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**TRADITIONAL AND WESTERN METHODS OF PUNISHMENT:  
THE CASE OF CHILDREN IN THE NSO COMMUNITY OF  
NORTH-WEST REGION-CAMEROON. A CONTRIBUTION TO  
ANTHROPOLOGY OF PUNISHMENT**

*A Thesis submitted in fulfilment of the requirements for the award of a  
Doctorate/ Ph.D in Anthropology*

**Specialisation: Anthropology of Development**

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February 2022

To my daughter

Russelle DONGMO FOMONYUY DZEDZEMOON

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## ABSTRACT

Our present work is titled “*Traditional and Western methods of punishment: the case of children in the Nso community of the North West Region - Cameroon. A contribution to Anthropology of Punishment*”. It is believed in Nso that children need to be raised following culturally prescribed beliefs, attitudes in their enculturation process. In order for parents to make their children morally responsible for the society, they opt to punish. But the growing concern here regards the various forms or methods of punishment administered on children. However, critics regarding punishment methods emanate mostly from the European culture and perception and this has left parents in a confused and worried state. Parents wonder on whether to punish their children or not, and if that should be the case, the methods to put in place given the fact that African children including those in Cameroon are considered to be stubborn and recalcitrant. So they doubt the possibility of bringing up a successful child without the use of corporal punishment. We had as central question: “*How do parents punish children who engage in unacceptable behaviours, among the Nso community?*” Our main hypothesis stated that *Parents use traditional and western methods to punish children who engage in unacceptable behaviours in the Nso community*”. We could not successfully go through this section without recalling to mind our main objective. That is to “*Examined the methods used to punish children who engage in unacceptable behaviors and practices in the Nso community*”. We used the theories of punishment being that it’s relevant to our work, the theory of deviance which helped us understand how and why certain societal norms are not respected. The cultural interpretative theory which offered explanations on the cultural foundations of various traditional punishments methods used on children and cultural meanings that underpin concepts like child, acceptable or unacceptable behaviours on children and lastly, the theory of Reparative principles referring to the process of making things right for oneself and those affected by the offender's behavior.

Methodologically, the study was a qualitative one because the objective was to get in-depth information on traditional and western punishment methods used on children in the rural community of Nso. Focus group discussions (FGD), informal conversations, direct observations, life histories as well as in-depth interviews were direct sources of data.

Our data analysis techniques following our established questions helped us obtain major results. We realized that, in Nso community, societal norms are effective guides for social behavior. When individuals are in a state of the process of individualization, they see themselves only in terms of group identity, and their behavior is likely to be guided only by this group’s norms. The norm of social reciprocity which directs the Nso people to return to others, the favours, goods, and services they offer us. We also noticed the norm of social commitment, *that is keeping* their promises and finally norm of obedience that directs people toward submission to authority. Many customary sanctions or traditional punishment methods to appease victims and to safeguard against vengeance are still in use, manual labour, deprivation of food, public disgrace, public shaming, whippings, burning the child with pressing iron, amongst others. The impacts of these punishment methods are far reaching. As for parents, traditional punishment methods have not only produced responsible citizens in the community but have also enhanced community education. It identifies children with their community. The good moral behavior that the children receive from home had made them behave well in school. However, corporal punishment has increased violence in the Bansa community and schools. We found out that when some children are beaten, they turn to be aggressive. The western punishment methods have brought a *laissez faire* attitude as concerns crimes to the Bansa community. Children are no longer afraid to commit crimes because they know they would not be punished accordingly. With the indigenous Legal Systems in the Nso Community; the situation of tribes as sovereign nations are both pre-constitutional and extra-constitutional. Tribes continue to possess four key characteristics of their sovereign status: a distinctive permanent population, a defined territory with identifiable borders, a State exercising authority over territory and population, and the capacity to enter into government-to-government relationships with other nation-states. In fact, the administration of justice, law, and order is a function of government retained by the tribes as sovereign nations. It is within this realm that indigenous justice systems exist. Sometimes, they still temporarily or permanently banish individuals who commit serious or violent crimes.

**Words:** Punishment, Traditional and western methods, children, ethnic community, Nso.

## RÉSUMÉ

Notre travail intitulé « *Traditional and Western methods of punishment: The case of children in the Nso community of the North West Région - Cameroon. A contribution to Anthropology of Punishment* » porte sur les méthodes traditionnelles et modernes utilisées dans la communauté Nso (Région du Nord- Ouest) pour punir les enfants. Dans ce groupe ethnique, il semble que les enfants doivent être éduqués selon certaines croyances, attitudes dans le processus de leur socialisation. Ainsi, pour que les enfants jouissent d'un respect moral au sein de la société, les parents doivent intervenir en cas d'égard de comportement. Seulement, le véritable problème se situe au niveau du choix des différentes formes ou méthodes de punition à administrer aux enfants. Dans la mesure où si l'on s'en tient aux critiques relatives à la perception occidentale calquée sur leur culture, les méthodes ancestrales en usage dans les communautés Nso semblent ne pas répondre aux normes des droits de l'enfant sur le plan international. Cet état de chose crée une réelle confusion au sein des familles où les parents ne savent plus comment infliger une punition aux enfants dans un continent africain, principalement au Cameroun où la délinquance juvénile prend de l'ampleur, sans toutefois blesser les sensibilités. Ceci a suscité la question principale de recherche : Comment les parents punissent les enfants qui vont à l'encontre des croyances ancestrales dans la communauté Nso? L'hypothèse générale émise est celle selon laquelle dans la communauté Nso, les parents utilisent les méthodes traditionnelles et modernes pour punir leurs enfants.-L'objectif principal à atteinte étant d'analyser les méthodes de punition des enfants utilisées par les parents à Nso. Pour examiner la dynamique des punitions dans ces socio-cultures, nous avons combiné la théorie de déviance, la théorie culturelle interprétative et la théorie principe de réparation pour comprendre pourquoi en plus des normes traditionnelles, les parents font également appel aux normes modernes pour infliger des corrections aux enfants qui font face à la délinquance juvénile. Afin d'avoir de plus amples informations pour argumenter notre travail, nous avons utilisé la méthode qualitative en Anthropologie. Les résultats d'enquête révèlent que les Nso, utilise les normes comme guide pour le comportement sociales. Par conséquent on évoque la norme de réciprocité et d'obéissance qui dirige the enfants à la soumission de l'autorité. Beaucoup des moyens pour apaiser les victimes et réduit la vengeance sont mis sur place par exemple, la justice publique, le fouet, parmi tant d'autres. Les méthodes européennes sont l'isolement, le confinement pour ne citer que celles-ci.

Ces méthodes de punition ont un impacte sur les enfants. D'après les parents, les méthodes traditionnelles n'ont pas seulement produit les citoyens responsables pour eux mais aussi ont fait avancer l'éducation dans la communauté Bansa. Néanmoins, l'usage de certaines méthodes traditionnelles a augmentés la violence dans la communauté. On a compris que quand les parents tapent sur les enfants, ils deviennent agressifs. Certaines de ces méthodes européennes ont favorisées des comportements de laissez faire chez les enfants. Ils n'ont plus peur de commettre les crimes car ils savent qu'ils ne seront pas sévèrement punis.

Les Bansas fortement ancrés dans leur tradition, ont conservé les méthodes ancestrales pour punir la délinquance juvénile. Elles ont quatre principales caractéristiques: la souveraineté ; une population distinctive permanente, un territoire définie avec des frontières solides, un gouvernement qui exerce leur autorité sur le territoire et la capacité d'entrer dans une sorte de relations d'inter gouvernementales avec d'autres nations. En effet, l'administration de la justice, la loi et l'ordre est une fonction retenue par les ethnies comme souveraine. Même comme ils ont fait beaucoup des efforts pour limiter la justice traditionnelle, ces ethnies ont gardé leur autorité à déterminer la relation qui existe entre la structure légale et d'autres gouvernements en place. Beaucoup des moyens pour apaiser les victimes et réduit la vengeance sont mis sur place par exemple, la justice publique parmi tant d'autres. Parfois, on banni soit définitivement ou temporairement les gens qui commettent des crimes violentes.

**Mots clés :** Punition, Méthodes traditionnelles et modernes, enfants, communauté ethnique, Nso

## LISTS OF ABBREVIATIONS, ACRONYMS

- **Abbreviations**

Art	Article
ASC	Annuaire Statistique du Cameroun
BBH	Banso Baptist Hospital
BTK	Bind, Torture and Kill
CADHP	Commission Africaine des Droits de l'Homme et des Peuples
Chap	Chapter
CRC	Convention on the Rights of a Chil
CRTV	Cameroon Radio and Television
Doc	Document
ENS	Ecole Normale Supérieure
FGD	Focus Group Discursion
FTC	Federal Trade Commission
ID	Identity Card
NSPA	National School of Penitentiary Administration
Rev	Reverend
STD's	Sexually Transmissible Diseases
TV	Television
UNDP	United Nations Development Programme
UPC	Union des Populations du Cameroun
US	United States

- **Acronyms**

Aids	Acquired Immune Dificiency Syndrome
ANY	Archives Nationale de Yaoundé
APA	Affaires Politiques et Administratives
NACU	Nso Area Cooperative Union
NGO	Non Governmental Organisation
NIC	National Institute of Cartography

OSHA	Occupational Safety and Health Administration
PUF	Presse Universitaires de France
RAM	Random Access Memory
SOOM	The Soul of Oku Museum
SIC	Société Immobilière du Cameroun
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNICEF	United Nations International Children's Emergency Fund
USA	United States of America

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## **INTRODUCTION**

This work focuses “**Traditional and Western Methods of punishment: The case of Children in the NsoCommunity of the North West Region - Cameroon. A Contribution to Anthropolgy of Punishment**”. According to Beth Morrissey, punishment is anything that reduces the frequency of unwanted behaviours. In theory, punishment should suppress inappropriate behaviours totally, but this is rarely the actual result. Parents must remember that punishment, particularly corporal punishment, is distinct from discipline. Disciplining children is almost always preferable to simply punishing children as children are still learning and growing and deserve to be taught how to do better and be better.

Disciplining children can be a parent’s worst nightmare. No one enjoys having to tell children that they are acting inappropriately but on occasion it does need to be done. Disciplining children, however, is an integral part of teaching children about our cultural norms. Discipline is distinct from punishment in that all discipline strives to show children what is considered appropriate. Through discipline children learn personal responsibility, societal norms and how to function healthfully and happily in their society. (Beth Morrissey MLIS - Updated: 1 March 2019).

Punishment is practiced in many societies around the world in varied forms and context. As a tool used in child development and socialization process, many adults use it to discipline children and adults in different settings such as schools, homes and many other social institutions. This work focuses on the punishment of children, and we will like to limit our discussion around this vulnerable population of the society, particularly in Nso community of the North–West Region of Cameroon.

### **0.1.Context of research**

All states have criminal laws to protect citizens from assault. Many have constitutions and legislation reflecting international human rights standards and article 37 of the Convention on the Rights of the Child, which uphold “everyone’s” right to protection from torture and cruel, inhuman or degrading treatment or punishment. Many also have specific child protection laws that make “ill-treatment” or “abuse” or “cruelty” an offence. But such legislative provisions do not generally guarantee the child protection from all corporal punishment and other cruel or degrading forms of punishment. (UN Committee on the Rights of the Child, General Comment No. 8, 2006).

The level of ratification of the main human rights agreements relating to children is high in West African states: all have ratified both the UN Convention on the Rights of the Child

and the African Charter on the Rights and Welfare of the Child. The majority have also ratified other UN human rights treaties and the African Charter on Human and Peoples' Rights. Yet this apparent commitment to human – including children's – rights is at odds with the absence in most states of laws prohibiting corporal punishment.

The UN Convention on the Rights of the Child (CRC) sets the standard for children's rights in all regions of the world. In 2006 – the same year that the final report of the UN Secretary General's Study on Violence against Children recommended prohibition of corporal punishment – the UN Committee on the Rights of the Child adopted General Comment No. 8 (2006) on "*The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment*" (arts. 19, 28, para. 2; and 37, inter alia). And from the very beginning of its work, the Committee has been clear that compliance with the Convention requires prohibition of corporal punishment in all settings, including the home, and has systematically recommended this to states parties. (Global Initiative to End All Corporal Punishment of Children, 2012).

The punishment of people and children in particular have been a concern to many scholars who have studied different aspects of the phenomenon, by using different approaches and methods. The debates on punishment touch on a variety of aspects; Scholars have questioned the ethical foundation of the practice of punishment by asking if people should be punished in the first place and if this is acceptable what method should be used (Lambert et al. 2004). In effect, the controversies amongst scholars, human rights activist, policy makers and social workers have to do with criticisms of the different methods used to punish children. For example, methods such as imprisonment, corporal punishment, death penalty and excommunication have all faced criticisms.

The concept of punishment is one of those domains that continue to attract many scholars from many social science disciplines such as psychology, sociology, anthropology, law, criminology, economics, social work and child development studies. The need to carry out an investigation on punishment methods used on children was also triggered by policy imperatives. Given that the methods of punishing children have been criticized especially corporal punishment by human rights organizations and other rights-based advocacy groups, the government will certainly be thinking on an appropriate punishment policy. Recently, the government banned corporal punishment in schools. However, this decision was based on weak evidence based that could inform the appropriate policy option. In Cameroon, there is currently limited evidence on the different punishment methods used for children in

Cameroon. With the banning of corporal punishment in schools, the authorities remain confused on other alternative methods that they believe are appropriate.

## **0.2. Justification of the choice of the topic**

The decision to focus this research on punishment methods used for children in the Nso community was triggered by scientific and personal reasons.

### **0.2.1. Scientific reasons**

From the theoretical perspective, current theories on punishment are driven by predominantly empirical data from Western societies with a domineering focus on adult population. As such these theories remain limited as they provide a narrow explanation of the phenomenon of punishment since data from the African continent is insufficiently covered. This study seeks to provide data on punishment methods in Nso community that will enrich data from Cameroon and Africa. The epistemological motive was driven by the fact that there is limited evidence on punishment method used for children from an anthropological perspective. Most of the existing studies (see literature review) were conducted by scholars from social science disciplines that do not use anthropological methods. They are dominated by quantitative methods that end up providing superficial accounts of punishment methods. This current study will bring in ethnographic methods that provide deep insights into beliefs, perceptions and punishment practices, and will seek to enhance a methodological balance.

This study will add to the current knowledge based on punishment methods for children. While there is increased advocacy for the uptake of western methods, there is limited information on the different traditional punishment methods in Cameroon. This study will provide additional evidence in that light.

### **0.2.2. Personal reasons**

With respect to practice, parents are not sure of the best appropriate punishment methods to use to discipline their children if they are to abandon corporal punishment. This confusion is partly explained by the lack of an understanding of the various punishment methods due to lack of empirical evidence on the area. It remains unclear if parents should embrace western methods or combine them with indigenous methods, and if this will be the case, how should they proceed? Currently, there is no clear guidance on which method or path to follow. This study will contribute to the generation of empirical evidence and may be relevant to inform best practices related to appropriate punishment methods for children in our selected study community.

Finally, we were personally motivated to engage our study on the proposed topic. Part of the motivation came from our previous research on prison inmates in the Kondengui Central Prison during our master's degree program. The fact that we studied prisons as a form of punishment inspired us to continue our research in the domain of punishment. In our previous study on punishment, our focused population was mostly adult inmates. In this study we have decided to focus on children so as to expand our study population. It is from then hence forth that, we became interested in carrying out our research on traditional and western methods of children's punishment in the Nso community.

This study was carried out in the community of Nso in the North West Region of Cameroon. This site is chosen to bring a rural perspective on punishment methods for children. The fact that the investigator is from Bamsoparty motivated the choice of Nso for the study.

### **0.3. Research problem**

Despite the considerable epistemological and empirical contribution made by various disciplines within the social sciences to our understanding of punishment and its methods, these studies have largely been limited to Western theoretical perspectives which do not give consideration to African methods of punishment which goes far beyond prison detention. Looking at the present scholarly context, our understanding of beliefs, perceptions, behaviours and practices regarding punishment remains narrow. Additionally, most of the studies that focus on the punishment of children do not incorporate traditional and western methods. Consequently, they do not offer complete information on Western and African methods of punishment. The few studies in Cameroon on punishment like Pr Edongo's (2015) works on punishment in schools, lack an anthropological approach that takes into consideration the children population. Hence, the current epistemological terrain on punishment provides us with insufficient understanding of the concept of punishment across different human groups including children, and remains imbalanced due to the domineering western scholarship linked to the phenomenon of punishment.

Given the remarkable absence of an anthropological perspective in the study of punishment methods for children in the African context, the various indigenous methods of punishment remains and their relationship with western approaches remain unclear. Consequently, there are high prospects for wrong or misinterpretation of indigenous punishment methods due to the lack of an in-depth understanding of their cultural foundations. Additionally, due to this knowledge gap, it is difficult to determine the

effectiveness of various punishment methods for guidance on which to consider in different contexts and their consequences. The consequences of limitation in knowledge and methods of punishment for children is an indication of the need for an anthropological perspective.

When children deviate from culturally acceptable behaviours, they have to be punished. From a cultural interpretive point of view, punishment behaviours and practices are grounded on cultural beliefs underlying the construction of social norms and values and the corresponding sanctions that accompany the deviations from those norms. With the use of theoretical triangulation, we hope to offer convincing explanations for the socio cultural factors that govern the use of the various punishment methods. In other words, to explain we intend to offer explanations to why parents punish their children the way they do and what impact this will have on the behaviour of children in the Nso community.

#### **0.4. Statement of the problem**

When children are born into this world, they need to be raised following culturally prescribed beliefs, attitudes, norms and practices during the process of enculturation and socialization. In this regard, the process of enculturation and socialization takes place within diverse settings and institutions, and involves various actors. One of such settings is the home where parents have the responsibility to raise their children in a way that will be culturally acceptable. In order to achieve this goal, the discipline of a child becomes a central area of focus as parents need to ensure that children grow up to become responsible and produce morally acceptable behaviours. In order to make their children morally responsible members of the society, punishment becomes a very important tool for parents.

Among the Nso community, punishment plays a critical role as far as raising children is concern. Punishment is used on children in social settings such as homes, schools, churches, markets, farms, social groups and the community as a whole. Whenever children engage in any behaviour that is considered unacceptable they are punished with the main aim of discipline and a corrective measure. As children are socialized, various punishment methods are used depending on several factors such as: crime committed, gender, religion, culture, age and level of education. The different punishment methods cut across indigenous and western philosophies and principles of child rearing. Although there may be some similarities regarding various methods of punishment from one culture to another. Some of the crimes that go against cultural norms include: stealing, stubbornness, bed wetting, disobedience, rudeness and the violation of prohibitions. Some of the common methods of punishment for such crimes include: beatings, starvation, deprivation, detention, tying and violent emersion in

biting ants. Parents believe that doing all these will correct the child and prevent further engagements in those behaviours and practices perceived to be culturally unacceptable. It is believed by using these forms of punishment methods, the morality of children will be positive and compatible with established culturally constructed codes as they row to become adults.

However, there have been growing concerns regarding the various forms of punishment methods used on children among researchers, social workers, human and child rights advocates. The use of punishment methods such as corporal punishment has been widely criticized as child abuse and violent which infringes on the rights on children (UNICEF, 2008). Some scholars argue that corporal punishment has negative consequences on the cognitive abilities of a child (Society for adolescent medicine, 2002; UNICEF, 2013). Corporal punishment considered as a major component of authoritative parenting styles affects the educational performance of children (Renteln, 2010; Anula & Normi, 2005). In effect, corporal punishment affects the psychological, affective, emotional and cognitive well-being of the child. Consequently, there is wide spread campaign for its complete abolition and abandonment. Policy and decision-makers have been urged to design and implement policies and legislations that criminalize corporal punishment, and defaulters should be brought to book. A case in point is the abolition of corporal punishment of children in schools in Cameroon.

These critics regarding punishment methods emanates mostly from the Western culture and perception of punishment. Although the campaign against corporal punishment is a global phenomenon, the criticisms are heavy regarding punishment practices in Africa and other low income countries (Renteln, 2010). These arguments have been criticized as being largely ethnocentric with attempts to create a global scenario with imposed Western ideas and practices. This form of cultural hegemony violates anthropological normative principles of cultural relativism which emphasizes the recognition and respect for other cultures. In this context, the African way of punishing children which is embedded in their culture and belief system is considered as negative and anti-human. From such a context, one begins to ask questions regarding the way cultural beliefs and practices are studied, interpreted and understood from an ethic perspective. What are the implications of the proliferation of these types of misinterpretations and misrepresentations of cultural beliefs and practices by external scholars on theory, practice, policy and the cultural image and identity of the cultures involved?



The criticisms emanating from scholars, activists, social workers and rights-based organizations have left parents in a state of confusion regarding how they should discipline their children. Parents are now confused and worried if they should punish their children at all and if this is possible which method should be used to punish their children? This assertion is also seen by Dr Edongo as he says:

*les sanctions subies par l'enfant ne sont-elles pas alors une véritable école de conduit, une boussole sans laquelle les membres d'une société ne sauraient comment se comporter, d'autant que les parents restent toujours les premiers modèles de l'enfant?....Edongo, (2015: 15).*

From a cultural perspective, some parents do not consider various methods of punishment like corporal punishment to be a form of child abuse. Given that some children are increasingly stubborn and engaged in various forms of anti-social behaviours, parents are concerned with the future and moral status of their children if punishment methods such as corporal punishment should be abolished. This constitute a major worry because parents consider many African children including those in Cameroon to be very stubborn and recalcitrant and doubts the possibility of any successful child raising and education endeavour without the use of corporal punishment. If they are willing to abandon the use of corporal punishment in the child raising process, which alternative methods of punishment are available and considered culturally and holistically safe for their children? Should they abandon their indigenous methods of punishment in favour of Western prescriptions or they should combine both methods? If this is possible how should they go about this?

With respect to the state of confusion regarding punishment methods for children which parents face, this problem needs to be addressed as current studies on punishment methods have not sufficiently focused on this. The current body of knowledge lacks sufficient empirical evidence on the various punishment methods used on children especially from a cultural and indigenous perspective. It is important to investigate the various punishment methods and their corresponding impact on shaping the behaviour of children in different cultural contexts. Knowledge in this domain remains insufficient in the literature. This work will use an anthropological approach that will holistically investigate beliefs, perceptions and practices regarding the punishment of children in the Cameroonian context, precisely among the Nso community in the North West Region of Cameroon.

The following theories were used in this research work to interpret the data which were gotten from the field. They are; theories of Anomie-Deviant Behaviour Connection

(Durkheim and al. (1988), Deterrence theory of punishment (Hobbes, 1651) and Cultural interpretive theory advanced by (Geertz, 1989).

The theoretical insights to the analysis of punishment methods for children is anchored on the assumptions that children need to learn through the process of enculturation and socialization of norms, values and acceptable standards of behaviour specific to their geographical and cultural setting (Cheater, 1989). Elements from the theories of socialization, enculturation, cultural interpretation, social order, social control and child development will be used to explain the cultural foundations of social norms and values, beliefs, perceptions and punishment practices linked to children, and why government policies towards the punishment of children have not been effective. Following the preceeding knowledge above, we boiled down to research questions.

## **0.5. Research questions**

This work has a main question subdivided into three secondary research questions, all in a bid to better orientate the reader and enhance understanding of the issues to be addressed.

### **0.5.1. Main Research Question**

How do parents in the Nso community punished children who engage in unacceptable behaviours and practices?

### **0.5.2. Specific Research Questions**

Three secondary questions were used to explain our main research question.

#### **0.5.2.1. Specific Research Question 1**

What are the sociocultural norms that control behaviours of children in the process of socialization at home and in schools in Nso?

#### **0.5.2.2. Specific Research Question 2**

What are the traditional and western methods of childrens' punishment in the Nso community?

#### **0.5.2.3. Specific Research Question 3**

What are the impacts of traditional and western methods of punishment on children in Nso sociocultural community?

## **0.6. Research hypothesis**

In order to ease the understanding of the research focus, this section comprised of a central hypotheses that were broken down into specific hypothesis.

### **0.6.1. Main research hypotheses**

Parents use traditional and Western methods to punish children who engage in unacceptable behaviours, attitudes and practices in the Nsocommunity.

### **0.6.2. Specific Research Hypothesis**

Our central hypothesis was subjected to three secondary Hypotheses:

#### **0.6.2.1. Specific Research Hypothesis 1**

Acceptable socio-cultural norms are enshrined in an ideologically constructed moral code that prepares children to become acceptable adults such as obedience, respect for adults and the avoidance of all unacceptable behaviors, attitudes and practices.

#### **0.6.2.2. Specific Research Hypothesis 2**

Traditional methods of punishment include: beating, isolation, prohibitions, manual labor, deprivation of food, smearing the body with pepper, burning the child with fire and pressing iron, tying a child to lie in water necked, locking a child to sleep out at night, public disgrace, putting a child in the mist of soldier ants, burning the hand on fire among others. Western methods of punishment used by parents include: home confinement in a room, depriving a child from what is most cherished and ignoring the child.

#### **0.6.2.3. Specific Research Hypothesis 3**

The use of both methods of punishment has limited impact on children's adherence to socio-culturally constructed norms of behavior and practices due to parent's poor mastery of the use of these methods.

## **0.7. Research Objectives**

This study has a main objective and three specific objectives that reflect the research questions and hypothesis.

### **0.7.1. Main Research Objective**

Examine the methods used to punish children in the Nsocommunity.

## **0.7.2. Specific Research Objectives**

The main research objective was subdivided into three secondary research objectives.

### **0.7.2.1. Specific Research Objective 1**

To uncover the sociocultural norms that control children's behavior in the process of socialization at home and in schools in Nso community.

### **0.7.2.2. Specific Research Objective 2**

To find out the traditional methods and western methods of children's punishment within the Nso community?

### **0.7.2.3. Specific Research Objective 3**

To bring out the impacts of indigenous and western methods of punishment on children's in the Nso sociocultural community.

## **0.8. Interest of the study**

This study has a theoretical and the practical interest as far as the methods of punishing children are concerned.

### **0.8.1. Theoretical interest**

The current theory on punishment methods lacks sufficient empirical data on punishment methods used for children from an African perspective. This present study will add to the theoretical knowledge on punishment methods. In another words, as people studying and carrying out research in the field of developmental anthropology, our aim of research was to collect and analyze data which had to be documented, kept and read. This will serve as a, reference document for all those who need to carry out their research on similar topics.

In the area of policy, this study will generate empirical data on punishment methods for children that can be relevant to inform policy and decision makers on promising and sustainable policy options. Currently, government policy towards punishment methods for children is largely unclear as to which punishment methods are the most reliable and healthy, hence providing supportive material in that light.

### **0.8.2. Practical interest**

The practical relevance of this study is visible in the anticipated results of the study that may be useful to practitioners in the domain of child health, development and rights such as NGOs, social workers, advocacy and activist groups, parents and charity organizations. The researcher also thought it will be enriching to get the cultural perspective of another cultural grouping for this study order than Nsowas chosen.

When we know how people behave in a particular way or manner, it will go a long way to help policy makers know the measures to take, how to intervene and priorities of involvement in particular situations. If traditional methods of punishment on children are well elaborated, stakeholders of different cultures will be able to have diverse ways of implementing their measures and management rules so as to avoid conflicts within the two punishment methods.

### **0.9. Scope and delimitation of study**

This work was limited in space and time and it was within the framework of anthropology of Development. It took place from the month of March 2016 till present. Our research included a pretest of the research instruments and techniques.

This study has delimitation from the thematic and geographical points of view. From the thematic point of view, the current study focused only on the traditional methods of punishing children within the Nsocommunity in the North-West Region of Cameroon. The theoretical focus of the study is limited to social, cultural and moral norms, punishment methods and government policy on punishment for children.

From the point of view of geography, this study is limited to the Nsocommunity in the North-West Region. Only indigenes of Nsocommunity took part in this study. However, people from other ethnic groups resident in the selected study site participated in the study if they have lived there for more than thirty years.

### **0.10. Research Methodology**

According to Mbonji (2005), the word “method” comes from two Greek words “*meta*” and “*hodos*” method is the way to begging to study an object. It could be in the form of demonstration and verification. This has to do with the manner in which both primary and secondary data was collected; techniques and tools that were employed, the nature of

informants that were involved and how the said data was analyzed and interpreted; the following techniques were adopted: direct observation, in-depth interview, focus group discussion, photography and documentary research. The qualitative methodology for this study is ethnography given that the aim is to describe the cultural factors that underpin the beliefs and practices related to the methods of punishing children in the Nsocommunity.

Moreso, it is a qualitative one again because the objective is to get in-depth information on traditional and western punishment methods used on children in the Nsocommunity. We are much interested on the cultural foundations of moral principals and norms that guide the behavior of children to ensure their successful passage to adulthood. According to the philosophical assumptions of the interpretative paradigm, reality is not readily available but is constructed by humans in their social and cultural environment (Creswell, 2007). That is why the methodology for this research is informed by interpretative or constructive paradigm.

#### **0.10.1. Sample frame**

The participants for this study came from diverse background and socio-cultural status. Participants included parents of both sexes and varied ages, children between the ages of seven and twenty, religious and traditional authorities, teachers, social workers, human right activists, policy makers, prison attendants and security agents (police gendarmes etc). Only inhabitants in Nsocommunity were involved in the study.

The sampling for this study was basically purposive because we wanted to get people who could provide the information required to answer research question. This is a qualitative study that seeks to get in-depth information on the methods of punishment used for children. This sampling technique was in line with qualitative methodology.

In the course of this research, we did not interview everybody in Nso who has knowledge on traditional and western methods of punishment of children. We used a random sample technique whereby we got informants from some quarters in Nso because Nso is a very vast territory which cannot be easily accessed.

#### **0.10.2. Sampling size**

In this research, we used non-probabilistic techniques. We interviewed about 83 informants that were selected within the study area to give us relevant informations needed for this work. We had 01 different sociocultural ethnic group divided into sub-titles. Our informants were as follows: Christians (05), teachers (09), social workers (05), notables (04),

housewives (10), security agents (police, gendarmes, prison workers 11), policy makers (traditional rulers, quarter heads, member of traditional councils 12), family heads (07), clergy 06, (11). We had children (students and pupils) between the ages of seven and twenty, (11).

All these informants were not necessarily coming from Nso. Through these informants (those based in Nso. From these people, we discussed the situation of traditional and westerns methods of punishment of children in Nso.

### **0.10.3. Primary data collection tools**

Data collection tools were used to register all the informations which were gotten from the field. This was in order to avoid forgetting what had already been said in the field of study. The tools that we used to apply the different data collection techniques included: interview and observation guides, note book, computer, tape recorder, digital camera, pen, pencils, a telephone, life histories and visual images.

An observation guide directed us on the type of phenomenon to be observed. Therefore, it was equally used to observe the way in which the people of this community live their daily life and the different types of children's punishment.

Interview guides were used for all the categories of informants namely; children between the ages of seven and twenty, religious and traditional authorities, teachers, social workers, human right activists, policy makers, prison attendants and security agents (police gendarmes etc). A Tape recorder was equally used to record all information which could not be fast written down in the field. Also, a digital camera was used to take photos and pictures. Furthermore, Block notes, pens and pencils were used to take down short notes. This was mostly used during our interview with informants.

### **0.10.4. Secondary data collection**

Documentary research was done through literature review. Most of the documented information's were acquired from; the central library of the University of Yaoundé 1, Centre Catholique Universitaire (CCU) library, National Institute of Cartography, WHO and UNICEF; these Libraries provided a variety of works with grounded information on our topic of research. In these Libraries, we read books like; encyclopedias, journals, articles, dissertations and theses. Information's were equally gotten from the internet. We equally got records from other sciences like; geography, history, sociology and psychology books and Law. It mostly entailed information's from other countries in the World, Africa and

Cameroon. Documents were also elicited from audio visual sources. It was mostly achieved by watching and listening to programs which were broad casted by the CRTV Radio and Television station and other stations.

#### **0.10.5. Data collection techniques**

Qualitative data collection techniques were used to get information's from the field, they are: direct observation, life history, in-depth interview, formal interview, FGD, and photography. These techniques are going to be elaborated below:

##### **0.10.5.1. Direct observations**

Direct observations were used to focus on child raising practices and education initiatives for children. During our time spent in the field; we lived with the members of the community for a given period of time and we observed the daily routine and life styles of the people in their natural environment. Furthermore, we moved around to talk with all our informants. This technic was also used to collect in-depth information on punishment methods for children. Its applicability was felt in some households to participate in child raising practices. Attention was focused on punishment practice both traditional and western methods, the behaviour of children and parents in various contexts.

This technique was also used in order to complement with other research methods which were regarded as being specific as well as for specific purposes. With this technique, we discovered that we observed better most behavioral aspects be it cultural or individualistic. This because of the fact that most people usually don't tell us all what is in their minds not because they do not want to but because they do not perceive them. Sometimes, informants expressed detailed information on their faces and when the researcher observes detail, he or she will grasp useful and important information even without the notice of the informant. This technique was of great importance to us because it helped us not only to answer some of our hidden questions through observing their behaviors and expressions but also it minimized the possibility of bias results. The act of beating a child in a bit to correct and leaving the other without beating for example was also observed.

Because of this technique, we were able to observe the community of Nsonot only as a whole but in a specific manner. We observed how families are organized, how they punish their children when they committed crimes, how parents looked at the western system of punishing children, why some crimes led to banishment and others to reparation, just to name



these few. This observation also helped us to grasp knowledge on the lifestyle of the Nso people even though we did maintain a certain distance and respect. The fact that we could easily associate and interact with the indigenes enabled us to get information that some informants could not provide for us.

#### **0.10.5.2. In-depth interviews**

In-depth interviews were conducted with key informants such as parents, children, traditional, religious and opinion leaders, teachers, moral activists and policy makers. The themes for the discussion included among others: norms governing the behaviour of children, perception of a child, traditional methods of child punishment, historical evolution of child rearing practices, unacceptable social behaviours of children, western methods of punishment, perception of the punishment in child raising, impact of punishment on children's behaviours, social sanctions, rewards, retribution, government's policy in the punishment of children amongst others. The number of in-depth interviews conducted depended on the satisfactory responses obtained from participants.

Most of the interviews took place at palace, family homes, schools, gatherings, public security offices, prisons, amongst others in the mornings and in the evenings. They were interviewed for a period of twenty five (25) minutes. Information's were gathered with the use of a question guide and were accompanied by a set of instructions and ideas. This reminded us on when and how to prop in whenever other questions came up spontaneously.

#### **0.10.5.3. Focus group discussion**

Focus group discussion (FGD) sessions were organized with various participants and they were twelve (12) in numbers, this in order to obtain information that could not be gotten from in-depth interviews. Focus group discussions were organized with parents and children. We had informants from both sexes, parents, children, policy makers and traditional rulers. A total of six FGDs (three in each community) were organized. The topics for discussion included moral and social norms for children, unacceptable behaviours, punishment methods, factors influencing punishment methods, traditional and European methods of punishment, and perception of punishment methods.

The data were registered and transcription followed immediately which was of great help to us because it enabled us obtain different points of views on our study. It should be noted that the criteria for the selection of focus group was mainly those that have resided in Nsofor about 10 years and priority was given to indigenes.

FGD was very useful in our work because, informants voiced out their minds freely. Also, this research technique permitted us to confront and to verify the information's which were gotten from other individual interviews. Participants were happy to be given the opportunity to participate in our topic of research.

#### **0.10.5.4. Formal Interview**

This research technique permitted us, to get the opinions of all the informants who could not have spoken about traditional and western norms of children punishment, because; it is a very sensitive topic of discussion. Interviews took place when we explained that; I am a student from the Anthropology Department at the University of Yaounde I and not a human rights activist, but carrying out research mainly for academic purposes. The topic of research was presented to them. While discussing with the informants, we had other sub themes which came up. From the look of things, it was very interesting to those who participated in this research and it made them wanting to talk without an end.

#### **0.10.5.5. Informal conversations**

In the process of data collection using participant and direct observations, informal conversations were also a rich source of data. These conversations took place anywhere in public places like bars, meeting houses, family homes, markets and churches. Issues for discussion centered on the punishment of children and the behaviour of young people. People's perceptions of child behaviour and punishment methods were also discussed.

#### **0.10.5.6. Life histories**

This is a data collection technique used to obtain data about peoples' past experiences regarding particular problem, situation or challenge. It is often used when you need information on what happened to people in the past, the way they felt and their coping strategies. This technique was used in this study to collect information on the past experiences of parents and children regarding the behaviour of children and punishment methods used in the past and their corresponding consequences on the behaviour of children. The life history technique was used in conducting interviews with parents and children for them to tell us their past experiences regarding the issues that were interested to research and analyze. Life history data was collected from parents and children from homes and within the community. The effectiveness of this technique was evaluated by ensuring that we did not influence the

information provided by patients. The limitation of using the life history technique was that some participants were unable to recall all relevant information regarding their past experiences over a particular situation, event or challenge. This weakness was closed by data collected from in-depth interviews and informal conversations.

#### **0.10.5.7. Photography**

Visual images constitute a very important source of qualitative data. Visual images are images collected with the use of digital devices such as photographic cameras, video cameras, phones and other devices as part of qualitative data. It is used to collect images that are symbolic and carry deeper meaning regarding a particular phenomenon or episode. In this study, images of photographs were collected such as those that portray the consequences of a punishment method mates on a child like corporal punishment. The objective was to complement interviews and focus groups data on the consequences of punishment methods on children. The photographs were collected from homes and community from parents and children. Prior to the collection of the photographs, individual consent will be obtained from children, parents and guidance.

#### **0.11. Research Design**

A research design is constituted of guides which orientates the researcher in his work. At the same time with secondary data which consist of literature review, by reading books which were related to our topic of research and other related documents were consulted. We had to go to the field to explore and to collect primary data. We went several times to the field; first, within the month of January 2016 a pretest was carried out. After the pretest, we collected data from the field as from March 2016. Our work design was explanatory, analytical and interpretative in nature. Explanatory research design was used for the verification of our hypotheses and to examine the relationships between the various variables. Analytical and interpretative research designs were used for data collection, measurement and data analysis. There was equally, the interpretation of data brought from the field. This design was in order to get the different types of traditional and western punishment methods of children in Nsocommunity. The study design was constituted of multitude of phases as follows; sample, interviews, techniques, field work and language procedures. All these were used for the gathering of data. It was equally used for data processing and analysis.

## **0.12. Data Collection Procedures**

Our research was carried out in varying stages. First of all, we got access to documents which gave us some historical background on our topic of research. Secondly, we prepared instruments which had to be used in the field. Lastly, there was a pilot study, which meant; we had to verify the tools to be used and it was validated. Two procedures were used to carry out our research, they are; field work and language procedures.

### **0.12.1. Field work Procedure**

This consisted of identifying informants and secondly, contacting them. Thirdly, an interview time schedule was organized and the places where the interviews had to take place were chosen at their convenience. Lastly, we pre-informed our informants about the purpose of our research. Data was collected in Nso community through the use of; formal and informal interviews, in-depth interviews, observation and life stories. This actually permitted us to start our research properly by getting the description of Traditional and Western norms of children punishment need in our work. Some informants were interviewed on the spot without any notification. Interviews took place in their homes and in administrative places. The Informed consent form and the research authorization were presented to the informants. Our interview guide contained both open and close questions.

### **0.12.2. Language procedure**

Interviews were conducted both in English and in dialect. Our guides were written in English, while in the field those who could not speak English language we translated the questions into French language. We equally got access to people who could not speak both languages, but; they spoke in pigin. Due to that fact, that all the interviews were recorded in pigin and later got somebody who did the translation. These informants were chosen because; they had a real mastery of the topic of research and their culture. Also, members of the community gave the symbolic significance of some words in their culture. For example, the following statements were presented in the Nso language in our research work; the nominations of the crimes in Nso; *Akerie mo yin tangri* which means Perform traditional rites for crimes committed; *Kishev* which means: Pay fines which depend on the nature of the crime.

### **0.13. Data Management and Process Analysis**

All the informations which were recorded and transcript down from the research field, were analyzed and interpreted.

#### **0.13.1. Data analysis**

Data analysis involved the transformation of textual data into meaningful interpretations. The qualitative data collected was cross-checked to ensure that all required data have been collected and if there were any information lacking, measures were be taken to close the data gap by going back to the field to complete the collection of this information. The next step taken up was categorizing the data whereby relevant codes were used across data sets in textual form. This was followed by the identification of patterns as well as differences and similarities within the text. Finally, a thematic analysis technique was used for the analysis of qualitative data.

Our analysis was purely based on the emic approach or the native's point of view. According to Mbonji (2005) an analysis is based on resolutions, discoveries of answers, and the clearance for solutions by the combination of elements of a problem. Therefore; analysis is also the discovery of the real sense.

Analysing is in two dimensions; firstly, we had a partial analysis as we were progressing in our field work and secondly, after the field work we had to carry out the transcription of our data gotten from the field.

It should be noted that content analysis helped us to analyse our qualitative data. When we talk of content analysis we mean a situation that goes beyond merely counting or extracting objective content from texts to examine meanings, themes and patterns which might later on be manifested in a particular text and allows the researcher to understand social reality in a subjective but scientific manner.

We used a coding manual to ensure the consistency of coding as regards the involvement of multiple coding. This involved definitions or rules to assign codes and category of names. During this process, we constantly used the comparative method in the coding manual which later highered our interpretative skills. Individual themes as units for analysis and not physical linguistic units like word, paragraph and structure used often in qualitative data analysis were defined as the coding units. This, especially in instances where themes could be expressed in single phrases or words in so far as they were relevant to our

topic. We saw from here that one of the most fundamental and important decisions was that of defining the coding units (Weber, 1990) especially for the fact that messages could be unitized afor coding.

The use of this method helped us to uncover patterns, themes and categories related to the social reality of punishment. With the continuous use of the comparative method to analyse raw data, (Glaser & Strauss, 1967), we were able to stimulate insights and made categories apparent as concerns our two methods of punishing children. The essence was to integrate categories and their properties through the development of interpretative memos. That not withstanding, we know that assigning a specific text to a single category could be very difficult. That is why qualitative content analysis allowed us to assign a unit of text to more than one category simultaneously (Tesch, 1990). We later on displayed typical quotations so as to justify our conclusions, the incorporation of other options for data display, including matrices and conceptual networks following stipulation of Miles and his colleagues (Miles & Herberman, 1994).

Because we wanted our readers to come to terms with the basis of interpretation, sufficient description was put forward. This as seen by Patton, (Patton, 2002) helped in sufficient interpretation and above all understanding of our descriptions.

### **0.13.2. Steps used in the analysis process**

All interviews getting from the field were directly transcribed and stored into the computer. We read through the field work notes, transcript documents and other information's obtained from the field. This data helped us to proceed into our work proper, the next step we took was based on data marking or coding that was based on bringing out the similarities, contrasting points of view and points that stood out uniquely. We proceeded by searching for emerging themes and looking for the local categories of meaning across the various techniques which were applied in data collection.

### **0.13.3. Data interpretation**

This section is concerned with interpreting our research findings which were identified. This was purely based on the use of anthropological concepts developed in our theoretical framework. It is at this juncture that, the data collected from the field has to have a clear meaning and this was developed in our framework.

Looking at our data interpretation, we opted for equilibrium between description and interpretation. In order to understand the theoretical and personal phenomenon of our study, our qualitative research was opted to be fundamentally interpretative (Patton, 2020).

#### **0.14. Ethics**

The first measure we took note of before starting our research, was to make sure that our research project was validated by our supervisor. And the Department of Anthropology made available the research authorization which was signed by the Head of the Department.

Secondly, we met the authorities of Nsocommunity who equally granted us a verbal authorization which had to be used in the field. Also, we equally met the traditional Ruler of Nsocommunity. This was in order to present ourselves and the research authorization. More also, we presented to them, the purpose of our research, the type of people required to participate in the research and the length of time we intended to be in the field for research. In the course of our field work proper, we met some informants who had no objection.

Knowing how our sensitive our study was, we took many measures into consideration. Being a fact that irrelevant research is unethically, informants had all in formations concerning our study and its importance to the researcher, children and the Nsocommunity as a whole. We had to make them know that what was important to us was not their identity but the knowledge or information that they had to give us.

During our analysis, some of our targeted population accepted that we use just one of their names and should not fully expose their identities. That is why our research protocol had to go through the authorities of kumbo Central Sub Division like the mayor, traditional rulers just to name these few before granting an authorization. On our part, our ethical responsibility was to truly represent without any bias the points of views of our informants.

Last but not the least, informants, administrative authorities, traditional rulers were identified. Furthermore, in order to make the informants having confident to us, an informed consent form was presented to them, and we equally explained to the members of the community who participated in our research the objectives of the research. Those of the informants who demanded for a research authorization, we presented to them a copy of the research authorization which had been signed by the Head of the Anthropology Department, and administrative authorities. We told all of our respondents how and why they were selected for this interview.

Conclusively, with respect to international norms, a number of ethical principles were taken into consideration. Such as; there was the respect of people's privacies, we protected the identity of our participants by providing pseudonyms and confidentiality was taking into consideration. Informants were told to participate in the research at their convenience. Also, it is not everything we saw in the field which had to be observed, there were limitations. All recorded informations were coded into the computer, Pictures of individuals and their faces were covered. They were all respected during observation and data collection from the field.

#### **0.15. Difficulties encountered in the field**

This piece of work like any other scientific study has not been done without any setbacks. A good number of problems were encountered in the field in the process of data collection. Some informants thought that we had lots of funding; they became very disappointed after realizing that much motivation was not provided. Because of this, we insisted on the fact that I am a student of the University of YaoundeI, doing a Doctorate Ph.D thesis research in Anthropology of Development and it is purely for academic purposes.

It was discovered at the beginning of the fieldwork that, former researchers from various disciplines, most particularly in the health domain had seriously affected the way forward to research. This was evident, from the remarks made by most of the informants who refused giving information's if they were not compensated before the start of the interview. They made this statement because; many promises had been made to them in the past by previous researchers and it was never fulfilled. It became a very difficult experience when most of them declined receiving us. At the end of it all, some of them finally accepted and they provided the necessary informations.

It was quite difficult to encounter traditional healers, some of them were located very far into the quarters or at the out sketch of the town and so it required a lot of transport expenditure. There was a problem of documentation, it was discovered that very limited material on the ethnography of traditional and western norms of children punishment had existed in Nsocommunity. Much of the informations obtained from the field were mostly from oral sources which were revealed through interviews and informal discussions with members of the community.

Language barrier was one of our greatest obstacles in the field. Almost all the informants could express themselves very well in English. This made the exercise difficult for us to translate the data from Nsolanguage to English, while keeping their original form. Also,



there were some words and objects whose English versions were difficult to find. In this case, in order to comprehend, a description of words, names and objects were made available.

The problem of identification did not spare us. Some informants did not want to be identified because of the information that they gave us. They were afraid because after telling us that they at times use the cane in correcting their children, they were afraid we might talk with social welfare authorities or human rights associations who may be can create them problems. Even after all the assurance we gave them at the beginning of the research, some were still skeptical.

A research of this nature often need pictures and images in order to illustrate how children are being punished either by their parents, teachers or some other elderly persons but informants did not even want to hear of such proposals without wish the discussion had to stop. That is why we only managed to have these few.

We also had the problem on the vastness of our study area. Informants on related matters were scattered in different quarters of kumbo, Nkar, Tobin, Meluf just to name these few and it was not easy for the researcher because it was not only costly but time constraint. Nevertheless, the researcher still found it interesting because we still managed to carry out data and avoided most of these problems that seemed insignificant but very important especially for the fact that they retarded data.

However, we still attained our objectives despite all the constraints and we were able to successfully come out with satisfactory data.

#### **0.16. Outline of the study**

The present work is organized into six chapters. First of all, the study begins with preliminaries pages such as; dedication, acknowledgements summary, abstract, résumé, lists of abbreviations, acronyms and sigles, list of figures, maps and tables.

An introduction which presents the justification for the choice of topic, research problem, problematic, research questions, research hypothesis, research objectives, research design, research methodology, data collection tools, data collection techniques, types of data, data collection procedure, delimitation of work, data analyses and interpretation. Furthermore, this research had interest and difficulties which were encountered in the field.

Chapter one introduces the ethnographic setting of the study areas. It provides the necessary ingredients for understanding of geographical background, historical background, economic and political life of Bansa.

Chapter two which is literature review, theoretical and conceptual framework.

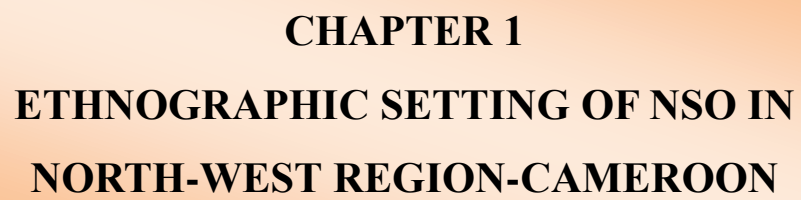
Chapter three deals on norms and the traditional legal systems within the Nsosociocultural community.

Chapter four focuses on traditional and western methods of children's punishment in Nso.

Chapter five talks of the dynamism of traditional and western methods of children's punishment in Nso.

Chapter six concentrates on impact of punishment in the Nso society.

This work ends with a conclusion that focuses on major finding, the verification of hypothesis and perspectives, bibliographic reviews, information profiles followed by an annex comprising an informed concerned form and a question guide, index of authors and index of words.

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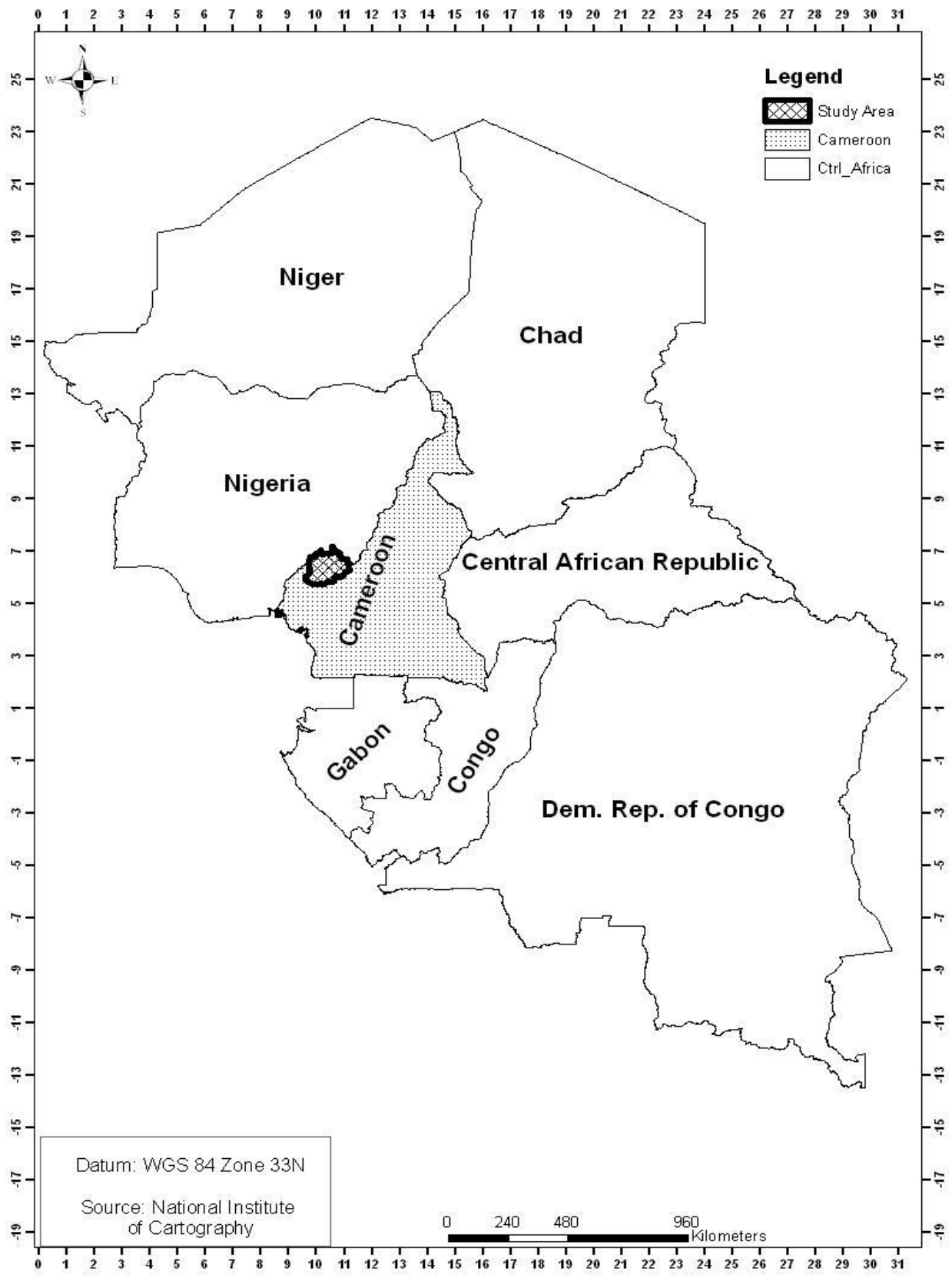
**CHAPTER 1**  
**ETHNOGRAPHIC SETTING OF NSO IN**  
**NORTH-WEST REGION-CAMEROON**

This chapter deals on the historical, geographical background and origin of the name Banson. In our research, the understanding of the physical and human environment of a society is needed. According to Iyang (2005) this is done by describing aspects of the place where the researcher carried out his research. These can be well explained only if their realities (physical, human, historical ...) are taken into consideration. In this way, Mbonji Edjenguèlè (2005 : 90) argues while looking at the cultural life of the Moundangs, Mousgoums and Mafas in the Far North Region of Cameroon that their architecture is difficult to study especially when it comes to the hotness of their climate, scarcity of water amongst others.

*...La culture matérielle, les systèmes alimentaires et vestimentaires, l'architecture des Moundang, Mousgoum, Mafa et autres peuples de d'Extrême-Nord du Cameroun sont difficiles à cerner en dehors de la prise en compte de la chaleur du climat, l'aridité des sols, la rareté de l'eau, etc. Mbonji Edjenguèlè (2005: 90).*

The information provided are, the kind of people this study is dealing with. It describes geographical features like; relief, soil, climate, temperature, topography, vegetation, hydrographic network, flora and fauna.

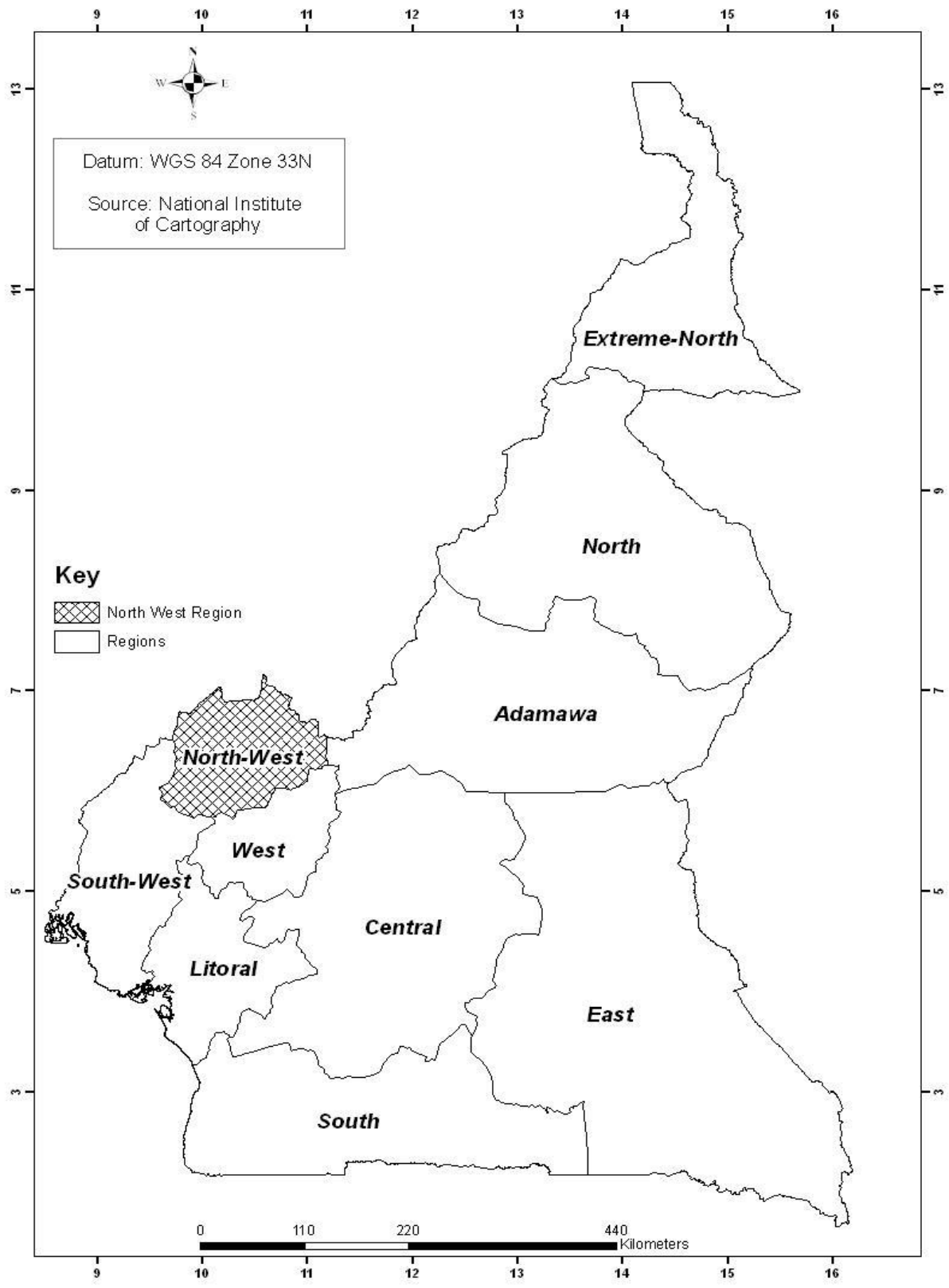
Like other regions in Cameroon, the North-west Region is made up of administrative divisions. The region was created in 1972 with five divisions or departments: Bui, Donga-Mantung, Menchum, Mezam, and Momo. Today, it has seven divisions, the additional ones being Boyo, which was carved out of the Menchum division, and Ngoketunjia, split off from the Mezam division. Each division is further subdivided, with thirty-one total subdivisions in the Northwest Region. The basic unit of local government is the council, and there are thirty-two councils in the region.



**Map 1: Central Africa**

Source: National Institute of Cartography

The North-West Region (known before 2008 as the Northwest Province) is the third most populated region in Cameroon. It has one major metropolitan city, Bamenda, with several other smaller towns such as Wum, Kumbo, Mbengwi, Ndop, Nkambé, Batibo, Bambui and Oshie. The region saw an increase in its population from approximately 1.2 million in 1987 to an estimated 1.8 million in 2010. The population density of 99.12 people per square kilometre is higher than the national average of 22.6. The provincial urban growth rate is 7.95%, higher than the national average of 5.6%, while the rural growth rate, at 1.16%, is equal to the national rate. In 2001, according to the Statistical Provincial Services of the North-West Province, the population of the province was young, with over 62% of its residents being less than 20 years old. Therefore, the dependency rate in the province is high, particularly in the rural areas.



**Map 2: North-West Region in Cameroon**

**Source:** National Institute of Cartography

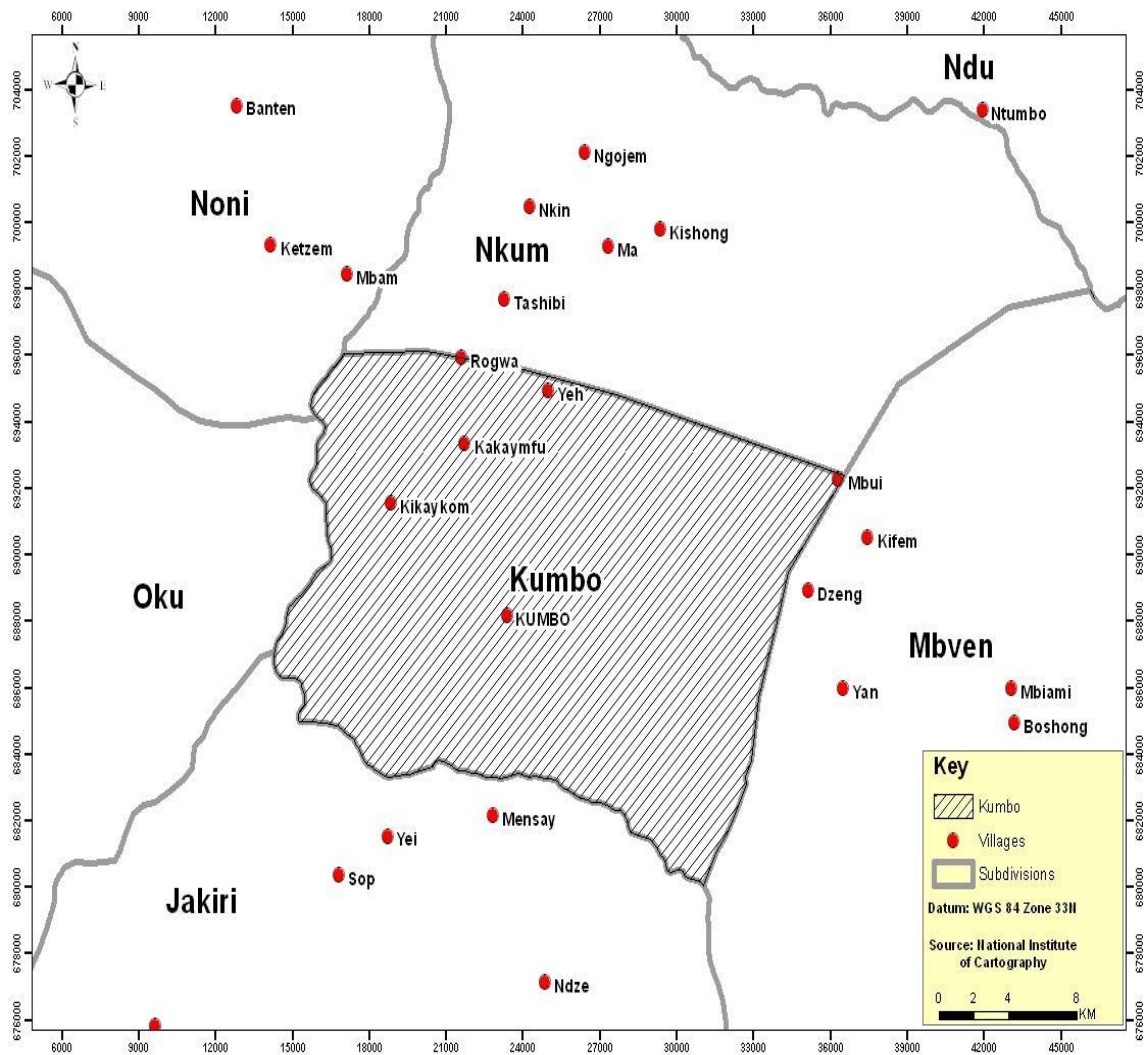
## **1.1. Geographical Background of Nso(Kumbo)**

This part will include the geographical and other elements of the general background of Nsolike location of the site and population.

Nsois a town located in a modern community in Cameroon. It is also a traditional fondom in the Mezam Division, which in turn is located in the North West Region. Nsois famous for having preserved its structure as a traditional kingdom or “Fondom”, under the leadership of the Fon of Nso. Its traditional power structures operate in harmony with its modern local government council, which aims to turn Nso into an Eco-city.

The population here is settled in three main zones. At the centre are the people of heart of the country clustered around the Fon's palace who refer to themselves as the real Nso. This name can be applied to the whole chiefdom; to the south is the ridge area; to the north is the lower which descends abruptly to the Menchum river valley.





**Map 3: Bui Division specifying Kumbo**

Source: [www.hornefamilymission.com](http://www.hornefamilymission.com)

Nso primarily an agrarian region. Nso is the most powerful of the traditional kingdoms of the Grassfields now divided into 26 wards along 10 kilometers. Bansa means people of Nso. The Nso is a tikar ethnic group located in the East of the western Grassfield highland of the North West Region of Cameroon. The area is situated 109 km from the Bamenda Ring Road with a total surface area of about 2300 Kilometers square and a population density of about 217 000 (National Census of Cameroon on population, 1989). Bamenda is the capital of North West Region. According to colonial Census 1953, the population of Bui division (Nso) was found to have over 50 000 inhabitants. Survey carried out by the Cameroon National Census of April 1976 and 1987 states that, the population increased to 142 015 and 189 766 inhabitants respectively. Therefore, by projection using the average of annual growth rate

2.5%, it is expected that the population will have close to 237 208 inhabitants by 1997. Lantum D. (2000). In the year 2000, the population of Bui Division was estimated to have 164 444 inhabitants.

Nso is bordered to the Nord by Donga and Mantung division (Nsongli), to the West by Boyo (Kom), to the East by Noun Division (the Sultanate Bamum) and the South by Ngoketunjia Division (Ndop). Today the Fondom of Nso occupies the area represented by administrative division of Bui and is located approximately in latitudes 5° 06 and 6°25 North of the equator and longitudes 10°20 and 11°05 East of Greenwich Meridian. Nso is therefore divided into three sections: Mandze, Dzekwa, and Nkum following the three sub-divisions, Kumbo, Jakiri and Mven respectively. All these have been illustrated in the Maps above.

## 1.2. Biophysical Milieu

In the part of our work we are going to talk about the climate, topography, hydrography, soil, vegetation and natural resources.

### 1.2.1. Climate

The climate of Nso according to Suchel (1972) is classified in the regional context as forming a transition between a typical equatorial mountain and Sudan types of climate which is a tropical in character. Therefore, this climate is basically the sub-equatorial type marked by two principal seasons; the rainy season called *ting* which begins from mid March till late September and dry season called *lum* which starts from the month of October and ends in mid March. The rainy season is characterized by heavy torrential rainfall causing a lot of erosion in the hilly areas. Planting of food crops is usually done when the rains begin. The dry season is marked by severe harmattan winds and high temperatures. The beginning of the rainy and dry seasons is also seen a period when children and even adults fall sick. Common diseases in the rainy season are cough, malaria and in the dry season they suffer from fever, nose bleeding and skin diseases due to excessive heat. Annual average temperatures are about 26°C as can be seen on the table repartitioned below.

**Table 1: Rainfall Statistics for Bui**

Month	J	F	M	A	M	J	J	A	S	O	N	D
<b>PPT</b>	9	33	126	142	175	193	154	274	325	232	58	11

Source: Suchel J. B. (1972)

The dry season which is always very harsh lasts for four months. During this period, the river volume reduces and some springs sources get dry. During the raining season, water sources are recharged and the volume increases around August when the rains are torrential.

To talk about one of the council areas in the Nso territory, the Nkor Council Area is characterised by two main seasons, namely the rainy and dry seasons. The dry season runs from October to March and is characterised by high temperatures and dusty conditions, a major trademark of the northeast trade winds. The rainy season begins from March and ends in October with its peak periods in July and August. It is characterised by low temperatures and moist conditions, peculiar of the southeast trade winds that brings rain. It is worth noting that during the months of December and January, the air is very dry and cold during the morning and evening periods and very hot in the afternoon periods.

In reality, Noni climatology identifies four seasons in a year, namely; Nyiim (the dry season), which runs from the beginning of December to the ending of February; Mondvuum, which marks the transition from the dry season to the rainy season and runs from the beginning of March to the ending of May; the rainy season proper, known as Bvudaam, runs from the beginning of June to the ending of August; Fweh, which marks the transition from the rainy season to the dry season, runs from the beginning of September to November ending. On account of the absence of a meteorological station within the council area, no record of actual temperatures exists. Nevertheless, it must be pointed out that the council falls within the mid-altitude agro-ecological zone 5 (altitude : 800-1400 m above mean sea level) that is, like all other agro-ecological zones, has witnessed an increase in the maximum annual temperature, going from 28oC in 1987 to 34oC in 2005, a staggering 21.43% increase in just six years. Despite this general trend, we still need specific temperature data in order to be better informed about the local micro-climate.

### **1.2.2. Topography**

Bui division lays North East of geographical region which forms part of the ecological zone known as the western highlands. The complexity in the relief is above all evident and its boundary includes the highest mountain in the whole North West Region (the Oku Mountain, 3,008 meters above sea level) and the contrasting low lying areas of 800 meters above sea level in the Mbo-nso region. The Nso territory is characterized by hilly landscape, valleys, plans found in places like Kirumen, Mbui and its temperature ranges between 6°c and 3°c with an annual rainfall of 1500mm to 2500mm. The principal river is River Bui where the division got the name Bui Division and major streams include Mbim and Marin coupled with

Lake Ber. There exist fertile plains like Mbo-Nso, Bo-Ber, Mbo-Nkuv and Kwanso. The division is made up of five Sub-divisions namely Kumbo, Mbiame, Oku, Nkor and Jakiri Sub divisions. The population is mainly Lamnso speaking, a characteristic which distinguishes Nso from other Fondoms. The Nso fondom is governed by the paramount Fon of Nso and it constitutes the largest traditional political unit in this region. It also constitutes the administrative unit in Bui division and one of the largest Fondom in the Western Grass field Region.

The Nkor municipality stands out as an area of irregular relief characterised by a configuration of highlands and lowlands. Plains, deeply grooved valleys and rolling hills, which give a distinctive relief feature to the area, interrupt the highlands. There are areas as high as 3011 meters around the Nyuiy hill in Dom village, and as low as 1050 meters above sea level around the Bamti and Mee stretch of road, which lowlands are suitable for maize cultivation. The rugged and mountainous range of the Nyuiy Hill that stretches right to the Kilum and Ijim Mountain ranges, almost completely circumscribe Noni Subdivision, opening the circum circle a bit only to the north towards the Lassin end of the Nkor council area.

### **1.2.3. Hydrography**

Nso falling within the high plateau region is a source of numerous rivers that flow down swiftly to the lower areas from its northern flanks. This region is well watered in the rainy season. The Ngongbaa forest constitutes the main watershed from which the Nso people in general and those around the forest obtain their water. A majority of streams that supply water to nearby villages and the rest of Bui Division take their rise from this forest. These rivers include Memfui, Nfonkov, Ndzevyeseniri, Kidzemin and Kilendzev. With a steep topography, valleys and rivers are characterized by falls and hollows on the bed of rivers. Some of these rivers include River Bui, Mairin, Mbim, Roh-kimbo and numerous sources for many water projects amongst which are the Kitiwum, Kikaikelaki, and Tahy and source for the Kumbo Water Scheme, which supplies the main town. There are also communities' pipe borne water projects for the villages of Vekovi, Wvem, Mbonyar and the Tadu Dairy Co-operative has tapped water from Ngongbaa Forest. Tadu people also have plans to increase their water supply by extending their scheme to catchments in the Ngongbaa forest.

While the River Mairin, Mbim and many other smaller streams take their rise from this region and flow directly eastward into the Mbam plain, a majority of rivers such as the River Bui, Roh Kimbo and Meluf flow across the region in the south eastern direction. They flow in

narrow valleys and cover south of the Shisong village before continuing their downward movement toward the ocean. Apart from these rivers, there are many intermittent streams and springs that appear within the region during the rainy season. They sometimes appear on exposed granite and basaltic formations with cracks. This drainage system affects the settlement of populations as most people settle not more than 200m from water bodies where they easily get water.

The Nkor council area has as its biggest water sheds the Bui-Mbim, Kilum and Ijim Mountain ranges. Some of the rivers include River Mbeim, which is the largest and takes its rise from the Ngonzen Hills, River Mee which takes its rise from the Dom hills, River Chau-Chau in Mbiim, River Kiwawah, which flows through Awi and Eleh and empties in River Kimbi in Bum Subdivision, and whose waters are derived from those of streams flowing through Nkor and Mbinon. River Ntaan which takes its rise from the Dom hills and flows through Banten and Mbiim and empties in River Mee in the Mee plain; River Montfui which takes its rise from the Kilum mountain range in Oku Subdivision and flows through Oku, Ngeptang and Bamti and also empties in River Mee in the Mee plain. Not forgetting River Monkfui which takes its rise from the lower reaches of the escarpment that marks the north-eastern end of the Ijim mountain range, flows down to Bamti and then sneaks its way to its point of confluence with River Mee in the Mee plain. We also have River Kitum, which takes its rise from the hills overlooking the Kichia settlement and also empties into River Mee in the Mee plain, River Sunka, which empties in River Kimbi, and whose waters are derived from those of Rivers Mee, Ntaan, Montfui, Monkfui and Kitum. All of these rivers flow through Noni Subdivision and empty into River Kimbi, which finally empties itself into River Katsina-Ala. It should be clearly stated here that most rivers are gradually becoming streams due to encroachment on forestland by croppers in search of farmland. Wetlands are found mostly in Mee, Ebanya in Mbinon, and in Ebanya and Engew in Nkor. The upper reaches of most valleys give rise to springs and water catchment areas.

