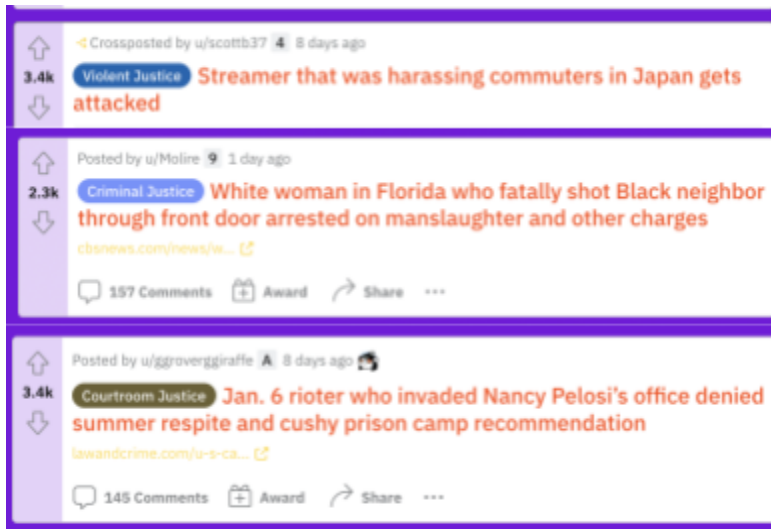A tree falls on a tyrant in the middle of a lonely forest, but there's no one around to hear it– does it still make a sound? And is this justice? This rather unlikely scenario operates in the spirit of the larger philosophical tradition of descriptive meta-ethics, which aims to determine underlying presumptions of normative moral practices.[1] It is particularly useful in testing our retributive instincts because it does not ask us to evaluate the appropriateness of punishment. We are not asked *how* we can create justice because it has ostensibly already been achieved– here, we are more directly challenged to assess our existing internal requirements to declare justice served. I bring this example up to emphasize the definitive role of observers in justice processes. To a witness for whom the tyrant is just a man, his untimely death is completely random, whereas for, say, a victim of the despot's brutal conquests, the accident is morally laden. In that sense, there are multiple ways to turn an unjust situation just— occurring through the observers, rather than through more established means such as punishment, victim intentions, or overall social welfare.

Concentrating on an observer-based justice process is especially applicable in the context of developing theories on collective morality and/or integrity. If justice can be wholly socially constructed, then whatever is deemed justice can be reflective, revealing much about that society in turn. This, in turn, implies a deeply troubling question: is this justice legitimate? And if it is not, what can authorize true and reliable forms of justice? To that end, I will analyze instances of retrospective justice observed in American online communities, specifically, the r/justiceserved forum on Reddit. My approach is twofold: 1) I will highlight key divergences between retrospective justice and dominant modes of justice, and 2) I will identify the potential benefits and limitations that emerge from informal folk moralities. By further clarifying the ideological niche that retrospective justice enjoys, I believe that we are better equipped to grasp its social and theoretical bearings in later work. In that spirit, this research is informed by the impetus outlined by Shmulik Nili in his related writing

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[1] Michael B. Gill, "Indeterminacy and Variability and Meta-Ethics," *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition* 145, no.2 (Aug., 2009), pp. 215-234 https://www.jstor.org/stable/27734476

on collective integrity. Analysis on the collective level can uniquely guide policy design and prioritization across

different social contexts and moral dilemmas at large.[2]

Example posts on r/justiceserved (Approval is indicated through Reddit's "upvote" system, displayed between the arrows on the left)

"r/justiceserved" is an online community dedicated to sharing and discussing instances of retribution, inviting over 2 million users to relive the emotional catharsis of revenge.[3] r/justiceserved is hosted on Reddit, a popular American social media forum composed of sub-communities, dubbed *sub*reddits. r/justiceserved offers its audience bite-sized secondhand vengeance, largely through images and videos capturing a moment where justice was ostensibly served. Community content is split by "flairs", requiring its posts to be labeled as "Police Justice, Courtroom Justice, Legal Justice, Violent Justice, Criminal Justice, and Animal Justice."

