



**AFE  
BABALOLA  
UNIVERSITY  
ADO-EKITI (ABUAD)**

KM. 8.5, AFE BABALOLA WAY,  
ADO-EKITI, EKITI STATE, NIGERIA.  
P.M.B 5454 ADO-EKITI.

## COLLEGE OF LAW

**NAME: JEGBEFUME, GWYNETH ISHIOMA**

**MATRIC NUMBER: 17/LAW01/157**

**LEVEL: 300**

**COURSE: CRIMINOLOGY**

**COURSE CODE:LPI 304**

**QUESTION: 1) What motivates the 'just desert' principle of punishment? Discuss. 2) 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. 3) Will your answer be the same if the accused was charged for a simple offence?**

## 1.

What does it mean to impose punishment in accordance with a person's "just desert"? It is seen as respecting the offender's human independence, or treating the offender as an end rather than as a means, or re-establishing a fair balance of benefits and burdens that the offender's behaviour has upset, or countering the message of disrespect expressed by the offender.

The philosophy behind the just desert model of justice is the saying 'let the punishment fit the crime'. The phrase embodies the idea of a fair and appropriate punishment related to the severity of the crime that was committed. Just desert is often referred to as the retribution type of sentencing. In other words, one should be punished simply because one committed a crime. Under the just desert theory, those who commit crimes deserve to be punished. Besides, the severity of the punishment should be proportionate with the severity of the crime. In other words, as stated at the beginning, the punishment should fit the crime. Also the just desert principle postulates that punishment of the offender must be fairly and equally assigned 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 contrast; therefore the equality of punishment can be a tricky area.

When an individual harms society by violating certain rules in some normatively unallowable way, the scales of justice are out of balance and therefore sanction against the individual restores the balance. Under this perspective, the offender deserves to be punished in proportion to the past harm that has been committed. The punishment is an end in itself and needs no further justification. This approach is what is typically known as a just desert perspective. There are generally two main reasons as to what motivates punishment in the reasonable man's thinking. The most important reason moves towards being more psychological. It tries to answer the question what people seek and gain when they punish people who intentionally commit known wrong actions. The second reason concerns social policy and public compliance with criminal law. The general precept of the just desert theory is that the punishment should be proportional to the harm done. The principle is aimed at assessing the severity of harm and devise a punishment proportionate and similar in severity.

## 2.

A capital offence is any offence that is generally punishable by death. It is a crime that carries the possibility of a death sentence. Capital offences include crimes that are so severe a person may be put to death as a punishment. Crimes such as murder, treason, espionage, and terrorism are among the list of capital crimes. An individual found guilty of a capital offence is known as a capital offender and the punishment for such crimes are known as capital punishments. Capital punishments also known as the death penalty, is a government-sanctioned practice whereby a person is put to death by the state as a

punishment for a crime. It is carried out by methods such as lethal injection, electrocution, gas chamber, and even firing squad.

In terms of the most effective ways to punish, the court must take into consideration the gravity of the crime, although most laws prescribe capital punishments for grievous crimes. It has been argued that death penalties should be abolished due to various circumstances. The death penalty sentence was argued to be abolished because it was found to be an infringement on the right to life, it is an irreversible means of punishment as mistakes happen, it does not deter crime, it was used as a political tool etc. It has also been looked at from a different angle that the death penalty sentence could also be an effective means of treating capital offenders. This is mainly because the just desert theory of punishment goes to say that the punishment must fit the crime which of course has been greatly argued. Incarceration could also serve as an effective means of punishing and treating capital offenders. Long term incarceration, coupled with high levels of rehabilitation, counselling and educational programs as well as work order programs will most likely help in the putting capital offenders on the right path. This form of punishment would be highly effective on the grounds that while providing restriction, offenders could also be rehabilitated.

### **3.**

If the accused was accused and found guilty of a simple offence, the punishments to be awarded will differ from punishments awarded to a capital offender. As prescribed in the law, simple offences are punishable with less than 6 months imprisonment.