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**COURSE TITLE: CRIMINOLOGY II.**

**COURSE CODE: LPI 304**

**Question**

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?

Note: Maximum of 5 pages. (font: Times New Roman)

**QUESTION 1:**

**-What motivates the 'just desert' principle of punishment? Discuss**

**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. 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.'

The **“just deserts”** theory of sentencing advocates that punishment should be *proportionate* to the seriousness of the offense 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**.

Just deserts, as a philosophy of punishment, argues that criminal sanctions should be commensurate with the seriousness of the offense. This paper analyzes the severity of punishment meted out to felony offenders in a large urban jurisdiction in the Midwest and argues that two dimensions of criminal sanction need to be examined to understand punishment severity: the type of sanction received and the length of sentence. We also argue that the frequency and visibility of crime are linked to punishment severity. Analyses indicate that crime visibility is a good predictor both of judicial decisions to incarcerate and of the length of term of probation. Crime frequency, on the other hand, has little predictive power. We conclude that judges in the jurisdiction are guided by a modified just deserts philosophy in their sentencing decisions.

‘Just desert’ is a philosophy of justice whereby a criminal offence is viewed as lowering the victim or community’s status or power relative to the offender, which requires a degradation of the offender to redress the moral balance.

**QUESTION 2A:**

**-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**

The most effective punishment for capital offenders is **“Death Penalty”.**

The justification of death penalty begins with the *ius talionis.*

This principle specifies how legal institutions should determine the ‘kind and amount’ or ‘quality and quantity’ of punishment imposed on a lawbreaker. (The *ius talionis* is not, as sometimes thought, an instrument of vengeance; it is a rule for determining how legal institutions can hinder the lawbreakers freedom without hindering it too much and violating the principles of right.)

This famous statement of *ius talionis* is ‘whatever undeserved evil you inflict upon another within the people, that you inflict upon yourself.’

The idea is that the relationship between crime and punishment must be one of equality. According to proportional retribution, punishment is just when the harm caused by the punishment is no less, and no more, severe than the harm caused by the crime.

**QUESTION 2B:**

**-Will your answer be the same if the accused was charged for a simple offence?**

My answer will differ because the quality of the offence is not the same and therefore cannot be given the same punishment. A simple offence can be tried summarily but a capital offence cannot be because of simple offence is of a less serious crime nature. E.g. fighting while capital offence is murder or manslaughter.