

Comparative Criminology and Criminal Justice within the African Continent

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Abstract: *There is no corner of the world where crime cannot be found. Increasingly, conventional crimes are being compounded by transnational crimes which know no borders. Concern for public safety and security nationally, regionally, and internationally have increasingly becoming an international issue and concern. This has been reflected in the 16th of the United Nations Sustainable Development Goals (i.e., Peace, Justice, and Strong Institutions). There is an ever-increasing need for comparative criminology and criminal justice research in a world where communication, travel, and international cooperation and collaboration are becoming increasingly common. While many criminology and criminal justice programs offer related programs and courses, the practice of comparative criminological or criminal justice research on the African continent is less well developed. This article draws on existing research and practices to explore the rationale and justification for engaging in such research and offers several methodological approaches that can be used to promote comparative criminological and criminal justice inquiry and research within the African continent.*

Keywords: *Transnational Crime, Comparative Criminology, Comparative Criminal Justice, Africa, Comparative Research Methods*

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I. Introduction

The subject area of comparative criminal law, or more precisely comparative legal traditions, is readily self-explanatory.¹ Still, the subject areas of comparative criminology and comparative criminal justice are sometimes misunderstood.² Comparative criminology refers to “the systematic and theoretically informed comparison of crime in two or more cultures.”³ In contrast (comparative) criminal justice refers to the attempt “to build on the knowledge of criminal justice in one country by investigating and evaluating that system in terms of another country, culture, or institution.”⁴ And as Selke⁵ observed several decades ago, cross-national criminological and criminal justice research offers us an opportunity to learn about the efforts being made in other nations to deal with crime and criminal justice-related issues.

¹ See, for example, Legrand P & Munday R, *Comparative legal studies: Traditions and transitions*, Cambridge University Press, Cambridge, 2003.

² Nelken D, *Comparative criminal justice and globalization*, Taylor & Francis, 2016.

³ Dammer H, Fairchild E, & Albanese J, *Comparative criminal justice systems* (3rd ed.), Thomson Higher Education, 2006, 6.

⁴ Dammer H et al, *Comparative criminal justice systems*, 5.

⁵ Selke W, “Program concepts from international corrections”, 16 *International Journal of Comparative and Applied Criminal Justice* 1, 1992, 87-100.

Although some might argue that the study of criminology is comparative in nature,⁶ it was the work of Sheldon and Eleanor Glueck, who in the mid-1960s wrote about the need for university criminology and criminal justice programs to establish comparative criminology and criminal justice options in their programs.⁷ For this article's purpose, we will touch on the value of engaging in comparative criminology and criminal justice and discuss how this can be accomplished within the African continent. The article will begin by examining the current state of comparative criminology and criminal justice in Africa. The article will then offer an overview of several challenges of engaging in comparative criminal justice and then comparative criminological research.⁸ This will be followed by presenting an overview of crime, criminal justice, and the state of the 'art' in Africa. These sections will provide the backdrop for a general discussion of the importance of comparative research and offer some proven approaches that can be adopted and applied to the African context. The article concludes with some guidelines for comparative criminological or comparative criminal justice research in Africa.

II. The current state of comparative criminology and criminal justice in Africa

Although (criminal) law is well established within the African continent, criminology and criminal justice are less well established. Further to the observations made by Igbinovia,⁹ criminology and criminological research has continued to receive "scant attention" in Africa. Furthermore, aside from the occasional United Nations or Interpol sponsored research of interest in certain African countries, there remains a dearth of information relative to the issues,

⁶ Howard G, Newman G, and Pridemore W, "Theory, method, and data in comparative criminology", in US Dept. of Justice, *Measure and analysis of crime and justice*, Vol 4, Office of Justice Programs, Washington, DC, NIJ 182411, July 2000.

⁷ Szabo D, "Comparative criminology", 66 *The Journal of Criminal Law and Criminology* 3, 1975, 366.

⁸ This article is partially informed by personal observation of the author. The author has visited and lectured four countries throughout the Africa continent. However, no personal observation or reference to any of the countries or schools visited will be directly made.

⁹ Igbinovia P, "Criminology in Africa", 33 *International Journal of Offender Therapy and Comparative Criminology* 2, 1989, v.

populations, and other justifiable rationales for why one might want to examine, study, or engage in comparative criminology or criminal justice within an African context.¹⁰

Before embarking on the merits of comparative criminology and criminal justice within an African context, it is considered noteworthy to comment on the current state of criminology and criminal justice in Africa.

According to Igbinovia,¹¹ criminology was introduced in Ghana in 1952 as part of an undergraduate sociology curriculum. Then in 1955, the National Institute of Criminology of Egypt was established. Subsequently, the University of Ibadan in Nigeria offered a course in criminology from 1969-1970. The Institute of Criminology in Ghana was established in 1954, and the Centre heavily supported its establishment for Comparative Criminology at the University of Montreal, Canada. However, due partly to the lack of quality data on crime and criminal justice, it was not possible to build, let alone sustain programs or related institutes for scientific research, let alone independently informed and objective teaching.

As of 2020, there were approximately 1,225 officially ranked universities¹² in Africa. Collectively, the universities serve a population of over 1.2 billion, with approximately 19% of young persons between the ages of 15-24 being illiterate.¹³ Yet, contrary to trends in other parts of the world,¹⁴ there are few criminology and or criminal justice-oriented programs in Africa. Although some programs may not appear during a web search, only five schools (i.e., University of

¹⁰ Although dated, an article authored by two Canadians appeared in the South African journal *Acta Criminologica* in 1973. It details the dearth of comparative criminological research and proposed to help undertake such research through the University of Montreal's International Centre for Comparative Criminology. See Arcand S and Brillon Y, "Comparative criminology: Africa", 6 *Acta Criminologica* 1, 1973, 199-217. The journal has been renamed *Acta Criminologica: African Journal of Criminology and Victimology*. A review of the online issues reinforces the observation made in the text.

¹¹ Igbinovia P, "Criminology in Africa".

