"ROBBERY WITH VIOLENCE IN KENYA"

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A THESIS SUBMITTED IN PARTIAL FULFILMENT FOR THE DEGREE OF MASTER OF ARTS IN SOCIOLOGY IN THE UNIVERSITY OF NAIROBI

APRIL 1991

THIS THESIS IS MY ORIGINAL WORK AND HAS NOT BEEN PRESENTED FOR A DEGREE IN ANY OTHER UNIVERSITY

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ACKNOWLEDGEMENT

I take this opportunity to express my gratitude to all contributors to the formation of this paper.

My special thanks are due to both Professor Erasto Muga and Dr. George Bagamuhunda for their supervision, support and inspiration.

I also wish to sincerely thank Nelly Thiaka for her secretarial efforts in producing this paper.

Thanks are extended to Mr. B. M. Mucheke and Mr. P.N. Njiru without whose tolerance and understanding I would not have reached this stage.

DEDICATION

To my wife Esther Nyambura and particularly to my mother Mary Wanjiku Nga'ng'a, who lost and gained part of the world through violence.

A B S T R A C T

The study empirically examines robbery with violence not as an isolated criminal event, but as a reflection of conflicting property relations within the Kenyan Society. Thus robbery with violence is viewed as a likely outcome of interaction between the propertied and non-propertied classes.

The main areas of the study involve; the underlying conditions influencing robbery with violence in Kenya, the distribution of the violent robbers in the socio-economic arena, the real and/or latent motives of injurious violence on the victims during robbery, and the offenders' attitudes in relation to the perceived socio-economic reality in which they live and operate. The paper also examines the habitual and non-habitual robbers in terms of the family background from where they originated.

The data analysis seems to support the view that robbery with violence is not independent of the existing social structure and that violent robbers are not necessarily originating from the poorest of the society. However, a proportionately large number of the low class is more involved in robbery with violence because of restricted access to material prosperity due to low education, low incomes, joblessness and other economic deprivations. The findings therefore imply that socio-economic disparity is the main determinant of engagement in robbery with violence.

An equally important finding is that victims' resistance is crucial in determining the occurrence of physically injurious violence in-spite of whether or not the robbers are heavily or lightly armed during the raid.

It is recommended that more liberal policies be designed to maintain full employment and promote equality of opportunities which would facilitate the integration of masses of jobless people into the economic mainstream. There should be easy access to education, wealth, employment without discrimination hence reducing economic frustrations which lead to exploration of illegal property ownership. Employment can easily be created by government's commitment to bottom-up development activities which include rural electrification, roads construction, state firms all of which would indiscriminately absorb both the literate and illiterate persons idling about in the urban areas and countryside.

The study was undertaken in four principal prisons in Kenya namely, Kamiti, Naivasha, Shimo-la-Tewa and Kisumu (Kodiaga). Using a proportionate random sampling, data was gathered from 200 convicted violent robbers, 30 convicted murderers and 35 convicted rapists.

Finally, the Thesis has brought into focus the existence of diverse criminological thoughts and the writer's minimum aim will have been achieved if it acts as a starting point for further research on the increasing crimes against property in Africa.

I N T R O D U C T I O N

Robbery with violence in Kenya is a study that may be called an introduction to Kenyan criminology. Its aim is to bring unity between conceptual and theoretical criminological ideas on the one hand and the empirical reality on the other. The reality is that armed violent robberies are both personal and social tragedies which more often that not precipitate human and material loss which is of concern to everybody.

The model adopted in this study acts as the screen in which theories, ideas and themes are processed, supported, dismissed or modified.

At one level, the study concentrates on describing phenomena in terms of their occurrence, direction and magnitude. Here ideas and subjects area classified into patterns and regularities as observed by the researcher.

At another level, the same patterns and regularities are interpreted and given an explanatory value in terms of causes and consequences. The main aim is to reconcile general criminological theories with empirical reality of our conditions.

The study attempts to see robbery with violence in Kenya, as a criminological study which is both etiological and a process, and which may enable us to devise appropriate strategies of not only reforming the criminal, but also providing the potential victims with information on how to head off brutal attacks during robbery with violence.

Finally the study intends to show that robbery with violence is not just a crime for the lowly in society but a phenomenon to be found in all social strata especially the more overcrowded and rapidly expanding major urban centres of Kenya. However, the dictates of combination of forces - social, material, psychological and familial - seems to be the prime cause of crimes of property in general and robbery with violence in particular.

TABLE OF CONTENTS

Chapter Five

CHAPTER ONE

1. PROBLEM STATEMENT

The purpose of this study is to find out the nature, extent and causes of robbery with violence in Kenya. In addition, the researcher intends to examine critically the use and non-use of physically injurious violence during robbery. It should be noted that when violent offenders confront the victim (property owner and/or guardian) they may either use psychological threats or physical violence or both. In some instances the combination of the two may be applied. Therefore, this investigation has been undertaken as an

attempt to unearth the specific conditions under which the violent robbers are compelled to physically injure the victims. Thus, violence which is a crucial component of robbery is given special consideration.
Attempts have been made to go beyond the criminological studies that treat robbery with violence in the same way they treated ordinary theft.

The study also intends to find out the manner in which violent

offenders are distributed in the social-economic structure. Such questions as whether or not robbery with violence is concentrated in one social stratum are raised and cautiously tackled. This has arisen out of the need to provide an

empirical clarification on the positivistic criminologists' position that lower class citizens are both the suspect and the actual criminals without a good explanatory value.

There is little doubt that robbery with violence in Kenya has been on the increase in recent times. This apparent increase has become both an individual and societal issue. There is need for an indepth analysis to provide an understanding that is relevant to our contemprary experience.

1.1 Rationale of the Study

Robbery with violence is a critical issue in that it involves loss of life and/or destruction of valuable property. It is the most serious of all other crimes of property since violence, may, and usually does, precipitate death of the victims. Perhaps, it is this realization that led the government of Kenya to pass the harshest of all forms of punishment in 1972 not only for the commission of the crime but also for any attempts to commit it.

The most practical value of this study rests upon filling theoretical and methodological gaps in the existing criminological studies. The researcher feels that little has been achieved in synthesizing both theoretical and

empirical schemes to reflect more accurately the changes about crime in the country and in our time. By implication, the researcher tends to reject the philosophy of universal essences. Every country at any time has characteristics peculiar to itself.

The foregoing argument has been practically demonstrated by the tendency of African criminological policy administrators to "Copy" recommendations of findings derived from European criminological literature. This, in turn, has meant that little effort has been devoted to encourage local African researchers to study our peculiar conditions giving rise to criminal behaviour. For instance, in Kenya there is only one study on robbery with violence by Professor Erastus Muga (1980)[1] and its main concern is the nature and causes of crimes in general. The other study is Professor Mushanga's (1967)[2] on Homicide in Kenya.

It is therefore, the aim of this study to give robbery with violence its proper perspective in criminology. There is a great need to attack it as a crucial issue not only in Kenya, but also elsewhere, where it has attracted remarkably little academic treatment within an adequate explanatory framework.

The vast plethora of criminological literature in our libraries is too general and fails to give the study of robbery with violence a proper perspective.

An analysis of robbery with violence involves more than the mere mechanical application of theoretical constructs to selected sets of empirical data. Attempts will be made to construct a better conceptual framework within which empirical data can be analysed and interpreted adequately. Thus, the existing theoretical models will provide the researcher with guidance and the findings will be used to modify our existing literature. When this is done it will constitute a significant contribution in the attempt to "formulate theories that give meaning to our experiences" (Quinney 1968: 4)[3].

1.2 Objectives of the Study

In a nutshell the objectives of this study are:-

(i) To specify and explicate the factors precipitating robbery with violence in Kenya.

(ii) To establish the distribution of violent offenders within the socio-economic class.

(iii) To establish the specific conditions under which physically injurious violence is brought to bear on the victims during the offender- victim interaction, or, to specify whether physical violence in robbery is victim precipitated.

(iv) To determine the robbers' characteristics, particularly their family background.

(v) To show the relationship between the kind of weapons used during robbery and the nature of violence.

(vi) To find out robbers' attitude towards the crime in general.

(vii) To understand robbers in terms of their perception of the social and economic reality in which they live and operate.

References

1. Erastus Muga, Robbery with Violence in Kenya, East African Literature Bureau, Nairobi 1980.

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CHAPTER TWO

2.0 LITERATURE REVIEW

In this part of the study the researcher attempts to present a review and a critique of some of the past and current theoretical perspectives in criminology.

2.1 Crime and the Social Structure

This approach blames the criminal activity on the social structure since the existing social conditions are "largely deterministic and independent of the individual" (Netter 1974:134)[1]. The first development of the theory was by Emile Durkheim (1858-1917)[2] which portrayed that declining societal constraints led to anti-social behaviour such as suicide. These constraints were referred to as "Anomie" or " States of Normlessness".

According to Merton (1938)[3] anomie refers to the disjuncture between " cultural goals (materials, wealth and power) and institutional means to achieve them. Such states of anomie are experienced when there is cultural emphasis on cultural goals whereas the institutional means to achieve them are lacking" (Clinard and Meier, 1985:69)[4]. This position is supported from numerous sources. For instance Netter 1974 recognized the same viewpoint "... crime breeds in the gap between aspirations and possibilities".

Merton has further noted that states of anomie result in different modes of adaptations as shown in the table here below:

Table 1: A typology of modes of individual adaptations.

MODES OF ADAPTATIONS	CULTURAL GOALS	INSTITUTIONAL MEANS
Conformity	+	+
Innovation	+	-
Ritualism	-	+
Retreatism	-	-
Rebellion	+	+
	-	-

* Source: RK Merton, Social Theory and Social Structure, page 40 Copy-right (c) 1968 by Free Press.

Conformity, where both the means and goals are accepted resulting in a relatively stable society. The researcher also recognizes that for any stability in a given social formation there has to be consensus among its members over a given time period.

Innovation, where goals are accepted and means are rejected. For our purpose robbery with violence fits well in this mode of adaption. This is due to the fact that violent robbery is viewed as an alternative but illegal means of pursuing the conventional goal of monetary success when the legal avenues are lacking.

The same view is shared by two African criminologists (Muga 1980)[7] and Mushanga 1976)[8] who feel that robbery with violence is the most efficient and convenient means of achieving criminal aspirations.

Ritualism, where the cultural goals are rejected and the means are accepted. The behaviour in this state is expressed both ritualistically and neurotically. Most criminologists have linked this behaviour to the bureaucratic tendencies in most of our modern formal organizations.

Retreatism, where both cultural goals and institutional means are rejected. It is argued that such individuals include psychological cases like psychoneurotics, alcoholics, and habitual drug addicts. The researcher characterises the members of this category as those having learned the cultural goals, lack the legal means to realize them. Ultimately they withdrew from reality most likely becoming psychological escapists.

Rebellion, where both goals and means are not only rejected but also substituted. The author finds this activity tantamount to revolutionary changes in a given social structure. It is possible to classify this category as radical-militant ideologues. The author's view is that the so called extremists and fundamentalists in the world today fit into this mode of adaptation.

Merton has asserted that the five modes ofadaptations are largely expressed in the lower class stratum. According to the author, this portrays a value judgement.

Merton's perspective though one of the most supported criminological positions, came under some barrages of attack. First, the theory has faulted by lumping all the lower class citizens as the bastion of criminal activities. The researchers holds that criminal ventures and particularly robbery with violence cannot be a game plan for one class of individuals. The law is assumed to be too wide and ambiguous that breaking it occurs wherever and whenever one is trying to observe it. In other words criminal behaviour is so pervasive that it is inconceivable to imagine of an individual or group who has not been party to it. It is for this reason therefore that

the theory of anomie is viewed as class biased (Netter 1974: 121-123)[9]. Reinman (1984:66)[10] asserted that both rich and poor classes are potential criminals but the lower class citizens are likely to be apprehended and convicted to longer prison terms than the rich who commit corporate and white collar crimes. Similar exposition was made by Sutherland (1949:11)[11] when he declared that he was amazed by the rate of white collar crimes in America which went without legal prosecution.

