

THE DEATH PENALTY FROM AN AFRICAN PERSPECTIVE

VIEWS FROM ZIMBABWEAN AND NIGERIAN
PHILOSOPHERS

Edited by

Fainos Mangena

Professor, University of Zimbabwe

and

Jonathan O. Chimakonam

Senior lecturer, University of Calabar and Research Fellow,
University of Pretoria

Vernon Series in Philosophy



VERNON PRESS

Copyright © 2018 Vernon Press, an imprint of Vernon Art and Science Inc, on behalf of the author.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior permission of Vernon Art and Science Inc.

www.vernonpress.com

In the Americas:
Vernon Press
1000 N West Street,
Suite 1200, Wilmington,
Delaware 19801
United States

In the rest of the world:
Vernon Press
C/Sancti Espiritu 17,
Malaga, 29006
Spain

Vernon Series in Philosophy

Library of Congress Control Number: 2017952554

ISBN: 978-1-62273-262-3

Product and company names mentioned in this work are the trademarks of their respective owners. While every care has been taken in preparing this work, neither the authors nor Vernon Art and Science Inc. may be held responsible for any loss or damage caused or alleged to be caused directly or indirectly by the information contained in it.

Cover design by Vernon Press,
using elements created by Photoangel - Freepik.com

Table of Contents

<i>Foreword</i>		<i>ix</i>
<i>Preface</i>		<i>xi</i>
<i>Acknowledgments</i>		<i>xv</i>
<i>Dedication</i>		<i>xv</i>
Introduction	Africanizing the Death Penalty Discourse: Philosophical views from Zimbabwe and Nigeria	1
	Fainos Mangena	
Chapter 1	The Death Penalty and the Sacro-Sanctity of Life: Perspectives in Igbo Ethics	9
	Chukwuka Christian Emedolu	
Chapter 2	Ndubuisi: An Igbo-African Understanding of the Value of Human Life and its Implications for the Death Penalty Question	29
	Uduma Oji Uduma, Victor C. A. Nweke	
Chapter 3	The Death Penalty from an Igbo Cultural Perspective: a Nigerian Case Study	61
	Christopher Agulanna	
Chapter 4	The Death Penalty Debate in Contemporary Context: The Yoruba (African) Integrative Notion to the Rescue	85
	Adebayo A. Aina	

Chapter 5	Current Debates on the Death Penalty in Zimbabwe: A Philosophical Appraisal of Views from Critical Stakeholders	97
	Fainos Mangena, Francis Machingura	
Chapter 6	An Interrogation of Capital Punishment in Nigeria's Penal System: Towards a Freedom Theory of Punishment in African Philosophy	115
	Jonathan O. Chimakonam	
Chapter 7	The Western and African Underpinnings of the Death Penalty: A Comparative Analysis	137
	Clive Tendai Zimunya, Joyline Gwara, Isaiah Munyiswa	
Chapter 8	Amplifying the Anti-Death Penalty Discourse in Zimbabwe: Lessons from Chivanhu Justice	153
	Ngoni Makuvaza	
Chapter 9	Interrogating the Death Penalty Discourse and its Hidden Dynamics in an African Context	167
	Tarisayi Andrea Chimuka	
Chapter 10	Gender and the Death Penalty Law in Zimbabwe: An Exploratory Essay	189
	Chipo M Hatendi, Tatenda Mataka, Benjamin Gweru	
Chapter 11	The Death Penalty in the Context of Xenophobia in South Africa, 2008 and 2015	201
	Alex Munyonga	
	<i>List of Contributors</i>	215
	<i>Selected Bibliography</i>	219
	<i>Index</i>	227

Foreword

As an aftermath of the meta-philosophical debates in African philosophy, loads of literatures are increasingly sprawling in different cognitive areas of the discipline: African metaphysics, African epistemology, African aesthetics, African logic, African socio-political philosophy and other auxiliary dimensions of African philosophy. A new turn in African philosophy today is conversational interaction in African space among philosophers on diverse philosophical issues of interest promoted by The Conversational School of Philosophy. It is within this trend that this book, *The Death Penalty from an African Perspective: Views from Zimbabwean and Nigerian Philosophers* emerges as a first step and as cornerstone to serious further conversations to come among workers in African legal and socio-political philosophy.

In this volume, a pioneering platform is provided for some leading scholars in the Zimbabwean and the Nigerian philosophical communities to pontificate on an African perspective on the topical issue of the death penalty. Though, the issue of moral propriety or otherwise of the death penalty is one of the most perplexing questions that has divided scholars into theoretical camps in Western philosophy, in this book African philosophers are no less in consensus on their cultural perceptions and arguments. Importantly, the Zimbabwean and the Nigerian perspectives presented in this book reflect not only the voices of the authors, the nuances of their cultural worldviews (such as the Igbo, the Yoruba, the Shona, and the Zulu) but also the existing views of stakeholders in Zimbabwe, Nigeria, Botswana and South Africa on the death penalty, which altogether enrich the book's philosophical production.

The chapters in this book illustrate the diversity of moral perspectives on the arguments for and against the death penalty in African culture. Some of the authors in this volume, such as Adebayo Aina, argued for an interpretative notion of capital punishment, which is an attempt to resolve the grey-areas between the defenders of an abolition and retention of the death penalty. Others, like Jonathan O. Chimakonam, argue the cogency of a suspension of capital punishment's implantation in the Nigerian penal code till when the

human ethical minimum of social goods of human survival is guaranteed to the citizens. Still others, such as Christopher Agulanna, use an Igbo cultural lens to argue that the death penalty is not only anti-morality, it is also incongruent with African ideals. In the Zimbabwean context, Fainos Mangena and Francis Machingura argued for a prohibitionist stance on the grounds of group acts theory and cultural argument. The point in the foregoing few examples is that there is no one African perspective, but several different African views, and sometimes, alternative explanations to the dominant utilitarian and retributivist positions on death penalty in Western legal and socio-political philosophy.

This book is a remarkable contribution from African philosophers to the global debate on the death penalty, its institutions and administrations in a specific context; and in a time of great transformations in our ideas of right and wrong. With its rich contents, lucid but professional language of presentation, the book no doubt has the capacity for stimulating further research interests on the subject-matter. I, therefore, recommend this book for students, researchers, social crusaders, political front-liners and the general reading public that treasure good philosophical literature.

*Professor Oladele Abiodun Balogun
Department of Philosophy
Olabisi Onabanjo University, Nigeria*

Preface

Why would the same society that executes someone for a crime frown at another who took own life to atone for his/her crime or simply to free himself/herself from some unbearable burden which the society may have contributed in imposing on him/her? Now, this is a question about the justification of capital punishment or the death penalty as well as suicide. Albert Camus for one sees suicide as the one truly philosophical problem. I do not know any philosopher who holds similar view on capital punishment. But why are opinions divided among philosophers on the justification of capital punishment? What do African philosophers think about this matter? These questions were central in our minds when we first conceived this project.

