SOCIAL CONTROL AND CRIME ESCALATION IN KENYA

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ABSTRACT
Social control is as old as the society. It refers to the mechanisms a society uses to ensure harmonious co-existence, and broadly include the society’s norms and values, beliefs, taboos, public opinions, religious guidelines and institutions, the legal laws and regulations, and the law enforcement institutions such as the police, courts et.c. According to Moore 1987:235 social controls is the process whereby people are encouraged to conform to the common expectations of the society. However, in relation to crime in Kenya, there are several factors that militate against the effectiveness of the social control institutions and mechanisms. This paper uses the local crime incidences to explore these situations and factors in an attempt to explain why the crime rate is always high in Kenya.

Keywords: Social Control, Crime, Legal laws

THE GENERAL FACTORS THAT ARE RESPONSIBLE FOR THE HIGH CRIME RATE IN KENYA

Poverty, unemployment and landlessness
The poverty and unemployment level in Kenya has reached unprecedented levels, and created disillusionment leading to crime escalation because it’s not possible to legislate a hungry person. This has led to the society’s ideals being ignored as criminal activities related to basic survival and frustrations rise. Thus crimes due anger and frustrations such as ‘a mother burning the hands of her daughter for eating fish preserved for lunch when she was away causing serious burn” are on the rise. Because of poverty and unemployment particularly among the youth; hitherto unknown crimes among some communities have increased. For instance cattle’s rustling is now common among non pastoralists such as the Luo in Nyakach -Kisumu County where the locals have lost lives and tens of thousands of cattle in thefts where neighbours collude with outsiders to steal the livestock at night.

Shortage of land and landlessness has also contributed to the increase in crime. For example, pastoralists have violently fought with their neighbours over grazing areas. At the same time, members of a community have killed each other over agricultural land. For instance a report titled “anxiety as murders rise in Kisii over land disputes” reported that over 30 murders related to land disputes had been reported in Gucha 2. Another crime report “Tension rises as Mt. Elgon buries six Kapsokwong Clash Victims” indicated that the Kaptur clan had lost 100 people to the Sabaoti Land Defence Force (SLDF) in Mt. Elgon due to clashes over land.3

Illiteracy common in situations of poverty causes ignorance which interferes with social control. Illiterate persons will easily commit crimes of ignorance such as trespassing and will go against city bylaws in our towns if the laws are put in writing. Such people also do not know what the law require of them. Ignorance; unfortunately, before the law, is no defence. Lack of education also denies a person any possibilities of gainful legal employment making life in crime the only alternative; thus the observation that a good number of inmates in penal institutions are barely literate.

Food shortages also have effect on social control. When food production goes down and population increases as is the case in Kenya; due to climatic changes, and other contributing factors like deforestation that has led to low rains, combined with high cost of agricultural inputs; famine becomes rampant. In such situations; the old generosity vanishes, creating utilitarianism and selfishness. The end result is increase in the previously unknown
crimes common during draught and famine such as the ones reported in the press that: “... the man used a machete to slash his brother several times and killed him after the quarrel over the food they were eating at their home in Kapenguria" and “Man kills father 71 over Ugali" (Bread).

Negative politics, ethnocentrism and stereotype opinions

Negative Politics is a serious cause of increased crime in Kenya that has led to the loss of thousands of lives and destruction of property worth billions. Political animosity common among the politicians and political parties at elections does not need elaborate explanation since the December 2008 to February 2009 political turmoil that led to the killing of over 1,000 people and displacement of more than 500,000 Kenyans after the bungled 2007 presidential election is still fresh in our minds. The atrocities of 1991 – 1992 are another example. Such political skirmishes cause loss of lives and properties. Politicians again do greatly interfere with the work of law enforcement officers such as the police and courts in trying to safeguard their interests. Related to negative politics is ethnocentrism and sectarian feelings, manifested mostly by some politicians which at peaceful times create favouritism and nepotism but when misunderstanding erupts such as during plebiscites; Kenyans have treated animals more kindly than fellow human beings from other ethnic groups.

Prejudice and stereotype views also encourage crime. Though we cannot downplay the social significance of attitudes, most Kenyans operate on the fallacy of formed opinion. It’s no wonder that these statements are popular public opinion about different ethnic groups; a particular community is referred to as successful businessmen but are unreliable and thieves who can commit any crime for money, another one; intellectuals who do not go home for fear of witchcraft but remain arrogant, snobbish and violent spectators, some two ethnic groups share a degrading belief against them that they are thoughtless high tempered Mongols, as others generally referred to as lazy, incompetent, menial professionals and so on. On relationships, we constantly hear; “never trust a woman”, or even “all men are dogs”. Despite the proven fact that these prejudiced and stereotyped opinions are wrong, the mind-set make people to fight and deaths occur at the least suspicion between people of different ethnic groups as most cases of domestic violence, separation and divorce have origins rooted on our socialised believes on the opposite sex.

