Rape: Is an eye for an eye the answer?

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Rape: Is an eye for an eye the answer?  
  
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When crimes of defilement by paedophiles and rape by promiscuous men became rampant all over Nigeria in 2008, I had the privilege to participate in a conversation on television as to what was to be done to combat the egregious crimes.  
  
At the time, if my memory has not failed me, the punishment for defilement was life imprisonment while that for rape was imprisonment of between seven and 14 years.  
  
I had on that programme prescribed castration as punishment for men who cannot manage their libido to the consternation of other panellists and viewers.  
  
The recommendation was borne out of a defining professional experience while handling a rape case.  
  
But do I still stand on this recommendation? The answer is no. And I will explain better in the course of this narrative.  
  
First, the brief facts of the case. The father of the victim and the culprit were factory hands in one company in Ikeja. Both of them also lived in a single room apartment somewhere in Agege, Lagos.  
  
The culprit had been having carnal knowledge of his friend’s seven year old daughter. In the process, the little girl dislocated a hip and also got infected with the Acquired Immune Deficiency Syndrome (AIDS).  
  
The culprit was arrested, investigated and subsequently prosecuted in the High Court. Due to the negligence of the prosecutor, the culprit escaped justice on technical grounds.  
  
On winning the case, the questions that agitated the mind of the defence counsel were: but this girl could have been my own daughter?  
  
Would one have wished that these sorts of things happen to one’s own daughter? Will the defendant not continue in his wayward ways and infect some other children with AIDS having been easily set free? In short, the defence counsel’s success in court became a pyrrhic victory and a profound moral defeat.  
  
In the course of professional duties, the lawyer has been paying very critical attention to defilement and rape cases.  
  
And what he has observed is that 70 per cent of people that commit the crimes of defilement and rape are the extremely wretched people in the society.  
  
Further observations have also revealed that culprits in defilement and rape cases fall into three broad categories.  
  
In the first category are to be found the rich and popular people like musicians, athletes and the upwardly mobile business men, that young ladies swarm around like bees would honey.  
  
The girls are attracted to success and want to be part of the success story at all costs. Where these sorts of men make overtures to the girls and the girls refuse, they rape them believing that there will be no consequences and where there are consequences, their money can get them out of trouble.  
  
Very unfortunately, cases involving this category of people hardly get to court as the culprits usually purchase their freedom at the police station.  
  
For this category of people, the law should ordinarily take its rightful course. But the question is, if the law takes its course and such persons are castrated or sent to life imprisonment or executed, is the society better served?  
  
The answer is no because the society is poorer for it as the value such persons usually add to the society always far outweigh the punishments to be dished out to them over an emotional infraction or lack of self-control.  
  
The second category of people mostly caught in the web of rape and defilement are artisans, petty traders, farmers, commercial drivers, local pastors and Islamic clerics.  
  
These are very indigent people who are living on the fringes of life. They live in slums and earn so little that when they have the urge for sex, they hardly can afford the very little sums of money to engage the services of commercial sex workers.  
  
They are also so poor that; when their wives die or divorce them, they hardly can afford to marry another woman of their choice.  
  
Consequently, you find such men resorting to having sex with their own daughters, neighbour’s babies and children under their watch.  
  
Of what use will castration, life imprisonment or the death penalty serve to this category of people? No use at all. If you kill them, the society will merely be terminating a life that had no meaning in the first instance.  
  
If you put them in life imprisonment, the society will be providing life time of free accommodation and means of sustenance previously denied.  
  
If you castrate them, chances are that they would commit suicide and where they do not commit suicide, they may become very vicious and dangerous criminals committed to venting their anger on the society at large.  
  
And will society be right and will it not be double jeopardy to visit these kinds of stern punishments on a citizen it had consigned to poverty?  
  
The third category of culprits was created by the military. These are mostly cultists, internet fraudsters and get-rich-quick dudes, who ordinarily should be vibrant and change agents for the society economically, politically and socially.  
  
When the military destroyed progressive student unionism and sent out radical lecturers from the university campuses, this category of people emerged and stepped into the void that was created.  
  
Most times, this set, engages in rape and defilement as status symbols and for ritual purposes when high on drugs.  
  
Castration, death and life imprisonment will most likely have very little meaning or impact on this category of people as what could be of benefit to them is rehabilitation.  
  
Furthermore, the death sentence is becoming very unpopular and anachronistic around the world courtesy of the rigorous, vigorous, strident and sustained campaigns mounted by Amnesty International.  
  
The government is also always timid, scared and not disposed to signing the death warrants of convicts when one is presented to them.  
  
Castration is also an old, archaic and primitive mode of punishment that the world has outlived.  
  
As to life imprisonment, hardly do those who bag it ever complete it. Sooner than later; the authorities in a prerogative of mercy, would pardon them.  
  
When prescribing punishment for a crime; the society ought to pay attention to a number of factors which may include the sociology of the crime, the philosophy of law and the value that the society desires to preserve and not necessarily the mischief it wants to suppress.  
  
The world, Nigeria included, is in an age of impunity, experiment and license. What used to be sacred yesterday is no longer sacred today.  
  
Both male and female anatomy, as well as sex, are now freely advertised and sold on the internet and social media.  
  
Some attention ought to be paid to the consequences and multiplier effects of this new found human freedom and the need for some balance in the overall health of the society.  
  
In addition, very harsh punishments have the tendency to breed other crimes as we now begin to see. To escape the harsh punishment of life imprisonment which defilement and rape now attracts, the culprits now kill their victims.  
  
The question to weigh then is: between death and living with the trauma of being raped which will most likely serve the best interest of the victim and the society? This is one germane issue the legislature will have to ponder over and focus its mind on.  
  
Legal history has equally shown that severe or harsh punishments no longer serve as deterrent to the commission of egregious crimes.  
  
Presently, homicide, kidnapping and armed robbery are capital offences. The question is, in what ways has this deterred people from committing those crimes?  
  
Will poverty alleviation, psychological treatment and rehabilitation, counselling and light years of imprisonment, not better address the challenges of rape and defilement in our society especially if the commission of the crime has not occasioned the death of the victim?  
  
The choice is that of the entire society to make.