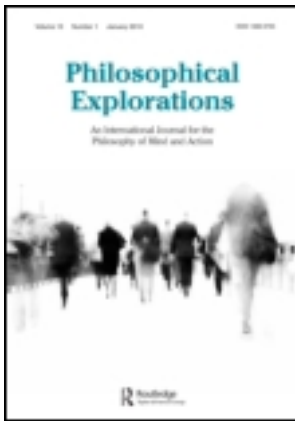


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Some theses on desert

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Consider the idea that suffering of some specific kind is deserved by those who are guilty of moral wrongdoing. Feeling guilty is a prime example. It might be said that it is noninstrumentally good that one who is guilty feel guilty (at the right time and to the right degree), or that feeling guilty (at the right time and to the right degree) is apt or fitting for one who is guilty. Each of these claims constitutes an interesting thesis about desert, given certain understandings of what desert is. After examining these claims, the paper briefly explores the idea that an offender might deserve certain forms of treatment by others. The paper concludes by contrasting the modest theses on which it focuses with a far bolder one, to the effect that if we are morally responsible, then it makes sense to suppose that some of us might deserve to suffer eternal torment. The more modest theses do not commit one to anything of this sort.

Keywords: blameworthiness; guilt; desert; suffering; noninstrumental good

Let us say that a guilty person is someone who is blameworthy for some moral wrong.¹ Do the guilty deserve to suffer? An affirmative answer to this question constitutes a basic thesis on desert:

(T1) The guilty deserve to suffer.

Perhaps T1 will strike many as abhorrent, barbaric, or utterly indefensible. But there is an interesting case to be made for certain theses that, on familiar understandings of what desert is, cast T1 in a more favorable light. If these theses are correct, and if the understandings of desert are on the right track, then T1 is correct. Recoil from it might stem at least partly from its often being confused with one or another far stronger claim.

In Section 1, I will distinguish two ways in which desert is often understood. Subsequently, I will work my way toward two theses on desert each of which, together with one or another of these understandings, constitutes a crucial premise of an argument for T1. (Along the way, several other theses will serve as steps toward the formulation of these two.) I will also identify some rather implausible theses on desert that are not entailed by T1 or by any of the things that need be said in its favor. Distinguishing these theses from T1 might help dispel the sense of horror that it tends to arouse.

1. Some writers take desert to be, in the first instance, a certain sort of propriety.² For a subject *s* to deserve something *o* is for there to be a kind of propriety in *s*'s getting or having *o*. If Sue deserves the trophy for first place in the hundred-yard dash, then there

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is a propriety in her getting the trophy. If Tom deserves respect from his peers, then there is a propriety in his having their respect.

Those who take this view commonly hold that desert is one factor, but not the only one, that can figure in what ought to be or what is permissible, and that it can be outweighed or overridden by competing considerations.³ It might be that although *s* deserves *o*, all things considered it ought not to be the case that *s* has *o*.

In light of this understanding of desert, we can consider a variant of T1 along these lines:

(T2) There is a kind of propriety in a guilty person's suffering.

Since the propriety is a *pro tanto* consideration, it might be that all things considered it ought not to be the case that the guilty person suffer. But if T2 is correct, then something favors that person's suffering.

Other writers construe desert in terms of value.⁴ One view along these lines employs the notion of noninstrumental goodness. Like the understanding of desert in terms of propriety, this one provides a view about what someone's desert of something comes to, or what it is for someone to deserve something. Applied to suffering, the view can be stated:

(U1) For someone *s* to deserve to suffer is for it to be noninstrumentally good that *s* suffer.

In light of U1, we can consider a second variant of T1:

(T3) It is noninstrumentally good that one who is guilty suffer.

One thing to notice about T2 and T3 is that they are naturally read as general in a way that T1 is not. Someone can deserve a reward without its being the case that for any reward whatsoever, that person deserves it. Likewise, T1 is *not* naturally read as stating that for any suffering whatsoever, the guilty deserve it. In contrast, T2 and T3 are at least highly suggestive of such generalization.

In what follows I will articulate some qualified variants of T2 and T3 that rule out such generalization. I will proceed first to a qualified variant of T3 and then return to modify T2.

