NAME: Egbi Benita Okimasi

MATRIC NO: 17/law01/103

COURSE TITLE: Criminology

**INTRODUCTION**

**WHAT IS JUST DESERTS?**

A punishment or reward that is considered to be what the recipient deserved. “That which is deserved. A reward for what has been done-good or bad”. It refers to punishment that is deserved for the seriousness of the crime. ‘let the punishment fit the crime’ this is the philosophy behind the just desert model of justice. 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 the ‘retribution’ type of sentencing. In other words, one should be punished simply because one committed a crime. Throughout history, the idea of retribution for the commission of a crime can best be explained in the Old Testament quote ‘an eye for an eye, a tooth for a tooth’. Under just deserts, those who commit crimes deserve to be punished. Moreover, the severity of the punishment should commensurate with the severity of the crime. In other words as stated at the outset, the punishment should fit the crime.

In addition, according to just deserts, the punishment of the offender must be fairly and equally apportioned to all individuals who commit the same crimes. This can sometimes be a controversial area of the theory, as the circumstances surrounding the commission of crimes vary; therefore, the equality of the punishment can be a tricky area. Just deserts as a philosophy of punishment, argues that criminal sanctions should be commensurate with the seriousness of the offence. This is the idea that the punishment should be equal to the crime. A person convicted of murder should be executed or sentenced to life without possibility of parole.

The concept of just desert has its derivatives from the latin maxim ‘noxia poena par esto’. The phrase comes from the 16th century. The just desert ensures that a punishment is both appropriate to a crime and that it is consistent. It represents the idea of a fair and appropriate punishment related to the severity of the crime that was committed.

**WHAT MOTIVATES JUST DESERTS PRINCIPLE OF PUNISHMENT?**

There is a general agreement that criminals getting what they deserve, that is, they’re just deserts should be the underlying goal and rationale of the criminal justice system. One popular justification for punishment is the just deserts rationale that a person deserves punishment proportionate to the moral wrong committed. 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. It is suggested that society as well as the victim requires the just deserts punishment. Unless the punishment is imposed, a real feeling of incompleteness lingers, and there is a sense that justice has not been done. These feelings of incompleteness and sense of failed justice are held by those who witness or become aware of the original offense as well as by its victim. From the perspective, a just society is one that assigns just deserts punishment proportionate to the moral blameworthiness of the offense, and it must not fail to punish wrongdoing in these ways. People hold a just deserts theory of punishment when their task is to punish specific wrong doers. When there was a moral mitigation, respondent’s moral outrage at the scenario was less and the magnitude of assigned punishment was also lower. To stretch deterrence theory to include effects caused by moral outrage seems to us to convert it to a theory that is salvaged only by converting it to a just deserts theory. The just theory of sentencing advocates that punishment should be proportionate to the seriousness of the offence committed.

Advocates of the just deserts philosophy emphasize the importance of due process, determinate sentences in a just deserts perspective the seriousness of the harm committed is a major determinant of the sentence as long as it was intentionally committed. The philosophy is let the punishment fit the crime. One should be punished because he committed the crime. They should be punished because they deserve to be punished. The quantum of their suffering should be in proportion of the seriousness of the crime, not according to any assessment of whether they are rehabilitated or when they no longer pose a threat to the community. The just desert principle states that all who are blameworthy, no matter how many, should be punished in proportion to their blame. Just deserts bring about a sense of equality or fairness to the sentencing aspect of criminal justice.

2a. **MOST EFFECTIVE WAY OF PUNISHING AND TREATING CAPITAL OFFENDERS?**

A capital offence is any criminal charge which is punishable by the death penalty. It is also a crime, such as murder, that is treated so seriously that death may be considered an appropriate punishment i.e a crime that carries the possibility of death sentence. A capital offender is someone found guilty of a capital offence which could include murder, rape, treason etc. There are so many ways of punishing a capital offender which include;

1. SOLITARY CONFINEMENT

This is one of the most inhumane form of punishment or imprisonment which is distinguished by living in a little cell with little or no meaningful contact with other inmates. Strict measures to control contraband. It is specifically designed for specific inmates that create a higher risk.

1. DEPORTATION

This is the expulsion of a person or group of people from a place or country. The term expulsion is synmously used with deportation; though expulsion is more often used in the context of international law.

1. INDETERMINATE SENTENCES

It is a sentence imposed for a crime that is not given a specific or definite time.

1. DEATH PENALTY

Death penalty also known as capital punishment is a government sanctioned practice whereby a person is put to death by the state as a punishment for a crime. Based on the just deserts theory, the punishment should fit the crime and as such if you have killed, you should be killed too. Giving a killer the death sentence will stop them and others from doing it again. If someone murders another person, you have taken away their right to life and as such do not deserve to live.

Though we have so many ways of punishing and treating a capital offender, the most effective way is;

IMPRISONMENT; the aim of imprisonment is not only to punish the offender but also to rehabilitate and reform them to be good and useful citizens. The reason for this is to reduce recidivism. Although prisons have long experienced tensions, between protecting public safety and rehabilitating offenders; it should be noted that one its core functions is to reform and rehabilitate prisoners. A prisoner without adequate rehabilitation opportunity sometimes returns to the society which has incarcerated him as a hardened enemy of that society. Such an ex-convict is often full of the desire for vengeance because he sees himself as victimized rather than corrected. In addition, such as ex-convict is likely to do more harm than good to a society perceived as an oppressing system. Life imprisonment is given for only grievous crimes and it helps to prevent the same person from repeating the crime thus protecting the society from such persons. It also serves as a deterrent preventing others from committing such acts again helping to build a safer society. It helps the criminal himself to introspect, repent and reform in due course.

Rehabilitation Programs provided for offenders;

1. Welfare and counseling services

The welfare unit in Nigerian prisons is involved with linking the incarcerated inmates with their families. The unit comprises of social workers, guidance counselors and other professionals who serve as links between the inmates and the outside world. Their function varies, they sometimes help to facilitate inmate visits and also make purchases for them. They also provide phone call services were the inmates can call either their relatives of legal representatives.

1. Educational services

The prisons are equipped with mini-schools were inmates are taught how to read and write. Most prisons have primary, secondary and university education where the are taught various subjects. There are study centers of National Open University in some prisons such as Port Harcourt.

b. **WILL YOUR ANSWER BE THE SAME IF IT WAS A SIMPLE OFFENCE?**

My answer would not be the same if the person was charged with a simple offence. Simple offence means any offence punishable, on summary conviction before a magistrate court. Simple offences include theft, stalking, driving under influence etc. Simple offences are those offences other than felony or misdemeanor. They are often punished with an imprisonment of less than 6 months. Most punishment for simple offences include;

1. Fines; it can be seen as a sum of money which by judgement of a competent court is required to be paid for the punishment of an offence. This is percuniary punishment imposed by the court upon the person convicted of a crime or misdeamenour. Usually, the amount of the fine is left to the discretion of the court.
2. Community Service Order; offenders are required to perform unpaid work for the community in which the offence has been committed for a certain period. A community service shall be in nature of;
3. Environmental Sanction
4. Assisting in the care of children and elderly in a government approved home
5. Any other type of service which in the opinion of the court will have a beneficiary effect on the character of the offender. s