

“Hit them in the gut”:
Anger Management
Strategies for a
‘Punitive Public’

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"American Gulag"

(Jerome Miller, 2001)

"Overall, the prevailing public mood on crime is vicious. I recently watched a video of a "focus group" on crime conducted by a Republican pollster and consultant. In discussing a recent shooting of a teacher by a 13-year-old African-American middle-school honor student, the consultant asked the group what they would do in such a case. Their response seemed even to embarrass him. ... "Fry him!" came the insistent shouts from the group. ... I wanted to avert my eyes from the TV. It brought to mind another mood observed by the Danish sociologist Svend Ranulf when he looked across the border into the Germany of the early 1930s to see how that country proposed dealing with criminals and crime."

The Lady's Not for Turning?

Moral discussions are notorious for the remarkable rarity with which true persuasion takes place and people change their mind on important issues.

Haidt (2001) argues that moral arguments are like shadow-boxing: "Each contestant lands heavy blows to the opponent's shadow, then wonders why she doesn't fall down."

Cambridge University Public Opinion Project (or C U Pop)

- * **Postal survey** (N=940) to test correlates of punitive attitudes among members of the public
- * **Intensive interviewing** of two, small, matched samples (N=20 and 20) of respondents scoring very high and very low on punitiveness (over one SD over the mean)
- * **Experimenting with emotions** Manipulating emotional conditions and re-testing punitiveness among focus groups

Previous Definitions of Punitiveness

- “ ‘punitive’ refers to actions...that seek relatively immediate retribution toward those responsible for a social problem” (Gault & Sabini, 2000: 499)
- “a relatively broad, normative orientation toward retribution – society is being ‘too soft’ on criminals. “ (Duffee & Ritti 1977; p. 453)
- “...that rehabilitation does not work, and that criminals should be punished” (Langworthy & Whitehead, 1986; p.575)

We define punitiveness as:

The degree of one's support for **harsh sanctions** for offenders with particular attention to:

- **Certainty** (too many offenders "get off easy" without doing prison time) and,
- **Duration** (when offenders *are* incarcerated they don't get "enough" time),
- **Intensity** (when offenders do get long sentences, they do "easy" time – prisons as "5 star hotels").

Dispelling Myths About “The Punitive Public”

“Not only is it important to dispel misperceptions the public holds towards crime, but it is equally important to dispel misperceptions criminal justice experts and policy makers have towards the public’s opinion” on punishment and crime” (Roberts, 1992).

Myth #1: Public Punitiveness is Natural, Inevitable

There has been no constant desire to make all criminals suffer and...the system used for inflicting suffering has changed from time to time. The punitive reaction to lawbreaking has not been present in all societies. In fact, it varies from time to time even within a given society.

(Cressey & Sutherland, 1974, p. 336).

Macro-Level Differences in Punitive Views

% favouring prison as a punishment

- 56% USA
- 54% Northern Ireland (Ireland not included)
- 52% Scotland
- 51% England and Wales
- 51% Japan
- 45% Canada
- 36% Australia
- 27% New Zealand
- 21% Belgium
- 21% Poland
- 19% Finland
- 12% France

