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**MOTIVATION OF THE DESERT PRINCIPLE**

The concept of the just desert punishment is associated with the retributive theories of punishment. It can be dated as far back as to the biblical times where it was mentioned ‘’***an eye for an eye, a tooth for a tooth’’***. Retribution ordinarily means punishment imposed because an offender deserves it, to the extent he deserves it. Philosophers have made use of the concept of the nature of justice as several philosophers have advocated versions of the idea that justice obtains when good and evil are distributed according to this principle. In theories of moral obligation, some consequentialists have defended the idea that right acts leads to outcomes in which higher welfare is preferentially distributed to people who deserve it. In the social and political philosophy, a number of philosophers have appealed to the concept of desert when discussing the justification of penalties for violations of law. It is widely held that desert is a relation among three elements: a subject, a mode of treatment or state of affairs deserved by the subject, and some fact or facts about the subject, which are often referred to as desert base or desert bases (McLeod 1999a, 61-62; Pojman 2006, 21; Sher 1987, 7). This relation is shown in the formula:

S deserves M in virtue of B,

Where S is the subject, M is the mode of treatment, and B is the desert base or bases. Each of these elements will be examined in greater detail.

**2.**

**CAPITAL PUNISHMENT: THE MOST EFFECTIVE WAY OF PUNISHING AND TREATING CAPITAL OFFENDERS**

Capital punishment, also called death penalty, execution of an offender sentenced to death after conviction by a court of law of a criminal offense. The term death penalty is sometimes used interchangeably with capital punishment, though imposition of the penalty is not always followed by execution, because of the possibility of commutation to life imprisonment. Capital punishment, or “the death penalty,” is an institutionalized practice designed to result in deliberately executing persons in response to actual or supposed misconduct and following an authorized, rule-governed process to conclude that the person is responsible for violating norms that warrant execution. As such this punishment can be seen as retributive, deterrent in nature as well as a form of incapacitation. This means serve as the ultimate warning to such offenders as commission of such offences is relative to losing one’s life as a punishment.

**2 (b)**

If such offences were simple in nature, the punishment will not be the same as there are certain degrees as to the nature of the offence, characteristic of the offender, and the time at which such offence took place. Therefore there are other punishments that can satisfy these simple offences. These are as follows;

1. Probation
2. House arrest
3. Restraining order
4. Fines
5. Community service