

ECONOMIC RECESSION AND ADVANCE FEE FRAUD IN NIGERIA: SOME THOUGHTS ON THE NEXUS BETWEEN HUMAN NEED AND CRIMINOGENIC THINKING

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Abstract

There is a substantial body of criminological literature that suggests the existence of a nexus between economic conditions and crime. This paper examines the relationship between economic recession and advance fee fraud in Nigeria. The basic premise of this paper is that economic recession may precipitate criminogenic thinking in some otherwise law abiding citizens. Such individuals may ultimately resort to crime like more subtle advance fee fraud as a survival strategy. The paper uses Merton's (1938) Strain Theory to elucidate its argument. It recommends that during economic recession, apart from introducing palliatives for the poor, the government should develop an effective monitoring/control mechanisms that would ensure that such palliatives are not hijacked by "power mongers", "political jobbers" and "political gatekeepers". Also, the paper calls for some empirical inquiry into the nexus between economic recession and advance fee fraud in Nigeria.

Key words: advance fee fraud; criminogenic thinking; fraud; economic recession; hierarchy of needs.

Introduction

The nexus between economic conditions and criminal motivation has long been argued in criminological literature. For example, Field (1990) argues that economic conditions exert countervailing effects on criminal motivation and criminal opportunity. Weatherburn, Lind and Ku (2001) posit that conventional wisdom and criminological theory share the assumption that economic stress increases crime by increasing the motivation to offend. Furthermore, Herzoh (2005) observes that economic hardship creates a stressful situation of hardship, which may increase the likelihood of people resorting to crime to provide for their needs or those of their families. Field (as cited in Hale, 2005) in a study that used annual time series data from England and Wales found consumer expenditure to be the best indicator for explaining crime. The study revealed that economic factors greatly influence in both property crime (as well as burglary, theft, robbery, vehicle crime, criminal damage and fraud) and personal crime (as well as violence against the person, thefts from persons (excluding robbery and sexual offences).

Economic recession is typically a period of serious financial strain for governments, organizations and individuals. During this period the rates of unemployment soars, industrial production and investment slow down and so do international trade and exports (perhaps because of the instability in forex during this period). As a backlash, many governments especially those of the developing countries may not be able to promptly meet some of their financial obligations. For example, workers salaries may be delayed or paid in installments. This scenario may exert significant financial pressure on the average citizens. Thus, the individual would naturally find a

way of survival. While some would resort to societal approved means such as borrowing, cutting down on their expenses or seeking additional streams of legitimate income, others may resort to illegitimate means of coping. Such means may include employing advance fee fraud (AFF) schemes.

Some researchers have argued that AFF scam was first introduced to Nigeria by oil companies and criminal gangs in the 1970s or 1980s (Megan as cited in Out, 2013), while others contend that it was a mix of different frauds in Igboland a century ago (Out, 2013). It has also been argued that Advance Fee Fraud originated in Nigeria in the midst of economic downturn and corrupt military dictatorship (Glickman, 2005). Prior to the 1990s, the activities of advance fee fraudsters were reportedly prevalent in cities such as Lagos, Aba, Owerri, and Port-Harcourt. However, in the 2000s, their operational base was expanded to countries such as Togo, Cote Divoure, the Netherlands, the United Kingdom, and Canada (Megan as cited in Otu, 2013). The largest losses associated with online fraud are attributed to advance fee fraud e-mail messages (Holt and Grares, 2007). Global losses to advance fee e-mail fraud are estimated to run to billions of dollars (Smith, 2008).

While several studies have investigated the relationship between economic hardship and crime, most of such studies have generally focused on the relationship between unemployment and crime. This paper therefore deviates from that approach by focusing on a particular type of crime: Advance Fee Fraud. It specifically interrogates the nexus between economic recession and advance fee fraud in Nigeria. The paper contends that the likelihood that some otherwise law abiding citizens would engage in advance fee fraud may increase during economic recession. This assumption is predicated on the argument that advance fee fraud originated in Nigeria during the period of economic hardship (see, Glickman, 2005). Besides, the assumption is also supported by criminological literature that suggests a relationship between economic hardship and crime. Therefore, it is expected that this paper will stimulate some empirical inquiry into the nexus between economic recession and advance fee fraud in Nigeria.

