

while the regression equation was written as:

$$Y = a + bx$$

5. Note that whereas section 5.2 of this chapter deals with investigation of association or dependence between the dependent and independent variables i.e. test of independence, the present section (section 5.5) deals with the investigation of variations in means hence the z - test of difference between means is adopted here.

6. Recall that respondents were instructed to assign penalties to offences based on the degree of seriousness which they attach to these offences. Consensus was measured in the field by presenting a common scenario of each crime to respondents and reading-off the extent to which different subgroups within the sample differ or resemble in the relative length of imprisonment which each subgroup prescribes for the set of crimes based on the subgroup's perception of the relative seriousness of the offences. Consensus is inferred when subgroups return equivalent penalty ratings for the set of crimes in question.

7. To measure consensus, the present study adopted the standard used in Rossi et al which require correlations among subgroups to be .70 or more in order to be acceptable as meeting the reliability test.

8. In the criminological literature, non-prison sentences are typically evaluated as a less severe disposition than imprisonment sentences and the death penalty.

CHAPTER SIX

DISCUSSION AND RECOMMENDATIONS

The basic research problem investigated in this study is the level and pattern of public support for state laws and sanctions in Nigeria. The study is intended specifically to investigate the pattern and correlates of public perceptions of state laws and sanctions, as well as compare public perceptions with official (state) sense of justice. In this concluding chapter, the major findings reached in this work will be summarized and discussed against the background of our chosen theory, and appropriate recommendations made.

The first major objective of this study is to investigate the relationship between specific criminal codes and prevailing morality in Nigeria i.e. to find out what the public perception is toward specific state proscriptions (criminal laws) in terms of whether the public supports these penal laws as necessary for ordering the Nigerian society. Another is to determine if socio-economic and demographic characteristics of individuals, as well as some perception patterns which individuals hold about state laws influence their support for state laws. A further objective is to find out what the public perceives as adequate penalty for specific criminal offences. Other objectives are: to investigate the influence of sociodemographic factors on penalty assignment; to determine if officially prescribed penalties for survey offences accord with public choices of penalty; to find out if subgroups of the Nigerian population vary among themselves in the way they pubish offences; and finally, to find out if consensus exists among subgroups of the population on the relative seriousness of offences.

The first major finding of this study is that current criminal laws which proscribe the acts of Stealing, Drug trafficking, Counterfeit and Fake Drug, Receiving stolen property, Assault, and Fraud (survey laws) are in accord with the current perception of the Nigerian public towards these courses of conduct. A substantial majority of Nigerians support these criminal proscriptions.

They agree with the state's definition of these acts as criminal and punishable. Analysis of the reasons for support of survey laws showed that public support for state laws stemmed from some agreement among individuals regarding the harmful nature of the criminalized acts. Among the background reasons given by respondents for supporting the criminalization of the act of stealing include that: "Act is harmful", "act often leads to death of innocent citizens", "act can cause insecurity of life and property", "act is un-Islamic", "act reduces the wealth of the individual", "act is un-ethical", "it is an immoral act", "it is prohibited in Islam, "because it is a cheating to some hard working citizens", etc. etc. In the case of manufacture and sale of counterfeit and fake drugs the common expressions or reasons given for acceptance include: "Act is harmful", "adulterated drugs kill", "act can promote a disease onset", "act is a harmful activity which can cause death", "act can cause serious medical problems", "act can endanger life", "act is bad and immoral", "act is dangerous to general public health". In the case of receiving stolen property, such reasons as these were given: "law will discourage the act of stealing", "act promotes stealing" etc. For the law of assault, respondents believed that the law is a good law because according to them: "act encourages indiscipline in society", "tolerance of act will lead to lack of discipline", "act will bring lack of respect", "tolerance of act will lead to lack of discipline", "act will bring lack of respect", "act can lead to public crisis", "act is an indecent act", "act is very dangerous because it could lead to the death of the weaker ones" etc.

The argument presented in favour of criminalizing the act of fraud include: "fraud affects the economy of the country", "act affects or decreases government ability to provide services to the public", "fraud is un-Islamic", "it retards economic development", "it causes a lot of economic hardship to the less privileged" etc. etc. With respect to the act of drug trafficking, the common reason advanced was that: "act can lead ultimately to serious mental health problem". The distribution of support for state laws showed that a substantial majority of individuals within each of the socio-economic and

demographic subgroups identified in the study supported each of the survey laws. However, when subgroups frequencies are compared with respect to support and non-support of law (i.e. cross-classification), the distributions revealed an interesting finding. They showed that beyond the apparent similarities in subgroups' levels of support, there are a number of significant inter-subgroups differences in levels of support for some of the survey laws, which indicate dependence or association between such subgroup variable and support for the law. Specifically, within the marital subgroup, significant differences exist in the distributions with respect to two survey laws, namely, counterfeit and fake drug, and Fraud. Among the religious subgroup, differences in levels of support proved statistically significant with regard to the laws of Drug trafficking, receiving stolen property, assault and fraud; among the ethnic subgroups, differences in levels of support proved significant with respect to the laws of Drug trafficking, Receiving stolen property, Assault, and Fraud. Among the age subgroups, differences in levels of support are significant only for the law of Counterfeit and fake drug, and receiving stolen property. Among the occupational subgroups, differences in the respective distributions are significant for all the six state laws without exception, and for the income subgroups, significant differences were found for drug trafficking, and assault. With respect to community / residential subgroups, differences in levels of support are significant for the laws of drug trafficking, counterfeit, and fake drug, assault and fraud. Educational subgroups also differed in their levels of support for all the six laws.

In the case of gender subgroups, none of the differences in the levels of support for laws is significant. These findings are the result of a contingency analysis[1] which investigated association or independence between socio-economic and demographic variables on the one hand and support for state laws on the other hand. The outcome of this analysis which constitutes the second significant finding of this study is that each of the identified socio-economic and demographic attributes of respondents (except their gender) is related to support for one or more of the survey laws. Likewise, support for

state laws is found to be related to the two perception factors investigated, namely, the perception of the interest which the specific law mainly serves and the perceived efficacy of state laws in controlling prohibited acts. In connection with the role of socio-economic and demographic factors in influencing support for state laws, the specific findings are that: marital status is associated with support for law of Counterfeit and fake drug, and fraud; religious affiliation is associated with support for the law of Drug trafficking, receiving stolen property, Assault and Fraud; ethnic background is associated with support for the law of Drug trafficking, Receiving stolen property, Assault, and Fraud; age is associated with support for the law of Counterfeit and fake drug, and receiving stolen property; occupational status is associated with support for all the six survey laws ; income level is associated with support for the law of Assault and drug trafficking; type of residential community is associated with support for the law of Drug trafficking, Counterfeit and fake drug, Assault, and Fraud; while educatinal level is associated with support for all the six survey laws. In a majority of the above cases, the association found between support for laws on the one hand, and socio-economic and demographic factors, and perception factors on the other hand is mostly a weak association.

