

## **LAW AND ORDER**

### **WHAT IS LAW?**

Law can be defined as the set of rules and regulations put together to guide a particular society.

It's a rule backed by the power of the authorities, which govern the behaviour of the society in question.

Law is a documented code of regulations and conduct expected of a citizen and accepted by society. It is meant to keep peace, order and stability in society.

A society has to put down what it believes to be the guidelines of what must be done and what might not be done.

A law comes into being and also comes into force when it is promulgated or is made known to those it binds. It must be published in such a manner that it can be known readily, though each subject need not be given personal notice.

A good example of law is the current constitution of the Republic of Uganda which was adopted and enacted through the constituent Assembly on the 22<sup>nd</sup> day of September 1995. However it was not until the 8<sup>th</sup> day of October 1995 that it was promulgated to the entire people whom it binds.

In the Old Testament, the Israelites were given over 600 laws at Mount Sinai which were both civil and divine (i.e. coming directly from God).

Even within the ten commandments of God, there are laws which are meant to streamline man's relationship with God and also man's relationship with fellow man.

In fact, the first four commandments describe what ought to be man's relationship with God, and the last six commandments describe what ought to be man's relationship with fellow man.

In the New Testament Jesus summarized all the laws into two basic ones namely;

- (i) Love God your Lord with all your heart, mind and soul.
- (ii) Love your neighbour as you love yourself.

## **TYPES OF LAWS**

**Civil laws:** These are laws dealing with the affairs of private citizens (but not with crime) in a given country.

**Customary Laws:** These are laws set by a given culture for example customary laws concerning land ownership.

**By-laws:** These are laws adopted by a small community for its benefit, for example laws adopted by L.C.I such as everybody above 18 years should own a potato garden.

**Supreme Laws:** These are laws that govern a given country, for example the 1995 constitution of the Republic of Uganda.

**Ecclesiastical Laws:** These are religious laws as canon law among the Christians or Sharia Law found in Islamic countries.

## **FUNCTIONS OR IMPORTANCE OR PURPOSE OF LAWS**

Law is a solution to warfare, fighting, personal grievances, and unnecessary conflicts of revenge. It is a legal machinery for settling disputes.

Law outlines what is to be done to a wrong doer so that whenever he commits a crime, what is to be done to him is already known, without having to deliberate on it unnecessarily.

Law is powerful instrument of communicating moral standards especially when it defines

the rights and responsibilities, regulations and conduct. It backs them with threats and punishments.

In dealing with human relations and interactions law upholds the rights and duties of citizens. There is a risk that someone will not act according to what is expected, so some expectations are recognized by law and they form the basis of the rights and duties. Some of these are included in our constitutions both National and International.

The law facilitates co-operative action. It promotes joint efforts by regulating people's conduct. Business transactions through the law of contract are safeguarded. It reinforces mutual co-operation and establishes an opportunity to form partnerships and co-operatives.

Law confers legitimacy in the struggle power. It provides ways and means of legitimate succession by outlining who has the right to exercise what kind of power and for how long. For example, the 1995 constitution of Uganda stipulates that a president shall rule for a term of five years each and in only two successive terms.

The law gives the police rights to arrest wrong doers. It helps to eliminate wrong doing in society and encourages good moral behaviors. Besides, the law gives Directors the right to hire and fire their employees.

Law protects agreements. In the modern world there is so much social mobility that one cannot depend on friendship or kinship ties. There is much interaction between strangers so that they need to be protected for their interests, hence the law of contract.

Law performs an educative function of sensitizing the citizens. This is done through threats and punishments. This means that every act of punishment is an act of education and reform. In doing this people will come to know what the society likes and what it hates.

In conclusion, the basic function or purpose of law is to protect the society by maintaining order, peace stability and harmony in society. It regulates human behaviour by providing rules and penal codes for breaking the law.

### **CAUSES OF VIOLATION OF LAWS:**

Political instability in the country. There may be political unrest in some parts of a given country which makes law implementation next to impossible. For example, in the northern part of Uganda many innocent people have lost their lives because of the Lord's Resistance Army rebel activities by Joseph Kony since 1986.

Illiteracy and ignorance of the law by the masses. This comes about due to lack of civic education in the rural areas. One anonymous writer had this to say; "She who knows not, and knows not, that she knows not, is a fool, people should shun her."

Permissiveness-The increasing cases of permissiveness whereby people are given too much liberty to do what they want regardless of their effects on other people is also a serious cause of the violation of laws. This is true because permissive people do usually rebel against the established order and authority.

The militarization of politics and the civil service. There is influence peddling and intimidation by the army in some countries. It is alleged that, the 2006 presidential campaigns in Uganda, were too much militarized to the extent of remanding presidential main challenger Col.Dr. Kiiza Besigye in Luzira prison on charges of treason and sexual assault.

Unemployment due to retrenchment and demobilization. The widespread social problems of unemployment, retrenchment of employees, demobilization of soldiers, forces them to earn a living through unlawful ways. The NRM government came with a policy of privatization which led to many civil servants being retrenched since 1986.

Greed for power. The desire by some government leaders to remain in power for a long period of time leading to the violation of some articles of the constitution. It is alleged that President Moammar Gaddafi of Libya had too much greed for power since he had ruled the country with a one-party system from 1969 to 2011.

Corruption among the law implementors especially the executive and the judiciary can also lead to the violation of the laws. In 1998, the President of Uganda was forced to institute a commission of inquiry into corruption in the police force which was headed by Justice Julia Ssebutinde, and several police officers were dismissed.

Misuse of drugs and alcohol, which affects the sense of reasoning paving way to the violation of laws. The book of proverbs teaches that, "Wine is reckless, a strong drink, quarrelsome; unwise is he whom it seduces (Prov.20:1).

The increasing gap between the rich and the poor creating envy to those who are well off and leading to harming them. A case in point in Uganda was during the 1979 liberation war by UNLF when the poor Tanzanian soldiers envied the rich Ugandans and started looting their radios and watches sometimes harming them.

Peer group influence also leads to committing crimes. For instance, some people become addicts to drugs, engage in pre-marital sex, gang raping etc..... due to the nature of the peer group.

Incurable diseases like AIDS have led to crimes like rape, defilement and prostitution, since some people do not want to die alone. Besides others want to eat for the last time, while others defile with the disguise that the young ones are AIDS free.

Environmental determinism Some people living in slum areas commit crimes like prostitution, drug consumption etc..... because of the nature of the environment in which they are and which is hostile. To them such crimes seem to be normal.

Lack of religious commitment coupled with bad examples from the religious and political leaders as far as observance of the law is concerned.

The cultural beliefs such as taking women to be inferior and expected to accept everything that the man says leading to domestic violence.

### **THE RELATIONSHIP BETWEEN LAW AND MORALITY**

The laws of the state reflect the standards of morality of the society. This means that the laws enforce morality of the society by imposing sanctions and threats to those who try to breach morality.

Relative standards of society –The Standards of the society are relative and therefore liable to change. This means laws change whenever the standards of the society change with time. For example, the laws which governed the traditional African Society are not the same as those governing the current modern society.

In a country where there is a homogeneous group of people (i.e. with the same cultures, traditions and beliefs), for example France, laws can be used to reinforce the country's moral standards because they are uniform.

But in countries which are heterogeneous (i.e. with diverse cultural traditions and beliefs), for example Uganda, state laws cannot be used to reinforce morality because of the different cultural values.

Another good example of a homogeneous country but from the religious point of view is Saudi Arabia which is ruled by the Sharia law of Islam which is the common religion of all its people. In this country, the moral standards of the people are high.

In many societies, laws develop from morals. Some morals are selected to be imperative for anyone to follow; and such morals are backed up by threats and sanctions, and this is when they become laws.

The above point implies that laws control people's morality; people are often forced to behave in a decent way because of fear to break the laws and get punished.

Both the law and morality have the main objective of promoting order, stability, and harmony within the human society.

Where there is a high degree of morality especially where there are strong religious attachments, the process of using law and making people to follow it will be easy e.g. in Saudi Arabia.

In some areas where there are strict laws, people tend to be orderly only as long as when the punishing agent is present. Where the punishing agent is absent, people may decide to misbehave. This is very common with our children at home and even school children. Where the standard of morality is very low e.g. in U.S.A, the process of enforcing the law will be tight and hard. There will be very many crimes as the law will frequently be broken.

However, it is not enough to put these laws, this should be accompanied by an effort to educate the citizens about the need for order, stability, and discipline in society. When this is done, most people will just decide to be orderly without being forced to do so.

In Deuteronomy 3:15, we read, I have set before you this day the difference between good and evil, and between life and death.

Man was given freedom by God to make moral choices. Today you cannot talk of morals when there is no good and evil. The individual must be capable of differentiating between good and evil.

Today there is also a clash between religious laws and state laws. What a Christian may understand to be sin from the teaching of the Bible, may be declared legal under the laws of the state. For example, abortion in Britain and U.S.A has been legalized and even

prostitutes are given operating licenses.

## **LAW IN THE AFRICAN TRADITIONAL SOCIETY**

Unlike today and in the Old Testament times, law in the African Tradition Society was not documented on paper or written anywhere, but it was inscribed on people's hearts.

This was done in form of taboos and sanctions. These were the Do's and the Don'ts which were the custodians of not only order and regulations, but also morality.

There was no clear demarcation between law and morality in the Traditional African Society. The two went hand in hand. Violating the law was almost punished in the same way as violating morality.

The society at large was the policeman of the world as far as the law and morality were concerned.

Parents were also an important instrument of not only keeping order and morality among the youth, but also of imparting the required values to the new generation.

In centralized and kingdom areas, there were courts in the capital of the kingdoms for the administration of the law especially for capital offences. The village clan meetings were also used to administer punishments and settling of disputes.

There existed delegation of power. Although a give community had a king who was the absolute ruler, power was not concentrated in the hands of one person.

The king for example delegated some of his powers to the chiefs, sub-chiefs, advisors, and guardians who helped him carryout his orders.

Even chiefs at various levels had courts of law. In decentralized kingdoms, there was a council of elders for the administration of law and order.



This council of elders played the advisory role to the king. The council of elders and chiefs discussed the issue (s) and reached a common agreement. After this, the king would make a single decision and everyone would follow without any further questioning. The authority of the kings and rules in the African Traditional society was believe to be divine i.e. bestowed upon them by God.

The traditional leaders saw their role like that of a father who has the duty of seeing to it that the children are well nurtured. The leaders promised to protect the community on condition that the subjects remained loyal to them through obedience and respect.

The purpose of the courts of law was also to maintain and restore peace among neighbours and villagers., The final judgment as already seen reflected the opinions expressed freely by the elders.

## **THE ADMINISTRATION OF JUSTICE IN THE AFRICAN TRADITIONAL SOCIETY**

Justice is a virtue which leads a person to give another person what is due to him or her. Or it means being right or fair and reasonable in the way we deal with others and in the way we conduct ourselves.

In the African Traditional Society local courts were set up in the villages to administer justice. These passed judgement on wrongdoers who had offended the society.

All unjust acts were condemned in society; and all people who committed unjust acts were either counseled and encourage to reconcile, or were totally condemned in society.

Justice in ATS did not necessarily imply equal treatment of all the people. However, the community ensured that it met the basic needs of its people for human survival.

Severe punishments were given to the wrongdoers; but these punishments varied from one society to another. for example, among the Bakiga of southern Uganda if a girl

became pregnant before wedlock, she was rolled by her brothers over the cliff to drown on Kisiizi Falls in Rukungiri.

In ATS, people worked towards the creation of harmony, peace, and stability in the administration of justice. This means cases were handled with a view of reconciliation.

Domestic cases of misunderstandings between husbands and wives or family members were handled by family elders or clan heads. It was the ruling of these elders that determined for example if a woman should be divorced or not.

Justice was also entrusted to the living dead. It was believed in ATS that whoever disturbed the peace of others and e.g. forcefully took up the property of the other people, this person would not escape the wrath of the ancestors in the spirit world if he /she had survived that of the elders.

