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CRIMINOLOGY II

MEANING OF 'JUST DESERT'.

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.' Just deserts, as a philosophy of punishment, argues that criminal sanctions should be commensurate with the seriousness of the offense.

1. WHAT MOTIVATES THE PRINCIPLE OF 'JUST DESERT'.

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.

Existing 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. 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

2. As a criminology student, I think the most effective way of punishing capital offenders is rehabilitation. I choose to go with rehabilitation because it has not only proven to be more effective than other theories by psychologists but it is also the safest method. **rehabilitation** seeks to assist both offenders and society. By treating offenders, they hope to give them the attitudes and skills to avoid crime and live a productive life.

The concept of rehabilitation rests on the assumption that criminal behavior is caused by some factor. This perspective does not deny that people make choices to break the law, but it does assert that these choices are not a matter of pure "free will." Instead, the decision to commit a crime is held to be determined, or at least heavily influenced, by a person's social surroundings, psychological development, or biological makeup. People are not all the same—and thus free to express their will—but rather are different. These "individual differences" shape how people behave, including whether they are likely to break the law. When people are characterized by various "criminogenic risk factors"—such as a lack of parental love and supervision, exposure to delinquent peers, the internalization of antisocial values, or an impulsive temperament—they are more likely to become involved in crime than people not having these experiences and traits.

In comparison, rehabilitation differs from retribution, but is similar to deterrence and incapacitation, in that it is a utilitarian goal, with the utility or benefit for society being the reduction of crime. It fundamentally differs from the other three perspectives, however, because these other goals make no attempt to change or otherwise improve offenders. Instead, they inflict pain or punishment on offenders either for a reason (retribution in order to "get even" or deterrence in order to "scare people straight") or as a consequence of the penalty (incapacitation involves placing offenders in an unpleasant living situation, the prison). In contrast, rehabilitation seeks to assist both offenders and society. By treating offenders, they hope to give them the attitudes and skills to avoid crime and live a productive life. At times, this attempt to help offenders exposes rehabilitation to the charge that it "coddles criminals." This view is shortsighted, however, because correctional rehabilitation's focus is not simply on lawbreakers but also on protecting society: by making offenders less criminal, fewer people will be victimized and society will, as a result, be safer.

b. Yes, it would.

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