The effect of Alcoholism, Drug abuse, Poor parentage, and Influx of foreign cultures

Alcoholism and drug abuse which has risen over the years not only in Kenya but globally (Omboto 2010) naps sensitivity. Therefore, serious social control measures lacks among the many alcoholics and drug addicts. This has resulted into immorality, rapes and other crimes such as theft to sustain the addiction even where social control in place is strong enough. Children of such drunkard and drug addict parents do become delinquents due to poor upbringing. Many people in Kenya have also lost their lives, and others rendered blind after consuming traditional liquors laced with poisonous substances such as ethanol which the brewers use to make them more conk. The Alcoholic Drinks Control Act of 2010 that aims to ensure that alcohol is not sold to children less than 18 years and also limits the hours bars and pubs sell alcohol is a step in the right direction because it will control alcoholism. Given that the Act require that all drinks must be certified by the Kenya Bureau of Standards before being sold within designated places and times; deaths related to consumption of poisonous brews will be controlled but only if the police enforce the law strictly.

Influxes of foreign cultures also interfere with the impact of our social control measures. The increase in seductive dressing by the ladies copied from the west for example is to blame, albeit, partly for a rise in prostitution in our streets just as the recently reported cases of bestiality.

Problems in the law enforcement agencies, and biased application of the law

Problems in the law enforcement agencies such as the police and prisons service related to housing, pay and equipments cause low morale, this has led to a rise in crime, because though these people put their
life at great risk; they feel unappreciated, and so they may not see the need to pursue the hard core criminals vigorously. Less committed police officers are known to have turned to crime to subsidise the poor pay, while prison staff smuggle contrabands such as illegal drugs and substances to prisoners as a show of deviance to the system that has neglected them, and for monetary gain (Omboto 2010).

Biased application of the law, make it seem to protect the rich and the powerful at the expense of the poor; this has caused disenchantment, and so crime rises. Corruption within the criminal justice administration give rise to crime escalation as people who can afford to buy their way out of apprehension do, as others buy justice if arrested and taken to court. These people continue to commit crime without fear. Referring to corruption in the judiciary, a justice and constitutional affairs Minister once said “As long as a thief has a lot of money, he can create legal cobwebs so that he walks out of the court free”6. Needless to say, many people have argued that “why hire a lawyer if you can buy the judge”. The Ethics and Anti-Corruption Commission in Kenya must also disapprove the general perception that it is more vigorous in pursuing the ‘small fish’ like traffic police officers at the expense of the ‘big fish’; the politicians and the prominent business personalities who are constantly mentioned in multi-billion shillings scandals.

The courts must also deter corruption by the sentences they award instead of being an impediment to the fight as was observed by the former Kenya Anti Corruption Commission Director Dr. P.L.O. Lumumba about a judgement in which a convict who swindled 6 million Kenya shillings left the court smiling after being fined 1 million shillings7.

**Unfulfilled expectations and lack of role models**

Unfulfilled expectations and the contradicting realities have also contributed to the rise in crime in Kenya. Whereas we encourage hard work by suggesting that the heights great men reached and kept were not attained by a sudden fight, but they, while their companions slept, were toiling upward in the night to be achievers; there are people who do their best in all their endeavours but fail to get rewards. We are told that education is the key to every door of opportunity, but the statistical truth is that most university graduates are unemployed. They say that the things that are not easy to achieve possess great rewards, and that there is no gain without pain at the beginning; but we look around only to see those who have stolen revered for their wealth and never punished while the professors are poorly remunerated. On the salary of PhD holders who have spent decades and many resources on education, Prof William Ochieng’ wrote “We became the laughing stock while corrupt and visibly illiterate Bohemians wallowed in piles of money. The bohemians felt and openly said that education did not matter”. The good professor was referring to his time as a University lecturer.* These very perplexing realities have forced some people to fancy crime and quick fixes as to them, honest efforts don’t bear fruits these days. A high number of the young educated people in crime can be more of a protest at the society that heavily punishes lowly placed petty offenders while openly glorifying billionaire crooks.

**OTHER FACTORS RESPONSIBLE FOR HIGH CRIME RATE**

Another domestic reason, among many others; for a soar in crime in Kenya is because in our society there’s a serious lack of role models. With our priests and pastors caught up in rapes, immorality and misappropriation of funds that reach the press and some national leaders who cannot be emulated due to their inflammatory utterances and tribal insinuations that incite violence, who do our youths look up to? We must seriously take the advice of Briggs (1975; 122) that “all of us, if we are to grow and change, need models to live by, not leaders”.

