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Punitiveness and the Emotions of Punishment: Between Solidarity and Hostility

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This chapter discusses how and why emotions are at the centre of the social and normative role of punishment. It looks at how emotions are articulated in the context of punishment, and examines how punitive emotions are manifest in the practice and representation of criminal justice in media and popular culture in western liberal democracies. By considering the relationship between emotions and punishment, this chapter also suggests that those same emotions that drive much of criminal justice practice are now also exercised and expressed outside and beyond criminal justice institutions, making punishment not just a concentrated institutional expression of the state's response to crime, but a broader social phenomenon. We argue that understanding the emotional dimension of punishment requires us to understand it as a social phenomenon with significant span and impact on a range of communities and relations. We additionally suggest that the emotions of punishment have much to say not only about how we feel about one another, but also about how we feel about ourselves.

To conduct this exploration into the relationship between punishment and emotions, we focus on a critical analysis of the concept of punitiveness. Punitiveness is a widely mobilised concept in criminology (e.g. Cheliotis 2013; Pratt et al 2005; Skinns 2016; Adriaenssen and Aertsen 2015), but arguably it remains under-theorised, and its links to emotions, while partly acknowledged, have not been fully explicated (Andriaenssen and Aertsen 2015). Using sociological, social psychological, cultural criminological and socio-legal research, this chapter seeks to understand the 'urge' to punish (Garland 2001) in contemporary, Anglo-phone societies. The urge to punish is our tendency to increasingly pursue punishment and to assume it to be useful, unavoidable or necessary. We unpack this urge by arguing that punishment is inherently affective and often acts as more than just a response to crime, as a broader coping or defensive strategy. It reflects some of our innermost desires and fears, and seeks to manage a range of anxieties, insecurities and uncertainties by providing an illusory yet temporarily satisfying sense of reassurance in an otherwise uncertain and ambivalent social world. Punishment does this by enacting a (perverse and deeply problematic) sense of social solidarity (Durkheim 2014) through hostility (Carvalho and Chamberlen 2017; Chamberlen and Carvalho 2018). Through this

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argument, we warn against a rationalist criminology that takes the affective dimension of punishment for granted, and highlight the need for a rigorous study of how the emotions, subjectivities and self-identities of offenders, victims, judges, juries, media and general members of the public contribute to the existence and maintenance of our framework of punishment in contemporary liberal societies.

The chapter begins by investigating some of the problems and limitations with the rationalism surrounding the predominant scholarship on punishment, then examines the place of punitiveness within the recent flourishing of an emotionally aware criminology scholarship. The third section of the chapter provides a conceptual framework based on the relation between solidarity and hostility within the role of punishment in society. The last section then draws on the implications of this framework, which suggest the need to investigate punishment as a broader social phenomenon beyond the confines of criminal justice, affecting politics as well as other areas of social life.

The problem with rationalist understandings of punishment

Traditionally, emotions have been strangely missing from many of the main studies of punishment. Beyond the work of a few sociologically oriented scholars in the area (e.g. Durkheim 2014; Braithwaite 1989; Douglas 1993; Garland 2001; De Haan and Loader 2002; Karstedt 2002, 2006; Karstedt, Loader, and Strang 2011), emotions were usually neglected or seen as secondary to criminological understandings of punishment (e.g. Bagaric 2001; Dolinko 1997; Matsueda et al 2006). Much of the predominantly emotionless discussion in the field tended to view the definition and justifications for punishment as largely reliant on and derived from legal norms and philosophical rationales, and so assumed these to be based on predominantly 'rational' and pragmatic reasonings that sought to adequately respond to crime. This way of thinking about punishment as a rational response to violations of the criminal law stems from a legal and philosophical-normative approach that dates back to its intellectual origins in Enlightenment thinking (on this, see Norrie 1991, 2014). As a result, much of the philosophical and socio-legal literature on punishment and criminal justice has followed a similar rationalist logic, some of which seems to have deliberately avoided consideration of the emotional dimension of punishment, so as to avoid ascribing any assumption of irrationality to the institutionalised penal practices of modern societies.

