The central issue that a theory of punishment must address is why we are permitted to treat criminals in ways that would normally be impermissible, denying them of goods to which they normally have a right? In “Reactive Sentiments and the Justification of Punishment”, I argue that neither traditional justification satisfies the *no valid objection from rights desideratum*.

*No valid objection from rights desideratum*: A theory of punishment should explain why the punished cannot reasonably object to their punishment, even though it deprives them of goods to which they normally have a right.

Appealing to the good consequences of punishment will not suffice, because the state is not normally justified in violating citizens’ rights just because doing so has good social consequences. On the other hand, even if the idea that wrongdoers deserve to suffer or be harmed can be grounded, it is not clear that the state would be justified in violating criminals’ rights in order to give them their just desserts, because the state is not generally justified in violating citizens’ rights in order to give people what they deserve.

In this excerpt from my dissertation, I argue that the reactive account is able to satisfy the *no valid objection from rights desideratum*. This argument draws upon the argument that punishment is an appropriate expression of indignation. I claim that punishment is permissible because we are justified in treating people in ways that would otherwise be impermissible when that treatment expresses appropriate blame. Those who are the targets of appropriate expressions of blame do not have the moral standing to object to them on moral grounds. I begin this argument by rejecting a similar explanation for why serious criminals cannot reasonably object to their punishment, the idea that they forfeit their rights when they violate the rights of others. I raise a couple of objections to this view. Then I explain the moral standing alternative, focusing on how objections to blame function in the interpersonal context, where our blaming responses
are not mediated through political institutions, and then extend the account to state punishment. I maintain that this rival explanation is not subject to the same objections as the forfeiture view. Finally, I compare the moral standing explanation of why we are permitted to punish criminals to the consequentialist and retributivist alternatives.

1) Forfeiture

The notion of forfeiture offers a potential explanation of why those who violate the rights of others cannot object to the state treating them in ways that would normally violate those rights. According to forfeiture criminals forfeit their rights when they violate the rights of others. Forfeiture, so understood, is not a claim about the positive reason we have to punish wrongdoers, but an explanation of why violation of their rights is permissible. While a theory of punishment that accepts forfeiture has a straightforward way to satisfy the no objection from rights desideratum, the idea of forfeiture itself has been subject to criticism. Some philosophers have claimed that it makes permissible harms that are intuitively impermissible. Others have argued that it would not be able to explain why the harms of punishment are permissible in a wide range of cases in which punishment is justified. In this section I will explain these criticisms.

In Warren Quinn’s “The Right to Threaten and The Right to Punish,” he presents a case in which it looks like a simple account of forfeiture would justify harm that is in fact impermissible:

The proper authorities are entitled to punish Jones, a generally decent young man who has foolishly stolen Smith’s car, by depriving him of up to the amount of liberty forfeited in the theft. But suppose that before any such punishment takes place, Smith, for reasons having nothing whatever to do with the theft, kidnaps Jones and deprives him of exactly
that amount of liberty. In this situation it is natural to suppose that Smith not only wrongs Jones but specifically violates his right to liberty.¹

If forfeiture entails that Jones could not reasonably complain about his treatment by Smith on the grounds that it violates his right to liberty, this case is a counterexample to forfeiture. A defender of the forfeiture view might maintain that Jones can still complain about his treatment because he has only forfeited his right to liberty to the state, which has a monopoly on the legitimate use of force. According to this defense, only the state is justified in depriving goods, the deprivation of which usually requires the threat of force. Through his wrongdoing Jones has forfeited his right of liberty to the state, but not to all of his fellow citizens. Yet Smith’s position as a private citizen does not seem to be the only grounds on which Jones can object to his treatment. The fact that Smith’s reasons for kidnapping him have nothing to do with his wrongdoing gives Jones grounds for objecting. Jones does not generally forfeit his right to liberty in virtue of his wrongdoing, rather there seems to be something special about the circumscribed situation in which he is being punished for that wrongdoing that makes his appeal to his rights unreasonable.