r/justiceserved is inherently self-selecting, as it intentionally gathers cases of clear-cut, uncomplicated justice. Subsequently, the highly active discussions generated under each post are usually uniform in sentiment. It is also unsurprising that an ubiquitous sense of schadenfreude permeates each post; the most popular comment under "Jan 6. rioter who invaded Nancy Pelosi's office denied summer respite and cushy prison

[2] Shmulik Nili, *The People's Duty* (Cambridge University Press, 2019)
[3] r/JusticeServed. (2013). *Le roi est mort, vive le roi!* https://www.reddit.com/r/JusticeServed/

recommendation" simply reads: "Haha, git fucked," expounded upon by another user who added, "4 1/2 years is way too little for any of those treasonous scum."[4]

r/justiceserved illustrates the inherent level of entertainment that revenge can offer, although this in itself is not unusual. One only has to glance at which myths have endured throughout history. From Odysseus' massacre of Penolope's one hundred suitors to Hamlet avenging the death of his father, the spectacle of vengeance has long captivated and satisfied audiences, despite being fictional, or ending in tragedy, or ultimately shown to be meaningless. Another overlooked aspect shared by these stories and r/justiceserved is the presence of its audience. Do these instances possess the same moral force without a third party making meaning from it? What exactly is the relationship between justice and its narrative arc? Is the actual *content* of justice produced by its spectators? In answering this, I will show how *collective* moral judgements play out in a popular, but unusual, r/justiceserved post.

Chechen military commander Magomed Tushayev was reported to be killed on February 26 2022 by the Ukrainian military during the Russian invasion of Ukraine.[5] Though not covered by American mainstream media, the news of Tushayev's death quickly became one of the most popular posts in all of r/justiceserved, with over 66,500 upvotes, concisely titled as: "Warlord who helped oversee Chechnya's brutal 'gay purge' killed in Ukraine."[6] Community responses included:

"Excellent news, Chechen fighters are some of the most brutal and I hope this man suffered slowly. I hope it was the Azov Battalion who nailed him for extra karma."[7]
"Oh man, I've known about this piece of shit for years. It feels so good to see someone get what they deserve."[8]

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[4] "Jan. 6 rioter who..." Reddit. May 31, 2023.
https://www.reddit.com/r/JusticeServed/comments/13wqlzr/jan_6_rioter_who_invaded_nancy_pelosis_office/
[5] Maggie Baska. "Warlord who helped oversee Chechnya's brutal 'gay purge' killed in Ukraine." *Pink News.* February 22 2022. https://www.thepinknews.com/2022/02/28/russia-chechnya-ukraine-magomed-tushayev/
[6] "Warlord who helped oversee Chechnya's brutal gay..." Reddit. March 1, 2022.
https://www.reddit.com/r/JusticeServed/comments/t4hpug/warlord_who_helped_oversee_chechnyas_brutal_gay/
[7] u/Hydrosphere1313. "Warlord who..." Reddit. March 1, 2022.
[8] u/Stompydingdong. "Warlord who..." Reddit. March 1, 2022.

"Get fucked. Enjoy rotting in hell."[9]

Tushayev did indeed participate in a 2017 wave of state detentions and beatings targeting homosexual men.[10] However, here we do not ask whether Tushayev's fate was indeed just, but rather, *why* it was just. r/justiceserved does not ask its users to elaborate on their moral intuitions, all they contribute is the *outcome* of an internal process. As we observe, users do not share the workings of their judgment mechanisms, yet, the widespread approval in the case of Tushayev suggests that achieving collective moral coherence does not require a collective justice process. This is further complicated by the details of this particular case, which troubles prevailing theories of justice and punishment, centrally: "When is punishment just?"

One answer is through *retribution,* which is considered to be the oldest theory of punishment.[11]The standard theory of retribution arises from its etymology, with "re" and "tribuo" meaning "pay back" in Latin. As such, the basic concept of retribution is that offenders need to pay for their offense.[12] This foundation has since been expanded through the *just deserts* theory, which goes on to state that a punishment is just purely because it is deserved.[13] *Just Deserts* is a departure from the utilitarian theories of deterrence and rehabilitation (that we will take up later), but it is an attractive explanation in its simplicity. Given its emphasis on what is deserved, a core tenet of the just deserts principle is proportionality. Andrew von Hircsh, the originator of the term 'just deserts', argues that in order for a punishment to be just, it must "be commensurate with the seriousness of the wrong."[14] Proportionality is not elective to the just deserts theory– it is a crucial part of its theoretical architecture. It's also

[9] ButternutDubs. "Warlord who…" Reddit. March 1, 2022.

