

# 1. Introduction

## 1. What Is Punishment?

The word "punishment" is used in various contexts. We say that a parent has punished a child, or that a teacher has punished a pupil; that a referee has punished a football player; that a party committee has punished a member of the party; that a judge has punished an offender; that God has punished a sinner. A systematic discussion of punishment in general would have to start with an investigation of basic characteristics of the use of the word "punishment" in the contexts of talking about family or school education, sporting games, voluntary associations, criminal law, or religious beliefs. Such an investigation should enable us to establish whether the use of the word in all these different contexts exhibits a common core, a set of characteristics which is the necessary and sufficient condition for applying the word "punishment," which defines "punishment" in general — or perhaps it is not at all proper to talk about "punishment in general," because God's punishment, punishment as a means of education, as an element of a game, as a disciplinary measure in a voluntary association and legal punishment are connected only by family resemblances.<sup>1</sup>

But I am not going to discuss this question. For this book does not deal with punishment in general (if there is such a thing), but with a specific kind of punishment only — *legal punishment*. When taken in this specific sense, "punishment" can be defined as an *evil* deliberately inflicted *qua* evil on an *offender* by a *human agency* which is *authorized* by the legal order whose laws the offender has violated. Let me say a few words about each of these components of the definition.

(1) Punishment is sometimes defined as a pain or suffering inflicted on an offender. Such a definition would be too narrow. When we mention suffering in this context, and when we mention pain even more so, we tend to think of physical suffering, physical pain. In earlier centuries punishments very frequently consisted of infliction of physical pain, physical suffering; in more recent times, however, there are hardly any punishments which would inflict this kind of pain or suffering on the convict, at least in civilized countries. But even if we were to emphasize

that the words "pain" or "suffering" are taken in a wider sense, so as to include mental pain and suffering, the definition would still be too narrow. For in our own time, the criminal-law systems of civilized countries as a rule provide for punishments which do not inflict pain or suffering of any kind on the convict — neither physical nor mental — but deprive him of a good he would want to keep: a fine deprives him of a certain sum of money, a prison term deprives him of liberty for a certain period of time, capital punishment deprives him of life. The conditions in which a convict is going to spend time in prison by no means have to be such as to cause him pain or suffering; even the most severe of all penalties, the penalty of death, is today generally carried out in such a way as to make it as painless as possible for the convict. Therefore it is better to define punishment as an *evil* inflicted on an offender. "Evil" is taken here in a formal sense, meaning "anything that people do not want to be inflicted on them."

It is a fact, though, that there are people who deliberately commit an offense in order to end up in jail and spend some time there, and even those who murder in order to be executed (so that their misdeed is, basically, an indirect suicide of sorts). If we define punishment as an evil, shall we have to say that such offenders in fact are not punished at all? Alternatively, if we are not ready to embrace this implication, do we have to give up the definition of punishment in terms of evil? We need not accept either alternative. For when we define punishment as an evil inflicted on an offender, and when, in the role of a lawgiver, we compile a code of criminal law and determine the punishments which will be inflicted for various offenses, we do not think of each and every individual case of punishing an individual offender; we make use of some experiential conclusions about what people *as a rule* do not want to be inflicted on them. People as a rule do not want their money to be taken away from them, or to be put in jail and made to stay there for a period of time, or to be electrocuted, or hanged; therefore, to inflict any of these things on someone means, as a rule, to inflict an evil on them. For this reason we have fines, prison terms, and executions as punishments. These are *punishments* in spite of the fact that in certain exceptional cases they are not evil for the convict — precisely because such cases are exceptional. If some day people change so much as to come to like, as a rule, to have their money taken away from them, to live in prisons, and to be executed rather than to wait for their natural deaths, or if they come to be quite indifferent to such possibilities, then to sentence a person to any of these will, in general, no longer mean to punish. In

such a case we would have to introduce some new punishments, quite different from those we know — punishments which in those changed circumstances would amount to things people as a rule do not want to be inflicted on them, that is, which would amount to instances of evil.

(2) An *offender* is a person who has committed an offense. By "offense" we sometimes mean a violation of a moral norm; but the primary meaning of the word, the meaning we most frequently have in mind, is "a violation of the criminal law." This is the meaning the word has when used to define legal punishment.<sup>2</sup> I should emphasize that, when I define punishment as an evil inflicted on an offender, by "offender" I mean a person who has offended against *any* positive criminal law, no matter whether that law is just or unjust, whether it is an expression of a condition of universal freedom or of a tyrant's arbitrary will, whether it is morally legitimate or not.

