

RETRIBUTIVE JUSTICE IN BEAUVOIR'S PHILOSOPHY: ADDRESSING THE CHALLENGE IN NIGERIAN CRIMINAL JUSTICE SYSTEM

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Abstract

The desire for justice is a universal one. Either as individuals or collectively, the majority of humans desire that justice prevails over evil. When law breakers go unpunished, and even with their heads held up high, it encourages impunity, and those who are wronged are left with the pains of nursing their injuries. This challenge stares us in the face in Nigeria today, when it comes to dealing with issues of justice decisively. The challenge of lingering judgment in cases, especially in criminal justice, has been a thing of concern. This research is set to review De Beauvoir's concept of retributive justice as revealed in her work "Eye for an Eye". It will be applied in re-examine the processes of the Nigerian system of criminal justice, the society's confidence in it. It shall employ the method of analysis in its investigations, and shall prescribe re-embracing retributivism as well as timeliness in the administration of criminal justice.

Introduction

Retributive justice or vindicative justice as may be referred to in some other instances is basically a practical tool in addressing violations of laid down rules. Its core attributes include; recognition of human value which has been greatly threatened down the years through inimical and vicious activities of certain villains. As part of its goals, justice aims at upholding the value of humans/others as one's self. The worth of humans is intrinsically real as it were, not for his becoming, but primarily because he/she is human. It is the rights of all humans to be valued by others, and if human rights which according to M. Cranston "are not rights which derives from particular station; they are rights which belong to man simply because he is a man."¹ Then there is need to value that human's right of his worth.

The term justice comes from "Latin term '*justitia*' which means joining or fitting, the idea of bond or tie"² As beings which cannot exist in isolation, and must need be joined with others within the society, justice entails that in our inter-relatedness we have our parts to play in ensuring the bonding of ourselves work. A disruption of that original idea is outside the concept of justice. Unlike the Sophist's idea of justice that defined it "as the interest of the stronger"³ Justice ought to be the catalyst behind right and accurate evaluation of humans within the society, and should create a safe haven for all. The stronger should not predate on the weaker as justification for their strength.

Retributive justice is very important aspect of criminal justice system. While the criminal justice system commences its administration through its three components as stated by Alan E. Bent and Ralph A. Rossum as "the police, the courts, and corrections"⁴ from investigation of reported crime to correctional measures on guilty suspects, retribution addresses proportionality in administering punishment.

Retribution is not a contemporary concept when it comes to dealing with crime and punishment. If any form of punishment is to be justified, this should be the oldest justification of punishment. 18th-century philosophy scholars like Immanuel Kant opines that this is the most valid structure of criminal justice. Kant “believed the only appropriate type of punishment was based on retribution and none other”⁵

Retribution is deterrent in nature, and it is also utilitarian. It aims at ensuring that crime is totally annihilated and the people are free to go about their lawful businesses without any form of fear of victimization. It generally aims at instillation of fear on individuals who intend to engage in criminal activities. Seeing the grievousness of the punishment meted on the guilty, and the discomfort which he/she is made to face, and sometimes the reality of death sentence, all as proportionate to the crime committed; any person of right mind with the intention to engage in crime is deterred from such. Since the feeling of pain and desire not to be subjected to pains are intrinsic in nature, it is therefore reasonable to assume that every rational human will choose to avoid the risk of being apprehended and subjected to the punishment proportional to whatever crime is committed. And since retributive justice does not punish any offender proportionately less than his/her crime, it is simply rational to avoid engaging in crime activities.

