

**THE RELATIONSHIP BETWEEN POVERTY AND CRIMINAL BEHAVIOUR  
IN KENYA: A CRITICAL ANALYSIS ON THE CRIME OF THEFT.**

**BY**

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## DECLARATION

I, MILDRED .A. ASHUBWE do hereby declare that the work presented in this dissertation arises out of my own research, save where reference is made to particular sources, acknowledgement whereof has been made and I certify that it has neither been submitted nor been the subject of examination in any university for whatsoever purpose.

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## DEDICATION

First I give praise and thanks to the Almighty God for giving me the strength and the capacity to complete this work successfully. For all he has done to me, for his blessings, guidance, wisdom, knowledge, favours and endless blessings through out my life and this far.

I dedicate this work to my late dad, your guidance and love has given me direction in life. To my mum, your love sacrifice, wisdom and support is strength in my life. To my uncle Benson Alushula and my late Aunt Alice Vusha, your input in my life is beyond what words can describe, God bless you. For your love, care and both financial and moral support. Thank you for being there for me; without your love and support I would have fallen apart. I miss you dad and Aunt Alice.

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TO the rest of my family, thank you and May your live be filled with blessings.

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## LIST OF ABBREVIATIONS

AIDS –	Acquired Immune Deficiency Syndrome
AHER-	All England Law Report
BBC–	British Broadcasting Corporation
E.A-	East Africa Law Reports
NGO-	Non Government Organization
PROF-	Professor
UN-	United Nations
TV-	Television
EU-	European Union
KLGRP -	Kenya Local Government Reform Programme
RPRLGS-	Rural Poverty Reduction & Local Government Support Programme
CPF-	Crime Prevention Force

## LIST OF STATUTES

The Constitution of Kenya 2010

The Penal Code Act Cap 63 Laws of Kenya

The Children's and Young Persons Act Cap 141

## LIST OF CASES

Sewava vs. Uganda (1996) E.A487

Edwards vs. Ddlin (1976) ALLER 704

Edwards vs. Ddlin (1976) ALLER 705

R vs. McGrwoth (1890) LR ICC 105

Hilber T vs. MCKiernan (1948) 2 KB 142

## ABTSRACT

The level of criminal propensity in areas faced with massive poverty is quite high, compared to the economically upgraded areas. This research has one of its objectives as ascertaining the relationship between poverty and crime in Kenya.

A number of studies may have been carried out on the causes of crime but specific attention has not been previously had to the relationship between crime and poverty especially the offence of theft.

It is pertinent to note as is done in this research that there are a set of laws regulating conduct of persons in society against commission of crimes. The laws set out sanctions a institutions for regulation of crime. Economic empowerment of the people in society has not attracted much attention as a mechanism of averting crime especially theft. This research therefore sets out a comparative analysis of the crime rates in poverty stricken areas and those that are economically well off.

Conclusively, the research analyses the law, the implementation/ enforcement framework, the causes of crime including poverty and its contribution to high rates of poverty in Kenya. The research takes note of the social economic realities, the field findings and challenges and finally alludes to recommendations and conclusion.

## CHAPTER ONE

### 1.0 Introduction

A developed nation always gives law the benefit of championing peace and stability. In this regard, everybody is endowed with the ability to realize what is right and what is wrong in order to maintain law and order.

The Kenyan legal system includes agencies for generating and administering law as well as groups of people who by reason of education, experience and expertise, have the resources of enabling peace and tranquility. However there is also a group of people who by reason of economic disadvantage lack such knowledge so as to give forth to what others in the periphery expect them to give. They therefore find themselves trapped in a legal system that outrages their conscience. As a consequence, they have two resources; they may abide by the laws until such a time that they may be changed or they may choose to disobey. Disobedience thus, is the way to criminal behavior.

Human-beings need a sense of being a person of value in the society. However, in a society that rewards success and penalizes failure, to be economically disadvantaged is to live in continual doubt of one's self. The struggle for identity in this state is therefore desperate because of the degree to which their sense of self lies depends on the success they might enjoy. This sense of self is shaped too by the way the elite group acts towards them and the attitudes they convey through words, posture or and facial expression. This brings in confrontations that see them struggle by all means to achieve whatever it takes to have identity; to the extent that they will view crime as their next way of achieving the realities of life. The frustrations resulting from the way they live are therefore relative to this study. To be able to address these challenges, one must be able to have an awareness of the challenges facing the people living in slums. In this way it would be more possible to present ways of ameliorating crime.

There should be an insistence that law is ethically valid and conform to the requirements of the systems of rights the purpose of which the state exists to maintain. It is therefore important that the incidence of state-institutions should be unbiased and those who operate them should be able to assume the principles of constitutional democracy. In this way, the perception of the poor that the remedies the state provide for their grievances takes too much time and are less adequate, would be changed.

This study constitutes an assessment on why poor people are more likely to commit crimes than rich people. This study explains the relationship between poverty and crime by indicating that poor people are more prone to crime than rich people. Moreover, the study while showing the relationship between poverty and crime, analyses the relationship between the crime of theft and poverty.

Poverty is the independent variable while criminal behavior will be the dependent variable. This chapter presents an introduction, background of the study, statement of the problem, objectives of the study(both general and specific), hypothesis of the study, scope of the study, significance of the study, justification of the study, literature review, methodology and synopsis of chapters.

### **1.1 Background of the Study**

The study discusses the relationship between poverty and crime. The relationship between the crime of theft and poverty is analyzed. The relationship is analyzed by considering the definition of poverty, the definition of crime, an analysis of criminology(study of criminal behavior), different schools of thought of crime, causes of poverty, theories of crime and different types of crime.

Slums are looked at as harboring all sorts of evil people ranging from thieves, prostitutes, gangs, robbers, illiterates, drug addicts and violent political activists. In a BBC report by one Tommy Oladipo on the film Kibera Kid, the slum is depicted as a place not worth living because of insecurity, very poor health conditions, poor infrastructure and poor communication network. In a report by Cyrus Ombati of Poverty Fueling Crime in the East African Standard, the former police chief is quoted as saying that "What you see in the society is as a result of joblessness and poverty."

In their website, RODI, crime is rampant in Kenya and most of the commonly committed crimes are poverty related. Upon his visit to Australia, the opposition Leader of Kenya, as he then was; Hon. Raila Odinga noted that most people are driven by poverty to resort to corruption and crime in order to survive<sup>1</sup>.

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<sup>1</sup>Http: [www.newsweek.com/id/160070](http://www.newsweek.com/id/160070);

It is therefore a perception of many that crime is associated by poverty. Theft is in the very air of the residence of Kenyan urban. Police statistics of the years 2007 to 2009 show theft as one of the major crimes committed by those who have since been reported, arrested charged, tried, convicted, and/or sentenced.

This study therefore is aimed at giving an in-depth analysis on why the people who make the choice of stealing are concentrated heavily in the lower class than in the middle class or the upper class. It examines how people think about criminals; visa avis their poor state of living and the prevention of criminality in slums.

The study reveals the gaps on the law to tackle the issue of crime and to resolve the poverty situation among the people. For example, in 2004 the persons with Disabilities Act was passed and it contains major rights of work gain for persons with disabilities which is yet to be implemented. This clearly shows a law set to address the issue of poverty but due to lack of the law being operational the law remains but a piece of paper with ink.

Section 7<sup>2</sup> provides that every child shall be entitled to education the provision of which shall be the responsibility of the government and parents. This section guarantees free and compulsory basic education. However, affordability is a great hindrance to accessibility especially after the introduction of cost sharing where the parents are required to contribute towards minor requirements like cost of uniforms, food and fare. Such factors still inhibit attendance by pupils from poor households. Education is a prime factor to reduction of poverty and eradication of crime.

## **1.2 Statement of the Problem**

Kenya like many other countries in Africa is still grappling with the herculean task of establishing a stable and democratic political, economic and constitutional order that welds a heterogeneous and collection of tribes into one nation; assures the rule of law and human rights and dignity to its citizens and creates an enabling environment for development. It is evident that being economically disadvantaged is therefore a hindrance to this kind of development. The question of concern is the limited focus on poverty as a main contributor to crime in Kenya.

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<sup>2</sup>The Children's and Young Persons Act Cap 141



There is appalling poverty in slums which is concealed from the views of the many. There are only perceptions and few researches that show why poor people are most likely to commit crime than rich people. In Kenya for example, there is a wide perception that most criminals come from slum areas like Mathare, Mukuru, Kibera and that it is their living conditions that warrant this. Some of these people are therefore sometimes victimized or easily mistaken to be criminals.

### **1.3 Objectives of the Study**

#### **1.3.1 General Objective**

The main objective of the study is to critically analyze the relationship between poverty and crime, and the extent of the contribution of poverty to increase in commission of crime especially theft.

#### **1.3.2 Specific Objectives.**

- i) To establish the reasons and justification behind the high crime rates in slums and poverty stricken areas than in the urban areas and suburbs.
- ii) To ascertain the relationship between limited opportunities and the rate of crime in terms of contribution to violation of the law by the victims of such limited opportunities.
- iii) To identify and analyze the legal and factual weaknesses and the challenges paused by poverty in the process of crime prevention of the law enforcing agencies.
- iv) To make appropriate conclusions on the research findings and there-after propose viable recommendations necessary for legal and policy reforms within the criminal justice system in Kenya.

### **1.4 Hypothesis**

- i. The deviant behavior in slums is due to lack of opportunities.
- ii. That unequal distribution of resources fundamentally contributes to the high rate of criminal propensity amongst the poor.
- iii. The increase in population growth contributes to poverty, which in turn has impacted on the high rates of crime in economically deprived areas.

- iv. The rate of poverty in the various communities is the cause of criminal behavior in slum areas.

### 1.5 Scope of the Study

This study is founded on analysis of the law relating to crime and theft in particular and the contribution of poverty to increase the rate of crime. The specific aspects covered include poverty as a risk of victimization, and how criminal behavior (theft) can be prevented. It targets criminals from the slums and not victims of crime. It is aimed at providing ways of preventing criminal behavior arising out of economic deprivation.

The study concentrates on the period June 2010 – June 2012. The study's geographical locations are the slums in Nairobi namely Mathare, Kawangware, Githurai, Kariobangi, Thika, Korogocho, Kangemi, and Kibera. The choice of the research areas is justified by the levels of poverty and corresponding levels of criminal activity especially theft and incidental offences.

### 1.6 Significance of the Study

The purpose of this study is to draw facts that are needed to determine why the incident of poverty and criminal behavior are typical, this way we can properly decide pecuniary measures to be taken, for example to propose new laws and policies. In addition, it is hoped that this study will help in understanding how poverty causes crime and strategies for its amelioration. This study also aims at underscoring the realities of that subject individual to resort to unnecessary means in achieving their identities in life.

The right to adequate food<sup>3</sup> provides that everyone has got the right to be free from hunger and to adequate food of acceptable quality. However, there is no single legislation dealing with the issue of food security.

A large population of Kenyan population is food insecure. Estimates indicate that about 56.6% of the population lack access to adequate food and even the little they get are of poor nutritional value and quality.<sup>4</sup>

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<sup>3</sup> Article 68 of the Constitution of Kenya 2010

<sup>4</sup> Republic of Kenya, (2004) *Strategy of revitalizing agriculture 2004-2014*. Ministry of Agriculture and Ministry of Livestock Development page 28

The government of Kenya took a major step in 2007 when a number of special, elite police units were formed when President Kibaki came into power to tackle old and emerging crimes. They includes Spider (for general crime) Kanga (tout menace), Alpha Romeo (armed robberies), and Rhino (to root out mungiki menace in Matatu industry).

### **1.7 Justification of the Study**

The ever increasing crime rates especially in economically deprived areas calls for the urgent attention and need to identify possible solutions. The crux of this study is thus to make a critical analysis of the contribution of poverty to increased levels of crime and suggest viable recommendations. The study is also carried out because of the realization that most crime is committed by poor people. Nevertheless the study highlights a gap which the Kenyan Government has failed to fill by reducing the poverty rate through creation of employment opportunities and economic balance. Moreover, the absence of a strong legal system to deal with high rates of crime by poor people makes the study more worthwhile.

The study is also relevant because a group of people will benefit from elimination of crime by poor people namely

- The government; the government will save on costs incurred in pursuing criminals and imprisoning of criminals.
- The public; the public especially the taxpayers' will benefit in lack of crime by poor people because the taxpayers money used in combating such crime will be saved.
- Victims; victims of such criminal behavior will get relief from lack of loss of property through theft and reduced psychological torture that one gets when they are stolen from violently.