#### **1.2.4. Soil**

Concerning the soil, we could have information on the main soil types in Nkor which is one of the council where Nso people live. The main soil types found in this Nkor municipality are: modified orthic soil types found in Lassin, Mbinon, Din and part of Djottin, specifically in Gaggi and Bonggi; Penevoluted ferrallitic soils, regosolic and lithosolic soils characteristic of the steep slopes found in Nkor, Bvugoi (Dom) and in part of Djottin- that is, in Buh and Chamfung- and in part of Mbinon, and in Nchine. These soil types could further be classified

as: White clayed soil, that is very conspicuous in Djottin along the Djottin-Tadu road, on the Bvugoi-Banten road, along the Mbinon-Kuvlu road, and stretching into Donga-Mantung Division; Sandy soils, which are located along the lower reaches of streams and rivers, especially around sand deposits; Humus or top soil, which occurs mostly in the valleys and on flat hilltops; Hydromorphic soils, located in the lower reaches of flood plains, that are characterised by: their soft, wet and spongy nature; an excess of soil moisture, leading to water logging that makes them feel soft, wet and spongy to walk on a deep top layer of under composed organic matter due to the fact that the excess water in the soil inhibits soil aeration, thereby creating a deficiency in soil oxygen, which in turn diminishes bacteriological activity and retards the decay of organic matter; Alluvial soils that are found along the banks of rivers and streams, and in most areas of flood plains that are not occupied by hydromorphic soils; Degraded humus soils that are found on most of the lower slopes of highland ranges and knolls that are subjected to overgrazing and compaction; Brownish loamy soils that are found between the flood plains and the contour limiting the croplands; Lateritic soils that are found everywhere beneath the top soil, and also on highlands depleted of vegetal cover, which have been subjected to high levels of erosion by runoff.

#### **1.2.5. Vegetation**

Nso vegetation is preminently savannah type with forest and primary vegetation on the lower slopes of the mountain. This savannah region is found in the Bamenda Grassfield. The forest plays an important role in providing herbal medicine used by traditional practitioners for treatment. Barks of trees, leaves and herbs are harvested and used in administering treatment to the population. These forest types are found at Kovifem, Kovkar, Kov-ngong, Kov-bui-mbim and Taayav hill. However, eucalyptus and cypress trees are planted which provides timber for construction and fire wood for fuel with the increasing population of Nso people, deforestation has a negative impact on traditional healers who practice herbal treatment.

#### **1.2.6. Natural resources**

The Nso people in general and those living around the Ngongbaa forest area in particular, like other indigenous communities in various parts of the globe, possess useful ecological wisdom which they have used for several decades in the management of their forest and other environmental resources. The concept of conservation is not new in Nso, let alone Ngongbaa forest area. Field evidence revealed that before 1987, when the government through the Kilum Mountain Forest Project (KMFP) took over the management of the

Ngongbaa forest and the rest of the Oku Mountain to save it from depletion, the Nso people had been managing this forest before with very little or no detrimental effect on it. This is made possible by the effective use of their traditional knowledge in the conservation of forest such as Mbiame, Koviliim (the bat forest) in Nseh, the Mbokam game reserve, the Ngongbaa etc. It has been revealed that the forest was conserved because it contained useful resources that were important to their welfare and cultural fulfilments.

The Ngongbaa forest is of outstanding importance to the Nso people. Before the traditional forest management system failed, the forest was still thick and vast (more than twice its present size). It is very rich in biodiversity. It harbours diverse fauna and flora on which the local people depend. This forest is the main source of livelihood for the local people. It hosted animals such as leopards, buffaloes, antelopes, monkeys and rats, although only monkeys and rats can still be found in it. Presently, the forest plays host to endemics birds such as Bannerman's Turaco, Bannerman's Weaver and Banded wattle-eye. The Nso people hunt these birds and animals for food as well as harvest mushrooms, honey and vegetables from the forest. The forest also serves as a grazing ground for the local people. Historically the forest has served as refuge for the Nso people. During expedition of 1906, the Nso fled into this forest for safety in caves. The local population acknowledged that it was due to these benefits they set up a local management system to conserve the forest and resources. The Table below shows the plants and animals which are conserved in the Ngongbaa forest and their uses.

#### **1.2.6.1. The Kilium-Ijim Mountain Forest**

The Kilium-Ijim Forest is an area of mountain rainforest in Cameroon's North-West Region. It is found on Mount Oku and the nearby Ijim Ridge in the Cameroon mountains, with Lake Oku lying in a crater in its center. It is the largest area of Afromontane forest left in West Africa. The area is an important one for biodiversity, including the endemic Bannerman's turaco and banded wattle-eye. The forest is the focus of a successful community conservation project, the Kilium-Ijim Forest Project, which works to protect the forest. The project is a collaboration between the Cameroon Ministry of the Environment and BirdLife International, and focuses on sustainable use of the forests, local management, working to benefit both the biodiversity and local development. The programme works so well that the boundaries of the forest, as mapped by satellite imagery, are expanding, and the success of the idea has led to another sister project in Cameroon, the Bamenda Highlands Forest Project. The Kilium-Ijim Forest is an area of land which has extreme biodiversity, ranging from

tropical rainforest to lake Biomes. To keep the rainforest sustainable and available for future use, control of areas of the Kilum Forest have been handed over to the locals to preserve and sustain

### 1.2.6.2. The Kovvifem Forest Reserve

The Kovvifem Forest Reserve where it is said to be the origin of the Nso people. All of the guarded tradition and history in Kovvifem means that it is not only a place full of shrines and sacred sites, but that also means that it is the oldest tract of forest left in the area because no one is allowed to cut down trees or poach in the sacred forest.

**Table 2: Animal species conserved in the Ngongbaa forest**

Lamnsso	Species	Common	Habitat	Uses
<b>ANIMALS SPECIES</b>				
Lung wo wiy	Haliaeetus pelagicus	Eagle	FO	MD
Ngam	/	Spider	FO GR	MD
Nyuywam	/	/	AQ	MD
Mabuh Mbinkar	/	/	FO	MD
Seng	/	/	FO	MD
Ghveyi long	Momordica foetida	Horn Camelion	FO	MD

Source: Tatah J.-L. (2008); Kilum-Ijim Plant List, Field work and Mbenkum (1992)  
FO = Forest GR = Grassland MD = Medicine AQ = Aquatic

As seen in this table, there have more names in Lamnsso than in English. This means in Nso, there are animal's species which scientific names have not been found till then. In general, the species are also found in the forest, grassland and in the water. There are also plants species in the Nso territory and the table below will explain their common names, the places where they are found and the uses.

The Nso people also domesticate medical plants found in the Ngongbaa forest. Those plants are endemic species and are used frequently by traditional practitioners. In Nso, there are two main categories of forests: ordinary and sacred.

The ordinary category is subdivided into individual, family and community forests. They are non-permanent forests put under the control of landlords for communal benefits. Sacred forests on the other hand are forests that enjoy full protection. Once a forest is declared sacred, activities of any kind is prohibited in it. Sacred forests are created by declaring part of



communal forests as sacred forests, palace forests (both Nwerong and Ngiri), communal sacred forests and game reserves. It is a tradition in Nso to create a forest at the backyards of lineage or compounds and palaces. Such forests usually have shrines in them where sacrifices are usually performed. At the entrance of such forest, there is always palm fronds crossed over planted peace plants. Shrines are symbolised by planted peace plants and palm fronds crossed over them (our observation, 2016).

**Table 3: Plants species conserved in the Ngongbaa forest**

PLANTS SPECIES				
Banen	Adenostem mauritanum	/	GR	MD
Dzeng	Gnedia glauca	/	FO	TC PA
Jooh	Locosifala		AQ	PWC
Kiman	/	/	FO	MD
Kinsaase	Euphorbia kamerunica	/	SCGR	MD
Kidzem	Ficus oreadryadum	Fig tree	FO	TC PWC
Kikeng	Dracaena deiteliana	Peace plant	FO	MD
Kilun	Solanum dasyphyllum	/	CT GR	MD
Kira	Pygaeum africanus	Sola	FO CT	TC MD
Kintseyi kekichiki	Cassipourea Ugandensis	/	FO	TC MD
Kinstei kensaiki	Sorindeia protiodes	/	FO	MD
Kighven	/	/	FO	FW TC
Kijamin	Croton macrostachyus	/	FO	TB TC PWC MD
Kituur (yuuh labam)	Kalanchoe crelina	/	FO	MD
Kiwaaiy	/	/	FO	HO
Kiwo-oy	Cammelina cameroonensis	/	FO	MD
Lunjang	Polyscias fulva	/	FO	TB TC FW
Sarnkam	/	/	FO	MD
Se-ejav	/	/	FO	MD
Shuay	Shefflera abyssinica	/	FO	FW TC HO

Source: Kilum-Ijim Plant list, Field work and Mbenkum(1992)in Tatah J.-L. (2008)

**FO** = Forest **GR** = Grassland **MD** = Medicine **AQ** = Aquatic **PA** = Paper **SC** = Scrub **FW** = Firewood **HO** = Honey **TC** = Wood Carving **PWC** = Protect Water Catchments **TB** = Timber.

The table above shows us the different type of plants species that can be found in the Ngongbaa forest area. It should be noted that most of these plants are medicinal.

This type of family forest usually host houses of sacred societies such as jujus. It is interesting to note that in both ordinary and sacred forest, there are places with status and thus given special conservation priorities. That is the reason why Tatah J.-L. (2008: 33) declare:

*The places in forest with special status (sacred places and shrines) are known variously in Nso as kuvnyuy or the forest of the gods, kov-nwerong meaning nwerong's forest, Kireekenyuy' (the place of the gods).*

For the author, these kinds of places are believed to host divine ancestral spirits and the ndo people go there to perform their sacrifices. Sacred forest doesn't only host spirit and there can be tombs. This still is explained by Tatah J.-L. (2008: 33) that:

*There is sacred forest in Nso called Kovifem which hosts tombs of 13 Fons of Nso. One of the sacred places includes the Kidzemen and shuukov where the spirit of Sehmbum III (Taa Mbinglo) of Nso is believed to have settled. After the enthronement of every Fon of Nso, he goes to Kovifem and Kidzemen and performs sacrifices to bring peace to himself and the Nso land.(Shuufai Ndzendev, pers.com.).*

This means the forest elements bring lot of things to the Nso people and the Fon is aware of them and cannot joke with the rituals. We can't conclude this part again without making allegiance to Tatah J.-L. Again once (2008: 29):

*... the Ngongbaa forest provides enormous benefits to the Nso people. It is the source of wood, medicine, water, animals, birds etc. before 1987, the local people depended mostly on this forest for its woods (fuelwood, timber and carving). Today Ngongbaa forest is also a source of medicine. Some species of plants animals and birds found in the forest are useful for medicine.*

In the past, the Nkor municipality was very rich in many natural resources. However, due to its population boom and the constant quest for farmland and shelter, these natural resources have been reduced to just the forests and mineral resources. More forest resources still have to be discovered in the remaining patches of forest areas found in the municipality. Resources found in the forests include Timber, Non Timber Forest Products (NTFP), and wildlife. There is no official data on the type and quantity of each of these resources. Nevertheless, from observations and informants, NTFP include Kola nuts, bush plum and honey. Monkeys, antelopes, leopards, and pythons are some of the wildlife found in the forests. Several birds species are also found in the forests- an example is the Tauraco Bannermani (Bannerman's Turaco from which the red feather for traditional tittles is got), Owls and Bats. Some of the mineral resources that can be found in this area include sand, stones and clay. However, the council is yet to exploit these minerals to the fullest, especially sand, as exploitation is presently done only artisanally at individual level. There are sand

quarries in Lassin and Enkoveh. Although the council has begun controlling sand exploitation, the control needs to be intensified because there is still a lot of illegal exploitation by individuals. The industrial exploitation of the huge sand quarry potential of Enkoveh is subjected to the construction of a good access road.

### **1.3. Historical Background**

The history of origin and migration of the Nso people is based on oral sources. The people of Nso are of the Tikar speaking group whose history of migration is linked to the migration and wars that prevailed in the Bamenda grassfield in the early 19<sup>th</sup> century. Tambe Eyong Etah describes these people as:

*Being collectively of Nsodan comprising the Nso clan proper and the villages of Oku, Djottin, Noni and Mbiame which although admitting kinship with the people apparently broke-away from the stem many years ago and have only recently united for general administrative purposes and are therefore regarded as an integral part of the clan* (Eyong Etah, 1972).

The capital of Nso is Kumbo. Both the people and the capital are sometimes referred to as Bansa (people of Nso); the addition of the *Ba* prefix is attributed to the Fulani conquerors in the 17<sup>th</sup> century; the prefix resonates in the names of towns around the area. The oral tradition holds that the Nso people originated from Rifem in the Tikarland meaning that the nucleus of the Nso tribe is traced from the Ngonso dynasty. It is said that the Fon called Kimi who ruled Rifeù as polygamous with many wives and had three children namely: Ngonso, Nchare and Mfoombam. Among them, Ngonso was the eldest, was the only female. After the death of their father, confusion aroused as to who is or will be the successor of their father. Nchare who was the youngest brother to Ngonso was instead chosen and enthroned. For this particular reason Nchare negotiated secretly with his junior brother Mfooban to go on country exile without notifying Ngonso. When this secret plan was later on revealed to Ngonso, he decided to follow his brother's path. Nchare with his team after trekking for several days came to River Mbam where they constructed a bridge to facilitate their crossing. This bridge was destroyed when Nchare learnt that his sister Ngonso was advancing towards them. This forced Ngonso and her group to follow the valley upstream to where they found a shallow river and succeeded to cross. From here they decided to settle on a nearby plain called Mbonso.

At Mbonso, Ngonso and her team were harassed by the Ntem people in the Ndonga Mantung Division. This made them to migrate to Ndzenso. After a short stay in Ndzenso, Ngonso and her team decided to move to Kovifem where they were highly welcomed by the

visale. These visale people were made up of group of 30 hunters all male. Later on, there existed intermarriages between the Ngonso family and the Visale group. The Nso people stayed in Kovifen for quite a long time and the grandson of Ngonso succeeded the visale chieftaincy.

During the end of the 18<sup>th</sup> century, Kovifem was attacked by Fulani horse raiders (barpu' nyam) from the direction of Banyo which resulted to their migration to Kovngongba and later to Tavisia. Tavisia was found by Fon Sangoo and because of a drastic attack on the people, by Ngonso and her team, Fon Sangoo and all his male children were killed. The Kovifem Fulani raids resulted in some Nso males captured and sold as slaves. After the Tavisia Fulani raid, the nso nation remained without a Fon. The Nso fondom was installed again through the generosity of *Shufai Ndzendzev* who redeemed *yir* from slavery in the Nsungli land. This explains why *Shufai Ndzendzev* up till date is accorded a high ranking position in the Nso society. The installation of *Yir* took place at Kovifem after leaving Tavisia. Due to constant Fulani raids, the Nso people moved southwards towards the Nso people and with the help of *Dove ngwerong*, the Nso people defeated and dislodged the Nkar people from their settlement at Kimbo. Fon Sembum I after this defeat, transferred from Kovifem to Kimbo. In 1892, Chieftancy dispute arose and two princesses broke away and founded the Oku and Mbiame fondoms. The Nso adopted an expansionist policy and captured minor tribes like Djotin, Din, Lassin, Mbime and Nkar whom they allowed to continue with their traditional ruling methods. The Nso people were probably the most powerful of the Tikar tribes who were described by the later German conquerors as “*the most feared slave- raiders*”.

### **1.3.1. Colonial History**

After firmly establishing the Nso kingdom, the people enjoyed total independence for a long while, with the fon as supreme authority. This lasted until the beginning of the 20<sup>th</sup> century when the first colonial masters the Germans arrived in the area. They forced the natives to provide unskilled labour for road construction, and beat recalcitrant ones, sometimes to dead. The refusal of the fon of Nso to comply with them gave enough reasons for the Germans to accept a proposal by the Bamoums to wage war against the Nso people for the killing of their king by the Nso people at Verkovi. This lasted for about two months forcing the fon to sue for peace and surrendered to the Germans.

The British on their part arrived in then area after the Second World War. Their style was rather friendly, reason for which they seemingly drew much admiration from the inhabitants than the Germans did. They brought the idea of community work and organized

natives to carry out community projects in the areas of drinking water supply and road maintenance, and are remembered for the opening of schools and the introduction of the coffee and eucalyptus trees.

Colonial administration grouped Nso, Bafut, Ndop, and native authorities to the Bamenda South Eastern Federation of Native Authorities in the 1940's. The Nso Native Authority split up from the union in 1960.

## **1.4. Local Government**

In this part of our work, we will present below, traditional power structures and the administrative structures of Kumbo (Nso).

### **1.4.1. Traditional power structures**

The power is owned by a chief called in this part of Cameroon: *fon*. A Fon is a ruler or king of a region of Cameroon, especially among the *Widikum, Tikar*, and *Bamiléké* peoples of the *Bamenda grass fields* (the North West and Western Regions) and the *Lebialem* of the South West Region. Though once independent rulers, most Fons were brought under the *German* rule or military subjugation during the *colonial* period. Following the defeat of the Germans in *World War I*, the Fons came under *British* or *French* rule, depending on whether their territory fell into *British Cameroon* or *French Cameroon*. Since Cameroon's independence in 1961, the Fons are under the jurisdiction of the Government of Cameroon. However, they maintain semi-autonomous union councils and jurisdiction over their hereditary land.

The people of Nso are ruled by the traditional ruler common to the people of the North West Region, the Fon. The Fon is both the head of the traditional government and the chief religious authority in charge of keeping the ancestors happy. The Fon is supported in his duties by the seven notables called *Vibais*. These *Vibais* are *Shufais*, whose positions are determined by rather intricate history. These include *Shufai Ndzendzev, Tahnkum, Doh, Ruun, Tsenlah, Lun and Yuwar*. Over the years, other *Shufais* have been appointed by the Fon of Nso without any major political influence, but for the fact that they get a seat at the lower ends of the seating ranks in the palace. His power is kept in check by regulatory groups such as the "*Ngwerong*" which is in effect the security arm of the government and enforces decisions taken by the Fon. The *Nwerong* is solely responsible for enthronement of a new Fon. It is also responsible for replacing *Fais* and *Shufais* after the death of the incumbent. Members of the royal families (except the Fons) may not become members of the *Nwerong*.

The "Ngiri" resembles the Nwerong, but is only for princes. New Fons are selected from a group of eligible princes by a system kept secret from those eligible, thus eliminating a possible source of corruption. The present Fon is Sehm Mbinglo I. young and dynamic, he has reinforced traditional authority and the respect for human dignity despite the pressures of the modern world. The princes are called *Wontho* and regularly meet in the presence of the Fon to discuss family matters.

The Nso fendom is divided into groups according to lineage and each lineage group is led by a "*Fai*". According to the tradition of the Nso people, the Fai is not supposed to shake hands with an ordinary man. They are recognized by their glass bead necklace and a fancy walking stick. Only the Fon has the authority to institute a Fai. Closely following the Fai in level is the *Shey*.



**Figure 1: His Royal Highness Fon Sehm Mbinglo**

Source: [www.panoramio.com](http://www.panoramio.com)

There are other Fons that generally act as advisers to the Fon of Nso. The existence of these Fons today signifies an evolution in the history of the Nso people. Most of them were once leaders of independent tribes that through warfare or peaceful negotiations or through share events of history came to subordinate the Fon of Nso. They are the only ones (along with foreign Fons) that are allowed to bring in their own seats (*Kavahs*) to the Nso Palace. These, in exhaustively, include the Fons of Oku, Mbiami, Nseh, Nkar, Gwan, Kiluun, Ngashong, Nshokov, Gwarkang, Taabah, just to name these few. The Fons of Oku and Mbiami were once princes of Nso. All the Fons of Nso and Shufai Ndzendzev are members of both the Nwerong and the Ngiri. It should be noted that, they are allowed to bring in their own seats (*Kavahs*) into the Nso Palace. They include the Fons of Oku, Mbiami, Nseh, Nkor, Gwan, Kiluun, Ngashong, Nshokov, Gwarkang, and Taabah.

In Nso, the Fon is the highest executive, high priest, the distributor of titles, humours and the supreme ruler. He is the representative of the ancestors of fondom and a link between the people and the ancestors. He offers sacrifices called *cu* directed to the gods and *ntangri* directed to the ancestors during ritual occasions such as asking for peace, fertility and prosperity of the people.

Moreover, he is regarded as senior descendant of the ancestral gods *anyuy* and only he alone can play this role. The Fon heads the *Kitav ke shishwaa* which is a store of cult of the earth situated within the fons religious sector and its services rendered to the nation in all the nation chief priest.

#### **1.4.2. Banso Council**

The five sub divisional councils geographically surround the divisional headquarters of Bui Division-Kumbo. In a deconcentrated administration, this set ironically is true geographically, administratively and politically. In decentralization, aspects of centrality are infused into other parts of the division.

Councils (Nkum, Jakiri, Elak, Nkor and Mbiame) and subdivisions (Nkum, Jakiri, Oku, Noni, Mbven) have the same administrative and political headquarters. They therefore have the same population size and surface area to perform their activities. Table 4 shows the administrative and political headquarters of and their respective population.



**Table 4: Population distribution and density according to councils /Sub-divisions**

Sub-division	Council	Headquarter	Population	S.A km <sup>2</sup>	Density
Nkum	Nkum	Tatum	54300	416.73	130.23
Jakiri	Jakiri	Jakiri	59700	470.45	126.90
Oku	Elak	Elak	87200	372.50	234.09
Noni	Nkor	Nkor	24900	319.78	77.87
Mbven	Mbiame	Mbiame	14700	702.85	20.91
<b>TOTAL</b>			<b>240,800</b>	<b>2282.31</b>	<b>105.51</b>

**Source:** Ndze A. (2008), North West Provincial Service of Statistics (2006)

#### **1.4.2.1. The Kumbo Council (Nkum council)**

The heart of Bui Division beats in Kumbo, the second largest town in the North West Region of Cameroon, with a surface area of 630 square kilometers. Kumbo is about 110km away from Bamenda, the capital of the North West Region. Population wise, kumbo counts over 216.000 inhabitants, spreading over 43 villages. Kumbo shares its boundaries with Nkum to the North, Mbven to the East and to the South by Jakiri, then to the West by Oku-Noni. It is a mountainous town with 03 distinctive hilly settlements, Tobin, Mbveh and Squares. In Kumbo, there is a wide diversity of landscapes and its rivers are punctuated with rapid spectacular waterfalls with boiling foams. These waterfalls empty themselves into the main rivers of the town – Rivers Bui and Rookimbo. It is worth mentioning that Bui got its name from River Bui, while Kimbo, which is the original appellation for Kumbo, got its name from River Rookimbo.

Tobin, one of the major settlements, is the administrative seat of the town. Mbveh is the commercial center and squares harbors the residence of the Paramount Fon of Nso, known as “Ntoh Nso”. The urban space of the Kumbo Council area is characterized by population concentration in Mbveh, Tobin, Kimbo Squares and Shisong with as expanse of empty land between. Each population concentration has its own peculiarity as follows: Tobin is the government residential area with many offices and residences. The population of Shisong was attracted by the existence of the early Catholic Church followed by the existence of the St Elisabeth’s Hospital. Mbveh is the main commercial area having the main market of the council area. This is also the main center for the Muslim population. The population of Kimbo

squares is influenced by the presence of the cathedral, the main Presbyterian Church, the Baptist Hospital and Nso Palace. There is also a market and other economic activities taking place.



**Figure2: Kumbo Council**

**Source:** Jaika April 2019

It is believed that kumbo council was created since 1977 out of the defunct Nso Area Council, which was created from the South Western Federation, with headquarters in Ndop. Before the creation of the council, his Royal Highness, the Fon os Nso, Sehm Ataar, administered Nso with assistance from the Fons of Oku, Mbiame, Nseh, Nkar and Ndzeen. These fons had a common council presided at by the Fon of Nso, where the planned and made rules to keep away all evils from their various fondoms. The fons were members.Nso shared boundaries with the people of Kom; Bum, Babungo, Babessi, Fouban, Ntem and Mboon.

Each fon respected his own position and there was no power wrangling. They lived in harmony with each other. Presently, it is headed by a mayor by name Donatus NJONG FONUYUY.

#### **1.4.2.2. The Jakiri Council**

Jakiri Council is one of the six municipalities in Bui Division in the North West Region of Cameroon headed by Jaff Romanus VERKIJKA as mayor. It is located some 80km from Bamenda on the ring road that passes through most of the divisional headquarters. The council derives its name from its chief town Jakiri, which in turn got its name from the first settler in the town named *Jajiri*. During the British rule in West Cameroon, administrative units were carved out with municipalities acquiring considerable power, even being allowed to have forces of law and order. Jakiri like all the Nso area, Bafut and Ndop were grouped under the Bamenda Eastern Federation of Native Authorities, with headquarters at Ndop.

In 1961, the Nso Native Authority pulled out of the Federation of Native Authorities and acquired the status of Nso Area Council with headquarters in Kumbo. In 1977, the Nso Area Council was split into four councils: Kumbo Urban Council, Kumbo Rural, Elak Rural and Jakiri Council. From its creation, the sub divisional officers administered the Jakiri Council until 1987 when the first municipal administrator was appointed by decree.

#### **1.4.2.3. The Nkor Council**

Nkor council area engulfs the entire Noni Subdivision, which is found in Bui Division of the North West Province of Cameroon. The estimated surface area of Nkor Council is 325.7 Sq.km. The population is sparsely settled across the Council area under ten (10) traditional fondoms, with six (6) principal concentration zones along the Noni Ring Road at Mbinon, Lassin, Nkor, Dom, Din and Djottin. Nchine, Mee, Ngeptang, Nkale and Bamti are some major quarters linked to the principal population concentration zones of Mbinon, Nkor and Din respectively.

The Nkor Council was created by Presidential Decree No.93/322 of 25th November 1993. This decree also stated that Nkor Council shall have the same administrative boundaries as Noni Sub-division. Curiously, the decree that created Noni Sub-division stated that the administrative boundaries of the sub-division shall be defined in a separate text, which text has never seen the light of day. Consequently, neither the boundaries of the Nkor Council nor those of the Noni Sub-division are defined. However, the boundaries of the Noni Customary

Court area are well-known and well-defined on IGN Nkambe sheet of 1972. Curiously, in spite of the foregoing fact, Nkor council has boundary disputes with the Nso tribe in the South East, Oku tribe in the South, Kom tribe in the West and Bum tribe in the North.

The population of this Council area is about 100,000 inhabitants. This population is predominantly of the Noni ethnic group, sparsely settled across the Council area under ten (10) traditional Fondoms, with six (6) principal concentration zones along the Noni Ring Road at Mbinon, Lassin, Nkor, Dom, Din and Djottin. In addition to the indigenous Noni population, there is a growing trend for settler populations in the Council Area: a significant Fulani population, grouped into some eight (8) ardorates, is scattered across the entire council area, while a small colony of Nso extraction migrated from the neighbouring Kumbo subdivision and settled in Dom around Banten and Fofueng, and in some areas of Djottin around Buh, Mbiim, and Kerri (commonly referred to as Djottin-Nso).

The village of the Nkor Council : Asha-Nkor, Awi-Nkor, Banti-Din, Bandiv-Djottin, Bunti, Bvugoi-Dom, Chamkung-Djottin, Chaw-Dom, Diwile-Din, Ebanya-Mbinon, Ebwewe-Lassin, Egow-Djottin, Ejungu-Lassin, Enjong-Mbinon, Enkove-Nkor, Entanghe-Lassin, Etakum-Nkor, Fibweh-Din, Fonti-Djottin, Gaggi-Djottin, Gbenbvule-Nkor, Gii-Mbinon, Gofung-Din, Jeng-Lassin, Kibavuke-Nkor, Kicha-Nkor, Kinengti-Djottin, Kochi-Nkor, Lafele-Djottin, Mbam-Dom, Mee-Nkor, Meyessi-Djottin, Muntale-Nkor, Nchini-Mbinon, Ngaa-Lassin, Ngai-Din, Nganganghe-Din, Ngeptang-Din, Nkali-Din, Nkali-Din, Nsusi-Dom, Ntfum-Mbinon, Ntoh-Lassin, Nyalin-Nkor, Vun-Din

The Noni people had a joint council with the Nso and Oku people called Nso Local Council until 1978 when the Elak Rural Council was created for the Oku and Noni people. Subsequently, Nkor Rural Council was created by Decree No 93/322 of 25/11/1993. Prior to its creation, the jurisdiction of Nkor Rural Council was administered jointly with that of Elak Rural Council as Oku-Noni Rural Council, with headquarters at Elak, Oku. Like all the councils of Cameroon, Nkor Council is a decentralized public entity with the status of a corporate body under public law.

#### **1.4.2.4. The Mbiame Council**

Mbiame council area is found in Mbven sub division in Bui Division of the North West Region. It is located some 27 km North East of Kumbo, capital of Bui Division. It is bounded to the South West by Kumbo, South East and East by the Noun Division of Western Region,

North by Donga Mantung Division and Adamawa Region. It has a surface area of 575 km<sup>2</sup>. Number of inhabitants: about 70,000 inhabitants. They have 32 villages namely; Rifem, Kovki, Mbohnso, Tanyar, Koko, Lam, Shuken, Mbande, Kinstem, Reeh, Mboshong, Kovshon, Mantum, Mbonstem, Old Camp, Sancho, Lip, Ta-amborong, Mumyu, Mbonchari, Dzemkir, Nkonin, Bahsan, Mbolah, Sang, Shukov, Ngoung, Kovjoh, Tiwong, Mbokov, Ngorin, Njanawa. Although some areas are cosmopolitan, four ethnic groups can be distinguished in the whole sub division; Mbiame (lamso), Fulanis, Yambas and the Bamouns.

The presidential decree No 92/187 of 01-09-1992 created Mbven subdivision out of Bui division with administrative headquarters in Rifem. Mbiame Rural Council as it was then known was created by presidential decree of 24/04/1995. It is situated in Rifem which is the administrative headquarters of Mbven sub division. Previously, the Mbven subdivision was administered from Ndop under Nso. After the plebiscite of 1st April 1961, the Nso Council Area was created with headquarter in Tobin. On the 1st of July 1977, the Nso Council was further splited into Kumbo Urban, Rural, Jakiri and Elak. Decree No. 95/082 of April 1995 created the Mbiame Rural Council which is an offspring of Kumbo and Elak councils. With the coming in to force of the 2004 laws on Decentralization, the council is now called Mbiame Council.

The Mbiame, people originated around the River Noun in Fouban. Rifem is one of the areas that constitute the Tikari ethnic group; hence they belong to the Tikar ancestral line. These people left Rifem because of the dense population and the Fulani warriors who invaded the areas. On their way to the unknown, they were in a group of four. Mbiame and Nso people of Bui division, Mbam people of the center and the Bamouns of the west. The four first halted at a place called Ngu-Nso near river Bui where the Bamouns and the Mbams crossed the river and destroyed the bridge, leaving the Mbiame and Nso people with no option than to follow the direction of the North West region. When they arrived Taam the two families separated and the Mbiame people came and settled at Melay under the leadership of Fon Leh.

At Taam they built a small resting place for their Fon. They were living in fear because of the Fulani invasions and after a short while, they left the area for another area called Tiywong where they built their first permanent settlements and Tiywong is today the center for traditional sacrifices in Mbiame village. At Tiywong, they were always harassed by the Bamouns, so they left for Mbolah and from where they migrated and settled in Roomelai-

kinka where they built their second permanent home. Here their Fon died and was succeeded by Wambeh.

On leaving Taam, one of the Princesses called Kinsenin got married to a Bamoun man and gave birth to a set of twins. When they grew up, she decided according to the tradition of the Mbiame people to present them to her father, the Fon of Mbiame. She came along with her husband. For fear that they might take their twins back to Taam, Kinsenin's husband was killed. The Princess was annoyed and returned to Taam and reported to the Bamoun Fon. In anger, he waged a war against the Mbiame people. They penetrated the Mbiame palace at Melay and the Fon of Mbiame escaped but was killed at Mbolah. As such, they migrated to Kay, by then, Taavisaa had started mourning. The Nso people were at Kovifem, closer to Taavisaa and the Nso Fon refused to grant them permission to mourn under the pretext that no two lions can live in the same Den.

This caused the Mbiame people to leave Kay and moved to Lu-mbinon, with the intention of going to Kom. They arrived Oku and the Fon of Oku refused his 'brother', the Fon of mbiame and his people to continue to Kom. At this time, the Germans were already in Cameroon. Since the Fon of Nso did not listen to the Germans, they waged a war against the Nso people. It was Fon New of Mbiame who pleaded with the Germans to end the war. He informed the Germans that he was the Fon of Mbiame and when they enquired where he came from, he showed them his land and was escorted to KovKikar (Kikar forest). In Kovkikar, there is a shrine where the Mbiame people hide their Fons. This place is called Melay. That is where they settled when they arrived Taam.

In 1962, the Mbiame people left Kovkikar and resettled in Rifem. From the incarnation of the Mbiame clan, eighteen Fons have ruled the Mbiame clan, excluding oneself enthroned Fon called Ndzeshasha who was rejected by the people. He migrated to Takum in Nigeria. Some of the Fons who have ruled the clan include; Fon Le, Wambe, Maan, Nkivkong, kpuntum, Ngu, Gamsi, Ngam-ngu, Mja, Ngo-Kpuntum, Tonwa, Ya'kaylang, Njoka, Taata, Shindzeu, Shindzeu 1 and Shindzeu III.

When Taata Nwe and his people reached with his people to plead with the Germans to stop the war, some Mbiame families settled in Nso. There are more than 63 Mbiame families resident in Nso with their various family heads. They all pay allegiance to the Fon of Mbiame

because they all belong to the clan. When the family head dies, it is the fon of Mbiame who enthrones another one.

In recent times, there has been less massive migration and nomadic life as compared to the past. Mbven sub division today realizes seasonal migration triggered by the transhumance and farmers' quest for more fertile pasture and farms in the low land plains of Mbohnso, lip and Koko.

### **1.4.3. Nso Culture**

Language is the ability to acquire and use complex systems of communication, particularly the human ability to do so, and a language is any specific example of such a system. The scientific study of language is called linguistics. Estimates of the number of languages in the world vary between 5,000 and 7,000. However, any precise estimate depends on a partly arbitrary distinction between languages and dialects. Natural languages are spoken or signed, but any language can be encoded into secondary media using auditory, visual, or tactile stimuli; for example, in whistling, signed, or braille. The language which is spoken by the Nso people is called "Lamnso". The Capital is Kumbo, otherwise called Kimbo.

#### **1.4.3.1. Touristique sites**

The 1950 gave birth to the Ngonso Cultural Week. The people of Nso started an annual cultural week festival to celebrate the Nso hero, mother, warrior and founder of Nso land Yaya Ngonso. It is also known that Yaya Ngonso was the first Fon of Nso (A Fon is the head of the traditional government). The cultural Week has since been named the Ngonso Cultural Week and is celebrated annually (Mostly in December).

The kumbo cathedral was built in the 1950s and is constructed entirely from stones. The Cathedral is located at the top of the square hill, dominating the town's landscape. The Cathedral is the seat of the Bishop since its creation in 1983.



**Figure3: Kumbo Cathedral**

**Source:** Jaika April 2019

Another touristique site worth mentioning is the Lake Oku. It is a beautiful crater lake surrounded by lush forest on the Bamenda Plateau in the Northwest Region of Cameroon. It is located at 2,227 metres (7,306 ft) on Mount Oku, and is completely surrounded by cloud forest. The lake lies in an explosion crater formed in the last phase of development of the Oku Massif, a large volcanic field with a diameter of about 100 kilometres (62 mi). Mount Oku is a stratovolcano that rises to 3,011 metres (9,879 ft). The lake is the subject of many myths among the local people. The lake is the only known habitat of the Lake Oku Clawed Frog. The surrounding Kilum-Ijim Forest is a nature reserve, set up by BirdLife International, and home to many rare species.

The Soul of Oku Museum (SOOM) cannot be left out as it is a cultural and touristic center in the Oku Palace. It has a craft shop for local objects of arts and a Café. The Soul of Oku Museum (SOOM) is a non-profit making, permanent institution in the service of the Oku people and of their development, and open to the public. It acquires, conserves, researches, communicates and exhibits, for purposes of study, education and enjoyment, material evidence of the people and their environment. It equally runs a craft shop for marketing of



local objects of arts and a Cafe where you can consume Oku brand of Organic Coffee, Oku White Honey and other locally made fufu cakes. The Oku Fon's Palace is the traditional administrative organization which manages the culture of the Oku. The SOOM found in the palace was created for public display of information and antiquities related to the customs and traditions of the Oku people. This equally serves to raise funds for the promotion and conservation of the cultural heritage.

The Nsopalace consists of various traditional buildings decorated with wood carvings, surrounding two courtyards where the Fon is customary to sit to receive his people or his advisers. The center of the first courses Ngonso the statue of the first queen of Nso people according to legend. Around the palace itself, stand other traditional buildings, also decorated with wood carvings. It is the headquarters of sacred societies responsible for assisting the Fon in his work: the company and the company Ngwerong Ngirri. A mosque was also built next to them, although most of the Nso are Christians.

The Musa Heritage Gallery is an art museum in Kumbo, Cameroon. It houses a collection of over 400 art objects that were mainly created between 1970 and 2000 and range from bamboo work to wood carvings, from basketry to pottery. Our museum is a place for exchanges and education, a place where arts open paths for better understanding of history and traditions from the Grass-fields region of Cameroon. Musa Heritage Gallery in short Mus'Art Gallery, also known as the Grassfields Museum was established in December 1996 in honour of the Cameroonian artists Daniel Kanjo Musa (1930–1995) and his eldest son John Yuniwo Musa (1956–1996). The Mus'Art Gallery has been active in propagating the Nso' cultural heritage. The museum has been at the forefront of promoting Nso' traditional artistry and craftsmanship. Mus'Art Gallery has a collection of over 400 objects most of which were created between 1970 and 2000. These varied and diverse objects range from bamboo work to wood carvings, basketry to pottery. The museum continues to acquire contemporary Cameroonian arts and crafts while maintaining a major focus on the Western Grass-fields region. This region is internationally renowned for having produced masterpieces of African art. These objects were appropriated by colonial missionaries and officers and removed from their place of origin to museums in Europe or the United States. Masterpieces of Grass-fields art are today in foreign museums. The statue of Ngonso' founder the Nso' kingdom is kept in a museum in Germany. In Nso' there is an outcry for this statue to be returned to its people. Among the 400 objects and works of art exhibited, visitors can admire carved masks, wood statues and other objects made by the Musas between 1970 and 2000. There are other objects

collected from the grass-fields, such as traditional musical instruments, hunting gadgets, metal works, bamboo objects and pottery. Temporary exhibitions are also sometimes proposed.

#### **1.4.4. NsoBelief System**

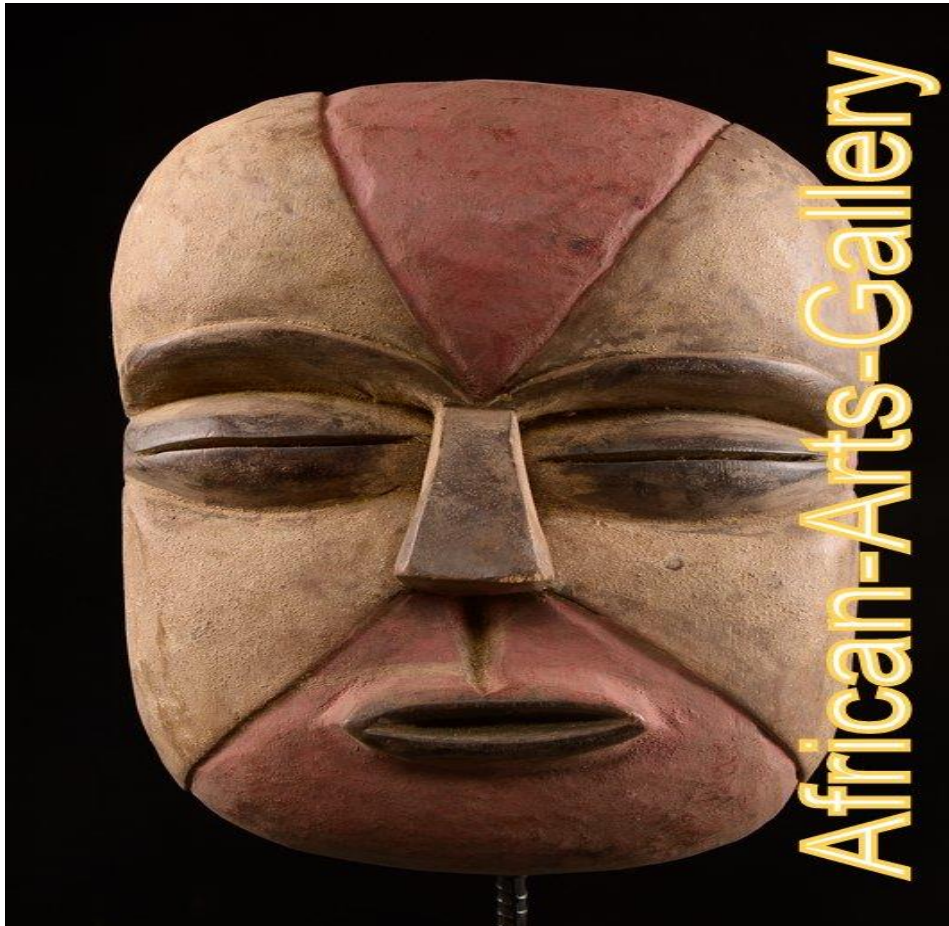
The Nso society is made up of people who practice either the indigenous or the foreign religion or even both. The notion of sacred beings among the Nso people is quite a vast topic. The Nso people believe in the existence of a God, but a distinction made between him and other sacred beings. He is therefore denoted as *NyuyMbom* (God the market), he guides and control the cosmos. The Nso people never go to him directly, but reach him through subordinate gods. The expression the Nso people make following certain events, help in defining the qualities of God. They also denote persons who have been of great help to them when need arise as their God. They believe in an external force of the spirit world whom they call *Nyuy tar* which implies god our father and the spirit ancestors. Nso people believe that these ancestors are sent by the Supreme Being to watch over them, protect them and assist them in solving their earthly problems. These gods include the god of the rain, the god of the sun, god of fertility and god of good harvest who will take charge of their natural phenomena. They act intermediary between the living and the dead there by working in favour of good off springs and punishing people who mean any harm in the community. Only diviners consult the gods through incarnations and then transmit the message to the public.

Jujus, masked spirits, are an important part of Nso culture. (The word "*Juju*" can also refer to some type of magic.) Jujus come out on important occasions. Ngwerong and Ngiri (the prince's society) each have seven jujus, often seen passing by on the way to the death celebration of one of the society members. The passing by of a juju being led by its handlers and followed by children is quite the street performance. Other jujus include groups that dance to drums and xylophones.

There are many tangibles elements in the Nso cultures. There are statues, masks, traditional clothes, paints and other products made by the Nso people. Masks are some of them. Masks are use in several occasions like rituals, festivals, dance just to name these few. It should be noted that every Mask has its significance due to the ceremony.

Another traditional organization is "Mfu", a warrior society. Each village has its own chapter with its own meeting house where the group gathers every eighth day (the traditional week). It is a place where men in the village can come to hear the latest news and where the village leaders can disseminate information or organize village work.

Most Mfu houses are richly decorated with carved posts, both inside and outside. To enter the Mfu house, one must wear a hat and hold a cutlass, and one must bring a drinking cup to partake in the drinking of “Melu” (raffia palm wine). Each member of Mfu must take their turn supplying the group with palm wine. Below is an example of one of the carved posts seen before entering the “Mfu House”.



**Figure 4: Tribal Bansa Mask**

Source: Picclick.co.uk

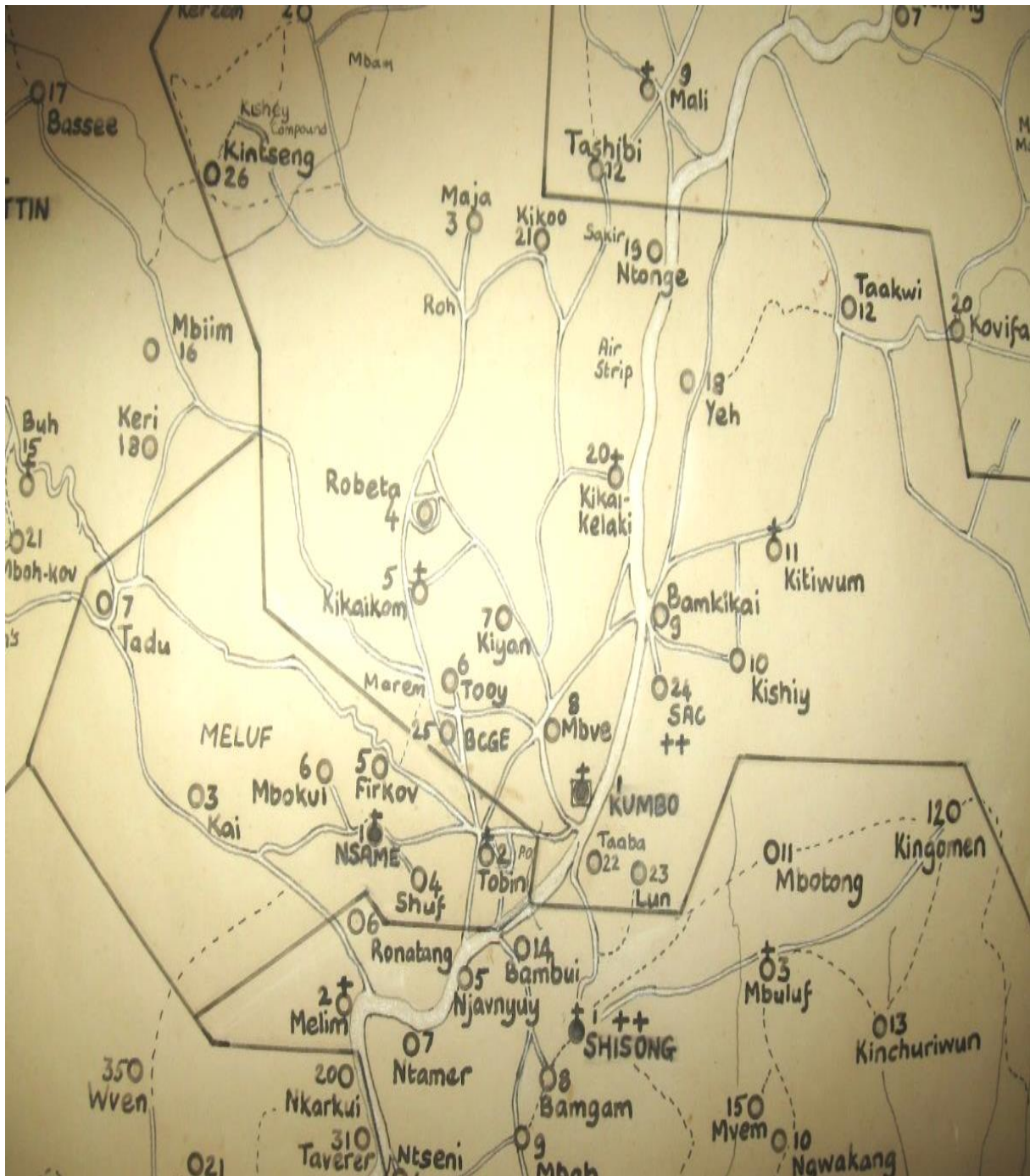
When a member has done an adequate job of “celebrating” Mfu, the drums will come out for dancing. Nso also shares a vast culture. This is usually exhibited during the cultural week festival “Ngam Ngonso”. This festival brings together all the various aspects of tradition and culture shared not only the Nso people but amongst the other tribes around Nso. "Jujus" are seen on display from the palace to other quarters of Kimbo town. It is a good view for visitors and indigenes of Nso.

### **1.5. Infrastructures**

The Nso area has two market days. The main market day operates twice on *Ntangrin* with buyers and sellers coming from within and without the village. The market also serves as

a place of communication where messages from the village heads and the fon, are transmitted to the local population with the fastest speed of light. It is believed that, announcing a message in the market implies informing the whole community as well. The second market day is known as the cattle market. As the name implies, it is a market where cattle and meat are sold at reduced price rate.

The catholic religion is deeply installed in the Kumbo municipality that is why there exist many catholic infrastructures. In Kumbo, there are many more infrastructures: A number of nursery, primary and secondary schools (private, government and mission owned); Health centers and a specialized hospital (Banso Baptist Hospital); Catholic Cathedral; 6 main markets; Micro finance buildings; Gendarmerie Brigade, Kumbo; Hotels (FOMO 92, Maryland Hotel, Tourist Home, Trinity Lodge, Travelers Inn and Central Inn); Veterinary building, Mveh; Motor parks; Potatoes Warehouse, Tobin.



**Map 5: Kumbo diocese. Note that circles are chapels, circles with crosses are parishes.**  
 Source: [www.hornefamilymission.com](http://www.hornefamilymission.com)

Talking about the health system, Bui division is divided into two health district that is, Kumbo East under the patronage of the Saint Elisabeth Catholic Hospital located at Shisong created in 1935 and the Kumbo West under the Bansa Baptist Hospital.



**Figure 5: Nso Baptiste Hospital**  
**Source:** Jaika April 2019

The Cameroon Government included Bui Division in the public health action by constructing a network of health centers in Jakiri, Oku, Nkor, Ngondzem and Mbiame. Government health districts and units in the community include protection of the mother and Infant (PMI) which offers services to children under five years and maternal services.

### **1.6. Economic life of the Bansa people**

The economic life of the Nso people dwelt mostly on a principal cash crop – coffee. Others followed like beans and potatoes. With the war over, there was a growing demand for raw materials such as vegetable oil, cocoa, timber and coffee. Export prices were gradually pushed up, enabling exporting countries to accumulate trade surprises. And in the late forties, Arabica coffee was introduced by some Nso people who had the opportunity of travelling to Nigeria for studies and by those who were involved in the kolanut trade. (Isaiah, 1986). With

the absence of an income-generating crop outside the kolanut trade, coffee seedlings were experimented and with the favorable climatic conditions, the cultivation of coffee was introduced in Nso. The following areas produced the best output; the lower slopes of Mount Oku, Djottin, Laissin, Jakiri and Sop. It offered the Nso peasants in particular and Bui Division in general, an opportunity for training in economic and finance management. This had a great potential for improving the economic and social welfare of its members and the society as a whole. In order for them to market these cash crops and gain some profit, they thought of creating a cooperative.

By the 1950's, coffee cultivation was at its apex. The farmers were faced with the problem of proceeding, grading, transportation and marketing as some of them had to roast the coffee beans, grind them and carry on head to Nigeria for marketing. As production increased, the need arose for an organization to handle coffee-related problems. This urge grew stronger when some of the coffee farmers became aware that such self-help Arabica coffee organizations were already existing in Dschang and Bafoussam. This then led to the creating of the first cooperative society in Nso fostered by Fai Banka who was not only a member of the Bafreng Cooperative Society, but also a leading figure in the coffee business. The cooperative society was created in 1951 and christened the "Banso Society" and house in Fai's compound.

That is how the Nso Area Cooperative Union (NACU) was the first scale attempt by the rural inhabitants to raise and manage capital. It is said that the greatest factor that fostered the spirit and development of cooperative in Nso can be traced as far back as to the post second world war economic outlook. With the increase out put of coffee, more cooperatives societies were created, notably; in Dzekwa, Shisong, Nkar, Mbiame, Djottin, Sop and Nkambe area. By 1958, there were about twenty-five cooperative societies in Nso to manage and finance their local and cash crops.

It is worth mentioning that the Nkambe and Oku cooperative unions were given birth by the NACU in 1969 and 1975 respectively and do exist till date. Other cooperatives such as the Nso Womens Cooperative, the Shisong Cattlemen Cooperative, the Mbo-Nso Rice Farmers Cooperative and the Kimbo credit Union owe their existence partly, thanks to the NACU.

### **1.7.Social Organisation of the Nso people**

The Nso people have a very strong social spirit that can be compared to only a few ethnic groups within the North West Region of Cameroon. Traditionally, at the level of the

family, there is a very strong bond between parents and children. Moreso, each family is attached to a 'Big Compound' whose head is believed to have certain powers over the families that fall under it. He relates with the village head and at times with the fon when need arises. Here, there is a shrine where the ancestors are invoked at times of ill health, marriage, farming, just to name these few. At the level of the village, there exist either a 'shufai' or a 'faay' who commands a lot of respect and authority, and is compared only next to the Fon. Therefore he represents the Fon at this level. Like the head of the 'Big Compound', he performs certain rites to cleanse the village. Therefore, he is seen as a priest of the ancestral cult and relates directly with the Fon, and contributes in enacting laws executed by the 'nwerong'. He also arbitrates in conflicts that occur within the village. There are some 'shufais' who are traditional lineage heads with hereditary titles, 'vibai ve wong' (war lords). The ancestors of these lords were at Kovvifem and served as close advisers to the Fon.

The second group 'vibai ve Nso' (Nso lords) came to Nso as independent chiefs and surrounded the royal prerogatives to the Fon of Nso. They were thus allowed to rule their villages as 'shufais'. They are not admitted into the exclusive club of the seven 'kebai-kesamba'. They include; 'shufai senla of Kikaikelaki, 'shufai Doh-Run and Shufai Doh-Ngwen(Both of Kitiwuum).

The third group is known as 'vibai ve kpu' or 'vibai Dui'. They are equally seven in number. These are great lords who carry out the burial of the Fon and are charged with the maintenance of the royal grave-huts. Those include; Bashwin, Shubui, Njavvnyuy, Dzem, Ndzender Ntintin, Bambui (in replacement of Tsenla Yer), Tawaiy and Kingir.

#### **1.7.1.1. Secret Societies of Bansa**

Membership into secret societies is generally limited to certain classes or groupings. These societies are equally close to the fon and to power, and their members are constituted from among the commons or distant relatives of the royal lineage.

#### **1.7.1.2. The Nwerong**

Membership here is drawn from Nso male commons, nobles of non-royal decent, vibai (Ndzendzev, Tankum and Luun), the fon of Nso. Some sources hold that it was acquired at Kovvifem when Shufai Tankum surrendered it to the Nso people alongside his chieftaincy title, in a bid to join the Nso people. Other sources hold that the Nso people had a form of nwerong which was only strengthened by that acquired from Shufai Tankum



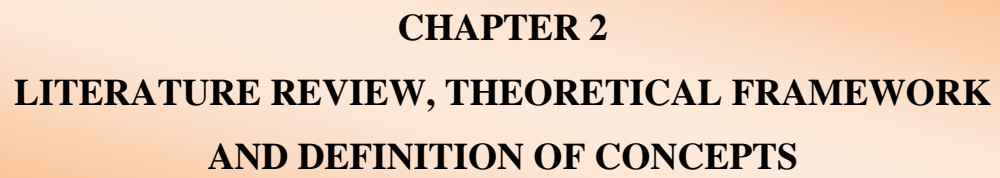
### **1.7.1.3. The Ngiri**

This institution developed as a result of the fact that princes of Nso were forbidden from participating in the Nwerong. This is because the fon who was chosen from among the princes wielded too much power, and if princes who were naturally the brothers of the fon were to control nwerong, there would be counter force to absolute dictatorship, by the royal family. There is a lot of confusion as to when Ngiri was created or by whom. However, its Tikar origin is clear, especially from Bamoum. This could be justified by the fact that most tribes in the North West Region have close links with the Bamoums and the Bamoums themselves have the Ngiri society. This institution grew to a point where it started usurping the functions of nwerong. This was checked in 1935 when nwerong agents raided and destroyed the Ngiri shrine. Some degree of rivalry still occurs though. Membership into the Ngiri is limited to princes and the Duiy.

### **1.7.1.4. The Manjong**

This institution evolved as the traditional military and an organ of waging war when the Nso people were still at Kovvifem. In the absence of any formal army, any Nso man fit enough, brave enough, and patriotic enough belonged to the Manjong. This was a very important institution; given the need at the time to protect the Nso people and land, and to carry out policies of spreading Nso hegemony. Members supplied their own weapons and war attire, and were always ready when summoned by the traditional war drum. Mformi and other military titles developed. The Manjong later acquired the Mfuh war lodge from the Bamoum as war booty and it has become a very important lodge today. Other lodges created included Nchoro, Jwin and Mekuu. In the absence of inter-tribal wars, members of the Manjong showed their powers during the Fon's annual hunting expedition in his two reserves of Mbokam and Mbokwiven. This however had died down with the prohibition of government from killing animals.

In conclusion, this chapter was consecrated for the ethnography of the study area. That was to present the Banson in a geographical, historical, cultural, economic, religious, diplomatic and social perspective; since culture is the product of a people in relation to their environment. We have also explored the politics worldviews of the Banson people. From the analyses made, it has been realized that the history, belief system of Banson has direct relationship with the traditional and western methods of children punishment. This will help in the understanding of the concepts and practices that shall be discussed in the following chapters.

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**CHAPTER 2**  
**LITERATURE REVIEW, THEORETICAL FRAMEWORK**  
**AND DEFINITION OF CONCEPTS**

This Chapter is presented on what others have written about children's punishment and other related topics. This is in order to share the points of view of other writers. This literature review will give us the opportunity to make comments on what others have done. Our collection of data came from primary as well as secondary sources. We read and analyze abundant literature on our subject so as to permit us have an appraisal of what has been said, what is being about our subject matter – punishment on children be it traditionally or using the western methods. We started by collecting and classifying relevant literature on punishment as a whole and finally boiled down to children. Secondary sources included books, articles, memoirs and thesis. We also made use of some unpublished material likewise the different arguments and approaches taken by some authors.

For example, the domain of punishment is one that has been exploited by several intellectuals, authors and researchers in the world but not much has been written on child punishment.

The chapter is divided into 03 sections; literature review which is divided into traditional ideologies and ethics and social order. Furthermore, the western methods of punishment are treated with keen interest on the penitentiary, corporal and capital punishment and deviance. And the last section is made of the theoretical framework like the anomie deviant theory, deterrence theory, cultural interpretative theory and the definition of concepts.

The current state of the art knowledge on punishment is characterized by a wide scope of concepts that have been studied from various perspectives within the social science disciplines. The studies identified are the result of a comprehensive search conducted on oral and written sources. We searched physical and electronic libraries and data bases for studies on punishment. Our search terms covered the conceptual framework and the specific research questions for this study. The search terms include among others: social norms and values, traditional methods of punishment, western punishment methods, punishment of children, punishment and moral behaviour and child socialization and enculturation. In this review, we are going to focus on studies done around the world and will look at traditional and indigenous methods of punishing children. We are going to do a critical analysis of the identified studies from the point of view of methodology, the knowledge produced and determine their relevance to our proposed study. We are going to present the results of this research using a thematic approach.

## **2.1. Litterature Review**

The aim of this review therefore seeks to analyse existing data on our topic. It enabled us to focus on the topic and helped us get views of those who have worked on related topics. That is why Nworgu testifies that: “*the review of relevant literature is an exercise in which the researcher tries to identify, locate, read and evaluate previous studies, observations and comments related to hid intended research*” (Nworgu, 1991: 22).

### **2.1.1. Different components of the phenomenon of punishment and its practice**

It is worth highlighting some of the studies on punishment in Africa and what aspects of the phenomenon were of interest to researchers. The overall observation is that some authors have focused on African indigenous methods of punishment and traditional justice system. Some of these studies worth highlighting were focused on topics like crime control in traditional Ibo society (Igbo, 2013), traditional conflict resolution in Liberia and Ghana (Chereji and King, 2013), tradition and ethics among the Luo (Ocholla-Ayayo, 1976), criminal justice in Uganda (Robins, 2011), traditional juju punishment in Yoruba (Ojo, 2013) and social control in pre-colonial Igbo land (Onyeozili, 2012). These studies highlights indigenous punishment methods related to different crimes and cuts across all strata of the population. However, there seem to be insufficient studies that describe the punishment of children. Looking at these studies, empirical data on the punishment of children in Africa and Cameroon with an anthropological approach is lacking. This study seeks to use an anthropological perspective to the study of punishment methods in a rural context in Cameroon.

Concerns linked to how children should be punished in the scholarly literature have been addressed by scholars predominantly in the disciplines of law, psychology, development studies, political science, economics and anthropology. Scholars from these disciplines have used various theoretical perspectives to address issues such as: death penalty (Unnever, 2010). What is common with many studies on punishment is the fact that their focuses in more on Western methods of punishment with a significant focus on adults and juveniles (Piquero et al., 2010). Democracy and dehumanization (Montenbruck, 2010), the culture of capital punishment (Garland, 2010), the efficacy of punishment (Digennaro Reed and Lovet, 2008), capital punishment (Marcus, 2007; Wood, 2007; Lambert et al. 2004); Anthropological studies on punishment have focused more on the conditions of prisoners (Rodes, 2001). Humanitarian theory of punishment (Lewis, 1987), juvenile crime (Levitt, 1998), among others retribution (Posner, 1980), psychology of punishment (Singer, 1970). Although some

of the studies focus on children, the punishment methods are still limited around prison detentions.

### **2.1.2. Customary or indigenous methods of punishment**

Studies that reflect indigenous methods of punishment within the African continent have dwelled on a couple of related concepts which we are going to present thematically in the paragraphs that follow.

#### **2.1.2.1. Traditional ideology and ethics**

One of preoccupations of scholars has been the African ethics which has to do with the principles governing human behaviour.

Although the concept of crime is rooted in Western philosophies and ideologies, the meaning inherent in the term has been used to denote behaviours and practices that do not confirm to social norms within the African context. The concept of crime has been the subject of investigation among the Igbo tribe in Eastern Nigeria. In Igbo, a crime is committed when a person violates established codes of behaviour, customs and tradition of the people (Igbo & Ujwuke, 2013). These authors added that there are crimes whose consequences go far beyond the offender to his immediate family and far relatives. The most common of these disastrous consequences include: ill-luck, disease and death. The authors conclude that crime control has been more effective in the past than in present day Igbo society (Igbo & Ujwuke, 2013).

When people violate social norms, they have committed a crime which punishment has to be meted. Societies have established methods of sanction which depends on the crime committed. Adultery is one of those crimes prohibited among the Yoruba ethnic community in Nigeria. Using qualitative methods Ojo found that punishment for adulterers is administered by a certain deadly juju known as “*magun*”. This juju is usually invited by the offended husband to punish the adulterous man having a sexual affair with his wife (Ojo, 2013). This study is relevant to our proposed research as it describes a punishment method use for adult. In our present study, we intend to focus on punishment methods used on children. Additionally, while the focus of this study was on the use of traditional punishment methods, we intend to also explore the use of western methods of punishment in the Bansa ethnic community.

In another study in Calabar, Nigeria, Ayuk et al. (2013) argues for the return in the use of traditional punishment methods given that the use of western methods have not

significantly reduced crime. Using anomic theory the authors suggest a full return of traditional punishment methods such as: sanctions from traditional regulatory societies, oath taking, rubbing of charcoal, public denouncement and the payment of indemnities (Ayuk et al., 2013). All these methods were linked to traditional justice systems.

Looking at the Congolese traditional philosophy, Dominique Ngo-Ngalla (1991), saw man as being greater than his fault and weaknesses and so should not be disgraced. Though he could be a slave or a free man, and despite the crimes that diminished him as a man, a man remained a man and the community had the obligation to rehabilitate him and make him find back his equilibrium. To this Congolese traditional society, man could even be imposed all sorts of punishment so far as he was not put behind bars. To them, locking him up was tantamounted to destroying him completely. When we look at the European system which is the penitentiary, we can deduce that Ngoe-Ngalla of Congo was not in support on the idea of imprisonment. His work helps us to appreciate the methods of punishment used and the concern we have for the new system which is the penitentiary.

This is echoed when we look at the Igbo's of Nigeria; Chieka Ifemesia (1979), strongly argues that the belief in the spiritual presence of ancestors who were incarnated by sacred societies like the "*mmo*" and "*ekpe*" helped in the preservation of social concord and the regulation of conduct.

Amplifying the idea echoed by Paul Bohannan above, Gluckman M. (1977), says that religion and mystical beliefs enforce the respect for social ties. This he sees amongst the "Tonga" of Northern Zimbabwe and "Nuer" of Sudan. (These are ethnic groups with a cephalous political system). They reserved their punishment into the hands of God. According to Bohannan, the Nuer societies lacked the socio-political organs with which to enforce effective punishment, which is why they left all to God. That is why every misfortune that befell someone was believed to be punishment for a crime committed some years ago. At one moment, we are forced to believe that the way punishment was applied in African societies and Cameroon not excluded, was determined by the way the African saw cosmology in general, that is, the origin and nature of the universe.

Ocholla Ayayo, (1976), carried out a study conducted among the Luo ethnic community in Kenya. The author collected data on the ethical normative principles of the Luo people which included aspects such as virtue. With the use of interviews, observations and documentary sources the author concludes that moral codes and standards are imparted into a child during the process of socialization through education and other traditional means of

communication like the use of symbols This study is relevant to our research because it gives us insights into the way cultural norms and ethical codes are constructed in the Luo community. In this study we also investigated these aspects among the Banso community as the basis for understanding punishment methods used on children. However, the study did not focus more on punishment methods which was a major concern in our proposed study.

Writing on the application of punishment in Kurukshetra village of North India, Susman J. (1972), looks at the punishment that was reserved for a young girl who got pregnant out of wedlock; and to women who committed adultery. The villagers refer to this as a legal process. Here, there are two parallel sets of laws; those of the nation and those of the village, but within the village, there are levels of law specific to caste, lineage and family. It should be noted that each of these take over where the other leaves off. Law in India still has its roots in Hinduism. Within this law, the state or king interferes as little as possible with the individual. In this village, a female is similar to a chattel or personal property in this system of family law because she is transferred through the marriage alliance, which consists of a series of transactions symbolized by ceremonies during which the two families come to some sort of compromise. In the series of transactions, exclusive sexual rights of the girl are vested in the groom, and rights to her offspring are vested in the family of the in-laws. That is why after all these transactions; the girl is heavily punished if she gets pregnant out of wedlock in a transitional engagement period as they put it. This period to them is the last stage of the transaction series that would transfer her permanently from her natal village to her husband's village. It is believed that engagement rites can take more than a year or even 5 depending on the age of the young girl or until when she is sexually fit for marriage. A girl, who becomes pregnant especially when she is already engaged to someone, is killed by hanging by a member of her family, either her father, brother, uncle or any other male relative and cremated by night. In many cases, it is usually the father who kills her. He does so because he is believed to have been the one that had struggled in the engagement transactions up to the point that the girl got pregnant. In the morning, the village watchman only informs the villagers about the sudden death of the young girl. When this happens, the police are not allowed to investigate unless on authorised cases because nobody had made a complaint and no one would present a different story from the one given by the watchman.

Susman (1972), further says that, in an authorised case, the investigation and analysis of the case proceeds along a sequence of events. It is believed that the anthropology of law studies processes by which a case comes into being and by which it is settled, the sequence of

events are those that lead to the death of the young girl, the death itself and the subsequent events and consequences following the death. The history of the case then follows the development of interpersonal relations, family conflicts and problems, and the legal means by which they are settled. The same treatment however, goes to a woman who committed adultery. It should be noted here that, the husband was the person to kill the woman and only publish the news by early morning. And after this, the women of Kurukshetra village organised mourning ceremony, which they walked along the streets weeping for they have lost a daughter of the soil who would have been a good wife. All these as Susman sees it, is perhaps face-saving camouflage for both families and possibly a protective device. It is said that after some few days, the incident has to be forgotten once and for all to maintain the prestige of the family. He concludes by saying that, when there is no formal complaint of a crime, there can be no court trial, yet crimes are judged and punished by the members of the lineages. No one gives reports to the police about any killing, and even if they do, police only reveal that they are sufficiently cognizant of the village law to avoid investigation and persecution unless absolutely compelled to do so. We are very interested in Susman's study (1972) for we have learnt how the young girl is being treated in North India when she falls prey to an unwanted pregnancy. Do they still treat girls like this in contemporary times? This will help us in our comparative study on how young girls who get pregnant out of wedlock are treated in the North-West Region.

Mbiti J. (1969), thinks that any breach of the moral code of the society was to be punished by the corporate community of the living, the departed, and God. He also echoes that in most of our African societies, it is held that if a person did something wrong, he was to be punished by God no matter how long it will take even if no one saw him committing the offence. He believed that in traditional African societies like those of the North West region of Cameroon, punishment was inevitable. These authors so far all agree that punishment is a necessity in any society.

Within a few years after Voulet, Jacques Leauté (1968), presented the different stages in the evolution of prison institutions in France. He argues that it was only after the French Revolution that imprisonment as an effective means of punishment was systematised. In France, the system did not change much until the 1949 reforms. It was only from then that the French penitentiary system started laying emphasis on the amendment and reformation of prisoners. He also presents the different evolution stages by bringing out the different type of institutions. He classifies institutions for detention and short term offenders as follows:



- The city lockup, which is operated under the control of the city police department, is usually located in the district police station, is exclusively used for very short periods of detention, and is seldom used for the purpose of punishment. It is said that when the problem is above the city lockup, he is sent to;
- The municipal jail or small-town lockup, which is usually operated under the control of the police department or town marshal and is used in much the same way as the city lockup except that misdemeanants; especially those who have failed to pay their fines, are more often kept in it for the purpose of punishment;
- Finally, the country jail, which is usually operated under the control of the sheriff and is usually employed not only for the purposes of detention but also for the punishment of convicted offenders, almost always those who are serving sentences for misdemeanours. This one is believed to be the last stage of which if matters are not resolved accordingly, the criminal will have to face the court. It should however be noted that apart from these three stages, Leauté makes mention of specialised places of detention for women and children like the famous prison in Yaounde-Cameroon which was formerly reserved for women, “*La Prison Spéciale de Mfou*”. The study contains relevant information on our study because it helps us to know the evolution of prisons in Europe. By so doing, we will be able to compare our two main systems of punishment especially after looking at the evolution of punishment in the North West region.

Voulet J. (1951), briefly analyse the different penitentiary systems of the world in his work. He describes the organisation and functioning of the system in short imprisonment terms; and the establishments of long terms for long imprisonment in France. He places the French prisons in two categories; the maison d’arrêt for short imprisonment and the établissements de longue durée for long terms. He also considers prison to be of long term periods as he says: “*Par la crainte qu’elle inspire comme un frein puissant contre les manifestations anti-sociales de l’individu*”. Though he talks much on the penitentiary systems and their functions, his work would have been more profitable to us if he exercised little effort on the traditional methods of punishment that were used yesteryears especially in Cameroon.

#### **2.1.2.2. Social control**

The control of behaviours within African communities was a reality prior to the advent of Europeans, colonization and prisons.

Still based on our secondary data, Wolff N., (2005), in his work studied community re-integration of prisoners with mental illness. He considers this as a social investment perspective, where he feels that responding effectively and efficiently to the needs of persons with mental illness returning to the community from prison requires identifying their needs and differences. This while placing their difficulties upon return and targeting re-integration investments to reflect these differences. We equally share this idea and so his work is of great importance to us since it deals with the return to normal life after prison. This work as well as the others reviewed constitutes important sources of inspiration for the study we are carrying out.

The penitentiary system turns to be one of those domains that cannot be ignored by Mama Lamy Ngangjoh (1995) who duels on the issue of security in prisons. His case of study is the Bamenda Central Prison. He complains security in this prison is lax as concerns supervision. He equally criticises the absence of a strong wall for a prison like that in Bamenda housing very dangerous criminals. This situation is worsened by the fact that inmates from juvenile section with simple offences easily mix up with adult criminals with more serious offences. Ngangjoh feels that the mixture of criminals with simple offences and those condemned to death or with long terms poses a very serious security problem. To him, this arrangement explains why the reformation of delinquents can hardly be achieved in such prisons. He equally points out that insecurity is heightened in and around Cameroonian prisons because prisoners do not use uniforms. He further explains that when prisons are enclosed and built with high and thick walls, the risk of evasion is not likely going to happen. Whereas with open prisons, prison evasion turn to be the order of the day. To him, when we have good security facilities, there will be no need for any fear. He further explains the situation by the type of inmates found in this prison. He does believe that prisoners in this central prison are usually more recalcitrant due to their long terms. He compares the prisoners of Bamenda Central Prison with those of the “Upper farms” of Buea who are more docile, since most of them are in the final phases of their imprisonment terms. These prisoners practice a lot of economic activities and farming too. The crops they cultivate not only serve as a source of financial income as they sell to neighbouring quarters, but daily their feeding come from there. The fact that they do farming and other peti activities like arts and craft, they keep themselves occupied up to a point that they don’t realise their prison terms are coming to an end. According to Mama, these however are responsible behaviours prior to a

successful rehabilitation back into mainstream society. His text is of great use to us because it raises a lot of questions in our minds about the sustainability of the security strategies.