Similarly, criminology until recently has cast itself as a positivist discipline aspiring to appeal to 'objectivist' projects that prioritised rational choice models and structuralist accounts and critiques of justice and crime. This is primarily the result of criminology's close focus and observation of the law and the criminal justice system, which have sought to perform a similar kind

of rationalist agenda (for a discussion on this see Carvalho and Chamberlen 2016; Karstedt 2011). This rationalist, sterile criminology has more recently been challenged (see Gadd and Jefferson 2007; Jacobsen and Walklate 2016), but its legacy still impacts much of criminological thinking and research on criminal justice. This impact is evidenced by how an ‘emotion-free framework’ can also be identified in much of sociological criminology’s engagement with punishment, as it adopted a structuralist perspective in critiquing penal practices and institutions, locating punishment’s social function within broader structures of exclusion, regulation and socio-economic inequality (e.g. Rusche and Kirchheimer 1939; Melossi and Pavarini 1981; Wacquant 2009). Such analyses mostly neglect the emotionally-mediated dimension of punishment’s exclusionary and exploitative character, and overlook the extent to which its cultural-structural practices rely on expressive and repressive forces conditioned by feelings such as fear, anger or frustration. These sociological narratives have also consistently assumed that punishment has a rational and social-functional basis. Even among its critics, punishment’s social function in controlling, disciplining and excluding particular social groups has been presented within a rationalist functionalism (Garland 1990) that ascribed to punishment an unavoidable link to notions of utility—that is, to the idea that punishment has a function in society, and that this function has to be understood, and criticised, on rational grounds.

Much like its ‘sister discipline’ of sociology, criminology can be criticised for being, rather surprisingly, insular and inward-looking in terms of its approaches, reach and span. Its concentration on application of, practice in, and solutions to criminal justice, though valuable, has also meant that, conceptually and theoretically, criminology occupied a relatively narrow field, drawing from some overtly rehearsed ‘grand narratives’ (Bosworth and Kauffman 2013), and neglecting other perspectives that are indispensable to a concrete understanding of crime, punishment, justice and social control. Arguably, a fuller and more nuanced exploration of the social role of punishment can only be pursued through a serious engagement with its emotional dimension, and this is only feasible if it includes a serious commitment to trans-disciplinarity. Given the complexity around unpacking the concept of emotions, this trans-disciplinarity should not shy away from studies of emotions and affect discussed in both the ‘hard’ sciences and the humanities, but in so doing, it should also strive to remain critical and reflexive in its conceptualisation and deployment of emotions.

However, such commitment arguably offers an additional challenge. A critical and trans-disciplinary examination of punishment must move beyond the confines of the institutional penal practices of the criminal justice system, and recognise that punishment is a broader social phenomenon, whose discourse and logics are reproduced in other social contexts. In our societies, we (or some of us) continue to punish (and exclude) our children at home and at school; we punish,

police and discipline each other in intimate relations and in the workplace, and apply penalties and disciplinary measures in many areas of social life, ranging from more consequential practices like ‘preventive’ healthcare provision, to less serious yet equally symbolic penalties, like those applied in plagiarism committees in colleges and universities.

More recently, we have especially seen punitive discourses being used to enact and justify a range of public policies oriented towards the ‘governmentality of unease’ (Bigo 2002). We have seen this consistently applied in explicit performances (Jones et. al 2017) of hostility towards racialized ‘others’, and in mundane bordering practices in universities and public services. Most notably and emblematically, in the recent Anglophone context, punitive discourses have been deployed to shape populist political rhetoric, and appropriated punitive and exclusionary practices to create strategies of ‘management’ and bordering towards migrant populations, even when these are young children (Bosworth 2014; Aas and Bosworth 2013). Language and logics that evoke ideas of blame, responsibility and deterrence have also been invoked in austerity policies, and we have seen those reliant on welfare support or those in debt become subject to processes of control, retribution and discipline, while the lack of access to various services, housing and public spaces has been justified within a punitive logic exercised against those classified as the ‘undeserving poor’ (Kirwan et al 2016; Chunn and Gavigan 2004; Costelloe et al 2009; Kornhauser 2015; Hogan et al 2007).

These broader societal manifestations of punitive logics, which mirror, borrow from and reinforce the normative and symbolic framework of criminal justice, are indispensable to a comprehensive understanding of the social role of punishment, especially as they constitute emotional moments that are intrinsic to the constitution of this social role. In other words, we argue that to understand the emotions of punishment is to appreciate the problematically wider application of punitive sentiments and practices in our social lives.

