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The Nexus between Social Stigma and Crime

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Abstract:

The analysis of negative effect of social stigma in management of social problems is well documented in medical sciences particularly in diseases such as mental sicknesses and HIV/AIDS. However, similar attention has not been directed on the connection between stigma and crimes committed by the offenders particularly in Kenya. Based on the news reports of crimes committed in Kenya and Labeling theory of crime, this paper explores how stigma has influenced criminal activities in the country and suggests what can be done to control such crimes.

Keywords: Social stigma, Crimes, Labelling theory, Kenya

1. Introduction

Stigma has been defined as a mark of disgrace. It results into labelling, stereotyping, separation, loss of status and discrimination thus may determine an individual's earnings, housing, criminal behaviour, health and life itself. This is because stigmatized individuals possess or are believed to have attributes or characteristics that devalue them (Link & Phelan, 2001). Copenhaver, Edwards, Byer, (2007) postulate that stigma is the situation of the person who for one reason or another is disqualified from social acceptance. Stigma can be social or economic. The economic stigma is normally reflected in the inability to get employed or being employed in menial work with low pay despite better qualifications, while social stigma may be reflected in difficulty in finding associates, friends and a spouse (Rasmusen, (1996).

2. The Effects of Social Stigma

However, social stigma may in itself be the cause of economic stigma since people who are socially stigmatised are always denied access to economic opportunities which the socially accepted individuals have. Social stigma may be based on factors such as race, tribe, a medical condition, disability and pedigree among others which are inherent in an individual. Added to these, an un-desirable past such as criminal conviction may also expose an individual to social stigma. The effects of social stigma are two pronged. One, it can make the stigmatized individual to be treated badly by members of his/her community. Such bad treatment may involve social isolation, disrespect, physical and or psychological harm and at worst death through homicide. Two, the individuals who suffer from social stigma may in revenge turn against the society which traumatises them and commit crimes such as assaults, robberies, rapes and murder against its members. These individuals may also commit other crimes in an attempt to win attention and acceptance. In this category are minor deviations such as vagrancy and prostitution. The individuals who suffer from social stigma can also commit property related crimes such as theft to survive because the society denies them legitimate means to earn their physiological needs. Whether it is the society members turning against the stigmatized or vice-versa, social stigma is criminogenic and negatively affects the societies' cohesion.

3. Social Stigma Instigated Murders and Grievous Assaults in Kenya

When on January 13th 2016 the Daily Nation Newspaper carried a report of a 4year old boy who was nursing injuries at a Nyeri County hospital after his stepfather cut off his genitals on 4th January 2016¹, many people who read this news must have been very perplexed about the incident. The detailed report indicated that Mr James King'ori, the stepfather had been in dislike hitting the minor in the past. In another incidence that took place in April 2014, a woman threw her one year old child in a water borehole to please a man who promised to marry her but did not want the baby in his family². However, these two are not the only cases in Kenya of cold blooded murder and grievous assault of innocent children born out of wedlock as the media is replete with such incidences. In the year 2013, Alice Mugwe, who was 27 years old then was found guilty by a Nairobi court on 4/9/2013 for killing her 5 years old son Peter Mugo and was jailed for six years³. The trial judge was informed that Alice killed the child who was deaf by throwing her into a pit latrine in June 2009. The court heard that she had married another man who was not the father of the child without informing him of the child whom she left behind with her mother, all was well for a year until the man discovered the existence of the child which created serious trouble in their marriage. Alice denied being the mother of the child but hatched a plan to get rid of the boy born of wedlock.

In another related crime which occurred in the year 2003, Winnie Chepng'eno admitted in court before the then Nakuru Resident Judge Muga Apondi that she killed her seven year old daughter Fancy Chepkirui, ⁴whom she strangled after her husband refused to accommodate the child because she was born out of wedlock, but was ready to bring up four other children they sired together. Winnie's mother and sister had also refused to stay with Chepkirui. The killing took place in Bureti. Winnie strangled her daughter to death with a rope, packed the body in a sack that also had some stones and sunk it in a river.

Another crime of enormous cruelty, titled "Man gets four years for bartering stepson" was also reported with details of how a Naivasha senior principal Magistrate was shocked when shown the injuries inflicted on a nursery school pupil by the step father-Jackson Njogu who pleaded guilty to the charge of causing grievous bodily harm to the minor. The court established that the mother had taken sides with her husband against the child who was born out of wedlock.⁵ In the case of Fancy Chepkirui, an assessor found Winnie guilty of murder while two of his colleagues found her guilty of manslaughter. However, whether the offence was murder or manslaughter is neither here nor there. The painful fact in all the three cases is that three innocent lives were brutally lost because of the society's social stigma against children born out of wedlock, period!