An interesting finding here is that when specific socio-economic and demographic factors are found to influence support for state laws, the influence of such a factor is restrictive or selective. In order words, such a factor influences support for some laws but not for others. This is however not the case with the influence of the perception factors whose effect on support for laws is uniform rather than selective. A further finding of this study is that the typical (i.e. majority) penalty recommended by respondents for five out of the six survey offences is imprisonment. The level of penal severity prescribed by respondents for these five offences are: 9 years imprisonment for stealing; 23 years imprisonment for Drug trafficking; 20 years imprisonment for Counterfeit and fake drug; 9 years imprisonment for Receiving stolen property and 12 years imprisonment for Fraud. For the crime

of Assault, the typical penalty recommendation of respondents is monetary compensation. Thus, research subjects consider the crime of Drug trafficking as the most serious crime on the list, followed by Counterfeit and fake drug, Fraud, Stealing, Receiving stolen property, and lastly Assault.

Our analysis also show that the background variables of the individual are related to the level of imprisonment which the individual assigns to crime, although again this influence is selective. There is also the finding that a high positive linear association exists between respondents' imprisonment demands and the imprisonment lengths officially imposed by the legal system. A significant finding here is that 75% of the variations in the respondents' choices of imprisonment lengths is associated with variation in the prison terms officially imposed by law. There is the further finding that discrepancy exists between public choices of penalty and the penalties officially prescribed by law for all the survey offences. In four out of the six laws surveyed, respondents demanded more severe penalties than those imposed by the criminal justice system while in the other two cases, the penalty demands of subjects are less severe than those prescribed by statutory law. It needs to be pointed out here that the findings of linearity on the one hand, and of the existence of discrepancy on the other hand, between public choices of penalty and officially prescribed penalties are not contradictory. The former issue (linearity) dealt with a vertical comparison involving a test of a straight-line association between two sets of penalties, whereas the latter question (discrepancy) dealt with a pair-wise, horizontal comparison of penalties. From a knowledge of regression models, it is quite in order to expect a set of pair-wise comparisons that revealed significant differences between them to also yield some kind of relation between them, whether linear or curvilinear, when such a set of data are compared vertically on a straight line.

A major useful implication of the finding of a high positive linear association between state prescriptions of penalty and public choices of penalty for offences is that the penalty preferences of the public can always be predicted by merely examining the penalty provisions of the law for offences.

Additional findings of the study are that subgroups of the research sample vary among themselves in their punitive disposition. They differ in the magnitude of punishment, which they assign to offences. Also, there exists a very high level of consensus among subgroups of the sample as well as between each of the subgroups investigated and the total sample, on the relative seriousness of various crimes.

The Nigerian public has been shown in this study to exhibit a broad supportive attitude toward the six state laws surveyed. Researches from other societies have reported similar findings (Selih, 1979) which indicate overwhelming popular support and affirmation of state laws. The reported wide public support for state laws is definitely based on the public perception of the acts under proscription as harmful and threatening. This means that the various groups that make up the Nigerian public identify positively with the interests and values which these specific laws protect and advance. This can only suggest one thing. That all the six substantive laws surveyed, namely; the laws of stealing, drug trafficking, counterfeit and fake drug, receiving stolen property, assault and fraud, fall within the class of laws which neo-Marxists rightly contend the capitalist state in its autonomy passes in order to service the interests and concerns common to both the dominant class and the subordinate classes. Or at least, to command such wide support these laws must have been perceived as such, that is, as benefiting all classes in society. Otherwise, if any of the survey laws were to promote the exclusive interests and values of one class alone, or perceived to do so, it (the law) would not be supported by some sections of the public who identify certain disadvantaging attributes in the law with respect to their own specific group interest or values.

In capitalist society, a number of laws exist which attend to the interests of the subordinate classes. Likewise, few laws exist which reflect the overlapping interests of both the dominant class and the subordinate classes. But, understandably, the bulk of capitalist laws are biased mainly in favour of the interests cherished by the dominant class. From the perspective of the general public, the former kinds of law will receive wider support compared to

the latter kind which will be supported by only a small segment of the population composed mostly of members of the minority dominant class whose interest are advanced by such laws. Thus, when particular laws are class-biased such that they advance the interests of a particular class over and above the interests of other social classes or groups, wide differences in the levels of support for such laws are bound to be produced within the public. But when laws are class-neutral or at least perceived as benefiting all groups in society, such laws amass wide public support.

To sustain wide public support for state laws, or to broaden support, deliberate effort should be made by public support, deliberate effort should be made by the state personnel in capitalist society to create laws that are just and equalitarian. That is, laws that answer to the needs and concerns of both the rich and the poor, the haves and the have nots. This policy can be achieved to a reasonable extent without undermining the basis of capitalist society. As of a necessity, some laws which promote the interests of the capitalist class must remain in force for the capitalist social order to survive. But such masses-oriented laws as are being proposed here can focus on such aspects of social life as personal and community health, the environment, social welfare, human right provisions and programmes (eg. legal aid programme), and such other legal provisions that aim at mitigating the effects of economic hardship and social inequality. These legal enactments may not erode substantially the existing structures of inequality in capitalist society, but they will produce ameliorative benefits for the poor and thus genete appearances of justice in the public eye.

However, a more enduring solution toward ensuring sustained support of state laws by the public should lie in the wholesome dismantling of the structures of socioeconomic inequality in Nigeria, structures which are inherent in the economic system of capitalism. Unless this is done, the majority of laws in Nigeria will elict low or passive support (if not absolute non-support), while only a few will receive the kind of wide public support revealed in this study.

The present findings have also shown that the background characteristics of individuals can affect both support for state laws, and punitiveness towards crime. The observed relationship between the relevant socio-economic and demographic characteristics and support for specific state laws depicts differences in the extent of support for laws by comparable subgroups within a given socio-economic and demographic subgroup. Subgroups differ in the extent to which they support particular state laws as necessary or just for ordering social life, and in the extent of penal severity which they would assign to offences. This is because individuals who compose these subgroups come from different social class or other socio-political backgrounds of life opportunities (economic, political etc.) which mark them off from their counterparts in terms of the values and interests which they hold and which reality shapes their perceptions and reactions to crime and punishment.

