

Available at: Journal of Applied Philosophy, Vol. 38, No. 3, July 2021 doi: 10.1111/japp.12499

Special Issue on Non-paradigmatic Punishments
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Introduction: Non-paradigmatic Punishments

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ABSTRACT This is an introduction to the Symposium on Non-paradigmatic Forms of Punishment. We explain what we mean by calling certain instances of punishment 'non-paradigmatic' and explain why non-paradigmatic punishments are of philosophical interest. We then introduce the contributions to the Special Issue and conclude by outlining directions that future research on non-paradigmatic punishment might take. We focus on three particular ways in which punishment might be non-paradigmatic: cases involving nonstandard punishing agents, those involving nonstandard subjects of punishment, and those involving nonstandard means of punishment.

Introduction

Context and Background

Much work in the philosophy of punishment has focused, explicitly or implicitly, on what one might call 'paradigmatic' cases of punishment: ones in which one of a standard catalogue of penalties – including deprivation of liberty, monetary fines, and in some cases death – is inflicted on a fully responsible adult citizen for a crime of which they are legally guilty after due process by a legitimate (and most often liberal and democratic) state of which they are a citizen. There are obviously good reasons to focus on the paradigmatic case: if we cannot give a convincing account of how the practice of punishment is to be justified in this kind of case, then it is difficult to see how existing punitive institutions could be justified at all.

However, no one denies that in the real world we find many instances of punishment which do not fit this model. Punishments can be

¹ Authors are listed alphabetically. Both authors contributed equally to this Introduction.

inflicted by a range of institutions which are not states, including educational establishments, families (especially parents), religious institutions, workplaces, and informal groups of individuals. They can be inflicted on children; on adults who are not yet or who are no longer full responsible; on non-citizens (however we might understand citizenship); and on collective bodies such as corporations. Many kinds of punishment that are common in the real world – such as parole and supervised release, community punishments, and fines – are rarely discussed in the philosophical literature. And of course, technological advances mean that possibilities of new kinds of punishment, which might have both advantages and drawbacks, seem to be constantly on or just over the horizon.

We believe that non-paradigmatic cases of punishment are much more prevalent and pertinent to penal philosophy than they have been acknowledged to be. This symposium, which has its origins in a panel on this topic we organized at the Manchester Centre for Political Theory (MANCEPT) Workshops in Political Theory at the University of Manchester in September 2017, grows out of our interest in exploring some of the issues that they raise. We hope to promote further reflection on the particular instances of punishment discussed in the individual articles, but also – and perhaps more importantly – to stimulate further philosophical work on kinds and instances of punishment where the punishing authority, the recipient of punishment, or the form of punishment does not fit the model of the paradigmatic case. While we would expect much work in this area to have a significant normative dimension (in common with the contributions to this symposium), we anticipate that valuable future work in this area will both be informed by, and contribute to, work in a variety of disciplines including law, criminology, sociology, social work, and education.

Anyone writing on punishment in 2020 will be aware of the existence of a broad popular movement, especially but not exclusively in the United States, which has among its stated goals the dismantling of oppressive systems of policing, law enforcement, and incarceration. The articles published in this symposium were all written prior to the 2020 killings of Ahmaud Arbery, Breonna Taylor, and George Floyd and the wave of protests they sparked off. Someone might, nevertheless, wonder whether it is appropriate to be publishing a collection of articles on punishment that does not explicitly address the kinds of abolitionist goals that have been voiced by these protestors.

In response, we would emphasize two points. First, we hope that thinking about punishment in a broader context might help us recognize and better respond to the kinds of abuses with which these protestors have been concerned. Second, we note that the target of these protests has been the use of coercive power by the state: in particular, the state's use of that power to execute and incarcerate. But as we have already emphasized, states are not the only kinds of authority that engage in punishment. So even if these protestors fully achieve their goals, punishment will remain a topic of philosophical concern.

