

# The Origin of the Right to Punish: Revenge and the Utilitarian System

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**Abstract:** This study examines the origins of the right to punish by reference to two historical-doctrinal models: revenge and the utilitarian system. The analysis begins with the distinction between the factual origin of the punitive reaction and the normative foundation of the state's power to impose punishments. Private revenge emerges as a spontaneous response by the victim or their group, characterized by passion, disproportion, and confusion regarding the roles of party, judge, and executioner. The socialization of revenge and the principle of retaliation represented stages of rationalization, as they transferred the reaction to collective authority and introduced a requirement of equivalence, without, however, eliminating the retrospective logic of suffering. The utilitarian system shifts the focus toward the future and justifies punishment through general and special deterrence, incapacitation, rehabilitation, and the protection of social order. The conclusion is that revenge historically explains the emergence of punishment but cannot legally legitimize the right to punish. In a state governed by the rule of law, utility is admissible only within the limits of legality, culpability, proportionality, human dignity, and a focus on reintegration.

**Keywords:** Right to Punish, Revenge, Retaliation, Utilitarianism, Prevention, Proportionality, Social Reintegration

## 1. Introduction

The issue of the right to punish concerns not only the existence of a state power but also the justification of a form of coercion that intentionally imposes a legal burden and expresses public disapproval of criminal conduct. From this perspective, the question “*Where does punishment come from?*” must be distinguished from the question “*What exactly legitimizes punishment?*” The first is historical and sociological, while the second is legal and moral. Equating the two allows for the transformation of an ancient reaction into a normative argument, although the mere antiquity of a practice does not prove its legitimacy (Duff & Hoskins, 2026, sec. 1).

Classical Romanian legal doctrine clearly captures this tension. Tanoviceanu (1912, pp. 12–13) presents the victim's revenge as the first aspect of punishment, emerging before the organization of social power, but immediately emphasizes its passionate nature, its lack of moderation, and the inequality it generates. Pop (1928, pp. 193–195) describes the same sequence: private vengeance is followed by social vengeance, then by religious forms and retribution; however, he refuses to treat this genealogy as a sufficient foundation for the right to punish.

## 2. The Historical Origin and Normative Basis of Punishment

In societies lacking a stable public authority, harm inflicted upon a person elicited a direct reaction from the victim, the family, or the clan. At this stage, punishment is not distinct from the conflict: it represents its continuation through an act of retaliation. Tanoviceanu (1912, pp. 12–13) observes that the victim takes justice into their own hands, and the aggressor's physical or social superiority may leave the injured party only unprotected. Another author emphasizes the structural confusion inherent in private revenge: the same person becomes the party, the judge, and the executor, making it impossible to guarantee impartiality and proportionality (Pop, 1928, pp. 193–194). This origin should not be idealized. Nietzsche showed that the history of punishment cannot be reduced to a single purpose, since punitive practices have, over time, acquired justifications different from the circumstances that originally gave rise to them; there is a

discontinuity of meaning between the genesis of a procedure and its subsequent use (Nietzsche, 1887/2006, Essay II, sections 12–13). For his part, Durkheim interprets archaic punishment as a passionate reaction of the wounded collective conscience, which explains the intensity of repression in societies dominated by solidarity through similarity (Durkheim, 1893/2014, Book I, Chapter II). These interpretations confirm the social nature of the reaction, but they do not transform collective passion into an unlimited legal right.

From a normative perspective, the right to punish requires at least four conditions that spontaneous revenge does not meet: a competent authority, a pre-existing norm, an impartial procedure, and a proportionate measure. Punitive power becomes legal only when the reaction is detached from the victim's immediate interest and subject to general rules. Therefore, the socialization of punishment represents a change in the authority responsible and in procedure, not merely an intensification of retaliation. The state cannot invoke the mere intensity of outrage to justify suffering; thus, it must demonstrate why the sanction is necessary, to whom it applies, and within what limits.

### **3. Private Revenge, Social Revenge, and Retaliation**

The first form of revenge is individual or familial. It seeks the satisfaction of the wronged person and the neutralization of the adversary, not the restoration of an impersonal legal order. The main drawback is the tendency toward escalation: the initial wrong causes a greater wrong, which triggers a new reaction. Instead of bringing peace, private revenge perpetuates conflicts between the victim, the offender, and their respective groups, and may leave the offense unpunished when the victim is absent or lacks the power to react (Pop, 1928, pp. 193–194). Tanoviceanu (1912, pp. 12–13) formulates the same criticism in terms of a reversal of equality: excessive punishment creates a new inequality in favor of the victim.

