

ABSTRACT

The Second Order Rationality of Retribution

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Empirical evidence is gathering that individuals' judgments about the durations of punishments appropriate for crimes of different degrees of wrongness are arrived at intuitively, and based on just deserts considerations. They are, in other words, not based on utilitarian considerations such as deterrence or incapacitation. Nor do the decisions fit our normative model of rational decisions, if that model is of careful, consciously-reasoned thought processes oriented toward goal attainment. They are therefore not rational, but I will argue that they are not irrational either, if "irrational" is taken to mean inconsistent processes leading to frequently disastrously wrong outcomes. These decisions are learned at an early age, and are based on consistent criteria shared by members of the culture. The acquisition of these rules has several culturally useful properties. First, the just deserts punishments that follow from these intuitions, if imposed by the criminal justice system, will achieve what it is possible to achieve by deterrence and incapacitation. Second, individuals who are socialized into these patterns are willing to expend resources not only to punish those who transgress against themselves, but those who transgress against others. Experimental games have demonstrated the utility of these "altruistic" punishments administered by third parties in preventing destructive free riding and other untrustworthy behaviors in small groups. Thus at a system level, social rationality and fairness are achieved.

*Prof. John Darley is Warren Professor of Psychology at Princeton University, where he joined the faculty in 1968. Prof. Darley is a former president of the American Psychological Society and recipient of numerous national awards, including the American Association for the Advancement of Science Socio-Psychological Essay Prize (with Bibb Latané), the Society of Experimental Social Psychology Distinguished Scientist Award, and the American Psychological Foundation Media Award for Distinguished Contributions in Communicating Psychology to the Public. He is also a Fellow of the American Academy of Arts and Sciences, the American Psychological Society, the American Psychological Association, and the Society for the Psychological Study of Social Issues. Much of Professor Darley's research has focused decisions and actions that have moral components or implications (e.g., decisions about whether to punish someone for a transgression). Related to this, he is also interested in interpersonal power, how it plays out in social interactions, and how people attempt to manage others with incentive systems.