Harries P. (1994), focused his attention on prison labour. He shows the important role prison labour played in the economy of Southern African states at the end of the 19<sup>th</sup> century. He propounds the theory that the association of criminal incarceration and the economy constitutes the major factor that affected imprisonment in the Southern African region in that period. This factor was also strongly affected by racial and spatial segregation. We are interested in this work not only because it deals with the prison system but because it treats labour in prison as an active role which we think is prior help to criminals in their correctional process.

This idea of punishment is also echoed by Bernault, F. (1991), in her work. As far as she is concerned, punishment in West Africa was based on reparation and amendment which thus lead to a good re-integration in the society. The compensation of the victim in the African perspective is more important than punishing the guilty. Bernault explains that the introduction of prisons to Africa was organically attached to the strong changes that affected the continent since the end of the 19<sup>th</sup> century. To her, this introduction did not have the same cause, and did not take the same path as was the case in the Western world. She shares the same ideas with Paul Bohannan who looks at religion as having a close link with the African philosophy of punishment. The inter relation amongst man, crime, ancestors, God and punishment therefore constitute the underlying factor that shaped the African philosophy of punishment which is slightly different from the western one. Though her work does not carry substantial information on our focus, that is traditional methods of punishment, nevertheless, it acts as a guide to our study.

Coincidentally, Petit J.-G. (1990), talks on the sentiment of “resignation” of some prisoners in France at the end of the XVIII centuries. He says that even though the penal prison had good intentions, it was considered by prisoners as “... *un lieu de souffrances caches et l'école du crime.*” He goes further to say that; the prison is far from being a place of problem solving as he says

*Être réceptacle de presque tous les maux, loin d'être un purgatoire, un lieu de dialectique du trop ou pas assez, selon qu'on lui reproche son extrême sévérité pour le jeune délinquant primaire ou son laxisme pour le criminel organisé. Depuis toujours, nous voulons que la prison résolve, à faible coût et en silence, nos insolubles problèmes sociaux. En même temps, nous la vivons comme un abcès, loin de fixer nos maladies semble réinfecter nos blessures.* Petit J.-G. (1990: 30).

His work is of great importance to us because it makes us think of one of our famous theories; that of resignation. We happened to meet informants in the Kondengui Central Prison who had lost all their hopes of ever being judged because they have been awaiting trial for more than 5 years, let alone regaining their liberty.

While Sutherland is concerned with the most common and different methods of punishment in Philadelphia, some authors believed that punishment is closely linked to religion. This is the case with Paul Bohannon (1966), to him; most African people believe that all misfortunes are forms of punishment either from God or from one's ancestors. It is said that God may be punishing the individual for some far off crime committed by him, his ancestors or members of his lineage. He also believes that in all cases, the punishment will come even if it has to be after hundreds of years to his descendants. At one point, he thinks that the African philosophy of punishment is closely linked to their religion. And for this reason, some of the punishment is always left in the hands of the Almighty. His work is of great importance to us because it deals with punishment which is our domain of study.

Saileilles R. (1927), says that the only reason why punishment should be used is to render the criminal an honest person. To him, rendering a criminal an honest person is the ultimate goal of any community or society especially if it is done using a reasonable procedure that would be profitable to the two parties; that is, the criminal and the society at large. He goes further to warn that under no pretext of justice should unnecessary suffering be inflicted on someone undergoing a process of correction. He also feels that the right to punish resides solely with the government; and however strikes the balance between the government's rights to maintain order and the excesses of that right which becomes repressive. To him, the application of punishment is based on the philosophy of punishment held by different societies. Sharing the same ideas like Florence Bernault below, though he agrees on the necessity of punishment in society, he somehow pushes us to question the viability of his arguments because he does not describe clearly how it should be applied.

### **2.1.2.3. Traditional Justice**

The Oro cult is another judiciary institution in ensuring social harmony, peace and tranquillity to achieve social control in the Yoruba of Western Nigeria. The Oro cult was vested with powers to render justice and sanction on defaulters. The cult tried criminal cases and could mete punishments such as exile and pass death sentences (Akanji, 2012). Although this study is very informative, it is largely based on secondary data which the author acknowledged this as a weakness and advocated for the conduct of intensive empirical

studies. Having had an idea of indigenous methods of punishment we will proceed to look at studies related to Western punishment methods.

Justice in traditional African society is linked to culture religion and morality. Given the increased criticisms made on current methods of punishment such as corporal, forgiveness can be a supplementary method to punishment as was done in the Yoruba community. This argument is based on a philosophical discussion on the ethical bases of punishment in Yoruba land (Laleye, 2014). The author suggests that the spirit of forgiveness be extended in the resolution of conflict in contemporary social problem solving processes.

### **2.1.3. Western methods of punishment**

A considerable number of studies have addressed various themes that relates to Western methods of punishment. Some of the themes include: crime and punishment, capital punishment, corporal punishment, punishment in prisons, torture, rehabilitation and punishment in schools. A critical appraisal will be made on each of these studies. In other for us to have this appraisal, we thought if wise to first of all look at the works on penitentiary issues.

#### **2.1.3.1. Penitentiary (prisons)**

An author worth mentioning is O'Donnell T., (2002), who wrote on the prisoners' release. Here he handles the issue of rehabilitation. To him, one of the problems facing the prison institution in Ireland is the problem of re-integration of former prisoners into the community. He recommends that a fixed percentage of the overall prison budget should be set aside specially for re-integrating measures both in the prison and in the wider community. He also says that post-release supervision and support are essential if individuals are not to resume criminal activity upon their return to the community. He questions the essence of prison as a form of punishment. To him, there is a need for a fundamental change of focus to make prison the option of the last resort, to be used sparingly and only when other options have been tried and ruled out. The author's diversified interpretations of issues related to punishment, imprisonment and re-integration equally gives us an insight on how to analyse similar situations in the North West region of Cameroon.

This domain and its definition have attracted and have been a point of interest to many writers. When we look at the penitentiary, we realized that a few number of authors have dealt on the system. The penitentiary is that noun which refers to a correctional institution for defaulters who go against the law. Penitentiary institutions are used for punishment, the

reform of criminals or wrongdoers. The Cameroonian penitentiary administration is a public service that was inherited from German colonization. Its history is marked by two main epochs: the colonial and the post colonial periods. The first part of the colonial era was marked by German administration. Its most notable feature was the construction of most of the prisons that the country has today. It should be noted that, it is only after the departure of the Germans from Cameroon that the penitentiary administration under Franco British tutelage witnessed the application of the first Penitentiary Regulations. These were; the prisons regulations in British Cameroon; and The texts of 08 July 1993 and 15 September 1951 in French Cameroon.

The post colonial period is marked by three major reforms which took place in 1973, 1992, and 2004. The 1973 Reforms came in the wake of the unification of the country in 1972. Its main goal was to harmonize the Cameroon Penitentiary by:

- The institution of a penitentiary regime applicable to penitentiary establishments all over the country. This was contained in Presidential Decree N° 73/774 of 11 December 1973.
- The institution of particular statues for civil servants of the penitentiary administration. This was contained in Presidential Decree N° 77/32 of 1<sup>st</sup> February 1977. And finally
- The creation of a training centre for civil servants of the penitentiary administration in Buea. (Presidential Decree of 11 June 1973).

It should be recalled that before, the penitentiary administration aimed more to punish rather than to reform the prisoner. The Cameroon penitentiary system is today headed by the Ministry of Justice. Accordingly, the country's penitentiary system has three types of prisons namely; Central prisons (10), Principal prisons (38) and Secondary prisons (22) respectively.

It should be noted that four other prisons have been created in Yaounde, Banguem, Foundong and Moulvoudaye but are not yet functional. But if we follow their activities, they are categorised under four groups; that is; Oriented and selection planted in chief towns of provinces; Relegation centres reserved for persons who execute relegated punishment or very disciplinary persons (Tchollire II, Mantoum and Yoko); Rehabilitation centres destined for the theoretical formation of minors placed on re-education. This type is found in Cameroon like the Burstall Institute of Buea which is under the Ministry of Social Affairs and finally; Special prisons reserved for women and minors like the "Prison Spéciale de Mfou" which was initially reserved only for women.

### **2.1.3.2. Imprisonment as a method of punishment**

Each society has established methods of punishment with respects to the crimes committed and other influential variables. However, the ethics and efficacy of punishment methods have not gone unnoticed. This was the interest of Lovett *et al.* (2008) who conducted a survey on members of the Association for Behavior Analysis on the views on the efficacy and effectiveness of punishment as interventions. The responses of members were varied and diverse although their attitudes towards punishment converged in some aspects (Lovett *et al.*, 2008). This study is relevant for the proposed area of research given we gain insights on people's attitudes towards punishment methods and their impact.

However, industrialization has spectacularly demonstrated the value of labour and the folly of its waste. Since the penalties of death and mutilation destroy this value, sound public opinion has supported their replacement with imprisonment, which makes possible the conservation of man's labour and its utilization for the service of the state. Finally, the stabilization of social life and the concentration of great units of population in urban centres have not only provided enough manpower to make the building of large prisons feasible, but also, with the accompanying decline in the infliction of capital and corporal punishments, the construction of such institutions to accommodate the increasing number of prisoners has been of immense necessity.

Writing on prison rights, Mbu Etonga (1980), presents the battery of decrees that the Adhidjo regime gave itself after independence under the pretext of curbing subversion. He criticized the extensive preventive detention rights which the unitary constitution of 1972 gave President Admadou Ahidjo. According to Etonga, a strong centralized government like that of the presidential regime in Cameroon did not allow the citizens to enjoy human rights because a presidential decree was law. He also criticized the absence of prisoners' rights in Cameroon. He goes further to say that the restriction of certain rights and freedoms in Cameroon were justified by certain doctrines, which claim that some freedom applicable to the West may not be applicable in Cameroon. He sees this Cameroonian conception of human rights as a mere justification for antidemocratic practices like arbitrary arrests, imprisonments and torture. Thus, he advocates that human rights be universal and applicable to all human beings everywhere.

A Cameroonian writer, Mbu (A.N.T. 1989), examines the situation of the Cameroonian prison as part of the global system of justice in the country. He deplores the terrible housing and feeding conditions in Cameroonian prisons. He further explains that apart from these poor

sleeping, health and feeding conditions of the prisoners, there are victims of torture or acts of torture practised in these prisons. Despite the fact that Part One of the United Nations Standard Minimum Rules for the treatment of Prisoners prohibits the use of corporal punishment and restriction to dark cell as means of correcting prisoners, prisoners still undergo problems of torture. It also prohibits the use of handcuffs, chains and irons as means of restraint or punishment on prisoners. Not only do the Central Prisons of Buea and Bamenda have dark cells, prison officers systematically flog prisoners and keep recalcitrant ones in chains and handcuffs. The use of cruel and degrading punishments in prison in Anglophone Cameroon as well as the living conditions there constitutes one of the major problems this work sets out to examine. Mbu however is surprised that despite the cruel and inhuman treatment imposed on prisoners in Cameroon, central, principal and secondary prisons respectively, which have sometimes pushed some of them to commit suicide, the prisoners have never concerted to strike against the poor conditions.

Another Cameroonian writing in this same year as Mbu, is Mukong A. (1989) who x-rays some of the different systems of torture that are used in Cameroonian prisons. Writing from personal experiences in the maximum security prisons of Kondengui, Mantum and Tcholire, Mukong argues that, in Cameroon, torture is used not as punishment for a crime, but as a means to forcefully illicit information from a victim with which to justify his imprisonment. He also laments at the fact that the use of torture in Cameroonian prisons had made the country to become a nation of psychopaths and imbeciles. He says that at one time, the torturing of prisoners turn to be a normal routine to prison warders who care less about the repercussions on the prisoner as well as on them too. He looks at the situation of some prisoners of Mantum who were tortured and left at their mercies, and who finally died a few days after. To him, if this act is not criticised by the government in such prisons, then they have a reason for doing so which is beyond his imagination. We can see that his personal experience made him gain knowledge on the treatment of prisoners in the above prisons. He shares the same ideas with those of Paul Ndue below who writes on prison rights and advocates that human rights be universal and applicable to all human beings everywhere. His work is very interesting to us despite the fact that he does not portray the social life styles that do exist in these prisons.

Thioub I. (1999), on his part looks at the French penitentiary system in Senegal during the colonial period. In his book, he criticises the fact that punishment in Senegal was based on the *indigénat* code, (one of the French systems of governing during colonisation in African



countries and Cameroon was not excluded) which dates as far back as 1887. The fact that individuals could at times be imprisoned for up to ten years without trial was to him, a simple prolongation of colonial wars of conquest. Added to that, the French colonial law was very vague and imprecise, giving room for arbitrary arrest and imprisonment. He tries to point out in his work this idea of restorative justice, that is, a prisoner is not supposed to stay in custody for long without being judged. This turns to be one of the things that the Cameroon penitentiary system through “*Prison Fellowship Cameroon*” (an NGO managed by the retired prison registrar of the Bamenda Central Prison, Madame Kwamu Nana née Abunaw Marie, with its headquarters in the Mendong neighbourhoods of Yaounde) is trying to fight against.

When one come across the term crime thoughts are often directed towards the adult population, but we come to understand that young people are also been involved in crime for the past decade. However, recent studies have shown that there has been a sudden decrease in the rates of juvenile crimes over the last two decades. This claim comes from a study on juvenile crime and punishment in the United States. The study further admits that juveniles are the least responsive to sanctions when compared to adults. The reason for the decrease in juvenile crime is as a result of deterrence (Levitt, 1998). Although this study was a quantitative study it is related to our study because we intend to focus our study on children using anthropological theories and methods.

Another domain which has interested several authors is the prison staff. Writing about the Fresnes Prison of Paris, Pueyo J. (1998), criticises the attitude of prison workers who ignore national and international conventions on the rights of prisoners. He however feels that for the dignity of the prisoner to be maintained, prison conditions as well as the working conditions of the prison staff must be improved. In the same work, Henri Israel (1998), presents the frequent problem of disagreement between medical and prison staff over the manner of attention to be given to prisoners. He argues in favour of the fundamental role the prison officer/staff plays in the prison institution. He says that if the officer is provided all the necessary means and skills, he will certainly handle the prisoners fairly and humanely. He also points out that without their proper application by prison officers, all the international conventions on the treatment of prisoners will be meaningless. Prison officers therefore occupy a very important position in all penitentiary systems because the success of prison policies is largely dependent on how effectively they apply them. To him, though the prison embodies the largest power which the government exerts on the citizens in times of peace, it is strange how people are so ill informed about the range of skills employed by the prison

officers. For this however, he blames the media for the poor perception the public has of the prison workers. Thus, he recommends that medical staff meant for prison hospitals should be given prior training in penitentiary service. He goes further to draw the attention of the government that, prison officers occupy a very important position in all penitentiary systems because the success of prison policies is largely dependent on how effectively these prison warders are treated.

With regards to Dilulio J.J. (1990), imprisonment is intrinsically governmental in nature. To him, government should retain full and direct control over the administration of criminal justice in general and imprisonment in particular. This is because it otherwise weakens the social impact in a pluralistic society. In an article dedicated to private imprisonment, (Douglas McDonald, 1995) however affirms that; “... *what matters is not the legal status of the service provider, but the quality of service, and whether the service conforms to established standards and law*”.

When we take the use of examples from private firms in the United States, the United Kingdom and Australia in the last three decades of the 20<sup>th</sup> century, McDonald proposes that more power be given to private firms in the management of prisons. This however is not only because of the rapidly growing prisoner populations everywhere, but also because of the readiness of the private firms to build more prison structures and their ability to manage them better. This system however could be successfully implemented if the government would play the role of overseer and controller of the conditions in the privately run prisons.

Bisong Ebai L. (1989), looked at punishment in Limbe-Cameroon, as pain equivalent to the degree of crime committed. Therefore, punishment should be necessary in society because the law would be disrespected without punishment as an unpleasant but compulsory deprivation of rights that serve as an effective means of social protection against greater harm. Santiago Nino C. (1994), holds the same idea like Ebai. He sees punishment and prison as an unpleasant but compulsory deprivation of rights that served as an effective social protection of man against greater harm. To him, punishment is necessary in society because social peace will be maintained. The fact that Carlos dwelled mostly on punishment and its definition makes it very involved in our domain of the penitentiary. Nevertheless he makes us know that one has to be punished in prison according to his crime. However, he contradicts himself again because he sometimes condemns the use of punishment in prison but alongside he says it is an effective means of social protection against greater harm. These books are of great

importance to us because they deal directly with our subject matter which is punishment in traditional Cameroonian societies.

The concept of crime and punishment has been explored from different perspectives and one of such approach is economics. Becker (1974) investigated the cost of crime with a model that looks at the cost of offenses, arrests and convictions, public expenditures on police and courts, the cost of imprisonment and private expenditures on protection and apprehension. Using mathematical methods of calculations the author concludes that crime and punishment have an economic cost with respect to the various stages of the process. This study is relevant for our research as it gives us the economic dimension of crime and punishment. The anthropological perspective that our study intend to use will add to the knowledge base on crime and punishment. However, our proposed study was not be on punishment in communities but will be limited to the homes.

Focusing on imprisonment as a method of punishment in England, George I. (1914) thinks that prisons were only places of detention or temporary confinement for military captives, persons awaiting trial or execution and for those unfortunate persons who had aroused the sovereign's ire. According to this view, the prison, at least in some societies, probably go back as far as the time of the practice of cannibalism. He adds that prisons were places for the reception of ordinary criminal as distant from state or political offenders. Moreover, imprisonment as a punishment in itself, to be deliberately inflicted in accordance with definite regulations, must be considered to be relatively recent origin. By the 19<sup>th</sup> century, this method of punishment reached its worst phase. It is however impossible to fix the exact date of the general beginning of imprisonment as a punishment for crime. Not until the beginning of the 19<sup>th</sup> century did it succeed in displacing the capital and corporal penalties for serious crimes. That is why the 18<sup>th</sup> century can be considered as a period of transition from corporal punishment to imprisonment. To him, in order to keep prisoners in safe custody until the King's judges came to hold the next court, places of detention had to be provided. These however became the common gaols of England. These gaols were single or two rooms in a castle or in a market house, or perhaps just a part of the gaoler's own dwelling. He also says that during the reign of Henry III, the wrongdoer rarely went to prison, since the justice wanted to get his money rather than to keep him in custody. But by the time of Edward I, we begin to arrive at sentences of imprisonment but as a general rule, they were only preparatory to fines, the prisons being used as 'squeezers' to extort money.

### 2.1.3.3. Retribution

Retribution is a very critical concept in punishment studies because supporters of the practice argue that punishment is justified on the basis that when people commit crimes they have to be punished.

Reading the works of Ndille Ntongwe R.(1980), we see that he develops the issue of spatial occupation in prisons in British Cameroon. He discusses the special status of the Kumba Principal Prison as the only prison in British Cameroon which served both as an institution for criminals and a lunatic place for challenged persons. The asylum block housed epilepsy, leprosy patients and insane people of different degrees of lunacy. The lunatic population often came into conflict with some prisoners. He however affirms that the offender is sent to prison as punishment and not for punishment. This situation which lasted up till 1980 is the main criticism of the author. Although this statement does emphasize the importance of treatment during the offender's institutionalization, it does not recognise the complex nature of correction, which involves, and must involve, both punishment and treatment during all its phases, including the entire periods of probation, imprisonment, and parole.

Szumski B. (1985), takes a good look at the rehabilitation of criminals after release. To her, we must do more than just sending them to prison. For instance, they could be given a chance to acquire job skills; which will improve the chances that inmates will become productive citizens upon release back into mainstream society. The programmes must aim to change those who want to change. Those who are taught to produce useful goods and to be productive are "*likely to develop the self-esteem essential to a normal, integrated personality*". She encourages the opening of training centres in all the different category of prisons, be it central, principal or secondary. According to Szumski, making a prisoner learn a trade while in prison is of immense profit to the society hence reducing high rate of recidivism. She believes that when a prisoner is occupied, he will have no room to nurse evil thoughts, as the English proverb which goes thus, "*an idle mind is the devil's workshop*".

Our endeavours in this research share certain aspects with Andre Tatchouang's (2000) study just like those of Thierno Bah above. He duels on prisoner psychology and feels that, since most prisoners are disappointed and frustrated persons, bad prison conditions only make them worse. Their psychological well being would therefore be greatly improved through methods of rehabilitation into society after prison term. These methods must be followed by post penal social reinsertion centres. Tatchouang also argues that the greatest solution to the

problem of crime lies in the improvement of living conditions in the society because the prisoner is only a victim of the unfavourable social milieu in which he finds himself. He echoes in his work on the techniques and strategies of animation in the carceral milieu. He gives us a very important work despite the fact that he does not clearly show us that there cannot be a 'cause' without an "effect".

Still on the politics in prisons, Faulkner D. (2001), examines the politics of imprisonment in England after the Second World War. He says that the English society and different governments since the end of the war have generally preferred the building of more prisons to the improvement of old ones. Faulkner also argues that in the past decades, policies designed to reduce the use of imprisonment and to improve prison conditions have more often been characterised of Conservative than Labour Governments. This, he says, is explained by the fact that moods of national confidence and optimism which are necessary conditions for liberal penal policies have not generally coincided with Labour Governments. He then laments on the fact that despite the strong economy of England and the public support given to the Tony Blair Government, there has been a general call by the government to seek a reduction in the prison population. This situation is blamed on the growing cynical culture in the United Kingdom that looks more for recrimination than for recognition and reward. Our endeavours in this research will share certain aspects with Faulkner's laments on prison policies.

Hence punishment to a criminal is simply the administration of justice (Posner, 2006). The concept of retribution is also important for our proposed study given that children are also punished for their wrong doings. However, the paper relies heavily on secondary and theoretical data to make its arguments. Further empirical data is needed to confirm the claims raised by the paper.

#### **2.1.3.4. Capital Punishment**

The literature on punishment indicates that scholars have also been preoccupied with the concept of capital punishment.

Writing on the administration of punishment in Boston, Barnes Harry E. (1930), gives us detail images of death procedures. He says that when a man was found guilty and condemned, he could undergo one of the following tortures; he was drawn and quartered, stretched to his death on the rack, delivered to the fatal embrace of the 'iron maiden', broken on the wheel, sawed to pieces and slowly crushed to death beneath the weight of stones and

iron. He further explains that after drawn and quartered, a horse was hitched to each of the man's legs and arms, and then he was pulled into four pieces by leading the horses in opposite directions. The rack was an engine of torture consisting of a large frame and having rollers at each end to which the limbs of the victim were fastened and between which he was stretched into eternity.

The "iron maiden" was a hollow form shaped like a human being and made of iron or wood braced with iron strips. It was hinged to admit the victim who, as it was closed, was impaled on the spikes which studded its interior. Breaking on the wheel was accomplished by stretching the victim out on a frame resembling a wheel. His arms and legs were fastened to the frame and were broken by striking them with an iron bar. Then the broken and bloody limbs were tied across the middle of the victim, and he was whirled on the wheel, until life was driven from his body. A common method of cutting a man to pieces was to hang him up by his feet and then saw him in half vertically. In order to crush the condemned to death, he was usually placed on a solid platform and weights were piled on his breast until he died beneath their pressure. Harry thinks that although men in modern society continue to inflict capital punishment, they now use only a few of these forms. He further says that mere killing has not always satisfied men's thirst for vengeance, and so sometimes, as a hideous prelude to death, they have added the most fiendish and excruciating torture. Thus, they, they have skinned the criminal alive and hung his body upon a sharp stake, where he remained, in agony where he was exposed to hot rays of the sun and to the vicious attacks of birds and insects, until death mercifully intervened. They have subjected him to slow death from insect bites. This was the terrible fate to which the Persian General was condemned. At times a convicted criminal was encased in a box from which his head, hands, and feet protruded, forcibly fed with milk and honey, which was also smeared on his face, and then exposed to the sun. He could linger there for 17 days on this horrible condition until insects devoured his remains. With this description so far, we will be able to understand the different punishment methods that were employed to deal with criminals in the 1930's. This will give us an insight on how we are going to compare the two systems. We are also going to find out if this type of treatment has ever been given to convicts in Cameroon and the North West province in particular. We will also through these different methods mentioned by Harry seek to know if some of them are still employed today and how the government and human rights bodies look at it.

Hanging too has been the most widely used form of capital punishment and is still one of the most frequently employed throughout the world today. In the past, it was usually a public spectacle in its crudest form. It merely involves the putting of a rope around the victim's neck, pulling him from the ground or platform, and leaving him to die of slow strangulation. The corpse was gibbeted, that is, it was hung in chains and then, sometimes after being soaked in tar to preserve it from the elements, it was allowed to remain as an unpleasant warning to evil doers. Presently, not only in Africa, but worldwide, hanging is relatively secret and a rope or a trap is used in order to break the neck of the victim and thus hasten his death. He also says to hang a man with the minimum of pain requires the exercise of considerable art. Because of such a possibility, hanging is being supplanted by electrocution and other forms of the death penalty that are more certain and supposedly less painful.

On her part Petrova Parenkov (1989), developed the idea of punishment through her theory of incapacitation. This theory in punishment claimed that the best way the public could be protected from criminals was by locking them up. Here, the individual's tendency towards crime, unrest and vagrancy could be put under control. This theory was effectively applied in France after the Napoleonic Code of 1810, by applying the death penalty to practically all crimes that threatened state security. It was believed that all these theories which make up the Western philosophy of punishment have the prison institution as their major means of punishment.

One of the preoccupations has been on the way capital punishment is mated in Japan. According to Johnson (2010), the administration of capital punishment in Japan is secret because of the lack of transparency and accountability in the process. He considers the system a deliberate decision to main an undemocratic political process following arguments raised by the minister of justice to justify the secrecy of capital punishment. This study is relevant to our research because it gives us clues as to the different contexts which capital punishment is mated. While this study reflects data from Asia, we intend to limit our study to Cameroon to add on data from Africa.

In the same light, the concept of capital punishment has been very controversial in the United State especially the death penalty. It practice in the US has received wide spread criticism from within and out of America. The criticisms raised have to do with aspects related to the morality of the practice, effectiveness, uneven application and procedural problems (Marcus, 2007). The author concludes with a burning question as to why capital

punishment is a worldwide phenomenon. This study is also very illuminating given that it has to do with the punishment of adult. The current study will add on punishment in the domain of children within the context of Cameroon.

There are some types of punishment that some scholars now term as cultural. One of such example is the death penalty in the United States. Garland (2010) is concerned with the popularity of dead penalty in the United States like other popular sports and socio-cultural activities. The popularity of the practice makes the author to conclude that the phenomenon is part of the American culture. According to the author it has been argued that it is due to increased crime wave and the growing insecurity concerns in the United States. However, there are many abolitionist groups who are advocating for it to be banned. The author remains worried why human beings can make laws to kill other humans. This study is relevant as it introduces us to a particular type of punishment known as capital punishment. However, our study will extend on these aspects as its focus will be on children.

Due to widespread criticism of the practice of dead penalty, a keen interest has been how far have abolitionist movements been successful on a global scale? This was the subject of a review by Hood (2010). The author concludes that despite increased criticisms of the practice, some countries still hold fast to the practice. Efforts to change national laws have been futile despite international pressure. The author ends by arguing that abolition of the death penalty is not enough. Caution needs to be taken with respect to the alternative or substitute for the practice (Hood, 2010). In a similar reflection, Unnever (2010) conducted an investigation to understand if the global movement for the abolition of the dead penalty was yielding any fruits in terms of sensitization. Using a survey pulled data drawn from 59 countries the study found that long term abolition situation of the practice can be achieved if a vast majority of people openly denounced the practice (Unnever, 2010).

#### **2.1.3.5. Corporal Punishment**

One of the reasons why people practice corporal punishment is culture. Criticisms advanced against corporal punishment as a form of human rights abuse has been criticized as being ethnocentric and a misunderstanding of one's beliefs and practices (Reteln, 2010). This study looks at corporal punishment as part of a cultural system that must be sufficiently studied and understood.

Although in civil cases all less than twenty-one years of age had to be represented by their parents, masters or guardians. For profaning the Sabbath, the law applied only to those



over the age of fourteen. Great responsibility was placed upon parents to see their children conformed to the rigid Puritan code of conduct on the Sabbath. Children and servants who became “rude and stubborn”, could be taken from their parents, after due warning and placed for some years with masters who would “force them to submit unto government” until they were twenty-one, if boys, eighteen. However, the author makes us know that they were permitted to claim this protection only once, and then when they did, unless they were peers or peeresses, they were burned on the left thumb. It should be noted that England abolished the benefit of clergy for all except the notability and for them in 1881. He adds that after this abolition, England still had another device to reduce the severity of the criminal law which was the pardon or forgiveness, which was utilized for the purpose since ancient times. It should be noted that the authority to pardon is still vested in the chief executives of modern governments, and today its exercise is considered as an essential part of the administration of criminal law.

One of the reasons why people practice corporal punishment is culture. Criticisms advanced against corporal punishment as a form of human rights abuse has been criticized as being ethnocentric and a misunderstanding of one’s cultural beliefs and practices (Reteln, 2010). This study looks at corporal punishment as part of a cultural system that must be sufficiently studied and understood. Although this study employs an anthropological perspective, the empirical data is anchored on Western context precisely the United States. We intend to conduct our own study in Cameroon that will bring in an anthropological perspective from Africa. The General Court ordered that: *“In all cases every person, younger as well as elders, shall be liable to answer to their own persons, for such misdemeanors as they shall be accused of”*.

Most students who may have carried out research in this domain are university students. It should be noted that little or not much have been done as concerns traditional methods of punishment and the penitentiary in particular.

Idrissou Alioum (2005), writing on the penitentiary system in Cameroon under French administration during the 1960’s did not limit his work only to French Cameroon but equally extended it to the colonial era. Following his work, he says that prisons were created for repression, to maintain order and provide manual labour during the French administration; the prison institution found fertile African colonies by way of indigenat, disciplinary powers and the administration of justice. Idrissou argues in his work that despite its high demand, the penal prison remained the least developed of all the European institutions established in

Cameroon. It has been neglected and abandoned in all its aspects; material as well as human. That is the reason being why the prison sector was never made a priority in the allocation of funds to cater for equipment structures, prisoners' conditions as well as those of the staff. He laments more on this issue and concludes that the re-occurrence in Cameroon today of some prominent problems such as dilapidated prison infrastructure and overcrowding prisons, portrays deficit in the penitentiary policy of the post colonial state since independence. He draws our attention to the Kampala Declaration on prison conditions in Africa in 1996. This declaration was made during a seminar in Kampala, the capital of Uganda from the 19 to 24/09/1996 where more than 130 participants came from different African countries. It was organised by «*la Commission Africaine des Droits de l'Homme et des Peuples* » (CADHP). Its main objective was to put in place strategies that can be used to ameliorate the conditions of detention of prisons in Africa. At this conference, a commission of a special reporter was created to always check on the detention conditions of African prisons. And in 1977, this declaration was adopted by the UN. This document therefore has to be considered as one of reference.

Furthermore, Ndemou KouadjopE., (2003), writing on criminality in the Bafou land of Dschang in the Western Region argues that criminality has become the order of the day in this rural area which was looked upon as a calm and well to live place as compared to urban areas. Children in rural areas who used to be an example to those of the urban areas have become reserved. While he is pre-occupied with criminality, we are concerned with the lives of prisoners who commit crimes and find themselves in prisons at early ages. The term used for this situation is juvenile delinquency.

In this same year, Nquefack L. B. (2003), talks of women and their plight in prisons. She focuses on the Mfou Principal Prison in Yaounde – Cameroon from 1979. She says that it's only during this year that a specific prison could be constructed for women, that is, 6 years after the first penitentiary degree was pronounced in 1973 in Cameroon and 46 years after the Reglementary text of prisons in French Cameroon (1933). To her, it's with relief that women prisoners welcomed this special prison but their joy was short-lived because in 1985, it was transformed to a mix prison harbouring male and female inmates respectively. It is at this moment that Nquefack Lydie comes in to disagree with prison administrators because at this level, women begin to have serious problems; lodging, little or no space, lack of adequate and experienced prison administrators, lack of organisation and worst of all, cohabitating with male inmates. According to her, cohabitation has been a very serious problem in this prison

since its creation in 1985 because women are suffering in the hands of these male inmates. They are either complaining of sexual harassment, theft and even violence on them at times. This is the same problem faced by minors. Lydie's work is of immense importance to us not only because it centres on our subject matter but also because it touches a very sensitive point in the penitentiary that of women's plight.

Accordingly to Ndanga E. P., (2002), working on the New Bell Prison, Douala. In his work, he explains deeply what it means to be a prisoner in the New Bell Prison. The tortures that prisoners go through, coupled with the extreme hot climatic conditions which put prisoners' health in jeopardy. Because of the hot weather that this part of the country has, coupled with the overpopulation, prisoners at times turn to sleep outside their cells. By so doing, they are exposed to mosquito bites and as a result, they fall sick of malaria which is one of Africa's killer diseases. Though this work is concentrated in Douala, it is of great importance to us because it is our domain of interest, work and study.

By 2002, Ouagadougou held the second seminar from 18-20 of September. ([www.penalreform.org](http://www.penalreform.org)). His reminding us about this Kampala Conference makes us know that prisoners' conditions are a pre-occupying factor to African countries. His work, as well as all the other reviews constitutes important sources of inspiration for the study we are carrying out.

Takam M. (2001), focuses his attention on prison architecture and its internal organisation. He says that one of the main problems that the French faced in Cameroon in the domain of the penitentiary was lack of adequate infrastructure. This was especially as the French left the German prisons in their sector of the country to fall into ruins without replacing them. This situation led to the race factor in the internal organisation of prisons. Takam argues that spatial separation in the prison architecture was not according to the levels of sentence, but more according to skin colour.

While capital punishment seeks to inflict death penalty, Sutherland (1974), says corporal seeks to inflict physical pain upon a convicted criminal. He says that during the medieval period, some form of corporal punishment less than death was usually employed in cases that did not involve capital crimes. Flogging and branding were amongst the most popular. This was very common in the American colonies, where as the severity of the criminal code was mitigated, branding was replaced in some cases by the wearing of badges indicating the crimes committed. The wearing of the odious 'scarlet letter' was part of the sentence imposed upon the adulteress. It should be noted that closely associated with branding

was the piercing of the tongue with a hot iron, which was sometimes prescribed for such crimes as perjury and blasphemy. Various instruments however were employed to administer flogging like rods, whips, canes, straps which consisted of knotted cords or thongs, usually nine in number attached to a handle to be applied to the bare backs of criminals. The arguments presented in favour of whipping are that it is retributive, economical and that it unifies public opinion against the criminal, that it reforms the offender and that it deters others from committing crimes. He recalls us to mind that in 1889, the whipping of women was prohibited and was eliminated completely in 1925. His work is of great importance to us for it deals on different types of punishment methods. Even though, he works in Philadelphia, it ties with our subject matter in the North West Province.

Aghangu Akaragwe T., (1988), of the University of Yaounde I carried out research on school systems and juvenile delinquency. He looks at minors and delinquents when it comes to education. He thinks that some of these youths despite their attitudes of delinquency, still take education serious even when in prison. Some come out from prisons more educated than before.

Writing on the rehabilitation of criminals of America, Bennett L. (1978), thinks that most of today's correctional institutions lack the ability and programmes to rehabilitate the criminals of America. He can predict that a prisoner held for two, four, eight or ten years, then released, still with no education, will still have disadvantages. For instance, members of the group might not be as open or show emotion because they want to appear "tough". He proposes "*halfway houses*" as another type of correctional centre used for rehabilitation. Halfway houses are usually located in residential communities and are aimed to keep offenders in the community. This means that they are halfway between the community and the prison. To him, rehabilitation of offenders swells the number of conformists and therefore is regarded both by humanitarians and by scientifically minded penologists as more constructive than punishment. That is why most of the agreements against imprisonment and other forms of punishment are incompatible with rehabilitation. The high rate of recidivism for prisons and reformatories is cited as evidence of the irrationality of punishment. If rehabilitative programmes are designed to help the offender cope with frustrations in his life situation, which presumably were responsible for his nonconformity, imprisoning him hardly seems a good way to begin. In view of the foregoing considerations, he hypothesizes that punishment as it is now practiced in Western societies is usually an obstacle to rehabilitation. We become very interested in his work especially the fact that he proposes other measures

that can help the criminal while in prison and how he can successfully be re-integrated into mainstream society on his release.

James F. S. (1883), in England writes on the system that the church employed. In his work, he looks at the benefits of the clergy as a device used to protect the offender from full impact of the criminal law. The exemption of the clergy from secular jurisdiction was one of the privileges claimed by the Catholic Church, and during the Middle Ages. Its leaders acted to remove all members of the clergy from the jurisdiction of lay courts and to make them subject to ecclesiastical courts only. With this, the church was successful, and the privilege became known as the *benefit of clergy*. Trial by an ecclesiastical court was a distinct privilege, as the church did not use the death penalty and, in general, was more merciful. Originally only a few enjoyed the benefit of clergy in England, but gradually not only the clergy but also members of the laity who could read were entitled to its protection.

#### **2.1.3.5.1. Social Deviance and Social Problems**

Deviance related to social behavior may differ from deviance related to social problems, even though the two kinds of deviance overlap. Not all social problems represent instances of deviance. For example, many people regard unemployment, population control, and lack of adequate medical care for poor people as social problems; these examples hardly fit the pattern of deviant behavior. The same could be said about other conditions, such as aging and homelessness (Manis, 1976 and Spector and Kitsuse, 1979). Consequently, sociologists study forms of deviance that arouse contemporary interest, debate, and concern. In the past, discussions of deviance might have covered different types of behavior. Within the last 300 years, or even less, such topics might have included blasphemy, witchcraft, and heresy, because large numbers of people then regarded these activities as serious forms of deviance often punishable by death. More recently, strong social condemnation of premarital sexual relations would have branded such activity as deviance. In the future, some forms of behavior regarded today as deviant may well lose that identity as new norms arise and new issues replace old ones. Obviously, space limitations preclude a book such as this from analyzing all forms of social behavior that might possibly represent deviance. Any author must select certain topics to cover. These include certain types of crimes (personal and family violence, crimes against property, crimes against the political state, and those committed in connection with an occupation such as white-collar and corporate crime), illegal drug use, deviant alcohol use and problem drinking, prostitution, homosexuality, mental disorders, and suicide. We also discuss severe physical disabilities, such as those experienced by crippled, obese, mentally

retarded, and blind people, because these members of society often experience social reactions similar to those targeted at deviants.

#### **2.1.3.5.2. Deviance relative to groups and their norms**

Sociologists determine deviance relative to groups and their norms, they may judge all manner of acts, thoughts, and conditions as deviant at some times and by the norms of some groups. Some readers will disagree with certain content in acts that spark disagreement about moral qualities. There are considerable consensus about the deviant nature of some of these acts and conditions, such as murder and alcoholism. There exist less agreement about others, such as homosexual behavior, use of marijuana, and certain types of heterosexual acts. For example, not everyone agrees that homosexuality constitutes deviance, and those who do may not agree about how deviant it is.

The notion of deviance generally refers to some difference from a social standard in behavior, conditions, and people. Sociologists can define deviance in statistical, absolutist, reactivist, or normative terms, although the reactivist and normative conceptions may differ less than some believe. Deviance here means deviations from norms that meet with social disapproval and elicit, or would likely elicit if detected, negative sanctions. The amount and kind of deviance in a society is related to the degree of social differentiation in that society. People judge deviance relative to the norms of a group or society. Just as norms change, so too do criteria for deviance. Observers sometimes encounter difficulty identifying norms before anyone violates them. Further, because not everyone subscribes to a given norm, some may disagree about what constitutes deviance. Deviant acts represent necessary but not sufficient conditions for becoming a deviant. A person does not become a deviant simply by committing deviant acts; if that were true, society would be composed entirely of deviants. Deviance is linked to a society's stratification system. Greater differentiation in society boosts the potential for deviance. Some norms represent properties of groups determined in complex ways. Others represent properties of political units; these legal norms offer opportunities to see the processes by which norms emerge and change.

Deviants are members of society who come to adopt roles identified with deviance. Just as people learn conventional norms and social roles, they also learn deviant roles and patterns of behavior. A complicated relationship links a choice to adopt a deviant role and the commission of deviant acts. A full understanding of a deviant act requires knowledge of the process of committing deviant acts and the role and actions of victims. Despite some overlap between the notions of deviance and social problems, they are not the same thing. The

concept of deviance spans an enormous range of actions and conditions, and this book cannot address every instance of deviance. Therefore, we limit our discussions to instances of deviance about which we recognize strong consensus or which have sparked strong normative dispute. Even within these widely accepted forms of deviance, people disagree about their deviant characteristics. Some, for example, regard homosexuality as unmistakably deviant, while others class it as a biologically natural if statistically rare phenomenon.

The notion of deviance is connected closely to that of social control. Often, deviant behaviors represent such undesirable acts that people want to “do something” about them. What they do often results in sanctions or other overt reactions to the behavior or condition reactions can be collectively called social control. The nature and strength of the reactions vary with the deviant conduct. In the case mentioned at the beginning of the chapter, what if the sex of the parties was reversed? Male teacher, female student. Does this make a difference in the kind of reactions produced? Contrast the Rogers case with one Nebraska, where a male teacher had been accused of touching a 14-year-old girl student’s buttocks and trying to kiss her. Omaha World-Herald, (2006: 4B). The teacher was convicted of sexual assault and he accepted a plea bargain that sent him to prison for only 1 year. What makes these events both similar and unique? This chapter explores the relationship between deviance and social control by examining characteristics of deviant events and processes of social control intended to eliminate those acts or reduce their frequency.

Deviant events take many forms, but all such events violate some norm. Potentially, therefore, people could commit as many deviant events as they can find norms to violate. Some of these acts involve physical behavior, as in crime, while others may involve verbal behavior, such as children inappropriately scolding their parents. The term event refers not only to some behavior but also to the context in which the behavior occurs (Meier, Kennedy, and Sacco, 2001). That context may involve a deviant, a victim, the circumstances that brought them together, and, depending on the act, a history between the deviant and victim.

The understanding of deviant events begins with antecedents or history and encompasses the immediate situation in which the event takes place and its aftermath or consequences (Sacco and Kennedy, 1996). An offender causes an act of simple assault, for example, but the victim and the interaction between the offender and victim also frequently constitute “causes.” Clearly, the word cause means something different than blame, and analysis of deviance focused on events should consider all of the elements that came together to produce the deviant act. The offender and victim may have continued a dispute over a

period of time, or a short argument may have preceded the assault. The assault may have followed an interaction in which one of the parties challenged the honor of the other or said something that the other considered disrespectful (Oliver, 1994).

Event analysis requires attention to these and all contributing factors to the deviant act. Focusing attention on the deviant act itself necessarily neglects the context in which it takes place. For example, some women bare their breasts at Mardi Gras in exchange for beads and other trinkets. They do so not simply because they are exhibitionists who take advantage of many opportunities to take off their clothing (Forsyth, 1992).

Rather, this temporary exhibitionism depends heavily on situational variables such as alcohol, a party atmosphere, the desire to engage in momentary risk taking, and a physical setting dissociated from sexual activity.

Studies have described similar motivations for women who become strippers (Skipper and McCaghy, 1970) and topless dancers (Thompson and Harred, 2002). Many people enter these occupations not because they are exhibitionists, but because specific financial and social circumstances permit the women to undress in public. In this sense, an instance of exhibitionism may be physically isolated in time and space, but the social context defines and shapes the deviant act.

Everyone performs a number of social roles in everyday life. At different times, people may act as students, sons or daughters, consumers, and friends, and sometimes, they may act as deviants. No one is deviant all the time; the role of deviant, like all roles, only sometimes emerges in the acts that people perform. Some people play roles as deviants more than others, but even those who make their livings from deviance do not commit deviant acts all the time. This description clearly fits people who engage in deviant acts only occasionally, such as a person who has too much to drink on New Year's Eve, but even people who are strongly committed to deviant roles only sometimes perform those roles. Organized criminals, for example, in addition to their criminal behavior, also act as spouses, parents, shoppers, football or soccer fans, and the like. Most deviant acts do not just happen. Such an act culminates a process or series of stages that develops over a period of time- it has a history. In other words, most deviant acts occur in particular social contexts. Bryant (1990). Some deviant acts, such as instances of domestic violence, often begin without specific intentions to commit the acts; the acts follow development of interactions with others. *"Each action of each party is in some measure dependent upon the previous action of the other party. The outcome of such an interaction process is a joint product of both"*. Lofland (1969: 146).



One can interpret behavior more easily after identifying the roles that the participants are performing. Male patrons of a pornography store, for example, fulfill a number of roles when not in the store (laborer, father, insurance executive, etc.) but another set of roles in the store. A deviant act may begin with an interpretation of a situation as an opportunity to commit the act. If a teenager sees a set of keys left in a car, for example, he or she may interpret the situation as an opportunity to steal the car. Another teenager might pay no attention to the same situation (Karmen, 1981). A drug addict may view the presence of drugs in a pharmacy or a doctor's office as a possible supply and burglarize the premises. A difficult or stressful situation may elicit one kind of perception in a person contemplating suicide and a completely different perception in someone else. However it occurs, an analyst must evaluate the act in its social context as the outcome of a particular social process that includes a physical dimension. Subsequent chapters will show that deviant acts are not random events; they occur more in some places, at some times, and among some groups than in others.

The expression deviant place describes a physical location typically connected to deviant acts. Conventional crime is more frequent in cities than in small towns and in some neighborhoods more than others within cities. In the 1920s, two researchers at the University of Chicago, Clifford Shaw and Henry McKay, found a relationship between delinquency and certain areas of that city. More recently, Stark (1987) has theorized a relationship between deviant acts and certain types of communities with high population densities and crowded housing conditions. Substantial poverty in these communities along with extensive physical deterioration can affect the social morale and outlook of residents. In these neighborhoods, people tend to spend a lot of time outside, where they encounter strong temptations and opportunities to deviate. These neighborhoods also feature low parental supervision, since the children spend much time out of their homes, decreasing opportunities for oversight. All of these conditions may contribute to deviant acts. A number of ways are available to design buildings and neighborhoods to reduce crime (Felson, 2002).

Deviant places are locations likely to host deviant conduct. Neighborhoods often become places where deviance is likely to occur as they decay into disorder (Kelling and Coles, 1996).

Small instances of disorder, such as graffiti, panhandling, and gatherings of street people, can lead to larger instances and even crime. A broken window in an abandoned building supports the perception that no one cares about or owns the building. Similar developments often follow such an initial instance of disorder. These may, in turn, lead to the

perception of absence of supervision on the street where the building sits. Eventually, those who are not bothered by the unsupervised atmosphere -or who actually like it- may take over the street

#### **2.1.3.5.3. Deviant Act over Time**

Analysts cannot effectively study deviant acts in isolation from their social contexts, including temporal relations between separate acts. Deviants may learn to commit these acts over long periods of time through a process of realizing pleasure and adventure from committing successive acts. The adult robber, for example, may have begun his or her career in adolescence with minor youth gang delinquencies and other risk-taking activities (Blumstein, Cohen, Roth, and Visher, 1986). A member of the gay community may have engaged in homosexual activities only sporadically as a youngster, acquiring a homosexual identity only through later participation in the gay social environment (Troiden, 1989). Risk-taking behavior like drug experimentation or low-stakes gambling may seem both financially and socially rewarding for some people. A study of gamblers has suggested that a lower-class, regular gambler may begin this career by pursuing a reputation for “seeking action.” The person gambles because the activity offers excitement and confirms a self-image of a lively, interesting person (Lesieur, 1977). Someone who gambles regularly, in other words, acts consistently with the social role of a gambler. As their gambling activities increase, some participants appear to fall into continuing spirals of gambling involvement. As debts mount, the compulsive gambler increasingly views gambling as the only way out of a predicament. After using up other, legitimate options (such as cutting expenses, loans from family, friends, or financial institutions), this person relies on gambling to provide financial relief. Some horse players interviewed by Rosecrance (1990) indicated that they had stayed away from betting for periods up to 3 years but eventually returned to the “action.” What began as socially condoned activities thus became a way of life for these individuals.

In this way, a penny-ante poker game may eventually escalate into contacts with established gamblers, high-stakes games, and a long list of creditors. Many deviant acts form part of long chronicles. An apparently simple act of criminal assault, for example, may in fact result from a number of events and interactions. Oliver (1994) describes the importance of social context in understanding the assaultive behavior of urban men. While precipitating conditions, such as an argument between two men, may seem to dominate the situation, the argument clearly takes place in a particular context. One party may have insulted the other or provoked him to a fight. More frequently, one of the parties may have challenged the

manliness of the other or insulted his wife, girlfriend, or family. Assaults do not just happen; they are part of a sequence of action, reaction, and interpretation.

#### **2.1.3.5.4. Victims of Deviant Acts**

The nature of a deviant act depends not only on the past experiences of the actor but also on the responses of others in the immediate situation. The individual considers these responses in formulating a definition of the situation. The reactions of the social audience help to organize and shape the deviant act. Unanticipated consequences often arise from events not expected in the early stages of the deviant act. Cases of criminal homicide often result from such surprises. For example, an offender may start out to burglarize a house and end up killing the resident. A number of murders occur in connection with other crimes, such as when a drug transaction goes sour and someone is killed. In crimes of violence, such as homicide and assault, perpetrators and victims frequently know one another (Reiss and Roth, 1993), as in family violence. Research has identified a number of factors usually associated with family violence, including low socioeconomic status, social stress, social isolation, and low self-concept (Gosselin, 2003). In addition, a family assault frequently reflects a cycle of violence in which perpetrators often report past family violence by their parents. One cannot understand family violence, in this very real sense, outside the context of the victims of this offense, since victims frequently become offenders later in life. Items of property. People with mental disorders, for example, generally do not inflict harm on victims, although their disorders may severely disrupt marital and family relationships. Similarly, homosexuality, drug addiction, prostitution, and alcoholism are not acts directed toward harming other people, although they too may significantly affect others associated with the deviant (Meier and Geis, 2006). Similarly, many deviants commit their acts outside the presence of any audience. Addicts often take drugs without anyone else present, and even some forms of crime can take place without audiences, such as burglary.

Deviant events gain their significance because they draw attention to conditions that define deviance rather than the deviants who commit the acts. Deviants are only one part of this social equation. Sociologists must broaden their perspective to examine the nature of the social events associated with deviance (Miethe and Meier, 1994, Sacco and Kennedy, 1996). The social context of deviance includes social forces that bring deviants together with potential victims, as well as the times and places of those interactions. But that context also includes efforts designed to reduce deviance, a process that sociologists refer to as social control.

### **2.1.3.5.5. Social Order**

Many scholars regard the problem of social order as perhaps the fundamental question for all social sciences (Rule, 1988: 224).

*Why do people conform to rules and norms, even when obedience contradicts their own interests? Why do some people violate laws and others violate deeply held social understandings about appropriate conduct? Most sociologists respond to such questions by talking about social control.*

All social groups have means of dealing with behavior that violates social norms. These methods, taken together, are called social control (Meier, 1982). A definition might narrow the broad notion of control to a statement such as “*overt behavior by a human in the belief that (1) the behavior increases or decreases the probability of some subsequent condition and (2) the increase or decrease is desirable*”.Gibbs (1989: 23).

Social control implies deliberate attempts to change behavior. Social control measures serve the social purpose of ensuring, or at least attempting to ensure, conformity to norms. In some situations, people conform to norms because they know of no alternative.

In other situations, they conform to gain some inducement to do so. These inducements may represent informal social control mechanisms, such as ridicule, or actions of formal agencies such as the church or government. Like a deviant event it seeks to limit, social control is a process.

Sociologists can distinguish between two basic processes of social control. (1) Internalization of group norms encourages conformity through socialization, so that people know what society expects and desire to conform to that expectation (Scott, 1971). (2) Social reaction influences conformity through external pressures in the form of sanctions from others in the event of anticipated or actual nonconformity to norms. These possibilities do not define mutually exclusive processes; they can and do occur together.

### **2.1.3.5.6. Internalization Processes**

Internalization of group norms achieves social control when people learn and accept the norms of their group. This process is a result of the overall socialization process that motivates members to conform to group expectations regardless of other external pressures. Society need not exert conscious effort to secure compliance with such norms, for they define the spontaneous and unconscious ways of acting that characterize the bulk of any culture’s customs. People generally learn mechanisms of social control, such as customs, traditions, beliefs, attitudes, and values, through prolonged interactions with others. Most wives do not

murder their husbands, a fact due not entirely, or even mostly, to the severe legal penalties for criminal homicide; most North American drivers stay on the right side of road not entirely because they worry that other drivers will regard their driving as deviant; not everyone who drinks alcoholic beverages avoids becoming drunk simply because they fear that neighbors will gossip. Rather, most people conform to most norms most of the time because, first, they have learned the content of those norms and, second, they have accepted the norms as their own and take those standards for granted in choosing their behavior.

A great deal of conformity to norms results from socialization where people are convinced that they should conform, regardless and independent of anticipated reactions from others. In this sense, socialization deserves the label self-control because this conformity often results from the socialization process. Social control consists, in a sense, of processes that teach the person to avoid processes of deviance. Social control processes teach how not to engage rather than how to engage in deviant behavior (Gottfredson and Hirschi, 1990).

Sanctions are social reactions to behavior. Sociologists sometimes classify them according to their content. Social controls through external pressures include both negative and positive sanctions. A negative sanction is a punishment meant to discourage deviant conduct. A positive sanction is a reward meant to encourage conduct that conforms to a norm. Sociologists also classify sanctions according to their sources, that is, who supplies the reactions. Informal sanctions, such as gossip and ostracism, are unofficial actions of groups or individuals, while formal sanctions, such as criminal penalties, are official group expressions meant to convey collective sentiments. So, just as there are different kinds of deviance, so too are there different kinds of sanctions.

Formal and informal sanctions do not act independently from one another (Williams and Hawkins, 1986). Formal sanctions can reinforce informal sanctions, and vice versa. One study found, for example, that a sample of 800 teenage boys expressed more concern for what their families would think of them than about formal penalties associated with arrest by the police (Willcock and Stokes, 1968). Yet, the fear of formal penalties, such as arrest and incarceration, exerted important influence, too. This finding suggests that a combination of both informal and formal sanctions powerfully influences behavior.

#### **2.1.4. Discussion of Literature Review**

From the studies located and critically appraised, there are some gaps in the literature with respect to punishment studies. These gaps exist from the theoretical, epistemological,

geographical and methodological. From the theoretical perspective, theories on punishment advance assumptions and explanation derived from studies done in Western context. These theoretical explanations are limited with respect to diverse contextual perspective. This is a limitation to the explanation of the phenomenon of punishment. The consequence is the provision of limited explanation of the practice of punishment.

With respect to epistemology, the current body of knowledge on punishment is dominated by studies with a focus on the punishment of adults. There is insufficient information related to punishment methods for children. It is important to cover the practice across all segments of the population, including vulnerable groups such as children. From the point of view of geography, studies on punishment methods from an African perspective are largely insufficient. The current literature on the topic is dominated by studies with a Western (basically America and Europe) perspective.

With respect to methodology, studies on punishment method lack sufficient studies on children with a mixed method methodology. Most of the studies are either quantitative or qualitative. There is need for mixed method studies that will provide rich ethnographic accounts and numerical data as well. Such an approach will provide informative theoretical and pragmatic data.

Lastly, the current evidence based on punishment methods lack sufficient studies that used anthropological perspectives to approach the phenomenon. This means studies that employed a holistic approach and accompanied by ethnographic methods and anthropological theories to investigate punishment methods used for children in Africa and Cameroon. Such a study will explore the cultural dimension of the phenomenon and cover both traditional and indigenous methods of punishing children. All the identified multi-dimensional gaps need to be addressed.

This study will address a number of concerns identified in the current literature on punishment methods in the domain of theory, methodology, epistemology, geography and academic discipline. From a theoretical perspective, the focus of study on punishment methods used on children in Bansa and Bafut communities will enrich the current theoretical base which is dominated by studies from the Western parts of the world. The results of this study will bring in empirical data from Africa and Cameroon that may require additional theorizing. New explanations will be required due to contextual specificities that may lead to theoretical extension or refinement.

The methodological gap that this present study will address lies in the rich ethnographic accounts that will be produced from the results of this study. Ethnographic studies on punishment methods for children are not sufficient in the current body of knowledge. From the point epistemological stand point, this study closed the current knowledge gap on punishment method used on children that incorporates indigenous and western punishment methods from an African perspective and precisely from Cameroon. The gaps to be closed from a geographical perspective is that the results of this study will produced empirical evidence on punishment methods from an African perspective that will contribute in balancing the current evidence based which is predominantly western.

Beyond these debates, scholars have studied different components of the phenomenon of punishment and its practice. Some of the aspects explored include: punishment and crime (Levitt, 2008), retribution (Posner, 1980; Boonin, 2008), punishment practices (Cragg, 1992), capital punishment (Johnson, 2010; Hood, 2007; Unnever, 2010; Warden, 2009), corporal punishment (Renteln, 2010; Gershoff, 2002), punishment in prisons (Rhodes, 2009; Leibling, 2011; Crewe, 2011; Moran, 2012;), torture (Morgan, 2004), juvenile rehabilitation (Piquero et al. 2010), curbing learning misconduct in schools (Mugabe & Maposa, 2013), punishment and discipline (Venter & Niekerk, 2011) and reward by punishment (Maag, 2001). All these studies have approached the phenomenon of punishment from a Western perspective with very few of these studies conducted in Africa. However, this does not mean that the phenomenon of punishment have not been an area of interest to social scientists.

Finally, from a disciplinary perspective, this study will bring in an anthropological perspective on punishment methods for children which has been currently lacking in the literature. Prior to this study, most of the disciplines that were concerned with punishment studies were psychology, economics, law, criminology and public policy. All the mentioned gaps to be filled by this study will enrich and deepen our knowledge on punishment methods used for children.

## **2.2. Theoretical framework**

According to Mbonji, a theoretical framework is:

*Ce qu'un chercheur a trouvé dans une spécialisation ou plusieurs, qu'il formule dans ses propres mots et qui lui servira de clé de compréhension des données d'un problème; il est une élaboration du chercheur à partir du matériau puisé dans le champ théorique.* Mbonji Edjenguèlè (2005: 16).

In another hand, a theory is a group of general statements that explains a phenomenon. It comprised a set of concepts, definitions and propositions to explain a phenomenon, behaviour, event or solve a problem (Jaccard & Jacoby, 2010). The role of a theory in research cannot be over emphasized. Theory helps us to frame our research problem, analyze and interpret our findings. Without a theory, key concepts and variables in a study remain disconnected and this will not provide any explanation and understanding of the phenomenon. In this study, we needed to explain the punishment of children in Banso community in the North West Region of Cameroon. In this regard, we used elements from the theories of deviants, social order, punishment and cultural interpretation to explain the beliefs, behaviours, attitudes and practices of traditional punishment methods used for children. Each of these theories will be explained in the paragraphs below;

One of the most popular theories of punishment is that of restorative justice or retribution. The theory of retribution suggests that punishment is justified for people who engage in wrong doing (Cragg, 1992). The author argues that society has prescribed social, cultural and moral norms that ought to be respected in other to achieve social harmony. If anybody deviates from this norms and aged in any wrong doing, the person must be punished. This theory serves as a means of behaviour regulation as children are likely to take up unacceptable behaviours and practices.

This theory is relevant for use in the proposed study given that it explained how parents punish children from a purely western perspective. Through this perspective we were able to account for the reasons why parents engage in certain types of punishment methods for children. However, this theory is limited as it cannot provide us with full explanations of the phenomenon of punishment as we seek to study it. In this regard we included other theories of social order like deviant theory to complement the gap that this theory of explanation cannot cover.

### **2.2.1. Theories of Anomie-Deviant Behavior Connection**

The anomie theory is a sociological explanation of why people violate social norms advanced by the renowned Sociologist, Robert Merton (...). Anomie is considered as a state of harmlessness. The labelling theory of Howard Becker assumes that deviance is produced by society and not readily established.

These are Durkheim, Merton, and Srole theories. The word “anomie” derives from the Greek word *anemia*, meaning lawlessness or “without law,” and refers to societal instability



resulting from a breakdown in broadly accepted values, as well as widespread personal feelings of uncertainty and alienation. Merton theorizes that anomie (normative breakdown) and some forms of deviant behavior derive largely from a disjunction between “culturally prescribed aspirations” of a society and “socially structured avenues for realizing those aspirations”. Durkheim and *al.*(1988). In other words, a gap between people’s aspirations and their access to legitimate means of achieving them results in a breakdown of values, at both societal and individual levels. Doctrinally, this culturally defined goal is achievable through socially approved avenues that are held to be equally available to all. In reality, however, that ideal has never been achieved. While it may have exhibited extraordinary strides, US society still restricts or closes access to these avenues of opportunity for significant portions of the population; at the same time, it places heavy emphasis on the achievement of success. Durkheim and *al.* (1988). One result is that culturally sanctioned goals are often largely unattainable by legitimate means (or perceived as such) for certain segments of society. This leads to pressure to succeed by illegitimate means. This potent combination is seen by Merton and others as the background cause-and the interactive result-of many of US society’s ills, such as drug abuse, alcoholism, suicide, delinquency, vandalism, assault, embezzlement, and fraud.

Durkheim described anomie as one result of an inequitable division of labor within the society; such inequality, Durkheim wrote, causes a breakdown or lack in society and results in class conflict. Durkheim and *al.*(1988). In *Suicide*, Durkheim viewed anomie as an outcome of rapid social and economic change and hypothesized that it explained a particular kind of suicide that occurs when individuals experience marked and sudden changes in their social condition. Broadly speaking, then, during times of great upheaval, increasing numbers of individuals’ “cease to accept the moral legitimacy of society,” as sociologist Anthony R. Mawson, University of Keele, UK, notes. Whereas *anomie* describes the instability of a society in which widely accepted rules have broken down, the term *anemie* refers to the personal sense of unrest, alienation, and uncertainty stemming from the lack of ideal or purpose. In order to study the concept of anemia empirically, it became important to develop a standardized means of identifying and measuring such feelings.

### **2.2.2. Deterrence theory of punishment**

Specific deterrence is designed -by the nature of the proscribed sanctions- to deter only the individual offender from committing that crime in the future. Proponents of specific

deterrence also believe that punishing offenders severely will make them unwilling to reoffend in the future. A drunk driver, for example, would be deterred from drinking and driving because of the unpleasant experience he or she suffered from being arrested, or having his or her license taken away or his or her car impounded. The state must apply enough pain to offset the amount of pleasure derived from drinking.

There are early classical philosophers of deterrence theory. The deterrence theory of punishment can be traced to the early works of classical philosophers such as Hobbes T.(1588–1678), Beccaria C.(1738–1794), and Bentham J. (1748–1832). Together, these theorists protested against the legal policies that had dominated European thought for more than a thousand years, and against the spiritualistic explanations of crime on which they were founded. In addition, these social contract thinkers provided the foundation for modern deterrence theory in criminology. Hobbes T. (1651) described men as neither good nor bad. Unlike religious philosopher Thomas Aquinas, who insisted that people naturally do good rather than evil, Hobbes assumed that men are creatures of their own volition who want certain things and who fight when their desires are in conflict. In the Hobbesian view, people generally pursue their self-interests, such as material gain, personal safety, and social reputation, and make enemies without caring if they harm others in the process. Since people are determined to achieve their self-interests, the results often conflict and resistance without a fitting government to maintain safety. Hobbes also pointed out that humans are rational enough to realize that the self-interested nature of people would lead to crime and inevitable conflict due to the alienation and exclusion of some members of society. To avoid this, people agree to give up their own egocentricity as long as everyone does the same thing approximately. This is what Hobbes termed the social contract.

To avoid war, conflict, and crime, people enter into a social contract with the government so that it will protect them from human predicaments. The role of the state is to enforce the social contract. Hobbes indicated that if one agrees to the social contract, that individual authorizes the sovereign to use force to uphold the social contract. But crimes may still occur even if after governments perform their duties. In this case, Hobbes argued that the punishment for crime must be greater than the benefit that comes from committing the crime. Deterrence is the reason individuals are punished for violating the social contract, and it serves to maintain the agreement between the state and the people in the form of a workable social contract.

Beccaria C. building on the ideals of the social contract philosophers, in 1764, Bonesana C., Marchese Beccaria, published his treatise, *Dei Delitti e delle Pene (On Crimes and Punishments)*, in which he challenged the rights of the state to punish crimes. He followed Hobbes and other 18th-century Enlightenment writers that laws should be judged by their propensity to afford the “*greatest happiness shared by the greatest number*” Beccaria (1963: 8).

Since people are rationally self-interested, they will not commit crimes if the costs of committing crimes prevail over the benefits of engaging in undesirable acts. If the sole purpose of punishment is to prevent crime in society, Beccaria (1963: 14) argued, “*Punishments are unjust when their severity exceeds what is necessary to achieve deterrence*”. Excessive severity will not reduce crime, in other words, it will only increase crime. In Beccaria’s view, swift and certain punishment are the best means of preventing and controlling crime; punishment for any other reason is capricious, superfluous, and repressive.

Beccaria and the classical theorists believed that humans are rational beings with free will to govern their own decisions. Indeed, he emphasized that laws should be published so that people may know what they represent—their intent, as well as their purpose. Basing the legitimacy of criminal sanctions on the social contract, Beccaria (1963:11) called laws “*the conditions under which men, naturally independent, united themselves in society*”. He was against torture and secret accusations, and demanded they be abolished. Furthermore, he rejected the use of capital punishment and suggested that it be replaced by imprisonment. According to Beccaria, jails should be more humane and the law should not distinguish between the rich and the poor. Judges should determine guilt and the application of the law, rather than the spirit of the law. Legislators should pass laws that define crimes and they must provide specific punishments for each crime. To have a deterrent value, punishment must be proportionate to the crime committed. Finally, Beccaria argued that the seriousness of crimes should be based on the extent of harm done to society. As an advocate of the pleasure-pain principle or hedonistic calculus, Beccaria maintained that pleasure and pain are the motives of rational people and that to prevent crime, the pain of punishment must outweigh the pleasure received from committing crime.

Bentham J., a contemporary of Beccaria, was one of the most prominent 18th-century intellectuals on crime. In 1780, he published *An Introduction to the Principles of Morals and Legislation*, whereby he proclaimed his famous principle of utility. He argued that “*nature has placed mankind under the governance of two sovereign masters, pain and*

*pleasure*". Bentham (1948: 125). Bentham believed that morality is that which promotes "*the greatest happiness of the greatest number*" Moyer (2001: 26) a phrase that was also common to Beccaria. The duty of the state in Bentham's view was "*to promote the happiness of the society, by punishing and rewarding*" Bentham (1948: 189).

Like Beccaria in Italy, Bentham was troubled by the arbitrary imposition of punishment and the barbarities found in the criminal codes of his time in England. Noting that all punishment is mischief, he maintained, also, that all penalties, per se, are evil unless punishment is used to avert greater evil, or to control the action of offenders. In short, the object of the law is to widen the happiness of the people by increasing the pleasure and lessening the pain of the community. Punishment, in excess of what is essential to deter people from violating the law, is unjustified.

The theory of deterrence that has developed from the work of Hobbes, Beccaria, and Bentham relies on three individual components: severity, certainty, and celerity. The more severe a punishment, it is thought, the more likely that a rationally calculating human being will desist from criminal acts. To prevent crime, therefore, criminal law must emphasize penalties to encourage citizens to obey the law. Punishment that is too severe is unjust, and punishment that is not severe enough will not deter criminals from committing crimes. Certainty of punishment simply means making sure that punishment takes place whenever a criminal act is committed. Classical theorists such as Beccaria believe that if individuals know that their undesirable acts will be punished, they will refrain from offending in the future. Moreover, their punishment must be swift in order to deter crime. The closer the application of punishment is to the commission of the offense, the greater the likelihood that offenders will realize that crime does not pay. In short, deterrence theorists believe that if punishment is severe, certain, and swift, a rational person will measure the gains and losses before engaging in crime and will be deterred from violating the law if the loss is greater than the gain. Classical philosophers thought that certainty is more effective in preventing crimes than the severity of punishment. They rejected torture as a means of eliciting confessions, and the death penalty as an effective method for punishing murderers and perpetrators of other serious crimes. Capital punishment is beyond the just powers of the state.

The deterrence hypothesis remains a key intellectual foundation for Western criminal law and criminal justice systems. Today, the idea that sanctions deter criminals has influenced penal sanctions in death penalty cases and other areas of criminal sentencing. Adherents of the deterrence theory have consistently favored policies such as "three strikes" laws,

establishment of more prisons, increased penalties, longer sentencing severity, certainty of conviction and sentencing, and the hiring of more police officers. Together, these policies would control and reduce the recidivism (a return to the life of crime) of offenders who have been convicted, and curtail the participation in crime by future offenders. Yet, despite the merits of the deterrence argument, and until 1968 when criminologists started again to test the deterrence hypothesis, empirical measurement of the theory have been scant. Prior to the 1960s, studies focused only on the philosophical ideas of the deterrence doctrine, its humanitarian orientation, and its implications for punishment.

One popular research endeavor that actually tested the deterrence theory in 1968 concluded that homicide might be deterred by both certainty and severity of punishment. In research conducted in 1969, criminologist Charles Tittle found support for the theory and concluded that that the certainty of imprisonment deters crime but that severity can only deter crime when certainty of punishment is reasonably guaranteed. Other studies in the 1970s have also challenged the validity of the earlier empirical findings, arguing instead that variations in police record keeping could account for the results on certainty. When it comes to celerity of punishment, prior and current studies have generally avoided its inclusion in deterrence measurement. Most important, much of the empirical analysis of the deterrence value has been focused on whether capital punishment deters potential offenders from engaging in homicide acts. Collectively, the empirical results of the death penalty studies have concluded that the death penalty does not deter murder.

Because criminal justice policies are sometimes based on the foundations of the deterrence doctrine, debates on the deterrence effect of punishment continue to be waged in criminological research. Programs such as boot camps for teenage offenders and “scared straight” programs continue to rely on the deterrence theory. Across the nation, “get tough” policies are based as well on the actual and threatened incarceration of offenders. In their efforts to have more empirical support, criminologists today are working in the direction of expanding the deterrence concepts from certainty, severity, and celerity to include informal social processes of reward and moral beliefs. Since some aspects of deterrence and rational choice theories are part of the routine activities theory, deterrence theory has been modified and expanded to include the rational choice perspectives.

In summary, support for deterrence theory is much greater than it has been during the past two decades. However, research demonstrates that contemporary criminal justice policies place more emphasis on the severity of punishment than it places on certainty. Death penalty,

longer imprisonments, three-strikes laws, mandatory sentencing, and a plethora of other “get tough” policies have not demonstrated greater deterrent effects of punishment than less severe penalties. Indeed, increases in the severity of punishment, rather than reduce crime, may actually increase it. On the other hand, increases in the certainty of apprehension of offenders’ conviction and punishment have been found to have possible effects on crime reduction.

### **2.2.3. Cultural interpretive theory**

This theory was advanced by (Geertz, 1989) in his study of cockfight in the Indonesian Balinese Society. The cultural interpretive theory is very relevant in this study for the fact that it explained the cultural meanings and symbols inherent in the construction of social, cultural and moral norms. The theory also offered explanations on the cultural foundations of various traditional punishment methods used for children and the cultural meanings that underpin concepts like a child, acceptable behaviour, consequences of punishment of on the behaviour of children. This theoretical perspective closed gaps in explanations that the other theories which are non-cultural will not explain.

Cultural relativism is a theory in anthropology that calls attention to the moral code each society possesses. According to relativism, morality is socially constructed within a given cultural community. One of the key aspects of the theory is the idea of enculturation, which refers to the manner by which individuals acquire the worldview of their community. Culture affects both cognition and conduct. Interestingly, individuals are largely unaware of the process by which they learn the cultural categories and value system of their community. Individuals generally presume that their own methods will be more successful than those employed in other societies. This phenomenon, ethnocentrism, is a corollary of enculturation.

The fact that the acquisition of cultural norms is for the most part unconscious does not mean individuals are incapable of discarding customs. It does mean, however, that doing so will be extremely difficult. Individuals will have to overcome the tendency to presume the validity of their own cultural categories. As cultures are always dynamic, it is within the realm of possibility that members of a community may eventually realize that they should reject a particular custom. This is entirely consistent with the tenets of cultural relativism.

Yet formulating cultural relativism as a prescriptive theory that requires a posture of tolerance is unnecessary. It can be regarded instead as descriptive—a theory that simply acknowledges the existence of multiple moral systems. As Robert Redfield once put it, the two parts of the doctrine are not logically or necessarily interdependent. The first part says

that people are brought up to see the value in things that their local experience has suggested. The second part says that we should respect all cultures. But there is no true “therefore” between these two parts. It cannot be proved; from the Cultural relativism is a theory that has been widely misinterpreted. For an analysis of erroneous interpretations, (Alison Dundes Renteln, 1988).