While Quinn argues that there are cases in which forfeiture would justify morally impermissible acts, another line of criticism of forfeiture claims that it is unable to justify the characteristic harms of punishment in a wide range of cases in which we think that punishment is justified. In “The Paradox of Punishment,” Alan Goldman makes this case based on the premise that we do not think that those who violate the rights of others thereby forfeit all their rights. He argues that under the most plausible interpretation of forfeiture, when one violates the rights of others, one forfeits those rights that one violates but not one’s complete set of rights.

If A steals fifty dollars from B, this does not give B or anyone else, official or not, the right to impose all and any conceivable harms upon A in return. Nor does A thereby become available for any use to which the community then wants to put him…. If we ask which rights are forfeited in violating rights of others, it is plausible to answer just those rights one violates (or an equivalent set). One continues to enjoy rights only as long as one respects those rights in others: violation constitutes forfeiture.\(^2\)

Though Goldman endorses this account of forfeiture, he thinks that modern systems of punishment cannot be justified by it, because, on deterrence grounds, they often deprive criminals of protection by rights that are not equivalent to those of others that the criminals have violated.

Our society does not limit punishment to deprivation of rights forfeited, that is, rights of others which have been violated by the criminal. Especially in regard to crimes against property, punishments by imprisonment are far more severe, on the average, than the harm caused to victims of these crimes…. The disproportion between violated or deprived rights of the victims and those of the criminals in these crimes is obvious.\(^3\)

If those who violate the rights of others forfeit only those rights, forfeiture does not explain why they cannot reasonably object to punishment that deprives them of rights outside that set. Even if we can make sense of the deprivation of liberty and property that punishment involves as being commensurable to criminals’ mistreatment of their victims, forfeiture cannot explain why we are sometimes permitted to deny them greater goods than they have deprived others. If, on the other hand, those who violate any of the rights of others thereby forfeit all their rights, those who commit the most minor rights violations could not reasonably object to any treatment on the grounds that it violates their rights. A theory of punishment that satisfies the no valid objection from rights desideratum in a way that accords with commonsense morality must explain why criminals cannot reasonably object to being treated in ways that would otherwise violate their rights, even when those rights violations are not equivalent to those they have violated in others,

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\(^3\) Goldman, Alan, 1979, “The Paradox of Punishment,” p. 49.
but this explanation must not imply that criminals can never object to any treatment on the
grounds that it violates their rights.

2) Valid Objections to Interpersonal Blame

I believe that the reactive theory can explain why serious criminals cannot reasonably
object to their punishment on the grounds that it deprives them of a good to which they have a
right in a way that avoids the objections faced by forfeiture. In this section, I argue that, in the
interpersonal context the targets of appropriate blame lose their standing to complain about the
loss of social goods that appropriately express that blame. In the next, I argue that the reactive
theory can satisfy the no objection from rights desideratum because state punishment is
continuous with these interpersonal responses. Punishment is permissible because we are
justified in treating people in ways that would otherwise be impermissible when that treatment
expresses a proportionate degree of blame. Those who commit serious crimes do not have the
standing to object to deprivations of goods to which they are normally entitled when those
deprivations are expressive of the community’s appropriately high degree of indignation.

It is evident from the interpersonal context that we accept the idea that targets of
appropriate blame do not have the standing to object to that blame. Someone might object to
being blamed because he feels distress when the reactive sentiments of others are directed toward
him. This complaint is reasonable if he was justified in acting the way he did or has an excuse
for acting in that way. In these cases it is inappropriate to blame the person, because he has not
really violated a moral obligation or there is some extenuating circumstance that renders blame
inappropriate. In other cases his objection is unreasonable unless he is properly exempted from
blame.\textsuperscript{4} Those without capacities for moral reasoning or guiding their behavior in light of moral reasons are appropriately exempted from being the objects of reactive sentiments. But if someone commits an unexcused wrong while in the possession of these capacities, he cannot reasonably object to others, appropriately situated, feeling the reactive sentiments toward him to a proportionate degree.