2. What is it to suffer? One kind of suffering need not involve any psychological state of the one who suffers. For example, one might suffer a loss on one's investment without being aware that one has suffered that loss. Alternatively, one might notice the loss but not be the least bit bothered by it. I will limit my discussion to suffering that consists in being in some kind of unpleasant psychological state, one that, by its nature, is unpleasant to be in. Various kinds of pain are states of this sort, as are anxiety, loneliness, grief, and terror.

One variant of T3 makes explicit a generality that T3 might be taken to suggest, and holds the goodness in question to exist no matter what kind of unpleasant psychological state is involved:

(T4) For any kind of unpleasant psychological state, it is noninstrumentally good that one who is guilty be in that state.

T4 is horrific, and I doubt that anyone would advance it. But consider a variant of T3 holding that the goodness in question exists when there is some specific kind of unpleasant psychological experience involved:

(T5) For some specific kind of unpleasant psychological state, it is noninstrumentally good that one who is guilty be in that state.

What might such a psychological state be? A good candidate is guilt, that is, the state of feeling guilty. Such guilt is a psychological state that, by its nature, is unpleasant for the person who is in that state. The suffering that consists of being in this unpleasant state is something that, one might think, is deserved by the guilty, in the sense that it is noninstrumentally good that one who is guilty suffer in this way. Thus we might consider:

(T6) It is noninstrumentally good that one who is guilty feel guilty.

T6 would be implausible were it to say that it is noninstrumentally good that one who is guilty feel guilty at all times, or that for any time at all, this is a noninstrumentally good thing. To clarify the thesis, it might be said:

(T7) It is noninstrumentally good that one who is guilty feel guilty at the right time.

Perhaps no time prior to one's moral offense is the right time to feel guilty for that wrong, for one is not yet blameworthy for it. Perhaps it is not noninstrumentally good that one feel guilty for some wrong forever afterwards, or that one feel guilty for a very long time for a minor wrong. I will leave these details as matters for further thought.

Similarly, the suffering that consists of feeling guilty can be greater or less. Let us say that to the extent that it is greater, one feels more guilty, or guilty to a greater degree. T7 would be implausible were it to say that for any degree at all, it is noninstrumentally good that one who is guilty feel guilty (at the right time) to that degree. To clarify, the thesis might be stated:

(T8) It is noninstrumentally good that one who is guilty feel guilty at the right time and to the right degree.

The right degree will depend on particulars of the case at hand, and specifically on how blameworthy the offender is.

If T8 is true, then given that to feel guilty is to suffer, a qualified variant of T3 is true, for that is what T8 is. And if U1 reflects a proper understanding of what desert is, then given T8 (and, again, given that to feel guilty is to suffer), one who is guilty deserves to suffer feeling guilty at the right time and to the right degree. U1 and T8 thus provide the crucial premises of a valid argument for T1 (when the latter is not read as generalizing to any suffering whatsoever). Seen in this light, T1, even if it is false, hardly looks barbaric.

3. Why think that it is noninstrumentally good that one who is guilty suffer at all, even feeling guilty at some time and to some degree?

In the first place, there is value in the recognition by one who is blameworthy for some moral offense of the fact that she is so blameworthy. It would seem to be a good thing – and noninstrumentally so – that such a person acknowledge her guilt. Doing so is recognizing an important moral fact about oneself. This state of acknowledgment is a familiar step in a process of moral reintegration, one that might include self-reflection aimed at understanding why one did the wrong in question, a commitment no longer to do such things, an apology to one's victims, and the making of amends.⁵ Given the importance of morality, it seems to

be a good thing that one who is guilty take this step (even if, for some reason, one does not go any further).

To be clear, the claim here is *not* that it is good that a guilty person acknowledge her guilt only insofar as her doing so brings about some further stage of her moral reintegration. To make this claim would be to hold that this state of affairs is only instrumentally good. Rather, the claim offered for consideration is that the goodness of this state of affairs is not contingent on whether it brings about any further good state of affairs, but is instead a non-instrumental feature of this state of affairs. The observation about its place in a familiar process of moral reintegration might be offered with the aim of helping us recognize this (alleged) fact. Each step in this process, one might think, is in some way good, even if it fails to lead to any subsequent step.⁶

Feeling guilty is more than a mere acknowledgment of guilt; it involves as well some unpleasant affect. Why think that anything good hinges on this addition?