Some claim that relativists think that cultures are static and want them to remain fixed in time. As no relativist holds that view, this argument is a straw man. The anthropologists who developed the theory of relativism were Americans who had been brought to value tolerance. Because of their own enculturation, they assumed relativism had to be logically connected to tolerance. (Alison, 1990).

One of the most controversial aspects of cultural relativism is that it has been linked unjustifiably to tolerance. By casting the theory as a prescriptive one that promotes a value, some erroneously presume that relativists must endorse tolerance: that there are diverse moral systems requires us to embrace them all.

These theories were very relevant for this study as both explained why children engaged in culturally unacceptable behaviours as well as why the society label behaviours as deviant. However, the limitation of this theory lies in its inability to explain the cultural roots of punishment methods as well as why government policy on punishment for children remain ineffective. The limitations of this theory were complemented by the use of cultural interpretive theory.

### **2.3. Definition of concepts**

This study involves a number of concepts that need to be explained in order to enhance a clearer understanding of the research problem and its associated questions. These concepts include: Social order, social and cultural norms, moral norms, deviance and punishment.

#### **2.3.1. Children**

Children here simply refer to young human beings below the puberty while adolescence concerns itself with humans in between the ages of twelve and eighteen. In Bansa just like in Cameroon law courts and military tribunals, these two categories of persons are considered as minors and are treated in a special way when there is a grievous matter that concerns them. Talking about being strong here, we were told it has to do with maturity in all aspects of biological and social life. That is, mentally, consanguinly, intellectually, and materially or

financially to be able to think or reason rationally; act purposefully and deal effectively with the environment or circumstances whose magnitudes are traditionally judged to be elevated. The *raison d'être* behind this pre-established conditionality is multi-dimensional.

Children therefore are expected to attain maturity before being directly implicated into show. That is, attain an age where they could be able to grapple with life exigencies like marriage; conflict resolution and initiation into secret societies where a lot of brainstorming is made. This is approximately above the age of 15; since the law of this community is purely customary.

From a point of view, or from our assertion children who are main population that ends at the age of 18 are not able to amrs palm ingrates etc, that are usually believed to be a “pers” into the Bansa palace because of their lack of finance. That is why their parents are the accused when they go wrong and home to pay fines. At the end of the day the arents pay fines and only for them but for their children too. Nevertheless there are at times some situations that indigienes punishments are given to them (children).

Moreso, children of this age group do not own workand are usually very mobile, may be in training centres, schools or playing with frinds in other quarters. This in a bit to comply with the idea that parents are held responsible for must of their childrens' mischiefs.

Young persons below the age of 15 cannot be able to afford for palm wine which serves as one's identity card into the palace as no one enters the palace empty-handed. A complimentary point is the fact that persons within this age range (0-15years) are usually financially handicapped and dependent to a greater extent on their parents when any issue that has to do is concerned; hence, cannot afford for the messenger's due; since most, if not all of them are pupils / students or apprentices and not outright producers or generators of revenue. Conscious of this and filled with the zeal to avoid potential polemics or to guard against uncertainty, other systems of indigenous convocation are applied on them when need arises.

Conclusively, when going to the field, we had the assertion that people considered as children (girls) are those under 15 and (boys) those under 18 but during our studies, it was clear that children are those still leaving under their parents roof. It may sound funny that a father calls a 40 year old man a “child” just because he still depends on him.



### **2.3.2. Social order**

It is the harmony that society strives to achieve for its growth, development and prosperity. This involves the establishment of mechanisms that ensures the existence of social, cultural and moral norms, and insures that theses norms are respected. In this light, those who deviate from these norms will be sanction or punished. In this study we will explore the societal and family mechanisms that have been put in place to the existence, respect and punishment of children who violates social norms or portray socio-culturally unacceptable behaviours.

### **2.3.3. Socio-cultural and moral norms**

In each society, there are socio-culturally constructed codes of behaviours that any member of the society must respect. These norms vary with age, sex, social status and other social and structural variables. These norms all have moral basis which has to do with behaviours that are acceptable. Children constitute one of the social categories that have socially acceptable codes of behaviour which they have to respect. Consequently any child who violates these norms and values is punished. Within the home setting, parents are mostly the social agents that ensure that children respect social and moral norms both for the home and society at large. When children do not respect social norms and values at home, they are punished by their parents.

In this study, we are going to investigate social norms and values that govern the behaviour of children in homes and the society as a whole and the circumstances that children violates these norms and values.

### **2.3.4. Deviant behaviour**

The concept of deviant is central to the phenomenon of punishment given that the later comes as a result of people who deviate from social norms. Those who do not respect social norms do so for several reasons and make the maintenance of social order problematic.

In this study, we are going to investigate deviant behaviours of children as constructed by themselves and their respective communities as a whole. The cultural foundations of deviance and constructed by the ethnic communities of Bansa will also be explored.

### **2.3.5. Punishment**

According to Wikipedia, Punishment can be defined as the imposition of an undesirable or unpleasant outcome upon a group or individual, meted out by an authority, in contexts ranging from child discipline to criminal law—as a response and deterrent to a particular action or behavior that is deemed undesirable or unacceptable. In other words, punishment is

the practice of imposing something unpleasant on a person as a response to some unwanted or immoral behavior. According to Bansa people and indigenes, punishment is an act meant to inflict pain so as to correct a defied norm hence bringing forth a responsible citizen.

Being a central concept in this research, we consider it to be the different methods intended to meet sanctions for children who deviate from social norms. In this study we will be interested in investigating any method of punishment used by parents on their children with the overall intention to correct the behaviour of children.

## **Conclusion**

The literature existing on traditional and western methods of children punishment were purely based on sociological and epidemiological studies. Thematic and chronological approaches were applied in this literature review. Convergent and divergent points of view of different authors were grouped. The themes made mention in our work were; Different components of the phenomenon of punishment and its practice, traditional or indigenous methods of punishment, traditional ideology and ethics, crime, punishment and social control, traditional justice, european methods of punishment, works on the penitentiary (prisons), imprisonment as a method of punishment, etc. The theoretical framework was based on the use of three theories; Theories of Anomie-Deviant Behavior Connection, deterrence theory of punishment and cultural interpretive theory. We have the following key words: Punishment, Traditional and western methods, children, ethnic community, Bansa.

## **CHAPTER 3**

### **NORMS AND TRADITIONAL LEGAL SYSTEMS WITHIN THE BANSO SOCIOCULTURAL ETHNIC COMMUNITY**

This chapter will focus on sociocultural norms that control the behaviour of children in Banso community. It treats unaccepted behaviours and practices in the Banso community. And then, it boils down to the indigenous justice paradigm based on restorative and reparative principles. So we are going through the traditional legal system of Banso community according to community forums, traditional courts, defendants notification, quasi-modern tribal courts, State recognition of traditional justice systems; the limitations on Jurisdiction, the law as a way of life and the characteristics of traditional law the preserving traditional systems within the Nso community.

### **3.1. Norms in the Nso community**

Every social universe has norms that are respected. The traditional Banso idea of a legal system itself implies more concretely, the knowledge of a whole consummate of institutions that have to do with or that pertains to law in a particular society. The Banso laws are unwritten, though quite comprehensive and acceptable. But, the Bansos are aware that the laws that regulate and govern their lives and attitudes have an ordered hierarchy and are derived from multifarious sources. There is a traditional council that regulates everything in the community, and everyone has to respect the law if not he or she will be punished at the level of the crime. Tribal common law is based on the values, norms of a tribe and expressed in its customs, traditions, and practices. There is also a governing body that is responsible for maintaining the peace and overseeing the welfare of children and youths. This is done by advising them about the consequences of their misconduct and may reprimand them or refer them and their parents to services such as counseling. In fact, the norms are established in the way that each of them has a punishment.

The case of Banso is quite different because the tribal common law is based on the values, and norms of a tribe are expressed in its customs, traditions, and practices. The system is matriarchal, that means, every property that belongs to women, the traditional council makes sure that when there is a divorce everything will be divided due to the law. The law is written in Banso. The lands are handed over from generation to generation and it will be a crime if somebody comes into a land that is not for his or her family and fish, hunt or gather. To arrange things between the families, the compensation may be with fish, fishing gear, feathers, hides, beadwork, traditional clothing, or other forms of payment. In other words, everything is handled through the traditional council by a facilitator or presiding judge who always encourages people to renew relationship. This is a way to keep norms rightly respected.

The norms of plumbers differ from those of doctors and professors; construction workers display attitudes markedly different from those of college students. Child-rearing patterns differ from one social class to another. Child-rearing patterns also vary with the intensity of the parents' religious beliefs more than with differences in specific religious affiliations (Alwin, 1986). Lower-class parents, for example, tend to discipline children by physical punishment more often than middle-class parents, although the difference is not as large as some expect (Erlanger, 1974). Members of the lower classes commit the most crimes of violence, such as murder, aggravated assault, and forcible rape; a lower-class "subculture of violence, may offer a partial explanation. Some norms affect acceptance of others, and these interrelations, in turn, influence the socialization process.

Norms play integral roles in the organization principles of all societies, from small tribal groups to modern industrial societies. In complex modern societies, group norms may differ radically or only slightly; some norms differ only in emphasis between groups. As a result, someone who belongs to a number of groups, each with its own norms or levels of emphasis, may experience personal conflict. People often feel pressured to act in different ways according to the roles they are performing at the time. A social role is a collection of norms that together convey expectations about appropriate conduct for persons in a particular position. Thus, different sets of norms govern the behaviors of husbands and bachelors, the role of a shopper differs from that of a sales clerk, and so on. The norms and social roles that a person acquires from the family group do not always agree with the norms and social roles of the play group, age group, work group and political group. Individuals may value membership in certain groups more highly than membership in others, and they may, as a result, tend to conform more closely to the norms of the most important groups. Although the family group supplies important guidance, it is only one of several groups that influence a person's behavior, whether deviant or nondeviant.

In Cameroon, and Bansa in particular, many other important sources promote norms in modern societies: social classes, occupation groups, neighborhoods, schools, churches, and friends. Among relatively homogeneous peoples, such as primitive or folk societies, most members perceive common sets of norms and values in similar ways, although differences do emerge (Edgerton, 1976). Members of such societies thus share many common objectives and meanings in contrast to more modern, complex societies, where social group affiliations reflect race, occupation, ethnic background, religion, political party, residence, and many other attributes. Social class and age or peer group memberships determine particularly

important aspects of this differentiation. Most people are aware of the norms in their everyday lives once their attention is directed towards them. Norms define acts, actors, and conditions as either acceptable or unacceptable examples of deviance. Norms can and do change through the actions of individuals and groups promoting their norms over others, but the continuing influence of norms underlies the meaning and explanation of deviance.

Because the definition of deviance refers to norms, a fuller explanation must identify the importance of norms to everyday life. Social norms, expectations of conduct in particular situations regulate human social relations and behavior. Norms vary according to how widely people accept them, how society enforces them, how society transmits them, and how much conformity people require. Some social norms may require considerable force to ensure compliance; others may require little or none. Some norms remain fairly stable in the standards they set; others define more transitory expectations (Gibbs, 1965). Individuals in a group rarely recognize the often arbitrary origins of the social norms in their group since they have encountered these priorities in the ongoing process of living. Group members learn and transmit norms from generation to generation. In this way, individuals incorporate into their own lives the language, ideas, and beliefs of the groups to which they belong. Human beings thus see the world not through their eyes alone (for then each would see the same thing); rather, they regard the world through the lenses of their cultural and other group experiences. Even moral judgments generally do not reflect the positions of an individual alone but reflect those of the group or groups to which the individual belongs. Probably no one has stated the significance of group influence through norms more cogently, even poetically, than Faris did many years ago.

Norms make crucial contributions to the process of maintaining order. Some regard them as cultural ideals, while others describe them as expressions of what society expects in certain situations. For example, one may examine sexual behavior as the result of cultural ideals or of specific expectations for certain situations, such as a married couple on their honeymoon. One can infer ideal cultural norms from observations of what people say, sanction, or react against. Proscriptive norms tell people what they should not do; prescriptive norms tell them what they ought to do. Norms not only set social or group standards for conduct but also define categories through which people interpret experiences. Norms establish the basis for interpreting both actions “He should not have laughed during the funeral” and events “Funerals are certainly sad”. The social norms and behaviors vary

substantially among social classes in the United States, revealing many differences in groups' attitudes and values.

The norms of plumbers differ from those of doctors and professors; construction workers display attitudes markedly different from those of college students. Child-rearing patterns differ from one social class to another. Child-rearing patterns also vary with the intensity of the parents' religious beliefs more than with differences in specific religious affiliations (Alwin, 1986). Lower-class parents, for example, tend to discipline children by physical punishment more often than middle-class parents, although the difference is not as large as some expect (Erlanger, 1974). Members of the lower classes commit the most crimes of violence, such as murder, aggravated assault, and forcible rape; a lower-class subculture of violence, may offer a partial explanation. Some norms affect acceptance of others, and these interrelations, in turn, influence the socialization process.

### **3.1.2. Sociocultural norms that control the behaviour of children in Banso community**

As regards the Banso community, norms are effective guides for social behavior. When individuals are in a state of the process of individualization, they see themselves only in terms of group identity, and their behavior is likely to be guided only by this group's norms. The norm of social commitment requires Banso inhabitants to stand by agreements and fulfill their obligations. People stick by their commitments for several reasons: They feel an obligation to fulfill their social commitments. Such commitments help them to maintain a positive view of themselves, and reduce cognitive dissonance. The original commitment is strengthened by the addition of supportive new thoughts, feelings, and behaviors (cognitive bolstering). To conclude, the norm of social commitment in the socio-cultural eye of Banso requires keeping of promises. This norm is used in the low-ball technique, which relies on the fact that people usually stick to the deal even though it has changed for the worse. The reason people stick to their commitment is that they want to fulfill social commitments and maintain a positive self-image. People strengthen their original commitment by the addition of supportive new thoughts and feelings (cognitive bolstering). An informant told us in his words: "*Children are expected to respect their parents, elders and their teachers*" (Interview realized with Informant 20 on 28-03-2016 at Banso).

In Milgram's studies (1963:370–371), people obeyed instructions to deliver shocks to a suffering victim even though they were not forced to do so. The same results are found in this study of the Banso community (e.g., obedience in the workplace). Increasing the accessibility

of the obedience norm, decreasing attention to other norms, a legitimate authority, and an authority that accepts responsibility, all increase obedience. Dissonance processes help to maintain and escalate obedience.

In Banson, it is possible to resist being manipulated by norms. People display resistance by fighting against threats to their freedom of action when they find norms inappropriate. Attitudes and norms typically work together to influence behaviour (directly or indirectly). In other words, norms must be activated before they can guide behaviour; they can be activated by deliberate reminders, or by subtle ways such as observing other people's behavior. The study by Krauss, Freedman, and Whitcup showed that *"people are more likely to drop litter in messy environments than in surroundings that are clean and free of trash"*. This is why norms are sometimes enforced by rewards and punishments using the least effective ways to establish and maintain norm-consistent behavior by groups. They said in that same book that, this is because it is not likely to bring about private acceptance of norms (only public compliance). Also, Banson society cannot afford enough monitors to enforce all norms on all its citizens at all time. Acting in line with group norms is a way of maintaining a shared reality and expressing group identity, and it also makes people feel respected by others whose opinions are valued. Presence of our group members promotes rather than interferes with normative behavior. Normative behaviour is supported because other group members activate, model, and reinforce the appropriate behaviour. It should be noted that, in the Banson community, Group norms have a powerful effect on behavior. But norms can only guide behaviour when they are activated by obvious reminders, or by subtle cues. People adhere to social norms through enforcement, internalization, the sharing of norms by other group members, and frequent activation.

### **3.1.3. Subcultural norms**

The subculture values mobility, mechanical ability, skill at fighting, adeptness at riding very large Harley-Davidson motorcycles, and ability to manipulate or "con" others (Watson, 1982). Crime is often a part of these cyclists' lives, at least for their street life spans, claimed to last only about 5 years (Quinn, 1987). After that time, the effects of run-ins with the law, brawls, or crashes take their toll and the members move out of the gangs, usually into working-class occupations. Biker women may lead even more bleak lives. Most often drawn from backgrounds of economic and social deprivation, biker gangs exploit women physically and economically (Hopper and Moore, 1990). Women often participate in various initiation rituals and contribute to the finances of the gang through drug sales or prostitution. For some



of the biker women, the gang as debilitating as it might appear to outsiders provides a comforting measure of structure and predictability in an otherwise capricious life. “*There is substantial competition among the larger biker gangs for criminal monopoly over a particular area Quinn*” (2001: 391). The competition takes a violent form, such as that in Scandinavia where the Bandidos have been seriously challenging the Hells Angels’ monopoly. The hostilities often involve military ordnance and automatic weapons. Criminologists have described the same process to explain the origins of subcultures within institutions for deviants, such as prisons (Johnson, 2002). In prison, subcultures represent social alternatives to the prison world. Composed of opposing norms and values, these subcultures may be affiliated with prison gangs that provide support and protection for its inmate members. Prison subcultures differ not only from the larger prison culture but also from one another. Racial and ethnic conflict among inmates now commonly erupts in many maximum security prisons because the contents of these subcultures conflict with one another. Large city slum areas are more than overcrowded, congested collections of rundown physical facilities. Sociologically, a slum represents a subculture with its own set of norms and values, which favor poor sanitation and health practices, weak interest in formal education, and characteristic attitudes of apathy and isolation from conventional institutions. Inner-city areas also breed subcultural norms conducive to violence, theft, delinquency, vandalism, selling and using illegal drugs, and the presence of street addicts. A “slum way of life” emerges from a combination of cultural attitudes toward economic conditions and responses to wider social and economic opportunities. This subculture frequently characterizes high-rise housing projects in major cities (Wilson, 1987).

Subcultures show clear connections to many forms of deviance. Subcultural influences and contexts affect drug use, homosexuality, skid-row drinking, delinquency and crime, and even suicide. Even chronic psychiatric patients discharged from institutions develop their own subcultures. Deinstitutionalization has resulted in large numbers of chronically mentally disordered people living on the streets in large cities. Subcultures help to solve the problems these people face in meeting the demands of modern urban society by providing social support for members, enhancing self-esteem by suggesting rationales for their conditions, and offering practical suggestions for independent survival. Former mental hospital patients may engage in a broad range of deviant activities, including selling their legally obtained medications, shoplifting, and even prostitution.

The subculture's norms set limits on these activities, however, at the same time that it justifies deviance. As one patient phrased it: We're not doing anything that's really wrong. We don't murder or rob or things like that. We only take a few groceries once in a while from the A&P store. And we only do that when it's absolutely necessary. Other people who have lots of money do it all the time, and they take things much bigger than we do. We do it for medical reasons- our health, but they just do it for greed. (Herman, 1987: 252). A few generalizations help to summarize the importance of group norms in modern, complex societies. (1) Groups within a society may exhibit differences in the norms of accepted behavior almost as pronounced as the differences between cultures. (2) Any logical explanation of the actions common in certain deviant subgroups must trace the development of the behavior through a process similar to that through which any member of any cultural group learns to act; for example, the process by which Eskimos learn through their culture to act, think, and interpret the world like Eskimos may provide a model for a similar process in a deviant subgroup. (3) A discussion of the norms of any given family probably focuses on those of the social class, occupational group, or some specific subcultural group to which the family belongs.

### **3.1.4. Unaccepted behaviours and practices within the Banso community**

As in some communities, children in Banso are expected to respect their parents, elders and their teachers. Children at times change when they listen to good advice to become important personalities in the community.

Here, everything depends on the life at home; most of the time the children are at home with their parents and as it is often said, charity begins at home, if the home (parents) fails, then others cannot do better because they have limited time to spend with the children. The manner in which the children started growing up in the household can affect their upbringing in the long term. Following an interview with a participant, he said in Banso "*Never a child or anybody growing should be molded. An uncontrolled person can never be a great person.*" (Focus Group Discussion on 29-02-2016 at Manyi- Banso).

It should be noted that, in the Banso community, we found out many unaccepted behaviors and practices that existed like; theft, rape, murder (crimes), disobedience, wild dances, prostitution, abuse, threat, accusations, wrong dressing, stealing, smoking, lies telling, incest, beating one's parents, claiming somebody's land, drugs abuse, stubbornness, poisoning, fighting, disrespect of our traditional values, burial issues, failure to work on the Fon's farm, community work failure, just to name these few as the list is very long.

One of our participants' confirmed with these words: "*Children are not serious in leaving since they know that they will not be punished. They do not respect the elderly since they know that you cannot do them anything. That is what we call *laisser-faire**" (Interview realized with Informant 15 on 29-02-2016 at Nsoh- Nso).

In Banso, as in any other societies, any person must pass through discipline; a child cannot just grow up without being punished else the child will become a 'big child'. A child who is punished for fighting with the brother and sister will know that fighting is not good. Any child who has not been punished will like to always fight because he or she was not punished when he was growing up; thus, children need to be discipline through punishments for any crime committed. According to them, ff you don't punish children for a crime committed, over and over, then you are not helping that child to become great person.

### **3.2. Deviance in Nso**

Due to the fact that deviance is a violation of norms or rules of behaviour that are typically against the norms, Howard Becker thinks in The labelling theory that: "*deviance is produced by society and not readily established.*" So the society produce deviance in the way that the norms can easily compress people in their way of living. There are several crimes and punishments no doubt; but sometimes, the level of the punishment is exaggerated and does not help the culprit to change his or her manners. By crimes here, we can have: disobedience, stealing, murder, host and taboo violation, joining a bad group, sexual affaires with the fon's wife, theft, rape, murder (crimes), wild dances, prostitution, threats, fighting, accusations, wrong dressing, disrespect, smoking, lies telling, incest, beating one's parents, claiming somebody's land, stubbornness, poison somebody, non respect of our traditional values, burial issues, failure to work on the Fon's farm and absent from community works.

The identity of deviance as a violation of a norm does not indicate who creates and enforces the norm. Questions about what deviance is and who fits in that category require answers that specify which groups define certain behaviors as deviant. Such questions ask whose norms deviants violate. In this sense, observers view deviance from the perspective of the social audience of the act. Take, for example, the designation of promiscuity. Suppose that a particular unmarried woman maintains an active and varied sex life. While some people may condemn her as "promiscuous," others may view her and her behavior as "liberated." Note that these highly divergent designations do not stem from differences in the sexual behavior itself. On the contrary, the behavior has been the same; it is only the evaluation of it that has varied (Schur, 1984: 5). Those who regard the woman's behavior as promiscuous

might not permit her to reenter conventional social sexual roles, even after a long period of conforming behavior.

Sociologists often maintain that no act includes anything inherently deviant; deviance requires a judgment that refers to some norm. In effect, the norms create deviance by creating social differentiation and attaching a moral quality to the act that designates it as something one ought to do or to avoid. This position does not imply complete absence of widespread agreement on the wrongfulness of certain acts, such as deliberately killing a person, physically assaulting an old person, or engaging in sexual intercourse with a child, but it does suggest that moral judgments differ because norms differ.

Consider norms governing appropriate styles of clothing. Clearly, beach wear is different today in the United States compared to what was considered appropriate 100 years ago. Clothing norms are even more marked when considering cultural differences. In 2009, a woman was convicted of violating Sudan's decency laws (Gettleman and Arafat, 2009). The woman was arrested and taken to court because she wore pants in public. At trial, she was found guilty and could have been confined, fined, and could have received 40 lashes from a plastic whip that could have left permanent scars. Instead, her punishment was a fine equivalent to \$200. She was spared the lashing. The woman was quoted as saying: "*I am Muslim. I understand Muslim law. But I ask: What passage in the Koran says women can't wear pants?*" (Gettleman and Arafat, 2009: A10). Deviance is a relative concept. While norms state relative positions, some receive more attention in society than others, and these differences often depend on the power of certain groups to enforce their norms over members and other people. Criteria for deviance may depend on the relative power of groups to enforce and extend their norms on others. Social power, then, strongly affects an understanding of why deviance is relative. For example, strong negative attitudes toward suicide, prostitution, homosexuality, and drunkenness, among other acts, have stemmed mainly from the actions of certain conservative church groups (Greenberg, 1988) and from conservative middle-class norms generally. Opposition to marijuana use, nudity, ...

### **3.2.1. Deviance and society**

At the simplest level, deviance refers to something different from something else. Deviants are people not like us. They behave differently, or so many people think. But deviance extends beyond simple, everyday observations of differences among people and their behavior. Some differences in styles of dress, for example, do not amount to deviance.

Persons who wear a common style of clothing may still favor different colors without becoming deviant. Beyond the idea of differences, deviance implies something evaluated negatively or disvalued. Someone's clothing may look different without qualifying as deviant. It may earn that label only if its difference seems in bad taste, such as when colors clash violently or when the clothing is not suitable to the occasion; wearing a bathing suit to a funeral amounts to deviance. Some people would never wear red and orange or black and blue in the same outfit. They would consider these combinations deviant in the context of fashion. Only some people see problems in colours that clash. Young people who dress in punk-rock or hip-hop fashions may value highly clashing colours and unusual styles in clothing and hair. Others may extend or violate some groups' appearance norms by "going too far," as some older people might regard the current fad of body piercing and tattooing among some young people. Exceptions like these suggest that deviance is a relative notion. It depends upon some audience's definition of something as deviant. These three ideas -differentness, judgment, and relative standards- each have important implications for a sociological understanding of deviance. These ideas support understanding of the meaning of individual deviant conduct, as well as the connection of that conduct to the larger social community.

In the Nso socioculture, incest, abuse of tradition(juju), disrespect,burial issues, fon's farm failure, community work failure, Stealing, killing, rape, abortion, fighting, abuse, disrespect for traditional laws, incest, disrespect, gossiping, adultery, false witness, suicide, land grabbing, poisoning and rape are deviant behaviours that are highly recognized with many recurrent.

### **3.2.2. Deviance structure**

Deviant behavior; it is not random. Instead, deviance is related to the social conditions people find themselves in and the social positions (roles) they employ. Deviance is related to some of the most fundamental features of social life: age, sex, social class, and residence. It is the relationships between deviance and social life that occupy our attention here. This is the case even for serious crimes. Serial killings are rare, but they do occur. In April 2006, it was discovered that prison restrictions on Dennis Rader were being eased. He was being permitted to watch television, listen to the radio, and have art materials in his cell. His victim's families were outraged given what Rader had done. What had he done? After all, he was a well-respected member of his church and a scout leader. So, again, what did he do? Over a period from 1974 to 1991, and in 2004, Rader killed at least 10 people in and around Wichita,

Kansas. Known as the “BTK” (bind, torture, and kill) killer, he was arrested and pled guilty to the crimes in 2005. He was given 175 years in prison without possibility of parole, or one life sentence for each victim.

Murder, Rape, Assault and Intimate partner violence occur in circumstances under which they occur. Substantial consensus affirms the deviant nature of some crimes, such as murder, forcible rape, burglary, and assault. People disagree, however, about the association between deviance and other crimes, such as prostitution, pornography, and the use of marijuana and certain other drugs. This uncertainty confirms that crime is a highly diverse form of deviance. A full understanding of the diversity of criminality begins with a discussion of the nature of crime as a form of deviant behavior. Crime is one of the most widespread forms of deviance, and this chapter introduces the subject by dealing with major forms of illegal interpersonal violence: murder, assault, and rape.

### **3.3. Indigenous justice paradigm in the Banso community**

This part of work is started by traditional justice paradigm in the Banso community. The indigenous justice paradigm in the Banso community based on a holistic philosophy and the world view of the inhabitants of Africa. These systems are guided by the unwritten customary laws, traditions, and practices that are learned primarily by example and through the oral teachings of tribal elders. The holistic philosophy is a circle of justice that connects everyone involved with a problem or conflict and on a continuum, with everyone focused on the same center. The center of the circle represents the underlying issues that need to be resolved to attain peace and harmony for the individuals and the community. The continuum represents the entire process, from disclosure of problems, to discussion and resolution, to making amends and restoring relationships. The methods used are based on concepts of restorative and reparative justice and the principles of healing and living in harmony with all beings and with nature.

#### **3.3.1. Restorative principles**

Restorative principles refer to the mending process for renewal of damaged personal and communal relationships. Its primary aim is to address and repair harm, that is, involving the primary stakeholders in determining how best to repair the harm done by an offense. The victim is the focal point, and the goal is to heal and renew the victim's physical, emotional, mental, and spiritual well-being. It also involves deliberate acts by the offender to regain dignity and trust, and to return to a healthy physical, emotional, mental, and spiritual state.

These are necessary for the offender and victim to save face and to restore personal and communal harmony. It should be noted that with the transformation involve in restoration, fundamental changes in people, relationships and communities can occur.

### **3.3.2. Reparative principles**

Reparative principles refer to the process of making things right for oneself and those affected by the offender's behavior. To repair relationships, it is essential for the offender to make amends through apology, asking forgiveness, making restitution, and engaging in acts that demonstrate a sincerity to make things right. The communal aspect allows for crime to be viewed as a natural human error that requires corrective intervention by families and elders or tribal leaders. Thus, offenders remain an integral part of the community because of their important role in defining the boundaries of appropriate and inappropriate behavior and the consequences associated with misconduct.

### **3.4. Traditional legal system of the Bansa community**

The most common widespread legal system in the world is the civil law system. Traditional legal systems have historically functioned as an alternative or as a complement to the formal state court system. They are typically based on customary practices, traditions and rules of communities that have over time been termed customary system. Within the traditional legal system, there are customary laws which are believed to be a set of practices, beliefs or customs that are accepted as obligatory rules of conduct by indigenous peoples and local communities. Customary laws then form an intrinsic part of their social and economic systems and way of life.

Talking of the traditional system in Bansa, the status of tribes as sovereign nations are both pre-constitutional and extra-constitutional. Ethnic groups continue to possess four key characteristics of their sovereign status: a distinctive permanent population, a defined territory with identifiable borders, a government exercising authority over territory and population, and the capacity to enter into government-to-government relationships with other nation-states.

Generally, in Bansa community, elders are selected as spokespersons responsible for opening and closing the meetings with prayers. During the meetings, each side has an opportunity to speak. The victim may speak on his or her own behalf, and the family may assist in conveying the victim's issues. Extended family members often serve as spokespersons if the victim is very young or vulnerable. Similarly, a spokesperson may be

designated to speak on behalf of the accused, especially if the accused is a juvenile or if other circumstances prevent the accused from speaking. When the family forum cannot resolve a conflict, the matter may be pursued elsewhere. Offender compliance is obligatory and monitored by the families involved. It is disgracing for decisions and agreements to be recorded by the family.

In fact, the administration of justice, law, and order is a function of government retained by the tribes as sovereign nations. It is within this realm that indigenous justice systems exist. Although there have been many efforts to limit the jurisdiction of tribal justice systems, tribes retain the authority to determine the legal structure and forums to use in administering justice and to determine the relationship of the legal structure with other governing bodies. Tribes have personal jurisdiction over their members and non-member, territorial jurisdiction over their lands, and subject-matter jurisdiction over such areas as criminal, juvenile, and civil matters.

The traditional Banso idea of a legal system itself implies the notion, or more concretely, the knowledge of a consummate whole of the institutions that have to do with or that patterns to law in a particular society. It therefore involves a consideration of the totality of all the various aspects of legal institutions and administration of justice in that society. No doubt, this consists in the entire trajectory of law making, administration, and enforcement. Thus, the traditional Banso legal system may be considered along these parameters.

Enveloped in a socio-religious worldview, the structure of the justice system is built on the eternal goals and the social destiny of the Banso person. In the Banso enclave, law generally is geared towards the maintenance of spiritual and social harmony. From these socio-spiritual objectives, it becomes easy for one to differentiate the respective sources of Banso laws. It may therefore be appropriate to consider these sources and elaborate the basic elements of Banso legal system.

One derives no interest saying that laws in the traditional Banso society are not codified. In spite of the various efforts of some contemporary Banso scholars to put in a manual or code form the customary laws of Banso people, yet such efforts are mere attempts aimed at modeling an oral-based culture after a high literary pattern of the English system. It looks like trying to put a square peg in a round hole. No doubt, a lot of values would be lost in such a mimic of a legal pigeonhole and straight jacket. The better description of the Banso laws therefore would remain that they are unwritten, though quite comprehensive and acceptable.



Be that as it may, the Bansa are quite aware that the laws that regulate and govern their lives and attitudes have an ordered hierarchy and derive from multifarious sources.

Talking of their method of punishing children, most of the participants sustain the point of view that, children need serious punishments for them to follow the right training if not, they will become useless. The child that does not respect the elder brothers and sisters' might continue to do the same in school. Your tribe and religion can govern the child both at home and in school. Likewise, the languages used at home can influence the child anywhere that he or she is going like the use of vulgar languages. Anything that a child does at home that is not corrected can be difficult to be corrected later.

### **3.4.1. Community forums**

A community forum is a local form made up of residents, community and voluntary groups, public sector bodies and local businesses to work together to address issues facing particular neighbourhoods. Its just like a public meeting, where members of the community come together for a central idea or situation intended for the good of the community. Community forums require more formal protocols than family forums, but draw on the families' willingness to discuss the issues, events, or accusations. These are mediated by tribal officials or representatives. Some tribes have citizen boards that serve as peace makers or facilitators. Customary laws, sanctions, and practices are used. Personal notice is made by tribal representatives to the individuals and families involved. Usually, this is all that is necessary to compel individuals to meet in both the family and community forums. When necessary, a personal escorte to the gathering place may be provided by tribal officials. In some tribal communities, notice may be by mail.

In the Bansa community forum, the tribal representative acts as facilitator and participates in the resolution process along with the offender, the victim and their families. As with the family forum, prayers are said at the beginning and at closing. An unresolved matter may be taken to the next level; however, tribes may or may not offer an appeal process for the community forum. In the Navajo peacemaker system, formal charges in the Navajo district court may be filed. In some Pueblo communities, matters may be pursued through the traditional court. Offender compliance is obligatory and monitored by the families involved and tribal officials.

In the family, community forums and the traditional courts, those accused of wrongdoing are required to give a verbal account of their involvement in an incident, whether

or not they admit to the accusations. This verbal account is the key in discovering the underlying factors precipitating the problem. It requires participation by the offender's family and relatives who may have to explain the offender's misconduct, especially when some kind of victimization has occurred. For example, parents may be admonished for not providing proper discipline and supervision for their children who vandalized or destroyed property. Relatives may be criticized for allowing a son or brother to abuse his wife or children.

### **3.4.2. Traditional courts**

A traditional court is a customary institution or structure, which is constituted and functions in terms of customary law and custom, for purposes of, resolving disputes, in accordance with constitutional imperatives. These courts are established as part of the traditional justice, system, which functions in terms of customary law and custom and is presided over by a king, queen, senior traditional leader, headman, headwoman or a member of a royal family who has been designated for the purpose. Traditional courts also refer to as chief's courts and are important because the constitutional development must keep a register of every traditional leader who has taken the oath. The prohibition of customary laws in places where there are traditional courts; weaken the authority of traditional leaders.

It is believed that traditional courts existed from yesteryears and that they are still used by millions of people to resolve disputes according to customary law in a manner which should promote justice. They provide communities with dispute resolution mechanism and focus on the implementation of restorative justice. Traditional courts incorporate some modern judicial practices to handle criminal, civil, traffic, and juvenile matters, but the process is similar to community forums. These courts exist in tribal communities that have retained an indigenous government structure, such as the North West Bansa Community. Matters are initiated through written criminal or civil complaints or petitions. Defendants are often accompanied by relatives to the hearings. Generally, anyone with a legitimate interest in the case is allowed to participate from arrangement through sentencing. Heads of tribal government preside and are guided by customary laws and sanctions. In some cases written criminal codes with prescribed sanctions may be used. Offender compliance is mandated and monitored by the tribal officials with assistance from the families. Non compliance by offenders may result in more punitive sanctions such as arrest and confinement.

### **3.4.3. Defendants notification**

In Banso as in some other villages or towns in the North West Region, defendants are used to be notified by messengers though today most cases are being notified by writing although rare, matters may be appealed to the tribal council. In some tribes where a dual system exists, interaction between the modern American and traditional courts are prohibited. That is, one may not pursue a matter in both lower-level courts. However, an appeal from either court may be heard by the tribal council, which serves as the appellate court. Generally, these courts record proceedings and issue written judgment orders.

### **3.4.4. Quasi-modern customary courts**

This is believed to be situations where customary courts are modifying the juristic basis of the legal system. Like traditional courts and quasi modern tibal courts, non compliance by offenders may result to more sanctions and punishments. Howvere, most quasi-modern tribal courts are based on the Anglo-American legal model. These courts handle criminal, civil, traffic, domestic relations, and juvenile matters. Written codes, rules, procedures, and guidelines are used, and lay judges preside. Some tribes limit the types of cases handled by these courts. For instance, land disputes are handled in several Pueblo communities by family and community forums. Like traditional courts, in the North West Region and Banso in particular noncompliance by offenders may result in more punitive sanctions such as arrest and confinement. These are courts of record, and appellate systems are in place.

### **3.4.5. Indigenous methods of conflict resolution**

When we talk of indigenous conflict resolution, we typically refer to involving consensus building based on open discursion to exchange information and clarify issues about the conflict. It's a mechanism that has been used for centuries. Indigenous conflict management use local actors and traditional community-based mechanisms to manage and resolve conflicts within or between communities. Generally, indigenous dispute resolutions processes were all that the communities had in common in the days of our forefathers. It is believed that the clan's process of conflict resolution within the indigenous institution also focuses on reconciliation, stability, harmony and safety; and tries to reconcile individuals and groups on the basis of their cultural norms, values and practices.

Indigenous methods of conflict resolution include traditional dispute resolution, peacemaking, talking circles, family or community gatherings, and traditional mediation, described only by the language of the tribal community. All these refer to the methods of resolving problems and to the methods of restorative and reparative justice.

The structure of relationships in many tribal communities is paramount to a legal system exemplified by the clan system. Customary law determines clan identification, which is often matrilineal. Among Nso communities, moiety and clan affiliations determine for which group an individual will dance, sing, or hunt in social activities, which religious or secret groups one may join, which political positions one may hold, whom one may court or marry, or what property one may own. The clan system regulates the behavior of its members. The interlocking relationships in tribal communities often determine the flow of how problems are handled. For example, in many tribal communities, parents and the extended family are expected to nurture, supervise, and discipline their children. When parental misconduct occurs, such as with physical or sexual abuse or neglect, the parents and extended family convene through the leadership of an elder to look into the matter. In a minor case of physical abuse or neglect, the family forum is used. The distributive aspect is invoked extensively to ensure protection of the children, to monitor and enforce proper parental behavior and responsibility, which is regulated by the family. More serious cases may involve tribal officials.

Verbal accountability by the offender and the offender's family is required to express remorse to the victim and the victim's family. Face-to-face exchange of apology and forgiveness empowers victims to confront their offenders and convey their pain and anguish. At times, offenders are forced to be accountable for their behavior, to face the people whom they have offended, to explain themselves, ask forgiveness, and to take full responsibility in making amends. Observing and hearing the apology enables the victim and family to attend its sincerity and move toward forgiveness and healing. Forgiveness is strongly suggested, but not essential for the victim to begin healing.

The restorative aspect frequently involves the use of ritual activities for the offender to cleanse the spirit and soul of the bad forces that caused the offender to behave offensively. Ceremonial sweats, fasting, purifications, and other methods are used to begin the healing and cleansing process necessary for the victim, the offender, and their families to regain mental, spiritual, and emotional well-being and to restore family and communal harmony.

On the other hand, the agreements reached in family and community forums are binding. Participants are compelled to comply through the same interlocking obligations established in individual and community relationships. Compliance and enforcement are important aspects of indigenous systems because there are little coactions. Accepting

punishment does not guarantee that an offender will be accountable. Therefore, it is essential that offenders perform outward acts to demonstrate their responsibility for correcting behavior. Offender accountability is essential to ensure compliance with decisions and to prevent further criminal acts or getting involved again into deviant behavior. Equally important is for punitive sanctions to be decided and applied by individuals who were affected by the offender's behavior.

Historically, there is little evidence of penal systems in Bansa tribal communities. This fact remains today, although there are many who express the need for secure confinement facilities to address serious and violent crimes. Many customary sanctions to appease victims and to safeguard against vengeance are still in use. These include public disgrace, public shaming, whippings, temporary and permanent banishment, withdrawal of citizenship rights, financial and labor restitution, and community service. Sometimes, they still temporarily or permanently banish individuals who commit serious or violent crimes.

The indigenous process there is also used in offenses where there are no victims, such as problems between parents and children, individual misconduct, or alcohol consumption. Family members affected by the offender's behavior or who are concerned with the offender's welfare may participate. Many tribal people of Bansa view crime, delinquency, and other deviant behaviors as symptoms of bigger family problems. Widening the affected target group to include the offender, parents, siblings, and other extended family members enlists help from those most familiar with the situation to assist in correcting and preventing more serious crimes.

It is also noticed that the indigenous process can often be extremely uncomfortable and emotional because it involves participation of every affected person, but great care is taken to provide a safe environment for matters to be discussed. The distributive nature of this process uses the extended family as a resource for the offender, the victim, and the community to resolve problems, to ensure compliance, to provide protection, and to retain ownership of the problems. Such a focus should be understood as part of an overall effort at the international level to encourage and support national legal systems, whatever their nature, to function in a manner that is compatible with international human rights law. National judicial systems, for example, are regularly the subject of examination by United Nations human rights bodies. The Human Rights Committee, for example, has demonstrated that it will continue to review not only formal justice systems for possible human rights violations but, where they exist,

customary justice systems as well. International human rights law recognizes legal pluralism within states, provided that whatever type of legal system is used conforms with international human rights standards. Many of the human rights concerns addressed in this publication may also.

#### **3.4.6. Indigenous justice**

Indigenous justice system reflects and includes indigenous values within the justice system and to contribute to a decrease in the rate of victimization, crime and incarceration among indigenous people in communities with community based justice programs. Law becomes a way of life and justice a part of the life process. This system is one based on the notion that criminals are wicked people who are responsible for their actions. This system include traditional dispute resolution, peace making, talking circles, family or community gatherings and traditional mediation, described only by the language of the tribal community. In this system, elders may be witnesses, victims, plaintiffs or defendants in a trial. They are also prisoners and in some cases, death row inmates.

The indigenous justice is based on a holistic philosophy and the world view of the aboriginal inhabitants of the Bansa community which supports community based justice. This system is just like the Aboriginal Justice Strategy which helps communities to have increased involvement in the local administration of justice and as such, provides timely and effective alternatives to mainstream justice processes in appropriate circumstances. These systems are guided by the unwritten customary laws, traditions, and practices that are learned primarily by example and through the oral teachings of tribal elders. The holistic philosophy is a circle of justice that connects everyone involved with a problem or conflict on a continuum, with everyone focused on the same center. The center of the circle represents the underlying issues that need to be resolved to attain peace and harmony for the individuals and the community. The continuum represents the entire process, from disclosure of problems to discussion and resolution, to making amends and restoring relationships. The methods used are based on concepts of restorative and reparative justice and the principles of healing and living in harmony with all beings and with nature.

#### **3.5. Traditional justice process in Bansa community**

Traditional justice systems have historically functioned as an alternative or as a complement to the formal state court system. They are typically based on customary practices, traditions and rules of communities that have, over time, been deemed to be customary law. It should be noted that,

traditional justice systems are increasingly seen as an integral mechanism through which to implement transitional justice. To improve the quality of dispute resolution, justice must be maintained in individuals' daily activities, and dispute resolution mechanisms situated within a community and economic context. Reform should focus on everyday justice, not simply the mechanics of legal institutions which people may not understand or be able to afford.

The justice system in the Bansa Fondom is hierarchized. That is, ranging from the family set up to the quarter head, clan head, traditional council and the Fon; depending on the nature or magnitude of the issue at stake. At the family level, cases such as interpersonal squabbles between members of the family in question, infidelity, stealing and *beating one's parents*, are tackled. After the family is the quarter head. Here, issues like inter-family problems, infringement or other forms of trespass are treated. Some intra-family cases are also handled here upon dissatisfaction or bias at the family level and upon the family heads' approval for the case to be forwarded to their immediate hierarchy. Activities here are animated by a special council of elders under the patronage of the quarter head himself.

### **3.5.1. Justice pyramid**

When it comes to justice pyramid and occupational regulation, policy makers may see their options as actions or inactions. The rule of the justice pyramid demonstrates how different legal principles uphold the rule of law, and how they protect rights, freedoms and stability in the legal traditional Bansa system. This consist of fair and impartial decisions about legal matters. The pyramid sets to protect individuals rights, freedoms and ways to settle disputes between parties according to the stratified law codes. Next on this justice pyramid are clan heads. The latter handle issues relating to witch craft, grand theft, land disputes, farmer – grazer problems of low degree and some cases from lower institutions upon appeal and disgruntlement. Just like at the level of quarter heads, court sessions are usually manned by a group of agile persons whose appointment by the clan heads is determined by their moral uprightness, charisma and intellectual capability to deal effectively with complex and delicate issues.

At the bottom of the *pyramid* are more frequently used strategies of first choice that are less coercive, less interventionist, cheaper. The evidence is encouraging that *restorative justice* and responsive regulation work better than less flexible, less dynamic top-down state decision making.

### **3.5.2. The traditional council**

The traditional council is last but one on the justice ladder in Banso Fondom. As earlier mentioned, it is comprised of a certain class of notables, quarter heads and some local elite and treats matters like land disputes, farmer-grazer conflicts, cases of murder, rape, theft, divorce and so forth. Last but not the least on the Banso judicial structure is the Fon as the supreme court of the land and most, if not all issues treated here are usually from the other law courts upon appeal by the aggrieved party, aggressor or both as an expression of dissatisfaction. Generally, final decisions are taken here in two dimensions; that is, through a unilateral act of the Fon and swearing in a given manner. However, the ever decried and denounced mob justice whose outcome is usually catastrophic continues to prevail; as rights are concern though in a limbering manner.

In brief, justice is exercised in the Banso as in any tribal society through what is known as customary law, scorn, ridicule and mores. That is, by applying principles, values, codes, traits and rules commonly observed in Banso when there is a situation of misconduct. As earlier asserted, the justice machinery in Banso is stratified; beginning from the family set up, passing through the quarter and clan heads to the traditional council and to the Fon. However, cases of a certain magnitude are treated as a matter of urgency directly by the Fon; after the alleged aggressor has been summoned with a fig leaf and in which case, appeals are not welcome. The conflicting parties are compelled to succumb to the verdict. Still in a way to ensure social tranquility in the Awing community for example, anti-gang teams were set up in the late 1990s in all the ten major quarters of the village. Their role is highly repressive. However, with the establishment of the Gendarmerie Brigade in the year 2004 and the deployment of elements of the Rapid Intervention Unit or Battalion d'Intervention Rapide (B.I.R) in 2011 by the government, the anti-gangs died a natural death. The gendarmes and the commandos in effect, took over the repressive functions of the defunct anti-gangs and at the same time conducting investigations on crime relating issues and controlling transport activities into and out of the community. This does not however mean that the work of the said anti-gangs could be underestimated, since they were instrumental in unveiling and disarming several armed bandit groups and rapists in most neighborhoods of the village.

Anthropology of law otherwise known as legal anthropology specializes in the cross-cultural study of ordering. This broad definition of the field captures the wide array of research done by legal anthropologists today. Early legal anthropological research often



focused more narrowly on conflict management, crime, sanctions, or formal regulation. B. Malinowski's work entitled *Crime and Custom in Savage Society* (1926) explored law, order, crime and punishment among the Trobriand Islanders. Further early works by anthropologists on the topic of law include those of Hoebel A. (1954), Maine H.S. (1961) and Morgan L.H. (1977). In fact, Malinowski, Hoebel, Maine and Morgan are thought of as founding thinkers in legal anthropology. That notwithstanding, the definition of law has been a lively point of contention among anthropologists in the twentieth century. In 1926, Malinowski, argued that the rules of law are distinguished from the rules of custom in that they are regarded as the obligation of one person and the rightful claim of another, sanctioned not by mere psychological motive, but by a definite social machinery of binding force based upon mutual dependence. Although B. Malinowski's definition introduced several important elements of law, his failure to distinguish adequately between legal and non-legal sanctions left the problem of formulating a workable definition of law in the hands of later anthropologists.

According to Hoebel A., social norm is legal if its neglect or infraction is regularly met, in threat or in fact, by the application of physical force, by an individual or group possessing the socially recognized privilege of so acting. In stressing the legitimate use of physical coercion, Hoebel deemphasized the traditional association of law with a centralized court system. Although judge and jury are fundamental features of Western jurisprudence, they are not the universal backbone of human law. Some anthropologists have proposed that a precise definition of law is an impossible and perhaps even undesirable undertaking. When we speak of *the law*, are we not inclined to fall back on our familiar Western conception of rules enacted by an authorized legislative body and enforced by the judicial mechanisms of the state? Can any concept of law be applied to such societies as bands, for whom the notion of a central centralized judiciary is virtually meaningless? How shall we categorize duels, song contests, and other socially condoned forms of self help, which seem to meet some but not all of the criteria of law? Ultimately, it seems of greatest value to consider each case within its cultural context. The fact that the Bansa society exercises a degree of control over its members by means of rules and sanctions, and that some of these sanctions are more formalized than others is indisputable; yet, in distinguishing between legal and non-legal sanctions, we should be careful not to allow questions of terminology to overshadow our efforts to understand individual situations as they arise.

In effect, a number of indigenously designed mechanisms are put in place and are used on these categories of persons when circumstances so warrant. They are inter-alia the

implication of someone other than the concerned. It can either be the father in case of children or the husband in case of duly married women. That is to say, if children and women's attention are needed for one reason or the other by the traditional administrative authority in Bansa, they are the parents of the children and the husbands of the women concerned that would respectively be accused. This is because these two categories of persons are considered as *minors* as earlier indicated. Upon accusation however, it is indicated verbally by the bearer of the message that it is destined to someone else. This implies that the middleman (conditional recipient) is in turn expected to turn up alongside the person to whom the *letter* is due. It is therefore the latter, who is privileged to be told on why his or her attention is needed, except otherwise. Otherwise; in the sense that the *destinataire* may be physically implicated or mentally challenged. In such a case, the intermediary serves as the vulnerable person's mouthpiece and the *victim* intervenes only when it is absolutely necessary for him to do so. This happens specifically in cases where sanctions are imperative (criminal ones for example).

### **3.6. Crime and Punishment in Criminal Justice Administration in Bansa community**

In Nso community, there are divine criminal laws as well as human criminal ones too. A participant argues that "only the violation of the divine law, which violation is held as "nso" could be regarded as a criminal offence, to use western legal term". Then, there is no profit saying that in criminal law in Bansa, the words "offence" and "crime" are synonymous. Using the term "criminal offence" would amount to one being unnecessarily tautologies. Although in Nso parlance, crimes are not, as in common law, classified into felonies, or simple offences. Yet some crimes are more serious than others, and which seriousness depends on the legal framework that created the crime. Perhaps, it is because of the divine origin and thus more heinous nature of some misacts that the participant regards them as "criminal offences" in exclusion of others.

But according to Oxford Advanced Learner's Dictionary 36, a crime is "an activity that involves breaking of law", "an illegal act or activity that can be punished by law", or "an act that is immoral or a big mistake". Certainly, all these shades of meaning coincidentally underscore the Bansa understanding of crime. In Nso beliefs, a crime is really an act that breaks the law (divine or human) and is punishable by law. And because there is no clear distinction between crime and morals, a criminal act is invariably an immoral act. Therefore, it would be a reduction to restrict the list of "criminal offences" to violations against the divine laws (abominations, taboos, nso, *just to name these few*). But on another hand, we

seem to agree with Green that there are two main classes of offences, those that are 'nso' and those that are not. Green refers to the former as taboos and to the latter as natural offences. Therefore, Okafor needs to put his position straight on the issue of what constitutes crime in Bansa justice system. Although under the common law tradition, it is the law that stipulates which act is a crime as distinguished from civil wrongs, and does not bother to give an essential definition of crime, yet in Bansa, enclaved moral violations of divine and human laws are regarded as crimes.

For instance, the act of a cock crowing at an awkward time in the night or a hen crowing like a cock, the act of a woman giving birth to twins, the act of a baby delivered "feet-first" rather than "head-first", the act of an infant counting the upper teeth first, etc. These are acts clearly regarded as immoral or criminal without any consideration of the impossibility of criminal liability on the part of the "culprits". Many of the code items however, are clearly human acts such as murder, incest, suicide, poisoning someone with the intention to take his or her life, willful arson, theft of domestic fowls especially hen or her hatching pot where she can easily be taken along with her eggs, theft of any kind committed by an *ozo* titled man. Furthermore, others like adultery by a wife (not by a husband), secretly altering land boundaries especially during the night, releasing the identity of the masquerade especially if the offender is a woman, a woman breaking confinement by cooking and serving meals during her menstrual period especially if the husband is an *ozo* titled man are worth mentioning. Deliberately killing or eating any totem animal, deliberately cuts the succulent tendrils of yams in another's farm, a widow having sexual relationships while still in the period of mourning her dead husband, a husband deliberately breaking or throwing away his wife's utensils, amongst others. It is observed that all the offences in this category are within the control of man as he is free to commit or not to commit them unlike those mentioned earlier which are completely out of human control. Besides, it seems some of the code items are discriminatory when viewed through the western socio-psychology.

Generally, the Bansa believe that divine vengeance is inevitable and great misfortunes are thought to be God-sent punishments. Therefore, if a lightning strikes a man or his house, sudden death, or cases of one dying with a swollen stomach, just to name these few; such situations are regarded as punishment for some hidden crimes committed by the victim. The procedure would be different if the offence is one that is less grievous. Let us take the offence of theft. If a man steals from a kinsman and it is proven, the thief will be sternly warned and rebuked if the stolen property is trifle. If the property involved is of high value, the thief is

tied up for days without food and if he was caught red-handed, he is carried around the village especially round the market square with the stolen property conspicuously tied around his neck while passers-by jeer, curse and spit on him. Later, the thief would be expected to make restitution. The punishment will be more severe if the stolen property is symbolic such as yams, hen and so on or if certain persons are the culprits such as titled men, elders, etc.

Stealing from an outsider is even much more serious for the thief is detained until a substantial ransom is paid by his relatives apart from which in the former times, the culprit would be sold into slavery. In the case of suspicion, an appeal to the supernatural is made by which an oath is administered, for false accusation is equally grave and avoided.

Furthermore, in the case of violation of laws against interpersonal relation, the procedure involves much of human agents. The injured party may first appeal to the head of the family of the offender or a body of village arbitrators. If this fails to reach an amicable settlement of the issue, the injured party may summon the person, a higher body than the former with close friends of the litigants in attendance. In the events of further failure, other institutions which may be appealed to include the age grade association, the fraternity, various title-taking societies, town union, amongst others. When all these efforts fail, then as a final resort, submission is made to the supernatural tribunal in form of oath swearing. Punishments that can be meted in the cases of violation of human positive laws touching the well being of the society including ostracizing, banishment, fines, forfeiture of valuable property, just to name these few.

In a nutshell, as concerns the Bansa culture, punishment which ranges from verbal warning, fines, forfeitures, ostracism, banishment or even death, depending on the seriousness of the offence is multifarious in purpose. Sometimes, it may be for the purpose of giving a fair desert (retribution) to the offender or for the reason of reforming him into becoming a better member of the society. Other reasons may include deterrence on the part of the offender or other future offenders, reparation as a result of committing the offence and to re-establish the harmony destabilized by the offence, or for the aim of incapacitating or removing the offender from the social group. Again, the Bansa judicial apparatuses involve the roles of human and divine personages. Methods of adjudication, trial by ordeal, and oath swearing are often employed in the findings of guilt. This now pushes us to examine these practices in the light of its characteristics.

### 3.7. Observation of traditional methods of punishment at the level of school

Traditional methods of punishment have not been observed at the level of school in the Bansocommunity, except some rare cases that follow deviant behaviors like wrong dressing, deviant dances and non acceptable songs in class. In these cases, the parents of such children are convoked and serious warnings are given to the children in front of their parents. If they repeat again, then instant dismissals can take place. A participant notices that "*Children usually fear when teachers convoke their parents in school.*" (Interview realized with informant 22 on 29-02-2016 at Bansa). At the stage of disobedience, the child is restricted for certain advantages as points gained in class.

Another informant declare that:

*it is for the quarter head to decide either to levy fines or forward the case to the forces of law and order. In case of the rape of a princess of the palace notables of the community will take to the road junction pour wood ash on you and shoot you with some seeds in the form of garden egg (menamushi) and you are banished from the Bafut fondom.*" (Interview realised with Informant 14 on 7-03-2016 at Bansa).

This means there are punishment for the rape of an ordinary person and another types of punishment for a princess of palace or a person coming from the palace. Informant confirms by saying that:

*Rape a very serious offense and the individual is well beaten and asked to pay all the hospital bills of the victim. Any man who does this, despite the beating and charges levied him to pay, the quarter and the entire bafutfonfom are closely watching him. If he is caught in any other crime apart from rape he will eventually be beaten to death. At times people can just inject that type of person with any poisonous chemical since he is being considered a threat to the whole quarter and fondom. One small or little crimes can make somebody to be hated everywhere.* (Interview realised with Informant 29 on 7-03-2016 at Bansa).

In other cases, the culprit' can recieve road junction beaten and be poisonous by chemical.

### 3.8. State Recognition of Customary Justice Systems

States might consider recognizing traditional justice systems and incorporating them into their legal framework to improve compliance with human rights. Whether doing so will improve the legal system is, nevertheless, a topic of debate, with some arguing that integrating traditional justice systems into the legal framework would undermine the voluntary nature of the traditional process, defeat the concept of social consensus and public participation, and create the risk that decisions would be overturned on appeal due to the lack of strict procedural rule in traditional forums, according to this argument. Others support efforts at incorporation, arguing that the two systems can be complementary, and that many traditional

justice systems function as a type of alternative dispute resolution mechanism that has a number of positive features for the parties.

While state recognition of customary justice systems would normally be desirable, states should proceed carefully to ensure that traditional justice systems do not lose their positive aspects that the authority of the leaders of these systems is not undermined, and that human rights are respected and protected in proceedings before such forums. A legal framework providing for state recognition should provide the option for any party to such proceedings to oppose his or her participation and have the matter tried in the formal courts, particularly in cases where a fundamental right protected by the constitution or a regional or international human rights instrument is concerned.

### **3.8.1. Limitations on Jurisdiction**

Jurisdictional limitations on practices that pose a threat to human rights standards are one of the means by many states require serious criminal offences to be tried in the formal courts and, if such offences are initially brought before traditional justice mechanisms, they must be transferred to the court of First instance. This approach should be embraced as it ensures that persons charged with serious crimes receive the full procedural protections of the formal courts. The imposition of jurisdictional restrictions, however, has met with complaints from traditional leaders. Traditional leaders who preside over customary courts in Limpopo, South Africa, have reportedly expressed similar concerns over limitations imposed on them. Respect for their authority is seen by traditional leaders as essential for compliance with their judgments.

Human rights training for traditional leaders could be another promising avenue for technical assistance. The focus should be on a State's constitution and laws, the African Charter and its protocols, and international humanrights treaties. The framework for a training course for its traditional leaders has been developed in South Africa and it includes a component on human rights. States may wish to consider making participation in training courses a condition for traditional leaders to continue to exercise their functions in traditional justice mechanisms. Donors, international organizations and NGOs have to some extent already supported some training programmes for traditional leaders. Training could also be necessary for judges and legal professionals who work in the formal courts so as to increase their understanding of customary law and how it is applied by traditional justice mechanisms, while taking into account the need to protect human rights.

### **3.8.2. Law as a way of life within the Banso community**

The concept of law as a way of life in Banso makes law a living concept that one comes to know and understand through experience. There, law as life, is linked to the elaborate relationships in many tribal communities. In Banso, it is exemplified by tribal divisions that represent legal systems prescribing the individual and kin relationships of members, the responsibilities individual and group members have for one another and to the community. For example, in several Banso tribes, one is born into one of the two big families, or tribal divisions, decided by patrilineal lines. A woman can change membership only through marriage, when she joins her husband's family. Males generally cannot change their families, unless it is done during childhood through adoption or if their mother remarries into the opposite family. This illustrates how tribal law becomes a way of life that is set in motion at birth, and continues through an individual's life and death.

The indigenous approach in this community requires problems to be handled in their entirety. Conflicts are not fragmented, nor are the process compartmentalized into partial and sentencing stages. These hinder the resolution process for victims and offenders and delay the restoration of relationships and communal harmony. All contributing factors are examined to address the underlying issues that precipitated the problem, and everyone affected by a problem participates in the process. This distributive aspect generalizes individual misconduct or criminal behavior to the offender's wider kin group; hence there is a wider sharing of blame and guilt. Therefore, the offender, along with his or her kinsmen, is held accountable and responsible for correcting behavior and repairing relationships.

In the Banso community, children are expected to respect their parents, elders and their teachers. Parents have the duty to make the children not to call their elders by direct names but can say: Uncle ...Auntie...Papa..., just to name these few. The way the children talk at home, greet and play with members of the house, non-members of the house and others depend on the education they receive from their elders. Generally they have advices as not to insult people, not to shout at people, not to disrespect people, always thank somebody whenever they receive something, they don't have to beg things from people and equally don't take or accept things from people they don't know; just to name these few. Therefore, in the Banso community, we found out many unaccepted behaviours and practices like abortion, disobedience, beating of one's parents/elders, prostitution, gambling, dishonesty, murder, stealing, rape, suicide, deformation of character, incest taboo violation, hanging around with

bad companies, violation of traditional laws, witchcraft, and having sexual affairs with the Fon's wife.

Banso community however, as every other society has its own means of controlling the social behavior of its citizens in order to reach its desired goals. The importance of the legal framework in this regard cannot be gainsaid. Thus law provides, among other things, the penal technique by which those who are found guilty of acts prohibited by the society are punished.

As a resume of the point of view of most of our informants, law in the Banso community is a very important notion as far as the way of life is concerned. A participant, member of the traditional council clearly said that in these words: "*Children need serious punishments for them to follow the right training if not, they will become useless*" (Focus Group Discussion on 28-03-2016 at Nsoh-Banso).

So therefore, three conditions here must exist to activate the norm of reciprocity. Firstly, the initial request must be large enough that it is sure to be refused, but not so large that it will breed suspicion. Secondly, the target must be given the chance to compromise by refusing the initial request and complying with the second request. And finally, the second request must be related to the first request, and should come from the same person. That means that the norm of social reciprocity is the most prevalent social norm in Nso community, and it directs people to return favors to others. Salespeople, sometimes to their disadvantage, often use this norm. Concessions are supposed to be reciprocated as well. This norm is used in the door-in-the-face technique. This technique consists of making a large request and following its refusal with a concession that invokes returning a concession. Other techniques used are "*that's-not-all technique*", and "*selling the top of the line*".

The norm of social commitment requires Banso inhabitants to stand by agreements and fulfill their obligations. People stick by their commitments for several reasons: They feel an obligation to fulfill their social commitments. Such commitments help them to maintain a positive view for themselves, and reduce cognitive dissonance. The original commitment is strengthened by the addition of supportive new thoughts, feelings, and behaviors (cognitive bolstering). In a nutshell, the norm of social commitment in *Banso socioculture* requires keeping promises. This norm is used in the low-ball technique, which relies on the fact that people usually stick to the deal even though it has changed for the worse. The reason people stick to their commitment is that they want to fulfill social commitments and maintain a



positive self-image. People strengthen their original commitment by the addition of supportive new thoughts and feelings (cognitive bolstering).

In Milgram's studies (1963: 370–371), people obeyed instructions to deliver shocks to a suffering victim even though they were not forced to do so. The same results are found in this study of the Bansa community (for example, obedience in the workplace). Increasingly, the accessibility of the obedience norm, decreasing attention to other norms, a legitimate authority, and an authority that accepts responsibility, all increase obedience. Dissonance processes help to maintain and escalate obedience.

### **3.8.3. Characteristics of traditional law in Bansa Community**

Characteristics of traditional law in the Bansa Community is peculiar as Melton Ada Pecos firstly notifies here that common terms or references to the law of indigenous societies include customary law, indigenous law, native law, and tribal or native law ways. All refer to the same concept.

Customary law is generally derived from custom. Custom in this sense means a long-established practice that has acquired the force of law by common adoption or acquiescence; it does not vary. In this way, tribal common law in Bansa is based on the values, mores, and norms of a tribe and expressed in its customs, traditions, and practices. In some tribes, the tribal common law has been set out in different court decisions and written opinions over time and has become case law. Among several Bansa communities, the matrilineal system holds that property belongs to the female. In a divorce or separation, property is divided according to the matrilineal definitions of property ownership and is written into the decisions of the traditional or tribal court.

Common terms or references to the law of indigenous societies include customary law, indigenous tribal or native laws. All these refer to the same concept. Customary law is generally derived from custom. Custom in this sense means a long-established practice that has acquired the force of law by common adoption or acquiescence; it does not vary.

Tribal common law is based on the values and norms of a tribe and expressed in its customs, traditions, and practices. In some tribes, the tribal common law has been set out in different court decisions and written opinions over time and has become case law. Among several Pueblo communities, the matrilineal system holds that property belongs to the female. In a divorce or separation, property is divided according to the matrilineal definitions of

property ownership and is written into the decisions of the traditional or tribal court. Similarly, Navajo courts incorporate Navajo common law in decisions in probate, criminal, child custody cases and marital conflicts.

For many tribes along the Northwest coast such as the Yurok, customary laws dictate the areas where families can conduct their fishing, hunting, and gathering. These areas are passed down from one generation to the next. When someone fishes in another family's area, it is considered a challenge to the entire family. By custom, the wronged family convenes a family forum as the proper way to handle the matter in order to request for compensation. Compensation may be with the fish itself, fishing gear, feathers, hides, beadwork, traditional clothing, or other forms of payment.

Amongst several Bansovillages, it is customary for discipline to be administered by the fiscal, who is responsible for maintaining the peace and overseeing the welfare of children and youth. It is a general practice for parents to summon the fiscal when their children are unruly or misbehaving. The fiscal advises the children about the consequences of their misconduct and may reprimand and refer them and their parents to services such as counseling.

In many small Banso villages; information, beliefs, and customs are handed down orally or for example, from one generation to another. For instance, in the Banso Tribal Court, the resolution process involves a segment dedicated to "traditional counseling" by the facilitator or presiding judge. There is a general practice of "advice giving" in the traditional courts of the Pueblos and the "talking to" in the Navajo peacemaking system. This segment is traditionally set aside for the spokespersons or tribal officials to speak of community values, mores, and the consequences of misbehavior or misconduct. Often these are conveyed in parables and beliefs. Advice is given about harboring vengeful feelings, and everyone is encouraged to renew relationships.

For instance, in many tribal communities, parents and the extended family are expected to nurture, supervise, and discipline their children. When parental misconduct occurs, like a case with physical sexual abuse or neglect, the parents and extended family convene through the leadership of an elder to look for solutions to the matter. In a minor case of physical abuse or neglect, the family forum is used. The distributive aspect is invoked extensively to ensure protection of the children, to monitor and enforce proper parental behavior and responsibility, which is regulated by the family. More serious cases may involve tribal officials.

The agreements reached in family and community forums are binding. Participants are compelled to comply through the same interlocking obligations established in individual and community relationships. Compliance and enforcement are important aspects of indigenous systems because there is little coercion. Accepting punishment does not guarantee that an offender will be accountable. Therefore, it is essential that offenders perform outward acts to demonstrate their responsibility for correcting behavior. Offender accountability is essential to ensure compliance with decisions and to prevent further criminality or relapse into deviant behavior. Equally important is the fact that, punitive sanctions to be decided and applied by individuals who were affected by the offender's behaviour.

#### **3.8.4. Preserving traditional systems**

From the analyses and from the point of view of many participants, we could find out that there are many things that have to be done in order to preserve indigenous systems nowadays. Some of them will be elucidated as such: Tribes are faced with the inevitable conflict created by two justice paradigms competing for existence in one community. Many Americans believe the law is something to be applied and justice is something to be administered. Contrastingly, tribes and tradition believe law is a way of life and justice is a part of the life's process. For one paradigm to exist, it must convert people to follow it. Although it appears that tribal courts follow the Anglo-American legal system, many go for the traditional values of the tribal justice system. This is largely because, tribes have been wary of the ethnocentric view of the Western colonizers who devalued their legal structures and wanted to replace them with an imported Western system. Tribes were also required to participate in the Anglo-American legal system in order to protect their lands and people, but they did so without trusting or believing it. This foreign system was imposed by the federal government, thereby thwarting their efforts to convert the tribes.

Depending on Melton, Ada Pecos (2005), attempts to strengthen and re-traditionalize tribal justice systems stem from discontent with the efforts of modern tribal courts to address the crime, delinquency, social, and economic problems in tribal communities. It is joined by the dominant culture's current disillusionment with justice in this country, which causes doubt about retributive justice and a move towards a more restorative framework. This emerging restorative perspective for the American justice system is illustrated by the following values.

All parties should be included in the response to crime-offenders, victims, and the community. Government and local communities should play complementary roles in that

response. Accountability is based on offenders understanding the harm caused by their offense, accepting responsibility for that harm, and repairing it. Also, that restorative justice guides professionals in the appropriate and equitable use of sanctions to ensure that offenders make amends to victims and the community.

Conversion to the American justice paradigm is a difficult choice for tribes, particularly those with a functional indigenous justice system. For many, full conversion is not possible because the indigenous justice paradigm is too powerful to abandon. The strong adversarial features of the American justice paradigm will always conflict with the communal nature of most tribes. For this reason, the inherent restorative and reparative features of the indigenous justice paradigm will continue to be more appealing to the majority of tribal people.

Nonetheless, it is important for tribes to identify their community strengths and views on justice, law, and order. The role of non-Indians is to assist and support the tribes in strengthening their justice systems and to suppress the urge to take over or replace them. It is the sovereign and cultural right of tribes to explain, interpret, change, enact, and apply their own laws, oral and written, through whatever mechanisms they choose. It is their responsibility to teach the knowledge and skills embedded in their indigenous paradigm to the young. American Indian and Alaskan Native people have the clearest understanding of their indigenous law ways because they live them. They must be the messengers of this law to preserve its integrity, authority, power, and meaning to the people.

The many intrusions to the tribal way of life have interfered with the natural evolution of the indigenous justice paradigm, but while slowed, it has never stopped. The tribal resurgence to strengthen and re-traditionalize their judiciaries has rejuvenated the evolutionary process. While mainstream society is in the midst of shifting from a retributive justice model to a restorative one, many tribes are strengthening their indigenous paradigm. In doing so, they are empowering themselves to provide a justice system that has meaning to the people they serve and the power to perpetuate what was preserved by the ancestors and passed on by the elders as testimony of their commitment to the future of tribes. Contemporary American Indian and Alaskan Native people are now faced with making the same commitment to preserve the indigenous justice system the elders maintained and find ways to perpetuate it. These situations are not different in Bansa where customary law has been pushed aside in favour of the western justice system.

### **3.8.5. Differentiation among the people**

People differ from one another in a number of ways, including age, sex, race, educational attainment, and occupational status. Differentiation is the sociological term that refers to such variations. At the most general level, deviance also refers to differentness. The concept of deviance would have no meaning in an undifferentiated society. Since, however, no group of people could ever share all of the same characteristics, deviance can occur in every society to the extent that some differences will be more highly valued than others. Some sociologists believe that societies can tolerate only limited deviance and that deviance remains relatively constant over time within a society. Durkheim, E.(1895/1982) long ago described deviance as “normal” and asserted that no society could rid itself of deviance. Durkheim argued that by defining what is deviant, societies also define what is not, thereby helping to create shared standards. Some sociologists do not doubt that deviance maintains a constant level, but they assert that the amount of deviance in a society adjusts both upward (Erikson, 1965) and downward according to social conditions. Expansion of standards for deviance in times of scarcity may help to foster social cohesion (Erikson, 1965), while some conditions lose the stigma of deviance when this need subsides (Moynihan, 1993). As a result, while the overall levels are the same, the acts and conditions defined as deviant can change over time.

Durkheim observes that deviance could be found even in a society of saints, where small differences among them would be morally magnified. Some saints, in other words, would still be literally holier than others. The conditions that promote social differentiation in society also promote deviance (Meier, 1989). Conditions that increase differentiation also likely boost the degree and range of social stratification by increasing the number of criteria for comparing people. Those comparisons often result in invidious distinctions, or ranks, that identify some characteristics as more highly valued than others. Expansion of the criteria for stratifying individuals also stretches the range of conditions that society disvalues or ranks below others (Cohen, 1974). As people differ from one another in more ways, the likelihood of stratification or at least the degree of stratification increases. Modern, industrial societies differentiate people in extremely complex ways. In addition to characteristics such as age, sex, and race, members of modern societies display greater diversity in behavior, dress, attitudes, and interaction patterns than those of more traditional, homogeneous societies.