see also Braman, Kahan & Hoffman, 2009

Punitiveness Scale

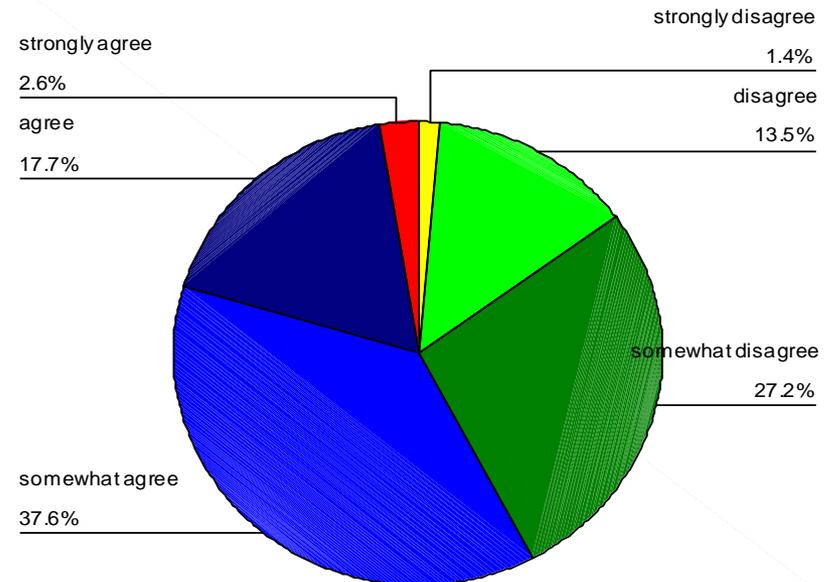
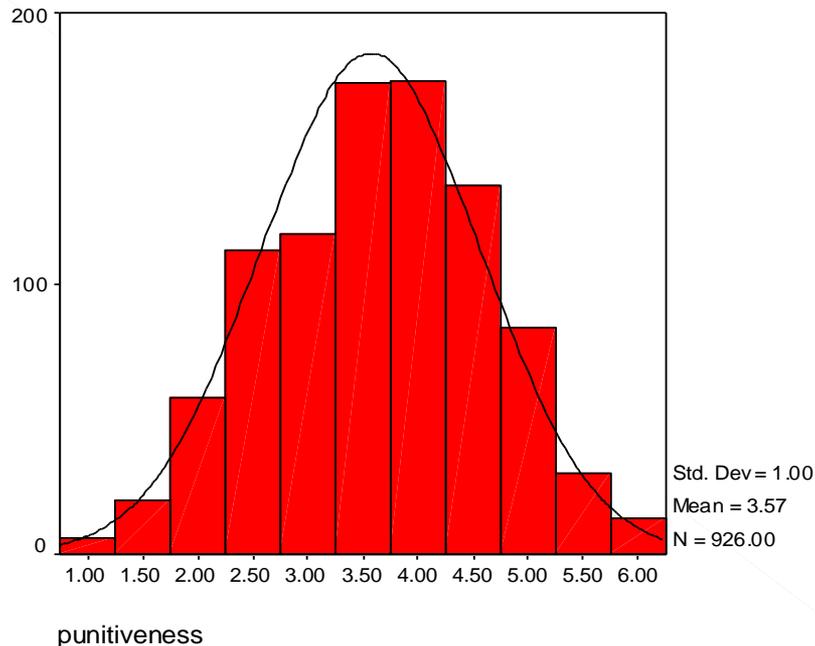
Alpha=.82

1. I'd consider volunteering my time or donating money to an organisation that supported toughening the sentencing laws in the UK.
2. We should bring back the death penalty for serious crimes.
3. With most prisoners, we need to "condemn more and understand less".
4. My general view towards prisoners is that they should be treated harshly.
5. (R) Prisoners should have access to televisions or gym facilities.
6. (R) If prison has to be used, it should be used sparingly and only as a last option.
7. (R) I'd consider volunteering my time or donating money to an organisation that supported alternatives to prison.
8. (R) Probation or a community sentence (rather than prison) is appropriate for a person found guilty of burglary for the second time.

How punitive is this public?

- **54%** want the death penalty back.
- **36%** would consider volunteering for an organisation that supported toughening the sentencing laws in the UK.
- **47%** agree that if prison has to be used, it should be used sparingly and only as a last option.
- **36%** would consider volunteering for an organisation that supported alternatives to prison.

Distribution of Punitiveness Scores:



Myth #2: Punitiveness is a Reaction to Victimization/Fear

- Survey research finds that “crime-related concerns are the least important factor” in predicting punitive attitudes (Tyler & Boeckmann, 1997)
- The findings suggest that “the image of the citizen as supporting punitive public policies because of fear of crime...is inaccurate” (ibid)
- Only 9% of the self-reported victims of violence in the Brit Crime Survey favored incarceration for their assailant (Roberts, 2002).

Instrumental Explanations

People are punitive as rational responses to a perceived threat of possible victimisation

- Previous Victimisation Experiences
- Fear of Crime
- Crime Salience (i.e. subjective sense that crime is a serious problem where they live)

Instrumental predictors do not relate consistently to punitiveness (Baron & Hartnagel, 1996; Tyler & Boeckman, 1997; Vikki & Wood, 2002)

Anxiety-related Explanations for Punitiveness

Punitiveness is a projection of anxieties generated by factors besides crime.