The role of emotions in recent criminological scholarship

Although it is still fair to say that criminology remains significantly influenced by its positivist and rationalist origins, today, it is no longer entirely accurate to suggest that emotions are absent from scholarship on criminal justice and punishment. The past twenty or so years have seen a revival of interest on emotions, which was in many ways related to the broader ‘affective turn’ in the social sciences and the humanities that has become more prominent since the 2000s (Clough and Halley 2007; Hoggett and Thompson 2012). The impact of psychosocial approaches in criminology has been crucial in positioning emotions as key within a range of studies, including theorisations of punishment, histories of penalty, and empirical research into the experience and

effects of imprisonment, among others (e.g. Gadd and Jefferson 2007; Pratt et al 2005; Liebling and Maruna 2005; Gelsthorpe 2007; van Marle and Maruna 2010; Chamberlen 2016, 2018).

This scholarly turn to emotions was also driven by developments in criminal justice, especially by the increased presence of emotions in public debates on criminal justice practice observed in the past thirty years (Karstedt 2011). Since the late 1990s, rationalistic perspectives in law and criminal justice were abruptly side-lined, and as Lastaer and O'Malley (1996) argue, our contemporary criminal justice environment underwent a 're-emotionalisation' process where blaming and the ascription of responsibility came to be expressed with clear emotive undertones. This re-emotionalisation tended to focus on negative emotions such as fear or more generally hostility towards the offender, but this was not always the case. For example, shame appeared as an important emotion for the pursuit of justice and, especially through restorative justice, since the mid-1990s we have seen a renewed focus on the experiences and perspectives of victims—meaning also a more concentrated focus on victims' needs, and the introduction of often elaborate efforts to involve victims' narratives in the justice process (Morgan and Zedner 1992; Walklate 2012; Rock 1990, 2012). As Sandra Walklate has argued, the victim's role in criminal proceedings has evolved into being 'used more and more as a political and symbolic reference point' (Walklate 2012:15). This more victim-centred approach has reflected various policy changes since 1997, many of which have been influenced by and intertwined with political rhetoric (e.g. see Hall 2013).

However, while these developments in criminal justice did provide a context in which the role of emotions is more active, and more widely acknowledged, such role was predominantly problematic, even in its less negative connotations. For instance, although the re-emotionalisation of criminal justice did provide for a greater involvement of victims in the criminal justice process, this has acted less as a means of recognising victimhood and more as a justification for increased criminalisation and harsher penalties, essentially working in the service of punitiveness.

A return to emotions via the rise of punitiveness

It is now widely accepted that, since the late 1970s, criminal justice systems in the UK and USA have become increasingly more punitive, seeking to criminalise more, incarcerating for longer periods, and generally adopting a 'tough' political and sentencing agenda to crime control (Skinns 2016). Though the rise of punitiveness is the subject of widespread discussion in criminology, the empirical evidence around it has been opaquer (for a review of data on punitiveness, see Andriaessen and Aertsen 2015:94-95 on global research; Warner et. al 2017 for research on punitiveness with jurors in Australia; and Roberts and Hough 2012 for public attitudes to sentencing in England). While definitions of punitiveness can vary (Matthews 2005), broadly speaking, discussions about punitiveness in the sociology of punishment have mostly been

influenced by David Garland's leading analysis of the penal realm in the twentieth and twenty-first century. In his discussion of recent penal changes in the UK and the US, Garland (2001:9) argues that in the latter part of the twentieth and at the start of the twenty-first century penal policy has returned to a "just deserts" approach where retribution reappeared as a renewed, dominant goal of the system, in contrast to the consequentialist, 'welfarist' approaches that were previously predominant. This re-legitimation of retributive purposes has allowed for politicians to express 'punitive sentiments' more openly and intensely, and for legislators to enact 'more draconian laws' (Garland 2001:9).