People will support state laws more, or less, to the extent that they perceive such laws as protecting more, or less, of their particular interests and values. For the same reason, people will assign harsher or more-lenient punishment for the same criminal act. That is, they will punish more severely or less depending on the extent (more, or less) to which that criminal act violates their interests. Social groups do not share the same values and interests to the same degree (i.e. when they do). Neither do they possess the same thresholds of offence seriousness. For some groups, a given social value is a primary value and a given crime a very serious crime. For other social groups, that same social value may represent a secondary value and the offence a non-serious offence though an offence all the same. In this wise, the association found between socio-demographic factors and reactions to state laws is not unexpected. The reported variation among subgroups of the sample in regard to the way they punish offences agrees with the findings of previous researchers that significant variation in sentencing exist among subgroups of the societies which they studied (Blumstein and Cohen, 1980; Rose and Prell, 1955; Makela, 1967; Thomas et al, 1976).

The finding of the existence of discrepancy between public choices of penalty and officially imposed penalties receives support from findings by previous researchers. Newman (1957), Gibbons (1969), Rose and Prell (1955), Makela (1967), and a host of others have presented findings which in part accord with the present finding. Their studies establish that the public consistently demand more severe penalties than those provided by law, or actually imposed by the CJS. Our findings diverge in part from these previous findings with respect to the crimes of Assault and Receiving stolen property in which cases our respondents were found to demand less severe penalties comparative to those provided by the law. The reason for this may be that our subjects do not perceive these two acts as threatening and harmful enough as the subjects in the researches conducted by previous researchers in western society. Concerning the overall discrepancy observed between public prescriptions of penalty and the penalties provided by law, Rose and Prell (1955) have interpreted the gap as a case of cultural lag in the law as compared to contemporary conceptions of good and evil. However, our own interpretation of the situation is that the penalty assignments of the public and the CJS diverge substantially because the basic economic interest of the two essentially diverges. The CJS is fundamentally committed to the preservation and consolidation of the capitalist relations of production because it depends on capitalist resources for its operation, whereas the public, composed mainly of members of the lower classes, is committed to altering or changing the capitalist conditions of social and material existence. Because of this basic difference, the perceptions and definitions held by significant segments of the public and the CJS concerning the disruptiveness or problematic character (or the degree of same) of social acts tend in most cases to diverge. This leads them to assign differing levels of penalty to offences.

Discrepancy can also be explained by a different but related factor. This factor is a direct product of the structural arrangement of capitalist society. It consists in the differing degrees of risk of criminal victimization as faced by the powerful class and the powerless masses in society with respect

to specific crimes. Different crimes present different degrees of risk of victimization to different groups in society. The underprivileged class for instance, face greater risk of being subjected to common crimes than the ruling class (Gyong, 1994: 71-72)[2]. To that extent, the penalties which the former prescribes for these crimes will be substantially severer than those assigned by the dominant class and the state thus resulting in discrepancy between the two penalty prescriptions. Above views no doubt also shed some light on the possible reasons why the public assigned more severe penalties in the four cases of stealing, drug trafficking, counterfeit and fake drug, and fraud. The finding on discrepancy between the penalty prescriptions of the state and the public incates that there is need to revise official penalties in Nigeria at least as it concerns survey offences in order that public preferences and sense of justice may be met. This position is especially relevant in respect of the penalty officially imposed on the crime of Assault wherein the public indicated preference for a much milder disposition, namely, monetary compensation rather than imprisonment which the law assigns. The extent of official injustice in this particular punitive prescription in apparent in the enormous cost of imprisonment on the offender, his family, and the society at large. Review of penalties is mandatory if respect and support for law and punishment is to be sustained in the long run.

In the absence of a wide-scale review of legal punishment for crimes in Nigeria, the risks to criminal victimization of members of the underprivileged class should be effectively and systematically reduced to a significant minimum. This will reduce their exposure to the practical consequences of crimes, and thus lower the threat-potential of crimes. The logical consequence of this will be a tempering of penal attitudes. When risks are scaled down substantially, the gap between official sanctions and public references will be narrowed in the interest of effective criminal justice administration in Nigeria.

The finding in this study that a high positive linear association exists between state prescriptions of penalty and public choices shows that input from the two agencies - the public and the CJS – are reconcilable. As such, it

to develop penalty schedules would have been precluded. In Nigeria, law review commissions are set up by government with the mandate to tinker with existing laws and punishment and update them. In addition to the method of the review of criminal adjudication or such other known methods, the presently emerging data on social consensus in Nigeria over crime seriousness ratings show that a sociologically valid and justifiable basis is now further available for guiding such review exercises. The importance of public input in law creation and penological dispensation is underscored by the fact that Nigeria is a democratic country. As such, its public should play a proactive role in matters that affect it in important ways. To play this role, the public needs exposure to and knowledge of the workings of the CJS to better equip it for the role being canvassed. The present study has thrown up some important findings on the phenomenon of perception of law and sanction in our environment. Being part of a pioneer endeavour, there exists both room and the need for more research in the area of social reaction to law and punishment. Such subsequent works in our environment should investigate the inter-relation of multiple factors in the production of perceptions and attitudes toward law and punishment.

NOTE

1. Contingency tests of independence or association involves the evaluation of whether or not frequencies empirically obtained differ significantly from those which would be expected under a certain set of theoretical assumption. In a contingency analysis, distributions, which at face value appear similar, can yield significant differences between them because of the values of expected frequencies.

2. This author has noted that given the fact that members of the privileged class in capitalist society are the ones who have substantial holdings of property (being the exploiting class which appropriates surplus value), one would easily argue that they are the most vulnerable to common crimes, and therefore suffer more from its adverse consequences. But according to him (the author), "this situation is more imagined than real because the relative advantage which the privileged class enjoys from the state and its operating units offers its members opportunities which operate to reduce their vulnerability". Such opportunities include: substantially better security and protection from the state, the ability through private resources to augment the protection offered by the state against victimization. Thirdly, their advantageous position enables them to easily contain the effects of criminal victimization.

APPENDIX 1

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APPENDIX 2

INTERVIEW SCHEDULE

INTRODUCTION

This research survey seeks to know the opinion of members of the Nigerian public about some of the laws and punishment operative in Nigeria today. We would be glad to have your personal and frank views on the questions that follow. Please, note that you are only one of several hundreds of Nigerians who are being interviewed on the subject.

Your responses will be treated in strict confidence, and your anonymity guaranteed.

SECTION 1 DEMOGRAPHIC INFORMATION

1. Respondent's number
2. Sex : _____ Male _____ Female
3. Age : _____ 18-31 years _____ 32 years and above
4. Marital Status :
   _____ Married
   _____ Single
5. Religion:
   _____ Protestant _____ Traditional Religion
   _____ Catholic _____ Other (specify)
   _____ Muslim

6. Ethnicity:

_____ Hausa/Fulani _____ Other Nigerian Tribe (Specify)

_____ Igbo _____ Non-Nigerian

_____ Yoruba

7. Educational Attainment:

_____ Post-Secondary Education

_____ Secondary Education/T.C./Commercial

_____ Primary/Arabic

_____ No Formal Education.

8. Employment Status:

_____ Unemployed _____ Self-employed

_____ In Salaried employment

9. Estimated average annual income:

_____ ₦12,999.00 and below

_____ ₦13,000 and above

10. Type of residence: _____ Urban _____ Rural

SECTION 2: VIEWS ON LAWS AND PUNISHMENT

Below is a list of questions concerning some of the laws currently operating in Nigeria. Tell us what you personally feel about each of the laws listed by answering the questions that follows. Also some of the questions will require you to recommend punishments if necessary for each of the acts described. In doing this, please bear in mind two things:

1. The seriousness of the act as you see it.
2. That persons for whom you may recommend punishment are adults mainly between 25-30 years old.

