



MU-TAJOP



Vol. 1 No. 2

March, 2022

**Madonna University**  
**Thought and Action**  
**Journal of Philosophy**

*...liberating the world with reasoning*

*A publication of Department of Philosophy Madonna University, Nigeria*  
thoughtandactiontajp@gmail.com

**A Philosophical  
Reflection on  
Punishment in  
Nigeria**

*Abraham  
Apereseimokomo  
Alfred*

Department Of Philosophy,  
University of Loagos, Nigeria

# A Philosophical Reflection on Punishment in Nigeria

*Abraham Apereseimokomo Alfred*

Department Of Philosophy,  
University Of Lagos, Nigeria

## **Abstract**

The administration of the criminal justice system in Nigeria is statutorily under the control of the three agents of the justice system, namely: the police, prison and court. Suffice to say, the inhuman treatment of inmates in Nigerian prisons calls for concern. As a matter of fact, the reason for punishing a criminal via the award of punishment, as prescribed by the constitution, is for the said criminal to be rehabilitated morally, psychologically while building capacity in skills acquisition and accessibility to educational development. This is intended with a view to reforming the criminal to turn over a new leaf for subsequent reintegration into the society. However, the intention of sending offenders to prison in Nigeria is solely corrective but in practice it is punitive. This is because the condition inmates are said to be passing through, upon incarceration, is life threatening, denigrating and dehumanizing. Starvation, cruelty, poor health care delivery system, overcrowding and sharp moral practices are commonplace in Nigerian prisons. The condition, there, is harrowing, precarious, excruciating and terrifying. It is in view of the foregoing that punishment becomes a crime against the criminal. The research recommends an all-inclusive moral responsibility of agents of the penal policy to the core values of the prison reform system with a view to restoring the lost dignity of criminals during their legal trial processes and upon final incarceration at the Nigerian prisons.

**Key Words:** Crime, deterrence, justice, prison, punishment.

## **Introduction**

The fundamental question raised is why punishment for crime? The moral question raised has been able to give the researcher the impetus to investigate criminal punishment in Nigeria. The reason of this research would not have been necessary, if the procedures enshrined in the constitution for punishment were religiously followed in order to achieve the set goal of criminal deterrence. Suppose the aim behind the reason people were being punished was morally justifiable, then there would have been no need for this venture of questioning the basis and foundation of punishment. It is when the right thing is not done that moral questions are raised. This is the beauty of ethics as one of the four major branches of philosophy. Ethics, as a moral enterprise, helps the researcher to

raise moral questions. These raised moral questions will help in identifying the basic moral problems and issues. Consequently, thesis statements or solution statements will be evolved along the line to help address the said moral challenge. The task of this paper is: a philosophical reflection on punishment in Nigeria. The need for a philosophical reflection on punishment in Nigeria is because the process of punishment, particularly in Nigerian prisons leaves so much to be desired. This is the reason for this research. The moment the purpose of punishing a criminal is not achieved, punishment is deemed not deserving. Punishment becomes a crime against the criminal. This is because, in the real sense of it, the reason for the award of punishment is for deterrence and also to prevent such crime from being committed in future. If this goal of punishing a criminal is not achieved, this moral question, “why punishment for crime” becomes a subsisting paradigm in research.

