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Going inside crime and punishment: the oranges of anti-rehabilitative justice

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Abstract:

This paper investigates constructions of crime and punishment and the cultural webs of internal meaning as described in Dostoevsky's *Crime and Punishment* (1866) and Burgess's *A Clockwork Orange* (1963). Chosen for the sophisticated, lasting images they provide of the spirit within which the operation of state punishment is carried out, these novels are understood as products of a symbolic interactionist theory of self-consciousness. For this reason, biographical elements of the authors' lives are examined in addition to the conditions surrounding the writing and publications of their works, and the works themselves. A focus in the textual analysis is given to the offender/protagonist in each story, to the construction of their criminality, and to the framing of the experience of state punishment. The meanings that one gives to punishment are a reflection of one's psychology, identity and beliefs about the nature of crime, as much as they are the products of political and religious culture. These meanings shape the value of punishment (for offenders and non-offenders), and the public's views about what the state should and should not do when it comes to intervening after criminal behavior. Suggestions are made for the development of a broader phenomenological study of situated and subjective constructions of punishment.

Grounding theory in fiction in politically polarized times

The justifications for anti-rehabilitative penal philosophies (e.g. retribution, the justice model) have been contested, and those who adhere to penal practices viewed as in line with those rationales, stigmatized at times for ascribing to such beliefs. Likewise, advocates of rehabilitative penal practice interpret the beliefs of those who support such approaches, in part, as an assault on some part of their own identity. Belief is part of identity, and beliefs about crime and punishment are reflected in one's politics regarding the nature of state punishment. The intent of many presentations of crime and punishment is in part to impose an interpretive framework controlling the threat of an opposing one. Research that seeks to influence opinion on punishment is at best short-lived (i.e., deliberative polling), and at worst, backfires, making one's attachment to their own point of view even stronger (Solomon, Greenberg, and Pyszczynski 2000; Ellsworth and Gross 1994). This state of affairs narrows our collective ability to consider alternative views. I speculate that as a whole, academic knowledge into beliefs about punishment (e.g., punitiveness) has tended towards the fragmented and disembodied, and that the nature of our contributions could potentially do more to lessen this divide (i.e., the "elites" vs. red states).

Beliefs about punishment are part of larger justice worldviews that in the political sphere act as a conduit for criminal justice policy (see Enns, 2014), yet they are barely understood. Some of the most in-depth and contextualized research into individual justice views in this area has involved a phenomenological approach (Gaubatz, 1995; King 2008; King & Maruna, 2006). This analysis is an attempt to complement this research literature utilizing two tales of crime and punishment that I interpret, in part, as tomes to the underlying central tenants of anti-rehabilitative and retributive philosophies. I investigate these beliefs from within the lived experience of the novel; these beliefs reveal themselves according to a process of symbolic interactionism.

Retributive justice as a worldview and philosophy is tied to deeper moral principles other than instrumental goals such as deterrence and incapacitation, often linking its characterization to symbolic (and/or emotional and negative) intentions. Scholars have noted as many as nine different theoretical conceptions of retributive justice (Cottingham, 1979), but generally agree in keeping with Von Hirsch (1976) that retributive justice is composed of three central tenets. First, if one intentionally commits or attempts to commit a “knowing violation of the important rights of another, such as murder or rape” (Walén, 2016) that person deserves to suffer a proportional punishment. Second, punishment is inherently good on its own (it need not be dependent on any particular outcome). Three, if punishment is disproportional or used in relation to innocents, it is intrinsically wrong (Walén, 2016). In its capacity as the only articulated goal of punishment that is not utilitarian, any possible benevolent expressive rationales regarding state punishment (e.g., a principled non-interventionist one) tend to get subsumed in the criminological literature under the broad symbolic-emotive characterization and its negative connotations.

Countering the internal connections and assumptions of implicit stories about crime and punishment with explicit ones might create an additional avenue for phenomenological, non-positivistic approaches to understanding these beliefs (and those that ascribe to them). As Dostoevsky writes in regards to an age of science, “Each of them believed that the truth resided only in him; and was miserable looking at the others...they did not know whom to put on trial or how to pass judgment; they could not agree on what was good or evil...” (Dostoevsky, 1866/1955, p.555). Below, I articulate my argument for turning to novels as a unique source of data in generating insights into justice worldviews. Then, I describe the aims of this investigation before reviewing the themes that emerge from my analysis. Findings are then contextualized within the criminological research into punishment beliefs.