But does "punishment" as a matter of fact always mean "an evil inflicted on an *offender*"? Does it not happen that a person who is not an offender, who has not offended against the law, gets punished? Judges are no more infallible than the rest of us; thus it can happen, and sometimes it does happen, that a judge sentences a defendant who actually has not committed the offense he is charged with. Now, when a person who has been sentenced by mistake spends time in jail or gets executed, is this not punishment in the same sense and to the same degree as if he were really guilty as charged? No doubt we would be willing to apply the word "punishment" in such cases as well; but it does not follow that we have to give up the definition of "punishment" as an evil inflicted on an offender. The only thing we have to do is to refine it: punishment is the infliction of an evil on a person *believed to be* an offender by those who decide on it. This belief on the part of the judges is (one hopes) true; still, sometimes it can be false. But even if it were more often false than true, that would not mean that we could no longer speak of punishments; for it is the belief mentioned, and not the fact that makes the belief true, which is a logical presupposition of punishment.

(3) The definition of punishment as an evil *deliberately* inflicted *qua* evil on an offender by *human agency* excludes, first, evil which might befall him as a natural consequence of his offense. The taking of narcotics, for instance, may be prohibited by the criminal law, and when mental disturbances result, that is no doubt an evil; although the evil is a consequence of the offense, it is not a punishment for it. Punishment presupposes a *punishing subject*. The latter is never the same person that

is being punished, but *someone else*. To be sure, some psychologists and some writers speak of "self-punishment." But even if that is really punishment in a literal, and not in a secondary, parasitic sense of the word (I shall leave this question aside), legal punishment cannot be self-punishment. Even if an offender happened to be a judge, he could not try his own case and convict and sentence himself. Finally, the definition excludes the evil which someone might inflict on an offender altogether unintentionally, or without an intention to inflict an *evil*. The case in point with regard to the latter possibility is compensation, which is liable to be considered an evil by the person made to extend it, but is not *meant* to be considered as such by him. He might as well be indifferent to the fact that he is made to compensate his victim, or even welcome the opportunity to do so. In this respect, punishment differs from compensation: it is meant to be an evil, and to be seen as such by the person at the receiving end.

(4) When someone deliberately inflicts an evil *qua* evil on another person, who is an offender, that still may not be punishment. The victim of the offense, or a relative or a friend, can take revenge on the offender; the mob can lynch him; but neither will be punishment. One can be punished only by a judge, or a jailer, or an executioner; for only these are *authorized* to do by the legal order against which he has offended.

The definition of punishment which I have expounded contains four out of the five components of a definition widely used in recent philosophical literature, which is known as the "Flew-Benn-Hart definition."<sup>3</sup> In the opinion of these philosophers, in addition to the four components I have listed, punishment is also characterized as being inflicted *for an offense* (this is the second characteristic of punishment on their list). Ted Honderich has excluded this from the definition of punishment, for two reasons. First, to exclude it would mean to prejudge the issue of the moral justification of punishment. To say that punishment is by definition an evil inflicted for an offense, he writes,

may be taken to imply that the moral justification of punishing a man is that he deserves it for what he has done. If we were to use this description, it might appear that we had so described punishment that the question . . . "What, if anything, justifies it morally?", was already answered by the description. The answer might appear to be built in and anyone who disputes it, or anyone else for that matter, might protest that the outcome of the inquiry could hardly be in doubt.

Second, such a definition would be too narrow: it would entail that

punishment be only such evil which a judge metes out to an offender in the belief that it is morally justified because the latter has committed an offense and thereby has deserved it.<sup>4</sup> In my view, however, neither of the two arguments is convincing. The definition of punishment as an evil inflicted for an offense implies nothing with respect to its moral justification. To say that punishment is inflicted *for* an offense is to say that the offense is a reason for punishing; but this does not mean that it is its *moral* reason, that it is what gives us the *moral* justification to punish. The offense can be a reason of some other kind, so that the issue of moral justification of punishment remains open. Neither does the definition of punishment as an evil inflicted for an offense imply that a judge, when punishing, believes that the offense is the *moral* reason, the *moral* justification of inflicting an evil on the offender; it implies merely that for her the offense is a reason of an unspecified kind for punishing, so that the question of her belief about the moral reason, or moral justification of punishment, remains open as well. She can see the moral reason for punishment, the moral justification of it, in something else, and the evil she inflicts on the offender will still be punishment.

