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MATRIC NO: 17/LAW01/213.

COURSE TITLE: CRIMINOLOGY II.

COURSE CODE: LPI 304.

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.

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

Definition of the Just Deserts:

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.

The theory of just deserts is retrospective rather than prospective. The punisher need not be concerned with future outcomes, only with providing punishment appropriate to the given harm. Although it is certainly preferable that the punishment serve a secondary function of inhibiting future harm doing, its justification lies in righting a wrong, not in achieving some future benefit. The central precept of just deserts theory is that the punishment be proportionate to the harm. The task of a just deserts theorist, then, is to assess the magnitude of the harm and to devise a punishment that is proportionate in severity, if not in kind. Kant (1952) recommended censure proportionate to a perpetrator’s “internal wickedness,” a quantity that may be approximated by society’s sense of moral outrage over the crime. There are several core components of an offense that determine moral outrage and the magnitude of punishment according to just deserts theory. It is these factors, then, that should trigger the motive to punish if people adhere to a just deserts theory of punishment.

Magnitude of harm;

First and perhaps most important is the magnitude of intended harm. This is indexed most typically by the type of crime (e.g., petty theft, felonious assault) and the degree to which it offends the sensibilities of citizens.

Extenuating circumstances;

Second, mitigating or exacerbating circumstances often affect the moral outrage felt by citizens and, hence, the magnitude of punishment that is called for under the just deserts theory. A person who embezzles to maintain a lavish and lascivious lifestyle is judged more harshly than one who embezzles the same amount for the relatively noble purpose of subsidizing the company’s underpaid and exploited overseas workers. Although the amount of harm is constant in this example, the punishment is not. Just deserts theory is highly sensitive to such contextual factors that mitigate or exacerbate the degree to which a perpetrator deserves punishment.

A fully formed theory of just deserts is concerned with more than just these factors. For example, an expression of remorse (or lack thereof) speaks directly to the moral outrage evoked in a victim or observer. However, remorse also signals the possibility that the outcome may have been accidental and may raise questions of the perpetrator’s responsibility for the harm. Moreover, it may also signal the likelihood that the perpetrator will repeat the harm. Remorse is associated with numerous justifications of punishment and thus does not uniquely differentiate one motive from another. Magnitude of harm and extenuating circumstances are notable because they are the components of just deserts theory that differentiate it from utilitarian theories.

1. A.

The most effective way of punishing capital offenders who have been tried, found guilty and convicted is through death penalty. Under Nigeria’s criminal code, capital offences are punishable by death across the federation.

However, there are two (2) sets of persons who are exempted from this penalty:

1. PREGNANT WOMEN; by virtue of *section 368(2) of the Criminal Procedure Act (CPA),* they can be sentenced to life imprisonment instead.
2. YOUNG PERSONS; that is people under the age of 17, by virtue of *section 368(3) of the Criminal Procedure Act (CPA*).

The modes of execution include lethal injection, hanging, electrocution, firing squad, etc.

This is the most effective way of punishing capital offenders because whilst serving as a deterrent to others, it also ensures that the already convicted offenders can never commit another crime which embodies the saying “an eye for an eye, a tooth for a tooth”.

B.

No. my answer will not be the same if the accused was charged of a simple offence because a single offender does not deserve to die, especially when he has killed no one. It is recommended to either fine or sentence a simple offender.