¹² For more information, see the following link <https://www.4icu.org/Africa/#:~:text=How%20many%20Universities%20are%20there,higher%20Education%20institutions%20in%20Africa>. The top-ranked university on the continent is the University of Cape Town which is ranked 193 in the world. Strathmore University is ranked 47 among the African universities see <https://www.4icu.org/top-universities-africa/>.

¹³ African Population and Health Resource Centre (2021), accessed online at <http://www.aphrc.org/>.

¹⁴ See, for example, Eskbridge C, "The role of criminology on the global State: A brief essay", *The Criminologist*, November/December 2017, 8-9.

Pretoria, University of Cape Town, UNISEA, Nelson Mandela Metropolitan University, and IIE MSA) offer criminology and or criminal justice degrees). In addition to a limited number of post-secondary schools offering dedicated undergraduate or graduate degrees in criminology and or criminal justice, there is no robust continental forum for information dissemination comparable to the *Australian and New Zealand Society of Criminology*, *European Society of Criminology*, and *American Society of Criminology*, among others. By comparison, in Canada, with a population of almost 37.5 million, some 20+ dedicated criminology and or criminal justice post-secondary programs with a number of those programs offer advanced degrees.¹⁵

Placed within the context that only a handful of post-secondary institutions offer programs that can be considered criminology and criminal justice-focused in Africa, it remains apparent that criminology and criminal justice remain a limited topic of focus within the African academic mindset. Furthermore, based on available evidence, none of the African schools offer a doctoral degree either in criminology or criminal justice.¹⁶ While there is the *African Journal of Criminology and Criminal Justice*,¹⁷ it is based out of the University of Maryland in the United States, and its Editor-in-Chief (Dr. Biko Agozino) also resides in the US. Established in 2005, the journal produces two issues a year, and American-based scholars prepare most of the published articles. Also, there is the *South African Journal of Criminology* (SAJC).¹⁸ Historically, the articles that appear in the SAJC have been limited almost exclusively to articles that pertain to South Africa. A random review of the articles since its inception in 2000 shows that very few of the authors come from outside of South Africa.¹⁹

However, as reflected in a recent posting on the United Nations Office on Drugs and Crime (UNODC) website, only one program in all of Africa is part of the United Nations Crime Prevention and Criminal Justice Programme Network. The program is the Institute for Security Studies; Pretoria, South Africa and the African Regional Institute for the Prevention of Crime and the

¹⁵ See <https://studee.com/canada/subjects/criminology/>.

¹⁶ See, for example, <https://llm-guide.com/schools/south-africa/concentration/criminal-justice-criminal-law-criminology>.

¹⁷ See <http://www.umes.edu/ajcjs/>.

¹⁸ See <http://www.crimsa.ac.za>.

¹⁹ It is noted however that based on the Abstracts which the author of this article read, there was a good cross-section of themes and issues covered as well as several book reviews and a couple of contributions from outside of the African continent.

Treatment of Offenders; Kampala, Uganda.²⁰ In contrast, the number of criminological institutes throughout the rest of the world has continued to grow. Even countries like Pakistan have established a burgeoning program, a criminological journal, and a criminology society.²¹

The lack of criminology and or criminal justice programs (either undergraduate or graduate level) and its comparatively slow emergence in Africa is mainly due to many other problems that revolve around general economic and social issues.²² For example, according to the International Monetary Fund, all but a few African countries have a Gross Domestic Product (GDP) above the global average.²³ Many countries are confronted with poverty,²⁴ unemployment, an underdeveloped education system, and civil unrest. Although some theories argue that these same factors can precipitate crime, if one applies Maslow's hierarchy of needs within a State context, it is perceived more important to address the underlying issues before addressing their consequences. For example, as Brillon²⁵ commented several years ago:

In developing countries, too many economic and social priorities seem to be sharing the meager budgets for much attention to be given to the crime situation... The politicians know very well that an "empty stomach has ears" and that it is more practical politically to try to raise the people's standards of living and thus establish their authority more securely.

While criminology and or criminal justice as a subject of study within African universities has evolved somewhat since Igbinovia's commentary, as discussed earlier, it remains a relatively obscure area of study. Yet, there is no shortage of issues to study – murder, rape, carjacking, piracy, Nigerian scams, human trafficking, smuggling, etc. Admittedly, one can find the subject matter of crime and or criminal justice being taught at various levels of advancement

²⁰ By comparison, Canada also has two affiliated programs. Institute of the UN Crime Prevention and Criminal Justice Programme Network. UNODC: Vienna, Austria, accessed online at <https://www.unodc.org/unodc/en/commissions/CCPCJ/PNI/institutes.html>.

²¹ See <http://www.pakistansocietyofcriminology.com/>.

²² Omale DJ, "Challenging crime and criminal justice systems in Africa: Towards restoration of Afrocentric justice", 2009, accessed online at <http://www.restorativejustice.org/10fulltext/omaledonjohn>.

²³ See [http://en.wikipedia.org/wiki/List_of_countries_by_GDP_\(PPP\)_per_capita](http://en.wikipedia.org/wiki/List_of_countries_by_GDP_(PPP)_per_capita).

²⁴ Shah A, "Poverty facts and stats", Global Issues, 2010, accessed online at <http://www.globalissues.org/article/26/poverty-facts-and-stats>.

²⁵ Cited in Igbinovia P, "Criminology in Africa", vii.

within some sociology, anthropology, law, and psychology programs. Still, there remain very few pure criminology and or criminal justice programs compared to other world regions. Furthermore, although there is an absence of sustained research on crime and social control in the underdeveloped areas of the world, there is a scarcity of research on crime in the countries of Africa. One modest exception is the *Routledge Handbook of Africana Criminologies*.²⁶ The Handbook contains 18 chapters of which only a couple are authored by African-based scholars. The rest are individuals who now work and reside in the United States. Of the four co-editors, only Dastile is from Africa – the University of South Africa. Yet, the Handbook is seen to represent a noteworthy contribution to the field.