Psychological and emotional problems have increased in Kenya partly due to economic difficulties. Most people are very stressed, so they get easily irritated. Those who suffer from such conditions commonly commit psychopathic crimes such as assaults and murder. For instance; a Mr Charles Mwangi Ndumia a teacher at Gatume primary school in Laikipia was stabbed to death by a former teacher who was driving a matatu (public
service vehicle) he bordered when he in an argument with the matatu operator “termed finance minister’s decision in a budget speech to increase fuel prices by Kshs 3.20 per litre as commendable”. This is not an action a person in a normal emotional and mental state can take.

Increased urban settlements also has created cultural conflict; anonymity, anomie and individualism among the urban dwellers. This breeds indifference, hostility and immorality: the ready grounds for crimes as is known today. The advance in technology has also made learning, planning and commission of various crimes very easy; such devices include mobile phones, movies, internet among others. The easy access of pornographic literature through the internet for example, has led to a proportionate rise in prostitution in our towns. If one knows that s/he can deviate from the required behaviour and escape punishment, the presence of a strong social control will not stop her/him.

Some of the crimes in Kenya are also as a result of sticking to the retrogressive lethal customs. For instance; the persistence of some cultural practices that have been declared illegal due to scientific discoveries that relates them to diseases and even deaths. For example Female Genital Mutilation is still practised in some communities despite factual knowledge that it causes infant deaths at birth due to scarification. It is also known that some initiates have bled to death after the cut, and it can easily spread HIV-AIDS. Despite this, the cultural practice is common despite its’ dangers as was reported under the report: “32 girls rescued as hundreds others face cut.” In addition, widow inheritance is still common despite increased HIV-AIDS related deaths in the communities where it’s practised. The Girl child early marriage and discrimination is also quite common in some communities despite free primary education being a constitutional right of every child in Kenya according to the Bill of right part 3 section 53(b) of the constitution. All these have contributed to crime increase.

The rampant criminality in the country in itself and the inability of the police to contain it has also been a contributing factor to the rise in crime. Consequently, self-appointed vigilante groups such as Taliban, Jeshi la Mzee, Sungusungu and many others have sprung up in various parts of the country to “protect and police” the residents. These groups have taken the law into their hands many a times by punishing suspected criminals even by killing; for example, the report titled “Sungusungu squad lynch four suspects” highlighted that the dreaded Sungusungu vigilante squad killed four people in Kisii county and dumped their bodies five kilometres away from their homes, this vigilante had killed about thirty suspects in three months. For this “protection” the vigilante groups levy illegal taxes on the citizens for which some of the people who refuse to pay have been killed. Some of these gangs are always taken over by politicians as private armies to molest their opponents while others have turned into pure criminal gangs thus increasing crime level. It is a good start in the fight against rising crimes committed by these groups that the Organised Crimes Act of 2010 outlaws these vigilantes, but the fact that to date they persist as reported by “Embu vigilantes warned over pay” despite the fact the government through a gazette notice released in October 2010 have outlawed 33 such groups is worrying.

Finally, another factor among the many others responsible for the surge in the crime rate in Kenya is the general disobedience in the citizenry seen in the failure by motorists to observe traffic rules which is responsible for the increase in traffic accidents particularly among public service vehicles’ drivers which has caused fatal road accidents that see thousands of people lose their lives due to dangerous driving and driving under the influence of alcohol.

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The Kenya Alcoholic Drinks Control Act 2010

The Constitution of Kenya; Bill of Right part 3
section 53(b)

The Kenya Organised Crimes Act 2010

Footnotes

1. The Standard Newspaper 8/12/2010 pg 7
   “Mother burns child’s hands for fish.”
   Report – Tension rises as mount Elgon buries six
   Kapsokwong clash victims.
   kills father over Ugali.
6. The standard on Sunday pg 30 – “PLO on the
   spot as pressure mounts for him to deliver.”
   column 6.
10. The Standard 7/12/2010 pg 24 “32 girls was
    rescued as hundreds others face cut.”
    Report Title –Sungu sungu squad launch 4
    suspects.
12. The Star Newspaper of 17th July 2013 pg 11.

A woman and her children during hunger; famine and poverty always influence crime rate. (Picture from The
Standard Newspaper)
The face of anguish: A squatter cries when anti-riot police officers and hired youths burnt down squatters’ shanties at Kamora slum in Nairobi. Over 1,000 families were forcefully evicted on a court order for the land to be taken by its owner. Landlessness is one of the factors responsible for high crime rate in Kenya. (Picture from The Standard Newspaper)