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1. WHAT MOTIVATES THE ‘JUST DESERT’ PRINCIPAL OF PUNISHMENT?

Before I begin to attack the question I would like to explain or more like describe the Just DESERT PRINCIPAL OF PUNISHMENT.

Just deserts, as a philosophy of punishment, argues that criminal sanctions should be commensurate with the seriousness of the offense. The severity of punishment meted out to felony offenders in a large urban jurisdiction in the Midwest and argues that two dimensions of criminal sanction need to be examined to understand punishment severity: the type of sanction received and the length of sentence. We also argue that the frequency and visibility of crime are linked to punishment severity. Analyses indicate that crime visibility is a good predictor both of judicial decisions to incarcerate and of the length of term of probation. Crime frequency, on the other hand, has little predictive power. Judges in the jurisdiction are guided by a modified just deserts philosophy in their sentencing decisions.

Have you ever heard the saying ‘let the punishment fit the crime.’ Well, this is the philosophy behind the just deserts model of justice. The phrase represents the idea of a fair and punishment related to the crime committed. Just deserts is sometimes referred to as the ‘rehabilitation’ 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.’ So, what exactly is the just deserts philosophy? Under just deserts those who commit crimes deserve to be punished. Moreover, the severity of the punishment should be commensurate with the severity of the crime. In other words, as stated at the outset, the punishment should fit the crime. 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 the crimes vary; therefore, the equality of the punishment that fits the crime, it follows that severe offense will receive an equally severe punishment. Conversely, under just deserts, a minor offense will receive a less severe punishment.

Let’s look at an example. Imagine that A murders B after a scuffle in a bar. Following trial, A is found guilty. Under the just desert model, A’s penalty must reflect the commission of the murder. Consequently, A is sentenced to life imprisonment. On the other hand, now imagine that A gets into a scuffle with B while they are in a bar. A breaks B’s jaw, which requires emergency surgery and hospitalization. In this instance, after being found guilty, A receives a sentence of six months imprisonment. Under the particular jurisdiction, the breaking of a jaw requires a sentence of six months to one year. The jurisdiction holds that the punishment of six months is in reasonable proportion to the crime. 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’. There is no specific timing for this theory as it goes back as far as the Old Testament in other words B.C (Before Christ).

Now I wish to attack the question. The just desert in law means ‘the due’ it refers to that in conduct or character which deserves reward or punishment, or to which is deserved.

The motivation behind the just desert principle is retribution (as the preference to restore justice through proportional compensation from the offender). Retribution as just deserts is mainly predicted by a value restoration motive and by right-wing authoritarianism. After controlling for revenge, retribution as just deserts predicts support for procedural justice in the criminal court.

The motivation behind the just deserts theory is to establishment the punishment of a particular crime when committed. The punishment of a crime committed should be administered for all who commit the crime. Meaning that the punishment given to that offender is fixed and fits the crime which he committed. The crime and the punishment weigh the same in other words the punishment must fit the crime. This also make the criminals who commit the crimes to know that while committing the crime they weighed the punishment for the crime which they committed and had it coming for them as they knew the consequences of their action.

For example, in the case of an assassin who goes to kill someone his goal also is not to get caught as he will know that getting caught my law enforcement officials will lead to death penalty which is stated by the law. This is a fixed law or punishment according to **SECTION 319 (1) OF THE NIGERIAN CRIMINAL CODE** which states that anyone who commits the offence of murder shall be sentenced to death, Therefor, anyone who commits the offence of murder shall be sentenced to death if the offence is committed without the defense of provocation.

In conclusion the just desert principle or theory is motivated by retribution of punishment when a crime is committed. The just desert is based on an eye for an eye, a tooth for a tooth meaning in legal sense let the punishment fit the crime committed.

2a. as a criminology student, what do you think is the most effective way of punishing and treating capital offenders. Give reasons for your answer.

Before I begin a capital offender is one who commit a capital offence or an offence against a person or state that is considered grievous e.g. murder, human trafficking, rape, child rape, terrorism, treason and etc.

In my opinion all offences that fall under capital offences are very grievous and I do agree with the punishment being death. Id explain

1. Capital punishment is arguably the greatest deterrent to criminals and potential criminals. Many would agree with me that many people would be deterred from committing certain heinous crimes if they knew the punishment for the crime would be death. Human beings naturally fear to die. The average person would think twice before committing a particular crime if he or she knows that the punishment for the crime is death.
2. Heinous criminal activities such as rape, treason, murder, terrorism, etc. can be drastically reduced when the death penalty is practiced. For example, in China, one can easily be sentenced to death if found guilty of smuggling drugs. This has drastically reduced the usage of illegal and harmful drugs and all the vices associated with drugs. So you see how the capital punishment can reduce the occurrence of certain serious crimes?
3. Capital punishment cuts down cost. It can be very expensive imprisoning criminals because of the fact that the state will have to feed, shelter, clothe, and provide the basic things needed for the prisoners to live in a humane way. Now, imagine a case of a person serving a life term for murder. This person is going to be taken care of by the state until the day he dies. By the time he would have finished serving his life term, he would have ended up costing the taxpayers a lot. But if such a person were executed, the state would have cut down cost drastically. This is the reason why many say that capital punishment is cost-effective.
4. To the average person, the severest punishment on Earth is the death penalty. Certain crimes are so heinous that they deserve nothing but the death penalty. Let’s take an example of a terrorist who deliberately murders dozens of innocent civilians. Is it fair to hand such a criminal a life term in prison where he is going to be taken care of by the same society he harmed? The severity of his crime deserves a severe punishment like the death penalty. Not until such a person is executed by the state, justice hasn’t been served. It is only fair that a person who deliberately commits murder should also have his life taken away from him by the state through the death penalty. Justice isn’t really served until the punishment a criminal receives is equivalent to his or her crime.
5. There are some very violent and hardened criminals such as serial killers who are not meant to live among the general population because of their high tendency to continue killing. It is therefore in the public’s interest that these people are kept in prison forever. But being sentenced to life imprisonment doesn’t always guarantee that a very violent criminal such as a serial killer will be kept away from the general population forever. There are instances where these criminals who have been sentenced to life imprisonment escape from prison and end up in society where they continue to commit their violent and heinous crimes. Over the years, there have been several cases of cold killers escaping from jail and going on to hurt and kill more innocent people. Now, the lives of these innocent people could have been saved had these murderers been executed in the first place. That is another reason why the death penalty is very important.

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

My answer will not be the same because a simple offence means offence or act for which a person is liable by law, upon a finding of guilt before a Justice or Justices, to be imprisoned or fined or both or to be otherwise punished; but does not include an indictable offence which can only be heard and determined in a summary ways as a minor offence. For example disorderly behavior, traffic offences, theft, deception, stalking, gross indecency, etc.

My answer is no as the offences are not grievous in nature. As a person I feel that those who commit capital offences are very much inhumane and need to be punished for the grievous crime which they have committed and deserve the capital punishment. Also the capital offence and punishment are well known in the society so to me I feel the capital offenders were aware and weighed the odds and there is a popular saying, ‘there is no excuse in the eyes of the law’.

Simple offences are very easy to curb as little to no damage is done to victims or to the public. The use of REHABILITATION, CRIME AWARENESS, RETRIBUTION, DETERENCE, INCAPACITATION AND RESTITUTION.

In conclusion, the punishment for a simple offence cannot be a capital punishment because the punishment for the crime committed will not be equal or weigh.