A. Law of Stealing:

A person stole a radio set from another man's house with the intention of selling the article for monetary gain.

Q12. In your view, should this individual be arrested, charged to court and punished officially for this act?.....

Q13. Please give reasons for your answer .....

.....

Q14. If your answer to Q12 above is YES, please state which actual punishment you may recommend for those who engage in this act. State your maximum punishment.

_____ Imprisonment (pls. State actual duration recommended).

_____ Fine _____Death penalty

_____Monetary Compensation (How much.....

_____ Other (Pls. be Specific .....

Q15. In your view, does a law which prohibits stealing in Nigeria benefit any particular group of persons in exclusion of others ? . . . . . .

Q16. Give reasons for your answer . . . . . .

. . . . . .

. . . . . .

.Q17. What is your view about the effectiveness of court punishment in preventing people from engaging in the act of stealing ? . . . . . .

. . . . . .

. . . . . .

Q18. Is there available, other more - effective means of preventing this act of stealing?

. . . . . .

. . . . . .

Q19. If yes to Q18, please name these alternative means

. . . . . .

. . . . . .

B. Law of drug trafficking:

A young man who was travelling overseas was discovered at the airport to be carrying in his possession (without legal authority) some quantity of cocaine (a drug known to be harmful to the user). He was intending to sell it on arrival abroad.

Q12. In your view, should this individual be arrested, charged to court and punished officially for this act ? .

. . . . . .

. . . . . .

Q13. Please give reasons for your answer . . . . . .

. . . . . .

. . . . . .

. . . . . .

Q14. If your answer to Q12 above is YES, please state which actual punishment you may recommend for those who engage in this act. State your maximum punishment.

_____ Imprisonment (Pls. State actual duration recommended .....

_____ Fine _____ Death penalty

_____ Monetary compensation _____ Other (Be Specific) . . . . . .
(How much _____

Q15. In your view, does a law which prohibits drug trafficking benefit any particular gro of persons in exclusion of others ? . . . . . .

Q16. Give reasons for your answer . . . . . .

. . . . . .

. . . . . .

Q17. What is your view concerning the effectiveness of court punishment in preventing people from engaging in drug trafficking ? . . . . . .

. . . . . .

. . . . . .

Q18. Is there available, other more - effective means of preventing this act of drug trafficking? . . . . . .

. . . . . .

Q19. If yes to Q18, please name these alternative means

. . . . . .

C. Law of Counterfeit and Fake Drugs:

A drug merchant manufactured and sold to buyers drugs which he knows to be fake and adulterated.

Q12. In your view, should this dealer be arrested, charged to court and punished officially for this act ? . . . . . .

. . . . . .

Q13. Please give reasons for your answer . . . . . .

. . . . . .

. . . . . .

Q14. If your answer to Q12 above is YES, please state which actual punishment you may recommend for those who engage in this act. State your maximum punishment.

_____ Imprisonment (Pls. State actual duration recommended .....

_____ Fine _____ Death penalty

_____ Monetary compensation _____ Other (Be Specific)
(How much_____

Q15. In your view, does a law which prohibits dealing in counterfeit and fake drugs benefit any particular group of persons in exclusion of others ? . . . . . .

. . . . . .

Q16. Give reasons for your answer . . . . . .

. . . . . .

. . . . . .

Q17. What is your view about the effectiveness of court punishment in preventing people from engaging in counterfeiting and faking of drugs ? . . . . . .

. . . . . .

Q18. Is there available, other more - effective means of preventing people from engaging i counterfeiting and faking of drugs ? . . . . . .

. . . . . .

Q19. If yes to Q18, please name these alternative means . . . . . .

. . . . . .

D. Law of Receiving Stolen Property:

A person bought a radio and T.V. Set which he knew was stolen.

Q12. In your view, should this individual be arrested, charged to court and punished officially for this act ? . . . . . .

Q13. Please give reasons for your answer . . . . . .

. . . . . .

. . . . . .

Q14. If your answer to Q12 above is YES, please state which actual punishment you may recommend for those who engage in this act. State your maximum punishment.

_____ Imprisonment (Pls. State actual duration recommended) . . . . . .

_____ Fine _____ Death penalty

_____ Monetary compensation _____ Other (Pls. Be specific
(How much _____

Q15. In your view, does a law which prohibits the receiving of stolen property benefit any particular group of persons in exclusion of others ? . . . . . .

Q16. Give reasons for your answer . . . . . .

. . . . . .

Q17. What is your view concerning the effectiveness of court punishment in preventing people from engaging in the act of receiving stolen property ? . . . . . .

. . . . . .

. . . . . .

Q18. Is there available, other more - effective means of preventing this act of receiving stolen property . . . . . .

Q19. If yes to Q18, please name these alternative means

. . . . . .

E. Law Of Assault:

Following a misunderstanding in a public place between two strangers, one of the parties t the quarrel, using his fist hit the other in the face causing him severe injuries.

Q12. In your view, should this person who injured the other be arrested, charged to court and punished officially for this act ? . . . . . .

Q13. Please give reasons for your answer . . . . . .

. . . . . .

. . . . . .

Q14. If your answer to Q12 above is YES, please state which actual punishment you may recommend for those who engage in this act. State your maximum punishment.

_____ Imprisonment (Pls. State actual duration recommended).....

_____ Fine _____ Death penalty

_____ Monetary compensation _____ Other (Pls. be specific) . . . . .
(How much _____

Q15. In your view, does a law which prohibits assault benefit any particular group of persons in exclusion of others ? . . . . . .

Q16. Give reasons for your answer . . . . . .

. . . . . .

Q17. What is your view about the effectiveness of court punishment in preventing people from engaging in assaultive conduct ? . . . . . .

. . . . . .

Q18. Is there available, other more - effective means of preventing this act of assault?

. . . . . .

Q19. If yes to Q18, please name these alternative means

. . . . . .

. . . . . .

F. Law of Fraud:

A government official and a civil servant knowingly supplied false documents and also rendered false financial accounts of government funds entrusted to their care. Their intention was to enrich themselves and defraud government of substantial amount of money.

