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**QUESTION 1: What motivates the “just desert” principle of punishment, discuss.**

Answer: The idea behind the just desert principle of punishment is that the punishment of the offender must be fairly and equally apportioned to all individuals who commit the same crimes, in simpler terms, it simply implies that the punishment should fit the crime.

Generally, punishment connotes the imposition of penalty for retribution for an offence. Therefore, in order to impose such penalties, there are guiding principles which provide a guideline towards imposing penalties, one of those numerous principles is the just desert principle. The just desert principle is in line with the retributive theory of punishment which seeks to punish offenders because they deserve to be punished.

BRIEF HISTORY ON THE DEVELOPMENT OF THE JUST DESERT PRINCIPLE

 The popular criminal justice system was prominent in the Mid-West regions as well as other countries around it in the 1970’s. Initially, the method of punishment around that time was incapacitation up until the just desert advocates suggested that the just desert principle should be the guiding framework towards sanction. In clearer words, the criminals are deemed to be of deserving sanctions because of what they have done and the appropriate level of sanction would be determined by seriousness of the offence such person has committed as well as the individuals past recording of offence.

IN-DEPTH ANALYSIS AS WELL AS SCENARIO ILLUSTRATING THE IDEA BEHIND THE JUST DESERT PRINCIPLE.

 As earlier stated, the phrase ‘just desert’ represents the idea of a fair and appropriate punishment related to the severity of the crime that was committed. This obviously is in line with the retribution type of sentencing where by severity of punishment should be proportionate to the wrong doing committed .In otherwords, the idea behind this principle is that punishment should be equal to the crime, emphasizing equal punishment for equal crimes means not that the punishment should be exactly like the crime, but that the ratios of sanction severity should have a corresponding set of ratios of crime seriousness.

For example, if Obi murders Ada in situations that would ordinarily amount to murder as stipulated in our Nigerian Criminal Code, the appropriate punishment for Obi would be a death penalty due to the fact that the severe punishment of a death penalty fits the crime of murder.

 In summary, the ‘just desert’ principle is an attempt to blend justice with fairness. By focusing on the past behavior of the offender punishment is not based on recidivism but rather, it is based on seriousness or gravity of the offence as well as past recording of the offender.

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

 As a criminology student, I think the imposition of the death penalty is the most effective way of punishing and treating capital offenders. Before giving reasons for my answer, this writer would briefly analyze the concept of the imposition of a death penalty on a capital offender, the controversies surrounding the imposition of death penalties as well as reasons why I think the most effective way of treating capital offenders is by imposition of a death penalty.

Firstly, a capital offender is simply anyone guilty of a criminal charge which is punishable by death sentence. On the other hand, a death penalty also regarded as the capital punishment, is a government sanctioned practice whereby a person is put to death by the state as punishment for a crime. The death penalty has always been a form of punishment in every state whereby criminals, depending on the seriousness of their offence, are killed either by execution or hanging or lethal injection, so as to deter people from crime as well as eradicating such criminal from the society so as to ensure safety as well as order in such state. It is still practiced today in countries such as China, Pakistan, and even our country, Nigeria. It is provided for in CHAPTER IV OF THE 1999 Constitution which provides instances where a citzen’s life can be taken away from them.

 In essence, a death penalty has been attached to some offences considered serious in the Nigerian society with the aim of preventing it’s occurrence as well as discouraging aspiring offenders from engaging in that particular crime. Some of those crimes are murder, treason, etc.

Such imposition of death penalty has equally faced a lot of controversies. Some of them include that such imposition of death penalty does not value human life on grounds that the human life is so valuable that even the worst murderers should not be deprived of the value of their lives,. Again, another argument against death penalties has it that, a death penalty is in conflict with the inalienable right to live including murderers and therefore sentencing them to death is in violation of such right; however, in a counter argument, some criminologists are of the view that a person can, by their actions give up their human right to life, therefore, criminals forfeit their right to life by carrying out such outlawed conduct.

 Having all the various reasons why other people might be against the imposition of a death penalty, this write is stronger in support of the view that imposing the death penalty on capital offenders is the most effective means of treating and punishing the offender for the following reasons:

1) It is cost efficient: It costs the government quite a lot of money to keep someone in prison for the whole of their life and so, executing them can save money. It is slightly different in every country but as a whole, it is a cheaper option.