My co-editor and I felt it was important that we draw opinions from different contemporary African philosophers for some reasons. One, there may be a few isolated articles that treat capital punishment from the African perspective, but there is, on the whole, a dearth of books on this subject matter. Second, the post-colonial Africa takes so much by way of emulation from the colonial Europe. Inasmuch as one can argue that this sort of cultural imitation was inevitable at the time of political independence and may, in fact, have been needful, it is not far-fetched to see the consternation that now trails the implementation of some of the colonially inspired policies like the death penalty. In the pre-colonial imaginary, it was not part of standard practice, at least in most African cultures to execute people for the crimes they have committed. Most would rather ostracise the criminal that has committed what we now call a capital offence. Chinua Achebe's *Things Fall Apart*, Elechi Amadi's *The Concubine*, and John Munonye's *The Only Son* are emblematic reminiscences of the pre-colonial African originary in which one who has committed capital offence was ostracised, his house set on fire and was required to flee the community for seven seasons. But capital punishment? No, not the African way, at least, in most cultures on the sub-continent and the reason is because, it is viewed as a taboo for brothers to shed the blood of brothers. A good number of African thinkers like Elochukwu Uzukwu (1982), K. C. Anyanwu (1984), Udobata Onunwa (1994) and Chimakonam and

Ogbonnaya (2015) to name but a few, have drawn attention to the enormous value many an African culture places on human life. In essence, it does not matter the crime which the bearer of human life has committed, it is simply not up to us to take his life.

Again, we must not ignore the changing dynamics in the post-colonial African thought. In this connection, one may argue, and this is hardly incorrect that the cultural embeddedness of the pre-colonial mindview need not remain the beacon of contemporary social engineering in today's Africa ensnared in the gripping influence of transculturalism. In fact, in what Hans Georg Gadamer (2000) calls the melting or "fusion of horizons", one may legitimately tone down the primordial African orientation toward the death penalty and in turn, elevate the morality of the death penalty which has come to be accepted in many places as not only proper but pragmatic. What then is the position of African philosophy in all of this?

African philosophy may still be in its infancy, perhaps, in the words of W. E. Du Bois (1993), "the seventh son" among other philosophical traditions, but it is nonetheless growing, aspiring and innovating. A new wave of thinking for example, called Conversational Philosophy developed by Jonathan Chimakonam and endorsed by the University of Calabar- based circle called The Conversational School of Philosophy is leading innovation in African philosophy. This school has called African philosophers to duty—to employ what they call the tool of conversationalism, which is somewhat technical, to study reality, open new vistas for thought and unveil new concepts from the African place. An epistemic vision such as this is keen on innovation and creativity that matter for today's world rather than cultural excavations. In times like this, it has become pertinent for African philosophy and philosophers to look forward. Yet again, and this is not gainsaid by the conversational tradition, there is room left, and there must be, for the diffusion of the old into the new. It is in this connection that Janheinz Jahn (1961) talks of the "valuable past" and Bogumil Jewsiewicki (1989) talks of the "usable past". All new ideas are welcome but some old ones die hard. How may we then negotiate this hiatus between old and new in the debate on the death penalty was for us a project that demanded the collective industry of African philosophers. It must be stated at this point that this was the main reference frame we had in sight at the commencement of this project.

It is something that may be agreeable to many that the goal of punishment in a modern society is to ensure stability by reducing crime and increasing harmony and social balance. The justification for punishing offences stems from the assumption that humans are rational entities, who, unlike the other entities in the universe, are free and capable of making informed and reasonable decisions. They should therefore be punished when they abuse this freedom. They must face the responsibility which the willful exercise of their freedoms attracts. But here comes utilitarianism, an ethical doctrine propagated by Jeremy Bentham which by its famous principle of 'greater number' appears to adduce that punishment can only be justified if it offers a guarantee of eliminating greater evil for the greater number. How on earth is this supposed to be the case? We may as well accept the fact that utilitarianism does not recommend retribution. But the mainstream ethicists tend to think otherwise. Retribution for them is cardinal to the functioning of the modern state machine. Where argument ensues is with the scale of what is admissible as a punitive measure. Some, typically called the retentionists have no qualms stretching this to include the death penalty where a capital offence is involved. Others, typically called the abolitionists consider the death penalty anomaly for the civilised humanity and would not accept it. This position may actually be described as a modern-day secularization of Christian ethics on the sanctity of life. Neither in ancient Greece nor in Rome nor pre-Christian Europe was there any prevailing belief that the death penalty for serious crime was wrong. The liberal anti-death penalty stance is a Christian perspective, rooted in Christ's 'slave morality', as Nietzsche will put it. It is important to note that though this volume sustains the argument against the Death Penalty, it was not influenced by Christian morality. In traditional Africa, premium was placed on human life. Specifically, taking of the life of a member of the family or clan or anyone related by blood was an abomination. And because in traditional Africa, people lived in communities made up of people with common ancestry, death penalty as a punitive measure was something difficult to conceive. As a result, ostracizing the culprit from the community and setting his house on fire was widely preferred. Chapters 1, 2, 3 and 4 in this volume variously speak to this concern.

Going further, one of the twentieth century vocal voices in the abolitionist camp is the Swedish philosopher Ingemar Hedenius (1969). He vehemently recommended the total abolition of punishment due to the legal flaw which allows for some innocent

people to get punished as a result of lack of absolute certainty in legal proof. However, the brilliant Kenyan philosopher H. Odera Oruka (1985) transcends the conclusion of Hedenius and argues that punishment should be abolished not just because some innocent people suffer but because, and this is curious, “most criminals are never “responsible” for their crimes”. How is this so? Oruka, developed an ethical theory called the “Human Minimum” and uses it to negate all arguments that uphold retribution. According to him, there is a set of rights which a responsible state must guarantee to her citizens to enable them act rationally and be held responsible for the free exercise of their wills. These rights include health, security and subsistence. His argument is that anyone who lacks any of these three basic rights cannot act rationally and as such should not be held responsible for his crimes let alone subjected to punishment. His conclusion appears to be that since most states especially in Africa do not guarantee the human minimum, punishment ought to be abolished. If Oruka’s argument about ordinary punishment is tenable, and it should be, then where is the point in talking about the death penalty at all? And this is where the puzzle lies.

The chapters in this collection focus squarely on the death penalty debate and views are drawn from Nigerian and Southern African philosophers out of which Zimbabwe feature prominently. It is aimed at unfolding the African philosophers’ perspective to the debate. Contributors have been influenced by the traditional African order which placed premium on human life and which abhorred the killing of those related by blood rather than by Christian ethics. This is not to suggest that in traditional Africa, killing of people was not practiced, it was; but our point is that killing of people (excluding twins who are considered as evil in some pre-colonial societies) related by blood was considered an abomination and since at that time, people of common ancestry lived in communities and clans, it was difficult to have a system that legalised killing as an acceptable form of punishment. In our world today, we can generalise this ideal on the ground that humanity is the same irrespective of race, culture and tongue. For this, contributors in this volume hold fast to their debt to the African continent as African philosophers and have argued against the death penalty not because the Christian ethics condemns it but because the traditional African morality abhors it. Similarly, they have not argued in favour of the death penalty merely because the traditional morality condemns it

but also because, it is one of the colonial ideas which should not be integrated into the postcolonial African ethics.

It is our hope that the ideas espoused in this book will contribute to the ongoing intellectual debate and possibly shape the public policies especially in Africa haunted by the ghost of colonialism and stalked by the shadow of Eurocentricism. This book fundamentally attempts to teach us, one and all, the Westerner and the African, the modernist and the traditionalist, that there is a thin membrane called rationality between humanity and the lower class animals which when taken lightly and breached, shall have all of us doubting our humanity. Such a time as ours when humans legalise the killing of other humans in the society is without doubt, a dire time and whether it makes the society stable or not, it is certainly something the African philosopher has to re-think.

J. O. Chimakonam
Dürnstein, March 10, 2017

Acknowledgments

The authors have benefited from the ideas of others, past and present, in composing the chapters in this book. The editors have also benefited from the kind assistance of some persons in preparing this work. Some of those that deserve mention include Dr. Ada Agada as well as the postgraduate students of one of us, Mr. Aribiah Attoe and Mr. Victor Nweke as well as the editors at Vernon press for having faith in this project. Also, we thank Mr. Dick Masala, the University of Zimbabwe Publications Technical Editor, who helped with indexing. The editors also wish to express their gratitude to the Vice-Chancellors and the senates of University of Zimbabwe and University of Calabar for giving us the spaces to carry out this project. We have worked hard to eliminate errors in this book but in the case some infelicities still survive, the editors humbly accept responsibility as imperfect mortals. The authors of the chapters are however responsible for the views expressed in their chapters.