This is not to say that the welfarist model that preceded this more punitive atmosphere was not emotionally-driven. As Garland (2001:10) clarifies, this previous moment just focused on a different set of emotions, and according to him had a 'more progressive sense of justice' that retained a sense of 'decency', humanity' and 'compassion' for the needs of offenders. The move towards punitivism switched the emotional landscape of criminal justice towards more negative emotions, which were driven by a more generalised rhetoric and sense of anxiety. Garland summarises this affective, historical shift as follows:

Since the 1970s fear of crime has come to have new salience. What was once regarded as a localised, situational anxiety, afflicting the worst-off individuals and neighbourhoods, has come to be regarded as a major social problem and a characteristic of contemporary culture (Garland 2001:10).

According to this account, the context of crime has been 're-dramatised' in the eyes of the public, and was used to influence 'the style and content of policy making' in recent decades. And, beyond the specifics of policy, scholars like Garland, Pratt (2002) and Simon (2007) have also argued that in late-modernity and under neoliberalism we have witnessed an increased tendency to seek more expressive and visual penalties, some of which are purposefully public and stigmatising (see also Valier 2002 on 'gothic populism').

Even the prison, which has been traditionally considered an impermeable, invisible space, removed from the public's view, in recent years has been increasingly scrutinised by the media and the public, through news articles, documentaries, TV and cinematic portrayals and political debates. These representations of prison life not only have become a popular source of entertainment, but also are to a large extent a direct expression of the tendencies discussed above, as they feed into public sentiments, and both shape and express punitive attitudes (see Chamberlen and Carvalho 2018).

Thus, policy as well as discourse on punishment are not only emotionally-driven, but more recently they have also contributed to shifting the public's emotions towards a more punitive

approach (see e.g. Newburn and Jones 2005). This means that, while it would be simplistic to see the emotionality of punishment primarily as an irrational reaction to rhetoric and fearmongering, it must be recognised that, in more recent years, there has been a rise in what we call a form of hostile politics, which can be seen to be directly related to an emotional attachment to an illusory but largely hegemonic idea that punishment is useful and necessary. The following sections in this chapter engage with sociological, social psychological and political debates, paying particular attention to our contemporary feelings of insecurity and anxiety, to unpack the links between hostility and the emotionality of punishment.

The emotions of punishment in criminal justice: lessons from sociology and social psychology

In the beginning of this chapter, we suggested that a proper understanding of the emotionality of punishment requires a committed trans-disciplinary investigation of punishment as social phenomenon, practice and coping strategy. This section concentrates on exploring how the social role of punishment can be conceptualised as inherently emotional, and how this conceptualisation can explain the prevalence and the allure of punitive attitudes and discourses in contemporary liberal societies such as the UK and the USA.

Any exploration of the emotional dimension of the social role of punishment must inevitably engage with the work of Émile Durkheim. It was Durkheim (2013, 2014) who first suggested that the primary purpose of punishment was not to deter or control crime, but to provide for the ‘ritualised re-affirmation of collective values and the reinforcement of group solidarity’ (Garland 2013:23). In other words, the apparatus of punishment symbolically promotes the image of an ordered, cohesive society whose values and rules are shared by the whole of its political community. Crime is experienced by this community as a violation of its norms, and punishment, by symbolically reaffirming those norms, also maintains and reinforces the bonds of social solidarity, thus bringing the community together. The images and ideas around this conception of punishment—the re-affirmation of shared values, the notion of crime as a moral and social violation, the expression of solidarity with the victim and those affected by crime—are present in many contemporary normative understandings of punishment, and are commonplace in recent criminal justice discourses. At the same time, the image of society put forward by the symbolism of punishment, of a strong community brought together by common values that are only truly disturbed by crime, is nothing if not problematic. Instead, many sociologists conceptualise the last 30 or so years as a period largely characterised by processes of social fragmentation rather than cohesion (see Giddens 1991; Bauman 1991; Rose 2001), something which has only been exacerbated by the recent economic crisis since 2008. What is more puzzling is that this is precisely the period where a rise in punitive attitudes has been identified, so that there is now significant

indication that there might be an *inverse* correlation between the urge to punish and levels of solidarity in contemporary social settings (Greenberg 1999; Pratt 2007).

