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**THE EVOLUTION OF CRIME AND PUNISHMENT IN NIGERIA
FROM INDIGENOUS JUSTICE TO THE POST-COLONIAL
PRISON SYSTEM, 1861-1968**

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Abstract

Crime and punishment constituted fundamental instruments through which British colonial authority was established, consolidated, and sustained in Nigeria between 1861 and 1968. Although existing scholarship has examined aspects of colonial policing, criminal law, and prison administration, relatively few studies have integrated indigenous justice systems, colonial legal transformations, penal administration, and the transition to post-colonial prison governance within a single historical analysis. This study addresses this gap by examining the evolution of crime and punishment in Nigeria from the annexation of Lagos in 1861 to the integration of the prison system in 1968. The study is anchored on the Governance theory, which explains how criminal law, policing, and penal institutions functioned as instruments of colonial administration, political control, and state authority. It adopted the historical research method, relying on qualitative analysis of archival records, colonial government reports, prison and judicial records, official gazettes, newspapers, oral interviews, and relevant secondary sources. The findings reveal that the colonial criminal justice system functioned not only to maintain public order but also to consolidate political authority, enforce taxation, regulate labour, exploit convict labour, and suppress indigenous resistance. Although rehabilitation and inmate welfare received greater attention during the late colonial period, colonial penal structures, legal philosophies, and administrative practices largely persisted after independence. The study concludes that many contemporary challenges confronting Nigeria's criminal justice and correctional systems have their roots in colonial penal administration. It recommends comprehensive legal, institutional, and administrative reforms aimed at strengthening justice delivery, correctional rehabilitation, and the protection of human rights.

Keywords: Crime; Punishment; Colonial Nigeria; Criminal Justice System; Prison Administration; Penal Policy; British Colonial Rule; Post-Colonial Nigeria.

Introduction

Crime and punishment have long been central to the organization of human societies because every society develops mechanisms for regulating behaviour, resolving disputes, protecting lives and property, and maintaining public order. Their meaning and administration, however, differ across historical periods and political systems. Barnes (1921) argues that the emergence of modern penal institutions reflected changing ideas of state authority and social control rather than purely humanitarian concerns. Consequently, criminal justice evolved alongside broader political and social transformations.

Before British colonial rule, the societies that later became Nigeria possessed established systems of justice founded on customary and Islamic law. Judicial authority was exercised by traditional rulers, councils of elders, lineage heads, age-grade associations, and Alkali courts, while punishment emphasized restitution, reconciliation, deterrence, compensation, and the restoration of social harmony rather than prolonged imprisonment (Elias, 1954; Nwankwo, 2010; Onu, 2008). These institutions varied among the Yoruba, Igbo, Hausa-Fulani, and other societies but demonstrated the existence of organized legal traditions before colonial rule (Omipidan, 2015; Elias, 1954; Nwankwo, 2010).

The annexation of Lagos in 1861 marked a major turning point as British rule introduced statutory law, colonial courts, policing, and prisons that gradually subordinated indigenous justice systems. Through conquest, treaties, and indirect rule, colonial authorities redefined crime to include offences against colonial administration, such as tax resistance, labour protests, smuggling, and breaches of official regulations (Anene, 1959; Inyang & Bassey, 2014; Osagie, 2014; Gueye & Boahen, 2000; Eborieme & Egbefo, 2014; Tamuno, 1970; Obilade, 1979; Mann & Roberts, 1991). Punishment increasingly relied on imprisonment, convict labour, fines, corporal punishment, and execution, while prisons served political and economic objectives despite persistent challenges of overcrowding, poor sanitation, inadequate welfare, and limited resources (Ogunleye, 2007; Onu, 2008; United Kingdom Colonial Office, 1915).

Although Nigeria attained independence in 1960, colonial penal structures remained influential until the integration of Federal and Native Authority prisons in 1968, as evidenced in official archival records (Kaduna National Archives, 1960; Ibadan National Archives, 1931; Yesufu, 2010). Despite extensive scholarship on colonial law, policing, and prisons, few studies examine the interconnected evolution of crime, punishment, and penal administration across this period. This study addresses that gap by analysing how British colonial rule transformed indigenous justice systems and established penal institutions whose legacy extended into the post-colonial era.

