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Implications of Capital Punishment in the Nigerian Society

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Abstract

Nigeria is a pluralistic society. It is diverse in many spheres of life such as language, creed, economy and other cultural worldviews. Consequently, there are high level of criminal tendencies which have posed serious challenges in Nigerian society. The long military rule did not help the situation. Rather, armed robbery, coup d'être, murder, treason, felony, terrorism, drug trafficking and other crimes committed with firearms seem uncontrollable in Nigeria. The expectation is high in accessing functional means of arresting the cankerworm that has eaten deep into the very fabric of the Nigerian society. Although, opinion pool seems high on ways of moving Nigeria forward, however, mute indifference and cold passivity have characterized the cherished dreams of most Nigerians. The over emphasis on material gains have compounded and increased criminal tendencies in Nigerians. A systematic look at the implications of Capital Punishment remains a functional index to the roots of the problem of death penalty in Nigeria. The thrust of this article is to explore and expose the nature of

capital punishment, the various opinions for and against it and the implications of capital punishment in the Nigerian .society This exposition would not have been possible without the primary and secondary complimentary methods adopted. Opinion seems divided on capital punishment but the cumulative force here points to the numerous committees, organizations and movements so that it is evil manipulative and a show of primitive brutality. It does not speak of a humane society except for the utilitarian argument to the effect that it is necessary in order to prevent future capital offences.

Introduction

Nigeria is a pluralistic society. Pluralism explains different world-views in every sphere of its political, economic, religious and social life. It is responsible for the high level of criminal tendencies which seem not only uncontrollable, but have called for stringent measures to curb man's inhumanity to man. There are crimes of different magnitude. They do not carry the same punishment. In Nigeria, there seems to be legislation to what constitutes capital offence and punishment. Prominent among capital offences include drug peddling, treasonable felony, terrorism, murder, and armed-robbery.

They have given rise to crying needs for functional ways and means of arresting the cankerworms that have eaten deep into the fabrics of Nigeria. Nigeria has a long history of Military Coup; such as Nzogwu's Coup of 1966, Dimka Coup of 1976 and Okar of 1991. The leaders and their collaborators were sentenced to death by either hanging or firing squad.

Although everybody wants Nigeria to move forward, however, mute indifference and cold passivity have characterized the attitudes of Nigerians towards a proper orientation towards capital offences and punishment

The capital tendencies could, with attendant societal emphasis on material gains, have compounded criminal tendencies which have in all intents and purposes cumulated into capital punishment. Experts in theology, philosophy, history and psychology seem to have allowed the above problems to elude them. They have by implication allowed those whose spheres of operations are far from criminal related cases to handle, write and defend the societal crimes. This has created mistrust, misrepresentation and unbalanced report of the criminal tendencies and capital punishment in Nigeria.

The thrust of this paper, therefore is to explore and expose the social implications of capital punishment in Nigeria. This re-evaluation of the arguments for and against capital punishment will make for balanced ideas which will go a long way in appealing to the conscience of Nigerians transform their morals and create in them human feelings that ought to reduce inherent desire for criminal tendencies in the leadership of man and followership in Nigeria.

Conceptual Clarification

A number of terms have been used in this write-up and they needed to be explained in order to gain a deeper insight of the terms within the context of this article. The terms include ethical, capital, punishment, capital punishment, Nigeria, society and implication.

The Concept of Capital Punishment

The question that occupies most impressionable minds is what is capital punishment? It may seem difficult to define because of different world views. It may refer to the infliction of death by judicial sentence of the state. In other words, it means passing a death sentence on an offender who commits a serious offence like murder, treason, felony and armed robbery by a law court.

A better approach to the above question is to take a close and critical look at the meaning of capital, punishment, capital punishment, implication; Nigeria and society This approach will help bring out a balanced insight into capital punishment.

Capital according to Mairi (1998) refers to a crime punishable by death. In the same vein, Hornby (2001) says capital is associated with offence. **Punishment**, according to Weiten, W. and Lloyd, M. A (2003), is “the strategy of decreasing unwanted behaviour” (p.122). Beyond this view, punishment is widely used to express the reward people receive for crime related cases. Mairi (1998) sees it as referring to “the act of punishing or process of being punished, a method of punishing, a type of penalty” (p.1123). There is emphasis on causing an offender to suffer an offence or imposing a penalty.