If one cares about others, if one respects them, and if one cares about whether one's behavior is justifiable to them, then typically one will feel bad, to some extent, when one realizes that one is guilty of acting in a way that is not so justifiable. Feeling guilty on such an occasion is an expression of one's moral concern. It is a good thing that one have this concern, and one might think it good as well that one who is guilty have the emotional response that expresses this concern. Again, both of these things might be thought to be noninstrumentally good, good even if they bring about no further good.

Perhaps someone who is utterly unconcerned for others, and unconcerned with the requirements of morality, might nevertheless acknowledge her blameworthiness for some wrongful act. If she did, she might do so with indifference, not feeling at all bad about what she has done. And perhaps someone with inverted values – a devil committed to immorality – might acknowledge the same. Such an individual might feel delight on recognizing her guilt. But neither of these responses would be good.

Might one have the proper care about others and concern for morality, and acknowledge that one is blameworthy for some moral offense, and yet not at any time feel any degree of guilt for that? This might be possible. On some occasion when one sees that one is to blame for some past misdeed, other matters might be so pressing that cold thinking about the present and future must preclude any feeling about the past; and one might never revisit the offense. But in many contexts a claim of such dissociation would be suspect.

Imagine that someone has wronged you, treated you in a way that morality does not permit. She comes to you and acknowledges that she is blameworthy for the offense. She has reflected on why she committed the misdeed, and she is determined no longer to do such things. She cares about you and respects you, she says, and she offers you what she says is her heartfelt apology. One more thing: she observes that she has not felt the least bit bad about mistreating you.

I think I would myself suspect that this person is not being entirely honest, either with me or with herself, or that perhaps she lacks some kind of self-knowledge. The claimed dissociation might be possible for a being altogether incapable of sentiment (provided such a being could nevertheless be subject to moral obligation and could recognize this fact). But in one susceptible to feeling, the claim strikes me as dubious.

Gilbert Harman writes that:

there seem actually to be many moral people with moral principles but no susceptibility to non-trivial guilt feelings. To mention one example, as far as I can tell, I am not susceptible to non-trivial guilt feelings, yet I have moral principles and seem (at least to myself) to be a relatively moral person. When I have discussed this topic with various colleagues, many of them say they

too do not feel nontrivial guilt. Some say that they, like me, have never experienced guilt. Others say that they used to feel guilt but have in one or another way been able to get over being susceptible to guilt. (2009, 208)

By ‘nontrivial guilt’ Harman means a state that includes some negative affect, something more than the mere thought that one is guilty.

As to what the further component is, Harman, drawing from other writers, suggests agony, deep regret, a kind of internalized self-punishment, or self-flagellation. I do not see any of these, or anything like them, as necessary for what I am calling the unpleasant psychological state of feeling guilty. One who feels guilty need not be in anything like a state of agony; guilt can be a mere mild discomfort. If it is a passion, it can be a very calm one. There need not be anything especially deep about it. And it is not essentially a form of self-punishment. It need not be *inflicted* in any active sense nor conceived as punitive by the one suffering it. It certainly need not be a kind of self-flagellation; to flagellate is to act in some way, but one can suffer guilt passively.

I do not know whether these points reconcile Harman’s observation about himself and his colleagues with what I have said about the common run of humanity. It might be that what he denies experiencing is guilt in an extreme or excessive form – his gloss on what the affective component comes to suggests this – and that he sometimes has feelings that count as guilt on my construal. It is hard to tell about such matters.⁷

Common or not, is a dissociation of unpleasant feeling from care about others and commitment to morality a good thing? Consider the response you might have to a victim of grave misfortune. A sympathetic observer might feel sad or sorrowful for the victim. Such feelings are unpleasant psychological states; to feel sympathetic sadness or sorrow is to be troubled by someone else’s troubles. And it might be thought to be in some way good – and not merely instrumentally so – that an observer of misfortune have some sympathy for the victim and so feel some degree of sadness or sorrow for her. Such a feeling expresses one’s concern for others.

