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1. WHAT MOTIVATES THE ‘**JUST DESERT**’ PRINCIPLE OF PUNISHMENT? DISCUSS

 Have you ever heard the saying 'let the punishment fit the crime'? Well, this is the philosophy behind the **just deserts** model of justice. 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 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.'

## Theory

So, what exactly is the just deserts philosophy? Under just deserts, those who commit crimes deserve to be punished. Moreover, the severity of the punishment should be commensurate with the severity of the crime. In other words, as stated at the outset, the punishment should fit the crime.

In addition, according to just deserts, the punishment of the offender must be fairly and equally apportioned to all individuals who commit the same crimes. This can sometimes be a controversial area of the theory, as the circumstances surrounding the commission of crimes vary; therefore, the equality of punishment can be a tricky area.

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

There are five different ways in punishing or treating an offender and they are;

* 1. **Retribution (Revenge , pay back )**
	2. **Incapacitation (isolation )**
	3. **Deterrence(discourage, prevent, stop)**
	4. **Rehabilitation (reforming)**
	5. **Restitution(compensation )**

**Then punishments for capital offenders vary from**

**Imprisonment**

**Death penalty**

**Lethal injection**

As a criminologist I think the most effective way of punishing or treating an offender ( capital offender) is **Rehabilitation and imprisonment**

**What is imprisonment?**

It can be defined as a term of judicial sentence available for a convicted offender in adult age involving incarceration in prison for either life or a specified period of time. The law requires that imprisonment will be imposed where it is absolutely necessary.

Imprisonment can run consecutively and concurrently.

The primary function of imprisonment is to punish the individual for committing the deviant criminal activity in society. Imprisonment in today's society is the most popular punishment for individuals who commit crime throughout the world.

**The down backs against imprisonment**

* Imprisonment is inadequate to reform or rehabilitate the offender
* Imprisonment does not compensate or provide restitution to the victim of the crime

**What is Rehabilitation?**

This is the most appealing justification of punishment, the ultimate goal of rehabilitation is to restore a convicted offender to a constructive place. In the society through some combination of treatment, education and training, in analysing retribution the following must be noted;

1. It may be used to prevent crime by changing the personality of the offender.
2. The injury of rehabilitation is not into how dangerous the offender is but rather into how receptive to treatment he is.

 **Why is Rehabilitation better than punishment??**

 Rehabilitation gives one a chance to learn about his/her debilitating problems and offers for one to learn how to change their behavior in order to not commit crime.Incarceration (punishment) puts the offender in a confines of a cell in order for one to think about the crime he/she committed.

 Rehabilitation helps ease the offender’s reentry into society

Incarceration doesn’t offer for one to be helped, unless one is in the process of rehabilitation or other alternative program while “behind bars.”

 Rehabilitation is less widely used on adult offenders, as it is popular with juvenile offenders.Incarceration is widely used on adult offenders, while rehabilitation is a selective program which is not always offered to all or at a particular location.

 Rehabilitation may take a form of: drug addiction rehab, alcohol addiction rehab, violent behavior rehab, gambling addiction rehab, and others.Incarceration doesn’t offer for one to rehabilitate through programs and strictly depends on the individual efforts of the adult offender.

 Punishment is not the only thing offenders understand, but a lot of “us,” regular people, don’t see it this way. “We” may feel like warehousing (incarceration without rehabilitation) is the only way. However, I think that when a crime in consciously committed incarceration without rehabilitation is a viable option. It is understandable to not fully comprehend the mindset of a criminal, but criminals, like us, are people, too. Their outbursts of crime may be heavily influenced by psychological deficiencies, by inability to provide for themselves and their families, or by pure choice. Some of the offenders should have the ability to use resources like rehabilitation and early release programs with monitoring/rehabilitation. Not many have the chance to do so.

 **The aim of rehabilitation**

The aim of rehabilitation is to maximise the potential to restore a person who has an impairment, or an incapacity for service or work, as a result of a service injury or disease to at least the same physical and psychological state, and at least the same social, vocational and educational status, as he or she had before the injury or disease."

The main focus of rehabilitation is on:

* achieving as full a physical and psychological recovery as possible;
* improving quality of life through gaining life management skills, a sense of direction for the future and resilience;
* rebuilding social connectedness to family and community;
* finding a new valued role within the community;
* learning to understand and self-manage physical and mental health conditions to the best of the person's ability;
* assisting the person to return to safe and meaningful work at the earliest possible time to minimise further harm to physical and mental health and wellbeing through long term absence from employment;

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

**No,** because for simple offenders punishments like

Fine

Canning

Probation etc…can be given

But **REHABILITATION** is also the treatment that is suitable for simple offenders too as explained in the previous question.

**Fine**

A **fine** or mulct is money that a court of law or other authority decides has to be paid as punishment for a crime or other offence. The amount of a **fine** can be determined case by case, but it is often announced in advance.

**Probation**

Probation is a form of punishment that allows ‘criminals’ to be placed back into society on specific conditions for example the condition that they keep in contact with their probation officer, this could include home visits and inform probation officers of any changes to living conditions, i.e. change of address. The Criminal Justice Act 1991 helped secure rehabilitation and protect the public from serious harm, this gave courts a general power to combine punishment with a financial penalty, which is essentially doubling the consequence for their action, this could in fact work as another deterrence effect – if offenders and potential offenders are made aware that even what the public view as petty crimes i.e. graffiti have strong consequences, they may see that the consequences outweigh the benefits by far . Feely and Simons (1992) ‘It’s a form of low-cost surveillance for low-risk offenders’. Probation has different perspectives depending on the crime committed, some persons may feel that probation is a way to rehabilitate criminals into society where they will change their ways and live a ‘normal’ life, whereas others may feel probation is a ‘soft option’ for criminals, and the lack of punishment will have no effect on their thoughts for re-offending.

**Canning**

**Caning** is a form of [corporal punishment](https://en.m.wikipedia.org/wiki/Corporal_punishment)consisting of a number of hits (known as "strokes" or "cuts") with a single [cane](https://en.m.wikipedia.org/wiki/Stick-fighting) usually made of [rattan](https://en.m.wikipedia.org/wiki/Rattan), generally applied to the offender's bare or clothed [buttocks](https://en.m.wikipedia.org/wiki/Buttock) (see [spanking](https://en.m.wikipedia.org/wiki/Spanking)) or [hand](https://en.m.wikipedia.org/wiki/Hand)(s) (on the palm