[10] Human Rights Watch. "They Have Long Arms and They Can Find Me," *Human Rights Watch,* May 26, 2017, https://www.hrw.org/report/2017/05/26/they-have-long-arms-and-they-can-find-me/anti-gay-purge-local-authorities-russias

[11] David Starkweather. "The Retributive Theory of 'Just Deserts' and Victim Participation in Plea Bargaining." *Indiana Law Journal* 67, is. 3 (1992), https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1445&context=ilj

[12] John Cottingham. "Varieties of Retribution." *The Philosophical Quarterly (1950-),* Vol. 29, No. 116 (Jul., 1979), pp. 238-246, https://www.jstor.org/stable/2218820

[13] Ernest van den Haag. "Punishment: Desert and Crime Control." *Michigan Law Review* 85, Issue 5, (1987) https://repository.law.umich.edu/cgi/viewcontent.cgi?article=3037&context=mlr

[14] Andrew von Hirsch, *Doing Justice– the Choice of Punishments,* (1976).

intuitively appealing, exemplified on r/justiceserved through recurring complaints of wrongdoers not being

punished enough.[15] The case of "Warlord who helped..." shows that just deserts alone cannot explain what

becomes justice.

Here, the rhetorical punishment is death, but whether it is proportionate is not entirely clear. "Desert

theory dictates that the death penalty should apply, if at all, only to offenses that involve maximum harm

committed by offenders with maximum culpability," explains Pollack, who concludes that defenders of the just

desert theory cannot support the death penalty.[16] Critics and proponents alike of just desert have debated the

imprecise nature of its calculus[17], the intricacies of which are entirely irrelevant in the face of the widespread

agreement manifested in "Warlord who helped..." and r/justiceserved as a whole. This is explained in part by how

this case is uniquely framed, with the offense being perpetuated *by the state*– Tushayev was not just a

government official, he was executing state-sanctioned directives. How can you identify wrongdoers if their

wrongs are not recognized? How can human rights be violated if they never were rights? These concerns are

amplified through the punisher's (being the Ukrainian military) international status. How can just desert theory

guide us through differing scales of norms and wrongs? Further complicating this, Tushayev's punishment was

also completely circumstantial to his crime. If justice requires wrongdoers to be proportionately punished, it also

requires that *they are not excessively* punished.

As an aside, this in turn also discounts the theory of just retribution put forth by Immanuel Kant (in

terms of being relevant to accepted collective moral understandings, or at the very least, within r/justiceserved).

Kant's premise is that the existence of state is already justified over the no state alternative, so that punishment is

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[15] In "Couple who stormed black child's birthday party with a gun and confederate flags, in tears as they get sentenced to a combined 35 years," a popular comment read: "Last I heard, the woman was released on parole after only serving two years. So yea, not sure how much justice was served here."
https://www.reddit.com/r/JusticeServed/comments/l18ohx/couple_who_stormed_black_childs_birthday_party/
[16] B Pollak. "Deserts and Death: Limits on Maximum Punishment." *Rutgers Law Review* 44, Issue 4 (Summer 1992), pgs 985-10190 https://www.ojp.gov/ncjrs/virtual-library/abstracts/deserts-and-death-limits-maximum-punishment
[17] Jesper Ryberg. *The Ethics of Proportionate Punishment,* (Kluwer Academic Publishers 2004).

sufficiently justified when enacted by the state in order to prevent its citizens from infringing on each other's individual freedoms.[18] In practice, "The fact that a person has committed a legal offense is the necessary and sufficient condition for the just imposition of punishment on that person."[19] This was evidently not a consideration in the response to Tushayev's death. Taken together, these confounding factors suggest that collective recognitions of justice do not need proportionality or the involvement of the state to be developed.