Novels as criminological data: constructions of crime and punishment

Many criminal justice professors use novels in their pedagogical practice. Good novels demand a level of immersion in the worlds they create, and a greater commitment to the characters that inhabit them, that is akin to the goal of ethnographic researchers, deeper knowledge (Ferrell & Hamm, 1998). Readers are forced to listen, and to listen to all points of view, even when they may want to turn away. In a world where it is increasingly easy to fall into the isolations of one’s own worldview, being able to participate and experience the life of someone other than one’s self - in a non-voyeuristic way - is a rarity. Novels provide this. Without the opportunity to know phenomena in this way, ideas so central to crime and punishment, like conscience, sensation and empathy, become one dimensional “things,” and less the lived, dynamic experiences they are (Mikics, 2013). The sociology of literature likewise sees novels as a “full and authentic report of human experience” (Watt, 1963, p. 32).

As such, novels can be useful sources of data in generating grounded phenomenological theories. In the past, sociological (e.g., Escarpit, 1965; Swingewood, 1972) and psychological works (Shrodes, VanGundy & Husband, 1943; Freud, 1961) have drawn upon fiction, as have Glaser and Strauss (1967) in developing grounded theory, and Spiegelberg (1960) advocated its use in phenomenology. Novels can be and have been valuable sources of data. Working in this tradition, I analyze two novels, Dostoevsky’s *Crime and Punishment* (1866/1955¹; C&P) and Burgess’s *A Clockwork Orange* (Clockwork) examining themes central to these lasting constructions of crime and punishment. As ethnographers use informants to elaborate on their observations, I turn to these novels as products of individual consciousness that can be investigated as ethnopsychologies

¹ Original publication dates vary between 1865 and 1867. 1865 is the date of the essay to his publisher; 1867 is the date of the earliest critical essay. Publication dates differ by translation. The novel was originally published in pieces in a literary magazine.

(Lillard, 1998) especially in conjunction with biographical information about the authors; novels need not be viewed only as artifacts of popular culture.

Novelists are often told to write what they know, and often they do. In this sense, many novels might also be considered a special form of autoethnography. While the precise meaning of autoethnography seems to have narrowed almost to mean simply a narrative study of the self, it can also be understood more broadly as a method of analysis in which a researcher analyzes the cultural beliefs, practices and experience that they themselves are a part of (Manning & Adams, 2015). Early auto ethnographies were discussed as products of the self that exposed "personal investments, interpretations, and analyses" (Goldschmidt, 1977) and that ultimately tapped into the role of that one's own identity played in those observations (Hayano, 1979). Anderson (2006) promotes an analytic autoethnography in which the researcher must simply be "committed to developing theoretical understandings of broader social phenomena" (p. 373). This is often the intent of novelists, whether manifest or latent. In these ways, the idea of using some novels as the basis of a triangulated qualitative inquiry (the textual constructions, the author's life, the cultural dimensions) becomes possible.

The aim of this investigation is to identify how each author conceives of human nature, free will, religion, change, their own political, philosophical and theoretical heritage and how these conceptions are intimately linked by the authors to their particular construction of crime and punishment. I find that these connections are not unique. Rather, in their professional capacity, the authors provide some of the most robust and prescient constructions of crime and punishment that we might hope for, highlighting universalities and commonalities in the fundamental building blocks of justice worldviews at the anti-rehabilitative end of the spectrum.

At the same time, we can look at these works as part artifact of popular culture. They are the threads that weave their way into our images and understandings of crime, and especially punishment. Simulation theorists argue that the process of projecting one's self into the life of another, of imagining one's self in another's shoes, is more relevant to our experience of the world via folk theory and lay understandings than theoretical knowledge, "Instead, people have a capacity to imagine themselves as others." (Lillard, 1998, p. 4). These simulations, "do result in their eventually having such a theory that they sometimes use to understand others" (Lillard, 1998, p. 4). So, these novels are as much a template for understanding the individual psychology of these justice constructions, as they are reflections of common narrative elements of them.

