



AFE BABALOLA UNIVERSITY ADO-EKITI (ABUAD)



COLLEGE OF LAW

COURSE TITLE; CRIMINOLOGY II

COURSE CODE; LPI304

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MATRIC NO; 17/LAW01/212

ASSIGNMENT;

- 1) What motivates the 'just desert' principle of punishment? Discuss
- 2 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
- 2 b) Will your answer be the same if the accused was charged for a simple offence?

Note: Maximum of 5 pages. (font: Times New Roman)

QUESTION 1;



In most society today there are rules that have been codified and set as law, whose main purpose is the maintenance of order among human beings and the violation of these laws bring about punishments.

Theories of punishments

1. retribution theory
2. deterrence punishment theory
3. incapacitation
4. rehabilitation
5. restitution

for the course of this question the only punishment to be looked at is retribution theory. Retribution is probably the oldest and most ancient justification for punishment, according to which a wrong is made right by an offender's receiving his just deserts. Retribution is the theory that criminals should pay for their crime. Most of the people think this should be the main reason for punishment because it makes criminals suffer for what they have done wrong.

Retribution theory intends that a man deserves punishment because he has acted wrongfully. What retribution has insisted upon is that no man can be punished unless he has broken the laws. To be more precise, retribution considers that the offender performed an action of a certain culpability that the penalty will give satisfaction equivalent to the grievance caused by his action. In addition, that similar ones have been and will be imposed on similar offenders that he was responsible for his action and performed it with knowledge of possible consequences according to a penalty system and that unlike non-offenders, has gained satisfaction on the commission of an offence.¹

Over the last two decades the retribution theory of punishment has been rediscovered. Due mainly to the inability of other theories, such as rehabilitation and deterrence, to effectuate a reduction in crime, philosophers and scholars have re-examined retribution as a viable justification for punishment. Under this theory hence the concept of "just desert" also known as **proportionality principle**

- **Just Deserts Model**

The phrase represents the idea of a fair and appropriate punishment related to the severity of the crime that was committed. 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.

"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'.

This principle tends to attend to the issue of how punishments should be inflicted, it further answers that the measure of punishment given should be in proportion to the seriousness of the crime committed

Question 2;

What is "capital crime/ offence"?

¹ <https://lawaspect.com/various-theories-punishment-criminal-law/>



There are several crimes that qualify as a “capital crime,” and they tend to vary by country, and sometimes even by state. For instance, murder is almost always a capital crime, no matter where you go. What this means is that if a person kills someone, he risks the death penalty as a possible punishment.

Crimes against humanity, like genocide, also typically qualify as capital crimes. In some countries, crimes such as treason, espionage, and attempting to overthrow the government are all capital crimes. Other countries consider something as harmless as witchcraft or a minor drinking alcohol (not even being drunk, but simply drinking it) to be a capital crime

What is “Capital Punishment”?

The term “capital punishment” refers to the death penalty, which is the punishment for a crime by death². For example, capital punishment methods can include;

- lethal injection
- the electric chair
- hanging
- firing squad
- fine
- caning
- imprisonment with hard labor

these punishments listed above are meted out according to the crime committed. Where a person commits a simple offence, he can be punished with not more than 6 months in prison, where a person’s act is a misdemeanor, his punishment will be not more than 3 years in prison or a fine can be paid. Felonies however is a serious crime. This type of offence doesn’t have a specific number of years attached to it (3 years and above) or death by the various means mentioned above.

There is a great deal of controversy surrounding the issue of putting people to death, such that each state has different laws regarding this ultimate penalty.

Capital punishment is a form of punishment for the committing of a crime. Specifically, capital punishment refers to the sentencing of an individual to death for a capital crime. While the prisoner is still in prison but awaiting execution, he is on “death row.”

As a criminology student I think the most effective way of punishing a capital offender will be through lethal injection.

Lethal injection is the practice of injecting one or more drugs into a person (typically a barbiturate, paralytic, and potassium solution) for the express purpose of causing rapid death. All states and the federal government use lethal injection as their primary method of execution. Some states use a three-drug protocol, others use a single-drug process. The three-drug protocol uses an anesthetic, followed by pancuronium bromide to paralyze the inmate and potassium chloride to stop the inmate's heart. The one-drug protocol uses a lethal dose of an anesthetic.

This method of death penalty honors human dignity by treating the defendant as a free moral actor able to control his own destiny for good or for ill; it does not treat him as an animal with no moral sense. It is an easier or more sympathetic way of killing offenders. As opposed to the firing squad which is more rigorous and sometimes traumatizing to the authorities given the task to shoot. Killing

² <https://legaldictionary.net/capital-punishment/>



by firing squad is a brutal way of punishment and often times these people given the task of shooting are going against their religion and morality.

This method is also good as opposed to the electric chair, lethal injection (the most important 3 stage one consisting of sodium thiopental, pancunorium bromide and potassium chloride) offers little pain or discomfort. It is an effective way of punishment because the person gets to feel everything that goes on right from the paralysis till the induced heart stroke, since that person is also awake to witness the drugs being administered to him/ her.

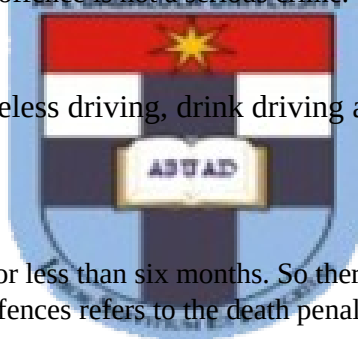
Although the death penalty has been abused by being used within a research context where medical researchers are involved in the procedure. For example, administrators may vary dose or exposure level experimentally to gain information on the body's reaction to certain extreme forms of stimulation. Moreover, doctors responsible for the execution may not meet the same rigorous standards met by the majority of doctors. Notwithstanding the shortcoming, the main purpose of the drug is to end the life of the offender thereby discouraging all other persons from committing that crime.

Question 3

If the accused was charged for a simple offence, this writer's response would take a shift away from the death penalty because a simple offence is not a serious crime.

Example include;

- road traffic offences (careless driving, drink driving and unlicensed driving)
- minor assaults
- property damage
- offensive behaviour.



They are those crimes punishable for less than six months. So therefore, the offence does not deserve the death sentence unlike capital offences refers to the death penalty sentences.

Example includes;

- murder
- manslaughter
- rape

in conclusion, it is important to note that these punishments are put in place to help stop the spread of crime. By creating awareness of these punishments people tend to avoid the crimes for fear of being punished. Also, the punishment should be in proportion to the crime.