"Warlord who helped..." puts into high relief the obstacles caused by just desert's proportionate punishment requirement. It seems that justice cannot be delayed in order to be adequately computed; an acute, and more importantly, global, sense of justice is pivotal in withstanding oppressive regimes. This is not to say, however, that proportionate punishments *should* be disregarded. We can observe in r/justiceserved that considerations of proportionality are abandoned irregularly and unsustainably. The entire Reddit platform overwhelmingly supported Ukraine during and throughout the Ukraine-Russian conflict, itself a consistently trending topic coupled with empirical rises in anti-Russian sentiment.[20] "Warlord who helped..." was published in March of 2022, the peak of larger platform-wide interest in Ukraine– the r/ukraine subreddit, dedicated to discussion on the country, saw an exponential rise in membership from around 42,000 members in February 2022 to nearly 700,000 in March.[21] The ephemeral and dynamic nature of online culture contexts should caution us as researchers. While social media networks and the subsequent means to archive it have allowed for revolutionary approaches to understanding human nature, the interactions we observe are still intrinsically informed by its environment.

Reddit's identity as a social media platform adds another dimension to this, especially given the sustained literary popularity of revenge in history. In a different vein than Kant, but towards the same end, James

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[18] Don Scheid. "Kant's Retributivism" *Ethics* 93, no. 2 (Jan 1983), pgs 262-282, https://www.jstor.org/stable/2380419
[19] Ibid.
[20] Yiming Zhu, Eshan-Ul Haq, Lik-Hang Lee, Gareth Tyson, and Pan Hui. "A Reddit Dataset for the Russo-Ukrainian Conflict in 2022." Jan 20 2022. https://arxiv.org/pdf/2206.05107.pdf
[21] Subreddit Stats. "r/ukraine." (Accessed June 8, 2023). https://subredditstats.com/r/ukraine

Stephen argues that the benefit of criminal law is that it "regulates, sanctions, and provides a legitimate satisfaction for the passion of revenge; the criminal law stands to the passion of revenge in much the same relation as marriage to the sexual appetite."[22] It would be disingenuous, and perhaps even dangerous, to ignore the pleasure that revenge can beget, a necessary emotional nuance in measuring support for retribution.[23][24]

These two contextual factors: the virality of pro-Ukraine sentiment and overall affinity towards entertainment also elucidates another curious characteristic of "Warlord who helped...": which is the perplexing lack of attention toward the purported crime itself. Noticeably absent from the vigorous discussion under the post is any substantial mention of the actual *victims* (the gay Chechen men affected by the 2017 incident) of the wrongdoer. Here, the harm greatly eclipsed the harmed, undermining arguments that justice is derived through punishment when it grants satisfaction – or, as Stephen put it, "legitimized revenge" to victims. In defending this view, Fletcher argues that the function of punishment is to reestablish equality between the victim and the offender, as acts of criminal violence fundamentally establish dominance over another.[25] Though we cannot straightforwardly label Tushayev's actions as "criminal" violence, he certainly did subjugate the numerous ostensibly gay Chechen men. However, were those people compensated after his unrelated death five years later?

The answer to this does not matter here, because this information was not provided in "Warlord who helped..." This is particularly puzzling in understanding the formation of justice– without including the context of Tushayev's participation in violence against homosexual men, news of his death would just be *news,* and not a

[22] Henry Sidgwick. "Remedies for Wrongs" in *The Elements of Politics.* 1898.
http://www.laits.utexas.edu/poltheory/sidgwick/elempol/elempol.c03.cr04.html

[23] Incidentally, the third most popular post about Ukraine in the past year (227,000 upvotes) is in r/memes:
https://www.reddit.com/r/memes/comments/t19inj/ukraine_got_chad_volodymyr_zelensky/

[24] There is a lot more to say about this, especially in regards to the Ukraine-Russian conflict. One other path that seems relevant to me is how dominantly American the Reddit user base is (which is expected, as Reddit is an American company). I've found that r/justiceserved posts are overwhelmingly about American incidents, and that international instances have higher profiles – they are usually government-related and have already been circulated on the Internet for it to reach the attention of r/justiceserved.