The substitution of the community for the victim gave rise to social revenge. This transformation had a civilizing effect: it reduced the personal nature of the conflict, allowed for the intervention of an authority, and created the possibility of a collective response. However, the term “social revenge” indicates the persistence of a retrospective justification, according to which harm must be compensated by an equivalent harm. The superiority of this form over private revenge shows that it remains dependent on a primitive passion and cannot, on its own, constitute the foundation of an institution aimed at preserving social order (Pop, 1928, pp. 194–195).

Talion is the intermediate legal stage between unlimited retaliation and proportional punishment. The Code of Hammurabi enshrines bodily equivalence in certain cases, including provisions regarding the loss of an eye, the breaking of a bone, or the loss of a tooth; however, its application varied according to the social status of the individuals involved (Code of Hammurabi, c. 1750 BCE, laws 196–200). The law of retaliation represented progress over primitive revenge, as it restricted the response to a specific measure and transferred it to the authority, yet it underscores that this equality is rigid, material, and at times fictitious (Tanoviceanu, 1912, pp. 13–21). Its persistence in Mosaic, Greek, Roman, and medieval law - and even in *the* modern vocabulary of “*public* vindication” - demonstrates the symbolic power of the idea of equivalence.

The enduring contribution of talion is not the physical identity between the offense and the punishment, but the intuition of limitation. Modern proportionality retains the requirement that the sanction not exceed the gravity of the offense, but abandons the material reproduction of the harm. In the language of contemporary retributivism, criminal sanctions must be calibrated according to the seriousness of the conduct, and severity requires a justification distinct from the mere desire to inflict suffering (von Hirsch, 1993, pp. 9–17). Therefore, talion is important as a mechanism for curbing excess, not as a model of punishment.

Revenge does not disappear entirely from modern law, as criminal conviction continues to express disapproval and to respond to a public wrong. Blackstone (1769, Book IV, Chapter

I) distinguished between private redress and the protection of the community through the prevention or punishment of violations of the law. The decisive difference, however, lies in institutionalization: the response no longer belongs to the victim, but to an authority bound to respect legality, equality, and due process. The feeling of indignation may explain society's demand for punishment, but it determines neither guilt nor the severity of the sanction.

#### 4. The Utilitarian System: From Ancient Intuitions to Bentham

The utilitarian system alters the temporal nature of punishment. Its classic formulation is not "*one is punished because one has sinned*," but "*one is punished so that one will not sin again*." Tanoviceanu places the utilitarian system chronologically immediately after the retributive system and defines it in terms of the social utility of punishment: punishment does not repair the past, but rather reforms, deters, and sets an example for the future (Tanoviceanu, 1912, pp. 21–22). Another author classifies these concepts among the relative theories, for which legitimacy stems from the need to defend society and from the preventive functions of punishment (Pop, 1928, pp. 202–204).

The utilitarian roots predate modern utilitarianism. In Protagoras, rational punishment does not seek revenge for an act that can no longer be changed, but rather the prevention of its repetition by the perpetrator and by those who witness the sanction (Plato, c. 380 B.C./1924, 324b–c). Tanoviceanu (1912, pp. 22–26) identifies the same orientation in Democritus, Aristotle, Cicero, Quintilian, and especially in Seneca, for whom punishment must look to the future and be free of anger. The Stoic critique of anger is legally relevant: a reaction controlled by reason differs from the impulse for revenge that overrides judgment (Seneca, c. 41/2010, \*De ira\*, I.1 and I.19).

In the modern era, Beccaria links the right to punish to the need to preserve the body politic and demands that sanctions be public, prompt, necessary, and as lenient as possible. For him, the certainty and proportionality of punishment are more important than cruelty, and the goal is not to torture the individual but to prevent further harm (Beccaria, 1764/2011, chs. II, XII, and XXVII). This conception severs the link between criminal authority and the satisfaction of vengeance: suffering that does not produce a legitimate benefit becomes abuse.

Bentham (1789/1907, chaps. I and XIII–XIV) provides the most coherent formulation of the utilitarian system. The principle of utility evaluates actions and institutions based on their tendency to increase happiness and reduce suffering. Since punishment is itself an evil, it can be justified only if it prevents a greater evil. Consequently, punishment is unjustified when it is unfounded, ineffective, unnecessary, or too costly. Its severity must be sufficient to outweigh the expected benefit of the crime, without causing additional suffering. Pop summarizes Bentham's doctrine through the concepts of the public interest and general, and special deterrence, but warns that utility, when detached from moral criteria, can justify excesses (Pop, 1928, pp. 216–217).