Dedication

To the victims of xenophobic attacks in South Africa; is this the beginning of the end to the African brotherhood?

Introduction

Africanizing the Death Penalty Discourse: Philosophical views from Zimbabwe and Nigeria

Fainos Mangena

The death penalty is one of the most contentious issues in the Social Sciences and Humanities today, particularly in the fields of ethics and Jurisprudence. It is contentious because opinion is divided when it comes to whether this form of punishment deals decisively with the crime of murder. Recent developments from around the globe seem to point towards the direction of the total abolition of the death penalty. In Zimbabwe and Nigeria, for instance, human rights organizations such as Amnesty International have done a lot of advocacy to have the death penalty removed from the constitutions of these two countries for the following reasons: Firstly, it should be observed that most progressive nations have abolished the death penalty at law and in practice, and Zimbabwe and Nigeria are among the few African nations left. Secondly, it should also be noted that the death penalty has not really deterred crime in Africa just as it also failed to deter crime in the West where it originated.

Thirdly, there has been increasing calls for people in these two countries to return to their founding values of *ubuntu/umunna* which promote peaceful ways of conflict resolution rather than adopting the Western value system which is not in sync with African realities. It is for these reasons, among others, that quite a number of researchers have come to the conclusion that the death penalty has outlived its usefulness and must therefore be abolished. Most of the contributors in this book volume are convinced that it is high time the death penalty was abolished especially in sub-Saharan Africa for the reasons stated above. From Harare to Lagos, there is a philosophical conviction that sub-Saharan Africa will be a better place without the death penalty. The sub-Saharan African cultures

under scrutiny in this book include the Shona of Zimbabwe, and the Igbo and Yoruba of Nigeria.

The chapter by Fainos Mangena and Francis Machingura is a philosophical appraisal of the current debates on the death penalty with a view to showing that the death penalty contradicts the value systems of sub-Saharan Africa which in summary points to the direction that no one has a right to take another person's life. They argue that in sub-Saharan Africa, particularly in Shona culture, conflict resolution has a communal dimension, the idea being to benefit both the victim and the perpetrator of murder and to create social harmony.

In another chapter, Jonathan Chimakonam, takes the argument further when he argues that the death penalty does not discourage would-be-offenders from committing acts of murder. In a bid to bolster his argument, Chimakonam asks the following critical questions: Is it really plausible to suppose that the taking of human life can deter would-be-murderers? How can a person whose rationality distinguishes him from the brutes, legislate the taking of the lives of others as a form of punishment? His view is that despite similarities and differences between human cultures, they are all united in the possession of human life. For Chimakonam, human life is the same whether one is Japanese or American or German or Jew or African. For this reason, it would therefore be out of order for one human being to pronounce a death sentence on another for whatever reasons.

In his rebuttal of the retentionist argument, Chimakonam presents a two-tier argument, namely: The argument from the human minimum and the argument from the freedom theory of punishment. With regard to the first argument, Chimakonam borrows Henry Odera Oruka's human minimum theory as a basis to deprecate the death penalty as it is applied in Nigeria today. His position is that Nigeria fails to provide the human minimum, that is, "the rights to physical security, health and subsistence" (Oruka, 1997, p. 86). Since Nigeria has not guaranteed this human minimum it does not have any moral authority to punish by death.

In the second argument, Chimakonam develops a discourse about the formation of three different types of communities in order of importance. He presents the political community as one in which human beings and/or persons freely consent to the limitation of their freedoms. Thus, he views crime as the unlawful constriction of a person's range of freedoms by another, and he sees punishment as

a further restriction on the range of freedom allowed to persons by a state. Chimakonam considers freedom to live as of fundamental importance to the extent that even the state has no right in diminishing this kind of freedom. Chimakonam thus rejects the death penalty on that basis.

Clive Zimunya, Joyline Gwara and Isaiah Munyiswa do a comparative analysis of the Western and African underpinnings of the death penalty. Beginning with the Western underpinnings of the death penalty, they draw their insights from the two main theoretical viewpoints, namely; the forward-looking and backward-looking approaches to punishment. Their claim is that while the forward-looking approaches to punishment put emphasis on deterrence, and the backward-looking approaches emphasise on punishing someone because they deserve it by virtue of having committed a crime, the problem is with the justification of these approaches in *toto* especially when applied in the context of non-Western cultures, for instance, in the Shona and Yoruba cultures of Zimbabwe and Nigeria respectively. With regard to these cultures, Zimunya, Gwara and Munyiswa argue that while they retain the phrases *forward-looking* and *backward-looking*, the areas of emphasis are somewhat different. In these cultures, it is groups or families or communities that commit crimes, and similarly, it is groups or families or communities that merit punishment for crimes committed. Thus, the *forward-looking* and *backward-looking* justification of the punishment must be based on this reality.

Adebayo A. Aina postulates that the death penalty has no strong roots in African culture. His argument is specifically placed within the context of the Yoruba culture of Nigeria. His position is that the death penalty does not serve the interests and needs of African peoples, particularly the Yoruba people, for the following reasons: Firstly, the death penalty seems to contradict the principle of human dignity which is valued so much in Yoruba culture. Secondly, Aina argues that justifying the administration of the death penalty on utilitarian and retributive grounds and ignoring the integrative notion of punishment is not only unfair but also out of order. It is out of order because utilitarian and retributive theories have no capacity to explain African phenomena without adulterating it.

In his chapter, Tarisayi Andrea Chimuka argues that despite people battling with the issue of the death penalty in Shona society, there are other practices such as *runyoka* and *ngozi* which, in themselves, appear to be different forms of the death penalty. Arguments

PAGES MISSING
FROM THIS FREE SAMPLE

List of Contributors

Fainos Mangena Ph.D, is a professor of philosophy at the University of Zimbabwe. His areas of research interest include ethics and the environment, ethics and culture, gender and politics. He is a winner of the prestigious African Humanities Programme Post-doctoral Fellowship funded by the Carnegie Corporation, and is currently the interim President of the Philosophical Society of Zimbabwe (PSZ). His most recent publications include: *Hunhu/Ubuntu in the Traditional Thought of Southern Africa* published by *The Internet Encyclopedia of Philosophy* in 2016 and *Ramose's Legacy and the Future of African Philosophy* published by *Philosophia Africana* 18(1) of 2017.

Jonathan O. Chimakonam Ph.D, is a Senior Lecturer at the University of Calabar, Nigeria and a Research Fellow at the University of Pretoria, South Africa. His teaching and research interests include: African Philosophy, Logic, Feminism, Environmental Ethics, Post-colonial thought. He aims to break new grounds in African philosophy and Systems of Thought. He is the convener of the African Philosophy Circle, The Conversational School of Philosophy (CSP) and a winner of Jens Jacobsen Research Award for Outstanding Research in Philosophy presented by the International Society for Universal Dialogue conferred at the Polish Academy of Sciences, University of Warsaw, Poland (July, 2016). He is African philosophy Area Editor in the Internet Encyclopedia of Philosophy. He propounded the theories of Conversational thinking and Ezumezu Logic. Chimakonam has published widely in learned international journals and has given several international conference lectures.