Now imagine yourself the malefactor, the wrongful agent of the victim’s suffering. You might, as a sympathetic person, feel sorrow that the victim has been brought to suffer so. But to feel this and only this would, I think, indicate a curious dissociation from your own agency.

One might feel sorrow not just about the victim’s having been mistreated, but about one’s having, oneself, mistreated her. But one can feel this way about one’s behavior even when one regards oneself as not at all to blame for that behavior. It is good that a guilty person acknowledge not just the wrongfulness of her misdeed but also her blameworthiness for that action. And an acknowledgment of the latter, in one with moral concern, will commonly give rise to some feeling of guilt, a feeling that expresses moral concern.⁸

Perhaps one might, via a program of mental hygiene, have left oneself susceptible to sympathetic feeling but *not* to any feeling of guilt. But what would be the desirability of this result?

Of course, feelings of guilt can be disproportionate, and they can be debilitating. One might wallow in guilt. But these observations do not bear on the *noninstrumental* value of a guilty person’s feeling guilty *to the right degree* (and at the right time).

One further clarification about my understanding of the psychological state of feeling guilty: I take the constitutive thought to be that one is blameworthy for some wrongdoing.⁹ I do not take it to essentially involve the idea that one deserves to suffer.¹⁰ The feeling is a state of suffering, and it involves a thought. But this thought need not be about one’s

suffering. And if a guilty person deserves to have the feeling, nevertheless the thought that is involved in the guilty feeling need not be about desert.

4. T8 says that some fact or state of affairs is noninstrumentally good, the state of affairs consisting of the guilty person's feeling guilty at some time and to some degree. This claim differs from a claim that a certain unpleasant psychological state – the feeling of guilt that the guilty person has – is good. That mental state, a state of suffering, is one thing; the state of affairs of a guilty person's being in that state is another.

A defender of T8 can accept that any unpleasant psychological state, whether that of a guilty person or of anyone else, is bad. The claim that all suffering is bad is no objection to T8.

If even the suffering of the guilty is a bad thing, then apparently there is a respect in which the state of affairs in which a guilty person feels guilty is bad: it is someone's being in a bad psychological state. The badness of this state of affairs might well be thought to be intrinsic to it. If it is, then this state of affairs is intrinsically bad.

But the defender of T8 need not deny this. A state of affairs can be intrinsically bad but nevertheless good. It can, of course, be instrumentally good. And it can be noninstrumentally yet extrinsically good, its goodness a matter not of its production of something else but of its standing in some other relation to something else.¹¹ There is, in any case, a reason to think that the goodness of a guilty person's feeling guilty would be extrinsic, at least in part a matter of this state of affairs' relation to the state of affairs of that person's being guilty.

Further, a defender of T8 need not say that the state of affairs in which a guilty person feels guilty (at the right time, to the right degree) is better *overall* than one in which that guilty person suffers no feeling of guilt. T8 is consistent with the badness of this state of affairs – because of the badness of the unpleasant psychological state – being great enough to outweigh the goodness of which T8 speaks, and hence with its being better overall that the guilty person not feel guilty at all.

Thus understood, T8 is weaker than what some retributivists would want to assert. But weak as it is, T8 serves a purpose in an enquiry concerning T1. For T8 is not abhorrent, barbaric, or patently false; on the contrary, there is an interesting case to be made for it. And together with U1, T8 constitutes a key premise in an argument for T1.

A commitment to T8 is a commitment to there being some respect in which the state of affairs in which a guilty person feels guilty (at the right time, to the right degree) is noninstrumentally better than one in which that guilty person suffers no guilt. What might this respect be? I will suggest an answer below.

In presenting a case for T8, I have made no appeal to any specific theory of value. Theorists who are firmly committed to a view on which all good is grounded in the goodness of pleasure will likely remain unimpressed. But not everyone is so firmly committed. The case presented here might have some force with readers who hold more pluralist views of value and with those who are uncommitted one way or the other. Perhaps it might even provide reason for the first group to reconsider.