Utilitarian functions are grouped into four categories. General deterrence acts on the public through the threat of the law and the visibility of its enforcement. Special deterrence aims to prevent recidivism by the convicted person. Incapacitation limits the material ability to commit new offenses, while reform or rehabilitation seeks to alter the offender's motives and social capacities. Bentham added restitution and compensation to the secondary purposes of the criminal justice system, and contemporary theory includes these functions in the category of consequence-oriented justifications (Bentham, 1789/1907, chaps. XIII–XIV; Duff & Hoskins, 2026, sec. 3).

The merit of the system lies in subjecting punishment to a test of effectiveness and necessity. If the sanction cannot prevent, protect, correct, or communicate a useful norm, the infliction of suffering remains unjustified. Its limitation, however, lies in the very logic of calculation: a collective interest defined too broadly may allow for the sacrifice of the individual, disproportionate exemplary punishments, or the use of the convicted person as a

mere means. Kant (1797/1996, pp. 104–110) rejects precisely this instrumentalization and argues that guilt must precede any social benefit of punishment.

## **5. Comparative Analysis of Retribution and Utilitarianism**

Retribution and utilitarianism differ in terms of their object, time, and criterion. Retribution is oriented toward the past; it begins with the harm suffered and seeks equivalent satisfaction. Utilitarianism is oriented toward the future; it begins with social risk and demands a preventive outcome. The former is personal and emotional in its original form; the latter aspires to be public and rational. The former measures punishment by analogy with the harm inflicted; the latter by the effectiveness required to prevent future offenses.

Beyond this conceptual divide, the two models retain certain points of convergence. Both systems assume that crime calls for a response and that the absence of any response can undermine the normative order. Socialized revenge contributed to the public monopoly on coercion, and retribution introduced a limit on reprisals. Utilitarianism adopted this already public institution and altered its purpose. The transition is therefore not from punishment to non-punishment, but from the satisfaction of an emotion to the fulfillment of a social function.

Pure theories, however, produce unstable results. A retributive theory identified with revenge risks turning suffering into an end in itself and ignoring human and social costs. Unrestricted utilitarianism may permit disproportionate punishment or even the punishment of an innocent person, if the collective benefit were sufficiently great. Hart proposes separating these questions: the general purpose of the institution may be utilitarian, while the distribution and severity of punishment must be limited by responsibility and fairness (Hart, 2008, pp. 1–27). This framework explains why guilt is a necessary condition, but prevention can remain a positive justification for punishment. Pop reaches a similar conclusion through his eclectic theory. He argues that justice and utility must work together: punishment must be deserved, necessary, and useful, and the conflict is resolved by limiting preventive functions to the requirements of accountability and relative justice (Pop, 1928, pp. 220–223). Tanoviceanu describes mixed systems as a combination of absolute justice and social utility and shows that they have dominated European criminal doctrine since the nineteenth century (Tanoviceanu, 1912, pp. 36–38).

Contemporary approaches retain this hybrid character, seeking to reconcile retributive demands with the preventive and rehabilitative aims of criminal law. From this perspective, the justification for punishment can no longer be reduced to a single principle but requires the articulation of several criteria, including the gravity of the offense, the need to prevent future misconduct, and the possibility of the offender's reintegration into society. Frase (2013, pp. 7–20) proposes a hybrid theory in which proportionality serves as a limiting principle, establishing the framework within which considerations regarding prevention and reintegration can operate. Thus, utilitarian objectives cannot lead to the imposition of a sanction that is disproportionate to the severity of the offense, but must be pursued within the limits imposed by proportionality.

Duff (2001), in turn, develops a communicative conception of punishment, according to which criminal sanctions must be understood as a form of public censure directed at the offender in his or her capacity as a member of the community. In this view, punishment is neither a mere technique of manipulation through fear nor a form of institutionalized revenge, but rather an act through which the community condemns the act and calls upon the offender to acknowledge the seriousness of the violation of the norm and to take responsibility for it (Duff, 2001, pp. 75–130). The communicative dimension thus introduces an additional requirement for justifying the sanction: it must not only produce certain social effects but also be addressed to the perpetrator as a person capable of reason, responsibility, and change.