Also in retribution we see incapacitation, with the aim of restricting an individual-criminal’s freedom and the liberty to live the normal life within the community. Incapacitation ranges from common denial of certain legitimate rights like freedom of movements, as in the case of imprisonment, house arrest, to more serious cases like death penalty, which is actually the most grievous and extreme form of incapacitating criminals. The ultimate goal of incapacitation is to ensure that citizens are rid-off of vicious persons for the period for which they are expected to have been rehabilitated in such cases, or even if the case is a total incapacitation like life imprisonment or death sentence. Retributive justice considers it unjust not to punish an offender. The punishment meted on the offender is intended to make him/her suffer the same pain he/she had exposed his/her victim(s) to. In the words of “Tadros 2011, criminals have a duty to endure punishment to make up for the harm they have caused.”⁶ Another very important aim of retribution is the protection of the Innocent. The protection of the citizens should be the priority of any government. If retribution does not encapsulate and emphasize the protection of the innocent citizens, then it becomes a faulty one, and its ultimate goal is defeated. Hence, the need to ensure strict compliance with the spelt-out punishment for the guilty, as well as ensuring that the promulgations and execution of retributive justice should be such that aims at protecting the innocent. In the words of Paul Cassell;

Protecting against wrongful convictions can create tradeoffs. If poorly crafted, a reform measure might not only prevent convicting innocent persons but also guilty persons, allowing dangerous criminals to avoid incarceration and continue to victimize innocent persons.⁷

One other very key issue in retributive justice is the restoration of social balance. Criminal activities intend to establish or affirm undue and unfair advantage(s) over the victims. While on the one hand, from utilitarian perspective, criminal activities against an individual may be seen as a threat to the entire society, and a breakdown of general societal laws, Jean Hampton sees it as “an affront *to* the victim, not just to the whole community.”⁸ She further states that “punishment must somehow annul this affront.”⁹ The annulment of this undue affront against victims by their victimizers will in no little way restore a sense of social balance in the society. This is what retribution seeks to achieve.

Retribution in Simone De Beauvoir

In Beauvoir's idea of retribution, she attempts addressing the question of how to preserve conditions of freedom in the society by holding individuals responsible for outrageous desecrations of the human condition, and especially when it has to do with the sanctity of the human life. The human life can be said to be very sacred, such that deep down within all of us is that intrinsic desire to ensure the preservation of our dear lives, and such particular individual desires, generate into a universal desire to preserve the lives of us all. It is no doubt that even one who attempts suicide, if he or she proceeds without any interference, struggles with the pain of the experience, and if could be given an option to revive the circumstance, would likely choose a reversal of that attempt; everyone wants to live, everyone wants his/her life to be preserved, we all desire to live, and to live a life free from pains or any form of oppression.

From the account of Brasillach's judgment, and the petition that was passed by French intellectuals urging a pardon grant for him, Beauvoir explicitly refused to accent her approval for the release of the culprit, Brasillach. Her refusal to sign the petition for clemency shows her utmost contention against letting people go free and not facing a commensurate consequence for their crimes. Those who have engaged in the violation of human rights, and even involved in harming lives and/or properties should be made to face commensurate consequences for their wrong acts. Crimes against humans, and violations of the human rights can be as much as possible curtailed if and only if, violators are brought to book, to face out-rightly the consequences of their criminal activities within and around the society. Letting go of criminals involved in crime activities, breeds more of such acts. There are some penalties designed to punish culpable behaviors in the society. These penalties are not just promulgated for the sake of just getting the culprit punished, but as a practical way of deterring young minds from attempt to engage in such vicious activities. According to Jon'a F. Meyer in legal systems, "crimes were considered violations of other people's rights. Victims were to be compensated for the intentional and unintentional harms they suffered, and offenders were to be punished because they had done wrong."¹⁰ When these proposed laws to punish offenders are not strictly adhered to, the multiplication in the chains of law break-down becomes inevitable within the society, and this leaves the victims of the crimes helpless and hopeless, while it emboldens the perpetrators of crimes. This was Beauvoir's battle; to ensure that through punishing culprits like Brasillach, criminals would have an understanding of the grievousness of their crimes, and others who intend to engage themselves in such crimes or any other, are left to have a rethink and thereby avoiding such.

