

Punishment, Condemnation, and Social Injustice

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ABSTRACT: I defend the claim that serious injustices in the basic structure of a society compromise both the governing state's authority to punish criminals and its moral standing to condemn crimes within its claimed jurisdiction. But I also argue that such a state may, if it fulfills certain moral requirements, justifiably punish some criminal deviance, even some of the crimes of the oppressed. I contrast my view with two familiar retributive theories of punishment—the benefits-and-burdens theory and penal expressivism.