



Rational Choice Theory of Crime: Punishment Implications For Kidnapping In Nigeria

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Abstract

This paper examined the position of the Rational Choice Theory vis-à-vis the commission of crime such as Kidnapping and how best to control it through the application of stiffer punishments. The authors approached this vexed issue by exploring the concept of Kidnapping and its categories. The paper also discussed theoretical approaches to the phenomenon of Kidnapping in Nigeria. The authors also aligned themselves with the position of the Rational Choice Theory by advocating for more proactive punishment regimen as a panacea to the phenomenon of Kidnapping in Nigeria. The paper therefore, recommended among others for confiscation and destruction of all properties accruing from this ignoble act of kidnapping in order to deter further commission of such crimes.

Keywords: *Rational choice, theory, punishment, Crime, Kidnapping.*

Introduction

Background To The Paper

The Rational choice theories of crime strongly argued that criminals have very strong prior intent to commit the act. In the opinion of these theorists, man is a reasoning actor who weighs means and ends, cost and benefits, and makes a rational choice. (Cornish and Clarke, 1986). The position of the rational theorists assumed that crime is a purposive behaviour designed to meet the offender's common place needs for such things as money, status, sex and excitement, and that meeting these needs involves the making of decisions and choices (Clarke, 1997). Apparently, Rational Choice is based on numerous assumptions, one of which is individualism (Gul, 2009). The offender sees himself as an individual. Secondly, individuals have to maximize their goals, and thirdly, individuals are self- interested (Gul, 2009). Essentially, offenders are thinking about themselves and their personal goals.

Kidnapping as a criminal behaviour represents a typical rational crime. It has increased in breath and sophistication in Nigeria since its advent in early 2007. This paper examined the phenomenon of kidnapping in Nigeria, with focus on the adoption of the principles inherent in the Rational Choice Theory by the law and

the judicial system; towards stemming and controlling the psychological and social problem called Kidnapping.

Conceptualization of the Phenomenon of Kidnapping

Kidnapping in Nigeria has a relatively short history. It can be traced to what Townsend (2008) referred to as "natural resource nationalism" this is explained as the tendency to seek bigger shares of the returns from nation's natural resources. The issue of Kidnapping in Nigeria is also made worse by what Omeje (2010) called "accumulation politics", which was seen as the tendency for the bourgeois Nigerians to be involved in endless accumulation of wealth and consequent looting of the public treasury.

Kidnapping has grown over the years as a thriving industry involving every level of the society and motivated by unlimited reasons. However, it has been difficult and problematic to define the phenomenon of Kidnapping. The word is difficult to define and could only be attempted in relation to a country's legal and moral perspectives as well as the availability of various forms of Kidnapping such as hostage-taking and hijacking.

According to Mohamed (2008) the concept of Kidnapping may have originated around 1682 among those who perpetrates the crime. According to the American Heritage Dictionary of the English language, the two words "Kid" and "napper" were slangs the criminals employed. Kid which still has an informal air was considered little slang when Kidnapper was formed, and "napper" is obsolete slang for a thief, coming from the verb nap, to steal.

In Criminal Law, Kidnapping refers to the wholesale taking away or transportation of a person against his or her will, usually to confine the person in false imprisonment without legal authority. This act may be perpetrated principally to extract ransom or in connection with a child custody as a fall-out of marital dispute. The phenomenon of Kidnapping no doubt, has reached an alarming proportion, thereby increasing the state of insecurity in Nigeria. Davidson (2010) pointed out that the general state of insecurity in some parts of the country has reached a stage where virtually everybody is now worried the direction the country is going. In 1678, the year in which the word Kidnapper, is first recorded, Kidnappers plied their trade to secure labourers for plantation in countries such as the ones in North America. Although it has become incessant and common in Nigeria, indeed, it has been a global problem.