Within modern societies, differences between urban and rural areas enhance differentiation as well. Sometimes, some people say deviance when they mean diversity, or

behavior that results from social differentiation. A diverse society introduces a number of dimensions for defining deviance judgments: age, sex, ethnicity, heritage, religion, and the like. But the increasingly multicultural nature of a society like that in the United States need not threaten people (Parrillo, 1996). Beyond this trend toward diversity, however, an increase in stratification clearly seems to raise the chances that some of these rankings will reflect disvalued characteristics. Not only will some individuals fall to lower ranks as a result, but they may also feel disvalued. To the extent that society values education, it disvalues undereducation; to the extent that it values an occupation with high prestige (like Supreme Court justice), it disvalues one with little or no prestige (like ditchdigger). Judgments about “better” or “worse” begin the process of making judgments about deviance. These kinds of links join deviance to stratification within a society.

Status rankings from top to bottom span roughly the same range as negative classifications that make up a structure of deviance. A society with a relatively high level of differentiation generally exhibits a large number of status ranks; a society with relatively little differentiation usually features a small number of status ranks.

Similarly, a highly stratified society should define a larger number of negative status ranks as compared to a less stratified society. In other words, expanding stratification increases the number of criteria on which to make judgments of deviance. A relatively simpler society should define both a simple structure of social stratification and a simple or narrow structure of deviant status categories.

Age, sex, status, occupation, race, and education differentiate individuals, among many other criteria. A comprehensive definition of deviance would clearly indicate which kinds of differentiation amount to deviance and which just determine differences without any moral connotations. Some sociologists, however, have recommended an alternate strategy: leaving deviance undefined and proceeding with research on “*matters dealing with deviance.*” Lemert, for example, has suggested that “*the study of deviance can best proceed by identifying bodies of data through primitive, ontological recognition rather than by formal definition.*” Lemert (1982: 238). Judgments of deviance do not refer to static or constant standards, though. Deviance takes constantly changing forms and elicits varying degrees of disapproval.

To understand which conduct or conditions stimulate disapproval, one must first understand social power. Power can be defined as the ability to make choices by virtue of

control over political, economic, or social resources. People who have money, education, and social influence generally wield more power than those who lack those resources. Powerful people, by virtue of their influence, often define standards for deviance, and they often find more deviance among others with less power than they have themselves. Public opinion often treats white-collar and company crime as less serious than ordinary street crime, even though offenses by these powerful criminals may cause more serious injuries and worse financial losses than street crime. Lawyers, doctors, and other professionals who commit crimes often escape the criminal label altogether. Reasons for this disparity include the classification of these crimes outside the rubric of criminal law and the habit of most people to conceive of powerful persons not as evil or depraved violators, roles often reserved for lower-class people. White-collar crimes generally draw sanctions defined by administrative law, such as license suspension, or by civil action, such as mandatory restitution. Therefore, many people regard crimes committed with a pen, such as embezzlement, as less serious than those committed with a gun, such as robbery. The importance of social power can also be expressed in terms of social differentiation.

Deviance requires relative judgments not because no trait or act is everywhere and for all time deviant, but because the processes of social differentiation and change alter social opinions. This fact raises the key question of why some acts and actors receive sanctions as deviant while others do not. Sociologists frequently answer this question by referring to power. Powerful groups expand the range of stratified social phenomena through a process of definition and influence (Chambliss, 1976). Subcultures Norms emerge from groups, and different groups are likely to have different norms. People encounter varying expectations for behavior depending on the group to which they belong. Acts labeled deviant in one group may be perfectly acceptable behaviors in another. Sociologists often refer to such differences as subcultural differences.

Sometimes members of a social group share a set of values and meanings not shared by the society of which they are a part. This separation creates a subculture. A subculture is a culture within a culture- a collection of norms, values, and beliefs with content distinguishable from those of the dominant culture. This definition implies that members of the subculture participate in and share the larger culture of which the subculture is a part. At the same time, it implies that the subculture observes some norms and meanings peculiar to its members. A subculture need not act in opposition to the larger culture; if it does, the term counterculture supplies a more appropriate meaning (Yinger, 1982).

An example of a counterculture is the world of outlaw motorcycle gangs, whose members refer to themselves as percenters (Barker, 2007). When the American Motorcyclist Association condemned the activities of outlaw bikers, it claimed that these cyclists were only 1 percent of the organized motorcycling population. The Hells Angels and other such groups, such as the Bandidos, Pagans, and Outlaws, adopted the term as a symbol of distinction (Thompson, 1966). These bikers live hedonistic lives and often reinforce their image of themselves as social outcasts by engaging in outrageous behavior for the benefit of onlookers.

From the above analysis, one should be to bring out the norms and the traditional legal systems that are found within the Bansa socio cultural ethnic community. Below we are going to tackle the different traditional and western punishments methods of punishing children respectively.



## **CHAPTER 4**

### **DIFFERENT SYSTEMS OF CHILDREN'S PUNISHMENT IN THE NSOSOCIO-CULTURAL COMMUNITY**

The chapter presents the sociocultural nomination of crimes in Banso community and the different customary and western punishments methods. We can start by remarking that the fact that there were a diversity of informants' occupations lead us a diversity of opinions and ways of seeing the types of punishments and how they are applied in the community. We also noted that children cannot be punished the same as the adults, so the age and the sex of the informant also counted. We start by treating traditional or customary methods of punishments and we divided them under four solutions according to the nature of the crimes committed. Some crimes were tantamount to retribution, others banishment, public disgrace and isolation. After, we treated western methods of punishment which include firing squad and life imprisonment. And the chapter ends with a recap of all the main punishments methods.

#### **4.1. Sociocultural nominations of crimes in Banso**

The concept of crime and punishment has been explored from different perspectives and one of such approach is economics. Becker (1974) investigated the cost of crime with a model that looks at the cost of offenses, arrests and convictions, public expenditures on police and courts, the cost of imprisonment and private expenditures on protection and apprehension. Using mathematical methods of calculations the author concludes that crime and punishment have an economic cost with respect to the various stages of the process. This work is relevant for our research as it gives us the economic dimension of crime and punishment. The anthropological perspective that our study intend to use will add to the knowledge base on crime and punishment.

One can define crime as an act committed in violation of law where the consequences of conviction by a court is punishment especially where the punishment is a serious one such as imprisonment. In Banso punishment depends on the crime committed. As such, we have disobedience, stealing, murder, host and taboo violation, bad company, sexual affairs with the Fon's wife, abortion, killing, rape, suicide, deformation of character, wickedness, and country Sunday, and incest.

In this community, the way people nominate crimes is almost the same. This table below gives information to us about the different nominations which the members of the community Banso give to different sorts of crimes with which they are confronted.

Those traditional appellations as represented below have great cultural impacts for the Banso community. In fact, any community has its own of differences from others, and some are generally based on the cultural spoken language and traditions. We also noticed from the

denominations that there are generally very short in indigenous written language, but their significations have great power in terms of punishment.

**Table 5 : Traditional denominations of some punishment methods in Bansa language**

<b>Indegenous terms of some punishment methods</b>	<b>Explanation</b>
<i>A tiir wien fo vin tati</i> “Prohibit you from junction”	This means to prohibit somebody from appearing in public after committing incest, abortion and sometimes rape.
<i>A yoh diy kpù rin</i> “no mourning of this dead”	There means one should not mourn a person that committed suicide.
<i>Nwinong fer wo fo nsai nso</i> “Nwerong drives you from nsoland“	The nwinong secret society has exiled a culprit for committing murder or having a sexual affair with the Fons wife.
<i>Yen sho’o mow</i>	A special public disgrace that a culprit is made to undergo after committing crime especially stealing
<i>Akerie mo yin tangri</i> “must carry on a sacrifice”	The term means to perform traditional rites for crimes committed
<i>Lahh ki faki</i> “pay fine”	An obligation to pay fines which depend on the nature of the crime
<i>Fasi sum</i> “take a farm”	Confiscate a farm and put on fire for a crime committed
<i>Ntun njoè Fo Konè</i> “dig a whole at corner for fighting”	It means to pay fines for fighting with people who take fighting as a delight and causing disorder during public gatherings. They are punished to pay fines for disturbing public peace.
<i>Yo mvem wir</i> “no respect for elder/ somebody”	The term refers to the clearing and cleaning of the compound. This as a sign of punishment for committing crimes like disobedience, disrespect, and other.
<i>Wiry tyre yi wun un</i> “put tyres on his body”	Mob justice where people put tyres (car tyres) on the body of a thief and burn
<i>frerr è wo fon sai nso</i> “drive you from Nsoland“	Excommunicate a criminate
<i>Djenv shong yi Nyuri</i> “beat – then kill a thief”	Kill a thief by beating
<i>Djev wo wona kiken ki</i> “Beat you with the peace plant”	This referes to beating someone ith a peace plant when he commits a sin or crime

Studying the above table, we see that, the many crimes in Bansa are specific and stratified. Eventhough some of the crimes and their punishment methods no more exist nowadays, we managed to gather the best from our Nso informants. In Bansa, the crimes are

also specified and well described. Looking at the table, we can see that people don't make effort in the language to express crimes in the communities, like to say something about banishing a culprit maybe after committing murder they simply say, *frerr è wo fon sai nso*.

#### 4.1.1. Criminal Behaviour

Criminologists often break down criminal activity into three categories: commonlaw crimes (conventional or street crimes), white-collar crimes, and adolescent violations (delinquency). Common-law crimes include offenses that virtually everyone would regard as criminal, such as murder, rape, robbery, burglary, and assault. Lawyers often refer to these violations as Worst, meaning they are bad in themselves. Societies judged these acts as illicit behavior before any had developed written, state-enacted laws; in those times, formal standards for behavior came only from common law, a term that refers to legal traditions in the form of judges' decisions.

To the Bansa indigene, a crime is defined as “*any act you carry that is against societal norms, that is the laws and rules that govern the community, as long as you do not respect these rules, it means you are committing a crime and you have to account for*”, (Interview realised with informant 11 inKumbo on 19/03/2016).

At some time or another, common law has set standards for a variety of behavior, including recreational activities on the Sabbath, the practice of witchcraft, cigarette smoking, selling of alcoholic beverages, and women's wearing of one-piece bathing suits, among many others. Legal prohibitions of certain other types of behavior come from no such principles in common law. Lawyers refer to these crimes as mala prohibited or bad, simply because the law prohibits them. Most of these acts became offenses as reactions to technological and social changes in society. Many are associated with the automobile, building codes, activities to manufacture and sell impure food and drug products, and sales of fraudulent securities. Sociological analysis must separate conventional crimes from white-collar crimes, perhaps more accurately termed occupational crimes. These crimes were noticed in Kumbo-Bansa even though their punishment methods were administrated differently. A teacher interviewed in Kumbo town clearly stated these punishments amongst others. He said: “*Late coming to school, disobediencies, stealing, murder, abortion, incest, having an affaire with the fon's wife...* ”. It should be rolled that some of these crimes warranted children from the entire village.

#### **4.1.2. Cyber criminality**

Cyber criminality however represents one of the most important forms of crimes nowadays. It is believed that much of our world is dependent on computers. If you find that hard to believe, consider that most readers of this book did not grow up without a computer or access to one. The game world changed with the advent of “Pong” in the 1970s and the job of writing books and papers mechanically became easier with cut, copy, and paste. Early computer applications included word processing and spreadsheet computations but even these relatively simple programs were hindered by the lack of internal memory (random-access memory [RAM]) and limited storage memory (hard drive space). With those problems addressed and with more capacity available at lower prices, computers quickly became the solution to a number of important problems, including tracking a large number of financial transactions, monitoring the use of electricity and natural gas, and even conducting military operations. Of course, once organizations became dependent on computers, individuals and other organizations had an interest in breaking “hacking” into those computers for their own purposes. Having access to school grades, individual bank accounts, and business trade secrets were of interest to those who would use that information for their own gain. Of course, that could be disastrous for the individuals and organizations on which computer dependence has increased.

The military implications of cyberspace attacks are illustrative of the concern over such moves. Like all organizations, the military has become increasingly dependent on computer hardware and software.

Another recent issue has been the use of computers in social networking. The use of Web sites such as MySpace, Facebook, Twitter and WhatsApps increased significantly, from what we can tell. Responding to widespread criticism, Craigslist (website) began to exclude its “exotic services” section or to reduce it by requiring a working phone number from those who wanted to place an ad (Stone, B. 2009). Along with the use of computers, cell phones, too, have been implicated in some instances of crimes, such as the practice of “sexting” among teenagers. Sexting refers to taking risqué pictures including nude photos and sending them to the phones of other people. Depending on the age of the nude or near-nude individual, this practice could constitute child pornography. And while there may be some opinion that mere nudity is not obscene, our informants or the few discussions arrived right on the field, see this as obscene and promiscuous. However, it is interesting to know that this form of criminality was not that frequent in our field, in fact we never came across a situation of cyber

criminals during our study in Bansa. It may be for the fact that  $\frac{3}{4}$  of our participants were children under 18.

#### **4.2. Types of crimes**

Criminologists often break down criminal activity into three categories: commonlaw crimes (conventional or street crimes), white-collar crimes, and adolescent violations (delinquency). Common law crimes include offenses that virtually everyone would regard as criminal, such as murder, rape, robbery, burglary, and assault. Lawyers often refer to these violations as “mala” meaning they are bad in themselves. Societies judged these acts as illicit behavior before any had developed written, state-enacted laws; in those times, formal standards for behavior came only from common law, a term that refers to legal traditions in the form of judges’ decisions.

At some time or another, common law has set standards for a variety of behavior, including recreational activities on the Sabbath, the practice of witchcraft, cigarette smoking, selling of alcoholic beverages, and women’s wearing of one-piece bathing suits, among many others. Legal prohibitions of certain other types of behavior come from no such principles in common law. Lawyers refer to these crimes as ‘mala prohibita’, or bad, simply because the law prohibits them. Most of these acts became offenses as reactions to technological and social changes in society. Many are associated with the automobile, building codes, activities to manufacture and sell impure food and drug products, and sales of fraudulent securities. Sociological analysis must separate conventional crimes from white-collar crimes, perhaps more accurately termed occupational crimes.

Criminal law deals with conventional crimes, but its provisions seldom apply to occupational crimes. These violations include illegal acts by employees and others associated with business organizations, from small firms to leading corporations, along with politicians, government workers, labor union leaders, doctors, and lawyers in connection with their occupations (Geis, 2002). Because criminologists wish to encompass these violations in their studies, many determine crime not only by the standards of the criminal law but in broader terms as any acts punishable by the state through criminal, administrative, or civil penalties. Administrative law gives the state many ways of compelling individuals, business concerns, and labor unions to obey its regulations. It may withdraw the license that confers a doctor’s, lawyer’s, or druggist’s right to practice; it may suspend business by a tavern or restaurant

#### **4.2.1. Classification of Criminals**

The notion of classifying criminals introduces nothing new. In everyday discourse among our two communities, people commonly refer to robbers, burglars, and rapists, as well as other criminals. Such conversation classifies offenders according to the categories of legal offenses that describe their behavior. This classification scheme gives little useful information, however, since individual offenders frequently commit different kinds of crimes, complicating the classification of any one offender. A more useful distinction separates criminal offenders according to a typology based on behavior systems. This method distinguishes among offenders based on the extent to which they pursue long-term careers in crime. The term career may imply a financial occupation, but the term here refers to something else. The notion of a criminal career implies an individual's commitment to crime as a continuing activity. In a sociological sense, career can refer to an action or activity that defines a pattern for an individual.

A criminal career differs from a noncriminal career in the acquisition of criminal norms that lead to criminal acts and the individual's view of the criminal behavior. A criminal career involves a life organization of roles built around criminal activities, such as: Identification with crime; Commitment to crime as a social role and characteristic activity; Progression in crime through development of increasingly complex criminal techniques and increasingly sophisticated criminal attitudes. As offenders identify themselves progressively more completely with crime, they become more committed to criminal careers. As they commit progressively more serious crimes, they develop criminal self-concepts. They also associate more often with other criminals. A career criminal is someone who identifies with crime and has developed a self-concept as a criminal, someone who demonstrates a commitment to criminality through frequent offenses over a period of time, and someone who shows progressive acquisition of criminal skills and attitudes. Over time, such individuals come to organize their life activities and interests around criminal behavior. A noncareer criminal displays no such identification or commitment, has developed no criminal self-concept, and has not progressed in techniques or attitudes. Sociologists can arrange offenders in behavior system types along a continuum from those without criminal careers at one end to career criminals at the other end.

The distinction between career and noncareer offenders does not define a precise separation, but it does capture a major difference between types of offenders. Most people who commit acts of interpersonal violence are noncareer offenders, or primary criminal

deviants; property crimes are more often the work of career criminals, or secondary criminal deviants more with career offenders. At one end, the continuum shows violent offenders and occasional property offenders; at the other end, it collects organized and professional offenders. In between, political offenders, occupational and business violators, and conventional criminal offenders appear (Clinard, Quinney, and Wildeman, 1994), “Quick Summary: A Behavior System Approach to Deviance”.

#### **4.3. Presentation of punishment methods**

Here, it is a matter of bringing to light according to information raised on the ground, the different sanctions envisaged by tradition or by modern law, according to offence. The methods have their roots in the world view of Europeans and is based on a retributive philosophy that is hierarchical, adversarial, punitive, and guided by codified laws and written rules, procedures, and guidelines. The vertical power structure is upward, with decision making limited to a few. The retributive philosophy holds that because the victim has suffered, the criminal should suffer as well. It is premised on the notion that criminals are wicked people who are responsible for their actions and deserve to be punished. Punishment is used to appease the victim, to satisfy society's desire for revenge, and to reconcile the offender to the community by paying a debt to society. It does not offer a reduction in future crime or reparation to victims.

The law is applied through an adversarial system that places two differing parties in the courtroom to determine a defendant's guilt or innocence, or to declare the winner or loser in a civil case. It focuses on one aspect of a problem, the act involved, which is discussed through adversarial fact finding. The court provides the forum for testing the evidence presented from the differing perspectives and objectives of the parties. Interaction between parties is minimized and remains hostile throughout. In criminal cases, punitive sanctions limit accountability of the offender to the state, instead of those that he or she has harmed or to the community.

The majority of American parents discipline their children physically. Over 90% report having used corporal punishment at least once; when asked about recent use, 40% to 70% report having used corporal punishment in a more limited time period (Giles-Sims, Straus; Straus, 2001).



This part below was grouped into four grand punishments methods; Traditional or customary (Retribution, Banishment, Public Disgrace and isolation) and Western (life imprisonment, firing squad just to name these few) methods respectively.

#### **4.3.1. Traditional Methods of punishment**

In Nso community, there are divine criminal laws as well as human criminal ones too. A participant argues that “only the violation of the divine law, which violation is held as “*nso*” could be regarded as a criminal offence, to use western legal term”. Then, there is no profit saying that in criminal law in Bansa, the words “offence” and “crime” are synonymous. Using the term “criminal offence” would amount to one being unnecessarily tautologies. Although in Bansa parlance, crimes are not, as in common law, classified into felonies, or simple offences. Yet some crimes are more serious than others, and which seriousness depends on the legal framework that created the crime. Perhaps, it is because of the divine origin and thus more heinous nature of some misacts that the participant regards them as “criminal offences” in exclusion of others.

But according to Oxford Advanced Learner’s Dictionary 36, a crime is “*an activity that involves breaking of law*”, “*an illegal act or activity that can be punished by law*”, or “*an act that is immoral or a big mistake*”. Certainly, all these shades of meaning coincidentally underscore the Bansa understanding of crime. In Bansa beliefs, a crime is really an act that breaks the law (divine or human) and is punishable by law. And because there is no clear distinction between crime and morals, a criminal act is invariably an immoral act. Therefore, it would be a reduction to restrict the list of “criminal offences” to violations against the divine laws (abominations, taboos amongst others). But on another hand, we seem to agree with Green that there are two main classes of offences, those that are ‘*nso*’ and those that are not. Green refers to the former as taboos and to the latter as natural offences. Therefore, Okafor needs to put his position straight on the issue of what constitutes crime in Bansa justice system. Although under the common law tradition, it is the law that stipulates which act is a crime as distinguished from civil wrongs, and does not bother to give an essential definition of crime, yet in Bansa, enclaved moral violations of divine and human laws are regarded as crimes.

For instance, the act of a cock crowing at an awkward time in the night or a hen crowing like a cock, the act of a woman giving birth to twins, the act of a baby delivered “feet-first” rather than “head-first”, the act of an infant counting the upper teeth first, etc. These are acts

clearly regarded as immoral or criminal without any consideration of the impossibility of criminal liability on the part of the “culprits”. Many of the code items however, are clearly human acts such as murder, incest, suicide, poisoning someone with the intention to take his or her life, willful arson, theft of domestic fowls especially hen or her hatching pot where she can easily be taken along with her eggs, theft of any kind committed by an *ozo* titled man. Furthermore, others like adultery by a wife (not by a husband), secretly altering land boundaries especially during the night, releasing the identity of the masquerade especially if the offender is a woman, a woman breaking confinement by cooking and serving meals during her menstrual period especially if the husband is an *ozo* titled man are worth mentioning. Deliberately killing or eating any totem animal, deliberately cuts the succulent tendrils of yams in another’s farm, a widow having sexual relationships while still in the period of mourning her dead husband, a husband deliberately breaking or throwing away his wife’s utensils, amongst others. It is observed that all the offences in this category are within the control of man as he is free to commit or not to commit them unlike those mentioned earlier which are completely out of human control. Besides, it seems some of the code items are discriminatory when viewed through the western socio-psychology.

#### **4.3.1.1. Retribution**

Retribution which can be seen as the purpose for punishment is actively to injure criminal offenders, ideally in proportion with their injuries to society and to expiate them from guilt. Retribution can also be seen as divine. The traditional Bansa society believe that retribution is supernatural punishment of a person, a group of people or any one by a deity in response to some action be it negative or positive. Generally, they believe that the severity of the punishment is proportionate to the crime. Traditional punishment in Bansa community is carried out in the households and community. Retribution certainly includes elements of deterrence, incapacitation and rehabilitation but it also ensures that the guilty will be punished, the innocent protected and societal balance restored after being disrupted by crime. So therefore, retribution can be seen as the only appropriate moral justification for punishment. In this section, we will see the various punishment methods in the community that are equal to retribution. It should be noted that these methods are not only limited to children but to the community members as a whole. This because most punishment methods are intersectional and the legal Bansa responsibility age is unsettled.

#### **4.3.1.1.1. Rudeness**

Norms are expected behavior in specific situations. Generally, people are taught as small children to follow certain norms of respect. Often called manners or etiquette, such expectations are guidelines to show respect for other people in social situations. Children are often taught to respect parents and other elders, teenagers ought to show respect for adults and teachers, and adults ought to show respect for children and each other. And, this is what happens most of the time for most people. Sometimes, however, this doesn't happen. Consider the following events, all in the month of September 2009: U.S. Representative Joe Wilson of South Carolina shouted out "You lie!" during President Obama's address to a joint session of Congress after the president said that the health bill being debated would not cover the insurance needs of illegal immigrants. Tennis professional Serena Williams loses a match at the U.S. Open and berates a line judge using profanity suggesting that the tennis player might shove a tennis ball down the judge's throat.

Our case in point is in Bansa, our study area. Children are believed to respect their parents and elders as a whole in the society. One informant, a retired teacher on interview told us that:

*... I have never seen a child that as ever -grown from childhood to maturity without be punished to be disciplined, which is not bad but good for the child's up bringing as a responsible and obedient, if a child doesnot respect his parents or elders, he has to be disciplined,so as to implant him with good moral values... (Interview realised with informant 11 in Kumbo on 19/03/2016).*

When a child becomes rude and disobedience, he is supposed to be punished, sanctioned and corrected so that he will know that an elderly person or parent deserves respect.

#### **4.3.1.1.2. Bullying**

Bullying is not a new form of deviance but it has been relatively neglected unfairly until recently by researchers and practitioners alike. A quick search of Amazon.com yields virtually thousands of items when searching for bullying, including some films and television specials, advice from experts for parents and for victims in the workplace, and advice for children who are victimized by bullies. Bullying can occur within virtually any context, such as school, church, home, or workplace. While it is usually defined by example, Olweus's D.(1999) definition describes bullying as intentional, repeated hurtful acts, words, or other behavior, such as name-calling, threatening, and/or shunning committed by one or more

children against another and an imbalance in real or perceived power between the bully and victim.

In some settings, such behavior might be considered minor hazing, but the consequences can be very much the same. In one high school, senior girls would make a “slut list” of incoming freshmen for the first day of school. “*Seniors blow whistles in some girls’ faces and jostle or push them into lockers, leaving them afraid to come to school the next day*” (Kelley, 2009: A12). While this definition seems better suited to school bullying, it does apply to other forms as well, including workplace bullying (Kohut, 2008). A related phenomenon is mobbing. Mobbing is ganging up on an individual by several offenders to force someone out of the workplace through rumors, innuendo, and humiliation (Davenport, Schwartz, and Elliott, 1999).

Some informants especially teachers touched little on bullying. To some, bullying falls under disobedience bully the small ones in school and get hold of their school belongings like pens, books amongst others and even at times their food boxes with food inside. Such behaviours however has been since yesteryears. Teachers and parents just need to control and pay more Attention. According to informants, children who bully others have to be punished severely because a child that has been bullied at school might leave school for good. Informant 34 of Kumbo said:

*Bullying turns to be one of the major crimes in school and at home that warrants severe punishment. I say so because a child that is being bullied in school might lose interest in education and will stay away from school activities and that will be the end. Some children even envisage committing suicide just to run away from their persecutors...* (Interview realised with informant 34 at Kumbo on 17/03/2016).

Workplace bullying can occur in any occupational context and with either gender doing the bullying. A survey by the Workplace Bullying Institute found that while most bullies were men, at least 40 percent of bullies were women (Meece, 2009). And, for most of the women bullies, the victims were most often other women. How common is workplace bullying? The same survey reported that 37 percent of workers have been bullied. Bullying has been a problem for some time, but with more attention on the problem we are becoming more aware of the negative consequences of bullying.

These consequences, experienced by the person being bullied, include psychological and even physical negative effects. Meece (2009) indicates that the physical consequences of bullying include severe anxiety, sleep deprivation, loss of concentration, and stress headaches. Clearly, these are serious health risks from bullying. The consequences of bullying for the

victim can be so serious that victims contemplate and commit suicide. Walker-HooverC., an 11-year-old boy, hanged himself in a stairway in his home after continual bullying at school (Johnson, 2009). Less than 2 weeks later, in another part of the country, Jaheem Herrera, also 11 years old, hanged himself in his bedroom closet after his complaints to school officials about being teased and threatened by classmates were ineffective (Arceneaux, 2009). As bad as workplace bullying is, perhaps bullying in schools is more pervasive. In either setting, of course, the negative consequences are roughly the same. In an early research effort, it was concluded that school bullies have a strong need to dominate others to get their own way, are easily angered, and show little empathy with those they bully (Olweus, 1993).

We were informed that a 10 year old child who was being bullied in school was always sad ill the house and he never attended classes because his bulters were in the same class v/ith them. It is only when the parents discovered their child with wounds on the bod that they discovered thatthey discovered their child was psychologically suffering. The school had to convotce the parents of the bullying elder for the .problem to be solved. Still informant 70 of Kumbo affirmed that:

*... if the parents of the bullied small boy did not take the case to the school authorities, the child would have continued having psychological traumas and one doesnot know the end IV, suits...(Interview realised with informant 34 at Kumbo on 17/03/2016).*

#### **4.3.1.1.3. Disobedience and beating one parent/elders**

When a child disobeys his parents or elders, as we noticed advices are given to the children; public disgrace for the adults judged at the traditional council; fines and charges are to be paid by the culprit depending on the nature of the crime; corporal punishments like fetching of firewood, water, sand and sometimes they are reported to the quarter head.The punishment for beating one's parents or elders is another case that requires retribution. In this case, what is always done is that, there is the call for performing traditional rites because it is looked upon as a very serious offense in the Bansa land to lay hands one's parents.

#### **4.3.1.1.4. Hanging around with bad companies or groups**

This refers to a situation where a child decides to hang around with bad friends hence joining a bad company or even gangs that smoke, disrespect, just to name these few. With our forefathers, they will deny the child from walking, play or even talk with the group so as to avoid a full involvement in their attitudes. At times, they deny the child some basic necessities for some time. Nowadays, following the law, the gang is handled by the forces of law and

order. At times, they take the child to correctional homes or specialized juvenile delinquency schools in prisons.

#### **4.3.1.1.5. Payment of fines incase of suicide**

If a child commits suicide, the family members of are asked to pay an amount of money, goats, fowls and palm wine are paid at the palace. It is the juju of secret society that has to burn the person who died through hanging and even all the other forms of suicide. If he is to be buried, then the jujus still have to do the burial same as any other person too who dies through suicide.

In another hand, one according to informant 18:

*the burial is different from the normal deaths it is some how, not recognised, no coffin, no cry die. At times the corpse is buried in the bush and people are not allowed to go and see the grave.*(Interview realised with informant 18 at Kumbo on 17/03/2016).

So, when somebody has committed suicide, the community buries the culprit without anything, nobody cries and sometimes the culprit is even buried directly at the place he or she died.

#### **4.3.1.1.6. Non par taking in developmental projects and works on the fon's farm**

A child or youth, who does not respect or take his responsibilities as concerns the traditional community work, pays fines for not taking part in developmental projects. If he dies without paying, his family has to pay the fines before he is buried. It should also be noted that, there is an amount to be paid for the culprit to be in good terms with the community. It has always been a tradition that each quarter has its own projects before the general one, and if a person who fails is reported to the quarter head, sanctions and heavy fines have to be paid.

It is a tradition in the Bansa land of keeping aside a day to work on the Fon's farm. When here is failure to work on the Fon's farm, the culprit is punished by paying fines which are called "*kuifon*" and then contributing 5 liters of palm wine. A participant added by saying that:

*After investigations and judgments at the palace, the culprit is levied heavy fines to pay taking into consideration the number of years the land owner has been deprived of the land and the culprit has to pay all of that calculated in monetary terms.* (Interview realized with informant 26 on 02-03-2016 at Nsoh- Bansa).

At times certain items are taken from your compound like your hoes, cutlasses, just to name these few so that you present yourself at the Fan's palace before your charges are presented to you.

#### **4.3.1.1.7. Fines for fighting**

In the Bansa community, when people children and youths fight, they are taken to the traditional council in the palace where thief may pay heavy fines due to the degree of the fight. In the same other of words, mir informant asserted that:

*Fighting makes people pay fine according to the nature. It recures from fowls, palm wine and goats even money fighting can include land disputes where the case are always settled at the fon's palace and the culprit has to pay huge fines. (Interview realized with informant 26 on 02-03-2016 at Nsoh- Bansa).*

#### **4.3.1.1.8. The offence of a wrong oath swearing**

It is equally regarded as an offence to die a "bad death", that is, death resulting from an infectious disease like leprosy, small pox or dying within one year after having sworn to an oath. Being what it may sound, there is no profit saying Iml the list of offences in Bansa traditional ethical code is not exhaustive. Certainly, what uinstitutes offences in traditional Bansa society cannot be restricted to such a short list.

Under this dispensation, the suspect would be required to swear before a powerful chief that he is innocent of the accusation. Hence, it is the accused who initiates the move to prove his innocence. This is the reverse of the common law culture where the onus is on the prosecution to wove beyond the guilt of the accused. It is normally believed that if by the end of the year or two after the oath swearing and no harm befalls the accused, then he would have been acquitted by the supernatural tribune. Otherwise the ancestors would either kill him or inflict some mystical punishment perhaps in form of blindness, small pox, a mass death of lie relations of the accused. At times it goes as far as punishment deferred much later in the acussed life, or even be transferred to his children. An alternative to oath swearing would be to make the suspect drink the water used to bath the diseased in order to prove his innocence and the cffect would be the same as in swearing. The above procedure is the same for other offences «gainst the gods (abominations) such as incest, which is a taboo is defined as having intercourse with a person one cannot marry by reason of their blood relationship. Often, offenders are sold into slavery as they are thought to have polluted the land. Yet another phenomenon associated with violations of the divine laws is "isa asisa" '(confessions

on a dying bed). Practically, the Bansa believe that notorious criminals responsible for the untimely death of other villagers either by poisoning, sorcery, magic or witchcraft must confess their awful crimes at dying beds. The criminal usually dies after the confession directed as it were, to nobody in particular.

Generally, the Bansa believe that divine vengeance is inevitable and great misfortunes are thought to be God-sent punishments. Therefore, if a lightning strikes a man or his house, sudden death, or cases of one dying with a swollen stomach, just to name these few; such situations are regarded as punishment for some hidden crimes committed by the victim. The procedure would be different if the offence is one that is less grievous. Let us take the offence of theft. If a man steals from a kinsman and it is proven, the thief will be sternly warned and rebuked if the stolen property is trifle. If the property involved is of high value, the thief is tied up for days without food and if he was caught red-handed, he is carried around the village especially round the market square with the stolen property conspicuously tied around his neck while passers-by jeer, curse and spit on him. Later, the thief would be expected to make restriction. The punishment will be more severe if the stolen property is symbolic such as yams, hen and so on or if certain persons are the culprits such as titled men, elders, etc.

Furthermore, in the case of violation of laws against interpersonal relation, the procedure involves much of human agents. The injured party may first appeal to the head of the family of the offender or a body of village arbitrators. If this fails to reach an amicable settlement of the issue, the injured party may summon the person, a higher body than the former with close friends of the litigants in attendance. In the events of further failure, other institutions which may be appealed to include the age grade association, the fraternity, various title-taking societies, town union, amongst others. When all these efforts fail, then as a final resort, submission is made to the supernatural tribune in form of oath swearing. Punishments that can be meted in the cases of violation of human positive laws touching the well being of the society including ostracizing, banishment, fines, forfeiture of valuable property, just to name these few.

In a nutshell, as concerns the Bansa culture, punishment which ranges from verbal warning, fines, forfeitures, ostracism, banishment or even death, depending on the seriousness of the offence is multifarious in purpose. Sometimes, it may be for the purpose of giving a fair desert (retribution) to the offender or for the reason of reforming him into becoming a better member of the society. Other reasons may include deterrence on the part of the offender or



other future offenders, reparation as a result of committing the offence and to re-establish the harmony destabilized by the offence, or for the aim of incapacitating or removing the offender from the social group. Again, the Bansa judicial apparatuses involve the roles of human and divine personages. Methods of adjudication, trial by ordeal, and oath swearing are often employed in the findings of guilt.

#### **4.3.1.2. Banishment**

Banishment can be defined as the act of expelling or relegating someone to a country or place by authoritative decree, condemn to exile. In simple terms, the punishment of being sent away from a place especially that place where one holds a lot of esteem. In the Bansa land, impacts of some punishments methods that were used could be seen through excommunicating or banishing you entirely from the Nso land. Children and why not some adults who committed crimes like murder, sex with no convert, witchcraft just to name these few were tantamounted to banishment. These crimes will be analysed below.

##### **4.3.1.2.1. Murder**

In Bansa for example, murder is considered as being one of the most dangerous criminal nets that usually warrant no excuses but severe sanctions because human life is involved. It is believed not only in Bansa, Cameroon, Africa and at large that no one has the right to (like away another's life. That is why the punishment for murder is always rude. Our information Informed us that in the case of murder:

*... severe beatings are inflicted on the culprit which can also lead to his death. If he doesnot die immediately, he is deported from the Nso land by the "Nwefong secret society" that however was in the past because murder cases are becoming rare nowadays, if it does occure, the case is handled by the forces of law and order...(Interview realised with informant 11 in Kumbo on 19/03/2016).*

Technically, a criminal court determines whether a homicide qualifies as murder through a legal process. A related term, manslaughter, refers to accidental killing. This chapter's discussion of criminal homicide covers both murder and nonnegligent homicide, but not justifiable homicide, accidental death, or negligent manslaughter. Another violent crime, aggravated assault, represents an application of physical force with the intent to do severe bodily harm as a way to settle a dispute or argument. Nearly all criminal homicide represents some form of aggravated assault in which the victim dies. Most criminal homicides and assaults grow out of personal disputes and altercations, some resulting from immediate

conflicts and some from long-standing ones. A few of these offenses occur during the commission of other crimes, such as robbery or drug trafficking.

Accordingly, the killer has to be exiled. He is summoned to the palace and in order to start judging him or her, he has to come along with a fowl and palm wine. Formerly the culprit was killed instantly but for some time now, the 'nwerong' that is the village secret society escorts the criminal out of the land, that is, at the borders. In other circumstances, the culprit could also be obliged to pay fines for committing the crime. (*Sung kishév*); performed traditional rites (*Akerie mo yin tangri*); (banned) from public meetings, no association with any person and at times jungled justice was carried upon him, leading to death even though, Nowadays with the westerners, the killer should face the court.

It is said by the Bansa tradition that the killer should be exiled from Bansa land. That is the Nwirong juju will escort the criminal out of the land. There is another punishment of the murder called "eye for eye" in which the culprit has to be killed in return. Formerly either the culprit is killed instantly following Moses' law fondom.

The traditional council members have a law that anybody who comes first takes the matter into his hands. The culprit can also pay heavy fines for the cleansing rites to be occurred that is why our informant 12 assert that: "*the culprit is locked up at the cell and then pay heavy fines for cleansing rites to take place*". (Interview realised with informant 12 on 15/03/16 at Bansa).

The photography below shows money that can be paid for rites. The coins are mostly used in the community for rites.



**Figure 6: Banknotes and coins of Cfa francs**

Source: Jaika (2016)

As seen in the picture above, there are banknotes of 2000, 1000 and 500Cfa francs, coins of 100, 50, 25 and 10 Cfa francs. Most of the time paying fines involves all the types of money because the crime can be higher and the amount to pay climbs also. ShufaiShuWoWiy declared that :

*mob justice before being banished if not killed instantly by the mob justice that was in the past because it is very rare to hear of murder cases nowadays if it does occur the forces of the law and order will be the ones to hand to the situation.*(Interview realised with informant 12 on 15/03/16 at Banso).

Furthermore, this is regarded as a very grievous offence not only against the society but also a violation of divine law. Life is believed to have come from God. Therefore, any shedding of another person's blood under any circumstance is an abomination (*alu*). Even in times of war, those who participated especially who killed in the war are expected to undergo

the ceremony of ritual cleansing (*ikwa alca ochu*). Thus, if a child kills another person, the murderer is expected to hang himself for, according to Okafor, “*there is no provision for the public or private execution of a murderer in Igboland.*” Okafor further describes the nature of penalty against a murderer: The villagers may nonetheless exert serious psychological and social pressure on the murderer but cannot go beyond that. If the murderer has fled, his family must also flee, and their property confiscated. Whenever the murderer is caught, he will be made to hang himself to enable the daughters of the land perform their cleansing rites, *izachapu ntu ochu* (sweeping away the ashes of murder... Failure to perform these rites will lead to far reaching consequences which are dreaded by the villagers. Certainly the case would be different if the murderer is from another village. The scenario is adequately created in Achebe’s *Things Fall Apart*.

We thus see that, punishment is both compensatory and expiatory in nature. This takes care of both the human and divine disharmony created by the offence of murder. In the case of murder, it is sufficient for the murderer to hang himself which has to serve for the purpose of retribution.

It is observed that in the two sets of homicide cases above, expiatory sacrifice to pacify the gods are involved. This is because homicide of any kind is, first and foremost, an offence against the gods. Ordinarily, it is not usual for the Igbo to put a murderer on trial or to punish him himself for he believes that any ease involving a human life is essentially outside human jurisdiction. That is why the murderer in Bansa is expected or pressurized to hang himself. There would be diiieraart if there is material evidence to prrsve the 'sospct'« of crime «pociaJlv in the cases of death by spiritual poisoning or other occultic means.

Just like in the Bamelike land for example, condemning and banishment is a decision reserved only to the chief. This however seems to be one of the most difficult punishment to endure because it sends you completely out of your society. It will be wise to note that banishment in this land now is presented in two forms: the old one and the modern following the status of the guilty person and the crime committed. Looking at the old one, the person banished was sold as a slave, but with the new status, he is driven from the palace and village forever. So therefore, as described by Delarozière, (1950 : 50),

*Le banni assiste à sa ‘mort civile’. Les sociétés dont il faisait partie lui sont fermées, ses cotisations ou ses dons lui sont retournés. Il est déchu de ses titres. (...) ce bannissement n’est pas toujours définitif, mais ceux qui en ont été frappés et dont la vie religieuse et sociale s’est trouvée brusquement stoppée, en restent définitivement marqués et le poids de cette sanction pèse sur leurs descendants.*

When we study keenly, the Bandjoun palace represents a refuge of persons banished from neighboring Bamelike villages of the western part of Cameroon. We were tempted to see this act as a demographic force which represents an element of power and having free labour from these people rejected by their societies or villages. This especially as regards the fact that the person is at the mercy of the chief and villages who welcomed them, so he is obliged to keep good relationships with them. This however is also identified in traditional societies of the northern parts of Cameroon.

#### **4.3.1.2.2. Sex with no consent (rape)**

Rape is that sexual assault involving sexual intercourse or others forms of sexual penetration perpetrated against a person without his or her consent. The act may be carried out by physical force, coercion, abuse of authority or against a person who is incapable of giving valid consent, such as one who is unconscious, incapacitated, has an intellectual disability or is below the legal age of consent. In the case of the Kumbo community, the rapist is prohibited from appearing in public places. He has to pay all the hospital bills of his victim and is isolated as people are not willing to associate with such a person. Our informant expresses:

*the culprit is first of all asked to pay all the hospital bills and any health complication of the victim as a result of the rape and he is banned from taking part in any public ceremony.* {Interview realised with informant 12 on 13-03-2016 at Bansa).

In other words, this means the culprit can have extreme punishment like being "banned from Nlanding in public or being invited in public ceremonies. For this crime the punishment symbol is I'cspect. Doing the punishment by the culprit lead him or her to give respect to human being and to be conscious.

Futhermore, the Bansa community considers rape as a very serious offense. A participant said that:

*Any man who does this, despite the beating and charges levied on him to pay, the quarter and the entire Bansa fonfom are closely watching him.* (Interview realised with informant 22 on 29-02-2016 at Bansa).

If he is caught in any other crime apart from rape, he will eventually be beaten to death. At times the rapist can be injected with any poisonous chemical since he is being considered a threat to the whole quarter and Fondom. This small or little crimes as he sees it, can bring him hatred from everywhere, and at this point, the quarter head has to decide either to levy fines or forward the case to the forces of law and order.

When it comes to rapping of a princess of the palace, notables of the community will march the road junction, pour wood ash on the culprit and shoot him with some seeds in the form of Ion egg (menamushi), and the culprit is banished from the Banso Fandom.

#### **4.3.1.2.3. Punishment by the ‘nwerong’ for witchcraft**

Witchcraft practices are rarely seen by the eyes of normal people. It is believed in banso that a child who practice itcraft most have inherited it from the parents or from ancestors. So the traditional priest and guardians of the tradition of the Nso land are there to see when a child has done something wrong on that way. Any child who carries out acts either in public or secretly shall be asked to first of confess in public one day and then charged to pay fines and refund replace all the things he/she destroyed through wickedness or jealousy. That is the reason why informant 50 said:

*Any child caught practicing witchcraft is excommunicated by the Nwirong and Ngiri secret societies. These jujus can easily detect without fault any person involved in the witchcraft practices.*(Interview realized with informant 12 on 10-03-2016at ntoh-Nso (Banso)).

In this community, once a child is accused of practicing witchcraft, he or she is immediately banished from the land by the ‘nwerong’, that is, one of the many secret societies. Today, proofs have to be brought out to show that the child is a witch. At times when ample proofs are not shown, the matter can be taken forward to the State Council.

Contrary to the Bakweri people of the South West Region of Cameroon, when a child was suspected of practicing witchcraft, the chief and his councilors sent for the witch or wizard in the chief’s palace. After being judged and found guilty, the witch was punished accordingly. The judgment was usually done with a medicinal plant. This plant called ‘saasoow’ as is the name was a fruit that the witch had to chew very well and swallow. If after eating the medicinal fruit, he vomited it out, it meant, he was not guilty. But if it was the contrary, that is, he did not vomit it out, then he was supposed to be punished. The villagers then gathered and stoned the witch to death still with this medicinal plant. It is said that he had to be buried the same day and he had no privileged to a coffin or any burial ceremony. Some traditional rites were carried out in order to cleanse the land from other witches or wizards. The community disrespected your family and could even stay away from your people. Sometimes, the market women could even refuse to sell to them for fear of being be-witched. It is said that nowadays, they do not kill any witch again for fear of being taken to court and

judged for premeditated murder. What the chief does is to exile you from the village and if you happen to die while on exile, your corpse does not come back for burial. Your family can travel to bury you somewhere else provided it's very far from Bakweri land.

Just like the Mofous as in many parts of Cameroon, witchcraft, murder and incest were rewarded with the death sentence though it is not still the case today because murder be it meditated or accidental is considered a serious crime nowadays. Incest was looked upon as breaking a sacred law and this ruptured the links between the clans in an irreversible manner; and the only solution envisaged here was execution. Nowadays however, execution is no longer being practiced or in a strictly secret manner, all these thanks to the coming of imprisonment and the penitentiary system as a whole.

#### **4.3.1.2.4. Complete exile-sexual affairs with Fon's wife**

From information gathered from the field, any child or adolescent caught having any sexual affairs with the Fon's wife or wives, was more than enough to be exiled completely from the Nso land. Formerly any person who did so was expelled from the entire Bansa land by a juju or secret society called "nwirong"; It should be noted here that, before this he was given some snake beatings that could even lead to his death. The Fon's wife who committed the act with the man is not beaten but banished. They generally gave the culprit a tall Bamboo and was escorted by the Nwirong secret society (juju) out of the river Bire (Bui). This means women are immediately punished when they do it in their marital home. But to have a sexual intercourse with a fon's wife is a scandal. Our informant says:

*Have a sexual situation with the fon's wife the culprit is given snake beatings and maybe killed if he is not killed the nwirong society will take a long bamboo and escort the culprit out of nso land ;after crossing the River Bui they will give the culprit the long bamboo meaning he should never set his legs on the nso land either alive or dead The Fon's wife on her part is not beaten but banished as well.(Interview realized with informant 15 on 19-03-2016at "Ntoh-Nso"-Kumbo*

In other words the punishment is capital and extreme for the culprit who in this case is a considered a man. There is a secret society called Nwirong which is involved in this punishment because it is a crime done by a person from the palace. Informant 18 says:

*Have sexual affair with the fon's wife: the culprit is bitterly beaten to death by the 'Nwirong' (secret society). If the culprit does not die there he is deported out of Nso land never to come back again dead or alive. The fon's wife who committed the act with the man is not beaten but deported out of the land for the rest of her life.(Interview realized with informant 16 on 20-03-2016at ntoh-Nso).*

This means the culprit cannot stay in the same village with the fon he humiliated. Banishing the culprit from the entire Nso land stops other people to try it again for the fon's wife. To Give snake beating is killing the man photo snake this punishment is symbol of the authority. The traditional council does it to show the power of the fon in the village. It means no one should bring down his image. In the same other of words informant 18 reveals:

*Some 40 years ago I personally witnessed two cases of banishment. One for the murder and the other was a man who was caught in a love affair with the fon's wife. Now, we usually hear of stealing cases, abortion, disrespect, land problems and violation of taboos.*(Interview realized with informant 16 on 20-03-2016at ntoh-Nso, Bansa).

To explain this, the punishmentof banishing culprits from the nso land has made the crimeof adulterywith the fon's wife to disappear and people do not even try it again.

One of our participants, member of the traditional council referred to this situation as; “*Nwinong fer wo fo nsai nso*”, meaning thatthe “nwinong” secret society has exiled a culprit for committing murder or having a sexual affair with the Fons wife.(Interview realized with informant 30 on 15-3-2016 at Tabah).

Just like the Bassas of the Littoral Région,adultery with the Chief's wife was a big crime which was tantamounted to heavy punishment. It was not an easy act that occurred on frequent basis but it was punished accordingly. When a man was caught red handedly, he was taken to the chief's palace where 9 ‘*mbombocks*’ (village leaders with supernatural powers) concerted and after the concertation drove you out of the palace to your father's compound. It is believed that these ‘*mbombocks*’ had supernatural powers for protection and sorcery, and that they watched over the entire village at night. The chief's wife on the other hand was killed since they believed that it was with her consent. The man was fined later on and when he came with the items being asked, he was asked to stay alone for the next two years. Nobody was authorized to pay him a visit and vice versa. In some cases, those who could not bear it left the village completely. If you died while outside of the village, your lifeless body was brought back for burial in the village. The treatment reserved for strangers who committed adultery with a Bassa village man's wife, stood the risk of being beheaded by the chief.

#### **4.3.1.3. Public Disgrace**

Public disgrace can be seen as the loss of respect, honour, or esteem which brings shame, dishonour, reproach; degradation or simply the state of being out of favour, out of trust or confidence. Public disgraces are sometimes associated to scandals, stigma,



condemnation, contempt, disrespect and disapproval. According to the Bansa people, a child who is termed as a criminal is that one who violates laws and societal norms. These kinds of violations, usually called hite-collar or corporate crimes, prominently affects the everyday behaviour of certain children and groups and they bring serious impacts. That is why they believe a good punishment should be inflicted on him so that he will not be able to commit crimes again. And if this has to come through the fact that he has to be disgraced publicly so as correct and have a good citizen in the near future, then no problem. Some of the crimes that were punishable through disgrace were; violation of taboos, deforming one's character and abortion amongst others as are treated below.

#### **4.3.1.3.1. Deformation of one's character**

The culprit who goes about deforming people's characters is banned from public manifestations because he can continue doing so hence will one day betray the whole community. And the, he must pay heavy fines at the palace when reported to the traditional council.

Any person who carries out acts either in public or secretly shall be asked to first of all confess in public one day and then charged to pay fines and refund or replace all the things he or she destroyed through his wicked acts or jealousy.

#### **4.3.1.3.2. "A tiir wounfo vin tati" in case incest/and violation of taboos**

Incest here is referred to having sexual relationship with a sister, a cousin, brother or any member of the same family. After committing incest, the persons involved are prohibited from appearing in public. Cleansing is performed and the culprits are asked to make love in public in the 'Big compound' for last time in order to have a good separation.

Traditionally, anyone who violates traditional laws is bound to suffer from mystical attacks such as ill luck, strange illnesses and other misfortunes. The phenomenon of "Country Sunday", (days -kept aside for no work) is very important in Bansa culture and has to be taken in consideration by all the members of the community, without exception. Violating laws like going to the farm on 'Country Sundays' an injunction order is put in your farm and until this order is taken away, you cannot farm even if you have paid a fine at the palace. It should be noted that, after paying this fine, a purification rite has to be performed before you can farm again. The day that the injunction order has to be removed the culprit has -to provide food and drinks as form of punishments for violating traditional laws. When we have

a situation of violation of traditional gathering, the injunction order, they can be cessation of the farmland or portion owned by the culprit at some cases. It is applicable to both men and women who violate the law. However, the Western culture has got nothing to do, about that.

When we talk of taboo for example, we refer to a situation when you intentionally see a particular “juju” or masquerade which is not supposed to be seen at some particular time or by some particular people or even by the female gender. When this occurs, the person responsible of the act is obliged to pay fines and then some cleansing rituals are performed. After paying these lines he is also obliged to furnish fowls, goats and palm wine for initiation for he is likely to become a member of that juju or secret society.

If pregnant young girl for example abuse a juju, it is believed that, they will give birth to babies with malformations of some parts of their bodies. The culprit is also given some manual liibour when she disrespects, carry sand or a portion of land is given to the culprit to clear and any other form of punishment leading to fines that are supposed to be paid.

#### **4.3.1.3.3. Depositing a dead foetus besides the culpit in case of abortion**

Abortion is the ending of pregnancy by removing the festus or embryo before it can survive outside the uterus. An abortion that occurs spontaneously is also known as miscarriage. An abortion may be caused by purposely and is then called induced abortion, or less frequently called induced miscarriage. The Cameroon penal Code stipulates that:

*Est puni d'un emprisonnement de quinze (15) jours à un (01) an et d'une amende de cinq mille (5.000) à deux cent mille (200.000) francs ou de l'une de ces deux peines seulement, la femme qui se procure l'avortement à elle-même ou qui y consent.*

The traditional council sees it as killing or premeditated murder. That is why the culprit is judged by the traditional council and punished accordingly. At times, for the sake of keeping the culprit in the communities, there are cleansing rituals that have to be performed. At times for rape, it's summoned to prohibition from appearing in public places. The western system has its own punishment following laws and regulations stipulated for such acts.

In the Nso land, abortion is formerly taking as a murder. When a person commit abortion, the traditional council would say the girl in question has killed but today everything is being reformed to pay fines for ritual performances to take place and cleanse the land. What symbolises this punishments here is cleansing and all the object and elements that are used for cleansing.

Amongst those elements we have water, salt, peace tree, animals which are used for sacrifices (goats, fowls...) Ect.

*... Abortion is considered a modern phenomenon because in the past there was nothing like abortion as most girls were getting married before being engaged in sexual intercourse. The traditional council can punish culprits by ablating them to perform some cleansing rituals.*



**Figure 7: Peace plant in a farm**

Source: Jaika (2016)

The figure above shows the peace tree. This element for punishment symbolizes peace and calm. It is used in the rituals to bring peace in the heart of the culprit, for her family and for the entire community.

#### **4.3.1.3.4. Applying of egg yoke on feet of the criminal (drug addiction)**

Criminal behavior is deviant behavior. A crime results from an act that violates a law, which is a particular kind of norm. Actually, one may examine a crime in two ways: as a violation of the criminal law or as a violation of any law that triggers punishment by the state. Sociologists regard crime as any act considered to cause socially injurious effects and subject

to punishment by the state, regardless of the type of punishment. Certainly, behavior that violates a specific criminal statute, such as legislative prohibitions against robbery or fraud, fits the criteria for crime and merits study as such. But the broader, sociological conception of crime expands the topic to study violations of other bodies of law as well. These additional categories include regulatory law created by agencies of the federal government, such as the Federal Trade Commission (FTC), Securities and Exchange Commission (SEC), and Occupational Safety and Health Administration (OSHA). These kinds of violations, usually called white-collar or corporate crimes, prominently affect the everyday behavior of certain individuals and groups, and they bring serious social impacts.

*... children should be punished when they do wrong or commit crimes. By so doing they will not only learn how to read and write but will learn some morals lessons so as to live and integrate in a group or culture...*

A person involved in drug addiction is given what they call "Feka" which is like a modern egg yoke applied on feet of the criminal which will make him immobile for some time. It is believed that through his immobile nature, he will not be able to go where he usually takes the drug.

#### **4.3.1.3.5. Stealing**

Stealing is taking someone's thing without permission. The Bansa community has her way of punishing such crime. An informant says:

*Stealing leads to public disgrace, naked kneels down on shelves of kennels and well tortured also have a levy. The levies are part either by friends, relatives before the culprit is released from the nopes tied round his/her arms.(Interview realized with informant 11 on 7-03-2016 at Bansa).*

This means the neighborhood is involved in the punishment to give shame to the culprit. Informant 09 confirms by saying that:

*They tie the thief under a big tree at the road junction for the quarter in which the act was committed. Severe beatings follow at times if the forces of law and order don't come fast, the culprit can be killed only through beatings. After being judged at the traditional council, the culprit asked to sign an undertaking that he/she will pay all the missing items in the victim's compound or farm within that moment that the incident took place.(Interview realized with informant 11 on 7-03-2016 at Bansa).*

In case of stealing, the traditional council will critically look at the situation before deciding on the type of punishment. The result can be beatings, condemning to death or snake beating and at times angry people will cut off one of the fingers of the culprit. At times, the culprit has to pay fines including all the stolen items in the victim's compound. "sho'o mow"

is the indigenous term use to declare a thief punished in Banso community; that means “*public disgrace*”.

Stealing from an outsider is even much more serious for the thief is detained until a substantial ransom is paid by his relatives apart from which in the former times, the culprit would be sold into slavery. In the case of suspicion, an appeal to the supernatural is made by which an oath is administered, for false accusation is equally grave and avoided.

Just like is Banso, stealing in Bafia was punished publicly which brought disgrace. However, a widely used act of disclosing guiltiness is that of a famous poisonous tree. The Betis called it ‘*alan*’ and ‘*mbundu*’ as seen in some villages in Gabon, ‘*elon*’ with the Bulus and ‘*kiton*’ in Bafia. In Bafia, the tree that generally serves as a poisonous tree is called ‘*kiton*’. The act consists of unmasking a criminal. The supposed criminal or accused person is called upon to cut a piece of the tree ‘*kiton*’ with a knife or any other shape objects that he puts it on the ground. If the inner part of the piece of ‘*kiton*’ is looking downwards, this signifies innocence. If the contrary, it means the guilt of the person is established. Another way was forcing the supposed criminal to eat raw yams with palm oil accompanied with a good quantity of water. Those who rejected the yams consumed by vomiting were considered as being innocent but the contrary were declared guilty.

#### **4.3.1.4. Isolation**

Isolation can be seen as the state of being in a place or situation that is separated from others, in other words, the condition of being isolated. This may result from being physically separated from others. Our concern of concern here regards isolation as a result from being emotionally removed from a community which can henceforth lead to loneliness. In this section, we sort to looking at another type of punishment at the traditional eyes of the Banso people which is isolation. We are going to look at the different types of crimes that are tantamount to isolation of an offender with the Banso indigenes. These will be analysed below.

##### **4.3.1.4.1. Case of adultery by a wife or adulterous acts**

Adultery is extramarital sex that is considered objectionable on social, religious, moral or legal grounds. Though what sexual activities constitute adultery varies, as well as social, religious and legal consequences, the concept exists in many cultures and is similar in Islam, Christianity and Judaism. One informant said:

*Adultery is punished by beatings and banned from public gathering. If a married woman commits adultery in her husband’s house. The husband and his children will*

*abandon the woman alone in the house.* (Interview realized with informant 15 on 19-03-2016 at ntoh-Nso (Banso)).

A single act of sexual intercourse is generally sufficient to constitute adultery and more long-term sexual relationship is sometimes referred to as an affair. In the Banso land, there are punishment due to the kind of people committing the crimes.

Some countries or jurisdictions differentiate between rape and sexual assault by defining as involving penile penetration of vagina, or solely penetration involving the penis while other types of non-consensual sexual activities are called assault. Some churches have interpretive adultery to include all sexual relationship outside of marriage, regardless of the marital status of participants. In the Banso community what symbolizes this punishment method is fines that are given by the culprit. This is why one informant confirmed that: “*when somebody commits Abuse and adultery he or she pays fines at the palace*”. (Interview realised with Informant 20 on 7-03-2016 at Banso).

Another informant declared that:

*it is for the quarter head has to decide either to levy fines or forward the case to the forces of law and order. In case of the rape of a princess of the palace notables of the community will take to the road junction pour wood ash on you and shoot you with some seeds in the form of garden egg (menamushi) and you are banished from the Banso fondom.*” (Interview realised with Informant 14 on 7-03-2016 at Banso).

Just like with the Bassas of the Littoral Region, isolation was the punishment giving to a person who doesnot respect of traditional values and was looked at as a serious crime. If you fell amongst these people who breached traditional laws, you were isolated for seven years with no visits. Anybody who paid you a visit was to pay a heavy fine. To them, this punishment was very satisfactory because the villagers could respect their code of conduct. However, the way things happen these days is a bit different from the past. When you are caught fadultering with the Fon’s wife, you are ex-communicated from the village which is not as painful as killing. Today, much attention is being paid on witchcraft by the ‘*mbombocks*’ before you are being taken to court. This always occurs after the villagers have given you severe beating, that is, fifty weeps on the buttocks publicly. These ‘*mbombocks*’ however admitted that despite the fact that their old methods were brutal, they were effective.

Similarly to the Falis, are the Dabas of Guider who keep on with sacrifices and are prisoners to their tradition with their religious heart called ‘*mâgarma* or *mangarama*’. Here is the village head ‘*bai*’ who solves small intra-village conflicts and also cases of adultery. They

practice traditional rites to detect criminal and guilty acts. In the case of adultery for example, Troumba in his memoir (1997), says that the 'bai' pronounces the divorce sentence if only the guilty person is able to reimburse the dowry and then get married to the lover; but if the contrary, the wife goes back to the marital home. It is important to note that if the woman was seduced by a man of another village, the case is taken to the 'mâgarma' and in this situation, the whole village is concerned, and the solution usually comes through war.

#### **4.4. Western Methods of punishment**

Criminal law deals with conventional crimes, but its provisions seldom apply to occupational crimes. These violations include illegal acts by employees and others associated with business organizations, from small firms to leading corporations, along with politicians, government workers, labor union leaders, doctors, and lawyers in connection with their occupations (Geis, 2002). Because criminologists wish to encompass these violations in their studies, many determine crime not only by the standards of the criminal law but in broader terms as any acts punishable by the state through criminal, administrative, or civil penalties. Administrative law gives the state many ways of compelling individuals, business concerns, and labor unions to obey its regulations. It may withdraw the license that confers a doctor's, lawyer's, or druggist's right to practice; it may suspend business by a tavern or restaurant.

The notion of classifying criminals introduces nothing new. In everyday discourse, people commonly refer to robbers, burglars, and rapists, as well as other criminals. Such conversation classifies offenders according to the categories of legal offenses that describe their behavior. This classification scheme gives little useful information, however, since individual offenders frequently commit different kinds of crimes, complicating the classification of any one offender. A more useful distinction separates criminal offenders according to a typology based on behavior systems. This method distinguishes among offenders based on the extent to which they pursue long-term careers in crime. The term career may imply a financial occupation, but the term here refers to something else. The notion of a criminal career implies an individual's commitment to crime as a continuing activity. In a sociological sense, career can refer to an action or activity that defines a pattern for an individual.

A criminal career differs from a noncriminal career in the acquisition of criminal norms that lead to criminal acts and the individual's view of the criminal behavior. A criminal career involves a life organization of roles built around criminal activities, such as: Identification

with crime; Commitment to crime as a social role and characteristic activity; Progression in crime through development of increasingly complex criminal techniques and increasingly sophisticated criminal attitudes.

As offenders identify themselves progressively more completely with crime, they become more committed to criminal careers. As they commit progressively more serious crimes, they develop criminal self-concepts. They also associate more often with other criminals. A career criminal is someone who identifies with crime and has developed a self-concept as a criminal, someone who demonstrates a commitment to criminality through frequent offenses over a period of time, and someone who shows progressive acquisition of criminal skills and attitudes. Over time, such individuals come to organize their life activities and interests around criminal behavior. A noncareer criminal displays no such identification or commitment, has developed no criminal self-concept, and has not progressed in techniques or attitudes. Sociologists can arrange offenders in behavior system types along a continuum from those without criminal careers at one end to career criminals at the other end.

The distinction between career and noncareer offenders does not define a precise separation, but it does capture a major difference between types of offenders. Most people who commit acts of interpersonal violence are noncareer offenders, or primary criminal deviants; property crimes are more often the work of career criminals, or secondary criminal deviants more with career offenders. At one end, the continuum shows violent offenders and occasional property offenders; at the other end, it collects organized and professional offenders. In between, political offenders, occupational and business violators, and conventional criminal offenders appear (Clinard, Quinney, and Wildeman, 1994) “Quick Summary:

#### **4.4.1. Capital punishment**

Capital punishment has been classified as having horrifying methods from around the world, may be because of their cruel nature or because its been years that some or these type of methods are not still in use. So far we were not able to register these horrifying capital punishment methods in our study area. In Texas for example, they prefer the electric chair, but around the world and throughout history, there have been many awful, horrendous methods of killing criminals, enemies, or undesirables. Some methods are now banned, but to this day, people continue to sentence other people to death. AndWikipedia has lots of gory specifics.



#### **4.4.1.1. Slow slicing and sawing**

A form of torture and execution used in China from roughly AD 900 until it was banned in 1905. In this form of execution, the condemned person was killed by using a knife to methodically remove portions of the body over an extended period of time. But in our present Bansa society, we did not come across this method of punishment. This was civilized torture and execution. Recipients of the slow slicing were sometimes given opium as an act of mercy, or to prevent them from fainting. Turns out getting your body lopped off bit by bit with a knife can overwhelm a person. While discoursing with our informants on the field, they saw this type of punishment as being tantamount to killing with no pity.

Different methods of death by sawing have been recorded. In cases related to the Roman Emperor Caligula, the sawing is said to be through the middle. In the cases of Morocco, it is stated that the sawing was lengthwise, both from the ground and upwards, and from the skull and downwards. In only one case, in the story about Simon the Zealot, the person is explicitly described as being hung upside-down and dawn apart vertically through the middle, starting at the groin, with no mention of fastening or support boards around the person, in the manner depicted in illustrations. In other cases where details about the method, beyond the mere sawing act, are explicitly supplied, the condemned person was apparently fastened to either one or two boards prior to sawing.

#### **4.4.1.2. Execution by electrocution**

This is performed using an electric chair, is a method of execution originating in the United States in which the condemned person is strapped to a specially built wooden chair and electrocuted through electrodes fastened on the head and leg. This execution method, conceived in 1881 by a Buffalo, New York, dentist named Alfred P. Southwick, was developed throughout the 1880s as a humane alternative to hanging and first used in 1890. This execution method has been used in the United States and, for a period of several decades, in the Philippines (its first use there in 1924, last in 1976). This one method of punishment too has never been used in our study area.

In the prison, there were punishments like hanging and execution by electrocution. Hanging is the suspension of a person by a noose or ligature around the neck. The Oxford English Dictionary states that hanging in this sense is "*specifically to put to death by suspension by the neck*", though it formerly also referred to crucifixion and death by impalement in which the body would remain "*hanging*". Hanging has been a common method

of capital punishment since medieval times, and is the official execution method in numerous countries and regions. The first account of execution by hanging was in Homer's *Odyssey*. Hanging is also a common method of suicide in which a person applies a ligature to the neck and brings about unconsciousness and then death by suspension. Partial suspension or partial weight-bearing on the ligature is sometimes used, particularly in prisons, mental hospitals or other institutions, where full suspension support is difficult to devise, because high ligature points (e.g., hooks or pipes) have been removed.

In Bango for example, this was considered as suicide. That is, there were cases where individuals or where children were pushed to the world either by some other children ignorant of the consequences. This however has to call for psychological and social activists for counselling.

#### **4.4.1.3. Suffocation in ash**

An execution method where a tower or room was filled with ash, into which the condemned person was plunged. Wheels were constantly turned while he was alive, making the ash whirl about, and the person died by gradual suffocation as he inhaled the ash. This is a pretty creative way to murder a person. This however has never been practise amongst the Bango people.

#### **4.4.1.4. Decapitation**

Decapitation in Japan for example was a common punishment, sometimes for minor offences. Samurai were often allowed to decapitate soldiers who had fled from battle, as it was considered cowardly. Decapitation was historically performed as the second step in *seppuku* (ritual suicide by disembowelment). After the victim had sliced his own abdomen open, another warrior would strike his head off from behind with a katana to hasten death and to reduce the suffering. The blow was expected to be precise enough to leave intact a small strip of skin at the front of the neck—to spare invited and honored guests the indelicacy of witnessing a severed head rolling about, or towards them; such an event would have been considered inelegant and in bad taste. As we earlier mentioned above, western methods of punishment relayed on capital punishment which was termed horrified.

#### **4.4.1.5. Stoning**

Stoning people to death continues to occur in many countries around the world, whether officially sanctioned or not. The following are two excerpts from the Iran penal code for

stoning adulterers: Article 102 – An adulterous man shall be buried in a ditch up to near his waist and an adulterous woman up to near her chest and then stoned to death. Article 104 – The size of the stone used in stoning shall not be too large to kill the convict by one or two throws and at the same time shall not be too small to be called a stone. Information gathered from our informants, the using of stoning as a punishment method was employed when it came to adultery.

#### **4.4.1.6. Dismemberment**

There have been many methods of removing limbs from prisoners as a form of capital punishment, but what follows is a Persian method from the 19th century called *shekkeh*, described by Robert Binning: the criminal is hung up by the heels, head downwards, from a ladder or between two posts, and the executioner hacks away with a sword, until the body is bisected lengthways, terminating at the head. The two several halves are then suspended on a camel, and paraded through the streets, for the edification of all beholders. When the *shekkeh* is to be inflicted in a merciful manner, the culprit's head is struck off, previous to bisecting the trunk. This however has not been experienced in Bansa.

#### **4.4.1.7. Crushing**

This form of execution, no longer sanctioned by any governing body, has occurred via various methods throughout history. It was used as a method of forcing a plea bargain in court by placing increasingly heavier stones on a person's chest — in French, *peine forte et dure* (“hard and forceful punishment”). It was also commonly carried out via elephants in South and South-East Asia for over 4,000 years. The only recorded American instance of the stone method occurred during the Salem witch trials: Giles Corey [...] was pressed to death on September 19, 1692, during the Salem witch trials, after he refused to enter a plea in the judicial proceeding. According to legend, his last words as he was being crushed were “More weight”, and he was thought to be dead as the weight was applied. Despite the fact that it was never witnessed in our study area, it still remains a western method of punishment.

#### **4.4.2. Imprisonment as a method of punishment**

Each society has established methods of punishment with respects to the crimes committed and other influential variables. However, the ethics and efficacy of punishment

methods have not gone unnoticed. This was the interest of Lovett et al. (2008) who conducted a survey on members of the Association for Behavior Analysis on the views on the efficacy and effectiveness of punishment as interventions. The responses of members were varied and diverse although their attitudes towards punishment converged in some aspects (Lovett et al., 2008). This study is relevant for the proposed area of research given we gain insights on people's attitudes towards punishment methods and their impact.

However, industrialization has spectacularly demonstrated the value of labour and the folly of its waste. Since the penalties of death and mutilation destroy this value, sound public opinion has supported their replacement with imprisonment, which makes possible the conservation of man's labour and its utilization for the service of the state. Finally, the stabilization of social life and the concentration of great units of population in urban centres have not only provided enough manpower to make the building of large prisons feasible, but also, with the accompanying decline in the infliction of capital and corporal punishments, the construction of such institutions to accommodate the increasing number of prisoners has been of immense necessity.

The control of behaviours within African communities was a reality prior to the advent of Europeans, colonization and prisons. Still based on our secondary data, Wolff N., (2005), in his work studied community re-integration of prisoners with mental illness. He considers this as a social investment perspective, where he feels that responding effectively and efficiently to the needs of persons with mental illness returning to the community from prison requires identifying their needs and differences. This while placing their difficulties upon return and targeting re-integration investments to reflect these differences. We equally share this idea and so his work is of great importance to us since it deals with the return to normal life after prison. This work as well as the others reviewed constitutes important sources of inspiration for the study we are carrying out.

It should be recalled that before, the penitentiary administration aimed more to punish rather than to reform the prisoner. The Cameroon penitentiary system is today headed by the Ministry of Justice. Accordingly, the country's penitentiary system has three types of prisons namely; Central prisons (10), Principal prisons (38) and Secondary prisons (22) respectively.

It should be noted that four other prisons have been created in Yaounde, Banguem, Foundong and Moulvoudaye but are not yet functional. But if we follow their activities, they are categorised under four groups; that is; Oriented and selection planted in chief towns of provinces; Relegation centres reserved for persons who execute relegated punishment or very

disciplinary persons (Tchollire II, Mantoum and Yoko); Rehabilitation centres destined for the theoretical formation of minors placed on re-education. This type is found in Cameroon like the Burstall Institute of Buea which is under the Ministry of Social Affairs and finally; Special prisons reserved for women and minors like the “Prison Spécial de Mfou” which was initially reserved only for women.

#### **4.4.2.1. Assault and murder**

Results from the most recent National Crime Victimization Survey conducted in 2008 and released in September 2009 point to a continuing drop in crime, including violent crime (Rand, 2009). The rate of violent crime has dropped 41 percent from that in 1999. Property crime declined 32 percent over the same time period. In spite of the drop, the fear of crime continuously clouds life in the United States, and most of this concern reflects anxiety about violent crime. In every violent, personal crime, the offender tries to accomplish some objective through violence. Common objectives involve closing an argument, winning a personal dispute, or forcing sexual intercourse on an unwilling partner. Offenders generally do not pursue criminal careers in such crimes. In fact, most murderers and assaulters do not conceive of themselves as criminals.

They seldom identify with criminal motives and acts, and criminal behavior, as such, plays no meaningful part in their lives. Most murderers do not progressively acquire new criminal techniques or attitudes. As later discussion will explain, murderers have very low recidivism rates (the rate of repeating crimes) compared with the rates of some other types of offenders. The word homicide means to cause a person’s death. Homicides can be either criminal (unlawful) or noncriminal acts (court-authorized executions or accidents). For the purposes of this chapter, murder means a criminal homicide, a killing without legal excuse.