In this sense, contemporary theories move beyond the rigid opposition between retribution (justifying punishment on the grounds that the offender deserves to be punished

for the act committed) and utilitarianism. Social utility remains a relevant criterion, particularly through the functions of prevention and reintegration, but it is tempered by proportionality, respect for the convicted person, and the need for a public justification of the sanction. Punishment thus becomes not only an instrument intended to produce favorable social consequences, but also a legal practice that must respect the moral status of the person to whom it is applied. Its legitimacy therefore stems from a balance between what punishment seeks to achieve and the limits within which these objectives can be justifiably pursued.

## 6. The Current Significance of the Right to Punish

We can say that the term “*origin*” has two distinct meanings, which must be kept separate to avoid oversimplifying the genesis of the right to punish. In a historical sense, revenge represents one of the main foundations of punishment. This explains the immediate reaction to an offense, the shift from a strictly individual conflict to a socially recognized form of response, and, subsequently, the emergence of mechanisms to limit retaliation, such as retaliation in kind. At this stage, punishment is not yet detached from the logic of passion and the restoration of a balance disrupted by the unlawful act. However, as the community consolidates its structures of authority, the response against the offender begins to be detached from individual initiative and integrated into a public mechanism of sanction.

In a legal sense, the origin of punitive authority cannot, therefore, be identified with this original passion. The state’s right to punish arises only through the transformation of the reaction against evil into a regulated legal authority, exercised on behalf of the community and subject to conditions of legality and proportionality. This transformation is essential because it changes both the holder of punitive power and the basis for its exercise. Punishment no longer belongs to the injured party but to the public authority, and its application no longer seeks to satisfy an individual reaction but to protect a common legal order. This conclusion aligns with the critique of Pop, who argued that social revenge may satisfy certain moral reactions but is insufficient to explain the specific functions of modern punishment, particularly those related to prevention and the social organization of sanctions (Pop, 1928, pp. 194–195).

A second aspect arising from this development concerns the relationship between punishment and its justification. The fact that a response is ancient or deeply rooted in a community’s moral consciousness is not sufficient to demonstrate that it must be preserved in its original form. The history of punishment illustrates precisely the process by which an initially spontaneous response is subjected to increasingly precise legal criteria. In this process, the question is no longer merely whether the perpetrator of a wrongful act *deserves* a response, but also who has the right to apply it, under what conditions, with what intensity, and for what purposes. The legitimacy of modern punishment thus depends on the law’s ability to transform the response to a violation of the norm into a predictable, controllable, and justifiable public intervention.

The second outcome is the ambivalent nature of utilitarianism. On the one hand, it has contributed to the humanization of criminal law by shifting the emphasis from mere deserved suffering to the question of whether the suffering caused by punishment is necessary to achieve a legitimate goal. Prevention, deterrence, the protection of society, and reintegration become, within this logic, criteria by which punishment must be evaluated based on its effects. On the other hand, it is precisely this focus on efficiency that creates the risk that the convicted person will be treated primarily as a means to achieve social objectives. A punishment might be considered beneficial to the community and yet be incompatible with the limits that the law imposes on the exercise of punitive power.

Foucault (1975/1995, pp. 3–31) draws attention to this ambivalence when he points out that modern reforms of the punitive system do not eliminate power relations but may transform their object and modes of exercise, shifting the focus of intervention from the body

to the individual's conduct, discipline, and inner life. From this perspective, the modernization of punishment should not be automatically conflated with a diminishment of punitive power. A less spectacular and less corporal sanction may, at the same time, become more extensive in terms of the surveillance and control of behavior. Garland (1990, pp. 1–22) complements this perspective by treating punishment as a complex social institution, shaped by moral sensibilities, political structures, and administrative practices, rather than as the mere practical implementation of an abstract theory of punishment. This highlights the need to evaluate not only the stated purposes of punishment but also the concrete effects it has on the individual and on society.

A third implication concerns the contemporary limits of punitive power. While modern law has separated punishment from private revenge and justified it, in part, on the grounds of protection and prevention, this transformation does not mean that the state acquires unlimited authority. On the contrary, the more punishment is justified by the public interest, the more important it becomes to establish limits that prevent this interest from becoming a universal justification for restricting individual rights. The Nelson Mandela Rules express this idea by placing the dignity of the person deprived of liberty at the center of the prison system and by linking the goal of protecting society with reducing recidivism and reintegrating the individual into society (United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), A/RES/70/175).