It is also noted, as was identified by Igbinovia,²⁷ that other than a few continentally trained criminologists, most have received their training outside of Africa (e.g., former head of the criminology or criminal justice program at the University of South Africa, Clifford Shearing,²⁸ hails from Canada, and one of the leads at The Polytechnic of Namibia (Dr. Stefan Schulz²⁹) was trained and educated in Germany). While foreign-trained scholars are nothing amiss, drawing them to the continent has several social, cultural, and economic challenges and may risk further ‘colonization.’³⁰

When reviewing the existence of criminology and criminal justice programs, it is essential to note that Africa’s fifty-four countries have continental problems and many international or transnational crimes.³¹ So, it is appropriate,

²⁶ Agozino I, Oonyezilli EC, Dastilie NP, & Hanna S. *The Routledge Handbook on Africana Criminologies*. Routledge. 2021.

²⁷ Igbinovia P, “Criminology in Africa”.

²⁸ See <https://orcid.org/0000-0002-5036-8335>.

²⁹ See <http://fhs.nust.na/?q=users/stefan-schulz>.

³⁰ See, for example, Adriansen H, “Global academic collaboration: a new form of colonisation?”, *The Conversation*, July 8, 2016, accessed at <https://theconversation.com/global-academic-collaboration-a-new-form-of-colonisation-61382>.

³¹ In a 2013 report prepared by the UNODC, a summary of the report opens with the statement “Official and other statistics show that the crime rate in Africa is high.” The summary goes on to note that aside from the Americas that over 31% of the world’s homicides occur in Africa. But, as in any part of the world, some in regions/countries the rates are higher than in others (see, generally http://ella.practicalaction.org/wp-content/uploads/learning/contribution_materials/lea56/Ibadan.%20Crime%20Rates%20and%20Trends%20%20in%20Africa1464715417.pdf). For example, the summary states: “In other African countries, such as Ghana, Kenya, Nigeria, Egypt, Tanzania and Uganda, robbery, corruption, consumer fraud, sexual assault, kidnapping, and property crimes involving car hijacking, theft of livestock, and burglary were prevalent, although to varying degrees.” Similar, a search on

if not necessary, to engage in comparative research to explore how best to address the various issues and how to best engage in criminal justice reforms. This point is further highlighted when one examines the nature and extent of crime in Africa.

III. A profile of crime in Africa

There is little question that crime is omnipresent.³² A review of national political platforms will often reveal that crime ranks among the more critical issues. Recently, the United Nations in Vienna released a report in which they pointed out that worldwide criminality “generates proceeds in the trillions of dollars each year making crime one of the world’s top 20 economies.”³³ The report further points out that ‘criminal business’ accounts for nearly 7 percent of the global economy. Furthermore, a review of the 2021 Global Crime Index shows that crime rates tend to be higher for those countries reporting crime rates than in most other parts of the world.³⁴

In a continent with marginal global economic influence, no shortage of crime originates on the African continent and has a global impact.³⁵ Unfortunately, however, there are no reliable statistics for the countries in Africa, but plenty of anecdotal accounts speak to the concern. For example, in 2012, former Gauteng Premier Nomvula Mokonyane called for Soweto’s people to “unite against crime and women abuse.”³⁶ Agutamba³⁷ reports that in the

the online Statista shows that a number of African countries (e.g., Nigeria, The Republic of Congo, Central Africa Republic, & Somalia) have the among highest organized crime rates globally (see <https://www.statista.com/statistics/1223810/countries-with-the-highest-organized-crime-index-in-africa/>).

³² Fourgere M, Bond J, “Omnipresent threats: A comment on the defence of duress in international criminal law”, 14 *International Criminal Law Review* 1, 2014, 471-512.

³³ Jahn G, UN: *Crime generates trillions of dollars each year*, San Diego Union Tribune, April 23, 2012, accessed at <https://www.sandiegouniontribune.com/sdut-un-crime-generates-trillions-of-dollars-each-year-2012apr23-story.html>.

³⁴ Crime Index by Country 2021. (2021), NUMBEO, accessed online at https://www.numbeo.com/crime/rankings_by_country.jsp.

³⁵ See, generally, <https://wp.unil.ch/icvs/files/2012/11/ICVS-13-African-countries.pdf>.

³⁶ 7th Space, “South Africa: Mokonyane urges Soweto to stand up against abuse, crime”, April 23, 2012, Accessed online at http://7thspace.com/headlines/410696/south_africa_mokonyane_urges_soweto_to_stand_up_against_abuse_crime.html.

³⁷ Agutamba K, “Rwanda: Cyber crime takes root as ICT usage grows”, AllAfrica, April 23, 2012, accessed online at <https://allafrica.com/stories/201204230115.html>.

aftermath of an initiative to provide every Rwandan school child with a computer, only a few years later, there is a growing concern with the dramatic increase in cybercrime. In the same article, Agutamba cites a survey conducted by “Deloitte, a financial consulting firm, [which] indicates that banks in Kenya, Rwanda, Uganda, Tanzania and Zambia lose about US\$ 245 million in cyber fraud per year.” However, while there are official responses to address the crime problems, they are virtually all limited to embracing an enforcement and suppression approach.

Furthermore, as noted by Agutamba, many police officers lack the skills and training to address burgeoning crime trends effectively. According to the 2016 World Internal Security Index, Nigeria performed worst on the Index, followed by the Democratic Republic of the Congo, Kenya, and Uganda. In terms of geographic regions, the Sub-Saharan African region had the worst score.³⁸

Africa is unique because of its history and an island, and a continent made of many countries. No other continent shares such diverse characteristics.³⁹ Therefore, Africa, arguably, represents a prime ‘laboratory’ for comparative criminological and criminal justice research on numerous levels. Having discussed the presence of criminology on the African continent, we will now offer some context of criminal justice in Africa.

A. A profile of criminal justice in Africa

Although prison population rates do not tell the ‘whole story’ about the relative efficiency of criminal justice systems within Africa, there is considerable variation in the imprisonment rates throughout the African countries. For example, the median rate for western African countries is 47.5, whereas, for southern African countries, it is 219. This compares favourably when one recognizes that the United States has the highest prisons population rate globally at 655 per 100,000. Africa’s highest imprisonment rate officially belongs to Rwanda at 464.⁴⁰

³⁸ Kazem Y, “Nigeria, DR Congo, Kenya and Uganda have the world’s worst police forces”, Quartz Africa, November 11, 2017, accessed online: <https://qz.com/africa/1127083/nigeria-kenya-uganda-dr-congo-and-pakistan-police-are-the-worlds-worst/>.