Justice in the traditional African setting was administered by intelligent men who were believed to be men of wisdom. In deciding on a case, they critically examined the circumstances leading to that action.

Africans observed human rights by putting in place taboos and sanctions in order to maintain justice. for example, among the Batooro of Western Uganda, if one abused an elder, he/she was supposed to be flogged in public so as to deter others from doing the same and also to induce the offender(s) to reform.

Fines were also introduced in order to satisfy the Psychology of the offended. Among the Banyankole of South –western Uganda If a person was caught stealing a chicken, he was supposed to pay “empongamo” which literally means a fine.

Politics and Religion in ATS could not be separated since both were concerned with maintaining justice in society.

In centralized states, rulers such as kings and chiefs were regarded to be closer to God and the spirit world, and that's why they were entrusted with the administration of justice in the in the society.

The traditional leaders viewed their role as that of the father who had the duty of seeing to it that the children are well looked after. And in turn the children had to be loyal and obedient to the elders.

There was power sharing in ATS. Although the community may have had a king, power was not concentrated in the hands of one person. The king delegated some of his powers to the chiefs, sub-county chiefs, advisors, and guardians who helped him to carry out his orders.

## **THE CHRISTIAN CONCEPT OF JUSTICE**

Justice has something to do with making a balance between claiming for one's rights and fulfilling one's duties e.g. Employees have a right to demand for a just wage while the employers have an obligation to pay a just wage.

The foundation of justice are the rights of others (common good). To be just or to act in a just way is to act in harmony with the rights of others. This means that justice involves the duty of giving and respecting the rights of others.

Justice has something to do with that which makes a man a man. This is the essence of justice because justice is a virtue concerned about letting man reach his fulfillment.

Justice means love of God and love of fellowmen. However, justice goes beyond love, there cannot be love without justice, but justice is possible without love. Jesus taught about the greatest commandment: " Love your God with all your heart, mind and soul, and love your neighbour as you love yourself (Mt 22:37-39).

Justice entails observance of the socially set and accepted laws, and the enacting of just

laws on the part of those in authority. St. Paul for example advises Christians to obey state authority and the laws because no authority exists without God's Permission (Rom 13:1). This is known as legal justice.

In the stories of creation by implication (Gen 1-2), God wants us to be people living in good relationship with him, with each other, and with the rest of creation.

Justice of a serious Christian is seen in the world wide effect to liberate the oppressed throughout the whole world. The book of exodus teaches us that: "The Lord rescued the Israelites from Egypt and brought them to the land of Canaan (Ex.3:8).

A Christian should exercise justice by caring and extending their mercy to the underprivileged. The book of Acts teaches us that: In Joppa , a woman named Tabitha (Dorcas in Greek) spent most of the time doing good and helping the poor (AA9:36).

Justice without charity has its dangers; it may be employed to vindicate mercilessly one's rights, hence the proverb:" The exaggerated justice may amount to an exaggerated injustice (summun ius summa iniuria).The Gospel parable of the unforgiving servant who himself had been forgiven by the king is an example in this regard (Mt18:23-35).

Justice is also concerned with exchange of goods and services according to the strict equality of values. This is what is called commutative justice, and since it is based on contracts, it can also be called contractual justice.

Justice is also concerned with the just distribution of honors and burdens in society (distributive justice), In as far as individuals are not equal in their qualifications and resources, the burdens and honors must be distributed in proportion to their needs, capabilities, and merits.

Justice and peace are inseparable aspects of living a harmonious life. In order to have a lasting and authentic peace, Uganda for example must uphold justice in all spheres of life.

Justice also entails fairness or being fair to others. Aristotle one of the great philosophers describes fairness as "Treating equals equally, and treating unequal's unequally, for instance, it would be unfair and therefore unjust to collect the same amount of PAYE from two people whose gross income is not the same.

Justice demands reciprocity. This means that people especially at individual level should give, on equal return for benefits received. In other words, a person should do to others in the way they do to him or her.

Justice also demands the punishment of those who do not obey the laws of the land or those who deprive others their rights. It demands that offenders are punished and those who are offended are compensated. This is called retributive justice i.e. Moses's slogan of "an eye for an eye, a tooth for a tooth" (Ex21:24).

Justice also should aim at giving what was deprived or missed in the past in order to correct the imbalance or suffering which was caused by past mistakes (Remedial/compensatory justice). for example, the Banyoro of western Uganda during the British Colonial rule in the 1950's lost very many valuable resources and were even put on embargo for 100 years and so deserve compensation by the British government.

### **CHRISTIAN VIEWS ABOUT RESPECT FOR LAW AND ORDERS**

Christianity recognizes the inevitable existence of political structures and authority which is allowed by God for the preservation of order in society.

A Christian is therefore obliged to obey and respect the law of his /her country. This is true because a Christian has dual citizenship i.e., he /she is a citizen of the earth and at

the same time a citizen of heaven.

God Himself gave laws to his people through Moses to be respected. The covenant that God made with the children of Israel was conditional in that the Israelites had to obey and respect the law(commandments) if they were to be children of God.

In the old Testament, it is clear that a king is not above the law. When a king was guilty of an injustice as it was the case with David and Bathsheba and Uriah (2 Sam 11), he was severely rebuked by the prophets of God and subjected to punishment.

The Bible calls us to observe and respect state authorities since all authority comes from God. In the letter of St. Paul to the Romans we read that, "No state therefore exists without God's permission, and so a Christian should submit to the state and civil authorities because all governments come from God and civil authorities because all governments come from God civil authorities are appointed by God (Rom. 13:1).

Jesus also submitted to the worldly authority of Pilate but reminded Pilate that he would have no power over him (Jesus) if it had not been given to him from above (John 9:11).

One of the Christian teachings which Jesus said on respect for law and civil authority was, "Give back to Caesar what belongs to Caesar and to God what belongs to God (Mk12:17), and he said this in respect to paying of taxes to civil authority .

The state has the right to maintain law and order and to protect the community against criminals. This is in line with Paul's preaching when he said; "The state is there to serve God for your benefits. (Rom 13:4)

In his 1<sup>st</sup> letter to Timothy, Paul urged his readers to pray for those who have to exercise authority in the political community so that we may live in peace as Christians (I Tim 2:1-2).

St. Peter speaks of the Christians role towards civil authority when he categorically states. "Have respect for everyone and love for our community, fear God and honour the emperor (1pt 2:17).

Peter also goes ahead to say that, if Christians uphold the legitimate work of those in authority and witness to God by their good living, there will not be foolish and ignorant talks against God's church (1 Pt 2: 13ff).

## **BIBLICAL TEACHING ABOUT LAW**

Due to the need to guide the relationships between man and fellow man, God enacted laws and prescribed punishments when He made a covenant with Noah (Gen. 9:4-6).

God enacted laws to strengthen the relationship that should exist between Him and His people, the children of Israel (Deutr 30:15-20). Failure to observe these laws would lead to suffering and death.

Human suffering is as a result of man's disobedience to observe God's commandments (Gen3) although originally man was created for happiness.

The book of Exodus chapter 20 presents the Ten commandments aimed at protecting the relationship between the people of God and their liberator (God).

To restore human health and to give life full meaning God instituted laws against the Sabbath and the seventh year (Ex23:10-22).

Leviticus 18 presents laws against sex immorality and Leviticus 20:10-22 outlines the penalties to be expected for involving in sexually immorality.

Exodus 21 and 22 summarizes the laws against mistreatment of slaves, the use of violence to solve problems and laws about repayment.

Exodus 22:16-31 presents laws aimed at protecting the dignity of young girls and the dignity of man in general.

If a King's behavior did not conform to the covenant law, this could be a reason for the loss of the kingdom as it was in the case with King Saul (1Sam 13:13-14).

In Matthew 22:36-40 and Mark 12:28-34, Jesus presents the greatest commandment which summarizes the whole law of Moses and the teaching of the prophets.

St. Paul in Romans 13:1-7 teaches us that, people must observe authorities not just because of God's punishments but also as a matter of conscience; for instance, they must pay taxes to the civil authorities.

The author of Revelation who wrote when the Christians were exposed to persecutions, was well aware that the state is subjected to the judgment of God, and that failure to govern in accordance with God's will results in the destruction of the state (Rev.17)

## **CRIME AND PUNISHMENT**

### **WHAT IS CRIME?**

A crime is any conduct that is prohibited by law. It is indeed an evil committed against the law and order of the society.

In other words, a crime is the breaking of the established law and order; or it is the going against the norms of the society. A good example of crime is over speeding by some drivers.



In a criminal case, the state is usually the prosecutor because it is the community as a whole which suffers as a result of the law being broken.

## **CAUSES OF CRIME**

There is no single universal factor that can be pointed out as the sole cause of crime. Crime springs from a variety of factors some of which are biological others psychological but not well known.

Both the rich and the poor, the illiterates and the educated, the whites and the blacks the male and female the Catholics and the protestants, all can be victims of crime. Below are some of the causes.

Lack of proper parental care. Some parents are irresponsible and do not nurture their children according to the will of God. The sons of Eli practiced temple prostitution because their father honored them more than God by letting them fatten themselves on the best parts of the sacrifices |(1 Sam 2:29).

During abuse – Misuse of drugs like Heroine, cocaine, Mairungi and alcohol which reduce the sense of reasoning can lead to crimes like rape, defilement or voyeurism. When Noah drank wine and became drunk, he took off his clothes and lay naked in the tent; then his children Ham, Shem and Japheth saw his nakedness (Voyeurism) Gen. 9:22).

Permissiveness in society, which is watching of pornographic movies, drunkenness and the use of narcotic drugs. For example, the mayor of Cape town in South Africa William Banton was expelled from his New National Party (NNP) in 2009 because of watching pornographic videos in his office.

Poor examples from religious leaders. Some religious leaders get involved in crimes such as Homosexuality, defilement etc. which some people use to justify their involvement in

similar crimes. For example, Bishop Ssenyonjo of Masaka was excommunicated from his Anglican church because he was a typical homosexual.

Corruption in the courts of law. This is true because when some people get involved in crimes, they are not seriously punished thus aggravating the rate of crimes in society. for instance, Hon. Jim Muhwezi who was censored by Parliament in 1999 for misappropriating UPE money was not punished and instead was given another fatter Ministry of Health where he also embezzled Global fund money.

Economic and social imbalances between individuals or countries, may create envy to those who are well off and sometimes this leads to harming them for example in the 1979 liberation war in Uganda by the UNLF, the poor Tanzanian ,soldiers envied the relatively rich Ugandans by then, and started looking their property (Radios and watches ) sometimes after injuring them.

Political activities like rigging of elections, which may create rebel activities and which may lead the other crimes such as murder, rape defilement and stealing. For example, President Museveni become a rebel and went to the bush in 1981 because he claimed that the 1980 elections in Uganda were massively rigged by the UPC part Affluence. The aggravatingly great desire to become rich within a short time possible has caused the escalating rate of corruption, stealing, selling air and misappropriation of public funds.

Lack of a satisfactory way of dealing with crimes by the state machinery has also caused cases of revenge or even mob justice. This is apparent because the masses now misconstrue the police as a useless institution in fighting crimes due to the rampant corruption in the force.

Unstable families /homes where husband or wife is frustrated in marriage or children feel neglected and therefore unloved, may lead to crimes such as adultery, prostitution, or theft.

Incurable diseases like Aids which have led to crimes like rape and defilement. This is true because some people don't want to die alone. Besides, others want to eat for "the last time", while others defile with the disguise that the young ones are Aids free.

Breakdown of the traditional order. Young people have lost touch with the traditional values such as respect for the elders, observance and protection of virginity .This leads to crimes such as fornication and pre-marital sex.

Other causes though not explained include, poverty, selfishness, poor working conditions, home background, struggle for power, mass media, urbanization, delayed salaries and ignorance . The list is endless.