Statement of the Problem

Existing studies on crime and punishment in Nigeria have largely examined indigenous justice systems, colonial policing, criminal law, prison administration, and correctional reforms as separate themes. Although these studies have contributed significantly to the historiography of Nigeria's criminal justice system, relatively few have integrated the transformation of indigenous justice, colonial legal reforms, prison administration, and the transition to post-colonial penal governance within a single historical framework extending to the integration of the prison system in 1968. Consequently, the historical relationship between colonial criminal justice institutions and contemporary correctional administration remains insufficiently explained. This gap limits a comprehensive understanding of how colonial legal philosophies, penal policies, and administrative structures evolved and continued to influence Nigeria's post-independence correctional system. This study addresses this gap by providing an integrated historical analysis of the evolution of crime and

punishment from the consolidation of British colonial rule in 1861 to the integration of the prison system in 1968.

Aims and Objectives of the Study

This study aims to examine the evolution of crime and punishment in Nigeria from the consolidation of British colonial rule in 1861 to the integration of the prison system in 1968. It pays particular attention to the transformation of indigenous justice systems, colonial legal institutions, and the post-colonial legacy of penal administration.

The specific objectives are to:

- i. Examine the nature and administration of crime and punishment in selected Nigerian societies before British colonial rule.
- ii. Analyse the impact of British colonial administration on indigenous criminal justice systems, particularly the introduction of statutory law, formal courts, policing, and imprisonment.
- iii. Investigate the historical development of prison administration in colonial Nigeria, with emphasis on its political, economic, and social functions.
- iv. Evaluate the transition from colonial to post-colonial penal administration, focusing on institutional continuity, reforms, and the integration of the prison system in 1968.
- v. Assess the enduring influence of colonial criminal justice institutions on contemporary correctional administration in Nigeria and identify their implications for penal reform.

Literature Review

Conceptualizing Crime and Punishment in Historical Scholarship

Crime and punishment have remained central concerns in history, criminology, law, sociology, and political science because they regulate behaviour, preserve public order, and sustain political authority. Rather than being fixed concepts, both are socially and historically constructed, changing according to political, economic, cultural, religious, and legal contexts (Foucault, 1977; Garland, 1990). Consequently, definitions of crime and systems of punishment have evolved alongside changing legal philosophies and state priorities.

Historical scholarship traces punishment from communal sanctions, fines, banishment, and corporal punishment to institutional imprisonment. Barnes (1921) argues that prisons originally functioned as places of detention pending trial or execution, while the emergence of imprisonment during the eighteenth and nineteenth centuries reflected expanding state authority and changing penal philosophies rather than humanitarian reform alone. Norval (1951) identifies retribution, deterrence, incapacitation, and reformation as the principal objectives of punishment, whereas Lewis (1987) cautions that rehabilitation should not undermine individual responsibility. Similarly, Ancel (1998) advances the social defence perspective, emphasizing the dual objectives of protecting society and rehabilitating offenders. Senna and Siegel (2002) further describe criminal justice as an integrated system comprising law enforcement, courts, correctional institutions, and community supervision, with punishment serving crime prevention, offender reform, victim protection, and public confidence in justice administration.

Within Nigerian scholarship, Nwankwo (2010) defines crime as conduct prohibited by law but notes that its legal meaning has changed across the pre-colonial, colonial, and post-colonial periods. Onu (2008) similarly argues that punishment performs retributive, deterrent, preventive, reformatory, and protective functions, while the prevailing philosophy of punishment determines the character of penal institutions. Chukkol (2010) and Enemaku (2012) further observe that Nigeria's criminal justice system derives its authority from statutory law, judicial interpretation, and constitutional principles, although customary and Islamic legal traditions continue to influence criminal justice administration. These studies provide an important framework for understanding how British colonial rule transformed indigenous justice systems and institutionalized imprisonment as the dominant penal sanction.

African historiography has equally challenged colonial assumptions that pre-colonial societies lacked organized legal systems. Elias (1954) argues that African customary law constituted a coherent legal order based on communal responsibility, restitution, reconciliation, and social harmony. Mann and Roberts (1991) likewise demonstrate that colonial legal systems developed through interaction among customary law, Islamic law, and English common law under increasing colonial supervision. While these studies provide valuable conceptual insights, they devote comparatively limited attention to the historical evolution of crime and punishment within colonial Nigeria.