Society never learns about every crime committed, if only because victims and witnesses do not report some crimes to the police. Therefore, researchers have developed techniques other than reviewing official statistics to estimate crime. Methods include surveys that ask respondents whether they have committed crimes known to the police.

#### **4.4.2.2. Ritualistic cases as regards prisons**

When an individual has done something wrong in the society, they leave him into the hands of the force of law and order. Usually the person is brought to the prison and is given a room to stay. In prisons, punishments are made due to the manners of prisoners. Someone can enter the prison for stealing and still take something there without taking permission which

means stealing something again. There are many ways of punishing the culprit. For example, in the Kondengui Central Prison of Yaounde, there exist a small prison where they isolate the culprit and there are more corporal punishments done on him or her.

#### **4.5. Deviance as social creation**

Deviance is often a socially created condition. Society defines an act as deviant through a political process that exerts power within some symbolic and moral context (Ben-Yahuda, 1990). When groups perceive threats to their interests from certain acts or conditions, they may attempt to promote those interests by persuading others of the legitimacy of their priorities. In this way, successful social promotion creates and maintains attention for some social issues. Such processes create criteria for a number of forms of deviance, including homosexuality, drunk driving, and use of certain drugs.

Trebach (1987), for example, relates public attitudes about cocaine to social events, including the deaths of two well-known athletes in 1986, specific television specials about crack and other drugs, and calls by political leaders for a “war on drugs” that would include drug testing and harsher legal penalties. Orcutt and Turner (1993) report on a resulting media “feeding frenzy” in 1986 characterized by attempts to document a serious cocaine problem. Media outlets used graphic depictions to portray modest yearly changes as huge jumps in drug abuse. In fact, the problem was as created as real.

##### **4.5.1. Forms of deviance**

It is easy to identify the major forms of deviance and the preceding chapters did just that. Crime, alcoholism, mental disorders, and sexual deviance are only some of the different types of deviance. But some emerging and barely identified forms of deviance also deserve attention.

A definition of deviance that refers to norms does not identify any particular type of conduct as deviant. This definition also allows for constant changes in standards for and forms of deviance along with the degree of disapproval that each one elicits. In this sense, deviance cites not a unique type of behavior but, rather, common behaviors that happen to offend some group. Because norms imply relative judgments (limited to groups, places, and times), deviance is also a relative phenomenon. Nudity, like all voluntary behavior, is governed by norms. These norms vary relative to groups, times, and social situations, so nudity sometimes qualifies as deviant, and sometimes it does not. Many people regard nudity outside one’s bathroom or bedroom as deviant, but nudists deny such a conception. Whispering Pines, a

nudist resort in North Carolina, establishes a number of conditions that might seem conducive to sexuality. Like other nudist camps, it is located in a relatively private setting, and members visit voluntarily, presumably bringing with them rather liberal attitudes about public nakedness. Perhaps above all, unclothed people seem to encounter plenty of opportunity to engage in sex. This assumption reflects many people's strong association of nudity with sex. Celebrity advice-giver Joyce Brothers (1974: C1) has cautioned parents that children exposed to nudity will develop terrible guilt and frustrations that will lead to an obvious end- incest.No evidence supports this assertion, and in fact, nudists construct rigid distinctions between nudism and sexuality (Story, 1993). (Quotations)

Like most nudist resorts, Whispering Pines establishes a number of norms that restrict sexual behavior. For example, a club atmosphere legitimates attendance at the resort. Members pay fees of \$250 per year plus \$32.50 for annual dues to the American Association for Nude Recreation. Members then pay per-day site rental charges. Whispering Pines allows the assembled members to include no more than 10 percent single men and 10 percent single women at one time, thus restricting the proportion of sexually unattached persons in the group. Children, recognized as incompletely socialized to sexuality, must be supervised at all times in the camp. Someone who behaves rudely, perhaps using binoculars or cameras, may have his or her name and picture placed on a list maintained by the American Association for Nude Recreation, thus barring visits to nudist resorts around the country. First-timers, called cottontails, must learn these norms.

This is why in Banson for example, parents believe children, especially the girls ought to be thought how to dress and take care of themselves so as not to attract people that can may be rape them or provoking incest. That is why when incest occurs, the treatment is always very rude: their rudeness are once again exposed in the whole public and this brings frustration, humiliation andshame. The traditional council believe that when the two people involved in incest are exposed, in that manner, they will never be tempted again. One princess affirmed that: *"...the two are brought to the traditional council and are forced to love infront of the public for the last time for them to he cleansed are forbideen from seeing each other again. "*

Eventhough sex is restricted in public, they believe this act is for them to wipe ill luck. In addition to these restrictions, sex in public is explicitly forbidden. Perhaps because of all these norms, the owners of Whispering Pines indicate that open sexuality just doesn't

happen. Visitors to Whispering Pines observe expectations of nonsexual conduct. As one owner put it,

*“There are no bathing beauties. People are just people. Women are always worrying about fat knees, legs, that sort of thing. You come out here a while, you wouldn’t worry about stuff like that. They accept themselves as what they are”.* Hill (1990: 30).

Patrons of nudist camps carefully dissociate nudity from sexuality. They consider nudity as a natural condition, not a “dirty” or deviant one. Such a conception would require considerably more effort to maintain if nudist resorts condoned or encouraged more profuse sexuality. But visitors to Whispering Pines face charges of deviance not only from critics of public nudity. In fact, another class of nudists finds deviance in the restrictions imposed there and at similar facilities.

These naturists promote acceptance of nudity in public places such as beaches, not just in nudist camps. They view nudity as a natural condition in virtually all social situations, disdaining visitors to nudist resorts for their willingness to display their nudity only in these limited situations. Jeannette, a naturist nudist, says: We went to a camp where we were the first naturists to visit. The first thing we did was to introduce ourselves by telling everyone our first and last names. They jumped all over us because we gave out our last names. They told us that

*“we should never tell anyone our last name at a nudist camp because we would be giving someone the opportunity to do terrible things with the information that could hurt our reputations. It is pretty obvious to us that they didn’t believe that nudity is all right”.* (Cox, 1989: 123).

The Banson did not have the word nudity in their vocabulary before the coming of Christian missionaries and later colonial master. This shows the aspect of relativity of norms within time and space. Just as norms differ from one society.

This fact results in an almost endless variety of acts and characteristics qualifying as deviant depending on conditions and circumstances. Debates over prostitution, gambling, nudism, cheating, medical quackery, and marijuana use arise from conflicts between norms about such acts. Just as some people consider some acts as deviant, various kinds of people also become so classified. Social types perceived by some as deviants include reckless drivers, pacifists, racists, “hippie” radicals, “square” conservatives, the very rich, the very poor, old people, drinkers, nondrinkers, and motorcycle gang members. Some liberals, for



example, criticize conservatives, considering them deviant, and some conservatives return that criticism.

#### **4.5.2. Extreme Deviance**

Some sociologists find meaning in the expression extreme deviance, which has been defined as “*behavior, beliefs, or physical traits that are so far outside the norm, so to a wide range of different audiences, that they elicit extremely strong negative sanctions*” (Goode, 2008: xi). If we can conceive of rudeness as being a slight departure from existing norms, these behaviors go farther outside of the norm.

Extreme deviance might include tattooing large parts of the body, believing that one has been kidnapped by extraterrestrials, being hugely obese, and having and endorsing adult–child sexual contact (Goode and Vail, 2008). It is not possible, of course, to say with any precision just how much tattooing is “permissible” or how obese someone must be to be considered “extreme.” Rather these are judgments made by the social audience to the behavior or beliefs. And, of course, those standards might and often do change. Twenty years from now, the children of today’s college students may be alarmed that their parents had any tattooing at all. Or they could react: “You only had four tattoos? Really? That’s all?” The reason for different reactions would involve a shift in the nature of the norms governing personal appearance. Because extreme deviance is so well, extreme, we should not be surprised if the degree of societal reaction is greater than with deviance that departs to a lesser degree from accepted norms. So, someone who exhibits a departure from the way most people think will not receive as much stigma as someone who departs widely from conventional expectations. For, the degree of extreme deviance may be a good predictor of social stigma or legal reaction.

Deviance comes in all forms from minor transgressions that are barely noticed to major behavior that has significant consequences. What unites all of the diverse behavior in this chapter is that they all violate some norm or an expectation of behavior in certain situations. And, as pointed clearly above, because norms change, so too will the form that deviance takes change. There are bound to be new and emerging forms of deviance. More than a century ago, Durkheim (1938/1966) argued that deviance could be found in all social groups, including a monastery. While major crimes are unlikely to occur among the monks, there are other forms of deviance, such as missing morning prayers. No human group seems immune from deviance. It just depends on which norms will be violated. It is clear that when one violates a norm especially as concerns tradition in Bansa, he or she is considered an obstacle to village development, they believe you might even suffer from mystical attacks. A case in

point is “country Sunday”, which has to be inspected by-all.

*“Any person who violates traditional laws is bound to suffer from mystical attacks such as ill luck, sickness and other misfortunes. Any person who goes to the farm on the country Sunday will find an injunction order sent to the farm. Nobody shall enter that farm until the injunction order is taken off through the payment of fines at the palace and the purification rites performed in the farm.”..(Interview conducted with informant 65 at Kumbo on 16/04/2017).*

Life involves a lot of learning. Most sociologists refer to the socialization process, by which they mean how individuals acquire the norms, values, and attitudes of their group(s). Humans must learn what is considered appropriate and inappropriate behavior. They must be sensitive to and anticipate the reactions of other people to their behavior, for that too is part of the socialization process.

#### **4.5.3. Differentiation and deviance**

People differ from one another in a number of ways, including age, sex, race, educational attainment, and occupational status. Differentiation is the sociological term that refers to such variations. At the most general level, deviance also refers to differentness. The concept of deviance would have no meaning in an undifferentiated society. Since, however, no group of people could ever share all of the same characteristics, deviance can occur in every society to the extent that some differences will be more highly valued than others.

Some sociologists believe that societies can tolerate only limited deviance and that deviance remains relatively constant over time within a society. Emile Durkheim (1859/1982) long ago described deviance as “normal” and asserted that no society could rid itself of deviance. Durkheim argued that by defining what is deviant, societies also define what is not, thereby helping to create shared standards. Some sociologists do not doubt that deviance maintains a constant level, but they assert that the amount of deviance in a society adjusts both upward (Erikson, 1965) and downward according to social conditions. Expansion of standards for deviance in times of scarcity may help to foster social cohesion (Erikson, 1965), while some conditions lose the stigma of deviance when this need subsides (Moynihan, 1993). As a result, while the overall levels are the same, the acts and conditions defined as deviant can change over time.

Durkheim observes that deviance could be found even in a society of saints, where small differences among them would be morally magnified. Some saints, in other words, would still be literally holier than others. The conditions that promote social differentiation in

society also promote deviance (Meier, 1989). Conditions that increase differentiation also likely boost the degree and range of social stratification by increasing the number of criteria for comparing people. Those comparisons often result in invidious distinctions, or ranks, that identify some characteristics as more highly valued than others. Expansion of the criteria for stratifying individuals also stretches the range of conditions that society disvalues or ranks below others (Cohen, 1974). As societies in Bansa and Bafut differ from one another in many ways, there is likelihood of stratification or at least the degree of stratification increases. Contrarily to our study area, modern, industrial societies differentiate people in extremely complex ways. In addition to characteristics such as age, sex, and race, members of modern societies display greater diversity in behavior, dress, attitudes, and interaction patterns than those of more traditional, homogeneous societies.

Within modern societies, differences between urban and rural areas enhance differentiation as well. Sometimes, some people say deviance when they mean diversity or behavior that result from social differentiation. A diverse society introduces a number of dimensions for defining deviance judgments: age, sex, ethnicity, heritage, religion, and the like. In Nso for example, parents have found a way of doing away with some deviants' behaviours, the cane.

*“Some children will avoid deviant behaviors and practice just because of the presence of a cane. Others will continue until you touch them with the cane once, twice or thrice”.* (Interview conducted with informant 45 at Mveh- Kumbo on 15-03-2016).

But the increasingly multicultural nature of a society like that in the United States need not threaten people (Parrillo, 1996). Beyond this trend toward diversity, however, an increase in stratification clearly seems to raise the chances that some of these rankings will reflect disvalued characteristics. Not only will some individuals fall to lower ranks as a result, but they may also feel disvalued. To the extent that society values education, it disvalues undereducation; to the extent that it values an occupation with high prestige (like Supreme Court justice), it disvalues one with little or no prestige (like ditchdigger). Judgments about “better” or “worse” begin the process of making judgments about deviance. These kinds of links join deviance to stratification within a society.

Status rankings from top to bottom span roughly the same range as negative classifications that make up a structure of deviance. A society with a relatively high level of differentiation generally exhibits a large number of status ranks; a society with relatively little differentiation usually features a small number of status ranks.

Similarly, a highly stratified society like Banson, succeeded to define a larger number of negative status ranks as compared to a less stratified society. In other words, expanding stratification increases the number of criteria on which to make judgments of deviance. A relatively simpler society should define both a simple structure of social stratification and a simple or narrow structure of deviant status categories.

Age, sex, status, occupation, race, and education differentiate individuals, among many other criterias. A comprehensive definition of deviance would clearly indicate which kinds of differentiation amount to deviance and which just determine differences without any moral connotations. Some sociologists, however, have recommended an alternate strategy: leaving deviance undefined and proceeding with research on “matters dealing with deviance.” Lemert, for example, has suggested that “the study of deviance can best proceed by identifying bodies of data through primitive, ontological recognition rather than by formal definition” (Lemert (1982: 238). Judgments of deviance do not refer to static or constant standards, though deviance takes constantly changing forms and elicits varying degrees of disapproval.

In Banson for example, to understand which conduct or conditions stimulate disapproval, one must first understand social power. Power can be defined as the ability to make choices by virtue of control over political, economic, or social resources. People who have money, education, and social influence generally wield more power than those who lack those resources. Powerful people, by virtue of their influence, often define standards for deviance, and they often find more deviance among others with less power than they have themselves. Public opinion often treats white-collar and company crime as less serious than ordinary street crime, even though offenses by these powerful criminals may cause more serious injuries and worse financial losses than street crime. We discovered from our findings that lawyers, doctors, and other professionals who commit crimes often escape the criminal label altogether. Reasons for this disparity include the classification of these crimes outside the rubric of criminal law and the habit of most people to conceive of powerful persons not as evil or depraved violators, roles often reserved for lower-class people. White-collar crimes generally draw sanctions defined by administrative law, such as license suspension, or by civil action, such as mandatory restitution. Therefore, many people regard crimes committed with a pen, such as embezzlement, as less serious than those committed with a gun, such as robbery. That is why we resolve to saying that, the importance of social power can also be expressed in terms of social differentiation.

Deviance requires relative judgments not because no trait or act is everywhere and for all time deviant, but because the processes of social differentiation and change alter social opinions. This fact raises the key question of why some acts and actors receive sanctions as deviant while others do not. Sociologists frequently answer this question by referring to power. Powerful groups expand the range of stratified social phenomena through a process of definition and influence (Chambliss, 1976). Subcultures norms emerge from groups, and different groups are likely to have different norms. People encounter varying expectations for behavior depending on the group to which they belong. Acts labeled deviant in one group may be perfectly acceptable behaviors in another. Sociologists often refer to such differences as subcultural differences.

#### **4.5.3.1. The Relativity of Deviance**

The identity of deviance as a violation of a norm does not indicate who creates and enforces the norm. Questions about what deviance is and who fits in that category require answers that specify which groups define certain behaviors as deviant. Such questions ask whose norms deviants violate. In this sense, observers view deviance from the perspective of the social audience of the act. Take, for example, the designation of promiscuity. Suppose that a particular unmarried woman maintains an active and varied sex life. While some people may condemn her as “promiscuous,” others may view her and her behavior as “liberated.” Note that these highly divergent designations do not stem from differences in the sexual behavior itself. On the contrary, the behavior has been the same; it is only the evaluation of it that has varied (Schur, 1984: 5). Those who regard the woman’s behavior as promiscuous might not permit her to reenter conventional social sexual roles, even after a long period of conforming behavior.

Sociologists often maintain that no act includes anything inherently deviant; deviance requires a judgment that refers to some norm. In effect, the norms create deviance by creating social differentiation and attaching a moral quality to the act that designates it as something one ought to do or to avoid. This position does not imply complete absence of widespread agreement on the wrongfulness of certain acts, such as deliberately killing a person, physically assaulting an old person, or engaging in sexual intercourse with a child, but it does suggest that moral judgments differ because norms differ.

Consider norms governing appropriate styles of clothing. Clearly, beach wear is different today in the United States compared to what was considered appropriate 100 years ago. Clothing norms are even more marked when considering cultural differences. In 2009, a

woman was convicted of violating Sudan's decency laws (Gettleman and Arafat, 2009). The woman was arrested and taken to court because she wore pants in public. At trial, she was found guilty and could have been confined, fined, and could have received 40 lashes from a plastic whip that could have left permanent scars. Instead, her punishment was a fine equivalent to \$200. She was spared the lashing. The woman was quoted as saying: "I am Muslim. I understand Muslim law. But I ask: What passage in the Koran says women can't wear pants?" (Gettleman and Arafat, 2009: A10). Deviance is a relative concept. While norms state relative positions, some receive more attention in society than others, and these differences often depend on the power of certain groups to enforce their norms over members and other people. Criteria for deviance may depend on the relative power of groups to enforce and extend their norms on others (Table 1.1). Social power, then, strongly affects an understanding of why deviance is relative. For example, strong negative attitudes toward suicide, prostitution, homosexuality, and drunkenness, among other acts, have stemmed mainly from the actions of certain conservative church groups (Greenberg, 1988).

#### **4.5.3.2. Deviance and Society**

At the simplest level, deviance refers to something different from something else. Deviants are considered as not being normal, they behave differently or as so many people think. But deviance extends beyond simple, everyday observations of differences among people and their behavior. Some differences in styles of dressing for example, do not amount to deviance. Persons who wear a common style of clothing may still favour different colors without becoming deviant. Beyond the idea of differences, deviance implies something evaluated negatively or disvalued. Someone's clothing may look different without qualifying as deviant. It may earn that label only if its difference seems in bad taste, such as when colors clash violently or when the clothing is not suitable to the occasion; wearing a bathing suit to a funeral amounts to deviance. Some people would never wear red and orange or black and blue in the same outfit. They would consider these combinations deviant in the context of fashion. Only some people see problems in colors that clash. Young people who dress in punk-rock or hip-hop fashions may value highly clashing colors and unusual styles in clothing and hair. Others may extend or violate some groups' appearance norms by "going too far," as some older people might regard the current fad of body piercing and tattooing among some young people. Exceptions like these suggest that deviance is a relative notion. It depends upon some audience's definition of something as deviant. These three ideas; differentness, judgment, and relative standards each have important implications for a sociological understanding of

deviance. These ideas support understanding of the meaning of individual deviant conduct, as well as the connection of that conduct to the larger social community.

In the Nso community; incest, abuse of tradition (juju), disrespect, burial issues, fon's farm failure, community work failure, Stealing, killing, rape, abortion, fighting, abuse, disrespect for traditional laws, incest, disrespect, gossiping, adultery, false witness, suicide, land grabbing, poisoning and rape are deviant behaviours that are highly recognized with many recurrent.

**Table 6: Recap of differences in punishment methods**

<b>Traditional methods</b>	<b>Modern methods</b>
In the Banso community, we have the traditional council	In the modern methods, the police or forces of law and order
At the traditional council, culprits pay their fines with fowls and palm wine	In the modern methods, culprits are expected to pay with money
The traditional council want to judge and punish culprits according to our own norms and customs and not applying the laws that are not from of our tribe	The new system want to use the modern methods like laws, rules and regulations stipulated by human rights and govnmnt to judge and punish cases
The traditional methods do not accept bribes	The modern methods have introduced bribery and corruption into Nso land.
Traditional punishment methods follow the culture of their community	The forces of law and order want to handle every single problem
They correct and mould our children to become rightful human beings and differentiate them from animals	The forces of law and order look for their own interest and not the security on the citizens
When it comes to stealing, the traditional method holds for mob justice, snake beatings by a group of young boys so as to learn a lesson	A thief is considered to be left with the forces of law and order. They study the case while in custody before deciding the right punishment-most of the times is prison
Murder in the Banso community is tantamount to exiled from the Nso land and the murderer is escorted by the secret society “nwerong”	With the western system, you are judged and in most cases, life imprisonment and in some premeditated murders, the dead sentence
In cases of incest and taboo, its looked upon as a very serious crime and calls for cleansing and rituals	The western system has got nothing to do with incest
Any child or person that violates traditional Banso laws is bound to suffer from mystical attacks such as ill luck, rare sickness and other misfortunes. some times depending on the nature of the law, fines are being paid and always in kind	Nothing exist with the westerners of such nature
Seeing a “secret juju” is a problem. You pay fines for cleansing and become a member of that society at the end	They know about secret jujus in Africa and Banso but has no idea of what its all about
Having a sexual affaire with the fon’s wife is	Looking at the western methods, they consider



more than a crime. It is tantamount to exile from the Bansa land and escorted by the secret juju “nwerong”	this as adultery and is treated accordingly
When a young boy commits the act of rape, he is prohibited from appearing in public places and if he does, people do not associate with him	Here you are judged and send to prison following the stipulations of the Cameroon Penal Code N° 72-16 of September 1972, chap 5, art 346, section 2
Abortion in the eyes of the traditional Bansa community is regarded as killing of a human being. When found guilty, the girl is obliged to perfume cleansing rituals so as not only for your own good but also to clean the land	Looking at the system, when noticed and found guilty, they follow the punishment stipulated in the Cameroon Penal Code : section 1, chap 5, Art 337
In the days of our forefathers, they were no mobile phones that could be used in classes	Now with the coming of modern technology, children own mobile phones and some take them to school. This has caused so many problems between teachers, pupils and students and has been banned.
When a child does not have respect for authorities, he is well beaten so as for him to learn a lesson and take the straight code	Here the child might be suspended from classes accompanied sometimes with hard labour. In certain cases, dismissals
If signs or acts of wickedness are shown either in public or secretly, you are asked to confess in public and payments of fines	You can be sued to court and the case takes its turn
Someone who was caught beating the parents was considered a bad child and to this, traditional rites and cleansings were carried on your behalf in order to cleanse you and fines were paid in kind	With the modern system, it is considered disrespect and you might end up in a celle or a juvenile delinquency school

After reading the just finished chapter, a reader should be able to understand the different punishments methods that existed as regards the socio cultural community of Bansa. What crime is tantamount or which type of punishment, how crimes are nominated and classified and the idea of deviance as a whole. From here therefore, we are going to see the evolution or the dynamism of the two methods of punishment in Bansa.

## **CHAPTER 5**

# **DYNAMISM IN THE SYSTEMS OF PUNISHMENT FOR CHILDREN IN THE NSO COMMUNITY**

In this chapter, our concern will be focused on the detailed analyses of how the two punishment methods on children have evolved in the socio-cultural Bansa community. What was done years before the 19<sup>th</sup> century and the present day's status on methods of punishment on children. We will likewise look at the perspectives of punishment and finally a vivid look at traditional methods of punishment of people from the some southern parts of Cameroon that live in Bansa.

The Bansa community has his ways of punishment and each of them symbolise many things due to what the people live everyday through generations and some can change. When there are punishments, there is something that symbolises them. And the Bansa community has symbols link to any punishment. There are special crimes that are really punished without any exception due to the age of the culprit. In the Nso land, crimes like: Stealing, Murder, Abortion, Killing, Rape, Sexual affairs with the Fon's wife, Suicide, 'Country Sunday', Deformation of character, Wickedness, Incest, Prostitution, Sexual affairs with the Fon's wife, Host and taboo violation have special punishment like: to be handed to the traditional council, It can be mob justice that is used to cut off the fingers of the thief. Now snake beatings public disgrace and obligation to pay all the stolen items in the victim's compound, public disgrace and fluck at the fon's palace by the juju and asked to pay double of what he/she has stolen, injunction in of the farm of the owner, mob justice and paying of heavy fines due to what the culprit did.

Biologically, an adult is a human being or other organism that has reached sexual majority. In human context, the term of adult additionally has meanings associated with social and legal concepts. In contrast to "minor", a legal adult is a person who has attained the age of majority and is therefore regarded as independent, self-sufficient and responsible. In the Bansa community, children have punishment methods due to what they have committed as crimes. Informant 24 explains that:

*No, there is no difference because all the time at home in school, churches markets people usually say don't do this or that because it is against our laws. If you do when you are a child or an adult, you must be punished for that without any exception. It is time that children can be favoured in one way or the other but the difference is not much. (Interview conducted with informant 24 on 15/03/16 at Kumbo).*

In other words the informant is telling us that punishment is done without exception of place and children can be favoured due to their age and the crime. But, the fact that a child committed a special crime as an adult does not mean he or she will be favoured. This is why informant 25 affirms that:

*No, punishments are given according to the various ages and gravity or magnitude of the crime. There are certain crimes that children and adult can be punished in the same way for example, murder and marrying the Fon's wife.*(Interview conducted with informant 25 on 15/03/16 at Kimbo).

### **5.1. No appearance in Public “*tiiir wounfo vin tati*”**

Here, the most common attitude is only advices because punishing the girl will not change the situation at hand. The traditional method of punishing prohibits the person or the girl from appearing in public after committing the act of abortion. This is called in the local language. “*A tiiir wounfo vin tati*”. As the participants in this research said, formerly, the traditional council considered the girl in question has killed but today everything is being reformed to pay fines for ritual performances to take place and cleanse the land.

#### **5.1.2. Punishment of violating “country Sunday”**

Country Sunday is a day choosed by the Bansa community that activities are going slowly or stopped. Any person who violates “country Sunday” is a culprit or criminal and an injunction order is placed in his/her farm and nobody is supposed to enter in that farm until the culprit pays heavy at the palace and cleansing rites are performed in the farm for the injunction order be lifted. Paying heavy fines for cleansing rites in the farm means in one hand that the culprit must know that the country Sunday has to respected eventhough people may have things to do on that day. They should postpone their activities to the next day. That is the reason why our informant 23 states that:

*if any person goes to the farm an injunction order is placed on that farm and nobody shall ever work on that farm until the injunction order is removed after the culprit must have paid heavy fines at the palace ranging from fowls, goats and palm wine.*(Interview realised with informant 23 on 18/03/16 at Kumbo).

Looking at the picture below, there are goats in a goat farming. When there is a punishment, the culprit is to go to that kind of places to buy a good and heavy goat for cleansing rites. It will depend on the gravity of the crime.



**Figure 8: Goats farming**

**Sources:** Jaika (2015)

The quantity of the goat can also be given depending the crime. The color of the goat cannot influence the rite. Informants 19 explains the punishment by saying that:

*it is considered a modern crime by the Nso culture hence is best punished by the modern method violation of traditional laws for example country Sunday: if any person goes to the farm on the country Sunday, an injunction order is going to be placed in that farm and nobody is expected to work in that farm the culprit is expected to pay heavy prices at the palace (12 fowls, 12 goats and 12 jugs of palm wine). The day that the injunction order has to be removed the culprit has to provide food and drinks as form of punishments for violating traditional laws. (Interview conducted with informant 19 on 21/03/2016 at Kumbo).*

What is usually done is that the people in charge of the security and law in the village firstly go to the culprit's farm and remove the injunction. When the heavy fines are payed, they go back to the said farm and conduct cleansing rites. Whenever, there is a ritual in the community each time spirits are called to intervene in human affairs. The structure of the ritual is what we will call a ceremony because it can vary from time to time and from place to place, a ceremony is the anatomy of a ritual. These rites are done to firstly give permission to the land of the culprit to produce crops and secondly to avoid misfortunes and calamities in the community. This practice started far back in the Bansa society and is still done today.

### 5.1.3. Performing of cleansing rites in the case of incest

Incest is sexual activity between family members or close relatives. This typically includes sexual activity between people in a consanguineous relationship (blood relations) and sometimes those related by affinity, such as individuals of same household, stepfamily, those related by adoption or marriage, or members of the same clan or lineage. The English word *incest* is derived from latin *incestus*, which has a general meaning of impure. So this lead to the fact that it can be a taboo or a crime in a society. The Incest Taboo is and has been one of the most widespread of all cultural taboos, both in present and in many past societies. In the Banso community when there is a case of incest, a cleansing rite must be performed. Prohibited from public manifestations ; the culprits is also obliged to make love in public for the very last time usually at the palace where the traditional council holds in one of the halls reserved for the traditional council. Talking of this punishment, informant 17 insists that :

*culprits are brought to the traditional council and forced to make love in public for the last time after which they are separated forever. They are not excepted to be seen discussing with each for some minutes. They are also expected to provide the material for their cleansing rites to be performed.* (Interview realised with informant 17 on 21/03/16 at Kumbo).

What the princess Yewong is saying is that the community will separate the culprits with every techniques that can be found to do so. They will never be seen together by any person of the community. If yes, the punishment will increase and that will be done by the traditional council. One informant confirms the assertion by adding that:

*culprits are forced to make love in public on a mat for the last time and both of them are banned from taking part in public manifestations. Both culprits are not expected to meet each other anywhere in that community.* (Interview realised with informant 17 on 21/03/16 at Banso).

Culprits are separated and even isolated. They can also pay fines and furnish goats, fowls and palm wine for cleansing rites.

In some societies, such as those of the ancient Egypt and others, brother-sister, father-daughter, mother-son, cousin-cousin, aunt-nephew, uncle-niece and other combinations of relations were practiced among royal lineage. In the Banso community is prohibited and many people confirm this assertion. For the informant 40:

*Incest is punished by public disgrace through tying under a tree in the quarter where the crime was committed and you confess there in that public place that will never do it again. Can lay a curse on you if you refuse to comply or confess.* (Interview realised with informant 25 on 08/03/16 at Banso).

This means someone cannot commit such crime without passing through confession or public disgrace. Informant 41 adds that:

*people who commit incest are fined to bring goats, fowls and palm wine for cleansing rites to take place. If any of them continues with the attitude of committing incest with other people, he/she shall be banished from the entire Banso land. (Interview conducted with informant 25 on 08/03/16 at Banso).*

In the same order of words, incest is punished by public disgrace, confession in public or banishment. But after all cleansing rites are to be performed in the communities and many elements are to be provided by the culprit. There are goats, fowls and palm wine. fowls are mostly used to clean the culprit because it is said in the community that fowls symbolize spiritual way to clean. Mbumbi Johnson (Meluf- Kumbo 7-03-2016) declare that: *“it is good to use a country fowl because they are good for ancestors and the taste is what they need.”*

This is still practiced today.

The picture below shows us the kind of fowl that is used to perform the cleansing.



**Figure9: Fowl (cock)**

Source:Jaika (2015)

Among the element given for cleansing rites there is palm wine. Palm wine is an alcoholic beverage created from the sap of various species of palm tree such as the palmyra, date palms, and coconut palms. It is known by various names in different regions and is common in various parts of Asia, Africa the Caribbean and South America. Palm wine production by small holders and individual farmers may promote conservation as palm trees become a source of regular household income that may economically be worth more than the value of timber sold. Palm wine is known as matango, mbuh, tumbu liquor, white stuff in Cameroon. On the picture below there is palm wine in a calabash. Palm wine is giving by the culprit to the traditional council as a punishment because it symbolizes honor and power given to the elders of the community.



**Figure 10: Palm wine**

Source: MATSIDA (2014)

Moreso, incest is considered in the community as very bad crime because it plays on the future generation in families. So, when it occurs, the community obliges the culprits to make love in public for the very last time usually at the palace where the traditional council



holds. At times, it can be in one of the halls reserved for the traditional judgements. This was said by a 65 years old elder

*Incest is cleansing rites must be performed and the culprits asked to make love in public for the last time and are later on separated. Prohibited from appearing in public manifestations.*(Interview conducted in Bansowith informant 12, April 18th, 2016).

The society can banish the people if they don't pursue the punishment. This is made in the community because the Bansa believe incest is not something to joke with and committing such acts can gradually destroy the entire family for generations. Punishment amongst the Bansa involves some elements. According to Gragg (1992) in his theory of retribution that punishment is justified for people who engage in wrong doings. It serves as means of regulating behaviours as humans are likely to take up unacceptable behaviours and practices.

#### **5.1.4. Murder**

Murder is one of the worst crimes in these agrarian societies because a life is valued for the well being of the society. There is need for a labour force in the society that is very active. This implies that much is done to discourage murder that's why more rigorous sanctions are given to culprits. Murder caused by children is a serious concern and the child's responsibility in the act is valued to a much lower age than other crimes.

Most societies consider murder to be a very serious crime, and thus believe that the person charged should receive harsh punishments for the purpose of retribution, deterrence, rehabilitation or incapacitation. In most countries a person convicted of murder generally faces a long-term prison sentence, possibly a life sentence where permitted. In the Bansa land, informant 25 assert that:

*In "nwerong juju" to be executed at distant place called Ntaribang. Today, this execution part has been abolished but severe beating which can lead to instant death still exist before the forces of law and order can be alerted.* (Interview conducted with informant 25 on 08/03/16 at Bansa).

In other words the culprit is beaten to death by nwerong juju and escorted out of the village or quarter. This means mob justice is the capital punishment of this crime in the community.



**Figure 11: A mob justice done at market square**

Source:Jaika(2015)

Traditionally, murder was handled by instant killing of the culprit but nowadays, traditional rulers judge him at the Fon's palace and punishment follows accordingly. According to the Bansa tradition, the killer should be exiled. The tradition is still in changes at the traditional council and (he culprit is to pay the stolen item (5) and then pay charges at the traditional council. Just the fact that you have been summoned at the palace you need to come along with a fowl and palm wine (101, 201, etc). You can also be exiled from Bansa land by the *Nwirongjuju* which will escort you out of the land. With the Sharia law slogan, 'an eye for an eye', the culprit has to be killed in return or exiled. Formerly either the culprit was killed instantly following Moses' law fendom. The person who will arrive the scene before the traditional council members, takes the matter into his hands.

Looking at the above, we notice that traditionally, murder was handled by instant killing of the culprit or banishment but nowadays, traditional rulers judge him at the Fon's palace and punishments follow accordingly. When we look at the western system, we see that the way they handle murder is different for the culprit is taken for detention and after that, judgement is passed on him.

In other cases of murder, it is the work of the police and gendarmerie. Now we hear of murder cases and if it does occur the forces of law and order will be the ones to handle the matter.

When we look at the western system, we see that the way they handle murder is a bit similar for the culprit is taken for detention and after that, judgment is passed on him. The decree of murder can be such that he is given a death sentence. As we continue to pose our issue on murder, bad company cannot be left out because it can lead to killing especially when it comes to gangsters.

Traditionally, as seen at the beginning of this chapter, when the child has a bad company, we can stop the child from moving with his friends, deny him or her some basic necessities for some time. The European method used in this case when the situation persists; the forces of law and order will be the ones to continue with the training or discipline. At times, children are taken to juvenile delinquency schools or establishments for correction.

In another hand, when children keep bad companies, parents prohibited their children from hanging around with such groups without which they will be denied some basic necessities. *“When the child has a bad company, we can stop the child from moving with such friends, deny him or her some basic necessities for some time”*. (Focus Group Discussion on 25-03-2016 at Kumbo).

The western method is used in cases when the situation persists and then the forces of law and order now intervene to continue with training or discipline.

#### **5.1.4.1. Abortion, rape and suicide**

Abortion traditionally was considered as killing a soul no matter the circumstances or premeditated murder. That is why the culprit is judged by the traditional council and punished accordingly. At times, for the sake of keeping the culprit in the communities, there are cleansing rituals that have to be performed.

After the discovery, the land was cleansed and much fine was levied and paid by the culprit. Many traditional rites were performed on the 'killer'. At times they obliged her to perform some cleansing rituals because they consider abortion in the traditional eye as a modern form of killing. The traditional council could only punish the culprit if found guilty. Nowadays, because of modernism, if the abortion is exposed, forces of law and order intervene; at times it becomes the problem that the social welfare has to handle.

The traditional council sees it as killing or murder. That is why the culprit is judged by the traditional council and punished accordingly. At times, for the sake of keeping the culprit in the communities, there are cleansing rituals that have to be performed.

Nowadays, seminars are being organised to talk to young girls on the risks of prostitution. A primary school teacher stated that:

*Formerly we used to dismiss any girl that was found with an unwanted pregnancy but now, some of them are allowed to continue until they put to birth, at times, we give her serious warning such that it should not repeat again. (Focus Group Discussion on 25-03-2016 at Kumbo).*

An NGO by name “RENATA” has been working relentlessly on sensitizing young girls about the different risks which ranges from sexually transmissible diseases, unwanted pregnancies and HIV thereby putting awareness in young minds.

Formerly, when a person commits abortion, the traditional council would say the girl in question has killed but today everything is being reformed to payment of fines for ritual performances to take place and cleanse the land. In some cases, only advices because punishing the girl will not change the situation.

Still again as regards the Bansa community, abortion is considered a modern phenomenon because in the past there was nothing like abortion, many girls were getting married before being engaged in sexual intercourse which could eventually lead to pregnancy: so it is a situation that is handled by the forces of law and order the traditional council can only punish the culprit if found guilty. At times they obliged her to perform some cleansing rituals because they consider abortion in the traditional eye as a modern form of killing. In western culture, when a girl commits abortion, she is just taken by the police. Abortion as a crime following the western system is the act of doing away with an unwanted pregnancy. When this act is committed and is noticed, the person is brought to the police for investigations and may be detained. The new Cameroon Penal Code stipulates that: « *Est puni d'un emprisonnement de quinze (15) jours à un (01) an et d'une amende de cinq mille (5.000) à deux cent mille (200.000) francs ou de l'une de ces deux peines seulement, la femme qui se procure l'avortement à elle-même ou qui y consent* ».

Rape is the act of having sexual intercourse with someone by force. In this situation, the rapist is forbidden to appear in public. He is obliged to pay all the hospital bills of his victim. The phenomenon of rape was a taboo and victims have often remained silent because of the social prejudice and pressure that she will undergo. Cases of rape were often rare not because they are not occurring but because of the stigma that it portrays with the risk of a

rape victim not getting married if identified. More and more, with the advent of westernisation of African values, forces of law and other and the judicial institutions receive rape cases; although timidly.

For someone who dies by suicide, the burial is different from the normal deaths it is somehow, not recognized, no coffin, no mourning. At times the corpse is buried in the bush and people are not allowed to go and see the grave. The act of committing suicide is looked upon as a taboo to the society traditionally. Common people however, are not allowed to see the corps let alone the burial for this is done in the bush. Looking at the western system, no punishment is set aside for this following the information gathered from our informants.

At times, when somebody committed rape, it was jungle justice which could lead to the immediate death was administrated on him. If the culprit survived he or she was exiled from the entire Nso' Fondom. Symbols of rape in the community were then facts that everybody knew the person who committed such a crime.

*In case of rape, the culprit is the first of all asked to pay all the hospital bills and any health complication of the victim as a result of the rape and he is banned from taking part in any public ceremony. (Interview conducted in Banso with a notable, April 18<sup>th</sup>, 2016).*

To justify this punishment method the community believes that in inflicting such methods, other people will avoid committing crimes because they already know what awaits them.

#### **5.1.5. In the domain of schools**

When a girl for example got pregnant, the common solutions was just to advice the girl or provide work or something to occupy the girl, in order to avoid unwanted pregnancies. Formerly they used to dismiss any girl that was found with an unwanted pregnancy but now, some of them are allowed to continue until they put to birth, at times, parents and authorities of the social welfare gave serious warnings such that the act should not be repeated again.

Character deformation in school is one of our points of concern too. The culprit who goes about deforming people's characters is banned from public manifestations because he can destroy the lives of his mates. When we look at the act of deforming ones character traditionally, you are banned from public manifestations and that to the people is more painful. That not with standing, the punishment goes as far as paying of heavy fines in the palace. Being a wicked person that carries wicked acts is tantamount to public confession and also as the later, heavy fines are levied on the wicked person. In the western system, the culture deformed character person can sue you to court and justice will take its turn.

In the past when a child absented from school, parents were held responsible because it was believed that the parents had occupied the child with too much work. Looking at what is reserved for absenting from school nowadays especially without permission has far reaching consequences. The child is inflicted corporal punishment after appearing in the school disciplinary council "DISCOM". If the situation persists, he might be suspended and dismissal might follow. At times, parents are being convoked especially on aggravated cases as well as dismissals.

The use of mobile phones in class, disrespect of authorities and late coming in school is one of our preoccupations. When the child doesn't respect the authorities, the punishment went as far as suspension with hard labour and dismissals could follow if the situation persisted. Moreso, when a child comes late to school; he can have serious beatings and some corporal punishment.

In our former days not like today, the child was corrected either by labour. The fact that the child works during class periods, gives him or her a lesson because he can miss a continuous assessment during that work. In the days of our fore fathers, they were no mobile phones so we could not get any data for that. But today, with the high evolution of technology, children use mobile phones in class at random. Had it been the ministry of basic education did not put an embargo to this, it would have been devastating. That notwithstanding, when a child is caught with a mobile phone in school, the child's parents are convoked and warned. The child henceforth gets severe beatings from the school authorities. If this persists, the child can be suspended or dismissed entirely from school for non-compliances.

Furthermore, jumping over the fence in school constitutes a crime that we can explore. There is no traditional method of punishment in the case of jumping over the fence. But in western domaine, this is considered as a very serious crime. At this time, the parents of the child are convoked and asked to buy a bag of cement to increase the height of the school fence.

The disciplinary council meets once in every term and judge students on their crimes and school absences. Any child who absents as from one day to one week and above without any concrete proof has punishments ranging from one day to one week hard labour in the school garden. We also noticed that in some cases, we no longer have traditional punishments; this is because the western methods have over taken the challenges from tradition.

From a traditional point of view any child that beats the parents or elders was seen as a bad child. When this happened, traditional rites were performed on the child in question because it was considered a very serious offense in the Bansa land. At the end, fines were paid for the rites that have been performed. These rights were earned to cleanse the land and to appease the gods so that they can put an eye on that particular family where the child holds.

#### **5.1.6. Dynamism of traditional methods of punishment in the case of stealing**

Notorious thieves were severely beaten and executed at once at market square but now after tying and beating, he is given a public disgrace under a big tree at the road junction of the quarter, if the culprit is still alive, the quarter head has to judge and see if he can end the matter at the level of the quarter or forward it to the palace to be judged by the traditional council. After being judged at the traditional council, the culprit is asked to sign an undertaking that he or she will pay all the missing items in the victim's compound or farm within that moment that the incident took place. In other cases, the forces of law and order can continue with the case depending on the wish of the victim.

In different circumstances, the thief was put naked and sometimes cut off his fingers. At times, the thief was injected poisonous chemical that can kill him or her after some days. He sometimes had to pass through public disgrace; naked kneels down on shelves of kennels, well tortured and also have a levy. The levy was paid either by friends; relatives, before the culprit was released from the ropes tied round his or her arms.

We learnt that there used to be a place in Bansa known as "Ntaribaah" where thieves and particular gangs were usually pushed into a deep cave where they ended up dying. It was a particular "juju" that was in charge of executing these criminals but today because of human rights advocacy, all these have stopped. It should be noted that even though all these methods have disappeared or abolished, traditional punishments still vary and at times they flavor or discover the culprit.

##### **5.1.6.1. Similarities and differences as concerns stealing**

As concern stealing, when a child stole, the community reserved many different sorts of punishment for him. Punishment came from both sides, that is, traditional and modern. Under Europeans ways of punishing, informants said, corporal punishment is applied leading to suspensions with hard labour. When a person steals, many things can be done: Group of young boys are called upon to beat him or her and if he or she does not change, he is handed to the

police. We can have the traditional council. It can be mob justice that is used to cut off the fingers of the thief. Now snakes beatings, public disgrace and obligation to pay all the stolen items in the victim's compound. For adult's public disgrace and flocking at the Fon's Palace by the juju was administrated.

In the case of Western punishment: the forces of law and order will judge the case before deciding on the type of punishment. In school, beatings and other times of corporal punishment methods are being used. At times, children are forced to work on the school farm, sweep, dry cleaning, suspensions and times dismissals in exaggerated cases.

#### **5.1.6.2. Disobedience**

When we look at the age of disobedience, we realized traditionally. That it is punished by corporal punishment like fetching of firewood and carrying sand the whole day. When a child disobeys his parents or elders, he has to be beaten for correction. We notice that disobedience calls for advice, and some corporal punishment is administered to the disrespectful one. This however, in the African culture can be seen as helping parents at home. It becomes punishment only when a method like the act of fetching of water is done for long number of hours. But in western method, this is generally punished just by insults or by giving advices to the culprit.

### **5.2. Different ways of punishing childrens and adults**

Here, we are going to talk about the different methods of punishing children and adults, and the divergences that exist between them. Children cannot be punished like adults. Children's crimes are committed out of ignorance while adults know all the culture and traditions of Nso before committing crimes. This is what one of our participants said in his words concerning punishment that: *"No all them are applied in the same way even through children can be given preferential treatment if they commit crime unknowingly"* (Interview realized with Informant 12 on 15-08-2016 at Tsenlav- Kumbo).

Children are not punished it is said that parents are expected to teach children and not commit crimes like them. However, any crime committed by who so ever is a crime and is punished according to the law. There are just some few exceptions that children at very tender ages might commit crime without knowing and should not be punished like the adults who know everything concerning the law of the place; at times any person is responsible for his/her crimes even though parents at times pay charges for the crimes committed by their



children. Any child who commits the same type of crime like an adult will be punished for that crime.

This is an example of their ideas:

*The first thing is that a crime is a crime even if it is a child that commits it. Secondly, children cannot be punished exactly in the same way like adults, If a child for example steals out of home he/she is considered a thief will go through beatings, public disgrace and asked to pay for the stolen items, so all applies in the same but the nature of beatings will wrong for a child compared to an adult.* (Interview realized with Informant 13 on 13-03-2016 at Tsenlav- Kumbo).

Indeed, punishments are given according to the various ages and gravity or magnitude of the crime. There are certain crimes that children and adult can be punished in the same way for example murder and marrying the fon's wife.

*There is no difference because all the time at home in school, churches markets people usually say don't do this or that because it is against our laws. If you do when you are a child or an adult, you must be punished for that without any exception. It is time that children can be favored in one way or the other but the difference is not much.* (Interview conducted with Informant 13 on 15-08-2016 at Tsenlav- Kumbo).

In another hand, for other participants, there is no difference in the application in so far as the crime has been committed but in every situation, there are always exceptions so children can be slightly favoured in their punishments than the adults.

### **5.2.1. Punishment linked to Adultery**

Adultery is extramarital sex that is considered objectionable on social, religious, moral or legal grounds. Though what sexual activities constitute adultery varies, as well as social, religious and legal consequences, the concept exists in many cultures and is similar in islam, christianity and Judaism. A single act of sexual intercourse is generally sufficient to constitute adultery and more long-term sexual relationship is sometimes referred to as an affair. In the Bansa land, there are punishment due to the kind of people committing the crimes. Informant 70 says

*Adultery is punished by beatings and banned from public gathering. If a married woman commits adultery in her husband's house, the husband and his children will abandon the woman alone in the house.* (Interview conducted with Informant 70 on 19-03 at BBH-kumbo Kumbo).

This means women are immediately punished when they carry such acts in their marital home. This also goes in line with the idea of having sexual intercourse with a fon's wife which considered a scandal. Informant 65 says:

*“Have a sexual situation with the fon’s wife the culprit is given snake beatings and maybe killed, if otherwise, the Nwirong society will take a long bamboo and escort the culprit out of nso land ;after crossing the River Bui they will give the culprit the long bamboo meaning he should never set his legs on the nso land either alive or dead The Fon’s wife on her part is not beaten but banished as well. (Interview conducted with Informant 65 on 10-03-16 at Kimbo-Kumbo).*

In other words, punishment is capital and extreme for the culprit who in this case is a man. There is a secret society called “Nwirong” which is involved in this punishment because it is a crime committed by a person who is believed to be manly enough and is supposedly to know much about the Bansa culture. This means the culprit cannot stay in the same village with the Fon he humiliated. Banishing the culprit from the entire Nso land stops other people to try again with the Fon’s wife. The traditional council does it to show the power of the Fon in the village. It means no one should bring down his image. In the same other of words Informant 65 reveals:

*Some 40 years ago i personally witnessed two cases of banishments. One for the murder and the other was a man who was caught in a love affair with the fon’s wife. Now, we usually hear of stealing cases, abortion, disrespect, land problems and violation of taboos. (Interview conducted with Informant 65 on 10-03-16 at Kimbo-Kumbo).*

To explain this, the punishment that is, to be banished from the nso land has made the crime adultery on the fon’s wife to disappear and people don’t even try it again.

Another rubric in point to boost our similarities and differences is when you a child had an affaire with the Fon’s wife. In the case of sexual affairs: They will give the culprit a tall Bamboo and he is escorted by the Nwirong secret society (juju) out of the River Bire (Bui). The culprit is lead to his dead. The Fon’s wife who committed the act with the man is not beaten but banished. Today, its not that easy to suspect the Fon’s wife especially that most of them are learned women who can mast their outings in the form of associations, gatherings for educative talks, just to name these few.

### **5.3. General Analysis of crime and Punishment in Criminal Justice Administration in NsoSociety**

The methods of judgment in Bansa were carried out upon those who committed crimes against the government and society. At the time, such methods were believed to be effective for the community. However, as time went on, this theory was disproven. Traditional methods of punishment although suited specific centuries and people's beliefs, they were proven to be inconclusive. There was no way to link ones crimes accurately to a particular person. Therefore many citizens of that time were wrongfully convicted for crimes they had not

committed and murdered for such crimes. Many were presumed to be guilty without a fair trial or substantial evidence tying them to the act. We therefore can analyse some traditional methods of punishment as follows:

### **5.3.1. Trial by wager**

Seeking advice from the accused' friends and family on whether or not to charge the individual with the crime. This punishment was made in the way that they were asking or confiding with the accused's friends and family not only on the type of crime but on how to administer it. This meant, to punish a culprit in the past, the relatives were to get involved and the kind of punishment depended on the kind of relationship the culprit had with them.

### **5.3.2. Trial by Battle**

A duel fought between two presumed guilty parties, the survivor was said to be innocent. This kind of punishment involved two presumed -guilty parties. They were fighting to death and the survivor was said to be innocent. This type of punishment meant that the strongest person among the guilty was the innocent and was given a second chance to live in the society and change his manners or habits for good. This however was noticed in the past, for the present Bansa society less practice it.

### **5.3.3. Trial by Ordeal**

The one accused of committing a serious crime would be forced to complete a rather difficult and dangerous task. If the task was completed without any injury or discomfort to the person, they were found innocent. Although these methods were thought to be effective, there was however no accurate way of determining who was truly innocent and who guilty. If the task was not well -Changes in society between the early 1950s-1990s all across the world have altered the way in which we punish those convicted of crimes. The societal norm of Bansa's people was once done by the person, he or she was found innocent.

### **5.3.4. Societal Changes**

Changes in society between the early 1950s-1990s all across the world have altered the way in which we punish those convicted of crimes. The societal norm of Bansa people was once murdering those for committing small infractions of the law, in attempts to lower the crime rate and show the citizens of that particular country that breaking the law would not be

tolerated. As people developed and advanced as a whole, the way they governed countries needed to reflect the new formed changes. They established in their court of law that all have the right to a fair trial and that all are innocent until proven guilty. As a nation, they have created a legal system that incorporates the fundamental laws and values that they believe in, making it difficult to change and hopefully easy to abide by.

Indigenous methods of conflict resolution in Bansa include traditional dispute resolution, peacemaking, talking circles, family or community gatherings, and traditional mediation, described only by the language of the tribal community. All these refer to the methods of resolving problems and to the methods of restorative and reparative justice. The structure of relationships in that tribal community are paramount to a legal system exemplified by the clan system. Tribal law determines clan identification, which is often matrilineal. The clan system regulates the behavior of its members. The interlocking relationships in tribal communities often determine the flow of how problems are handled.

For example, parents and the extended family are expected to nurture, supervise, and discipline their children. When parental misconduct occurs; such as with physical or sexual abuse or neglect, the parents and extended family are convened through the leadership of an elder to address the matter. In a minor case of physical abuse or neglect, the family forum is used. The distributive aspect is invoked extensively to ensure protection of the children, to monitor and enforce proper parental behavior and responsibility, which is regulated by the family. More serious cases may involve tribal officials.

In the family, community forums and the traditional courts in Bansa, those accused of wrong doings are required to give a verbal account of their involvement in an incident, whether or not they admit to the accusations. This verbal account is the key in discovering the underlying factors precipitating the problem. It requires participation by the offender's family and relatives who may have to explain the offender's misconduct, especially when some sort of victimization has occurred. For example, parents may be admonished for not providing proper discipline and supervision for their children who vandalized or destroyed property. Relatives may be criticized for allowing a son or brother to abuse his wife or children.

On the other hand, verbal accountability by the offender and the offender's family is essential to express remorse to the victim and the victim's family. Face-to-face exchange of apology and forgiveness empowers victims to confront their offenders and convey their pain and anguish. Offenders are forced to be accountable for their behavior, to face the people whom they have hurt, to explain themselves, to ask forgiveness, and to take full responsibility

for making amends. Observing and hearing the apology enables the victim and family to discern its sincerity and move toward forgiveness and healing. Forgiveness is strongly suggested, but not essential for the victim to begin healing.

The restorative aspect frequently involves the use of ritual for the offender to cleanse the spirit and soul of the bad forces that caused the offender to behave that way. Ceremonial sweats, fastings, purifications, and other methods are used to begin the healing and cleansing process necessary for the victim. This is for the offender and their families to regain mental, spiritual, and emotional well-being and to restore family and communal harmony.

The agreements reached in family and community forums are binding. Participants are compelled to comply through the same interlocking obligations established in individual and community relationships. Compliance and enforcement are important aspects of indigenous systems because there is little coercion. Accepting punishment does not guarantee that an offender will be accountable. Therefore, it is essential that offenders perform outward acts to demonstrate their responsibility for correcting behavior. Offender accountability is essential to ensure compliance with decisions and to prevent further criminality or relapse into deviant behavior. Equally important is for punitive sanctions to be decided and applied by individuals who were affected by the offender's behavior.

Traditionally, this process can often be extremely uncomfortable and emotional because it involves participation by everyone affected, but great care is taken to provide a safe environment for matters to be discussed. The distributive nature of this process uses the extended family as a resource for the offender, the victim, and the community to resolve problems, to ensure compliance, to provide protection, and to retain ownership of the problems.

In Bansa, there are some punishment methods that do not exist anymore simply for one reason or the other. Conclusively, the Bansa community now has a particular way of punishing the culprits due to the type of crimes committed and their people are used to them. The traditional council, families, teachers and friends are involved in the process of punishment for the good of the culprits.

#### **5.4. Evolution of child punishment in the sociocultural community of Nso**

From generations to generations, studies have passed on the evocation of punishments painted by cultural dynamics. Every historical period of Cameroon, they are surprised at determining some parallelism between the importance of the physical punishments used in

children, and those used in schools or inflicted by courts in Bansa. The punishment is then vested with a pedagogic purpose, to instill good behaviour in the child by the same time suffered for a crime being committed. According to the evolution of the world accompanied by culture, we see that in current stages, severe punishments are fast disappearing because of the birth of the new pedagogic methods.

Miller's analysis sheds light on the complexity of the various understandings that play into conceptualisations of corporal punishment between discipline/education and abuse/violence and there with aims and succeeds to produce a deeper understanding of the practice, rather than simply condemning it. (24 mai 2016).

#### **5.4.1. Punishment in Cameroon before the 19th century**

Before the 19th century, punishment was characterized by pain, frustration and trouble. Already, the ancient Egyptians had a saying: «*The children have ears on buttocks*» a way to express the difficulty of the children to listen and to implement the education received in this epoch which is still the case at present. And «*Who really likes, castigates well*» of this biblical proverb of ancient Hebrews, they understand therefore that punishment is a demonstration of love, the one who likes punished with the intention of making an improvement. It is what is put in force in the cultures of Bansa, where parents punish with the intention of allowing their child to evolve. One informant maintained that:

*All children, even a child must be punished for him or them to become responsible. Even when a baby bites the breast of a mother, the mother could refuse some baby's chest milk during some time.* (Focus group Discussion - Kumbo - On 2016).

They understand therefore that, punishment in the African institutions and more particularly in Cameroon begins from low age which particularly was advocated in Cameroon between the 17th and 18th centuries.

Historically, there is little evidence of penal systems in tribal communities in Bansa. This fact remains today, although there are many who express the need for secure confinement facilities to address serious and violent crimes. Many customary sanctions to appease victims and to safeguard against vengeance are still in use. These include public ridicule, public shaming, whippings, temporary and permanent banishment, withdrawal of citizenship rights, financial and labor restitution, and community service. Some tribes still temporarily or permanently banish individuals who commit serious or violent crimes. Among the Warm Springs Tribes in Oregon, it is customary to refer lawbreakers to the "whipman,"

who may whip a person for misconduct. In the Laguna Alternatives for First Time Youth Offenders Program, community service is used extensively.

#### **5.4.2. Punishment in school institutions before the 19th century**

In the 17th century, the list of punishments was carefully calibrated according to the error of the pupil: they recommended blows as punishment for minors, baguette on fingers and then came peens on hands. The written punishment often consisted in making "lines", that is, sometimes writing the same sentences, often demoralized. For example, «*I must be polit with the master*», «*I will not be violent with my friends*».

#### **5.4.3. Present state of punishments in Banzo**

It is indeed only from the end of the Middle Ages that appeared new feelings concerning childhood and from which discipline appeared as is the present case. Things began to move forward as the ideas of "softness", "affection", to educate children, appeared (J.-J. Rousseau). As participants affirmed that:«*my third adherent was malicious for about 5-6 years with the reason that punishment was exaggerated.*(Focus group Discussion - Kumbo - On 2016).

It is however possible to assume that, bit by bit although in an irregular way, they see progressively fading away and very distinctly, the punitive use of physical violence in states and schools. This fading away also occurred in families where bodily punishments are completely prohibited, to the detriment of «*bad points, of reprimands, partial recess deprivations, of discreet after classes and temporary exclusions*». We noticed some schematic stages of this evolution. They attend the broadcasting of official proscriptions concerning the cruel and physical punishments towards the children, but at the same time, these punishments persisted for a long time in practices.

#### **5.4.4. New status of punishment in schools in Banzo**

The desire to humiliate and to enslave the child is going to ease punishment towards the end of the 18th and at the beginning of the 19th centuries, at the same time as the public shows off, torture disappears. But nothing again comes to punishment abuses of power for the parents, no matter the degree of the maltreatment lavished towards their children. Driven by some conception of pedagogy and the rights of the child, nobody recommended the

replacement of the spanking by communication and exclusion. But especially no pressures like physical pressure or slaps which would risk traumatizing the pupil.

As regards the punishment of the children, it obeys another dynamic. Bansa confront the child with reality thanks to links that exist between the act and consequences which follow after. As regards the fact of punishment, Informant 51 affirms by saying in his interview that: *«Yes I agree with these punishments because they correct and mould our children to become legitimate human beings and to differentiate them from animals. »* (Interview conducted with Informant 51 in Ntoh-kumbo on March 19th, 2016). The punishment can therefore stretch over several aspects such as to the school.

All societies of the world knew the bodily punishments inflicted on the children in the field of education. The African societies are not left out. Indeed, to correct a child participates in his education; the school turns to be the most important place in the life of a child. In series, these punishments are considered to be simple measures of internal order, which can be given by the members of the educational community. Anyhow they always have to register in the logic of an educational step principles of which are enunciated in the internal regulations which remain a reference.

More than half of the teachers interviewed think that punishment is necessary for their profession (78 %). A majority agreed saying that to punish is a factual part of the job of the teacher. For the teachers of the kumbo town and Bansa, punishment appears as a practice rather explicit, to which rules are known, even if it can sometimes resemble a pressure tool. The teachers are encouraged to look for means to apply discipline without making appeals on the physical, emotional and psychological punishments. All these in a bit to make children become responsible citizens. This is done with the means of long-term corrective methods, rather than by short-term punitive methods, such as bodily punishments.

A good number of teachers that we interviewed agreed on the fact that, punishment is a convenient tool to support or to bring back order in class. It is not therefore a surprise to find very strong pedagogic aspects as results. At the same time, many teachers see to it that investing punishment on an educational dimension is a good idea. Nevertheless, the teachers interrogated in the Bansa community approved that, exaggerated punishment pushes the child to act wrongly in the society.



## 5.5. Corporal Punishment and its adjoining

Culturally, corporal punishments are often considered to be currency running in Africa, that parents and the teachers at the school turn to it to impose discipline. The physical punishment and other mortifying form of the discipline inflicted on the children as spanking (form of bodily punishment, which consists in giving blows to a child). This form of punishment at present is fast disappearing. FAI MBIGUIY, a retired teacher approved as follows:

*By punishing, we attribute to discipline which is not bad, but for fact that it moulds top responsible and tamed people. Nothing good can come from exaggerated punishments. It is better to implicate an intermediate person for dialogue between the parents and the recalcitrant children, rather than punishing them exaggeratedly. Consequences of exaggerated punishments go as far as; the demoralization of the children, hardened audacious minds of any form and an increase of fanatical smokers and players. (Interview conducted in Bango Baptist Hospital-Kumbo April 19th, 2016)*

The parents as the experts have different opinions on spanking as an appropriate means to discipline or to punish a child. The organizations of children's rights campaign actively so that the physical violence in school ceases. It is in this line that in the some educational bodies as we quote:«*There are some teachers who adhered completely to the government policy not to beat the children*» (Focus Group Discussion carried out in a home in Kumbo on 2016) as well as many African countries that follow Cameroon's example. That's how in Cameroon, the 1998 law forbided physical punishment in schools.

The Bango have their ways of punishing children and adults according to the crimes they have committed. The types of punishments are: corporal punishments like to go and fetch fire wood or carry sand, to call the group of young boys to beat the culprit and if he or she does not change,he is handed to the traditional council.If a child has bad company they will stop the child from moving with such friends, deny him/ or her some basic necessities for some time. At times, light beatings and advices are also reserved for these children.

## **5.6. Punishment link to the traditional council**

There are some punishments that are always handled only by the traditional council. An example is on any child who sees a particular juju that is not supposed to see, he is obliged to go and pay fines for cleansing rites. After paying these fines he is also obliged to furnish fowls, goats and palm wine for him to become a member of that juju secret society. At times, they give the culprit a tall bamboo and he is escorted by the Nwirong secret society (juju) out of the river bere (Bui) for some months before coming back.

## **5.7. Cultural representations of punishment methods**

The Bansa society have cultural beliefs and practices which all have meanings and symbols which must be interpreted by anthropologists during research (Geertz, 1989). We thought it wise to look at the cultural beliefs and practices. When we look at the punishment for suicide, we discover the general ideology here is; "*A yoh diykp vin*" which means "*no shading of tears for somebody who dies or commits suicide*".

The burial is quite different from an ordinary burial, it is not recognized, no shading of tears, no coffin. Suicide is considered shameful and an abnormal death according to the Nso tradition. It is the *Nwirong* secret society that has to bury such a person and in a bush; as expressed by one of our informants: -

*the burial is different from the normal deaths, it is somehow, not recognized, no coffin, no crying as recommended by the secret jujus. At times the corpse is buried in the bush and people are not allowed to go and see the grave.*(Interview realized with informant 14 on 13-3-2016, at Bansa).

Any person who dies through suicide (hanging) also has to be buried in an abnormal way that is shameful because there is no coffin or any death celebration.

### **5.7.1. Perspectives on Punishment**

There is thus a whole range of possible punishments (tortures, maimings, stonings, public whippings, etc.) that are simply ruled out as "unthinkable" because they strike us as impossibly cruel and "barbaric"- as wholly out of keeping with the sensibilities of modern, civilized human beings. Such judgments, based on the prevailing sensibilities, define the outer contours of possibility in the area of penal policy. Usually this boundary line has the unspoken, barely visible character of something that everyone takes for granted. It becomes visible, and obvious, only when some outrageous proposal crosses the line, or else when

evidence from other times or other places shows how differently that line has been drawn elsewhere. It is therefore stating the obvious but also reminding us of something we can easily forget to say that punishments are, in part, determined by the specific structure of our sensibilities, and that these sensibilities are themselves subjected to change and development.

The indispensable guide for any general analysis of civilized sensibilities is Elias's two-volume account of *The Civilising Process* (1978 and 1982), first published in 1939. In the course of this historical study, Elias sets out a detailed description of the ways in which Western sensibilities have changed since the late medieval period, identifying a number of broad developmental patterns that seem to underline the multitude of tiny, specific, and very gradual changes of attitude and conduct that the historical sources reveal. Having described this pattern of change and the typical directions that it has taken, Elias then sets out an explanatory account that links changes in sensibility and individual psychology with wider changes in social organization and modes of interaction. Unfortunately, Elias himself has little to say about the way in which the history of punishment fits in the broad developments which he describes.

The importance of sensibilities in structuring modern penal practice is obvious if one considers the generalized refusal of Western societies to utilize what can, in some respects, be an efficient form of sanctioning, namely, corporal punishment. Unlike imprisonment (which is very expensive, difficult to manage, and which creates its own problems by bringing together large numbers of offenders under the same roof) and unlike the fine (which varies in effect according to the offender's means, and which frequently results in imprisonment for those who cannot pay) corporal punishments can be inexpensive, they can be precisely calibrated, their side effects can be minimized, and they can be delivered reasonably efficiently and uniformly. In these terms, at least, there are strong reasons to consider corporal punishments as a policy option within modern penal strategies. And yet penologists, by *Perspectives of Punishment*

Why is this? The answer would seem to be that our modern sensibilities- or at least those of the sectors of society that are influential in policy-making- have been attained on physical violence and bodily suffering. Gross violence, deliberate brutality, the infliction of physical pain and suffering, all these are felt by many people to be intolerably offensive in themselves and to have no legitimate place within the public policy of a civilized nation. But it needs to be emphasized that this ban on violence and the infliction of pain is not a general one. On the contrary, an understanding of the human impact of some contemporary

punishments makes it clear that government policy still permits the infliction of pain and public opinion still tolerates it-so long as it takes a particular form. It is well known to those with experience of imprisonment, for example, that incarceration, particularly for long periods of time, can produce acute mental and psychological suffering (Sykes 1958; Cohen and Taylor 1972). It can also bring about physical deterioration and the erosion of cognitive and social skills, and it frequently results in serious emotional and economic distress for the prisoner's family. But because these pains are mental and emotional rather than physical, because they are corrosive over an extended period rather than immediate, because they are removed from public view, and because they are legally disguised as a simple "loss of liberty," they do not greatly offend on sensibilities and they are permitted to form a part of public policy. In keeping with the demands of a "civilized" society, the experience of pain is ushered behind the scenes-whether this is behind the walls of a prison, or behind the "front" with which prisoners conceal their emotional distress.

### **5.7.2. Traditional punishments methods of the southern part of Cameroonians living in Bansa**

In the Beti land, their customs constitute the main source of law. The 'Grande Famille Beti' is made up of different ethnic groups. Amongst which are the Ewondos, Etons, and Fang Betis. The individual is linked to his family and clan. That is why if an individual is found guilty of any act, the responsibility is undergone by the family and clan to which he belongs, that is, everybody is involved. That however, has not stopped them from putting in place small courts which can solve social problems and even punish the culprits. The Betis have a supreme jurisdiction called '*Ngil*'. It's a group of people initiated from different clans whose role consist of taking care of the villagers. In addition to the '*Ngil*', there exist other jurisdictions like; The court of '*Ndabot*' which takes care of extended family problems. Whatever intra-family cases that come up, they are essentially disciplined. The court of '*Mie Nlam*' solves problems that come up between two different families of the same clan. The court of '*Ntyi'méjo*' which solves problems that are above the family and clan.

At this level, justice with the Betis is hierarchal and suites well with the traditional social architecture which has a tendency of decentralization as concerns the management of political power. Here, traditional justice is often called up for crimes that are linked with murder and to transgressions of forbidden acts like incest and witchcraft. These two however are considered as serious crimes. In order to see whether a person is guilty of such a crime,

certain things are taken into consideration. This can be carried out in two ways; divinatory rites which consists of seeking the view of the Divine God as concerns the motif of the problem and how to solve it , or that linked to the on- natural like poison rites called '*alan*', pepper or ants, hot water or fire. For small acts like debts, other ways are employed like '*mimbog*' that is, capturing a parent of the debtor until the day the debtor pays back the money) or '*l'asan*' ( a summation to a debtor on a fine of being rendered a prisoner or captive by the notable of the village of the learner).

Amongst the sanctions levied on guilty people, we find: Beating for crimes committed within the clan; Indemnity or revenge for an ordinary murder which does not include witchcraft; Death penalty for cases like incest and witchcraft.

Bulus, who also fall under the Southern region of Cameroon, cannot be left out. Punishable crimes vary from; poisoning, murder and false witnesses. Amongst these sanctions, one can note the exposure of a woman who has committed adultery on the ants' hills. This is an act that is practiced even by the Fangs of Gabon.

However, a widely used act of disclosing guiltiness is that of a famous poisonous tree. The Betis called it '*alan*' and '*mbundu*' as seen in some villages in Gabon, '*elon*' with the Bulus and '*kiton*' in Bafia. In Bafia, the tree that generally serves as a poisonous tree is called '*kiton*'. The act consists of unmasking a criminal. The supposed criminal or accused person is called upon to cut a piece of the tree '*kiton*' with a knife or any other shape objects that he puts it on the ground. If the inner part of the piece of '*kiton*' is looking downwards, this signifies innocence. If the contrary, it means the guilt of the person is established. Another way was forcing the supposed criminal to eat raw yams with palm oil accompanied with a good quantity of water. Those who rejected the yams consumed by vomiting were considered as being innocent but the contrary were declared guilty.

As regards the Bassas of the Centre Region, herbs are thrown on the floor following the register of acts called '*nta*' and '*hanto*'. The supposed guilty person after walking on top of these herbs find himself completely naked. If it is the contrary, then the person is innocent.

Another serious crime that used to be punishable within the Bassas, this time of the Littoral Region (the Ndom) was adultery with the Chief's wife. It was not an easy act that occurred on frequent basis but it was punished accordingly. When a man was caught red handedly, he was taken to the chief's palace where 9 '*mbombocks*' (village leaders with supernatural powers) concerted and after the concertation drove you out of the palace to your

father's compound. It is believed that these '*mbombocks*' had supernatural powers for protection and sorcery, and that they watched over the entire village at night. The chief's wife on the other hand was killed since they believed that it was with her concern. The man was fined later on and when he came with the items being asked, he was asked to stay alone for the next two years. Nobody was authorized to pay him a visit and vice versa. In some cases, those who could not bear it left the village completely. If you died while outside of the village, your lifeless body was brought back for burial in the village. The treatment reserved for strangers who committed adultery with a Bassa village man's wife, stood the risk of being beheaded by the chief.

A lot of importance was attached to the value of palm nuts, cocoa and palm wine. We say so because when one was caught stealing one of these things, you were taken to the chief's palace for judgment. When a man was found guilty, he was asked to work in the victim's farm for more than two months without having a taste of the yields. When you were caught of stealing cocoa, you were beaten up severely by the village youths who were considered as 'village police'. To them this beating was satisfactory.

However, the way things happen these days is a bit different from the past. When you are caught fornicating with the Fon's wife, you are ex-communicated from the village which is not as painful as killing. Today, much attention is being paid on witchcraft by the '*mbombocks*' before you are being taken to court. This always occurs after the villagers have given you severe beating, that is, fifty weeps on the buttocks publicly. These '*mbombocks*' however admitted that despite the fact that their old methods were brutal, they were effective.

Still in this same light are the Toupouris, who have almost the same practices like other neighboring villages of North Cameroon. From the above analysis, we concluded that we cannot study punishment in children and as a whole without touching other communities. It is true that our study is limited in Bafut and Bansa but that notwithstanding, other ethnic studies have immensely helped us and why not the reader in understanding why some groups or communities punish the way they do.

### **5.7.3. Sub cultural differences**

Sometimes members of a social group share a set of values and meanings not shared by the society of which they are a part. This separation creates a subculture. A subculture is a culture within a culture, a collection of norms, values, and beliefs with content distinguishable from those of the dominant culture. This definition implies that members of the subculture

participate in and share the larger culture of which the subculture is a part. At the same time, it implies that the subculture observes some norms and meanings peculiar to its members. A subculture need not act in opposition to the larger culture; if it does, the term counterculture supplies a more appropriate meaning (Yinger, 1982).