4. The Plight of Children Born out of Wedlock in Kenya

Social stigma towards the children born out of wedlock and its effects start right from their conception. Basing on it, the societies have classified pregnancies into two, the wanted and the unwanted. The wanted pregnancy is cherished and carried to term at all cost, even if at times at the risk of the mother's life. This is because the child to be born is needed by the parents and the society. On the other hand, most of the unwanted pregnancies are normally terminated through abortion also at all costs even if doing so may jeopardise the life of the mother, financial costs and legal implications vehemently disregarded. A good number of the ladies who secure abortion are normally the single and unmarried who are looking forward for a marriage in future; therefore, for fear that they might not get husbands due to the stigma of an illegitimate child beside them, they opt for abortion, which in itself is not only a crime in Kenyan law but also puts the lady in disgrace in the eyes of those who know her and don't mind to question the moral standing of the man who caused the pregnancy but refused to take responsibility.

The few unwanted pregnancies carried to term are born to be illegitimate children - the unlucky lot whose presence in the society marks the beginning of the cruellest and dehumanising treatments. Some who survive or escape the dumping at birth are abandoned to become street children while most of those who remain with their mothers in the society are unloved, despised, discriminated against and molested to the extent that some are killed as the three above. However, this problem of social stigma did not start just recently. In some pre-modern African societies, such illegitimate children; particularly sons were poisoned by the elders as it was believed that they would carry bad omen to the homesteads where their mothers were to be married or take up all the blessings and good luck of the children to be born in that family. What a fallacy! If indeed these people become achievers, it's due to their resilience, that they managed to turn obstacles put on their way and cruelty towards them into stepping stones to success. In other traditional societies, for instance among the Kalenjin of Kenya these children were not allowed to see the light of the day (Fish & Fish, 1995). The writer postulates:

"When the labour began the girl (who conceived out of wedlock) was taken to the bushes to deliver. Only women were present at the birth. As soon as the head (of the baby) appeared, the attending midwife and the mother of the boy (who made the girl pregnant) made every effort to smother the baby".

In the contemporary society, it is not un-common to find the unwanted children abandoned in the streets. These children together with the ones within the communities who luckily or unluckily escape the cruel death, because of mistreatment and open discrimination from the step fathers, grandparents and uncles (the society) may grow up as delinquents. In the streets for example, such delinquents snatch bags and mobile phones from people as they scare them with raw human dung carried in bare hands. The weak and meek among them tearfully beg for money from the uncooperative public to buy food, failing to get enough, they resort to the dustbins of hotels and kiosks for their meal, and to cloud their minds from the reality of their suffering, they sniff glue and take drugs before retiring to a cold night on the hard pavements as the bleak uncertain tomorrow awaits them. At homes, the society does not hide to the illegitimate children the fact that they are unloved. The duties they are assigned compared to other children say it all; the words spoken to them are harsh and molesting; their food and clothes are simply meant to keep them alive and scarcely cover their nakedness. Few are taken to school; therefore, their future is denied any kind of possibility out of crime. Those who get fed-up and the ones chased away join their kinds who were already in the streets.

As these children continue to grow and harden, either in the streets or at the homes, they quickly learn that to survive in their cruel nasty world, they must be guided by three principles thus: "*everybody is a dangerous enemy*", "*always manifest a dare devil courage*", and when need be "*use utmost violence with no consideration to its aftermath*". All this with good reason because to be wanted or not is a matter of life and death. With mature age, they graduate from delinquents to accomplished hardcore criminals while others become anti-social elements like prostitutes, drug peddlers and sodomists, not because they wish it, but due to the social stigma hanging like an ominous cloud above them.

5. Psycho-analytic Explanation of Hardcore Criminals and anti-social Individuals

Psycho-analytic theory advanced by Sigmund Freud (1856-1939) explains that criminal tendencies and other deviant behaviours can be traced from the experiences of an individual at the time of birth and early childhood. In this regard, Jarvinen, (1977) posit that disturbances displayed by aggressive offenders can be traced to faulty introjections in infancy. While, Adler, Mueller, & Laufer,(2007) postulate that fear, feelings of inferiority, lack of love and mistreatment at childhood cause inadequacy which has been associated with several criminal activities and anti-social behaviours in individuals. For example, psychoanalysts explain that one may become a

prostitute when he or she was denied sufficient parental love, affection and security in childhood and therefore as an adult establishes intimate relations because she wants to feel wanted and needed to an extent that a chance of getting HIV-AIDS in the process may not be a deterrent scare. Does this explain an observation that some Koinange Street women prostitutes in Nairobi-Kenya are working individuals or young ladies who come from wealthy family backgrounds – thus, are not in any way in serious need of materials and finances?

