

# Emotions, Crime and Justice

Edited by  
Susanne Karstedt, Ian Loader  
and  
Heather Strang

Oñati International Series in Law and Society

A SERIES PUBLISHED FOR THE OÑATI INSTITUTE  
FOR THE SOCIOLOGY OF LAW



• H A R T •  
PUBLISHING

OXFORD AND PORTLAND, OREGON  
2011

It  
aring  
y  
men's  
sion  
ectives



Oñati International Series in Law and Society

A SERIES PUBLISHED FOR THE OÑATI INSTITUTE  
FOR THE SOCIOLOGY OF LAW

E

General Editors

Judy Fudge

David Nelken

Founding Editors

William LF Felstiner

Eve Darian-Smith

Board of General Editors

Rosemary Hunter, University of Kent, United Kingdom  
Carlos Lugo, Hostos Law School, Puerto Rico  
Jacek Kurczewski, Warsaw University, Poland  
Marie-Claire Foblets, Leuven University, Belgium  
Roderick Macdonald, McGill University, Canada

Recent titles in this series

*Legal Institutions and Collective Memories* edited by Susanne Karstedt

*Changing Contours of Domestic Life, Family and Law: Caring and Sharing*  
edited by Anne Bottomley and Simone Wong

*Criminology and Archaeology: Studies in Looted Antiquities* edited by  
Simon Mackenzie and Penny Green

*The Legal Tender of Gender: Welfare Law and the Regulation of Women's  
Poverty* edited by Shelley Gavigan and Dorothy Chunn

*Human Rights at Work* edited by Colin Fenwick and Tonia Novitz

*Travels of the Criminal Question: Cultural Embeddedness and Diffusion*  
edited by Dario Melossi, Máximo Sozzo and Richard Sparks

*Feminist Perspectives on Contemporary International Law: Between  
Resistance and Compliance?* edited by Sari Kouvo and Zoe Pearson

*Challenging Gender Inequality in Tax Policy Making: Comparative Perspectives*  
edited by Kim Brooks, Åsa Gunnarson, Lisa Philipps and Maria Wersig

For the complete list of titles in this series, see  
'Oñati International Series in Law and Society' link at  
[www.hartpub.co.uk/books/series.asp](http://www.hartpub.co.uk/books/series.asp)

Published in the United Kingdom by Hart Publishing Ltd  
16C Worcester Place, Oxford, OX1 2JW  
Telephone: +44 (0)1865 517530  
Fax: +44 (0)1865 510710  
E-mail: [mail@hartpub.co.uk](mailto:mail@hartpub.co.uk)  
Website: <http://www.hartpub.co.uk>

Published in North America (US and Canada) by  
Hart Publishing  
c/o International Specialized Book Services  
920 NE 58th Avenue, Suite 300  
Portland, OR 97213-3786  
USA  
Tel: +1 503 287 3093 or toll-free: (1) 800 944 6190  
Fax: +1 503 280 8832  
E-mail: [orders@isbs.com](mailto:orders@isbs.com)  
Website: <http://www.isbs.com>

© Oñati IISL 2011

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without the prior permission of Hart Publishing, or as expressly permitted by law or under the terms agreed with the appropriate reprographic rights organisation. Enquiries concerning reproduction which may not be covered by the above should be addressed to Hart Publishing Ltd at the address above.

British Library Cataloguing in Publication Data  
Data Available

ISBN: 978-1-84946-161-0

Typeset by Compuscript Ltd, Shannon  
Printed and bound in Great Britain by  
TJ International Ltd, Padstow, Cornwall

The pa  
the Int  
in 200  
cial co  
(RegNo  
for the  
the AN  
Dr He  
express  
for the  
Profess  
all our  
of the  
final m