Christopher Agulanna Ph.D, a professor of ethics and social philosophy, teaches at Nigeria's premier University, the University of Ibadan. He is a recipient of a European Union scholarship that enabled him to undertake the Erasmus Mundus double Master's Course in Applied Ethics at the Linkoping University, Sweden and the Utrecht University, Netherlands. Christopher Agulanna is a member of the West African Bioethics Programme and was part of a team of bioethicists that developed the National Code of Health Research Ethics for the Federal Ministry of Health, Nigeria. The Code provides guidance on health research involving human beings in Nigeria.

Francis Machingura Ph.D, is an Associate Professor (Biblical Studies) at the University of Zimbabwe, Curriculum and Arts Education Department, Faculty of Education. His areas of special interest are on the: Interaction of the Bible and Gender, Politics, Health, Inclusivity, Sexuality, Music and Pentecostal Christianity in Africa. He has published books, articles and chapters. Some of his latest publications include: 1) 'Of Praying and Paying': Christianization of Capitalism through Prosperity Theology, in Makocheanwa, A (ed.) (2016), *The Impact of Dollarisation on Zimbabwe*, Harare: University of Zimbabwe Publications. 2) Disability and Bible: The New Testament Narratives on Disability, in Kabue S, Amanze J.N & C. Landman (2016) (eds.), *Disability in Africa: A Resource Book for Theology and Religious Studies*, Nairobi: Action Publishers.

Ngoni Makuva Ph.D, is a Senior Lecturer of Philosophy of Education in the Department of Educational Foundations of the University of Zimbabwe. He holds a Master's Degree in philosophy from the University of Zimbabwe and a Doctorate Degree in Philosophy of Education from the same university. He has published widely on issues related to education, philosophy of education and *hunhu/ubuntu*, as well as philosophy and indigenous knowledge systems. His latest book is entitled: *Re-thinking education in post-colonial sub-Saharan Africa: Post-Millennium Development Goals* (Co-authored with Prof. E. Shizha, Wilfrid Laurier University, Canada).

Uduma Oji Uduma Ph.D, is a professor in the Department of Philosophy, Ebonyi State University, Abakaliki, Nigeria. He has also taught in the University of Lagos, University of Port Harcourt, Kogi State University and University of Uyo as well as University of Cape Coast Ghana. His areas of research interest include African philosophy, logic, philosophy of law and metaphysics. He has authored a number of books in these areas and is widely published in learned journals. Uduma is also a Solicitor and Advocate of the Supreme Court of Nigeria as well as a chartered manager.

Tarisayi Andrea Chimuka Ph.D, teaches philosophy at the University of Botswana. He also taught at the University of Zimbabwe from 1997 to 2014. His research interests are: Philosophy and African culture, Critical Thinking, Logic, Peace and Development Studies. His latest Publications are: "Overcoming the Alienating and Stigmatizing Uses of Language on Persons with Disability in Southern Africa, in (eds.) Kabue S, Amanze J.N & C. Landman *Disability in Africa: Resource Book for Theology and Religious Studies*, Action Publishers, Nairobi, pp. 336-386, and "Afro-Pentecostalism and

Contested Holiness in Southern Africa," *Studia Historiae Ecclesiasticae*, 42 (1), pp.33-55

Chukwuka Christian Emedolu Ph.D, is a product of St Joseph Major Seminary, Ikot Ekpene, - an Affiliate Institute of Urban University, Rome. He got his Master's degree and Doctorate in the History and Philosophy of Science from the University of Port Harcourt, where he is currently a Senior Lecturer. He has taught several courses to demonstrate his versatility in philosophy. He has attended many conferences and is the author of several journal articles, essays and books, including the two volumes of *Originality* (University of Port Harcourt Press, 2010).

Adebayo Aina Ph.D, is a Senior Lecturer and has been teaching philosophy for twenty years in Olabisi Onabanjo University, Ago-Iwoye. He has been a visiting scholar to Lagos State University, Ojo. He has published several articles in both local and international learned journals. He specialises in punitive studies with special interest in African jurisprudence. His current publication, in *Al-hikmat: Journal of Philosophy*, Department of Philosophy, university of the Punjab, is titled "the challenges of accessing justice in contemporary African Society: lessons from Yoruba Juristic Practices".

Alex Munyonga holds a BA Degree, BA Special Hons Degree, an MA Degree in Philosophy from the University of Zimbabwe (UZ), and a Postgraduate Diploma in Education (PGDE) from the Zimbabwe Open University (ZOU). He is currently studying for PhD Degree in Philosophy with the University of KwaZulu Natal (UKZN) in South Africa. He is a lecturer at the Catholic University of Zimbabwe and ZOU where he teaches Metaphysics, Applied Ethics and Philosophy of Education. His research interests are in Environmental ethics and Social ethics.

Isaiah Munyiswa is a Political Philosophy Lecturer at the University of Zimbabwe (2006-present). He holds BA Honours and MA in Philosophy Degrees from the University of Zimbabwe. He is studying for his PhD in Philosophy with Stellenbosch University (RSA), and aims to complete in the first quarter of 2017. His research interests are in citizenship and human development and capabilities studies.

Clive Tendai Zimunya is a Lecturer of Logic at the University of Zimbabwe in the Department of Religious Studies Classics and Philosophy. He is currently studying for a PhD at the University of KwaZulu Natal in South Africa. His research interests include Logic, Epistemology, Philosophy of Religion and Philosophy of Action.

Chipo M Hatendi is a Lecturer of philosophy in the Department of Religious Studies, Classics and Philosophy at the University of Zimbabwe. She received an M.A in philosophy and also holds a B.A (Hons) Degree in philosophy from the same institution (University of Zimbabwe). Currently, she is pursuing her Doctoral studies in Business ethics (University of Zimbabwe). Chipo's research interest lies in applied ethics specifically business ethics, medical ethics, philosophy of education and the history of philosophy.

Victor C. A. Nweke is an editorial assistant with the Conversational School of Philosophy, University of Calabar, Nigeria. He is also a research assistant/Ph.D. student at the University of Duisburg-Essen, Germany. His major research interests include Applied ethics, Logic, African philosophy, and Intercultural philosophy. His works mainly border on the innovative development and application of philosophic principles and systems from the African place to confront the question of justice, cross-cultural understanding, peace building and sustainable development in Africa and across the globe. Victor is also a 2016-2018 HASTAC Scholar. His Ph.D. research focuses on a plausible theory of justice from the African place.

Tatenda Mataka holds BA Hons Degree in philosophy and an MA Degree in philosophy from the University of Zimbabwe. He is still looking for opportunities to do his PhD Degree in philosophy. His areas of research interest include Ethics, Criminal justice, Cultures, Gender, Human Rights, the Environment, Animal Rights and Philosophy of Religion.

Joyline Gwara is a Lecturer at the University of Zimbabwe where she teaches African Philosophy and Epistemology. She is doing her doctoral studies at the University of Kwazulu Natal in South Africa. Her research interests include African Philosophy, Metaphysics and Epistemology.

Benjamin Gweru is a Lecturer in the Sociology Department of the University of Zimbabwe. He is a holder of a BA Degree, BSc Honours Degree in Sociology and an MSc Degree in Sociology and Social Anthropology all from the University of Zimbabwe. His areas of research interests include rural and urban development, sociology of organisations, livelihoods, gender and ethics.