[25] George Fletcher. "The Place of Victims in the Theory of Retribution." Buffalo Criminal Law Review , Vol. 3, No. 1 (April 1999), pp. 51-63, https://www.jstor.org/stable/10.1525/nclr.1999.3.1.51

chronicle of justice. But the victims are precluded from judgements on Tushayev's moral status. This version of

justice is realized by something other than the victims. Ironically, the victim-centered approach to justice is

labeled by Cottingham as "Satisfaction theory", distinct from others in that it says "A man is rightly punished

because his punishment brings satisfaction to others."[26] Cottingham explains that the Satisfaction theory's

primary principle is that there should be some reciprocity between "the sense of grievance" felt by the victim and

the corresponding sense of satisfaction felt by the offender by committing the offense.[27] It leads one to wonder

what advocates of satisfaction theory would make of the very real joy experienced by not the victim, or even law

enforcement, but complete outsiders, especially when said pleasure found in punishment is so often outdated,

irrelevant, and misinformed.

The final view I take up here is also the one least expected to be reflected across r/justiceserved:

utilitarianism. The broadest reading of the utilitarian attitude towards punishment is that it is only just when its

outcome leads to the maximum amount of social welfare. Sidgwick argues that punishment should not be

thought of as a form of *moral* retribution because crimes are not consistently moral. Nonetheless, they still need

to be punished, meaning that the notion of punishment should be based on its consequences.[28] John Rawls

elaborates on this in *A Theory of Justice*, in which he writes that the utilitarian view of justice is concerned not

with the distribution of satisfaction but its overall quantity. Rawls writes, "As it is rational for one man to

maximize the fulfillment of his system of desires, it is right for a society to maximize the net balance of

satisfaction taken over all of its members."[29]

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[26] John Cottingham. "Varieties of Retribution." *The Philosophical Quarterly (1950-),* Vol. 29, No. 116 (Jul., 1979), pp.
238-246, https://www.jstor.org/stable/2218820
[27] Ibid.
[28] Henry Sidgwick. "Remedies for Wrongs" in *The Elements of Politics.* 1898.
http://www.laits.utexas.edu/poltheory/sidgwick/elempol/elempol.c03.cr04.html
[29] John Rawls. *A Theory of Justice,* 1971.

While this view has been extensively extended by scholars since Rawls, particularly due to its advantages in policy-making, it is a profoundly inhuman worldview. The explosive, instinctual, and individual sense of justice that r/justiceserved users draw upon is intensely incompatible with the justice calculus demanded by utilitarianism. The empirical absence of utilitarian sentiment across r/justiceserved verifies the premise of Robert Goodin's distinction between political and personal utilitarianism, acknowledging that utilitarianism does not have to function on the individual level to still be the optimal framework for policy making. In that vein, the fact that r/justiceserved so often resists and contradicts older, alternative theories of justice does not mean that they cannot coexist.

My intervention here is not to dismiss utilitarianism– or satisfaction theory, Kant's retributivism, and just desert theory for that matter– on the basis of r/justiceserved. Rather, the comparisons to existing and developed concepts of justice have further illuminated the shape of the collective morality undergirding r/justiceserved. Importantly, the relative lucidity of a collective's morality evince a new dimension to the nature of justice. In r/justiceserved, unlike in much of the philosophical discourse on the subject that aims to construct justice, users instead identify latent justice and bring it forth through their recognition.

Having said all this, what philosophical bearing do all of the divergences, logics, and patterns we observe in r/justiceserved actually have? Why should we seriously consider the contradictory figuration of justice borne from a slew of irrational, low-effort, and at times downright ludicrous Internet comments? To answer a question with a question, what do we lose– or gain– by taking the audience out of account in instances like "Warlord who helped..."? In cases of retrospective justice, doing so means also excising justice itself. Without the meaning-making perspectives of the r/justiceserved community, and communities at large, the death of Tushayev would have no moral bearing. Regardless of how malicious or biased the crowd may be, it is the potential to be seen and judged by others that truly generates justice. While life on Earth will go on long after human extinction, forces such as justice will go along with us. Whether it was achieved through a process or

revealed in hindsight, it is, at the end of the day, a shared human delusion we choose to wield. The struggle seems

to me to be not just recognizing our delusions as such but to live with them.

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