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# The Nature of Revenge

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The Nature of Revenge

By

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## **Table of Contents**

Abstract.....	iii
Chapter 1: Introduction.....	1
Chapter 2: Understanding Revenge.....	3
Chapter 3: Shift from Revenge to Punishment.....	8
Chapter 4: Understanding Retribution.....	12
Chapter 5: Revenge and Retribution.....	17
Chapter 6: Conclusion.....	27
Bibliography.....	28

## **Abstract**

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We are often taught that revenge is morally wrong and retributive punishment is morally right. Many philosophers also hold that revenge is fundamentally different from retributive punishment. The purpose of this paper is to argue that:

- 1.) retributive punishment is not fundamentally different from revenge; and
- 2.) revenge is just.

## Chapter 1: Introduction

Who doesn't love a good tale of revenge? It is almost too hard to forget the iconic movie moments when Vito Corleone, who famously said in *The God Father* that "revenge is a dish best served cold," returns to Sicily in *The Godfather II* to kill the mafia boss who ordered his father to be killed, exclaiming in cold anger "and this is for you" as he fires a shot gun at point blank range; or in *Fatal Attraction*, when Alex Forrest seeks revenge on Dan Gallagher, for ending their affair by boiling his daughter's rabbit. *The Godfather* and *Fatal Attraction* are just two of many contemporary films that center on a tale of relentless revenge.<sup>1</sup>

Today, revenge is arguably one of the most popular themes that run through literature and entertainment. For centuries, revenge has been the star of countless classic plays, novels, films and TV shows. Why? Is it just because revenge makes for a good story, or is it because revenge is something we can all relate to? Although, I cannot deny that a good tale of revenge certainly makes for an interesting box office hit, there seems to be something intuitively attractive about revenge, something that we all relate to as somehow "just."

Do we believe that Vito was just in his actions? Do we believe that Alex was? We have all been taught that revenge is morally wrong yet we somehow feel compelled to say that their actions were in some sense justified. Our sympathies lie with the killer, not only with the person killed. Just as we feel compelled to say that their actions were just, I believe they in fact are just. Some philosophers and ethical theorists may

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<sup>1</sup> Uniacke, S. (2000). Why is revenge wrong?. *The Journal of Value Inquiry*, 34(1), 61-69.

disagree with me, but I believe that they are focused on the problems of revenge. There are many objections to revenge as just but we cannot disregard the fundamental similarities between revenge and retribution. The purpose of this paper is to argue that retributive punishment is not fundamentally different from revenge and that revenge is just.

## Chapter 2: Understanding Revenge

Revenge has always been a topic of controversy in philosophical debates as it is often said that “two wrongs don’t make a right.” Immediately, our attention is drawn to this as revenge in itself seems to be morally problematic. Yet, there is something intuitively attractive about revenge, something that we all relate to as somehow “just.”

It is only through the motivation for revenge that we can truly understand the motivation for retributive punishment. At some point in our lives we have all been slighted or wronged by someone else. And we have all been tempted by the thought of seeking retaliation or maybe even actually sought it. Revenge is sweet, but why? Philosopher Peter French contends that when we perceive that someone has slighted, injured or wronged us in some way it is our intuitive response to act.<sup>2</sup> We experience a particular type of reactive attitude towards the offender and when those reactive attitudes kick in: we call it revenge. Many philosophers believe that revenge is “petty, a poor delight of feeble minds, something our higher nature should rise above.”<sup>3</sup> However, like other animals, we humans are genetically hardwired with basic instincts that enhance our ability to cope and survive.<sup>4</sup> We have basic instincts like the desire for food and drink, but humans also possess other more complex instincts that include fear, denial, loyalty, and as French argues, revenge.<sup>5</sup> These natural instincts are not just something we feel but they are also what cause us to react. Fight or flight, “the instinctive physiological response to a threatening situation, which readies one either to

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<sup>2</sup> French, P. A. (2016). Virtuous avengers in commonplace cases. *Philosophia*, 44(2), 381-393.

<sup>3</sup> Uniacke, S. (2000). Why is revenge wrong?. *The Journal of Value Inquiry*, 34(1), 61-69.

<sup>4</sup> Pianka, E. R. Can Human Instincts Be Controlled?.

<sup>5</sup> Pianka, E. R. Can Human Instincts Be Controlled?.

resist forcibly or to run away” is just one of those reactions.<sup>6</sup> Just as we are naturally inclined to fight or flight, we are naturally inclined to recognize when someone has wronged us.<sup>7</sup>

Revenge is more than just the expression of anger, indignation or resentment. Unlike these emotive expressions revenge is the personal reactive attitude of the victim; it “is a response to some kind of injury or to an act which is conceived as wrong or unjust.”<sup>8</sup> Typically, the avenger perceived the actions of the of the offender to include some intent of “ill-will or malice, contempt or hate, humiliation or other negative attitude.”<sup>9</sup> Revenge, itself, can be motivated by an act of hate or an infliction of physical or mental pain, as a means to "get back" what has been taken (not necessarily in the literal sense) from the victim. In other words, revenge must be understood by the offender as repayment for the wrong committed. However, “the act of revenge is an attempt not only to pay back the harm by causing another harm, but convey the reactive attitude of reciprocal hate or malevolence.”<sup>10</sup> Revenge is always propelled by a previous bad act or the perceived bad act of someone else; if not, then it is something other than revenge, and cannot be justified by appealing to concepts of justice of "getting back" implicit in the idea of revenge.<sup>11</sup>

Not every response to an injury, slight or wrong is considered revenge. There are several additional conditions that must be met for a reaction to be considered an act of revenge the “pay back.” Desert allows the avenger to determine if the harm actually

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<sup>6</sup> Dictionary.com Unabridged. Retrieved March 26, 2017 from Dictionary.com website <http://www.dictionary.com/browse/>

<sup>7</sup> French, P. A. (2016). Virtuous avengers in commonplace cases. *Philosophia*, 44(2), 381-393.