### **How crime can be overcome**

The church can use prayers to God and pray for the criminals so that God can remove their hard heartedness and put a new spirit in them so that they can reform. Jesus taught in the Gospel that, "Love your enemies and pray for those who persecute you "(Mt5:44).

The church should sensitize the public especially the criminals about moral responsibility and responsible living. Jesus teaches us how to treat a brother or sister who sins against you go to him and show him his faults, but do this privately just between yourselves (Mt 18:15).

Christians should try to be good citizens and role models to others one anonymous writer gave a warning to Christians when he wrote: "Be careful the ways you live because you might be the only Bible that some people read".

Christians should always be on the alert and avoid situations that may tempt others to do wrong e.g. they should always leave their houses closed. St. Peter advises readers always

to be alert, and be on watch, because the enemy the devil roams around like a roaring lion, looking for someone to eat (1Pt.5:8).

A Christian should take it as his/her duty to report criminals to the right authorities. This is true because combating crime requires a joint effort; it should involve everybody and not merely leaving it to the police alone.

The church must encourage forgiveness and reconciliation so as to reduce crime originating from revenge. The Lord's prayer teaches us to ask for forgiveness and to forgive others. "Forgive us the wrongs we have done, as we forgive, the wrongs that others have done to us" (Mt 6:12).

The church should condemn all pervasive activities like murder, robbery, kidnap etc. so that the law can take its course. St. Paul reminds Timothy that laws were put there for law breakers and criminals like murderers, sexual perverts and kidnapers (1Tim 1:9-10).

The church should put up self-help projects that can alleviate social conditions that lead to crime. CERUDEB was started by the catholic church in order to enable the poor people access loans with minimal interest and start self-help income generating projects.

The state should put reformative centers in place to guide and counsel criminals. This means that all our prisons should have the office of the chaplain which is responsible for counseling the prisoners.

The church should encourage the government to pay its workers a living wage i.e. a wage that can enable them to support themselves and their respective families. Jesus in his preaching taught that workers should be given their rightful pay (Lk.10:7).

The church must also organize some activities which can occupy the youth so as to avoid idleness which is a source of sin. The wise man teaches us that, "An idle mind is the devil's workshop".

The church must work hand in hand with the state in reducing crimes. The church of course should advise and counsel the state on issues like war, punishment.

The government on its part should ensure regional balance in the development of the country. The National Executive council for example should make a plan which is geared towards balanced rural development. This will reduce rural –urban migration.

The government should fully equip the security organs in the country with appropriate and sufficient means to fight crime. They should have for example enough guns, vehicles, telecommunication systems etc.

The state should inflict heavy penalties on criminals so that they feel the pinch in order to vindicate the criminals and to deter others from committing similar crimes. St. Paul in his letter to the Romans teaches us that the state has powers to punish, and this power is real and from God (Rom 13:4).

### **What is a punishment?**

A punishment is any form of harm inflicted by the executive power of the state on the person who is judged to have violated the rule of law.

It is a deliberate denial of some human right by a lawful authority because of failure to obey the law or respect the rights of others.

A punishment can also be defined as an action taken by the society against the criminals who have violated the law and order of the society in order to stop that event from re-occurring.

Generally speaking, punishments take two forms:

- (a) Punishment by adding something negative e.g. if you are caught stealing, you are beaten.

- (b) Punishment by removing something pleasant or positive e.g. if you don't fetch water at home, you are denied lunch.

## **TYPES OF PUNISHMENT**

### **Corporal punishment**

This is the punishing of a wrong doer by use of the strokes of the Cane. It is commonly employed by institutions such as schools and police. It involves physical beating of the body (corpus).

### **Mob Justice**

This is the situation whereby a suspect is punished by a disorganized group of people in response to what he/she has committed. This punishment is given before the suspect is proved guilty by the courts of law.

### **Imprisonment**

This is the locking of some criminals in a building against their will in order to protect society. Some people may be given life sentence imprisonment while others are given a few hours depending on the gravity of the crime committed.

### **Capital Punishment**

This is punishment by execution; it is putting of the criminal to death. In brief it is the denying of an individual the right to live.

### **Heavy Fines**

Some criminals are made to pay huge fines in form of cash or material things to the offended persons in relation to the damage caused or the weight of the crime. A man caught in adultery may for example be forced to pay 2 million or surrender his posh car.

### **A warning from the magistrate**

This serves as a psychological torture /punishment and is usually given to crimes of low gravity.

### **Probation**

One may be required to report to the police after every specified length of time like a month or so.

House arrest.

If one is not imprisoned, one may be confined to his /her house or compound.

### **PURPOSE OF PUNISHMENTS**

The general purpose of punishments is to decrease the probability that something undesirable will occur again in a similar situation, and to increase something desirable.

The second purpose is retributive; Another purpose is to re-establish the balance of outraged justice. This is the infliction of an injury on the criminal that is equivalent to the amount of harm which he himself has done. Cf an eye for an eye slogan (EX 21:24).

The vindictive purpose. A law loses its force and authority if a punishment appears unjust and unproportionable to the offence. This means that a criminal should be paid back in the same currency.

Preventive purpose; A preventive punishment is the one which removes from the offender the opportunity to transgress in the same way again. E.g. a perpetual thief who is given life imprisonment, is prevented from committing similar crimes.

Protective purpose, by removing the offender from the community, the society is protected from the notorious criminals. The offender is also protected from mob justice.

Deterrence purpose; We have already read that preventive punishments prevent criminals

from transgressing in the same way again. But deterrence punishments prevent both the criminal and others from doing the same again. The book of Deuteronomy 17:13 justifies this statement when it says: "All the people will hear and be afraid, and will not be contemptuous again".

Discouraging purposes; A punishment inflicted on an individual should be able to discourage the criminal from repeating the offence. Such a punishment makes the criminal realize how serious and demanding his actions have been e.g. an eye for an eye discourages criminals.

Reform purposes; here the punishment can have the aim of rehabilitating the criminal and turn him /her into a law abiding and useful citizen of the country.

Corrective purpose; similar to reform is to rehabilitate a criminal by correcting him /her. This is done by making the criminal acknowledge the wrong done, and showing him what he ought to have done.

Educative purpose, when a person punishes someone, it means he has desire for his behavior. Therefore, a good punishment is supposed to educate the criminal and others the values expected of a citizen.

Warning purpose; A severe punishment usually warns other people not to commit similar offences. Potential criminals are given a warning on what will happen to them.

Counseling purposes; There is also punishment by "probation". This is the period when the offender reports regularly as agreed upon with authorities, receives counseling, and is encouraged to be a law-abiding citizen during this probationary period.

Reparation purposes; it is argued that when there is an offence, it is not enough to be concerned with the criminal, The offended person should be compensated .However in cases where he/she cannot be compensated e.g. a driver killing some one's child, the



parent should be given help and support in that difficult situation.

## **FACTORS THAT DETERMINE THE PUNISHMENT TO BE GIVEN TO A CRIMINAL.**

It is imperative to note that the power to determine one's punishment is in the hands of the judge and the law. However, the following factors in determining the type of punishment are worth noting.

The number of times the criminal has committed the same crime. For instance, somebody who has committed the crime several times is given a heavier punishment than the one who has committed the same crime for the first time.

The circumstances that led one commit the crime, for example if one stole food because he was too hungry and wanted to save his life, the punishment should be lessened as opposed to the one who stole to sell the food and get money.

The purpose of punishment must also be considered. A good punishment is not for destroying but for guiding or helping the criminal to repent, so it should not lead to destruction or cause any harm.

The sex of the person should also be put into consideration. Women are generally considered a weaker sex than men, so they should be given punishments relevant to their sex. St. Peter in his first letter refers to women as a weaker sex (1Pt 3:7).

The impact of the crime to the society must also be looked into. for instance, somebody who has committed murder should be more punished than the one who is involved in stealing.

The responsibility of the person in question. For example, it would look absurd to

imprison a baby feeding mother because in this case you will be punishing two people including the innocent baby.

The age of the person should also be put into consideration. Young people should not be treated in the same way as adults. That's why in developed countries we have separate juvenile courts and those for adults.

The power of the law should be taken cardinal. This means that the criminal should not be punished beyond the stated required punishment by law according to the crime committed.

The willingness of the criminal to reveal other criminals The one who is willing to reveal others should be given less punishments than the one who practices a conspiracy of silence.

The health of the criminal should also be considered. A sickly person should be punished with much care as the punishment may lead to more complications or death.

The method used in committing the crime. The person for example who uses a gun to steal should be more punished than the person who uses threats only to do the same.

The future life of the criminal must also be considered, for instance if one is ageing, this old person should not be over punished say in from of imprisonment for many years as this will deter him from planning for his family or may hasten his death.

### **CORPORAL PUNISHMENTS:**

### **DISADVANTAGES OF CORPORAL PUNISHMENTS:**

Corporal punishments are brutal and therefore undermine the dignity of human beings. They in fact reduce a human being to the level of an animal.

Corporal punishment may instill hostility among the children and even make them wild to the extent of fighting their teachers.

Sometimes innocent students are punished by the teachers. This is true especially with group punishment which indeed is unbecoming.

Corporal punishments may instill fear for the teachers concerned by the learners. The learners may in the end fail to understand the subject content taught by those teachers.

Some children may be sick and weak before the punishment is administered .When such children are given strokes of the Cane; they may end up collapsing therefore causing a conflict between the teacher and the school administration or the teacher and the parent.

Some teachers have beaten students up to coma, or even up to death. This definitely will lead to the termination of the teacher's services hence loss of the job causing suffering to the family of the concerned teacher.

Some teachers use corporal punishments unjustly to handle their grievances, for instance a teacher punishing a student because of the misunderstanding he has with that very student, or the parent, or the school administration.

Corporal punishments may lead to strikes in schools especially if children are wrongly punished more specially if they are suppressed, oppressed and exploited by the school administration.

In most cases the corporal punishment is not in line with the offence committed so some children are psychologically tortured.

Corporal punishments destroy the image of the school especially in schools where caning causes fainting or even death. This may scare away student from the school.

## **MOB JUSTICE:**

Causes:

Ignorance of the law by most people; Most people do not know the law and therefore they take it to be their right to punish the suspect.

Permissiveness in our societies. Many people have been given the liberty to do what they like regardless of what society wants. E.g. arresting a suspect and stripping her naked.

Uncontrolled anger, many people get annoyed so quickly that they cannot control their angers. such people may even be the dangerously dangerous people in society.

Corruption in the police force; because of the rampant corruption in the police force some people have decided to take the law in their hands by judging the criminals themselves.

Idleness, some people are jobless and therefore idle. such people want to make fun of the suspect, while some try to transfer their frustration on the suspect.

Revenge; some people use mob justice as a way of revenge to the suspect who might have done wrong to some people in a mob.

The nature of the law also encourages mob justice because the fine for certain crimes is very unfair for example the present Ugandan law stipulates only 600/= as a fine for committing adultery!

Delayed action against the suspect by the law enforcers also encourages people to use

mob justice. That is why the lawyers have a saying that “Justice delayed is justice denied”.

There is also a big geographical gap between the police and the public, but even some people take the police to be an institution of spies for the government but not a help to the public.

Political instability which leads to the general situation of anarchy and unrest and as such people use mob justice against suspects since government may not have the capacity to handle law and order in society.

## **CHRISTIAN STAND ON MOB JUSTICE**

Christianity condemns mob justice as a form of injustice because of the reasons herein given.

Mob justice is brutal and inhuman in nature. It undermines one’s human dignity especially when it takes the form of stoning a person like a snake or setting the person ablaze. All human beings owe their dignity from God by the virtue that we are all created in the image of God according to Genesis 1:27.

It is against the purpose of punishments, of which one of them is to help the criminal to repent. Instead mob justice is intended to mistreat the criminal but not to help him to repent. Jesus preached the message of repentance in Galilee when he said: “Turn away from your sins because the kingdom of heaven is near Mt.4:17.