Conceptual Review

Economic Recession

The National Bureau of Economic Research (NBER) (as cited in Claessens and Kose, 2009: 52) defines recession as “a significant decline in economic activity spread across the economy, lasting more than a few months, normally visible in production, employment, real income, and other indicators. A recession begins when the economy reaches a peak of activity and ends when the economy reaches its trough”. They further note that recession typically last for about a year, result in significant output cost, decline in industrial production and investment, drops in international trade and exports, jump in unemployment rates, slight fall in inflation and erosion of house and equity values.

For Tule, Bamidele, Ezema, Oboh, Omoregie, Ndako, Okoro, Adeleke, Ajayi and Oladunni (2012:1) recession “refers to a general slowdown in economic activity for two consecutive quarters. During recession, there is usually a decline in certain macroeconomic indicators such as GDP, employment, investment, spending, capacity utilization, household income, business income, and inflation, with the attendant increase in the rate of unemployment. Technically, when an economy recorded two consecutive quarters of negative growth in real GDP, it can be

said to be in recession” The above definitions suggest that economic recession is a period when an entire nation is economically down for up to six to twelve months. Thus during this period individuals residing in such country come under intense economic pressure as satisfying some of their needs may become a struggle. Families’ heads may not be able to meet up with their financial obligations to their households. Unemployment figures may soar as some organization may lay-off some staff or downsize in order to meet up with their salary obligations. This scenario may culminate in the rise in crime and criminality as some otherwise law-abiding citizens may develop Criminogenic thinking pattern and may resort to crime as a survival strategy.

Fraud

Fraud generally includes any crime for gain that employs deception as its major modus operandi (Wells, 2011). While the element of deception typically characterizes all frauds, not all deceptions are frauds. The common law stipulates the following four elements as necessary for fraud to exist: i) A materials false statement, ii) Knowledge that the statement was false when it was altered, iii) Reliance of the victim on the false statement, iv) Damages resulting from the victim’s reliance on the false statement (Wells, 2011: 8-9). Broadly speaking, “Fraud means obtaining something of value or avoiding an obligation by means of deception. This embraces many varied forms of conduct, ranging from false claims against an insurance policy to some corporate frauds that are meticulously planned and intricate in their execution” (Duffield and Grabosky, 2001:1). It is noted that “Fraud is a generic category of conduct that involve the use of dishonest or deceitful means to obtain some unjust advantage” (Smith, 2014:120). The intention to deceive is perhaps one attribute that clearly distinguishes fraud from other types of related crimes.

Advance Fee Fraud (AFF)

Advance Fee Fraud (AFF) refers to the use of deception to obtain money from an unsuspecting victim under the guise of providing the person with something of value in return such as money, goods, an estate, part of an inheritance, tertiary institution admission, scholarship, job, services, romance, marriage and so on. Advance fee fraud scams are characterized by bogus and phony proposals and an unusual eagerness on the part of the scammer to persuade the target to “buy” the idea. Arguably, Advance Fee Fraudsters leverage on some factors to overcome the initial doubts and rational scrutiny of their targets. For some it could be **the need factor** (some individuals when confronted by the vicissitudes of life tend to be desperate for solutions or breakthroughs and in turn may lose their sense of rational judgment. Ross and Smith (2011) note that evidence from research has shown that people who have experienced negative life events such as financial or employment issues, home maintenance issues, legal issues, medical issues and neighbourhood issues, are more likely to be victims of crime. For others, it could be as a result of **the trust factor** (some people have difficulty doubting others, especially those who they have not had prior close dealings with. They always want to give such people the benefit of the doubt, until they prove otherwise). Rich (2018) argues that emails strategically appeal to trust in order to ensure susceptibility of potential victims of Nigerian email scam. Nikiforova and Gregory (2013) posits that scammers from Third World countries and their First World victims have similar perception of trust and business reputation as a result of the global financial flows and transnational movement of people and labour, which is facilitated by the internet. The third factor is **the greed factor** (there are individuals who are hardly contend with what they have,

they are always hungry for the opportunity to grab more and more and such covet others who they better off than they are). Although, Smith (2008) agrees with the assumption that the promise of personal gain which Nigerian scam-emails offers partly motivates victims, he maintains that there is more to it than greed. Each of the three factors explained above undoubtedly constitutes a risk factor for advance fee fraud victimization.