According to Akinola Aguda (1994), there is a great deal of punishment going on in the world, parents punish their children, teachers punish pupils, companies punish (or “discipline”) their employees, society punish criminals, etc. Often punishment can only be administered if those wishing to impose it are stronger in one sense or another than those being punished (p.212). It is clear, for instance, that if the police were not stronger than criminals it would not be possible in practice to get the latter to agree to go to jail on their own volition. But granted that force is often necessary for it is to be possible to inflict punishment, the question we will address on this note is whether that punishment is rationally justifiable or a mere exercise of brute force (p.212). In other words, we must try to discover whether there is any difference between the state which jails or kills a criminal and the bully who terrorizes those who are weaker than him (p. 212). Most people agree that there is indeed an indifference between the state which jails or kills a criminal and the bully who terrorizes those who are weaker than him. But there is less agreement when it comes to specifying what is it exactly that justifies the state in punishing criminals. Several theories of “punishment” have been proposed to solve the problem (p.212). That of *retribution* emphasizes the idea of just deserts; according to it punishment of criminals would be justified because they have deserved it by their actions. The *reformation* theory justifies punishment as a way of bringing about a change in the character and behavior of the offender which will make him a better citizen in the future. The deterrence theory has two main varieties. *Individual deterrence* lays emphasis on placing the criminal himself in a position such that he will not be able to practice crime (e.g. while a burglar is in jail he cannot commit other burglaries). *General deterrence* justifies the punishment of criminals by pointing out that this punishment discourages the criminal himself as well as others from engaging in criminal behavior (p.212).

Aguda (1994) argues further that whatever principles of justification of punishment are accepted will also *limit* and *regulate* the application. Thus, if one were to believe that the only rational justification of punishment is its effects of reforming the criminal, then it would follow that the use of death penalty should be discontinued, obviously, killing someone does not reform him. A believer in the reformation theory of punishment would also be guided by this theory in designing penal institutions. For instance, he would try to create a relatively comfortable environment in prisons for most educators have come to believe that that type of environment is more conducive to effective learning (p.213). Different theories of punishment have different implications for the way in which punishment should be applied, and the guidelines which can be inferred from alternative theories often conflict among themselves. For instance, imprisonment may be useful as a deterrent, but it is clear that it is usually rather ineffective as a means of reforming criminals, in

fact prisons are often spoken of as “schools of crime”. Also, “if criminals are sent to prison in order to be transformed into good citizens by physical, intellectual and moral training, prisons must be transformed into dwelling houses far too comfortable to serve as any effectual deterrent to those classes from which criminals are chiefly drawn (p.213). What then is punishment? Azenabor (2006) maintains further that Prof. J. Rawls offers us the various definitions of punishment: A person is said to suffer punishment whenever he is legally deprived of the normal rights of a citizen on the ground that he has violated a rule of law, the violation having been established by a trial according to the due process of law, provided that the deprivation is carried out by the recognized legal authorities of the state, that the rule of law clearly specified both the offence and the attached penalty, that the courts construe statutes strictly, and that the statute was on the book prior to the time of the offence (p.125). The significance of this definition of punishment is technical. The fact is that you were said to commit an act in 2018 and as at then, such an act was not yet construed in the statute book as a crime. Then, in 2020, that act committed by you earlier on has become a crime, you cannot be arrested and tried. The reason is that such an act as at 2018 has not been criminalised by an enabling law. Law is not retrospective or backward looking. Punishment is a legitimate institution necessary for the regulation of social intercourse and for the maintenance of individual rights of the citizens. Generally, punishment is discussed in terms of six elements, that is, the nature of punishment is such that it must involve the following: pain or suffering, or harm or deprivation, administered for an offence against the law, administered to someone who has been judged guilty of an offence by a competent body or court of jurisdiction, imposed by someone other than the offender, imposed by a rightful authority and unpleasantness (p.127).

Azenabor (2006) clears the air as he concludes that the above nature, elements or characteristics of punishment are legitimate and intended to rule out arbitrary infliction of harm and to insist that punishment is for offenders for offence committed. But whether or not a punishment is commensurate to an offence, whether it is fair or equitable are very important moral and legal questions. Punishment, has to at least, is supposed to vary in severity according to the seriousness of the crimes committed by offenders (p.127). In the words of Omoregbe (1993), we now come to the question of *punishment*. Why is a person punished? What is the purpose and justification of punishment? Basically, there are two theories about the purpose and justification of punishment, namely, the retributive and the utilitarian theory. The retributive theory claims that there is a moral order which is part of the frame work of the world. When a crime is committed the balance of this moral order is upset, but it is put right again by an appropriate punishment i.e., that is the punishment that fits the crime. When this is done (i.e., when the balance of the moral order is put right again by an appropriate punishment) justice is restored. Justice demands that the moral order which has been upset by a crime be put right by an appropriate punishment (p.116). In view of the moral question for the justification of punishment, we shall discuss three schools of punishment. They are namely: utilitarian, deterrent and retributive justifications of punishment. Thereafter, we shall analyse the inadequacies of these theories for not being able to give a deserving punishment. This, consequently, makes punishment a crime against the criminal.