Selected Bibliography

- Abanuka, B. (1990). Ancestors and the idea of ultimate reality and meaning in the Igbo worldview. A further contribution to URAM Igbo studies. *Ultimate Reality and Meaning*, 5, 188-209.
- Abimbola, K. (2006). *Yoruba culture: A philosophical account*. Birmingham: Iroko Academic Publishers.
- Achebe, C. (1983). *The Trouble with Nigeria*. Enugu: Fourth Dimension Publishers.
- Achebe, C. (2008). *Things fall apart*. Essex: Pearson Education.
- Adegbola A. E. A. ed. (1998) *Traditional religion in West Africa*. Ibadan: Sefer.
- Advocates for Human Rights. (2014). *Malawi: 22nd Session of the Working Group on the Universal Periodic Review United Nations Human Rights Council*. Minneapolis & Montreuil: World Coalition Against the Death Penalty & The Advocates for Human Rights.
- African Commission for Human and Peoples' Rights. (2011). *Study on the question of the death penalty in Africa*. Banjul: Baobab Printers.
- Aja, E. (1997). Crime and punishment: An indigenous African experience. *The Journal of Value Inquiry*, 31, 353-368.
- Ajibola, J. O. (1977). *Owe Yoruba*. Ibadan: Oxford University Press.
- Amnesty International Global Report. (2015). *Death sentences and executions*. London: Amnesty International.
- Amnesty International. (2008). *Zimbabwe: A Trail of Violence after the Ballot*. London: Amnesty International Zimbabwe.
- Anyanwu, K. C. (1984). The meaning of ultimate reality in Igbo cultural experience. *Ultimate Reality and Meaning*, 7, 84-101.
- Asiegbu, M. F. (2005). Okere, Igbo names and African philosophy. In J. O. Oguejiofor & G. Onah (Eds.), *African Philosophy and the Hermeneutics of Culture: Essays in Honour of Theophilus Okere*. (pp. 210-229). Munster: Lit Verlag.
- Asiegbu, M. F. (2008). African philosophy: problems, debates, approaches, and challenges. *Flash: Journal of Philosophy and Religion*, 2 (1), 38-49.
- Asouzu, I. I. (2004). *The Method and Principles of Complementary Reflection: In and Beyond African Philosophy*. Calabar: University of Calabar Press.
- Aspenson, S. (2013). The rescue defence of capital punishment. *Ratio: (new series)*, XXVI, 91-105.
- Bae, S. (2005). The rights to life vs. the states ultimate sanction: abolition of capital punishment in South Africa. *The International*

- journal of human rights*, 9, 49-68. Retrieved from <http://www.tandfonline.com/loi/fjhr20.pdf>.
- Bedau, H. A. (1997). *The Death Penalty in America: Current Controversies*. New York: Oxford University Press.
- Bell, R. H. (2002). *Understanding African philosophy: a cross-cultural approach to classical and contemporary issues*. New York: Routledge.
- Benga, S. (2007). *The death penalty in Botswana hasty and Secretive Hangings: International Fact-finding Mission*. Gaborone: DITSHWANELO - The Botswana Centre for Human Rights.
- Bhengu, M. J. (1996). *Ubuntu: The Essence of Democracy*. Cape Town: Novalis Press.
- Bidinotto, R. J. (1998). Corporal Punishment is Moral. In M. E. Williams, *Capital Punishment* (pp. 18-24). San Diego: GreenHaven Press.
- Bolaji, I. (1962). *Olodunmare: God in Yoruba belief*. London: Longman.
- Bonthuys and Albertyn.C. (2007). *Gender, Law and Justice*. Cape Town: Juta and Co.
- Bowker, J. (1991). *The meaning of death*. Cambridge: Cambridge University.
- Broodryk, J. (2002). *Ubuntu: Life Lessons from Africa*. Tshwane: Ubuntu School of Philosophy.
- Bujo, B. (1997). *The Ethical Dimension of Community: The African Model and the Dialogue between North and South*, Cecilia Namulondo Nganda (trans.). Nairobi: Paulines Publications Africa.
- Bujo, B. (2003). *Foundations of an African ethic: Beyond the universal claims of Western morality*. (Trans.) Brian McNeil. Nairobi: Paulines Publications Africa.
- Camus, A. (1954). *Caligula and cross purpose*. Middlesex: Penguin Books.
- Chenwi, L. (2007). *Towards the Abolition of the Death Penalty in Africa*. Pretoria: PretoriaUniversity Law Press.
- Chimakonam, J. O. & Ogbonnaya, L. U. (2015). A conceptual and contextual meaning of “mmadu” in the Igbo reality scheme: Further contribution to uram Igbo studies. *Ultimate Reality and Meaning*, 34(3-4), 268-285.
- Chimakonam, J. O. (2015). The “demise” of philosophical universalism and the rise of conversational thinking in contemporary African philosophy: ana ekwu-ekwu, ana eme-eme. A Paper presented at The International African Philosophy Conference on the theme *African Philosophy: Past, Present and Future*, held at the University of the Witwatersrand, Johannesburg, South Africa, September 9-11.
- Chimakonam, J. O. (2015). Conversational philosophy as a new school of thought in African Philosophy: A conversation with Bruce Janz on the concept of “Philosophical Space”. *Confluence: Journal of World Philosophies*, 3, 9-40.

- Chimakonam, J. O. (2015). Reconciliation versus justice in F. U. Okafor's Igbo-African jurisprudence and its relevance to modern political theory: A critical reflection. A Paper presented at the 5th Intercultural Interdisciplinary Colloquium on the theme *Reconciliation and Justice* held at the University of Vienna, May 20-22.
- Chimakonam, J. O. (2016). *Ndubuisi* as an Imperative of Igbo Moral Paradigm: Interrogating the Morality of War from an African Perspective. Paper presented at a workshop on 'Just War Theory in African Context' held at the University of Johannesburg, South Africa from April 4-6. convened by Distinguished Professor Thaddeus Metz.
- Chimakonam, J. O. (2014). Interrogatory theory: patterns of social deconstruction, reconstruction and the conversational order in African philosophy". *Filosofia Theoretica: Journal of African Philosophy, Culture and Religions*, 3(1), 1–25.
- Chinyama, M. (2012). The Application of the Death Penalty Law in Zambia: What is the Justification? *Dissertation, Bachelor of Laws (LLB)*. Lusaka: University of Zambia.
- Clark, J. N. (2008). The three Rs: Retributive justice, restorative justice, and reconciliation, *Contemporary Justice Review*, 11 (4), 331–350.
- Clifford, W. (1964). The African View of Crime, *The British Journal of Criminology*, 4, 5:477-486.
<http://www.jstor.org/stable/23634731>.
Accessed: 22-01-2015.
- Costanzo, M. (1998). No: Capital Punishment is Not Ethical. In M. E. Williams, *Capital Punishment* (pp. 35-42). San Diego: GreenHaven Press.
- Crush, J. and Pendleton, W. (2004). *Regionalising Xenophobia? Citizen Attitudes to Immigration and Refugee Policy in Southern Africa*. Ontario: SAMP.
- Daly, K. (1999). Revisiting the Relationship between Retributive and Restorative Justice. *Restorative Justice and Civil Society Conference* (pp. 1-30). Canberra: Australian National University.
- Deacons of Paterson. (1998). Capital Punishment Undermines the Sacredness of Life. In m. E. Williams, *Capital Punishment* (pp. 50-53). San Diego: Greenhaven Press.
- Deng, F. (2004). Human Rights in the African context. In *A Companion to African Philosophy*. K. Wiredu, Ed. New York: Blackwell Publishing Ltd.
- Dieter, R. C. (2010). *The Death Penalty and Human Rights: U.S. Death Penalty and International Law*. Brussels: European Instrument for Democracy & Human Rights (EIDHR).
- Driberg, J. H. (1934). The African Conception of Law, *Journal of Comparative legislation and International Law*, Third series, 16 (4), 230-245.