5. The psychological state of feeling guilty includes a thought – that one is blameworthy for some wrong – as well as some unpleasant affect. It might be said that such a state can be apt or fitting when one is guilty. The thought can fit in that it can be correct. (Cognitivists may see its correctness as truth; noncognitivists will see it differently.) Given the importance of morality, it might be said that the affective component can be apt or fitting as well. Feeling bad to some degree can be an apt response to the fact that one is blameworthy for

something. It expresses one's moral concern in light of one's recognition of one's blameworthiness.

The fittingness of an attitude is a kind of propriety in having it. If a guilty person's feeling of guilt is fitting, then there is a propriety in that person's having that feeling. Thus, we might formulate a specification of T2:

(T9) Feeling guilty is fitting for one who is guilty.

Of course, a guilty person might feel guilty to a greater degree than is fitting, and it might not be apt that a guilty person always feel guilty. A more carefully couched thesis says:

(T10) Feeling guilty at the right time and to the right degree is fitting for one who is guilty.

The right time and the right degree would presumably depend on particulars of the case at hand, including how blameworthy one is.

A thing may be said to deserve attitudes that are fitting toward it: an admirable character deserves to be admired, something abhorrent deserves abhorrence. Thus, we can consider a second understanding of what it is for someone to deserve to suffer:

(U2) For someone *s* to deserve to suffer is for suffering by *s* to be fitting.

U2 and T10 together provide crucial premises of a second argument for T1 (when the latter is not read as generalizing to any suffering whatsoever). If U2 reflects a proper understanding of what desert is, then given T10 (and given that to feel guilty is to suffer), one who is guilty deserves to suffer feeling guilty at the right time and to the right degree.

T10 employs an unexplicated notion of fittingness. I do not claim that this notion is a conceptual primitive, but I have no analysis to offer. Still, the notion is a familiar one, not a technical tool invented for philosophical purpose. It is employed in similar claims about the fittingness of admiration and abhorrence, and such claims seem intelligible.

Again, some readers might well reject T10 or withhold commitment one way or the other. I suspect that others will find it attractive. It is not the end of argument; rather, it provides a point on which disputes about T1 might focus.

6. Consider the relation between theses T8 and T10. Might either explain the other? Might it be noninstrumentally good that one who is guilty feel guilty (at the right time, to the right degree) because such a feeling is fitting for a guilty person? Or is there an explanatory relation running in the opposite direction?

That a guilty person's feeling guilty (at some time, to some degree) is fitting might be said to be something that is noninstrumentally good about the state of affairs of her feeling guilty. (Similarly, one might say that the fact that an admirer's admiration of an admirable person is fitting is something that is noninstrumentally good about the state of affairs of that person's being admired.) Hence one might take it that T10 explains T8.

Indeed, T10 might be appealed to in answer to a question raised earlier: in what respect is the state of affairs in which a guilty person feels guilty (at the right time, to the right degree) noninstrumentally better than one in which that guilty person suffers no guilt? Answer: in the first state of affairs, but not the second, the guilty person has a certain fitting attitude, one that, given her guilt, it is fitting for her to have.

T10 might thus explain what seems off about the imagined individual who acknowledges her blameworthiness, and claims to care about others and be committed to morality,

but who never, in acknowledging her guilt, feels at all bad. She is similar to someone who recognizes that some other person is admirable, and purports to care about such things, but who does not admire this other person. She has the right thought and (purportedly) the right value, but still she lacks a fitting attitude toward this other person. So, it might be said, does the imagined individual who never experiences any feeling of guilt.

I have suggested two lines of argument for T1, one involving U1 and T8, the other involving U2 and T10. And I have suggested that T10 might explain T8. T10 might then be offered in support of T8. But I think the first line of argument is also worthy of consideration without reliance on T10. Indeed, this line of argument might be advanced even by someone who rejects T10.

7. Sometimes feeling guilty is championed as necessary if one is to be sufficiently motivated to do the right thing. It might be responded that some people ‘have adequate motivation to act morally without being susceptible to guilt feelings’ (Harman 2009, 210). It should be obvious that this debate has no bearing on the theses considered here. T8 concerns the non-instrumental value of some state of affairs, not the instrumental value of some psychological state. T10 says that a certain psychological state (at some time) is fitting for certain individuals. There is no claim in either thesis about moral motivation.

