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*An Expressive Theory of Punishment*. By BILL WRINGE. (Basingstoke: Palgrave Macmillan, 2016. Pp. viii + 188. Price £45.83.)

Drawing on some of his previously published work, this book constitutes to date Bill Wringe's most systematic and comprehensive attempt to develop and argue for what he refers to as a 'denunciatory theory' of punishment. Like most other expressive theories of punishment, Wringe's denunciatory theory holds that (i) what distinguishes punishment from other kinds of harsh treatments is that it expresses certain messages of disapproval; and (ii) that it is in virtue of the kind of messages of disapproval it expresses that punishment is to be justified, at least in the pro tanto sense (p. 23). In particular, according to Wringe's denunciatory theory, punishment is justifiable in virtue of it expressing a message of disapproval that 'certain norms are in force and that transgressions against them are viewed seriously' (p. 24), and this message is directed not just to the offender but also to the wider political community in which the offender is a member of (pp. 56-58). This contrasts with other expressive theories of punishment; for example Duff's communicative theory, according to which the message of disapproval is directed primarily to the offender with the aim of inducing the offender to repent for his or her wrongdoing.

Wringe's case for his denunciatory theory consists of two parts. The first part (chapters one to four) focuses on the paradigmatic case of punishment where individual citizens are

punished by fellow members of their own political community, after having been found guilty for offences against the laws of their own political community. The second part (chapters five to eight respectively) focuses on four non-paradigmatic cases of punishment: perp walks, the punishment of war crimes by international tribunals, the punishment of collective entities like corporations under domestic law, and the hypothetical case of punishing states under international law. Throughout the whole book (with the exception of chapter five on perp walks), Wringer's general strategy has been to show that the denunciatory theory can offer a good justificatory story for each of the above cases of punishment, or at least can plausibly be extended to do so for some of the non-paradigmatic cases. Furthermore, this justificatory story is better than the ones that are offered by other expressive theories, including but not limited to Duff's communicative theory. Chapter five alone stands apart from this dialectic. It argues that perp walks should be considered as a kind of punishment; albeit one that is imposed prior to a fair criminal trial, and for this reason is unjustifiable.

Since it focuses on non-paradigmatic as well as paradigmatic cases of punishment, Wringer's book therefore covers a very wide ranging set of topics. Some of the notable topics that Wringer addresses in the second part of the book includes (a) the nature and the kind of community that international tribunals can be said to be speaking on behalf of, (b) the expressive function of trials, (c) the problem of 'Victor's Justice', (d) the nature of collective entities like corporations and states and whether they are punishable, and (e) the moral problems that arise from punishing collective entities like corporations and states. I find it very refreshing that Wringer spends half of the book on non-paradigmatic cases of punishment. All too often, penal theorists and philosophers only focus on the paradigmatic

case of punishment when arguing for their preferred theory of punishment, or treat the non-paradigmatic ones as though they are just an afterthought.

Unfortunately, given the limited space here, I am unable to give Wringe's treatment of the above topics a discussion that it deserves. One general observation that I have about this second part of the book is that many of the issues that are discussed in each of the chapters seem to cut across each other, but to which Wringe made no mention of and / or explore further. This might be due to the fact that most of the chapters in the second part of the book are based on individual articles that were published previously. Thus for example, given that both corporations and states are collective entities, the issue of treating individuals as means seems as relevant to the punishment of states as it is to the punishment of corporations; but Wringe only discusses it in relation to the latter (pp. 144-153). The same can also be said for the different kinds of harms that individuals can suffer, which Wringe only discusses in relation to the punishment of states (pp. 166-176). It is important to bear such interconnections in mind when critically appraising Wringe's arguments.

In any case, it is Wringe's arguments with regards to the paradigmatic case of punishment that do most of the heavy-lifting in making the case for his denunciatory theory. In this first part of the book, Wringe begins by clarifying what exactly is the kind of harsh treatment in punishment that demands a justification. According to him, it does not involve the intention to cause suffering. Rather, it involves only the imposition of something that foreseeably, typically and predictably brings harm or suffering to an offender (p. 20). Wringe then goes on to develop his denunciatory theory in chapter two by considering what, by who and to

whom should punishment be expressing, before arguing in chapter three that his denunciatory theory is better than other kinds of expressive theories in responding to the 'publicity challenge' and the 'harsh treatment problem'.

I think Wringer's clarifications about harsh treatment in punishment are correct. I also find his discussion in chapter two extremely insightful. However, I remain unconvinced about his case for the denunciatory theory, especially in relation to the harsh treatment problem. This problem is a rather standard one for expressive theories. It alleges that expressive theories fail to show why the messages of disapproval have to be expressed by subjecting offenders to the harsh treatment in punishment. Responding to this, Wringer argues that according to his denunciatory theory, harsh treatment is 'required in order to demonstrate to the members of a given society that certain norms are the norms of that society' (p. 85). However, why is it not already enough to demonstrate this by spending the money, time and effort to investigate crimes, call alleged offenders to answer and then formally convict them in a court that is authorized to speak on behalf of the political community in question? Of course, some people might (and in all probability will) complain that this is not done seriously or sincerely unless offenders are also treated harshly; but why simply accept this complaint at face value? Presumably, such a complaint would hold little if not no weight had it been about, for example, how anything short of a death sentence is not a serious or sincere enough response to the crime(s) of a rapist. If so, why does it hold so much weight now when it comes to justifying harsh treatment on convicted offenders? To the extent that these questions remain unanswered, it remains unclear that Wringer's denunciatory theory has adequately responded to the harsh treatment problem, at least not yet.

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