Assignment Title: Punishment

Course Title: Criminology II

Course Code: LPI 304

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Question 1

1. What motivates the ‘just desert’ principle of punishment? Discuss

What's the origin of the phrase 'Just deserts'?

Deserts, in the sense of 'things deserved' has been used in English since at least the 13th century. A citation in which it is linked with 'just' comes from 1599, in Warning Faire Women: "Upon a pillory - that al the world may see, a just desert for such impiety."

What is just desert theory?

 It is the most ancient method of dealing with offenders, it is retributive in nature, and the **principle** of **just deserts** requires the **punishment** to be proportioned to the unfair advantage the offender has taken by lawbreaking. ... Thus, it can be argued that because of this, the recidivist deserves additional **punishment** or that the recidivism itself constitutes an additional crime to be punished.

 **Just deserts** is a **theory** which is designed to promote equality and fairness of sentencing for the imposition of a sentence. The principle behind **just deserts** is that the punishment should fit the crime. When such an instance occurs, it is said that the offender has received their '**just deserts**.

 Just deserts is sometimes referred to as the 'retribution' type of sentencing. In other words, one should be punished simply because one committed a crime. Throughout history, the idea of retribution for the commission of a crime can best be explained in the Old Testament quote 'an eye for an eye, a tooth for a tooth.' Which is a Latin maxim “**Lex Talionis**”

 In addition, according to Just deserts, the punishment of the offender must be fairly and equally apportioned to all individuals who commit the same crimes. This can sometimes be a controversial area of the theory, as the circumstances surrounding the commission of crimes may vary.

 A just deserts motive or a desire to incarcerate the actor so that he cannot be a further danger to society. One popular justification for punishment is the just deserts rationale: A person deserves punishment proportionate to the moral wrong committed. Punishing an offender reduces the frequency and likelihood of future offenses.

Question 2

1. a) As a criminology student, what do you think is the most effective way of punishing and treating capital offenders? Give reason(s) for your answer.

What are Capital crimes?

 A capital crime is a crime that carries the possibility of a death sentence. Crimes such as murder, treason, espionage, and terrorism are among the list of capital crimes

 As a criminology student I am of the believe that the most effective way of punishing and treating capital offenders is **rehabilitation**, in other words, the **Reformative Theory.**

It can be said that the reformative theory is the most superior among the theories ofpunishment because it is compatible with the modern humanitarian ideals and seeks to eliminate the causes of and prevent crimes but it cannot be applied to all crimes. The most recently formulated theory of punishment is that of rehabilitation—the idea that the purpose of punishment is to apply treatment and training to the offender so that he is made capable of returning to society and functioning as a law-abiding member of the community.

 As was stated earlier, this method of punishment cannot be meted out in all circumstances as the rehabilitation model "makes sense" only if criminal behavior is caused and not merely a freely willed, rational choice. If crime were a matter of free choices, then there would be nothing within particular individuals to be "fixed" or changed.

 So therefore I am of the belief that if the offense is not a first-time offense, then such an offender should be punished with the **Death penalty.**

 Capital punishment, also known as the death penalty, is a government-sanctioned practice whereby a person is put to death by the state as a punishment for a crime**.**

 However, No, there is no credible evidence that the death penalty deters crime more effectively than long terms of imprisonment. States that have death penalty laws do not have lower crime rates or murder rates than states without such laws, although the individual should be killed because I am of the opinion that there’s a certain degree or level at which killing another person reduces one’s humanity as it is rather an inhumane action so therefore instead of allowing such a beast to roam and wander the earth, it is best to eradicate such an existence from the world. This method can be dated as far back as the biblical times as “Whosoever sheddeth man’s blood, by man shall his blood be shed” (Genesis 9:6)

 The following are the reasons for my opinion:

1. Those who commit murder, because they have taken the life of another, have forfeited their own right to life.
2. Capital punishment is a just form of retribution, expressing and reinforcing the moral indignation not only of the victim’s relatives but of law-abiding citizens in general.
3. It is a uniquely potent deterrent effect on potentially violent offenders for whom the threat of imprisonment is not a sufficient restraint.
4. It is possible to fashion laws and procedures that ensure that only those who are really deserving of death are executed.

Question 2

 B) Will your answer be the same if the accused was charged for a simple offence?

 No my answer would not be the same, as the price of life is priceless so unless absolutely necessary, the death penalty should not be employed as a means of deterring or punishing offenders but rather reformative methods such as Rehabilitation or Imprisonment should be employed.

 The following are reasons why the death penalty would not be suitable or appropriate for simple offences:

1. Death penalty is not a more effective deterrent than the alternative sanction of life or long-term imprisonment.
2. Historical application of capital punishment shows that any attempt to single out certain kinds of crime as deserving of death will inevitably be arbitrary and discriminatory.
3. Errors are inevitable even in a well-run criminal justice system, some people will be executed for crimes they did not commit.
4. There is no agreement among religious faiths, or among denominations or sects within them, on the morality of capital punishment, so therefore it is highly immoral.
5. When it is used for lesser crimes, capital punishment is immoral because it is wholly disproportionate to the harm done.
6. Capital punishment violates the condemned person’s right to life and is fundamentally inhuman and degrading.