8. If feeling guilty were all that the guilty deserved, their desert would be far less than many retributivists have thought. But desert theses concerning further unpleasant psychological states can, I think, be shown to be as plausible as some of those above. The states in question might include compunction, remorse, contrition, and a penitent attitude. I will forgo repeating the same lines of discussion applied to these states.

Still, none of the theses considered so far concern the *treatment* of the guilty, and this is the focus of much of the debate over retributivism. We sometimes speak harshly to wrongdoers, express anger to them, criticize them before others, and modify or break off our relations with them. If none of these responses is ever deserved, then correct desert theses are quite narrow in scope. How might we move from theses like T8 or T10 to theses concerning some such treatment?

Joel Feinberg recommends the idea that:

responsive attitudes are the basic things persons deserve and ... ‘modes of treatment’ are deserved only in a derivative way, insofar perhaps as they are the natural or conventional means of expressing the morally fitting attitudes. Thus punishment, for example, might be deserved by the criminal only because it is the customary way of expressing the resentment or reprobation he ‘has coming’. (1970, 82)

Attitudes that might be expressed in others’ responses to the guilty would be attitudes of these other individuals. A case might be made for the view (analogous to T10) that it is fitting for others to respond with resentment, reprobation, and so forth toward the guilty. It might then be said, drawing on an understanding similar to U2, that the guilty deserve such responses. And one might then argue, on the lines suggested by Feinberg, that certain behavior expressing these fitting attitudes can be deserved.

I want to suggest a second, perhaps complimentary, route to desert theses concerning treatment of the guilty by others. This strategy builds more directly on theses discussed above.

T8 says that it is noninstrumentally good that one who is guilty feel guilty at some time and to some degree. When some state of affairs would be in some respect noninstrumentally

good, the fact that it would be so constitutes a reason to bring it about. (This claim can be accepted even by theorists who deny that the goodness of consequences is the only reason-constituting factor.) Hence, if T8 is correct, there is (at least in some circumstances) a reason to induce a feeling of guilt in someone who is guilty. One might have a reason, then, to do such things as express to a wrongdoer one's assessment that she has behaved badly, and perhaps sometimes to do that forcefully and angrily.

If there is such a reason, surely it is *pro tanto*. There are cases in which all things considered one should not induce such a feeling in someone who is blameworthy for some misdeed. And perhaps not every other person has this reason with regard to every guilty person. Sometimes it is none of one's business whether someone guilty of some moral offense feels guilty for it. And one is simply not in a position to induce the feeling in lots of cases; one is not aware of them, or is not able to so affect the guilty party.

If there is a reason to induce feelings of guilt in the guilty, there might be similar reasons to induce other psychological states in them, states that were discussed above. These include contrition and a penitent attitude.

We have not yet arrived by this route at a desert thesis concerning treatment of the guilty. We might arrive at one with the claim that certain responses to a guilty party can be fitting because they are suitably conducive to inducing such psychological states in that person. Pointing out the misdeed, perhaps forcefully, but not too angrily, might be a suitably conducive way to induce the recognition of wrongdoing and the negative affect of guilt in some individual.

We have, then, two suggestions concerning desert theses about treatment of the guilty by others. Both of the suggested strategies seem to me worth pursuing. However, developing either in detail would be a sizable project, and one that lies beyond my aims here.

9. Even with the envisaged broadening of scope, the desert theses I have considered are quite modest. Consider a far bolder claim:

(T11) Some of the guilty deserve to suffer eternal torment.

Apparently some religious adherents endorse T11, and do so with respect to some guilty human agents. Given what I have said about T8 and T10, it should be clear that a commitment to T1 need involve no endorsement of T11. A defender of T1 might well agree that in T11 we have indeed encountered something abhorrent, barbaric, and utterly indefensible.