Nevertheless, punishment ought not to be defined as an evil inflicted for an offense. Such a definition would not imply that we have punishment only when the evil a judge inflicts on someone is her moral reason for doing so. But it would imply that the judge sees the offense as *some kind* of reason; and that would make it too narrow. If a judge says that she is punishing an offender, but not because the latter has committed an offense, for that, in her eyes, is no reason at all — neither a moral reason nor any other kind of reason — but because of the consequences the punishment is going to have, that would not mean that the evil she is inflicting on the offender is not punishment, but something else. And the definition of punishment as an evil inflicted for an offense would imply precisely this.

The most natural interpretation of the assertion that punishment is inflicted *for* an offense is to say that an offense is a reason for punishment. Could we, perhaps, interpret this assertion in another way, as an assertion that an offense is a *logical presupposition* of punishment? Thus construed, the contention would imply nothing about *reasons* for punishment; it would only state one of its logical conditions. But if we take *this* to be the meaning of the assertion, there is no need to introduce it into the definition of punishment. That an offense or, to be more precise, a belief that an offense has been committed, is a logical condition of punishment — this is already contained in the definition of punishment as an evil inflicted on an offender, or a person believed to be one.

Some authors include in the definition of punishment the idea of justice and proportion between offense and the evil inflicted by way of punishment. Sidney Gendin, for instance, writes that it could be claimed that "for punishment *to be* punishment it must be just — the suffering or deprivation must fit the crime." But if so, how shall we account for the fact that one can say without contradiction of a punishment that it is unjust, too severe, cruel? In his opinion, this can be explained

by the fact that what the party imposing the suffering thinks constitutes a just punishment may be radically at odds with what an observer thinks is just. It would be queer if the one imposing the punishment considered it cruel and unjust. But if the observer believes that the party is not concerning himself with the matter of justice then he will withhold the appellation "punishment" altogether, rather than merely regard what he sees as a cruel and unjust punishment. Thus "cruel and unjust punishment" is not self-contradictory even though it is true that punishment *to be* punishment involves a consideration of justice. The expression is used by those passing judgment on those doing the punishing. It presupposes that those doing the punishing are trying to do what is right and, in the opinion of the observer, are failing to do so.<sup>5</sup>

Now, we might find it queer if a judge holds that she ought not to pay any attention to considerations of justice and may mete out punishments out of any proportion to the gravity of offenses committed; but I cannot see that this would be reason enough to claim that what is being inflicted is not punishment at all. It is a fact that sometimes punishments are meted out deliberately, without any thought of desert and justice, according to quite different criteria. In such cases, we do not say that these are no punishments at all — we say that these are unjust and morally unacceptable *punishments*. To define punishment in such a way as to imply that punishing people without regard to the gravity of their offenses and without thinking of desert and justice actually is no punishing at all would mean, first, to depart in an important aspect from the meaning that the word "punishment" has in ordinary language; second, to confuse the concepts of "punishment" and "deserved punishment," or "just punishment"; and third, to prejudge, in a logically inadmissible way, the *ethical* issue of the moral justification of punishment by an assertion about the meaning of the word "punishment."

## 2. The Philosophical Problem of Punishment

Legal punishment is a topic dealt with by several social sciences. Psychology explores the psychological mechanisms which characterize the behavior of those who get punished. Sociologists deal with the social nature and functions of punishment and the relationships between punishment and the various components of its social context. Penology studies the various types of punishment and their efficiency as means of securing socially accepted objectives of punishment. The theory of the criminal law treats punishment as an institution of the positive law, analyzing and commenting upon those rules of the system that have to do with punishment.

The philosophical approach to punishment is different from all these mentioned. To punish means to inflict an evil. But to inflict evil on someone is something that, at least *prima facie*, ought not to be done. So the question arises: What is the *moral justification* of inflicting the evil of punishment on people? What are the moral reasons which provide a justification and consecration of the evil we inflict on others when punishing them, setting it apart from the evil which we might inflict outside the framework of the institution of punishment and which would be morally unjustified and illegitimate? This is the question about punishment which is being discussed in philosophy — in moral philosophy, because we ask about the *moral justification*, and in legal philosophy as well, because what we seek to justify is a *legal* institution.

