



The Justification of Punishment in Authoritarian States

Hend Hanafy¹ 

Published online: 18 July 2022

© The Author(s), under exclusive licence to Springer Nature B.V. 2022

This thesis addresses the philosophical justification of punishment in authoritarian states. It questions whether, how, and under what conditions punishment might be justified in authoritarian states. The overall goal is to philosophise on how to detach the authority to punish from the broader politics of oppression and build guarantees that protect citizens from the abuse of authority. The research engages with utilitarianism, retributivism, social contract theories, political realism, and draws on theoretical and empirical literature on authoritarianism and sociological understandings of legitimacy. The thesis proposes that the justification of punishment should be understood as consisting of two levels. At the first level, the state must meet minimum necessary conditions of functionalist legitimacy, which represents the state's beneficial nature in achieving functions that are not possible without it. The second level requires a solution to the paradox of authority and autonomy by providing an acceptable answer for why citizens ought to accept the state's normative claims of authority. At the first level, the thesis proposes a theory concerning the minimum conditions necessary for the justification of punishment in authoritarian states, which focuses on two pillars of justification: citizens' security from interpersonal violence and citizens' reassurance in terms of equality before the law and protection from institutional violence. At the second level, the thesis engages with the normative nature of state authority and how punishment—as the means of coercion—plays an essential role in giving effect to the state's claims of authority. It explores the paradox between authority and autonomy, and questions whether an authoritarian state can offer an acceptable answer for why citizens ought to accept its authority as justified. Finally, the thesis reflects on what would be a justifiable response from an individual to an unjustified or defective claim of authority through an engagement with the philosophical work on resistance.

PhD, Faculty of Law, University of Cambridge, UK. Awarded 2022.

Publisher's Note Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.

✉ Hend Hanafy
Hhhh3@cam.ac.uk

¹ St Catharine's College, University of Cambridge, Cambridge CB2 1RL, United Kingdom