³⁹ See generally <https://www.victoriafalls-guide.net/african-culture.html>.

⁴⁰ Walmsley R, *World prison population list* (12th ed), University of Essex, International Centre for Prison Studies, Essex, 2019.

The numbers do not reveal the dramatic variation in the quality and conditions of prisons in different parts of the world. While the imprisonment rates in Africa may be seen to be slightly above average in the international numbers, there are numerous accounts of contraventions to human rights violations and a general lack of proper training for prison security staff.⁴¹

Hence, it can be argued that given the general quality of prison conditions, lessons could be learned through comparative research. Engaging in comparative research makes it possible to minimize repeating the mistakes that many countries with more ‘established’ prisons systems have made. For example, issues concerning the merits and detractors of double or triple bunking or the issue of how best to handle different inmate populations (e.g., sex offenders vs. gang members, etc.). It is also possible to explore viable alternatives to imprisonment. A growing body of literature substantiates that other options to imprisonment are more promising than incarceration. For example, the use of primary, secondary, and tertiary crime prevention initiatives is proving to be not only more cost-efficient but also cost-effective.⁴² And in a part of the world where resources are comparatively more limited, comparative research may help to provide more informed direction and support that transcends conventional punitive approaches that simply do not work.⁴³ Several examples where alternative justice has proven to be already comparatively more effective than conventional justice practices have been the Truth and Reconciliation efforts in South Africa, the use of Gacaca courts in Rwanda during the post-genocide,⁴⁴ and village or customary law trials in Liberia.⁴⁵

⁴¹ See van Hout MC, Mhluanga-Gunda R, “Prison health situation and health rights of young people incarcerated in sub-Saharan African prisons and detention centres: a scoping review of extant literature”, 19 *BMC Int Health Hum Rights*, 2019, and Sarkin J, “Prisons in Africa: an evaluation from a human rights perspective”, 5 *Revista Internacional de Derechos Humanos*, 2008.

⁴² Waller I, *Science and secrets of ending violent crime*, Rowman & Littlefield Publisher, Ontario, Canada, 2019.

⁴³ Farrington D, “Cross-national comparative research on criminal careers, risk factors, crime and punishment”, 12 *European Journal of Criminology* 4, 2015, 386-399.

⁴⁴ See Jones N, *The courts of genocide: Politics and the rule of law in Rwanda and Arusha*, Routledge, London, 2010; Fornet C, *The crime and destruction and the law of genocide: Their impact on collective memory*, Ashgate Publishers, Hampshire, United Kingdom, 2007.

⁴⁵ International Crisis Group, “Liberia: Resurrecting the justice system”, 2006, accessed online at [http://www.crisisgroup.org/~media/Files/africa/west-africa/liberia/Liberia%20Resurrecting%20the%20Justice%20System.pdf](http://www.crisisgroup.org/~/media/Files/africa/west-africa/liberia/Liberia%20Resurrecting%20the%20Justice%20System.pdf). The report begins by pointing out that Liberia, like many other

Often the front line of exposure to the criminal justice system, law enforcement or policing is the cornerstone of how the public views its criminal justice system. The police are generally expected to uphold law and order and public safety. However, in Africa and globally, many countries and their respective communities face a growing number of fiscal challenges⁴⁶ – especially in the aftermath of COVID-19. Such unrealistic demands directly impact the ability to combat crime without the necessary resources and create the risk of police being more subject to bribery and corruption, a general lack of accountability, and a host of other operational and performance challenges. For example, a website⁴⁷ focuses on policing within Africa, and the general theme of the articles is rather bleak. Hence, if it is not possible for a State to provide fundamental protection to its citizens, it poses a considerable risk for crime, social unrest, and a general level of disorder. Even though, as Baker points out in his book,⁴⁸ policing in Africa is undergoing rapid and dramatic change “as a result of democratization, the commercialization of security, conflicts that disrupt policing services, and peace negotiations among former adversaries,” the inability of many states to provide the basic levels of security has spawned a rapid expansion of ‘non-state policing’. Based on his six-year comparative study of non-state policing, Baker offers some insight and ideas as to how, especially in post-conflict countries in Africa, can move forward to improve their system. Also, non-state policing might develop partnerships with state-based policing to provide essential support for the state citizens and enhance overall safety and security within the country. However, it is perhaps worth noting that Africa had well-developed (informal) social control systems before the colonization period by Western governments. But, under the dominance of colonialization by foreign entities, the interest in crime and administration of justice was not a

war-torn countries in Africa has very unstable to non-existent criminal justice systems. Yet, it is observed that a stable justice system is necessary to maintain social order.

⁴⁶ See, generally, Robins S, “Addressing the challenges of law enforcement in Africa”, Policy Briefs, 2009, accessed online at <https://www.files.ethz.ch/isn/112456/NO16OCT09.pdf>; Ashimala J, “Challenges of policing in Africa”, University of Nairobi (unpublished MA Thesis), 2013, accessed online: http://erepository.uonbi.ac.ke/bitstream/handle/11295/74279/Ashimala_Policing%20in%20Africa.pdf?sequence=3.

⁴⁷ See <http://www.africanpolicing.org/articles.php>.

⁴⁸ Baker’s book on policing in post-conflict Africa received the prize for Best Book in Comparative and International Criminology at the American Society of Criminology in 2010. Baker B, *Security in post-conflict Africa: The role of nonstate policing*, CRC Press, 2009.

major focus among most African countries until the mid-1990s, when some African countries began to gain their independence from foreign rule.⁴⁹ Since then, criminology and criminal justice have slowly (see above) begun to gain academic status and acceptability among several post-secondary institutions on the continent.