Lastly, the study is vital because if the issues of high crime rate by poor people is not addressed the members of the public will suffer through lack of security. A stitch in time saves nine thus if the problem is not properly dealt with there will be a lot of suffering especially from victims of such crimes.

## 1.8 Literature Review

In a bid to explain this phenomenon, the research makes use of the sociological positivism school of thought on criminology that postulates those societal factors such as poverty. Membership of subcultures or low levels of education can predispose people to criminal behavior.

### 1.8.1 Aspects of Crime

The classical school of thought purports four different aspects of crime namely:

#### 1.8.1.1 Legal definition of crime

Crime is an intentional act in violation of criminal law. Unless the elements specified by criminal law are present and proved beyond all reasonable doubt, a person should not be convicted of a crime. For example, the definition of theft in *section 268(1)*<sup>5</sup> provides that a person who fraudulently and without claim of right takes anything capable of being stolen, or fraudulently converts to the use of any person, other than the general or special owner thereof, any property, is said to steal that thing or property.

#### 1.8.1.2 Doctrine of free will

The doctrine entails intention to commit a crime. It entails the necessity of mens rea where one's intention to commit a crime must be deduced for one to be tried for a said crime. *Section 9*<sup>6</sup> (1) provides that, "subject to the express provisions of this Code relating to negligent acts and omissions, a person is not criminally responsible for an act or omission which occurs independently of the exercise of his will, or for an event which occurs by accident". Under *sub section 2* of the said section, it is provided that, "unless the intention to cause a particular result is expressly declared to be an element of the offence constituted, in whole or part, by an act or omission, the result intended to be caused by an act or omission is immaterial". Further, *sub section 3* provides that, "unless otherwise expressly declared, the motive by which a person is induced to do or

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<sup>5</sup>Penal code of Kenya cap 63

<sup>6</sup>Penal code of Kenya cap 63

omit to do an act, or to form an intention, is immaterial so far as regards criminal responsibility.’’

*Section 168<sup>7</sup> (2)* provides that,’’ a person who takes anything capable of being stolen or who converts any property is deemed to do so fraudulently if he does so with any of the following intents, that is to say -

- a. Intent permanently to deprive the general or special owner of the thing of it;*
- b. Intent to use the thing as a pledge or security;*
- c. Intent to part with it on a condition as to its return which the person taking or converting it may be unable to perform;*
- d. Intent to deal with it in such a manner that it cannot be returned in the condition in which it was at the time of the taking or conversion;*
- e. In the case of money, an intent to use it at the will of the person who takes or converts it, although he may intend afterwards to repay the amount to the owner;’’*

#### **1.8.1.3 Death penalty for some offences**

Death penalty is the punishment of being killed for committing some offences. The 2010 Constitution of Kenya provides for death penalty as a punishment for some offences like capital offences.

*Section 24 (a)<sup>8</sup>* provides death as a punishment that can be inflicted by the court. Death sentence is inflicted in some offences for example; *Article 204<sup>9</sup>* provides that any person convicted of murder shall be sentenced to death.

#### **1.8.1.4 Definite sentence**

There should be a definite sentence for every offence. *Article (2)(n)* of the 2010 Constitution of Kenya provides that,’’ every accused person has the right to a fair trial,

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<sup>7</sup>Penal code of Kenya cap 63

<sup>8</sup>Penal code of Kenya cap 63

<sup>9</sup> The constitution of Kenya 2010

which includes the right not to be convicted for an act or omission that at the time it was committed or omitted was not—

(I) An offence in Kenya; or

(ii) A crime under international law;”

#### Adolphe Quetelet

In his book *Adolphe Quetelet and the origins of positivists Criminology* made use of data and statistical analysis to gain insight into relationship between crime and sociological factors. He found that age, gender, poverty, education and alcohol consumption were important factors related to crime<sup>10</sup>.

Quetelet's findings however are on the causes of crime and not the relationships between poverty specifically and criminal behavior.

However, the findings bring about causes of crime that originate from sociological factors such as poverty.

#### Rawson W. Rawson

Is an author who utilized crime statistics to suggest a link between population density and crime rates, with crowded cities creating an environment conducive for crime.<sup>11</sup> Equally, Emily Qurkheim viewed crime as an inevitable aspect of society, with uneven distribution of wealth and other differences among people.<sup>12</sup>

However, these literatures do not point the reasons why crime is more often associated with the poor. Rawson's work is only on the relationship between overpopulation and crime. This paper however uses their findings to link the relationship between poverty and criminal behavior.

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<sup>10</sup>BeirnePiers (March 1987).” AdolpheQuetelet and the origins of positivists criminology” American Journal of sociology 92(5)PP 1140-1169

<sup>11</sup> Hayward.Keneth J. (2004).city limits: crime consumerism and the urban experience. Routledge PP89 ISBN 1904385036

<sup>12</sup>[www.wikipedia.com/criminology](http://www.wikipedia.com/criminology)

Nevertheless, the literature points out a fundamental cause of poverty which is the ever increasing population. The literature leads to the view that over-population causes poverty which in turn causes crime.

#### Robert Ezra Park

An author of the University of Chicago identified, in 1920s, five concentric zones that often exist as cities grow, including the zone in transition which was identified as the most volatile and subject to disorder. They argue that urban neighborhoods with high levels of poverty often experience breakdown in social structure and institutions such as family and schools. This results in social disorganization which reduces the ability of these institutions to control behavior and eventually creates an environment ripe for deviant behavior.<sup>13</sup>

On the other hand, Bursik Jr. in their work *Social Disorganization and Theories of crime and Delinquency: Problems and prospects* suggested that a poverty concentration effect may cause those neighborhoods to be isolated from the main stream of society and become prone to violence.

The above literature does little to show why the choice of criminal violence are concentrated heavily in the lower class than in the higher class which this research is aimed at enhancing.

Nevertheless, it highlights breakdown in social structure and institutions with high levels of poverty which causes those neighborhoods to be isolated from the main stream of society and become prone to violence which lead to crime.

#### Robert Chamber's

Is an author who brings out five enforcing elements which include isolation, vulnerability, physical weakness, powerlessness and poverty. He argues in his work *Rural Development Putting the Last First* that comprehensive approach to elimination of the five elements if successful, would lead to eradication or eventual elimination of

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<sup>13</sup>[WWW.Wikipedia.com/criminology](http://WWW.Wikipedia.com/criminology)

poverty<sup>14</sup>. This work discusses poverty and helps showing what poverty is. From his work, one can easily ascertain how poverty influences crime.

Culture of poverty as studied by Louis Lewis suggests that culture of poverty is a design for living which is transmitted from one generation to the next. The assumption is that by the time the children reach the age of 7 years, they have already been absorbed into the culture of poverty and they are not psychologically geared to take full advantage of changing their condition. Psychological premise as an explanation of poverty, the mental; state of the poor people may at times determine whether the poor would remain entangled or escape the poverty deprivations.<sup>15</sup>

According to Dennis Goulet. *"Poverty is a state of the mind as much as state of National Poverty. It is a consciously experienced state of deprivation rendered especially intolerable as more and more people acquire information about development of other societies and realize that technical and institutional means for abolishing poverty, misery and diseases do indeed exist."*<sup>16</sup>

Absolute poverty can be defined by number of people living below minimum level income on imaginary international poverty line. Such line knows no national boundary and it is independent of the level of national per-capita income.

World Bank economists, Ahluwaha, Carter and Chenery concluded that 40% of populations of developing countries live in absolute poverty defined in terms of the levels that are insufficient to provide adequate nutrition. International poverty line help show substantive decline in absolute poverty though no means of its eradication.<sup>17</sup>

Absolute poverty can be measured by state welfare system and the social welfare state benefits that includes identified needs that are considered basic although not agreed upon by different people living in different places of the world. It would be taken that

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<sup>14</sup>Robert Chambers.(1983) *Rural Development-putting the last First*. Essex. England: Longmans Scientific and Technical Publishers: New York: John Wiley

<sup>15</sup>Robert Chambers.(1983) *Rural Development-putting the last First*. Essex. England: Longmans Scientific and Technical Publishers: New York: John Wiley

<sup>16</sup>WWW.Wikipedia.com/criminology

<sup>17</sup>Siegel, Larry J. (2003). *Criminology*, 8th edition. Thomson-Wadsworth. pp. p. 7.  
www.wikipedia.com/crirninology



food, sanitation, water provision, health care and sanitation are basic to some people, but others would add electricity provision, having television and a car to the list.<sup>18</sup>

Relatively, the social welfare system and state welfare benefits can be quantified in terms of the poverty line. Poverty line is a prescribed value above it someone is considered as being better off and below it one is considered as poor. Use of objectivity in measuring poverty, define development as moving from a condition that one would be perceived as being worse to a condition perceived as being better off.<sup>19</sup>

Subjective measure of poverty simply reflects how individuals perceive themselves in relation to what is considered good. Social indicators of poverty include physical quality of life index and human development index. Generally the social indicators focus on improved quality of the life of the poor besides the improved economic growth. Physical quality life index considers three components that includes; mortality rate, life expectancy or longevity and levels of education.<sup>20</sup>

Improved quality of the poor people would follow a defined, designed sequence that is one stage of growth leads automatically to another. Improvement in the quality of the poor people's life is a multidimensional process involving the participation of all stakeholders from all over the world.

Therefore this forms a basis on which to involve the poor people from the slum area who for such a long time have been neglected in the process of development decision making. The indicators of poverty usually differ from one place to another depending on the material-culture available in each society and the values and ideologies used by a particular society to determine its levels of poverty. This explains why crime rate is high in developing countries than in developed countries.<sup>21</sup>

What is considered is not basic to the slum people. They have adopted to live without some of the things that one considered basic. Therefore to them this "necessities" becomes luxuries although they are needed to make their lives better. This argument

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<sup>18</sup> [WWW.Wikipedia.com/criminology](http://WWW.Wikipedia.com/criminology)

<sup>19</sup> [WWW.Wikipedia.com/criminology](http://WWW.Wikipedia.com/criminology)

<sup>20</sup> Renneville. Marc. *La criminologie perdue de Alexandre Lacassagne* (1843-1924).

<sup>21</sup> *supra*

shows why it's basically hard to agree upon state social welfare that cause basic livelihood for the poor people. This is according to absolute measure of poverty.<sup>22</sup>

Nevertheless, Robert Chamber's brings out five enforcing elements which include isolation, vulnerability, physical weakness, powerlessness, and arid poverty and suggests that elimination of the five elements if successful, would lead to eradication or eventual elimination of poverty.

In effect, therefore this research builds on the above literature to show how poverty influences crime.

### **1.9 Methodology**

This is both qualitative and quantitative in the sense that it involves in-depth analysis of the law, crime and poverty and statistical data on the relationship and respective contribution of the said aspects to crime. The study aims at showing why poverty influences criminal behavior. The rationale of this chapter is to bring out how the data was collected.

This research is qualitative and heavily depended on prior published documents; secondary data, government documents and archives, newspapers and newsletters, NGO reports, text books and reports from libraries.

### **1.10 Synopsis of Chapters**

This paper will be divided into four chapters. Chapter one contain introduction, background of the study, statement of the problem, objectives of the study(both general and specific objectives) hypothesis, scope of the study, significance of the study ,justification, literature review , methodology, and synopsis of chapter. The second chapter discusses the analysis on the relationship between poverty and crime in Kenya. The third chapter discusses the relationship between poverty and criminal propensity. The fourth chapter considers theories of criminal behavior, theft in poverty stricken areas and challenges faced in combating crime and eradication of poverty. Chapter five entails the observations, recommendations and conclusions.

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<sup>22</sup> supra

## CHAPTER TWO

### Analysis of the Relationship between Poverty and Crime in Kenya.

#### 2.1 Introduction.

It is evident that 50 percent of Kenyans are living below the poverty line. This is according to a new United Nations Development Programme report on Kenya. One in every two Kenyans lives below the poverty line, with the number of those living in abject poverty having gone up. They include Kenyans with no access to healthcare, water and proper nutrition and sanitation.

According to the report, the gap between the rich and the poor also continues to widen. It notes that 10 percent of the richest households control more than 42 percent of the incomes, while the poorest 10 percent control only 0.76 percent. More often than not, poverty and crime walk hand in hand. To most people the relationship between the two should be as plain as the nose on your face.

The report discusses that people who experience extreme poverty get to a point of desperation, whether it is for food to fill up their empty bellies for themselves or maybe a hungry child that they are responsible for that child's care. Sometimes life can play a cruel joke on some people by being part of the alarming number of citizens who are among the working poor of our society.

