

super-Retributivism

a criminal should suffer more than their victim

an earlier version is posted at [**reddit/r/philosophy**](https://www.reddit.com/r/philosophy),
with additional dialogue

two accounts of **punishment**:

A. Retributivism: criminal C deserves to suffer a punishment *equal to* the harm that C inflicted on victim V.

B. super-Retributivism: criminal C deserves to suffer *an injustice*.

p1. C's punishment ought to equal the harm that C inflicted on V.

p2. C inflicted **undeserved harm** on V.

c. C ought to suffer **undeserved harm**.

C's crime is, essentially, the infliction of *morally excessive* suffering on V. C's action is unjust, and its unjustness is the essence of its badness.

the violation of V's innocence is an outrage, i.e. we suffer the passion of anger when we comprehend the violation. our anger is righteous: it *correctly tracks* the moral fact that **V's suffering is undeserved**. our demand for retribution should be satisfied only once C, too, has suffered undeservedly.

thus to justly punish C, we must hurt C *more* than they hurt V. the "excessive" punishment inflicted on C - call it the **super-punishment** portion of the total punishment - in fact *completes* the punishment.

the total punishment is *strictly* more than deserved, therefore *ultimately* deserved.¹

¹ i think it is part of the suffering of Hell that it is undeserved. we shouldn't imagine our demon tormentors as measured dispensers of pain. released into their chamber we're released into their *unrestrained* sadism. we'd suffer many lifetimes-worth of agony - & *this undeserved torture would be fitting*, if we - like our demons - had *done as we pleased* to creatures we should have been stewards over.

response 1 to super-Retributivism

s-R is the true Retributivism. Retributivism requires that the punishment fit the crime. yet the crime was *an injustice*. thus the punishment, too, must be formally unjust, excessive.

super-justice is true justice.

response 2 to super-Retributivism

s-R is self-contradictory. it is a putative account of **just punishment** that demands we punish unjustly - that **we harm C more than C deserves.**

response 3 to super-Retributivism

s-R implies an endless regress of punishments.

first, s-R implies that all punishers should be punished. s-R demands that **we harm C more than C deserves**, so that C, like V, suffers an injustice. thus in the course of their punishment, C, like V, shall be *victimized*. thus the punisher, P, will now deserve to be punished. but the proper punishment against P should be super-just: more than, strictly, P deserves. thus **the punisher of P** deserves to be punished - and so on, endlessly.

second, s-R implies that C should be infinitely punished. the super-Punishment portion of C's punishment is, on full accounting, deserved. yet s-R demands that we give C *more* punishment than they deserve. thus s-R demands that we inflict a *third* portion of punishment - call it the super-super-Punishment - on C. but then, it seems, the super-super-Punishment will have been deserved. thus we ought to inflict a fourth portion of Punishment upon C, and so on. by whatever increment, C's total deserved punishment is infinite.

responses 2 and 3 perhaps do not imply that s-R is the incorrect account of punishment. perhaps *an exclusively punitive* response to crime indeed implicates the Punisher in self-contradiction, and unleashes an endless sequence of harms - both from Criminal outward to Punishers, and upon the Criminal.

perhaps s-R is the correct account of punishment because it correctly reduces punishment to absurdity: to self-contradiction and an unstoppable regress.

perhaps s-R is the correct account of pure punishment, and something like **forgiveness / mercy** need enter into our response to crime, to stop the regress.

we never *deserve* forgiveness / mercy - they issue from considerations outside of justice.