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QUESTION 1 ‘

What exactly is the just desert philosophy? Under just desert, those who commit crimes deserve to be punished. Moreover, the severity of the punishment should be commensurate with severity of the crime. In other words, as stated at the outset, the punishment should fit the crime. It is not rare for a public outcry to follow some controversial judgment handed down to an individual convicted of a heinous crime. Indeed, it has become much too common, such that it merit a review of the judicial and philosophical concept of the punishment fitting the crime. Yet, this has to be balanced between the principle of objective and subjective justice

The concept of just desert is one poorly understood outside of legal circles. It has its derivatives from the latin maxim noxae poena per esto ‘ ‘ The public should learn to be less critical of judgment handed down’ the phrase just desert comes from the 16th century. A clearer, modernized version would be that which is justly deserve. In that respect, the conventional wisdom interpretation of the phrase is not so far off. Many believe the phrase refers to a dessert, as in a treat, and, therefore refers to a just reward for a good deed. In fact, the term correctly applies to deeds both good and ill but, from the perspective of criminal justice discipline, it is most often applied with regard to negative behavior. It is, after all, seldom the duty of the courts to reward those have committed honourable or noble acts.

Just desert is a philosophy of justice whereby a criminal offence is viewed as lowering the victim or community 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 its consistent. Someone who steals a loaf certainly does not deserve life imprisonment. Neither does one convicted of willful homicide necessarily deserve such sentence

Given the confusion surrounding the topic, it seems that the bulk of argument is over what the terms means. If one considers just desert to mean a redress of grievances by mutual degradation, it should be a matter of little difficulty to discredit and banish such a theory from the field of justice. However if one considers the term to mean that criminals should get exactly what they deserve, no more, no less, than one would be hard pressed to find a convincing argument to stand in opposition.

The concept of distributive justice has long been menaced by varying interpretations of the word fairness and it seems that this word which refuses to conform to a universalized definition, stands at the crux of this matter too.

QUESTION 2

Capital punishment, or “the death penalty,” is an institutionalized practice designed to result in deliberately executing persons in response to actual or supposed misconduct and following an authorized, rule-governed process to conclude that the person is responsible for violating norms that warrant execution. Punitive executions have historically been imposed by diverse kinds of authorities, for an expansive range of conduct, for political or religious beliefs and practices, for a status beyond one’s control, or without employing any significant due process procedures. Punitive executions also have been and continue to be carried out more informally, such as by terrorist groups, urban gangs, or mobs. But for centuries in Europe and America, discussions have focused on capital punishment as an institutionalized, rule-governed practice of modern states and legal systems governing serious criminal conduct and procedures.

Capital punishment has existed for millennia, as evident from ancient law codes and Plato’s famous rendition of Socrates’s trial and execution by democratic Athens in 399 B.C.E. Among major European philosophers, specific or systematic attention to the death penalty is the exception until about 400 years ago. Most modern philosophic attention to capital punishment emerged from penal reform proponents, as principled, moral evaluation of law and social practice, or amidst theories of the modern state and sovereignty. The mid-twentieth century emergence of an international human rights regime and American constitutional controversies sparked anew much philosophic focus on theories of punishment and the death penalty, including arbitrariness, mistakes, or discrimination in the American institution of capital punishment.

The central philosophic question about capital punishment is one of moral justification: on what grounds, if any, is the state’s deliberate killing of identified offenders a morally justifiable response to voluntary criminal conduct, even the most serious of crimes, such as murder? As with questions about the morality of punishment, two broadly different approaches are commonly distinguished: retributivism, with a focus on past conduct that merits death as a penal response, and utilitarianism or consequentialism, with attention to the effects of the death penalty, especially any effects in preventing more crime through deterrence or incapacitation. Section One provides some historical context and basic concepts for locating the central philosophic question about capital punishment: Is death the amount or kind of penalty that is morally justified for the most serious of crimes, such as murder? Section Two attends to classic considerations of *lex talionis* (“the law of retaliation”) and recent retributivist approaches to capital punishment that involve the right to life or a conception of fairness. Section Three considers classic utilitarian approaches to justifying the death penalty: primarily as preventer of crime through deterrence or incapacitation, but also with respect to some other consequences of capital punishment. Section Four attends to relatively recent approaches to punishment as expression or communication of fundamental values or norms, including for purposes of educating or reforming offenders. Section Five explores issues of justification related to the institution of capital punishment, as in America: Is the death penalty morally justifiable if imperfect procedures produce mistakes, caprice, or (racial) discrimination in determining who is to be executed? Or if the actual execution of capital punishment requires unethical conduct by medical practitioners or other necessary participants? Section Six considers the moral grounds, if any exist, for the state’s authority to punish by death.

2b) The offender being charged for a simple offenses would be advise into going to rehabilitation. It’s the most appealing justification for punishment. The ultimate goal of rehabilitation is to restore a convicted offender to a constructive place in the society through some combination or treatment education and training in analyzing rehabilitation, the following

must be noted, it may be used to prevent crime by changing the personality of the offender and the main goal of rehabilitation is not into how dangerous the offender is but rather into how receptive to treatment he is.

There are some critics to rehabilitation, for instance it is not done in the prison and rehabilitation being an expensive process. The success of these programs demands financial as well as human resources and facilities for training. Rehabilitation also has some advantages like its providing the state opportunity to control crime, its create resources for the state for training the offender. It's also enable the criminal to stay within the society example probation