Mob justice is applied to the suspect but not to the criminal because it is done before the person is proved guilty by the courts of law. The penal code of Uganda stipulates that; One is not a criminal unless proved guilty by the courts of law.

The suspect is not given time to defend himself against any accusations, yet according to

human rights every person is free to defend themselves against any accusations.

Christians are called upon not judge others since God alone is the judge. In the Gospel according to Luke, Jesus teaches us that; "Do not judge others, and God will not judge you..... (Lk 6:37).

Mob justice is sometimes done with the intention of revenge yet as per Christianity we are supposed to love our enemies but not revenging on them. Jesus challenged Moses' law of an eye for any eye, a tooth for a tooth by teaching that, If any one slaps you on the right cheek let him slap your left cheek too (Mt5:38-39).

The punishment may lead the victim to be deformed hence, may not do productive work for his family and the country at large consequently, this may lead to the suffering of the innocent family members.

Mob justice sometimes leads to the killing of the suspect, yet killing is prohibited by the law. The fifth commandment of God is very clear, "Do not commit murder (Ex 20:13).

Mob justice is done by a disorganized group of people, without clear procedures of the law. Thus, the suspect is denied justice.

It leads to the torturing of innocent people especially those who report the case to the authorities or they may be mistaken due to similar identities.

The punishment is contrary to the concept of forgiveness. There is no compassion when applying the punishment, yet compassion is an important Christian virtue which should be considered when administering a punishment.

Mob justice undermines the work of the police and the courts of law. It is the duty of the police to arrest criminals and even prosecute them in the courts of law.

Mob justice is done to satisfy the public at the expense of the suspect, and this violates God's law of love and forgiveness.

Mob justice does not stop the re-occurrence of crimes, so other methods should be thought of for example guidance and counseling, and assisting the poor with materials needs, plus praying for the wicked people.

### **WHAT SHOULD THE STATE DO IN ORDER TO CURB MOB JUSTICE**

The government should seriously deal with corruption in the police force and other law enforcing agents. In 1998 for example President Museveni of Uganda instituted a commission of inquiry into corruption in the police force headed by Justice Julian Ssebutinde.

The Government should arrest and punish severely those caught applying mob justice. According to Paul's letter to the Romans, the state's power to punish is real because the rulers are God's servants & they do carry out God's punishment on those who do evil (Rom 13:4).

The government must sensitize the citizens on the requirements of the law and the yardstick used to punish the criminals. The government of Uganda does this through sensitization courses at the Nation school of political Education Kyankwanzi.

The state should increase on the number of police stations especially in rural areas. Besides, the government should equip the police with adequate transport and modern equipments to use.

To supplement to the above-mentioned point mobile police patrols should be intensified by providing enough vehicles to them so that they do not ask for transport from the offended people to transport the suspect to police.

Street children should be removed from the streets and put in rehabilitation centers. Government of Uganda has built remand homes like the one at Nagulu but these should be manned by people who can assist the street children to respect the rights of others and the law.

The state should collaborate with the church and emphasize moral rehabilitation as a way of combating permissiveness.

The government should also speed up the rate at which the criminals are brought to justice so as to reduce on the cases of mob justice.

The government should reduce the gap between the rich and the poor by giving free education services to the populace. Government of Uganda started the universal primary Education in 1997 and the universal post primary Education and training in 2007. It is our hope that such schemes will help to reduce this gap.

In a nutshell, all citizens should be warned against taking the law in their hands. This means that the government should always work for the promotion of peace, security and stability.

## **IMPRISONMENT**

Imprisonment is the locking up of some criminals in a building against their will in order to reform them and to protect society.

It can also be described as a situation when the offender is kept away from his or her crimes in order to have time to reflect on his other behaviour with the help of religious people or counselors.



Imprisonment is sometimes administered to incapacitate or contain the offender. This means that imprisonment is a means of self protection (as in the case of attempted suicide), or protection of society from any habitual killers or rapists.

However, some people argue that imprisonment is not morally acceptable because it interferes with the liberty of the prisoner who is imprisoned against his or her will, therefore it has some negative effects.

### **NEGATIVE EFFECTS /DANGERS/DISADVANTAGES OF IMPRISONMENT**

Some prisoners get diseases due to congestion, poor ventilation, thus leading to death. Many have died in prison due to diseases such as cholera and dysentery.

Some prisoners are mistreated by the prison guards or wardens which is against their fundamental human rights. Besides, some people as a result of mistreatment through caning, burning and torture end up getting deformed.

Sometimes this punishment is harsher than the crime committed which is not a just way of punishing the criminal. take for example a person given a prison sentence of two years for stealing a chicken.

Imprisonment leads to the suffering of innocent people like the family members and the dependents. They will lack the basic requirements like food, school fees and medical care especially if the one imprisoned is the bread winner of that family.

Since the prisoners are not usually kept in solitary confinements, they will interact with fellow prisoners and in the process learn from each other more tricks of becoming worse criminals.

To make matters worse, the prisoner may even become immune to prison life and turn out to be a habitual offender, because psychologically he feels rejected by society.

Imprisonment leads to learning other immoral habits like homosexuality due to sexual starvation in prison yet this vice is condemned by the Bible and is regarded as a grave sin (Lev.20:13-14).

A prisoner may fail to adjust to life after the sentence is over, more especially one who has been imprisoned for many years. This person may look at prison life better than life outside prison and so may commit more crimes so that he is taken back.

The prisoner can even start thinking of revenge after the sentence is finished. This may create more hatred or even death among the warring parties.

It is very expensive to maintain prisoners by the government in terms of feeding, and medical care since some may not even be working. For example, in Uganda, one is supposed to use 3,000/= per day on feeding alone.

### **Positive effects/ advantages of imprisonment**

The prisoner may reform especially after realizing the consequences of his or her actions thus leading to living a morally upright life.

Imprisonment deters other members of the community from committing similar crimes due to fear of being imprisoned hence reducing the crime rate.

The prisoner will get an opportunity to reflect on his or her behavior, on life and religion in general with the help of religious people and counselors.

Imprisonment ensures public safety of people's property through locking up of thieves, Robbers, murderers, rapists and drug abusers.

The prisoner may learn new skills of working such as carpentry and joinery, brick making and brick laying, playing football etc.

Besides, the prisoner may undertake a correspondence course while in prison which may help him or her to gain new insights in life.

The prisoner may also be granted incentives and privileges for good conduct and accepting discipline. This may be done by reducing his or her sentence while in prison.

The prisoner will learn to associate with strangers and when he is out of prison, he will find it easy to associated with anyone. Jesus also associated with strangers like Zacchaeus the tax collector.

Imprisonment helps in controlling the levels of immorality in society by isolating those who are engaged in such acts like defilement and prostitution.

As already seen imprisonment protects the society from notorious criminals, but also protects the prisoner himself or herself, especially if the prisoner begins to respect the law.

Imprisonment reduces the number of crimes committed in society thus promoting Law and order in society. It is a way of ensuring justice in society.

### **Humanitarian views on handling prisoners.**

Prisoners should be exposed to a lot of ethical teaching for example the Chaplains should preach the Gospel of no revenge according to Mt. 5:38ff and Rom12:17-21.

Prisoners should be told to love the Lord their God and to love their neighbours as they love themselves. This is contained in Christ's greatest commandment "Love your God and love your neighbor as you love yourself (Lk.10:25-28).

The prisoners should even be told to love their enemies and to pray for those who persecute them. Jesus prayed for his persecutors saying; “Father forgive them for they know not what they do” (Lk. 32:34).

Prisoners should be exposed to reformatory programs like counseling and guidance, so that they can easily reform and become law abiding citizens of the society.

They should be given training while in prison in order to equip them with some skills like carpentry which they can quickly apply in their homes after prison.

Prisoners should be given incentives for reform. For example, appointing some as prefects and reducing their sentence for good behaviour while in prison.

The family members and relatives of the prisoner should be allowed to visit them once in a while and also to bring them some little money for upkeep.

Educational facilities like correspondence courses should be allowed and availed to prisoners who are capable and can afford such undertakings.

Community imprisonment sentence should be encouraged instead of taking people to prisons like Luzira where they may be less productive.

Wardens and guards should handle prisoners with love and concern; and show due respect to their human rights because being a prisoner one doesn't cease to be a human being.

Government should improve the condition of living in prisons through providing better housing facilities, lighting, and feeding. Besides, government should expand the construction of prisons to cater for the increasing criminals.

The courts of law should speed up the judgment process to avoid overcrowding in

prisons by suspects on remand. This is because justice delayed is justice denied.

### **Role of prison warders/ wardresses in maintaining Law and Order.**

The prison warders remand suspected criminals as they await trial or they send prisoners back into custody so that more evidence can be obtained.

The prison warders or wardresses ensure that those convicted do not escape from jail to go back to society and cause more chaos.

They help in counseling and guiding of the prisoners so that they can appreciate their crime and reform to become better citizens.

They also train prisoners with different skills for example commercial farming, brick making / brick laying, carpentry and joinery etc.

The prison warders or wardresses provide the community with food which is obtained from the prison farms.

Those who are talented provide music and entertainment to the masses during important celebrations like Independence Day celebrations.

The prison warders / wardresses escort the prisoners when they are being transferred from one prison to another or when they are going to do some manual work.

They provide security to their bosses when they are told to be on guard especially at night.

In a nutshell, prison warders maintain law and order when the suspects are brought to courts of law.

## **Role of the police in maintaining law and order**

The police help in arresting criminals for example careless drunken drivers and take them to the courts of law for prosecution.

The police guard the people and their property from criminals especially the thieves. In doing this they uphold Article 26/2 of Uganda's 1995 constitution which says "No person shall be compulsorily deprived the right over property".

It is the duty of the police to help guide the traffic flow especially during rush hours or state functions or international functions. During the CHOGM which took place in Uganda 2007, the international police (Interpol) was used to guide flow of the traffic.

The police have to ensure that all vehicles are in good mechanical conditions in order to avoid accidents. They must ensure for example that the ignition, steering wheel, clutch, brake etc. are all in good conditions.

The policemen help in prosecution at the courts of law. This means that they read the statement that was made against the accused e.g. of theft or murder, and the magistrate pronounces judgment.

The police also help in investigating cases or spying people on behalf of the government. This is usually done by the criminal investigation department (CID) of the police.

The police provide escort services to VIP'S and when there are money transfers from one bank to another. Such police usually go prepared to counter attack armed robbers. It is normally the violent crime crack unit (VCCU) which escorts.

It is the duty of the police to help in fighting against fire outbreaks. This is normally done by the fire brigade section of the police.

The police have authority to maintain law and order. They derive this authority from above, and they can do this by maintaining order in chaotic situations like strikes, boycotts, protests, demonstrations, and highway robbery.

The police also plays a very significant role of protecting suspects from mob justice by a disorganized group of people.

It is the duty of the police to guide and direct strangers to their destinations especially those who have got lost.

## **ROLE OF THE ARMY IN MAINTAINING LAW AND ORDER**

The army is instituted to protect the country from foreign or external aggression. In doing this noble work, the soldiers are defending the territorial integrity of their country.

The army is used to suppress insurgencies and rebel activities from within the country. They army does this by building a fence around the country from their enemies which in turn brings peace to the citizens.

The army guard's certain military officials and sensitive places like banks from attacks. By doing this they are protecting the lives of these officials and the property of the sensitive places.

The army is sometimes used to disperse strikes alongside policemen, especially when the situation is politically motivated or turns out to be very violent.

The army band too provides music and entertainment to the community especially on state day celebrations. The UPDF band entertained the community in Kaseese on "Tarehe-sita" of 2012.

The arm helps in restoring and promoting peace in other countries. For example, the US peace keeping missions in Liberia, Eritrea and Somalia.

The army is also used in protracted liberation wars to liberate people form dictatorship E.g when the NRM liberated Uganda in 1986 from the dictatorship of previous regimes.