This does not mean that the link between punishment and solidarity proposed by Durkheim should be completely abandoned; it does, however, mean that it must be reconceptualised from a critical perspective. We have argued elsewhere (Carvalho and Chamberlen 2017; Chamberlen and Carvalho 2018) that the contemporary surge of punishment and punitive feelings in specific social settings can be related precisely to the *lack* of a concrete and comprehensive sense of social solidarity in these settings. This idea finds resonance in research that has suggested that levels of punishment tend to be high in contexts where there are high levels of inequality, or lack of welfare provision (Downes and Hansen 2006; Lacey 2007; Pickett and Wilkinson 2010), and that processes of criminalisation are more widespread and authoritarian in periods of heightened social insecurity and anxiety (Ericson 2007; Sparks 2012), which themselves have been linked to the erosion of more solidary forms and structures of citizenship (Ramsay 2006; Reiner 2010; Carvalho 2017). These diverse links can illustrate that, as Durkheim suggested, there is an intimate relation between the symbolic function of punishment and social solidarity; however, contrary to what Durkheim predicted, in contemporary societies the urge to punish may be at its strongest when the bonds of social solidarity are precarious.

In these circumstances, punishment performs an important symbolic and emotive role, as part of an apparatus geared at managing feelings of insecurity and anxiety, and social alienation more broadly. It does so by channeling such turmoil towards crime and criminals. This ‘governmentality of unease’ (Bigo 2002) relies on an artificial sense of solidarity, which effectively promotes a sense of identification through estrangement (Bauman 2000; Sparks 2001) by advancing an image of community in which individuals are bonded together by means of their vulnerability against crime and their antagonism towards offenders. This sense of solidarity on which punishment relies can be deemed artificial because it does not build upon or even actively relate to what can be considered the conditions for concrete solidarity, such as welfare, communication and recognition.

Furthermore, since the sense of solidarity promoted by punishment needs to be constructed, the image of social order which it produces is necessarily simplified: individuals are brought together as members of an essentially good, lawful social order, and pitted against criminals, which are also presented primarily as dangerous others. This essentialised worldview is reproduced through the rituals of criminalisation (Carvalho and Chamberlen 2017) performed in political, public and media discourses, which precede and follow punishment. This social imaginary (Taylor 2004) put forward by punishment is inevitably abstract, since it is removed from most people’s social experiences; however, symbolically this abstraction from concrete experience is precisely

what gives punishment its strong appeal in circumstances of social fragmentation. The emotionality of punishment speaks directly to the ‘anxious subject’ (Isin 2014), serving as a social psychological defence mechanism (Brown 2003) which these subjects can use to cope with deeper, generalised feelings of insecurity and anxiety by channeling these feelings towards specific threats and fears (Marsh 1996; King and Maruna 2009; Carvalho and Chamberlen 2016). While such feelings are channeled, and thus managed, by the symbolism of punishment, since punishment does very little about the lack of concrete solidarity underpinning such feelings, it offers no way out of the persecutory phantasy (Reeves 2018) which it builds around them.

This coping mechanism embedded within the symbolic logic of punishment is particularly enthralling because, as Janet Ainsworth (2009) has observed, this logic is intimately related to cognitive biases that individuals commonly maintain to deal with the many anxieties and perceived sources of danger that affect their sense of safety and wellbeing. Most importantly, punitive attitudes are linked to an ‘illusion of control’, through which individuals manage their anxiety by focusing on specific identified threats (such as crime) which they believe can (or must) be controlled, therefore engaging in ‘continued irrational and ineffective behaviour even in the face of negative feedback’ (Ainsworth 2009:265). Furthermore, beyond giving individuals a sense of control, punishment also reinforces an illusion of order, providing a ‘sense of orderliness’ which permits individuals ‘to experience an idealized world with just resolutions’ (King and Maruna, 2006:23), which often contrasts with a much less neat and coherent social reality. This sense of orderliness is potentially the most appealing trait of the symbolic framework of punishment, particularly since it is tied to a host of penal practices which, to this day, remain inextricably linked to pain and violence (Sykes 1958; Christie 1981; Liebling and Maruna 2005; Liebling, 2011; Chamberlen 2016, 2018). Thus, the emotionality of punishment allows anxious subjects to repress their feelings of insecurity and anxiety, by giving or reinforcing illusions of control and order, at the same time as it provides them with a channel through which to express their frustration by projecting hostile feelings toward criminalised others. For that reason, we have argued (Carvalho and Chamberlen 2017) that the form of solidarity embedded within punishment is characterised by its hostility, since it is linked to what George Herbert Mead (1918:591) called ‘the emotional solidarity of aggression’.