The researcher views crimes as political in that rulers make rules to protect their interest. More often than not the rulers break rules and usually go unprosecuted. If they are persecuted they may escape through effective legal representation. Thus, the researcher believes that crime is not limited to one social stratum rather it is found virtually in any part of the population.

Another weakness with Mertonian theory is the premise that "delinquency subcultures are formed by the lower class youngsters who are blocked in their ambition for improvement in economic position" (Short, 1974: 5)[12]. This statement implies that the driving force for the formation of delinquency subculture is the unbridled human ambition.

Also implied is the fact that, without ambitions the existence of delinquency subculture would not be possible. But we know that most slum dwellers who may be usually associated with criminal subculture are persons who are struggling against all odds to meet their basic necessities. For them struggle is not for luxurious consumption beyond shelter, food, clothing and educational opportunities. It is to secure the same basic needs for survival. Men and women in slum and shanty environment are trapped in a web of material deprivation from which they are unable to free themselves. A preliminary survey by the Daily Nation of some areas in Kenya, Mathare, Korogocho and Kawangware - has shown that the government has admitted to the suffering and displacement of these people and much of its efforts at present has been directed toward these areas. The majority of non-governmental organizations have found it necessary to justify their usefulness by channelling most of their services in these areas.

It may be appropriate to invoke the Maslow's theory that basic needs must be satisfied first before higher needs in the needs hierarchy are subject to consideration. Ambition is a higher social, economic and political need that comes only after the body has been properly nourished. If Merton's theory were attributing the "Professional thief " depicted by Sutherland (1973)[13] to the human ambition then it would be subject to less

criticism. This is due to the fact that the "Professional thief is one who has both intelligence and wealth and the driving force is the need for recognition and self-actualization.

On the other hand, the slum dwellers have no alternative but to organize criminal groups through which they can obtain basic goods illegally. The subculture of delinquency may therefore be useful in providing its members with a framework within which all deviant activities are rationalized and justified. It may be that survival for the socially and economically handicapped is through what is regarded as criminal behaviour.

Mertonian theory portrays a theoretical narrowness. It lacks a wide-view which permits inclusion of a wide range of variables.." It ignored important factors such as urbanization effects". (Bagamuhunda PHD 1973:199)[14].

According to this criminologist, the current trend is toward the use of multiple factors rather than a single factor to explain criminal activities. The researcher holds that crime is a complex of sociology and psychology on the one hand and biology on the other and therefore it should be treated as an interdisplinary affair ... **"a much desired position in**

criminological circles rather than using a frozen frame of reference," (Clinard (1967:118)[16]. Finally, it has been observed by Cohen (1966)[17], Gibbons and Jones (1975)[18] and (Thio 1973) that the principal inadequacy of anomie theory is that it puts too much emphasis on individual adaptations to disjunctions hence it is atomistic and individualistic. In other words, it treats "an individual as an actor whose involvement in criminal behaviour is not affected by his reference group in which he finds identity, "Cohen (1965:8)[19].

2.2 Theory of Delinquency and Opportunity.

This was formulated by Richard A. Cloward and Llyod E. Ohlin and "constitutes the most prominent application of Merton's and Cohen's ideas to the explanation of juvenile delinquency and in particular, to that of urban gangs," (Netter 1974: 157)[20]. It is also referred to as opportunity-structure and concerns working class youth who are especially handicapped by widespread injustice - particularly economic - in their efforts at success (Vaz and Lodhi, 1979: 116-117)[21]. It is also held that lower class youth are culturally led to want more conventional goals than the legitimate means can satisfy. Consequently, the unfulfilled promise generates intense frustration which may lead to

a defiant conduct. The theory rests upon two assumptions:

(i) differential existence of illegal opportunities.

(ii) differential existence of legitimate opportunities.

Granted that both illegal and legal opportunity systems exist differentially for different social groups, the form taken by defiant behaviour depends on both the situation of disjunction and the opportunity to engage in defiant conduct, (Gibbons and Jones, 1975:90)[22]. Moreover, the theory asserts that the gap between desires of the lower class citizen and his legitimate opportunities is greater than the discrepancy between the aspiration of the middle class and legitimate opportunities. The theory postulates that the lower class having been faced by unrealistic goals are unable and/or unwilling to revise them downwards. They therefore, continue aspiring for middle-class values (of morality and wealth) thereby being subjected to cultural constraints.

The researcher sees the cause of defiant behaviour by lower class youth as being largely due to structural constraints such as lack of access to expensive education while ticket to middle-class values is by and large through education attainment. Today in developing countries the major source of opportunity

which is so limited, is through education. To acquire good education presupposes having a wealthy family which can afford the sponsorship. Thus the lower class citizens who are already unable to service efficiently their basic needs find themselves caught up in a self perpetuating web of deprivation. To provide education to all the people in a society is political. It is the government that influences the social-economic arrangement which in turn determine the opportunity available for an individual's position in that system.

Cloward and Ohlin specify two kinds of subcultures which are available for those confronted with more illegal opportunities.

First, conflict subculture, predominantly composed of fighting gangs, emerges in areas where there is minimal integration of criminal and conventional values, where organizational stability is stunted, and where neither legitimate nor illegitimate opportunities for success are available. Second, retreatist subcultures, where groups of youth are driven by intense search for sensory experience. These include boys who suffer "double failures" in both criminal and conventional worlds and retreat into isolated world.

According to the researcher the behaviour adopted with any one group depends much more on the position of that group in the

wider socio-economic arrangement. If, for instance, a group of people find itself in a situation where to replenish their physical and mental growth is difficult they may retreat into psychological hopelessness. On the other hand, some groups may find themselves in a situation where they are physically capable of exploiting the illegal opportunities and therefore able to go on without withdrawal mechanism. It is felt that those in white collar jobs have more illegal opportunities than the blue collar persons since society is usually slow in punishing them. For instance, a person may embezzle funds on more than ten occasions without arrest and/or prosecution while a violent robber may be arrested on mere suspicion.

2.3 Focal Concerns: A Class Culture Perspective

This perspective was advanced by Walter B. Miller. He argues that the lower class culture which is a distinctive tradition exerts the most direct influence on gang delinquency. This way, the lower class culture is treated as an isolated entity, which has almost no links with the wider social structure. Miller summarized lower class life as characterized by attributions (focal concerns) such as toughness, violence, trouble, smartness, excitement, fate and autonomy. The argument is that "these are configurations of values,

attitudes, and expectations of conduct that are of consuming interest in the daily affairs of these people" (Vaz and Lodhi, 1979: 117)[23]. These values are diametrically opposed to those of middle-class which emphasize responsibility, honesty, obedience and other lawful behaviour.

According to Miller, juvenile delinquency derives "from socialization in female-headed households which creates identity problems that are worked out on the street with the gang" Short, 1974: 30)[24]. For him female based households are usually dominated by one or more females, e.g. mother and/or older daughters, who occupy a variety of roles (legitimate and illegitimate) in order to keep the family socially, economically and psychologically intact. Because of irregular presence of male figures, children, usually boys, reared in such families face problem of sex-role identification. This is partially overcome through continuous interaction with male peers in the neighbourhood where they establish their sense of masculinity, status, and group identification (Vaz and Lodhi) 1979: 118)[25].

Miller has faced several criticisms. He is accused of using the consequences of the events as the cause of the behaviour. In other words, the theory is tautological in the sense that the observed criminal behaviour is used to explain

the same behaviour. Miller failed to take his analysis right down to the prevailing social conditions which give rise to and perpetuate the focal concerns which are themselves criminal activities. Furthermore, not only the lower class express aggression but also the middle-class since momentary anger and hostility is part of human nature. Every individual has the potential to act tough and aggressively to protect his identity. Whereas the lower class may express their aggression through person to person combat, the middle-class may use their own resources to sponsor another party to demonstrate aggression but only in an indirect way.

Another criticism relates to the assertion that the blamed delinquency rests upon. Mere presence or absence of one parent may not contribute significantly to delinquency. It would be useful to explore the particular family conditions or relationship to which the children are subjected. To investigate the quality of such relationship would be valuable.

2.4 Control Theories

Control theories tend to explain how people conform to or integrate into the system (Netter 1974:138)[26]. The approach

of viewing social reality from consensus dimension goes back to the work of Durkheim, the early French Sociologist (Clinard and Meier (1985: 74)[27].

In this view criminal behaviour emerges from the relative absence or frailty of effective control. Effective controls are best learned during the socialization process (Vaz and Lodhi 1979:121)[28].

The main task is to train people to control themselves not to steal or destroy the property of others and to respect the inviolability of others. What is significant is the strength of ties (both internal and external) between the individual and the convention order, that keeps check of potentially anti-social behaviour.

Walter Reckless says that people are restrained from violation of rules through their inner and outer containment - immediately surrounding the person is a structure of effective and ineffective containment (Reckless 1967: 475)[29].

Travis Hirschi has elaborated control theory and refined it in a direction that has received the most empirical support. He identified a number of dimensions along which social control varies (Hirschi 1969: 26)[30]. He suggests that attachment refers simply to the strength of our ties to others, especially to others who matter to us. Commitment deals with

the devotion of the person to conventional ways of doing things; presumably those actions will be avoided that will jeopardize chance of success. The dimension of involvement refers simply to the time available for activities. The greater a person's involvement in conventional events, the less time is available for illegal activities. At this juncture one can say with certainty that most violent robberies involve persons who are unemployed or casually employed and therefore have a lot of idle time to engage in illegal activities.

The other dimension of control is beliefs which refers to the attitude of people towards conformity to rules. The less a person believes in conformity to rules the greater the probability of his violation of the rules. From this analysis, Hirschi is able to conclude the absence of control increases the likelihood of delinquency.

Hirschi's theory that when juveniles' bond to conventional order is severed, they are freed to commit delinquent acts is also supported by Colvin and Pauly (1983). However, the researcher recognizes that the theory fails to explain the specific causes of bonds, and how they are severed when it happens. The researcher's view which concurs with Colvin and Pualy (1983)[32] is that bonds are ideological orientations

towards authority that are learned during individual interaction with agents of socialization in specifically structured patterns of control. The view concurs with Etzioni (1970)[33] who demonstrated the relationship between power wielded by authorities and the ideological involvement of subordinates.

The researcher holds that the lower class stratum which is highly marginalized in terms of resources and power is subject to coercive forces from authorities every time they behave in a manner inconsistent with the ruler's interests. It may be that common experience arising from marginalization propels the victims to form criminal groups (subcultures) from which they pursue desired goods and services through unconventional means.

2.5 Labelling Hypothesis

The theory assumes the existence of a discriminating authority that puts label to others. Labelling theory mostly looks for the cause of behaviour in the person who responds to it (Netter 1987:209)[34]. In other words, it centres upon interaction between defiants and the official agents of social control and the consequence for individuals who have been labelled defiant (Clinard and Meier 1985: 78)[35]. Delinquency

should be viewed as a reaction of the offender to the label fixed upon him. This picture has been expressed more lucidly ".... the labelled person...the stigmatized person may be unable to act in any way different from the role ascribed to him" (Netter 1974:202)[36].

Thus, labelling perspective regards deviance as a problematic, matter of social definition (Gibbons and Jones 1975: 124).

Looking at this theory, one finds it difficult to explain the initial defiance. How does it explain the original sin before any labels were mounted? What is in a label that may be attributed to robbery with violence? How practical is labelling theory in explaining violence used in robbery? All these questions are not answerable since labelling theory has ignored the specific conditions under which primary defiance begins.