Q12. In your view, should these individuals be arrested, charged to court and punished officially for this act ? . . . . . .

. . . . . .

Q13. Please give reasons for your answer . . . . . .

. . . . . .

. . . . . .

Q14. If your answer to Q12 above is YES, please state which actual punishment you may recommend for those who engage in this act. State your maximum punishment.

_____ Imprisonment (Pls. State actual duration recommended) . . . . . .

_____ Fine _____ Death penalty

_____ Monetary compensation _____ Other (Be Specific)
(How much _____

Q15. In your view, does a law which prohibits fraud benefit any particular group of persons in exclusion of others ? . . . . . .

Q16. Give reasons for your answer . . . . . .

. . . . . .

. . . . . .

Q17. What is your view about the effectiveness of court punishment in preventing people from engaging in fraud ? . . . . . .

Q18. Is there available, other more - effective means of preventing this act of fraud

. . . . . .

Q19. If yes to Q18, please name these alternative means

. . . . . .

APPENDIX 3

1. The twenty-one states of the country constituted the cluster of geographical sections fro which four states were sampled. These twenty-one states are:-

1. Anambra state*
2. Imo state
3. Sokoto state
4. Kaduna State*
5. Kano state
6. Bauchi state
7. Katsina state
8. Borno state
9. Gongola state
10. Niger state
11. Ondo state
12. Oyo state*
13. Ogun state
14. Lagos state
15. Bendel state*
16. River state
17. Cross River state
18. Akwa Ibom state
19. Kwara state
20. Benue state
21. Plateau state

2. The list of LGAs (i.e., the sampling frame) from which these LGAS were drawn are following:

For Anambra State (29 LGAs)

1.	Enugu LGA	(11)	Igbo-Eze LGA	(21)	Aniocha LGA
2.	Nkanu LGA	(12)	*Onitsha „	(22)	Aguata „

3.	Awgu	"	(13)	Nnewi	"	(23)	Orumba
4.	Udi	"	(14)	Idemili	"	(24)	Abakaliki "
5.	Ezeagu	LGA	(15)	Ogbuṙi	LGA	(25)	Izzi LGA
6.	Oji-River	"	(16)	Ihiala	"	(26)	Isielu "
7.	*Nsukka	"	(17)	Oyi	"	(27)	Ohaukwu "
8.	Isiuzo	"	(18)	Anambra	"	(28)	Izza "
9.	Igbo-Etiti	"	(19)	Awka	"	(29)	Uzo-Uwani "
10.	Ikwo	"	(20)	Njikoka	"		

For Kaduna State (13 LGAs)

1.	*Zaria	LGA	(2)	Asoba	LGA
3.	Igabi	"	(4)	Jema's	"
5.	*Kaduna	LGA	(6)	Kaura	"
7.	Lere	LGA	(8)	Chikun	"
9.	Zangon Kataf	LGA	(10)	S/Waka	"
11.	Kaura	LGA	(12)	Birin Gwari	LGA
13.	Ikara	"			

Note: The Local Government Areas (LGAs) marked with asterix are those that were randomly selected for the purposes of further sampling.

For Bendel State (20 LGAs)

1.	Akoko-Edo LGA	(2)	Aniocha LGA		
3.	Agbazilo "	(4)	Bomadi "		
5.	Burutu "	(6)	Ethiope "		
7.	Etsako LGA	(8)	Ika LGA		
9.	Isoko "	(10)	Ndokwa "		
11.	*Oredo "	(12)	Oshimili "		
13.	*Ovia "	(14)	Owan "		
15.	Okpe "	(16)	Okpebho "		
17.	Orhionmwon "	(18)	Sapele "		
19.	Ughelli "	(20)	Warri "		

For Oyo State (42 LGAs)

1.	Afijio LGA	(2)	Ayedaade LGA	(3)	Ayedire LGA		
4.	Akingele "	(5)	Atakumose "	(6)	Boripe "		
7.	Ede "	(8)	Egbedore "	(9)	Egbeda "		
10.	Ejigbo "	(11)	*IMG (Ibadan Municipal Govt.)				
12.	Ibarapa "	(13)	Ido LGA	(14)	Ifelodun "		
15.	Ifedapo "	(16)	Ifeloju "	(17)	Ife Central "		
18.	Ife North "	(19)	Ife South "	(20)	Ila "		
21.	Ilesa "	(22)	Iseyin "	(23)	Irewole "		
24.	Irepo "	(25)	Irepodu "	(26)	Obokun "		

27.	Kajola	"	(28)	Lagelu	"	(29)	Obokun
30.	Odo-Otin	"	(31)	Ogbomoso	"	(32)	Ogo-Oluwa "
33.	Ona-Oran	"	(34)	Ola-Oluwa	"	(35)	Olorunda "
36.	*Oluyole	"	(37)	Orelope	"	(38)	Ori Ade "
39	Ori-Re	LGA	(40)	Oshogbo	LGA	(41)	Oyo LGA
42.	Surulere	"					

Note: The Local Government Areas (LGAs) marked with asterix are those that were randomly selected for the purposes of further sampling.

3. The sampling frame at this stage (i.e the list of political wards from which representative wards were taken) comprised of the following:

For Nsukka LGA (20 wards).

1.	Ihe ward	(2)	*Nru ward
2.	Nkpunano ward	(4)	Owerre/Umuoye
5.	Obikpa	(6)	Eha- uno
7.	*Agbamere/Umabor	(8)	Ehandiagu
9	Idi/ Ogbaozalla	(10)	Ibeku
11.	Edem Ani	(12)	Akpa / Ozzi
13.	Alor uno	(14)	Ibagwani/ibagwagu/Okpaligbo
15.	Okpuje/ Okwutu/ Anuka	(16)	Edenta
17.	Ede ukwu	(18)	Uwani/ Ajuona

19. Akaibire (20) Obimo

For Onitsha LGA (20 wards)

1. Inland Town 1 (Ward 1)

2. Inland Town 2 (Ward 2)

3. Inland Town 3 (Ward 3)

4. Inland Town 4 (Ward 4)

5. Inland Town 5 (ward 5)

6. Inland Town 6 (Ward 6)

7. Niger Bridge Head 1 (Ward 7)

8. Fegge 1 (Ward 7)

9. Fegge 2 (Ward 9)

10. Fegge 3 (Ward 10)

11. *Fegg 4 (Ward 11)

12. Woliwo 1 (Ward 12)

13. *Odoakpu 1 (Ward 13)

14. Odoakpu 2 (Ward 14)

15. Odoakpu 3 (Ward 15)

16 Odoakpu 4 (Ward 16)

17 Waterside Central 1 (Ward 17)

18. American Quarters 1 (Ward 17)

19 Ogbeumu Onitsha 1 (Ward 19)

20. GRA/Trans Nkisi 1 (Ward 20)

For Kaduna LGA (20 Wards)