From a critical point of view, Camus would be said to be anti-retributive or a weak retributivist as he signed for the clemency of Brasillach, yet in his submissions he made this statement which in reality is a fact and very critical point to be considered. According to him, "man's nature is intrinsically anti-social. Therefore positive law is necessary constraint on man's anti-social nature."¹¹ Camus proceeds to define the nature of man as that which is resistant to acceptable dos and don'ts. In his words, Camus states that, "human nature tends towards resisting and breaking social norms"¹² When Camus' submissions are considered closely, we see that though he takes an antagonistic position from Beauvoir's view against perpetrators of crime as seen in the case of Brasillach, where he signed for his clemency, it can be reasonably argued that the need for a punitive law against these perpetrators of crime is inevitable. These laws must of necessity be commensurate to the degree of harm caused, no more or less. This will in no small way result in deterrence of other intending law breakers, and evil actors. This is Beauvoir's outcry,

and this has also gained the support of different intellectuals who see through the lenses of social harmony. Retributive justice is punitive oriented. It is primarily aimed at punishing offenders by paying them back proportionately according to their crimes. Scholars like Antony Flew, Stanley Benn, and HLA Hart have defined punishment to be something unpleasant for an offense against legal rules which is administered by the society and imposed by a legal authority.¹³

Generally, it will be accepted that punishment is not a pleasant experience to subject anyone, but for the purpose of ensuring that any of us does not become a necessary threat to the other, there is need for the legalization of punishment administration to offenders, so as to effect deterrence and as well as ensure sanity in the society. Although C.S. Lewis sees punishment as necessary for crime, not for the sake of deterring others, but primarily for its desert nature which reveals justice. For according to Lewis, “the concept of desert is the only connecting link between punishment and justice.”¹⁴ A society characterized by a state of tranquility, and free from all forms of unrest and social threats, is one desirable by all, and in which development thrives.

The Nigerian Criminal Justice System: The Pluses and the Flaws

The Pluses of Nigeria Criminal Justice System

According to Olonisakin, et al, “the Criminal Justice System of a nation represents a system or structure through which the laws guiding the existence and order of such a society is applied and the rights of the citizens are upheld.”¹⁵ Olonisakin, et al, outlined certain characteristics associated with criminal justice system as follows; fairness, justice, equality effectiveness and efficiency. According to her, these characteristics spell out equity, offence punishment proportionality, constitutionality, public order and safety and integrity among other things. Criminal justice system in Nigeria ensures that criminal claims against any individual are well investigated into before an accused is pronounced guilty or acquitted. If an accused is found guilty, he or she is made to face the pronounced consequence of the crime according to the law and in proportion to the crime. On the other hand, if the accused is not guilty, he or she is discharged and acquitted of such accusations. This is a credit to the criminal justice system, as practiced in Nigeria.

The criminal justice system through its administration has been seen as agent of orderliness, peace and tranquility in most societies. It has by its promulgations and operations form a behavioral regulatory system. By this, the behaviors of individuals within the community has been regulated to very large extent and directed towards positive lifestyles. The Nigeria criminal justice system through the instrumentality of the police, lawyers, judges and correctional services, for investigating and prosecuting criminal cases and the correction and rehabilitation of those found guilty of breaking the laws, achieved a little of this goal.

The Flaws in Nigeria Criminal Justice System

In as much as the Nigeria criminal justice system has some positive influence on the society, it does not out-rule the fact that there are so much flaws in the system today. The Nigeria criminal justice system has suffered from so much corruption that has entrenched the system and its processes. Okogbule argued that “from the point of arrest, to investigation, arrangement in court, case hearing, verdict and execution of court, the Nigeria criminal justice system is tainted”¹⁶ In view of this, it is generally observed that it has

become very difficult for the criminal justice system to produce effective and satisfactory result in criminal cases. Today, it seems that statements such as '*justice is an illusion in Nigeria*' and other such statements, still hold sway. This is not unconnected with the shattered expectations of the citizens in criminal justice system procedures, as well as results. According to Olonisakin, et al,

Nigeria was ranked as the 136th most corrupt country out of the 174 surveyed by Transparency International in their 2014 report and the 3rd most corrupt country in West Africa, 144th in 2013, 139th in 2012 and 143rd in 2011. It seems as if Nigerians are becoming numb to acts of criminality and illegality in the nation, since such acts go uncurtailed or uncautioned in the perpetrators. Nigerians seem to have come to accept their fate and survive in a world of chaos.¹⁷