However, the theory appears to have some practical value in that most violent robbers pass through involvement in petty criminal behaviour before they graduate into violent robbers. To some extent labelling theory is very plausible to the explanation of petty criminal conduct which is secondary rather than primary. Therefore, whilst it can show how petty

criminal behaviour and that authorities' reaction to it culminated in hardening criminals who become violent robbers, it fails to account for the root cause of the original criminal involvement.

As part of its policy guidance, labelling theory has led to substituting one label for the other. For instance there has been a move in the social world toward changing the label from "disabled person" to "special Person" which according to the present researcher creates specially - disable person which in turn may suggest psychologically and socially that the label is more specially disabling.

On the other hand, labelling theory may be useful as it helps to show the futility of remitting punishment which at best only hardens the so-labelled criminals.

2.6 A Critical Theory of Crime

The theory goes deeper in understanding criminal behaviour. Richard Quinney who stands out as defender of this theory writes. ..."It is a theory that goes to the root of our lives, to the foundations and fundamentals, to the essentials of consciousness" (Quinney1974:16)[38].

The critical theory tends to broaden the scope of criminological study by trying to locate the causes of crime within the larger society and its legal machinery. Criminal behaviour persists, according this theory until radical reforms occur in both the social structures and their support system (legal facilities).

Quinney sees power as the key component in crime causation. Power has a lot of influence. It affects public policy and creates conflict among competing groups. When conflict persists, it produces a disproportionate distribution of power. The situation is reflected by the existence of two antagonistic groups - the powerful and the powerless. The powerful group subordinates the powerless depriving them of any participation in decision-making process. The result of this may be express translation of the values of the powerful into the values of the system. Quinney says that the interests represented in the formulation and administration of public are those treasured by the dominant segments of society (Quinney 1969:29)[39].

According to Quinney there are six vital propositions to his theory:-

1. Official definition of crime in which crime is not innate. It is created by authorized agents in a politically organized system.

2. Formulation of criminal definition, in which conflicts of interest between the dominant and subjugated are reflected. The greater the conflict in interest between these classes, the greater the probability that the powerful segments will formulate criminal definitions.

3. Application of criminal definitions. The greater the conflict between class interests the greater the probability that the dominant economic class will influence legal agents to apply to the criminal law.

4. Development of behaviour patterns in relation to criminal definitions. All persons act according to normative systems, which, are learned. The persons not involved in formulating and applying the criminal law, i.e. the less powerful, are more likely to be defined criminals. Expectations and experiences of being labelled criminal will in turn, influence future behaviour.

5. Construction of criminal conception. These are constructed and diffused in society in the course of communication. The conceptions of crime by powerful segments are most likely to be incorporated into the social reality of crime. The more powerful the groups that are concerned over crime, the greater the likelihood

that both definitions of behaviour and behaviour itself will increase.

6. The social reality of crime. This is formulated and applied as an outcome of the previous five conceptions.

The expression of critical theory of crime is in the layers of capitalistic society that gives political recognition to powerful and economic interests (Quinney 1970: 18)[40]. The status quo is maintained by the legal system which does so "by furnishing protection and by maintaining the existing social and economic conditions" Mc Chagy 1976: 95)[41].

Generally the critical theory of criminal behaviour links well with the conflict theory of Karl Marx (1818-1883)[42] although Marx paid relatively little attention to crime and deviance itself.

2.7 Hypotheses

The following hypothetical statements have been derived from the literature review for testing in this study.

1. Poverty as manifested in low income, low level of education, and low occupational status including

unemployment among persons is a major cause of robbery with violence.

2. Robbery with violence is a crime which is largely committed by persons who have a history of previous convictions for robbery with violence and other allied offences like theft, burglary and picking pockets.

3. The majority of robbers with violence come from broken homes.

4. More targets for robbery with violence are located in urban areas than it rural areas.

5. Lethal weapons are used by robbers to injure their victims only when their victims resisted their planned robbery.

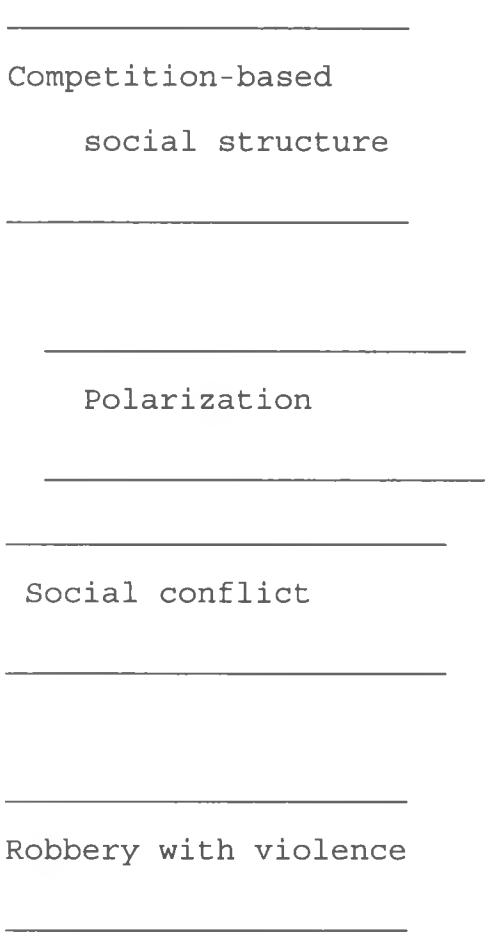
2.8 Theoretical Framework

The polarisation of society into two distinct classes, namely, the powerful and the powerless, the rich and the poor, generates social conflict, which manifests itself in the poor of the society engaging in robbery with violence as a means of earning a livelihood. In other words class division emanates

from material competition in the society which in turn leads to conflicting relationship between the rich and poor. The poor who lack the means to achieve the aspired goal of material comfort are led to explore, and/or engage in illegal means of which robbery with violence is used.

The diagram 1 below shows the model adopted in this study.

Diagram 1



The competition-based social structure refers to a social arrangement in which social and economic survival depends on one's social status and/or economic power. There is competition in which the losers are marginalized.

The polarization of the social arrangement refers to existence of distinct classes such as capital owners and wage earners as well as the rich and poor. Polarization is best exemplified by propertied versus non-propertied, which manifests itself in the diversity of values, dissensions and strikes. One could say with certainty that the quest for many parties in Africa is representation of social conflict in the society.

Robbery with violence in this model is regarded as an inherent social conflict through which a section of the poor acquire property and/or status in spite of the absence of opportunities to improve one's position in the society.

The model is dialectical in the sense that conflict and other antagonistic tendencies are considered part and parcel of social life. Social life is viewed as a struggle among people in different social and economic positions. Robbery with violence becomes manifest outcome of a competitive social arrangements. In other words, it is a reflection of an existing contradictory social relations.

Robbery with violence is viewed both as an economic and political crime. It is economic because what is robbed with violence is economic goods. There is a price tag to the property being robbed. On the other hand it is political because the robbers are so labelled by the lawmakers who are politicians. The label prescribed on behaviour patterns reflect the ideological stance of the powerful people and is articulated in the legal sanctions and the prevailing economic arrangements.

2.9 Definition of the Main Concepts and Indicators

2.10 Competitive Social Arrangement

This refers to a social arrangement based on class divisions. It is a general/abstract term which is also referred to as a mode of production (both the productive forces and the attendant social relations). This is capitalistic in nature and survival is a matter of economic efficiency of its units. There is competition between and among units within for production, consumption and distribution. Competition is held as the essence of life in this mode of production. The measurement of this abstract concept involves identifying such divisions as lower, middle and upper classes. In Kenya lower class is indicated by K.shs (0-700) per month, as a salary,

middle class is indicated by K.shs 701-2,000 and upper class by K.shs 2,001+ per month as a salary. It also involves, the existence of different economic groups manifested in the residential differentials. For instance, in the city of Nairobi, Karen, Langata, Muthaiga, Lavington and Westlands are for the upper class; Buruburu, Doonholm and Umoja are for the middle class and all other areas (slum and shanties) are for the lower class. It displays an arrangement in which the workers' relationship with their employers is for production purpose.

2.11 Polarization of the Power and Economic Structure

This is an abstract term. It refers to a situation where society is stratified into capital and wage labour, or powerful and powerless. The two types of groups are diametrically opposed to one another in terms of survival. The disadvantaged group comprises an army of cheap labour lacking in organization to press for its rights and privileges. It is ill paid and fired from the jobs at the will of the powerful. The indicators of this situation are the men and women whose labour in turn is bought at a price below its market value. The co-existence of propertyless and propertied is a good indicator.

2.12 Social Conflict

This is a general term which refers to social differences in values, beliefs and norms. In other words, social conflict implies diversity in values, social constraints and tensions. The concept assumes that every society is based on opposing tendencies. The indicators of social conflicts are represented by strikes in industries, church-state tensions, detentions, self-exiles, imprisonments and ethnic clashes.

2.13 Privatization

This is a situation where property is owned and controlled by individuals or a small group of individuals. It is contrary to communal ownership where sharing between and among community members is a norm. Privatization is actually an endorsement of individualism and egocentricism. The indicator of privatization may be expressed by one man owning 100 acres of land as an individual while 100 people may be landless. It is also portrayed in situations where about 1,000 families may be evicted so that an individual may develop his farm to satisfy his personal ambition. The sanctity of private property which is well spelt out in our legal system certifies the success of the process of privatization of public property in Kenya today.

2.14 Inequality

It refers to state of unequal distribution of resources. In this state of affairs property and services accrue to the societal members in an uneven proportions. Inequality is more significantly portrayed by low and high status in schools, residences, jobs, social-economic classes and so on.

2.15 Deprivation/Poverty

Deprivation/poverty refers to a condition where basic necessities-food, shelter, clothing, health facilities and educational opportunities are absent. The Everyman's Encyclopedia, 6th Edition, defines poverty as the insufficiency of means relative
to human needs. It has two perspectives.

(1) Moneylessness and

(2) Powerlessness

Another distinction of poverty is between (1) relative and absolute poverty. Absence of basic goods could reflect absolute poverty but relative poverty is that which may arise out of social comparisons and faulty self perception. In other words, an individual may experience relative poverty just because he does not drive like his neighbour.

The indicators of poverty include:-

(i) Salary below K.shs 2,000 per month in Kenya

(ii) Lack of salary/income at all

(ii) Membership into the lower class plus lack of such property as house, car, land, business and bank account.

For the purpose of empirical verification, poverty/deprivation is also focused from the point of view of:

1. Unemployment, where parents failed in provision of primary responsibilities to their children due to joblessness where the respondent could not service his needs due to lack of job opportunities.

2. Lack of adequate housing, where the respondent has been brought up as a slum-dweller or a street child and normally slept in the streets.

2.16 Alienated behaviour/involvement

This is closely related to deprivation/poverty. However, it goes beyond this in the sense that the deprived individual is not only aware of his powerlessness, helplessness and hopelessness but also active in improving his position through illegal means even when he is doubtlessly aware of its

consequences. People have taken to robbery with violence not so much because it is the only means of earning their livelihood but because they find it a more convenient means of survival. For instance, there are those who rob with violence knowing that they will go back to prison but in the position they cannot suffer extreme hunger just to avoid it. The indication of this variable is the recidivistic behaviour arising out of the need to break the law to avoid the onslaught of material deprivation. It is a habitual criminal who robs violently and repeatedly for the purpose of breaking the law in order to obtain daily needs which the existing legal means cannot provide.

2.17 Violence

This refers to that part of aggression which is overt. It is normally expressed by violent robbers by both destroying property and injuring and/or killing the victims. In this case, physical violence, a very destructive form of violence, is a focus in this study.

2.18 Family Dissolution

This involves a family that has either suffered marital break-ups due to divorce and separation on the one hand or female-

headed households on the other. It may require investigating the quality of family relationship that the respondent in question experienced during his youth and childhood. Absence of both parents and/or presence of parents who live in disharmony are considered important indicators. It is the assumption of the model that marital conflicts or conflicting family relations are a product of economic crises.