Why Care about Non-paradigmatic Punishments?

Before introducing the articles published here and the contribution that each of them makes to the project of understanding non-paradigmatic instances of punishment, we shall say something more about why we take that project to be philosophically significant. What we have to say here will of necessity be partial and programmatic, but we hope that it will be substantive enough to win over at least some skeptics.

The Range of Non-paradigmatic Punishment

Non-paradigmatic instances of punishment are widespread. Naturally, political and legal philosophers turn to examples of legal punishment when thinking about the phenomenon, and some influential writers on the topic have, notoriously, given accounts which are deliberately formulated in such a way as to exclude application to other kinds of case.¹ But even legal and political philosophers have good reason to look at examples which go beyond the paradigmatic case. Even within their own boundaries, states need to regulate the behavior of subjects other than fully responsible adult citizens: they must deal with young offenders, with those who are not yet or who will never become citizens, with corporate bodies,² and perhaps with those who are no longer capable of criminal responsibility.³ Many of the ways they do so involve the criminal law and the imposition of punitive sanctions. Many states also use the criminal law to regulate the behavior of corporate bodies.⁴ We might also expect legal and political philosophers to be interested in looking beyond the boundaries of individual states and to tell us something illuminating about the nature, justification, and pitfalls of systems of punishment that extend beyond those boundaries – for example, with the workings of International Criminal Tribunals such as the ICTY and ICTR and with punishments imposed by the International Criminal Court.⁵ An account of our practices of punishment which simply

ignores either of these kinds of cases provides an impoverished and unbalanced impression of what punishment is.

Political, and especially legal, philosophers have good reasons for being interested in punishments imposed by states. But once we note that punishments can be imposed by institutions other than states, we are able to observe a wide range of within-state organizations in which punishment has a place, and we might expect some of these to be of interest to the political philosopher as well. Punitive sanctions imposed with the backing coercive power of the state raise peculiar problems of their own. But we might also expect political philosophers to have something to say about such things as the role of punishment within education (particularly where education is compelled by the state, through state-provided or state-regulated institutions)⁶ and perhaps also about the political significance of punitive or quasi-punitive behavior on the part of informal groups of citizens, including boycotts and campaigns of public shaming, such as the 2020 boycott of advertising on the social media platform Facebook, shaming and ‘punishing’ the corporation for failing to address racist material shared through the site.⁷

Cases of Practical Philosophical Interest

Non-paradigmatic instances of punishment are widespread. But does it follow that there is anything of especial philosophical interest to learn by considering them? The points we have already made give us two reasons for thinking so. First, reflection on the variety of non-paradigmatic agents, forms, and subjects of punishment should make us very skeptical of ‘abolitionist’ approaches to punishment that argue punishment should have no place in our moral lives.⁸ Second, the prevalence of non-paradigmatic cases of state punishment suggests that philosophers risk being far too sanguine about the extent to which our existing practices of punishment are either morally justified or at least realistically susceptible of being reformed in ways that would make them justifiable.

Going beyond this, we would also argue that many of the punitive practices that fall under the umbrella heading of ‘non-paradigmatic punishment’ raise questions that are both philosophically interesting and practically significant. We think that the contributions to this Symposium (about which we will say more in due course) bear this out. But there are a range of other issues of obvious practical concern that we think illustrate this point with particular vividness.

Consider, for example, the question of whether and how technological advances might enable new forms of punishment, something that has from time to time been the subject of considerable interest in the popular press.⁹ Such forms of punishment might provide ways of avoiding the more obvious drawbacks of more traditional forms of punishment – for example, the expense,¹⁰ stigmatization,¹¹ collateral harms,¹² and even human rights violations entailed by punishment.¹³ But we might also worry that even if technological advances could in principle allow for alternatives to custodial sentencing which might be less stigmatizing or which lead to fewer collateral harms, in practice they may prompt changes to punitive practice which make punishment more isolating, more psychologically damaging, or more stigmatizing than it already is.¹⁴