From the submission above, it will not be out of place to take a position with the view that the citizens no longer have confidence in criminal justice system process as corruption plays very negative influence in the process. The outrageous height of corruption witnessed in the country which proportionately ranks the country among the most corrupt in the world, is simply relative to the corrupt practices within the criminal justice system in the country. Olonisakin submits that;

A cursory look at criminal activities that have gone unchecked and have come to be accepted as normal by Nigerians include: careless packing of drivers by roads, the use of cars that are no longer road-worthy, driving without necessary documents, violating traffic rules, bribery of road-security officials (police, soldiers, FRSC officials, etc), bribery of officials of the law court, road blockage by miscreants called 'Area Boys' or 'Agberos' who demand money from commercial vehicle and private car owners, blocking of government roads for party use, just to mention a few. One is left to wonder whether there are no laws to caution such unbridled acts as above.¹⁸

Another very important factor which has also bedeviled the criminal justice system in Nigeria is that of undue delay in the process. According to Anyogu, "one of the most obvious setbacks in the judicial process in Nigeria is that it is rather slow."¹⁹ Anyogu points out some factors which could be responsible for these delays in the process. According to her,

Many factors have been identified as responsible for this and these range from understaffing, lack of equipments, taking of evidence in longhand (despite the existence of modern technological gadgets to facilitate exercise), to the nonchalant attitude of some lawyers manifested in incessant adjournment of cases when they are ill-prepared for their cases.²⁰

To really get a satisfactory delivery of justice, such as will tally with Beauvoir's idea it must be carried out within reasonable and acceptable period of time, and should not be unduly delayed. On a general note, Nigeria criminal justice system has both pluses and flaws of its processes as its two sides of a coin. But from several toss of the coin, it seems the probability of the flaws being seen has always out-numbered the pluses.

Nigerian Justice System and the Absorption of Repentant Terrorists: Is Criminal Justice in Nigeria Still on Course?

The year 2009 had introduced a new sect referred to as the *Jama'tu Ahlis Sunna Lidda'awatiwal-Jihad* (People Committed to the Propagation of the Prophet's Teachings and Jihad), popularly known as Boko Haram. This group has redefined insurgency in the country, heightening insurgency to a level such as never had been in the country. Thousands of lives have been lost between 2009 till date, and still counting, properties worth hundreds of millions lost to terrorism, countless families rendered homeless and refugees all resulting from their insurgence activities. According to Vanda Felbab-Brown;

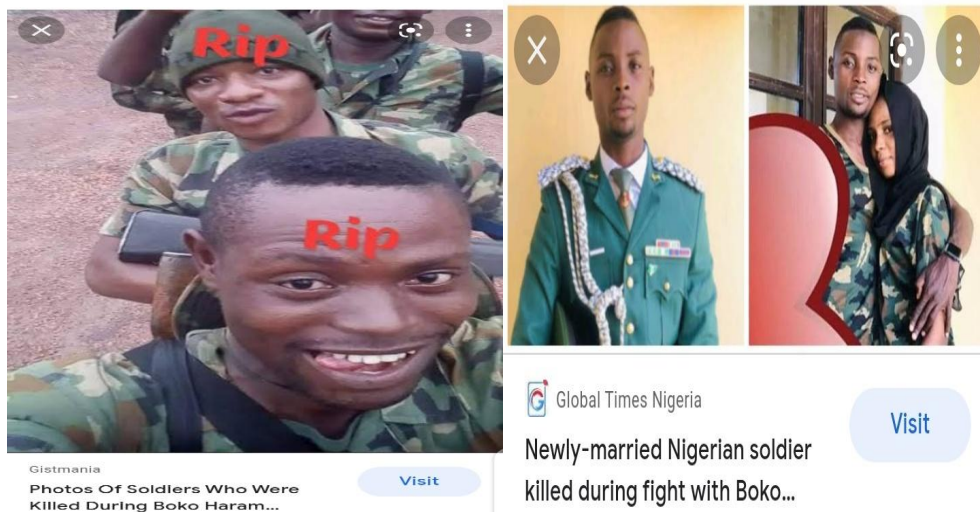
The *Jama'tuAhlis Sunna Lidda'awatiwal-Jihad* (People Committed to the Propagation of the Prophet's Teachings and Jihad) insurgency, popularly known as Boko Haram, based in poor and arid north-eastern Nigeria (but also active in Niger, Cameroon, and Chad), has caused an estimated 20,000 to 30,000 deaths and displaced over 2.3 million people since 2009. Between 2009 and 2015, the group took control of extensive territories in north-eastern Nigeria, including major cities such as Maiduguri; devastated lives of millions; and constituted a significant threat to the Nigerian state.²¹