<sup>8</sup> Bar-elli, G., & Heyd, D. (1986). Can revenge be just or otherwise justified?. *Theoria*, 52(1-2), 68-86

<sup>9</sup> Bar-Elli, G., & Heyd, D. (1986). Can revenge be just or otherwise justified?. *Theoria*, 52(1-2), 68-86.

<sup>10</sup> Bar-Elli, G., & Heyd, D. (1986). Can revenge be just or otherwise justified?. *Theoria*, 52(1-2), 68-86.

<sup>11</sup> Bar-elli, G., & Heyd, D. (1986). Can revenge be just or otherwise justified?. *Theoria*, 52(1-2), 68-86

constitutes a wrongdoing and if that act of wrongdoing requires a pay back.<sup>12</sup> Most importantly, however, if the condition of desert is absent then the avenger lacks sufficient cause to seek revenge on the offender.<sup>13</sup>

Secondly, revenge must be an intentional response to an act intended intentionally. An act of revenge requires intent on the avenger's behalf that must be understood by the recipient as intentional. It is important that "the wrong [must be] conceived as having been done intentionally and the reaction of the victim as intentional."<sup>14</sup> Imagine that a drunk driver injures John in a car accident, and later John accidentally hits the drunk driver that previously hit him. Despite that there was an incidental act of reciprocal harm, this cannot be considered an act of revenge, even though, "we may feel anger at a negligent driver who has injured us; [and] we may even wish that he be punished or made to suffer."<sup>15</sup> Revenge must involve intent and in this case, John had no prior intent to hit the drunk driver; therefore this is not an act of revenge. Additionally, if the avenger learns that an act of wrongdoing is non-personal, they no longer possess a proper cause for revenge.<sup>16</sup> The condition of intent holds that "the will to take revenge is conditioned only by the belief that the offense was personal, and that belief may be, and often is, false or ungrounded; but in those cases of false belief we would not want to say that it was revenge that in fact took place."<sup>17</sup>

Thirdly, revenge must be communicative. Communication requires that the offender understand why they are they are the targets of hostile responses. They must

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<sup>12</sup> French, P. A. (2016). Virtuous avengers in commonplace cases. *Philosophia*, 44(2), 381-393.

<sup>13</sup> French, P. A. (2016). Virtuous avengers in commonplace cases. *Philosophia*, 44(2), 381-393.

<sup>14</sup> Bar-elli, G., & Heyd, D. (1986). Can revenge be just or otherwise justified?. *Theoria*, 52(1-2), 68-86

<sup>15</sup> Bar-elli, G., & Heyd, D. (1986). Can revenge be just or otherwise justified?. *Theoria*, 52(1-2), 68-86

<sup>16</sup> Bar-Elli, G., & Heyd, D. (1986). Can revenge be just or otherwise justified?. *Theoria*, 52(1-2), 68-86.

<sup>17</sup> Bar-Elli, G., & Heyd, D. (1986). Can revenge be just or otherwise justified?. *Theoria*, 52(1-2), 68-86.

understand that these unpleasant responses are a result of their past actions of wrongdoing.<sup>18</sup> The avenger must be clear that the impending punitive actions are related to a specific past act of wrongdoing. For instance, “if A steals from B or does B physical harm, it might be possible for B to seal from A or even gives A some harmful disease, without A’s knowing it [...] that restores the balance of goods, but it does not restore the moral balance: for A has not recognized what is going on.”<sup>19</sup> The communication does not necessarily need to be verbal as it was in *The Godfather II* when Vito reveals his identity, exclaims in cold anger “and this is for you” and kills his father’s murderer, Don Ciccio. As in this case, it must be clear that the target of revenge has excluded “from his or her mind the possibility that the injury, physical or psychological, or both, he or she is enduring is [not a] random or malicious act.”<sup>20</sup> An example would be a husband cheats on his wife and as a response his wife decides to smash his car window while he is at work. Although it is clear that she sought revenge on her husband, it is unclear to him that it was an action by his wife for his cheating. The communicative purpose of revenge is to make clear to the offender the reason for the avenger’s involvement. The specific message conveyed to the offender is also significant, as not only is the act of revenge intended to communicate to the offender the avenger’s involvement, it should also serve as a means of “educating them about what is right and wrong, deterring them [or others] from future performances of the offensive behavior, or changing their character.”<sup>21</sup> However, it is not essential that the act of revenge affects the offender in any of these ways in order for revenge to be successful.

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<sup>18</sup> French, P. A. (2016). Virtuous avengers in commonplace cases. *Philosophia*, 44(2), 381-393.

<sup>19</sup> Wilson, J. (1983). The purposes of retribution. *Philosophy*, 58(226), 521-527.

<sup>20</sup> French, P. A. (2016). Virtuous avengers in commonplace cases. *Philosophia*, 44(2), 381-393.

<sup>21</sup> French, P. A. (2016). Virtuous avengers in commonplace cases. *Philosophia*, 44(2), 381-393.

Lastly, revenge is personal in nature. The personal nature of revenge rests in the understanding that the agent of revenge must be the victim of the initial wrongdoing or an appropriate surrogate (e.g. a family member). Only a victim or a surrogate “can reciprocate both the harm itself and the ill-will which motivated it.”<sup>22</sup> It is possible for family members and close friends to seek revenge on the victim’s behalf but only as surrogates, as they are at least in some way indirectly affected by the wrongdoing.<sup>23</sup>

I have already stated that revenge is a natural human reaction. It is part of our instinctual behaviors, like the fight or flight instinct. Moreover, there are good reasons why we choose to seek revenge. These reasons include deterrence, rehabilitation (education), or in defense of honor. It is also a way to pay back the victim or compensate them for the harm they have suffered.<sup>24</sup> Nonetheless, “revenge is a universal pattern of behavior and it is an ineradicable feature of our emotional lives.”<sup>25</sup>

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<sup>22</sup> Bar-Elli, G., & Heyd, D. (1986). Can revenge be just or otherwise justified?. *Theoria*, 52(1-2), 68-86.

