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Explaining punishment: moral indignation, meaning and symbolic practice.

Philosophers have spent a lot of time on the justification of punishment, because it involves a deliberate infliction of suffering. But traditional utilitarian and retributivist accounts either cannot sufficiently answer the question of justification of this hard treatment or rely on phenomenologically inadequate proposals. My suggestion, inspired by the views of among others Anthony Duff and Arnold Burms, is to explain punishment as a practice of symbolic restoration.

In this paper, I critically examine Duff's and Burms' proposal. I argue that they still face an important problem to explain punishment as a symbolic practice. This difficulty comes to the surface in cases where offenders show sincere remorse *and* are still punished. This problem disappears, so is my suggestion, if we understand punishment in relation to the reason for the event (why it happened) and the event's severity (its contingent 'weight').