My discussion has taken it as given that there are agents who are blameworthy for wrongdoing. The clear suggestion is that some of us human agents are morally responsible for some of what we do. Sometimes an alleged connection between moral responsibility and something like T11 is cited in arguing that such responsibility is impossible. Galen Strawson employs such a strategy. He writes:

As I understand it, true moral responsibility is responsibility of such a kind that, if we have it, then it *makes sense*, at least, to suppose that it could be just to punish some of us with (eternal) torment in hell and reward others with (eternal) bliss in heaven. The stress on the words 'makes sense' is important, for one certainly does not have to believe in any version of the story of heaven and hell in order to understand the notion of true moral responsibility that it is being used to illustrate. Nor does one have to believe in any version of the story of heaven and hell in order to believe in the existence of true moral responsibility. On the contrary: many atheists have believed in the existence of true moral responsibility. The story of heaven and hell is useful simply because it illustrates, in a peculiarly vivid way, the *kind* of absolute or ultimate

accountability or responsibility that many have supposed themselves to have, and that many do still suppose themselves to have. It very clearly expresses its scope and force. (1994, 9–10)

With regard to this absolute or ultimate responsibility, Strawson says that it is:

responsibility and desert of such a kind that it can exist if and only if punishment and reward can be fair or just without having any pragmatic justification, or indeed any justification that appeals to the notion of distributive justice. (2002, 452)

Responsibility is characterized here in terms of the desert of punishment or reward. But if a punishment of eternal torment is deserved, so, it seems, would be the suffering of that torment. I will take Strawson to hold that to believe in ‘true moral responsibility’ is to be committed to its making sense, at least, to suppose that some of us might deserve such suffering.

What is meant by the claim that this supposition ‘*makes sense*, at least’? On one reading, what is claimed is that a certain thesis is sufficiently intelligible that one can assess its truth. On this reading, even someone who rejects T11 as patently and necessarily false can agree that it makes sense, at least, to suppose it true. We can say the same of the proposition that there might exist something that is both round and square. We can assess its truth – we see immediately that it is necessarily false – so it makes sense in this minimal sense.

I think Strawson has something different in mind. The idea that it makes sense to suppose that something like T11 might be true is supposed to express the ‘scope and force’ of true moral responsibility. Perhaps the idea is that if there exists (or even could exist) such responsibility, then it is at least possible that T11 is true, for the truth of the latter is compossible with the existence of moral responsibility. To accept that we are (or even could be) genuinely responsible agents is to be committed to the possibility of such a thing.

Perhaps an atheist might accept this compossibility on the grounds that it is possible, though false, that we are creatures of a perfect divine being, one who (given our true moral responsibility) could justly subject human sinners to eternal torment. But why think that an affirmation of moral responsibility commits one to agreeing that this sort of thing is possible? After all, there is the familiar objection that it would be contrary to the nature of divine perfection – and particularly to divine justice – for a perfect creator to subject its creatures to eternal torment.

Jonathan Edwards offered the following reply to this objection:

God being infinitely glorious, or infinitely worthy of our love, honor, and obedience; our obligation to love, honor, and obey him, and so to avoid all sin, is infinitely great. – Further: our obligation to love, honor, and obey God being infinitely great, sin is the violation of infinite obligation, and so is an infinite evil – Once more: sin being an infinite evil, deserves an infinite punishment: such punishment, therefore, is *just*; which was the thing to be proved. (1789, 4)

There are several points at which the argument raises questions. The sense in which an obligation might be finite or infinite, or finitely or infinitely great, is unclear. If a perfect creator would be infinitely worthy of love and obedience, this fact would seem to be that being’s worthiness of infinite love and perfect obedience; and it is not clear that this implies anything about infinite obligation. If we can make sense of an infinite obligation, it remains unclear that a violation of such an obligation must be an infinite evil. And there would still be need to support the claim that the violation of such an obligation by a finite being could deserve the infliction of eternal torment.

Short of showing that this argument from Edwards – or some other argument for the same conclusion – succeeds, Strawson has failed to show that an affirmation of moral responsibility commits one to accepting that the supposition of something like T11 makes sense, on the second reading considered above. It remains to be shown that if we are morally responsible for some of what we do, then it is at least possible that some of us deserve eternal torment.

For all that Strawson has shown, then, one can consistently affirm moral responsibility, and accept desert theses such as T1, T8, and T10, while rejecting T11 as abhorrent, barbaric, and utterly indefensible. One might say that the guilty deserve to suffer, but not so much.