### **The Utilitarian Justification of Punishment**

Both utilitarian and rehabilitative justifications are not the same. Bentham was actually a reformist and a utilitarian but his theory of punishment would not be described as rehabilitative in the strict sense of rehabilitative theory. For Bentham, punishment is a necessary evil, which can only be

tolerated because of its tendency to prevent a greater evil. Rehabilitation may be a derivative for Bentham's utilitarianism, but certainly not the core. Quoting Azenabor (2006), the utilitarian views of punishment are premised on the grounds that: Mankind is dominated and motivated by the influence of pain and pleasure. We should be concerned with increasing or maximizing pleasure and diminishing or minimizing pains in order to enhance human happiness. "The essence of utilitarianism as a philosophy is that it lays stress upon the *effect* (or consequence) which an action has. If an action produces an excess of beneficial effects over harmful ones, then it is right; otherwise it is not (p. 128). So, the justification offered by utilitarianism for punishment is in terms of the deterred effect on potential offenders and its reformation on actual offenders. The punishment of offenders, in this case, is said to be for their own good as well as the wellbeing of the society (p.128). So, utilitarianism sees the "principle of utility as providing the sole basis for morality, moral judgment and valuation"(p.128).

### **Objections to Utilitarian Justification**

An objection to utilitarianism is that it violates our everyday beliefs and judgment. Frequently, we think an action can be properly evaluated based on the *motives* from which they are done rather than the *effects*. The consequence of utilitarian position is that we may now have a world – a repugnant world -- in which everybody acting from an evil motive with a desirable effect would be tagged good. This does not appeal to common sense! So the theory if pushed to the extreme has unpleasant implication for moral judgement (p.129).

Furthermore, it has been pointed out that no one can know for certain in order to assess adequately all the consequences of his actions. Moreover, the pleasures and pains of people are different and how do we strike a balance? The principle of utility is said to be unworthy because it uses the satisfaction of human desires on the aim of morality, forgetting that some pleasures are gross while others are ennobling (p.129). Utilitarianism is mistaken in its facts. In the first place, deterrence value of the threat of punishment, which it is talking about, is much less than is imagined. Criminals are seldom deterred by spending time in prisons. In fact, there are always people who cannot be deterred or reformed. Indeed it has been reasonably claimed that punishment could have a hardening effect (p.129). Again when the rest of the society is protected from the criminal, what about the fellow inmates and the prison guard? Furthermore, what about punishing the innocent people? (p.129). Another criticism of utilitarian justification of punishment is that utilitarianism tends to concentrate on deterrence, turning away from the actual criminal act. There are criminal acts that cannot be deterred like psychopath whose sense of deliberation does not play any part in what is done. Criminals of this sort are simply incapable of self-control. If such criminals who lack such self-control are punished for their offence with the aim of deterring their potential criminal ability, then such aim would be unrealizable and morally objectionable. Hence the utilitarian view is unsatisfactory (p.129).