<sup>23</sup> Bar-Elli, G., & Heyd, D. (1986). Can revenge be just or otherwise justified?. *Theoria*, 52(1-2), 68-86.

<sup>24</sup> Locke, D. (1963). The many faces of punishment. *Mind*, 72(288), 568-572.

<sup>25</sup> Bar-Elli, G., & Heyd, D. (1986). Can revenge be just or otherwise justified?. *Theoria*, 52(1-2), 68-86.

### **Chapter 3: Shift from Revenge to Punishment**

Seeking revenge for wrongdoing is not a new phenomenon: a system of privatized revenge was recognized in early civilizations. Before the establishment of the modern criminal justice system victims or their representatives had the responsibility to seek retaliation for the wrongs done to them and inflict punishment on the wrongdoer.<sup>26</sup> Several ancient Greek texts suggest that revenge was not only a natural human response to wrongdoing but that revenge was an act that was sanctioned by the gods.<sup>27</sup> During the Middle Ages blood feuds were considered a social norm. These feuds were “retaliatory cycles of violence between warring families or clans [that] were customary, [and] often persisted for generations.”<sup>28</sup> Perhaps, the most famous blood feud celebrated in literature was that of the Capulets and Montagues in Shakespeare’s *Romeo and Juliet*.

However, privatized revenge had its problems. The first problem was that it was only afforded to those with the power to inflict it. Revenge was a practice that most easily practiced by the aristocratic class because only the “rich, powerful, and influential” possessed the resources and political connections for successful revenge.<sup>29</sup> The poor not only lacked the resources and connections to effectively enable them to seek revenge but also the very thought of retaliating against someone who was more

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<sup>26</sup> Kaufman, W. R. (2016). Revenge as the Dark Double of Retributive Punishment. *Philosophia*, 44(2), 317-325.

<sup>27</sup> Schumann, K., & Ross, M. (2010). The benefits, costs, and paradox of revenge. *Social and Personality Psychology Compass*, 4(12), 1193-1205.

<sup>28</sup> Zaibert, L. (2006). Punishment and revenge. *Law and Philosophy*, 25(1), 81-118.

<sup>29</sup> Kaufman, W. R. (2016). Revenge as the Dark Double of Retributive Punishment. *Philosophia*, 44(2), 317-325.

powerful than them was risky.<sup>30</sup> Ultimately, this meant that the aristocratic class was able to seek revenge for wrongdoers as they pleased, but the poor or powerless would simply have to endure whatever wrongs continued to be inflicted on them.

The second problem is that privatized revenge does not allow for due process. The concept of revenge rests on the belief that individuals can retaliate based on their perceptions of wrongdoing. Yet, sometimes an aggrieved party will seek revenge on the wrong person. Since the wrongdoer does not receive formal charges detailing her or his perceived offence they have no opportunity to respond to those charges, or to plead innocent or guilty, or to offer a defense or an excuse.<sup>31</sup> Therefore, a culture of privatized revenge could not ensure that retaliation would not be inflicted on innocent parties. A third problem is that privatized revenge lacks impartiality. One of the key aspects of revenge is that the victim is the agent of revenge. Yet since the victim or the victim's representatives are emotionally invested they may be tempted to exact revenge beyond that which is proportionate to the offense.

The problems with privatized revenge haunted many cultures, and as they developed many began to expand the role of the state (leaders, kings, courts) to remedy the problematic aspects of a culture of private revenge.<sup>32</sup> Yet the transition from privatized revenge to institutionalized punishment could not be an easy one. Revenge had been the standard practice for centuries and to convince the public, especially the aristocratic class, that institutional punishment would be an acceptable

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<sup>30</sup> Kaufman, W. R. (2016). Revenge as the Dark Double of Retributive Punishment. *Philosophia*, 44(2), 317-325.

<sup>31</sup> Kaufman, W. R. (2016). Revenge as the Dark Double of Retributive Punishment. *Philosophia*, 44(2), 317-325.

<sup>32</sup> Kaufman, W. R. (2012). *Honor and revenge: a theory of punishment* (Vol. 104). Springer Science & Business Media.

substitute for revenge would require an extensive propaganda campaign.<sup>33</sup> This campaign was crafted to persuade citizens that revenge was by nature barbaric, irrational and unjust, whereas punishment was civilized, rational, and just.<sup>34</sup> Obviously, many cultures negotiated this transition successfully developing the sort of modern criminal justice system characteristic of the modern state.

The shift from privatized revenge to an institutionalized system of punishment is arguably “one of the most momentous but most neglected societal developments that gave rise to the modern world.”<sup>35</sup> The new system alleviated many of the problems associated with revenge, first by creating a new system of institutionalized punishment that, unlike private revenge, would be a more equitable system that all classes might take advantage of. It is important to appreciate, however, that the distinction between revenge and punishment was procedural, not moral. The procedural changes involved in the transfer from personal revenge to the state inflicted punishment of wrongdoers.<sup>36</sup> This allowed a neutral third party to allocate punishment, informed the accused party of the formal charges to be made against them, allowed them to address the evidence adduced of their wrongdoing and gave them the opportunity to respond to those charges. It is these changes that present a plausible claim that punishment is morally superior to revenge.<sup>37</sup>

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<sup>33</sup> Kaufman, W. R. (2016). Revenge as the Dark Double of Retributive Punishment. *Philosophia*, 44(2), 317-325.

<sup>34</sup> Kaufman, W. R. (2016). Revenge as the Dark Double of Retributive Punishment. *Philosophia*, 44(2), 317-325.

<sup>35</sup> Kaufman, W. R. (2016). Revenge as the Dark Double of Retributive Punishment. *Philosophia*, 44(2), 317-325.

<sup>36</sup> Kaufman, W. R. (2016). Revenge as the Dark Double of Retributive Punishment. *Philosophia*, 44(2), 317-325.

<sup>37</sup> Kaufman, W. R. (2016). Revenge as the Dark Double of Retributive Punishment. *Philosophia*, 44(2), 317-325.