Following the same logic, the case law of the European Court of Human Rights shows that even the legitimate purpose of punishment cannot justify the automatic continuation of detention when the penological grounds on which it was based no longer exist. In the case of *Vinter and Others v. the United Kingdom*, the Court emphasized that, for a life sentence to remain compatible with Article 3 of the Convention, there must be both a prospect of release and the possibility of a review of the convicted person's situation. The Court also noted that the justifications for detention - punishment, deterrence, protection of society, and rehabilitation - do not necessarily carry the same weight throughout the entire duration of the sentence. This ruling is relevant to the issue at hand because it demonstrates that the utility of punishment cannot be presumed to be permanent; rather, it must be assessed in light of the individual's development and the continued existence of the grounds justifying the restriction of liberty.

From this perspective, the right to punish is more accurately described as a legal authority accompanied by obligations. The state has the authority to sanction violations of criminal law, but this authority is accompanied by the obligation to exercise it within the limits of the law and fundamental rights. It is not sufficient for an act to provoke public outrage, nor for a sanction to be presented as useful for achieving a collective objective. The punishment must be based on a pre-existing law, be linked to the person's guilt, be reasonably proportionate to the seriousness of the act, and be carried out by means compatible with human dignity. General deterrence cannot turn the convicted person into a mere example intended to intimidate others, just as special deterrence cannot justify the restriction of liberty based on unlimited assumptions regarding the individual's future dangerousness.

This concept also allows for a clearer distinction between the legitimate functions of punishment and the excesses they may engender. General prevention is legitimate as long as it aims to uphold the authority of the law without turning the sanction into an instrument of disproportionate intimidation. Special prevention is justified to the extent that it seeks to reduce the risk of recidivism through necessary and proportionate means. Rehabilitation, in turn, may represent a legitimate objective of the execution of punishment, but it must not be confused with the state's right to intervene without limit in the convicted person's personality. In all these situations, the criterion of utility must be subject to legal limits that protect the individual from being reduced to a mere object of criminal policy.

In terms of criminal policy, this synthesis leads to five fundamental principles: strict legality, personal accountability, proportionality, necessity, and a focus on reintegration. Legality prevents arbitrary punishment; personal accountability precludes punishing a person merely for belonging to a group or for an alleged dangerousness unrelated to a specific act; proportionality limits the severity of the sanction; necessity requires that punitive intervention be justified by a legitimate purpose, and reintegration prevents the conviction from being treated as a permanent exclusion from the community. These principles do not eliminate the moral dimension of punishment, but transform it into a legally controlled dimension.

At the same time, the victim's response must not be ignored in the name of an exclusively institutional conception of punishment. The victim may play a legitimate role through procedural participation, the right to information, compensation for damages, and restorative justice mechanisms. What must be avoided, however, is confusing the victim's interest in receiving recognition for the harm suffered with the right to determine the extent and nature of the punishment. In a modern legal system, this distinction is essential: the state assumes the punitive function precisely to prevent the conflict from turning into a series of private reprisals and to subject the response to harm to common rules.

Consequently, the distinction between revenge and legal punishment does not lie in the disappearance of moral reproach, nor in the abandonment of the idea that a violation of the norm must be met with a response. The difference lies in the transformation of reproach into a limited, justified, and controllable legal response. Revenge offers one of the historical explanations for the emergence of the punitive response, and utilitarianism contributes decisively to its redefinition in light of its social consequences. Contemporary law, however, cannot remain at the level of retaliation, nor at the level of a purely utilitarian logic. It must maintain a balance between the protection of society, the response to the violation of the law, and respect for the convicted person. In this sense, the legitimacy of the right to punish derives not only from the fact that the state can impose sanctions, but from its ability to demonstrate that the sanction is necessary, proportionate, lawful, and compatible with the dignity of the person to whom it is applied.

## **7. Conclusions**

Revenge is the historical starting point of punishment, not its sufficient legal foundation. The private form of retaliation is incompatible with impartiality, equality, and moderation; the social form reduces these risks but retains the temptation to confuse justice with the satisfaction of a passion. Retaliation represented progress by limiting reprisals, but modern proportionality no longer materially replicates the harm but rather limits the severity of the sanction.

The utilitarian system brought about a decisive shift in perspective: punishment is justified by the prevention of future harms, the protection of society, rehabilitation, and reintegration. Its major contribution is the test of necessity—punishment, being an evil in itself, must avert a greater evil and not exceed what is useful. But pure utility can instrumentalize the individual and legitimize excesses. Therefore, it must be limited by guilt, legality, proportionality, and dignity.