The types of concerns above might also lead us to pay more philosophical attention to existing bottom-up alternative criminal justice practices, such as restorative justice, problem-solving,¹⁵ and therapeutic jurisprudence¹⁶ practices, such as drug courts and mental health courts. Practices of this sort are sometimes presented as being alternatives to punishment. We suspect that the impulse to categorize them in this way results from a conception of punishment that concentrates too narrowly on the paradigmatic case and that they are better understood as alternative forms of punishment. We also suspect that recognition that these are in fact forms of punishment would provide a better basis on which to assess existing criticisms of them.¹⁷

These are only two of the kind of issues of with significant practical implications that fall under the heading of non-paradigmatic punishment. Others include the punishment of individuals who, although full responsible and culpable at the time they committed an offense, are no longer so (an issue recently explored in print by Oliver Hallich and Thomas Douglas¹⁸), the punishment of war criminals by international tribunals, the limits of acceptable punishments by educational establishments, and so on. In each of these cases, we think that philosophical reflection on practices which are clearly punitive but which fall outside of the standard paradigm is capable of informing and improving public and political decisions.

Theoretical Considerations

We now suggest a broader reason for regarding work on non-paradigmatic forms of punishment as philosophically important: namely,

that it can cast important light on our understanding of paradigmatic forms of punishment and on the broader significance of philosophical work on the paradigmatic case. In the *Philosophical Investigations*, Wittgenstein suggests that one significant source of error in philosophical theorizing is a tendency to rely on an unrealistically restricted set of examples of a phenomenon under investigation.¹⁹ While Wittgenstein is unlikely to have had work on punishment in mind here, it seems to be an area where his moral applies.

Consider, for example, the commonly held view that punishment must either be harmful to those on whom it is inflicted, or alternatively, be intended to harm them.²⁰ This certainly seems to be true of paradigmatic instances of punishment. But it is less obviously true of punishments of young people in educational settings, for example, or of the sorts of nonincarceratory responses to wrongdoing mentioned in Section 1.2.2. Or consider Antony Duff's 'communicative expressivism': the view that punishment is to be justified by the role it plays in communicating with offenders in ways that offer them occasions for expressing regret and remorse.²¹ As one of us has argued elsewhere,²² it's difficult to see how a view of this sort might be extended to cover the punishment of corporate entities such as states and business corporations. If these are, as we think, genuinely cases of punishment, then a defense of anything resembling our existing punitive practices will require a different form of expressivism. It would be surprising if Duff is the only normative theorist of punishment whose account will be affected by such considerations.

Contributions to This Symposium

Having now given some context for discussions of non-paradigmatic punishment in general, we now turn to a discussion of the contributions to the symposium. The articles presented here first examine who we should punish: Bowden, Sorial, and Bourne address the complexities of responding to wrongs resulting from mob action, while Wringe considers punishing individual noncitizens. Second, they reflect on how we should punish people who have broken the law as moral equals. Porro argues against penal disenfranchisement since this diminishes the equal community membership of those who are imprisoned. Coverdale proposes a more realistic understanding of paradigmatic prison practice by including care in our understanding of punishment. A fuller selection

of work on non-paradigmatic punishment might also have addressed questions about a range of punishing authorities other than the state.

Who Should We Punish?

In 'Punishment for Mob-Based Harms', Sean Bowden, Sarah Sorial, and Kylie Bourne build on analyses of the behavior of mobs by Larry May and Kenneth Shockley to address questions about the ways in which individual participants should be held responsible for mob-based harms.²³ While their work considers mob members rather than mobs themselves as appropriate subjects of punishment, it relates in interesting ways to existing work on both the punishment of collective agents and a wider body of work on the punishment of wrongdoing by individuals in irreducibly collective contexts.

