

Why do we punish criminals? The philosophy of law contains various views on that topic, but two most important theories are: the theory of just deserts, and the theory of optimal deterrence. The theory of just deserts, as the name implies, is based on the idea that criminals deserve to be punished, and justice demands that they indeed are punished. The theory of optimal deterrence is based on the idea, that punishing criminals is justified only by deterring them (and others) from committing crimes. It also contains the idea, which is very important, that the severity of punishment should be inversely proportional to the probability of punishment. Only then will the punishment be optimally deterring criminals.

Up till now, psychological research has proved, that intuitively we find the just deserts theory more attractive, and that the theory of optimal deterrence is generally rejected. It is not clear, however, if that is the case in all situations, and if in different situations the theory of optimal deterrence is rejected equally.

The aim of the project is to answer the following questions: To what extent do people reject the theory of optimal deterrence? To what extent can we manipulate the level of acceptance? Can we reach conclusions about how an enforcement policy should look like, from the fact that people do not accept the theory?

In order to answer the first two questions, we are going to conduct a number of surveys and psychological experiments. We will check whether changing the severity of punishment affect the extent to which laypeople accept the theory of optimal deterrence. In a later study, we will see if the acceptance levels change with a change of the proportion of the change of punishment and change of probability. Next, based on the results of the research, we will build a model describing how the acceptance changes.

The answer to the third question will be given at the end of the last stage of the project, which includes (mostly) theoretical analyses. Whether judgements and intuitions of punishment matter depends to a large extent on metaethical premises we accept. For example, depending on our view on whether emotions are a good guide in moral decision-making, we can conclude that judgements of punishment are justified, or not. On the other hand, if we accept a subjectivist moral stance, implying that moral properties are reducible to attitudes, judgements of punishment can clearly tell us, how enforcement policy should look like. However, if we accept other metaethical premises, we can conclude that judgements of punishment do not matter at all.

The matters researched in this project are not only very interesting, but they also are of huge importance for a few fields of science, and of some practical importance as well. The fact, that laypeople's intuitions go against the theory of optimal deterrence is nothing new. What is new, is the precise and in-depth study of the shape of those intuitions. Next, based on this research, we can get to completely new normative insight on the shape of enforcement policy. Therefore, the research is not only of great importance for philosophy of law and moral psychology, it can also provide some guidance to people responsible for designing law enforcement policies.