2)The penalty is proportionate to the crime: Further illustrating the ‘just desert’ principle pf punishment, if someone has killed another person, one could reasonably be of be view that such murderer should equally suffer the same punishment which is death. After all, we shouldn’t forget the old fashioned but still relevant latin maxim *lex talionis, an eye for an eye.*

3)It ensures the highest form of deterrence in crime: When a capital punishment is attached to a particular crime, potential offenders would be less inclined to commit such a crime due to fear of being put to death if apprehended. Therefore, it is the ultimate warning and hopes to pu other offenders off ie. Deterrence.

4) It goes a great way towards eradicating recidivism for a particular crime: Recidivismsimply means the tendency of a convicted criminal to reoffend. In essence, imposing a death penalty on someone ensures that such person does not get convicted of that same crime because his life has already been taken from him.

5) Application of capital punishment in just ways can limit prison overpopulation issues: A typical example of this is the California prison system. The prisons became so overcrowded with prisonersthat the federal courts had to step in to order changes or risk letting convicted prisoners loose because there was no room to house them. In otherwords, management of prisons would be more efficient if the amount of offenders to be imprisoned are limited.

6) The imposition of a death penalty ensures that the crime victim is not re-victimised: In cases where a murderer for example is sentences to a few years imprisonment or granted bail, such victim could equally live in fear of being re-victimised. In essence, there is every chance such criminal could carry out the same crime initiall carried out in an even more organized manner if let loose. Therefore, this could put the victim in fear of re-victimisantion.

7) The death penalty ensures that such criminals are taken away for good, from the state/society therefore ensuring that such society is safe,orderly and humanitarian for the other citizens to live in: One of the safest steps that that legal system in any state could take is to take a hardened criminal away from the society so as to ensure peaceful coexistence as well as order in such state.Summarily, it protects innocent citizens from dangerous individuals.

8)It provides some sort of solace to the families of the victim: Some families would find some solace in the fact that for example, a killer faces the same predicament such as their loved one who was also killed.

 In summary, the death penalty though facing a lot of controversies regarding taking away human life, I am of the view that imposition of a death penalty provides the highest form of deterrence. Again, the benefits of imposing a death penalty on an offrnder seems to outweigh its disadvantages.

**QUESTION 3: Will your answer be the same if the accused was chargd for a simple offence?**

NO, my answer would not be the same. As it is generally known, a simple offence in common parlance connotes ‘minor offences’,offences for which a person is liable by law, to be imprisoned or fined or both or to be otherwise punished, but does not include an indictbale offence which can only be heard and determined in a summary way as a minor indictbake offence.

 This therefore, implies that simple offences as created under the Nigerian criminal code have penalties ranging from community service to payment of fines with the exclusion of death. Therefore, some crimes have been specifically attached with a death penalty such as murder, perjury, rape, robbery, kidnapping, sodomy, incest, adultery, etc. All these offences listed are known as felonies due to the fact that our Nigerian Criminal Code has stipulated them as one

According to the Nigerian Criminal Code, a simple offence includes all other offences except a felonies and misdemeanour. It goes ahead t provide that a felony is the only type of offence punishable by death or with imprisonment for more than three years. This summarily implies that imposing a death penalty on an offender guilty of a simple offence is unconstitutional and therefore illegal. Based on this position of the law, this writer is of the view that a person charged with a simple offence cannot be sentenced to death.

 Furthermore, imposing a death sentence on an individual guilty of a simple offence would seem illogical and irrational in the eyes of a reasonable man. For instance, sentencing an individual to death for disobeying a traffic regulation would seem to harsh and irrational in the eyes of the public towards the legal system to that particular state.

 In conclusion, the appropriate form of punishment suitable for an individual guilty of a simple offence would range from payment of fines, probation, imprisonment, etc with the exception of a death penalty. A death penalty is the highest form of punishment ie capital punishment, therefore, such punishment would only be suitable for capital offences and not simple offences.

**REFERENCES:**

**1. The Nigerian Criminal Code cited in the NigerianLawOrg.**

**2. Article by the Grduate Education Programs**

**3. Question Polls at the Oxplore Org**

**4. The Nigerian Penal Code.**

**5. Understanding Criminology by Sandra Walklate**

**6. 12th Edition of the ‘Criminology’ written by Djordje Ignjatovic**