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QUESTION AND ANSWERS.

1. What motivates the just desert principle of punishment.

What is the 'Just Desert' principle of punishment? To say just desert is to say that deserves the unpleasant things that have happened to them as a result of something bad which they did. The just deserts principle of sentencing to the seriousness of the offense committed. The philosophy behind the principle to enable the punishment fit the crime. The principle represents the idea of a fair and appropriate punishment related to the severity of the crime that was committed. Meaning that punishment should be exactly equal to the crime and not more than or less than the crime.

Just deserts is sometimes referred to as the retribution type of sentencing. In other words, one should be punished simply because they committed a crime. Throughout, the idea of retribution for the commission of a crime can best be explained in Old Testament quote 'an eye for an eye, a tooth for a tooth.' 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.

The theory of just deserts is retrospective rather than prospective. The punisher need not 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 doing, its justification lies in righting a wrong, not in achieving some future benefit. The central precept of just deserts theory is that the punishment be proportionate to the harm. The task of a just deserts' theorist, then, is to assess the magnitude of the harm and to devise a punishment that is proportionate in severity, if not in kind. Kant (1952) recommended censure proportionate to a perpetrator's "internal wickedness," a quantity that may be approximated by society's sense of moral outrage over the crime. There are several core components of an offense that determine moral outrage and the magnitude of punishment according to just deserts theory. It is these factors, 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 indexed most typically by the type of crime (e.g., petty theft, felonious assault) and the degree to which it offends the sensibilities of citizens. A growing body of research (Darley, Sanderson, & LaMantia, 1996; Kahneman, Schkade, & Sunstein, 1998; Rossi, Waite, Bose, & Berk, 1974; Warr, Meier, & Erickson, 1983) demonstrates the considerable consensus regarding the rank ordered severity of various offenses. 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 deserts theory. A person who embezzles to maintain a lavish and lascivious lifestyle is judged more harshly than one who embezzles the same amount for the relatively noble purpose of subsidizing the company's underpaid and exploited overseas workers. Although the amount of harm is constant in this example, the punishment is not. Just deserts theory is highly sensitive to such contextual factors that mitigate or exacerbate the degree to which a perpetrator deserves punishment (Finkel, Maloney, Valbuena, & Groscup, 1996; Robinson & Darley, 1995). A fully formed theory of just deserts is concerned with more than just these factors. For example, an expression of remorse (or lack thereof) speaks directly to the moral outrage evoked in a victim or observer (LeBoeuf,

Carlsmith, & Darley, 2001). 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 the components of just deserts theory that differentiate it from utilitarian theories.

In conclusion the motivation behind the principle is to exact just punishment on an offender.

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

A capital offender may mean any person punishable by death, or it may also mean any person who has committed a murder (i.e. that he/she does not necessarily get a capital verdict). A capital offence is any criminal charge which is punishable by the death penalty called capital since the defendant could lose his/her head (Latin caput).

Capital punishment, also known as 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 manner is referred to as a death sentence, carrying out a death sentence is execution. A prisoner awaiting execution is said to be on death row.

Crime punishable by death are called felonies and these may vary depending on the jurisdiction, they however include serious offence such as murder, treason, sedition, terrorism, rape etc. they also include offences against the state.

The most effective way of treating capital offenders is imprisonment or death penalty. Imprisonment however will be the best way for me because not all people commit crime of their own will and some actually need treatment instead. Imprisonment will be the best and if an offender is found to be wrongly accused he won't be dead before released.

2b. will our answer be the same if the accused was charged for a simple offence.

No.