Crime in Pre-Colonial and Colonial Nigeria

The history of crime in Nigeria is closely connected to the development of indigenous political and judicial institutions. Afigbo (1981) demonstrates that pre-colonial societies maintained order through councils of elders, lineage authorities, age-grade associations, traditional rulers, and customary courts, with justice aimed primarily at restoring communal harmony.

Nwankwo (2010) observes that offences such as murder, theft, adultery, sacrilege, treason, kidnapping, and violations of communal taboos attracted sanctions ranging from restitution and fines to banishment, corporal punishment, and, in exceptional cases, capital punishment. Onu (2008) similarly notes that imprisonment occupied only a marginal position because indigenous justice emphasized reconciliation and compensation rather than prolonged confinement. Judicial institutions differed across societies but shared similar objectives. Among the Yoruba, judicial authority rested with the Oba, chiefs, and councils of elders (Omipidan, 2015); among the Igbo, village assemblies, lineage heads, and age-grade organizations exercised judicial authority; while Islamic courts administered justice in the Hausa-Fulani emirates (Elias, 1954). These arrangements demonstrate the existence of sophisticated legal institutions before colonial conquest.

The annexation of Lagos in 1861 marked a turning point in the evolution of criminal justice. Anene (1959) argues that British expansion created the political foundations for colonial legal institutions, while Inyang and Bassey (2014) show that treaties facilitated the extension of British authority and colonial legislation. Military conquest further accelerated this transformation. Studies of the Benin Expedition (Eborieme & Egbefo, 2014), resistance in Esan communities (Osagie, 2014), and wider African resistance (Gueye & Boahen, 2000) demonstrate that colonial conquest involved both political domination and judicial transformation.

Falola and Heaton (2008) observe that colonial administration fundamentally redefined crime by introducing statutory criminal laws reflecting imperial interests. Tax resistance, labour protests, anti-colonial demonstrations, and breaches of administrative regulations became criminal offences because they threatened colonial authority. Fourchard (2009) further links urbanization, commercialization, labour migration, and socio-economic inequality with increases in theft, smuggling, fraud, prostitution, and juvenile delinquency. Together, these studies demonstrate that colonial definitions of crime expanded beyond conventional offences to include activities considered threats to effective colonial governance, although comparatively little attention has been devoted to explaining how these changing patterns of crime shaped the evolution of punishment.

Crime, Criminal Justice and Penal Administration in Colonial Nigeria

The evolution of crime and punishment in Nigeria cannot be fully understood without examining the transformation of indigenous justice systems under British colonial rule. Before colonial conquest, Nigerian societies administered justice through customary and religious institutions that emphasized restitution, reconciliation, and communal responsibility. British administration replaced many of these indigenous mechanisms with codified criminal laws, centralized courts, modern policing, and prisons designed to advance imperial administrative priorities (Nwankwo, 2010; Onu, 2008).

Scholars have shown that pre-colonial societies possessed organized judicial institutions. Among the Yoruba, judicial authority rested with the Oba and councils of chiefs, while the Igbo relied on councils of elders, lineage heads, and age-grade associations. In the Hausa-Fulani emirates, Islamic courts administered justice. Across these societies, offences such as murder, theft, adultery, sacrilege, witchcraft, and treason attracted restitution, fines, banishment, corporal punishment, or, in exceptional cases, capital punishment. The overriding objective was the restoration of communal harmony rather than prolonged imprisonment (Elias, 1954; Nwankwo, 2010; Omipidan, 2015).

British conquest fundamentally redefined both crime and punishment. Through treaties, military expeditions, and administrative annexation, Britain established political authority and introduced a legal system that increasingly displaced indigenous judicial institutions (Anene, 1959). Unequal treaties and military campaigns, including the conquest of Benin, became instruments for extending British sovereignty over indigenous communities (Inyang & Bassey, 2014; Eborieme & Egbefo, 2014). Resistance across West Africa further demonstrated widespread opposition to the imposition of foreign legal institutions (Gueye & Boahen, 2000; Osagie, 2014).

Colonial legislation also expanded the definition of crime. While indigenous systems concentrated on offences against persons and communities, colonial governments criminalized tax resistance, labour protests, anti-colonial demonstrations, and breaches of administrative regulations because they threatened imperial authority and economic interests (Falola & Heaton, 2008; Nwankwo, 2010). Criminal law therefore became an instrument of political control as well as public order.