## Contents

<i>Acknowledgements</i> .....	v
<i>List of Contributors</i> .....	ix
Handle with Care: Emotions, Crime and Justice .....	1
SUSANNE KARSTEDT	
<b>PART I: EMOTIONS IN TRANSGRESSION AND CRIME</b>	
1. Forward Panic and Violent Atrocities .....	23
RANDALL COLLINS	
2. Making Sense of 'Senseless Violence' .....	37
WILLEM DE HAAN	
3. Shame, Pride and Workplace Bullying .....	55
ELIZA AHMED AND JOHN BRAITHWAITE	
4. The Sensual Dynamics of Processes of Personal Reform: Desistance from Crime and the Role of Emotions .....	81
ADAM CALVERLEY AND STEPHEN FARRALL	
5. Trends in Crime and Fear: Lessons from Chicago, 1994–2003 .....	101
WESLEY G SKOGAN	
6. Moral Indignation in the East Of England: A Youthful Twist on Ranulf's Ageing Thesis .....	123
ANNA KING AND SHADD MARUNA	
<b>PART II: EMOTIONAL EXPERIENCES OF JUSTICE</b>	
7. Empathy for the Devil: The Nature and Nurture of Revenge .....	145
LAWRENCE W SHERMAN AND HEATHER STRANG	
8. Reintegrative Ritual: Restorative Justice and Micro-Sociology .....	169
MEREDITH ROSSNER	
9. Shame, Ethical Identity and Conformity: Lessons from Research on the Psychology of Social Influence .....	193
NATHAN HARRIS	
10. Procedural Justice, Emotions and Resistance to Authority .....	211
KRISTINA MURPHY	

PART III: 'EMOTION WORK' IN CRIMINAL  
JUSTICE INSTITUTIONS

11. Dealing with Defiant Citizens: Building Emotional  
Intelligence into Police Work ..... 235  
BAS VAN STOKKOM
12. Managing Prisoners, Managing Emotion: The Dynamics  
of Age, Culture and Identity ..... 255  
ELAINE CRAWLEY

PART IV: VIOLENCE, RECONCILIATION AND CONFLICT  
RESOLUTION: DEALING WITH COLLECTIVE EMOTIONS

13. Alienation, Love and Hate as Causes of Collective Violence ..... 275  
THOMAS J SCHEFF
14. Dealing with Emotions in Peacemaking..... 295  
JOHN D BREWER

PART V: DEMOCRACY AND PENAL SENTIMENTS

15. Divided Sympathies: David Hume and Contemporary  
Criminology ..... 317  
RICHARD SPARKS
16. The Power and Limits of Populism: An Illustration from  
Recent Penal Developments in New Zealand ..... 331  
JOHN PRATT
17. Playing with Fire? Democracy and the Emotions of  
Crime and Punishment ..... 347  
IAN LOADER
- Index*..... 363

Eliza  
at the  
resear  
such  
educa  
institi  
comp  
at the  
Austr

John  
and ε  
Natic  
recov  
uct is  
Dunn  
Peace  
Work  
the er  
peace

John  
of At  
Mem  
of Ec  
(2003  
is Pe  
ing u  
Irelar  
five-y  
Lever

Adan  
Scien  
Justic  
Centr  
vious  
Unive  
Crim  
Rese

## EMOTIONS, CRIME AND JUSTICE

The return of emotions to debates about crime and criminal justice has been a striking development of recent decades across many jurisdictions. This has been registered in the return of shame to justice procedures, a heightened focus on victims and their emotional needs, fear of crime as a major preoccupation of citizens and politicians, and highly emotionalised public discourses on crime and justice. But how can we best make sense of these developments? Do we need to create 'emotionally intelligent' justice systems, or are we messing recklessly with the rational foundations of liberal criminal justice?

This volume brings together leading criminologists and sociologists from across the world in a much needed conversation about how to re-calibrate reason and emotion in crime and justice today. The contributions range from the micro-analysis of emotions in violent encounters, to the paradoxes and tensions that arise from the emotionalisation of criminal justice in the public sphere. They explore the emotional labour of workers in police and penal institutions, the justice experiences of victims and offenders, and the role of vengeance, forgiveness and regret in the aftermath of violence and conflict resolution. The result is a set of original essays which offer a fresh and timely perspective on problems of crime and justice in contemporary liberal democracies.

xii *List of Contributors*

Australian National University's Regulatory Institutions Network at the time of writing this chapter. Her research integrates psychological theory with regulatory theory, arguing that effective regulation depends on being responsive to individuals' needs, values and behaviours. Her major research interest centres around procedural justice in the contexts of law enforcement, environment, taxation, and social security.

**John Pratt** is Professor of Criminology and James Cook Research Fellow in Social Science at the Institute of Criminology, Victoria University of Wellington, New Zealand. He has published extensively in the area of the history and sociology of punishment, including *Punishment and Civilization* and *Penal Populism*. He is currently involved in comparative penological research that involves Anglophone and Scandinavian societies. In 2009 he was awarded the Sir Leon Radzinowicz Memorial Prize by the British Journal of Criminology for his published work on Scandinavian penal systems.

