

CONTENTS

| | |
|-----------------------------------|---|
| <i>Preface to the new edition</i> | 9 |
|-----------------------------------|---|

CHAPTER ONE: PROBLEM

| | |
|------------------------------|----|
| 1 The Need for Justification | 11 |
| 2 Description | 14 |

CHAPTER TWO: RETRIBUTION

| | |
|--------------------------------------|----|
| 1 The Traditional Retribution Theory | 22 |
| 2 Desert | 26 |
| 3 Defences and Criticisms | 33 |
| 4 Annulment and Rights | 45 |

CHAPTER THREE: DETERRENCE

| | |
|-------------------------------------|----|
| 1 Factual Presupposition | 51 |
| 2 Economical Deterrence | 58 |
| 3 The Consequences of Victimization | 66 |
| 4 Necessary Distinctions | 75 |
| 5 Comparisons | 79 |
| 6 Rule-Utilitarianism | 85 |

CHAPTER FOUR: REFORM

| | |
|-----------------------------|-----|
| 1 Punishment as Reformative | 88 |
| 2 Illness and Treatment | 93 |
| 3 Objections | 100 |

CHAPTER FIVE: FREEDOM

| | |
|--------------------------|-----|
| 1 Freedom and Punishment | 105 |
| 2 Determinism | 106 |

| | | |
|---|--------------------------|-----|
| 8 | <i>Contents</i> | |
| 3 | The Compatibility Theory | 113 |
| 4 | Other Reconciliations | 121 |
| 5 | Believing Determinism | 132 |
| 6 | Implications | 139 |

CHAPTER SIX: COMPROMISES

| | | |
|---|---|-----|
| 1 | Retrospect and Prospect | 143 |
| 2 | Logical Retributivism, Separate Questions | 146 |
| 3 | Punishment and Rights | 152 |
| 4 | 'Because he broke the law' | 156 |
| 5 | A Right to Punish | 160 |
| 6 | Explicit Compromise | 162 |
| 7 | Strict Liability | 170 |
| 8 | Conclusions | 175 |

CHAPTER SEVEN: LIBERTY AND PUNISHMENT

| | | |
|---|---------------------------------|-----|
| 1 | Mill | 184 |
| 2 | Reinterpretation | 190 |
| 3 | The Enforcement of Morality | 194 |
| 4 | Consent, Culpability, Sincerity | 198 |
| 5 | Equality | 202 |

POSTSCRIPT: THE NEW RETRIBUTIVISM AND POLITICAL PHILOSOPHY

| | | |
|---|---|-----|
| 1 | Intrinsic Retributivism | 212 |
| 2 | Rights Retributivism, Indifference Retributivism | 216 |
| 3 | Consensual Retributivism | 219 |
| 4 | Contractarian Retributivism | 224 |
| 5 | Restorative Retributivism | 227 |
| 6 | The Truth of Retributivism | 231 |
| 7 | Political Philosophy and an Answer | 237 |
| | <i>Index</i> | 245 |