Who does the punishing? Whose actions do we attempt to justify here? To punish might mean two things: to sentence someone to be punished, and to execute the sentence, to actually inflict the punishment. The first is done by a judge, the second, say, by an executioner. Now this distinction is of no importance when we discuss the definition of punishment; for the evil of which punishment consists is inflicted by both of them deliberately and with authorization. So it can be said of both that they do the punishing. But when we turn to the question of justification, these two roles are no longer equally important. The executioner, to be sure, inflicts the punishment, while the judge merely sentences the offender; thus it might be said that the former punishes directly, and the latter only in an indirect way. Yet it is precisely the part of the judge that is in the forefront of the discussion of the justification of punishment, while the part of the executioner (or the jailer) can be set aside. For the latter merely executes a decision of the former, without having taken part in its passing and without being responsible for its

being made. So the question of the moral justification of punishment does not refer to his part in punishing. What he does, when inflicting a punishment, is justified by the very same considerations which justify the judge in condemning an offender to it.

But the judge does not mete out punishments according to personal criteria, but according to the law and on the basis of it. If her authority were not based on the law she would not be a judge and could not mete out punishments. Therefore, the question regarding the moral justification of punishment refers not only to the part of the judge in punishing people, but also to what the legislator does when legislating the criminal law, constituting the role of a judge and giving her the authority to punish, and determining the rules she is to apply in punishing — the rules as to who is going to be punished, how, and for what. The legislator, on his part, does not set up laws in his own name, but in the name of the state or society. So the question of the justification of punishment turns out to be, in the final analysis, the question of the moral right of the state or society to punish. This question refers, first, to *individual punishments*, that is, to what the judge does, and second, to the criminal laws which make up the *institution of punishment*, that is, to what the state or society does through the lawgiver.

This is not all. When we talk about punishment from the moral point of view, we talk not only about the moral right but about the moral duty to punish as well, and also about the kind and amount of punishment morally appropriate for a certain offense, or for a certain kind of offense. We say, for example, that a judge has the moral duty to punish an offender, or that the state has the moral duty to punish offenses. We say that a certain punishment is more (or less) severe than the one which would be morally appropriate. So the problem of the morality of punishment includes the questions of the moral grounds of the *right* to punish and of the moral *duty* to punish, and also what ought to be the *measure* of punishment. These are different, but interconnected questions a philosopher wants to ask about punishment.

The problem of the justification of punishment is a traditional topic in moral and legal philosophy. During the last few decades it has been at the center of discussions in these branches of philosophy. This is one of those philosophical issues which has an obvious and very great practical importance. When we discuss punishment philosophically on the level of individual cases of punishing, we are striving to understand philosophically certain issues which are faced daily and in a very serious way by countless judges and jurymen, prosecutors and defense lawyers, jailers



and executioners, offenders and their victims, and finally, all of us who at some time or another, directly or indirectly, have something to do with an offense, a trial, or the carrying out of a punishment. On the level of the institution of punishment, legal and moral philosophy deal with certain issues faced by every state and every society. Punishment is one of the basic institutions of every political society; what it will be like, how it will function, depends a great deal on its moral rationale.

Another reason for the great interest of philosophers in the problem of punishment is more theoretical: this problem can be used very conveniently and fruitfully as a test case for exploring the implications of the two opposed viewpoints in moral philosophy — utilitarianism and deontological ethics. The distinction between the two is a fundamental one in ethics, and their confrontation has been the most conspicuous feature of modern moral philosophy.

### 3. Philosophical Theories of Punishment

Attempts to answer the question of the moral justification of punishment have been numerous and varied. But most of them can be classified into one of two groups: as utilitarian or retributive theories of punishment.

