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**MATRIC NO: 17/LAW01/241**

**COURSE TITLE: CRIMINOLOGY II**

**COURSE CODE: LPI 304**

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**

JUST DESERTS

This principle simply means “let the punishment fit the crime” 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 because he simply 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.’ Just deserts as a philosophy of punishment argues that criminal sanctions should be commensurate with the seriousness of the offence. 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”.**

**Capital punishment**, also known as the **death penalty**, is a government-sanctioned practice whereby a person is put to [death](https://en.m.wikipedia.org/wiki/Death) by the state as a punishment for a crime. The [sentence](https://en.m.wikipedia.org/wiki/Sentence_(law)) ordering that someone be punished in such a manner is referred to as a **death sentence**, whereas the act of carrying out such a sentence is known as an **execution**. A prisoner who has been sentenced to death and is awaiting execution is referred to as **condemned**, and is said to be on [death row](https://en.m.wikipedia.org/wiki/Death_row). Crimes that are punishable by death are known as **capital crimes**, **capital offences** or **capital felonies**, and vary depending on the jurisdiction, but commonly include serious offences such as [murder](https://en.m.wikipedia.org/wiki/Murder), [mass murder](https://en.m.wikipedia.org/wiki/Mass_murder), aggravated cases of [rape](https://en.m.wikipedia.org/wiki/Rape), [child rape](https://en.m.wikipedia.org/wiki/Child_rape), [child sexual abuse](https://en.m.wikipedia.org/wiki/Child_sexual_abuse), [terrorism](https://en.m.wikipedia.org/wiki/Terrorism), [treason](https://en.m.wikipedia.org/wiki/Treason), [espionage](https://en.m.wikipedia.org/wiki/Espionage), [sedition](https://en.m.wikipedia.org/wiki/Sedition), offences against the State, such as attempting to overthrow government, [piracy](https://en.m.wikipedia.org/wiki/Piracy), [aircraft hijacking](https://en.m.wikipedia.org/wiki/Aircraft_hijacking), [drug trafficking](https://en.m.wikipedia.org/wiki/Drug_trafficking), [drug dealing](https://en.m.wikipedia.org/wiki/Drug_dealing), and [drug possession](https://en.m.wikipedia.org/wiki/Drug_possession), [war crimes](https://en.m.wikipedia.org/wiki/War_crime), [crimes against humanity](https://en.m.wikipedia.org/wiki/Crimes_against_humanity) and [genocide](https://en.m.wikipedia.org/wiki/Genocide), and in some cases, the most serious acts of [recidivism](https://en.m.wikipedia.org/wiki/Recidivism), [aggravated robbery](https://en.m.wikipedia.org/wiki/Aggravated_robbery), and [kidnapping](https://en.m.wikipedia.org/wiki/Kidnapping).

The justification of death penalty begins with the *iustalionis.*

This principle specifies how legal institutions should determine the ‘kind and amount’ or ‘quality and quantity’ of punishment imposed on a lawbreaker. (The *iustalionis*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 *iustalionis*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 2 B**

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

A simple offence means any offence (indictable or not) punishable, on summary conviction before a magistrate court, by fine, imprisonment or otherwise. Therefore my answer would not be the same because as the “ just desert “ principle states , the punishment should be proportionate to the crime committed by the offender. So a simple offender cannot be given the capital punishment or death penalty.