

*Matravers, Matt (ed) (1999) Punishment and Political Theory*  
*Hart Publishing, Oxford. ISBN 1901362884. \$70*

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Best thought of as a response to an increasingly fragmented philosophy of punishment, *Punishment and Political Theory* focuses on the debate concerning a communicative theory of punishment. Posed as a question, this debate asks: exactly what should be communicated, to the criminal, through punishment?

In 'Punishment in a Kantian Framework', Tom Sorell explores the relationship of Kant's ethics and politics through an examination of coercion and punishment. Although Sorell is able to reconcile Kant's justification of punishment as coherent, he still finds it lacking. Dudley Knowles article, 'Punishment and Rights', examines the tension between rights-based accounts of morality and punishment. Knowles concludes that the contradictory nature of punishment as a violation of an individual's rights can be justified.

Reflecting individualistic accounts predicated on rights and autonomy, Sorell and Knowles' articles serve as an entry point for the articles by Duff and von Hirsch. Each poses the question: what should a communicative theory of punishment accomplish in the name of the state? The articles by Ivison, Matravers, Baldwin, and Norrie interrogate this question through more specific considerations of the communicative theory of punishment.

Duff elaborates on the communicative theory in 'Punishment, Communication, and Community.' Drawing on Feinberg's concept of 'hard treatment' in his seminal article 'The Expressive Function of Punishment' (Feinberg 1965), Duff maintains that 'what crime deserves or makes appropriate is a response which punishment communicates to the criminal' (48). Duff argues that punishment should communicate a secular form of penance.

In 'Punishment, Penance, and the State: A Reply to Duff', Andrew von Hirsch maintains that the proper communicative role of punishment is to 'keep predatory behaviour within tolerable limits' (69). Von Hirsch maintains that the role of hard treatment serves as a 'prudential supplement' for those who do not find law's moral appeal sufficient.

In 'Justifying Punishment in Intercultural Contexts: Whose Norms? Which Values?', Duncan Ivison examines the problems associated with a communicative theory of punishment with respect to the subjects of (post-) colonial societies. Articulated as alien imposition, penal communication questions the validity of punishment by others who hold disparate views. For Ivison, the heterogeneity of modern states challenges the practicality of a communicative theory of punishment. Matt Matravers, in ' "What to Say?": The Communicative Element in Punishment and Moral Theory', contrasts Ivison's position of a multiplicity of moral norms by considering the absence of moral norms. Seeing critical non-plural accounts of punishment render communicative theorists open to charges of *conventionalis*, Matravers contends that there exists a need to offer accounts that are independent of the local understandings of those who do the punishing and those who are the punished. A communicative theory of punishment speaks volumes about punishment but also says a great deal about those who punish.

Thomas Baldwin, in 'Punishment, Communication, and Resentment', rejects the notion of punishment as having a communicative element. Drawing on Austin's theory of speech acts (1960), Baldwin maintains that the concept of locution does not provide a space for Duff's hard treatment. If punishment is communicative, Baldwin submits that what is communicated through a communicative theory of punishment is resentment.

Alan Norrie's article, 'Albert Speer, Guilt, and "The Space Between"', provides insight into the nexus of community and the formation of the self with respect to punishment. Drawing on Giddens's characterisation of the erosion of community in late-modernity as consequential of the diminution of guilt, Norrie attempts to explain the ways in which individuals construct themselves through biographical narratives. Utilising a recent biography of Albert Speer, Norrie demonstrates that judgment requires a more complex understanding of the relationship of individuals and communities than is provided by liberal communitarian approaches.

In 'Penal Practices and Political Theory: An Agenda for Dialogue', Lacey finds accounts of the political theory of punishment too constrained and limited. Arguing that the fragmentation of punishment requires a more complex and comprehensive notion of power leads Lacey to take a Foucauldian turn. Rather than ascribing the political and public solely to the state, she maintains that Foucault's notion of disciplinary power is constitutive of important aspects of contemporary practices of punishment. For Lacey, the failure to address gender is another glaring example of the current limits of the political theory of punishment.

Individually, the articles comprising *Punishment and Political Theory* are insightful; and, taken together, provide an important theoretical examination of the communicative theory of punishment. Ultimately, what is supposed to be communicated through punishment depends on the exact nature of the state's authority to punish. In this regard, Lacey's article provides a direction for future consideration.

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## References

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