- <http://www.jstor/stable/753856>.
Accessed: 18-11-2014.
- Duff R. A. (2001). *Punishment, communication and community*. Oxford: Oxford University Press.
- Edeh, E. (1985). *Towards Igbo Metaphysics*. Chicago: Loyola University Press.
- Ekei, J. C. (2001). *Justice in communalism: A foundation of ethics in African philosophy*. Lagos: Realm Communications.
- Emedolu, C. C. & Onuoha, O. J. (2007). *Concept of science as an ideology: silhouette of the anarchist*. Port Harcourt: University of Port Harcourt Press.
- Ezeani, E. (2005). *Philosophy as intelligent and pragmatic questioning*. London: Veritas Lumen Publishers.
- Feder, D. (1998). Capital Punishment is not Barbaric. In M. E. Williams, *Capital Punishment* (pp. 31-2). San Diego: Greenhaven Press.
- Fleming, C.J.W. (1977) 'Crime and Punishment in Northern Malawi', *The Society of Malawi Journal*, 30, 1:6-14.
<http://www.jstor/stable/29778372>.
Accessed: 18-11-2014.
- Freire, P. (1972). *Pedagogy of the Oppressed*. New York: Herder and Herder.
- Fuller, L. L. (1958). Positivism and fidelity to law: A reply to Professor Hart. *Law Review*, 71 (4), 630-672. Retrieved from *Harvard*
<http://www.jstor.or/stable/1338226>
- Gade, C. B. (2011). "The Historical Development of the Written Discourses on *Ubuntu*." *South African Journal of Philosophy*, 30 (3), pp. 303-329.
- Gallahue, P. A. (2012). *The Death Penalty for Drug Offences: Global Overview 2012: Tipping the Scales for Abolition*. London: International Harm Reduction Association.
- Gbadegesin, S. (1984). 'Destiny and the Ultimate reality of human existence: A Yoruba
- Gbadegesin, S. (1985). Can there be an adequate justification for capital punishment? In *Social justice and individual responsibility in the welfare state*, edited by Jan Broekman, 227-233. Stuttgart: Frans Steiner Verlag.
- Gelernter, D. (1998). Capital Punishment is Reasonable. In m. E. Williams, *Capital Punishment* (pp. 25-30). San Diego: Greenhaven Press.
- Gelfand, M. (1973). *The Genuine Shona: Survival Values of an African Culture*. Gweru: Mambo Press.
- Gilbert, M. J., and Settles, T.L. (2007). "The Next Step: The Indigenous Development of Neighbourhood Restorative/Community Justice." *Criminal Justice Review*, 32 (1), 5-25.
- Guest, G. (1963). *The March of Civilisation*. London: G. Bell and Sons Ltd.

- Gyekye, K. (1987). *An essay on African Philosophical thought: The African conceptual scheme I*. Cambridge: Cambridge University Press.
- Gyekye, K. (1996). *African Cultural values: an Introduction*. Accra: Sankofa Publishing Co.
- Haque, A. A. (2013). Retributivism: the right and the good. *Law and philosophy*, 32 (1), 59-82. DOI 10.1007/s10982-012-9155-0.
- Hinz, M. O. (2007). Traditional Governance and African Customary Law: Comparative Observations from a Namibian Perspective. *Conference Estado, Direito e Pluralismo Jurídico – perspectivas a partir do Sul Global* (pp. 59-87). Coimbra: Centro de Estudos Sociais of the University of Coimbra.
- Honderich T (2005). *Punishment: The supposed justifications revisited*. London: Pluto Press.
- Hudson, D. (1998). The State has a Right to Execute Violent Criminals. In M. E. Williams, *Capital Punishment*, (pp. 33-4). San Diego: Greenhaven Press.
- Human Rights Forum Zimbabwe. (2012). *The Death Penalty in Zimbabwe*. Harare: Human Rights Bulletin.
- Human Rights Watch. (1998). *'Prohibited Persons', Abuse of Undocumented Migrants, Asylum Seekers and Refugees in South Africa*. New York: Human Rights Watch.
- Ilogu, E. (1974). *Christianity and Ibo culture*. Leiden: E.J. Brill.
- Iroegbu, P. (1994). *Enwisdomization and African philosophy*. Owerri: International Universities Press.
- Isichei, E. (1976). *A history of the Igbo people*. London: Macmillan Press.
- Johnson, R. (1998). Execution is Inhuman. In M. E. Williams, *Capital Punishment* (pp. 42-49). San Diego: Greenhaven Press.
- Johnson, T. D. (2011). American capital punishment in comparative perspective. *Law and social inquiry: journal of the American bar foundation*, 36 (4), 1033-1061.
- Kant, I. (1965), *The Metaphysical Elements of Justice*, (trans. John Ladd) Bobbs-Merrill, Indianapolis.
- Keey, I. (2014). Ubuntu versus the Core Values of the South African Constitution. In: Leonhard Praeg and Siphokazi Magadla (Eds.). *Ubuntu: Curating the Archive*. Scottsville: University of KwaZulu Natal Press.
- Lacey, N. (2012). *State Punishment*. Routledge: New York.
- Leith-Ross, S. (1939). *African women*. London: Routledge and Kegan Paul.
- Londono, O. (2013). a retributive critique of racial bias and arbitrariness in capital punishment. *Journal of social philosophy*, 44(1), 95-105.
- Maja, I. (2014). The Death Penalty in Zimbabwe: Legal Ambiguities. In U. nations, *Moving from the Death Penalty: Arguments, Trends and Perspectives* (pp. 164-8). New York: United Nations.

- Mangena F (2012), *On Ubuntu and Retributive punishment in Korekore-Nyombwe culture: Emerging Ethical perspectives*. Harare: Best Practices Books.
- Mangena, F., and Mukova, M. (2010). "Shona Epistemology and Plato's Divided Line." *Journal of Pan African Studies*, 3 (9), pp. 64-77.
- Mangena, F. (2007). Natural Law Ethics, Hunhuism and the Concept of Retributive Justice Among the Korekore-Nyombwe people of Northern Zimbabwe: An Ethical Investigation. *DPhil Thesis*. Zimbabwe: University of Zimbabwe.
- Mangena, F. (2015). Restorative justice's deep roots in Africa. *South African Journal of Philosophy* 34(1), 1-12.
- Marzilli, A. (2008) *Capital Punishment: Point and Counter-point*. New York: Chelsea House.
- Mbiti J S (1969). *African religion and Philosophy*. London: Heinemann.
- Menkiti, I. (1984). Person and community in African traditional thought. In, R. Wright (Ed.), *African philosophy: An introduction*(pp. 171-181). Lanham: University Press of America.
- Menkiti, I. (2004). "On the normative conception of a person." In K. Wiredu (Ed.), *A companion to African philosophy* (pp. 324-331). Malden, MA: Blackwell Publishing.
- Metz, T. (2010). Human dignity, Capital punishment, and an African moral theory: Toward a new philosophy of human rights. *Journal of Human Rights*, 9(1), 81-99.
- Metz, T. (2011). African values and capital punishment." In G. Walmsley (Ed.), *African philosophy and the future of Africa*,(pp. 83-90). Washington DC: Council for Research in Values and Philosophy.
- Mogekwu, M. (2005). *African Union: Xenophobia as Poor Intercultural Information*. *Ecquid Novi* 26(1): 5-20.
- Momoh, C. S. (2000). Philosophy in African proverbs. In C. S. Momoh (Ed.), *The substance of African philosophy* (2nd ed., pp. 359-376). Auchi: African Philosophy Project.
- Mudimbe, V. (1988). *The Invention of Africa: Gnosis, Philosophy and the Order of Knowledge*. London: James Currey.
- Ndubuisi, F. N. (2009). Crime and punishment of an ancient African society. In A. F. Uduigwomen (Ed.), *From footmarks to landmarks on African philosophy* (2nd ed., pp. 187-98). Lagos: Obaroh and Ogbinaka Publishers.
- Novak, A. (2014). *The Death Penalty in Africa: Foundations and Future Prospects*. New York: Palgrave Macmillan.
- Nwala, T. U. (1985). *Igbo Philosophy*. Lagos: Lantern Books.
- Nweke, V. C. A. (2015). David A. Oyedola and the imperative to disambiguate the term "African philosopher": A conversation from the standpoint of the conversational school of philosophy (csp).