However, despite these procedural changes, several important components of the earlier private revenge were retained in the new system of institutional punishment, including elements of desert, intent, communication, as well as the goals of education, deterrence and defense of honor. Most importantly, the basic notion of intuitive justice would all remain present in the core of institutionalized punishment. Modern systems of institutional punishment thus preserve the core moral intuition of the justice of retaliating against wrongdoers; hence, at their core, modern systems of institutional punishment are inherently retributive based.

## Chapter 4: Understanding Retribution

Perhaps the most common explanation for institutional punishment is that it is intended to prevent crime, or what is commonly known as the deterrence theory. Although, this is often called the deterrence theory there are a number of different methods included within it that can be used to prevent crime:

*Rehabilitation: the theory that X inflicts punishment on Y such that Y will recognize that action Z was wrong and regret doing Z.*

*Incapacitation: the theory that X inflicts punishment on Y to physically prevent Y from committing future crimes.<sup>38</sup>*

*General Deterrence: the theory that X inflicts punishment on Y to deter in order to deter potential others from committing future wrongs.*

*Specific deterrence: the theory that X inflicts punishment on Y to deter Y from committing future wrongs.*

Although any of these deterrence methods seem to be legitimate purposes to inflict punishment there seems to be something more than just deterrence to our concept of punishment. The problem is that despite the claims about punishment as crime prevention, as we observed in the previous section we have a deep intuition that at its core punishment is inherently retributive. Particularly, as “punishment generally

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<sup>38</sup> Kaufman, W. R. (2012). *Honor and revenge: a theory of punishment* (Vol. 104). Springer Science & Business Media.

expresses more than judgments of disapproval, it also is a symbolic way of getting back at the criminal, of expressing a kind of vindictive resentment.”<sup>39</sup>

We are very familiar with expressing our disapproval in others actions, whether those actions are right or wrong, in our everyday lives but most commonly we see it happen in sports games. Normally, the referee is responsible for penalizing players who have violated the rules of the game. For instance, when a football player is called for holding and receives a ten yard penalty, when a hockey player is called for high-sticking and is sent to the penalty box or when a soccer player trips another player and receives a yellow card. But receiving a penalty does not equate to punishment, even though the actions are censured.

It is for this reason that we automatically assume a retributive framework in our understanding of institutional punishment. For example, imagine that “Hitler has ended up on an otherwise deserted island, and there is no way he would ever be found or that he could be punished at all.”<sup>40</sup> But imagine that you had a button that controls the weather on the island and no one knows that you possess this button. If you pushed the button we could make it rainy and stormy, or calm and sunny. Again, Hitler no longer poses a threat and only you know that he is on this island. I assert that you will push the button and make it rainy and stormy, particularly, because we believe that Hitler has done something wrong and he should be punished for the wrongs he has committed. It is not just the case that he should be punished but that he deserves to be punished for his past wrongdoing. It seems then that institutional punishment is intended to allow the

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<sup>39</sup> Feinberg, J. (1965). The expressive function of punishment. *The Monist*, 397-423.

<sup>40</sup> Zaibert, L. (2012). Beyond Bad: Punishment Theory Meets the Problem of Evil. *Midwest Studies in Philosophy*, 36(1), 93-111.

wrongdoer to repay a debt in some way or at least do something more than just crime prevention.

If this is true, why do we continue to publicly support a deterrence theory of punishment? Dan Kahan argues the only reason the public continues to support the deterrence theory is not necessarily because we believe deterrence to be the true purpose of punishment but because of our preexisting social norms. It is likely that many of these social norms regarding punishment are as a result of the propaganda campaign for institutional punishment. The reason people accept the language of deterrence is because it is a “means of earning [society’s] approval.”<sup>41</sup> The campaign stressed that revenge was unjust and anyone who continued to support such a thing or anything like it would surely be ridiculed. As Susan Jacoby elegantly said that “the taboo attached to revenge in our culture today is not unlike the illegitimate aura associated with sex in the Victorian world.”<sup>42</sup> The disapproval of revenge is not because of a moral dilemma but something that has been entirely socially constructed. Therefore, since society disapproves that the purpose of punishment is because it is deserved then despite what individuals actually believes they adopt the language that society uses instead.<sup>43</sup>

What is retributive punishment? Retributive punishment is the theory that X inflicts punishment on Y so as to give Y what Y deserves. According to H.L.A. Hart there are three tenets of retributivism:

1. *A person may be punished if and only if he has voluntarily done something wrong.*

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<sup>41</sup> Kahan, D. M. (1999). The secret ambition of deterrence. *Harvard Law Review*, 413-500.

<sup>42</sup> Jacoby, S. (1983). *Wild justice: The evolution of revenge*. HarperCollins Publishers.

<sup>43</sup> Kahan, D. M. (1999). The secret ambition of deterrence. *Harvard Law Review*, 413-500.

2. *The punishment must match or be equivalent to the wickedness of the offense.*
3. *The justification for punishing is that the return suffering for moral evil voluntarily done is itself just or morally good.*<sup>44</sup>

Moreover, from these tenets we can further breakdown retributivism into three categories: weak, moderate, and extreme retributivism. According to the previous tenets “weak retributivism will hold only that these conditions are necessary for punishment; moderate retributivism will hold that they are necessary and sufficient; and extreme retributivism will hold that they are morally compelling (i.e. that mercy or forgiveness are unjust or immoral).”<sup>45</sup>

Retributive punishment is not the same as the deterrence, but it does incorporate many of the purposes put forth by the deterrence theory, including incapacitation, rehabilitation, and deterrence. Unlike deterrence, which is focused on the future benefits of reducing crime, retribution is primarily focused on retaliation. However, retributive punishment “is not purely backward-looking: for to censure someone for their past conduct is also to say both that they should take care to reform their future conduct to avoid such wrongdoing, and that they should make some suitable reparation to whom they wronged.”<sup>46</sup>

Retributive punishment is entirely dependent on the concept of desert, which simply means that punishment is deserved or merited. For instance, even though Hitler no longer poses a threat, retributivists will always choose to push the button and make it

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<sup>44</sup> Philips, M. (1986). The justification of punishment and the justification of political authority. *Law and Philosophy*, 5(3), 393-416.