2.19 Recidivist Violent Robbers

Recidivist Violent robbers are those violent robbers who have robbed violently and been convicted for the same on two to three occasions.

2.20 Habitual Violent Robbers

Habitual violent robbers involve those violent robbers who have been convicted for robbery with violence for more than four times. It includes hardcores whose previous conviction for violent robbery does not rehabilitate them. According to the model, such criminals are referred to as "real robbery terror".

2.21 First Violent Robbers

"First violent robbers" are those violent robbers who have been convicted for the offence for the first time only. They have not repeated the crime and are considered to lack the necessary courage and experience in robbery profession. However, this definition does not disclaim the fact that they would repeat it in future. In fact the researcher is of the view that this category has higher potential to commit further robbery than not to commit it.

2.22 Injurious Violence

It is an event which is represented by bodily injury where the violent robber injured property owners or the custodian. This is treated as injurious violence whether that injury precipitated minor physical harm or death. It is indicated by the inflicted injury to the victim as a process of incapacitating him regardless of whether of not such person resisted attacker's intrusion.

Gang of Violent Robbers

This involves an organized group of two or more persons for the purpose of raiding and looting property. This is a group

that shares tasks and skills for the purpose of carrying out violent robbery once or severally. A gang that has operated together for many years refers to one another as "regulars".

2.24 Unemployment

It is a state in which a man in his productive age has no job or has access to only irregularly paid job. Temporary and casual labourers belong to this category. They are people able and willing to work for their economic gains but they are denied a chance by prevailing economic structures. This is indicated by the presence of an idle labour in the major towns that moves from place to place in search of employment.

2.2.5 Robbery With Violence

Robbery, according to Everyman's Encyclopedia Volume 10, is defined by the Theft Act 1968 as committed by a person who commits THEFT and immediately before or at the time of doing so, and in order to do so, uses force on any person or puts any person in fear of being subjected to force at that time. An attempted robbery and assault with intent to rob are punishable with up to life imprisonment. For the purpose of

this study, robbery with violence is manifested by use of destructive force, threat and other forms of intimidation for the sole purpose of acquiring property. Simply stated, it is stealing by force and is punishable by death in Kenya.

2.26 Rape

By definition, rape is the carnal knowledge of a female forcefully and against her will. Included are rapes by force and attempts to rape in which the victim is under the age of consent and no force is used.

2.27 Homicide

It is an act of killing called murder. Murder is the unlawful killing of a human life by malice aforethought. The intent to kill must be established. Whether a murder is first degree (punishable by death or life imprisonment) or second degree (punishable by lesser sentences - e.g. five years to life, with possibility of parole) depends on whether there was pre-meditation and deliberations (Lunde 1975: 3-4). In Kenya if a person is proven to be insane at the time of killing he is not found guilty of murder. This category of murderers excludes totally those who kill in self-defence or the Police Officers in the lawful performance of their duty. For

instance, a police man/woman who kills an escaping prisoner is praised for committing justifiable homicide.

2.28 Negative Attitudes

The study involves testing whether violent robbers had negative attitudes toward the prevailing income differentials. Negative attitudes here indicate opinions by respondents to the existence of differentials in income and/or salary structure in society. This is purely a psychological event intended to expose the respondents' attitudes to the economic reality confronting them. Attitudes are assumed to be a product of our experience in daily encounters.

2.29 More Lethal Weapons

These include the use of dangerous weapons such as guns, sharp knives, arrows and simis, ironbars and so forth. These are deadly weapons which when applied may precipitate injury and/or death of a victim. They are different from "Less Lethal Weapons" such as stone, pieces of wood and pocket knives. Though less lethal weapons may injure the victim(s) they probably are meant for only scaring the victim. However, it is accepted that less Lethal Weapons can be dangerous as the more Lethal Weapons depending on how the user/offender applies them.

2.30 Educational Attainment

This refers to the level the respondent reached in school. It can be ascertained by counting the number of years that he/she spent in formal schooling. It is assumed that the more years spent in school, the more educated one becomes. Nevertheless, there is consideration of few individuals who take 2 to 4 years before they proceed from one standard to another.

2.31 Area of Operation

This refers to the site or the target selected as the focus of attack.

2.32 Mode of Operation

This refers to the process of attack/raiding during the commission of crime.

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CHAPTER THREE

3.0 RESEARCH METHODOLOGY

Under this section, the study deals with research procedures including, data gathering techniques, sampling procedure, site of survey, unit of analysis, analytical techniques and methodological problems encountered during the process of investigation.

3.1 Data Gathering Techniques

In this part, attention is placed on direct interviews using well constructed questionnaire, interview with the relevant professionals and consultants, and, information obtained from secondary sources.

(a) Direct Interviews

This involved direct interview with prisoners. It involved construction of an interview schedule. The convicted violent robbers and other prisoners such as murderers, rapists and assaulters in their perspective prisons were interviewed with a questionnaire. All the interviews were conducted by the researcher with the help of four prison security officers

who occasionally acted as research assistants. The questionnaire included open-ended and structured questions on the one hand and closed-ended questions on the other. The duration of the individual interviews usually amounted to half an hour. Information was collected concerning economic position, property-owenership, marital status, childhood background, occupation, parents, head of household and formal education level just to name a few. Furthermore, a detailed history of convicts involvement in crime were taken down during the interview. During the day of the interview, further data were generated through perusing the prison criminal's file. Observations were recorded in an observations' diary by the researcher.

During this part of the research, twenty highly experienced prison officers were interviewed as the key informants. It was in fact prudent to use information from this source because it dawned on the researcher that such information revealed inside knowledge of some of the prisons' long stayers and this helped to get a relatively large number of cases accepting to be interviewed. It is also through this method that a lot of data has been obtained from a robber-turned Christian who gives his personal experience in a ruthless gang of six that operated in the city of Nairobi for a period of 12 years.

(b) Consultation with Professionals

This involved having meetings with lawyers, lecturers, psychiatrists and psychologists. Different views as to the causation of crime were considered and selected by the researcher. This was necessitated by model's assumption that crime is an interdisplinary phenomenon.

(c) Secondary Data

There are various sources from which the data were gathered:-

(a) Court files, police records and prison files. The same sources of data were utilized by Mushanga (1974), Muga (1975) and Wolfgang (1958) in their studies of criminal behaviour.

(b) Using articles from magazines, books and newspapers.

3.2 Area or site of the study

The study covered four principal prisons in Kenya, namely, Kamiti, Naivasha, Kisumu and Shimo-la-Tewa. Since the study intended to explain the causes of robbery with violence in Kenya, the need to cover Maximum prisons in the country was vital as it yielded adequate data/sample size for a post-graduate thesis.

3.3 Sample Selection

The study was mainly designed to collect information on a limited number of randomly selected violent robbers currently convicted and serving sentences in prisons in Kenya. Only four principal prisons were selected and using proportionate stratified sampling method, 50 violent convicts were selected from each prison. During the process of interview one or two robbers appeared to have either moved out to freedom or transferred to other prisons and therefore no longer belonged to the category of the interviewees. These were replaced by other randomly selected cases. In total 200 offenders for violent robbery were selected and interviewed.

In addition, more general information was gathered on 30 homicide cases, 35 rape cases and 30 aggravated assaulters. The reason for data on crime other than robbery with violence was to make possible comparative analysis and to provide basis for building inference.

3.4 Unit of Analysis

The appropriate unit of analysis is the individual offender serving sentence on violent robbery, rape and homicide.

3.5 Analytical Techniques

The analytical tools in this study are applied on both conceptually and empirically derived statements from the model and on operational hypotheses derived from the literature review. There are two levels of analysis in this study:-

(i) Data Presentation

This is two sided. It has simple presentation of marginal totals, averages and standard deviation on the one hand and the presentation of descriptive statistics about variables like age, sex, residence, gang formation and organization on the other. In descriptive statistics all basic data and information have been presented. It includes what entails robbery with violence and other crimes like rape and homicide.

(ii) Association of Variables

In this level of data analysis, there is extensive use of chi\square tables, contingency table and Pearson's product-moment correlation.

The chi-square tables have been utilized to deal with dichotomous variables while correlation computations dwelt on such

continuous variables as age, education, recidivism in a violent robber, number of gang members, income, and a gang's period of operation.

It is also noted that construction of attitude scale has made possible the determination of the nature of feeling by the respondents toward the prevailing income differentials.

3.6 Methodological Problems Encountered

The research subjects were not stable enough to enable the investigator to make as much contact as possible. A case in point is an occasion in which the researcher's attempt to re-interview some convicts fifteen days later were futile since they were either released or transferred to other prisons.

Convicts are not comfortable when they are interviewed by strangers whom they suspect to be supporting the establishment. In this case quite a number would not disclose any information until they were sure the interviewer was obtaining data purely for research purpose. Even so, a question that sounded or was perceived as interrogative or suspicious did not receive much attention. The researcher admits therefore that it is not possible to guarantee the

reader that the information/data upon which the study is based is all truth. This is so with other sociological studies which have to contend with abstract concepts/variables.

To allay the subjects' fear and suspicion, the researcher had to give assurance that every interviewee would be anonymous. Therefore, it is not justified to rely only on the arrested/imprisoned cases but rather we should extend the coverage to other criminals that are not discovered by law and arrested. Similar concern is expressed in the following observation:

"if one relies on incarcerated or convicted individuals, the conclusions that can be drawn about them are limited to this category, for one can never be sure that people engaged in similar activity but who are not officially identified are like those interviewed in a penal setting" (Polsky 1969)[4].

Another methodological problem which has a serious weakness is the legal definition of crime in which robbery and robbery with violence are defined differently. If the researcher were to be guided by this legal definition of criminal behaviour his understanding and analysis of the reality would severely suffer.

According to Schwendingers, " ...adopting legal definition, criminologists become co-opted by the state while relinquishing the ethical and professional standards of their discipline "(Harjen 1976: 190). To avert this danger the researcher has used his discretion to determine what is and what is not robbery with violence without allowing the legal definition to set the limit.

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CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS

4.0 Descriptive Data

This part of the study attempts to show the various descriptive statistics and information related to robbery with violence.

4.1 Alcohol and Robbery with Violence

According to the findings, 79% of perpetrators admitted that they used alcohol and drugs but denied they were addicted to either of them. They admitted that in almost all instances, robbery raids took place soon after taking some little alcohol and/or drugs. However, they all denied that robbery with violence is caused by alcohol and/or drug intake. 79% of the 200 respondents interviewed could remember lucidly that they took alcohol in preparation for robbery raids at any given time.

4.2 Violent Robbers and Victims

It was observed that 95% of the violent robbers were total strangers to the victims. The offender was an adversary and not a close friend to the victim.

4.3 Capital Punishment and Armed Violent Robbery Victims

According to the responses recorded, 90% of violent robbers admitted they were likely to silence the victims if they detected that the victims could recognize and identify them. This is because a properly identified armed robber will be sentenced to death.

4.4 Guns and Robbery with Violence

A detailed look at the weapons used during armed violent robberies shows; guns were used by 44% of the criminals. 100% of the respondents interviewed viewed the gun as the most effective weapon in completing the crime successfully. 12% of the handguns were home-made and only 2% were toy-guns.

Information from Prison Officers shows that use of guns is on the increase because of the opportunities to obtain them illegally. 49% of the violent robbers stated they preferred the use of guns to other weapons for two reasons:- first the guns are effective in eliciting submission from victims; second, they are efficient in defending the criminals from the superior weapons by the police. Guns are an equal match against police assault.

