

Zimmerman's *The Immorality of Punishment*: A Critical Essay

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Abstract In “*The Immorality of Punishment*”, Michael Zimmerman attempts to show that punishment is morally unjustified and therefore wrong. In this response, I focus on two main questions. First, I examine whether Zimmerman’s empirical claims—concerning our inability to identify wrongdoers who satisfy conditions on blameworthiness and who might be reformed through punishment, and the comparative efficacy of punitive and non-punitive responses to crime—stand up to scrutiny. Second, I argue that his crucial argument from luck depends on claims about counterfactuals that ought to be rejected. I conclude that though his arguments are powerful, they fall short of his ambitious aim of demonstrating that punishment is always seriously wrong.

Keywords Punishment · Blame · Crime · Ignorance · Luck

Moral responsibility skepticism seems to be in the air right now. 2011 saw the publication of three books that each, in their different ways, defend what might be taken to be the core of the skeptical position: that no one deserves to be punished for what they have done. In his *Against Moral Responsibility* (Waller 2011), Bruce Waller argues that moral responsibility is incompatible with naturalism about human agency. In my own *Hard Luck*, I argued that it was conceptually impossible to satisfy the conditions on moral responsibility. The book under discussion here, Michael Zimmerman’s fine *The Immorality of Punishment*, defends the view that legal punishment cannot be morally justified.

Like Waller, Zimmerman intends to have an impact outside the narrow confines of philosophy; his writing therefore aims at clarity and directness. In this aim he succeeds admirably: though specialists may be frustrated by his decision to avoid entering into details of some technical debates (and disappointed by his decision to avoid references to the existing literature, thereby depriving them of valuable citations) the result is a highly readable and engaging volume. Despite its aim to avoid technicality, Zimmerman provides

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