The emotions of punishment beyond criminal justice: the psychology of justice and the politics of hostility

For us, acknowledging the hostility within the emotionality of punishment has interrelated implications. First, an important consequence of the dynamics between the symbolism within punishment and its emotional appeal is that the emotionality of punishment is inherently political.

To have expressive value, punishment relies on a set of moral images and ideologies that not only drive penal policy, but also more generally shape and influence our politics. For instance, going back to the earlier discussion on the punitive turn, right-wing authoritarianism and conservatism have been held to be a common predictor for punitive attitudes (Palasinski and Shortland 2017; Adriaenssen and Aertsen 2015). Likewise, research into recent political developments has indicated that punitive attitudes have been closely related to feelings of disgruntlement toward mainstream politics, expressed by those who feel that their status and values have been neglected and who long to rescue an image of community which they believe is currently under threat. For instance, after the EU Referendum in the United Kingdom, the British Election Study's internet panel survey of 2015–16 found significant links between voters' age, religion, race and ethnicity, their level of support for Brexit, and endorsement of capital punishment and other harsh penalties (Kaufmann 2016). Such links between support for Brexit and support for capital and corporal punishment were again suggested in a more recent survey (British Social Attitudes Survey 2017). The idea that punishment constitutes 'a way to act decisively in a time of relative uncertainty' (van Marie and Maruna 2010:8-9) gives it significant ideological allure.

Now, it is important to highlight how, somewhat paradoxically, whilst invoking and relying on fear, anger and frustration, the pursuit of punitiveness is sought in an effort to alleviate these same emotions and thus, when harsh punishment is seen to be exercised, it can also end up giving those feeling punitive a brief sense of satisfaction, reassurance and comfort. This complex interplay between hostility and satisfaction suggests that feelings for punishment play at our self-perceptions and, though focused on punishing others, they seek to make us feel better about ourselves. It is thus perhaps unsurprising that scholars have also identified a link between the emotional features of punishment and the proliferation of economic uncertainty. Costelloe et al (2009:28) have found that 'those men [note not women] who expected their economic situation to become worse, were significantly more punitive than those who expected to be doing better', and this is particularly the case for white men. Such research points to the links between the rise in punitiveness and the rise of economic individualism under neoliberalism. The governmental prioritisation of self-steering neoliberal subjects has arguably created a perfect 'other' towards whom punitive logics and policies are often directed, the 'undeserving poor' who fail to engage with the fast-paced, competitive nature of neoliberalism (Kornhauser 2015). Interestingly, those affected by austerity measures often also become the target audience for hostile political rhetoric.

Meanwhile, psychologists and criminologists have also found that there is a link between racial prejudices and preference for harsher penalties (Johnson 2009; Unnever and Cullen 2007). More generally, the mostly US-based research that identifies links between attitudes to punishment and race also suggests that punitive feelings are strongest towards those we identify as different to

us. For instance, white juries tend to show more solidarity with white victims and defendants and more hostility towards BME defendants (Garland 2013; Lynch and Haney 2014). These links illustrate possibly the most problematic aspect of the hostile solidarity of punishment: its punitive logic produces a sense of solidarity and satisfaction only through hostility, and this means that it occurs only insofar as it also produces and reinforces structural violence and processes of marginalisation and exclusion. In so doing, it contributes to conditions that are likely to perpetuate cycles of hostility, for three reasons. First, it allows and encourages explicit performances of aggression towards those identified as other, the ‘abject’ (Kristeva 1982) who falls outside the ‘community of value’ (Anderson 2013). Second, it requires the maintenance of hostility to preserve the sense of solidarity that it engenders. And, third, in derogating and dehumanising the other in order to legitimise and facilitate punitive attitudes towards them, it generates in the other the same feelings of insecurity and alienation that encourage hostility in the first place (see Kteily and Bruneau 2017), thus turning the process of criminalisation into a self-fulfilling prophecy (see Phillips 2017).