10. I have discussed two main lines of argument for thesis T1. One relies on T8 and U1, an understanding of desert in terms of value. The second line of argument relies on T10 and U2, an understanding of desert in terms of fittingness.

I have suggested (in Section 6) that the fittingness of a feeling of guilt by a guilty person might explain the noninstrumental goodness of the state of affairs of that person's feeling guilty. Hence, an argument for T8 might appeal to T10 for support. But I mean to leave it open that the two lines of argument are independent.

I have also identified some theses, T4 and T11, that are considerably stronger than T1. One can consistently accept T1 and reject these theses. One can make a case against them that does not impugn T1.

My focus has been on whether the guilty deserve to suffer, specifically whether they deserve to suffer unpleasant psychological states such as feeling guilty. Whether the guilty deserve to be treated in one way or another is an important further question. In Section 8 I suggested two ways in which T1 might contribute to an affirmative answer. But it lies beyond my aims here to make a case for desert theses concerning treatment.

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Notes

1. It is sometimes held that one can be blameworthy without having done anything wrong, for example, if one has done the right thing for a very bad reason. I do not mean to deny this possibility, but for my purposes here it will be simpler to understand those who are guilty in the way suggested in the text. I do not think the simplification undermines any of what I have to say.
2. Feinberg maintains: 'To say that a person deserves something is to say that there is a certain sort of propriety in his having it' (1970, 56).
3. Feinberg (1970, 83–5) sees desert this way. Zimmerman, who holds that 'considerations of desert are, in part, considerations of what ought to be' (1988, 162), also takes it to be 'a *prima facie* matter' (162).
4. Bennett (2002, 147) takes retributivism to be 'the thought that it is non-contingently a good thing that those who have done wrong should undergo certain forms of suffering'. (Much of my discussion here is inspired by Bennett's paper.) Scanlon states what he calls The Desert Thesis as 'the idea that when a person has done something that is morally wrong it is morally better that he or she should suffer some loss in consequence' (1998, 274), or, more simply, the thought that 'it is good that the person [who has behaved wrongly] should suffer' (277).

Scanlon regards this idea as 'morally indefensible' (1998, 274). However, he does hold that it can be appropriate for a guilty person to feel guilty, and that such a reaction is 'made appropriate

- by the way the person has governed him- or herself' (277). Thus, he might accept some variant of a thesis like T2.
5. Bennett (2002) provides an illuminating description of this process.
 6. One might think that even if the goodness of a guilty person's acknowledging her guilt does not hinge on that state of affairs causing further stages of the process of moral reintegration, its value is nevertheless a matter of some relation to the final portion of such a process. However, insofar as the acknowledgment seems good, it would seem that way even if the process of moral reintegration were never actually completed by anyone. Hence, its value appears not to hinge on its relation to any *actual* completion of such a process.
 7. It might be suggested that, while Harman accepts that actions can be wrong and that human agents sometimes do wrong, he rejects the idea that we are ever blameworthy for our misdeeds. However, were this so, he would reject the very terms of my discussion here, for I have said that by 'the guilty' I mean those who are blameworthy for moral wrongs.
 8. I am not proposing that the feeling of guilt is developed from one's sympathetic sorrow at others' misfortune, or any such thing. My point, rather, is that the states are alike in these respects: each is a not-entirely-cognitive psychological state that is, by its nature, to some extent unpleasant to be in. I have suggested, further, that in each case it might sometimes be in some respect noninstrumentally good that a certain individual be in this state.
 9. The thought need not be about any specific misdeed. One can feel guilty without knowing why. And one might reject the thought; one can feel guilty without accepting that one is guilty.
 10. 'It is sometimes said that feeling guilty for having done something necessarily involves the belief that one should be made to suffer in some way for having done it' (Scanlon 1998, 274). I make no such claim.
 11. The view that there can be goods that are extrinsic but noninstrumental is advanced – I think persuasively – by Kagan (1998), Korsgaard (1983), and Rabinowicz and Rønnow-Rasmussen (2000).

Notes on contributor

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