**Meredith Rossner** is a research fellow in the Justice Research Group at the University of Western Sydney. She received her PhD in Sociology and Criminology from the University of Pennsylvania in 2008. She has conducted extensive research on the emotional dynamics and crime reduction potential of face-to-face restorative justice meetings with offenders and victims of serious crime. Her research interests include restorative justice, criminology theory, social interactions, and the sociology of emotions.

**Thomas Scheff** is Professor Emeritus at the University of California, Santa Barbara. He is past president of the Pacific Sociological Association, and past chair of the Emotions Section of the American Sociological Association. Some of his publications are *Being Mentally Ill*, *Microsociology*, *Bloody Revenge*, *Emotions*, *the Social Bond and Human Reality*. Two recent books are *Goffman Unbound!: A New Paradigm and Easy Rider* and *What's Love Got to Do with It? The Emotion World of Pop Songs*. He is interested in creative teaching and integration of the social, behavioural and clinical human arts and sciences.

**Lawrence W Sherman** is the Wolfson Professor of Criminology and Director of the Jerry Lee Centre for Experimental Criminology at Cambridge University, where he is also a Fellow of Darwin College. He also serves as Distinguished University Professor in the Department of Criminology and Criminal Justice at the University of Maryland. He has conducted field research and experiments in over 30 police agencies in the US, UK and Australia. Publications of the results have appeared in the *American Sociological Review*, *Law and Society Review*, *Criminology*, *Journal of the Royal Statistical Society (Series A)*, *Journal of Experimental Criminology*, and the *Journal of the American Medical Association*. His work covers a wide range of issues, from predicting crime locations and serious offences by individual offenders to historical analyses of the control of police corruption.

Wesley  
Depart  
Policy  
comm  
author  
ing cit  
policy  
DC: 1  
Skogaa  
respon  
borho  
has als  
ation

Richa  
and C  
main  
crime  
Crimin  
Crimin  
and Se  
Prison  
Public

Heath  
Austra  
of Cri  
experi  
Unitec  
and of  
extens  
Reven

Bas v  
Radbe  
Scienc  
centra  
tice, p  
citzer  
Dutch  
Justice  
Reflec  
Polic

Wesley G Skogan holds joint appointments with the Political Science Department at North Western University and the University's Institute for Policy Research. His most recent books report on his empirical studies of community policing initiatives in Chicago and elsewhere. He is also the author of two lengthy reports in the Home Office Research Series examining citizen contact and satisfaction with policing in Britain and co-edited a policy-oriented report from the National Research Council in Washington, DC: *Fairness and Effectiveness in Policing: The Evidence*. Professor Skogan's second line of research concerns neighborhood and community responses to crime, including fear of crime, the impact of crime on neighborhood life and crime prevention efforts by community organisations. He has also been involved in research on criminal victimisation and the evaluation of service programmes for victims.

Richard Sparks is Professor of Criminology at the University of Edinburgh and Co-Director of the Scottish Centre for Crime and Justice Research. His main research interests lie in prisons, penal politics, public responses to crime and punishment and criminological theory. His publications include: *Criminal Justice and Political Cultures* (co-edited with Tim Newburn), *Criminology and Social Theory* (co-edited with David Garland), *Crime and Social Change in Middle England* (with Evi Girling and Ian Loader), *Prisons and the Problem of Order* (with Tony Bottoms and Will Hay) and *Public Criminology?* (with Ian Loader).

Heather Strang is Director of the Centre for Restorative Justice at the Australian National University and Senior Research Fellow at the Institute of Criminology, University of Cambridge. She has been involved in several experimental tests of the effects of restorative justice in Australia and the United Kingdom and is currently analysing a ten year follow-up of victims and offenders who participated in the Australian study. She has published extensively in this area, including her victim-focused book, *Repair or Revenge: Victims and Restorative Justice*.

Bas van Stokkom is currently research fellow at the Centre for Ethics, Radboud University Nijmegen, and lecturer at the Faculty of Social Sciences, Free University Amsterdam, The Netherlands. His research concentrates on the fields of citizenship, deliberative democracy, restorative justice, policing and punishment ethics. He studied emotion-dynamics in local citizen forums and restorative justice conferences. He is secretary of the Dutch-Flemish journal *Tijdschrift voor Herstelrecht* (Journal of Restorative Justice) and co-editor of the studies *Images of Restorative Justice Theory*, *Reflections on Reassurance Policing in the Low Countries* and *Restorative Policing*.