<sup>45</sup> Philips, M. (1986). The justification of punishment and the justification of political authority. *Law and Philosophy*, 5(3), 393-416.

<sup>46</sup> Duff, R. A. (2011). Responsibility, Restoration, and Retribution. *Retributivism Has a Past: Has It a Future*, 63-85.

rainy and stormy. The retributive theory holds because Hitler has done something wrong he should be punished and not just that he should be but that he deserves to be. Retributivists believe that desert is intrinsically valuable, regardless of any other subsequent goals.<sup>47</sup>

Desert is directly correlated to responsibility or accountability, such that “the agent has freely chosen to act [wrongly] as they did.”<sup>48</sup> Hitler voluntarily and intentionally acted as he did and as a result he deserves his punishment and it is only right and just that such punishment be inflicted upon him.<sup>49</sup> Not only should Hitler be punished but he must be punished in accordance with his desert, such that “as the seriousness of an offence increases, so, *ceteris paribus*, increases the amount of deserved punishment.”<sup>50</sup>

Punishment must also serve a communicative purpose. There must be some recognition of wrongdoing by the wrongdoer. In a hypothetical scenario, if Johnny robs a bank and he believes his actions were just, when he receives punishment for his crime, he does not understand why. The punishment Johnny has received has restored the balance of goods, but it does not restore the moral balance as Johnny has not recognized what is going on.<sup>51</sup> The infliction of punishment on a wrongdoer must communicate not only directly to the offender but to other future wrongdoers as well “the censure that the crime deserves.”<sup>52</sup>

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<sup>47</sup> Zaibert, Leo. Punishment as a Problem.

<sup>48</sup> Struhl, K. J. Retributive Punishment and Revenge.

<sup>49</sup> Locke, D. (1963). The many faces of punishment. *Mind*, 72(288), 568-572.

<sup>50</sup> Zaibert, L. (2012). Beyond Bad: Punishment Theory Meets the Problem of Evil1. *Midwest Studies in Philosophy*, 36(1), 93-111.

<sup>51</sup> Wilson, J. (1983). The purposes of retribution. *Philosophy*, 58(226), 521-527.

<sup>52</sup> Duff, R. A. (2011). Responsibility, Restoration, and Retribution. *Retributivism Has a Past: Has It a Future*, 63-85.

## Chapter 5: Revenge and Retribution

Despite the fact that punishment is inherently an institutionalized form of revenge, many philosophers and legal theorists, including Jon Elster, Robert J. Stainton, and Jonathan Jacobs,<sup>53</sup> demonstrate extensively that revenge and retribution are fundamentally different. They insist that there are several fundamental distinctions that distinguish retributive punishment from revenge. Most famously Robert Nozick, in *Philosophical Explanations*, presents five famous distinctions between retributive punishment and revenge:

1. *Retribution is done for a wrong, while revenge may be done for an injury or harm or slight and need not be for a wrong.*
2. *Retribution sets an internal limit to the amount of the punishment, according to the seriousness of the wrong, whereas revenge internally need set no limit to what is inflicted [...]*
3. *There need be no generality in revenge, whereas the imposer of retribution, inflicting deserved punishment for a wrong, is committed to (the existence of some) general principles (prima facie) mandating punishment in other similar circumstances.*
4. *Revenge is personal [...] whereas the agent of retribution need have no special or personal tie to the victim of the wrong for which he exacts retribution.*

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<sup>53</sup> Elster, J. (1990). Norms of revenge. *Ethics*, 100(4), 862-885.; Stainton, R. J. (2006). Revenge (La venganza). *Crítica: Revista Hispanoamericana de Filosofía*, 3-20.; Jacobs, J. The Retributive Theory of Punishment.

5. *Revenge involves a particular emotional tone, pleasure at the suffering of another, while retribution either need involve no emotional tone or involves another one, name pleasure at justice being done [...]*<sup>54</sup>

Other philosophers have added other differences, in addition to Nozick's list. Robert J. Stainton suggests that "whereas seeking revenge need not be communicative [...] exacting retribution must be an act of communicative behavior."<sup>55</sup> But the most common distinction is that revenge is irrational whereas retribution is rational. I challenge these distinctions and suggest that revenge and retribution are indeed fundamentally the same as well as that retribution can only be justified by revenge.

Nozick asserts that one of the fundamental differences between revenge and retribution is that retribution is done for a wrong, while revenge may be done for an injury or harm or slight and need not be for a wrong.<sup>56</sup> He is explicit that only wrongs are punishable, not injuries, harms or slights. I disagree with this claim, but let us assume that Nozick is correct. If we suppose that retribution is only done for a wrong, then we assume that only true wrongs are considered punishable. However, if this were indeed the case it would be problematic as "it would confine retribution to legally defined wrongs, whereas most retributivists would agree that there are [many non-legal wrongs] which deserve punishment."<sup>57</sup>

There are a number of other instances aside from true wrongs that we would say warrant punishment, such as a child that is acting disrespectfully towards their parent. Today, we would of course say that the child has in fact done something wrong, but that

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<sup>54</sup> Nozick, R. (1981). *Philosophical explanations*. Harvard University Press.

<sup>55</sup> Stainton, R. J. (2006). Revenge (La venganza). *Crítica: Revista Hispanoamericana de Filosofía*, 3-20.

<sup>56</sup> Nozick, R. (1981). *Philosophical explanations*. Harvard University Press.

<sup>57</sup> Walker, N. (1995). Nozick's Revenge. *Philosophy*, 70(274), 581-586.

is only because of our modern vernacular. Instead, the child, in principle, has only offended or slighted their parent, yet we would say that the child's actions warrant punishment. But this is entirely different from an individual that committed murder has done something wrong and requires punishment.