The point, simply put, is that some punishments can amount to crime against the criminal when they are not deserved. This is precisely why F.H. Bradley asserts that "punishment is punishment when only it is deserved", punishment for any other reason is a "crying injustice" (p.129). Furthermore, utilitarianism has been criticized for its assumptive position rather than proof that man deserves pleasure, and that this desire is the main motive for performing or avoiding an action (p.129). Aguda (1994) opines that the present mood of disappointment

about rehabilitation of prisoners should be put into perspective. In great pleasure, it is a consequence of having entertained excessive expectation in the past. The experience to date is that to aspire to rehabilitate all criminals indiscriminately, irrespective of whether or not they themselves want to be rehabilitated, is highly unrealistic. But experience has shown that although no reform programme has proved generally effective, many programmes have achieved good, though limited results with specific types of offenders, especially when the offenders themselves have a positive interest in their own rehabilitation (p. 216). Pure reformists often try to posit their position by pointing on many studies, which show that there is a great incidence of pathological conditions among convicted criminals. While this is true, the point should not be exaggerated. It is definitely not true that all criminals are mentally sick in one way or another. Many crimes are committed by people who, as far as any existing tests can detect, are perfectly healthy in mind and body and are simply trying to make a fast profit. Some crimes are even committed out of high- minded motives (e.g cases of conscious objection or political interest) (p.216). In other words, even if we did not call this “treatment” punishment, in practice it would still be compulsory for the person undergoing it, it would deprive him of his freedom for an indefinite period, it would be unpleasant, and it would assault the inner recesses of his personality and conviction. In substance this would still be as much punishment as any traditional term of imprisonment, the only differences being that it would be potentially more severe, that it would be unrelated in severity to the seriousness of the offences committed, and that it would deprive the prisoner or many more, and more importantly, human rights (p.217).

### **Deterrence Theory**

We have already pointed out that there are two major types of deterrence. Punishment may inhibit criminal activity by disabling the criminal. The death penalty, for instance, makes it impossible for a criminal to commit any more crimes; similarly, while a criminal is in prison he is prevented from committing many offences; a reckless driver whose driver licence is suspended for a period is hindered from committing similar driving offences; etc (Aguda, 1994, p.214). Punishment may also deter other people from committing crimes by making them realize that they risk suffering the same fate, if they engage in similar behavior. In the classical expression of Locke, it tells them that crime is “an ill bargain to the offender” (p.214).

Almost everybody will welcome the deterrent effects of punishment. To this extent, practically, all theories contain a deterrent element. But some people have gone further and, thinking that retribution was too “philosophical,” have tried to justify punishment *solely* on the basis of deterrence consideration. These exclusively deterrence theories of punishment will be criticized here (p.214). Perhaps the best way of appreciating why deterrence as an *exclusively justifying principle* of punishment is not acceptable is to consider what a criminal system designed by taking into account exclusively the demands of that principle would look like (p.214). If our only objective were to deter criminals, we would probably use far more severe penalties than we do. It is perfectly possible that prolonged torture of armed robbers could have a significant effect of reducing armed robbery. And six months imprisonment for breaking speed limits would likely reduce dramatically the inclination of drivers to over speed (p.214). Still another way of increasing the deterrence value of punishment would be to extend it to the offender’s family, as quite a legal systems have done in the past (p.214).

Besides, a penalty can have the same desired deterrent effect even if inflicted on an innocent party. People will be equally deterred provided that they can be made to believe that the punished was the criminal. Therefore, if an exemplary punishment was urgently required to dissuade potential criminals, and we were able to find a real criminal, we should have no qualms in fabricating evidence against an innocent person in order to punish him assuming, that is, that deterrence were our exclusive objective (p.214). Again, if deterrence were the only relevant consideration, we would be well advised not to accept any defences like insanity, provocation or accident. The existence of these “mental defences” weakens the deterrent effect of criminal law for it encourages criminals to hope that they will be able to fake insanity if they are caught or they will be able to plead successfully that the offence was committed accidentally (pp.214-215).

