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MATRICULATION NUMBER: 17/LAW01/227

COURSE TITLE: CRIMINOLOGY II

COURSE CODE: LPI 304

LEVEL: 300

**Question**

1. **What motivates the ‘just deserts’ 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?**

1.

**‘JUST DESERTS’ PRINCIPLE OF PUNISHMENT**

“Just deserts” is a phrase meaning “the punishment that one deserves”. It means appropriate punishment that one deserves.

The ‘just deserts’ principle of punishment is a principle of punishment that involves giving a punishment that is considered to be what the recipient deserved. It can be likened to the quote “ an eye for an eye and a tooth for a tooth” this principle promotes proportional punishment, punishment that properly fits the crime committed. For example, a pocket thief does not deserve to get life imprisonment or the death penalty while a terrorist may be punished by the death penalty, this principle is largely about retribution which is a justly deserved penalty but even as it is about retribution, the punishment given must correspond to the severity of the crime so as to eliminate unjust punishment.

This principle of punishment is motivated by the severity or the magnitude of the crime committed. This principle of punishment proposes that in punishing an offender for a crime committed, the harshness of the punishment should correspond with the severity of crime committed.

The punishment of an offender has many purposes, it may be for deterrence, which is to discourage other potential offenders from committing the same crime or for alleviating the pain felt by the victim of the crime and in prescribing or dictating what punishment an offender deserves, the just deserts principle posits that the magnitude of the offence is taken into consideration and a punishment that properly matches that crime should be meted out.

2. a.

A capital offender is an individual convicted of committing an offence that is regarded as a capital crime and this is so because of the magnitude of the offence, these crimes include but are not limited to; murder, terrorism- related offences, robbery, assisting the suicide of a person legally unable to consent and rape.

I believe that the most effective way of punishing and treating capital offenders is by subjecting them to life imprisonment and based on the severity of the offence, possible giving them the capital punishment. My opinion is backed by the fact that these crimes which are said to be capital crimes are serious and cruel crimes. I chose life imprisonment as a suitable punishment because it has some finality to it, meaning it makes the offender incapable of committing the same offence because they are incarcerated. Life imprisonment is a judicial sentence available for a convicted offender involving imprisonment for life while the Capital punishment is giving the death penalty to an offender.

Reasons for my decision include;

1. life imprisonment and the capital punishment makes the offender incapable of committing the offence again
2. these types of punishment have a higher chance of deterring other potential criminals from committing the same crimes
3. crimes that are considered capital crimes are of great magnitude and releasing the individuals who have committed these crimes back into the society may have a negative effect if they have not been properly rehabilitated.

2. b.

Yes. If the accused was charged of a simpler offence, I would not recommend capital punishment or life imprisonment. I would recommend the payment of a fine or a reduced prison sentence and this is because the punishment an offender faces should correspond with the crime committed.