Advance Fee Fraud (AFF) is criminalized under the Advance Fee Fraud and other Fraud Related Offenses Act, 2006. Section 2 of the Act stipulates:

A person who by false pretense, and with the intent to defraud, induces any other person, in Nigeria or in any other country, to confer a benefit on him or any other person doing or permitting a thing to be done on the understanding that the benefit has been or will be paid for commits an offence under this Act.

Human Need

Maslow (1943) identifies a hierarchy of five needs – physiological, safety, social, esteem and self-actualization which exist in a progression order. This implies that as soon as each need is substantially satisfied, the next need is sought after. Physiological need has to do with hunger, thirst, shelter and other bodily needs. Safety need include security as well as protection from physical and environmental harm. Social need include affection, belongingness, acceptance and friendship. Esteem need has to do with internal esteem factors such as self-respect, autonomy and achievement; and external esteem factors such as status, attention and recognition. Self-actualization entails the drive to become what a person can potentially become and includes growth and self-fulfillment (Robbins, Judge, Millett and Waters-Marsh, 2008).

Max-Neef, Elizalde and Hopenhayn (1992) in their taxonomy of human needs distinguish between needs and satisfiers. According to them, human needs are few, finite and classifiable. They are constant across human cultures and epochs. However, the ways these needs are met may change over time and between cultures. Unlike Maslow, they do not see any hierarchy of needs, except from the basic needs for subsistence or survival but consider simultaneity, complementarity and trade-offs are characteristics of the process of satisfying needs. They identified basic human needs as including subsistence, protection, affection, understanding, participation, recreation, creation, identity and freedom. On the other hand, satisfiers are characteristically different as they can be violators or destroyers, pseudo satisfiers, inhibiting satisfiers, singular satisfiers, or systematic satisfiers. They contend that some satisfiers which are perceived as satisfying a particular need may ultimately inhibit or destroy the chances of satisfying other needs. Examples may include the arms race, while satisfying the need for protection, eventually destroys subsistence, participation, affection and freedom; democratic system of government which is meant to meet the need for participation often dis-empowers and alienates and so on (see, Max-Neef on Human Needs and Human-scale Development, n.d.).

Criminogenic Thinking

Samuel Yochelson and Stanton Samenow in their three volume works entitled: “The Criminal Personality” published by Yochelson in 1976 after their sixteen years study, which was conducted among life-long criminals at Saint Elizabeth Hospital in Washington DC. After completing their study, the psychologists concluded that criminality is not driven by physiological, psychological, or sociological conditions but rather by errors in thought that develop into criminal thinking patterns. In other words, criminals like non-criminals are rational

people, however, they only differ in their thought processes. Yochelson and Samenow identified 52 thinking errors that distinguish criminals from non-criminals. While acknowledging that non-criminals also exhibit thinking errors, they maintain that criminals commit much more errors. Samenow, who disseminated the work he conducted with his mentor's Yochelson after the latter's death in 1976, classified the individual errors into four: i) Idiosyncratic thinking patterns, ii) Automatic errors of thinking, iii) Thinking errors from idea through execution and, iv. Tactics obstructing effective transactions (See, Psysci.co, n.d.; Samenow, 1984; Yochelson, 1976).

The influence of thought processes on behaviour cannot be over-estimated. Human behaviour are not often spontaneous or impulsive, they for the most part thought through and processed before they are overtly expressed. Because of the innate nature of humans to seek to satisfy their basic needs, they naturally enter into a thought process that allows them to weight the possible options they have (both legitimate and illegitimate ones) to meeting those needs. Depending on how well an individual has internalized and still affirms the moral values of society, he or she may begin to contemplate some short-cuts to meeting those needs. These short-cuts are usually deviant and criminal in nature. Therefore, such thinking patterns when full-blown may invariably result in the commission of crime.