Their account positions this as a non-paradigmatic instance of punishment in two distinct respects. First, they argue that there is something nonstandard about what individuals might be punished for in such cases. This is true in two respects. Most obviously the kinds of harms that individuals are appropriately punished for may be harms that, as individuals, they could not have committed. More importantly, the way the mens rea requirement for harm in these cases should be understood is interestingly different from more standard cases: rather than looking for the presence or absence of individual intentions to commit wrongful acts (which will in many cases be absent), Bowden, Sorial, and Bourne suggest that what is at issue here is the mob members' relationship to a shared participatory intention. Second, they suggest, at least partly in the light of these considerations that such harms are appropriately dealt with not by criminal courts but by more informal bodies such as Truth and Reconciliation Commissions.

In 'Punishing NonCitizens', Bill Wringe asks how the state should punish noncitizens who break the criminal law.²⁴ Duff has recently suggested that noncitizens may be helpfully considered as 'guests' of a 'host state'.²⁵ Just as guests may have duties to comply with their host's house rules, noncitizens ought to comply with the host state's criminal law. Wringe challenges this analogy and consequently identifies a problem with the justification of punishment though harsh treatment for noncitizens.

For Duff and Marshall, the criminal law is not merely a top-down state imposition. Rather, democratic citizens are taken to be equal

coauthors of their criminal law, reflecting the shared values of the political community.²⁶ Wringer suggests that punishing offenders might be a duty, as Duff argues, rather than merely a permissible response to crime, if this helps to preserve these valuable relationships between citizens. Noncitizens share neither membership of the political community, nor, accordingly, coauthorship of the law. If punishment as harsh treatment serves to protect a valuable relationship between the state and citizens, then these reasons do not apply to noncitizen 'guests' since they do not share this relation. If we cannot explain the justification of punishment through harsh treatment for noncitizens, then our penal theory ceases to be a comprehensive account of what punishment could be in the kinds of state that we live in.

Forms of Punishment

Most theorists of punishment take punishment to involve harsh or burdensome treatment. In the popular mind, imprisonment looms large as the paradigmatic example of state punishment. As we have seen, however, punishments could in principle take a wide variety of forms, and punishment imposed by authorities other than states are almost always something other than imprisonment. In 'Penal Disenfranchisement and Equality of Status', Costanza Porro discusses a nonincarcerative form of punishment that can, plausibly, be imposed only by states: disenfranchisement.²⁷

Penal disenfranchisement, either permanent or temporary, is a feature of a number of penal jurisdictions, and its permissibility as a form of punishment (though not the practices of states that actually impose it) has been defended by writers such as John Deigh and Christopher Bennett.²⁸ Bennett's defense takes an expressive form: he argues that punishment is a socially sanctioned symbolic form of expression of blame by a moral community, and that disenfranchisement – withdrawal of the right to have one's voice heard as part of the government of a community – is one way in which a community might find of symbolically distancing itself from an offender's actions. Porro argues, convincingly in our view, that once we turn our attention to the expressive dimension of punishment, we are likely to find it expresses something which goes beyond this and which is less acceptable: namely, the lesser moral status of the offender.

Helen Brown Coverdale's article, 'Caring and the Prison in Philosophy, Policy, and Practice', deals with what might at first sight

appear to be a thoroughly paradigmatic form of punishment – namely, imprisonment, albeit from an unusual and perhaps initially paradoxical point of view: that of care ethics.²⁹ As she notes in the abstract to her article, care and punishment seem, *prima facie*, to be antithetical to one another (and, one might add, the antithesis seems particularly sharp when we consider incarcerative punishment). However, as she goes on to argue, further reflection suggests both that prisons are almost inevitably loci of the work of care. She argues further that punishment can only be what liberal theorists think it ought to be – a practice which is capable of treating offenders as moral equals – if we pay careful attention to aspects of the relationship between those who are imprisoned and those who work in prisons that care ethics encourages us to consider. Seeing matters from this point of view might lead us to rethink a further aspect of the way in which punishment is paradigmatically conceived: as a practice whose nature essentially involves the inflicting of harm.