A specific amount of capacity is required for a state (especially those in post-conflict, instability, or post-colonial influence) to mobilize an effective criminal justice system. The term commonly used these days is ‘transformative justice’ (TJ). TJ can be described as relying on a systems approach to assisting troubled political or criminal justice systems by drawing on restorative justice (RJ) principles and practices to bring about stability. It is rooted in the Canadian scholar Ruth Morris’s⁵⁰ pioneering work, which is grounded in the idea that human capacity offered voluntarily is a far more powerful and effective restorative model than relying on socially proscribed guidelines. As a systems approach, TJ integrates a range of different legal areas to help inform transformation. TJ differs from restorative justice because TJ allows the participating parties to decide on a ‘new’ model of acceptability instead of striving for equity between the victim and offender. There are no assumptions of ‘right and wrong’ ways of reform other than achieving an outcome that restores social harmony. While perhaps easily said, TJ can also benefit from being explored and studied within a comparative context.

As expressed in this article already, virtually no African country would not benefit from attending to the crime and criminal justice issues within a more holistic or comparative context. As criminologists, we are admittedly biased in saying that without attending to public safety and security within the state, it is fundamentally impossible to listen to such matters reliably and consistently as education, economics, politics, etc. It is essential to have a sound foundation upon which the citizens of a state can trust to move forward with a common goal of what is in the best interest of the people and the state in which they reside. Hence, given that few countries can do this on their own, the importance of comparative criminology or criminal justice evidence-based and evidence-informed research can and should be pursued to strengthen public safety and

⁴⁹ Arthur G, “Colonial influence and political development in an African country”, 5 *Criminal Justice International* 1, 1989, 9-16.

⁵⁰ Morris R, *Stories of transformative justice*, Canadian Scholars’ Press, Toronto, 2000.

security among the African countries. Arguably, this could help them move beyond being ‘conflict states.’

While appearing to be an impossible task, perhaps, there is, fortunately, a history and body of evidence that suggests that positive change can be achieved by embracing a comparative approach.

B. Embracing the challenge

In the 1960s, Menninger⁵¹ noted that societies get the crime(s) that they deserve. If a State does not attend to the ills of its community, it will be burdened with the fallout. Therefore, before one can effectively introduce any legislation, a State needs to use evidence-based or evidence-informed findings to apprise legal decisions.

Crime is the product of three elements upon which criminal behaviour can be explained: a criminal act, a criminal intent, and a concurrence of the two. To prevent or reduce crime, it is necessary to know the cause(s) of crime to respond effectively. While there is a wide range of theories that have been used to explain the causes of crime,⁵² there is no definitive theory that all can agree upon.

Up to this point, I have attempted to provide an overview of criminology as a subject of study and demonstrate the importance of including criminology in university curriculums and a call for comparative criminology.

Appreciating the practical and financial challenges to establishing comparative criminology within Africa,⁵³ we will now shift the focus to some pragmatic steps that can be taken to generate the necessary inertia.

Comparative criminal law is a methodology whose main objective is to serve as a technique for studying internal structures of legal knowledge. Since the primary focus of this article is on comparative criminology or criminal justice, the article will next focus on several practical issues that hinder comparative research.

C. The value of comparative (criminology) analysis

⁵¹ Menninger K, *The crime of punishment*, Viking Press, New York, 1968.

⁵² For a general overview, see Tibbetts S, *Criminological theories: The essentials* (3rd ed), 2015. SAGE Publishers.

⁵³ See Mba Johnathan, “Challenges and prospective of Africa’s high education”, GPE, 2017, accessed online at <https://www.globalpartnership.org/blog/challenges-and-prospects-africas-higher-education>.

Comparative analysis is well established in the social sciences. It could be argued that most research is comparative. Is program ‘X’ better than program ‘Y’? Is the adversarial model of justice better than the inquisitorial model? Does social control theory better explain delinquency than differential association? Are centralized justice models better than decentralized justice models?

Relevant to the purpose of this article, several comparative scholars⁵⁴ have identified three primary reasons for engaging in a comparative analysis within Africa. They include:

1. To enrich and extend our knowledge and understanding of how different regions’ or countries’ respective justice systems deal with crime. For example, given the transnational nature of crime and the fact that many countries face the same issues, cross-national comparisons can identify similar problems and challenges that can serve to inform effective responses that “may transcend cultural and political boundaries”.⁵⁵
2. To use the knowledge to make informed policy decisions about how best to respond to crime. The poaching of wildlife is a problem in some African countries.⁵⁶ Comparing the strategies used in different countries can help to identify ‘best practices’ that can be replicated; and
3. To help the nations within Africa to advance criminology and criminal justice theories. As noted earlier, criminology in Africa has been heavily influenced by outside ideas, particularly North American theory, and justice models. Since theory should inform policy and practice, it is essential to test or develop theories specific to Africa and its regions, countries, etc.⁵⁷ Hence, while comparative research cannot test a theory, it can apply it and enable generalizations based on the comparative findings.⁵⁸

⁵⁴ See for example Bennett R, “Comparative criminology and criminal justice theory”, 18 *Justice Quarterly* 1, 2004, 1-30; Reichel P, *Comparative criminal justice systems* (7th ed), Pearson, Upper Saddle River, New Jersey, 2018; and Winterdyk J (ed), *Juvenile justice systems: International perspectives, model, and trends*, CRC Press, Boca Raton, Florida, 2015.

⁵⁵ Reichel P, *Comparative criminal justice systems*, 12.

⁵⁶ See, for example, Anderson B and Jooste J, *Wildlife poaching: Africa's surging trafficking threat*, Africa Centre for Strategic Studies, 2014, accessed online at <https://apps.dtic.mil/sti/pdfs/ADA609335.pdf>.

⁵⁷ Lee M, Laidler K, “Doing criminology from the periphery: Crime and punishment in Asia”, 17 *Theoretical Criminology* 2, 2017, 141-157.

⁵⁸ Winterdyk J (ed), *Juvenile justice systems: International perspectives, model, and trends*.

As with any idea, it has its strengths and limitations. We next look at some of the limitations of comparative analysis.