Why these novels?

Loosely following theoretical/purposive sampling criteria as one would in grounded theory, I chose these two novels for four reasons. One, the novels focus exclusively on crime and punishment and have endured across time and place to draw readers into them. Two, the novels, written a century apart have consistently been aligned by literary critics who refer to Burgess's 1963 book as the *Crime and Punishment* of the 20th century (Bowie, 1981, pp. 402-3). Some critics went so far as to speculate that *Clockwork* is crime and punishment as experienced by adolescents (Stinson, 1991). Three, they are written by authors at one end of the political spectrum; Dostoevsky wrote C&P after having embraced political and religious conservative views. He was editor of a Conservative magazine, *The Citizen*, from 1873-1874. Burgess was also a conservative albeit on the libertarian side, but also had a strong attachment to Catholicism (which being British, made him a self-professed Jacobite) (see Cullinan, 1971). Lastly, the authors had personal documented experiences relevant to their novels. Dostoevsky could be considered one of the first convict criminologists - he served time in Siberia for the crime of subversion and narrowly escaped execution before he became a writer². Burgess was an outspoken opponent of state authority who at one point was arrested in Spain for insulting Franco, although he does not appear to have been convicted; he also frequently moved from country to country based on his propensity for evading taxes (see Biswell, 2006). In addition, the now infamous crime of Alex in *Clockwork*, a home invasion and gang rape, is said to have been directly inspired by Burgess's own criminal victimization in which his then pregnant wife was so violated that she miscarried.

Each story presents a different image of punishment and the anti-rehabilitative thesis. Rutherford (2002) describes *A Clockwork Orange* as delving into the "hope that age and appropriate conditioning could help change violent offenders; but it raises the specter of government mind control" (p. 716). The punishment

² Dostoevsky was sent to prison from 1845-1859 for the crime of subversion for belonging to a group of intellectuals who advocated Western ideas and thus were considered radicals.

of *Crime and Punishment* reflects a more straightforward retributive philosophy in correctional practice. State power is decidedly limited and retribution exists in its pure philosophical form as described by Von Hirsch (1976) as a simple payment proportional to the seriousness of the crime with no necessary rehabilitative aspirations as discussed above.

Both Burgess and Dostoevsky wrote with similar gripping and disturbing styles forcing the reader to deeply consider perspectives that they might otherwise not. One cannot escape or retreat from the realities of crime and punishment created. Dostoevsky is said to have “stood at the center of his novels, tearing open the flesh of human experience and sticking his readers noses into the throbbing nerves and muscles of the wounds he had opened” (Lincoln, 1998: 164). Burgess won his public’s attention with a similar technique- by detailing random acts of violence against innocent drunks, couples and ten year old girls (Stinson, 1991).

For some, whether one can make assumptions about an author’s psychology from their creative products is debatable. In an article for *The New Yorker*, Burgess wrote “... it is hard to know what the imaginative writer really does think, since he is hidden behind his scenes and his characters. And when the characters start to think, and express their thoughts, these are not necessarily the writer’s own” (Burgess, 2012). There are, however, exceptions. *Clockwork* was one such exception for Burgess. As he continues discussing his writing of *Clockwork*, he says “It sometimes happens, however, that a mere entertainer like myself is drawn, against his will, into the sphere of “serious” thought. He finds himself forced to give his own views of deep matters” (ibid). Burgess admits that he is intimately relating his self to the truths of the book. Even if he did not, from the psychoanalytic point of view assumed here, separating the dream from the dreamer is simply not possible.