Poverty only spells greater instability and enormous suffering: two basic factors that promote crime. One results from the other and together they have become an epidemic. Something beyond human comprehension and the only solution probably lies in the total eradication of poverty, which is going to take us quite a while.

Andrew Ward, adjunct professor, psychology said there was very little connection between poverty and crime. On the contrary, it is the environment of poverty that can lead people to commit crimes. According to Ward, living in an area of concentrated poverty can be a catalyst of utility. It's not just being poor, but it's being around lots of poor people. He contends that the relationship between poverty and crime is in areas of concentrated poverty, like these inner city areas.<sup>23</sup>

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<sup>23</sup> [WWW.Wikipedia.com/criminology](http://WWW.Wikipedia.com/criminology)

Another factor is what Ward called the “escalation of violence”. This is a phenomenon among people who live in concentrated poverty. According to Ward, this is referred to as pre-emptive aggression. Where someone lives in an area that’s dangerous, they commit an act of crime, and this may propel others to commit worse crimes. This visibility of crime in areas of concentrated poverty comes partly from the deprivation of the community.<sup>24</sup>

According to Ward, if an area is a vibrant area with lots of social institutions like schools, community buildings and so on, they can absorb the effects of crime. He argues that the effects just aren’t as large, though if one lives in an economically deprived area, there’s just not a lot of there. They are more likely to feel the effects due to lack of these institutions.<sup>25</sup>

## 2.2 What is poverty?

Poverty refers to the condition of not having the means to afford basic human needs such as clean water, nutrition, health care, clothing and shelter<sup>26</sup>. Poverty is usually measured as either absolute or relative (the latter being actually an index of income inequality).

**Absolute poverty** was defined as:

a condition characterized by severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education and information. It depends not only on income but also on access to services.<sup>27</sup>

The World Bank defines extreme poverty as living on less than US\$ 1.25 per day per person and moderate poverty as less than \$2 per day<sup>28</sup>. Economic aspects of poverty focuses on material needs, typically including the necessities of daily living, such as

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<sup>24</sup>supra

<sup>25</sup>supra

<sup>26</sup><http://encarta.msn.com/encnet/features/dictionaryresults.aspx?Lextype=3&search=poverty>

<sup>27</sup> 1995 United Nations adoption of the definition of poverty.

<sup>28</sup><http://www.newsweek.com/id/160070;web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPOVERTY/O..content MDK:20153855-menuPK:373757-pagePK:148956-piPK:216618-the sitePK:336992.00.html>

food, clothing, shelter or safe drinking water. Poverty in this sense may be understood as a condition in which a person or community is lacking in the basic needs for a minimum standard of well being and life, particularly as a result of a persisted lack of income.

Analysis of social aspects of poverty links conditions of scarcity to aspects of the distribution of resources and the power in a society and recognizes that poverty may be a function of the diminished “capacity” of people to live the kinds of lives they value. The social aspects of poverty may include lack of access to information education, health care or political power<sup>29</sup>.

Poverty may also be understood as an aspect of unequal social status and inequitable social relationship and experienced as social exclusion dependency and diminished capacity to participate or to develop meaningful connections with other people in the society<sup>30</sup>.

A common method used to measure poverty is based on incomes or consumption levels. A person is considered poor if his or her consumption or income level falls below some minimum level necessary to meet basic needs. This minimum level is usually called the “poverty line”. What is necessary to satisfy basic needs varies across time and societies. Therefore, poverty lines vary in time and place, and each country uses lines which are appropriate to its level of development, societal norms and values.

## **2.3 Causes of poverty**

### **2.3.1 Barriers to opportunities**

The unwillingness of governments to give full-fledged property rights of land to their tenants is cited as the chief obstacle to poverty. This lack of economic freedom inhibits entrepreneurship among the poor.

New enterprises and foreign instruments can be driven away by the results of inefficient instructions, notably corruption, weak rule of law and excessive bureaucratic burdens. Lack of financial services as a result of restrictive regulations such as the requirement

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<sup>29</sup>AmartyaSen, 1985, *Commodities and Capabilities*, Amsterdam, New Holland, cited in Siddiqui RAHMAN Osmani, 2004, *Evolving views on poverty: concept, Assessment, and strategy*.

<sup>30</sup>H silver.1994. *Social Exclusion and social solidarity: in International Labor Review*.1335

for banking license, makes it hard for even smaller micro saving program to reach the poor.<sup>31</sup>

In conclusion, barriers of opportunities due to bureaucratic trends, shortcomings of the government and restrictive regulations that cause lack of financial services cause poverty and drive the people to commit crimes like theft.

### **2.3.2 Lack of Opportunities**

Poor health and education severely affects productivity. Inadequate nutrition in childhood undermines the ability of individuals to develop their full capability. Infectious diseases such as malaria and tuberculosis can perpetuate poverty by diverting health and economic resources from investment and productivity.<sup>32</sup>

Therefore lack of opportunities like education limits peoples chances of access to money as they are less qualified to compete in the market. Lack of opportunities also drives people to crime as they have no means of livelihood and no means of production of income.

### **2.3.3 Political instability**

Wars and political instability also discourage investment. Civil wars and conflicts in Africa cost the continent some \$300 billion between 1990 and 2005<sup>33</sup>. Shocks in business cycle affect poverty rates increasing recession and declining booms. In Kenya for example, the post-election violence that occurred in late 2007 and early 2008 seriously affected the business cycle leading to high cost of living making poor people poorer.<sup>34</sup>

Cultural factors such as discrimination of various kinds can negatively affect productivity such as age discrimination, stereotyping, gender discrimination, racial discrimination and caste discrimination.

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<sup>31</sup>James F., Jr..*Poverty, Ethnicity, and Violent Crime*. Boulder, CO: Westview Press

<sup>32</sup>Ibid

<sup>33</sup> “Wars cost Africa \$18 billion US a year: report”. CBC News. October 11,2007

<sup>34</sup>Http: [www.newswweek.com/id/160070](http://www.newswweek.com/id/160070);

Max Weber and the modernization theory suggest that cultural values affect economic success. He suggests that changing economic opportunities, explains most of the movement into and out of poverty as opposed to shift in values. Overpopulation and lack of access to birth control methods is also one of the causes of poverty<sup>35</sup>.

Thus in presence of political stability the economy of a country does not thrive. This either causes poverty or increases the levels of poverty among the poor which drives them to commit crimes like theft.

#### 2.3.4 Corruption

In many developing countries, political power is disproportionately centralized. Instead of having a network of political representatives distributed equally throughout society, in centralized systems of governance one major party, politician, or region is responsible for decision-making throughout the country. This often causes development problems. For example, in these situations politicians make decisions about places that they are unfamiliar with, lacking sufficient knowledge about the context to design effective and appropriate policies and programs<sup>36</sup>.

Corruption often accompanies centralization of power, when leaders are not accountable to those they serve. Most directly, corruption inhibits development when leaders help themselves to money that would otherwise be used for development projects. In other cases, leaders reward political support by providing services to their followers.<sup>37</sup>

When resources that are intended to be used for community services or facilities, are diverted into the private pockets of someone in a position of power, there is more than morality at stake here. The amount stolen from the public, that is received and enjoyed by the individual, is far less than the decrease in wealth that was intended for the public.<sup>38</sup>

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<sup>35</sup> *Birthrates must be curbed to win war on global poverty* the independent. January 31.2007

<sup>36</sup> <http://www.gdr.org/icm/poverty-causes.htm>

<sup>37</sup> Ibid

<sup>38</sup> Supra

It is ironic that we get very upset when a petty thief steals one thousand shillings worth of something in the market, yet an official may steal a thousand dollars from the public purse, which does four thousand dollars' worth of damage to the society as a whole, yet we do not punish the second thief. We respect the second thief for her or his apparent wealth, and praise that person for helping all her or his relatives and neighbors. In contrast, we need the police to protect the first thief from being beaten by people on the street.

The second thief is a major cause of poverty, while the first thief may very well be a victim of poverty that is caused by the second. Our attitude is more than ironic; it is a factor that perpetuates poverty. If we reward the one who causes the major damage, and punish only the ones who are really victims, then our misplaced attitudes also contribute to poverty. When embezzled money is then taken out of the country and put in a foreign bank, then it does not contribute anything to the national economy; it only helps the country of the offshore or foreign bank.

Corruption for example in Kenya led to an estimated 2 billion Kenyan shilling to be stolen by the Kenyan leaders in the years 1989-1994 (the Goldenberg Scandal). Lack of opportunities can further be caused by the failure of government to provide essential infrastructure.<sup>39</sup>

Thus corruption leads to poverty because when leaders help themselves to money that would otherwise be used for development projects then the people don't access such economic advantages. Also when resources that are intended to be used for community services or facilities, are diverted into the private pockets of someone in a position of power the people lose out on economic opportunities and thus the poor remain poor and crime continues.

### **2.3.5 Historical Factors**

One of the most important barriers to development in poor countries is lack of uniform, basic infrastructure, such as roads and means of communication. Some development scholars have identified colonial history as an important contributor to the current situation. In most countries with a history of colonization, the colonizers developed local

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<sup>39</sup><http://www.newswatch.com/id/160070>;



economies to facilitate the expropriation of resources for their own economic growth and development.<sup>40</sup>

Thus sticking to economic policies implemented during the colonial period to suit their needs causes poverty because such policies do not suit the current economic needs. This causes poverty which leads to crimes like theft.

### **2.3.6 Dependency**

Dependency results from being on the receiving end of charity. In the short run, as after a disaster, that charity may be essential for survival. In the long run, that charity can contribute to the possible demise of the recipient, and certainly to ongoing poverty<sup>41</sup>.

It is an attitude, a belief, that one is so poor, so helpless, that one cannot help one's self, that a group cannot help itself and that it must depend on assistance from outside. The attitude, and shared belief is the biggest self-justifying factor in perpetuating the condition where the self or group must depend on outside help.

Dependency on charity and donations causes laziness and lack of aggression from the person which causes poverty the instance the donations are cut off. Moreover, donations come with strings attached and the donee is controlled on how to use the donations .Dependency thus leads to more poverty and more crime.

## **2.4 Criminology**

Criminology is the scientific study of the nature, extent, causes, and control of criminal behavior in both the individual and in society. Criminology is an interdisciplinary field in the behavioral sciences, drawing especially upon the research of sociologists particularly in the sociology of deviance and psychologists, as well as on writings in law. Areas of research in criminology include the incidence, forms, causes and consequences of crime, as well as social and governmental regulations and reaction to

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<sup>40</sup> Diener, E. (1979). *Deindividuation, self-awareness, and disinhibition*. Journal of Personality and Social Psychology, 37(7), 1160-1171.

<sup>41</sup> <http://www.snc.orgcmp/modules/emp-pov.htm>

crime. The term “criminology” coined in 1885 by Italian law professor *Raffaele Garofalo* as *criminologia*<sup>42</sup>.

In the mid-18<sup>th</sup> century, criminology arose as social philosophers gave thought to crime and concepts of law. Over time, several schools of thought have developed.

#### 2.4.1 Classical School

The Classical School, which developed in the mid-18th century, was based on utilitarian philosophy, Cesare Beccaria, author of *On Crimes and Punishments (1763-64)*, Jeremy Bentham, inventor of the panopticon, and other classical of philosophers argued that first people have free will to choose how to act.

Secondly, deterrence is based upon the notion of human being as a hedonist who seeks pleasure and avoids pain, and a rational calculator weighing up the costs and benefits of the consequences of each action. Thus, it ignores the possibility of irrationality and unconscious drives as motivational factors.<sup>43</sup>

Thirdly, punishment, of sufficient severity, can deter people from crime, as the penalties outweigh benefits, and that severity of punishment should be proportionate to the crime and fourthly that the more swift and certain the punishment, the more effective it is in deterring criminal behavior<sup>44</sup>.

#### 2.4.2 Positivist School

The Positivist School presumes that criminal behavior is caused by internal and external factors outside of the individual's control. The scientific method was introduced and applied to study human behavior. Positivism can be broken up into three segments which include biological, psychological and social positivism<sup>45</sup>.