“Ontological Insecurity” (Bauman, 2000; Garland, 2001; Giddens, 1991), defined the “disembedding processes of modernity as former social certainties are eroded” (Anthony Bottoms, 2000)

Punitiveness related to: Lack of trust; Anxieties over economic issues; Anxiety about Social Change Issues (e.g., breakdown of traditional family)

Hierarchical Regression Predicting Punitiveness

Variable	Model 1	Model 2	Model 3
DEMOGRAPHICS			
Social class origins	-.113***	-.109**	-.093**
Gender	.042	.055	.042
Age	.021	.025	.019
Education	-.341***	-.299***	-.176***
Household income	.024	.102*	.173***
INSTRUMENTAL FACTORS			
Personal victimization		-.043	-.010
Fear of Crime		.08	.04
Crime salience		.212***	.094**
ANXIETY-RELATED FACTORS			
Collective efficacy and trust			-.057
Anxiety about economy			.120**
Anxiety about youth			.430***
Adjusted R²	.174***	.235***	.409***
R² change		.063***	.174***

Myth #3: What the Public Needs is Better Information

“Widespread and systematic public
ignorance about crime and justice”
(Hough & Parks, 2002)

“deliberative polling” (e.g., Gainey & Payne,
2003)

Martina Feilzer (2007)

Lies, Damned Lies and Statistics

“Respondents were sensitive to the highly politicized nature of the crime debate, and regarded any use of statistics as spin.”

Centre for Social Marketing at the University of Strathclyde

See also “More Statistics, Less Persuasion” by Kahan & Braman, Univ of Penn Law Review, 2003

Confirmation Bias

When people are forced to look at disconfirming evidence, they will find a way to criticize, distort or dismiss it so that they can maintain or even strengthen their existing beliefs (Lord, Ross & Lepper, 1979; Ellsworth & Gross, 1994; Ellsworth & Ross, 1983; Tyler and Weber, 1982)

Drew Western et al 2006 demonstrate this with brain scans

Adaptive Reasoning

- “A substantial percentage of people who say they favour gun control to reduce crime, for example, also apparently accept the proposition that stricter gun control laws would not substantially reduce crime” (Kahan & Braman, p. 1315).
- “The ostensible reasons people put forward to justify such legislation mask their true motivations” (Freiberg, p. 271).

Myth # 4: Hit them in the pocket book

'Focusing on the high costs of imprisonment 'simply reinforced the popular view that prisons were full of unnecessary luxuries, and provoked the retort that 'they should take away the televisions' (p. 3).

Centre for Social Marketing at the University of Strathclyde

Costs of prisons

“Rationalist responses to these concerns in terms of the ineffectiveness and costs of prisons will fall on deaf ears for two reasons. Such responses do not give effect to the public’s desire for punishment ... and desire for security” (Freiberg, pp. 271-272).

Reason as a Slave to the Passions

Research is increasingly supporting Hume's truism.

- Moral judgments appear to be reached automatically without deliberation
- “principle of least effort” (Chaiken, 19887)
- “Wag the dog” illusion – Reasoning is the consequence, not the cause of moral judgments

What Works? (...or might work)

Anger Management for the Punitive Public

Moral Debate

- “Instead of being distracted by dubious calculations, we should focus our analysis...on what is wrong with the state of society.” Attending to the question of “what kind of society...we prefer to live in” (Douglas & Wildavasky, p. 81).
- The “construction of a pertinent yet respectful expressive idiom” for these debates

Debate on a Different Front

Kahan and Braman argue that academics and activists should “apply themselves to the creation of a new expressive idiom, one designed to accommodate respectful cultural deliberations” over issues of crime and justice.

The Public Wants “Affective” as well as “Effective” Justice



Indermaur and Hough (2002: 210) argue persuasively ‘Anyone who wants to improve public debate about crime needs to be attuned to [the] emotional dimension [of attitude formation]’.

Affective Justice

- “Crime prevention strategies are more likely to be successful if they recognise and deal with the role of emotions, symbols, irrationalism, expressionism, non-utilitarianism, faith, belief and religion in the criminal justice system” (Freiberg, 2001, p. 266).

Emotional Literacy

- Why are the emotional elements of justice routinely underplayed in academic research?
- In *The Public Emotions*, Graham Little argues that “academics tend to be emotionally illiterate”.

Affective Persuasion

“It is hypothesized that reasoned persuasion works not by providing logically compelling arguments but by triggering new affectively valenced intuitions in the listener.” (Haidt; see Edwards & von Hippel, 1995; Shavitt, 1990)

Persuasion Through Affective Reframing

“Moral intuition appears to be the automatic output of an underlying, largely unconscious set of interlinked moral concepts. ... built up largely by metaphorical extensions from physical experience.” (Haidt, 2001, p. 825)

See also “Cultural Theory of Risk”

Finding the Right Metaphor

George Lakoff's research on metaphor and political thought.