IV. Limitations when engaging in comparative research

“Comparative criminology is not a special branch of criminology; it is criminology itself” – E. Durkheim.⁵⁹

As described in a range of comparative criminology or criminal justice textbooks,⁶⁰ there are at least five limitations when considering how to engage in comparative (criminological or criminal justice) research. They include:

Language barriers: In a continent as expansive as Africa, there are an estimated 2,000-3,000 languages with up to 8,000 dialects among the countries.⁶¹ Even though these languages are divided into four prominent linguistic families, they are diverse enough to pose a potential challenge unless they can find a common language such as English, French, Spanish, or German.

Definitional or ideological barriers: While it might be possible for researchers to find a common international language to work with, there are likely differences in how crimes and offences are defined between countries, making comparisons difficult. For example, according to Amnesty International, in 2020, thirteen African countries still maintain the death penalty in law and practice.

Cultural barriers: There is no shortage of social and cultural diversity in Africa. For example, the ‘People of Africa’ website states: “There is no continent more blessed with striking beauty and diversity than the African Motherland. And it was this physical and genetic diversity that allowed Africans to parent the rest of humanity. Indigenous Africa is testimony to the full spectrum, of skin tones, hair textures, rich religious and cultural practices.”⁶² Yet as striking as the diversity may be, it poses numerous potential challenges when drawing comparisons.

⁵⁹ Durkheim E, *The division of labor in society*, [1893] as translated by Simpson G, Free Press, New York, 1964.

⁶⁰ See Reichel P, “Comparative criminal justice systems”; Time V and Austin T, *Comparative justice: Off the beaten path*, Kendal Hunt, 2018; and Winterdyk J, (ed), *Juvenile justice systems: International perspectives, model, and trends*.

⁶¹ See <http://africanlanguages.com/>.

⁶² See <http://www.africanholocaust.net/peopleofafrica.htm>.

Reporting and recording practices: It is a reasonably well-documented fact that many African countries do not have the understanding, experience, or capacity to capture adequately (i.e., reliable and valid) crime data.

Administrative differences: In consort with the reporting and recording challenges, the criminal justice infrastructure in many countries or regions of some countries do not utilize any consistent administrative practices.⁶³ In her review of restorative justice practices between six African countries, Gabagami⁶⁴ notes that restorative practices' administration differs between the countries aside from some definitional variations. Similarly, according to Omala⁶⁵ the criminal justice infrastructure in many countries and/or regions of some African countries do not utilize any consistent administrative practice.

Time consuming and costly: Comparative research tends to be more time-consuming and resource-intensive than non-comparative research.⁶⁶

Although the list of limitations is longer than the benefits, most of us who engage in comparative criminology or criminal justice argue that the benefits derived from comparative research can significantly outweigh the challenges should the researchers overcome the obstacles.

There are three major approaches by which to engage in comparative studies. In the next section, the article will provide a brief overview of each of the approaches.

V. Types of comparative designs

“Cross-national research is valuable, even indispensable for establishing the generality of findings and the validity of interpretation from single-nation studies.”⁶⁷

⁶³ See, for example, Gabagami J, *A comparative analysis of restorative justice practices in Africa*, Hauser Global Law School Program, New York, 2018, accessed online at https://www.nyulawglobal.org/globalex/Restorative_Justice_Africa.html.

⁶⁴ Gabagami J, *A comparative analysis of restorative justice practices in Africa*.

⁶⁵ Omala J, “Challenging crime and criminal justice systems in Africa: Towards restoration of Afrocentric justice”, 2009, accessed online at <http://www.restorativejustice.org/10fulltext/omaledonjohn>.

⁶⁶ Salkind N (ed), *Handbook of research design* (Volume 1), SAGE, 2010, 124-131.

⁶⁷ Kohn M, “Cross-national research as an analytic strategy”, 52 *American Sociological Review* 6, 1987, 713.

As Reichel,⁶⁸ among others, has noted, “descriptive accounts are the necessary first step in developing and advancing the field of comparative criminology and criminal justice.” And although comparative criminology has evolved from simply descriptive accounts to more analytical activities, it is necessary to establish a descriptive comparative foundation before embarking on theory building and theory application in Africa.

In the remainder of this section, the article provides an overview of three different typologies that can be used. Each has its strengths and weaknesses, but each has been proven effective for conducting comparative criminological or criminal justice research.

One of the earliest attempts to develop a comparative design or typology was the work of Kohn in 1987.⁶⁹ Kohn’s models focus on how a country is or can be studied. His approach includes four cross-national research models:

Perhaps the most common method involves **case study comparative research**. With this approach, one compares societies or cultural units. Countries are the ‘object’ or unit of analysis. For example, how did the ICTR (International Criminal Tribunal for Rwanda) compare to the Hybrid Tribunal of Sierra Leone?⁷⁰

Cultural context research focuses on themes or issues in particular cultures to identify and clarify similarities in how different cultures address an issue. For example, how organized crime is dealt with in other regions of Africa and why various social, political, and economic variables affect differential response among the countries studied.⁷¹

In **cross-national research**, the focus is on how groups of countries compare in terms of one or more unique variables (e.g., crime rates, poverty, literacy rates, etc.).

The final model described by Kohn⁷² is the method of **transnational research**. This approach is one in which a researcher uses a multi-nation unit

⁶⁸ Reichel P, *Comparative criminal justice systems*.

⁶⁹ Kohn M, “Cross-national research as an analytic strategy”.

⁷⁰ For an analysis of the Tribunal situation in Rwanda see Jones N, *The courts of genocide: Politics and the rule of law in Rwanda and Arusha*, Routledge, London, 2010, and for an review of the situation in Sierra Leone, see Friedman R, *Restorative justice in Sierra Leone: Promises and limitations*, Palgrave, 2015.

⁷¹ See, for example, Prinsoloo J and Nadue B, “Organized crime and corruption in South(ern) Africa” in Winterdyk J, Reichel P, and Dammer H (eds), *A guided reader to research in comparative criminology/ criminal justice*, 2009. Bochum, Germany: Universitätsverlag Dr. N. Brockmeyer. (Ch. 2:).

⁷² Kohn M, ““Cross-national research as an analytic strategy”.