- Filosofia Theoretica: Journal of African Philosophy, Culture and Religions*, 4(2),94-99.
- Nwodo, S. C. (2004). *Philosophical perspective on Chinua Achebe*. Port Harcourt: University of Port Harcourt Press.
- Nwosu H N and Kalu O U (1982), "The study of African culture," In O U Kalu (ed) *Readings in African humanities: African cultural development* (pp13-14), 4th
- Nze, C. B. (1989). *Aspects of African communalism*. Onitsha: Veritas Publishers.
- Okafo, N. (2007). Law Enforcement in Postcolonial Africa: Interfacing Indigenous and English Policing in Nigeria. *International Police Executive Symposium Working Paper 7* (pp. 4-24). New York: IPES.
- Okafor, F. U. (1992). *Igbo Philosophy of Law*. Enugu: Fourth Dimension Publishing.
- Oke, Moses. "An indigenous Yorùbá (African) philosophical argument against Capital punishment". *QUEST: An African Journal of Philosophy / Revue Africaine de Philosophie* XXII, 2008. Pp.25-36
- Oladele, A. B. (2009). A philosophical defence of punishment in traditional African legal culture: The Yoruba example. *The Journal of pan African studies*, 3: 43-54.
- Onunwa, Udobata. 2011. Humanistic basis for African traditional religious theology and ethics: A challenge to the church in Nigeria. *Filosofia Theoretica: Journal of African philosophy, culture and religions*, 1(1), 39-61.
- Oputa, C. (1975). Crime and the Nigerian society. In T. O. Elias, S. N. Nwbara & C. O. Akpamgbo *African Indigenous Laws* (pp. 1-30). Enugu: The Government Printer.
- Oraegbunam, I. K. E. (2009). The principles and practice of justice in traditional Igbo jurisprudence. *Ogirisi: A new journal of African studies*, 6, 53-85.
- Oraegbunam, I. K. E. (2010). Crime and punishment in Igbo customary law: The challenge of Nigerian criminal jurisprudence. *Ogirisi: A new journal of African studies*, 7, 1-31.
- Oruka, O. (1997). *Practical Philosophy: In Search of an Ethical Minimum*. Nairobi: East African Educational Publishers Ltd.
- Otakpo, N. (2009). *Justice in Igbo culture*. Lagos: Malthouse Press, Ltd.
- Ottenberg, S. (1959). The changing economic position of women among the Afikpo Ibo. In W. Bascom & M. J. Harskovits (Eds.), *Continuity and Change in African Cultures*. Chicago: University of Chicago Press.
- Owoade, M. A. (1988). Capital punishment: Philosophical issues and contemporary problems in Nigeria. *Second Order (New Series)*, 1, 41-61.
- Pojman, L. (2004). Why the Death Penalty is Morally Permissible. In H. A. Bedau, *Debating the Death penalty: Should America Have*

- Capital Punishment: The Experts on Both Sides Make Their Case* (pp. 230-241). New York: Oxford University Press.
- Pojman, L. 1969. *A Defence of the Death Penalty*. In: J, Rachels and S, Rachels. *The Right Thing to do: Basic Readings in Moral Philosophy*. Boston: McGraw Hill Pub Press
- Ramose, M.B. (2002). *African Philosophy through Ubuntu*. Harare: Mond Books
- Robinson. (2011). Is Capital Punishment Just? Assessing the Death Penalty Using Justice Theory. *Journal of Theoretical and Philosophical Criminology*. 3 (2) pp 27-66.
- Toth, J. Z. (2013). the capital punishment controversy in Hungary: fragment on the issues of deterrent effect and wrongful convictions. *European journal of crime, criminal law and criminal justice*, 21, 37-58. Doi:10.1163/15718174-20190003.
- Uche, O. O. C.& Udezo, B. O. S. (2011). Implications of capital punishment in the Nigerian society. *African research review*, 5(4), 423-438.
- Uchendu, V. C. (1965). *The Igbo of south-eastern Nigeria*. London: Holt, Richard and Winston.
- Uzukwu, E. (1982). Igboworld and ultimate reality and meaning. *Ultimate Reality and Meaning*, 5(3), 188-209.
- Williams, M.E. (2000) *Capital Punishment*. San Diego: Green house Press Inc.
- Wiredu, K. (1980) *Philosophy and an African culture*. Cambridge: Cambridge University Press.
- Wright, V. (2010). *Deterrence in Criminal Justice: evaluating certainty vs severity of Punishment*. Washington: The Sentencing Project.

Index

A

abolished, 65
abolitionist, 99, 101
abolitionists, 30, 31, 199, 217
academia, 97, 99, 100, 101
academics, 169
Achebe, 54, 57, 229
ACHPR, 39, 42, 43, 44, 45
adulterers, 181
adultery, 176, 179, 180, 181, 182
Africa, 31, 32, 35, 39, 40, 41, 42, 43, 44, 48, 49, 55, 57, 58, 59, 229, 230, 234
African, 5, 7, 30, 31, 32, 33, 35, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 55, 56, 57, 58, 59, 60, 229, 230, 231, 232, 233, 234, 235, 236
African brotherhood, 211, 214, 215, 221
African community, 178
African culture, 61, 70, 75, 81, 99, 104
African law, 97, 111
African metaphysics, 221
Africana womanism., 201
Africanness, 110
amakwerekwere, 211
Amnesty International, 98, 101, 114, 176, 191, 192, 229
ancestors, 167
annihilate, 75, 81
anti-death penalty, 161, 164
Apartheid, 212
appeasement, 104
appropriate verdict, 168
Asouzu, 56, 57
attributions, 66

B

backward looking, 3, 144
barbaric, 61, 68, 69, 75, 79
Brigham, 161
Bujo, 35, 37, 57, 230

C

capital offence, 197
capital punishment, 61, 65, 66, 67, 69, 70, 80, 197, 198
Capital punishment, 45, 59, 235
collectivism, 168
Chenwi, 39, 40, 41, 42, 44, 57
Chimakonam, 30, 32, 34, 50, 53, 57, 230, 231
chivanhu jurisprudence, 171
chivanhu justice., 5, 163, 169
chivanhulisintu, 163
Christian community, 97, 98, 113
Church denominations, 98
clergymen, 98, 110
collective humanity, 81
communitarian, 46, 47, 49, 50, 55, 56
community, 205, 206
compensation, 103, 111, 112, 146, 148, 157, 158
conditional curse, 107
constituencies, 102
constitution, 100, 102, 104, 113
contrary, 61, 70, 75, 81
crime, 67, 68, 70, 75, 77, 78, 79, 80, 81, 143, 145, 147, 149, 153, 155, 156, 158
crimes, 98, 102, 103
criminal justice, 170, 171
criminals, 61, 69, 75, 77, 79, 80, 81, 198, 200

cultural heritage, 163, 168
 culture, 175, 178, 181, 182,
 186

D

death, 61, 62, 63, 64, 65, 66,
 67, 68, 69, 70, 71, 72, 74,
 75, 76, 77, 78, 79, 80, 81,
 82, 83, 84, 230
 death penalty, 4, 5, 61, 65, 66,
 67, 68, 69, 70, 71, 72, 75,
 76, 77, 78, 79, 80, 81, 82,
 83, 84, 161, 163, 164, 165,
 166, 168, 170, 171, 175,
 176, 177, 178, 179, 180,
 182, 184, 185, 188, 190,
 191, 192, 197, 198, 199,
 200, 201, 202, 203, 204,
 205, 206, 209, 216, 230
 Declaration of Rights, 100
 definition, 144, 145, 146, 147,
 148, 158
 deliberation, 202, 203
 delinquent, 149
 deprivation or distress, 144,
 145
 deterrence, 199
 deterrence claim, 220
 discourses, 98
 disempowers, 203