This point is about the standing of those who violate moral obligations to object to blame in the interpersonal context, and \textit{not} about whether those in a position to blame always have conclusive reason to do so. There are other ways of responding to wrongdoing that are consistent with treating those who commit wrongdoing as responsible agents. For example, the swearing off of the resentment that is characteristic of forgiveness is a way of respecting the forgiven as a moral agent. But someone who has committed a wrong is not in a position to demand forgiveness when he is appropriately the object of resentment; he is rightly at the mercy of the person he has wronged. In another example, I might fail to feel resentment toward some minor wrong because I am preoccupied with another matter. This need not mean that I fail to treat the person who has wronged me as a responsible agent. Nor is that person in a position to reasonably demand that I should spend my cognitive energy on other matters, however.

Not only is it unreasonable for someone who has violated a moral obligation to object to others, appropriately situated, feeling the reactive sentiments to a proportionate degree toward him, he also does not have standing to object to their appropriate expression. Imagine that Jim has betrayed Susie’s confidence in a matter of some importance, and she expresses her resentment toward him, “I can’t believe you did that! You betrayed my confidence.” It would be peculiar for Jim to reply by saying, “You ought not express your resentment like that, because

it really hurts my feelings.” Hurt feelings sometimes provide grounds for objecting to an action, and if Jim had not actually betrayed her confidence, he could legitimately appeal to these feelings in objecting. What makes the response unsuitable, I maintain, is that Jim does not have the standing to object to the negative impact an appropriate expression of blame has on him.

One might question this diagnosis. It is unreasonable to object to a wide range of actions performed by others on the basis of hurt feelings. It would be unreasonable, for example, for me to demand that my unrequited love date me, or my teacher give me a good grade, because failure to do so would hurt my feelings. In light of such examples, it might be thought—too quickly, no doubt—that hurt feelings do not constitute much of a basis for objecting to the actions of others.

Consider instead, then, expressions of blame in the interpersonal context that take the form of deprivations of goods beyond social regard. Imagine that Susie withdraws from Jim an invitation to a party she is throwing in response to his betrayal. He responds, “You ought not express your resentment like that, because I had a legitimate expectation to go to that party and didn’t make other plans that night.” This is an unreasonable response, not because it is unreasonable to object to having one’s legitimate expectations thwarted, but rather because Jim is not in a position to object to the negative effects that his own wrongdoing has on him when they are a result of his being appropriately blamed for that wrong. In response to Jim’s betrayal, Susie’s father might express his indignation by breaking off a mentoring relationship with Jim. Assuming the betrayal was serious enough to make the severing of this relationship appropriate, Jim could not reasonably object that Susie’s father has broken a promise to mentor him. Though one can usually reasonably complain about a broken promise, one cannot reasonably demand
those who are blaming them honor their promises when appropriately blaming one involves not honoring those promises.\(^5\)

Jim’s standing to object to similar treatment is not undermined when that treatment is not a blaming response or when the person treating him that way is not in a position to blame him, however. For example, were the rescinding of the invitation not a blaming response—say a friend of Susie’s who is helping throw the party and unaware of Jim’s betrayal randomly chooses to disinvite him—Jim could reasonably object to it. Jim also retains the standing to object to blaming responses from those who are not in an appropriate position to blame. It is difficult to give a complete analysis of how we should distinguish public from private wrongs. But stipulate that Jim’s betrayal of Susie is properly considered a private wrong. Imagine that someone who has promised to mentor Jim and has no relationship to Susie finds out about his wrongdoing from the grapevine. She indignantly refuses to fulfill her promise. If she is not in a position to blame him, he can reasonably object that breaking her promise to him violates an obligation that he is owed.