One of the most important institutional changes was the expansion of imprisonment. Ogunleye (2007) argues that prisons gradually replaced many indigenous sanctions as the principal form of punishment, although fines and corporal punishment remained in limited use. Onu (2008) similarly observes that colonial imprisonment reflected Britain's preference for institutional confinement as a means of enforcing state authority.

Primary sources reinforce this interpretation. The Annual Report on the Colony and Protectorate of Nigeria (1913) illustrates the growing role of colonial legal institutions in maintaining order (Annual Report on the Colony and Protectorate of Nigeria, 1913). Likewise, the Annual Report on Southern Nigeria for the Year 1913 records the expansion of prison facilities and the increasing use of prisoners in public works (United Kingdom Colonial Office, 1915). The Annual Report on the Social and Economic Progress of the People of Nigeria further demonstrates that by the 1930s convict labour had become integral to road construction, sanitation, and other colonial development projects (Annual Report on the Social and Economic Progress of the People of Nigeria, 1934).

The economic dimension of imprisonment has received considerable scholarly attention. Salau (2015) argues that convict labour in Northern Nigeria supplied inexpensive labour for agriculture, road construction, and sanitation, illustrating that colonial prisons functioned as instruments of both punishment and economic exploitation.

Archival records equally reveal the administrative realities of colonial prisons. Kaduna National Archives document the coexistence of Native Authority and centrally administered prisons (Kaduna National Archives, 1960), while Ibadan National Archives records highlight overcrowding, prison health, mortality, and inadequate medical facilities (Ibadan National Archives, 1931). Studies further identify overcrowding, inadequate funding, poor accommodation, shortages of trained personnel, and weak medical services as enduring colonial legacies (Ameh, 2010; Ogunleye, 2007). Oral interviews with Tony Nwoke (2017) and Abah Joseph (2017) likewise indicate that many colonial administrative practices continued after independence.

Overall, the literature shows that colonial criminal justice functioned as an instrument of political domination, economic regulation, labour mobilization, and administrative control. However, many studies examine indigenous justice, colonial law, prisons, or convict labour separately. This study therefore integrates these themes to explain the historical relationship between crime, punishment, and penal administration from colonial conquest to the emergence of the post-colonial prison system.

Research Gap

Although scholarship has substantially advanced knowledge of crime, punishment, and prison administration in Nigeria, important gaps remain. Existing studies frequently examine crime, punishment, and prisons separately rather than as interconnected historical processes. Foundational works by Barnes (1921), Norval (1951), Lewis (1987), and Ancel (1998) explain penal philosophy but devote limited attention to colonial Nigeria, while Nigerian studies emphasize prison administration without fully linking changing concepts of crime to penal development (Ameh, 2010; Ogunleye, 2007; Onu, 2008).

Historical studies also tend to examine colonial conquest, indigenous justice, or prison administration independently. Although Anene (1959), Inyang and Bassey (2014), Gueye and Boahen (2000), Osagie (2014), and Nwankwo (2010) provide valuable analyses, comparatively little attention has been given to the interaction between indigenous justice, colonial legislation, policing, prisons, and penal administration within one historical framework.

Another limitation is the limited use of primary archival materials. Important sources, including the Annual Report on the Colony and Protectorate of Nigeria (1913), the Annual Report on Southern Nigeria for the Year 1913 (United Kingdom Colonial Office, 1915), the Annual Report on the Social and Economic Progress of the People of Nigeria (1934), Ibadan National Archives (1931), and Kaduna National Archives (1960), remain underutilized despite their value for reconstructing prison administration, convict labour, and government policy.

Similarly, relatively few studies examine the transition from colonial to post-colonial penal administration, particularly the Nigerianization of prison administration and the integration of Native Authority and central government prisons in 1968. Oral testimonies from experienced prison personnel, including Tony Nwoke (2017) and Abah Joseph (2017), also remain insufficiently integrated with archival and published evidence.

This study addresses these gaps by examining crime, punishment, and penal administration as interconnected historical processes between 1861 and 1968. Drawing on archival records, official colonial reports, oral interviews, and published scholarship, it provides a more integrated explanation of how colonial criminal justice evolved and how its institutional legacy continued to shape post-colonial correctional administration.