Statistics of Kidnapping in Nigeria

In December 2009, police Affairs minister disclosed that 512 cases of Kidnapping had been recorded from January 2008 to June 2009 against 353 recorded in 2008. Rundown of the statistics indicates that Abia State led the pack with a total of 110 kidnapping incidents. Imo: 58,109 arrest, 41 prosecutions and one in dead. Delta recorded 44 Kidnap cases, 43 releases, 27 arrests, 31 prosecuted and one death, and Akwa Ibom recorded 40 Kidnap cases, 418 arrests, 11 prosecution. The report added that between July/September 2008, and July 2009, over 600 million was lost to Kidnappers. But, beyond statistics being available, it is a known fact that most kidnap cases are never reported to the police authority for the fear of murder of the victims, hence most families prefer to pay ransom to losing one of its own.

Categories of Kidnapping

The United Nations Office of Drugs and Crime (UNODC,2003) has classified Kidnapping as follows: Kidnapping for extortion (for ransom, to influence business decision or to obtain commercial advantage); Kidnapping between and within criminal groups (for debt recovery or to secure advantage in a criminal market); Kidnapping for sexual exploitation; Kidnapping linked to domestic or family disputes (spouse or child abduction); revenge Kidnapping; and Kidnapping for political or ideological purposes.

These typologies have been broadly categorized into three by Pharaoh (2005) as follows: criminal Kidnapping (hostage taking for ransom); political Kidnapping (to settle political scores or further some political objectives); and pathological Kidnapping (parental kidnapping and kidnapping for sexual purposes). To further simplify the classification, Turner (1998) listed out four key rationales for Kidnapping as follows: Kidnapping for money but no politics; kidnapping without any political or monetary motive; kidnapping for money and politics and kidnapping for politics but not money. From these classifications, it is seen that kidnapping has criminal, political and economic reasons.

However, Yang, Shu-Lang, Huang (2007) has added the cultural dimension of kidnapping, whereby some communities use it as a cultural practice (e.g. bride capture or kidnapping). This is a type of kidnapping that is often applied loosely to include any bride abducted against the will of her parents: even if she is willing to marry the abductor, in some cases where this happens, Lovers' make up their mind to marry each other, when the bride's family refuses to marry out their daughter to the groom. When this is the case, the bride conjures with the groom to effect the act and the bride family lose the bride price until reconciliation takes

place. This type of Kidnapping is common in traditional nomadic societies of central Asia and Africa, where women's right to marriage is still abused.

Other categories include: Express kidnapping which is a method of abduction used in some countries, mainly in Latin America where a small ransom that a company or a family can easily pay are demanded without institution (Mohamed, 2008). This is usually executed by amateur kidnapers who engage in the act out of sheer poverty. An example of this is reported in Business Day newspaper of Monday 13th June, 2011 where a lady travelling to Port Harcourt was kidnapped at Upper Iweka Onitsha and was released on the payment of hundreds of naira by a fiancée student of River State university of Science and Technology. Tiger Kidnapping is another Kidnapping method that amounts to taking a person hostage to make a love or close associate of the kidnapped victim do something e.g. a bank manager is taken hostage to elicit an instruction for the bank vault to be opened.

Theoretical Perspectives on Kidnapping in Nigeria.

Kidnapping has become a common and always applied word both in public and private for a going by its prevalence in the country. Adewale (2009) pointed out that Kidnapping now appears to be an emerging concern in Nigeria though it is not a new phenomenon. It is as old as the word itself. Consequently, several authors have developed theories to explain Kidnapping. The Economic Theory views Kidnapping from economic concept of making ends meet. Nseabasi (2009) citing (Tzanelli, 2006) opined that Kidnapping is regulated by the laws of demand and supply. This according to him is the reason the perpetrators of this crime choose their victims based on their ability to pay good money (Tzanelli, 2006).

The Political Theory of Kidnapping see the act as a political tool which is motivated by the attempt to suppress, outsmart, intimidate, and subjugate political opponents like in the case in Anambra State when the former Central Bank of Nigeria governor who was then Peoples Democratic Party's gubernatorial candidate had his father Kidnapped by the aggrieved opponents of the same party, who felt marginalized by the PDP political process. Turner (1998) as cited by Nseabi (2009), established a relationship between "money and politics" accordingly, where there are political motivations for Kidnapping and where ransoms are also demanded. Such ransoms are often employed to strengthen and further the political objectives of the Kidnapping organization or simply to facilitate the survival of the organization.