Finally, if we were exclusively interested in deterrence, it would be that we would be ill- advised to wait until a person commits a crime before jailing him. Probably, a more complete prevention of criminal offences could be achieved by a policy of systematic preventing jailing of people that we know- on a statistical basis- have a high probability of committing crime. For instance, we could jail all male school drop outs in the age bracket 15-20 who live in a slum of a big city and whose parents are divorced (p.215).

### **The Retributive Justification of Punishment**

Retribution refers to punishment given in return for some wrong doings. “This view of punishment holds the view that we should punish simply because they deserve it.... Offenders are made to suffer in kind for the harm they have caused others” (Azenabor, 2006 p.130). So, here punishment is like vengeance or revenge. The retributive position is exemplified in Kant. The retributive theory of punishment is based on the idea that the offender has to suffer in proportion to his wickedness. Psychologically, suffering on the part of the criminal may be some comfort to the victim. In punishment, the criminal is made to take responsibility for his actions. The point here is that punishment balances the scale of justice (p. 130). This is precisely why punishment is made to fit the criminal. Punishment in retribution, attempts to restore to restore the proper balance between those who obey the law and those who disobey. This is injustice, according to the proponents of this theory (p.130). Another aspect which retributive theory is seen as an aspect of justice is treating equal equally and unequal unequally (p.130).

### **Objections to Retributive Justification**

Retribution, as a theory, is backward looking. It is cruel and vengeful and in line with the Biblical dictum of “an eye for an eye”. To punish a man because he deserves it is revenge. To such charges, however, the retribution theorists reply that they only treat man as a responsible agent, giving him a chance to atone for his crime by suffering (p.130). Far from being cruel, retribution is said to be the offender’s right: the only method for punishment is retributive sentence, which is proportional and reciprocal to the offence (p.130). However, we note two difficulties in the retributive theory that may also make punishment against the criminal.

- i. How to make punishment equal to crime;
- ii. How to distinguish punishment from revenge (p.130).

The above justification theories for punishment avoid the fundamental question of what the criminal really deserves. Does the criminal really deserve to be punished the way it has been presented? There is the question of the freedom of will (p.132). A final moral question, in the idea of crime and punishment, is the question of freedom and determinism. The idea of punishment comes about against the view that human actions are free and that man is capable of controlling or

modifying his action (p.132). So, an important feature concerning punishment is that, it is related to the offender's freedom and choice. Punishment cannot be justified, if there has been no real responsibility of freedom and choice that goes with the idea of moral responsibility (p.132).

In view of the foregoing, the work has discussed the theories of punishment in line with their justifications of punishment. These are the utilitarian or rehabilitative school, the deterrent and retributive schools. Their works have been fraught with objections. This means that the arguments advanced as to the justification of punishment for crime are inadequate. Omoregbe (1993) captures aptly that none of these theories, taken alone, is adequate; they are complementary and we have to combine elements from each of them in our system of punishment. Punishment should, in fact, aim at *helping* the criminal by reforming him. A prisoner should leave the prison a *reformed* man, ready to start life anew. But on the other hand, punishment should also have a deterrent effect of keeping would-be criminals away from crime. If there were no punishment, there will be more criminals. Punishment deters many would-be criminals and prevent them from committing crime (p.117). We must however add an element of retributive theory and emphasize that punishment must be *deserved*, and not more than is deserved, otherwise, it would be unjust. Under no circumstances should an innocent person be punished even if something good would result from it. To punish an innocent in order to produce good results is never justified. A good end does not justify an evil means (p.117).