Conclusion: Further Beyond the Paradigmatic Case

We hope that this Symposium begins a conversation that breaks out from the core paradigm cases of penal philosophy. Despite the good reasons for focusing on traditional paradigmatic cases, we hope that our contributors' work shows that there is much to learn from less confined ways of thinking about punishment. Sometimes this illuminates problems with existing practices, which may in turn indicate theoretical inadequacies (rather than simply bad applications of theory in practice). Sometimes this shows us something important about punishment that the present paradigm needs to accommodate if it is to address punishment as we find it in the real world.

The articles collected here only scratch the surface of what is worth investigating beyond the confines of the core paradigm. They raise questions about who may be punished and some of the limits on how this may be done. A fuller consideration of non-paradigmatic forms of punishment would also include discussion of punishments imposed by agents other than the state. These include schools, families, religious communities, and private organisations or clubs.³⁰ It would also consider the punishment of subjects other than responsible natural persons. This might include corporations, groups as collective agents, states, children, adults without capacity, and in the future, perhaps nonhuman agents.³¹

Paradigmatic punishment is important, but it is not the whole story. Our non-paradigmatic cases are far from the out-of-the-ordinary exceptions to general cases that we too readily take them to be. Punishing individual noncitizens and disenfranchising individual prisoners is a regular occurrence in many jurisdictions. So too, sadly, is the pressing need to respond to occasional mob violence and everyday carceral violence. While the paradigmatic case may be the biggest single type of cases of punishment, other non-paradigmatic forms of punishments, punishing agents, and subjects of punishment together outnumber the paradigm case and warrant attention.

If the paradigm case is not representative of other forms of punishments, then our core understanding must be revised in order to address what punishment is as we find it in our communities. Failure to do so means that our theory of punishment will fail to adequately illuminate our practices and render it inadequate as a source of either critical and ameliorative reflection. Paradigmatic cases are neither the only case nor as central to the problems penal theory seeks to address as we too often assume. We hope this Symposium shows that, in slipping the shackles of paradigmatic punishment, non-paradigmatic cases can unlock the ways in which we are able think about punishment.

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NOTES

¹ Herbert Hart 'Prolegomenon to the principles of punishment', *Proceedings of the Aristotelian Society* 60 (1959): 1-26

² Celia Wells, *Corporations and Criminal Liability*, 2nd ed., (Oxford: Oxford University Press, 2001).; Bill Wringer 'Collective agents and communicative theories of punishment' *Journal of Social Philosophy* 43, 4 (2012): 436-456; Rich, S. 'Corporate Criminals and Punishment

Theory' Canadian Journal of Law and Jurisprudence 29, 1 (2016): 97-118

3 Oliver Hallich 'Demenz und strafen' Zeitschrift Fur Praktische Philosophie 5, 1:81-106 (2018)

4 Wells op cit

5 Larry May and Shannon Fyfe International Criminal Tribunals: A Philosophical Defense (Cambridge: Cambridge University Press, 2017); Larry May After War Ends: A Philosophical Perspective (Cambridge: Cambridge University Press, 2012); Larry May and Zachary Hoskins (eds) International Criminal Law and Philosophy (Cambridge: Cambridge University Press, 2010). Compare also Toni Erskine, 'Kicking bodies and damning souls: The danger of harming 'innocent' individuals while punishing 'delinquent' states', Ethics and International Affairs 24,3: 261-85 (2010)

6 John Kleinig, Philosophical Issues in Education (New York: St. Martin's Press 1981) pp 220-40; Winston Thompson and John Tillson 'Pedagogies of punishment: An introduction' Theory and Research in Education 18, 1 (2020): 3-9; Helen Brown Coverdale, 'What makes a response to schoolroom wrongs permissible?' Theory and Research in Education, (2020):23-39.