It would be also be problematic if Nozick considers injuries, harms and slights to be a separate category than wrongs, as then "there would exist a class of actions which are only revengeable, never punishable."<sup>58</sup> Crimes like drunk driving, or *malum prohibitum* crimes which are not innate evils, are considered thin moral wrongs, whereas murder or *malum in se* crimes are considered thick moral wrongs.<sup>59</sup> This distinction is important as it allows people to be punished for thin wrongs, or "wrongs" which are in actuality only injuries, harms or slights. It appears then that retributive punishment can be done for wrongs, injuries, harms and slights.

Nozick claims that the second fundamental difference between revenge and retribution is that retribution sets an internal limit to the amount of the punishment, according to the seriousness of the wrong, whereas revenge internally need set no limit to what is inflicted.<sup>60</sup> Although, it appears that retribution sets an internal limit to the amount of punishment inflicted on a wrongdoer according to the seriousness of the wrong, it need not always be the case. Typically, the punisher is governed by a specific set of boundaries (e.g. Penal Law) as to the amount of punishment that can be inflicted on a wrongdoer. However, imagine that someone who commits a minor, say a third offense for using marijuana, is waiting to receive his sentence. The judge, who is going to determine his jail sentence, is limited by mandatory minimum sentences for three

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<sup>58</sup> Zaibert, L. (2006). Punishment and revenge. *Law and Philosophy*, 25(1), 81-118.

<sup>59</sup> Zaibert, L. (2006). Punishment and revenge. *Law and Philosophy*, 25(1), 81-118.

<sup>60</sup> Nozick, R. (1981). *Philosophical explanations*. Harvard University Press.

time offenders, is required to give a harsh sentence for a minor offense. In cases like these it is not hard to imagine that punishment can be disproportionate to the seriousness of the wrong committed. In other words, “the injustice of the court suffers from the same failing as unjustified revenge [...] Was there an offense that deserved to be punished? Was the punishment out of proportion to the offense (either too much or too little)?”<sup>61</sup>

Similarly, revenge also sets an internal limit, except the specific guidelines are not governed by Penal Law but set by the law of talion. *Lex talionis*, or the law of talion, prescribes that retaliation must be proportional in both degree and kind to the offence.<sup>62</sup> The Bible says that “whoever causes an injury to a neighbor must receive the same kind of injury in return: Broken bone for broken bone, eye for eye, tooth for tooth.”<sup>63</sup> Revenge is limited then to an “eye for an eye” and no more than that. For instance, Mary’s boyfriend has just cheated on her. She decides that in order to avenge his actions she is going to set a bomb off in the elementary school where her boyfriend teaches. Not only does Mary kill her cheating boyfriend but she kills hundreds of innocent children. It seems obvious that Mary’s actions in response to her boyfriend cheating on her are absurd. If revenge did not possess an internal limit, as Nozick suggests, then we would not believe Mary’s actions were absurd, even if killing one hundred innocent people equalizes the wrong. Now imagine that this time when Mary’s boyfriend cheated on her, she cheated on him in return. I assert that we would not define her actions as absurd, but just.

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<sup>61</sup> Struhl, K. J. Retributive Punishment and Revenge.

<sup>62</sup> Struhl, K. J. Retributive Punishment and Revenge.

<sup>63</sup> Bible Leviticus 24:19-22

Additionally, Nozick also claims that there need be no generality in revenge, whereas the imposer of retribution, inflicting deserved punishment for a wrong, is committed to (the existence of some) general principles (prima facie) mandating punishment in other similar circumstances.<sup>64</sup> He makes it clear that revenge need not be committed to the principles of generality, whereas retribution is always committed to such principle. However, as one critic correctly observes, “baldly to assert that the avenger cannot possibly be committed to treating like cases alike and that the punisher is always committed to treating like cases alike smacks of mere stipulation.”<sup>65</sup>

Although not precise, revenge approximates some form *lex talionis*. In reality, however, as with punishment, there are obviously problems with of *lex talionis*—which, as noted previously, is one of the factors that led to the institutionalization of revenge as “punishment.” Thus as the example of Mary’s cheating boyfriend suggests, the appropriate degree of harm is left to the opinion of the avenger and a number of different responses can be fitting. Such that these limits “need not be terribly precise, in the sense that the avenging actor might consider a variety of responses, which would fit the crime in varying degrees of precision, to be acceptable to him.”<sup>66</sup> Although, it is possible that Nozick’s contrast might hold but only insofar as the limits required for revenge might be much “looser” than in cases of punishment<sup>67</sup> the same problem affects institutionalized punishment since “any reasonable review of legal punishment will show that a great many similar cases are punished quite differently.”<sup>68</sup>

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<sup>64</sup> Nozick, R. (1981). *Philosophical explanations*. Harvard University Press.

<sup>65</sup> Zaibert, L. (2006). Punishment and revenge. *Law and Philosophy*, 25(1), 81-118.

<sup>66</sup> Zaibert, L. (2006). Punishment and revenge. *Law and Philosophy*, 25(1), 81-118.

<sup>67</sup> Zaibert, L. (2006). Punishment and revenge. *Law and Philosophy*, 25(1), 81-118.

<sup>68</sup> Struhl, K. J. Retributive Punishment and Revenge.

Nozick's fourth distinction is that revenge is personal; whereas the agent of retribution need have no special or personal tie to the victim of the wrong for which he exacts retribution.<sup>69</sup> This is, of course, one reason for the institutionalization of punishment: an unbiased judge, jury and executioner are more likely to be fairer. As I have already previously mentioned this is a real distinction between revenge and retribution, but it the fact that punishment is a procedurally fairer form of revenge does not change its essential nature as a form of revenge.