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<sup>42</sup>Deflem, Mathieu (2006). *Sociological Theory and Criminology Research: views from Europe and the United States*. Elsevier. pp. 379

<sup>43</sup>Becca, Cesare (1764). *Richard Davies, translator. ed. on Crimes and punishments, and other writings* Cambridge University press. PP. p. 70

<sup>44</sup>Ibid

<sup>45</sup>Supra

### 2.4.3 Italian School

Cesare Lombroso, an Italian prison doctor working in the late 19th century, was one of the largest contributors to biological positivism and founder of the Italian school of criminology. Lombroso took a scientific approach, insisting on empirical evidence for studying crime. He suggested that physiological traits such as the measurements of one's cheek bones or hairline, or a cleft palate, considered to be throwbacks to Neanderthal man, were indicative of "atavistic" criminal tendencies. This approach, influenced by the earlier theory of phrenology and by Charles Darwin and his theory of evolution, has been superseded<sup>46</sup>.

Enrico Fern, a student of Lombroso, believed that social as well as biological factors played a role, and held the view that criminals should not be held responsible when factors causing their criminality were beyond their control. Criminologists have since rejected Lombroso's biological theories, with control groups not used in his studies<sup>47</sup>.

### 2.4.4 Lacassagne School

Lombroso's Italian school was rivaled, in France, by Alexandre Lacassagne and his school of thought, based in Lyon and influential from 1885 to 1914. The Lacassagne School rejected Lombroso theory of "criminal type" and of "born criminals", and stressed the importance of social factors. However, contrary to criminological tendencies influenced by Durkheim's social determinism, it did not reject biological factors. Indeed, Lacassagne created an original synthesis of both tendencies, influenced by positivism, phrenology and hygienism, which alleged a direct influence of the social environment on the brain and compared the social itself to a brain, upholding an organist position<sup>48</sup>

Furthermore, Lacassagne criticized the lack of efficiency of prison, insisted on social responsibilities toward crime and on political voluntarism as a solution to crime. He advocated harsh penalties for those criminals thought to be unredeemable ("recidivists")

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<sup>46</sup>Siegel, Larry J. (2003). *Criminology*. 8th edition. Thompson-wadsworth. pp.7

<sup>47</sup>McLennan, Gregor, Jennie Pawson. Mike Fitzgerald (1980). *Crime and Society: Readings in History and theory*. Routledge. PP.311

<sup>48</sup>Renneville, Marc. *La criminology perdue d' Alexandre La Cassagne (1843-1924)*. Criminocorpus. Centre Alexandre-Koëre-CRHST. UMR no 8560 of the CNRS. 2005 (French)

for example by supporting the 1895 law on penal colonies or opposing the abolition of the death penalty in 1906.<sup>49</sup>

Hans Eysenck (1964, 1977), a British psychologist, claimed that psychological factors such as extraversion and neuroticism made a person more likely to commit criminal acts. He also includes a psychoticism dimension that includes traits similar to the psychopathic profile, developed by Hervey M. Cleckley and later Robert Hare. He also based his model on early parental socialization of the child; his approach bridges the gap between biological explanations and environmental or social learning based approaches.

#### 2.4.5 Sociological positivism

Sociological positivism postulates that societal factors such as poverty, membership of subcultures, or low levels of education can predispose people to crime. Adolphe Quetelet made use of data and statistical analysis to gain insight into relationship between crime and sociological factors. He found that age, gender, poverty, education, and alcohol consumption were important factors related to crime<sup>50</sup>.

Rawson W. Rawson utilized crime statistics to suggest a link between population density and crime rates, with crowded cities creating an environment conducive for crime.<sup>51</sup>

#### 2.4.6 Chicago School

The Chicago School arose in the early twentieth century, through the work of Robert Ezra Park, Ernest Burgess, and other urban sociologists at the University of Chicago<sup>52</sup>. In the 1920s, Park and Burgess identified five concentric zones that often exist as cities grow, including the “zone in transition” which was identified as most volatile and subject to disorder. In the 1940s, Henry McKay and Clifford R. Shaw focused on juvenile delinquents, finding that they were concentrated in the zone of transition.

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<sup>49</sup>Ibid

<sup>50</sup>Beirne, Piers (March 1987). “*Adolphe Quetelet and the Origins of Positivist Criminology*”. *American Journal of Sociology* 92(5): 1140—1169

<sup>51</sup> [21]Hayward, Keith J. (2004). *City Limits: Crime, Consumerism and the Urban Experience*. Routledge, pp. p.89. ISBN 1904385036

<sup>52</sup><http://en.wikipedia.org/wiki/Criminology>

Chicago School sociologists adopted a social ecology approach to studying cities, and postulated that urban neighborhoods with high levels of poverty often experience breakdown in the social structure and institutions such as family and schools. This results in social disorganization, which reduces the ability of these institutions to control behavior and creates an environment ripe for deviant behavior. Other researchers suggested an added social-psychological link. Edwin Sutherland suggested that people learn criminal/behavior from older, more experienced criminals that who associate with.<sup>53</sup>

## **2.5 Theories of crime**

Theories are logical constructions that explain natural phenomena. They are not always directly observable, but can be supported or refuted by empirical findings. Theoretical perspectives used in criminology include psychoanalysis, functionalism, interactionism, Marxism, econometrics, systems theory, postmodernism, etc.

### **2.5.1 Social structure theories**

This theory is applied to a variety of approaches within criminology in particular and in sociology more generally as a conflict theory or structural conflict perspective in sociology and sociology of crime. As this perspective is itself broad enough, embracing as it does adversity of positions<sup>54</sup>.

#### **2.5.1.1 Social disorganization (neighborhoods)**

Social disorganization theory is based on the work of Henry McKay and Clifford R. Shaw of the Chicago School. Social disorganization theory postulates that neighborhoods plagued with poverty and economic deprivation tend to experience high rates of population turnover. These neighborhoods also tend to have high population heterogeneity. With high turnover, informal social structure often fails to develop, which in turn makes it difficult to maintain social order in a community<sup>55</sup>.

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<sup>53</sup><http://en.wikipedia.org/wiki/Criminology>

<sup>54</sup>Hester, S. E. P. 1992. *A Sociology of Crime*. London. Routledge

<sup>55</sup>Merton, Robert (1957). *Social Theory and Social Structure*. Free Press.

This theory is applicable in this paper in that poverty has an element of over population and it can be rightly argued that where there are large population, crime rate is also high.

#### **2.5.1.2 Social ecology**

Since the 1950s, social ecology studies have built on the social disorganization theories. Many studies have found that crime rates are associated with poverty, disorder, high numbers of abandoned buildings, and other signs of community deterioration. As working and middle class people leave deteriorating neighborhoods, the most disadvantaged portions of the population may remain. William Julius Wilson suggested a poverty “concentration effect”, which causes neighborhoods to be isolated from the mainstream of society and become prone to violence<sup>56</sup>.

#### **2.5.1.3 Strain theory**

Strain theory, (also known as Mertonian Anomie), advanced by American sociologist Robert Merton, and suggests that mainstream culture is saturated with dreams of opportunity, freedom and prosperity. Most people buy into this dream and it becomes a powerful cultural and psychological motivation. Merton also used the term anomie, but it meant something slightly different for him than it did<sup>57</sup>. This theory helps to understand how culture influences the minds of the poor to commit crime.

Durkheim Merton saw the term mainstream culture as meaning a dichotomy between what societies expected of its citizens, and what citizens could actually achieve. Therefore with the social structure of opportunity majority will turn to illegitimate means (crime) in order to realize it. Others will retreat or drop out into deviant subcultures.

#### **2.5.1.4 Sub-cultural theory**

Following on from the Chicago School and Strain Theory, and also drawing on Edwin H. Sutherland’s idea of differential association, sub cultural theorists focused on small

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<sup>56</sup>Bursik Jr. Robert J. (1988). *Social Disorganization and Theories of Crime and Delinquency: Problems and Prospects Criminology*.

<sup>57</sup>Merton, Robert (1957). *Social theory and Social Structure*. Free Press.

cultural group fragmenting away from the mainstream to form their own values and meanings about life.

Albert K. Cohen tied anomie theory with Freud's reaction formation idea; suggesting that delinquency among lower class youths is a reaction against the social norms of the middle class<sup>58</sup>.

Some youth, especially from poorer areas where opportunities are scarce, might adopt social norms specific to those places which may include "toughness" and disrespect for authority. Criminal acts may result when youths conform to norms of the deviant subculture<sup>59</sup>.

Richard Cloward and Lloyd Ohlin suggested that delinquency can result from differential opportunity for lower class youth. Such youths may be tempted to take up criminal activities, choosing an illegitimate path that provides them more lucrative economic benefits than conventional over legal options such as minimum wage-paying jobs available.

British sub cultural theorists focused more heavily on the issue of class, where some criminal activities were seen as imaginary solutions to the problem of belonging to a subordinate class. A further study by the Chicago school looked at gangs and the influence of the interaction of gang leaders under the observation of adults<sup>60</sup>.

## **2.5.2 Individual theories**

### **2.5.2.1 Trait theories**

At the other side of the spectrum, criminologist Lonnie Athens developed a theory about how a process of brutalization by parents or peers that usually occurs in childhood results in violent crimes in adulthood. Richard Rhodes describes Athens as observations

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<sup>58</sup> Cohen, Albert. *Delinquent Boys*. Free Press (1955).

<sup>59</sup> Kornhauser, R. (1978). *Social Sources of Delinquency*. University of Chicago Press.

<sup>60</sup> Cloward, Richard, Lloyd Ohlin (1960). *Delinquency and opportunity*. Free Press.

about domestic and societal violence in the criminals' backgrounds<sup>61</sup>. Both Athens and Rhodes reject the genetic inheritance theories.

#### 2.5.2.2 Control theories

Another approach is made by the social bond or social control theory. Instead of looking for factors that make people become criminal, those theories try to explain why people do not become criminal.

Travis Hirschi identified four main characteristics that explain why people do not become criminal

- Attachment to others.
- Belief in moral validity of rules.
- Commitment to achievement.
- Involvement in conventional activities.

The more a person features those characteristics, the less are the chances that he or she becomes deviant (or criminal). On the other hand, if those factors are not present in a person, it is more likely that he or she might become criminal<sup>62</sup>.

Hirschi expanded on this theory, with the idea that a person with low self-control is more likely to become criminal. A simple example: someone wants to have a big yacht, but does not have the mean to buy one. If the person cannot exert self-control, he or she might try to get the yacht (or the means for it) in an illegal way; whereas someone with high self-control will (more likely) either wait or deny themselves that need<sup>63</sup>.

Social bonds through peers, parents, and others, can have a countering effect on one's low self-control. For families of low socioeconomic status a factor that distinguishes families with delinquent children from those who are not delinquent is this control exerted by parents or chaperonage<sup>64</sup>.

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<sup>61</sup> Rhodes, Richard (2000). *Why They Kill: The Discoveries of a Maverick Criminologist*. Vintage.

<sup>62</sup> Gofredson.M, T. Hirschi (1990). *A General Theory of Crime*. Stanford University Press.

<sup>63</sup> Ibid

<sup>64</sup> Supra



This theory however does not relate the reasons why poor people are likely to commit crime but to the vice versa. Thus its applicability is limited in this research so far as it relate to self-control among the lower classes.

### 2.5.2.3 Symbolic Interactions

Symbolic interactions draw on the phenomenology of Edmund Husserl and George Herbeit Mead, as well as sub cultural theory and conflict theory. This school of thought focused on the relationship between the powerful state, media and conservative ruling elite on the one hand, and the less powerful groups on the other. The powerful groups have the ability to become the 'significant other' in the less powerful groups' processes of generating meaning. Should the powerful to some extent impose their meanings on the latter, and therefore they were able to 'label' minor delinquent youngsters as criminals. These youngsters would often take on board the label, indulge in crime more readily and become actors in the 'self-fulfilling prophecy' of the powerful groups.<sup>65</sup>

### 2.5.2.4 Rational Choice Theory

Rational choice theory is based on the utilitarian, classical school philosophies of Cesare Beccaria, which were popularized by Jeremy Bentham. They argued that punishment, if certain, swift, and proportionate to the crime, was a deterrent for crime, with risks outweighing possible benefits to the offender<sup>66</sup>.

In *Dei delitti e dellepene*(*On Crime and Punishment*, 1763-1764), Beccaria advocated a rational penology. Beccaria conceived punishment as the necessary application of the law for a crime thus; the judge was simply to confirm his sentence to the law. Beccaria also distinguished between crime and sin, and advocated against the death penalty, as well as torture and inhumane treatments, as he did not consider them as rational deterrents.<sup>67</sup>

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<sup>65</sup>Mead, George Herbert (1934). *Mind Self and Society*. University of Chicago Press.