The subculture values mobility, mechanical ability, skill at fighting, adeptness at riding very large Harley- Davidson motorcycles, and ability to manipulate or “con” others (Watson, 1982). Crime is often a part of these cyclists’ lives, at least for their street life spans, claimed to last only about 5 years (Quinn, 1987). After that time, the effects of run-ins with the law, brawls, or crashes take their toll and the members move out of the gangs, usually into working-class occupations. Biker women may lead even more bleak lives. Most often drawn from backgrounds of economic and social deprivation, biker gangs exploit women physically and economically (Hopper and Moore, 1990). Women often participate in various initiation rituals and contribute to the finances of the gang through drug sales or prostitution. For some of the biker women, the gang as debilitating as it might appear to outsiders provides a comforting measure of structure and predictability in an otherwise capricious life.

The subculture’s norms set limits on these activities, however, at the same time that it justifies deviance. As one informant 40 (patient) phrased it:

*We’re not doing anything that’s really wrong. We don’t murder or rob or things like that. We only take a few groceries once in a while from the A&P store. And we only do that when it’s absolutely necessary. Other people who have lots of money do it all the time, and they take things much bigger than we do. We do it for medical reasons—our health, but they just do it for greed.* (Interview conducted with Informant 40 on 18/03/2016 at Nto-Kumbo).

Conclusively, every community has symbolisms in their punishment methods. In Bansa, there are diversified punishment methods because of the so many crimes. We have for example: rape, incest, murder, stealing, abortion, fighting, abuse, adultery, fraudulent claim of land, and disrespect for traditional laws like ‘country Sunday’ etc. Thiw puwh u to say that the Bansa people give lot of importance to the traditional methods and these will go as far as excercing impacts on the children individuals as a whole. This however, is to make sure that they dont repeat the crimes again.

## **CHAPTER 6**

### **IMPACTS OF TRADITIONAL AND WESTERN METHODS OF PUNISHMENTSON CHILDRENIN THE BANSO COMMUNITY**



The chapter we are going to tackle below sets to show us the positive and negative impacts that punishment be it traditional or western can have on children; the family, society the psychology of the child and to the Bansa community as a whole. We thought it wise to start by introducing in a detailed manner what punishment itself is all about so as to tackle the impacts that it can has on the world, Cameroon, North West and the cultural worlds of the Bansa community in particular. We will also take a look at what human rights activists, NGO's think concerning child punishment. For example, are some there some Bansa customs that are being misinterpreted by human rights activists as child abuse, prosecution etc? We will also go further to look at how these human rights activists access cases, their criteria for intervention hence at a multi dimensional approach. All these will bet analysed in our subsequent lines.

## **6. What punishment is all about?**

For a closer focus on the issue of punishment, let us start out by considering jurisprudence. In theory, each “We-society”, small or large, has to decide between –at least three – leading ideals of punishment. It could develop a national kind of a system of solidarity (fraternity) or a system of fairness or of freedom.

System of “solidarity” culture. It is a “we-punishment” (in-group). This society would prefer on one hand a model of social help. It looks out to minimize pain out of an internal sympathy. On the other hand, there would be a tendency to hierarchy by favoring deterrence. The techniques are addressing the community with symbolic acts, sacrificing human beings exemplarily or even innocent pawns as scapegoats. The goal is to maintain the society by pressure, including repression. Societies idealizing solidarity tend to held tribunals like public plays on stage, too. Publicity in every kind is part of social communication; Lyons, Lewis, *The History of Punishment:*

*The usual justification for strict penal regimes is deterrence, although the evidence shows, more often that not stricter penalties do not reduce crime. In ancient Athens, Draco imposed the death penalty for virtually every crime. Rather than deterring crime.* Judicial Penalties Ancient Times to Present Day (2003: 56).

Draco's harsh legal code provoked civil unrest and eventually had to be repealed. The true motives for imposing stricter penal regimes are political; executions may or may not deter potential criminals, but they do demonstrate that the government is ‘tough on crime’. ... One penalty was assigned to almost all transgressions, namely death, so that even those

convicted of idleness were put to death, and those who stole salad or fruit received the same punishment as those who committed sacrilege or murder.

Therefore Demades, in later times, made a hit when he said that Draco's laws were written not with ink, but blood. And Draco himself, they say, being asked why he made death penalty for most offences, replied that in his opinion the lesser ones deserved it, and for the greater ones no heavier penalty could be found". It is an expression of membership and of democratic participation as well.

The Western ideal of universal humanity uses the same approach by interpreting mankind as the global clan or a holy meta-group. By the way, this ideal works only by excluding nature as the mere environment from humans. And this group-thinking stems obviously from the three Book religions, believing in one God with a personal relationship to all humans.

System of "Fairness". It is a "They-punishment" (out of group, but neighbors). A nation built mainly on fairness would be led by the ideal of business like strict reciprocity. But there is a strong tendency to justify pain. Retaliation means in history, less abstract and in medieval forms of case law systems inflicting the same kind of pain to the criminal offender, "an eye for an eye." Combined with deterrence it justifies dismembering thieves etc. too. But on the bright side it is the old ideal of a kind of natural order of a "holy spirit", including the principle of harmony as in the cultural approach of "yin and yang".

System of "Freedom". Regarding punishment it is an "neutralizing criminals into objects". This culture prefers incapacitating criminals because they are wild and dangerous. What it means is a combination of both, a brutal, tyrannical "human zoo" being satisfied is inflicting pain and a reasonable scientific one, especially one being satisfied by a utilitarian "behavioral treatment". This system is ruled only by freedom, and at least based on the old "status naturalis", if not openly returning to it. The positive way means favoring the creative pursuit of individual happiness and giving the other freely what is "his" (*sum cuique*). The dark Machiavellian side bans metaphysical ethics or the emotions of sympathy. It is similar to a hunter system remembering that hunting of game was a privilege for knights and kings.

However, these three are, if not the only secular ones, then at least the three existing great mainstream systems ruling punishment. And more, vice versa, these three approaches define crime as well. The criminal person harms either "Solidarity" or he inflicts mainly. "Fairness" or he violates most of all "Freedom". They are based on either "collectivism" or

“cooperation” and in “individualism”. Pure collectivism would mean a fundamentalism of society. Mere blind mutuality is the core of the socio-biological mechanics of systems. The ideal of strict individualism dominates the fight of the survival fittest, egoistic gene. How best to combine these three approaches “humanely”, is a question best answered in light of a multidisciplinary philosophical anthropology. But both is important, the ambivalent fundamental roots and the democratic art of combination.

### **6.1.1. Social doctrine of punishing children**

In human societies, punishing children serves as a means of regulating social reports. The punishment is therefore a means to protect social order. It is to be noted that in the society of Basso, without punishment; selfishness, embittered or other forms of deviance which interferes with social harmony would gain the upper hands. This is so because they would not be dissuaded enough. Man is sociable, and at the same time for the good that he finds around (rewards brought by social life), but also by the fear of various forms of punishment, symbolisms, morality or physical appearances. Facing reprehensible behaviours, the society has hardly other means than of punishing children to protect social order. Punishment is therefore a wrong necessity. If the punishment is a wrong necessity to support the social cement, it cannot merely consist of a mechanical answer to social as well as against the child. Any punishment must have a pedagogic virtue, be dissuasive for future and be balanced in the gift. So, independently of its social utility, the punishment must be fair. The punishment must be able to draw reconciliation, correction and drive away abatement, reconciliation, forgiveness, redemption and social reintegration.

The interpretive perspectives of Durkheim, Marx, and Foucault hereby now well established frameworks in the sociology of punishment and have prompted a considerable body of research and commentary. The final perspective that it discusses that of Norbert Elias is less well known and has only recently been shown to be relevant to the understanding of punishment and penal history. The value of Elias's work for the sociology of punishment is that it provides a detailed account of certain cultural and psychic structures, which he terms "*civilized sensibilities*," that are characteristic of modern or Western societies, and that can be shown to have major implications for the ways in which we punish. Although Durkheim touches briefly on this theme at one point, questions of "sensibilities" and "civilization" have not featured prominently in recent sociologies and David Garland's histories of punishment. Indeed, Marxist and Foucauldian theorists have tended to exclude sensibilities from their explanatory framework, arguing that "humanitarianism" and "civilized sentiments" should

been seen not as causal factors in penal change but instead as superficial ideologies concealing more basic economic interests or overt strategies of power and control (Ignatieff 1981). As a reaction to uncritical moral histories of penal progress, this skeptical approach was probably necessary, and it has certainly been illuminating to ways that we have already described. But it is increasingly apparent that this rejection of sensibilities and substantive moral convictions has been altogether too vehement.

The revisionist emphasis on the implicit strategies of control and domination that operate through punishment has hidden the important role that cultural values and sensibilities play in giving shape and limits to the penal measures that may be deployed. Thus it may well be that hanging in chains or exposing offenders to crowd violence on scaffold or pillory no longer fit with the strategists and the political relations of our time, and so their disappearance can be understood in political terms. But it is also the case that these measures would now be an affront to the normal sensibilities of individuals who have grown up in modern Western societies and the reality and force of these sensibilities would soon be by any ruler who tried to reintroduce such "barbaric" methods within that cultural context.

### **6.1.2. Punishment by law**

Punishment here is being received as a social cohesion governed by police forces. It punishes the child who is considered guilty to have infringed law, who varies according to groups. Responsibility registers in the logic of conceived law as a system of commandment matched by sanctions. Law and trouble contact the free referee considered to be the reason of crime. The punishment of crime serves for reminding that the Penal code is not only a paper rag. At the same time, it encourages the potential delinquent, stubborn or heady child to resist temptation so as to divert the potential offender of the act whom he plans to pose. It is the expression of the government in power except for traditional to know the civil law of code, established by the sovereign authority of a society.

*Now we have the police, the policeman and others decide the type of punishment to implement on our stubborn children. For example, when a child committed murder in the past, he was immediately killed or exiled from the whole of Bansa. (Interview conducted with Informant 40 at Mveh – Kumbo on 17.05.2016).*

In this case, the act to punish is not only to suppress crime directly, but to reinforce the citizens who are willing firstly to respect law by assuring that, they will not find themselves unprotected in the middle of malefactors. This aspect of criminal sanction can be compared with an umbrella sheltered from which lies the mutual trust that motivates people to act

responsibly. As a consequence of deviance, the society has the prison in its breast. The prison is however only an epiphenomenon; it is the big punishment only because there has been judgment.

### **6.1.3. Realistic Democratic Punishment**

Of course, all bipolar approaches include – secretly or open – a kind of synthesis. Each of the three systems bears not only a good side and a dark side. At the sideline of the two poles of good ideals and their evil abuse, or maybe even in a broad middle zone between both poles, there grows a third political and cultural world. It is ruled by the pragmatism of a “common sense of balance”. Balancing almost blindly different subculture and forming them into a mainstream culture is a strong form of peacekeeping and this “mediation” has to be done as well (or at least). This thinking is backed up mainly by a kind of semi-religious civil consensus as a great value of its own. It is the synthesis of a cultivated, balancing social system. In light of acceptance, the three pairs of reason for punishment are social help and deterrence based on solidarity, ritual fairness and retribution grounded on Equity, for a global world: Sandholtz, Wayne, Humanitarian Intervention –Global Enforcement of Human Rights?, in: Brysk, Alison (Ed.), Globalization and Human Rights (2002: 201); Hoffmann-Holland, Klaus, Ethics and Human Rights in a Globalized World. An interdisciplinary Approach, in: Hoffmann-Holland, Klaus, Ethics and Human Rights in a Globalized World (2009: 1) (International Humanitarian law is closely linked to human rights law); Scientific utilitarianism and free will two kinds of Freedom, Western Jurisprudence combines these approaches in at least two ways. Conservative persons argue with “deterrence and retribution”.

The progressive ones as regards our study area prefer “prevention” by social help, before and after the criminal act and “fairness” by providing help for the victims. The balance of both perspectives is to be called a nationally cultivated culture of punishment. “Deterrence and retribution” are well known rational arguments for a “democratic” punishment, culminating in the United States by being used for rectifying or fighting the death penalty. Their emotional as a form of rational choice: McKenzie Richard B. / Tullock, Gordon, The New World of Economics – Explorations into Human Experience (1975: 152). “*The deterrence theory of punishment is, after all simply a special version of the general economic principle that raising the price of something will reduce the amount purchased*”. Zimring, Franklin E. / Hawkins Zimring, Franklin E. / Hawkins, Gordon, Deterrence:

*In the capital punishment debate the issue is not that of absolute deterrence – whether the death penalty is a deterrent. It is that of marginal deterrence – whether it is a more effective deterrent than the alternative sanction of long imprisonment”. The Legal Threat in Crime Control (1973: 14)*

Ehrlich, Isaac, The Deterrent Effect of Capital Punishment: A Question of Life and Death, American Economic Review (1975: 379, 397): “*What has been questioned by these scholars is the existence of a differential deterrent effect of the death penalty over and above its most common particular alternative, life imprisonment*”. Andeneas, Johannes, General Prevention Revisited: Research and Policy Implications, The Journal of Criminal Law & Criminology (1975: 59):

*It is unfortunate that discussions of general prevention have concentrated on the effect of capital punishment for murder (...) Even in an emotional crime like murder, with all its pathological elements, it would be untenable to claim that the magnitude of the punishment has no effect whatsoever.*

If punishment of three or four years imprisonment became the standard sentence for murder, this kind of crime would probably increase. In the long run such a reduction in penalty might also reduce the inhibitions against committing murder in situations where murder seems a tempting escape from a situation of emotional conflict”. Kleck, Gary, Capital Punishment, Gun Ownership and Homicide, American Journal of Sociology, Vol. 84 (1978/79: 907) “Therefore it is not possible to state definitively that the death penalty never has exerted any deterrent effect in the United States, or that it never could (...) Contrary to the recent finding of Logan (1975) even basis could be described with the duality of “sympathy and satisfaction”. At any rate, it seems that, Western civilizations combine all of the three cited pairs of reasons.

#### **6.1.4. Rituals and Punishment**

Punishment can be looked through rituals. This can be seen through cases of prisons and schools and it will be developed in the paragraphs below. But before, we thought it wise to take a look at the culture of punishment as a ritualistic device.

The Culture of Punishment was originally a "ritualistic device" conveying "moral condemnation," "inflicting humiliation," and dramatizing evil through a public "degradation ceremony." Punishment of criminals was seen as a means of both avoiding mob violence and furthering social solidarity by protecting "against the terrifying anxiety that the forces of good might not triumph against the forces of evil after all." None of this, however, addresses the question of why we need to punish. This is not an easy question, but we believe the best

explanation is simply that our innate sense of justice is profoundly disturbed if we see another go unpunished for his antisocial behavior. In J. C. Luger's words:

By punishing the criminal, we are not only showing that he can't 'get away with it,' but holding him up as a terrifying example to our tempted and rebellious selves. . . . Connected with this is the danger with which our whole notion of justice is threatened when we observe that a criminal goes unpunished. . . . To Gordon, 1968, "*Punishment is a ritualistic device designed to be influenced by intimating symbolically social disapproval and society's moral condemnation.*"

In short, criminal punishment is society's antiaggression safety valve; we project our guilt, blame, shame, and fear, express our collective anger and hostility, and show the criminal that he cannot succumb to temptations (as we (the law abiding) do not succumb), and thus preserve the illusion of an even-handed justice system. Of course, the insanity defense flies in the face of all of this. For many reasons, the insanity defense serves as the perfect scapegoat for all that is perceived as inexplicable about our criminal justice system. It symbolizes "the most profound issues in social and criminal justice." It underscores the gap between the public's perceptions of how the criminal justice system should operate and the way that, in a handful of cases, a "factually guilty" person can be diverted from criminal punishment because of moral or legal non responsibility.

When we look at *Sin, Evil, and Madness*, we realize that the insanity defense flies in the face of the way that we have traditionally conflated them. Although modern psychiatry and psychology illuminate many of the reasons why certain criminal defendants commit apparently incomprehensible, "crazy" acts, we reject such psychodynamic explanations, both on personal and justice-system levels. We do this because such an explanation—indeed, the existence of the insanity defense itself—robs us of our need (our desire, our compulsion) to mete out punishment to the transgressor. Most strikingly, we do this even when we are faced with incontrovertible evidence that the "successful" use of an insanity defense can lead to significantly longer terms of punishment in significantly more punitive facilities than the individual would have been subjected to, had he pled guilty or been found guilty after a trial.

#### **6.1.4.1. Insanity, crime and punishment**

What is it about the insanity defense that affects us this way? Why is the public's reaction so homogenous and why is it so dissonant from that of many of the professionals who have spent their lives studying these questions? Why is the insanity defense the screen

upon which the community projects its "visions of criminal justice"? These are some of the questions that must be addressed in this inquiry. First, let us see what can be determined about attitudes from the defining congressional hearings that followed the Hinckley insanity acquittal. We start here because our sense is that, if we scrutinize these hearings, we can begin to understand how we, the general public, really do construct the insanity defense and why we continue to focus on it irrationally and obsessively as the root of all that is wrong for example with the American criminal justice system.

According to Representative Coughlin, insanity defense reform was a Maginot line of sorts: "nothing less than the credibility of our Federal justice system is at stake," he said in underscoring what he saw as the significance of the hearings. This hyperbole was repeated continuously, in different contexts, by other members of both Houses of Congress during the debates. Thus, Attorney General Meese argued that insanity defense abolition would "rid . . . the streets of some of the most dangerous people that are out there, that are committing a disproportionate amount of crime. Senator Quayle asserted that the "*decadent demoralizing court decisions . . . pampered criminals*" and gave defendants the right to kill "innocent people with impunity Senator Symms added that a criminal justice system that included an insanity defense could "*no longer represent . . . a civilized society.*" One of our legislators said about the use of the defense: "a safe harbor for criminals who bamboozle a "a rich man's defense""; a doctrine to this from former attorney General.

#### **6.1.4.2. Insanity Defense Myths**

What is there about the insanity defense that inspires such massive societal irrationality? Why do we adhere to these myths, ignore the reams of rational data that patiently rebut them, and willfully blind ourselves to the behavioral and empirical realities that are well known to all serious researchers in this area? It is to these questions that we now turn. Our insanity defense jurisprudence is premised on a series of empirical and behavioral myths, myths that empirical research has revealed to be "unequivocally disproven by the facts. From that detailed history on punishment, we now boil down to have the different impacts on punishing children.

## **6.2. Social impacts of Punishment**



It is believed that physical punishment is associated with increase child aggression, antisocial behaviour, low intellectual achievement, poorer quality of parent-child relations and even mental health problems. Though physical punishment on children is said to be slowly declining as some studies have revealed lasting harms on children, many parents aren't hearing the message. (Brendan Smith, April 2012, Vol 43, N° 4, pg 60).

Following panoramic studies of sanctions which figured in the repressive list of punishment in traditional societies of Cameroon, we were able to come out with the following social impacts of punishment on children of the Bansa ethnic community.

### **6.2.1. Social Institution**

At this point, we are looking at punishment as a social institution, that is, to suggest how the theoretical tools of sociology can be used to help us think about punishment in its various aspects. Each of the different traditions of social theory provides a specific set of tools in the form of a specially adapted conceptual vocabulary, designed to explicate a particular aspect or dimension of social life. And, as we have tried to indicate, each of these interpretative vocabularies has its uses in understanding punishment and becomes more or less useful depending on the questions asked and the characteristics being explained. Thus, in some circumstances, and for some people and children in particular, punishment is an exercise of raw power, best understood in vocabularies such as those supplied by Foucault or Marx. Yet at other points, and for other people, perhaps in the same society and the same penal system; punishment may be an expression of perspectives on punishment, moral community and collective sensibility, in which penal sanctions are authorized as response to shared values violated by individuals. In these circumstances, the vocabularies of power and ideology need to be tempered by the rather different concerns articulated by Elias and Durkheim. The object of theoretical work in this area neither should nor be to create a grand synthesis neither of these traditions, nor to construct some kind of theoretical mode. Rather, it should be to investigate how we might most usefully utilize the range of perspectives and vocabularies through which punishment can be variously understood and to develop a conception of punishment that can ground this multiplicity of interpretations and show how they interrelate. These social interpretations might thus be used to enrich our understanding of punishment, leading us to conceive if it not just as a crime control mechanism but instead as a distinctive and rather complex social institution that, in its routine practices, somehow connives to condense a whole web of social relations and cultural meanings. This more developed,

sociological conception of punishment can, we think, have important implications for the way we think about punishment and penal policy. By making the social dimensions of punishment explicit, and by showing the kinds of internal conflicts and social consequences that penal institutions entail, the sociology of punishment provides a more adequate empirical basis for policy evaluation, philosophical reflection, or political judgment in this area.

As we suggested earlier, the evaluation of punishment is too readily cast in the narrow terms of instrumental utility. We are too prone to think of punishment as a simple means to a simple end, usually that of crime control and to treat all other aspects of the institution as minor considerations. So, for instance, imprisonment, or probation, or rehabilitative policies, or even capital punishment, are all too frequently approached as if the major question to be answered concerned their technical efficacy as instruments of crime control. Their evaluation thus turns primarily on measures of recidivism, or deterrence, and on correlative crime rates rather than on judgments of their total worth as social practices. But, as each of these sociological perspectives makes clear, we can hardly begin to understand penal institutions if we insist on treating them as instrumentalities, geared to a single penological purpose, so the tendency to evaluate them in these terms seems misguided and unproductive.

Thus, to conclude with an illustration, we might consider the ways David Garland in which the institution of imprisonment tends to be evaluated in contemporary discussions. As every critical report reminds us, this institution signally fails to achieve the ends of crime control that, it is assumed, form its basic *raison d'être*. Most prisoners are not reformed, new generations of criminals go undeterred, national crime rates are not forced in to decline, so that by all these criteria the prison is deemed an inefficient instrument (though, it should be noted, not much more inefficient than many of its alternatives). This margin of failure is not suggested that prison has no success, is such that the prison and its present high frequency of use, present a serious puzzle for social commentators and penal reformers alike. Theorists such as Foucault assume that the prison's failures must, in some covert sense, be "useful for power." Historians such as Lawrence Stone (1987: 10) assume it is a "vestigial institute" that has somehow outlived its usefulness. Liberal criminologists throw up their hands in despair at the "irrationality" of policy and urge governments to pay attention to penological research findings and the failures that these imply. But, in an important sense, this argument is misconceived,

Contemporary policy options such as selective incapacitation and the identification of career criminals, dangerous individuals, or even appropriate cases for diversion rely on the same principles of assessment, diagnosis, and prediction as did rehabilitative regimes (Floud and Young 1981; Green Perspectives on Punishment wood 1982; von Hirsch 1985). "Panoptic" principles continue to inform not only modern prisons and reformatories but also spread out into the community via the new technologies of electronic surveillance and the various forms of house arrest and at a distance control that these make possible (Marx 1985). Normalization techniques continue to be utilized by the myriad of community based criminal justice agencies that operate in the space between full imprisonment and unconditionalliberty (Donzelot 1980; Cohen 1985; Harris and Webb 1987). It should be noted that the importance of transfers along the carceral continuum is made vividly apparent by the fact that, in some jurisdictions, the number of individuals transferred into prison from parole agencies (as a result of parole violation) is now greater than those sent there directly by the courts (Messinger and Berecochia 1990). In other words, the eclipse of the rehabilitative ethos has done nothing to diminish the extensive network of investigative, classifying, and normalizing practices that were initially introduced under the rubric of "*helping the offender*" do that now form an essential part of the power knowledge network of penal control.

Thus, although Foucault's account may overstate the importance of the disciplines and may neglect to deal with the counterdisciplinary forces and nondisciplinary forms that operate within the penal realm, he has nevertheless succeeded in identifying and analyzing certain characteristics of penal practice that are of major significance in the modern world.

### **6.2.2. Changes affects children's behaviour**

Information gathered from our informants show that modern changes in the society have actually affected our children's behaviors and practices to an extent that if parents and teachers don't work extremely hard to redress the children, our community shall become pit hells. These have brought changes in the society and have affected our children but we also want to say that these negative effects are found mostly with recalcitrant children because obedient children are not easily influenced by these changes. If a child grows up being obedient no matter the situation the child is going through, that child will not quickly abandon the good morals to embrace evil ones.

Our informants believe that accepting children to have telephones for example push them to use the phones for other wrong reasons. If one is not careful, in the long run, many

children will not be respecting their elders due to the changes in the society especially the weak punishment methods applied now.

While looking at the possibility of children being responsible, informants said, a child cannot grow and become responsible in the society without being punished. That, this can be possible with many obedient children. One of our able informants said:

*When an obedient child does something bad unknowingly and you advise the child not to repeat the act, there is no reason punishing the child again before he or she can become responsible.* (Ntoh-kumbo:19-03-2016).

At this present stage, children are no longer punished because traditional methods have gradually disappeared as pointed out by Wirba Léo, (Interview accomplished on March 19th, 2016 in kumbo).«*All our punishment methods have been affected by changes where the children are no longer punished the way we used to do in the past.* ».

In such circumstances, we deduced that, evolution and western punishment systems had played big roles. Presently, it has been pointed out that traditional punishment methods are gradually but surely disappearing. Western ones are favoured by communication processes of education amongst others. Death penalties inflicted on condemned criminals are fast disappearing in the world. So therefore, we see that modern punishment methods have got majors influences on the communities because it advocates for communication as a whole. This however, either through teacher and the child communication or communication between parents and their children. At some point, they think that because children are not punished accordingly, because of changes, laws and restrictions, some of the children no longer keep on descent dressings.

*These modern changes have really affected our children up to the point where many boys and girls move half naked now on streets. In fact, these changes have just spoiled most our children.* (Interview conducted with Informant 15 on March 19<sup>th</sup>, 2016).

We further see that, in the Nsocommunity, punishment methods have been affected by changes where children are no longer punished as their parents used to do in the past. There is a lot of *laissez –faire* and children are going astray. «*Punishment methods also changed and now the children commit pleasure crimes, for example, the girls abort at their ease and sleep around with boys at all times*» (Interview of March 15<sup>th</sup>, 2016 with Informant 10 inKumbo).

### **6.2.3. Case of schools**

In schools, rituals are made in the way that every student knows his or her punishment when he or she has done something wrong. The punishment is given due to the level of the error or crime. Most of the punishments are usually corporal which is intended to inflict pain.

Just like in Bansa, corporal punishments in school like in other parts of the country can be in many ways. School corporal punishment refers to causing deliberate pain or discomfort in response to undesired behaviour by students in schools. It often involves striking the student either across the buttocks or on the hands, with an implement such as a rattan cane, wooden paddle, slipper, leather strap or wooden yardstick. Less commonly, it could also include spanking or smacking the student with the open hand, especially at the elementary school level. This is the reason why ShufaiShuWoWiy (kimbo-kumbo; 10-03-16) assert that: *“Corporal punishments like dry cleaning, sweeping, clear or weed the school garden beatings using a cane, suspensions, convocation of parents and dismisses”*.

On the picture below, there are children in front of a classroom. Each student bends down with the head between the knees. This pains very well and when they perform this kind of punishment doing something wrong in school will not be easy.



**Figure 12: Children bending down with the head between the knees at Primary School in Tobin - Kumbo**

Source: Jaika (2016)

This means children mostly receive corporal punishment as capital punishment in school.

There are children who are punished by reading or writing. For the reading, the case is when the child has done something wrong and wants to go and play with friends. A book is

given to the child to read while the others are playing. The second case is when the child does something wrong and to punish him or her a paper or a board is given to him or her to write either what he or she has done to be punishment, what he or she will never do or what he has to do to be a good person next time.



**Figure 13: A child who has written a punishment**

Sources: [www.franceinfo.org](http://www.franceinfo.org)

The picture above shows a child who has written several times on the board as a sign of punishment. As seen at the black board behind him, he wrote: *“I will be good”*. After doing wrong, he has been thought not to repeat the act again and promise to be a good boy later. It is believed that by writing many times that he will be good, he may finally be good for his parents, family and friends.

How these sensitivities evolved is poorly understood. Looking for third-party punishment in animals in experimental contexts will inform us on the role of social preferences in our sociality and help us decide whether strong reciprocity can be widely read.

- Traditional methods of punishment are not always applied in school, but some of them are often observable at some levels like: The punishment for disobedience which is generally a punishment where children can also fetch fire wood, carry sand.
- The punishment of later coming in school starts with warnings. The school gives serious warnings whenever the children misbehave; beatings and some other corporal "punishments are also applied to the child or children.
- The punishment of disrespect for teachers and administrative authorities goes as far as suspending children in some cases and others, the use of hard labour and dismissals for extreme cases.
- With the high development of technology, some children take telephones to school, and are being punished for using them in class. At this level, some corporal punishments are applied on them. When a child is using a telephone in class, it is considered a very bad habit and the punishment goes as far as beatings and convocation of the parent. This convocation is to look for a possible sort out. Suspension with hard labour can follow and if that does not work, that is, the child continues using the mobile phones in class, it may sometimes resolve to dismissal especially in cases of non-compliance.
- Unwanted pregnancies are not to be left out. Formerly they used to dismiss any girl that was found with an unwanted pregnancy. Formerly a girl that was found with an unwanted pregnancy was dismissed but now, some of them are allowed to continue until they put to birth. At times they are given serious warnings such that it never repeats itself again

When all these punishment methods are applied and the child continues in wrong acts and behaviours, they punish the children to carry water for long hours, sweep the classroom over and over, and any other thing that can be done in the school compound repeatedly as the sign of punishment. Some participants made known to us that, in some cases, the appropriate punishment method is the introduction of the cane:

*Some children will avoid deviant behaviors and practice just because of the presence of a cane. Others will continue until you touch them with the cane once, twice or thrice.* (Interview with Informant 25 at Mveh- Kumbo on 15-03-2016).

In school, there are corporal punishment which can lead to suspensions with hard labour like: beatings, cleaning of the school fire, farm, sweeping, dry cleaning, suspensions and then dismissals in exaggerated cases. When a child comes late to school he or she can have serious beatings. When the child doesn't respect the authorities, the punishment is suspension with hard labour and dismissals for extremes. When a child does not come to school and has

no permission, he or she has to face some consequences. Corporal punishment is inflicted on him or her like beatings after appearing in the school disciplinary council “DISCOM”. If the situation persists, he or she is suspended and might be dismissed. The punishments are carried out in that way that, the protection of human rights bodies in the Bansa community will not be treated as a wicked society. So the beliefs and practices of the communities are left aside to follow the general rules made by the entire world which henceforth generates conflicts.

#### **6.2.4. Case of prisons**

When a child has committed a serious crime like grand theft or murder that is seen as a wrong act in the society, they leave him into the hands of the force of law and order. Usually the child is brought to the public security office and if no truths, the child is sent awaiting trial while awaiting judgement and may be imprisoned at the end. In prisons, punishments are made due to the manners of prisoners. Someone can enter the prison for stealing and still take something there without permission which means stealing something again. There are many ways of punishing the culprit. There is: a small prison where they isolate the culprit and there are more corporal punishments done on him or her.



**Figure 14: Inside the Bamenda Central Prison**

Source: [www.cameroon-info.net](http://www.cameroon-info.net)



In the prison there were punishments like hanging and execution by electrocution. Hanging is the suspension of a person by a noose or ligature around the neck. The Oxford English Dictionary states that hanging in this sense is "*specifically to put to death by suspension by the neck*", though it formerly also referred to crucifixion and death by impalement in which the body would remain "hanging". Hanging has been a common method of capital punishment since medieval times, and is the official execution method in numerous countries and regions. The first account of execution by hanging was in Homer's Odyssey. Hanging is also a common method of suicide in which a person applies a ligature to the neck and brings about unconsciousness and then death by suspension. Partial suspension or partial weight-bearing on the ligature is sometimes used, particularly in prisons, mental hospitals or other institutions, where full suspension support is difficult to devise, because high ligature points (e.g., hooks or pipes) have been removed.

Some informant who was sent to prison as a correction in the juvenile delinquency department came out with serious health problems. Since they were so many in one prison room, they were confronted with delinquents of all nature and at times some turned to be very wicked and dangerous, some even moved along with knives. In one of the prison fights he was wounded and the poor treatment of the wound earned him an operation and amputation of his leg.

*During my stay in prison, I was infected with tetanus and believe me; I did not find things easy at all. I saw my leg getting worse every day and I already nursed hopes for an amputation. The prison hospital could not do Much for me because my situation could be handled only in a big hospital and the delayed intervention earned me this amputation.* (Interview conducted with an ex-convict on 03-03-2016 at Meluf-Kumbo)

That is why, some parents and traditional rulers condemn this western way of punishment because the prison lack real medical facilities when it comes to emergencies.

Nevertheless he gained some trade while in prison. He learnt how to weave baskets because at the juvenile delinquency section where he placed, they were volunteers who came from outside the prison to give them lectures and to make them learn a trade. Some of his ex inmates learned how to mould blocks, just to name these few. When he sold these baskets which were mostly bought by prison warders, he made some small monies. Below is a picture of his works in one of his prison days.



**Figure 15: Weaved basket exposure for sale in the Bamenda Central Prison**  
Source: Fieldwork (Jaika 2016)

### **6.2.5. Punishment of children in the family**

The punishment here goes even with any sign of misconduct especially if it is just an error from the culprit. For example, a child who takes something with the -left hand is punished; it can be by manual labour: sweeping the yard, fetching water, and even confiscating or destroying certain things like toys that the child likes most. They can also decide not to buy certain things like bonbon, sweets and some fruits for that child for some two days, or can also refuse food to the child for doing such wrongs. Some people will prefer to apply corporal punishments like the use of a cane.

Every child who does something wrong at home is always beaten or given a punishment due to what he or she did. These ritual punishments do differ from one family to another.

### **6.2.6. Promotion of gangstarisme**

While looking at the consequences of exaggerated punishment on individuals and children in particular, we could come out with this analysis. Exaggerated punishment used to make the child to become naughty, join gang stars, rebel and even become an arm robber, prostitute, as one of our participants said:

*Exaggerated punishments can destroy the child's moral characters making him/her to become a rascal; the child will become naughty rebellious and can even run away from the house and then become a strange child.*(Interview conducted with Informant 8 on 13-03-2016 at Taamue).

To the Bansa natives, exaggerated punishments spoil the children rather than correcting them. So rather than exaggerating with the punishments if a child continues to be heady, the better thing is to do all you can to the best to explain certain things the way they should be to the child, and then make sure that the punishments are not exaggerated.

However, when punishments is exaggerated, the outcomes become very far reaching. Some children get hardened as they are beaten every now and then. At one moment the cane does not mean anything to them again. "... *Exaggerated punishments results at times due to ignorance and they go a long way to Spoil the children rather than correcting them...*".(Bali Ludwig Njong, Kumbo 16/03/2016).

They become so heady in such a way that at one point, the parents are obliged to seek for police help or take their children to juvenile delinquency schools. In other cases, children may commit the worst due to lack of confidence and the fact of being hated by the parent of which is not the case. "... *Exaggerated punishments can traumatise the child, the child might be frustrated, feel being hated by the parents and can cause suicide..*", (Mrs Mbinglo Regina, Kumbo March 2016). Some children even run away from the family house and join street children or gangstars. And at the end, the results become far reaching. Some after a few months of living in the streets become grand thieves and big criminals.

### **6.3. Psychological impacts of punishment on Children**

One of the methodological challenges in measuring the effects of corporal punishment on children is separating out the violence involved from the child's humiliation. It may be that other ways of socializing children avoid physical force but do not avoid the stigma of the child's being made to understand that her conduct is deficient. If humiliation is viewed as an irreparable psychological harm because it causes long-term trauma, then this might imply that many non violent forms of child socialization are also unacceptable on the basis of the

irreparable-harm principle. In short, it can be difficult to reach a conclusion about the propriety of particular parenting techniques without knowing the exact context in which they are administered. Psychologically, physical or corporal punishment on children may have adverse effects that may follow them into adulthood.

The importance of sensibilities in structuring modern penal practice is obvious if one considers the generalized refusal of western societies to utilize what can, in some respects, be an efficient form of sanctioning, namely, corporal punishment. Unlike imprisonment (which is very expensive, difficult to manage, and which creates its own problems by bringing together large numbers of offenders under the same roof) and unlike the fine (which varies in effect according to the offender's means, and which frequently results in imprisonment for those who cannot pay) corporal punishments can be inexpensive, they can be precisely calibrated, their side effects can be minimized, and they can be delivered reasonably efficiently and uniformly. In these terms, at least, there are strong reasons to consider corporal punishments as a policy option within modern penal strategies. And yet penologists, by *Perspectives of Punishment*. Why is this? The answer would seem to be that our modern sensibilities- or at least those of the sectors of society that are influential in policy-making- have been attained on physical violence and bodily suffering. Gross violence, deliberate brutality, the infliction of physical pain and suffering, all these are felt by many people to be intolerably offensive in themselves and to have no legitimate place within the public policy of a civilized nation. But it needs to be emphasized that this ban on violence and the infliction of pain is not a general one. On the contrary, an understanding of the human impact of some contemporary punishments makes it clear that government policy still permits the infliction of pain and public opinion still tolerates it- so long as it takes a particular form. It is well known to those with experience of imprisonment, for example, that incarceration, particularly for long periods of time, can produce acute mental and psychological suffering (Sykes 1958; Cohen and Taylor 1972).

In the previous section, we approached the social impacts as regards punishment on children in our study area. In this present section, we are going to look at the psychological part, that is, psychological impacts of punishment on children. Low self esteem and difficulties in integration amongst others are our points of concern here. Does punishment affect children negatively or positively as concerns their psychology? That will be seen below.

### 6.3.1. Low self esteem on children

A corporal punishment has the many consequences on children. So it lowers their self-esteem, teaching them poor self-control and promoting negative expectations of themselves; it teaches them to be victims. There is a broadly held belief that people who are submitted to corporal punishment are made stronger by it by “preparing them for life”. Today we know that corporal punishment doesn't make people stronger, rather it makes them more prone to becoming repeat victims; a corporal interferes with the learning process and with their intellectual, sensory and emotional development and discourages the use of reasoning. By promoting dialogue and reflection, it hampers the capacity to understand the relationship between behavior and its consequences; it makes children feel lonely, sad and abandoned; it promotes a negative view of other people and of society as a threatening place, creates barriers that impede parent-child communication and damages the emotional links established between them. In the same time it stimulates anger and a desire to run away from home. Like people say “Violence begets violence”. Unfortunately, it teaches that violence is an acceptable way of solving problems.

In the Banso community, the punishment methods which are used on children are link to crime like: disobedience, stealing and bad company. Corporal punishments like light beating and advices, techniques firewood, carry out sand, call group of young boys to beat or weep the culprit. When the child has a bad company, we can stop the child from moving with such friends, deny him/her some basic necessities for some time.



**Figure 16: Children carrying firewood**

Source: Jaika (2018)

As seen on the picture above, children are carrying firewood for punishment and others are looking at them. We can say looking at their faces some are even laughing because when the punishment is general children take it as a game. But the said punishment method is really effective and affects the child when it is applied on each person. The child will feel lonely and absent from games playing with other during the period of the punishment. Punishment however are not administrated the same to children as on adults.

Its becomes a paradox when the indigenes think what is sure in this community is that when a child is punished he cannot repeat the crime. That is the reason why our informant 22 (Kumbo;13-03-16)assertedthat:“*I have no fears because the punishments methods are not that cruel or bad as some parents think. Any child who is obedient cannot be punished.*” In other terms punishment does not affect negatively the child, so it is good to punish him or her. These punishments methods symbolise the authority of parents and respect of the elders.

Punishment is also a sign that makes ashamed her addressee by instituting physically sanctions and serves as an example to the others who are invited to carry a reproachful look, it could also be received as a break of the contract; abolishes social link between the author of the did and the rest of the group. Punishment therefore; is a means used to diminish the likelihood of appearance of behaviour. The punishment is implemented on one hand so that the family or social rules are respected to have a value. And on the other hand so that, words are, with the eyes of the child, made concrete in reality by acts. Socially, punishment as seen as a social fact states;The act to punishment is a “*social fact*”, *revealing of the system of stocks of the members of agiven society, in other words, cultural signification orientates sanction, in lœeping with predominant cultural stoelcs.*François Edongo Ntede (2015: 15).It reflects in all educational systems and is taken in the same way neither in all cultures nor in typologies of social organizations. So, in kumbo, punishment watches each other at several levels like traditional as well as modern.

### **6.3.2. Difficulties in social integration**

Children who have been submitted to corporal punishment may manifest difficulties with social integration. It doesn't teach children to cooperate with authority; it teaches them to comply with the rules that are being infringed to them; Children can suffer from accidental physical injuries. When someone hits a child, the situation can get out of hand and result in more harm than expected.

The prison being one of the western methods of punishments that we studied got negatives consequences on the ex-prisoner and on the Bansa community as a whole. We gathered from informants that after coming out from prison, it was very difficult for a child to re-integrate back into the Bansa community. At times, they cannot even count on their families and things become worst that when they were in prisons. They become so poverty stricken because to get a petty job after serving prison terms is not an easy task. One 16 year old boy who served prison after his crime said:

*Since I came out from prison, it has not been easy for me both with friends and family. I come from a very poor family, we barely eat to survive and my father had emptied all his pockets to get me out from prison. Presently, things are still difficult for us. The few friends I had before going to prison ignore me when I go to them for help and some even take me for a society outcast. (Interview conducted with Informant on 14-03-2016 at Tobin-Kumbo)*

After hearing from him, we concluded that prison as a way of punishment for some informants turn to make re-integration very difficult for them.

Another young informant who was just from serving prison terms as the later also did not only had the prison as his punishment but he saw that God was giving him a second chance so as to reintegrate in the society and become an honest citizen. To him, he is not ready to go back to prisons again. He quoted:

*Life has given me an opportunity and a second chance and I don't think I should play with it. I discovered that not everybody in prison is guilty and I thank God I managed to come out of it. I advice my Cameroonians brothers young stars like me to be careful, to avoid strike actions and if that should arise, they need not go out (Interview conducted with Informant 5 on 03-03-2016 at Meluf-Bansa).*

The fact that he was also badly treated while in prison did not skip our mind from what we gathered from our interview with him. He quoted too:

*I was badly treated at the authorities and also my prison inmates were not good people. I say so because I happen to enter one of the most dangerous quarters in prison in the Bamenda Central prison, that quarter reserved for new comers before you are transferred to where the administration found it suitable. If I had not been sent to the juvenile delinquency department, I don't know how things would have been for me. (Interview conducted with Informant 5 on 03-03-2016 at Meluf-Bansa)*

From the above, we can deduce that this young boy from what he experienced in prison will not fall pray again eventhough to him it was a good lesson.

#### **6.4. Impacts on the Nso Community**

From the above other analysis, we see that we cannot study the impacts of punishment only on children but on the community of Bansa as a whole. It is true that our study is limited on children but that notwithstanding, the impacts on the entire community will immensely help us and why not the reader in understanding why the impacts on the community are far reaching. The produce of responsible citizens as a result of punishment, education as a form of enculturation and home training amongst others are the impacts that will be elucidated below.

##### **6.4.1. Produce responsible citizens**

In Bansa for example, punishment helps to mould a child in a positive way hence bringing out the responsibility in him. Fai Nseni says that “... *children can never grow to maturity and to the point of being responsible without being punished..*”. So far with this assertion, we realize that punishment is a necessity.

*In a household where a child is severely beaten or punished during any wayward behavior, they are obliged to put order in the ways things are done and arranged in that household; Children don't stay out late at night and they go to school early; children are obedient and respect their elders, parents and teachers; the children do their assignments in time ; ask for forgiveness when they do wrong and make sure that the household is clean, make sure that there is water in the house and plates and others dishes are all clean.”* (Interview conducted with informant 21 on 13-03-2016 at Taamue).

Secondly, punishment brings obedience and respect not only for elders but for the society at large. Order always reigns in this house because the children are used to asking for forgiveness when they go wrong and make mistakes.

*...the children are obedient and pay respect to their elders, parents and teachers. The children do their assignments and household chores in time like; fetching water and tidying the house, just to name these few, some children will avoid deviant behaviours and practices just because of the presence of a cane....* (Focus Group discussion Kumbo, March 2016).

##### **6.4.2. Community education**

We cannot speak about the punishment without speaking about education. In Latin “*educatio*”, «action to raise», education is an action to assure the training, the development of a person or of a group of persons. Talking as a form of enculturation, particularly community education such as to lay emphases in the culture of Bansa as well as in current world.



So if there is education, there has to have a teacher and one educated. But what is less obvious is the fact that, the teacher does not always appear directly and in person in educational relationship: he can be present through a book or a document, a group of exercises prepared beforehand, of a conceived situation by him and of whom he goes away to let the educating process to take place. The teacher can also be present, simply, what he organizes an environment which he considers favourable in pursuit of his aims. The teacher has propensity habitually to choose a multitude of things as that and instead of the one with whom he is loaded.

In the traditional societies, the future is entirely registered in the past, and education contents itself to the transmission of tradition. That's how in Bansa, they will speak of community education. Within these groups, the children, adults and villagers as a whole are considered to be actors and representatives for their destiny, while being supported by the community, and these two notions, individual and community remain articulated, since the community has support and guides. The community here is a force, while leaving a place in the building of the singularity of the individual, by making sure that he is always included within the group. In this society, the postulate is to admit the complexity of educational fact, by accepting that he could result only from the affair of the parental couple or of the single parent. It stipulates well in the idea that the whole village is needed «*to educate a child*», It is the community which as a whole takes care of education in question. The responsibility of education is shared since the parents and the members of the family lean on their circle; find solutions within the community and not hesitating to solicitate the support of their environment. This is true for example, reports in the siblings where the elders educate the young ones who must also reciprocate as concerns respect.

*The nature of education is at home as in the school. The child needs to respect the elder firstly at home as well in school. That before you take something, you need to ask for it. For example, if a child begins opening the pot without request, in the school, the child will also steal fountain pens, pencils, books, food and other things. (Focus Group Discussion conducted on 15.10.2016 at Kumbo).*

The eldest of the siblings already carries responsibility at an early stage so as to be a model to the younger ones. The child, the younger that receives teachings by kids cry and notices that he will only be able to put into practice what he gets. To the biggest, a responsibility is allocated to them very early, because they have to adopt an exemplary behaviour. It is about an education in responsibility in a sense where the child occupies a place within the group; on his child's world anywhere, but also in the middle of the adults,

where he teaches by noticing. He occupies a place allowing him to act with and for others; in a logical way of distribution, of consensus and of negotiation with his peers. From this perspective, he plays a role within his group where he will be a reference for his younger ones in terms of knowledge-being and know-how. For example, a sounding from more youths, the elders in Bansa contribute to the education of the younger ones. They also play their roles, have responsible parts and occupy in some aspects the place of teacher in the same capacity as his parents. In this light, the child can be qualified as child parentality.

Moreover, we can conceive him differently, since relay idea also appears here, the children learn to educate themselves and to get an education between them, to be future teachers for their own children by accomplishing their own experiences. The parent takes upon him the support on the child; asks him for support what gives a sense of responsibility to the later, hence giving him a place and a role within its family by implicating him there. It is said that, it makes him useful and introduces him in this way into the grown-up world. Parents and children become together, co-responsible for the education of the small ones by accomplishing a common experience. The place of the parent seems not to be put into questioning. It returns in a deterrent nature at the parent who has to be in coherence between his speech and the acts he lays.

#### **6.4.3. Education, form of enculturation**

Education is seen as a process of enculturation because the parents choose the language which has to be spoken by their children; the dress code that they will have to adopt, the behavioral attitude as well as the social rituals to which he will have to submit. She requests a job not only for identification of what must be transmitted, but also for the development of systematic methods allowing this transmission. The educational plan such as received in the community of Bansa imposes indeed, that knowledge and cultural objects which were transmitted with the most essential possibility are really included by education. Also, the fact that he appropriates them and could reuse them elsewhere and on his own initiative. In these societies, generations try hard to transmit in the various groups of competences, workmanship of which assures, with the eyes, conservation and development of societies. These competences concern capacities as well to act on the physical world, on nature, as of norms and individual and collective life rules. This training is indeed built on positive knowledge concerning the rules of social life and functioning of institutions, and on the transmission of stocks, corresponding to principles according to which these rules are constructed, on who

these institutions rest, and in behaviours which are expected from the citizens in the society and in its reports with others.

*Education must be a means to give to the children as to the adults, the possibility of becoming active participants of the transformation of societies in which they live. Training must also take into account stocks, attitudes and behaviours which allow the individuals to learn to live together in the world which is characterized by diversity and pluralism. UNESCO (2009: 3).*

The young person is fitted tightly round in a network of institutions and of powers which contribute to its training and that, at the same time, collaborates and argues to impose their influence. The man could not live in society without support and efforts of cultural transmission of other men and superiors. He is linked to socialization and to moral improvement of the individuals, as also to preparation in exercise of citizenship or else in the mirror of modernity.

Bansoas in other societies, education contests itself to the transmission of tradition and it is done orally from one generation to another. The whole village is needed for this process to educate children. The responsibility of education is shared among the parents, the members of family and the entire community. Both populations believe that the education of the child is well handled by the entire community.

It is a right for the the Bansocommunity to educate their children. The objective is to make them better citizens tomorrow who will be capable to serve and to assure their personal responsibilities vis-à-vis that of the society. The same right allows all children to build up a rich and consistent personal culture throughout their evolution as members of that society. So parents, elders and teachers choose what is good for the children. As well as there is diversity of education, there are punishments in accordance with membership culture.

Conclusively, we say that, in the Banso community; information, beliefs, and customs are handed down orally or from one generation to another. For example, the resolution process involves a segment dedicated to "traditional counseling" by the facilitator or presiding judge.

#### **6.4.4. Opinions as concerns family and children's education**

They find it as a right in their culture to educate the children with the objectives of making better persons of tomorrow, who are capable to serve and to assure their personal ease as well as that of the society. It gives way to all children to build up a rich and consistent personal culture throughout their evolution as members of a society. The teacher chooses

therefore what he considers to be "good" for their education. Educating by definition, regularly gives no opportunity to a choice rather than a resistance or cooperation, because, if one could make it on his own, he would not need to be educated. The teacher having no powers on the decision of educating could demonstrate a resistance. When education is not well assimilated or when assimilation was not well received, the men created ways and means for remedying right from the birth of the punishment. As well as there is diversity of education, there are punishments in accordance with membership culture that bets in force in the worldwide system.

For some people, the school is also an ideal place for the punishment of children because in school:

*the children can easily respect the person who is teaching than parents. At times parents are petting their children while in school, the teachers are there to correct the children..*(Interview realized with Informant 5 on 19-03-2016 at Ntoh-Kumbo).

In some cases, children don't want to be beaten or punished in school because of the population or huge amount of pupils or students around, especially their friends. So when a child is punished in the midst of his friends and classmates, it is a form of public disgrace. At this level, that child would not like to be disgraced twice leading to some sort of self-control and hence avoidance in crime waves.

The results of our study revealed that it is very important if parents work in synergy with teachers to the education of the child. Parents should start with the discipline of their children at home while the teachers continue with the discipline in schools; they should work together so as to better educate the children. A participant affirms that:

*Parents should punish their children at home when they do wrong and teachers in school when they do wrong but they should not exaggerate with the punishments.*(Interview realized with Informant 4 on 13-03-2016 at Taamue).

It reflects in all educational systems and is taken in the same way neither in all cultures nor in typologies of social organizations. So, in kumbo, punishment watches each other at several levels like traditional as well as the Western system.

#### **6.4.4.1. Home training**

To begin with, children receive good moral education at home. Wherever they go, they will not change their behaviors or attitudes. The teachers have so many things to do and are not able to care for the children's behaviors. The parents have enough time and they know their children very well and can decide what type of punishment to be given to this or that child. A participant in these words said:

*The home is the ideal place for the punishment of children because there, they are punished with love and care. Parents best know the type of punishment they can give their children she they know their children very well.*(Interview conducted with Informant 10 on 19-03-2016 at Ntoh-Kumbo).

Another idea is that it is the duty and responsibility of the parents to train and discipline their children at home before they can start schooling, teachers only come in during school periods and the rest of time the children are with their parents at home.

Further more, the child starts learning everything at home, people's appellations, speak the dialect and even how to walk. It is believed that during this procedure, if the child is punished when he or she does wrong he will not repeat the act again at home and any other place; *Charity begins at home*, so the home is only ideal place where children can correctly be disciplined. Parents have all the time to be with their children and know how each child behaves and the appropriate punishment that can be given to the child. The school however is not bad place for punishing children but parents should start while the teachers continue.

It is said that, in a household where a child is not punished or left unpunished in everything, children don't respect the elders, they keep fighting and quarrelling among themselves, nobody is asking for forgiveness; there is total disorder in such a household. For example, there is a "laissez faire attitude"; children stay out at night as they want, go to bed late, wake up late and go to school late.

By the way, at home and in school, a parent cannot dismiss his child, so home training is very necessary and then, in school, a child should be punished immediately after committing a crime.

#### **6.4.5. Corporal punishment increases the use of violence in the community.**

Corporal punishment increases the use of violence in society and legitimizes it in the eyes of succeeding generations. It promotes a double standard: there are two categories of citizens children and adults. It's acceptable to assault children, but not adults. Corporal punishment contributes to broke family patterns. Families where there is no communication between members become divided into assailants and the assaulted. Families that aren't integrated into society are in conflict with the equality advocated by democracy. Corporal punishment makes protection of the child difficult. Because the practice of corporal punishment is tolerated, children lose faith in society as a protective environment. This however contributes to a society that is characterized by submissive citizenship, where

individuals have learned from their earliest years that being a victim is a natural condition or a phenomenon.

Despite its prevalence in many different societies, corporal punishment remains controversial because of several concerns. First, the question of where to draw the line between physical discipline and physical abuse is ambiguous, leading some to advocate abolition of all corporal punishment.

However, corporal punishment as punishment methods have been highly criticized as child abuse and violent which infringes on the rights on children (UNICEF:2008). Because some scholars argue that corporal punishment has negative consequences on the cognitive abilities of a child.

Advocates of corporal punishment use their findings to argue that, if corporal punishment were to become more normative in this society, its harmful effects might be reduced or eliminated completely, or to argue that corporal punishment should be condoned in groups where its use is normative. These arguments, however, neglect the question of whether the societal rate of corporal punishment alters the societal level of violent behavior.

Conclusively, more frequent use of corporal punishment is related to higher prevalence of violence and endorsement of violence at a societal level. The findings are consistent with theories that adult violence becomes more prevalent in contexts in which corporal punishment is frequent, that the use of corporal punishment increases the probability that children will engage in violent behaviors during adulthood, and that violence in one social domain tends to influence behavior in other domains. If corporal punishment leads to higher levels of societal violence, then reducing parents' use of corporal punishment should lead to reductions in societal violence manifested in other ways.

#### **6.4.6. Causes damages on both parents and their children**

Corporal punishment doesn't have consequences only on children but also on parents. In some moment, it can produce feelings of anxiety and guilt, even when the use of this kind of punishment is considered appropriate. Violence tends to escalate. The use of corporal punishment increases the probability that parents will show aggressive behavior in the future with growing frequency and intensity and also in other contexts. Corporal punishment inhibits communication and damages the relationship between parents and their children.

When parents use corporal punishment because they lack alternative resources, they feel the need to justify their behavior to themselves and to society. So the unease derived from using corporal punishment on children is exacerbated by confused feelings arising from an incoherent and unfounded rationale.

Taken together, these theoretical perspectives suggest both culture-general and culture-specific effects of parenting and indicate that it may be possible for different principles to apply between cultures (i.e., children in cultures in which physical discipline is frequently used may be more aggressive, as a group, than children in cultures in which physical discipline is rarely used) and within-cultures (i.e., children's own experiences of physical discipline may be less strongly related to their aggression within a culture in which physical discipline is frequently used than within a culture in which physical discipline is rarely used).

#### **6.4.7. Conflict arises between traditional and modern methods**

Conflict here refers to the incompatibility between the modern and traditional punitive methods that exist in the community of Bansa. We see that western methods are based on norms and established social rules as opposed to traditional ones. Traditional values are established on traditional based norms and, they therefore think that a conflict exists between these two methods. We drew our conclusion from our Focus Group discussion carried out on March 06th, 2016. Participants highlighted that;

*Traditional punishment methods follow the culture of their community while the modern methods punished following the culture of a particular society. (Interview conducted with informant 33 on 06-03-2016 at Bansa).*

We understand therefore through these terms that in the Bansa culture, they prefer solving their conflicts through customs.

It should be noted that western methods are used, and in the case when the situation persists; the forces of law and order are the ones to continue with the training or discipline. Today hotels and telephones are facilitating ways for people to commit adultery and other crimes in the community. To be banished completely from the Nso land for example, is not still a possibility as in yester years. Nowadays, when a girl commits abortion, she is just taken to the police.

The modern methods now are always waiting to overpower the traditional methods; it even wants to handle and control everything including land, succession and witchcraft issues that do not concern them in any way to the traditional Bansa society, heritage and land can

only be handled by the traditional council not the modern methods and that is where the challenge lies.

Moreso, the western methods of punishment as seen by these natives of Bansa, have come to over shadow or impose their power on traditional ones. They say crimes that were supposed to be handled by the traditional council or traditionally like witchcraft succession and land disputes are now taken to court before a judge. Samuel Shey, a family head affirms that:

*Of course the changes in the society have drastically affected the childrens' behaviours and practices. The children want to apply what they watch on television, telephones and internet which are contrary to our own ways of life. (Interview carried out on 05/02/2017 at Tobin –Nsowith informant 42).*

In a nut shell, it has created so many differences. So therefore, we see that there exist different ways of punishing people in Bansa community. These punishments depend on the crimes, for the adults and for the children. This chapter so far leads us to the general understanding of the consequences of punishments in this community and the real reflects they have on the regulation of the said community.

#### **6.4.7.1. Laissez faire attitude as concerns crimes**

Western punishment methods do not tie with traditional punishment methods hence there are bound to be some conflicts between the two methods. Traditional punishment methods are better compared to the modern punishment methods that are not scaring people from committing crime.

The forces of law and order are to secure the people while the traditional council is also there to secure the same people, so all of them are different but have similar functions for the happiness and wellbeing of everybody in kumbo. A participant asserted that:

*There are conflicts between the modern and the traditional punishment methods. For example a problem that was to be taken to the palace is instead taken to the court of law here we see that there are bound to be conflict. (Interview realized with Informant 9 on 13-03-2016 at Kumbo).*

Modern methods of punishments talk more on an open sea, that's how they get the upper hands on the traditional methods which by their influence of cultural dynamics aim at modification. Informants stated as we quote:

*There are conflicts between the modern and the traditional methods of punishments. In traditional wise, our punishment methods are in the line with our tradition, but with the forces of public order, they do not respect our traditions. (Interview carried on 10-03-2016 in Ntoh-Nsowith the informant 14).*



To the Banso people, the punishment methods have even change from strict to weak methods; the modern changes have spoiled our African children, who now want to live like the westerns copying their wrong ways of behaving towards the elders. These modern changes have also contradicted our traditional punishment methods, and now due to that corruption, the western methods have started challenging the traditional punishment methods.

#### **6.4.7.2. Poor management of conflicts**

Loking keenly on the issue of conflicts, worth mentioning between the western and traditional punishment methods in the Banso society is the management of conflicts.

*There are always conflicts between and traditional and modern punishment methods. Modern methods always wait to control traditional methods. Many Nso inhabitants prefer that their problems be handled traditionally because they really do not take much money from the culprits unlike the forces of public order who accept bribes from the culprits and liberate them from cells. (Interview with informant 18 on March 19th, 2016 at Banso).*

We understand therefore through these terms that in the Banso culture, they prefer solving their conflicts through customs. It is in the same perspective with the views of Informant 18:

*Yes there are a lot of conflicts between the modern and traditional methods of punishment. Modern methods take easy money from the culprits while traditional methods do not accept money unless in the form of fines. (Interview with informant 18 on March 19th, 2016 At Banso).*

According to our studies, it is clear that traditional methods do not favour the deviants and do not give occasion to others to redeem themselves, while in modern punishment methods; there is a possibility to pay to be liberated. We further see a controversial relation between the two punishments methods when another informant said:

*There are conflicts as well as there are no conflicts. There are conflicts because each of the parties wants to monopolise punishment methods and the other ones see that if they remain quiet, they will be neglected so conflict do exist. If each of them thinks that they have their limits and rights, it is not at our level of competence. (Interview with a teacher Shufai Shu Wo Wiy, (kumbo March 10th, 2016)*

The importance of sensibilities in structuring modern penal practice is obvious if one considers the generalized refusal of Western societies to utilize what can, in some respects, be an efficient form of sanctioning, namely, corporal punishment. Unlike imprisonment (which is very expensive, difficult to manage, and which creates its own problems by bringing together large numbers of offenders under the same roof) and unlike the fine (which varies in effect according to the offender's means, and which frequently results in imprisonment for those who cannot pay) corporal punishment can be inexpensive, they can be precisely calibrated,

their side effects can be minimized, and they can be delivered reasonably efficiently and uniformly. In these terms, at least, there are strong reasons to consider corporal punishments as a policy option within modern penal strategies. And yet penologists, by perspectives of punishment.

The conflicts that exist between the modern and the traditional punishment methods should be properly looked into else the culprits will continue to profit from their differences. In other words, it is not easy to notice that there exist conflicts between the two methods of punishments. We say so because each party tries to solve problems in its own way.

#### **6.4.8. Responsibility of charging punishment payments**

When some punishments include money that the culprit has to pay; it is therefore necessary to precise on whom the responsibility of paying lies. A participant said that: *“any person is responsible for this his or her crimes. Here, we have exceptions because parents at times pay charges for crimes committed by their children”*. (Interview realized with Informant 13 on 15-08-2016 at Tsenlav- Kumbo).

So parents can only help and pay their charges or fines, even in case where parents are supposed to bail their children from the cell or palace cell. In the Bansa culture, each child is supposed to own fowls and goats such that if he commits crimes he has to pay with his own money or property. So traditionally, any child is responsible for his crimes and not the parents even if they help the children.

The punishment methods have even change from strict to weak methods; the modern changes have spoiled our African children, who now want to live like the westerns copying their wrong ways of behaving towards the elders. These modern changes have also contradicted our traditional punishment methods, and now due to that corruption, the western methods have started challenging the traditional punishment methods.

#### **6.4.9. Perceptions of corporal punishment in Bansa Community**

From what we gathered from our informants, we discovered that corporal punishment can have far reaching consequences on individuals. Following the different perception of informants, we noticed that:

Parents nowadays have been able to become responsible because their teachers were also making them to clean school farms, fields, dig stumps, and fetch sand. Even at home when their parents mentioned reporting them to their teachers, they would do whatever thing parents asked them to do, just to avoid being reported to their teachers.

*Some teachers at times want to revenge, may be they think that the children have become animals or something else. Some of them use to give big punishment to children, even ones that grown up persons cannot even finish in one week. So I think that teachers should punish but they should not exaggerate with their punishments. (Interview conducted with Informant 22 on 15-08-2016 at Tsenlav- Kumbo).*

In the other hand, children will not respect their teachers and elders in the community if they are not properly punished. They too hardened their hearts and will no longer be afraid in committing crime.

For some people, if the teachers are punishing and correcting recalcitrant children in the schools while the parents on their part do the same at home, there are going to be responsible people in their communities. So therefore, a child must be well punished in order for him to become an important personality in his community in the future to come.

For some informants, they passed through severe punishments and those who obeyed never had problems except the recalcitrant ones; but the fear is that things are moving from bad to worse because children were obeying their elders, parents and teachers due to the severe punishments. Now, with the law of not beating a child, everything has been simplified and the children are no longer afraid of being punished.

Whether one rejects corporal punishment on consequences or categorical grounds, it is still conceivable that parents should be entitled to explain to a court of law what motivated their conduct. At least when there is a clear lack of parental understanding that the conduct in question constitutes a crime, judicial leniency may be appropriate. But is this the case with our Bansa informants? They say as we quote, *“I don’t have any fear because they are multiple traditional forms of punishments which can help and mould our children the way we want...”*. It’s ideal for them, that their children get punished for a crime committed but at which price.

If the goal of the legal system is to educate parents, then they should not be subjected to penal sanctions. It would be far better to use other techniques to inform parents that their customary forms of disciplining children can no longer be employed. Mandating parenting classes, anger-management seminars, or other courses would be a more humane(Christopher G. Ellison & Matt Bradshaw: 2009).

A less punitive model would also be more likely to ensure family solidarity consistent with the philosophy of family unification. Those who advocate abolition of all physical punishment must acknowledge the consequences of implementing this policy. Requiring that parents put aside traditional discipline can have consequences for families. Children whose immigrant parents resort to those traditional measures quickly tend to be stubborn or call learn

to call 911 in most European countries. Empowering children in this manner clearly alters the balance of power in a family. There must be other incentives and disincentives available to parents and enable them to bring up their children to respect authority and rules. In one family for example that we visited in Kumbo, a political figure advised parents to tell their children they could have a new pair of shoes (sneakers) only if they were well behaved. Such alternatives, though, may not have gone over well, as they appear as bribery.

Our studies and views made us realized from our informants that, they apply government policies with mixed feelings. Because the law stipulates that children should not be beaten, some teachers become confused especially those that used to employ the weep as a solution to headiness in class. Some parents go as far as asking the teachers not to beat their children and others instead encourage the teachers to use the weep. At one moment, it becomes some paradoxical issue. Weather or not to use a weep and correct the child, so that he becomes a respectful person in society, or to spare the rod and spoil the child.

Even if that is openly accepted, the next Machiavellistic question is, maybe the punishers themselves are secretly interested in fighting wars on crime that need and foster themselves as sophisticated organized and well-equipped army of fighters and guardians. Medieval political systems are built on that kind of protection. Obviously, the secret love for free warriors and public fear of warlord systems create the real background for the cultural fiction of a “status naturalist” that leads to a social contract of the free persons, which the Preambles of a lot of written Western constitutions are reflecting.

As regards the society, corporal punishment following the answers from our informants can increase the use of violence in the society in the eyes of succeeding generations. It promotes double standard that is, there are two categories of citizens; children and adults. Families where there is no communication between members become divided into assailants and the assaulted. It is believed that families that are integrated into society are in conflict with the equality advocated by democracy.

#### **6.4.9.1. Punishable crimes linked to adults**

Biologically, an adult is a human being or other organism that has reached sexual majority. In human context, the term of adult additionally has meanings associated with social and legal concepts. In contrast to ‘minor’, a legal adult is a person who has attained the age of majority and is therefore regarded as independent, self-sufficient and responsible. In the

Banso community, adult have punishment methods due to what they have committed as crimes. And Informant 43 explains that:

*No, there is no difference because all the time at home in school, churches markets people usually say don't do this or that because it is against our laws. If you do when you are a child or an adult, you must be punished for that without any exception. It is time that children can be favoured in one way or the other but the difference is not much.*"(Interview conducted with Informant 43 on 13-03-2016 at Kumbo).

In other words the informant is telling us that punishment is done without exception and children can be favoured due to their age and the crime. This why Informant 61 Kimbo; 15/03/16) affirms that:

*No, punishments are given according to the various ages and gravity or magnitude of the crime. There are certain crimes that children and adult can be punished in the same way for example murder and marrying the fon's wife.*(Interview conducted with Informant 22 on 15-08-2016 at Tsenlav- Kumbo).

But, the fact that a child commit a special crime as an adult does not mean he or she will be favoured.

## **6.5. Impacts on human rights**

Corporal punishment as punishment methods have been highly criticized as child abuse and violent which inflinges on the rights on children (UNICEF:2008). Because some scholars argue that corporal punishment has negative consequences on the cognitive abilities of a child.

The UN Convention on the rights of a child is the primary human rights instrument for children, school discipline is administered in a manner consistent with the child's human dignity. (Convention on the Rights of the child "CRC" Global Initiative). Recalling that, in the Universal Declaration of Human Rights, the United Nations has concerned with the welfare of children, bearing forms of discrimination or punishment on the basis of the status and activities. So therefore, children's rights are a subset of human rights paying particular attention to child abuse, freedom of choice, corporal punishment and child custody. Still on this declaration, corporal punishment is said to be a violation of children's rights to human dignity. Below we will be looking at the ways Banso indigenes and parents punish their children and see weather or not they pay attention to what human rights activists stipulates as concerns punishing children.

A similar sentence is part of the European Convention on Humans Rights (Art. 3). But the juridical dilemma is, who defines the understanding of "cruel", and how do we interpret

the term “unusual”. Regarding the German Federal Criminal Law and concerning a life sentence for murder, the Judges of the German Federal Constitutional Court use a similar clause. It couldn’t be their task to define by themselves the correct ruling principle of punishment. Penalties which are accepted by common sense or national consensus are apparently not “cruel”. Therefore each democratic and “matured society” has to evolve its own “standards of decency” including punishment. This suits the Bansa community where society looks at punishment as far back as from the home. “... *charity begins at home and if a parent brings up a child at home in the proper way, the child will not be facing too much punishments in school and the society at large...*”

This process ought to be undertaken openly and on a political level. A first step should be accepting that punishment is at least combined with, if not meant to inflict “harm”. In a democracy, the executed verdict “harmed” the criminal a sovereign person who has harmed “others”, and every democrat is a real lord over lawmakers, judges and administrators. The next step could be recognizing that a long term incarceration without the permanent offer of help is felt as “cruel”,(May 1. 2008: 4)and that it is even meant by the punishers as retaliation. They have to answer the old questions about who they are. Underlying this model is the ancient concept of fighting an aggressor (from within) as in a civil war, but without accepting the danger of mutuality, that is, where large subcultures of young and aggressive outlaws may grow within the society.

### **6.5.1. Limited sanctions**

What are the exact consequences for a democratic punishment in light of human rights? The main point is that sanctions are limited. They are only “prison or a fine”. But note that only a free person can be punished by imprisonment. That kind of freedom is granted by human rights. Life and all the values of humanity rank second to that kind of freedom. Therefore, we do not any longer need public “whipping, branding, dismembering”. We do not even force prisoners to perform hard slave labor, as miners, sailors or soldiers. And most of the time, we do not revert to the death penalty. In Europe, death penalty is forbidden by the European Convention on Human Rights (*6th Amendment*). In a culture that is based on acting freely, we define punishment and crime mainly by taking away freedom.

Another aspect of humanity is based all three, on “Freedom, Equity and Solidarity”. Every prisoner has to have the judge controlled chance to regain his full “civil status”. Even a murderer is a human being. After maybe 20 years of incarceration there should be a freedom

on parole, given he is not more of a danger than anyone else. The manner of incarceration should be humane, as well. The German Federal Constitutional Court has ruled in that sense more than once. To expand of this, the reason might be that we don't want to be like the criminal and totally dehumanize others and ourselves. And we want to live in a “civilized country”, respected by our “peer-nations”. The words of the Eighth Amendment are: “*Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted*”. A similar sentence is part of the European Convention on Human Rights (Art. 3). But the juridical dilemma is, who defines the understanding of “cruel”, and how do we interpret the term “unusual”.

Regarding the German Federal Criminal Law and concerning a life sentence for murder the Judges of the German Federal Constitutional Court use a similar clause. It couldn't be their task to define by themselves the correct ruling principle of punishment. Penalties which are accepted by common sense or national consensus are apparently not “cruel”. Therefore each democratic and “matured society” has to evolve its own “standards of decency” including punishment. This process ought to be undertaken openly and on a political level. A first step should be accepting that punishment is at least combined with, if not meant to inflict “harm”. In a democracy the executed verdict “harmed” the criminal a sovereign person who has harmed “others”, and every democrat is a real lord over lawmakers, judges and administrators. The next step could be recognizing that a long term incarceration without the permanent offer of help is felt as “cruel”, (2008: 4) and that it is even meant by the punishers as retaliation. They have to answer the old questions about who they are. Underlying this model is the ancient concept of fighting an aggressor (from within) as in a civil war, but without accepting the danger of mutuality, i.e. where large subcultures of young and aggressive outlaws may grow within the society.

Even if that is openly accepted, the next Machiavellistic question is, maybe the punishers themselves are secretly interested in fighting wars on crime that need and foster themselves as sophisticated organized and well-equipped army of fighters and guardians. Medieval political systems are built on that kind of protection. Obviously, the secret love for free warriors and public fear of warlord systems create the real background for the cultural fiction of a “status naturalis” that leads to a social contract of the free persons, which the Preambles of a lot of written Western constitutions are reflecting. Therefore the simple political question is: are the punishers interested in a balanced Western Democracy that includes Humanity in form of Solidarity, or are they not?

Punishment inflicted on trouble to have been committed, an offence or has committed a crime, is perceptible as explanation which aims at a change of mind. This so as to make guilty the author of the offence in a register that can go up to bodily punishment;

*The punishment, based on deprivation, or even on abuses, leans on the phantasm that this deprivation, or pain will unblock on a salutary realization, draw away a conduit change.* Jacques Salome (...): 107).