There exist further parallels between each author’s protagonist and the author’s themselves. Alex is a man of action, “...but when we got into the street I viddied that thinking is for the gloopy ones” (Burgess, 1963, p.53). Raskolnikov is anything but. He says of himself, ‘It’s because I talk too much that I do nothing’ (Dostoevsky, 1866/1955, p.20). These constructions of the offender parallel the apparent personalities of the authors. Dostoevsky is described as having been an introverted, pensive man, given to fits of depression, isolation and obsession (Lincoln, 1998, pp.165-7). Burgess, on the other hand, is described as having been quite the opposite. In a collection of his works entitled *One Man’s Chorus* (1998) a former graduate student who had met Burgess as a visiting lecturer fondly remembers a man bursting with energy who was anything but uncomfortable socializing with new people. The image of Alex, the sociopathic juvenile delinquent is juxtaposed against his love of classical music, something that Burgess devoted a good part of his life to.

Images of crime

The crime in *C & P* is committed by Dostoevsky’s protagonist, Raskolnikov. Raskolnikov is a young university student living in St. Petersburg, Russia in the 1860s. Recently expelled from university, he begins to observe palpable circumstances of poverty around him, situations he passionately wants to change; his intentions are benevolent. Only, the philosophies of Nietzsche and other influential thinkers are challenging his noble intellect, and he is away from family. He is lured then through a series of cognitive rationalizations and distortions into believing that if he has ‘the daring’ to transcend the laws of man, he will have proved himself a man capable of changing history (Lavrin, 1947). He takes note of a troublesome loan shark, a female pawnbroker, cruel and crass, who seems to bring pain to many and wonders if it wouldn’t be a good idea to just remove her from existence. His thoughts are pure logic; she causes pain, by removing her, he will alleviate much suffering. Things do not go exactly according to plan, however, and he also murders her sister when she arrives at the murder unexpectedly.

Alex is a young adolescent whose actions consist of enthusiastically lurking about Burgess’s vision of a dystopian British city in the 1960s. He travels with his pack of droogs or peers engaging in “a bit of the ultraviolence.” Their collective crimes are extensive: they assault a random man walking home, assault husband and wife owners of a store before robbing it, beat up a homeless man, get into a gang fight, and then invade a countryside home, torturing the couple, beating the husband and gang raping his wife. The next day, after drugging and raping two young girls, Alex is betrayed by his gang during a burglary, only this time, the victim unintentionally dies, and Alex gets caught.

Using an approach based on a grounded theory, any repetitive characterizations of experience, perspective or tone across the two stories were categorized thematically. These themes are potential fulcrums

around which the justice worldviews are presented and the meanings of punishment created. Below I briefly elaborate on each of these themes as they reveal themselves in the images of crime: youth and social identity.

Unsocialized, impressionable, and lost

Youth. In both stories youth plays a central role. Alex is just 15 years old at the beginning of the book³. By the end of the book,⁴ he is aging out of his aggressive impulses and flirts with pro-social thoughts. Crime in *Clockwork* is intimately tied to the nature of youth, not to human nature. This is not merely a convenient unplanned outcome of the plot; the final chapter, chapter 21, was a purposeful comment on the age of responsibility and maturity. It is central to the image of criminality that Burgess is creating. Criminality is a temporary thing, not a permanent trait, and even perhaps a normal part of development. As Alex says in the final chapter, "...and all it was, was that I was young." (Burgess, 1963, p.191).

Dostoevsky's creation of criminality is also intimately tied to his interpretation of youth as a stage of human development. Whereas Burgess considers the inability to harness one's biological impulses likewise from a developmental perspective, the "problem" of youth for Dostoevsky is the young mind's porousness. The reception of his book was rebuked by liberals who saw the story as mocking the spirited pursuit of knowledge sought by university students. He disagreed, referring to the story as an expression of his deep sorrow over youth. Considering the terrifying personal experiences he endured as a result of the company he kept, and the ideas he learned while a university student himself, it is notable that he envisions youth as a period of great mental and intellectual risk. As with Burgess, Dostoevsky's beliefs about the nature of youth relate to notions of human development and free will, connections that ultimately intersect with images of transformation and state/punishment.

