

# The Problem of Punishment

DAVID BOONIN

*University of Colorado*



**CAMBRIDGE**  
**UNIVERSITY PRESS**

# Contents

<i>Preface</i>	<i>page ix</i>
1 The Problem of Punishment	1
1.0 Overview	1
1.1 What Punishment Is	3
1.2 What the Problem of Punishment Is	28
2 The Consequentialist Solution	37
2.0 Overview	37
2.1 The Act-Utilitarian Version	39
2.2 The Rule-Utilitarian Version	62
2.3 Other Utilitarian Versions	77
2.4 Nonutilitarian Versions	79
3 The Retributivist Solution	85
3.0 Overview	85
3.1 Desert-Based Retributivism	87
3.2 Forfeiture-Based Retributivism	103
3.3 Fairness-Based Retributivism	119
3.4 Other Versions of Retributivism	143
4 Other Solutions	155
4.0 Overview	155
4.1 The Consent Solution	156
4.2 The Reproductive Solution	171
4.3 The Moral Education Solution	180
4.4 The Self-Defense Solution	192
4.5 Hybrid Solutions	207
5 The Appeal to Necessity	213
5.0 Overview	213
5.1 The Theory of Pure Restitution as a Response to the Appeal to Necessity	218

5.2	<i>Clarifying the Theory of Pure Restitution</i>	220
5.3	<i>The Harm to Society Objection</i>	224
5.4	<i>The Irreparable Harms Objection</i>	235
5.5	<i>The Victimless Wrongdoing Objection</i>	245
5.6	<i>The Failed Attempts Objection</i>	249
5.7	<i>The Nonharmful Endangerment Objection</i>	255
5.8	<i>The Mitigating Excuses Objection</i>	256
5.9	<i>The Rich Offender Objection</i>	259
5.10	<i>The Poor Offender Objection</i>	261
5.11	<i>The Insufficient Deterrence Objection</i>	264
5.12	<i>The Insufficient Reprobation Objection</i>	267
5.13	<i>The Punishment as Restitution Objection</i>	269
	<i>Bibliography</i>	277
	<i>Index</i>	293