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COURSE: CRIMINOLOGY II

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ASSIGNMENT: 1. What motivates the “just desert” principle of punishment? Discuss.

2a. As a criminology student, what do you think is the most effective way of punishing and treating capital offenders. Give reasons for your answer.

2b. Will your answer be the same if the accused was charged for a simple offence?

1. What motivates the “just desert” principle of punishment?

One popular justification for punishment is the just desert rationale: A person deserves punishment proportionate to the moral wrong committed. Punishing an offender reduces the moral wrong committed. Punishing an offender reduces the frequency and likelihood of future offences. The theory of just deserts is retrospective rather than prospective. The punisher needs not to be concerned with future outcomes, only with providing punishment appropriate to the given harm. Although it is certainly preferable that the punishment serve a secondary function of inhibiting future harm doings, its justification lies in the righting wrong, not in achieving some future benefits. The central precept of just deserts theory is that the punishment be proportionate to the harm.

The just deserts theorist is then tasked with the responsibility to assess the magnitude of the harm and to devise a punishment that is proportionate to the severity. There are several core components of an offence that determine moral outrage and the magnitude of punishment according to just desert theory. It is this factor, then, that should trigger the motive to punish if people adhere to a just deserts theory of punishment.

Magnitude of harm. First and perhaps most important is the magnitude of intended harm. This is indeed most typically by the type of crime (e.g. petty theft, felonious assault) and the degree to which it offends the sensibility of citizens. Extenuating circumstances. Second, mitigating or exacerbating circumstances often affect the moral outrage felt by citizens and hence, the magnitude of punishment that is called for under the just desert theory. A person who embezzles to maintain a lavish and lascivious lifestyle is judged more harshly than those who embezzle the same amount for the relatively noble reason.

A fully formed theory of just desert is concerned with more than just these factors. For example, an expression of remorse speaks directly to the moral outrage evoked in a victim or observer. However, remorse also signals the possibility that the outcome may have been accidental and may raise questions of the perpetrator's responsibility for the harm. Moreover, it may also signal the likelihood that the perpetrator will repeat the harm. Remorse is associated with numerous justifications of punishment and thus does not uniquely differentiate one motive from another. Magnitude of harm and extenuating circumstances are notable because they are components of just deserts theory that differentiate it from utilitarian theories.

The Latin maxim ‘*noxe plena par esto*’. ‘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. However, ‘just desert’ means to ensure that a punishment is both appropriate to a crime and that it is consistent. Someone who steals a loaf certainly does not deserve life imprisonment. Neither does one convicted of willful homicide necessarily deserve such sentence.

2a. As a criminology student, what do you think is the most effective way of punishing and treating capital offenders. Give reasons for your answer.

As a criminology student, I believe that there are rules that have been codified and sent as laws whose main purpose is the maintenance of order among human beings. Consequently, the violations of these laws call for social reactions in most cases takes the form of punishment is therefore one of the devices for treating offenders in the society and to restore harmony and to repair the damage done by the violation by the law. Punishment can be defined as the infliction of pain by the state or someone convicted of an offence. I will suggest some effective ways of punishing and treating offenders.

My **reason** is that Capital offenders deserve grave punishments for their offence due to the severity of these kinds of offences. They must have carried out the whole plan and given it deep thought before committing the crime and I am of the policy that you shall “reap what you sow” so they must suffer greatly for the harm caused. Although, it is according to the severity of the offence.

INCARCERATION

Imprisonment to a confined area by a judicial judgement which is either for life or for a period of time. The aim of imprisonment is not only to punish the offender. . 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 is to reduce recidivism which means the act of committing another crime after being punished for an offence.

INCAPACITATION.

This justification of punishment is founded on the assumption that the isolation of an offender renders him incapable of committing crime and rids the society of evil. The idea of incapacitation is to prevent or reduce the possibility of future crimes by those convicted of crimes.

Temporary Incapacitation

It involves the idea of keeping the criminal in prison for a term. It is expected that during the term of imprisonment the criminal is in no position to commit crime since his liberty is curtailed and it is not permanently supervision or under surveillance.

Permanent Incapacitation

This includes the amputation of arms or wrists for thieves and castration rapists. Life imprisonment for chronic and habitual offenders and death penalty for capital offenders. The idea behind permanent incapacitation is to completely eradicate the perceived dangerous person in the society.