Some soldiers are usually put on sentry in turns, in order to keep guard in their respective barracks. This helps to detect the enemy advancing to come and attack the barracks.

The army is also important in saving people during the time of disaster such as floods, accidents etc. for example, in Uganda, the UPDF was used to save lives of people who were affected by the Bududa landslides in 2010.

The army is not only for war but also used for other useful purposes such as distributing relief food in times of calamity like earth quakes, landslides or famine and drought.

## **CAPITAL PUNISHMENT**

This is the putting to death of the criminal by the legal authority as a consequence o the verdict or sentence passed. In brief it is punishment by execution.

There are various methods of carrying out an execution: These include; electrocution,



Gassing, poisoning, hanging, guillotining, firing squad, etc.

### **ARGUMENTS IN FAVOUR OF CAPITAL PUNISHMENT**

Capital punishment has an element of retribution which is the inflicting of equal injury on the criminal or paying back the criminal in the same currency. Murderers for example should be deprived of the right to life since they deprive others of their right to live.

This kind of punishment moreover vindicates justice to the relatives of the murdered person. To vindicate is to pay back in the same currency so that the offended person can get satisfied that the criminal has been given what he/she deserves.

The state has the duty to promote security and peace for its citizens, and so only capital punishment corresponds to certain criminal offences like murder and treason. St. Paul teaches that anyone who resists authority is rebelling against God and therefore the state has authority for punishing wrongdoers (Rom 13:2,4).

Some circles argue that, Capital punishment is deterrent to the would-be criminals. To deter is to prevent others from committing similar crimes. The book of Deuteronomy justifies this act when it says: All the people will hear and be afraid, and will not be contemptuous again (Deutr.17:13).

Capital punishment strengthens the power of the state to fight against capital offences like treason, murder, kidnapping, and child sacrifice. Whenever some citizens act like animals, it is reasonable for the state to use force to counter that animal like behaviour in defense of the rights of the entire society.

Some criminals are so hardened that only capital punishment can bring about order. If murders cannot reform then the only alternative is to put them to death. The same should apply for rapists and defilers.

There are some people who choose deliberately to deprive others of their right to live. They have no religious convictions about others. These people should actually be put to death. Saddam Hussein the former president of Iraq was hanged in Dec.2006 for massive murdering of innocent citizens using nuclear weapons.

In the Old testament, there is a justification for capital punishments. The book of Genesis teaches that; "Whoever sheds the blood of man, by man shall his blood be shed (Gen 9:6).

In the book of Exodus, laws and penalties were prescribed for the Israelites. The OT teaches for example that, whoever strikes a man to death, he shall too be put to death (EX.21:12). This means an eye for an eye, a tooth for a tooth, a hand for a hand, a foot for a foot (Ex 21:24).

In the New Testament, there seems to be a justification for the capital punishment St. Paul in his letter to the Romans teaches us that, "The state has authority to punish with a sword (Rom 13:4).

When Paul was brought before Caesar's tribunal to be tried, he testified." If I have broken the law and done something for which I deserve the death penalty I do not ask to escape it (AA 25:11)".

The death penalty may help to reduce on the financial burden by the government especially if some prisoners have been given life imprisonment.

## **ARGUMENTS AGAINST CAPITAL PUNISHMENT**

Putting to death another person is the most terrible attack against the fundamental human right to life. Article 4 of the 1995 Uganda's constitution says. Everyone has a right to life, liberty and security.

Capital punishment is the most distressing and controversial form of punishment. It is in fact a society's acceptance of failure in its judicial system.

A penal code which is based on violence and social revenge is brutal, cruel, and inhuman. For example, according to Amnesty International, it took 14 minutes to kill a prisoner in an electric chair sometime in 1983 at Alabama in USA, and during, electrocution, flames and smoke erupted from his head.

Unlike other punishments, capital punishment lacks the corrective element. Once a person is executed, it is impossible to bring him back to life, therefore there is no possibility of reforming or rehabilitating that person.

Putting to death of another person who has killed, society loses two people instead of one; but even this is against the dignity of a human person because man was created in the image of God (Gen 1:26).

Criminals can easily become more hardened by the terror and horror and brutality of capital punishment of their friends such that they became more violent.

Constant killings of criminals who kill creates psychological distress among people who watch or witness. People who are soft hearted may fail to recover from the shock of the deaths they witnessed.

Because of the fallibility of man, there is a possibility that an innocent person may be condemned to death by human mistake. A man may be hanged and later proved to be innocent. There is no possibility of reversing the sentence when it is found that an error was made in inflicting the punishment.

If God who endows man with this unique dignity does not desire the death of a sinner, but his repentance and that he should live (Ezk.18:32) then on which grounds can the state sanction the death penalty.

Jesus in the Gospel according to Matthew rejected Moses' law of an eye for an eye, a tooth for a tooth when he said that, if anyone slaps you on the right cheek, let him slap

you on the other cheek too (Mt. 5:39).

The church for instance cannot support capital punishment because it violates Christ's greatest commandment of love for the neighbor and love for our enemies. Jesus demonstrated this at the cross when he forgave his persecutors, "Father forgive them, for they know not what they do".

Capital punishment is legalized murder which is a sin because it is God who is the giver of life and is the only one who should take it away. In the book of Exodus, the Decalogue teaches us that, "Thou shall not kill (Ex.20:13)".

Punishment by execution does not appropriately meet the function purpose of deterrence. Killing of a person in a certain place does not stop similar crimes from happening in another place or even the same place. Moreover, statistics do not show that the death penalty has reduced the crime of murder.

Putting to death of a criminal would be punishing his relatives, friends and dependents especially the wife and children, who will still live to suffer emotionally and out of deprivation of the basic necessities. In other words, the punishment is inflicted on different people.

Some countries in Europe like Italy have abolished capital punishment from their penal codes, for example in USA, 13 states out of 50 don't have it according to Amnesty international News letter which appeared in 1983.

## **PROBLEMS ASSOCIATED WITH PUNISHMENTS**

A person may behave well in order to escape punishment i.e. If the one policing is not around, the undesirable behavior will occur again.

A punishment sometimes can be perceived as something positive, for example if a

student is caught fornicating and he is punished on the assembly. Some students may see him as a hero and even congratulate him.

Some punishments make people harden their hearts or become hardliners because of the terror and brutality used in killing their friends. Such people end up even becoming more violent.

A punishment may succeed in doing away with behaviour in one way, but that behaviour may immerse in another way that is not punished. Take for example a husband who is punished at the work place and re-channels his anger on the wife.

Some crimes are committed as a result of social problems such as poverty, poor upbringing, over population or having been exploited by the employer. So, an innocent person is punished when he/ she is not actually responsible for the crime.

Some punishments are multiple in nature. for example, prisoners suffer in many ways such as being deprived of normal home life, their jobs suffering, being deprived of sex with wife, and having no privacy anymore.

Some punishments again inflict suffering on innocent people. Take the case for example of a pregnant woman who is sent to prison and the innocent one in her womb suffers the consequences of her mother's imprisonment.

Some punishments are more severe than they are meant to be. Take an example of someone who is imprisoned for ten years; His actual punishment extends another ten years or more, because from prison he may not find a job since people are suspicious of him.

Perhaps the worst aspect of punishment is that some people are declared innocent after being punished for crimes they did not actually commit, only that they failed to defend themselves successfully.

## **BIBLICAL VIEWS ON PUNISHMENTS**

The Bible tells us that God is the ultimate ruler of everyone and He has given humanity laws to follow. Those who will follow them will be rewarded and those who violate them will be punished. The book of Deuteronomy teaches us blessings for obedience and curses for disobedience (Deutr.28).

God wants people to love Him, He is also a just one, punishing those who break His commandments e.g. In Ex. 32 God punished the Israelites for making a golden bull in form of a God.

In the old testament, God says ; children may also be punished for the sins of their parents if they do not dissociate from their parents; Ex 20:5-6... says for I the Lord your God, am a jealousy God, Punishing the children for the sins of their fathers, to the third and fourth generation” .....

Nerveless, we should know that the same Bible also tells us that we are personally responsible for the consequences of our actions. According to Deutr.24:16, a person is to be punished for the sins he has committed and not for the sins of another.

Prophet Jeremiah teaches; Instead everyone will die for this own sin, whoever eats sour grapes, his own teeth will be set on edge (Jer.31:30). Besides Isaiah also clearly states that everyone will be punished for the wrongs he or she did (Is.10:1-3).

However, it is difficult to understand why the good, honest, and just people suffer, while the wicked prosper. The best explanation seems to be that the justice of God will not be done in this earthly world.

The wise man in the book of proverbs says;” A man who fails to use a stick hates his son;

the man who is free with his correction loves him (Prov 13:24). Spare the rod and spoil the child.

A similar idea is reiterated in Proverbs 23:13-14 which teaches that; "Do not be chary of correcting a child, a stroke of the cane is not likely to kill him, instead it may save his life from sheol.

The New testament tells us that bad people will be sent off to eternal punishment, where as righteous people will go to eternal happiness or eternal life (Mt 25:46).

In his preaching Jesus emphasized the fact that all men will have to give account on the Day of Judgment for every careless word they have spoken; for by your words you will be acquitted, and by your words you will be condemned (Mt 12:36f).

St. Paul supports the view that people are rewarded or punished for their actions when he states; "For we must all appear before Christ to be judged by him, that each one may receive what is done to him for the things done good or bad in bodily life (2Cor.5:10).

Christians are required to act on behalf of God, and punish wrongdoers. This however should be done by those in authority. Paul clearly brings out this view, "For rulers are not to be feared by those who do good, but by those who do evil. Would you like to be unafraid of a man in authority? Then do what is good and he will praise you (Rom 13:3).

St. Peter reiterates the same idea when he writes, "... Submit to every human authority, to the Emperor, the governors, who have been appointed by him to punish the evil doers and to praise those who do good (1Pt. 2:13-14)".

## **PRUJUDICE AND DISCRIMINATION**

Prejudice is the unfavorable opinion or feeling formed before hand or without knowledge

and examination of the facts.

Prejudice is in fact a pre-conceived opinion that is not based on reason or experience, it is a baseless and usually negative attitude towards members of a certain group.

Discrimination refers to putting a distinction and making differences between people, on irrelevant considerations such as race, gender, religion, or tribe; which deprives a person of his or her rights.

However, not all forms of discrimination are wrong; There are some forms of discrimination which are necessary or beneficial. A criminal may for example be discriminated against and isolated for the common good or as a just penalty.

## **FORMS OF DISCRIMINATION**

Tribal discrimination; this is the ethnic loyalty which unfairly discriminates against members of another tribe or other tribes. It is usually manifested through putting undeserved favors on members of one's ethnic group. In Uganda for example the Baganda have always discriminated against the Banyoro over the lost counties since 1964.

Racial discrimination; This is the assumption that one's race is superior than others. The whites more especially the Americans feel they are superior to the Black Africans. That's why in the Geneva conference of 1948 there was a hot seat debate on whether Africans were real human beings like the whites or not!

Religious discrimination; Christians may discriminate against other denominations and think that their religion is the best. In Nigeria for example there are constant wars between the Moslems and Christians because the two religions discriminate one another.

Sexual discrimination; Many societies disregard women and take them to be inferior to men. This is seen in the limited education opportunities for the girl-child. However, today



in Uganda, there is reverse discrimination because of the governments' efforts to raise the status of women.

Minority discrimination; the under privileged like the disabled and refugees are treated as inferior by the majority group among whom they live because they may not be able to defend themselves.

Cultural discrimination; some cultures claim to be superior to others in various ideas, beliefs, and practices. Many people believe that the Baganda are too proud and that they think highly of themselves.

Economic discrimination; the first world countries like America and Britain may sometimes exploit the developing countries by trying to control them and even use their resources.

Health discrimination; some sick people are discriminated and isolated from the community on health grounds. In Uganda for example in the year 2000, Ebola patients in Northern Uganda were discriminated against because the disease was contagious.