<sup>66</sup>Beccar. Cesare (1764). Richard Davies, translator. Ed. *On Crimes and Punishments, and rings*. Cambridge University Press. pp. p. 64

<sup>67</sup>Ibid

This philosophy was replaced by the Positivist and Chicago Schools, and not revived until the 1970s with the writings of J. Q. Wilson, Gary Becker's 1965 article titled *Crime and Punishment*<sup>68</sup> and George Stigler's 1970 article *The Optimum Enforcement of Laws*. Rational choice theory argues that criminals like other people, weigh costs/risks and benefits when deciding whether or not to commit crime and think in economic terms. They will also try to minimize risks of crime by considering the time, place, and other situational factors.

Gary Becker, for example, acknowledged that many people operate under a high moral and ethical constraint, but considered that criminals rationally see that the benefits of their crime outweigh the cost such as the probability of apprehension, conviction, punishment, as well as their current set of opportunities. From the public policy perspective, since the cost of increasing the fine is marginal to that of the cost of increasing surveillance, one can conclude that the best policy is to maximize the fine and minimize surveillance.<sup>69</sup>

With this perspective, crime prevention or reduction measures can be devised that increase effort required committing the crime, such as target hardening. Rational choice theories also suggest that increasing risk of offending and likelihood of being caught, through added surveillance, are effective in reducing crime; likewise to police security, guard presence, added street lighting, and other measures.<sup>70</sup>

One of the main differences between this theory and Jeremy Bentham's rational choice theory, which had been abandoned in criminology, is that if Bentham considered it possible to completely annihilate crime through the panopticon.

Becker's theory acknowledged that a society could not eradicate crime beneath a certain level. For example, if 25% of a supermarket's products were stolen, it would be very easy to reduce this rate to 15%, quite easy to reduce it until 5%, difficult to reduce it under 3% and nearly impossible to reduce it to zero (a feat which would cost the supermarket so much in surveillance, etc., that it would outweigh the benefits). This

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<sup>68</sup>Becker, "Crime and Punishment", in *Journal of Political Economic*, vol. 76 (2), March-April 1968, p196-217

<sup>69</sup>Ibid

<sup>70</sup>Supra

reveals that the goals of utilitarianism and classical liberalism have to be tempered and reduced to more modest proposals to be practically applicable<sup>71</sup>.

Such rational choice theories, linked to neo-liberalism, have been at the basics of crime prevention through environmental design. This theory point toward punishment of crime than reasons for crime thus its application is limited for this research.

#### 2.5.2.5 Routine Activity Theory

Routine activity theory, developed by Marcus Felson and Lawrence Cohen, draws upon control theories and explains crime in terms of crime opportunities that occur in everyday life<sup>72</sup>.

A crime opportunity requires that elements converge in time and place including a motivated offender, suitable target or victim, and lack of a capable guardian. A guardian at a place, such as a street, could include security guards or even ordinary pedestrians who would witness the criminal act and possibly intervene or report it to police<sup>73</sup>.

Routine activity theory was expanded by John Eck, who added a fourth element of “place manager” such as rental property managers who can take nuisance abatement measures<sup>74</sup>. This theory implies that where there is no security, criminal act do occur. As will be observed, it is in poor areas where security is minimal.

### 2.6 Contemporary Cultural and Critical Criminology

Today’s cultural and critical criminologists try to move beyond simplistic ontological conceptions of human beings as hedonistic and opportunistic ‘rational choosers’ whose behavior can be manipulated by adjustments of costs, benefits, opportunities and technologies of control.

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<sup>71</sup>Supra

<sup>72</sup> Felson, Marcus (1994). *Crime and Everyday Life*. Pine Forge.

<sup>73</sup> Cohen, Lawrence and Marcus Felson (1979). “*Social Change and Crime Rate Trends*”, *American Sociological Review*

<sup>74</sup> Eck, John, And Julie Wartell (1997). *Reducing Crime and Dreg Dealing by Improving Place management: A Randomized Experiment*. National Institute of Justice

Early romantic accounts of crime/delinquency as a form of seduction or proto-political resistance to the powerlessness and dull monopoly of working life are now being challenged by late-modern hybrid theories. These theories examine the way criminals are incorporated into consumerism's value-system and fantasies, as argued by Robert Reine in his book *Law and Order*, yet initially excluded in their economic and social lives.

Combining elements of strain theory and symbolic interactionism, Jock Young, in *The Exclusive Society*, uses the metaphor bulimia to depict the tense opposition between inclusion and exclusion.<sup>75</sup> Simon Hallsworth and Keith Hayward adopt in their respective works *Street Crime and City Limits*, and in further work Hayward reintroduces the term 'narcissism' to explain the insecure yet aggressive, acquisitive sentiments and motivation behind criminality<sup>76</sup>.

In *Criminal Identities and Consumer Culture*, Steve Hall, Simon Winlow and Craig Ancrum draw upon Continental philosophy and Lacanian psychoanalysis to take late-modern hybrid theories to a new level of sophistication. They explain how the dynamic tension between inclusion and exclusion prolongs the narcissistic subject through the life-course in an aggressive struggle for identities of social distinction expressed by the acquisition and display of consumer culture's status-symbols. This theory helps to explain the conflict that manifests between the lower classes and the middle or upper classes.

## 2.7 Types of crime

Both the Positivists and Classical Schools take a consensus view of crime that a crime is an act that violates the basic values and beliefs of society. Those values and beliefs are manifested as laws that society agrees upon. However, there are two types' laws:

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<sup>75</sup> Young, J. (1999), *The Exclusive Society*, London: Sage

<sup>76</sup> Hallsworth, S. (2005), *Street Crime*, Cullompton: Willan ; Hayward, K. (2004), *City Limits*, London: Glasshouse

- Natural laws; are laws that are rooted in core values shared by many cultures. Natural laws protect against harm to persons (murder, rape, assault etc) property (theft, larceny, robbery etc), and form the basis of common law systems.
- Statutes; are laws enacted by legislatures and reflect current cultural mores. albeit that some laws may be controversial, e.g. laws that prohibit marijuana use and gambling.

Marxist Criminology, Conflict Criminology and Critical Criminology claim that most relationships between State and citizen are non-consensual and as such, criminal law is not necessarily representative of public, beliefs and wishes: it is exercised in the interests of the ruling or dominant class.

Criminologists tend to posit that there is a consensual social contract between State and citizen. Under this, there are felonies and misdemeanor. A felony means an offence which is declared by the law to be a felony or if not declared to be a misdemeanor, is punishable, with death or with imprisonment for three years or more. A misdemeanor means an offence which is not a felony.

Therefore, definitions of crimes will vary from place to place, in accordance to the cultural norms and more, but may be broadly classified as blue-collar crime, corporate crime, organized crime, political crime, public order crime, state crime, state-corporate crime, and white-collar crime.

## 2.8 The Crime of Theft

A person who fraudulently and without claim of right, takes anything capable of being stolen fraudulently converts to the use of any person other than the general or special owner thereof any property is said to steal that thing or property<sup>77</sup>.

The general punishment of theft is three years<sup>78</sup>. However, special provisions are made in cases for example stealing a will which makes the offenders liable under *section 276 of the Penal Code* to imprison for ten years. In this research paper however, reference is not made to the special cases.

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<sup>77</sup> Section 268(I) of Penal Code Act Cap 68 Laws of Kenya.

<sup>78</sup> Penal Code Act section 275

Theft is an offense against possession and not ownership. A thief can never become the legal owner of anything he has stolen<sup>79</sup>. The things which are capable of being stolen are tabulated in *section 267 of the Penal Code*. The most important are;

- i) Every inanimate thing whatever which is the property of any person, and which is movable, is capable of being stolen.
- ii) Every inanimate thing which is the property of any person and which is capable of being made movable, is capable of being made movable, is capable of being stolen as soon as it becomes movable, although it is made movable in order to steal it.

## **2.9 Analysis on the definition of theft**

Section 268 (1)<sup>80</sup> defines theft as a person who fraudulently and without claim of right takes anything capable of being stolen, or fraudulently converts to the use of any person, other than the general or special owner thereof, any property, is said to steal that thing or property.

Section 268(2)<sup>81</sup> provides that a person who takes anything capable of being stolen or who converts any property is deemed to do so fraudulently if he does so with any of the following intents, that is to say -

- (a) An intent permanently to deprive the general or special owner of the thing of it;
- (b) Intent to use the thing as a pledge or security;
- (c) An intent to part with it on a condition as to its return which the person taking or converting it may be unable to perform;
- (d) An intent to deal with it in such a manner that it cannot be returned in the condition in which it was at the time of the taking or conversion;
- (e) In the case of money, an intent to use it at the will of the person who takes or converts it, although he may intend afterwards to repay the amount to the owner;

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<sup>79</sup> Edward Vs Ddlin (1976) 3 ALLER 705

<sup>80</sup> Penal Code Act Cap 63

<sup>81</sup> Penal Code Act Cap 63

A person is deemed to have acted fraudulently if he intends permanently to deprive the general or special owner of his property e.g. to steal money. A person is also deemed to act fraudulently if he intends to deal with the property in such a manner that it cannot be returned in the conditions in which it was at the time of the taking or conversion e.g. a gold ring hired from a jeweler which is melted down.

It should be noted however that a person who takes goods under a claim of right is not guilty of theft. In *Sewava's Uganda*<sup>82</sup>, the appellant was charged with the theft of six doors and twelve iron sheets which he had in fact sold, but which he claimed were his property. The appellant was convicted but the magistrate never devoted his mind to the claim of right. The conviction was quashed on appeal to the High court of Uganda. Sir Udo Udoma CJ (as he then was) cited with approval following passage in Stephen's "History of the Criminal Law of England" Vol. III, page 124.

*"Fraud is inconsistent with a claim of right made in good faith to do the act complained of. A man who takes possession of property which he really believes to be his own does not take it fraudulently, however, unfounded his claim may be. This is nearly the one case in which ignorance of the law affects the legal character of acts done under its influence."*

The taking means that there must be trespass. There must also be a carrying away but only a slight removal is necessary. The taking can be by a trick, by intimidation, under mistake on the part of the owner and by finding. These are all means of committing theft which form part of the activities of some slum dwellers.<sup>83</sup>

Theft by trick occurs when a person obtains possession of the property by a trick without the real consent of the owner. If the owner consents to transfer the property in goods, there is no theft, although it could be the offense of obtaining goods with false pretense.

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<sup>82</sup> (1996) E.A. 487

<sup>83</sup> Osmani, 2004, *Evolving Views on Poverty: Concept, Assessment, and Strategy*

Theft by intimidation takes place when a person obtains goods from another person as a result of threats of violence. The leading English case is *R VsMcGrwoth*<sup>84</sup> where the complainant was prevented from leaving an auction room until she had paid the auctioneer for some cloth. The auctioneer was convicted for theft of the money.

Theft as a result of mistake, takes place when a person parts with possession of property by mistake and the offender on discovering the mistake decides to keep the property. The commonest example would be a person giving too much change and the offender, realizing this decides to keep the excess change.<sup>85</sup>

Theft by finding takes place where a person believes at the time of finding that the owner can be discovered by taking reasonable steps. For example a person who found a valuable diamond ring and who decided to make a gift to his wife would be guilty of theft by finding. In *Hubert vs. McKiernan*<sup>86</sup>, it was held that finding and taking of lost golf ball to be theft.

The thing stolen must have an owner. "Special owner" is defined as including "any person who has any charge or lieu upon the thing in question or any right arising from or dependent upon holding possession of the thing in question"<sup>87</sup>.

This embraces a garage proprietor who has possession of a car for repair purposes and from whom it is stolen or a person who has purchase agreement. It is to be understood in the later case that the hirer does not obtain ownership from the finance company until all the installments have been paid and the option to purchase has been exercised.<sup>88</sup>

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<sup>84</sup> (1890) LR ICCR 105

<sup>85</sup>Osmani, 2004, *Evolving Views on Poverty: Concept, Assessment, and Strategy*

<sup>86</sup> (1948) 2KB 142

<sup>87</sup> Section 268 (2) (a) of The Penal Code Act

<sup>88</sup>Osmani, 2004, *Evolving Views on Poverty: Concept, Assessment, and Strategy*



## CHAPTER THREE

### RELATIONSHIP BETWEEN POVERTY AND CRIMINAL PROPENSITY

#### 3.0 Introduction

The question that presents itself in this chapter is how poverty influences criminality. In this chapter it is aimed that the relationship between poverty and behavior be exposed as, it is the main reason of this paper. Poverty involves a difference between the ideal and the reality, the element of unemployment and the question of power and crime opportunities.