Social Identity. In each story, the offender's social identity is worked out through relationships with other people who allow the protagonist to interact with different notions of himself. Goffman (1963) writes that,

Society establishes the means of categorizing persons and the compliment of attributes felt to be ordinary and natural...[these] allow us to deal with anticipated others without special attention or thought. When a stranger comes into our presence, then, first appearance are likely to enable us to anticipate his category and attributes – his "social identity". (p. 2)

The awareness of one's social identity creates possibilities for experimentation. In *C&P*, Raskolnikov flirts dangerously with a deviant identity, and loses. Social identity can also be understood in part as a self-representation, a compact systems of symbols and meanings that "provide a technology of affective self-management integrat[ing] personality as a system of organized contradiction" (Gregg, 1995: 618-619). The process of going into a deviant identity and out of it, is the main internal dialogue of *C&P*. Following the murders of the pawnbroker and her sister, Raskolnikov's daringness quickly fades into the background as the law (a detective) and his family arrive. From here, the issue of a spoiled identity (Goffman, 1963) moves into the foreground. Is he his good intentions, or is he his bad actions (Mochulsky, 1947; Jackson, 1981)?

This internal conflict over identity that many ex-offenders experience as they negotiate between the self they are with deviant peers (who offer acceptance) and a pro-social peer group (where stigma is a risk), is portrayed in similar fashion through the use of literary foils (Evnin, 1948; Murray, 1916). Sonia represents a non-deviant self of faith, community and love. She is both a part of Raskolnikov's past self and a possibility for his future self (Madaule, 1938). Svidrigailov, on the other hand, is the embodiment of the deviant peer group that fearsome influence capable of seducing one back in to the source of their criminality.

When Raskolnikov turns to a version of his self that is deviant, he is both drawn to and repelled by Svidrigailov who is the *Extraordinary Man*⁵ – one whose will is an all-consuming, destructive force (Bowie,

³ Though portrayed in the 1971 Kubrick film by a then 28 year old Malcolm McDowell.

⁴ I will discuss the British release of *Clockwork* which famously included the final chapter, and its comment so relevant to labeling and non-interventionist approaches to crime, not the fabricated sensationalism allegedly demanded by US publishers who refused to include the final chapter, chapter 21 (see Stinson, 1991; Connelly, 1972; Cullian, 1972; Burgess, 1987)

⁵ The *Extraordinary Man* is a composite deviant model for Dostoevsky's times based on Nietzschean nihilism, as well as on Hegelian and Nietzschean concepts of the Superman (see Nietzsche, 1883).

1981). In other words, he is the quintessential image of the deviant, driven by his Thantos and willing to demonstrate at any moment just how seriously committed to this he is. For him death itself is merely another moral code that one must be bold enough to transcend to prove the primacy of individual, personal free will over all other worldly obligations and ties. In Raskolnikov's ambivalence towards him, we see a rejection of this new deviant identity (see Holquist, 1977). When all other human experience fails to entertain Svidrigailov, like a suicide bomber, he takes his own life, as he believes it promises him transcendence (see Chirkov, 1945-9).

Burgess also makes use of the people that surround Alex to illustrate the offender's precarious position between a deviant and non-deviant identity, although the meanings of identity are not as straightforward in *Clockwork*. For Burgess, much of Alex's struggle is presented implicitly in the action of the story and not explicitly articulated in the character's own words as it is in *C&P*. Interestingly, Burgess introduces the larger influence of the public in the maintenance of different social identities through F. Alexander, the husband whose home Alex invades, who is tortured, and whose wife is raped (and later dies of her injuries). He is at first a helpless victim, but then an unrelenting force deeply committed to Alex's deviant identity.

At first, F. Alexander, as part of his political aspirations⁶ unwittingly comes to care for an Alex who is so changed after his treatment that he is unrecognizable to F. Alexander as the monster who brutalized him. As Alex begins to express and share regret for past actions, F. Alexander recognizes who Alex is. When he does, he taunts him to commit suicide. As an abstract observer of crime in the political realm, he is invested in Alex developing a prosocial identity, but once in his personal self that is a victim, F. Alexander's wrath is unleashed without mercy. In Alex's movement between two identities, Burgess gives us a glimpse at the power of the public to insist upon permanent stigma. As a victim, he is heavily invested in Alex's deviant identity. If Alex's identity is unspoiled, F. Alexander loses his right to and the pleasure of revenge.