Capital punishment is defined by Mairi (1998) as “punishment of a crime by death” (p. 209). Hornby (2001) sees it as “punishment by death” (p. 211). The above giant literary editors did not indicate who passes the death sentence and how justifiable is the judgment. There is need to add the

infliction of death by a judicial sentence of the state. Thus, it means that passing a death sentence on a person who commits any capital offence. It is the maximum penalty that a person can pay for a capital offence.

Implication according to Mairi (1998) is a suggestion without being stated directly, express something indirectly, to hint at, involve something as a necessary result or consequence.

Nigeria is seen as a geographical entity, a society and a sovereign nation.

Society is capable of various meanings. Awolalu and Dopamu (1979) identify society as a number of persons constituting a single group or community, the world wide community made up of all human beings, the totality of an individual's friends and associates and a group of persons organized on the basis of common work or interests. Others include a group of people living the same way and having the same ideology that binds them together.

Nature of Capital Punishment

It has attracted diverse views among people with different world views. More than this, committees, human rights groups or organizations and associations seem to have been formed against the death penalty. They have weighed both sides of the arguments made concerning capital punishment. Some arguments about capital punishment seem to be biased on sentiment which is usually felt. The need to separate the emotions from the facts and conditions they tend to surround, call for sharp a distinction between emotion and reason. The discussion on capital punishment helps this essay/discussion make contribution to contemporary scholarship that tends to base human sentiments on reason. Consequently, it will inform popular reason with human sentiments.

Capital punishment as a form of formal social control goes beyond enforcing norms but it is carried out by authorized agents such as the Nigerian police, judges, and military officers. It is observed that death penalty can serve as the last resort when socialization and informal sanctions do not seem to bring about desired behavior.

Characteristics of Capital Punishment

Mattick (1977) articulates unsentimental view of capital punishment which includes a sincere and deeply felt, separate the emotions from the facts and conditions to tend to portray and appeal to the thinking of people to base their emotions on reason..Mattick's view is relevant to Nigerian situation which

will be discussed under arguments for and against capital punishment in the Nigerian society.

Capital punishment has a number of characteristics. Schaefer (2005) identifies “murder, drug trafficking and crimes committed with firearms” (p. 174) as mandatory for death penalty. In Nigeria, the death sentence is supported by the government and it is expected to be secretly or openly executed by security agents.

New measures of social control became the norm of Nigerian society. They change from time to time. The federal government has also publicly urged citizens to be security conscious and engage informal social control by watching for and reporting people whose actions seem strange and suspicious. Similarly, other measures taken by government have increased the covert surveillance of private records and communication.

Another feature of capital punishment has to do with Nigerians having a right to life and the obligation of Federal Government to protect human rights of Nigerians. Bonevac (2006) talks about Government justification in putting certain kinds of criminals to death, the need to deprive some people of the right to life in order to protect that right for others and the question about the origin, status and extent of the right to life.

Death penalty is the decisive factor in determining the homicide rate. Arguments abound hearing concerning the right to life. What is the moral justification for punishment? Arguments for and against capital punishment presupposes controversial stands.

Issues bordering on rightness and wrongness of death penalty strictly speaking have the characteristic feature of resting on legal rather than moral grounds. Could they be morally irrelevant because cruel and unusual punishments are ethically as well as legally objectionable.

Arguments on Capital Punishment

Many scholars have written for or against capital punishment over the years and in different circumstances. In the light of the various sheds of thought on capital punishment, one re-occurring issue remains to be resolved. It centres on the question on whether capital punishment is a vestige of primitive brutality. Could it be seen as a justifiable response to crimes such as treason and premeditated murder that threaten security of life and property in Nigeria? What are, therefore, the arguments for capital punishment in Nigeria?

Arguments for Capital Punishment

Death penalty raises a number of arguments which may not be ignored by people, institutions and relationships in Nigeria. There is need to articulate these arguments in order to offer a balanced and deeper insights into their implications in a pluralistic society like Nigeria.