Theoretical Framework

Several theories can be used to explain the phenomenon of fraud and particularly Advance Fee Fraud (AFF). Grabosky and Duffield (2001) borrowing from Cohen and Felson (1979) Routine Activity Theory (RAT) and Krambia-Kapardis (2001) postulation on auditor's fraud detection ability posit that fraud can be explained by three factors: the presence of motivated offenders, availability of a suitable targets and absence of capable guardians. They contend that fraud is motivated by a combination of an individual's personality and the situation in which such individuals find themselves. On the other hand, psychological factors may determine how an individual will interpret their situation and this will ultimately determine their line of action (Grabosky and Duffield, 2001).

This paper is anchored on the Merton's (1938) Strain Theory. Merton criticized the biological and individualistic explanations of deviance and crime. He used Durkheim's concept of anomie to explain how and why some social structure push some individuals in the society to engage in nonconforming rather than conforming behavior (Beirne and Messerschmidt, 2015). Merton argued that some societies such as the United States strongly emphasize the goal of monetary success but do not emphasize the legitimate means of achieving these goals like education and hard work. He noted that this results in the less regulation of the goal-seeking behavior of the individual, culminating in the likelihood of the individual to pursue monetary success by all means including crime (Cullen, Agnew and Wilcox, 2014). According to Merton, the various ways individuals respond to the strains and tensions of social life are: conformity, innovation, ritualism, retreatism, and rebellion (Merton, 1938).

Merton's Strain theory provides a useful framework within which to situate the discourse on the nexus between economic recession and advance fee fraud in Nigeria. During economic recession many citizens are unable to attain materials success. Some may even find it difficult to meet their physiological needs. Under such a scenario, such persons are bound to experience some economic strain. For example, they may not be able to meet their financial obligations to their family and friends. They may ultimately be pushed to innovate some illegal means of taking care of such needs and such illegal means may include advance fee fraud schemes. This premise is support by literature. For example, in his examination of why economic conditions might affect

the level of crime using strain theory, Hale (2005: 327) posit that “during economic recession, when unemployment rises and inequality widens, more people will experience a sense of failure to achieve these culturally defined goals and will be more likely to resort to illegal activities to achieve their aims”.

It has been argued that although strain and anomie theory do not lead the research on causes of crime as they used to, they are being significantly revived and remains part of the most notable theories of crime (Cullen, Agnew and Wilcox, 2014).

Brief History and Dynamics of Economic Recession

It has been argued that the history of economic recession dates back to the 3rd century during the period of military anarchy otherwise called the imperial crisis (AD 235-284), when the Roman Empire nearly collapsed because of economic depression, civil crisis, invasion and disease (Tule et al., 2012). However, the 14th Century economic crisis was triggered by the banking crisis that was caused by the failure of Edward III of England to repay the 1,500,000 gold florins lent him by the Bardi and Peruzzi families which led to the collapse of the two family banks (Guidi-Bruscoil as cited in Tule et al., 2012). The 17th Century economic recession was caused by a Dutch prosperous era characterized by a high rise and sudden collapse in the price for bulb supply, while 18th Century recession grew from the stock price bubble of the South Sea Company. Also, the 19th Century saw the post-Napoleonic depression referred to as post-war economic depression in Europe, while the 20th Century saw the Panic of 1907 in the United States, which was characterized by New York Stock Exchange over 50 per cent fall from it preceding year peak. This development which happed in an economic recession period generated a panic that had it tools on several banks and trust companies (Tuel, et. al, 2012). In the 21st Century, the world witnessed the most severe economic recession which began in the late 2007 and associated with fraudulent practices of mortgage organizations, securitization of mortgage and marketing of complex esoteric financial products such as derivatives (Shiceher, 2015).

The Nigerian economy is currently experiencing a recession having recorded GDP growth numbers with “sharp and deepening negative growth over two successive quarters in Q2-2016” with devastating implications for the political, social and business climate (Lagos Chamber of Commerce and Industry, 2016). The current Nigerian economic recession is said to have been caused by excessive imports, plunging oil revenue, and sharply low investment inflows and impacts Nigeria’s socio-political structures, credit conditions, general standard of living, imports, production, employment and consumption demand (Agri, Mailafia and Umejaku (2017).

