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**Assignment Title: Punishment**

1) Punishment is the infliction or imposition of a penalty as retribution for an offence.

Punishment such as incarceration seeks to give any victim involved retribution against the offender, determined the criminal from future criminal acts, and hopefully rehabilitate he offender.

Punishment is the infliction of some kind of pain or loss upon a person for a misdeed. It can also be defined as some pain ot penalty warranted by law, inflicted on a person, for the commission of a crime or misdemeanor, or for the ommission of the performance of an act required by law, by the judgement and command of some lawful court.

The phrase ‘just desert’ comes from the 16th century. A clearer, modernised version would be that which is ‘justly deserved’. In that respect, the conventional wisdom interpretation of the phrase is not so far off. Many believe the phrase refers to a dessert, as in a treat, and, therefore, refers to a just reward for a good deed. In fact, the term correctly applies to deeds both good and ill but, from the perspective of criminal justice discipline, it is most often applied with regard to negative behaviour.

Just desert is a theory which is designed to promote equality and fairness of sentencing for the imposition of a sentence. The principle behind ‘just desert’ is that the punishment should fit the crime. When such an instance occurs, it is said that the offender has received their ‘just desert’.

Just desert 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 fornthe commission of a crime can best be explained in the old testament quote ‘an eye for an eye, a tooth for a tooth’.

The phrase represents the idea of a fair and appropriate punishment related to the severity of the crime that was committed.

However, ‘just desert’ means to ensure that a punishment is both appropriate to a crime and that it is consistent. Someone who steals a loaf certainly does not deserve life imprisonment. Neither does one convicted of wilful homicide necessarily deserve such sentence.

What then motivates the ‘just desert’ principle is that those who commit crimes deserve to be punished. Moreover, the severity of the punishment should be commensurate with the severity of the crime, meaning that the punishment should fit the crime from the outset.

One popular justification for punishment is the just desert rationale: A person deserves punishment proportionate to the moral wrong committed. A competing justification is the deterrence rationle: Punishing an offender reduces the frequency and likelihood of future offences.

2a) A capital offense is a criminal offence, for which one of the options at [sentence](http://www.duhaime.org/LegalDictionary/S/Sentence.aspx) is the imposition of [capital punishment](http://www.duhaime.org/LegalDictionary/C/CapitalPunishment.aspx), the [death penalty](http://www.duhaime.org/LegalDictionary/D/Deathpenalty.aspx). It is a crime for which the death [penalty](https://www.collinsdictionary.com/dictionary/english/penalty) is used.

A crime, such as murder or betrayal of one's country, that is treated so seriously that death may be considered an appropriate punishment.

According to one dictionary, a capital offense is "any criminal charge which is punishable by the death penalty, called "capital" since the defendant could lose his/her head (Latin for caput). Crimes punishable by death vary from state to state and country to country.

Capital punishment is the practice of executing someone as punishment for a specific crime after a proper legal trial. It can only be used by a state, so when non-state organisations speak of having 'executed' a person they have actually committed a murder. It is usually only used as a punishment for particularly serious types of murder, but in some countries treason, types of fraud, adultery and rape are capital crimes.

Capital punishment, also known as the death penalty, is a government-sanctioned practice whereby a person is put to [death](https://en.m.wikipedia.org/wiki/Death) by the state as a punishment for a crime. The [sentence](https://en.m.wikipedia.org/wiki/Sentence_%28law%29) ordering that someone be punished in such a manner is referred to as a death sentence, whereas the act of carrying out such a sentence is known as an execution. A prisoner who has been sentenced to death and is awaiting execution is referred to as condemned, and is said to be on [death row](https://en.m.wikipedia.org/wiki/Death_row). 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](https://en.m.wikipedia.org/wiki/Murder), [mass murder](https://en.m.wikipedia.org/wiki/Mass_murder), aggravated cases of [rape](https://en.m.wikipedia.org/wiki/Rape), [child rape](https://en.m.wikipedia.org/wiki/Child_rape), [child sexual abuse](https://en.m.wikipedia.org/wiki/Child_sexual_abuse), [terrorism](https://en.m.wikipedia.org/wiki/Terrorism), [treason](https://en.m.wikipedia.org/wiki/Treason), [espionage](https://en.m.wikipedia.org/wiki/Espionage), [sedition](https://en.m.wikipedia.org/wiki/Sedition), offences against the State, such as attempting to overthrow government, [piracy](https://en.m.wikipedia.org/wiki/Piracy), [drug trafficking](https://en.m.wikipedia.org/wiki/Drug_trafficking), [drug dealing](https://en.m.wikipedia.org/wiki/Drug_dealing), and [drug possession](https://en.m.wikipedia.org/wiki/Drug_possession), [war crimes](https://en.m.wikipedia.org/wiki/War_crime), [crimes against humanity](https://en.m.wikipedia.org/wiki/Crimes_against_humanity) and [genocide](https://en.m.wikipedia.org/wiki/Genocide), and in some cases, the most serious acts of [recidivism](https://en.m.wikipedia.org/wiki/Recidivism).

For capital offenders it is believed that the capital punishment should be inflicted on them but research has shown reasons why it is both the best and the worst punishment that should be given to offenders, therefore some people have come to the conclusion that the idea of capital punishmeny on offenders that “deserve” it has still not stopped people from still committing these crimes, therefore making it ineffective.

In my own opinion the best ways to punish and treat capital offenders is the use of rehabilitation.

Rehabilition is the best way to treat and punish capital offenders because, it has a higher chance of curbing criminal activities and preventing criminals from participating in criminal acts.

The most recently formulated theory of punishment is that of rehabilitation the idea that the purpose of punishment is to apply treatment and training to the offender so that he is made capable of returning to society and functioning as a law-abiding member of the community. In many cases rehabilitation meant that an offender would be released on [probation](https://www.britannica.com/topic/probation) under some condition; in other cases it meant that he would serve a relatively longer period in custody to undergo treatment or training.

Rehabilitation is the process of re-educating and retraining those who commit crime. It generally involves [psychological](https://en.m.wikipedia.org/wiki/Psychological) approaches which target the cognitive distortions associated with specific kinds of crime committed by particular offenders but may also involve more general education such as literacy skills and work training. The goal is to [re-integrate](https://en.m.wikipedia.org/wiki/Social_integration) offenders back into society. Rehabilitation prevents future crime by altering a defendant’s behavior. Examples of rehabilitation include educational and vocational programs, treatment center placement, and counseling. The court can combine rehabilitation with incarceration or with probation or parole. This lightens the load of jails and prisons while lowering recidivism.Recidivism is the act of a person repeating an undesirable behavior after they have either experienced negative consequences of that behavior, or have been trained to extinguish that behavior. It is also used to refer to the percentage of former prisoners who are rearrested for a similar offense.

Seeing as the infliction of capital punishment on capital offenders has not been forthcoming, the next best thing will be rehabilitation, it may not be foolproof but it may have a better outcome than other methods used.

2b) Yes, my answer will be the same. Rehabilitation will still be used the only difference is that the levels or degree of punishments will vary for example someone that committs murder cannot be given the same punishment as someone who simply committed petty theft. The amount or degree of punishment will vary, the bigger or more serious the crime you commit the more intense the punishment is, but at the end of the punishment both offenders will be rehabilitated so they do not commit the act again and be able to come back and adapt to society.