Jim also retains the standing to object to treatment that expresses blame because it is disproportionate or tampers with his capacities for moral agency. If Susie conspires to get him fired from his job as an expression of her resentment, he could reasonably complain. Such a course of action is not an appropriate expression of blame; it is an excessive response to his wrongdoing, expressing a higher degree of resentment than is appropriate. Jim would be in a position to object to Susie’s behavior in these cases, because he does not lose the standing to...
object to treatment that negatively impacts him in ways that go beyond what expresses the appropriate degree of blame. Or, imagine that Susie is trained in psychological torture. Jim could reasonably object to her using these techniques on him in order to express her blame because they fail to respect those capacities that make blame appropriate (in the manner described in section 3 of “Reactive Sentiments and the Justification of Punishment”).

I have identified some grounds for validly objecting to expressions of resentment and indignation and their expression in the interpersonal context. One can reasonably object to being blamed for a wrong that one has not actually committed, or for which one has an excuse for having committed. One can reasonably object if one is properly exempted from blame for the wrong because one was not in possession of the capacities for moral agency at the time of the wrongdoing. One can reasonably object to blame from those who are not in a position to blame one for a wrong, as members of the general public are not in a position to blame a private wrong. One can reasonably object to expressions of blame that express a higher degree of blame than is appropriate in response to his wrongdoing. Finally, one can object to expressions of blame that fail to preserve one’s capacities for moral agency. I maintained, however, that one cannot object to expressions of blame simply on the grounds that those expressions deny one the sorts of goods that proportionate, constructive expressions of resentment and indignation characteristically deny their objects. Even if one typically has a valid objection to being denied these goods, one loses the standing to make that objection when that denial constitutive of, or a consequence of, appropriately expressed blame.

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6 While the targets of blaming expressions can reasonably object to expressions that are unconstructive because they do not respect their reasoning capabilities, it does not seem that they can reasonably complain on the grounds that those expressions are not constructive because they do not deter.
3) Reactive Punishment and the Standing to Object

These observations about the way blame works in the interpersonal context can be extended to explain why serious criminals do not have moral standing to object to punishment that denies them their liberty or property. I have described how in the interpersonal context, the targets of appropriate blame cannot object to treatment that would otherwise be morally problematic (such as the failure to honor a promise) when that treatment is bound up with an appropriate expression of blame. Likewise, the punished cannot object to treatment that would otherwise violate their rights when that treatment appropriate expresses the indignation of the community.

I argue in “Responsibility and the Moral Sentiments” that communities have reason to express indignation toward those who commit serious crime by depriving them of important goods. Such deprivations signal an appropriately high degree of indignation. It shows that members of the community take such crimes seriously and are committed to reducing their occurrence. Because punishment is an appropriate way to express indignation toward serious crimes, those who commit such crimes cannot reasonably object to punishment that blames them, even if it deprives them of goods to which they would otherwise have a right. Those who have committed serious crimes and been fairly convicted do not have the same standing to appeal to their rights to liberty and property that other people have, when the deprivation of their liberty or property partly constitutes proportionate expressions of blame. It would be unreasonable for a fairly convicted murderer to object at sentencing, “You cannot imprison me; it violates my right to freedom.” The murderer cannot appeal to his right to liberty, not because this is not a right that people are usually protected by, but because convicted murderers do not
have the standing to appeal to that right when members of the community have appropriately endorsed imprisonment as the way to blame those who commit murder.

There are a number of valid grounds for objecting to reactive punishment with appeal to one’s rights. If one has committed no crime or has a valid excuse for acting in a way that would otherwise be criminal, one can reasonably object to being punished. One can also reasonably object to reactive punishment if one was properly exempted from reactive blame at the time of one’s wrongdoing, because one was not in possession of the capacities for moral agency. Given the importance of the goods that punishment deprives the punished, an accused criminal can reasonably demand that those who would blame him believe with some certainty that he has in fact committed a crime, that he does not have a valid excuse or justification for having done so, and that he was not in a condition at the time of the crime that would exempt him from moral assessment. In criminal justice systems in which there are procedures in place for establishing guilt, a criminal can reasonably object to his punishment if these procedures are not followed.