The reason for this exposition of the indigenous paradigm of punishment lends credence to the fact that punishment is not alien to us as a people. Ndubuisi *et al* (2005), justifies the indigenous idea of punishment in his work on *The Ethical Foundation of Crime and Punishment in Uzuakoli Ancient Community*. He argues that this ancient Igbo Community represents an epitome of traditional values, which include those it values and cherishes and those it condemns ( Ndubuisi *et al* : 98). To assert this position further, Ndubuisi avers that the issues as to what constitutes crimes and punishment in Uzuakoli Community that represents a substantial part of Bende Local Government Area in Abia State, Nigeria is a crucial one (p.88). This becomes necessary when it is known that crime is a devastating threat to any society. To some communities, crimes have economic and political undertones, while to others they have, in addition, ontological basis (p.99). Punishment poses similar problems. This is not basically on whom to punish (for it is definitely the criminals) but rather on the weight of punishment and what punishment should aim at (p.100). It should be noted that the purpose of all these expositions is necessary to drive the topic of this paper: a philosophical reflection on punishment in Nigeria. The phrase "punishment for crime" is a moral investigation into the award of punishment in Nigeria, in which punishment was said to have failed to achieve its intended goal of deterrence and also preventing crime to repeat itself in future. It is in the light of this illuminating exposition, we shall proceed to digging deep into the Nigerian administration of the criminal justice system while bringing to the front burner how punishment through the award of prison sentences for crimes has left convicts unreformed, as some inmates have reportedly left prison hardened.

At this juncture, it may interest us to define the word 'prison'. What is prison? Bullon (2003), in *Longman Dictionary of Contemporary English*, defines prison as a building where people are kept as a punishment for crime or while they are waiting to go to court for their trial (p.1302). For Opafunso *et al* (2016), prisons are public institutions established by government for the rehabilitation and reformation of individual offenders who are in breach of the law. Prison is



viewed as a physical structure within a specific geographical location which affords a unique kind of social environment that is different from the larger society where people live according to specialized conditions (p.1). He goes further to assert that all over the world, prisons are established to serve as rehabilitation and reformatory institutions with the ultimate goal of re-orientating and reforming inmates, so that they could come out as useful members of society. This institution was established to support criminal justice system in which criminal offenders are confined pending when final conviction decision is taken to determine the guilt or innocence of the accused person. Subsequently, incarceration in the event of being found guilty is implemented. People who have been charged or convicted of one criminal offence or more are expected to get re-oriented and become better to live in the society when they leave prison (p.2).

In the operations of Nigerian prisons, CAP 366 Laws of the Federation of Nigeria 1990, the Act charges the prisons, among other things to perform the following responsibilities:

- To take into lawful custody all those certified to be so kept by courts of competent jurisdiction;
- To produce suspects in courts as at when due;
- To identify the causes of anti-social behavior;
- To set in motion mechanisms for their treatment;
- To train inmates for eventual reintegration into society as normal law abiding citizens on discharge;
- To administer prisons farms and industries for this purpose; and in the process generate revenue for the government (p.2).

The philosophy of the Nigerian Prison Service is that treatment and rehabilitation of offenders can be achieved through carefully designed and well-articulated administrative, reformatory and rehabilitative programs aimed at inculcating discipline, respect for law and order, and regard for the dignity of honest labor (p.2). According to Njoku, as Opafunso (2016) aptly puts, the Kirikiri Maximum Security Prison in Lagos, is overcrowded by 250 percent. The prison, which was built for 956 inmates, is today occupied by over 2,600 inmates of which majority of the inmates awaiting trial. Amnesty International also exposed the appalling state of Nigeria's prison system. The report revealed how at least 65 percent of Nigeria's inmates have never been convicted of any crime, with some awaiting trial for up to ten years. In addition, the report discovered that most prisoners are too poor to afford a lawyer and how the appalling prison conditions have serious damaging effect on the mental and physical health of the inmates. According to the National Assembly Legislative Digest, overcrowded prisons inexorably lead to inmates being exposed to improper health conditions that result in the spread of epidemics likely to cause death such as tuberculosis, HIV/AIDS and diabetes (p.3).