DEATH PENALTY

Death penalty, is a government-sanctioned practice whereby a person is put to death by the state as a punishment for a crime. The sentence 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. 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, mass murder, aggravated cases of rape, child rape, child sexual abuse, terrorism, treason, espionage, sedition, offences against the State, such as attempting to overthrow government, piracy, aircraft hijacking, drug trafficking, drug dealing, and drug possession, war crimes, crimes against humanity and genocide, and in some cases, the most serious acts of recidivism, aggravated robbery, and kidnapping.

DEPORTATION

This is the expulsion of a person or group of people from a place or country. The term expulsion is often used as synonymous for deportation though expulsion is used more in international law while deportation is used in municipal or national law. Nonetheless, in common usage, the expulsion of foreign nationals is usually called deportation whereas expulsion of nationals is called banishment, exile, extradition or penal transportation. Deportation often requires a specific process which must be validated by the court or a senior government official but shouldn't be confused with administrative removed which is the process of a country denied entry to individuals.

SOLITARY CONFINEMENT

This is one of the main forms of imprisonment. It is distinguished by living in a single cell with little or no meaningful contact with other inmates with strict measures to control contraband. This is employed for violation of discipline such as murder, deadly assault and rioting.

FORFEITURE

ECONOMIC SANCTIONS

CONFISCATION OF PROPERTY

SUSPENDED OF DEFERRED SENTENCE

SOME COMBINATIONS OF THESE METHODS

2b. Will your answer be the same if the accused was charged for a simple offence?

NO, my answer will be different because simple offences do not warrant such grave punishments. Simple Offences are crimes committed which warrants not more than 3 months in prison with the option of fines so there is no need for extreme punishments. Although, the need to be reformed is very important before they are released into society so that they will go back to the public to be useful and enhance the society and not to destabilize the society and its people.

1. Rehabilitation Programs Provided for Offenders.

The welfare unit in Nigeria prisons is involved in linking the incarcerated inmates with their families. The units comprise of social workers, guardians and counselling, and other professionals who serve as links between the inmates and the outside world the functions varies and they sometimes help to facilitate inmates visits and also make purchases for them. They also provide phone call service where the inmates can call either their relatives or legal representatives, the welfare units are also involved in the counselling of inmates and their families.

2. Skills Acquisition Programs

Prisons in Nigeria are equipped with workshop with various aspects of skill acquisition such as carpentry, shoe making, soap making, tailoring, hair dressing, making of foot mat, barbing, painting and so inmates are trained in these skills so that by their end of their jail term they would have something to fall back on that would be a source of livelihood for them.

3. Educational Services

The prisons are equipped with mini schools where inmates are taught how to read and write. (most prisons have primary, secondary and even university educations) where they are taught various subjects. They are study centers of the national open university in some prisons such as Port Harcourt, Enugu, Kiri Kiri and Agodi prisons.

4. Recreational Services

Most prisons in Nigeria have recreational facilities which help to ameliorate the pain of imprisonments among the inmates. Such recreational facilities include: football fields, tennis, chess, scrabble and other sporting activities which help to occupy them. These activities help to keep the inmates physically and mentally fit.

5. Medical Services

Nigerian Prisons

Where the inmates receive medical services. The clinks are involved in the treating of physical ailments of the inmates. Where the prisoners need laboratory and treating services they are sometimes transferred to a general hospital with heavy security to limit any form of escape.

6. Chaplaincy Services

Through this services, inmates are rehabilitated spiritually. Most prisons in Nigeria are provided with Christians and Muslims clerks who co-ordinate religious activities in prisons. Also co-operates with religious organizations in their locale to preach to the inmates and conduct charity or hospitality visits.

7. After-care Services

Nigeria prisons have after care units that do follow-up services of inmates who Have served their terms. They are responsible for resettling the discharged inmate and also provides them with funds and materials to starts up new trades. The unit's personnel visit the ex-offenders. From time to time to access their levels of re-integration.

8. Probation

9. Haddi lashing

CONCLUSION

The 'just desert' principle means to ensure that a punishment is both appropriate to a crime and that it is consistent. Instead of having small offences with heightened and unnecessary punishment which automatically makes the punishment unequal to the offence.

Also, Punishments can be defined as the infliction of pain by the state or someone convicted of an offence and not all punishments are equal to the offence so it is differentiated according to the different classes of offence: Felony (imprisonment from 3 years and above), Misdemeanor (imprisonment for the duration of not more than 3 years) and Simple Offences (imprisonment for the duration of 3 months and less) to avoid unjust and unfair judgements.