They notice here that punishment is one financial year, a financial year which corrects an abnormality. It is in this sphere of influence and Informant 34 quotes;

*I have never seen where a child can grow in future and be a representative without being punished. The punishment is not bad in itself, but all that depends like the punishment.* (Interview conducted with Informant 34 at Faajan –Kumbo on 13-03-2016).

## **6.6. Consequences for a democratic punishment in light of human rights**

The main point is that sanctions are limited. They are only “prison or a fine”. But note that only a free person can be punished by imprisonment. That kind of freedom is granted by human rights. Life and all the values of humanity rank second to that kind of freedom. Therefore, we do not any longer need public “whipping, branding, dismembering”. We do not even force prisoners to perform hard slave labour, as miners, sailors or soldiers. And most of the time, we do not revert to the death penalty. In Europe, death penalty is forbidden by the European Convention on Human Rights (*6th Amendment*). In a culture that is based on acting freely, we define punishment and crime mainly by taking away freedom. While punishment and death penalties are forbidden in Europe, In Bansa for example, punishment helps to mould a child in a positive way hence bringing out the responsibility in him. Fai Nseni says that “... *children can never grow to maturity and to the point of being responsible without being punished.*”. So far with this assertion, we realize that punishment is a necessity.

Secondly, punishment brings obedience and respect not only for elders but for the society at large. Order always reigns in this house because the children are used to asking for forgiveness when they go wrong and make mistakes.

*...the children are obedient and pay respect to their elders, parents and teachers. The children do their assignments and household chores in time like; fetching water and tidying the house, just to name these few, some children will avoid deviant behaviours and practices just because of the presence of a cane....* (Focus Group discussion Kumbo, March 2016).



### 6.6.1. Prosecution

In contrast to those situations in which family law is applied in the context of civil matters, some discipline leads instead to criminal proceedings. Parents are prosecuted for using corporal punishment deemed excessive in the eyes of the dominant culture. It is noteworthy that in a number of these cases the parents imposed punishment in public. This may suggest that they did not believe that they were doing anything wrong. This assertion is vehemently recounted by one of our informants of Kumbo. *“Yes I am for these punishments. If these punishments donot exist in ourschools. I don’tknow the type of citizens we are going to have....”* (Interview conducted with Informant 64 at Faajan –Kumbo on 03-03-2016).

According to her, there is no wrong in punishing a child. In one such case, an American family from Illinois drove to Niagara Falls and then into Canada to celebrate the mother’s birthday. The family stopped for dinner in London, Ontario, and the two children, a son aged two and a daughter aged five, misbehaved in the restaurant by throwing spaghetti and knocking their booster chairs onto the floor. Then, when the father took the children to the car to retrieve their mother’s present, the little girl slammed the car door on her brother’s hand, perhaps deliberately. At that point a bystander observed the father “put his daughter on the back of the car, pull down her underwear and spank her about eight times.” The bystander became so distraught by what she regarded as excessive spanking that she called the police. The father was arrested and put in jail until his wife raised \$300 bail. The father was subject to proceedings in Canada for having spanked his daughter.

Although he regretted having done so in public, he had difficulty understanding why he had been thrown in jail: “If someone had done that when I was growing up, nobody would have thought anything.” It seemed that he would have to attempt to raise a cultural defense in the Canadian legal system. When individuals arrive in a new country, they receive virtually no information about the mores of their new homeland. They may not realize that their methods of disciplining their children contravene the legal standards of their new country, which raises the question whether they have received fair notice as to what the law requires. This concern for due process may be appropriate in some but not all circumstances. To substantiate this, we recalled some informants which to them, punishment is necessary but what differs is the manner in which it is administered. Some say *“....despite the presence of these punishments, children are still stubborn so one should imagine if the punishments did not exist”*. That just to let us know punishing a child is a necessity.

This case raises difficult issues which must be considered with care. It was said below, and no doubt with truth, that standards of parental correction are different in the West Indies from those which are acceptable in this country; and the Court fully accepts that immigrants coming to this country may find initially that our ideas are different from those upon which they have been brought up in regard to the methods and manner in which children are to be disciplined. There can be no doubt that once in this country, this country's laws must apply; and there can be no doubt that, according to the law of this country, the chastisement given to this boy was excessive and the assault complained of was proved. When we look at our study cases, results still show that the manner in which punishment is administered matters a lot. It is not to the extent of leaving the child with wounds and bruises all over the body.

Nevertheless, had this been a first offence, and had there been some real reason for thinking that the appellant either did not understand what the standards in this country were or was having difficulty in adjusting himself, the Court would no doubt have taken that into account and given it such consideration as it could. The really outstanding fact in this case is that this is not the first offense.

The fact that the father had been admonished not to administer such force was obviously a significant consideration. On the basis of this case and a few others, one commentator inferred that courts might show leniency to an immigrant defendant only if he can show: (i) that he did not know that his act was criminal under English law; (ii) that if it was morally wrong according to English mores, he did not know or did not understand what English standards were or was having difficulty in adjusting himself; and (iii) that both beliefs and difficulties were reasonable on his part.

Even though the appellate court declined to mitigate the punishment in *Derriviere*, it does reveal a willingness to do so in sentencing a defendant in a case of first instance. Some judges may take into account an immigrant defendant's ignorance that traditional forms of discipline are proscribed by law. This suggests that the need to give fair notice as required by due process might outweigh the proverbial wisdom that ignorance of the law is no excuse.

Some social-science literature discusses the long-standing use of corporal punishment in the West Indies, but this has come under attack. An article by a scholar at the University of the West Indies identified "beatings" as a significant social problem and called for more research on the "persistent and excessive use of corporal punishment on the West Indian child."<sup>66</sup> This suggests that, despite its widespread use there, corporal punishment has led to growing concern about its consequences for the well-being of children.

In other cases the claim made seems even more questionable, if not spurious. For instance, in Southern California a father from Guatemala disciplined his son for stealing a pack of chewing gum by placing the boy's hands over an open flame on the stove. Although the prosecutor argued that culture should not reduce the punishment, the judge commented at the sentencing. How, then, can we ascertain the validity of the cultural claims put forward in these discipline cases as well as others? In cases that involve a cultural defense, we may use the following test:

1. Is the individual a member of the ethnic group?
2. Does the group have such a tradition?
3. Was the individual motivated by the tradition when he or she acted?

Consider this test applied to another case in which the veracity of the claim was in question: In Houston, Texas, Akinyemi Sunday Osho, a Nigerian, punished his twelve-year-old nephew, who had been living with him for five years, by striking him with an electrical cord, and then putting pepper in the wounds. He claimed this was considered "within the bounds of acceptable discipline as defined by the native culture in Nigeria."<sup>73</sup> The attorney had a colleague, originally from Nigeria, speak to the judge about corporal punishment in Nigeria, and the judge was persuaded that the practice was culturally acceptable. The uncle entered a plea of no contest to the charge of injury to a child.

Applying the test's first query presents some difficulty: there are hundreds of different tribes in Nigeria. It is important to know to which tribe the family belonged. Nor can the question as to whether that people still had the tradition be answered. In assessing the validity of a claim, one must check whether a custom, even if once part of the culture, ceases to be considered legitimate.

Cultures change and evolve, and a tradition used for a long time may have since been rejected. This may have been the case in the Osho proceeding. Even assuming that this type of child discipline was widespread in the 1980s, there has since been a trend in Nigeria and around the world to discard it. Another difficulty in the Osho case was that the child evidently complained to his mother during her annual visits, and she apparently believed the uncle's denials of the harsh discipline. According to the child, punishment he had previously received in Nigeria had been far different from the cord treatment: "grounding, taking away my allowance and sometime spanking me [with an open hand]." Moreover, the child claimed he had not seen his uncle discipline (Int'l Child Welfare R. 25, 25-32 (1984).

Even when the cultural authenticity of the form of corporal punishment is beyond question, one might still object to the invocation of a cultural defense on normative grounds. Some courts have in fact rejected the use of cultural arguments because to allow parents to rely on other standards would create different standards for different communities. That this is an indefensible position is sometimes considered self-evident. For instance, a court in Toronto, Canada, rejected a cultural defense when Trinidadian parents struck their fifteen-year-old daughter, Lucy, with a cord for failing to attend school. Lucy stated that she and all her siblings were “accustomed” to receiving physical punishment. The court wrote, Counsel for the accused submitted that the Court ought to take into account the background of the accused in Trinidad, as children and the manner of discipline prevalent there during their childhood. He argues that this strict atmosphere of corporal discipline was a part of the culture of the accused. I cannot think that the background could affect the determination of whether the force used in administering the punishment was reasonable or excessive. O. Ransome-Kuti (1984).

The maxim, “spare the rod and spoil the child” does not enjoy the universal approval it may have had at the turn of this century and indeed at the time of the various revisions of the Criminal Code. The formation of child abuse teams at hospitals such as the Sick Children’s Hospital in Toronto reflects the distaste of our community for corporal punishment. The court concluded that the use of force on a fifteen-year-old girl was not justified, largely because the father had administered it in anger, and found both parents guilty. In a number of other cases in which the defense wished to introduce cultural evidence to explain what motivated the defendant, courts have been unwilling to allow its presentation. In one 2005 California case, the defense attorney wanted to argue that the mother had used sticks to beat her child, based on Chinese notions of proper behavior. The attorney’s point was that, absent expert testimony of Chinese cultural beliefs about discipline, the American jury would be incapable of evaluating the defendant’s actions. By contrast, a court in the United Kingdom did allow experts to testify about traditional corporal punishment in the case of a mother who was from North Vietnam and of Chinese ancestry. Although the family-court judge was willing to consider the mother’s cultural background, it did not help her, for the experts denied that the practice was consistent with customary ones: The physical beating of these children was excessive by way of its location—the hitting of the children in the face and on the head—for which no society finds any excuse when that beating is administered with an object such as a

stick or other implement so as to cause cuts and bruises in the face. Her beating was unritualized, uncontrolled and cruel, even when judged by the standards of her own people.

This case demonstrates that judges can, with the assistance of expert testimony, determine whether the cultural defense raised has merit or not. Insofar as litigants will invoke cultural arguments, it would benefit the legal system to allow the consideration of cultural-background evidence to aid in the proper disposition of difficult cases. (Ibid)

This is why human right activists condemn the use of excessive corporal punishment on children. Parents too do believe that the way and manner you punish a child depends mostly on the children age.

### **6.6.2. Misinterpretation of customs as child abuse**

Even if a society's traditions have existed for centuries, they may no longer be followed. The dilemma is deciding what child-rearing practices should be recognized as culturally appropriate and which should be treated as forms of child abuse. Because of pervasive ethnocentrism in the operation of socialwelfare agencies, some customs have been misinterpreted as child abuse or child neglect. Recommendations run counter to the anecdotal reports by some parents that corporal punishment has positive effects *within their culture*. Until fairly recently, research largely ignored the potential role of culture as a moderator of links between physical discipline and children's adjustment. More recent studies that have addressed this issue often find that the impact of corporal punishment on children's aggressive behavior, and the magnitude of this relation, depend on cultural norms about corporal punishment (Deater-Deckard & Dodge).

#### **6.6.2.1. Touching genital parts of a child**

One startling illustration involves parental touching of children in ways considered bizarre by those with whom they seem to be familiar with. In some societies "*Practices viewed as acceptable by one culture but as abusive or neglectful by another. "Each group nevertheless has criteria for identifying behaviors that are outside the realm of acceptable child training."* Touching children in the genital area is an innocent way of showing affection and is not for the purpose of sexual gratification. Even though child sexual abuse is defined in most jurisdictions as a specific-intent crime requiring that an adult touch the child for the purpose of sexual gratification, parents have nevertheless been prosecuted when they touch their children innocently in accordance with tradition.

We can site an example of one informant in Bansa who said she will refuse breastmilk to a baby when the baby bites her breast as a sign of punishment. But human rights advocates will refer to that as inhuman for a small baby has the right to everything and food being fundamental. According to her, it is a way of punishing the baby and draws his or her attention that next time it should not happen again.

Detrimental environmental and societal conditions must be distinguished from accepted child-rearing practices that are differentially perceived as abuse or neglect, and from maltreatment of children which falls outside a culture's accepted range of behaviors."

For instance, in the small village of Meluf where we visited, a father who kissed his baby son's penis was prosecuted for gross sexual assault. On appeal, the court acknowledged that "The testimony of every witness at the compound hearing confirmed that kissing a young son on every part of his body is considered a sign only of love and affection for the child." there is no real dispute that what the father did is accepted practice in his culture. Although the court vacated his conviction, he and his family had to endure the stress and stigma of the litigation process. The subsequent acquittal of the father for child sexual abuse in the criminal proceeding had no effect on the prior family-court decision.

### **6.6.2.3. Application of traditional medicine**

Other customs that have been misinterpreted as child abuse include various techniques of folk medicine that are innocent, although they leave temporary marks and trauma. Those who work with children sometimes mistakenly assume that bruises and light scares are the result of corporal punishment.

For instance, giving a child some traditional medicine and making a him vomit and at the same time having running stomach is a type of folk medicine used to cure children (and adults) of various food poisoning including taping hard the back of the child while vomiting is widely used among Bansa indigenes. The technique involves covering the body with some oil made of cast oil (mayanka) and then making the child leak part that has been mixed with some concoctions made with backs of trees. After vomiting for some 5 minutes, the process is being repeated about 3 times so as to be sure that the poison is evacuated. To the Bansas, it is seen as a curing process but authorities and human rights activists take this to be physical torture. Because of the way it appears to those unfamiliar with it, it gives cause for alarm, even though the poison is evacuated in a few hours. Families have been put on trial for using this type of folk medicine. Just like in Bansa, in one case discussed in the medical literature, a

Vietnamese father used coining when his three-year-old son had a high fever. When the baby's health did not improve, the father took the child to the hospital where he tragically died. Because of the marks on the baby, the father was arrested and placed in jail. He committed suicide while in custody.

Just like with the Bansos, Europeans do misinterpret some customs too for child abuse. A folk remedy known as cupping has also been misunderstood in the legal system. Cupping involves placing alcohol in a glass and then placing it on the skin. It is a sort of sanction technique found in Eastern Europe, Mexico, and elsewhere. In one case involving a family from the Central African Republic, *Inre Jertrude O.*, a juvenile court removed a four-year-old girl from her parents' home in part because she had marks from cupping. She also had hairline fractures, ostensibly because she climbed up on furniture and fell off. A related concern in that case was inadequate supervision, including the parents' tendency to leave children in charge of younger children. One question in the *Jertrude O.* case was whether the court should apply American parenting standards or those of the Central African Republic. The appellate court explicitly discussed this issue:

We found sufficient evidence throughout the record to indicate that this family was in need of assistance and that the children were not receiving ordinary and proper care and attention. The record is replete with comparisons of the life styles of nomadic existence, crowded living conditions, customs, mores, supervisory practices of the children of this Central African family with the standards expected in America. . . . The practices that caused the injuries to Jertrude, even as explained by the parents, such as lack of supervision resulting in falls causing bruising and fractures, as well as the "cupping" procedures leaving oval scars are simply not acceptable treatment of care of children in America.

Ultimately, the Maryland Court of Special Appeals ruled that the juvenile court was correct to require that the parents be educated in the child-rearing practices considered acceptable in the United States. However, the court vacated the part of the disposition that removed Jertrude from her parents' home on the grounds that there was no evidence she was subject to abuse and neglect and that if there had been a serious risk, it made no sense not to remove her two younger sisters as well. Cross-cultural training of those who work with children would avoid unnecessary intervention in families. Involving social workers from more diverse backgrounds would also help ensure greater cultural sensitivity. In addition, the adoption of statutes exempting innocent types of folk remedies would ensure that immigrant

families not have to worry about healing their children in the shadow of the law. Unfortunately, until such time as policies of this sort are implemented, minority parents may face unjustified accusations of child abuse. In Bansa for example, poor parents as they termed themselves, after abstaining from punishing their children, the children begin to behave as those of the rich that are not subjected to beatings and punishments. They donot believe in the saying “spare the rod and spoil the child”.

### **6.7. Jurisprudence and Intervention**

In many of the cases in which individuals assert that their conduct was motivated by a cultural imperative, the standard response is, “When in Rome, do as the Romans do.” This uncritical adherence to the monocultural paradigm deserves to be reconsidered at least in those cases in which the cultural tradition does not involve irreparable harm to others. Instead of assuming that the standards of the dominant culture must always be followed without justification, democracies should give families and communities the right to follow their own life plans without governmental interference. Parental autonomy respecting the upbringing of children is an important principle for all families. Just because a child-rearing custom is different from standard, practice should not automatically give rise to suspicion. Unless a custom involves a serious threat of harm, immigrant parents should be allowed to raise their children as they see fit in accordance with the right to culture, which is guaranteed in international human-rights law. The question, then, is whether the imposition of particular forms of corporal punishment on children causes them serious physical or psychological harm. Child Abuse & Neglect 985, 993 (2004).

There is a history of cultural bias in social-welfare agencies as well as courts in North America and Europe. Because of this historical background, those who have the power to make decisions that result in the breakup of families should exercise caution when they intervene in the home. In their essay, “*Assessing Child Maltreatment in Culturally Diverse Families*” Fontes and O’Neill-Arana warn child-welfare professionals about the pitfalls of crosscultural misunderstanding and mention one poignant example of discipline: A social worker recently described substantiating a charge of child abuse against Mexican parents who had forced their child to kneel on uncooked rice as a punishment. (This is a common disciplinary practice among many of the world’s peoples. In Spanish it is called *hincar*.) Although the marks from the rice on the bare knees vanished quickly and the parents made their children kneel for just a few minutes, the social worker said the practice seemed so



bizarre that she thought it might have been a sign of the parents' mental illness and inability to care for their children. A call to anyone familiar with Latino cultures or a consultation with a relevant text would have revealed that this disciplinary practice is common in many Latin American countries and should not be considered abusive unless it is used often, for long periods of time, or in unusual ways.

When professionals are confronted with unusual types of child discipline like *hincar*, they must determine whether intervention is warranted. These judgment calls can obviously have drastic consequences for families, from the removal of children from the home to criminal prosecution. The decision depends, in the first instance, on the discipline itself.

The mode and marks of parental discipline can be the precipitating factor that leads to removal of children from their parents' home. For instance, in one case in Northern California a father originally from Lagos disciplined his seven-year-old son for "recklessly" playing with a kitchen knife. He struck his son's hand with the dull end of the same knife, leaving a bruise. The next day a teacher saw the bruise and suspected that all three children enrolled at the school were being abused. After the school authorities notified the Department of Social Services, a social worker took the three children and their baby brother away while police stood guard. On the basis of this single reported instance of corporal punishment, all the children were removed from the home. The baby tragically died while in foster care, for which the parents blamed the American legal system. WM. & MARY L. REV. 413 (2005).

The Loa Iu Mien Culture Association defended the father's conduct: "[I]n Iu Mien culture, some forms of physical punishment are acceptable to discipline children." Children's rights advocates also condemned the social-services department, claiming that the baby's death was "an indictment on the failure of the whole child-protective-services system in the state of California." The court ruled that the children should stay in foster care until the case was resolved. In another case, *Dumpson v. Daniel M.*, brought in the New York family court, the judge had to decide whether the father, a Nigerian, had administered excessive corporal punishment to his seven-year-old son. The father had received nine letters from his son's teacher about his son's misconduct at school. When the father visited the school, he met with the assistant principal to discuss his son's behavior; his son was present during the conversation. During the discussion the father struck his son with his fists, belt, and feet partly because the son "was looking at Mrs. G.'s [the assistant principal's] face while [we] were talking about him," which was considered extremely disrespectful. When the assistant principal attempted to restrain the father, he hit her as well, although he apologized

afterwards. The father's explanation for his action was that "[i]n Nigeria . . . if a child misbehaves in school and causes shame to the family, the parent has the duty to punish immediately and in any manner he sees fit." The basic notion was that the son's poor behavior had reflected badly on the family.

In considering whose standards to apply, the judge emphasized that. American statutory standards should be imposed: "The sole issue for determination herein is whether the respondent's conduct constitutes excessive corporal punishment as would warrant a finding of neglect under the statute.WM. & MARY L. REV. 413 (2005).

In many cultures, it is considered extremely rude to look authority figures in the eyes. Averting the eyes can cause problems in our legal system, though, because it may be perceived as a sign that the speaker is prevaricating. For example, when a young refugee from Sierra Leone testified about being raped, she averted her gaze, and the clinician wondered "if this might bring the client's veracity into question." The interpreter explained that in their culture "it would not have been appropriate for the young woman to speak of such an intimate assault while 'staring' at an authority figure.S.F. CHRON., Feb. 12, 1994, at A1

We think that it does despite acknowledging the importance of respecting cultural differences, the judge concluded that the father's conduct violated the best-interests-of-the-child standard: In a society as culturally amorphous as our own, it is incumbent upon all members of society to be tolerant and understanding of customs that differ from their own. . . .

What we have here is not a mean, vindictive, or disturbed parent, but rather a man who honestly believes that he is acting in the best interests of his children. The concept "best interests of the child" is a broad term subject to much difference of opinion.

Courts have applied this rather vague standard to neglect, abuse, custody, and permanent neglect and guardianship cases. Often it has become a vehicle for the court to substitute its own judgment for that of the parent in determining what is best for the child. Fortunately, we do not have to wrestle with that problem. Any reasonable man knows that it is not in the best interests of a child for its parent to punish in the manner we have seen here. While we are sympathetic and understanding of the respondent's motives, we must conclude that motive is irrelevant when we are confronted with the type of punishment this seven-year-old boy has received.

The judge ultimately allowed the children to return home but issued a temporary order of protection prohibiting physical punishment of any of the three children. Although the judge denied the relevance of motive in *Dumpson*, the parental motive is a relevant consideration. By carefully evaluating the context of a parent's action, one can ascertain whether the act is benevolent or sadistic. The extent to which the adult is trying to inculcate important values may be a crucial factor to take into account. Although the motive is not dispositive, it may provide clues that help decision makers figure out what will be the best course of action for a given family. (S.F. CHRON., Feb. 12, 1994, at A1).

### **6.7.1. Criteria for Intervention**

Considering that child-welfare professionals have been unacquainted with many customs, guidelines are needed to assist them. Concrete criteria for intervention would help ensure the protection of parental autonomy as well as the rights of children. Fontes and O'Neill-Arana argue that to determine whether discipline constitutes abuse, professionals should consider the following factors: The age of the child. How often the punishment is used. The apparent physical and emotional effects of the punishment. Does it leave a mark? Is there lingering pain? Does the punishment upset or frighten the child? The duration of the punishment. For instance, being made to stand with arms outstretched for five minutes is quite different from an hour and the severity of the punishment. What is the degree of risk entailed? For instance, we consider abusive any punishment that involves burning or placing caustic substances into the mouth, eyes, genitals, or elsewhere on the body.

All punishments that interfere with natural processes such as eating, drinking, sleeping, moving the body, digesting food, and using the toilet when needed should be considered abusive. (Spring 2010). When we look at our study area area, for example, a 40 year old teacher acknowledged that children are being punished proportionate to the crime they have committed and the

*some children can be punished with hard labour like by digging storms, working on the school farm the whole day while some for the same crime are asked to sweep the school compound because of their young age...* (Interview conducted with Informant 46 at Square –Kumbo on 07-03-2017).

### **6.7.2. Assessment of cases**

How should social workers, prosecutors, and judges evaluate cases in which Banso parents and families use corporal punishment? To answer this, we must consider the extent of public support for the custom. Interestingly, there has been consistent, widespread support for physical punishment like in the United Kingdom, in the United States, and Banso

to be specific. One of the seminal treatments of the subject, *The History of Corporal Punishment*, emphasizes on the deeply rooted support for this practice based in part on the biblical proverb, “*Spare the rod and spoil the child.*” The Bible is often cited to justify parental imposition of this type of discipline. (Weili Kao, 2005).

Although much other scholarship cites the “spare the rod” proverb, paremiologists have gathered data suggesting many think the proverb has outlived its usefulness.

Nearly 40 years of research have shown conclusively that the ‘rod’ produces children who are more aggressive than their peers.”. Similarly, survey data reveals that Americans have generally supported physical punishment, although such support was declining somewhat toward the end of the twentieth century. Even if a custom enjoys widespread support, it may have to be discarded if it is found to violate a fundamental human right. Following results of our study, we realized according to one informant that “...*children cannot be punished in the same manner like adults*”. This is to show that the parents are aware of the degree of punishment and cases are handled accordingly. In this context, the question is precisely whether the tradition should be viewed as causing irreparable harm which is either physical or psychological.

There are certain crimes in Bansa that we already know which are looked upon as being exempted traditionally. These are special crimes that are really punished without any regards to the age of the culprit. In the Nso land, crimes like: Stealing, Murder, Abortion, Killing, Rape, Sexual affairs with the Fon’s wife, Suicide, ‘Country Sunday’, Deformation of character, Wickedness, Incest, Prostitution, Sexual affairs with the Fon’s wife, Host and taboo violation have special punishment like: to be handled to the traditional council, It can be mob justice that is used to cut off the fingers of the thief. Now snakes beating public disgrace and obliged to pay all the stolen items in the victim’s compound, public disgrace and fluck at the fon’s palace by the juju.

### **6.7.3. A multidimensional approach**

Trying to say everything at once, one can wind up saying nothing with any darity or conviction. Any account of punishment drawing from more than one theoretical source must therefore be careful to avoid mixing up analyses and propositions that are theoretically incompatible. But while eclecticism has these risks, there is a definite explanatory strength to be found in theoretical pluralism, by which we mean a willingness to draw on more than one interpretive perspective and co construct multidimensional accounts of the phenomenon being

investigated. What we have tried to suggest in this essay is that these different interpretations might be played off against each other-and against the formal research evidence that they help generate-in such a way as to overlay them, build them up, and use each one to correct and refine the others. Proceeding from one explanatory perspective to another, it becomes clear that each one asks slightly different questions about the phenomenon of "punishment," each pursues a different aspect, reveals a different determinant, and outlines a different connection.

Sometimes, of course, different theorists do address the same issue, only to interpret it in different ways-as when Marxists and Durkheimians disagree about the role of the state or of popular sentiments in the formation of penal policy. In such cases, one needs to argue out this disagreement and resolve it in favor of the best explanation-or else develop an alternative account that improves on them both. At other times, however, theoretical disagreement may, on closer inspection, turn out to be less substantive than it at first appears. Thus, as we have already seen, where Durkheim insists that modern punishment is irrational, emotional, and punitive, Foucault appears to argue that neither punitiveness nor vengeful emotion has any place in the rationalized perspectives. But in fact this statement misrepresents the scope of Foucault's argument. His analysis, unlike that of Durkheim, does not cover the whole social process of punishment, from prosecution through court trial to penal disposition. Instead he focuses on the practices of prisons and the rationalities that they employ. This is primarily an account of penal administration and technology-that is to say, of one crucial aspect of the penal process, rather than the whole process from beginning to end. And precisely because his purpose is to the mechanisms of positive, disciplinary power-rather than to understand "punishment" as such-his work makes no attempt to discuss the extent to which emotions and moral sentiments continue to structure the context in which imprisonment is used.

Thus, what appears to be a direct contradiction can be viewed as a difference of interpretive focus and theoretical concern: Foucault, who seeks to understand the rationality of modern power, puts penal institutions into the foreground of his analysis, while Durkheim, concerned to understand social morality, bases his account on the courtroom and the legislation of criminal law. Seen in this way, as interpretations grounded in different aspects of a differentiated process, the question should no longer be, which one is correct, Foucault or Durkheim? Instead, we should enquire how the different tendencies that they describe interact with one another, how these conflicts are managed, and what effects these tensions have on the modern process of punishment in other cases. It may be that a particular theorist successfully identifies an element of penalty that seems to escape the scrutiny of other

theoretical accounts-as with Foucault power-knowledge techniques, Durkheim on the role of the onlooker, Rusche and Kirchheimer on the role of the market, or else Elias on changing sensibilities. Here again, we are reminded that "punishment" is not a unitary thing but rather a complex and differentiated process, involving discursive frameworks of authority and condemnation, a repertoire of penal sanctions, institutions, agencies for their administration, and a rhetoric of symbols and images with which the process is represented to its various audiences. One is therefore led to investigate how these different elements and aspects of punishment fit together to form a complex internally differentiated whole. At the same time, this realization allows us to better understand the diversity of interpretations that has been brought to bear and to acknowledge the possibility that these interpretations might be in some ways complementary and mutually confirming rather than mutually exclusive.

The utility of the individual interpretive frameworks that we have discussed lies not in their creation of broad theoretical perspectives with which to view themselves can sometimes change the ways in which we think about penal issues but rather in their capacity to guide and inform more specific studies of penal practice and penal policy. For practical purposes, the kind of knowledge that is most useful is detailed, specific, local knowledge, focused on a particular problem, or institution, or policy question and informed about the specific cultural, political, and penological circumstances that apply. The best studies of this kind are nuanced, subtle, and complex; are able to see the phenomenon in all its complexity and yet at the same time clearly situate it within its social and historical context; and aim to unravel the details of its many determinants, dynamics, and consequences. Typically, works of this kind-whether historical or contemporary-tend to utilize the kind of interpretive pluralism we have been describing rather than rely entirely on one interpretive framework. Thus, for example, recent work by David Dowds (1988) and by Zimring and Hawkins (1990) that attempts to explain differential rates of imprisonment have stressed the need to draw on a range of theoretical traditions and to construct a complex account of interacting variables and contributory factors.

Similarly, the best historical studies in this field-such as those by Michael Igoatieff (1978) and by John Beattie (1986)-mobilize forms of analysis and lines of inquiry suggested justice to the complexity of real events. As John Beattie has put it, summing up his magisterial study of penal change in early modern England: Changes in punishment are almost certain not to arise from a simple, one-dimensional effect. The forms of punishment David Garland employed by a society at any one moment are shaped by a variety of interests and intentions. They arise in response to what must often be antagonistic

considerations, including the framework of law, what is technically possible, what seems desirable or necessary in the light of the apparent problem of crime, what society is willing to accept and pay for. Why one method of punishment loses favour over time and gives way to another is a complex question because penal methods evolve within a larger social and cultural context that in imperceptible ways alters the limits of what is acceptable and what is not (1986: 470). Sociological theories, such as those discussed in this essay, are useful in the understanding of punishment because they alert us to the kinds of constraints and structures within which policy is developed and to the kinds of social consequences that punishment can have. They point to the inner connections that link punishment to other spheres of social life and the functional role that it occupies in the network of social institutions. They can reveal institutional dynamics, characteristics, and effects that might otherwise go unacknowledged and of which policymakers themselves may be unaware. But only empirical research can determine how these conditioning circumstances come together at a particular moment to shape a course of action or define a particular event. Theory should be a set of interpretative tools for guiding and informing empirical inquiry-not a substitute for it.

#### **6.8. Symbolism of traditional and western methods of children's punishment in Bansa**

Children are considered as human being between the stages of birth and puberty. The legal definition of child generally refers to a minor, otherwise known as a person younger than the age of majority which is to be an adult. The United Nations convention on the rights of a child defines child as: "*a human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier*" this is ratified by 192 of 194 Member countries. Children generally have fewer rights than adults and are classed as unable to make serious decisions, and legally must always be under the care of a responsible adult or child custody, whether their parents divorce or not. Social attitude towards children differ around the world in various cultures.

As one of the most prolific writers of the 19th century, Fyodor Dostoevsky incorporates a number of complex symbols into his writing, each of which has the ability to represent a number of deep political, social, and religious issues. In *Crime and Punishment*, the number of symbols might be limited, but their meaning is equally profound. Two of the most notable symbols in *Crime and Punishment* are: The city of St. Petersburg; the cross given to Raskolnikov; The colored.

Punishments have symbols that are link to what people in the communities think of the crime, Firstly, a punishment method can be done to repeat in public what the culprit did in private to show the community that is not good to do it. Secondly a punishment method can symbolise the guardians of the community want to show to people in another way to stop doing such crime. For example severe snakes beating or paying heavy fines. This lead to the fact that punishments are usually carried out for social regulations

The clearest symbol in the novel is that of the city of St. Petersburg. As Dostoevsky describes the city, it is dirty, crowded, and crime-ridden. The most inhumane of behaviors are on display for all to see, including rampant drunkenness, domestic violence, and extreme poverty. This chaos is symbolic of the mental state of the main character, Raskolnikov. As he is transitioning from a delirious state to one of confession and redemption, one can only hope the city itself will undergo a similar transformation. While history has taught us of the reformed nature of Russian society in this period of time, the reader of this novel is left waiting to see if the decay and disorder rights itself, as in the main character's experiences.

While the city of St. Petersburg is a large symbol that comes to represent a wide swatch of the story, there is an equally important symbol in a small item: the cross given to Raskolnikov before he goes to confession. As with any usage of this symbol, the cross is a reference to redemption, given by Jesus Christ for those who believed in him and taken advantage of by the main character of the novel when he reaches out for confession. The hope that he can redeem himself with a host of personal changes is something the reader can only imagine, just as the redemption of the city of St. Petersburg is something the reader can only hope for.

After reading the above chapter, we were able to conclude that the impacts or consequences of punishment on children are far reaching be it socially, psychologically or on the community as a whole.



**CONCLUSION**

In our present century, punishment methods amongst human beings and children at large have become a call for concern. The Africans and Cameroonians in particular have their own ways of punishing children which is obviously not as seen by the westerners. Before going further, we thought it wise to however recall our topic: “*Traditional and Western Methods of Punishment. The Case of Children in the Banso Ethnic Community of the North West Region – Cameroon. A contribution to Anthropology of Punishment*”. Crime and punishment today is a key concern of the society worldwide, Africa and particularly in Cameroon. According to Bagbo, criminality in African towns is as a result of the economic crisis of the 80’s and 90’s and children who become victims of their parents, macro-economic resignation, “*transitent par la rue avant de se retrouver dans les prisons...*” E. Bagbo, (2001:14). With this, we begin to see that, there is an increase of children in crime waves especially due to lack of care and abandoned responsibilities. That is why ethnic communities like Banso develop sanctions and measures to punish their children who engage in unacceptable behaviours at home and in school. These sanctions and measures had as mandate to socially include and consider all defaulters as having equal status with other members of the community. At times, the prison as a punishment method turns to be the place where solutions are derived. The prison as a penal institution however was unknown in the traditional Cameroonian society before the 20<sup>th</sup> century. It should be noted that all traditional African societies and Cameroon in particular had introduced their own methods of punishing criminals like; beating, ostracizing, banishment and executions. The proposed sanction process in this stage included custodial and non custodial options respectively. But we were interested in the non custodial option where traditional punishment methods turn to be a success. It should be noted that the systematic application of restrictions on man’s physical mobility as a form of punishment was of the traditional style which to them was credible.

In order for us to come out with a good conclusion, we took certain articulations into consideration. There are: a recall of the topic, problem of study, central question, central hypothesis and objective. The methodology and theories used are not left out. We also had to take a look at major results; verify our hypotheses, look at lessons learnt from the study and perspectives.

Being a fact that our topic dealt on punishment methods used on children, adults of all categories were not left out. This topic enabled us to interview children, adults in general like

princes and princesses, notables, teachers, parents, prison workers and a few social welfare workers too. It should be recalled that the age group ranged from 7 to 80 who belonged to different quarters and different religious denominations.

Our main research problem for this dissertation dwells on the traditional punishment methods of children in the Banso community. To them, punishing children plays a critical role as far as raising children is concerned. And this is exercised on children in social settings such as homes, schools, churches, markets just to name these few. Despite the similarities between the two, the methods vary from one culture to another. Crimes that go against cultural norms include stealing, stubbornness, bed wetting, disobedience, rudeness and violation of prohibitions. That is why beatings, starvation, deprivation, detention just to name these few are used by parents because they believe that by using these forms, children's morality will be positive and compatible. We thought it wise to dig into the situation and to know if Banso ethnic community thinks the same as these scholars and westerners. In effect, corporal punishment affects the psychological state of the child reason for the campaign for its abolition. These criticisms however have left parents in a state of total confusion regarding on how they should discipline their children. Parents are worried not only on how to punish their children but on which methods they need to employ. Some parents believe so strongly in their cultural ways and others believe that hardened criminals should be handed over to the police which now are regarded as the western method. At one moment they question the idea of them abandoning their indigenous methods of punishment in favour of the western prescriptions or just combining both. That brings out the perplexed nature of our study which pushes us to say there cannot be a cause without an effect!

Our central question as can be recalled below went as follows: *“How do parents punish children who engage in unacceptable behaviours, attitudes and practices among the Banso ethnic community?”* As is but normal in all scientific works, we got our hypothesis. In this study, it stated that *“Parents use traditional and western methods to punish children who engage in unacceptable behaviours, attitudes and practices in the Banso community”*. We cannot successfully go through this section without recalling to mind our objectives being our main quest for knowledge in the field. We had a main objective that stated; *“Investigate the methods used to punish children who engage in unacceptable behaviors and practices in the Banso community.”*

As far as the methodology is concerned, the study is a qualitative one because the objective was to get in-depth information on traditional and western punishment methods used on children in the rural community of Bansa. We were less interested with the quantitative aspects of punishment but the cultural foundations of moral principles that guided the behaviour of children to ensure their successful passage to adulthood. The methodology for this research was informed by the interpretative or constructivist paradigm. The qualitative methodology for this study was ethnography given that the aim was to describe the cultural factors that underpin the beliefs and practices related to the methods of punishing children in the Bansa community.

Data collection methods were ethnographic techniques that included observation, in-depth interviews, focus groups discussions, informal conversation, life histories and visual images. Direct and participant observations were used in the collection of data on punishment methods for children. Direct observations were also used to focus on child raising practices and education initiatives for children. Participant observation was used to collect in-depth information on punishment methods for children. Its applicability was felt in some households to participate in child raising practices. Attention was focused on punishment practice both traditional and western methods, the behaviour of children and parents in various contexts.

In-depth interviews were conducted with key informants such as children, parents, traditional, religious and opinion leaders, teachers, moral activists and policy makers. The themes for the discussion included among others: norms governing the behaviour of children, perception of a child, traditional methods of child punishment, historical evolution of child rearing practices, unacceptable social behaviours of children, western methods of punishment, perception of the punishment in child raising, impact of punishment on children's behaviours, social sanctions, rewards, retribution, government's policy in the punishment of children amongst others. The number of in-depth interviews conducted depended on the satisfactory responses obtained from participants.

Focus group discussion (FGD) sessions were organized with various participants in order to obtain information that could not be gotten from in-depth interviews. Focus group discussions were organized with parents and children. One brought together male parents, another for females, one comprised of both sexes and one for children. A total of six FGDs were organized. The topics for discussion included moral and social norms for children,

unacceptable behaviours, punishment methods, factors influencing punishment methods, traditional and European methods of punishment, and perception of punishment methods.

Informal conversation was done in the process of data collection using participant and direct observations, informal conversations were also a rich source of data. These conversations took place anywhere in public places like bars, meeting houses, family homes, markets, houses of quarter heads and even churches. Issues for discussion centred on the punishment of children and the behaviour of young people. People's perceptions of child behaviour and punishment methods were also discussed.

With Life history, this technique was used in this study to collect information on the past experiences of parents and children regarding the behaviour of children and punishment methods used in the past and their corresponding consequences on the behaviour of children. The life history technique was used in conducting interviews with parents and children for them to tell us their past experiences regarding the issues that were interested to investigate and analyse. Life history data was collected from parents and children from homes and within the community in the study site. The effectiveness of this technique was evaluated by ensuring that we did not influence the information provided by patients. The limitation of using the life history technique was that it participants were not able to recall all relevant information regarding their past experiences over a particular situation, event or challenge. This weakness was closed by data collected from in-depth interviews and informal conversations.

Visual images constituted a very important source of our qualitative data. Visual images are images collected with the use of digital devices such as photographic cameras, video cameras, phones and other devices as part of qualitative data. It was used to collect images that are symbolic and carry deeper meaning regarding a particular phenomenon or episode. In this study, images of photographs were collected such as those that portray the consequences of a punishment method mates on a childlike corporal punishment. The objective was to complement interviews and focus groups data on the consequences of punishment methods on children. The photographs were collected from homes and community from parents and children. Prior to the collection of the photographs, individual consent were obtained from children, parents and guidance.

The participants for this study came from diverse backgrounds and socio-cultural status. Participants included parents of both sexes and varied ages, children between the ages of seven and twenty, religious and traditional authorities, teachers, social workers, human right activists, policy makers, prison attendants and security agents (police gendarmes etc). Only inhabitants in Banso community were involved in the study. The sampling for this study was basically purposive because we wanted to get people who could provide the information required to answer research question. This is a qualitative study that seeks to get in-depth information on the methods of punishment used for children. This sampling technique was in line with qualitative methodology.

The tools that we used in data collection included: interview and observation guides, note book, computer, tape recorder, camera, pen, pencils and a telephone. The qualitative data collected was cross-checked to ensure that all required data have been collected and if there were any information lacking, measures were taken to close the data gap by going back to the field to complete the collection of this information. The next step taken up was categorizing the data whereby relevant codes were used across data sets in textual form. This was followed by the identification of patterns as well as differences and similarities within the text. Finally, a thematic analysis technique was used for the analysis of qualitative data hence a successful interpretation and analysis as is the case with our study.

This work was carried out in the community of Banso in the North West Region of Cameroon. This site was chosen to bring a rural perspective on punishment methods for children. Additionally, there are few studies on punishment in Cameroon which all were conducted in the French speaking parts of the country. It is important to also have an English perspective of punishment in order to balance national data. The fact that the investigator is from Banso partly motivated the choice of Banso for the study. The researcher also thought it will be enriching to get the cultural perspective of another cultural grouping for this study next time other than Banso.

To interpret the data, we thought it wise to recall the theories that helped us during our study. The theory of deviance; the anomie theory as a sociological explanation of why people violate social norms advanced by the renowned Sociologist, Robert Merton. Anomie is considered as a state of harmlessness. The labelling theory of Howard Becker assumed that deviance is produced by society and not readily established. These theories were very relevant

for this study as both explained why children engaged in culturally unacceptable behaviours as well as why the society label behaviours as deviant. This theory was advanced by Clifford Geertz in his study of cockfight in the Indonesian Balinese Society (Geertz, 1989). The cultural interpretive theory was very relevant in this study for the fact that it explained the cultural meanings and symbols inherent in the construction of social, cultural and moral norms. The theory also offered explanations on the cultural foundations of various traditional punishment methods used for children and the cultural meanings that underpin concepts like a child, acceptable behaviour, consequences of punishment on the behaviour of children.

The indigenous justice paradigm in the Bansa community is based on a holistic philosophy and the world view of the aboriginal inhabitants of Africa. These systems are guided by the unwritten customary laws, traditions, and practices that are learned primarily by example and through the oral teachings of tribal elders. The holistic philosophy is a circle of justice that connects everyone involved with a problem or conflict on a continuum, with everyone focused on the same center. The center of the circle represents the underlying issues that need to be resolved to attain peace and harmony for the individuals and the community. The continuum represents the entire process, from disclosure of problems, to discussion and resolution, to making amends and restoring relationships. The methods used are based on concepts of restorative and reparative justice and the principles of healing and living in harmony with all beings and with nature.

Following our established questions, we were able to obtain major results hence our hypothesis and objectives that we set out to find. With the indigenous Legal Systems in Bansa Community; the statuses of tribes as sovereign nations are both pre-constitutional and extra-constitutional. Tribes continue to possess four key characteristics of their sovereign status: a distinctive permanent population, a defined territory with identifiable borders, a government exercising authority over territory and population, and the capacity to enter into government-to-government relationships with other nation-states. In fact, the administration of justice, law, and order is a function of government retained by the tribes as sovereign nations. It is within this realm that indigenous justice systems exist. Although there have been many efforts to limit the jurisdiction of tribal justice systems, tribes retain the authority to determine the legal structure and forums to use in administering justice and to determine the relationship of the legal structure with other governing bodies. Tribes have personal jurisdiction over their

members and non-member, territorial jurisdiction over their lands, and subject-matter jurisdiction over such areas as criminal, juvenile, and civil matters.

Historically, there is little evidence of penal systems in Bansa tribal communities. This fact remains today, although there are many who express the need for secure confinement facilities to address serious and violent crimes. *Many customary sanctions to appease victims and to safeguard against vengeance are still in use.* These include public disgrace, public shaming, whippings, temporary and permanent banishment, withdrawal of citizenship rights, financial and labour restitution, and community service. Sometimes, they still temporarily or permanently banish individuals who commit serious or violent crimes.

The indigenous process there is also used in offenses where there are no victims, such as problems between parents and children, individual misconduct, or alcohol consumption. Family members affected by the offender's behavior or who are concerned with the offender's welfare may participate. Many tribal people of Bansa view crime, delinquency, and other deviant behaviors as symptoms of bigger family problems. Widening the affected target group to include the offender, parents, siblings, and other extended family members enlists help from those most familiar with the situation to assist in correcting and preventing more serious crimes.

Generally, in the Bansa community, elders are selected as spokespersons responsible for opening and closing the meetings with prayers. During the meetings, each side has an opportunity to speak. The victim may speak on his or her own behalf, and the family may assist in conveying the victim's issues. Extended family members often serve as spokespersons if the victim is very young or vulnerable. Similarly, a spokesperson may be designated to speak on behalf of the accused, especially if the accused is a juvenile or if other circumstances prevent the accused from speaking. When the family forum cannot resolve a conflict, the matter may be pursued elsewhere. Offender compliance is obligatory and monitored by the families involved. It is disgracing for decisions and agreements to be recorded by the family.

In the community forum, the tribal representative acts as facilitator and participates in the resolution process along with the offender, the victim and their families. As with the family forum, prayers are said at the beginning and at closing. An unresolved matter may be



taken to the next level; however, tribes may or may not offer make an appeal process for the community forum. In the Navajo peacemaker system, formal charges in the Navajo district court may be filed. In some Pueblo communities, matters may be pursued through the traditional court. Offender compliance is obligatory and monitored by the families involved and tribal officials.

Traditional courts incorporate some modern judicial practices to handle criminal, civil, traffic, and juvenile matters, but the process is similar to community forums. These courts exist in tribal communities that have retained an indigenous government structure, such as the Southwest Pueblos. Matters are initiated through written criminal or civil complaints or petitions. Defendants are often accompanied by relatives to the hearings. Generally, anyone with a legitimate interest in the case is allowed to participate from arraignment through sentencing. Heads of tribal government preside and are guided by customary laws and sanctions.

In some cases, customary law is generally derived from custom. Custom in this sense means a long-established practice that has acquired the force of law by common adoption or acquiescence; it does not vary. In this way, tribal common law in Bansa is based on the values, mores, and norms of a tribe and expressed in its customs, traditions, and practices. In some tribes, the tribal common law has been set out in different court decisions and written opinions over time and has become case law. Among several Bansa communities, the matrilineal system holds that property belongs to the female. In a divorce or separation, property is divided according to the matrilineal definitions of property ownership and is written into the decisions of the traditional or tribal court.

The Bansa methods of punishment are based on a retributive philosophy that is hierarchical, adversarial, punitive, and guided by codified laws and written rules, procedures, and guidelines. The vertical power structure is upward, with decision making limited to a few. The retributive philosophy holds that because the victim has suffered, the criminal should suffer as well. It is based on the notion that criminals are wicked people who are responsible for their actions and deserve to be punished. Punishment is used to appease the victim, to satisfy society's desire for revenge, and to reconcile the offender to the community by paying a debt to society. Punishment here has to be consumed in order to repair social, community,

family and individual prejudice. However it does not offer a reduction in future crime or reparation to victims.

Concerning the traditional justice process in Banson community; in the Banson community, we have the traditional council where if a person steals he or she is taken to the traditional council and the culprit is charged to pay for all the missing items in the victim's compound, the fines are paid in the traditional council and then forwarded to the victim. On the other hand, in the Banson culture, each child is supposed to own fowls and goats such that if he commits crimes he has to pay with his own money or property. Concerning their method of punishing children, most of the participants support the point of view that a child must be punished for him or her to become responsible. A participant, it is said that children cannot be punished like the adults. This is because most of the crimes committed by children are out of ignorance, while the adults know all the culture and traditions of Nso before committing the crimes. So, people sometimes say that they just have to shout at the children when they go wrong once, twice and the third time; they can change and use a different method.

The methods of judgment in Banson were carried out upon those who committed crimes against the government and society. At that time, such methods were believed to be effective for the community. However, as time went on, this theory was disproven. Traditional methods of punishment although suited specific centuries and people's beliefs, they were proven to be inconclusive. There was no way to link one's crimes accurately to a particular person. Therefore many citizens of that time were wrongfully convicted for crimes they had not committed and murdered for such crimes. Many were presumed to be guilty without a fair trial or substantial evidence tying them to the act. If the task was completed without any injury or discomfort to the person, they were found innocent. Although these methods were thought to be effective, there was however no accurate way of determining who was truly innocent and who guilty.

Changes in society between the early 1950s- 1990s all across the world have altered the way in which we punish those convicted of crimes. The societal norm of Banson people was once murdering those for committing small infractions of the law, in attempts to lower the crime rate and show the citizens of that particular country that breaking the law would not be tolerated. As people developed and advanced as a whole, the way they governed countries needed to reflect the new formed changes. They established in their court of law that all have the right to a fair trial and that all are innocent until proven guilty. As a nation, they have

created a legal system that incorporates the fundamental laws and values that they believe in, making it difficult to change and hopefully easy to abide by.

Indigenous methods of conflict resolution in Bansa include traditional dispute resolution, peacemaking, talking circles, family or community gatherings, and traditional mediation, described only by the language of the tribal community. All this refer to the methods of resolving problems and to the methods of restorative and reparative justice. The structure of relationships in that tribal community is paramount to a legal system exemplified by the clan system. Tribal law determines clan identification, which is often matrilineal. The clan system regulates the behavior of its members. The interlocking relationships in tribal communities often determine the flow of how problems are handled.

For example, parents and the extended family are expected to nurture, supervise, and discipline their children. When parental misconduct occurs such as with physical or sexual abuse or neglect the parents and extended family are convened through the leadership of an elder to address the matter. In a minor case of physical abuse or neglect, the family forum is used. The distributive aspect is invoked extensively to ensure protection of the children, to monitor and enforce proper parental behavior and responsibility, which is regulated by the family. More serious cases may involve tribal officials.

In the family, community forums and the traditional courts in Bansa, children accused of wrong doings are required to give a verbal account of their involvement in an incident, whether or not they admit to the accusations. This verbal account is the key in discovering the underlying factors precipitating the problem. It requires participation by the offender's family and relatives who may have to explain the offender's misconduct, especially when some sort of victimization has occurred. For example, parents may be admonished for not providing proper discipline and supervision for their children who vandalized or destroyed property. Relatives may be criticized for allowing a son or brother to abuse his wife or children.

On the other hand, verbal accountability by the offender and the offender's family is essential to express remorse to the victim and the victim's family. Face-to-face exchange of apology and forgiveness empowers victims to confront their offenders and convey their pain and anguish. Offenders are forced to be accountable for their behavior, to face the people whom they have hurt, to explain themselves, to ask forgiveness, and to take full responsibility

for making amends. Observing and hearing the apology enables the victim and family to discern its sincerity and move toward forgiveness and healing. Forgiveness is strongly suggested, but not essential for the victim to begin healing.

The restorative aspect frequently involves the use of ritual for the offender to cleanse the spirit and soul of the bad forces that caused the child to behave that way. Ceremonial sweats, fastings, purifications, and other methods are used to begin the healing and cleansing process necessary for the victim. This is for the offender and their families to regain mental, spiritual, and emotional well-being and to restore family and communal harmony.

The agreements reached in family and community forums are binding. Participants are compelled to comply through the same interlocking obligations established in individual and community relationships. Compliance and enforcement are important aspects of indigenous systems because there is little coercion. Accepting punishment does not guarantee that an offender will be accountable. Therefore, it is essential that offenders perform outward acts to demonstrate their responsibility for correcting behavior. Offender accountability is essential to ensure compliance with decisions and to prevent further criminality or relapse into deviant behavior. Equally important is for punitive sanctions to be decided and applied by individuals who were affected by the offender's behavior.

Historically, there is little evidence of penal systems in tribal communities in Bansa. This fact remains today, although there are many who express the need for secure confinement facilities to address serious and violent crimes. Many customary sanctions to appease victims and to safeguard against vengeance are still in use. These include public ridicule, public shaming, whippings, temporary and permanent banishment, withdrawal of citizenship rights, financial and labor restitution, and community service. Some tribes still temporarily or permanently banish individuals who commit serious or violent crimes. The indigenous process in Bafut is also used in offenses where there are no victims, such as problems between parents and children, individual misconduct, or alcohol consumption. Family members affected by the offender's behavior or who are concerned with the offender's welfare may participate. Many tribal people view crime, delinquency, and other deviant behaviors as symptoms of bigger family problems. Widening the affected target group to include the offender, parents, siblings, and other extended family members enlists help from

those most familiar with the situation to assist in correcting and preventing more serious crimes.

Traditionally, this process can often be extremely uncomfortable and emotional because it involves participation by everyone affected, but great care is taken to provide a safe environment for matters to be discussed. The distributive nature of this process uses the extended family as a resource for the offender, the victim, and the community to resolve problems.

Punishment here is being received as a social cohesion governed by police forces. It punishes the one who is considered guilty to have infringed law, who varies according to groups. Responsibility registers in the logic of conceived law as a system of commandment matched by sanctions. Law and trouble contact the free referee considered to be the reason of crime. The punishment of crime serves for reminding that the Penal Code is not only a paper rag. At the same time, it encourages the potential delinquent to resist temptation so as to divert the potential offender of the act whom he plans to pose. It is the expression of the government in power except for traditional to know the civil law of code, established by the sovereign authority of a society.

*Conflict here refers to the incompatibility between the modern and traditional punitive methods that exist in the communities of Bansa and Bafut. We see that Western methods are based on norms and established social rules as opposed to traditional ones. Traditional values are established on traditional based norms and, they therefore think that a conflict exists between these two methods. We drew our conclusion from our Focus Group discussion carried out on March 06th, 2016. Participants highlighted that;*

Finally, the consequences of society's perceptions and impressions on traditional methods of punishment play a major role. From the preceding analysis, we noticed that Bansa ethnic community is doing every thing at his level to preserve their traditional methods of punishing children likewise western prescriptions that do well to deshaude corporal punishment.

Although, Elizabeth Gershoff, Ph.D, a leading researcher says “*around the world, about 30 countries have banned physical punishment on children in all settings including the home. The legal bans typically have been used as public education tools, rather than attempts to criminalize behavior by parents who spank their children.*”, Bansa parents would still prefer to stick to their traditional ways. We however were able to put our hypotheses into

verification. Following the main hypotheses, we got from informants that parents are making efforts to use both methods in their children up bringing.

### **Contribution to the Domain of Science**

In every scientific study, there is always some knowledge to be gained, without wish, then the work will be lacking in some aspects. From our study, we arrived at the following.

The work has contributed to the domain of science because it has uncovered the legal and punishment methods of children of the Bansa community. This will enable others to be able to formulate hypotheses for other studies. Most studies have based on adults with much focus on conventional punishment and when it has to do with children it is punishment at school. This study has focused on punishment of children in all institutions of the society.

### **Perspectives**

Other researchers will carry out research on punishments in this community. Historians will study the history of punishment from particular periods; political scientist or law scholars will study the manners of punishments in the various law enforcement milieus. Anthropologists interested in the issues of punishment can focus on adults' punishment, conventional punishments or conflicts between the different punishment systems.

Summarily, in a disciplinary perspective, the work will bring an anthropological perspective on punishment methods for children which has been currently lacking in the literature. Prior to this study, most of the disciplines that were concerned with punishment studies were psychology, economics, law, criminology and public policy hence enriching and deepening knowledge on punishment methods used on children.

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## 2. ORAL SOURCES

No	Names	Sex	Age	Function	Place of interviews	Date
1.	Ayuni Steve	F	14	Student	Tobin-Kumbo	08/03/2017
2.	Asheri Eric	M	39	Driver (Family Head)	Meta Kumbo	28/02/2017
3.	Asana Evaristus	F	45	Clergy	Square - Kumbo	06/03/2017
4.	Asana Fobe John	M	45	Member Traditional Council	Banso	07/03/2017
5.	Banadzem Eric	M	15	Student	Meluf' Banso	03/03/2016
6.	Banye Erica	F	40	Prison Worker	Tobin-Banso	05/03/2016
7.	Belinda Kinyuy	F	35	Social Welfare Worker	Tobin-Banso	12/03/2017
8.	Berinyuy Elisabeth	F	40	Housewife	Kimbo- Banso	10/03/2016
9.	Berinyuy Gladys	F	38	Teacher	Tobin-Banso	02/03/2016
10.	Mercy Fomo	F	25	Housewife (Princess)	Ntoh-Nso	04/02/2017
11.	Bongla Emmanuel	M	14	Student	Kimbo-Banso	10/03/2016
12.	Cavy John	M	39	Gendarme Officer	Brigade Kimbo - Banso	14/03/2016
13.	Cecilia Kinyuy	F	40	Housewife	Ntoh-Nso	09/03/2017
14.	Pamela Wizoy	F	50	Housewife	Jakiri-Nso	08/03/2017
15.	Emilia Mbuh	F	40	Housewife	Meta-f-Banso	04/02/2017
16.	Eric Folah	M	37	Teacher	Tobin -Banso	02/03/2016
17.	Erica Banye	F	13	Student	Tobin-Banso	02/03/2016
18.	Fai Faajang	M	60	Family head	Faajang-Banso	13/03/2016
19.	Fai Kuy	M	60	Christian	Ntoh Nchelav (Palace) - Banso	19/03/2016
20.	Fai Mbiguiy	M	65	Retired Teacher	Kumbo - Banso	19/03/2016
21.	Fai Nseni Shangwai	M	45	Traditional Ruler	Meluf -Banso	03/03/2016
22.	Fai Wilfred	M	16	Student	Tobin-Banso	02/03/2036
23.	Lialam Frederick	M	40	Teacher	Square-Kumbo	26/02/2017
24.	Gogla Fred	M	41	Prison Worker	Tobin-Banso	14/03/2016

25.	Honorine Nzelah	F	12	Student	Ntoh-Nso	08/03/2017
26.	Jean N'tube	M	46	Police Officer	Ntoh-Nso	08/03/2017
27.	îo-hn Vervuy	M	14	Student	Meluf Kumbo	04/03/2017
28.	Judith Shey	F	11	Pupil	Meluf ICumbo	11/03/2017
29.	Jules Essomba	M	39	Gendarme Officer	Tobin - Bansa	05/02/2017
30.	LovelineNgai	F	11	Pupil	Square Kumbo	08/03/2017
31.	Margaret Fube	F	39	Social Welfare Worker	Tobin - Bansa	08/03/2017
32.	Mbime Jean	M	43	Police Officer	Tobin - Bansa	14/03/2016
33.	Mbinglo Belinda	F	40	Housewife	Kimbo - Bansa	15/03/2016
34.	Mbinglo Cecilia	F	45	Housewife	Kimbo -Bansa	15/03/2016
35.	Mbumbi Johnson	M	78	Member Traditional Council	Kimbo-Bansa	08/03/2017
36.	George Fai	F	66	Notable	Ntoh-Kumbo	08/03/2017
37.	Lenvuy Eric	M	60	Traditional Ruler	Ntoh-Kumbo	25/02/2017
38.	Yala Regina	F	40	Prison Worker	Kikai-Kumbo	12/03/2017
39.	Lialam Esther	F	45	Christian	Square ICumbo	05/03/2017
40.	NzeyuyFred	M	35	Teacher	Cathedral-Kumbo	08/03/2017
41.	NebaMangueh	M	50	Christian	Tobin-Nso	05/03/2017
42.	Samuel Shey	M	55	Family head	Tobin-Nso	05/02/2017
43.	Aloys Fai	M	43	Police Officer	Squares Kumbo	05/02/2017
44.	Ngu Jude	M	50	Policy Maker	Squares Kumbo	02/032/2017
45.	Ngu Vincent	M	50	Notable	Cathedral - Kumbo	07/03/2017
46.	Nguma Samson	M	40	Teacher	Square Kumbo	07/03/2017
47.	Ngwa Ernest	M	40	Member Traditional Council	Cathedral-Kumbo	09/03/2017
48.	Ngwa Beri	F	50	Housewife	Mcluf-Bansa	04/02/2017
49.	Ngwa Mohammed	M	50	Notable	Mcluf -Bansa	06/03/2017



50.	Ngwa Sama Thomas	M	68	Member Traditional Council	Mcluf'-Banso	28/02/2017
51.	Noka Blaise	M	40	Police Officer	Tobin-Banso	13/03/2056
52.	Njong Wilson Fanso	M	45	Family head (Prince)	Tobin - Banso	10/03/2016
53.	Ntonui John	M	50	Traditional Ruler	Kimbo-Banso	05/03/2017
54.	Nwumfor Isaiah	M	45	Christian	Kimbo-Banso	04/03/2017
55.	Odilia Lemyuy	F	42	Social Welfare Worker	Kimbo-Banso	11/03/2016
56.	Pa Ngai	M	60	Quarter Head (Policy Maker)	Cathedral Kimbo- Banso	05/03/2017
57.	Patience Nyuyku	F	13	Student	Cathedral Kimbo- Banso	11/03/2017
58.	Rev Father Blessed	M	45	Reverend Father	Cathedral Kimbo- Banso	11/03/2016
59.	Rev Father Mformi Godwin	M	42	Reverend Father	Cathedral Kimbo- Banso	13/03/2017
60.	Rev Pastor Numfor Lesley	M	45	Reverend Pastor	Cathedral Kimbo- Banso	06/02/2017
61.	Rev Pastor Samuel Mbinglo	M	47	Reverend Pastor	Kimbo-Banso	12/03/2016
62.	Rev Sister Ndouni Grace	F	43	Reverend Sister	Cathedral Kimbo- Banso	11/03/2017
63.	Rev Sister Shiyan Frida	F	50	Reverend Sister	Cathedral Kimbo - Banso	11/03/2016
64.	Rosemary Njoka	F	40	Teacher	Meluf-Banso	03/03/2016
65.	Sanyuy Dorothy	F	14	Student	Meluf-Banso	03/03/2016
66.	Sanyuy Stephen	M	50	Familyhead	Kimbo - Banso	06/03/2016
67.	SheyYufenyuy	M	60	Familyhead	Faajang, Kumbo-Banso	19/03/2016

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**ANNEXES**

UNIVERSITÉ DE YAOUNDÉ I  
THE UNIVERSITY OF YAOUNDE I

FACULTE DES ARTS, LETTRES  
ET SCIENCES HUMAINES



FACULTY OF ARTS, LETTERS  
AND SOCIAL SCIENCES

DEPARTEMENT D'ANTHROPOLOGIE

DEPARTMENT OF ANTHROPOLOGY

Yaoundé, le ...2.8.MARS.2013

AUTORISATION DE RECHERCHE

Je soussigné, Professeur MBONJI Edjenguèlè, chef du Département d'Anthropologie de la Faculté des Arts, Lettres et Sciences Humaines de l'Université de Yaoundé I, atteste que l'étudiante **Vedvin JAIKA WOMIVEN**, matricule **99DO81** est inscrite en thèse de doctorat dans ledit département. Elle mène ses travaux universitaires sur le thème : "*The traditional Cameroonian methods of punishment vis à vis the European penitentiary system in the North West Region of Cameroon*", sous la supervision du Professeur Njikam Savage Margaret et du Docteur Mebenga Tamba Luc.

A cet effet, je vous saurais gré des efforts que vous voudriez bien faire afin de fournir à l'intéressée toute information en mesure de l'aider.

En foi de quoi, la présente autorisation lui est délivrée pour servir et valoir ce que de droit.

Le Chef de Département

Le Chef  
de  
Département

Professeur Mbonji Edjenguèlè

## ANNEX 2

### INFORMED CONSENT

The University of Yaounde I  
Faculty of Arts, Letters and Human Sciences  
Department of Anthropology

*Title: Traditional and Western methods of punishment: The case of children in the Nso community of the North West Region - Cameroon. A contribution to Anthropology of Punishment”.*

#### **Name of student**

Vedvin JAIKA WOMIVEN  
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Pr Luc Mebenga Tamba  
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#### **PART ONE**

Good day, my name is Vedvin JAIKA and I am a student from the department of Anthropology in the above mentioned University and I'm carrying out a research on the traditional and western methods of punishing children in the Nso Community. It is a common practice for us to punish our children when they do not behave correctly, however, the methods of punishment differ. That is why i am here – to understand how parents punish their children here in Nso.

#### **Instruction on participation**

Hello, I will advise you to carefully read this form. This will enable you decide on whether to participate or not. I will also like to let you know that your answers will be published in a thesis that will be defended in the University of Yaounde I, precisely in the Department of Anthropology.

#### **Purpose of Research**

The purpose of the research is to find out how parents punish children who engage in unacceptable behaviours, attitudes and practices among the Nso Community. This will help us know the various crimes that are tantamounted to punishment amongst the Nso people and the entire community as a whole.

#### **Participant selection**

I have invited you to take part in this research project not only for your being a member of this community but also because of your experience here over the years that makes you a resourceful person. That is, I believe you are the better placed person to provide us with useful information about my topic and situation.

**Voluntary participation**

If we have chosen you to take part in this study, it will be good to let you know that its free and depends on your willingness, know that we are not forcing you. If you are not comfortable to take part then you can withdraw. We also want to assure you that it will not affect either your job or your entourage. If along the line, you feel that you are not able to continue, just indicate and you will not be forced . You should also note that withdrawal from the procedure is independent and at the end, you can also decide to review all what you said.

**Procedure for Interview**

You should also note that you will be expected to answer some questions concerning the above mentioned topic and also on different related topics within our study. The will range from ways in which parents use to punish children. If during the interview, you feel pertinent issues are touched that can be so personal, you are free not to answer or to withdraw. In that way, we will chose weather to continue or to postpone the procedure for some other time.

There is another part (focus group discursion) that we will put you in groups of about 5 to 10 persons for the same reason. Remember that you are free to withdraw if the procedure becomes uncomfortable for you.

**Duration**

This research as you know will take some years especially as we will be coming back here in the community from time to time to get additional information. Each of our interviews will take like 30 to 45 minutes but at times can go up to an hour depending on the zeal that you might have that day.

**Confidentiality**

Note that the answers that you will give us during these interviews will be kept in a confidential manner except for the purpose that is aimed for. Every single information that you will give will be kept under secured circumstances like in personal computers and hard drives. In this way, no body will have access to it except the two supervisors of the work and other authorities related to social sciences. Also note that your name and other identification related elements will not be disclosed. After all the data collection you will be free to look through for you might stumble on information that you will like to withdraw.

**Reimbursements**

We will be ready to reimburse you of any expenditure related to our interview procedures like transport fares and other related expenses.



**Sharing of Results**

We will like to inform you that whatever information that you will give will not be shared with any other person outside this community. We can assure you that you will be the first beneficiary since you are a member. We might organise small groups again to share our results just as we did for the interviews.

**Benefits**

The benefit of this study to you is that at the end, we will be able to get information that will help people better understand how to punish their children in any friendly way. Also note that, this study is to help the Nso Community and policy makers to better improve the ways of punishing children in the Nso Community.

**Resource Persons**

Wherever you have any doubts or questions and can't get to us, you can contact the following people  
Pr Njikam Savage 699996592 or Pr Luc Mebenga Tamba 699973392

**ANNEX 3**

**CERTIFICATE OF CONSENT**

I write because I have been invited to participate in this study talking about the methods of punishing children who get involved in unacceptable behaviours here in the Nos Community. I have had the opportunity to ask questions about the study and I'm happy with the satisfactory answers.

**Name of Participant** \_\_\_\_\_

**Date of Participation** \_\_\_\_\_

**Date** \_\_\_\_\_

**Statement by the researcher or consent person**

The information has been read to the participant and to the best of my knowledge, he or she has understood that firstly, that some interviews will be recorded, there shall be a confidentiality of all what will be said and finally results will be shared with participants.

We hereby confirm that the participant was given the right to ask questions on our topic and answers were given. We also confirmed that the participants have not been forced and that it has been done voluntarily.

We also want to note that the participant has been provided a copy of this consent form.

**Name of Resercher taking the consent**

**Signature of Researcher / Person taking the Consent**

**Date:**

## ANNEX 4

### INTERVIEW GUIDE FOR TRADITIONAL RULERS

The aim of this research is to evaluate the perceptions and impressions that traditional rulers have on the traditional methods of punishment and the new system

Name:

Sexe:

Age:

Locality:

Religion:

Marital Status:

Have you been a traditional ruler for long in this area?

What is the objective of punishment to you?

What are the traditional methods of punishment that were used before? In other words, which offences were tantamount to punishment? How important were these methods to you and the indigenes?

Which of these methods are still employed today, which are those (will have been abandoned and why?

What do you think about the new system of punishment that is, the western system, do you think this method is more efficient?

If you were asked to choose a system, which are you going to choose and why? Can lessons be drawn from these 2 systems?

**Thank you for your cooperation.**

## ANNEX 5

### INTERVIEW GUIDE FOR PRISON AUTHORITIES

The aim of this research is to evaluate the perceptions and impressions that prison authorities have on the traditional methods of punishment and the new system

Name:

Locality:

Religion:

Marital Status:

What do you know about our old methods of punishment and what do you think about these methods?

Which are the different types of convicts that are found here?

Which are the methods that you employ in prison to keep peace and security?

What are the problems that you face as concerns the handling of prisoners?

Do you help prisoners in any way to prepare them for re-integration while out of here?

Are you satisfied with your conditions of work? If no, how does it affect inmates?

Do you think that a convict after serving prison terms can completely change and re-integration easily into society?

**Thank you for your cooperation**

## **ANNEX 6**

### **INTERVIEW GUIDE FOR RETIRED PRISON WARDERS**

The aim of this research is to evaluate the perceptions and impressions that retired prison warders have on punishment and the new system of punishment

Name:

Sex:

Age:

Locality:

Religion:

Marital Status:

For how long have you been on retirement?

What do you think about punishment and its traditional methods?

How were prisoners treated during your service?

From your experience, what do you think about the penitentiary system as a whole, what problems do you think the system faces?

What do you think about the prison authorities and their way of treating prisoners?

If you were asked to choose a method of punishment, which one will you chose and why?

**Thank you for your cooperation**

## ANNEX 7

### INDEPTH INTERVIEW GUIDE

- Socio-cultural norms that control the behavior of children in the process of socialization at home and in schools in Bansa community (Established rules or expected practices or punishable methods)
- The traditional methods of punishing children who deviate from acceptable behaviors and practices with the Bansa community (Practices that are actually happening in the community)
- Western methods of punishment that parents use on children who engage in unacceptable behaviors and practices in the Bansa community
- The use of two methods of punishment influence the adherence of children to socio-culturally constructed norms of behavior in the Bansa community
- The effectiveness of government policies regarding the punishment of children
- What are the types of crimes that children commit here in your community? What are the different punishment methods given to them?
- Link the type of punishment to the unacceptable behavior or practices
- Do you think children can grow up with unacceptable behavior and become important personalities in the community without any form of punishment?
- What are the consequences of exaggerated punishment?
- Cite some cases of exaggerated punishment in your community
- What are the different types of punishment methods practiced in schools within your community?
- Are you ok with them? If no, which one is more preferable?
- What are the fears that you have within the community with respect to the methods of punishment in schools?
- What is the ideal place for child punishment (school or home, explain)
- Do you think the modern changes in the society have affected
  - Behavior and practices of children? Explain
  - The methods of punishment
- What are the general punishment methods of the community?
- Is there a difference between those methods above applied to adults and that applied to children? Explain them in details

- Are there some child punishments that are directed to parents?
- List the type of punishments in the local language and give their meanings
- Give an exhaustive list of people who underwent such punishments (historical perspective)
- Do you think there is any conflict between western and traditional punishment methods? Explain

-

### **Focus Group Discussion**

-What are the socio-cultural norms that control the behavior of children in the process of socialization at home and in schools in Banso community? (Established rules or expected practices or punishment methods).

-The traditional methods of punishing children who deviate from acceptable behaviors and practices within the Banso community. (Practices that are actually happening in the community).

-Western methods of punishment that parents use on and Banso community.

-Does the use of both methods of punishment influence the adherence of children to socio-culturally constructed norms of behavior in the Banso community?

-What are the effectiveness of government policies regarding the punishment of children?

-Any conflict between traditional punishment and modern punishment? Explain

-Cite punishments that have been carried out in your community and respective faults (let them be listed in local languages and translated).

-Compare a household where a child is severely punished during any wayward behavior and that which a child is left unpunished in everything.

-Do you think something has to be done as far as punishment is concerned in schools, homes or communities as a whole? Explain your answer.

## **ANNEX 8**

### **OBSERVATION GUIDE**

- Visits at some schools to observe how teachers punish children.
- Neighbourhoods visits, walking around the premises to observe how children are being punished.
- Visits of some households without them noticing we are observing.
- Visits at the traditional headquarters' houses to have informal discussions with them.



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