The activities of this group have continued to cripple major activities both within towns and villages across different states of the Federation, especially within the northern region of the country. In his report, Felbab-Brown states that,

Boko Haram fighters have slaughtered civilians in villages and towns, abducted thousands of people, forcibly marrying off women and girls to their fighters, and conducted mass-casualty terrorist attacks against mosques, markets, and camps for internally displaced persons (IDPs).²²

The Nigerian state has felt the adverse weight of the activities of this group which began just as a little powerless protesting group, neglected by the Federal government, and now turned into very strong resistant force dealing adversely with the nation's economy, farming system, security of citizens, commercial activities, social and religious activities, etc. Surprisingly, the Federal government had between 2009 and 2015 been negligent to the outcry of the affected citizens. While the government tossed between addressing the situation and neglect, this group has kept on holding sway in their activities and brought more communities under bondage.

In their military campaign against insurgency, the Nigerian government has claimed to have retaken few territories from Boko Haram terrorists, pushing the group to more marginal areas. Yet in all of these, the Nigerian military still struggle to effectively hold retaken territories from the bandits. The many deadly attacks carried out successfully by this group has not left many of the Nigerian military officers out of the numerous victims who have either lost their lives or left with severe injuries with maximum damage of properties.



Surprisingly, there have been multiple attempts at negotiating with Boko Haram, discussions of a possible amnesty, and the design and effects of leniency measures the Nigerian government has adopted, including a defectors program for “repentant” low-risk male combatants (known as Operation Safe Corridor) and a rehabilitation program for “low-risk” women, such as those married to Boko Haram fighters. The questions that follow this attempt will be how effective will this be? Has there been instances in the past that the Federal government employed this method in handling insurgency? If yes, how effective was it? If such method was employed, could it not be a motivator to this group as the result did not end in deterrence?

Beyond these questions and more are other questions that will require answers. Such questions as; if members of this group accept government's offer of amnesty, what then do we expect victims of their crimes to do? Do they get absorbed into the society, and into the normal day-to-day activities within the society? What are the government's plans for compensation to affected populations of the society, including the deceased? What assurance does the government guarantee her citizens, that these so-called repentant terrorists will not seize the opportunity of being reabsorbed into the society and becoming closer to the people, launch a more deadly attack on the unsuspecting citizens? Felbab-Brown has this to say;

The defectors program and the rehabilitation process for low-risk women are new efforts. But despite the Nigerian state's historical emphasis on a highly repressive military response to profound security and political challenges, issues of amnesty and negotiations are not new. Nigeria has at various times drawn on such leniency approaches to mitigate conflict when repression has failed. The most prominent case was the amnesty for militants in Nigeria's Niger Delta in 2009. In this case and others, leniency approaches have been accompanied by persistent military and civilian elite unwillingness to: improve governance; extend inclusion to broader segments of society; devote adequate resources to urgent problems; and address underlying issues of severe socio-economic inequality and political marginalization. Previous leniency approaches have also amounted to narrow and

unpopular political and financial buyoffs. Seen as promoting impunity and moral hazard, such deals have also soured much of Nigerian society, including human rights advocates and non-governmental organizations (NGOs), to the idea of amnesty deals for other groups, including Boko Haram.²³

Amnesty deals by the government to such groups as the Boko Haram, Niger Delta militants, and other such groups have never been as effective as the goals of such programs spell. It has many times been politicized in the guise of rolling out government program. Some other times, such programs have become platforms for privatizing public funds by a few political personalities. Hence the failures of the program in driving at the objective goal. This has consequently result in distrust of such governmental projects by the citizens, as the results of such programs have always not been different for the end, that it yield more financial dividends to a few top political class. Consequently, even the few genuinely repentant terrorists, who were compelled into such vicious group under duress, and haven been opportune to embrace the program, with incomplete scheme, hardly find it safe to go back to their various communities. This is because, the program has always not put into consideration the citizens who are the major victims of the crimes committed by these terrorists. So, when government projects an amnesty for the criminals to distract them from their rough shod activities, the victims of their vicious acts are not put into consideration, and as such the damages and injuries on the victims are left unaddressed.