It may be observed that Nigerians feel that they have the right to defend themselves against assailants or kill attackers if their own lives are in danger. The same goes to Nigerian state. Nigerian society seems justified in using lethal force to defend itself. When apprehended, the terrorists, the murderers and armed robbers no longer threaten Nigerian society in quite the same way. There seems according to Bonevac (2006) “the right to life is limited so that those who threaten death to others lose their own right to life or, at least, deserve to have it overridden by the rights of others” (p.413). a right to revenge especially when Nigerians have suffered a serious harm, has the right to take retribution by punishing the offender. There is substance in accepting that the punishment that seems appropriate for causing death is suffering death. Thus, justice sometimes requires the death penalty.

Another argument for justification of capital punishment has stressed deference. Could it be realistic that putting a criminal to death deters others from committing similar crimes? What good of society does death penalty promote? Could it really save more lives than it costs? Each execution saves several lives by deterring prospective murderers. Government needs to deprive some people of the right to life in order to protect that right for the vast majority of its citizens.

In self defence, lethal force could be used. The right to life is therefore limited so that those who threaten death to others either lose or deserve to have their own right to life overridden by the rights of others.

The right to avenge seems obvious especially when society has suffered a serious harm in the hands of notorious armed robbers as Anine Maitasine could take retribution by punishing the offenders. The punishment that appears appropriate for taking one’s life is suffering death. This position is based on the premise which Bonevac (2006) stress that “justice sometimes requires the death penalty” (p. 413).

A classic retributive argument for capital punishment is represented by Kant. Kant held that “the state may and indeed should put murderers to death, for they deserve it. Justice requires equality between offence and punishment,

and only death is equal to death. The murderer has committed himself to a maxim of killing, and the state is only applying his own maxim to him in executing him” (p. 413).

Tucker (2000) argues that the death penalty deters murders exemplified in felony or stranger murder. There is a strong moral implication, that without capital punishment, it is rational for a thief or rapist to kill the victim. In spite of the cumulative force in the above arguments for capital punishment in Nigeria, a critical look at arguments against capital punishment will offer a balanced view that will make for a deeper and appreciable insight into the implications of capital punishment in the Nigerian society.

Arguments against Capital Punishment

Those Nigerians who pass judgment on capital punishment are equally guilty of the same capital offence committed in different ways. For instance, lack of courage to rise against evil system, lack of drugs in government health centres and corruption may lead to loss of lives. The officers in these national areas of neglect may be sentenced to death for official negligence.

Transferred aggression by aggrieved youths who have turned militants may bear on arguments against capital punishment. Large scale unemployment, environmental degradation, pollution, total neglect of oil producing communities may lead a mere demonstration into a violent protest. Charging the protesters to court for capital offence may compound the situation. Political solution to capital offence definitely is not through capital punishment. Political reforms mobilization and economic restructuring seem better option rather than the punitive measure on clapping down and trailing accusing fingers at the least criticism, demonstration and threat to life.

Death penalty is unjust, vindictive, retributive and ineffective in deterring crime in a pluralistic society like Nigeria. Given the military dictatorship of Generals Ibrahim Badamosi Babangida, Sanni Abacha among others, extra-judicial killings showed that capital punishment became a political issue which undermined respect for law and order. It is therefore incompatible with human dignity, objectionable and violated what could have been established under the given circumstances of the death penalty as haphazard, unprincipled and unjust to count as constitutional.

Arguments for capital punishment rest on legal rather than moral grounds. Death sentence which takes place in major towns in Nigeria by aggrieved

parties are cruel and its unusual punishments are ethically and legally objectionable. A few examples will illustrate the idea. The illude

Hugo (1988) affirms that capital punishment is cruel, arbitrary, discriminatory, and incompatible with human dignity and ineffective as a deterrent. It demonstrates disrespect for human life. He believes that the consequences for society are far worse than when an individual does so. In Nigeria, the consequences seem worst for the society due to the following reasons; Nigeria was once suspended from Common Wealth of Nations due to the way and manner civil right activists and environmentalists exemplified in Saro Wiwa and his colleagues were murdered by government in River state. There are indications that innocent people such as Moshood K. Abiola the acclaimed winner of June 12 1993 presidential election under Social Democratic Party (SDP) was poisoned while in federal government detention. Reports show that extra judicial killings are high in Nigeria. Who are responsible for these organized crimes such as the killing of Dele Giwa the editor in chief of Newswatch magazine in Lagos and the former attorney general of the federation chief Bola Ige.