In sum, crime in each of these stories is largely a consequence of youth, and is part of a larger, archetypal struggle between the forces that lure one into a deviant identity and that can keep those deviant selves in place, against powers such as love, maturation and redemption that are seen as creating pro-social identities. Before moving on to describe the constructions of punishment, it should be noted that each author provides in their dual tales of both crime and punishment a clear and definite criminal. In other words, Alex and Raskolnikov are not non-violent, drug addicted, property criminals; there are no absolute mitigating factors in their backgrounds to help understand their crimes. Alex is born into culture that does not seem to inspire much else, but there are still prisons and treatments for those who do not fall in line. In sum, the crimes they commit are unquestionably worthy of punishment as described by the crafters of retributive theory.

As with images of crime, common characterizations of the experience, perspective and tone of state punishment described across the two stories are categorized thematically. After summarizing the punishment phases of the stories briefly below, I then elaborate on each of these themes as they reveal themselves in these narrative constructions of punishment: social change, science, nationalism, faith in God, freedom and transformation. Then, I explore these themes in the context of relevant criminological and punitiveness research.

Images of punishment

After passing what is essentially an older, self-inflicted version of a "bad ass" test, Raskolnikov becomes riddled with guilt and is subsequently brought to the confession of his crime by way of three forces: his own developing conscience, an authority figure (the detective), and a religious, romantic character (Sonia). Having confessed, Raskolnikov is sent to Siberia where he struggles with a profound sense of alienation and isolation. His experience of punishment is deeply embedded in his sense of community.

Following Alex's arrest, he is sent to prison where he is soon involved in another murder, this time of a fellow inmate and is thus considered an ideal candidate for a new correctional treatment. The treatment is "the Ludvico Treatment," a form of extreme aversion therapy. He is given drugs that induce nausea, put in a strait jacket, his eyes forced permanently open with medical instruments, and forced to watch images of violence for lengthy periods of time. After a demonstration of its conditioning effectiveness, he is released.

⁶ After being beaten by former gang members and previous victims, Alex is dropped off on the stoop of F. Alexander's house. F. Alexander is meeting with friends who all oppose the current government.

Once released, he finds himself homeless and adrift in world of former victims and enemies. When he stumbles upon F. Alexander who taunts him into death, Alex takes the bait and tries, but fails to kill himself. The effects of the aversion therapy are somehow mitigated, and after a brief stint in a mental institution, Alex is back on the streets with a new gang. Only this time, his heart isn't in it. After running into a reformed ex-gang mate, Alex too begins to consider "making good".

Cultural upheaval, fighting for humanism, a place one can belong to, and the meaning of true freedom

Social Change. The cultural setting of *Clockwork* is Burgess's present, though it often feels quite futuristic; one needs to "grasp from the outset that they (the conditions) are actually extensions of present conditions rather than forecasts of future ones" (Morris, 1971, p.55). Like *Clockwork*, although C&P is today considered an example of realism, this classification was debated by the critics of the 1860's. In 1886, *The Westminster Review* said of C&P, "...the whole book [has] a strange air of incoherency. It is not like real life either in Russia or anywhere else; it is like a wild, feverish dream." That this point was not unanimous might indicate that different perspectives existed on what were highly uncertain times of rapid social change (see Frank, 1966). The cultural upheavals of the 1960s are well known, but the industrial revolution and soon communist revolution of Russia in the 1800s would have been just as palpable for Dostoevsky (Lincoln, 1998). Thus, each author is noted as creating otherworldly settings that might more accurately be understood as creative representations of the lived experience of rapid social change. In addition, each era is preceded by a period of more restrictive social mores. In the UK, the 1950s are characterized as a period of intolerance and sexual repression; in Russia, this is a period where the Russian government is censoring and controlling printing, and where science is generally seen as beginning to impose itself over faith.