As in the interpersonal case, one who has committed a serious wrong can reasonably object to blaming expressions from those who are not in an appropriate position to blame him. So if some wrong is properly regarded as private in a community, someone who commits that wrong can object to reactive punishment in response to it. Because punishment is understood to express the indignation of the community, if infidelity is not properly in the interest of the community as a whole, an adulterer can object to reactive punishment. He retains the standing to

7 Those who permanently lack the moral capacities may not have the standing to appeal to their rights, if they retain those rights in virtue of possessing capacities for moral agency. See, Strawson, P. F., 1962, “Freedom and Resentment”; reprinted in Watson, Gary, 1982, Free Will. New York: Oxford University Press, p. 66: “To adopt the objective attitude to another human being is to see him, perhaps, as an object of social policy; as a subject for what, in a wide range of sense, might be called treatment; as something certainly to be taken account, perhaps precautionary account, of; to be managed or handled or cured or trained.”
object to state punishment in this case, but not the standing to object to interpersonal blaming responses that appropriately express the reactive sentiments of those who are in an appropriate position to blame him.

Even if one is worthy of public blame and is fairly convicted, one can reasonably object to an expression of the indignation of the community that expresses a higher degree of indignation than is appropriate. The celebrity shoplifter could reasonably object to a sentence that imprisons him for life, even if it would have good social consequences, because it would express an excessive degree of blame for his crime. A target of reactive punishment can also reasonably object to punishment that undermines its claim to respecting his capacities for moral agency with the way it treats those capacities. Even if one has been fairly convicted of a serious crime he can reasonably object to the state torturing him in response, on the grounds that torture characteristically destroys those capacities that make blame appropriate.

Though there are a number of situations in which someone who has committed a serious act of wrongdoing can reasonably object to treatment which deprives him of goods to which he has a right, I have maintained that there is a very circumscribed situation in which he does not have the standing to appeal to those rights: when denying him that good appropriately expresses the indignation of the community in response to his crime. This moral standing explanation of why punishment is permissible differs from the forfeiture view in a way that makes it immune to Quinn’s and Goldman’s criticisms of forfeiture. It explains why the state can permissibly deprive Jones of his liberty while Smith who is ignorant of Jones’s wrongdoing cannot. There are at least two reasons to think that Jones has a valid objection to his kidnapping. First, in societies in which the state has a monopoly on the legitimate use of force, Jones can reasonably object to a fellow citizen holding him against his will, whether or not it expresses an
appropriate degree of blame. Second, and more importantly for distinguishing moral standing from forfeiture, Jones’s kidnapping cannot be understood as a blaming response because Smith is unaware of Jones’s crime. According to the moral standing view, criminals do not forfeit any of their rights without qualification when they violate the rights of others; they only forfeit the standing to appeal to certain rights when they are the targets of appropriate expressions of blame. Even if he could justifiably be punished, Jones has a valid objection to being denied a good to which he has a right when that deprivation is not bound up with an appropriate expression of blame.