1.	A/shaba	11.	Tunji Nupawa
2.	Ungwar Dadi Riba	12.	*Tundun Wada south
3.	Ungwar Gaji	13.	Tundun Wada North
4.	Bridge Juntion	14.	Kakuri Hausa / Gwari
5.	Ungwar Liman	15.	Makere
6.	Ungwar Maiburuju	16.	Barnawa
7.	*Gabasawa	17.	*Kawo
8.	Kabala/Costain	18.	Haiyin Banki
9.	Ungwar Sanusi	19.	Ungwar sham/ Abakpa
10.	Sabon Gari	20.	Bardawa

For Soba LGA (10 Wards)

1.	Rahama Ward	3.	Turawa Ward
2.	Farinkasa ward	4.	Soba Ward
5.	Maigana ward	6.	Chikaji ward
7.	Unguwan Gabas Ward	8.	*Samaru ward
9.	*Hanwa Ward	10.	Gimba ward

For Orede LGA (12 Wards)

1.	Ward 1	(2).	Ward 2
3.	Ward 3	(4) .	*Ward 4
5.	Ward 5	(6).	*Ward 6
7.	Ward 7	(8)	ward 8
9.	Ward 9	(10)	ward 10
11.	Ward 11	(12).	Ward 12

For Ovia LGA (10 wards)

1.	*Siluko ward	(2).	Udo ward
3.	Uhiere ward	(4).	*Ekiadolor ward
5.	Iyuoshodin Ward	(6).	Oduna ward
7.	Okada /Uhen ward	(8).	Uben ward
9.	Ofunama ward	(10).	Isiuwa ward

For Oluyole LGA (10)

1.	*Ward	1-	Oleyo Ayegun Market Ward
2.	*Ward	2-	Bara Market
3.	Ward	3-	Aba Nla
4.	Ward	4-	Alata
5.	Ward	5-	Onigambari
6.	Ward	6-	Akinbowade

7.	Ward	7-	Ayegun
8.	Ward	8-	Olomi
9.	Ward	9-	Mushin High School (Odinjo)
10.	Ward	10-	Igbeda Atuba.

For Ibadan Municipal Government (20 wards)

1.	Ward	C1, C2, N1
2.	"	N2, N3, N4
3.	"	N5A, N5B
4.	"	N6A, N6B
5.	"	NW1, NW2
6.	"	NW3, NW4, NW5, NW6, NW7
7.	"	S1, S2A, S2B, S3
8.	"	S4, S5
9.	"	S6A, S6B, S7
10.	"	SW1, SW2, SW3A, SW3B
11.	"	SW4, SW2, SW3A, SW3B
12.	"	SW6
13.	"	SW7
14.	"	SW8
15.	"	SW9
16.	"	E1, E2, E5A, E5B

17. " E3, E4

18. " E7

19. " E8, E9

20. " MW8.

4. The composition of selected wards by main streets/ " families" / Kindred group Villages (as the case may be) is as follows :

Eha- Uno Ward (Nsukka LGA)

Composed of kindred groups

1.	*Amundi Kindred group	(2).	Isiofu Kindered group
3.	Ogbodu- ele Kindred group	(4).	Ukwaji Kindred group
5.	Umuaroji Kindred group	(6).	Amachime Kindred group
7.	*Ogbodu Okanya Kindred group	(8).	Umuarima kindred group
9.	Umuturu kindred group	(10).	Umuaniagu kindred group
11.	Esoshua kindred group	(12.)	Ngwuru kindred group
13.	Ugwuanyanwu kindred group	(14).	Umuude kindred group
15.	Akwari kindred group	(16.)	Amanguru kindred group
17.	*Amaezike kindred group	(18).	Umuajima kindred group
19.	Ama- udara kindred group	(20).	Umu- eje kindred group
21.	Umuagbo kindred group		

Ágbamere/ Umuabor Ward (Nsukka LGA)

Composition by Kindred group

1.	*Agudene Umuabor	(2).	Edem Umuabor
3.	*Nkpunato	(4).	Isi- Akpu
5.	Umu- Ugwu- Ogwu	(6).	Umu -lolo Iyi
7.	Amukwa	(8).	Umu- Idenyi
9.	*Ngwuruani	(10).	Umu- Idenyi
11.	*Agbamere		

Nru ward (Nsukka) LGA)

Composition by kindred Groups

1.	*Amagu Edem	(2).	Amori
3.	Amagukpocha	(4).	Amadim
5.	Amaeze	(6).	Amufie
7.	*Amankume	(8).	Amankwo
9.	Amagu Ezuma	(10).	*Amugoro
11.	Amebodu	(12).	Amebo
13.	Umuedogbanyi	(14).	Amuda
15.	*Nkpurumaoji	(16).	Umashi
17.	Umunko.		

Ward 10 (Fegge 3) Onitsha LGA.

Coposition by main streets, and number of dwelling units / plots on each street.

1. *Niger street (38 plots)
2. Uzodinma street (14 plots)
3. Nkruman street block D (18 Plots)
4. *Mbonu Ojike street (24 plots)
5. Arondizuogu street (20 plots)
6. *Creek/ Okwaraji street (90 plots)
7. Okwenu street (30 plots)
8. Father Joseph street (16 plots)
9. Okigwe street Block A (18 plots)
10. Umuchu street (17 plots)
11. Belonwu street (17 plots)
12. Zik's Avenue (114 plots)
13. Ossomari street (26 plots)
14. Abatete street (34 plots)
15. Oba street (8 plots)
16. Jordan street Block B (17 plots)
17. Anyaegbnam street (18 plots)
18. Scott White street (17 plots)
19. Ajagbo street (6 plots)
20. Orlu street (14 plots)

21. Nzekwe Ojudo street (7 plots)
22. Kaduna street Block C (32 plots)
23. Ebonïesis street (40 plots)
24. Ojukwu street (24 plots)
25. Ibadan street (10 plots)

Ward 11 (Fegge 4) Onitsha LGA

Composition by main streets and the number of dwelling unit / plots on each plot

1. Okija street (24 plots)
2. Owerri street (14 plots)
3. Lafiaji street (18plots)
4. Lagos street (22 plots)
5. Odowano street (18 plots)
6. Abagana street (24 plots)
7. Anambra street (20 plots)
8. *Barracks street (40 plots)
9. Mbaukwu street (17 plots)
10. *Bishop Shanahan street (19 plots)
11. Palmer street (62 plots)
12. Onyekwelu street (44 plots)
13. Basden street (15 plots)
14. *Aggre street (15 plots)

15. Alor street (56 plots)

16. *Olubulu street (45 plots)

17 . Orukwu street (36 plots)

18 . Anekwe street (47 plots)

19. Ofili street (34 plots)

20 . Silas wks. (46 plots)

WARD 13 (ODOAKPU WARD : ONITSHA LGA)

Composition by main streets and the number of dwelling units / plots on each street

1. Umuoji street (35 plots)

2. Uli street (29 plots)

3. *Wethral street (36 plots)

4. Nnewi street (37 plots)

5. St. John cross (33 plots)

6. St. John street (69 plots)

7. *Ozomagala street (101 plots)

8. Madueke street (38 plots)

9. Ajaegbueze street (12 plots)

10. Arch. Bishop Henry street (31 plots)

11. Afubere street (38 plots)

12. Onira street (30 plots)

13. Omeagana street (28 plots)

14. Flanigan street (24 plots)

15. Clinton street (32 plots)

16. Idoko street (28 plots)

17. *Oguta street (135 plots)

18. Onowu Anatogu street (38 plots)

19. Ezenwekwe street (25 plots)

20. *Modebe street (47 plots)

Chikaji ward (Soba LGA.)