Albert (1961) says death penalty fails to deter crime. He doubts that whether any government involved in putting her citizens to death could be trusted. Capital arguments against capital punishment, extreme of pain and sorrow to the immediate and extended families. The community and society at large are not left out. On spiritual ground, the crime and judgment do not signify fear of God. God is the owner of blood and its is synonymous with life. To claim or destroy life is to incur the wrath of God. It seems to negatively affect the psychic of the nation. Consequently, it has a retrograde effect on the overall development of the nation.

This right to life may be sacred and may also be based on human rights which guarantee human dignity, equality and responsibility. Ordinarily, government has the obligation to protect that right. Consequently, government seems justified to put certain measures aimed at checking certain criminal act to death. The death penalty has raised the status and the extent of the right to life.

Implications of Capital Punishment for the Individual

The discussion on capital punishment implies that Nigerians as aggregate of persons are to demonstrate through the analyses of the arguments drawn from practical view from challenges and contemporary life, and how they have

been challenged, enlightened and impact positively on moral attitudes, aspirations and decisions guiding their life in Nigeria.

Capital punishment is like an extreme sanction which individuals concerned face in Nigeria. It is widely used to either discourage and other violations of Nigerian, cultural norms or encourage conformity and obedience to cultural values in Nigeria. These sanctions may be carried out through informal and formal social control. It is observed that the type of informal social control involved here go beyond laughter, smiles, a raised eyebrow and ridicule.

The deterrent effect of capital punishment on the individual has to do with making such individuals become socially inferior, anti-social elements, rejectees and isolates in the community, in the religious organizations and in the society at large. They are not only victims of crime, but some are made victims of circumstances they found themselves. In this way, few have become heroes in their communities while the unfortunate ones are socially, politically and economically alienated in the Nigerian society. Everybody abhors corruption, nepotism, lack of rule of law and violation of the constitution. Many Nigerians would ideally want the nation to move forward, but most Nigerians are known for their cold passivity and mute indifference to the handicapping conditions that could lead to treason. These uncomplimentary attitudes of many Nigerians seem to have created mistrust and misrepresentation of realities in Nigeria. Fighting social ills such as corruption without rising up to the challenges posed by this cankerworm is a weak attempt to fight the social cancer. Similarly, those who shamelessly seek political positions by nipping the treason in the bud are promoted as national heroes and heroines, while the individuals had the nation at heart are labeled criminals, murderers and dissidents.

They may not be allowed to live as free citizens, and may take to political asylum in other countries. In marriage and other social relationships, they do not seem to fit in because of the ostracism placed on them. Consequently, there is a type of fear hovering around them As accursed category of persons, capital punishment has made them seem to carry transferable curse which is believed to bring about failure, calamity and retrogression in every sphere of their life.

Cunningham (1981) comment on morals is relevant in understanding human customs involving the idea of right and wrong of human conduct. Fagothey (1959) believes that the purpose of ethics as the interpretation of the fact of human life and the acknowledgement of right and wrong in human conduct is

used to judge human action. It is said to be right when human action impacts positively by more people than negatively affect less people in Nigeria.

Implications of Capital Punishment for the Family

Capital punishment is a source of pain, sorrow and anguish to the affected family in Nigeria. This is true when one considers the efforts such as moral, social, economic and spiritual care extended to such members of the family; all they could get in return is the embarrassment their action has brought to the family. For example, there are instances where soldiers and other security operatives are deployed to the affected families. This has been the situation especially when the wanted members of that particular family escape arrest. Consequently, the innocent parents and their immediate family relations may be made to bear the brunt of their alleged criminal action.

Such a family may also be isolated in the village and community of their origin. Parents may be blamed for not exercising parental care on their children. By implication, what they fail to exercise as parents are enforced by law. This may be vindictive. It is human to judge this way but human acts regulate and try to regulate human conduct especially those they ought to do.

Judgments are sometimes passed to the conduct of others who may be innocent of such offences. They may be punished by death sentences with little or no regard for the law of the land outlawed from the society and hunted down like a wild beast may make the family disunited, divided and unable to approach a common problem together.