There are shortage of bed spaces and only half of the inmates sleep on bed. Disease is widespread, cells are unclean and offer little ventilation resulting in unhealthy and dangerous sanitary condition (Yelodu, 1991). Prison and detention conditions remain harsh and life threatening. Prison inmates are allowed outside their cells for recreation or exercise irregularly and many inmates provide their own food. Only those with money or whose relatives brought food regularly had sufficient food. Petty corruption, among prison officials, makes it difficult for money provided for food to reach the prisoners and poor inmates often relied on "hand-out" from others to survive. Those unwholesome treatments have contributed to the death in detention of numerous prisoners, (Annual Prison Report, 1984).

The report by Human Rights Practice Commission for prisoner's dignity (1999), estimated that at least one inmate dies per day in the Kiri-Kiri prison in Lagos alone. Dead inmates are promptly buried in graves on the compound usually without their families being notified. It is sad that claims like these are not investigated and the system is allowed to rot, leaving prison as charade of government propaganda. The paper recommends for an all-inclusive moral purge of the agents of the criminal justice system and for a moral character revolution that will help achieve the deterrent goal statutorily behind the establishment of prisons.

### **Conclusion**

The prison is one of the agents of the criminal justice system like the courts and police. Arrest, trial and finally imprisonment of an offender are coordinated by these key components of the criminal justice system. As agents of the justice system, they owe the society a duty of care of social security. The prison, as a penal institution, is not supposed to be a place of hell as it is in Nigeria. Pursuant to Chapter 4 section 34 of 1999 Constitution as amended, the right to the dignity of person is for a person to be valued and respected for his own sake, and to be treated ethically. Every Nigerian is entitled to enjoy this right regardless of status. Even a mad man is by this constitutional provision entitled to enjoy the right to the dignity of person. Therefore, a mad man still has his dignifying humanity with him not to talk of a criminal in police or prison detention facility. It is an unalloyed fact that the state will try you for murder if you kill a mad person. The essence of this example is to further establish the significance of the right to dignity of person. The prison is meant to confine, reform and rehabilitate inmates. It is to our greatest dismay that Nigerian prisons, over the years, have failed to live up to their constitutional responsibilities. Prisons have become death traps. The police and the judge see an offender being imprisoned as sending him to suffer and learn in the hard way. This is a deviation from the purpose of rehabilitation of inmates in skills acquisition training, educational development and provision of quality medicare. The prison environment is supposed to be made habitable, as prisoners are not beasts. The goal of establishing prisons is for correction through reforms as against the ill-treatment of prisoners. Convicts leave prisons hardened without any process of reforms. It has been argued by some scholars that punishment has also failed to reform criminals alleged of acts like kleptomania, incest, homosexuality, lesbianism and even pedophiles. The moral concern is that since punishment cannot deter the criminal, punishment is not deserving. Convicts leave prisons worse off. Therefore, due to the fact that punishment has failed to reform the criminal, punishment is an injustice meted on the criminal. It is on this note that punishment is said to be a crime against the criminal.

## References

- Aguda, A. (1994). *Juriprudence*. Spectrum Books Limited.
- Azenabor, G. (2006). “*Moral Questions in the Idea of Punishment*”, *Notes and Records, Journal of Faculty of Arts, Unilag*. pp. 124-140.
- Bullon, S. (2005). *Longman Dictionary of Contemporary English*. Pearson Education Limited.
- Federal Republic of Nigeria. (1984). *Prison Annual Report*. Federal Government Printer.
- Federal Government of Nigeria. (1999) *Constitution as Amended*.
- Ndubuisi and Okoro (2005). *Reflections in Epistemology and Scientific Orientations in African Philosophy*. Foresight Press.
- Omoregbe, J.I. (1993). *Ethics: A systematic and historical study*. Joja Educational Researchers and Publishers Limited.
- Opafunso, and Adepoju. (2016). “*Prison Reforms System and Inmate’s Welfare in Nigeria*”. Omics Publishing Group, Vol. 7. pp.1-4
- Yelodu, A. (1991). *The Structure of Prison Services, Success and Future Plans*. A Paper Presented at The Prison Controller General Retreat.