4.5 Violent Robber's involvement with the Law

The study shows that 100% armed violent robbers in general, have extensive criminal records. These records portray criminal practice in both related and unrelated crimes. Over 70% of armed violent offenders were more inclined to acquire property than to commit homicide in their operations. The records show that there are two dimensions of robbery with violence. First, there are those who are permanently employed but undertake robbery with violence as part-time venture. Second, there are those who have temporary job engagement or no jobs at all and commit armed robberies as a career-like business. The permanently employed category engage in robberies to supplement their incomes. Table 9 shows that of the 200 respondents, 16% were permanently employed whereas 86% were either temporarily employed or unemployed.

The records of violent robbers is coloured with a history of delinquent criminal activities. For instance, 25.5% of the respondents had been at one time or another committed to either borstal like schools or approved institutions. On average 62% of the respondents admitted having committed robbery with violence on countless occasions. In one instance, a prisoner had been jailed a total of 14 times for robbery with violence - but admitted that his engagement could run over 30 times.

4.6 Age and Robbery with Violence

Robbery with violence is a risky enterprise which would call for daring age such as that of the adult youth. However, the correlation between the age of the respondent (armed violent robber) and the number of occasions he committed robbery with violent is 0.010 which, by statistical standard, is of little or no significance. This shows that there is hardly any relationship between age and violent robbery recidivism. There are many reasons. First, the driving force in robbery with violence tends to be deprivation of required life facilities as evidenced by the fact that 68% are derived from low income group earning between K.shs zero and K.shs 2000.

However, the study shows that age factor when connected with economic factor is of practical significance. For instance, 158 out of 200 violent robbers interviewed ranged between 19 and 30 years of age as shown on Table 2.

The table below illustrates the situation better:-

Table 2: Age distribution of offenders

Age (years)	Number of violent robbers	Percentages
19 - 24	41	21%
25 - 30		117
59%		
31 - 40	21	11%
41 - 45	13	5%
46 - 55	8	4%
Total	200	100%

The conclusion is that youth are more vulnerable to violent robberies than old persons other factors held constant. If this is the case then as Kenya population becomes relatively younger, the rate of violent robbery becomes relatively higher. In other words, when the youth generation outgrows the older folk, robbery with violence in Kenya will be expected to rise in future. This however, will depend on what strategies will

be taken to engage the youth in productive ventures.

4.7 Sex and Robbery with Violence

The data show that 100% of the violent robbers were all males. Also the use of prison records reveal that robbery with violence is predominantly a males' crime. Thus males were the active perpetrators of armed violent crime.

However, the data also reveal the passive role of females in the preparation for robbery with violence. Though no single woman is indicated as having been out on the night of armed robbery, the 200 robbers' court files indicated that there are 42 women implicated in giving inside information and keeping the robbed loot and spying the target. Thus women are passive actors behind the curtain during and after robbery with violence. 40 per cent of the robbers portrayed females as the major beneficiary of the proceeds thereof. Of these, 20 women are indicated as having organized for easy disposal of the criminal loots. It is not possible to make any conclusion in this category since no women robbers were identified and interviewed.

4.8 Ethnicity and Robbery with Violence

The data show that violent robbery is perpetrated by people from all walks of life. Almost every tribe has thieves, robbers, murderers and so forth. In fact, it is not a crime

that can be confined to a certain category of the population. Every tribe in Kenya has produced and nurtured both real and potential violent robbery offenders. Therefore, tribal factor is no longer an important one in explaining robbery with violence in Kenya.

Table 3: Distribution of violent robbers in relation to Ethnicity in Kenya

KIKUYU	54	KAMBA	26
LUO	19	LUHYA	17
KISII	16	NANDI	12
MERU	11	KIPSIGIS	10
MASAI	9	SOMALIS	8
POKOT	8	GIRIAMA	7
SAMBURU	5	TURKANA	3
KURIA	2		
TOTAL	200		

The above demonstrates the following:-

1. The first five major tribes in Kenya, namely, Kikuyu, Luo Luhya, Kamba and Kisii contribute the greatest number of cases of robbery with violence. For instance, all of them make up 65% of the total armed robbery offenders interviewed.

2. Kikuyu tribe alone contributes the greatest share of 27%. It ranks foremost in the list perhaps for many reasons. First, most land alienation in Kenya during the colonial era affected Kikuyu land more than other parts of the country. Second, the level of capitalistic development and its attendant influences have mostly penetrated the Central Province where the majority of Kikuyu live. However, there is no evidence to show that they are more inclined to robbery with violence than other people.

4.9 Educational Level and Robbery with Violence

Generally, the convicts are of poor educational background. Data indicate very low levels of education. For instance, 44% of the total sample of 200 respondents attained between zero and four years of formal schooling. Only 6% sat for advanced certificate of education examination as shown on table 4.

Table 4: Educational standard among the armed violent robbery convicts

Educational Standard in Years	Number of violent robbers	Percentage of total violent robbers
Lower primary 0 - 4 years	88	44%
Upper primary 5 - 7 years	55	27.5%
Lower Secondary 8 - 9 years	25	12.5%
Upper Secondary 10 - 11 years	20	10%
High School and colleges 12 - 16 years	12	6%
TOTAL	200	100%

Using correlation co-efficient measures it has been found that the correlation between the offender's educational level and the number of occasions he was involved in the crime is 63. This leads to the interpretation that the less the number of years in school the less the involvement in robbery with violence. The true interpretation is that education deprivation alone is not a sufficient cause of engagement in violent robbery.

4.10 Gang Formation and Organization

A gang refers to a group of armed violent robbers whose express purpose is to obtain material possession and wealth by the use of violence. In this study the 200 violent robbers interviewed were at one time or another members of underworld criminal groups. In other words, at the time of arrest and imprisonment, they were associates of violent gangs that perpetrated armed robberies within and outside Kenya. For instance 13 convicts had perpetrated violent robberies in Tanzania and/or Uganda. In fact one had even been jailed for some years in Uganda before he escaped from Ugandan authorities.

4.11 Composition of armed violent robbery gang

The composition of violent gangs is like any other social group. It comprises violent individuals of diverse backgrounds and at different levels of involvement in armed violent robberies and related and/or unrelated criminal activities.

According to the available data there are mainly three types of violent robbers. First, there is "First offender violent robbers" who are considered as recruits or amateurs. 37% of the respondents are in this category.

Second, there is "recidivist violent robbers" whose record shows conviction for crimes in general and robbery with violence in particular running to 3 or 4 times. This class of criminals comprising 41% of the respondents, is recognized for tact and organization. Some have acquired little wealth and spend time and resources training other people in many criminal activities.

Third, there is "habitual robbery recidivists" who by and large live on robbery with violence. They comprise 22% of the repondents. According to prison authorities, this class is almost psychopathic. They steal and rob and are

regularly caught and imprisoned. Their actions and criminal activities are unorganized and haphazard. Police are able to trace them easily. They destroy property and human life mercilessly. They require very little or no provocation to assault the victims. The table below presents the situation.

Table 5: Types of violent robbers and average rate of convictions.

Violent robbers type	Number of violent robbers	Average convictions for robbery	Average convictions for petty crimes
First offender	74(37%)	3	3
Recidivist	82 (41%)	3	3
Habitualist	44 (22%)	6	7
Total	200 (100%)	-	-

The above table shows that though first offenders and recidivists types of violent robbers have the same average number of convictions for petty crimes, they differ in their involvement in robbery with violence itself.

4.12 Planning for robbery with violence

From the data available, robbery with violence is accepted by all the offenders as a risky enterprise. Therefore to minimize exposure on their part, violent robbers believe in careful planning and laying of strategies in advance. For instance, 98% of the respondents planned their activities beforehand and only 2% simply launched their raids without a baseline survey. Planning depends on the nature of the proposed targets. When violent robbery raids are considered complex, the members are called to brainstorm. Other known specialist criminals are contacted for support.

Planning involves analysis of time required, resource-input, risks involved and the expected output. Evaluation is considered important because the bigger the "hit" (target) the heavier the danger.

Planning also involves reviewing members' skills and specialities. For instance, those gifted in the use of muscle and proved tough, would help to intimidate the victims who resisted. Also planning had to do with sharing of the proceeds. Members of the gang are expected to be honest and reliable. 45% of violent robbers remembered having punished harshly or even killed team members who had conned them.

4.13 Targets for Robbery with Violence

The study shows that targets for robbery with violence are mainly economic goods including money. Robbery with violence is economically motivated like all property crimes. The findings include the following targets; 1) Commercial premises including banks 2) Residential houses 3) Streets 4) Highways and avenues 5) Churches and social premises and 6) Petrol stations. In the city of Nairobi, the most popular commercial enterprises included Indian garment and valuable shops, drinking clubs and gambling centres. Also people closing their business premises and those coming from banks tended to comprise the focus of attack.

The robbers also targeted hospitals and morgues if they knew there were valuable things. The diagramatic illustration or robbery with violence in terms of target objects, location/site and number of criminals involved is shown on table 16.

4.14 Time and Robbery with Violence

Robbery with violence takes place all the time. However, there are times when harvest is considered greatest.

For instance, 90 per cent of the interviewed violent robbery convicts admitted that during days away from the end of month, robbery with violence is limited to commercial premises. During end of the month, salaried individuals are targeted. Focus on residential premises and businessmen/business places become an ongoing activity because in these sectors money is easily obtainable.

However, during tourists' peak season, the attacks are focused on foreigners and hotels especially in Mombasa and Malindi.

4.15 Hideouts

As already stated in the first chapter of this study, violent robbers and innocent citizens are not easily distinguishable. Some violent robbers after completing their mission join innocent people in their places of worship, leisure, work and so on. They actually hide among the non-violent individuals. It is no wonder that a woman and her children can live with a violent robber without ever detecting the extent of the man's criminality. Immediately after violent robbery and sharing of the proceeds, some offenders may decide to disappear into the big hotels until they are sure that the police are no longer hunting for them. In this group we have 33 cases who at one

time or another booked in hotels like Hilton, New Stanley, Manor, Castle Inn and Green Lodge for a period ranging between one and four months.

Other criminals join their female friends in the urban residential areas. Still others disappear to up-country where they join their families. Such persons may pretend they are on holiday or on leave. 63% (126 cases) of the respondents admitted having sought hideout in the homes of female friends whilst 19% left for their homes in up-country.

About 14% of violent robbers crossed into neighbouring countries until the hunt was over.

4.16 The Period of gangs' operation

First, there is the less-permanent group in which group operation lasts up to 3 years only. Second, there is the "more permanent group" where the group can hold on for 3 years and above.

The less-permanent group constitutes 58% of violent robbers who operated together as gangsters between 3 months and 3 years. Such groups disintegrated due to heavy losses of robbers during their combat with the police authorities, and the reason was due to disagreement in sharing the property.

The "more permanent group" which comprises 42% of the robbers, is relatively stable and secure for their members. According to Convict X, who belonged to a group that had survived a decade of armed violent robberies, and despite that it had suffered heavy casualties, the survivors persisted in crime. This survival was due to supportive and participative leadership.

It was observed that 20% of the respondents who were recidivists reintegrated into the criminal system with the support of other criminals. During their incarceration, 5 convicts' wives had received material support because the convicts were high ranking criminals.

4.17 Residence and Home Origin

The background is described in terms of where the offender either originated or resided during the period prior to committing robbery with violence. The background is considered with reference to either the urban/rural residence or urban/rural origin.

Table 6: Shows comparison between violent robbers, their area of residence and home origin.

Types of Violent		Areas of Residence		Home Origin	
		Urban	Rural	Rural	Urban
First Offender		15	59	61	13
Recidivists		9	73	54	28
Habitutal Recidivists		10	34	33	11
Sub Totals	34(17%)		166(83%)	148(74%)	52(26%)
Grand Total	200			200	

The above table shows that robbery with violence is concentrated i the urban areas. For instance, it is shown that 83% of the tota violent robbery cases resided in the urban community, whereas 17% were rural dwellers.