Methodology

This study adopts the historical research method to examine the evolution of crime and punishment in Nigeria, with particular emphasis on the colonial and early post-colonial periods (1861–1968) while drawing on the pre-colonial justice system as historical background. The study is anchored on the Rule of Law and Governance perspectives, which provide a framework for examining the relationship between law, political authority, and the administration of justice under colonial rule (Mann & Roberts, 1991; Mamdani, 1996). Historical methodology is appropriate because it enables the systematic collection, evaluation, and interpretation of historical evidence, thereby facilitating the reconstruction of institutional continuity and change in Nigeria's criminal justice system (Nwankwo, 2010).

The study employs a qualitative research approach, relying on both primary and secondary sources. Primary data were obtained from colonial archival documents, official government reports, Native Authority records, administrative correspondence, prison and judicial records, official gazettes, newspapers, and oral interviews. Major documentary sources include United Kingdom Colonial Office (1913), United Kingdom Colonial Office (1915), United Kingdom Colonial Office (1934), records from the Ibadan National Archives (1931), and the Kaduna National Archives (1960). These materials provide evidence on colonial criminal law, prison administration, convict labour, Native Authority prisons, and broader criminal justice practices. Oral interviews with serving and retired prison personnel complemented the documentary evidence by providing insights into institutional development and continuity after independence.

Secondary data were drawn from books, peer-reviewed journal articles, postgraduate theses, official publications, and scholarly reports on crime, punishment, colonial administration, prison history, and penology. These sources provide the conceptual and historiographical basis for interpreting the primary evidence and situating Nigeria's experience within broader debates on criminal justice and colonial governance (Barnes, 1921; Bernault, 2003; Nwankwo, 2010; Onu, 2008).

Data were analysed using the historical analytical method. Documentary materials were subjected to external criticism to establish authenticity and internal criticism to determine credibility, reliability, context, and possible bias. Evidence obtained from archival records, official reports, oral interviews, and published literature was systematically compared and corroborated before interpretation. This approach enabled the study to identify patterns of continuity and change in crime, punishment, and penal administration while explaining the political, economic, and social forces that shaped the evolution of Nigeria's criminal justice system from the pre-colonial period through the integration of the national prison system in 1968.

Findings

Crime and Criminal Justice in Pre-Colonial Nigeria

The findings reveal that the societies that later became Nigeria possessed well-established systems of criminal justice before British colonial rule. Contrary to colonial claims that African societies lacked organized legal institutions, indigenous communities regulated conduct through customary, political, and religious institutions headed by traditional rulers, councils of elders, lineage heads, age-grade associations, and religious authorities (Elias, 1954; Nwankwo, 2010; Onu, 2008).

Crime was regarded as a violation of both individual and communal interests, with justice aimed at restoring social harmony through reconciliation, restitution, and compensation rather than prolonged imprisonment. Among the Yoruba, judicial authority rested with the Oba, chiefs, and councils, while the Igbo relied on village assemblies, elders, lineage authorities, and age-grade institutions. In the Hausa-Fulani emirates, Alkali courts administered justice according to Islamic law (Afigbo, 1981; Nwankwo, 2010; Omipidan, 2015).

Recognized offences included murder, theft, armed robbery, adultery, incest, treason, kidnapping, sacrilege, and violations of communal taboos. Punishments ranged from restitution, fines, public apology, banishment, corporal punishment, and confiscation of property to ritual cleansing and, in exceptional cases, capital punishment (Nwankwo, 2010; Onu, 2008). The absence of permanent prisons reflected a different philosophy of punishment rather than the absence of criminal justice, supporting Barnes' (1921) argument that imprisonment emerged historically from changing penal philosophies. Overall, the findings show that British rule transformed rather than introduced systems of law and justice.

Colonial Transformation of Crime and Criminal Justice, 1861–1960

The annexation of Lagos in 1861 marked a major turning point in Nigeria's criminal justice history. British expansion through treaties, military conquest, and indirect rule established statutory laws, formal courts, policing institutions, and administrative regulations that redefined crime according to colonial legal principles and administrative priorities (Anene, 1959; Inyang & Bassey, 2014).