Revenge must always be personal and it is personal on two levels. First, that the initial wrong was intentional towards the victim and second, that the victim is the agent of revenge. It is only the victim or the victim's representatives that can actually seek revenge, since they have been directly or at least indirectly affected. Yet this is extremely problematic as the victim or the victim's representatives are emotionally invested in the outcome. They possess the temptation to exact revenge beyond that which is proportionate to the offense. The shift from privatized revenge to institutional punishment sought to correct this problem of partially, by allowing a neutral third party to distribute punishment. Since we know that "the agent of legal retribution should not have any personal tie to the victim, for if she does, that would undermine the idea of the impartiality of the law."<sup>70</sup> But like the avenger, "prosecutors, judges and juries are human beings and often invest themselves deeply in the outcome of the case."<sup>71</sup> We cannot assume that in all cases a prosecutor, judge or jury will act impartially.<sup>72</sup>

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<sup>69</sup> Nozick, R. (1981). *Philosophical explanations*. Harvard University Press.

<sup>70</sup> Struhl, K. J. Retributive Punishment and Revenge.

<sup>71</sup> Kaufman, W. R. (2012). *Honor and revenge: a theory of punishment* (Vol. 104). Springer Science & Business Media.

<sup>72</sup> Kaufman, W. R. (2012). *Honor and revenge: a theory of punishment* (Vol. 104). Springer Science & Business Media.

However, this is specifically directed at legal retribution, this is not to say that there cannot be any personal tie to the person punishing. In fact Nozick merely says that the agent of retribution “need have no special or personal tie to the victim” such that it is possible for parents to punish their children.

Nozick’s last distinction between revenge and retribution is that revenge involves a particular emotional tone, pleasure at the suffering of another. Retribution, it is claimed, either need involve no emotional tone, or involves another one, name pleasure at justice being done.<sup>73</sup> Jonathan Jacobs goes on further to say that not only is pleasure at the suffering of another being done but that such an emotion is incompatible with retribution.<sup>74</sup> However, the emotional component of revenge is not pleasure of suffering of others but something else entirely. Our desire to seek revenge is rooted in our desire to relieve ourselves from such naturally negative feelings of anger, resentment and even humiliation.<sup>75</sup> It is natural to seek to discharge these negative emotions as soon as we can “and the most effective short term way to achieve this catharsis, to alleviate or eliminate this emotional distress is by acting upon the urge to injure the perpetrator’s supremely valued interests in turn, to show her how it feels.”<sup>76</sup> For example, when a wrongdoer commits a wrongful act towards another, they seek to show that he is far superior to the victim.<sup>77</sup> The victim in response seeks revenge to return the wrongdoer

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<sup>73</sup> Nozick, R. (1981). *Philosophical explanations*. Harvard University Press.

<sup>74</sup> Jacobs, J. *The Retributive Theory of Punishment*.

<sup>75</sup> Levy, K. (2014). *Why Retributivism Needs Consequentialism: The Rightful Place of Revenge in the Criminal Justice System*.

<sup>76</sup> Levy, K. (2014). *Why Retributivism Needs Consequentialism: The Rightful Place of Revenge in the Criminal Justice System*.

<sup>77</sup> Levy, K. (2014). *Why Retributivism Needs Consequentialism: The Rightful Place of Revenge in the Criminal Justice System*.

back to his “non-superior, equal position.”<sup>78</sup> The avenger does not feel pleasure at the offender’s suffering but merely relief from these pent up emotions as revenge restores the emotional equilibrium.<sup>79</sup>

Additionally, Robert J. Stainton presents a sixth distinction, such that “whereas seeking revenge need not be communicative [...] exacting retribution must be an act of communicative behavior.”<sup>80</sup> However, as stated earlier, one of the key conditions of revenge is communication. Communication requires that the offender understand why they are they are targets of hostile responses and the reason for the avenger’s involvement. It must be clear that the unpleasant responses are a result of their past actions of wrongdoing.

Lastly and perhaps the most common distinction is that revenge is irrational whereas retribution is rational. Two reasons are offered for this claim. First, that revenge is “just a blind expression of an emotion.”<sup>81</sup> But naturally reactive responses, like revenge, need not be irrational;<sup>82</sup> to the contrary as a form of self-defense our natural inclination to “get back” at those who wrong us is quite rational.<sup>83</sup> Secondly, it is claimed that it is irrational because revenge attempts to undo the past. I understand why critics would assume this but even though revenge is backward looking it does not necessarily mean that it seeks to undo the past. Instead, revenge “very rationally motivates us to try to do the next best thing to undoing the harms-namely, undoing the

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<sup>78</sup> Levy, K. (2014). Why Retributivism Needs Consequentialism: The Rightful Place of Revenge in the Criminal Justice System.

<sup>79</sup> Levy, K. (2014). Why Retributivism Needs Consequentialism: The Rightful Place of Revenge in the Criminal Justice System.

<sup>80</sup> Robert J. Stainton, “Revenge,” *CRÍTICA, Revista Hispanoamericana de Filosofía* 38, no. 112 (April 2006): 19.

<sup>81</sup> Bar-Elli, G., & Heyd, D. (1986). Can revenge be just or otherwise justified?. *Theoria*, 52(1-2), 68-86.

<sup>82</sup> Bar-Elli, G., & Heyd, D. (1986). Can revenge be just or otherwise justified?. *Theoria*, 52(1-2), 68-86.

<sup>83</sup> Elster, J. (1990). Norms of revenge. *Ethics*, 100(4), 862-885.

moral and social inequality and bad feelings that these harms cause and represent.”<sup>84</sup> For example, when a wrongdoer commits a wrongful act towards someone else, they seek to show that they are far superior to the victim.<sup>85</sup> The victim in response seeks revenge to return the wrongdoer back to his “non-superior, equal position.”<sup>86</sup> Ultimately, “by restoring the equality between perpetrator and victim, and by communicating that the perpetrator’s rights and interests are not superior to his victim’s rights and interests [...] helps to restore not metaphysical equilibrium but moral and social equilibrium.”<sup>87</sup>

The only distinction between revenge and punishment is procedural such that “when the state avenges a crime, we call it one thing-retribution; when a private citizen avenge a crime (or perceived transgression), we call it something else—simply revenge.”<sup>88</sup> The only distinction between revenge and punishment is who administers punishment and the use of formal procedural processes to administer that punishment.<sup>89</sup> If anything Nozick’s “five distinctions” present evidence of the “continuity between the two practices.”<sup>90</sup> It may even be said that “revenge is not the opposite of justice but part of its anatomy.”<sup>91</sup>

If revenge is truly a part of retribution’s anatomy, then why might one question why philosophers go to such great lengths to distinguish them? Whitley R.P. Kaufman,

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<sup>84</sup> Levy, K. (2014). Why Retributivism Needs Consequentialism: The Rightful Place of Revenge in the Criminal Justice System.