4.18 Poverty as manifested in low income, low occupational status including unemployment and low level of education among persons is a cause of robbery with violence.

To achieve the goal of this section of the study, the measures of social-economic status have been used and include:-

i) Income

ii) Occupation

iii) Education

Income

Table 7: Distribution of Violent Robbery Convicts in Relation to income class

Income Class	Recidivist violent robbers	Non-recidivist violent robbers	Total
Lower Income Class Convicts	86	25	121
Middle Income Class Convicts	51	28	79
Total	137	63	200

In the table above, the lower class refers to those earning income between zero and K.shs 2000 whereas middle class refers to those earning income above K.shs 2000. per month.

From the table, four observations have been made.

i) Violent robbery convicts originate from both lower-class and middle-class status.

ii) There are more violent robbery convicts in lower-class than middle-class (the ration of 121:79).

111) The majority of violent convicts from both lower-class and middle-class are recidivists.

iv) There are proportionately more recidivistic violent robbery convicts in the lower-class than middle-class (calculated at 71% to 64% respectively).

These observations lead to the conclusions that whilst robbery with violence is found in both lower and middle income classes, far more violent robbers are more likely to come from the lower class than middle class.

The table below shows the breakdown of the ranges of incomes among the robbers with violence interviewed.

Table 8: Income distribution among offenders

Income per month	Number of offenders	
K.shs		
0	7	
100 - 500	53	
600 - 1000	31	68%
1100 - 1500	27	
1600 - 2000	18	
2100 - 2500	22	
2600 - 3000	17	
3100 - 3500	12	
3600 - 4000	9	32%
4100 - 4500	3	
4600 - 5000	1	

The table shows that 68% of the offenders earned between 0 and 2000 (K.shs) whereas 32% earned between 2100 and 5000 (K.shs).

A correlation of the income levels and violent robbery recidivism shows (r) = .58 which for general statistical purpose is very high. The conversion of this figure into percentage shows that 34 per cent of the variability in recidivism in robbery with violence is attributable to changes in income levels. Hence, the poorer people become, the greater the likelihood that they will engage in robbery with violence repeatedly.

Occupation

Occupation as a variable is taken to mean a legal means of earning livelihood. It is either a form of self-employment or selling labour to an employer. The table below presents the occupational status of the respondents.

Table 9: The Occupational Status and Violent Robbery Convicts

S O C I A L C L A S S	Occupational Status			
	Permanent	Temporary	Unemployment	Total
Lower Class	20	94	7	121
Middle Class	18	61	-	79
Total	38(16%)	165(82.5%)	7(3.5%)	200(100%)

Whereas only 16% were permanently employed, 82.5% and 3.5% were temporarily employed and unemployed respectively. The temporary employment cases observed that irregular jobs were ill-paid and sometimes not paid at all. They were not certain of being paid after they did their work. Temporary jobs were subject to un-notified terminations.

60% of violent robbery convicts, observed that they had drifted into the crime after their personal group experience with their job situations. They went for their jobs as usual

but were dismissed without prior notice. Frequent job termination generated frustrations and compelled them to seek other alternative avenues of economic survival.

Did they drift into violent robbery just because they could not secure regularly paid employment? About 60% of the respondents stated that the urge to acquire material is still urgent in spite of the inability to acquire it. The inclination to materiality was a main goal for which they aspired. For instance, they wanted a good house, a good car, and a good family, to mention a few. When opportunities to acquire the goals were lacking they were frustrated and before long they participated in illegal and criminal means of obtaining them.

The findings show that the lower-class robbery offenders (121) are more than middle-class offenders (79). 84% of the lower class are either unemployed or temporarily unemployed compared to 77% of the middle class. Whereas the difference in occupational conditions may not be very different, it should not escape our intellect that the middle class are at the top of economic hierarchy. The adult from the middle-class may not secure a good paying job but may depend on the family

wealth. On the other hand, a lower-class citizen who does not secure a good paying job will taste real poverty because the economic survival of the family may depend on him. For such a person, lack of employment and income sources may lead to serious economic and social frustrations. Economic frustrations may lead to criminal exploration in which robbery with violence may be irresistibly attractive as a viable means of survival. The pressure sometimes may become so overwhelming that survival is perceived to mean "ROB OR PERISH" . The Researcher proposes that the lower class citizens are compelled to live as property criminals in regard to the practicality of the lower-class conditions in terms of exploitation, hopelessness and unmet needs. Thus crimes of violence become a viable mechanism of making a living in spite of well spelt consequences.

Education Standard

Table 10: Educational Standard Among the Offenders:

Year in School	Number of Violent Robbers	Percentage of the violent robbers over the total number
Lower Primary 0-4 years	88	44%
Upper Primary 5-7 years	55	27.5%
Upper Secondary 10-11 years	20	10%
High School and Colleges 12-16 years	12	6%
TOTAL	200	100%

The mean years of schooling for the 200 respondents interviewed is five which means that the violent robbers are of poor educational background.

44% of the offenders spent between zero and 4 years in formal education, 27.5% spent between 5 and 7 years, 12.5% spent between 8 and 9 years, 10% spent between 10 and 11 years and 6% spent between 12 and 16 years. This points to one thing - that violent robbers are generally of low educational background. The question can be two-pronged: Why are they of low educational standard and what implication does it have in explaining robbery with violence or other violent crimes of property?

72% of the respondents are lowly educated and come from low economic family backgrounds. The data shows that their education was interrupted several times either by the student himself or lack of family support. 40% of the respondents believed that, had their family economic background been good, they would have pursued their education to higher institutions of learning.

30% of the respondents had some experience as street children due to lack of adequate family economic support. They were involved in scavenging dustbins for their survival. Such

people by all standards could not achieve much academically unless a goodwill agency assisted them materially. This explains how low educational standards can become a self perpetuating event.

Over 70% of the respondents felt that without education and/or practical skills they were compelled to undertake unpaying manual labour. These jobs were usually temporary requiring little experience. They did not qualify for supervisory jobs,

55% of the respondents received their wages in doses and felt that they were treated as objects. They experienced numerous irregular payments. However, they still had to contend with the demands for rent, busfare, food and family responsibility. 48% of the respondents had, as workers received unwarranted dismissals which in turn compelled them to explore illicit avenues of obtaining economic support.

Education in Kenya is linked to material property in that it is one way to escape from the vicious circle of poverty. A child is taken to school not because of the intrinsic value itself, but because such quality/skill would increase access to material opportunities. Those unable to get adequate education may believe that the way to go is to pursue criminal ventures.

In summary the researcher concludes that the robbers with violence in this study are generally of low socio-economic status and low education. These conditions place them in the society as a disadvantaged class. In their pursuit of material property, they are constrained by limited opportunities which create relative poverty which may in turn lead to robbery with violence.

4.19 Robbery with violence is a group-crime which is committed by persons who have a history of previous convictions for robbery with violence and other allied offences like theft, burglary and picking pockets.

Table 11: Types of violent crime in relation to recidivism

Type Highest Score	Number of offenders	Frequency in crime involvement: Total related of Specific repeated related crimes	Total unrelated/ Other crimes repeated	Mean for related and un-
Robbery with Violence	200	603 mean ------- 3	397	5 1
Homicide	30	33 mean -------- 1	9	1.4
Rape	35	35 mean ------ 1	14	1.2

In the table above the related/specified crime)s) refers to that crime for which one was convicted at the time of the interview. They involve either robbery with violence, homicide or rape. On the other hand unrelated/other crimes refers to those crimes committed other than the offence for which the convict was condemned at the time of the interview. Such unrelated/other crimes include drunkenness, arson, forgery just to mention a few.

Table 10 above provides us with various findings:

(i) Whereas the average general crime involvement for violent robbers is 5 counts, that of both homicide and rape convicts are 1.4 and 1.2 respectively. This leads to the hypothesis that violent robbers are more recidivist than homicide and rape offenders. It is empirically demonstrated in that whereas the highest score for violent robbers' involvement in crime is registered as 14 counts that of both homicide and rape offenders is 2 and 3 respectively. For the purpose of simplicity crime involvement is limited to those instances the convicts have faced the law, either in the courts or prison conviction.

These findings lead the researcher to disagree in respect to certain areas. For instance, the data claim the assertion that homicide and rape offenders in Kenya are repeaters. Murderers and rapists are not repeaters.

The researcher also disclaims the view that homicide, robbery, rape and aggravated assault are mainly associated with other offences. What is observed is that only robbery with violence and not homicide and rape offences involves a series of related crimes such as theft, burglary and picking pockets. Homice and rape offences are committed primarily by first offenders while robbery with violence is characterised by a criminal progression from petty crimes to more serious property crimes.

Whereas 86%(172) of the 200 violent robbers interviewed had been apprehended by police on many occasions, the homicide and rape offenders had no history of involvement with police. The perpetrators of robbery with violence began their criminal ventures as juveniles. Such involvement were vagrancy, theft by servant or fighting in the streets and lived as loosely organized criminal groups.

Table 12: Relation between violent robbery recidivists and approved school background

Institutional Experience	Violent Robbery recidivists	Violent robbery without recidivism	Total
Approved School background	35	16	51
Non-approved School background	89	60	149
TOTAL	124(62%)	75(38%)	200

X^2 = 1.50
X^2 = (0.50) IDF = .455 P = .05

The Chi-square distribution shows a little association between Juvenile delinquency (Approved School background) and robbery with violence recidivism. 51 out of 200 offenders had been apprehended as street children and placed with Approved Schools for some years before attaining the age of 18 years (including Borstal institutions). Juvenile delinquency appears as a fertile area for the emergence of robbery with violence. This is because approved institutions provide little or no assistance to the convicts after release. They are left to eke out survival in criminal ventures.

Table 13 below shows the conditions which caused homicide offenders to commit the offences in this study. Only 5 offenders (3 hired killers, 1 revenger and 1 mistaken identity) killed the victims with prior planning. The rest 25 offenders (about 83%) killed in a situation of provocation by the victim. This confirms the view "provocation that results in murder occurs in circumstances of close associations" (Wolfgang 1966: 206)[3].

Table 13: Circumstances in which murder was committed

Number of Murders	Prevailing Conditions
23	Disagreement between relatives and between friends.
3	hired killers
1	personal revenge
2	drunkenness
1	mistaken identity
Total 30	

Similar circumstances explain rape offences. Rape is a dyadic offence that may arise out of sexual deprivation and/or sexual provocation. 30 out of the 35 offenders (about 86% had close relationship with the victims.

Some convicts admitted that they raped females who had been close to them and whom they thought had irresistibly lured them. 20 of the offenders were actually dismayed that the victims accused them. 3 of the rape offenders admitted to having had previous sexual relationship with the victim while 2 of the offenders were teachers who raped students.

Under no circumstances did rape occur between total strangers. However homicide occurred to strangers in the process of robbery with violence. However, homicide is not repetitious and the criminals are largely victims of the tides of the moments. Both crimes tend to occur not within groups but between an individual and another.

Robbery with violence is perpetrated by terror-inducing gang with the sole objective of procuring money and other valuables. Violent robbers operated mostly in groups and as a career-like business. 84% of the respondents interviewed tended to hold together for a period of about 3 years.

58% of the respondents were part of long term gangs which operated between 5 and 10 years. These were career-like criminals who derived their livelihood from robbery with violence. These offenders committed the offence as a life-time business.

Table 14: Violent robbers and period of gang operation

Types of violent Robbers according to prison files	Period of the offender involvement with criminal gang		
	less permanent group (less than 3 years	more permanent group(3 years +)	Total
First Offenders of a violent crime	30	37	67
Recidivistic violent offender	35	50	85
Habitual violent offenders	19	29	48
Total	84(42%)	116(58%)	200

The above table shows that the violent robbers at the time of conviction for the robbery with violence lived and operated in criminal groups. Whereas 58% of them lived and operated in more permanent gangs, 42% lived and operated in less permanent gangs. The First Offenders (67 in this case) admitted to have lived as violent criminals in organized groups except that they were not previously arrested. Formation of a criminal gang was to ensure crime efficiency, spying, proper targeting and marketing. Thus robbery with violence should be seen as an antithesis of conventional way of acquiring property. In the pursuit of material success which is the main societal goal, some people get into the trap of using viable criminal ventures.