The utilitarian point of view rests on the belief that human acts — individual acts, and also types of acts, rules for action, and systems of such rules which make up institutions — are to be judged by their consequences. "Utilitarianism" in a wider, generic sense, denotes any theory according to which consequences of our actions are the sole criterion of their morality. (Taken in this sense, the word is synonymous with "consequentialism" and "teleological ethics.") In another sense the term denotes doctrines such as those propounded by Bentham and Mill, according to which the degree to which our actions produce pleasure or happiness, or contribute to the elimination of pain or misery, is the sole criterion of their morality. Utilitarianism in this second, more narrow sense, is but a variety of utilitarianism in the first, generic sense of the word: the variety which determines "good" and "bad" in terms of pleasure and pain, happiness and misery. Historically, this eudaemonistic and hedonistic variety of utilitarianism has been most influential, but it is by no means the only one, for good and bad can be conceived in a more comprehensive way, so as to include values which are not eudaemonic and hedonic (then we have "ideal utilitarianism"). However, these differences between varieties of utilitarianism in the generic sense,

which reflect different conceptions of good and bad, have no implications for the issue of the justification of punishment. When it comes to punishment, an adherent of hedonistic or eudaemonistic utilitarianism, and an adherent of ideal utilitarianism as well, will for obvious reasons refer to the same type of consequences. Therefore, I shall leave these differences aside, and throughout the book use the word "utilitarianism" in its wider meaning.

The utilitarian theory of punishment is but an application of utilitarianism as a general philosophical theory to the problem of the justification of punishment. According to this theory, punishment is morally justified by its good consequences. The evil inflicted on the person punished is morally justified because punishment has consequences which are good to such a degree that they outweigh both it and the good consequences of any alternative reaction to law-breaking behavior.

What are these good consequences? Some punishments could be made to serve as compensation. Punishment can also provide an outlet for retaliatory feelings which the offense induces in the victim and others. Satisfaction of these feelings could be seen as a good; but even if we are not willing to see it this way, punishment would still be valuable in an indirect way. For if these feelings get no satisfaction by way of having the offender punished, they are likely to come out in a way which would endanger the very foundations of the social order. But all these consequences are of secondary importance. The most important consequences of punishment are its preventive effects: its contribution to the prevention of offenses, to the reduction of the rate of law-breaking behavior. It is in such consequences that a utilitarian sees the real significance of punishment and its sole, or at least its main, justification. The basic characteristic of the utilitarian theory of punishment is its orientation toward the future; its basic principle is, *punitur ut ne peccetur*.

Preventive effects of punishment have to do, on the one hand, with the person who has already committed an offense (so-called particular prevention) and, on the other hand, with those who might do that in the future (so-called general prevention). Punishment can exert a reformatory influence on a person and thus make him more likely to abide by the law, or it can deter him from offending against it. In addition to this, it can disable the offender from repeating his offense, either temporarily or for good. This last kind of prevention is of secondary importance; it is possible in some cases only, and frequently has attendant effects which are so bad that they override its desirable results. Leaving this

method of prevention aside, we can distinguish three varieties of the utilitarian view of punishment:

- (1) The theory of *deterrence*: the most important effects of punishment are its deterrent effects, through which, on the one hand, it sways the offender not to repeat the offense and, on the other hand, serves as a frightening example which checks the inclination of potential offenders in the public to violate the law.
- (2) The theory of *reformation*: punishment is, above all, a means of reforming the offender; it acts as a vehicle of moral betterment, liberating him from his asocial and criminal habits and inclinations and making him fit to return among honest, law-abiding citizens and to a normal, constructive social life.
- (3) The *educative* theory: punishment demonstrates the moral wrongness and unacceptability of offenses, stimulates and strengthens moral beliefs which curb criminal inclinations, and thus acts as a means of moral education of the community.

However important these differences may be from the practical point of view, when we discuss punishment as a philosophical topic we can safely set them aside. For a utilitarian sees the moral justification of punishment in its good consequences; accordingly, in each individual case of punishment, as well as when it comes to the institution of punishment, she will have to take into account *all* its desirable consequences: the contribution to particular prevention and that to general prevention; its reformatory, educative, and deterrent effects. Any kind of preference within this range of types of consequences would be reasonable only if prevention were possible through various methods. Then a utilitarian could claim, say, that it is better to reform people than to frighten them out of violating the law, that punishment ought to prevent law-breaking behavior by its reformatory, not by its deterrent, effects, and that, consequently, it is the reformatory results of punishment that provide its justification. But this preference could not be an absolute one: it would be legitimate only when prevention of offenses could be effected equally well by reformatory and deterrent effects of punishment. But there are cases when by deterring people we achieve much more than by trying to reform them by punishment, and even cases when punishment has no reformatory effects whatsoever, so that it is only by way of deterrence that it can help prevent offenses in the future. In such cases a utilitarian would have to refer to the deterrent results of punishment as to its justification. For no utilitarian reserva-

tions about using deterrence as a means of influencing people could serve as reason enough for the conclusion that in such circumstances punishment would be morally unjustified and illegitimate — that we ought to desist from trying to prevent future offenses rather than try to prevent them by deterring their potential perpetrators.