Composition by main street and the number of dwelling units /plots on each stre

1. MTD Road (42 plots)

2. Lanin Bada Mai Albasa (71 plots)

3. Chikaji Road (30plots)

4. Sabon Layi (58 plots)

5. Aggrey Road (29plots)

6. Alibaba street (38 plots)

7. Zoba Road (398 plots)

8. *Babba liti street (605 plots)

9. *Sapele Road (398 plots)

10. Ibadan street (145 plots)

11. Kings Road (177 plots)

12. Ungunwan Yan Awaki (488 plots)

13. Isugugi (320 plots)
14. Ijaw Road (32 plots)
15. Port Harcourt Road (210 plots)
16. *Tobacco Road (29 plots)
17. Bida Road (15 plots)
18. Bindare Road (72 plots)
19. Hanyin Ojo (575 plots)
20. *Onitsha Road (57 plots)
21. Victoria Road (43 PLOTS)
22. Marmara (35 plots)
23. Enugu Road (10 plots)
24. Prince Road (20 plots)
25. Kassimu Road (6 plots)

Samaru Ward (Soba LGA).

Composition by main streets / Estates and number of dwelling units plots on each streets Estate .

1. *Galadima street (140 plots)
2. Habibu street (160 plots)
3. Sarikin Pawa street (153 plots)
4. Danraka Estate (230 plots)
5. *Alinbasawa Street (191 plots)

6. Naibi Street (130 plots)
7. Sarki Street (138 plots)
8. Yaro Street (64 plots)
9. Ahmadu Street (130 plots)
10. Danlabo Street (140 plots)
11. Sokoto Road (163 plots)
12. *Market Street (159 plots)
13. Iya Street (120 plots)
14. Tinau Street (120 plots)
15. Railway Road (170 plots)
16. *Tanko Maikara Street (127 plots)

Hanwa Ward (Soba LGA)

Composition by main streets and the number of dwelling units/plots on each street.

1. Makera (50 plots)
2. Rinji (20 plots)
3. Rafin Sidi (20 plots)
4. Kaje (15 plots)
5. *Riga (265 plots)
6. *Gangare (10 plots)
7. Kwangila (300 plots)
8. Dogarana (340 plots)

9. Layin Zome (215 plots)

Tudun Wada Ward (Kaduna LGA)

Composition by main streets and the number of dwelling units/plots on each street.

1. Ibadan Taiwo Road (500 plots)
2. Charanchi Street (120 plots)
3. *Saminaka Street (93 plots)
4. Kerawa Street (112 plots)
5. Matazu Street (105 plots)
6. Nagogo street (75 plots)
7. Yola Road (170 plots)
8. Community Bank Street (63 plots)
9. Katagun Road (120 plots)
10. *Bashama Road (74 plots)
11. Kwoi Street (23 plots)
12. *Zango Road (115 plots)
13. Kagoro Road (111 plots)
14. Makarfi Road (123 plots)
15. Kataf Road (52 plots)
16. Kachia Road (130 plots)
17. Alkalawa Road (79 plots)
18. *Rigachikun Road (128 plots)

Kawo Ward (Kaduna LGA)

Composition by main streets and the number of dwelling units/plots on each street.

1. Kafin Soll Street (130 plots)
2. Zaria Road (240 plots)
3. Ali Akilu Road (260 plots)
4. *Market Road (97 plots)
5. Court Road (121 plots)
6. *College Road (75 plots)
7. Aya Road (119 plots)
8. Kiddo Road (87 plots)
9. *State Road (103 plots)
10. *Ibrahim Abidjan Road (76 plots)
11. Kawo New Extension (300 plots)

Gabasawa Ward (Kaduna LGA)

Composition by main streets and the number of dwelling units/plots on each street.

1. Shehu Laminu Avenue (70 plots)
2. Shehu Shagari Road (10 plots)
3. Bamako Road (60 plots)
4. Accra Road (30 plots)
5. *Yaunde street (70 plots)
6. Dakar street (60 plots)

7. Ramat Road (60 plots)
8. *Monorovia Street (70 plots)
9. Lome Street (66 plots)
10. Kakaki Road (65 plots)
11. *Kinshasha Road (100 plots)
12. Rimi Road (20 plots)
13. Rimi Close (20 plots)
14. School Road (30 plots)
15. Ja Abdul Kadir Road (60 plots)
16. Abidjan Street (50 plots)
17. Freedom Street (62 plots)
18. Queen Amina (76 plots)
19. Inuwa Wada (70 plots)

Ward 4 (Oredo LGA)

Compositon by main streets and the number of dwelling units/plots on each street.

1. *Iyaro/Urubi Road (130 plots)
2. New Lagos Road (180 plots)
3. *Upper Lewani Road (148 plots)
4. *Federal Road (22 plots)
5. Adesuwa Street (10 plots)

Ward 5 (Oredo LGA)

Composition by main streets/Estates and the number dwelling units/plots on each street/Estate.

1. Osemwende Street (105 plots)
2. Esigie Street (105 plots)
3. *2nd East Circular (145 plots)
4. 1st East Circular (179 plots)
5. BDPA Housing Estate (95 plots)
6. *First Upstair Road (183 plots)
7. *Kajo Road (205 plots)

Ward 6 (Oredo LGA)

Composition by main street/Estates and the number of dwelling units/plots on each street/Esate.