4.20 The Majority of Robbers with violence come from broken homes.

The table below shows the nature of Chi-square test and the distribution of its values:-

Table 15 - The relationship between female based households and violent robbery recidivism.

Types of robbers	Female headed	Male headed	Total
Violent robbery recidivists	70	55	125
First violent offenders	38	37	75
Total	108	92	200

X^2 = 0.146

X^2 = (0.5) df = 3.841 P 0.5

The table above shows that the relationship between " broken homes" and persistent robbery with violence is of little or no statistical significance. Broken home simply means absence or presence of a parent. The analysis is that the relationship between violent robbery recidivism and female headed-households is, non-existent. Out of 108 respondents 70 were recidivists and 38 were first

offenders. This compares closely with male-based-household in which out of 92 respondents 55 were recidivists and 37 were first offenders.

This shows that the probability of habitual violent robber coming from female based household is as great as from male headed household. A conclusion is that broken homes (absence or presence of a parent) no matter how defined or measured, account by itself for little of robbery with violence (Rosen and Turner 1967:189-200)[4]. Thus, the mere presence or absence of a parent cannot explain recidivism in robbery with violence.

In order to test the relationship that exists between violent robbery recidivism and the nature of family relationship, the family relationship has been dichotomised into positive and negative relationship as perceived and experienced by the respondent.

Table 16: The relationship between family relationship and violent robbery recidivism:-

Types of violent robbers	Positive family relationship	Negative family relationship	Total
Violent recidivistic robbers	42	83	125
First offender robbers	41	34	75
Total	83	117	200

$X^2 = 11.33$, X^2 (.001) df = 10.827 P .001

The table shows that violent robbery recidivism and negative family relationship perceived and/or experienced by the respondent are significantly related statistically. This is so because, it is generally agreed that Chi-square test which is significant at 0.001 level is a very strong one (Blalock JR 1985: 30)[5].

117 out of 200 (58.5%) of the offenders felt they were brought up in crisis laiden-family background in which stability, parental acceptance and discipline inculcation was non-existent. They felt that their family conditions were characterised by severe communication breakdown between parents and/or between parents and

children. They felt that the father figure was too tyrannical and that his authority was difficult to obey. They experienced punishment which was unusual and unrealistic. This authoritative and unloving authority largely pushed the youngster into delinquency and eventually to robbery with violence. The convicts ranked family unhappiness and rejection as terrible experience in life.
In other words, mistreatment and family misunderstanding are significant contributory factors to robbery with violence albeit indirectly.

4.21: More Targets for Robbery with violence are Located in Urban areas than in Rural areas.

This section examines the types of targets for robbery with violence and the socio-economic location in which they are located. An attempt has been made to find out whether the 200 violent robbers interviewed come largely from Urban areas or are equally distributed between rural and urban areas. The purpose is put into proper perspective the potential areas that are favourable breeding grounds for robbery with violence.

Table 17: The Social-economic distribution of the 200 violent robbers

	Urban Areas	Rural Areas	Total
Recidivistic Robbery	81	44	125
Non-Recidivistic Robbery	32	43	75
Total	113 (56.5%)	(87(43.5%)	200(100%)

$X^2 = 8.62$ X^2 (.01) df = 1 = 6.635 P 0.01

The table shows that urban areas have more violent robbers than rural areas - 56.5% compared to 43.5% respectively.

The table also shows that violent robbery is related to the socio-economic locations (urban and/or rural areas). It is observed that more recidivistic violent robbers lived in urban areas rather than in rural regions of the country. Whereas 81 out of 125(64%) of recidivistic violent robbers lived and operated in the urban areas, only 32 out of 75 (40%) of the non-recidivistic violent robbers lived and operated in the urban areas. Table 17 below shows the distribution of robbers with violence in urban areas.

Table 18: The towns and number of violent robbers

Town	Number of robbers with violence
1. Nairobi	41
2. Mombasa	27
3. Kisumu	24
4. Kiambu	22
5. Nakuru	20
6. Machakos	15
7. Nyeri	14
8. Busia	14
9. Eldoret	11
10. Others	12

Why is it that more violent robbers lived and operated in city and other major urban areas? The reason lies in the process of capitalist development and its resultant imbalanced growth between the urban and the rural areas. Capitalistic penetration into the Kenyan periphery developed some regions (urban areas) and not others. This is the outcome of exploitation of one region by another.

Thus the increase in robbery with violence or the threat of violence lies in the development process itself. It is the effect of alienation especially among the urbanized and semi-urbanized people which is the heartland of robbery with violence.

The urban areas are more attractive to violent robbers than rural areas since they are more economically developed with more business and economic transactions. Many job seekers flock to these places only to become frustrated. This may force them to turn into thieves, robbers and prostitutes. The problem as Mushanga sees it, "is widespread discontent, frustration, for the realization that socially valued goals have become limited in this country" (Mushanga 1976: 106)[6].

The phenomenon of landlessness in the rural areas means the surplus/idle labour (population) seek recourse to urban areas where factories and industries may offer job opportunities but unfortunately these people are confronted by the glaring absence of job opportunities. This leads to frustration which may create the need for exploring illegitimate means of survival. In this context, it is concluded that "though not all the unemployed rob, unemployment does in some cases make individuals think of alternative ways of earning a living be it by theft or robbery with violence (Muga 1980: 9)[7]". The urban areas consist of loosely related people who share very little in common. There is a decreasing influence of primary bonds - as the size of the neighbouring population increases, so does the number of strangers - people between who there exist no continuing relationships of mutual aid.

According to 15 out of 200(7.5%) respondents interviewed, they believed that they preferred urban areas because of the

lucrativeness of the property targets and the opportunity for good hideout.

The table below shows that the targets are of different nature. 95% admitted having practised purse and watch snatching. 102 out of 200(51%) claimed to have used street violence to rob people at night. 153 out of 200(76.5%) agreed to having broken into and robbed violently occupied houses. 55% of the violent robbers agreed to have violently robbed in shops in the city and other urban areas. A striking phenomenon is that all the 200 violent robbers interviewed confessed to having perpetrated violent robbery in the bars and restaurants. 23% of the respondents are those who were jailed in the early 1970s and they had majored in bank robberies in the city.

90% of rural robbers agreed to having targeted petrol stations, schools coffee and tea factories, prominent households, drinking clubs, shops, owners of commercial public vehicles.

The researcher feels that irresistibly attractive goods are displayed at unaffordable prices. This is what Clinard and Abbot called "Overt demonstration of wealth in the form of cars, clothes, children's toys and so on (Mushanga 1976: 137)[8].

The table below shows the crime targets, number of robberies involved and the location.

Table 19: The table shows distribution of robberies in terms of robbery targets, objects and location/sites:

Location	Banks	Streets	Residential Houses	Petrol stations	Large Scale Farms	Shops	Factories	Church Courts
Urban	49	102	153	79	23	153	132	29
Rural	9	36	21	64	147	105	90	17

4.22:

Lethal weapons were used by robbers to injure their victims only when their victims resisted their planned robbery.

Table 20: The Chi-square distribution between injury and nature of Armory/Weapon

Nature of Violence	Number of heavily armed offenders or robbers in possession of more lethal weapons	Number of lightly armed offenders or robbers in possession of less lethal weapons	Total
Injurious Violence	46	60	106
Non-injurious violence	42	52	94
Total	88	112	200

$X^2 = 0.08$

$X^2 = (.50)\ df = 1 = 3.84\ P\ .50$

The table shows that the manner in which violent robbers are armed and the nature of violence used during robbery with violence are not significantly related. In other words, weapons and violence are independent of each other and therefore not crucial factors in understanding physical violence associated with robbery. The table shows a null hypothesis which assumes the non-existence of any relationship between the two variables. The observed chi-square value of 0.08 shows only the pale existence of very weak relationship devoid of any statistical significance.

In order to explain occurrence of injurious violence during robbery, it behoves us to probe other factors related to violence and which could be responsible for obscuring the otherwise expected relationship. What relevant factors other than type of weapons explain the use violence against the victim?

In principle, the study has adopted a statistical procedure for the control for class status and victim-offender relationships in which variables interact in relation to weapons at disposal.

Table 21: Master table showing interrelationship of violence, Nature of weapons, class origin and victims' reaction.

NATURE OF WEAPONS

Type of Violence	Victim's Reaction	Middle Class		Lower Class		Total
		Number of heavily armed robbers	Number of lightly armed robbers	Number of heavily armed robbers	Number of lightly armed robbers	
Injurious violence	Resistance	10	15	18	21	64
	Non-resistance	5	10	13	14	42
	Resistance	8	11	16	13	48
	Non-Resistance	10	11	8	17	46
Total		33	47	55	65	200

The above master table shows the interelationship of four variables, violence, class origin, victims' reaction and nature of weapons. Violence in this context is either injurious or non- injurious. The concept of injurious violence, means that the violence inflicted on the victim precipitated physical harm (or hurt) be it slight injuries or death to the victim. Non-injurious violence refers to mere threats with no physical harm.

Nature of weapon as a concept refers to the weapons used and their potential for injury. The concept of "more lethal weapon" is used synonymously with "heavily armed" and indicates the possession of such items as gun, iron bars, spears, and knives. The "less lethal weapons" is synonymous with "lightly armed" indicating such items as stones, pieces of wood and sticks.

The concept of "class origin" refers to the social-economic status of the respondent. The economic background is categorized as both the middle- class and lower-class. The middle class represents the more privileged group in the society in terms of high incomes, good recreational facilities and access to ownership of private property. On the other hand, lower class status refers to the materially dispossessed persons, mostly slum dwellers such as the residents of Mathare and Kibera in Nairobi. The indicators include low incomes, lack of ownership of private property and absence of good recreational conduct.

The concept of "victim reaction" refers to the victims' response during the confrontation with the offenders and could be either compliance or non-compliance. Non-compliance is indicated as victim's resistance whereas compliance is as indicated non-resistance. It is presumed that non-complying victims will suffer physical injury or even be killed by the robbers.

The interrelationships of these four variables, that is, one

independent variable and four independent variables has produced the following pattern of chi-square distribution values.

* The nature of Weapons/armory $X^2 = 0.08$
* The Middle Class orientation $X^2 = 0.12$
* The lower Class orientation $X^2 = 4.02$

* The victim(s)' Resistance/Non-compliance $X^2 = 4.75$

All the Chi-Square Values are based on X^2 (0.50) df = 3.841
The Chi-square value shows that victim's response as a variable is weakly related to occurrence of injurious violence, so is low-class orientation. However, the "nature of armory" and "middle-class" orientation do not appear to be of statistical significance in this study.

The findings in this part of the study can be reduced to three sub topics - Nature of weapons, class origin, and offender-victim relationship.

Nature of Armory/Weapon

Some criminologists believe that presence of Lethal weapons means high probability of use of physical violence in violent robbery and other crimes of violence. The proponents of this view therefore claim that " one of the ways to minimize use of violence is by

diminishing the ready availability of lethal weapons through effective measures of gun registration and control".

It is therefore notable that the belief centres on the close relationship between guns and use of physical violence in crimes. However, our study has shown that the presence or absence of Lethal and/or Non-Lethal weapons is not important in determining the occurrence of physical injury to the victim during robbery with violence. In fact what prevails is a situation in which emergence of violence or infliction of physical violence on the victim can occur regardless of the nature of weapons. What appears to provoke violence of physical nature is the fact that the victim does not obey the offender.