As opposed to the utilitarian theory, which seeks to justify punishment by its consequences and thus looks to the future, we have the retributive theory, which looks to the past. It sees the moral basis of punishment in the offense committed; its basic principle is, *punitur quia peccatum est*. According to this theory, when it comes to punishment, the moral criterion is the criterion of justice; punishment is morally justified because it is just, because we execute justice when we punish. The standard of justice in punishment is to be found in the idea of desert: punishment is just because it is deserved by the offense. This means that it is justified because it is retribution — it is an evil the offender has deserved by his offense, an evil by which the state or society, so to say, pays him back for what he has done. This backward-looking character of the retributive theory, this contention that the offense committed is the sole moral basis of punishment, does not imply that consequences are of no importance whatsoever. But it does entail that, however great their importance might be, it is exclusively of a practical nature. When we talk about its moral justification, they are irrelevant; they have no moral weight whatsoever. When a punishment is deserved, when it is a retribution and execution of justice, it is thereby morally justified; it is irrelevant whether, at the same time, it does or does not have those consequences in which utilitarians claim to have found its moral justification. In terms of the basic division within moral philosophy, the retributive theory is a *deontological* one.

In its most complete form the theory contains the following five tenets:

- (1) The moral *right* to punish is based solely on the offense committed.
- (2) The moral *duty* to punish is also grounded exclusively on the offense committed.
- (3) Punishment ought to be *proportionate* to the offense (the *lex talionis*).
- (4) Punishment is the "*annulment*" of the offense.
- (5) Punishment is a *right* of the offender.

In all these theses but the last, the term "offense" is used; in the last one the concept is present as well, only in an implicit way. I ought to point out that in this context I do not take the term in its widest sense, as

I did when discussing the concept of punishment, in the sense of a violation of *any* criminal law, no matter whether it is just and morally legitimate or not. The retributive theory of punishment is not a theory of the meaning of the word "punishment," but a philosophical theory about the *justification* of what the word denotes. When adherents of the theory refer to the offense committed as the moral basis for punishment, they do not mean any act which could be *described* as an offense without violating the rules of ordinary language — that is, any act of breaking a criminal law, whatever the contents, nature, and moral status of the law might be. There are laws and there are laws; some are morally legitimate, some are illegitimate, for one reason or another. When retributivists claim that the moral justification of punishment is in the offense committed, by "offense" they mean only a violation of a *morally legitimate* criminal law. There is a good reason for this narrowing of the concept, for if the word "offense" were to be taken in its widest sense, the theory would imply that punishment is sometimes *morally legitimate* precisely because it is retribution for the violation of a *morally illegitimate* law.

The history of the retributive view of punishment begins with the biblical and talmudic ethical and legal ideas, and can be followed all the way up to contemporary retributivists such as H.J. McCloskey, C.W.K. Mundle, or J.G. Murphy. The most important and influential among classical retributivists are Kant and Hegel. Hegel's formulation of the retributive view is more interesting than that of Kant: it is elaborated in greater detail, and it is also richer in content, Hegel having systematically developed all the five main tenets of retributivism, whereas Kant had explicitly advanced and argued for the first three of them, and only hinted at the fifth. The utilitarian theory also has had a long history, from Plato to contemporary philosophers such as T.L.S. Sprigge, S.I. Benn, or J.J.C. Smart. But the most comprehensive and thoroughly developed formulation of the theory in philosophical literature is still to be found in the writings of Bentham. Since this book is not a historical study, I shall not trace the history of the philosophy of punishment. Instead, I shall give some account of the doctrines of Bentham and Hegel, and then examine critically and in detail the arguments that have been used in the debates between the two camps. Next I shall discuss the various attempts at a middle-of-the-road theory of punishment that would avoid the difficulties of both utilitarianism and retributivism, while appropriating what is seen as true in each of them. Finally, I shall take up the ever-topical issue of capital punishment, and consider it both from utilitarian and retributive points of view.