(e.g., comparing African regions based on their legal models, economic development, etc.). With this approach, the focus of the research adopts a globalization perspective, and the focus is not on individual nations per se but international systems or practices.

The second typology is that of Jon Vagg.⁷³ His model includes four approaches as well. They include:

Linkage variables: the researcher(s) attempt to link crime or criminal justice trends to shared economic, political, and social denominators. For example, Ivkovich and Sauerman,⁷⁴ in their book on South African police integrity, compare South African policing with several other countries within an economic, political, and social context.

Explaining dissimilarity: based on a particular question, two or more countries can be examined with a comparative focus. For example, how does the crime control model of juvenile justice in one country compare to the welfare model in another country?⁷⁵

Highlighting similarity: with a practical orientation in mind, broad generalizations are drawn by summarizing material on a specific question. For example, using data from the crime victimization survey, Naude⁷⁶ identifies some common characteristics that may contribute to crime in the sub-Saharan countries.

Indicating consequences: international comparison results from regional or international developments are a way to show what consequences may flow from a particular development. For example, one might want to explore the relative impact and effectiveness of the Truth and Reconciliation process in South Africa with the Gacaca Courts in Rwanda in the aftermath of the genocide in the mid-1990s. What has the long-term aftermath of these alternative judicial processes been on the culture, peace, and restorative impact?

Bennett's⁷⁷ comparative typology also involves four dimensions with additional delineation by study (i.e., methodology) type under each dimension. The final comparative typology represents an extension of Kohn's⁷⁸ initial

⁷³ Vagg J, "Context and linkage: Reflections on comparative research and 'internationalism' in criminology", 33 *British Journal of Criminology* 4, 1993, 541-554.

⁷⁴ Ivkovich S and Sauerman A, *Police integrity in South Africa*, CRC Press, Boca Raton, Florida, 2020.

⁷⁵ See, generally, Winterdyk J, (ed), *Juvenile justice systems: International perspectives, model, and trends*.

⁷⁶ See Naude W, "Natural disasters and international migration from sub-Saharan Africa", 6 *Migration Letters* 2, 2009, 165-176.

⁷⁷ Bennett R, "Comparative criminology and criminal justice theory".

⁷⁸ Kohn M, "Cross-national research as an analytic strategy".

typology Bennett.⁷⁹ Table 1 provides a graphic illustration of Bennett’s typologies for the study of crime and justice.

Table 1: Bennett’s Typology of Studies of Crime and Justice⁸⁰

Approach	Scope	Data	Design
Descriptive	National	Qualitative	Cross-sectional
Analytic	Multi-national	Quantitative	Longitudinal

While Kohn’s typologies allow one to identify different ways in which comparative studies can be conducted, Vagg’s typologies focus on how comparative studies can be accomplished through focusing on other relationships between what is being studied, while Bennett’s typologies encourage the researcher to select items as if one ordered from a restaurant menu. By choosing an item under each column, one gains a complete picture of the research project.

Regardless of the typology one uses, the comparative approach can also be categorized according to their general themes or comparative criminology and or criminal justice approaches. As detailed in Reichel,⁸¹ they include:

Historical approach: how might earlier experiences help to inform us about the present and guide or inform the future? For example, by studying the history of the events that led to the genocides in Rwanda and Darfur, can lessons be learned to reduce the risk or likelihood of such events happening again?

Political approach: how do politics affect nations’ interaction, and how is a country’s legal tradition affected by politics? For example, how might or can different political approaches in other African countries help explain women’s legal status, minority groups, etc.?

Descriptive approach: what are the main components of a justice system (e.g., juvenile justice systems), and who are the main actors in different justice systems and or models? For example, Winterdyk⁸² has identified six models of juvenile justice around the world. Although only two African countries have been included (i.e., Namibia and South Africa) in the book,

⁷⁹ Bennett R, “Comparative criminology and criminal justice theory”.

⁸⁰ Bennett R, “Comparative criminology and criminal justice theory”.

⁸¹ Reichel P, *Comparative criminal justice systems*.

⁸² Winterdyk J, (ed), *Juvenile justice systems: International perspectives, model, and trends*.

different juvenile justice models are used within Africa. What might be their respective strengths and weaknesses?

Socio-philosophical approach: how do different countries view the causes of youth crime, fraud, etc.? This approach allows one to understand how social, cultural, and political ideologies can impact social and criminal justice.

Analytical-problems approach: as described in Winterdyk et al.,⁸³ this is a more challenging method to employ in comparative research. The approach emphasizes the development of theory and testing of such theories.

Before we move into the final section of the article, it is noted that regardless of what method one chooses and how we use it, it is crucial to recognize that the decision process is “intimately linked to the substance of what we find or think we find.”⁸⁴ Furthermore, before deciding which data or information technology is used, one should decide what end the data will be used for.

VI. Defining boundaries of comparative criminology or criminal justice within the African continent

Both from within Africa and from scholars outside of Africa, there is a general sentiment that the study of criminology and criminal justice has room for growth in Africa.⁸⁵ However, it is also apparent that several notable challenges must first be overcome before criminology or criminal justice can begin to gain a presence and acceptance that will promote decision-making about addressing the numerous social injustices and crimes that exist throughout the continent.

While it is not possible to provide any concrete data on the true extent of crime throughout Africa, there is sufficient anecdotal evidence (e.g., genocide, piracy, human trafficking, smuggling, corruption, etc.) that have garnered international attention to prompt most foreign countries to warn travellers as to the potential safety or risk of travelling to certain Africa countries or perhaps

⁸³ Winterdyk J et al. (eds), *A guided reader to research in comparative criminology/criminal justice*.

⁸⁴ Nelken D, *Comparative criminal justice and globalization*, 100.

⁸⁵ See, for example, the commentary on the website of Independent Institute of Education based in Johannesburg, RFA. See <https://www.iiemsa.co.za/criminology-and-criminal-justice/>.

more precisely specific major urban centres.⁸⁶ Overall, however, Africa is arguably no more unsafe than other parts of the world. Still, those areas most affected by poverty, family, or political instability are prominent (regardless of where one lives in the world) and are places to either avoid or visit with a sense of caution. Yet, as Prinsloo and Naude⁸⁷ pointed out in their survey of businesses in South Africa, “commercial fraud is regarded as South Africa’s most serious problem” but “only 20 percent of the 60,000 reported cases annually result in convictions in court.”