The moral standing account is also able to avoid Goldman’s criticism of forfeiture because it is able to explain why the state is permitted to treat criminals in ways that deprive them of different and greater goods than they have deprived of others in their crimes, without implying that any and all treatment of them is permitted. On the one hand, appropriate expressions of indignation do not always do to their targets what the object of indignation has done to his victim, and actions which express a proportionate degree of indignation toward wrongdoers sometimes deny them a greater good than they have denied their victims. Those who are fairly convicted of armed robbery cannot object to imprisonment that expresses the indignation of the community, provided that imprisonment expresses an appropriate degree of the community’s indignation, even if it denies them a greater good than they have denied anyone in the community. On the other hand, criminals do not forfeit all their rights when they commit crimes on the reactive account. They can object being denied goods on the basis of their rights for various reasons, many of which I have enumerated above. For example, someone who commits a minor crime does not thereby lose his standing to object to being tortured on the reactive account, because torture is never an appropriate way to express the reactive sentiments.
I will conclude this section by comparing the reactive theory to the traditional alternatives with respect to the *no valid objection from rights desideratum*. In Chapter 1 of my dissertation, I argue that consequentialist theories cannot make sense of the idea that people have rights in a meaningful way. I noted that the most famous criticism of consequentialist theories is they cannot explain why it is impermissible to punish the innocent when doing so would achieve the best consequences. The reactive account is not susceptible to this criticism. Those who are not blameworthy retain the standing to appeal to their rights in validly objecting to punishment. A related worry about consequentialist theories is that even when they justify state punishment of the guilty they do so based on the good social consequences of such treatment, even though the state cannot in general treat people in ways that would normally violate their rights on that basis. Alternatively, reactive punishment does not treat criminals merely as tools for producing social welfare but, rather, addresses them as responsible agents. Just as the reactive sentiments respect the agency of their objects, expressions of the reactive sentiments respect their targets. Proportionate expressions of blame sometimes treat their targets in ways that would otherwise fail to show someone the respect that all persons are owed. When this treatment is part of an appropriate expression of blame, however, it pays him a sort of respect. When Susie rescinds Jim’s party invitation, for instance, she is respecting him as having the capacities to do better. Likewise, when criminals who are blamed by punishment that appropriately expresses the justified indignation of the community, those deprivations partially constitute treatment that respects them as moral agents. Though deterrent consequences play a role in why we punish on the reactive theory, we are not permitted to punish to an extent that would express a higher degree of indignation than is appropriate. Punishing past this point on deterrence grounds would treat the punished as a mere means to the security of society.  

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8 I believe that the way that the deterrent function of punishment is bound up with expressions of indignation that
The idea that justified reactive punishment respects the punished suggests a possible explanation of why the targets of appropriate expressions of blame do not have the standing to reasonably object to those expressions. While people always have standing to object to treatment that fails to respect them, when one has committed a serious wrongdoing, treatment that would otherwise fail to respect one shows respect for their moral agency when it expresses appropriate blame. With respect to punishment, while people can usually complain about being deprived of their liberty or property without their consent on the grounds that such deprivations fail to show them the respect they are owed, the targets of reactive punishment are respected by those deprivations.  

This suggested deeper explanation behind the moral standing account of the permissibility of punishment relies on a questionable premise, however: that the only valid grounds that someone could have to object to any treatment could be understood as a failure to respect his agency. The idea that reactive punishment respects the punished explains why those who are deprived goods by it cannot reasonably object to it on the grounds that those deprivations fail to respect their agency. But it is not obvious that one cannot reasonably object


constitutively treat the blamed as responsible agents gives the reactive theory a particularly robust response posed by the Kantian challenge that deterrent punishment treats criminals as means, compared to a theory that separates the expressive and deterrent elements of punishment. For comparison consider a justification of punishment suggested by T. M. Scanlon on which these elements play distinct roles. Scanlon, T.M., 1999, “Punishment and the Rule of Law”; reprinted in his, 2003, The Difficulty of Tolerance: Essays in Political Philosophy, Cambridge: Cambridge University Press, p. 231: “The fact that an action is an unjustifiable intrusion...is a necessary condition for condemning it, and usually a sufficient condition for doing so. But it is not (on a nonretributive view) a sufficient condition for depriving the agent of liberty or inflicting other forms of harsh treatment on him. For such harsh treatment, some further justification is required beyond the desirability of expressing our judgments. This is where we must appeal to the utility of deterrence as a way of providing a kind of protection that we need and are entitled to, and the fact that everyone will have a fair opportunity to avoid liability to the penalties involved.”

