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17/LAW01/065

CRIMINOLOGY ASSIGNMENT

LPI 304

**Answer**

It is important to start with defining what the term ‘just desert’ means. According to wiktionary, ‘**just deserts** pl (plural only) (idiomatic) A punishment or reward that is considered to be what the recipient deserved.’

It can also be explained that Just deserts is a theory which is designed to promote equality and fairness of sentencing for the imposition of a sentence. The principle behind  ‘just deserts’  is that the punishment should fit the crime. When such an instance occurs, it is said that the offender has received their '**j**ust deserts’.

The phrase which simply explains or defines the ‘just desert’ principle of punishment is

'let the punishment fit the crime'

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.'

Therefore, a criminal is punished because he or she "deserves" it. This justification for punishment is appropriately called the principle of "just deserts. The concept of just deserts seeks to preserve human dignity through punishment. It asserts that a person is a rational individual with the free will to make a moral choice whether or not to engage in conduct known to be prohibited. Retribution under a just deserts principle treats a defendant as a dignified human being by responding to his or her conduct in a way that respects his or her choice to engage in wrongful behavior. This concept differs radically from the utilitarian theories of rehabilitation and deterrence

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Reconciliation is accomplished by making an offender "pay" for the disturbance his or her conduct has caused. A criminal "deserves" to be punished because he or she has violated the "moral order," but what punishment does he or she "deserve?" A core tenet within the just desert theory of retribution is proportionality. If one asks how severely a wrongdoer deserves to be punished, a familiar principle comes to mind: Severity of punishment should be commensurate with the seriousness of the wrong. Only grave wrongs merit severe penalties; minor misdeeds deserve lenient punishments. Disproportionate penalties are undeserved-severe sanctions for minor wrongs or vice versa. Because the goal of retributive justice is to restore the relationships that have been broken, a defendant must be punished only to the extent necessary to restore the relationships. In other words, the level of punishment must be proportional to the seriousness of the crime.

A factor that motivates the just deserts theory or a popular justification for punishment is the ‘just deserts’ rationale: A person deserves punishment proportionate to the moral wrong committed. A competing justification is the deterrence rationale: Punishing an offender reduces the frequency and likelihood of future offenses.

2)a) 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.

Therefore, a capital offender is a person who has committed a capital crime.

In my opinion as a criminology student, the most effective way of punishing and treating capital offenders is through Capital Punishment. Capital punishment is also known as death penalty. Capital Punishment is known as 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.

One of the reasons for capital punishment as an effective way of punishing capital offenders is that it is an appropriate method of torturing the offender in relation to crime he has committed, for example in a case of murder, If there is no punishment or there is no reasonable dimension of punishment, there is no reasonable deterrent to anticipate murder. A criminal who can murder another person should be punished equally.

Another reason is that the cost of taking care of an offender who has been sentenced for life is a waste of expenses, therefore death penalty is not a bad idea. Death penalty saves the country from unreasonable spending of money on an offender that has been sentenced to life imprisonment for commiting a capital offence.

The death punishment always goes about as a deterrent. Other criminals who want to commit capital offences see the death penalty as a deterent. It serves as an example to others so they do not commit such offences in the future.

2)b) No.

My answer will not be the same if the accused was charged for a simple offence. A Simple Offence means any offence (indictable or not) punishable, on summary conviction before a Magistrates Court, by fine, imprisonment, or otherwise.

Simple Offences include disorderly behaviour, traffic offences and minor criminal offences. Simple Offences differ from capital offences hence do not require capital punishment as a form of punishment.

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