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The Limits of Blame

Rethinking Punishment and Responsibility

Erin I. Kelly

“This book has an elegant humanity that is missing in many discussions of punishment. Erin Kelly makes a powerful case that blame should not have the central role in the justification of punishment that it traditionally has had, and proposes an alternative centered on harm reduction—grounded not in consequentialism but in principles of justice. The Limits of Blame is a model for philosophers who aim to engage with the criminal justice system.”

—Victor Tadros, University of Warwick

Faith in the power and righteousness of retribution has taken over the American criminal justice system. Approaching punishment and responsibility from a philosophical perspective, Erin Kelly challenges the moralism behind harsh treatment of criminal offenders and calls into question our society’s commitment to mass incarceration.

The Limits of Blame takes issue with a criminal justice system that aligns legal criteria of guilt with moral criteria of blameworthiness. Many incarcerated people do not meet the criteria of blameworthiness, even when they are guilty of crimes. Kelly underscores the problems of exaggerating what criminal guilt indicates, particularly when it is tied to the illusion that we know how long and in what ways criminals should suffer. Our practice of assigning blame has gone beyond a pragmatic need for protection and a moral need to repudiate harmful acts publicly. It represents a desire for retribution that normalizes excessive punishment.

Appreciating the limits of moral blame critically undermines a commonplace rationale for long and brutal punishment practices. Kelly proposes that we abandon our culture of blame and aim at reducing serious crime rather than imposing retribution. Were we to refocus our perspective to fit the relevant moral circumstances and legal criteria, we could endorse a humane, appropriately limited, and more productive approach to criminal justice.

Erin Kelly is Professor of Philosophy at Tufts University.