The amnesty program so far, has been aimed at deradicalization of the criminals and reintegrating them in the society. Nevertheless, because of the neglect of the major victims of their criminal activities, that is the citizens, by the government, even those who are as supposed have been totally deradicalized, are afraid of leaving their deradicalization camps. Felbab-Brown submits

In February 2018, none of the 96 men who had completed the deradicalisation and rehabilitation process entailed in Operation Safe Corridor have left its Gombe camp facility. This is because of reasonable fears that they may face violent retribution from militias and communities upon reinsertion.²⁴

When government thinks of amnesty program for kidnappers, terrorist groups, insurgents, and many other social vicious groups, it will be pertinent also to think of their victims, who are the citizens of the country. The neglect of the victims of the crimes committed by these terrorists falls short of Beauvoirs idea of retributive justice. A proper address of the plight of the citizens who are the primary victims of these criminal activities, would go a long way in contributing to the success of such program.

Re-embracing Retributive Justice System: A Decisive Measure for Crime Deterrence

The justification of retributivism as a practice that should be re-embraced, as against all proposals to eradicate its practice, in addressing the decay in the criminal justice system of Nigeria can be viewed from the point of the question of why do we punish offenders? An objective answer to this question settles the debate on whether or not retribution should be an option to uphold or jettison in administering justice in the society. The concept of punishment stems from the desire to deter crime. Hence, it can be said that crime and punishment are two sides of a coin. “As the old Frank Sinatra Song goes, like “love and marriage” and a “horse and carriage.”²⁵ Although in the view of C.S Lewis, punishment should basically be administered as deserved and not primarily to deter others from committing crime. “It is only as

deserved or undeserved that a sentence can be just or unjust.”²⁶ To doubt the legitimacy of punishment, according to Russell, “would seem to cast doubt on the enterprise of criminal law itself.”²⁷

To propose a ban on punishment, or to limit punishment without the limitation of what kind of crime is accepted and what crime should not be committed would be an unbalanced promulgation. This could be a catalyst in violation of laws with such impunity as was not projected unto. For example, if the opposition against commensurate retribution against any form of crime is not debated to bow, a criminal who knows that he won't face capital punishment for killing someone in the neighborhood, can attempt that with no restraint, knowing well that the punishment, if apprehended, would not claim his own life, even when found guilty. “For violations of the norms of criminal law, punishment seems to be an obviously fitting response”²⁸ says Russell. According to Hegel, punishment cancels, negates or annuls the offender's crime. “In this view, the criminal rejects the victim's rights while committing a crime. If we leave the crime unpunished, it is regarded as an innocent deed. But by punishing the criminal, the *status quo ante* crime is restored.”²⁹

Hampton further stressed on this point by submitting that “by the very act of commission of crime, the criminal fails to respect the victim's value as a human being.”³⁰ If an offender who has victimized an individual is left without a commensurate punishment meted on him/her for the offence committed, he/she feels superior to the victim of his/her crime(s). According to Mohanty, “Retributive punishment vindicates the value of victim denied by the wrongdoer's action through the construction of an event that not only repudiates the action's message of superiority over the victim but does so in a way that confirms them as equal. In this way, punishment, says Mohanty, can annul the message, sent by the crime, that they are not equal in value.”³¹

Hence, to uphold the equality of all humans, in the views of Beauvoir, there is the need to punish any form of crime promptly. Failure to do so, may leave the society in a state where each one seeks self-help by whatever means it is deemed fit. The lawful by this soon becomes lawless, and lawlessness becomes the order of the day, and the society becomes engulfed with the fear of the human predators. This is not what any society including Nigeria wants to build.

