

## Department of Philosophy and Religious Studies

### MA thesis: opponent's report

The student's name: Jana Vondráková

The title of the thesis: Death Penalty: The Problems of Retributivist Justice Approach

The opponent: Lesley Jamieson

#### I. Formal criteria

	yes	partially	no
<b>1. The overall project:</b> - the thesis corresponds to the proposed topic - the topic is outlined adequately and not overly broadly		X	
<b>2. Methodical and systematic quality</b> - the text is logically and clearly structured	X		
<b>3. Introduction and conclusion</b> - the introduction duly states the aims and projected steps of the thesis, the state of the arts in the chosen topic, and the key works of existing scholarship - the conclusion adequately summarizes and evaluates the problem, and states the author's position and contribution	X		
<b>4. The author met all the formal requirements of a Master's Thesis:</b> - statement of the topic, the declaration, Introduction, the body of the work, Conclusion, Summary - word count/number of pages is appropriate	X		

#### *Further comments*

The text is logically and clearly structured according to its own terms with good use of signposting. It states a clear and narrow problem to address. The approach taken to the problem, however, begins from an unduly wide perspective on the nature of agency and moral responsibility; this is rather removed from the stated problem (to analyze retributivist justifications of punishment with a focus on the death penalty). Comparatively little space is dedicated to examining defenses of retributivism or responding to them in their stated terms, something that would have made a substantial difference to the quality of the dissertation.

## II. Contents-related criteria

	yes	partially	no
1. The thesis shows the author's comprehension of the problem		X	
2. <b>Cohesion and continuity of the text:</b> - is satisfactory - the argumentation is adequate and does not lack foundation		X	
3. The thesis works with <b>relevant resources</b>		X	
4. <b>Working with resources:</b> - the thesis clearly shows that the author has worked with relevant academic literature and theses and arguments presented there - the author properly introduced their referred resources, compared, paraphrased, and cited them - clearly distinguished their own ideas and claims from those made by the cited authors	X		
5. The thesis is a <b>philosophical text:</b> - the author proved to be able to work analytically with concepts and ideas - the author did not only summarise or retell (in different words) the used resources - the thesis is not overburdened with non-philosophical (biographical, historical, etc.) contents		X	
6. The thesis shows the <b>author's own contribution and individual framing</b> of the topic	X		

### *Further comments*

The author introduces a number of resources and summarizes the positions adopted by the authors in question in her own terms. Many of the topics that the paper introduces are, however, presented in connection with philosophers who are presented as authorities without critical engagement rather than as positions for which reasons might be given for or against. For example, Aristotle is cited as a contemporary proponent of a theory of moral agency without further comment on what the view has to recommend it. Moreover, some selections of authors seemed undermotivated—discussion of Strawson's "Freedom and Resentment" was put into conversation with Spinoza and Hobbes rather than one of Strawson's 20<sup>th</sup> century contemporaries (e.g., JJC Smart). Moreover, the discussion of responsibility and blame might have been connected more clearly with the central problem of the dissertation to justify its inclusion. It would have strengthened this chapter of the thesis to reflect on why, despite concerns about moral luck and determinism, one might think that moral blame is sometimes appropriate to its object or has a "point" (and to treat these questions separately, as the author subsequently does in her discussions of punishment).

While some philosophers are introduced who defend retributivism and the death penalty, it would have strengthened the dissertation to select one author and to examine their arguments in greater detail—with that in view, the author's own responses might have better met their target. The difference between utilitarian and retributivist defenses of punishment were acknowledged in the dissertation, but they were blurred in the defendant's

argumentation which tended to focus on the lack of consequentialist justification for capital punishment.

### III. Language and grammar

**yes    partially    no**

1. The thesis is flawless <b>grammatically and stylistically</b> and in other related respects (such as avoiding typos or unfinished sentences)	X		
2. The thesis is written in a proper <b>academic language</b>	X		
3. <b>Terminology</b> - the thesis uses its terminology with comprehension - it uses its terminology as needed and introduces its terms as needed	X		
4. <b>References, citations and notes</b> - referencing is adequate - the thesis uses a suitable citation format and sticks with it - footnotes/endnotes are used properly	X		
5. <b>Citing</b> - citations are neither too scarce nor overexcessive - quotations are sensibly chosen and illuminating	X		
6. <b>Graphics</b> - the thesis uses a suitable font, style of TOC, headings, paragraph styles, and so forth	X		

*Further comments*

### IV. Resources used

**yes    partially    no**

1. a sensible and topic-adequate selection of primary texts		X	
2. a sensible and topic-adequate selection of secondary resources		X	

*Further comments*

**Further recommendations:**

**Overall evaluation:**

The thesis is fit for defence: yes

Suggested grade: C

## **Proposed questions and topics for the defence discussion:**

**(1) Blame and the Problem of "Pointlessness".** A recurrent worry that is expressed in the dissertation is about the pointlessness of blame and legal punishment. In the early chapters, the author states that "if there existed no free will, moral blame would be pointless and similarly, legal punishment." Similarly, the author claims that a central question that Peter Strawson addresses in "Freedom and Resentment" is whether praise and blame are "pointless". This struck me as strange, since the pessimist view that Strawson mentions is that these practices would be "unjustified" (a different term than "pointless") and moreover, he is also responding to a second, "optimistic" view that our practices of praising and blaming would actually only have a point if determinism were true.

I would like to hear the author explain what she has in mind when she expresses her "pointlessness" concern; why, on her view, does determinism give rise to the worry that blaming is pointless? I would furthermore like to discuss whether she thinks that the only way to justify practices of praise and blame would be to appeal to the valuable outcomes of these practices produce (this might be one understanding of what it means for them to have "a point"). Would it be unjustifiable for the victim of wrongdoing to blame the person who wronged them if doing so would fail to change their future behaviour?

**(2) Retributivism.** The author introduces a number of biblical, legal, and philosophical sources where some version of retributivism is asserted or defended. In addressing the question of capital punishment, however, the author's arguments focus on the risk of wrongful conviction and the lack of positive consequences (e.g., capital punishment doesn't undo harms done by the crime). I would like to hear the author's thoughts on whether there is any truth in retributivism (even if ultimately they think that retributivist justifications are inadequate and are defeated by reasons to oppose capital punishment).

It strikes me that many people have strong retributivist intuitions. For example, many balk at the idea of overly comfortable, rehabilitation-oriented prisons. Many take umbrage at the idea that a company responsible for the death of their workers would only be subject to future-oriented regulations and a slap on the wrist rather than being made to pay "painful" sums to the deceased workers' families—and this intuition seems to survive despite the fact that the money would not lessen their grief and may not serve a "compensatory" role (e.g., their loved one's death may not have resulted in any substantive change to their material standard of living). We might further consider the gleeful reactions to the recent killing of Brian Thompson, the American insurance CEO whose company was notorious for denying coverage to those in need of life-saving medical treatments. Do you think there can be value in the suffering of wrongdoers—or something bad about the undisturbed happiness of a wrongdoer? Do you think that the responses I just described (of glee, or of umbrage) are inappropriate?

**In Pardubice, date:** December 8, 2024

**opponent:** Lesley Jamieson