Experts in child development concur that bad words directed to a child when he or she has done something wrong such as “*you good for nothing, worthless fool,*” do not hurt the child temporarily but has a lifelong negative impact because at the childhood stage of development, the baby constructs his or her identity in accordance with his/her parent’s or guardian’s words about him/her. Consequently, the child considers himself or herself as bad or as good, as a clever or as foolish as these words mean. Briggs, (1988) concludes that the child will grow to be exactly that kind of person or worse. Therefore, should Kenyans then be surprised that among the dreaded criminals may be the yester years’ children whom the society mistreated and hurled words of doom upon because of social stigma? My answer is no! After all, “the child is the father of the man,” (Smiles, 1987). It pays; thus, to call a dog a good name.

Back to our hardened, ruthless, stigmatised young adults, they become what we expected; criminals and deviants, and as such, the notorious serial carjackers and gangsters who must shoot to kill even where their victims have not shown any kind of resistance, and the drug peddlers and prostitutes common in our towns and cities. They, the hard core criminals are normally arrested by the police, taken to court and sentenced to prisons to be moulded into good citizens pending their release back into the society.

6. Labeling Theory on Development and Perpetuation of Criminality

In Kenya, this paper assumes that all is perfect and good in prison institutions for the purpose of reformation and rehabilitation of convicts; that is to say, there’s no congestion and that beddings, food and uniforms are in good condition and adequate. It is also assumed that the facilities for recreation are available and that the prisoners’ vocational training programme is manned by skilled experts who together with the officers on guard are not only trained on their vocational trades and safe custody of offenders but also in the required disciplines, such as criminology, psychology, sociology, professional guidance and counselling, human rights and public relations and that the top prison managers and institutional heads are highly learned individuals whose skills are constantly updated. Our final assumption is that, on release, prisoners are paid handsome wages saved through the prisoners’ earning scheme as they match back into the society where they came from expecting to be re-integrated. What do you expect under these assumptions when the prisoners reach home?

Consider the obvious predicament of an ex-convict who was imprisoned for ten years for a crime: News of the released former member of the society reaches the village before him. If he was married, of course the wife had long left and his land taken by his relatives, in fact, at the first year of his ten years’ court pronounced incarceration. After all who was to take care of the wife? And after she had left, the land could not wait for a fellow expected to die in prison. In case of a lady ex-prisoner, she may find that her husband had married another wife even before the conclusion of her criminal case that sent her to prison – when she was still in remand. The discharged prisoner gets into the village amid fierce looks of suspicion and whisper of alertness “*The chief is back.*” Those who have not met him wonder in discussions saying “*How hard is the fellow that he did survive the prison life?*” This is because due to poor prison conditions not all people are expected to survive that long. Everybody is cold towards the discharged inmate and he can detect that he is not welcome since nobody would want to associate with him, “*the thief*” or “*murderer*” To the society, “*once a thief is permanently a thief,*” “*once a criminal always a criminal*” as no convicted offender is expected to change. Reformation and rehabilitation, and even salvation in this case are just but sweet sounding hoax that the ex-prisoner must not be allowed to camouflage in. He had been known long enough, his past is well known by even those who had never seen him, thanks to rumours.

In several societies, anybody who has been a convicted prisoner is a pariah who suffers from social and economic stigma due to imprisonment. This according to Rasman, (1996) is reflected in the reluctance of members of their community to interact with them socially and economically. For instance, should such ex-convicts be in a position to start a business, few people will be willing associates or customers. The willing individuals may be those who do not know their criminal history while some may be fellow ex-convicts and self-confessed criminals who expect that arrest and conviction can come to them anytime. This association of felons give credence to Edwin Sutherland’s *Differential Association Theory of Crime*, and prove that birds of a feather indeed flock together. The association of ex-prisoners and potential criminals, and the society’s social and economic stigma towards them forces the former inmate back to crime. After all, due to labelling he might have been treated as the first suspect for the offences committed where he lives though very innocent.