In a recent article, Mitchell Berman recommends a similar line of thought to the retributivist. Berman, Mitchell, 2008, “Punishment and Justification,” Ethics 118, pp. 258–90, p. 279: “Because wrongdoers experience suffering as a bad, a usual way to respect them is to not cause them pain. But insofar as they have exercised their wills to violate legitimate interests of others, it is also plausible that causing them to suffer on account of their willing respects them too. Here, as is often the case (but often overlooked), our duties depend upon our motivations. We respect a person’s nature as sentient being by refraining from causing her pain. We respect a person’s nature as responsible agent by giving her what she deserves by virtue of the exercise of her will.”
to treatment that respects his agency on other grounds. Imagine I scream “I respect your moral agency,” in your ear. What I say respects you in a sense, but it seems clear that you can reasonably object to the way that I say it. While the criminal cannot reasonably object to his punishment on the grounds that it fails to respect his agency, the fact that it respects his agency might not fully explain why he has no valid objection to it. One reason to think this is the case is because not all valid objections to punishment directly appeal to the agency of the punished. I retain the standing to object to being punished for a private wrong I have committed, or to some forms of cruel punishment,\(^\text{10}\) even though this punishment would respect my moral agency. I believe that the notion of the moral standing to object to blame is best understood as fundamental and not analyzable in other terms.

The reactive theory provides a more complete explanation of why punishment is permitted than retributive desert because desert claims alone do not generally override entitlement claims. Perhaps a retributive theory could incorporate moral standing in order to explain what is distinctive about retributive desert claims. On this understanding inflicting deserved harm or suffering on wrongdoers blames them.\(^\text{11}\) Those who are subject to state punishment do not have the standing to reasonably complain that it violates their rights when those rights violations are required to appropriately blame them by giving them their deserved amount of harm or suffering.

Objections to retributivism undermine the claim that giving wrongdoers their deserved suffering or blame is an appropriate way to blame them. I have argued that the retributive idea that wrongdoers deserve harm or suffering is ungrounded and that punishment can appropriately

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\(^{10}\) I claim in “Reactive Sentiments and the Justification of Punishment” that a subset of forms of punishment that we consider cruel do not fail to preserve the moral capacities of the punished.

blame criminals without inflicting suffering on them or harming them in ways that retributivists often understand “harm.” In order to motivate skepticism about the retributive idea, I drew upon our blaming responses in the interpersonal context. In this context, expressions of third-personal blame with the end of the deserved harm or suffering of those who violate moral obligations are problematically vindictive. Consider the case where you forget to pick me up to drive me to the airport, and at a later date I say I will take you to the airport but fail to show up in order to deliver upon you your retributive matching penalty. It seems as though you can reasonably object to my vindictive treatment of you in this case. My argument that serious criminals lack the standing to object to punishment relies on an analogy with cases of interpersonal blame. The same argument is not available to a retributivist, insofar as retributive responses are inappropriate in the interpersonal context.

I believe that retributivism has at least one advantage over the reactive theory with respect to the permissibility of punishment: it has a clear explanation of why someone can reasonably object to being proportionally punished more than once for the same crime. If criminals deserve a fixed amount of harm or suffering in virtue of their crimes, and they receive it from their punishment, punishing them again would inflict undeserved harm or suffering on them. In the interpersonal context we think that someone can be blamed for the same wrong multiple times without reasonably objecting. This gives us further reason to think that our interpersonal blaming responses are not retributive. On the other hand, it might also give us reason to think that the practice of punishment is not continuous with our interpersonal practices, insofar as one has the standing to object to being punished more than once for the same crime. In modern states, however, the reactive theory understands state punishment to express the degree of indignation that members of the community have endorsed as appropriate in response
to certain crimes. Only the state is in a position to punish and it is only permitted to punish a
person once for each crime he commits. Were it to punish him twice, he could object that his the
response to his crime is excessive on the grounds that the deprivation of combined goods
expresses more indignation toward his crime than members of the community have endorsed as
appropriate.\footnote{I do not find this response completely satisfying. It leaves open the possibility that in the state of nature one could
be subject to multiple punishments for the same wrongdoing without valid objection. I suspect that rather than a
good argument for escaping the state of nature, this is an implausible account of what would be permissible in the
state of nature.}