Economic recession has always had it tolls on different sectors of a nation’s economy. For example, it is reported that research students and academics in University libraries in Nigeria were frustrated by the resultant consequences of economic recession on research. The report states that in the Kenneth Dike Library University of Ibadan, it culminated to a decline of book acquisition from 17,000 volumes in the 1976/77 session to 1,770 volumes in the 1989/90 session. Similarly, the report notes that journal acquisition was reduced from 3,626 titles in the 1982/83 session to 317 titles in the 1988/89 session (Ekpenyoung, 1993). Economic recession may also affect fellowship intervention by the government. For example the number of applicants that would be considered for fellowship and conference attendance by bodies such as Tertiary Education Trust Fund (TETFund) intervention may drastically reduce as the designated funds may not be able to cater for the number of students it used to due to forex related issues.

Typology of Advance Fee Fraudsters in Nigeria

A typology of advance fee fraud is proposed below. This typology is largely influenced by the insights gained from the researcher’s personal encounters with several advance fee fraudsters in major cities of Nigeria such as Abuja, Lagos, Kano, Enugu, Port-Harcourt etc who attempted ,albeit unsuccessfully to swindle him. The typology is by no means exhaustive. However, it offers some useful insights into the changing dynamics of the advance fee problem in contemporary Nigeria.

Table 1: Types of Advance Fee Fraudsters in Nigeria

Typology	Motivation	Tool/Modus Operandi	Remarks
Type I- Vocational Advance Fee Fraudsters	Greed and Want (G &W)	Persuasion, deception, blackmail manipulation and sometimes coercion.	This is the most notorious type of advance fee fraudsters. In extreme cases victims are compelled to take a “No disclosure” blood oath. They are made to believe that something bad would happen to them if they disclosed their victimization to a third party. They are the most dangerous category as they may harm an un-cooperating potential victim.
Type II: Avocational Advance Fee Fraudsters	Power Play (PP)	Persuasion, deception and manipulation	These are usually otherwise law-abiding young persons (often teenage undergraduates or young secondary school leavers) who want to “take a flight of fancy”, just to “prove” they are “smart” and can “control” or fool others. They are not motivated by the accruing financial gain.
Type III: Acquaintance Advance Fee Fraudster	Greed, Want & Power Play (GW & PP)	Persuasion, sentiments, emotional blackmail, trust deception, and manipulation	These usually come from within the victim’s “significant others” such as family, friends, colleagues, religious group members. They are the most subtle of the four categories. They take undue advantage of their closeness to the victim to defraud him/her.
Type IV: Situational Advance Fee Fraudsters	Need-Driven (ND)	Persuasion, deception and manipulation	These are otherwise law-abiding persons who are driven by financial strain to venture into advance fee fraud. They are usually one-off and sometimes first-time offenders who may not re-offend.

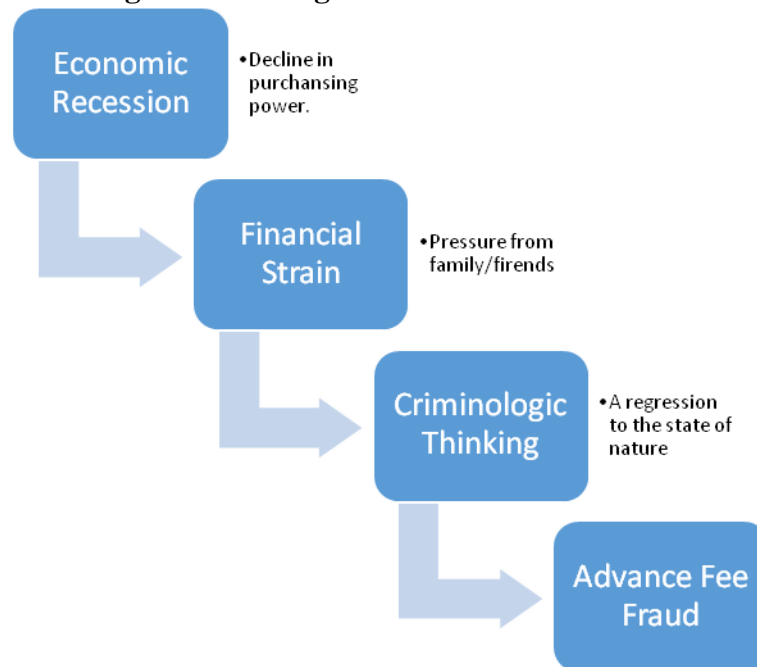
Source: Author, 2017

It should be noted that all the types of Advance Fee Fraudsters identified above use deception as one of their tools. It is the intention to deceive that make the act fraudulent.