E

electrocution, 67
 ethical norm, 70
 executed, 65, 68, 78, 80, 143,
 149
 execution, 61, 65, 67, 77, 78,
 80
 executions, 101, 180
 extinction, 63

F

familyhood, 168
feminism, 200, 201
 final judgement, 100, 201
 forward-looking, 3, 144, 154
 freedom, 72, 73

G

gender, 200, 201, 202, 203,
 205
 genderization, 197, 204
 God, 99, 106, 107, 108, 114
group acts theory, 105, 113
 Gyekye, 35, 55, 58, 60

H

hanging, 65, 67
 harmony, 206, 208
 heinous, 61, 68, 77
 honours, 68, 69, 70
 human life, 63, 64, 66, 68, 81
hunhu, 185, 188
hunhu/ubuntu, 163, 197, 205,
 206

I

Igbo, 5, 31, 32, 33, 34, 35, 36,
 37, 38, 39, 40, 41, 44, 46,
 49, 50, 51, 52, 53, 54, 55,
 56, 57, 58, 59, 229, 230,
 231, 232, 234, 235, 236
 Igbo culture, 62, 71, 72
 Igbo names, 6, 76
 indigenous African cultures,
 166
 indigenous Shona people, 5,
 163
 individual responsibility, 167
 inhumane, 62
 innocent, 147, 151
 Institutions, 146
 intent, 145, 147
 invisible beings, 167
ishe/mambo, 168

J

juju, 175, 181, 182
 justice, 69, 71, 77, 78, 81
 justification of punishment,
 144, 153
 justified, 66

K

kidnapping, 176
 knowledge, 170
Korekore-Nyombwe culture,
 165
kuripa ngozi, 180
kurova guva, 157
kuuraya munhu, 161, 166

L

lawyers, 147
 legal practice, 170
 Legislature, 101
 legitimate, 70
lex talionis, 165, 171
 life, 61, 62, 63, 64, 66, 68, 69,
 71, 72, 73, 74, 75, 76, 77,
 80, 81
 living, 164, 165, 167

M

Masolo, 35, 58
 Mbiti, 35, 58
 men, 201, 202, 203, 204, 205
 Menkiti, 35, 58, 234
 Metz, 32, 39, 45, 46, 47, 48,
 49, 50, 52, 55, 56, 58, 234
 Metzian, 49, 55, 56
mmadu, 34, 39, 50, 51, 52, 55
 moral blame, 198
 moral salinization.', 221
 morality, 61, 98, 103
 morally, 61, 75, 78
 Mosaic Law, 109
mukadzi wengozi, 157
 murder, 61, 66, 69, 77, 78, 81,
 161, 165, 166, 168, 170,
 171, 176, 178, 180, 183,
 184, 186, 189, 190, 197,
 198, 199, 201, 202, 203,
 204, 205, 206, 209
 murderer, 69, 77, 79, 81, 183,
 185, 190
 murders, 98
muripo, 157
My Zimbabwe, 204, 209

N

n'anga, 169
n'anga/sangoma, 182
 narratives of return, 169
ndu, 73, 74, 77, 81
Ndubuisi, 33, 34, 37, 39, 58,
 76, 234
Ndukaku, 6, 76
Ndukauba, 6, 77
 New Testament, 108, 115
Newsday, 204, 209
ngozi, 108, 111, 112, 156, 157,
 162, 167, 168, 169, 171,
 172, 175, 180, 182, 183,
 184, 185, 186, 188, 189,
 190, 191, 220
 Nigerian perspective, 62, 71
 Nwala, 33, 34, 39, 51, 58, 234
 Nze, 51, 53, 55, 59, 235

O

offence, 65, 67
 offender, 143, 144, 145, 146,
 147, 148, 149, 150, 153,
 154, 156, 157, 158
 offenders, 65, 70, 77, 78, 79
 Okafor, 37, 38, 39, 51, 52, 57,
 59, 231, 235
 Oke, 32, 39, 45, 46, 48, 49, 59
 Okere, 31, 33, 34, 57, 59, 229
 onomastics, 76
 oppose, 80
 Oputa, 36, 37, 38, 59, 235
 Oraegbunam, 36, 38, 39, 59,
 235
Osu, 51

P

patriarchal structures, 202
 pay reparations, 189
 paying reparation, 168
 penal code, 61, 75, 76, 79
 penal codes, 62
 pentateuchal, 108
 Pentecostal Churches, 190
 permit, 65
 philosophers, 208

philosophical thought, 104
 political freedoms, 151
 political leaders, 169
 political repression, 200
 pre-colonial times, 170
 pre-meditation, 202, 203
 primeval history, 98
 punishment, 143, 144, 145,
 146, 147, 148, 149, 150,
 151, 153, 154, 155, 156,
 157, 158, 159, 161, 164,
 165, 166, 168, 171, 197,
 198, 199, 200, 209, 234

R

rehabilitate, 75, 81
 reintegrative process, 206
 repudiated, 61, 62, 75, 76
 repudiation, 199
 restoration, 220
 restorative Justice, 205
 retentionists, 30, 41, 197, 198,
 199
 retribution, 99, 104, 112
 retributive and utilitarian,
 148
 retributive justice, 5, 107,
 163, 165, 166, 168, 171,
 198, 206
 Retributive theories, 153
 rite, 63
 Robert Mugabe, 212
 Rukawu, 181
runyoka, 175, 181, 182, 188,
 191

S

Shona culture, 197
 Shona metaphysics, 167
 Shona people, 162, 163, 165,
 166, 168, 170
 Shona worldview, 157, 158
 shooting, 65, 67
 social benefit, 150
 social transformations, 169
 spirit, 103, 104, 108, 110, 111,
 112
 stoning, 66

support, 70, 76, 78, 80, 82

T

terminus, 63
The Herald, 204, 209
 The New Zimbabwe
 Constitution, 201, 209
 togetherness, 208
 traditional, 175, 178, 179,
 180, 181, 182, 187, 189, 191
 traditional leaders, 97, 99,
 103, 110, 113
 traditions and taboos, 155

U

Ubuntu, 205, 206, 209, 218
 Uchendu, 37, 59, 236
ulunyoka, 181, 182
umhondi, 166
 utilitarianism, 154, 155
 Uzukwu, 33, 34, 59, 236

V

vadzimu, 167
vanhu/abantu, 163
 victims, 143

W

Western jurisprudence, 165,
 171
 Wiredu, 35, 60
 wisdom-byte, 31, 50
 witchcraft, 176, 177, 179, 180,
 182
 witchdoctor, 169
 witches or wizards, 180
 women, 5, 197, 200, 201, 202,
 203, 204, 205
 workshops, 98, 99
 worth, 61, 70, 77, 81
 wrongdoers, 148

X

xenophobia, 213

Xenophobic Culture, 212
Xenophobic violence, 214

Y

Yoruba, 45, 59, 235

Z

ZANU PF, 102, 112
Zwelintini, 219