Colonial rule expanded criminal offences beyond indigenous definitions. While crimes such as murder, theft, assault, and fraud remained punishable, tax resistance, obstruction of colonial officials, illegal trading, smuggling, labour protests, and breaches of colonial regulations became offences because they threatened imperial authority and economic interests (Nwankwo, 2010; Okauru, 2012). Colonial criminal law therefore functioned as an instrument of governance and political control (Perham, 1960).

The findings further indicate that colonial economic transformation, including cash-crop production, mining, railway construction, urbanization, and labour migration, contributed to rising incidences of theft, fraud, burglary, smuggling, and other offences. Colonial officials associated these developments with threats to public order, although such interpretations often overlooked the wider socio-economic consequences of colonial rule (United Kingdom Colonial Office, 1935). Political resistance, including anti-colonial protests and tax resistance, was likewise criminalized through legal mechanisms used to suppress opposition to colonial authority (Joubeaud, 2014; Osagie, 2014). These findings demonstrate that colonial definitions of crime extended beyond conventional offences to include activities perceived as threats to imperial administration.

Evolution of Punishment and Colonial Penal Institutions

The findings show that British colonial rule transformed punishment from indigenous practices centred on restitution and reconciliation to a system emphasizing deterrence, imprisonment, discipline, and state authority (Onu, 2008; Ogunleye, 2007). Imprisonment gradually became the dominant form of punishment, replacing many indigenous sanctions, while prisons evolved from detention centres into institutions for punishment, convict labour, and limited rehabilitation (Nkwocha et al., 2010).

Corporal punishment and fines remained important features of colonial penal policy. Whipping and flogging were retained for certain offences, while fines were widely imposed for minor offences. Failure to pay often resulted in imprisonment, increasing the prison population (Onu, 2008; Ogunleye, 2007). Convict labour also became central to prison administration, with prisoners employed in road construction, agriculture, sanitation, and prison maintenance. Although presented as a means of discipline and rehabilitation, it also served colonial economic interests by providing inexpensive labour for public works (Salau, 2015).

Primary records further reveal persistent administrative challenges. The Annual Report on Southern Nigeria for the Year 1913 documented problems relating to prison accommodation, health, and administration (United Kingdom Colonial Office, 1915). Likewise, records from the Ibadan and Kaduna National Archives highlight concerns over prison statistics, medical conditions, and the administration of Native Authority prisons (Ibadan National Archives, 1931; Kaduna National Archives, 1960). Although educational, vocational, religious, and agricultural programmes were introduced during the late colonial period, rehabilitation remained limited by overcrowding, inadequate funding, and shortages of trained personnel.

Transition from Colonial to Post-Colonial Penal Administration, 1960–1968

The findings indicate that independence in 1960 did not immediately transform Nigeria's prison system. Colonial regulations, administrative procedures, and institutional structures remained largely

intact, making the period between 1960 and 1968 one of continuity and gradual Nigerianization rather than abrupt change.

A major feature of this transition was the gradual replacement of British leadership. British officer W. G. Francis served as Acting Director of Prisons before the appointment of Chief Frank Sunmola Giwa-Osagie as the first substantive Nigerian Director of Prisons on 3 October 1961. His appointment marked an important stage in the Nigerianization of prison administration, although the institutional framework inherited from colonial rule remained largely unchanged (Nigerian Correctional Service, 2026).

The continued operation of both Native Authority and central government prisons reflected the persistence of colonial administrative arrangements, creating challenges of coordination, staffing, supervision, and prisoner welfare. A major reform occurred in 1968 when the Federal Government integrated the two prison systems into a unified national service under Giwa-Osagie's leadership. Although problems such as overcrowding and inadequate infrastructure persisted, the reform established a more coordinated administrative structure and marked the completion of Nigeria's transition from colonial to post-colonial penal administration. It also laid the foundation for a nationally controlled correctional system while demonstrating the enduring influence of colonial institutions on contemporary prison administration (Nigerian Correctional Service, 2026).

Discussion

The findings demonstrate that the evolution of crime and punishment in Nigeria between 1861 and 1968 was closely linked to British colonial state formation. Rather than introducing law into societies without systems of justice, colonial rule transformed existing indigenous institutions through statutory laws, colonial courts, policing, and prisons, thereby extending political authority and administrative control (Mann & Roberts, 1991; Mamdani, 1996).