1. Federal Housing Estate (356 plots)
2. Forestry Road (125 plots)
3. James Watt (25 plots)
4. Mission Road/Upper Mission (107 plots)
5. Ewah Road (263 plots)
6. Costain Road (45 plots)

Siluko Ward (Ovia LGA)

Composition by Village

1. *Old Siluko
2. Elericheko
3. Aladuwa/Ugbolefun
4. Ugbogua
5. Aimuamwosa
6. Iguekakhan
7. Igben
8. Iguekakhan
9. New Siluko
10. Madagbayo
11. Okua Ogbegbe
12. Urhobo Yoruba Camp
13. Esi
14. Gbolemoten Waterside
15. Odudo
16. *Ejide waterside
17. Oghodi Jonathan
18. Gbelebu
19. Sayo/Lakalolo
22. Adesugba Akintoye
23. Umaza Camps Ogie
24. Edward Obayaku
25. *Idemudia Kolosi
26. Safarogbo
27. Asani Odobor
28. Okerugbo
29. Inarefe/Aloghore
30. Okomu
31. Oru Omovie
32. *Adeyemi Yaloko
33. Orogun Erekamere
34. Umolor Elu
35. Ukuremu Abokhue
36. Oke Abata
37. Oghokoro Oloja
38. Iguelaiho
39. *Isibeluom Uve

Ekiadolor Ward (Ovia LGA)

Composition by Village.

1. Evbiegbe
2. Iguosa
3. Oluku
4. Oluku Camp
5. Utekon
6. Utekon Camp
7. Utoro Ighodaro
8. Ekosodin
9. *Ekosodin Camps
10. Arnore Igotose
11. Ukposisi Benjamin
12. Agofure Obasogie Eto
13. *Ekiadolor
14. Iwu
15. Izakagbo
16. Iwu Camp
17. Agoloton Ayedika
18. Nwachuku Idahosa
19. Uwan Camps
20. Kwale/Isoko Camp
21. *Ekonobare
22. Iguiheya Evbuomere
23. Isiohor/Gajus
24. Idumwunowina
25. Obire Akpobomen
26. *Stone Ebenezer
27. Ekodobo Emovon
28. Ogua Iguero
29. Iguosagie
30. Ogbidi
31. Agava
41. Ofumwegbe Iguowa
42. Okha Aragba
43. Ovusoro James
44. *Sylvanus Camp 1
45. Sylvanus Camp 2
46. Iroko Oshodin
47. Ariyan Okokodun
48. Solomon Abada
49. Oye Simagbale
50. Gaius Atighe

32. Ekole Eko Abetu
33. Ugbighieghie Camps
34. Oviogie
35. Obviogie Uhobe Camps
36. Ora
37. Otofure Unume
38. Ekowee Ogunmwenyin
39. Iguedaiken Iguodia
40. Ero Enefite
51. Uhunmwunagbouwa
52. Ughoghodo Osagie
53. Igogo/Omosigho
54. Iyowa
55. Umate Paul
56. Ugbodo Campus
57. Iguikimwin
58. Eko-Abetu.

Okada/Uhen Ward (Ovia LGA)

Composition by Village.

1. *Uhen
2. Omogui
3. Iguomo
4. Ayeku
5. Olumoye
6. Ovbieho
7. Igueye
8. *Ogboru
9. Ogbesse
10. Ogbudu
14. Imasabemwen
15. Utese
16. Amufa Mico
17. Agbowe
18. Aweweru
19. Ugbogho
20. *Okada
21. Ugbokun
22. Oghobahon
23. Isiuwa

11.	Egbetta	24.	Igueze
12.	Chukumah	25.	Iyanomo
13.	*Daniel Camp	26.	Iguobo.

Ward 8; Academy/Odinjo Ward (Ibadan Municipal Government)

Composition by main streets and the number of dwelling units/plots on each street.

1. Irewole Street (58 plots)
2. *Abegunde Street (140 plots)
3. *Ojetunde Street (88 plots)
4. Ibraheem Street (152 plots)
5. *Oduola Street (145 plots)

Ward 9; Odo-Oba/Olomi Ward (Ibadan Municipal Government)

Composition by main streets.

1. *Sangodada Street (48 plots)
2. *Abimbola Street (100 plots)
3. *Oyekunle Street (105 plots)
4. Owolabi Street (45 plots)

Ward 4; Koloko/Idiobi Ward (Ibadan Municipal Government)

Composition by main streets.

1. *Ajegunle Street (95 plots)

2. *Fagbure Street (105 plots)

3. *Alhaji Busari Street (80 plots)

4. Oyerinde Ojo Street (50 plots)

Ward 1: Oleyo Ayegun Market (Oluyole LGA)

Composition by Village/Clans

1.	Amoje	23.	Olosan
2.	Odan	24.	Haro
3.	Valley	25.	Lakun
4.	Faniyi	26.	Ogbeni
5.	Ebgejoda	27.	Koso
6.	Olugbemi	28.	Oparayi
7.	Afonja	29.	Odo-Ona Elewe
8.	Onipepeye	30.	Igbonna
9.	Odo Osun	31.	Akunlepon
10.	Olosan	32.	Agangan
11	Kolomi Acade	33.	Lafiaji
12.	Odeku	34.	Adewole
13.	Asipa	35.	Adebomi
14.	Akunlepon	36.	Ayegun
15.	Asipa	37.	Idi Oya
16.	Otenya	38.	Oladipo
17.	Odo Osun Egan	39.	Asaju

18. Alapata
19. Alaaka
20. Onihaha
21. Adewole
22. Idi-Iroko
40. Idioro
41. Esudiji
42. Idi Eru
43. Balogun
44. Idiaba
45. Olorunkemi

Ward 2: Bara Market (Oluyole LGA)

Composition by Village/Clans.

1. Orisumbare Market
2. Bamigbegbin
3. Ewebiyi
4. Ajayi
5. Akilapa
6. Atonto
7. Ati
8. Ara Oje
9. Igbodudu
10. Amo Rire
11. Makinde
12. Aba Ajao
13. Ekefa Akinsipe
14. Adiode
21. Ahori
22. Olosa
23. Oyekan
24. Elebolo
25. Odo Okun Kekere
26. Rapaja
27. Ababeji
28. Akinosun
29. Lamisha
30. Ojelade
31. Onikeke
32. Aribikofa
33. Odo Okun
34. Odo Okun

15. Egan
16. Alaatan
17. Idi Osan
18. Olobe
19. Olokofefe
20. Ojo Ekun
35. Abamba
36. Aba Ife
37. Oridagogo
39. Dosunmu
38. Alawo
40. Abutu.

Ward 5: Onigambari (Oluyole LGA)

Composition by Village/Clans.

1. Onipe
2. Abaotun
3. Ibuso Gbooro
4. Olowa
5. Oloya
6. Alagbaa
7. Lamolo
8. Aba Olubadan
9. Sotonje
10. Dallley
11. Olubi
12. Longe
13. Olobigogoro
14. Onigbagbo
15. Amosun.
16. Jagba
17. Okobi Ogun
18. Gbale Asun
19. Akintola
20. Karangbada
21. Lagunju
22. Aboyawo
23. Ajibodu
24. Abipo
25. Olonde-Ige.