Human Need and Criminogenic Thinking: Towards A Conceptual Framework

Advance Fee Fraud may be motivated by several factors such as need (i.e. financial strain), want (hedonistic inclinations) greed (covetous predisposition) or power play (manipulative tendencies). These factors are not mutually exclusive as in actual fact there could be some overlap. An advance fee fraudster for example may be motivated by a combination of want and greed, while another may be solely motivated by want. This proposition is in harmony with the typology of advance fee fraudsters proposed in table 1, as for instance situational advance fee fraudsters would typically be motivated by financial strain. Thus situational advance fee fraud is likely to be more prevalent during economic recession when many individuals experience financial pressure.

Figure 1: The Criminogenic Thinking Process in Times of Economic Need



Source: Author, 2017

Figure 1 depicts some kind of regression by an individual. An otherwise law abiding person when subjected under some intense financial pressure that characterizes an economy in recession may begin to develop a criminal mind set. He or she may resort to the use of deception and manipulation to obtain money from an unsuspecting victim to satisfy certain need (s). In such a scenario the person may look for some rationalizations to justify such criminal behaviour and to shield himself/herself from those to whom the individual is morally accountable such as confirming family members/friends, religious leaders and mentors who might be disappointed by such behaviour.

Some scholars have examined the nexus between economic recession and the formation of criminal career. UNODC (2012) posits that crime may soar during the period of economic stress and specifically argue that during such periods, robbery incidence may double, and likewise homicide as well as motor vehicle theft. They used police recorded data from 15 counties on the incidence of robbery, homicide and car theft. Their general objective was to determine the possible effects of economic stress triggered by the global financial crisis of 2008-2009. They report established a link between economic factors and crime in 8 out of the 11 countries that were bedeviled with economic crisis.

Conclusion and Recommendations

Human need to a considerable degree drives human actions. Such actions may be within the socially approved limits or may be deviant/criminal in nature. The quest for survival is undoubtedly an age-long human instinct. Therefore, the desire to satisfy the need for food, clothing and shelter is innate and inherent in humans. However, in an economic recession era satisfying such basic needs remains a painful struggle for many individuals. This article argued that there is a link between human need and criminogenic thinking. It specifically posited that Nigerian economic recession may push some otherwise law-abiding citizens into contemplating advance fee fraud as a survival strategy. It used the Merton's strain theory (1938) to explain the link and developed a conceptual framework to illustrate it.

Given that human need could potentially trigger criminological thought process in some individuals, it is imperative that efforts are made by the government to execute poverty alleviation programme that will really benefit the very poor of the society. This category of people (the poor) may not have the collateral to access bank loans and may not have the financial credibility to attract soft loans from their significant orders. Unfortunately, they are usually the worst hit during economic recessions and perhaps the most likely to develop Criminogenic thinking patterns during the period of economic recession. During economic recession, apart from introducing palliatives for the poor, the government should develop an effective monitoring/control mechanisms that would ensure that such palliatives are not hijacked by "power mongers", "political jobbers" and "political gatekeepers". Moreover, the government should intensify efforts to introduce viable economic measures that will end recession or at least caution its impact on citizens. Some robust macroeconomic policies may be quite useful.

Finally, although the thesis of this paper (i.e. the relationship between economic hardship and crime) is supported by previous studies, the paper is theoretical and this constitutes a limitation. Nonetheless, the paper is expected to stimulate further inquiry into the subject matter. Therefore, there is need for empirical studies that will specifically interrogate the relationship between economic hardship and advance fee fraud in Nigeria.

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