Educational/ professional discrimination; There is a tendency for those with better educational opportunities to despise those with less education. This is supported by the proverb; " Birds of the same feathers flock together".

Age discrimination; In many societies on the global scene, the aged or elderly people have been discriminated against by being labeled as outdated and useless. This has given rise to the generation gap between the young and the old with each age group despising and undermining the other.

## **CASES OF PREJUDICE IN SOCIETY**

Many whites think that the Africans (blacks) are not people like the others. For example,

in the Geneva convention of 1948 there was a debate on whether Africans were real human beings or not.

Many Ugandans believe that the Baganda are too proud and that they think highly of themselves. It is alleged that the former President of Uganda Dr. Milton Obote said that "A good Muganda was a dead one!"

Many people think that Bakiga of Southern Uganda are tough and rough. They are violent hence are not polished. This explains the clashes that usually take place in Kibaale District between the native Banyoro and the Bakiga commonly known as "Bafuruki".

There is also a conventional tendency to believe that the protestants are always dishonest and not straight forward. They are cunning and crafty in their way of doing things.

Some politicians believe that Catholics can not be state rulers. They can not attain the highest office in the land because they are always back benchers and that they are drunkards.

There is also a belief that the Banyarwanda are always cheating and stealing. This why in many Baganda drama plays (Katemba groups), there is sometimes a Munyarwanda character who is always shabbily dressed and behaves like a cheat.

The Basoga and Bagishu are usually taken by the populace to be very free in sexual matters. The former vice president of Uganda from the land contended this when she said that, "the Basoga men do not need Viagra to give sexual satisfaction to the women.

Many laities are believed to be very critical by their leaders; but in turn they also take all religious leaders, priests and pastors alike, to be typical dictators.

## CHRISTIAN VIEWS ABOUT DISCRIMINATION

The bible emphasizes equality of all men and women regardless of tribe, colour or sex. This is true because all of us are created in the same image of God (Gen1:26).

The bible is against exploitation and oppression of the poor. God was for example not happy with the plight of the Israelites in Egypt, and he sent Moses to set them free.

Christians emphasize love for one another. Jesus for example gave the greatest commandment "Love the Lord your God .... And love your neighbor "(Mt 22:34-40).

Jesus is a clear example of a person who associated with people freely without any discrimination. He for example associated freely with tax collectors, non-Jews, and women like Mary and Martha.

The parable of the good Samaritan (Lk.10:30-37) gives us a good role of a Samaritan and the bad role of religious leaders who discriminated against Samaritans.

St. Paul gives no room for discrimination when he says that; there is neither Jew nor Greek, there is neither slave nor free, there is neither male or female; for all of us are one in Christ (Gal.3:28).

In his letter of the Ephesians (Eph.6:1-4) St. Paul exhorts children to respect and obey their parents for it is their duty. Parents are likewise advised to bring up their children with understanding and not with any resentment or discrimination.

The fact is that Christ died for all mankind (Rom.5:8) irrespective of the grounds of which we discriminate ourselves, means that we are all sinners; and that he came to save all of us.

When Jesus asked for a drink from a Samaritan woman (Jn.4:7-9), the woman wanted to

discriminate against Jesus who was a Jew; But for Jesus, people of all tribes are first of all human persons and are not to be seen only as members of such and such a tribe.

Christians are therefore called upon to have an open attitude without any prejudice and discrimination.

Besides Christians should pray for all those who discriminate others, to have conversion of heart; that one day we can all sing one voice saying; "In Christ there is no East or West, in Him no South or North .....

## **REFUGEES**

### **CAUSES OF REFUGEES**

According to United Nations, refugees are persons who are forced to go outside their countries of nationality due to fear of persecution by reasons of race, tribe, or political opinions.

Political instability or civil wars force people to leave their countries of origin, for safety of their lives. The Rwanda's civil genocide war of 1994 caused very many Hutus to seek refuge in Uganda and other neighboring countries.

Religious discrimination also may force people to seek refuge in other countries for fear of being persecuted for their faith. The persecutions of Christians in Sudan by the Arabs forced the Christian to secede and form Southern Sudan republic in 2011.

Political victimization by those in power has also caused people to leave their countries of origin for safety of their lives. For example, Major Rwaboni Okwiri fled his country Uganda as a result of being victimized by the N.R.M for collaborating with FDC main opposition party.

Racial discrimination has also caused the refugee problem. The white minority in South Africa oppressed and segregated against the majority Africans. This issue of apartheid in South Africa cause very many blacks to leave their country for the safety of their lives in the 1980's.

Geographical catastrophes like earthquakes or landslides have also caused people to move away from their countries of origin to look for survival in other countries.

Cultural practices such as circumcision, genital mutilation for women etc.... also cause some people to become refugees in an attempt to run away from such cultural demands.

Sexual discrimination especially in countries where women are not regarded as important as men may also bring about a refugee problem. For example, in India and Saudi Arabia, women are forced to become refugees so that they can enjoy their fundamental human rights.

Some people become refugees because of running away from justice after committing serious crimes such as murder and defilement.

Unemployment also forces people to move out of their mother countries to look for employment. This explains the influx of many Ugandans to European countries or Japan.

Some people become refugees because of occupational or professional discrimination. This has been evident especially in developing countries where Brain drain is the order of the day as people try to look for "greener pastures" in developed countries in relation to their qualifications.

## **IMPACT OF THE REFUGEE PROBLEM**

## **NEGATIVES**

Creation of refugee camps e.g. Kyangwali in Kikuube District.

Separation of families.

Diseases in camps e.g. Cholera outbreak in Kivu DRC 1997.

Population increase and congestion in camps.

Environmental degradation.

Poor living conditions in camps.

Subversive acts against their countries.

Great strain on the budget.

Attack by bandits e.g. on Darbar camp in Kenya 1997.

Friction between neighboring countries.

## **POSITIVES.**

Encouraged research.

Rule of justice / tribunals established.

Improved relations between countries e.g. through UNHCR.

UNHCR has built schools, hospitals, repaired roads.....

Peace initiatives for diplomatic relations e.g. Arusha peace accord.

Creativity among the refugees /skills devpt.

Provision of employment to some people (UNCR).

Charity organizations in place

## **SOLUTIONS TO THE PROBLEM OF REFUGEES**

The Church should preach forgiveness and reconciliation among the conflicting parties.

They can practically do this by playing the role of arbitration or mediation.

The practice of democracy and the rule of law can enhance political stability thus reducing the rate of refugees.

The church should preach love among the people of God, as this would curtail conflict emanating from tribalism, racism etc... hence this acting as a solution to the refugee problem.

The provision of social services without discrimination by the Government and NGO's should be encouraged, as this of course would reduce on the rate of refugees.

The legislature should formulate just and fair laws which will give freedoms to their people in their own country and will therefore not look forward to becoming refugees.

The church should encourage the fair distribution of burdens and honors, employment opportunities, plus other national resources.

Christians can also solve the problem of refugees by praying to God for a solution. They should pray for the refugees to have perseverance, but also pray for the people who force others to become refugees, so that they may have converted hearts.

The problem of refugees can also be solved through respecting the fundamental human rights such as the right to life, freedom of press, and freedom of association.

The church and government should try to provide for the refugees in terms of food, shelter, medical care, and counseling among others.

The church should advise government to improve on the remuneration of the employees. Employees should be paid according to their qualifications and the work done so that people stop moving out of their mother countries to look for greener pastures.

Those persecuted on the basis of their faith should be advised by the church to endure

since Christ was also persecuted but did not give up and finally became victorious.

## **THE NATION AND THE STATE**

A nation is a large community of people who are united by ties of blood, a common language, and a common culture; usually having a political character or political aspirations.

A state is an organized political community under one government usually made up of very many nations or peoples, bound together by common material interests but having little or nothing in common as regards origins, language and culture.

Nation building refers to the drawing together of people of different ethnic groups into a unity based on a common culture, and ultimately through intermarriages.

The Government on the other hand is a body which has the authority to conduct the policy actions, and affairs of the state.

It is not good for all power to be concentrated in the hands of one individual or a small group of people and because of this reason there are usually three different branches of the government i.e. the legislature, the executive, and the judiciary.

The legislature is the national assembly or parliament which is the law-making body in any given country. In other words, it is the policy-making body.

The executive, commonly referred to as government is usually comprised of the president or prime minister with cabinet ministers and a hierarchy of civil servants who implement what has been planned or decided.

The Judiciary is an independent organ of the government which is usually comprised of



the judges of the country, the courts of law, the police, and the prisons. Its primary role is to maintain law and order and to ensure that the government is answerable to its legislators /national assembly / parliament.

## **FAMILY OF NATIONS**

From ages cradle men and women have come to realize their common humanity and interdependence in this world.

The development of rapid means of communication and transport (e.g. MTN and Aero plane), The Shock Of The two world wars, the spread of modern scientific discoveries, have all led to a widespread realization that mankind inhabits one vast global village.

The establishment of United Nations Organization with its various branches is the best secular example of mankind understanding of his unity in diversity; and of the desire for world wide peace and justice plus equal human development for all people.

The fact that we are human beings before we are citizens of any particular country is a clear indication of the inherent desire for all of us to belong to one family of Nations, regardless of our differences in race, sex, and ideology.

In the past but also today, we are witnessing the gross violation of human rights perpetrated by the agents of different states. For example, the attack on the pentagon in USA by the terrorists in 2001 left very many innocent people dead! Shouldn't this kind of terrorism call for an international concern?

In the recent past we have had apartheid in South Africa; today we can focus on the plight of millions of refugees in different parts of this world; All these and others indeed area issues which should not be ignored, but dealt with by the entire family of Nations.

Therefore, political groupings evolve because individuals and families or other groups which compose the political group are aware that they are insufficient, on their own, to establish a fully human environment and to make this environment a better place to live in.

Every political society has two distinctive features: -

- (a) There is a community made up of families which recognize their dependence on one another.
- (b) A common authority which is recognized as having power to direct the members towards a common goal of well-being and having the duty to guarantee the security of individuals and families against any form of injustice.

## **CHRISTIAN VIEWS ON THE WORLD AS ONE FAMILY OF NATIONS**

Despite the racial differences, all mankind originated from Adam and Eve. Therefore, we are all members of the same family.

The evangelist Matthew in chapter 6:9-15 presents our Lord's prayer which clearly shows that we have the same Father and as such we are brother and sisters.

All human beings were created by one God regardless of sex, race, or skin colour, and it is factual that we were all created in God's image (Gen.1:24).

According to Prophet Isaiah, all nations shall be worship one God (Is.2:1-4). No Nation shall rise to fight another one and never to prepare for battle again.

Jesus' law of love for neighbor embraces all people of all nations of the world regardless of the different states we belong to.

John's message is the same to all nations "For God so loved the world that He sent His

only begotten son and that the world might be saved through him (Jn.3:16).

Prophet Jeremiah was called to be a prophet of all Nations of the world (Jer.1:3) and not of a particular Nation.

The mission of the church is to preach the good news to all nations of the world and to bring peace among them.

Jesus' ministry was not confined to the Jews alone but also to the Gentiles, and indeed to all nations of the world.

In his teaching, St. Paul observed that mankind has sinned and fallen short of God's glory. Therefore, we all need redemption as people of all nations of the world.

The Psalmist says that the world is for God (Ps.24:1) and all that is in it. Therefore, all nations as a family belong to God.

Lastly but by no means the least, the atonement death and resurrection of Jesus Christ is a source of redemption to all nations of the world as recorded in Romans 3:23-24.

## **THE CONCEPT OF A JUST WAR**

A just war is an aggression or a violence which is unavoidable because of the demand and the popular support by the masses in a given country.

It is a way of getting rid of violation of human rights by the government or anybody in authority. It is thus a war aimed at restoring human freedoms and maintenance of human rights.

A just war aims at saving the lives of innocent people for example the oppressed, the

internally displaced people and the refugees.