“If Saddam Hussein is Hitler, then it follows that he must be stopped. But if Iraq is Vietnam, it follows that the United States should not become involved” (Spellman & Holyoak, 1992)

Framing Correctional Issues

Examples:

- Putting “children” behind bars (versus “juveniles”)
- “Paying to keep the elderly behind bars” (versus “life means life”)
- “Human beings in cages” versus “Serving their time” or “paying their debt to society”

Reparation: A Frame that Works

- 90% of the public “agree that community punishments for crime should involve some form of payback to the community”
(Casey, 2008, p. 7; see also Gandy, 1978; Mattinson & Mirrlees-Blac, 1998; Shaw, 1982; Wright, 1989).
- Notions such as ‘paying back,’ ‘making good’ and ‘restorative justice’ were said to “strongly resonate” with focus group members (University of Strathclyde)

As Opposed to Sympathy

Stead, MacFadyen and Hastings (2002) report that any argument that appears to be sympathetic to the plight of prisoners provoked hostile reactions from their focus group participants.

Restorative Justice's Natural Appeal

Psychologist Michael McCullough (2008):
Although the restorative justice movement was created without reference to the principles of evolutionary psychology, no evolutionary psychologist could do much to improve upon this combination of ingredients for making forgiveness happen (p. 178).

Penal Signifiers

- Community penalties too often “lack drama and focus”
- Durkheim shows that social responses to crime should reinforce social solidarity and cohesion
- Justice responses should also be “emotionally satisfying”

Making Good

“Let me put it this way, if the public knew that when you commit some wrongdoing, you’re held accountable in constructive ways and you’ve got to earn your way back through these kinds of good works, ...(probation) wouldn’t be in the rut we’re in right now with the public” (Focus group data from Dickey and Smith 1998: 36).

Humanizing of the “offender” (so-called)

Redemption: A message that works?

“There is no public narrative more potent today -- or throughout US history -- than the one about redemption” (Kakutani, 2001, *New York Times*).

See *The Redemptive Self: Stories Americans Live By*, Dan McAdams (2006)

See also Mike Nellis (2009). *The aesthetics of redemption: Released prisoners in American film and literature*. *Criminology & Criminal Justice*, 13, 129-146

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Redeemability Beliefs in CUPop

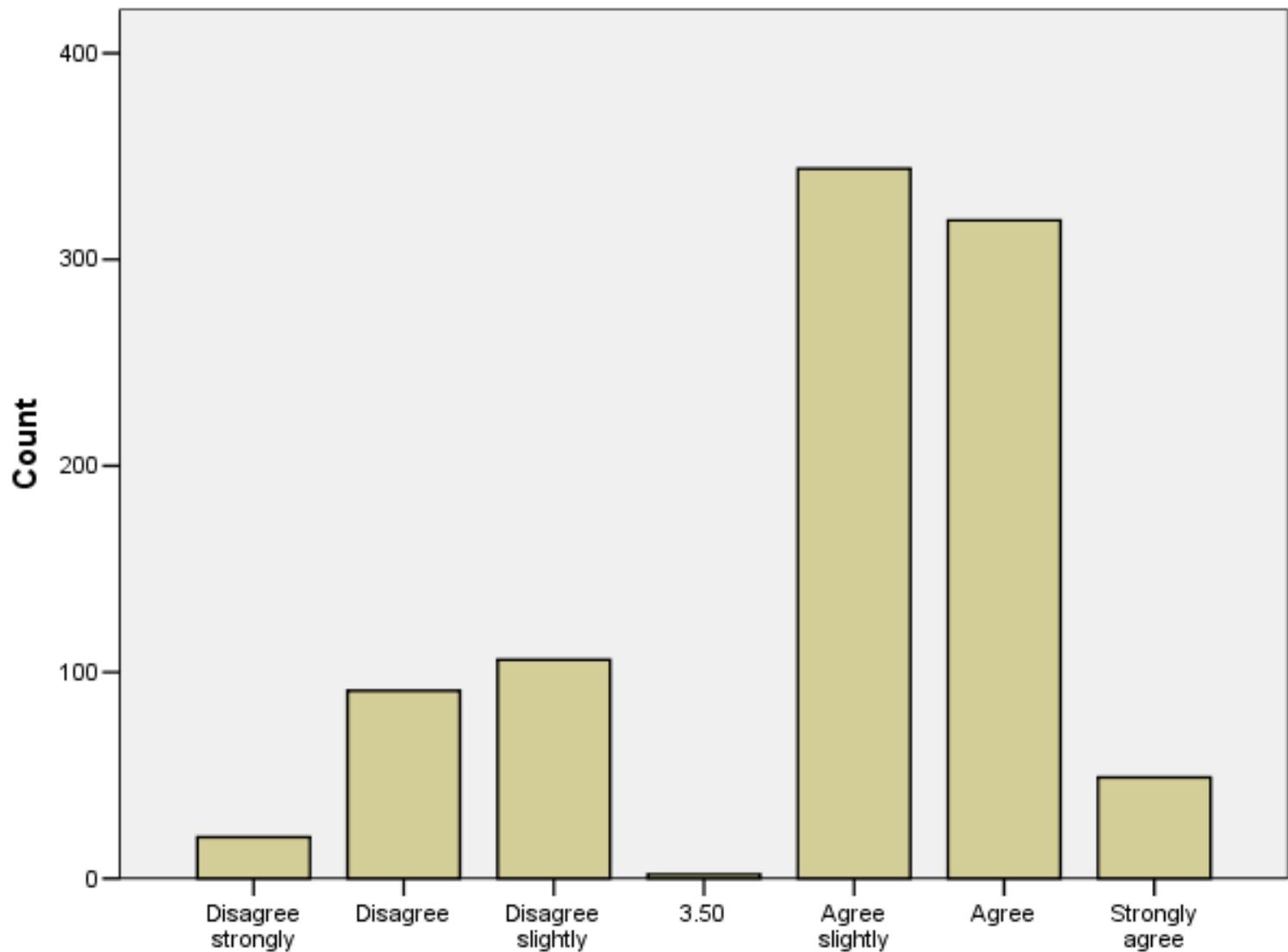
86% agree that “Most prisoners can go on to lead productive lives with help and hard work”