7 Linda Radzik, Glen Pettigrove, Christopher Bennett and George Sher The Ethics of Social Punishment: The Enforcement of Morality in Everyday Life (Cambridge: Cambridge University Press, 2020); Paul Billingham and Tom Parr 'Enforcing social norms: The morality of public shaming', European Journal of Philosophy (forthcoming)

8 For this kind of abolitionism, see David Boonin The Problem of Punishment (Cambridge: Cambridge University Press, 2008.) A range of other views might also be labelled 'abolitionist': that the state should play no role in criminal punishment, preferring other methods of social control (Ruth Wilson Gilmore, Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California 1 edition (Oakland CA: University of California Press, 2007); Allegra M. McLeod, 'Prison abolition and grounded justice', UCLA Law Review 5, (2015): 1156–239.); that the prison in particular should play no role in state criminal punishment (Michelle Alexander, The New Jim Crow: Mass Incarceration in the Age of Colorblindness (New York: New Press, 2010); Angela Y. Davis, Are Prisons Obsolete? (New York: Seven Stories Press, 2003)); or simply that the use of prison should be vastly reduced. (Nils Christie, A Suitable Amount of Crime (Hove: Psychology Press, 2004); Thomas Mathiesen, The Politics of Abolition Revisited (London: Routledge, 2016); Thomas Mathiesen, Prison on Trial (Reading:

Waterside Press, 2006). For relevant discussion see pp?? of Helen Brown Coverdale's contribution.)

9 Ellie Zolghafahrifahd 'Could we condemn criminals to suffer for hundreds of years? Biotechnology could let us extend convicts' lives 'indefinitely' Daily Mail March 14 2014

10 Aline Bauwens et al., 'Prisons and punishment in Europe' in S. Body-Gendrot et al. (eds.) *The Routledge Handbook of European Criminology* (London: Routledge, 2013): 422–52

11 Gresham M. Sykes, *The Society of Captives: A Study of a Maximum Security Prison* (Princeton, N.J.: Princeton University Press, 2007); Ben Crewe, 'Depth, Weight, Tightness: Revisiting the pains of imprisonment', *Punishment & Society* 13, 5 (2011): 509–29.

12 Zachary Hoskins *Beyond Punishment? A Normative Account of the Collateral Legal Consequences of Conviction* (New York: Oxford University Press, 2019)

13 Robert Hughes 'Imprisonment and the right to freedom of movement' in C. Surprenant (ed) *Rethinking Punishment in the Era of Mass Incarceration* (London: Routledge, 2017)

14 Compare here Jean Hampton's worries in her article, 'The Moral Education Theory of Punishment' that well-intended rehabilitative treatment may involve 'powerful drugs, shock treatments, lobotomies', without any apparent principled upper limit. Jean Hampton, 'The Moral Education Theory of Punishment', *Philosophy and Public Affairs* 13, 3 (1984): 208–38, p. 222.

15 Greg Berman and John Feinblatt, 'Problem-solving courts: A brief primer', *Law & Policy* 23 (2001): p.

125–40.

16 Bruce J Winick and David B Wexler (eds.), *Judging in a Therapeutic Key: Therapeutic Jurisprudence and the Courts* (Durham, N.C: Carolina Academic Press, 2003); . Bruce J Winick and David B Wexler, 'Therapeutic jurisprudence' in R. K. Ries et al. (eds.) *Principles of Addiction Medicine* 4th edition (Philadelphia, Pa.: Lippincott Williams and Wilkins, 2009): 1519–20.