#### 3.1 The Ideal and the Reality

Poor life involves an almost unbearable tension between the ideal and the reality, between desired adherence to the need of the larger society and the insistent demands of life streets. In essence, the ideal is what a person desires to achieve in life for example the desire to have descent food, housing, clothing which to the reality one cannot achieve.<sup>89</sup>

The consequence therefore will be to achieve them through all the available means. This in turn will be repeated since humans have a tendency of not being satisfied. The phrase “necessary” here would mean illegal means. Thus a deviant behavior will result.

Poverty drives people's senses of self to invest considerable energy in search of which is to say, activities that can tell them they do exist and matter. Thus poverty's sense of self-pity to which the lower class would make sure is concealed from the others. In return poverty inflicts into the minds of the lower classes a culture that requires them to equal others in the society through deviant means.<sup>90</sup>

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<sup>89</sup> Hester, S. & Eglin, P. (1992). *Sociology of crime*. London: Routledge.

<sup>90</sup> Schur E. (1965) *Crime without victims*. Englewood: Cliffs.

Actions of an illegal sort allow individuals from the lower classes to defy rules hence a deviant behavior, the consequent outcome being crime. Poverty therefore creates euphoria that involves a seeming indifference to future consequences of one behavior.

Poverty in addition, creates a choice between immediate gratification and no gratification at all. That is a future in which everything is uncertain except the ultimate destruction of one's hopes and eventual realization of one fears. For those who are eager to make it in life, crime often seems to offer immediate, faster and more effective route to success. The most visible successful people in the poor neighborhoods are members of organized crime<sup>91</sup>.

Crime thus is a major employer as well as a principal source of credit. To the poor through crime, everything lies virtually in the realm of the possible.

### 3.2 Power Relations

A larger society like Kenya has goals and values that are expected to be achieved by the persons who live in it. However there is a variance on how these are achieved since not every person has the same opportunities as others. There is a distinction of class that is the lower class, the middle class and the upper class. The behavior of lower classes in their way of achieving many of the goals and values of the larger society is of concealing their failure from others as best as they can.<sup>92</sup>

Poor life is a response to the restraints imposed by the Kenyan emphasis on success. Lacks of opportunities like education, economic, and socio-political affects profoundly limit the choices that individuals and groups can make. Poor lives often make people create a life that is more of a reaction to the middle or upper classes values.<sup>93</sup>

In revenge to unequal distribution of resources, poor people strive so hard to balance this by bridging the gap through stealing from them. Poverty creates a distinction of people

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<sup>91</sup> Holmes, R. M., & Holmes, S. T. (2008). *Profiling violent crimes: An investigative tool (Fourth Edition)*. Thousand Oaks: Sage Publications, Inc.

<sup>92</sup>The 2006 *National Human Development Report, of Kenya*

<sup>93</sup>Ibid

into classes whereby others feel inferior while others feel superior. Poor people see nothing wrong in stealing from others in either the middle or upper classes<sup>94</sup>.

### 3.3 Unemployment

Unemployment presents a threat to social order in Kenya. The gross imbalance that has tended to develop between education expansion and relatively limited economic growth in Kenya causes an orientation among the poor towards a society marked by disaffection and alleviation thus resulting in a behavioral disposition which is basically an anomic. In situations where the dominant success goals of a society are out of balance with the means for achieving those goals, individual's mode of adaptation and response may include conformity and rebellion.<sup>95</sup>

Given the dynamics of Kenya's deteriorating employment situations, conformity to existing success goals is a mode of adaptation which has been closed to all but few of the Kenya's unemployed.

When the institutional system of a society becomes regarded as an illegitimate barrier to the achievement of culturally legitimized goals, the stage is set for rebellion as a mode of adaptive response.<sup>96</sup>

The rebellion may take the form of crime for example theft. This analysis makes clear that crime is the logical outcome of poverty. In addition it shows the readiness of the lower class to fight where possible against the erosion of their power or identity.

### 3.4 Crime Opportunities

In addition, poverty plays a central role in creating and maintaining an environment in which crime flourishes. This can be seen by the way the law enforcing agencies relate to the would-be offenders. Many of the officers are more reluctant to interfere in the activities of the poor because either way they stand a chance to benefit. Their response to track criminals is thus short-lived.

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<sup>94</sup>Supra

<sup>95</sup>Supra

<sup>96</sup>Chris Uggen *Unemployment and deportation* July 9 2012

Marcus Felson explains crime in terms of crime opportunities that occur in everyday life. He says that a crime opportunity requires that elements converge in time and place including a motivated offender, suitable target or victim and lack of capable guardian.<sup>97</sup>

A guardian at a place could include guards or policemen or ordinary pedestrians who would witness the criminal act and possibly intervene and report the crime to the police.

This observation of Felson might be true but it is contrasting in poverty stricken areas like slums. In the lower classes, guards are either few or do not exist, policemen are also few, pedestrians care the less. This is quite different with the upper class. This in turn creates an opportunity in which crime can flourish.

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<sup>97</sup>Cohen. Lawrence and Marcus Felson (1979). "*Social Change and Crime Rate Trends*". *American Sociological Review*

## CHAPTER FOUR

### 4.0 Criminal behavior

#### 4.1 Theories for the choice of criminal behavior

Why are violent criminals drawn so heavily from the ranks of the poor? The answer lies not in the genes, but in the nature of the lives poor people lead and of the communities in which they reside. The close association of criminal behavior with urban lower-class life is a direct result of the opportunities that are not available.

The question posed in this chapter is not why particular individuals in poor areas choose a life of crime; it is why the people who make that choice are concentrated more heavily in the lower class than in the middle or working class. To explain this phenomenon, different theories are explained below that show the reasons for the choice of criminal behaviors.

##### 4.1.1 The Choice theory

Children growing up in urban slums and ghettos face a different set of choices than do youngsters growing up in middle-class neighborhoods, and they have a radically different sense of what life offers. By the time children are six or eight years old, their view of the world has been shaped by their surroundings and by their parents' as well as their own experiences.<sup>98</sup>

Children of the upper class and upper-middle class develop what the psychiatrist Robert Coles calls a sense of "entitlement". Wealth does govern the minds of privileged children, gives them a peculiar kind of identity which they never lose, whether they grow up to stockbrokers or communard. That identity grows out of the wide range of choices with which privileged children live-choices about toys and games, food and clothing vocations and careers.<sup>99</sup>

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<sup>98</sup>John Hagan *Toward A Structural Criminology: Method and Theory in Criminological Research* November 2011, New York, USA

<sup>99</sup>Edited by Mangai Natarajan *Crime Opportunity Theories: Routine Activity, Rational Choice and their Variants*, Vol. 12: 431-449 (Volume publication date August 1986)

Their identity grows out of their sense of competence as they live in a world in which their parents and, by reflection, they themselves exercise authority, in which they influence and often control their environment. They are, in a phrase, the masters of their fate: their world<sup>100</sup>.

To the “children of poverty,” those who want something badly enough usually do not get it, no matter how hard they work or how long they wait. Nothing about their own lives or the lives of their parents or relatives or friends suggests that “if you really work for the rewards, you will get them.” Quite the contrary: poor children grow up in a world in which people work hard and long, for painfully meager rewards. It is a world in which parents and relatives are at the mercy of forces they cannot control. A world in which illness, accident, recession, an employer’s business reverses, or a foreman’s whim can mean the loss of a job and a long period of unemployment, and in which a bureaucrat’s arbitrary ruling can mean denial or loss of welfare benefits and, thereby, of food, clothing fuel, or shelter.<sup>101</sup>

Understandably, poor children come to see themselves as the servants, not the masters, of their fate. When I was doing research on secondary education in Nairobi Academy, schools with a predominantly middle-class population. The valedictorians typically spoke of how they and their classmates would affect and change Kenyan society. In schools with a lower-class student body, the student speakers sounded a different theme; the need to survive.

#### 4.1.2 Cultural influence

It is hard to be poor; it is harder to be poor in Kenya for Kenyan culture has always placed a heavy premium on success. Winning is not the main thing; it is the only thing.<sup>102</sup>

Criminal behavior is more frequent among the poor than among members of the middle class. This is so because Kenyan culture imbues everyone with the opportunity to

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<sup>100</sup> *supra*

<sup>101</sup> Edited by Mangai Natarajan *Crime Opportunity Theories: Routine Activity, Rational Choice and their Variants*, Vol. 12: 431-449 (Volume publication date August 1986)

<sup>102</sup> United Nations Development Programme (UNDP) report on Kenya 2010

achieve success through conventional means; and the cultural emphasis on success is greater now than it used to be: Everyday of the week, in the films they see, the television programs they watch and the public schools they attend, poor people are bombarded with messages about success vivid images of the life style of the middle class.

Television, in particular drives home the idea that one is not a full-fledged Kenyan unless one can afford the goods and services portrayed in the commercials and in the viewed programs. To poor people, the TV screen provides a daily reminder, of the contrast between their own poverty and the affluence enjoyed by the rest of society.

#### **4.1.3 Crime as occupation**

It should not be surprising that many poor people choose the routes to success that seem open to them. To youngsters growing up in lower-class neighborhoods, crime is available as an occupational choice much as law. Medicine or business management is for adolescents raised in Loresho – Kileleshwa (high class areas) except that lower-class youngsters often know a good deal more about the criminal occupations available to them than middle-class youngsters do about their options. In my conversations with young respondents, I was struck by the depth of their knowledge about robbery, burglary, “fencing”, the sale and use of hard and soft drugs, prostitution and pimping, and other crimes. I was impressed, too, by their detailed knowledge of which fences, numbers operators, and other criminals were paying off which police officers, as well as by their cynicism about governmental corruption in general.

It is not simply a matter of opportunity; role models are important as well. When they think about who’s got the power in their neighborhood, they mostly think about people who have got to the top in strictly illegal ways.

In some lower-class neighborhoods, youngsters learn to become criminals almost as a matter of course. Education for crime must be looked upon as habituation to a way of life, as such; it partakes of the nature of all education. It is a gradual adaptation to and a gradual absorption of, certain elements in the environment.<sup>103</sup>

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<sup>103</sup>Frank Tannenbaum, *Neglected classic, crime and the Community*

#### 4.1.4 Education for crime

*The development of a criminal career has elements of curiosity, wonder, knowledge, adventure, ”*

In addition to the foregoing quotation, Tannenbaum, noted that like all true education, it starts in more or less random movements, and builds up toward techniques, insights, judgments, attitudes. Like all true education, it also uses whatever is available in the environment, including “such humble things as junk heaps, alley ways, abandoned houses, pushcarts, railroad tracks, coal cars.” Children begin with things that can be easily picked up and carried away and easily used or sold.<sup>104</sup>

Tannenbaum contends that,

*‘Education for crime is a social process as well as part of the adventure of living in a certain way in a certain environment, but both the environment and the way of using it must already be there. If their careers are to develop, the young criminal must have encouragement, support and instruction from his friends and elders, particularly from the intermediary the fence. Even if he is nothing more than a junk dealer or peddler, the fence will purchase bottles, copper wire, lead pipes, bicycles, and trinkets. He will not only pay cash which can be used to continue the play life of the growing children, for movies, candies, sweets, harmonicas, baseball bats, gloves, and other paraphernalia, but if he is a friendly and enterprising fence he will throw out suggestions, indicate where things can be found, will even supply the tools with which to rip and tear down lead pipes or other marketable materials. And the young gang will accept the suggestions and carry out the enterprise as a part of a game, each act providing a new experience, new knowledge, new ways of seeing the world, new interests.’<sup>105</sup>*

Other factors are needed too. There must be a cynical attitude toward the police and toward property belonging to business firms and government agencies. There must be older criminals who use adolescents as messengers or lookouts, and to whom the youngsters look for approval. There must be a conflict between delinquent youngsters and older, more settled people who are their victims, and who call for police protection.

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<sup>104</sup> Ibid

<sup>105</sup> Supra



All these elements are part of the atmosphere of the environment within which education for crime proceeds.<sup>106</sup>

The slow persistent habituation of an individual to a criminal way of life occurs frequently and naturally in lower-class neighborhoods because so many criminal opportunities are available: numbers operations, bookmaking, and other illegal gambling enterprises, selling heroin, cocaine, marijuana and other drugs; loan-sharking; male and female prostitution; pimping and after-hours sales of alcoholic beverages; and hustling and theft in all their manifold forms.<sup>107</sup>

#### 4.2 Theft in Poverty stricken areas

Theft is in the very air that lower-class youngsters breathe. It is visible not just because of its frequency, but because crimes such as burglary and stealing from parked cars are not isolated acts by isolated individuals. On the individual act of theft is just beginning of an elaborate process whereby stolen merchandise is acquired, converted, redistributed and reintegrated into the legitimate property stream.