77% agree that “Even the ‘worst offenders’ can grow out of criminal behavior”.

68% Disagree that “Most prisoners really have little hope of changing for the better” (R)

But...

67 % agree that “Some prisoners are so damaged that they can never lead productive lives”



Even the worst young offenders can grow out of criminal behaviour.

Predictors of Punitive Attitudes

Table 1 Beta Weights and R² for the Hierarchical Regression Analysis Predicting Punitiveness

<u>Variable</u>	<u>Model 1</u>	<u>Model 2</u>	<u>Model 3</u>	<u>Model 4</u>
<i>1. Controls</i>				
Class Background	-.11*	-.10*	-.08(ns)	-.09*
Gender (male)	.00 (ns)	.03 (ns)	.05(ns)	.02(ns)
Education	-.36***	-.26***	-.24***	-.16***
Income	.02(ns)	.11*	.16*	.06(ns)
<i>2. Instrumental</i>				
Victimisation scale		.07(ns)	.07(ns)	-.02(ns)
Fear of crime scale		.10(ns)	.08(ns)	.04(ns)
Crime salience scale		.35***	.33***	.27***
<i>3. Attribution Beliefs</i>				
Attribution scale			.24***	.22***
<i>4. Redeemability Beliefs</i>				
Redeemability scale				-.41***
Adjusted R ²	.16***	.28***	.34***	.49***
R ² change	.16***	.12***	.06***	.15***

*p<.05 **p<.01 ***p<.001

“Virtue’s door unsealed is never sealed again”

In “a world without redemption,” the “past dominates the present and the future. Guilt cumulates, embraces, and destroys” (Smith, p. 206).

Hannah Arendt: “Without being forgiven, released from the consequences of what we have done, our capacity to act would, as it were, be confined to one single deed from which we could never recover; we would remain the victim of its consequences forever, not unlike the sorcerer’s apprentice who lacked the magic formula to break the spell.”

Persuasion as Role-Taking

"Walk a mile in my shoes"

Perhaps the best-known and most researched strategy for triggering new moral intuitions is role-taking (Kohlberg, 1971; Selman, 1971).

- Narratives research – stories “work”
- Public involvement with CJ interventions
- Putting a face on the “offender.”

Humanising the “Offender”

- Availability Heuristic
- Educational campaigns that employ members of stigmatized groups can change public views (see e.g. Corrigan et al. 2002; Couture and Penn 2003).
- The more details that survey respondents are provided about an individual offender’s life circumstances, the less punitive they are likely to be in their reaction to his or her crime (see Roberts, 1992; Hough, 1996).

Hope for the No-Hopers

Well you do see kids that are a bit rude hanging around street corners and, you know, breaking in cars, and no respect, the whole, general, it's there. But, I think to an extent that always has been. I don't, I think it's just a bit of peer pressure, I'm assuming. I think, actually that they do grow out of it. I think my brothers, as teenagers, just hideous, vile kids. ... they grew out of it. I also had a nasty cousin ... horrible, horrible little boy. Lovely now. So, in the last five years he's suddenly got a job and he's fantastic. I really thought he was an absolute no-hoper. *(Female, 41 yrs, Urban).*

Thanks

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Papers/slides available on request