

Abstract:

I explore an intersection of moral psychology and normative matters regarding criminal sanction. A liberal state cannot require that persons acquire certain states of character or lead certain specific kinds of lives; it cannot require virtue. Moreover, if criminal sanction damages offenders' agential capacities, that would be illiberal and unjustified. In the U.S. the terms and conditions of punishment often have deleterious effects on agential capacities, undermining the ability to reintegrate in civil society. Prison experience is often antithetical to maintaining or acquiring the dispositions of prudence, accountability, trust, and trustworthiness needed for participation in civil society, raising significant questions concerning the legitimacy of punishment.