Based on labelling, it is not only the general public that subjects the former prisoners to social and economic stigma. The clean record, demanded by the Kenyan government as an employer refers to a compulsory no previous criminal history. Consequently, whether an individual committed a criminal offence as a young adult before the completion of his or her education, he or she may acquire university education certificate but will not be employed in government jobs because those with criminal history are forbidden. Before employment, many companies as well demand the Certificate of Good Conduct which is provided only by the Criminal Investigation Department of Kenya Police Service to the individuals with no criminal record after a thorough back ground check, this automatically eliminates former convicts thus denies them opportunities for employment whether they have reformed or not. This may force the ex-convicts back into crime to earn a living.

The above explained position against the ex-convicts fits into Labeling Theory of Crime. Under this theory, it is argued that criminality begins with the society labeling some acts as criminal and goes ahead to label individuals who commit the acts as criminals. This results into the individuals so labeled internalizing the negative label then moves ahead to act according to the label.

With time, the person takes on the qualities that define the real criminal and commits the criminal acts that conform to the label (Williams, (2001), Becker, (1963). Tannenbaum, (1938) postulates that the person becomes the thing he or she is described to be. Further, the individual and societal obsession with criminal label guides the person to follow the self- fulfilling prophecy of conformity to the ascribed label. This is re-enforced by the fact that the individual labeled a criminal suffers the injustices of the label such as failure to be accepted by employers, police profiling, and strained relations with the “normal” members of the society (Lemert, 1951). In Nigeria for instance Osayi, (2015) established that this social stigma towards ex-prisoners is the main cause of recidivism whose social costs include high crime rate. In the US for instance, Mednick, Gabrielli & Hutchings, (2008) established that chronic recidivists, who were merely 4.09% of the male offenders, were responsible for 64.4% of all the court convictions for male convicts.

7. Conclusion

Though at the face value the justifications for stigma, social or economic which are diverse and numerous may seem reasonable its influence in criminal activities as discussed are devastating. Therefore, in conclusion, for crime reduction in Kenya to succeed, the contribution of stigma to the many crimes that happen daily in our society must not be ignored. To begin with, pregnancies should not be categorized as wanted and unwanted, children as legitimate and illegitimate. The Kenyan society and the government will do good to forget the past of the already punished offenders and give them a chance for a fresh start and a new beginning. Let the society not stigmatise the unmarried ladies with a children as immoral while giving the men (the fathers of the children) a clean bill of health. It might have been the ladies first sexual encounters as teenagers or some might have been raped. The change of attitude will for sure reduce murder cases, assaults, prostitution, abortion and many other crimes. As for the deaths of the innocent children mentioned at the start, the Kenyan society is guilty because it induced their killing through social stigma.



Figure 1: A nine-year-old boy displays in a Kenyan court injuries inflicted by his step-father in Naivasha. Social stigma and discrimination is a major cause of various criminal activities.

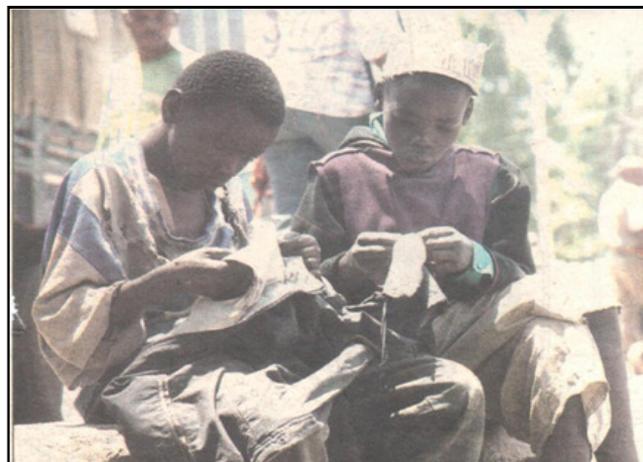


Figure 2: Two street boys check their clothes for lice at Globe cinema round about in Nairobi; the harsh treatments some children born out of wedlock face in the society compel them to run away into the streets, and as adults they turn into ruthless hardcore criminals. (Picture from the Star Newspaper)

8. Footnotes

1. The Daily Nation Newspaper of 13/1/2016 pg11-“Man flees after attempt to chop off stepson’s genitals”
2. The Daily Nation Newspaper of 7/4/2014 pg8-“Mother Kills her baby to win husband”
3. The Daily Nation Newspaper of 5/9/2013 pg8-“Woman killed her deaf son to save marriage”
4. Daily Nation Newspaper of 12/12/2003.
5. East Africa Standard Newspaper of 9/7/2004 Pg 10.

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