SUMMARY AND CONCLUSION

Summary

The daily devaluation of the human dignity and the sacredness of human life is one that calls for concern. This concern should be goal oriented, away from mere outlined rules void of result producing actions. The human society is such that harbors people from different tribes and tongues, as well as varying cultures and belief systems. These variations within the communities are what pronounce the beauty of the community more impressively. A careful and calculated attempt to extinct any of the component peoples, cultures, belief systems, through any kind of means, will definitely result in an undesirable society.

Our today's society, is witnessing a gross trampling of people's rights with no or little voice to speak for them. This downward trend in the value of the human person and the degradation of the sanctity of the human life, today, calls for a united voice to be raised for the solidification of timely justice. “Justice delayed is justice denied.”³² This has inadvertently left so many, who in one way or the other have been

victimized, to nurse their injuries inflicted on them by criminals who though are brought under the guise of facing due legal process, still shod their shoulders high within the society.

Haven divest the citizens of the right to retaliate, the need to address appropriately and within reasonable time frame, any form of aggression against any, cannot be overemphasized. “Man is born free, but he is everywhere in chains”³³ as postulated by Rousseau should be a natural guiding principle that pulls each of us’ propensities to hurt the other. If this intrinsic natural chain has been torn asunder from within, so that we no longer which to put into consideration, the feeling of others, then it becomes very necessary to fabricate an external chain to pull us aback, and being controlled by an external force outside ourselves. These external chain should be retributive in nature and controlled by an incorrupt/impartial legal system. Hence, the need for retributive justice system in Nigeria to be taken as serious as could be for a controlled society where everyone lives in the freedom for which he is human.

Simone de Beauvoir gives very strong argument for which retributive justice should be upheld as a measure for preserving the conditions of freedom in the society by holding individuals responsible for outrageous desecrations of the human condition, and especially when it has to do with the sanctity of the human life. This argument of Beauvoir has however, been faced with criticisms from various individual views, who are opposed to her view and opine that applying retributive justice will instead of bringing about deterrence, will rather be a cycle of criminal activities; since taking the life of someone for killing another will not bring back the person who has already been killed. Instead, more lives are been taken.

However, as sound as this argument, it must not be taken for granted that our individual desires to live, and to do anything so as to ensure that our lives are preserved, is very paramount in our day to day activities. So, if I think that in engaging in crime that will result in the death of another will bring me to face the sword of justice, and definitely result in my life going for it, I should, as one who desires to live, refrain myself from engaging in activities that will result in such. On the other hand, if I don’t regard my life and so engage in destroying other precious lives, there should be no justifying reason to keep preserving my life by some kind of debates against retributivism. The utilitarian value of a threat to other lives within the society is to take away that threat from among the people. In doing that, the society becomes a safe haven for both citizens and foreigners within and around our communities. If the process of achieving this therefore involves the extinction of the one threat to thousands and millions of lives, then it becomes necessary to apply the principle of the greatest good for the greatest people, which is utilitarianism. If the general ratio of violent extermination of lives in the society and the conscious preservation of lives within the society is 1:9 and 9:1 respectively, it can be reasonably argued that what could be taken as the lesser evil should be accepted. Whereas it is the desire of all to get justice as quick as possible, the need to also not end up in wrong judgment which may be regretted at the long run must need be addressed by ensuring that proper duration of time be spelt out by the law, in addressing any criminal case. If this is done, it will give the whole parties involved in the process time to arrive at a satisfactory judgment, and as such, no one feels he was not given time for defense, as well as one feeling the case is being watered down the drain of delay in the process.

Conclusion.

In conclusion, while we intend to define retributive justice both conceptually and morally, there is need to understand that it is in itself a tool for man’s control over his inter-relatedness with others. Since humans are both social and political beings, it is necessary to have a tool with which our day to day activities

among ourselves are put in checks so as to tame the intrinsic selfish nature of man. We don't live in a society where we are justified by our strengths over the others, our society is mixed-up with people around us who are, some strong and others weak. We must therefore, have a blend of accommodative practices among ourselves so as to lead a quiet and peaceful community which we all desire.

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