The second implication is that while the emotionality of punishment is constructed, expressed and repressed in particular contexts, this does not necessarily mean that such feelings remain constrained only within these contexts. The reason for this is that emotions are intersubjective and they travel via our interactions, lived experiences, exchanges and relations (Chamberlen 2018). Thus, our punitive feelings or our feelings towards justice can be transferred and reproduced elsewhere, meaning that scenarios and dynamics traditionally thought of as criminal justice specific may now be spilling onto other practices, casting binaries of dangerous/law-abiding or trustworthy/risky citizens towards groups who have not been previously subjected to them. More broadly, expressions of hostile solidarity now abound in many institutional settings, such as migration and borders (Aas and Bosworth 2013; Bosworth 2017; Kaufman 2015), education (Lyons and Drew 2009), and even health and wellbeing (Kirkland 2014). This reflects a dispersal of penal power, where the spectacle of justice and punishment is no longer exclusively in the remit of criminal justice systems (Cohen 1979; Wacquant 2009).

Third, the psychosocial dynamics involved in the emotionality of punishment mean that these emotions are complex and enduring, but are also pliable and potentially changeable. Arguably, this raises attention to the complexity and problematic nature of those sentiments driving punishment today. This, however, does not necessarily mean that negative emotions such as vengeance or fear have to be the central or only feelings we express in the realm of justice. Indeed, we think that to acknowledge the emotionality of punishment serves as both a problem as well as a kind of hope for a solution. All the institutions of criminal justice are ‘simultaneously objects and representations of collective emotions’ (Karstedt 2011:7), and therefore it should be feasible to re-

imagine justice in more ‘emotionally intelligent’ (Sherman 2003) practices that rely more on ‘positive’ emotions such as forgiveness and reparation. Doing so would require a reconceptualization of the framework surrounding punishment and criminal justice, which would ultimately reimagine these institutions, moving their focus away from hostility and punitiveness, and towards emotional transformation. This chapter has suggested that in order to do this, punishment and criminal justice practice and scholarship need to move beyond problematic dualisms, and especially ought to problematize and overcome the Cartesian dichotomy between rational and emotional approaches to justice. As Susan Karstedt (2011) has suggested, the creative making of processes through which criminal justice transforms the emotions and lived experiences of offenders, victims, and the public are questions that ought to be more closely observed by criminologists.

Conclusion

The question of why we punish is arguably a fundamental question to the study of the relation between punishment and emotions, as there are strong reasons to believe that the urge to punish is intrinsically related to the role of punishment in society. This field of enquiry can both provide interesting insights in developments and debates on retributive and distributive justice, and highlight the difficulties in pursuing a fulfilling sense of justice through punishment. This chapter has shown that emotions are an essential and defining feature of punishment and require more dedicated scholarly attention. Paying closer attention to the affective aspects of punishment can have several implications for future practice and scholarship in this area, as recognition of the emotional conditioning of punishment raises important theoretical, empirical and methodological issues. First, an emotionally-aware account of punishment raises questions about who we are as punishers. To achieve this, we need a renewed, affective theory of criminal justice, which is necessarily engaged with notions of modern identity and subjectivity and situates the emotions of punishment beyond our feelings about crime, but traces our emotional urge to punish to how we feel about and perceive our own individual and social identities. Attention to the psychosocial aspects of modern identities can potentially position punishment in processes of late-modern ambivalent relations and a general sense of uncertainty.

The emotional features of punishment also raise questions about whether it should be considered a pathological phenomenon. If we are to acknowledge the affective and deeply problematic elements of punishment, we then also ought to ask whether there is a therapeutic approach to punishment. Moreover, a positive emotional transformation in criminal justice requires a more sustained critique of punishment as a concept and phenomenon; it thus requires a more activist account of how the defining features of punishment are not only ineffective for those who

experience it, but are also detrimental to all of us as communities. An emotional redirection, in other words, may mean that scholars of punishment ought to engage and commit more with the possibilities of abolitionism, decarceration and transformative justice. To show that punishment is emotionally motivated is an exercise of critique, and researchers of punishment should more actively reflect on the role of scholarship in not only observing and analysing such phenomena, but also in opposing the expansion of the penal state and the exacerbation of negative emotions in the criminal justice field.

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