17 Eric J Miller, 'Drugs, courts, and the new penology', *Stanford Law & Policy Review* 20,2 (2009): 101-45; James L. Nolan, *Legal Accents, Legal Borrowing: The International Problem-Solving Court Movement* (Princeton: Princeton University Press, 2009); Victoria Malkin, 'Problem solving in the community Courts: Who decides the problem?' in P. C. Higgins and M. B. Mackinem (eds.) *Problem-solving Courts: Justice for the twenty-first century?* (Santa Barbara, CA: ABC-CLIO, 2009); Richard Boldt, 'A circumspect look at problem-solving courts' in P. C. Higgins

and M. B. Mackinem (eds.) *Problem-solving Courts: Justice for the twenty-first century?* (Santa Barbara, CA: ABC-CLIO, 2009): 13–32

18 Hallich op cit, Thomas Douglas ‘Punishing wrongs from the distant past’ *Law and Philosophy* 38,4 (2019):335-58

19 Ludwig Wittgenstein, *Philosophical Investigations* (Malden, MA: Wiley-Blackwell, 2009).

20 Hart op cit note 1, Boonin op cit note 8, For a dissenting view, see Poama, A. ‘Punishment without pain: Outline for a non-afflictive definition of punishment’ *Philosophy and Public Issues* 5. 1 (2015): 97-134, Helen Brown Coverdale, *Punishing with Care: treating offenders as equal persons in criminal punishment* (LSE PhD Thesis, October 2013), available at: etheses.lse.ac.uk/1080/. Chapters 1 and 4.

21 Antony (R. A.) Duff, *The Realm of Criminal Law* (Oxford, New York: Oxford University Press, 2018); Antony (R.A.). Duff, *Punishment, Communication, and Community* (Oxford: Oxford University Press, 2001).

22 Bill Wringe, *An Expressive Theory of Punishment* (London: Palgrave, 2016);

23 Sean Bowden, Sarah Sorial and Kylie Bourne ‘Punishment for mob-based harms’ *Journal of Applied Philosophy* 2021 38,3 (2021): 366–383; Larry May, *The Morality of Groups: Collective Responsibility, GroupBased Harm, and Corporate Rights* (Notre Dame, IN: University of Notre Dame Press, 1987) Kenneth Shockley, ‘Programming collective control’, *Journal of Social Philosophy* 38,3 (2007): 442–455.

24 Bill Wringe ‘Punishing non-citizens’ *Journal of Applied Philosophy* 2021 38,3 (2021): 384–400

25 Duff, *The Realm of Criminal Law* op cit. note 22

26 Antony Duff and Sandra Marshall ‘Civic wrongs’ in A. Dzur, I. Loader and R. Sparks (eds) *Democratic Theory and Mass Incarceration* ’ (Oxford, Oxford University Press 2016) p. 35.

27 Costanza Porro ‘Penal disenfranchisement and equality of status’ *Journal of Applied Philosophy* 38,3 (2021): 401–414

28 John Deigh, ‘On rights and responsibilities’, *Law and Philosophy* 7 (1988): 147–178. Christopher Bennett, ‘Penal disenfranchisement’, *Criminal Law and Philosophy* 10,3 (2016): 411-25

29 Helen Brown Coverdale ‘Caring and the prison in philosophy, policy and practice’ *Journal of Applied Philosophy* 38,3 (2021): 415–430

30 The editors have both addressed questions of this sort in other work: see in particular Helen Brown Coverdale op cit note 6 on punishment in schools and Wringe, ‘War Crimes and Expressive

Theories of Punishment' op. cit. note 21 on punishments imposed by International Tribunals

³¹ During the preparation of this Symposium, we were fortunate to work with scholars across several disciplines, working on other non-paradigmatic aspects of punishment, including how punishment may need to change in order to remain just in light of technological developments (Rebecca Roache and Anders Sandberg); quarantine models of punishment that do not deny moral responsibility (Bana Bashour); extrajudicial punishment in the form of lynching in contemporary Mexico (Melany Cruz); punishment for nonmoral wrongs (Re'em Segev); and punishment for past crimes the individual no longer recalls due to the onset of late-stage dementia (Oliver Hallich). We would like to thank our colleagues for their thoughtful participation in this project and all who attended our Manchester Centre for Political Theory Workshop in 2017.