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**COURSE; CRIMINOLOGY**

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**Question 1. What motivates the just deserts principle of punishment, discuss.**

**Definition of the JUST DESERTS model**

The principle of just deserts requires the punishment to be proportioned to the unfair advantage the offender has taken by lawbreaking. The phrase represents the idea of a fair and appropriate punishment related to the severity of the crime that was committed. It is sometimes referred to as retribution. This retributive approach holds that punishment is just because it is deserved. Punishment for disobeying a law helps assure obedience and reestablishes the balance between the benefits and burdens of obeying the law that was disturbed by the criminal act. This principle requires the punishment to be proportionate to the unfair advantage the offender has taken by lawbreaking.

It is the most ancient method of dealing with offenders. It is designed to promote equality and fairness of sentencing for the imposition of a sentence. According to just deserts principle the punishment must not surpass the crime that has been committed. It follows with the biblical principle of ‘’an eye for an eye and a tooth for a tooth’’. Where punishment is bigger than the crime committed, it goes against the principle of just deserts.

**What motivates just deserts principle?** Based on the above definition given, it is evident that the purpose or motive behind the just deserts principle is the fair distribution of punishment to the crime committed. Where a person is convicted of stealing, he should be punished for stealing and nothing else. This is because punishing a person for stealing sends a message to the citizens on the effects of stealing. One popular justification for punishment is the just deserts rationale. Punishing an offender in proportionality of the crime committed reduces the frequency and likelihood of future offences.

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

Firstly, it is important that I throw a little light to what capital offences entail. Capital offences are offences with capital punishment such as espionage, treason, murder, kidnapping, rape, etc.

Usually, when a person has committed a capital offence, they are immediately given the death sentence. In my opinion as a criminology student, I do not think that the death penalty is very effective. There is no credible evidence that the death penalty deters crime more effectively than long terms of imprisonment.

Now in answering the given question, in my position as a criminology student, I believe that the best and most effective way of punishing capital offenders is the long term imprisonment term. such as life imprisonment with hard labor. This is a very personal opinion. I’d much rather prefer to see a person who has harmed me go through pain everyday of his life rather than just being killed.

Here are a few of my reasons

1. It gives room for justice to be carried out. Where one is wrongly sentenced and given the death penalty, he is immediately killed. The death penalty is irreversible. it can lead to people paying for crimes they did not commit with their own lives and when the truth is actually revealed, it is impossible for justice to be carried it. There have been a lot of cases where people are falsely accused of different capital offences and because of death penalty, they are never vindicated. Life imprisonment gives hope of vindication someday and justice can still be meted out .an example is cameon Todd Willingham was executed for allegedly setting a fire that killed his three daughters. Following his execution, further investigation revealed that he actually did not set the fire that caused their deaths but it was already too late for him.
2. It helps deter criminals. When people see the pains and hard labor the capital offenders are subjected to, it gives them an opportunity to weigh the benefits and disadvantages of committing a crime. Whereas there’s no credible evidence that death penalty deters crime more effectively in fact evidence reveals the opposite.
3. It is a more humane form of punishment. There is no humane way of killing a person
4. It can be rehabilitative. When a person is sentenced to life imprisonment he has the opportunity of being rehabilitated and there’s hope that he becomes a better person

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

For obvious reasons my answer will not be the same for simple offences. For simple offences I would suggest a short time incarceration or fining because of the nature of the offence. For example where a person is charged and convicted of battery, negligence or defamation, it is unreasonable to issue the person the punishment of long term imprisonment as the nature of the offence is not as grave as that of a capital offence.

Here are some reasons why

1. According to the just deserts principle punishment should equal the crime so long term imprisonment does not equal simple offences
2. It is unnecessary and expensive to put everyone who commits both capital and simple offences on life imprisonment