Capital punishment therefore, borders on ethical considerations or rules of conduct and behaviour of family members in Nigeria. The rising view is that capital punishment should be abolished because it is repulsive to modern concept of family in particular and the society in general. The family bond is shattered and accusing fingers trail the family unity in most affected communities in Nigeria. During marriage enquiries, tales of woe are made and many of such marital arrangements have hit the rock.

Implications of Capital Punishment for Religious Institutions

Capital punishment has challenged religious institutions to re-read the fresh dangers it poses to the word of God, the body of Christ and the doctrine of the grace of God for mankind. There is a sweeping confusion that made African traditional religion, Christianity and Islam to support its retention needs a fresh critical analyses.

What the scripture says concerning the retention of capital punishment is that human governments are reconstituted by God and are duty bound to maintain justice, to instill the required standard of right and wrong among adherents of religion executing victim of capital punishment in order to protect the Nigerian society.

The purpose of law therefore, does not seem to be understood in relation to capital punishment. There is need to appreciate and understand the real purpose of the law and of the fact that laws are not meant for the righteous, sinners, the ruffians, the anti-social and the law breakers. The relationship between religion and society points to another implication. There is need to understand that any religious adherent who lives in accordance with the rules and regulations of the society will not face the wrath of the society, neither will he be sentenced by the law courts. Similarly, the law which recourse is made is an ordinance of reason for the common good promulgated or passed by the legislature and signed by the government for the care of the society. This care ought to be the responsibility of the affected parties.

The purpose of government in this social contract is not to impose needless constraints but to direct people without destroying their free will. There are different types of bonds as well as freedom which would tamper with the peace of fellow Nigerians. They are fused together and called selfishness while others are not. Law is a bond opposed only to the abused of freedom but not true to liberty. Fagothey (1959) says that death penalty by judicial sentence of the state makes every culprit know the evil effect of his offence to his neighbour and to the Nigerian society. Religious institutions count it as their responsibility to approaching the above through their scriptures, social norms and values. Failure to exercise this authority makes them liable for the evil of the day.

How could religious institutions achieve the above divine mandate when they are divided due to their prior decision to remain self. They doubt inter-religious dialogue for some obvious reasons. These include fear of conversion, lack of balanced understanding of what dialogue is aimed at and its benefits in tackling capital punishment in the Nigerian society.

Religious institutions do not need capital punishment in order to protect the Nigerian society, but they need the word of God in pulling down strongholds, casting down every wicked imaginations that are contrary to the will of God. The word of God says; do not kill, he who lives by the sword, dies by the sword and if your enemy is hungry, feed him, if he is thirsty, give him drink,

these are higher ethical foundation for moral transformation. Religious institutions are therefore challenged through their programmes to correct, restore and defend the Nigerian society from secular influence. It is a shame and disgraceful to have religious adherents hung; face firing squad or public execution in Nigeria. Lawlessness, ungodliness and avarice are not of God and their love has pushed many astray. Disobedience to the word of God attracts punishment and it is a sigh of a depraved society.

Implications of Capital Punishment to the Nigerian Society

Nigeria's pluralism explains the high level of criminal disposition which infiltrated the social institutions of Nigerian society, especially with the coming of western civilization, missionary activities and other cultural elements. They have eroded the culture of Nigeria to the point that Nigerians have remained alien in their own society. Things according to Achebe (1958) have fallen apart and the centre could not hold. In a related development, things are no longer at ease; the reason will be articulated in the light of capital punishment in Nigerian society.

In Nigeria capital punishment remains an effort which has continually tried to confer on Nigerian society the height of power based on law. This law may be divine, natural or constitutional. The intent of good laws is to promote good conscience, human rights, equality of persons, justice, fair play, dignity and unity in diversity.

The various arguments on capital punishment have brought out significant views on the prevailing and challenging situations in the society. In order to understand these implications, there is substance to note that history has it that capital punishment in Nigeria is based on law or conventions between men in a state of freedom and the work of the passions of a few. It may be viewed as the consequences of a fortuitous or temporary necessity which have become inherent lessons which Nigerians seem to have not adequately understood.