It is a war against all forms of corruption like abuse of office, fraud, embezzlement, Bribery, sectarianism, graft, bid –rigging, kickbacks etc.

It is a war that is carried out for the welfare of the majority of citizens of a given country and not merely for personal interests.

A just war is that one where enemies are treated with compassion and love. It is a war which does not violate the biblical principles of love and justice.

It is a war that is aimed at defending the constitution and the rule of law in a given country. The purpose is to restore constitutional governance in that affected country.

A just war aims at instilling morals in the government officials and the citizens at large. Therefore, in participating in this war, certain ethical principles must be followed.

It also aims at saving the endangered species or the threatened people like the minority groups in some countries or the incarcerated without trial.

A just war must have clear goals which are accepted by the majority of citizens. Those who do not accept their goals should not be coerced to join in the war, instead their opinions should be respected.

A just war is fought as a last resort. This means that it is used after all other peaceful measures have failed. This is because the aim of a just war is to restore peace and justice in society.

## **CONDITIONS FOR A JUST WAR**

Some Christians who believe that where necessary one may wage a war or fight in it, add that such a war should be a just one.

Whereas war is never right for a Christian because it is very costly in terms of human life, property, and the suffering it causes, there are situations when a lesser evil must be taken rather than not fighting at all.

In situations where bringing about justice might demand war, there are certain conditions that must be followed and when they are fulfilled such as war is described as a just war.

A just war must be fought for a just cause.

This means that there must be a serious reason for this war, for example a war fought in self-defense when a state has been attacked by another.

It must be fought by a proper authority. This means that not anyone or any group could declare war; it is only the government that should wage war since it is the only proper authority in the state.

A just war must be fought with right and just intent. This means that the intentions behind the war must be good. If war for example is waged for aggression purposes, then one is not morally justified to take part in it.

A just war must be one which is fought with a reasonable chance of success. As we have already seen war is very expensive and so there is no point in declaring war which is likely to fail to achieve its objective of establishing justice.

This war must be fought to ensure a better future than could be hoped for without a war. If war does not succeed, it is not likely to create a better future.

This means that benefits of the war should be for the majority of the citizens.

A just war must be fought by just means. Only appropriate and recognized force should

be used. This means only soldiers may fight in this war. The use of children's forces commonly known as "Kadogos" should be condemned in the strongest terms possible.

There should be a sufficient proportion between the good to be accomplished and the accompanying evil costs. This means that the cost of a just war should not be greater than the benefits derived from such a war. Besides, the means used must also be in proportion to the end results.

A just war must be fought following the internationally agreed principles. This means that the conventionally agreed precepts regulating war must be obeyed. For example, it was agreed to ban the use of nuclear weapons during war (i.e. after the end of the 2<sup>nd</sup> world war in 1945).

During the war, the evil effects must not be intended in themselves but only permitted as a byproduct. For instance, innocent people and non combatants must be protected and should not be harmed at all.

A just war must be used as a last resort when other peaceful ways of resolving the problems have failed. These other peaceful ways which should be tried first include: negotiations, mediation, arbitration, diplomatic pressure, economic sanctions, ultimatums, courts of law and the intervention by international organizations.

It should be noted that to be just, all the above-mentioned conditions must be fulfilled. If a number or even one of these is missing, then such a war is not a just one, and therefore it should not be waged; and a person is not morally justified to take part in it.

## **CAUSES OF ARMED CONFLICTS OR WAR IN THE WORLD**

The differences in ideology. These differences may either be political or economical. They have led to armed conflicts particularly in developing countries. For example, beliefs

in Marxism against capitalism have led to cold wars in Rwanda and the Democratic Republic of Congo.

Mistrust and fear among some countries. This situation continues to exist between various countries because of the existence of stocks of deadly nuclear weapons, and of large armies, air forces, and navies which are still maintained especially by the superpowers.

Economic oppression of the poor by the rich. There is anxiety and fear in the less developed countries that they may be dominated and oppressed economically by the richer and more developed countries.

Differences in ethnicity. In some countries like Rwanda, one tribe may consider itself superior to others and therefore entitled to rule the rest. This for example led to the 1994 genocide in Rwanda.

Religious fundamentalism leading to persecution. This is the exclusion of one group or another in the name of religion. In countries like Nigeria many people continue to lose their lives because of the conflicts between Christians and Moslems.

Greed for power leading to coup d'état. Some politicians want to grab power by all means including violence. This leads to dictatorship, militarism, elimination of competition and exclusion of others from power sharing.

Unbalanced resource endowments. Since the African states tend to own most of the valuable resources, our states are usually coerced with violence with the intention to control our resources.

Corruption with impunity. This is the diversion from the set or accepted norms in the course of performance of one's duties for selfish and personal gains. When this evil is unchecked, it will definitely lead to internal armed conflicts.

Revenge mentality. A culture of intolerance and prejudice has developed in many less developed countries as successive regimes carry out revenge on all those related to the government that was overthrown.

Dictatorial or Totalitarian regimes. This are manifested through the brutal policies of their security organs. Dictatorial regimes often breed opposition military groups leading to war and violence.

Violation of Human rights. The gross violation of human rights especially the right to live has also been a major cause of armed conflicts.

Other causes of armed conflicts may include: abject poverty, unemployment, moral decay, excessive ambitions and so on and so forth, the list is endless.

## **DISADVANTAGES OF ARMED CONFLICTS OR WAR**

War is Satan's weapon for destroying life. It is for example against God's commandment in the Bible, "Thou shall not kill (Ex.20:13)"

War creates suffering and destabilizes peoples' settled lives. For example, the September 11<sup>th</sup> 2001 bombings on the Pentagon in USA created much sufferings and disabilities among American nationals.

In war, the prisoners of war are mistreated as subjects and not as equals. In fact, they are tortured and mistreated before they are killed.

War is a man's disparate attempt to solve problems. It is in fact society's failure in its judicial system and arbitration.



War makes us our own God to solve our problems and that we no longer need God's help. This is a sin of pride like that one the Patriarchs exhibited when building the tower of Babel (Gen 11).

War creates enmity between individuals and nations. The enmity that exists between Israel and Palestine is because of the continued conflicts over the Gaza strip.

Poverty and famine are associated with wars since there is insufficient production going on during the time of war.

The refugee problems is a world-wide concern which is actually a direct result of war. Many people have been forced to flee their countries of origin because of political persecution.

The presence of war is associated with various forms of sexual turpitude like rape and defilement. Women who are usually a prey to this promiscuity are demeaned or dehumanized.

War creates long term genetic effects on human beings. For example, many children (Kadogos) during the 1986 Liberation war in Uganda lost their sense of hearing.

## **JUSTIFICATION OF A CHRISTIAN'S INVOLVEMENT IN THE ARMY**

By joining the arm man becomes protector of other people's lives and their properties from their enemies. In the book of Genesis man was commanded to subdue the world (Gen 1:28-29). Subduing has an element of protection.

A Christian may join the arm in order to save life and property. In doing this man becomes a co-creator with God which is biblical according to the book of Genesis Chap.1:26(created in God's image).

The Bible shows us the chosen people of God who sometimes fought wars against their enemies but did not fall out with God. A good example here are the Israelites who went to war with the philistines and even had God's protection.

By joining the army, the Christian builds a fence around the country from enemies, and this brings peace and happiness to the citizens. The Gospel according to Matthew says; "Happy are those who work for peace, God will call them his children (Mt.5:9).

In the Bible, there are indicators of people who were soldiers and religious at the same time. In the book of Acts of the Apostles, there was a man in Caesarea called Cornelius who was a captain in the Italian Regiment but who at the same time did a lot of charity work and God was pleased with him (AA 10:1-5).

The Christians are the light and salt of the earth and so by joining the army they will give it a good direction in as far as morality in the army is concerned.

A Christian does not live in isolation from the community and the nation at large. He should therefore take up his constitutional responsibility of defending the territorial integrity of his country including carrying out other peace initiatives.

The army is not only for war but also is used for other useful purposes such as distribution of relief food in times of calamity which a Christian is justified to participate in.

The army is also important in saving people during the time of disaster such as floods and landslides. The UPDF for example got involved in saving the lives of the people who were affected by the Bududa landslides in 2011.

A Christian is justified to join the army because soldiers are used to do tough tasks such as exploration for purposes of development. Soldiers also help in making bridges and

controlling infernos.

## **REASONS WHY A CHRISTIAN MAY NOT INVOLVE IN THE ARMY**

In order to become a soldier in the Roman army, one had to offer a sacrifice and also swear an allegiance to Caesar as a god; yet the book of Exodus teaches a Christian to worship only and only one God the Almighty.

Soldiers may be called upon to pick a sword and use it. Many Christians believe that this is against the teaching of Christ when he told Peter that he who lives by the sword will die by the sword (Mt.26:52).

Christians should always refrain from making war with enemies, and we cannot bear to see a man being killed, even if killed justly for killing is prohibited for a Christian in the book of Exodus: Thou shall not kill (Ex20:13).

Christian soldiers are advised to refrain from using the sword in order to bring about justice. They risk being rejected and excommunicated from the church. Clement of Alexandria wrote in AD 217: "He who holds the sword must cast it away and if one of the faithful becomes a soldier, he must be rejected by the church, for he has scorned God"

Due to the Christians conviction of love and forgiveness and reconciliation, it becomes uncomfortable for them to join the army. In the sermon on the mount Jesus said : "You have heard it was said, you shall love your neighbor and hate your enemy; But I say this to you," Love your enemies and pray for those who persecute you (Mt.5:43ff).

Christ brought peace to mankind when he broke the chain of death thus Christians are supposed to be peace makers. Tertullian in the early 3<sup>rd</sup> century made a statement: "For even if a centurion became a soldier the Lord in disarming Peter disarmed every soldier", hence suggesting peaceful ways of reconciling.

War is man's disparate way of solving problems. It is inconsistent with the law of non-violence and non-resistance which was preached and modeled by Jesus Christ. Geoffrey Chapman in *Christian Living Today* book 1 contends by saying that Mahatma Gandhi believed in satyagraha, a Hindu word for non-violence.

The Christians do not justify the involvement in the army because war involves killing which is a sin before God. Among the ten commandments of God in the book of Exodus, there's one which stipulates "thou shall not kill (Ex.20:13).

War creates enmity between individuals and nations thus unjustifiable for a Christian. Poor relationships are created between nations and states. James exhorts Christians to refrain from military service whenever possible and never to engage in warfare because wars come from covetousness (James (4:1-2).

In most countries the army is associated with immoral and unethical behavior like rape, drug abuse, defilement and prostitution; which are ungodly thus a committed Christian should never participate in the army.

## **PACIFISM (Nonviolence)**

Pacifism refers to non-participation in war or non-participation in violent revolutions with an endeavor to find non violent means of solving conflicts. Pacifism is opposed to war, militarism, or violence.

There are some people who believe that war is always so wrong that there are no circumstances in which one could fight in it. People who hold this view are called Pacifists. They include people like St. Peter Clever, a Spanish Priest, who spent over 40 years in the 18<sup>th</sup> century fighting non-violently against slavery in Latin America.

Pacifists argue that war or participation in it is wrong because it violates the commandment of God against killing, and the requirement of loving one's neighbor and one's enemy. Jesus taught in Matthew; "Love your enemies and pray for those who persecute you (Mt.5:43ff).

According to Martin Luther King Junior, to resist without bitterness, to be cursed and not to reply, to be beaten and not to hit back; is at the heart of the creed of non- violence. When Peter attempted to defend Christ in the garden of Gethsemane, Jesus halted him thus forbidding him to hit back.

In the ideology of non-violence, the masses have a weapon which enables one to resist even the mightiest government successfully. Jesus Christ successfully resisted the authority of Pilate when he asked him" Are you the king of the Jews? And Jesus replied so you say" (Jn.18:37).

