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17/LAW01/143

CRIMINOLOGY

300L

### **Just Desert Principle of Punishment**

A person who has committed a crime deserves punishment equal to the moral wrong committed. A competing justification is the deterrence rationale, Punishing an offender reduces the tendency and commission of future crimes. Just deserts, principle of punishment, argues that criminal sanctions should be proportional with the seriousness of the offence. In addition, according to the just desert principle of punishment, the punishment given to an offender for the commission of a particular crime, should also be given to person who commits the same crime. This can sometimes be a contentious aspect of the theory, as the circumstances surrounding the commission of crimes are different, therefore, the equality of the punishment can be a problematic area. There are several core components of an offence 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. *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. 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. 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.

What is capital punishment?

Capital punishment is a legal penalty in Nigeria. Methods of capital punishments include; hanging, shooting, stoning, lethal injection. Capital crimes or offences include: murder, armed robbery, kidnapping, sodomy, homosexuality, blasphemy, adultery, incest, assisting the suicide of a person, treason, mutiny, etc.

As a criminology student, the best way to punish a capital offender who is a principal in the first degree and those who are principle of the second degree is by death penalty. But before the punishment is considered, the circumstances surrounding the crime commission should be considered. There are some people who willingly committed the offence by themselves because they like causing grievous harm to others, and they like seeing people get hurt. While some people did not want to commit the offence, but due to the circumstances surrounding them, they had to commit the offence. For example, a man was asked to kill another man by a gang group, the man asked to kill is not a member of the gang. The leader of the gang took the man's family hostage and threatened to kill them if he fails to kill the man he was asked to kill. The gang leader also told him that if he makes contact with the police, they would kill his family immediately. The man goes ahead to kill the person he was asked to kill because he was scared of losing his family and he was under pressure. Yes the man has committed the offence of murder, but before he is punished, all the circumstances surrounding the crime commission would be considered and the gang leaders and members would get a higher punishment than the man who they asked to kill. So now, before I punish a capital offender I will look at the circumstances surrounding the commission of a capital offence before I give punishment.

I chose death penalty because other punishments like imprisonment, rehabilitation and so on do not change the offender. Those imprisoned tend to get worse and some of them go to prison and begin to form gang groups, some of them even continue to commit the offence they were sentenced for in prison. E.g using sharp objects to injure or kill another inmate. In the case of rehabilitation, some offenders tend to go back to the crime they used to commit before they were sent to rehab. Giving capital offenders punishments like death sentence wipes such predators away from the surface of the earth, and this punishment would instigate fear in those who wanted to commit such crime in the future. Most people are afraid of dying, when they see that people who commit a particular crime are sentenced to death by hanging, shooting, stoning and so on they would not want to commit such a crime. Also sentencing capital offenders to death helps in creating a safer and conducive environment for other members of the society and it helps remove fear from those whose friends or family members were the victim of the offender. That is they would no longer live in fear when they know the person who hurt their friend or family is dead. But when the offender is alive, they tend to live in fear that they might be the next in line for the offender to attack.

**Would my answer be different if the offender was charged with a simple offence?**

Yes, my answer would totally be different if the offender was charged with a simple offence. Simple offences are those offences other than felony and misdemeanour and they are often punishable with an imprisonment less than 6months. They are called simple offences because they are not serious or harsh offences like that of felony and misdemeanour.