Do Nigerians conceive and acknowledge views on capital punishment as the most palpable truths? What then are the implications of capital punishment to the Nigerian society? An expository survey of these implications may better be analyzed under the individual; the family, the community, the religious institutions and the society at large. The greatest happiness to the greatest number of Nigerians may be achievable in spite of the succession of human vicissitudes; from the extremity of evil and manipulation of human authority, law and justice.

But the care of the societal most important concerns seems to have been abandoned in Nigeria. The reasons for this needed to be investigated for better result. Beccaria (1819) says the uncertain prudence and discretion of those whose interest it is to reject the best and wisest institutions may have been led into a number of mistakes in circumstances the most is both their lives and liberties or to apply a remedy to the evils with which victims of such crimes are reportedly opposed.

How absolute a necessity is the punishment men face in Nigeria? This question points to the tyranny of the state rather than defending the public liberty, entrusted to his care. The foundation of the sovereign's right to punish is in the indelible sentiments of the heart of man. A deviation from this premise meets with a resistance. It ought to be noted that the smallest force joined with the aggrieved, the displaced, the unemployed and those who look for avenue to vent their grievances against the society will overcome most violent aggressive situation in Nigeria.

Consequently, nobody seems to genuinely give up his liberty merely for the good of the public. In Nigeria, the multiplication of mankind, the ever increasing birth rate and rigidity to cultural institutions obliged people to embark on activities inimical to the natural state.

The need for justice calls for that strong bond which becomes necessary to keep the various interests of Nigerians irrespective of creed, tribe, colour, ethnicity, political affiliation and cultural world views united, progressive and without which Nigerians under this category of persons would have returned to their primal state of barbarity. There is substance in stating that all punishments which exceed necessity of preserving this bond are by its nature unjust, tyrannical and wicked.

Schaefer (2005) holds that functional theory states that every social problem has a beginning and when it is identified and approached, solution is in sight. There is a compelling need for functional ways or means of arresting the cankerworm that have eaten deep into the psychic of Nigerian society. Criminal tendencies are man made, have a beginning and ought to have an end. A frontal attack will reduce, control and appeal to the conscience of Nigerian leadership and followership in accepting that our destiny lies in our hands.

The Way Forward

The cause of functional solution to the problem of capital punishment needs the goodwill of Nigerians. As principal actors and stakeholders, there is a compelling need to invest in peace education or training especially by establishing peace academy in institutions of higher learning in Nigeria. It is expected to promote peace initiatives aimed at dealing with international confrontations, capital offences and death penalty. The envisaged training will promote new orientation, innovative policies, strategies, tactics and technologies for crises intervention, mediation and most importantly incidence of terror, pain, death and litigation. Peace education will hopefully make for genuine reconciliation and a balanced view of conflict as inherent in many human relationships not only in Nigeria but in Africa.

An alternative sentence is also put forward based on the following reasons. It is strongly argued that punishment of death in offences order than the premeditated murder and treason is not just because it has never made men better Nigerians. Good governance is what is required for Nigerians to appreciate the need to be law abiding, shun lawlessness and see the law as the sum of the smallest portion of the private liberty of each Nigerian. Since death penalty is not authorized by man, it is open to manipulation by those in authority. Absolute power by the military in Nigeria in particular and the general leadership corrupts absolutely in sponsoring murder by alleging treasonable offences against their suspected enemies. The case of Al-Mustapha, Ali Baba, Sergeant Rogers and others are fresh in the alleged sponsored murder of innocent Nigerians.

Conclusion

Capital punishment is one of those efforts in the law made in order to confer one one part of the height of power and of weakness explained the strength or depth of feeling with which a conviction is held may not be a measure of the truth of that conviction. This has given rise to “the general deference theory” of capital punishment. It holds strongly that the death penalty is necessary in order to prevent the murderer from killing again. This position seems countered by the view that life imprisonment may serve a better purpose. The condemn could be rehabilitated, reformed and transformed into a better citizen rather than termination of life by either hanging or other forceful death penalty.

Capital punishment is characterized by administering according to Schaefer (2005) “shock up to the maximum level” (p.174). Capital punishment is

characterized by inflicting painful shocks on innocent victims, manifesting sadistic and barbaric few seem to enjoy administering shocks.

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