Thus, it is the resistance by the victim that precipitates injury rather than that the offender has a weapon.

What then, is the meaning or purpose of weapons in robbery with violence? The 200 violent robbers interviewed believed they would face counter-violence from the property owners, guardians or the members of the public. They knew the nature of risks involved and prepared against risks by being armed. How do violent robbers in Kenya compare with "Kondos" of Uganda? "Kondos" of Uganda behave more or less like political robbers and use Lethal weapons with ----

intention of declaring war on the victims"/ (Kayiira 1978: 160)[9].

Victims' response to robbery with violence.

Our study shows that for injurious violence to be inflicted upon the victim, both the offender and the victim must be involved in a bargaining position: - "--- both parties, the offender and the victim, must be willing participants: (Toch 1969:12)[10].

In this study, it is observed that the victim may be engaged in the process of provoking the offender to use violence by even simple acts of non-compliance. According to the respondents, more men than women were injured for non-compliance.

Traditionally, man was the physical defender of his family and property against adversaries. According to the available data, 67% of respondents registered as having injured or killed male property owners not because the offenders carried Lethal Weapons, but because they resisted the offenders. The offending criminals are in a panicky situation and any interference is met with strong physical aggression.

This is to restrain the victim's arousal of the neighbourhood who would administer mob-justice. Hence "the less the victim complies with the robbers, the more likely he will experience physical attacks.

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CHAPTER FIVE

SUMMARY, CONCLUSIONS, RECOMMENDATIONS

Robbery with violence is one aspect of a more generalised violence. It is part of social relations in a society experiencing conflict. It is a potentially explosive/disruptive force at the heart of a seemingly solid social arrangement.

Robbery with violence in Kenya is an illicit means of obtaining material necessity and material possession. It is an alternative way of obtaining material things in spite of limited legally established channels. It is a criminological venture as old as the society. In the pre-colonial era in Kenya, the Kikuyu and Masaai tribes thrived on robbing violently one another, of women, cattle and traditional technology. Such acts were, considered more heroic than criminogenic because the tradition had normalized and institutionalized this violence as acceptable. However, theft from within one's tribe/clan was criminal and sometimes punishable by death.

During the colonial period land monopolization by foreigners in Kenya resulted in landlessness. In addition, urbanization and other social injustices, gave way to widespread poverty, unemployment, dispossession, family breakup, racial hostilities and class divisions. Robbery with violence during the struggle for Kenya's independence took the form of revenge against colonial exploitation and

discrimination. The formation of Mau Mau movement, created an enabling environment where looting, raids plunder and vandalism were justified. Robbery with violence, became a product and reflection of the oppressive and repressive social-economic realities of the time.

In the post colonial period the polarization of the social structure into capital and labour has resulted in mass poverty, unemployment, congested housing and skewed income distribution. Consequently, robbery with violence has continued to thrive easily.

In the city of Nairobi and other major urban centres in Kenya, the sprawling slum-infested communities provide the breeding ground for robbery with violence making it a distinctly urban crime. Eighty three per cent of the offenders lived and operated in the urban areas whereas seventeen per cent originated from rural but operated in the urban regions. Nearly all the offenders perpetrated their criminal activities in the urban areas. Hence a link exists between crimes and urbanization process structures.

The reason why robbery with violence thrives more in the urban areas than the rural areas can be explained.

Unlike rural, urban areas comprise people who are anonymous and comparatively untouched by bonds of family, family kinship and community involvement. There is little to restrain their behaviour.

There are huge opportunities for procuring property and money illegally. There is no doubt that there are people who are robbed of more property and money and more strangers and/or new comers with whom to interact. In the rural areas, strangers would be treated with suspicion and hideouts are limited.

In addition, urban areas have such social and economic problems as frustrating poverty, deteriorating urban housing, idleness, unemployment and other human misery. In ghettos, securing livelihood is diffifult. People are confronted with the prevailing conditions of wretchedness and dehumanization.

Robbery with violence is a crime for both low and middle-class citizens. The low-class citizens are more likely than middle-class to engage in robbery with violence. 60% of the respondents come from poor backgrounds characterized by low-grade occupation, low educational standards and little sustained income (or without welfare and supportive system). This supports the view that real and potential perpetrators of robbery with violence and other related crimes against property are more likely to come from the poor than the middle-class.

40% of the violent robbers interviewed engaged in robbery with violence primarily to procure alcohol and drugs. They frequently robbed their family of property and unsuspecting victims in the

streets. The main drive is to support their addiction to alcohol and drugs.

60% of the violent robbers perpetrated criminal violence as a career-like business. These offenders graduated from being petty criminals to hadcores. The 200 convicts interviewed had committed a total of 1000 crimes of property including robbery with violence. Some had committed habitually up to 14 counts before the current conviction. 21 per cent of them continued with petty crimes during imprisonment mostly to obtain cigarettes and drugs. 24% of the 47 convicts believed they would repeat the offence when released.

The study has found that situational deprivations including violence deprivation of material things, sex, education and other necessities generated frustration which led to involvement in robbery with violence.

The study also concludes that disrupted family backgrounds including female-based-households or families where one parent is absent are fertile soils for emergence of habitual robbers. Involvement with law authorities begins at an early age in disrupted homes. It is the quality of family relationship which ultimately matters.

What will happen to the victims depends on many factors. The victim plays a crucial role to determine the possibility of being hurt. The study shows that 53% of the offenders used physical violence, as a counter-measure to a victim's resistance.

However, the weapons in the hands of the offenders do not necessarily determine the occurrence or non-occurrence of physical injury on the victim.

RECOMMENDATIONS

Robbery with violence is a crime on which the criminal justice system has had little impact. For instance, we have seen that imprisonment and capital punishment have not been deterrents. The solution lies in social justice in the distribution of available resources, A young, unemployed, idle and fresh school leaver will gradually drift into criminality in order to survive.

The devastating conditions of housing and generalized poverty must be addressed with a view to providing communities with basic facilities, in the absence of which people drift into criminal violence for survival.

The criminal justice system is faulty. The policy should not be prison maintenance, but rather, to redress the social reality that is exploitative and discriminative in terms of distribution of resources. The state has to accept that robbery is produced and sustained by the existing economic arrangement and reflects the existing conflicting social and property relationship.

The urban areas with higher social and economic development in

terms of commerce, huge quantities of material production, and industrialization, than the rural areas, have become the focus of robbery with violence. This is largely due to polarization and to capitalist tendencies in the country.

This skewed growth and development creates antagonistic social relations. The remedy is to dis-antagonize the relations by creating social-economic justice for all. We must first accept that robbery with violence arises out of the fundamental contradictions of our economy so as to address the situation soberly and firmly. The government must consider the issue of political mismanagement as breeding ground for social injustices which increase the occurrence of robbery with violence in Kenya.

The researcher's view is that social justice requires designing more liberal policies to encourage full employment and equality of opportunities both in the rural and urban areas. The government should focus on rural programmes such as state farms, roads and hospital buildings which have the capacity to absorb skilled and non-skilled manpower thus integrating its masses in the economic mainstream. The conflict due to property interest cannot just be wished out. It has to be tackled with the commitment it deserves.

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RESEARCH QUESTIONNAIRE
DEPARTMENT OF SOCIOLOGY
UNIVERSITY OF NAIROBI

PART A

1. Respondent's gender?

    1. Male
    2. Female

2. Respondent's age at present (actual number of years or birthyear?)

3. Marital Status?

    1. Married - 1. Number of wives
       2. Number of children
    2. Married but separated
    3. Widowed
    4. Single (never married)
    5. Others (please specify)
    6. No response.

4. The highest level of schooling completed? (state actual years).

5. The technical/professional training/skills/experience?

6. Where is your home?

    1. Urban - name the place
    2. Rural - name the place

PART B

HOME BACKGROUND

7. Where did you live before you committed the crime?

    Name of the place .....

8. Did you live in the same place you committed the crime:
    1. Yes
    2. No

9. If (2) does it mean you temporarily lived in the area/place you committed the crime?

10. What is the actual places robbery with violence was committed? Is it different from the respondent's home?

Poverty/Material Deprivation

11. What was your monthly net income during the period you were convicted? State the actual amount of income whenever possible.

12. Do you or your immediate family own personal property?

    1. Land (actual number of acres)
       1. 1-5 acres
       2. 6-10 "
       3. Over 11 "
       4. None
       5. No response

    2. House (state the actual number of rooms)

       1. Permanent structure .... rooms
       2. Semi-permanent ..... rooms
       3. Mud..... rooms
       4. No response.

    3. Vehicle (s) (Please indicate the make)

       1. Car
       2. Lorry
       3. Bus
       4. Motor Cycle
       5. Others (please specify)
       6. No response.

    4. Business Enterprise (state specifically the Business)

       1. Small Scale (less than K.shs 20,000)
       2. Large Scale (more than K.shs 20,000)

    5. Personal Banks Account (actual amount)

13. Do you have dependants? (state the actual number)

Employment

14. Were you employed during the time of conviction?

    1. Yes
    2. No

15. If no, how did you make your ends meet? (state specifically the type of activity)

16. If yes, what type of employment?

    1. Permanent
    2. Temporary (and renewable)
    3. Temporary (and not renewable)

17. What problems did you encounter in the area of employment?

    1. Lowly paid income
    2. Irregularly employed
    3. Strict/inhuman conditions

18. In income was not adequate how did you supplement it? (state the actual activity).

Robbery with violence

19. What kind of crime led to the conviction?

    1. Armed gang robbery
    2. Armed lone robbery
    3. Rape
    4. Murder
    5. Others (please specify)

20. How many times have you been convicted for

    1. Robbery with violence? (actual times).
    2. Robbery with violence and other crimes?
    3. Murder?
    4. Rape

21. (a) If the crime committed is robbery with violence how many times has the convicted committed whether or not he was arrested and imprisoned? (state the actual number of times).

(b) Have you ever been in Borstal or Approved School? If so, why?

Gang Robbery with Violence

22. Did you belong to any gang of violence?

23. If so, what was the name of your gang(s)?

24. How many people comprised you gang(s) (actual number).

25. How long had you gang lived and operated together? (actual number of years).

26. Where did your gang live (actual place)
    a) Urban
    b) Rural

27. Did the criminal undertaking occur in the place the gang lived?

28. **Alleniation**

    If you recall very properly what particular pressure made you commit violent robbery?

    1. Need for money/property
    2. Peers influence
    3. Family rejection
    4. No reason
    5. Others (please specify)
    6. No response.

29. If you answer is need for money/property - How did you use or intended to use it.

    1. Personal use
    2. Share with relatives/friends
    3. Pay debt
    4. Others (specify).

30. Would you repeat such a crime?

    1. yes.....why?
    2. no.....why?

Attitudes towards social stratification/material positions

31. What do you think about the way resources are distributed in own community/neighbourhood?
    1. Favourably
    2. Unfavourably

32. Where would you place your family's economic position when you compare yoruself with others?
    1. Lower class
    2. Middle class

Disrupted families/home

33. During all that period you spent with your parent(s) who was the head of the household?
    1. Mother
    2. Father
    3. Others (please specify)

34. Did your parents live together until you grew up?
    1. yes
    2. no

35. If no, why?
    1. Not married
    2. Separated/Divorce
    3. Widowed

36. Where would you place your family's relationship when you compare it with others?
    1. Favourable (positive)
    2. Unfavourable (negative)

Injurious Violence

37. During the commission of the offence for which you were convicted was the property owner hurt?
    1. yes
    2. no

38. If yes,

    1. Who hurt him?
    2. Why do you think he was hurt?
        1. Resistance
        2. Accidentally
        3. No reason
        4. Others (specify)
        5. No response

39. Are there occasions somebody (victim) was killed?

40. If so,

    1. Who killed him/her
    2. Why was she/he killed?