

The difference sentencing models

[Law](#), [Capital Punishment](#)



Retribution The act of retributing; repayment. That which is given in repayment or compensation; return suitable to the merits or deserts of, as an action; commonly, condign punishment for evil or wrong. Specifically, reward and punishment, as distributed at the general judgment.

Incapacitation Executions maximize public safety through a form of incapacitation and deterrence. Incapacitating a person is depriving s/he of the physical or intellectual power of natural or il/legal qualifications (Webster, 574). Executing a person takes away the capacity of and forcibly prevents recurrence of violence. Deterrence is the act or process of discouraging and preventing an action from occurring (Webster, 307). The possibility of execution would give a potential pause in the thought process of the murderer, using fear as an incentive for preventing recurrence or quite possibly the first occurrence of murder. Use of the death penalty as intended by law could actually reduce the number of violent murders by eliminating some of the repeat offenders thus being used as a system of justice, not just a method of deterrence. Opponents of the death penalty will argue that although it is said to exist as a crime deterrent, in reality it has no effect on crime at all. Modern supporters of capital punishment no longer view the death penalty as a deterrent, but as a just punishment for the crime, a shift from the attitudes of past generations. (Norman 1) Previously the deterrence argument put the burden of proof on death penalty advocates, but recently this argument has become less effective due to what one source said, "... in recent years the appeal of deterrence has been supplanted by a frank desire for what large majorities see as just vengeance." (Dionne 178-180)

Deterrence is a theory from behavioural psychology about preventing or

controlling actions or behavior through fear of punishment or retribution. This theory of criminology is shaping the criminal justice system of the United States and various other countries. It strongly overpowers other theories of human behavior in the corrections industries, such as rehabilitation and education. Deterrence can be divided into two separate categories. General deterrence manifests itself in policy whereby examples are made of deviants. The individual actor is not the focus of the attempt at behavioural change, but rather receives punishment in public view in order to deter other individuals from deviance in the future. This is also demonstrated in the Islamic Crime & Punishment system (Hodood), applied 1400 years ago, where the punishment for crimes is performed in public, and is highly deterring mainly aiming at general social deterrence. Specific deterrence focuses on the individual deviant and attempts to correct his or her behavior. Punishment is meant to discourage the individual from recitivating. Both forms of deterrence assume rationality on the part of deviants and criminals, and that crime can ultimately be prevented through altering the cost benefit ratios of such behaviour. At the military level, the principle is expressed in deterrence theory. There is some debate over whether deterrence is achieved through the higher probability of arrest and conviction, and/or, severity of punishment, or denunciation, and whether it is aimed at others or the offender themselves or both