Another Theory views Kidnapping from the angle of unemployment which pervade the countries Labour market. This is blamed on the inability of the government to create adequate employment for the youth (Nseabasi, 2009). Umoh



(2010) posited that the political consequence of Kidnapping activity has had a spill-over influence on the jobless youths and criminals who take it as a new substitute or complement to robbery and pick-pocketing. Such group of Kidnappers target not only prominent and well-off individuals, but also ordinary citizens who possess little wealth.

Theoretical Framework Guiding the Study

This paper is anchored on the objectives of the Rational Choice Theory of crime. According to the argument of Cornish and Clarke (1986) criminals do not commit crimes by chance. They are of the strong opinion that criminals have very strong prior intent to commit the act. They gave further impetus to this position by submitting that man is a reasoning actor, who weighs means and ends, cost and benefits and makes a rational choice. The developers of this theory believed that this theory will assist in thinking about situational crime control and prevention.

Apparently, it is assumed that crime is a purposive behaviour designed to meet the needs of the offender such as money, status, sex, and excitement, and that meeting these needs involves the making of decisions and choices, constrained as these are by limits, ability, and the availability of relevant information (Clarke 1997).

Consequently, rational choice theory is based on numerous assumptions, one of which is individualism (Gul, 2009). The offender sees him/herself as an individual. Second, individuals have to maximize their goals, and third, individuals are self-interested (Gul, 2009). Therefore offenders are thinking about themselves and how to advance their personal goals. Based on the foregoing, the rational choice theorists advocated for very stringent punishment in order to deter further commission of crime.

Essentially the central points of the Rational Choice Theory are:

- a) The human being is a rational actor
- b) Rationality involves ends/means calculation
- c) People (Freely) choose behaviour, both conforming and deviant, based on their rational calculations.
- d) The central element of calculation involves a cost-benefit analysis; pleasure versus pain or hedonistic calculus.
- e) Choice with all other conditions equal, will be directed towards the maximization of individual pleasure.
- f) Choice can be controlled through the perception and understanding of the potential pain or punishment that will follow an act judged to be a violation of the social goal, the social contract.

- g) The state is responsible for maintaining order and preserving the common good through a system of Laws.
- h) The swiftness, severity, and certainty of punishment are the key elements in understanding a law's ability to control human behaviour.

Punishment as a panacea for Kidnapping in Nigeria

The Rational Choice Theory advocated for stronger punishment as a deterrent to crime, which Kidnapping is typical. Punishment according to operant conditioning theory of Skinner (1953) refers to any action that results in a decrease in a response or behaviour. Nwankwo (1995) defines punishment as the addition of an aversive stimulus to a situation or the withdrawal of a pleasant stimulus from a situation in order to reduce or eliminate the response that followed the stimulus. Again, Okoli (2002) says, to punish means to present an unpleasant or painful stimulus in order to decrease the probability that a preceding behaviour will occur. Indeed punishment could be aversive stimuli or the withdrawal of positive reinforcers. Essentially, punishment is any procedure that reduces an undesirable behaviour. Skinnerian theory categorized two forms of punishment, positive and negative punishments. In positive punishment, an aversive or undesirable stimulus is applied to decrease behaviour while in negative punishment, a desirable stimulus is removed to decrease a response. As stated abinitio, punishment indeed decreases the target behaviour, therefore both positive and negative types of punishment are aimed at decreasing the probability of the occurrence of a given behaviour.

With reference to Kidnapping, both positive and negative punishment could be applied systematically as panacea for Kidnapping in Nigeria. This, in the understanding of the authors, is the position of the Rational Choice Theory, which saw crime (Kidnapping) as a conscious or voluntary behaviour. Indeed, it could be strongly argued that the escalation witnessed in Kidnapping activities in Nigeria is being sustained by the non-application of strong and effective punishment regimen by the justice system. The policies that are based on the Rational Choice Theory involves increasing the punishment for crimes in the hope that the pain outweighs the gain and therefore preventing future crime.

Discussions, Conclusion and Recommendation

The rational choice theorists are of the conviction that crime is calculated and deliberate. They opined that all criminals are, rational actors who practice conscious decision making, that simultaneously work towards gaining the maximum benefits of their present situation. This idea is in line with Gul,(2009) assertion that there is element of individualism in commission of crime.