<sup>85</sup> Levy, K. (2014). Why Retributivism Needs Consequentialism: The Rightful Place of Revenge in the Criminal Justice System.

<sup>86</sup> Levy, K. (2014). Why Retributivism Needs Consequentialism: The Rightful Place of Revenge in the Criminal Justice System.

<sup>87</sup> Levy, K. (2014). Why Retributivism Needs Consequentialism: The Rightful Place of Revenge in the Criminal Justice System.

<sup>88</sup> Levy, K. (2014). Why Retributivism Needs Consequentialism: The Rightful Place of Revenge in the Criminal Justice System.

<sup>89</sup> Kaufman, W. R. (2012). *Honor and revenge: a theory of punishment* (Vol. 104). Springer Science & Business Media.

<sup>90</sup> Kaufman, W. R. (2012). *Honor and revenge: a theory of punishment* (Vol. 104). Springer Science & Business Media.

<sup>91</sup> Oldenquist, A. (1986). The case for revenge. *The Public Interest*, (82), 72.

asserts that the reason is because “revenge serves as the evil twin of retributive punishment, the dark double onto which we project all of our moral qualms about the practice of retribution.”<sup>92</sup> It is not simply a technique that philosophers use to demonstrate that revenge and retribution are different but as a means to justify retributive punishment. Like revenge, an inherently retributive based criminal justice system has problems. Therefore, “all of the concerns about revenge—its emotionality, its excess, its irrationality — are in truth concerns about the abuse of revenge rather than revenge itself, and are equally concerns about the abuse of punishment.”<sup>93</sup>

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<sup>92</sup> Kaufman, W. R. (2016). Revenge as the Dark Double of Retributive Punishment. *Philosophia*, 44(2), 317-325.

<sup>93</sup> Kaufman, W. R. (2016). Revenge as the Dark Double of Retributive Punishment. *Philosophia*, 44(2), 317-325.

## **Chapter 6: Conclusion**

In this thesis I have argued that revenge is fundamentally the same as retribution and I have challenged a number of distinctions between them that philosophers have put forward. I have explained that revenge is inherently reactive, a basic instinct that we are genetically hardwired with. I have asserted that the specific conditions that must be met in order for an act to be considered revenge are: desert, intent, communication, and personal nature. Most importantly, I have shown that the basic notion of revenge remains present in the core of retributive punishment. The only distinction between revenge and punishment is who administers the punishment and the use of formal procedural processes to administer that punishment.<sup>94</sup> The distinction is not a moral but procedural one. I have also argued that revenge is just.

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<sup>94</sup> Kaufman, W. R. (2012). *Honor and revenge: a theory of punishment* (Vol. 104). Springer Science & Business Media.

## **Bibliography**

- Bar-elli, G., & Heyd, D. (1986). Can revenge be just or otherwise justified?. *Theoria*, 52(1-2), 68-86
- Duff, R. A. (2011). Responsibility, Restoration, and Retribution. *Retributivism Has a Past: Has It a Future*, 63-85.
- Feinberg, J. (1965). The expressive function of punishment. *The Monist*, 397-423.
- French, P. A. (2016). Virtuous avengers in commonplace cases. *Philosophia*, 44(2), 381-393.
- Dictionary.com Unabridged. Retrieved March 26, 2017 from Dictionary.com website <http://www.dictionary.com/browse/>
- Jacobs, J. The Retributive Theory of Punishment.
- Jacoby, S. (1983). *Wild justice: The evolution of revenge*. HarperCollins Publishers.
- Kahan, D. M. (1999). The secret ambition of deterrence. *Harvard Law Review*, 413-500.
- Kaufman, W. R. (2012). *Honor and revenge: a theory of punishment* (Vol. 104). Springer Science & Business Media.
- Kaufman, W. R. (2016). Revenge as the Dark Double of Retributive Punishment. *Philosophia*, 44(2), 317-325.
- Levy, K. (2014). Why Retributivism Needs Consequentialism: The Rightful Place of Revenge in the Criminal Justice System.
- Locke, D. (1963). The many faces of punishment. *Mind*, 72(288), 568-572.
- Nozick, R. (1981). *Philosophical explanations*. Harvard University Press.

- Oldenquist, A. (1986). The case for revenge. *The Public Interest*, (82), Philips, M. (1986). The justification of punishment and the justification of political authority. *Law and Philosophy*, 5(3), 393-416.
- Pianka, E. R. Can Human Instincts Be Controlled?.
- Schumann, K., & Ross, M. (2010). The benefits, costs, and paradox of revenge. *Social and Personality Psychology Compass*, 4(12), 1193-1205.
- Stainton, R. J. (2006). Revenge (La venganza). *Crítica: Revista Hispanoamericana de Filosofía*, 3-20.
- Struhl, K. J. Retributive Punishment and Revenge.
- Uniacke, S. (2000). Why is revenge wrong?. *The Journal of Value Inquiry*, 34(1), 61-69.
- Walker, N. (1995). Nozick's Revenge. *Philosophy*, 70(274), 581-586.
- Wilson, J. (1983). The purposes of retribution. *Philosophy*, 58(226), 521-527.
- Zaibert, L. (2012). Beyond Bad: Punishment Theory Meets the Problem of Evil<sup>1</sup>. *Midwest Studies in Philosophy*, 36(1), 93-111.
- Zaibert, Leo. Punishment as a Problem.
- Zaibert, L. (2006). Punishment and revenge. *Law and Philosophy*, 25(1), 81-118.