Reluctance to turn down a bargain is not unique to the lower class. Many middle-class people knowingly buy stolen merchandise, and some respectable merchants increase their profits by selling stolen goods unbeknownst to their customers. Because they lack the job titles and other devices that shore up middle-class people's sense of self members of the lower class feel an even greater need than members of the middle class to define them through consumption.<sup>108</sup>

Poverty can lead to high levels of stress that in turn may lead individuals to commit theft, robbery, or other violent acts. Moreover, poverty may lead to an actual or perceived inferior education, which would cause youth to count on less access to quality

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<sup>106</sup> Supra

<sup>107</sup> Supra

<sup>108</sup> Diener, E. (1979). *Deindividuation, self-awareness, and disinhibition*. Journal of Personality and Social Psychology, 37(7), 1160-1171.

schools, jobs, and role models, decreasing the opportunity costs of crime and increasing the probability of youth spending time on the street associating with gangs.<sup>109</sup>

Crime offers a way in which impoverished people can obtain material goods that they cannot attain through legitimate means. Often threat or force can help them acquire even more goods, this induces them to commit violent acts such as robbery, which is the second most common violent crime. For many impoverished people, the prize that crime yields may outweigh the risk of being caught, especially given that their opportunity cost is lower than that of a wealthier person. Thus, poverty should increase crime rates.

Far from being considered dishonest, patronizing the stolen property system is a way of evening the score, of getting one's fair share in an unfair world. From a lower-class perspective, buying a name-brand item at 50 percent or more below list price is a means of correcting a social imbalance, of redressing the misdistribution of income from which they suffer.<sup>110</sup>

At the same time, poor people's readiness to buy stolen merchandise contributes significantly to their own poverty. Thieves do not limit their scores to middle-class targets: juveniles, addicts, and other impulsive and semiprofessional thief tend to prey on their own communities, where apprehension is less likely. The result is a vicious circle: normally law abiding people who have been victimized by burglary or some other form of theft feel justified in buying hot merchandise to recoup their losses as cheaply as possible but their patronage, in turn, make it easier for thieves and fences to dispose of their ware and encourage further theft.<sup>111</sup>

Corruption aside, lower-class people's readiness to support the stolen property system is upheld by the benign view the rest of society takes toward fencing. Judges, prosecutors, police, and the public at large share a myopic legal tradition that focuses on individual acts of theft rather than on the stolen property system as a whole. One consequence is that judges rarely give prison sentences to fences, preferring to reserve the harsh penalty

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<sup>109</sup>James F., Jr. *Poverty, Ethnicity, and Violent Crime*. Boulder, CO: Westview Press

<sup>110</sup>Osmani, 2004, *Evolving Views on Poverty: Concept, Assessment, and Strategy*,

<sup>111</sup>Jeffery, R. C. (1990). *Criminology. An interdisciplinary approach*. New Jersey: Prentice Hall.

of incarceration for people they deem dangerous. Prosecutors and police administrators, in turn, are reluctant to proceed against fences. Building a strong case against a fence requires the investment of a great deal of prosecutorial and/or police time and effort, and the investment appears to be a proper allocation of resources when the end result is likely to be no more than probation or a fine for the convicted fence.<sup>112</sup>

From a police perspective, therefore, it often makes more sense to offer a fence protection in exchange for information. But from the perspective of people living in lower-class neighborhoods, the fact that fences go free, while burglars go to prison, serves to reinforce their cynicism about the law and law enforcement.<sup>113</sup>

Moreover, for residents of lower-class neighborhoods, stolen merchandise is likely to be available wherever they turn: in beauty parlors, barbershops, restaurants and bars, newsstands, after-hours clubs, gambling joints, appliance stores and repair shops. Some of these outlets are primarily sellers of stolen merchandise, with the legitimate business serving only or mainly as a front. Most are more or less legitimate businesses whose owners supplement their incomes by selling stolen merchandise on the side.<sup>114</sup>

In conditions of great poverty it becomes very difficult to find honest employment for people to earn enough money even to provide basic necessities like food, clothing and shelter for themselves and their families. In such conditions, the cost of engaging in some crimes in terms of effort involved and the risks of getting caught and facing the legal and social consequences, becomes comparatively less than the benefit of being able to at least have some of the basic needs fulfilled. In this way poverty does increase the rate of some petty crime like holdups and burglary.<sup>115</sup>

Professional thieves prefer to deal with the same fence or fences on a regular basis: a fence is far more likely to “finger” an unknown or occasional thief than one on whom he depends for his inventory. When thieves know beforehand what their take will be, they

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<sup>112</sup> Jeffery, R. C. (1990). *Criminology: An interdisciplinary approach*. New Jersey: Prentice Hall.

<sup>113</sup> Osmani, 2004, *Evolving Views on Poverty: Concept, Assessment, and Strategy*,

<sup>114</sup> Merton, Robert K. (1968). *Social Theory and Social Structure*. New York: Free Press.

<sup>115</sup> James F., Jr. *Poverty, Ethnicity, and Violent Crime*. Boulder, CO: Westview Press.

may negotiate a price in advance: and simply know what the market price is for stolen merchandise of a particular sort and plan their scores accordingly.<sup>116</sup>

### **4.3 Challenges faced in combating crime and eradication of poverty**

There are numerous challenges faced in combating the problem of crime and eradication of poverty as outlined below.

#### **4.3.1 Policing challenge**

The Kenyan police face several deficiencies that in varied ways hinder their effectiveness in implementing their broad mandate of maintaining law and order. This part looks at various challenges that the police force faces in the discharge of their duties in combating crime.

The Kenyan law enforcement network is split into several sectors all comprising the police force. The Kenyan Police Force, under the direction of the Police Commissioner, is comprised of the Regular Police, General Service Unit, Criminal Investigative Department, National Security Intelligence Service and the Administrative Police. Each with specific goals and functions, the Swahili phrase *Utamishi Kwa Wote* (service to all) acts as the guiding motto for officers nationwide.<sup>117</sup>

The above divisions of the Kenyan Police Force all face numerous challenges when dealing with crime in Kenya. For one, the base monthly salary of a Kenyan police officer is eleven thousand Kenyan shillings (roughly 143 USD). The mere lack of assets and unsustainable lifestyle inherently breeds corruption. Kenya, as a whole, rates in the top 20% of corrupt countries worldwide as per the latest Corruption Perception Index (Ndegwa, 2009). Within Kenya itself, the highest rating corrupt body is the police force, holding an aggregate index of 57 percent (Kenya Bribery Index, 2008). This significant level of distrust between the public and the police drastically increases the challenges of effective crime control. Due to Kenya's struggling economy, there is simply not enough money going towards policing and security. The ratio of police to citizens throughout Africa is roughly half of that in North America and Europe, with rates of 180 per

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<sup>116</sup>Osmani, 2004, *Evolving Views on Poverty: Concept, Assessment, and Strategy*.

<sup>117</sup>Kenneth Omeje & John Mwangi Githigaro *The Challenges of State Policing in Kenya* longhorn publishers

100,000 compared with 346 and 325 respectively. The subsequent consequences of an understaffed and struggling police force are a lack of training, poor equipment, and general incompetence.<sup>118</sup>

#### **4.3.2 Transport Deficiencies**

The Kenyan police are critically challenged with regard to transport facilities. The policing needs far outweigh the transport resources at their disposal. Whereas there are minimal vehicles to carry out their duties, the few available resources are poorly serviced and scarcely fuelled. The lack of reliable transport means therefore that the police will be slow to respond to incidents of crime. Similarly, it also minimizes police presence in certain crucial localities, making it possible for criminals to have a field day. The poorly serviced vehicles also mean that the police cannot match the speed and efficiency with which criminals often escape from crime scenes.<sup>119</sup>

#### **4.3.3 Human Resource Capacity Deficits**

The Kenyan police are understaffed and therefore the country is under policed. There are estimates that the Kenyan police have a total population of about 40,000 personnel. The public - policing ratio can be deduced therefore to be roughly in the ratio of 1:1000 going by the 2009 national population census figures of roughly 40 million citizens. This is far below the UN recommended police – public ratio of 1:450.<sup>120</sup>

#### **4.3.4 Poor Terms and Conditions of Service**

The terms and condition of service are inadequate as police officers are not adequately compensated for their services. Housing is a challenge for junior officers as they are compelled to share living units of two or three bedroom flat accommodation with other families.

The police also lack adequate health insurance given the life threatening dangers they are exposed to in their law enforcement duties and fight against crime. The poor

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<sup>118</sup> Kenneth Omeje & John Mwangi Githigaro *The Challenges of State Policing in Kenya* longhorn publishers

<sup>119</sup> Ibid

<sup>120</sup> Supra

conditions of service are also evident in their operational and logistical facilities. They have minimal IT infrastructure and in many instances have to do with manual recordings and filing of information.

All these factors contribute to their low morale at work and also predispose many officers to a professional lifestyle of corruption. Police officers interviewed due to inadequate pay are prone to engage in corruption to meet their subsistence shortfalls. The conditions of service are poor. For example, the police work for long hours whereas they are supposed to work for eight hours. The promotion system is not based on merit but on nepotism. There is no health insurance and there is shortage of housing.<sup>121</sup>

#### **4.3.5 Communication**

In terms of communication, the police are deficient in a number of ways. The first is that their communication equipments are susceptible to being tapped and in the past, criminal elements have used this sort of subversion to gain access to confidential police communication. The communication gadgets are also highly limited in number relative to the communication needs of officers. The result is that they have in many instances used their mobile phones at their own expense to carry out their official duties.<sup>122</sup>

#### **4.3.6 Budgetary Deficits**

The annual budgetary allocation of the Kenyan police is hardly enough to ensure that they discharge their duties effectively. The allocation the force receives is also subject to misappropriation by top commanding officers, thereby further impeding their service delivery.

In budgeting, priorities are often misplaced and available resources are not utilized in a prudent manner partly because most policy makers and implementers are civilians who may not have the experience of where financial resource allocation are most needed. The tension here is that the bureaucratic civilian component of policing seems to be more primarily concerned with regime security (and by extension serve the top echelon of the

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<sup>121</sup> Supra

<sup>122</sup> Supra

state apparatuses) with the result that citizen policing and security are substantially compromised.

The over-concentration on regime policing is a common phenomenon in most developing countries, not least in Kenya. The disproportionate preoccupation with regime policing in Kenya is reinforced by the fact that the state policing agencies in Kenya are not independent agencies, but are subject to political control and direction under the Office of the President. The Kenyan police force does not have an independent vote in the national budget and receives its allocations from the pool allocated to the Office of the President.<sup>123</sup>

#### **4.3.7 Poor Urban Governance**

Poor governance is very much at the root of many problems of urban vulnerability and current efforts to improve governance have largely stalled. Governance is a difficult area for NGOs to engage in, but there is certainly more scope for technical capacity building at the level of the city council at the same time as building capacity among urban civil society actors to call for greater government transparency and accountability. Existing and previous efforts towards governance reform have largely stemmed from the government itself, but there may be more chance of success if civil society and the private sector are also supported to take central roles in reform.

A third area where current efforts are lacking relates to support for urban livelihoods taking into account the specific types of vulnerability faced by poor people in cities. Income security and food security are central here, and while there are various initiatives in relation to the latter, there is little evidence of approaches that explicitly link food security to other forms of vulnerability such as partaking in high-risk livelihood activities.

A more holistic approach to the livelihood vulnerabilities of the urban poor that explicitly recognizes the degree of dependence on a cash economy is needed, which

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<sup>123</sup> Supra

would involve both supporting lower costs for basic services as well as efforts to provide credit and savings schemes for the poor.<sup>124</sup>

The following have been identified as some of the internal factors that have contributed to this:

- An inefficient bureaucracy lacking appropriate capacity and skills.
- No strategic planning and development of the city.
- The limited application of innovative approaches towards service delivery.
- Planning and decision-making.
- Mismanagement of public resources and corruption.

The Council's performance has also been constrained by external factors including:

- The lack of autonomy in respect of running its own affairs, local policy-making, and responding to local development needs as central government retains control.
- Over policy and key decision-making.
- A complex and inadequate institutional, policy and legislative framework, including the disjointed division of responsibilities for urban development compounded by the lack of a national urban development policy.
- The absence of national development framework which fully recognizes urban poverty, the urbanization process and the role of Nairobi and other urban centers in the country's economic development.