However, some Christians consider non –violent resistance as unchristian because it is already resistance to authority. John Calvin one of the early church reformers said that; "Standing by and refusing to act while harm befalls a neighbor is not a virtue but a vice;" So some force may be used out of love for the neighbor.

But history seems to indicate that Justice can only be achieved only by some force and by resisting tyranny. This is true because oppressors rarely change by peace talks or dialogue.

Some Christian churches like the Friends and the Mennonites are committed to pacifism This means that no member of these churches can fight in war.

These members can however volunteer to undertake dangerous or unpleasant duties like giving medical assistance to those injured in war or burying those who have died in war.

Therefore, whereas every person has a right to enjoy the benefits of communal living and the common good in the state, one also has the obligation to contribute to the common good which is "Peace".

## **BIBLICAL TEACHING ON PEACE**

In the Old Testament where the Israelites were often at war with their neighbours, God assured His people through the Prophets that He is the God of peace and would give them peace as we read: "The mountains and the hills may crumble but my love for you will never end , I will keep for ever my promise of peace so says the Lord who loves you"(Is. 54:10).

Prophet Isaiah prophesied the coming of the messiah who he called the prince of peace. In his own words he writes: "A child is born to us! a son is given to us! And he will be our ruler, He will be called wonderful counselor, mighty God, eternal father, and prince of peace" (Is 9:6).

Hosea also prophesied peace for the nation of Israel when he wrote: "At that time I will make a covenant with all the wild animals and birds, so they will not harm my people. I will also remove all weapons of war from the land, all swords and bows, and I will let my people live in peace and safety (Ho.2:18).

The New Testament opens with a big message of peace for all mankind at the birth of Jesus Christ as the angels sang" Glory to God in the highest heaven, and peace on earth to those with whom he is pleased (Lk. 2:13-1).

Jesus who said he had come to establish the Kingdom of God on earth, taught us that this kingdom of God on earth, taught us that this Kingdom would be characterized by Justice, love and peace. That's why he taught us to love our enemies and pray for all those who persecute us in the interest of peace. (Mt.5:44).

In the Beatitudes while giving the Sermon on the Mount, Jesus taught that; “Happy are those who work for peace, God will call them His children (Mt 5:9).

Jesus Christ came to bring peace and reconciliation between God the Father and mankind. He came to bring life that we might have life and have it in its fullness (Jn10:10).

In his farewell discourses, and when Jesus saw how his apostles were worried and frightened, He comforted them saying :”Peace is what I leave with you, it is my own peace that I give you ; Do not be worried and upset, do not be afraid.....(Jn.14:27).

Jesus Christ recognized the importance of peace in human life; that’s why he left it as a greeting to his followers. During the apparitions, before his ascension to his Father in heaven followers. During the apparitions, before his ascension to his father in heaven, he greeted them: “Peace be with you” and after saying this he showed them his hands and his side .... (Jn.20:19ff).

Jesus challenged the Mosaic law in the interest of peace when he said: “You have heard that it was said; An eye for an eye, a tooth for a tooth; But I say this to you, Do not take any revenge on someone who wrongs you, If anyone slaps you on the right cheek...(Mt.5:38-39).

Jesus did not use war and violence as a means of establishing God’s Kingdom. In fact those who advocate for peace usually refer to the incident of Peter cutting off the soldier’s ear in order to defend Jesus from his enemies. Jesus stopped him in the interest of peace (Mt.26:52)

Christians are called upon to sacrifice themselves in order to bring about peace. That’s why Jesus taught that; “Anyone who wants to come with me must forget self, take up his cross and follow me (Mk.8:34).

## THE RIGHTS AND DUTIES OF CITIZENS

A right is a moral power of a person to have, or to do, or to demand something from another, to hold or to exact something or to omit doing something. But this definition is from the subjective point of view.

However, from the objective point of view a right is that something which is owed to a human being. In fact, a right is something good, worth-while, important and valuable.

A duty is a moral necessity to do, or to exact something or to omit doing something. A duty rests in the natural laws, something you feel is your moral or legal responsibility. But there are no rights without duties. This means that rights are correlative with duties. In fact, the two concepts in life are inseparable. You cannot claim rights without having duties to perform.

If the citizens cannot abdicate their rights, they equally cannot abdicate their duties. The universal Declaration of Human Rights which was drawn up by the United Nations General Assembly in 1948 at Geneva in Switzerland had this to say:

Every citizen has a right to life, Liberty and security. The state must guarantee this security, and she can do this by maintaining stability in the country. Article 4 of the Uganda's 1995 constitution says: " No person has a right to terminate the life of the unborn child.....".

Every one has a right to nationality. This means every citizen has a right to live in any part of the country without any discrimination, provided it is within the limits of the law.

Men and women of full size and full age have a right to marry and found a family. The description of full age varies from society to society. Article 31 of the 1995 Uganda's constitution stipulates: " Men and women of the age of 18 years and above have a right to



marry and found a family”.

Every one has the right to own property either alone or in association with others. This means that no one shall be arbitrarily deprived of his or her property. Article 26 of the Uganda’s constitution contends, “ Men should work in better working conditions to get income in order to purchase what they feel necessary”.

Every citizen has the right to employment opportunities. It is the duty of the state to see to it that employment opportunities are provided to a citizen without any form of prejudice and discrimination.

Every citizen has the right to freedom of thought, conscience and religion; this right includes freedom to change their religion or belief; and freedom either alone or in community with others and in public or in private, to manifest his religion or belief, in teaching practice or worship.

Related to the above, every citizen has the right to freedom of opinion and expression, this right includes the struggle to seek, receive, and impact information and ideas through any media.

Every one has the right to freedom of peaceful assembly and association. This means that no one may be compelled to belong to any association, like the National Resistance Movement at one time in 1986 tried to compel everybody to belong to the National Resistance Movement (NRM). Article 29 of the Ugandans constitution says;” All people have freedom to form join association or unions”.

Every citizen has a right to justice. This means that a citizen should have fair trial if accused of any offence or crime. A citizen has a right to defy arrests if the arresting authority has no proper arrest warrants.

Mention should be made of the right to human dignity and protection from inhuman

treatment. This is coupled with the protection from slavery, servitude, and forced labour.

In conclusion therefore, no right if it is a genuine right can be taken away, except by the one who granted it. Natural rights like the right to life, since they are granted by God through the natural laws, cannot be taken away by human authority, hence are referred to as inalienable rights.

## **MANIFESTATIONS OF ABUSE OF HUMAN RIGHTS**

The gross mistreatment of prisoners through caning, flogging, buffeting or even overworking them. This kind of torture militates against the dignity of the prisoner who was created in the image of God.

Detention into safe houses and delayed trial of the suspects by the courts of law. This denies the suspects the right of appeal because justice delayed is justice denied.

Wars, armed conflicts, instabilities and insecurity are common in African states. We have fighting in Southern Sudan, Nigeria and Ethiopia and these have led to the death of very many innocent people.

There is also valence against women and children. Women are sexually harassed by their bosses at their workplaces and children are sometimes denied the basic needs by their parents.

The denial by government the freedom of press and association. A case in point is the recent passing of the public order and management bill by the ninth parliament of Uganda.

Poor working conditions especially in the private institutions manifested through meager pay, delayed payments or termination of services at will by the employer.

Unjust economic policies which exclude the majority of the population and the political policies which favour dictatorship, oppression have also been responsible for military violence.

The unfair treatment of the opponents by the state machinery. In Uganda for example during the walk to work demonstrations of 2011 many peaceful demonstrators were buffeted and one wonders whether our police force is really anti-riot police or rioting police!

Burning of political parties thus violating the human right to associate. This is true because democracy means supporting all the multiparty using the national budget.

Preventing the Kabaka of Buganda from visiting his subjects. In 2009 there were demonstrations in Buganda when the Kabaka was prevented from going to Kayunga Some people were incarcerated till today and have never been prosecuted in courts of law.

## **CAUSES OF VIOLATION OF HUMAN RIGHTS**

The militarization of politics at all levels especially during elections. This means that some parties use soldiers and military police to intimidate and harass the voters. During the 2001 presidential elections NRM used the Kalangala action plan led by Major Kakooza Mutale.

The desire of undemocratic governments to remain in power also leads to violation of human rights especially the right of freedom to associated and fight for a just cause. The NRM government which has been in power for now 28 years and the passing of the bill on public order and management 2013.

The predominant high levels of illiteracy in developing countries where many people do

not know how to read and write. This debars many from knowing their rights and consequently they do not defend them.

The general moral degeneration in the society also leads to violation of human rights. Many people no longer feel guilty when they carry out some evil actions, and they are no longer aware that what they are doing is evil.

The conspicuously increased cases of violation of human rights can also be linked to abuse of drugs. Many people who are addicted to drugs end up committing crimes such as rape and defilement.

Poverty has also led to the violation of human rights. The poor people do nothing when their rights are being muzzled by state machinery because they are economically unable to defend themselves.

The increasing level of permissiveness in society has also led to violation of human rights. Liberty to do anything regardless of its effects on the society like undressing of women who wear mini skirts!

The separation of education from religion leading to uncertainty about the purposed of life. There is also a false confrontation between science and religion leading to secularism. This has paved way for some people to become affluent even in the wrong ways thus violating human rights.

The breakdown of the traditional cultural order coupled with the erosion of cultural norms and values such as informal education in form of riddles and proverbs.

Chinua Achebe in "Things fall a part" contends when he says;" The white man has put a knife on things that held us together" ....

The neo-colonial policies such as retrenchment and demobilization by world bank have also led to violation of human rights in form of loss of a source of livelihood i.e.

unemployment.

## **SOLUTIONS TO ABUSE OF HUMAN RIGHTS**

The government should empower organizations that deal with the protection and promotion of human rights. The Uganda Human rights commission for instance should be given the independence to fight for human rights without fear or favour.

All of us are called upon to make recourse to prayer. All believers should earnestly pray for real peace and tranquility in our states. In doing this we should pray for evildoers and the self-centered, so that they may listen to God and repent and become good citizens.

The government together with the church should work together and carryout peace talks in order to reduce the conspicuously increased rebel activities in our nations. Archbishop John Baptist Odama of the Ecclesiastical province of Gulu in Northern Uganda gives us a good example when he accepted to mediate between the LRA rebels led by Kony and the NRM government of Uganda.

The government should enact humanitarian laws in order to preserve humanity in all circumstances. Even where there are conflicts, such laws should be geared towards creating peace in the midst of conflicts.

Humanitarian intervention should be permitted especially in states where those in power are responsible for human rights violations. A case in point was in Rwanda where there was genocide in 1994. Outside intervention was necessary to stop the abuse and to preserve international security.

The government should sensitize its citizens about their rights and obligations. This can be done through seminars and workshops. It can also be done through cadre development courses. This said and done, the citizens will be in position to defend their

rights.

It is the duty of citizens to report human rights abusers to relevant authorities. This is so because the preservation of human rights needs a combined effort. It should therefore not be left to the police alone.

The government should allow freedom of press because media is a very powerful weapon in fostering human rights. Every citizen has a right to freedom of opinion and expression according to the Universal declaration on human rights.

Government should set up public accounts committees as well as the office of the Inspector General of Government (IGG) to investigate the misuse of public funds as well as abuse of human rights.

The church should play her prophetic role of pointing out abuses of human rights and advising the political leaders who are in charge of the temporal needs to desist from abuse of human rights. The church has the right to pass moral judgment, even on matters touching the political order according to Gaudium et Spes No.76.

The other solution to abuse of human rights but in outline form include the following: -

- Encouraging women to participate in economic, political and social issues of the country.
- Encouraging democracy, constitutionalism and the rule of law.
- Recruiting well behaved citizens into the civil service as well as the army and the police.
- Reducing bureaucracy in public offices in order to avert corrupt tendencies.
- Arresting drug abusers and confining them in a solitary place.
- Reducing poverty by supporting sustainable development goals (SDG's).
- Speeding up the rate of trying those brought to the courts of law for being suspected of violating human rights.