As discussed earlier, there is a slight advantage to remaining provincial toward dealing with crime and or social disorders. The issues that confront African nations are not dissimilar from those that are expressed in other parts of the world. In fact, given that crime is omnipresent, it is deemed paramount that we work collaboratively to describe, understand, predict, and ultimately control crime.

Also, as explained earlier, there are various ways in which researchers can begin to engage in comparative criminology or criminal justice. Scholars will hopefully start to engage in a more sustained and concerted effort to address crime or criminal justice within Africa. The following points are offered to help nurture and sustain such efforts. A failure to do so will hinder the progress of safety and security within Africa. As evidenced and expressed in this article, it will continue to have a more wide-reaching global impact. Hence, the following points are offered for consideration:

1. There is an apparent lack of intentional operationalization of theoretical models and what Newman⁸⁸ describes as consistent measurement models. Any comparative analysis should not be limited to just ‘borrowed theories’⁸⁹ and theoretical models for analysis. Instead, states should use the international platform and

⁸⁶ For example, one of the United States business travel sites ranks (4 point scale) the relative risk of travel or working in African countries. Relative to the other continents, Africa has several countries where travel is not advised. Kenya is listed as a ‘Level 2: Exercise Increased Caution’ while countries like Sudan, Somalia, Central African Republic, among others are classified as ‘Level 1: Do Not Travel’. For a complete breakdown see <https://www.businessinsider.com/africa-vacation-travel-warnings-us-state-department-2019-6?IR=T#burkina-faso-level-3-reconsider-travel-7>. However, there are a number of countries that have a Level 4 designation – meaning ‘exercise normal caution’ (e.g., Togo & Namibia).

⁸⁷ Prinsloo J, Nadue B, “Organized crime and corruption in South(ern) Africa”, 82-83.

⁸⁸ Newman R, *Social research methods: Qualitative and quantitative approaches* (7th ed), Pearson, Essex, United Kingdom, 2014.

⁸⁹ Reichel P, *Comparative criminal justice systems*.

- comparatively unexplored crime and criminal justice environment in Africa to engage in theory-building or theory application deemed applicable to the situation.
2. Hosting a forum or inviting contributions to identify criminological or criminal justice priorities within Africa.
 3. The international community must assist and support comparative criminology or criminal justice research that directly values African states.
 4. African universities should explore inviting or collaborating more closely with foreign scholars or researchers to assist with comparative research. This may require foreign scholars to accept considerably less remuneration than what they are used to. Still, lessons can be learned from such organizations as Doctors Without Borders and the like.
 5. Foreign universities can explore sponsoring African criminology or criminal justice students to study abroad with the proviso that their education is focused on comparative research.
 6. Foreign and African universities might explore arrangements or partnerships whereby foreign comparative scholars can supervise African graduate students.
 7. Foreign and African universities might explore offering web-based courses that focus specifically on comparative criminology or criminal justice-based issues.
 8. Organizing academic or non-academic partnerships which might be willing or able to host a symposium or conference like the symposium hosted at the Max Planck Institute in April 2012 on Comparative Criminal Law in Africa.⁹⁰
 9. Approach a publisher or journal to invite a Guest Editor to produce a Special Issue on comparative criminology or criminal justice that could also be used as a resource or textbook in African university sociology, criminology, legal studies, or any other relevant course. Consideration could also be providing the issue online for a nominal fee.

⁹⁰ The author was an invited speaker at the conference.

VII. Conclusion

Crime is omnipresent⁹¹ and impacts the safety and security⁹² of any nation that strives to control and or prevent it. However, as discussed in this article, criminology and criminal justice post-secondary programs are not as well established throughout Africa as in Europe, Australia, and North America. However, if the African continent is going to curb its varying crime problems (be they property, violent, or transnational crimes), there is a need for more universities throughout the continent to offer such programs. Additionally, crime is universal, and the causes (e.g., poverty, opportunity, lack of guardianship, dysfunctional family dynamics, etc.),⁹³ therefore, as noted in this article, comparative criminology and or comparative criminal justice programs are even more scarce in Africa. Therefore, this article attempted to provide an overview, justification, and approaches by which universities throughout Africa can expand or begin to embrace comparative criminology and criminal justice research within their institutions was presented. The article concluded with several recommendations as to how such an initiative could be actualized, or where such programs might currently exist, how these programs could be further enlivened.

Finally, while this article has focused on the situation in Africa, the issue is not unique to Africa.⁹⁴ However, given some of the security and safety issues that can be found through Africa, the article focused on how universities can expand or explore the value of promoting and supporting comparative criminological and comparative criminal justice research. Yet, it is recognized that there are no easy

⁹¹ Power P, Crime, crime everywhere, Bridge Michigan, 2015, accessed online at <https://www.bridgemi.com/phils-column/crime-crime-everywhere>.

⁹² See Oberheiden N, “Defending against national security threats”, 11 *The National Law Review* 1, 2021, 313.

⁹³ Crime is complex and there is no one explanation that can explain any single crime, let all crime. This is one of the reasons why it is necessary to have dedicated programs that not only teach about the causations of crime but also engage in related research. It is noted that many universities throughout Africa offer law programs but as the 4th President of the United States once noted, if the laws are so voluminous that they cannot be read, and so incoherent that they cannot be understood (by the average person), [as cited in Power P, Crime, crime everywhere, Bridge Michigan, 2015, accessed online at <https://www.bridgemi.com/phils-column/crime-crime-everywhere>], then how can we expect to control or prevent crime simply through more legislation?

⁹⁴ See, for example, Winterdyk J, “Global criminology: A ‘news’ perspective for criminological inquiry?”, 11 *Pakistan Journal of Criminology* 4, 2019. 33-54.

solutions and only by opening the dialogue will we begin to find a collective path that will hopefully result in the positive changes that Africa is so deserving of having.