Retributive Emotions: The Emotional Turn in Theories of Punishment

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A crucial challenge for retributive theories of punishment is the question of why it is justified to inflict suffering on guilty offenders. One of the more recent attempts to address this question refers to retributive emotions evoked by wrongful acts. Some argue that these emotions alone can justify state punishment., and the author refers to this position as the "emotional turn" in theories of punishment. This article explores the phenomenon of retributive emotions, their functionality (utility), moral appropriateness, and the ways in which these emotions are embedded in various theories of punishment. It seems that most attempts to justify state punishment with these emotions contain a strong consequentialist element – a referral to the beneficial consequences that expressing and satisfying retributive emotions will bring in the future (e.g., preventing vigilantism, deterring crime, caring for the interests of crime victims). Retributive emotions, as an argument for justifying punishment, have thus transcended the boundaries of retributivism and found their place within expressive and utilitarian theories of punishment as well. While it is useful to explore and understand these emotions, the author argues that they alone are not sufficient to justify the institution of state punishment.

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