The contemporary right to punish stems from the following: justice determines who may be punished and to what extent, while utility explains why the institution is maintained and what legitimate functions it may pursue. The state does not inherit the victim's right to revenge, but rather receives a distinct authority, exercised in the public interest and subject to legal oversight. In this form, the right to punish is legitimate only as a limited, accountable power aimed at preserving order through respect for the individual.

## References

- Beccaria, C. (2011). *An essay on crimes and punishments* (E. D. Ingraham, Trans.). Online Library of Liberty. <https://oll.libertyfund.org/titles/voltaire-an-essay-on-crimes-and-punishments> (Original work published 1764)
- Bentham, J. (1907). *An introduction to the principles of morals and legislation*. Clarendon Press. <https://oll.libertyfund.org/titles/bentham-an-introduction-to-the-principles-of-morals-and-legislation> (Original work published 1789)
- Blackstone, W. (1769). *Commentaries on the laws of England: Book IV, Chapter I—Of the nature of crimes, and their punishment*. The Avalon Project, Yale Law School. [https://avalon.law.yale.edu/18th\\_century/blackstone\\_bk4ch1.asp](https://avalon.law.yale.edu/18th_century/blackstone_bk4ch1.asp)
- Duff, R. A. (2001). *Punishment, communication, and community*. Oxford University Press. <https://doi.org/10.1093/oso/9780195104295.001.0001>
- Duff, R. A., & Hoskins, Z. (2026). Legal punishment. In E. N. Zalta & U. Nodelman (Eds.), *The Stanford encyclopedia of philosophy*. <https://plato.stanford.edu/entries/legal-punishment/>
- Durkheim, E. (2014). *The division of labor in society* (W. D. Halls, Trans.; S. Lukes, Ed.). Free Press. (Original work published 1893)
- European Court of Human Rights. (2013). *Vinter and Others v. the United Kingdom [MC]* (Applications Nos. 66069/09, 130/10, and 3896/10, Judgment of July 9, 2013). <https://www.echr.coe.int/w/vinter-and-others-v.-united-kingdom-no.-66069/09-130/10-et-3896/10->
- Foucault, M. (1995). *Discipline and punish: The birth of the prison* (A. Sheridan, Trans.). Vintage Books. (Original work published 1975)
- Frase, R. S. (2013). *Just sentencing: Principles and procedures for a workable system*. Oxford University Press. <https://academic.oup.com/book/7062>
- Garland, D. (1990). *Punishment and modern society: A study in social theory*. University of Chicago Press. <https://press.uchicago.edu/ucp/books/book/chicago/P/bo3774479.html>
- Hart, H. L. A. (2008). *Punishment and responsibility: Essays in the philosophy of law* (2nd ed.). Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780199534777.001.0001>
- Kant, I. (1996). *The metaphysics of morals* (M. Gregor, Trans.). Cambridge University Press. <https://doi.org/10.1017/CBO9780511809644> (Original work published 1797)
- Nietzsche, F. (2006). *On the genealogy of morals and other writings* (C. Diethe, Trans.; K. Ansell-Pearson, Ed.). Cambridge University Press. (Original work published 1887)
- Plato. (1924). *Protagoras* (W. R. M. Lamb, Trans.). Perseus Digital Library. (Original work from antiquity)
- Pop, T. (1928). *Course in criminology*. Ardealul Institute of Graphic Arts.
- Seneca, L. A. (2010). *De ira / On anger*. Perseus Digital Library. <https://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A2007.01.0014> (Original work from the 1st century)
- Tanoviceanu, I. (1912). *Course in criminal law* (Vol. I). Socec. [https://books.google.com/books/about/Curs\\_de\\_drept\\_penal.html?id=jHOEvUqxIQC](https://books.google.com/books/about/Curs_de_drept_penal.html?id=jHOEvUqxIQC)
- The Code of Hammurabi*. (ca. 1750 B.C.E.). The Avalon Project, Yale Law School. <https://avalon.law.yale.edu/ancient/hamcode.asp>
- United Nations General Assembly. (2015). *United Nations standard minimum rules for the treatment of prisoners (the Nelson Mandela Rules)* (A/RES/70/175). <https://digitallibrary.un.org/record/816764?ln=en&v=pdf>
- von Hirsch, A. (1993). *Censure and sanctions*. Clarendon Press. <https://doi.org/10.1093/acprof:oso/9780198262411.001.0001>