Consequently, with reference to crime like Kidnapping, such acts are pre-meditated, conceived, planned and executed for the personal and idiosyncratic goals of the perpetrators. Kidnappers are conscious and voluntary violators of the common Law, which guarantees freedom of movement for every Law abiding citizen of Nigeria.

Kidnappers willingly and willfully transgress against the common good, which amounts to flagrant abuse and disobedience to the Nigerian Constitution. They may be considered as atavists and recidivists who are aware of the social, economic, psychological and political implications of their dastardly criminal disposition.

Taking a critical look at the last three of the central points deduced from the principles enshrined in the rational choice theory, it is explicitly significant to emphasize the position of the theorists with reference to commission of crime, which Kidnapping is typical. It could be stated that the Rational Choice Theory took a clear position concerning crime and criminal behaviour. They expressly stated that (1) choice can be controlled through the perception and understanding of the potential pain or punishment that will follow an act judged to be in violation of the social goal, the social contract, (2) that the state is responsible for maintaining order and preserving the common good through a system of Laws; and (3) that the swiftness, severity and certainty of punishment are the Key elements in understanding a law's ability to control human behaviours, nay criminal behaviour.

Consequently, the authors of this paper is in alignment with the position of the rational choice theory, by advocating for what they referred to as the "Anambra State Experience and model" in professing solutions to the phenomenon of Kidnapping and its attendant menace in Nigeria. Before the coming of what the authors of this paper referred to as "extortive Kidnapping" in Nigeria, the south-Eastern parts of Nigeria, particularly the Igbo peoples of Nigeria are culturally industrious and enterprising. The culture of hard work and dignified earnings were highly celebrated by the people ill gotten wealth are usually frowned at, particularly wealth's deemed to have been a proceed of crime.

But, suddenly, the advent of "political" and economic Kidnapping in the Niger Delta region changed in the situation and influenced the perception of majority of "Igbo youth" with reference to Kidnapping. The criminal elements in the society and their cohorts saw in kidnapping a new and relatively easy way of making good money. Furthermore, compounded with the fact that the law enforcement agencies either by omission or commission recorded very few successes in their attempts

to curb this heinous crime, the problem escalated to an unimaginable dangerous proportion. Everybody became virtually insecure as was stress by Davidson (2010).

This was the state of affair in Anambra State until the emergence of Mr Peter Obi and Dr Willie Obiano as governors of Anambra State respectively. These two administrators in alliance with the police and other law enforcement agents introduced proactive policies that were anchored on the rational choice theory of crime. Both governors employed a legislative approach that legally empowered and enabled them to arrest, prosecute the offender and their accomplices, and also appropriate and destroy whatever that is the proceed of the act. This state policy was pursued with vigour and dedication. To all intent and purposes, observation shows that the crime of Kidnapping has virtually disappeared from the State.

It is important to stress that the success of this policy was enabled by the antecedent culture of the Igbo people, which often exposes the criminal to ridicule and opprobrium.

Conclusively, the authors therefore concurs with the theoretical exposition of the rational choice adherents for stiffer punishments such as those applied by the subsequent administrations in Anambra State of Nigeria. Hence, Kidnappers are conscious of their activities, government should be proactive and decisive in metting out penalties for such crime. The authors strongly argues and believe that such proactive policy could serve as an enduring panacea to the persisting and escalating problems of Kidnapping in other regions of Nigeria.

The authors therefore recommends the followings:

1. That all proceeds from the heinous crime of Kidnapping should be confiscated and destroyed and the land taken over by the Government.
2. That all accomplices to the act should be arrested, prosecuted and sentenced based on their level of involvement.
3. That Longer fail terms should be served on every confirmed Kidnapper (at least 20years) in order to deter others from joining.
4. That the judiciary should perfect mechanism to expedite action on the trial of these criminals (Kidnappers).
5. That anybody who harbours Kidnappers and their victim in his house or premises will lose that property to Government for on-ward destruction.
6. Government should be firm in their resolve to implement penalties and punishments against Kidnapping.



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