



Law Q2

“Use every man after his desert, and who should 'scape whipping?” Should the law treat offenders better than they deserve?

Key Issues and Questions to Address

1. Defining "Desert"

What does it mean to deserve punishment?

Who determines what is deserved?

How do we measure desert - by harm caused, moral culpability, or something else?

2. Purposes of Punishment

Retribution: Punishment as what offenders deserve

Deterrence: Punishment to prevent future crimes

Rehabilitation: Punishment to reform offenders

Restoration: Punishment to heal harm to victims and community



How do these purposes align with or conflict with desert?

3. The Shakespearean Insight

The quote suggests universal human fallibility

If everyone deserves punishment for something, what implications does this have?

Does acknowledging our own fallibility require mercy toward others?

4. Locke's Framework

How does Locke's theory of natural rights inform what people deserve?

What limitations does Locke place on punishment?

How does Locke balance retribution with other aims?

5. Justice vs. Mercy

Is treating people "better than they deserve" an act of mercy or injustice?

Does justice require giving exactly what is deserved?



Can a system incorporate both strict desert and mercy?

6. Practical Considerations

Limited resources for administering justice

Imperfect knowledge about culpability

Social contexts of crime

Balancing individual desert with societal needs

7. Equality and Fairness

Treating similar cases similarly

Addressing systemic biases

Whether equal treatment means identical punishment

8. Dignity and Humanity



John Locke Global Essay Prize 2025 Prompts Breakdown

Law Category - Key Issues and Questions to Address



Locke's emphasis on natural rights and human dignity

Whether certain punishments violate human dignity regardless of desert

The offender as both wrongdoer and rights-bearer