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<sup>124</sup>Samuel L. Aronson *Crime and Development in Kenya: Emerging Trends and the Transnational Implications of Political, Economic, and Social Instability*



## **CHAPTER FIVE**

### **RECOMMENDATION AND CONCLUSION**

#### **5.0 Recommendation**

Unless the poor are determined not to be poor, poverty cannot be solved. Poverty is best abolished by the development of consciousness. Next best is to develop infrastructure; including organization and education. Aid to other countries is not wise; it is egotistic by the giver, and for the recipient destroys self-reliance, and creates hostility. If a country like the US wants to help end poverty it can help with infrastructure, planning, but not aid. The best approach is to overcome its own poverty, which will vibrate out as life responds to break poverty in corresponding places on earth.

Usually when aid comes in, self-respect goes out. Worse than that, the very capacity of self-reliance is undone essentially. Self is the Soul of a nation. It is seen as self-respect and self-reliance. They are not worth parting with. It is a truism in the field of development that a society will really develop when its members take it into their own hands. Any work of the government or other agencies may do the initial spade work, but it is not capable of consummating the process of development - a high degree of Prosperity. It reduces to man wanting more and more as days pass by.

#### **5.1 Promotion of good urban governance**

There is ample evidence globally to demonstrate that the practice of good urban governance can contribute towards reducing poverty. Given the inter-related dimensions of poor governance in Nairobi outlined below, the promotion of good urban governance in the city could be pursued through various avenues including the following:

##### **5.1.1 Local government reform and capacity building**

There are currently two main government programmes aimed at improving the operations of local government: the Kenya Local Government Reform Programme (KLGRP) and the Rural Poverty Reduction & Local Government Support Programme (RPRLGSP), an EU-supported initiative.

### **5.1.2 City Planning**

An effective city planning system is another aspect of good governance that could help address the challenge of urban growth in Nairobi and its hinterland, as well as facilitating the exploitation of the capital's economic potential. This may be addressed through the government's new Nairobi metro initiative, but further examination of the latter is needed to assess its potential. In addition, efforts should be made to ensure that adequate provisions for disaster prevention and risk reduction are included in any new system of city planning.

### **5.1.3 Policy framework**

Renewed efforts are being made by the Urban Development Department of the Ministry of Local Government to prepare a national urban development policy for application by urban local authorities, which would plug a gap in the policy framework for the urban sector.

The Draft National Land Policy has been long in the making. Fast-tracking its approval by the government, through lobbying and advocacy, would speed up progress towards the implementation of two specific provisions contained in the policy of significance to the urban poor, that pertaining to vulnerable groups such as slum dwellers and that to the upgrading of the informal settlements themselves.

Revitalizing and broadening the debate on the draft national disaster management policy to incorporate the effects of climate change on urban livelihoods is necessary, as is building knowledge about these areas amongst urban stakeholders to encourage participation in addressing them.

Another avenue by which to make the policy framework more responsive to citizens' needs is to achieve greater community participation in public policy-making. Lobbying for community participation in the process remains a valuable goal in this regard.

### **5.1.4 Urban actors' coordination framework**

Establishing a framework for coordination between the various actors involved in urban development would serve:

- To provide coherence to the efforts of all the actors involved in addressing urban poverty in Nairobi, at whatever level they operate.
- To facilitate debate about relevant development agendas such as scaling-up of successful interventions, pro-poor policies and house financing, in order to encourage a multi-dimensional and multi-level approach towards urban poverty reduction.
- To ensure more effective resource mobilization and allocation to the urban sector.
- To act as a city repository for information.

The former Nairobi Informal Settlements Coordination Committee, which had a strategy and action plan to address the needs of urban poor living in the city's informal settlements and which sought for recognition and regularization of the latter, is a model that could be explored. Another structure that could be considered to fulfill this role is the Local Government Stakeholders' Forum currently being coordinated by the CCN. This brings together council officials and other stakeholders who deal with the urban sector and urban development.

## **5.2 Sustainable urban livelihoods**

There is much scope for promoting alternative and innovative approaches towards building more sustainable 'livelihoods in terms of both increased food and income security, such as the following:

### **5.2.1 Micro-enterprise development**

Possible approaches that could be pursued range from supporting the establishment of community savings and loans schemes for business start-up to transformation of solid waste as an income generating activity. The more marginalized in the community – women, youth and disabled people – could form the core target groups for implementing such approaches.

### **5.2.2 Water and sanitation enterprising and public health education**

Recent reforms in the water sector including the adoption of pro-poor approaches towards service provision have given impetus to the efforts of the NGOs, which have been at the forefront of working with the informal settlement communities in Nairobi to deliver appropriate and affordable water and sanitation services, as well as public health education. There is scope for these innovative approaches to be scaled-up and replicated as the scale of the problem remains vast.

### **5.2.3 Skills upgrading for youth**

One project that is currently being drawn up may offer some scope for support in relation to sustainable urban livelihoods among the youth of Nairobi. As briefly outlined previously, the proposed project, which falls within the mandate of the

Ministry of Youth Affairs seeks to generate employment for disadvantaged youth in selected slum areas through a youth public works and skill upgrading program me.

### **5.3 Access to information**

Knowledge and information form part of people's asset base. Communities can be powered through the acquisition of knowledge and information. There are a variety of community media interventions in the informal settlements, which could be scaled-up to broaden information dissemination, as well as for community enterprising. Examples include community media stations, community magazines on topical development issues, community resource centers which serve as 'clearinghouses' for relevant information on urban and other issues including urban development and slum upgrading, HIV/AIDS, climate change, peace and conflict mitigation, and so forth. Once again, disaster prevention and risk reduction including information about adaptation to climate change should feature in any such projects.

### **5.4 Conflict mitigation**

Feelings of insecurity and fears about outbreaks of conflict and violence are growing amongst the population of Nairobi as a whole, but particularly amongst those living in the informal settlements. Finding a way to utilize the unemployed and vulnerable poor

urban youth as a resource for building peaceful coexistence within their communities could be a central strategy here. In this respect, there is scope for supporting community-initiated peace activities that have the youths - and hence livelihoods – of the target communities that have the youth as both the target group and the implementers.

### **5.5 Policy support and coordination**

In addition to opportunities at the community level to promote improved food and income security, there is also scope at the policy level to do so by, for instance, supporting the government's policy initiatives on food supply, food trade and consumer support and other relevant macro policies for the stabilization of markets, and aiding their enforcement. There is also scope for improving the coordination of the various food-related interventions, which are provided by a wide range of partners operating at different levels and often independently of one another.

### **5.6 The 'Adopt-a-cop' programme**

One of the problems with crime prevention is that there is often a feeling of distrust for the police among young people. The 'Adopt-a-cop' programme would involve police officers spending time with the community out of uniform. Having dinner at different people's homes, helping with local youth groups and generally mixing with the people they protect.

Hopefully the experience of knowing a policeman as a friend would make it easier for young people to approach other policemen and lessen the attitude of 'them and us' that is the cause of some kinds of 'frustration-crime' committed as a way of thumbing a nose at society in general, and the police in particular.

### **5.7 Game-show Justice**

In the past there were several methods of punishment that included a strong element of public humiliation. The stocks and pillory provided a way of heaping the maximum discomfort on people who broke the rules of the community and provided a convenient way of allowing justice to be seen to be done to the satisfaction of the community.

The modern equivalent of the stocks on the village green would be a live television show - 'Humiliation'. Society ladies and gentlemen may be less inclined to 'bend' the

law if they knew that the penalty for getting caught would be being rolled naked in custard and horse manure on live television.

### **5.8 Career options for habitual criminals**

There are quite a few things that can be done to stop opportunist crime, but it is much harder to tackle the problem of career criminals who use crime as a way of life. These are people often skilled at what they do who need some kind of alternative employment to utilize their abilities and energy.

The following suggestions could be ways of using such people in a win-win situation.

- Provide them with pensions so that they have no need to return to crime.
- Set them up in business helping the police and other bodies in crime prevention. They can be used to test out methods of stopping criminals.
- Create some kind of competitive spectator event in which the skills of the criminal can be used creatively for general enjoyment. After all, there are big aggressive men who earn a fortune by using their skill to carry a ball over a line, so why not create similar opportunities for agile and dexterous individuals to similarly cash in on their abilities.
- Employ them as non-executive directors on the boards of companies to provide creative input – they may have a different perspective from other board members.
- Employ them as magistrates. They understand the situation of criminals better than local worthies, so they may be able to judge other criminals more imaginatively and effectively.

### **5.9 Schools Project/Competition**

The police could go into schools and discuss crime prevention with teenagers, who would be invited to suggest alternative approaches. This could be followed up with a national competition for schools to produce the best ideas. Lateral thinking techniques could be introduced (where they were not already being used to improve the quality and the quantity of the ideas. Many benefits could accrue from this action namely:

- Practical new ideas could emerge to help prevent crime.

- Young people would have better awareness of the reality' of crime.
- Lateral thinking techniques could be learnt and applied to a serious social issue in a meaningful way.
- The police might be encouraged to use lateral thinking tools themselves.
- It could convince educationalists that lateral thinking techniques should be more widely taught in schools.
- Similar initiatives could be launched in other countries (different social problems could be addressed).
- Companies willing to sponsor the competition would get excellent exposure.
- A child who might have drifted into crime may instead help to prevent it.

The level of unemployment seems to correlate with crime rates. Unfortunately tourists are often perceived rich and easy victims by criminals. For example, a hotel in Nairobi was recently attacked and robbed the first night after a new group of tourists had arrived. Everything, even their shoes, was taken, and some violence was involved. Crime and violence is now causing some serious damage for tourism.

#### **5.10 Crime Prevention Force**

There is great opportunity for creative thinking in this problem area. But prevention would probably require changing perceptions, which is difficult. On the other hand it might be more effective in reducing crime rates than trying to catch the 'bad guys' after the damage has been done. It might be possible and necessary to design and create an effective Crime Prevention Force (CPF) where it would be possible for volunteers to contribute in a constructive way. This would be different from traditional methods, where the energy is used dealing with the damages, instead of preventing them in the first place.

Crime prevention should be focused on the most dangerous times (night, tourism season) and places (known high-risk areas of city, popular tourist attractions, public transportation system, hotels) - it might be useful to divide cities and other potential problem areas in color-coded zones like for example: blue (secure places), yellow (beaches), green (parks, forests), white (airports, hotels, business), red (restaurants, entertainment and night-life), and black zones (dangerous, crime-infested areas, those

places that should be avoided at all cost). This information could be included in tourist maps and city guide books. Benefits for CPF volunteers might include:

Provide useful work to do for those people who are unemployed people could be trained to work as 'rent-a-chauffeurs/guides/guards', this could operate in a similar fashion as the existing rent-a-car and taxi services.

Extra payment for effective results personal tips earned from customers, and special periodic bonuses according to results. Of course, the employees would be paid only if they stay crime-free. A special bonus could be paid, if the overall crime rate in the area drops. Social respect as a special reward (the media could play a big behavior reinforcement role here).

#### Funding for the Proposed CPF-project

The money would come from those who would eventually have to pay for the costs of crime anyway, i.e. the government and the tourist industry. The customers would probably be willing to pay/tip for effective services. The project should be able to pay for itself: it should not increase the public expenditure.

Secondly, the government should encourage education and give benefit to poor people. By education, people can be improved their understanding and their attitude become better. Especially, the government needs to invest in the education fund. This will help poor students have the chance to study. They can find good jobs after graduating.

### **5.11 CONCLUSION**

In the face of growing demand for equity, there is great need to ensure that criminal behavior is ameliorated. An overall evaluation is that poverty influences criminal behavior thus eradicating it is eradicating crime. Poverty has presented a situation of intensified social disorder that has divided the Kenyan society. The only way to fight crime is to fight poverty. Remove poverty and crime-will subsidies.

The preceding conclusions hold true, for much of the third world countries. For the process of stratification and consolidation that lie in the roots of social conflict in Kenya are common place throughout Africa, Asia, and Latin America.



Thus the fabric and texture of life in urban slums and ghettos provide an environment in which opportunities for criminal activity are manifold, and in which the rewards for engaging in crime appear to be high-higher than the penalties for crime, and higher than the rewards for avoiding it. It seems to me that the kind of neighborhood you come up in may make all the difference in which way you go and where you end up. Therefore, this research has confirmed that deviant behaviors in slums are due to lack of opportunities and that poverty leads to criminal behavior in slums.

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