The study challenges colonial assumptions that pre-colonial Nigerian societies lacked organized legal systems. Indigenous communities administered justice through traditional rulers, councils of elders, lineage authorities, religious institutions, and Islamic courts, emphasizing restitution, reconciliation, compensation, and communal harmony rather than prolonged imprisonment. Colonial administration therefore transformed, rather than created, criminal justice institutions (Nwankwo, 2010; Onu, 2008). Following the annexation of Lagos in 1861, British rule fundamentally redefined crime. Colonial legislation increasingly reflected imperial interests, reducing the autonomy of customary and Islamic judicial systems (Karsten, 2002; Obilade, 1979). Consequently, tax resistance, obstruction of colonial officials, illegal trading, and other forms of resistance became criminal offences, while colonial reports justified such measures as necessary for maintaining law and order (United Kingdom Colonial Office, 1913). Colonial economic transformation through urbanization, mining, railway construction, cash-crop production, and wage labour also contributed to offences such as theft, fraud, smuggling, and public disorder, although official interpretations largely reflected administrative priorities rather than underlying socio-economic conditions (Alemika & Chukwuma, 2004).

The findings further show that imprisonment became the defining feature of colonial punishment. Unlike indigenous systems that relied mainly on community-based sanctions, British administration institutionalized confinement based on European penal philosophies emphasizing deterrence, discipline, punishment, and rehabilitation (Bernault, 2003; Onu, 2008). Yet official reports and archival records consistently reveal overcrowding, poor accommodation, inadequate sanitation, limited medical services, and administrative deficiencies within colonial prisons (United Kingdom Colonial Office, 1915; Ibadan National Archives, 1931; Kaduna National Archives, 1960).

Colonial prisons also served important economic purposes. Although convict labour was presented as vocational training and rehabilitation, prisoners supplied inexpensive labour for road construction,

agriculture, sanitation, and other public works (Salau, 2015). Corporal punishment, fines, and capital punishment equally remained important features of colonial penal policy, while rehabilitation programmes introduced after the Second World War were constrained by inadequate facilities and funding (Ogunleye, 2007; Ameh, 2010; United Kingdom Colonial Office, 1934).

The transition from colonial to post-colonial penal administration between 1960 and 1968 demonstrates substantial institutional continuity. British personnel initially remained in senior positions before the appointment of Chief Frank Sunmola Giwa-Osagie as the first substantive Nigerian Director of Prisons on 3 October 1961 (Nigerian Correctional Service, 2026). Although the 1968 integration of Native Authority and central government prisons strengthened centralized administration, inherited colonial structures and penal philosophies continued to shape correctional governance, supporting Mamdani's (1996) argument that colonial institutions often outlive political independence. Overall, the findings show that colonial rule transformed indigenous justice systems, expanded criminal liability, institutionalized imprisonment, and established penal institutions whose legacies continue to influence contemporary correctional administration and criminal justice reform.

Conclusion

This study concludes that the evolution of crime and punishment in Nigeria from the pre-colonial period to the integration of the prison system in 1968 reflects the interaction between indigenous justice systems, British colonial legal reforms, and post-independence institutional continuity. While colonial rule transformed criminal justice through statutory law, policing, and imprisonment, many inherited penal structures persisted after independence, leaving enduring legacies that continue to shape contemporary correctional administration and reform.

Recommendations

1. Pre-colonial Justice Systems: Contemporary criminal justice should incorporate useful elements of indigenous justice, especially reconciliation, restitution, and community participation, to strengthen restorative justice without replacing formal courts.
2. Colonial Legal Legacy: Colonial-era criminal laws should be reviewed to align with constitutional principles, human rights standards, and present-day social realities.
3. Prison Administration: Government should improve correctional infrastructure, healthcare, rehabilitation, and skills acquisition to make prisons more correctional than punitive.
4. Post-Colonial Penal Administration: Correctional reforms should promote coordinated administration, professional leadership, and effective policy implementation, drawing lessons from the 1968 prison integration.

Contemporary Correctional Reform: Penal reforms should reduce prolonged pre-trial detention, expand non-custodial sentencing, strengthen rehabilitation programmes, protect inmates' rights, and promote a correctional philosophy suited to democratic governance.

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