How do the characters relate to these changes? Dostoevsky, like Raskolnikov, ultimately becomes disenchanted with the increasingly popular ideas of his time, ideas from thinkers such as Hegel and Nietzsche (i.e., God is dead). The *Superman* of Hegel operates under a strict teleological ethic and Nietzsche's *Superman* recognizes no other will besides his own; Raskolnikov fashions his idea of the *Extraordinary Man* from these ideas. His *Extraordinary Man* (the quintessential deviant) is one that has the gift to utter a new word and in so doing is justified in breaking moral codes that he sees as applying only to the common man. However, for Raskolnikov "it proved far easier to kill than to bear the psychological burden of having done so" (Lincoln, 1998, p.170). Dostoevsky's doubts - about what for him are the logical consequences of these broad social changes, harbingers of liberalist, egoist ethical systems - are also seen in Raskolnikov's fascination with Svidrigailov. In Dostoevsky/Raskolnikovs' worlds, these ideas are poison. Raskolnikov chokes on them, and in his experience of punishment it is only the opposite ideas of conscience, community and humility that save him.

Anti- Science. Alex is also in pursuit of transcending the laws of man, only Raskolnikov, endowed with a less toxic culture, has the ability to know and exercise free will. Alex on the other hand, is in possession of a self that is created in unison with an amoral universe that does not acknowledge free will, only base instinct. This amorality strips from the experience of prison suffering intended as a result of the deprivation of liberty. Raskolnikov can and does eventually accept his pain; he suffers, and once he does, a path to redemption becomes possible. What for Raskolnikov is a nightmare, however, is a reality for Alex:

That the whole world was ravaged by an unknown and terrible plague that had spread across Europe from the depths of Asia. All except a few chosen ones were doomed to perish. New kinds of germs-microscopic creatures... (these) creatures were spirits endowed with reason and will. People who became infected with them at once became mad and violent...never had they thought...that their scientific conclusions...so incontestably right...they did not understand each other. ...men killed each other in a kind of senseless fury (Dostoevsky, 1955/1866, p.555).

Alex can be viewed not only as a product of this vision, but as a character who defines this image as well. For Alex, a creature devoid of a rich inner mental life, punishment as aversion therapy makes sense.

In *Clockwork*, manifested in the Skinnerian like characters who administer the Ludovico treatment that Alex undergoes, are men not of reason, but of science. Their aim is purportedly to advocate for a society that moves beyond freedom and dignity as B.F. Skinner's so titled second book did (Burgess, 1972). Raskolnikov wrestles with similar trends towards science as he lives in a world where there is momentum to move beyond good and evil as per the title of Nietzsche's book (1966/1886). These 'men of reason' in

Clockwork are cast not as enlightened forces for good, but as dark, omnipotent vehicles of a destructive brand of positivism and utilitarianism. Alex's world has often been described as Manichaeic (Rabinovitz, 1978; Petix, 1976), a world "temporarily controlled by 'the wrong God,' who prohibits man from resolving his duality" (Bowie, 1981, p. 406). This is done by the imposition of only the 'Good' (through the 'Ludovico treatment') - and it is only when Alex temporarily reclaims his 'Bad' that he is able to come back into a place where transformation is possible.

Nationalism. Dostoevsky was a passionate nationalist and eventually came to see the influence of philosophies as described above as distinctively Western. In contrast to Burgess, Dostoevsky was straightforward about his longings for Russian people and Russian things when abroad. He also had his own ideas about England, "All over London he saw...nothing creative. Turning into an anthill, he concluded, was necessary just so that people ruled by individualism would "not eat each other up" (Lincoln, 1998: p. 165). Dostoevsky believed that "brotherly communality" was destined to become Russia's answer to the teeming capitalist and socialist "anthills of the West" (Lincoln, 1998, p. 68).

Burgess often suggested that England meant little to his sense of self, and often stated his preference for being buried abroad. However, when he fell ill before his passing, he demanded to come home to England where he is buried. Burgess ultimately was revered in England, despite having been an outspoken critic. He once noted, "England is the funniest country in the world. It's a philistine country; the only country...where it's a matter of pride that the Royal family love only horses and money. Still the stupidity of the English as a whole, has (been) and will be, I suppose, their salvation (Burgess with Dix, 1972).

A sense of belonging and of identity found in solidarity with one's fellow countrymen impacts images of punishment, such as retributive ones, that have as a fundamental assumption the belief that human beings are equal in their ability to choose right over wrong. Being humbled to Dostoevsky was important because it meant that the most important priority was being in union. He saw the suffering of punishment as the righteous process by which man was humbled of his lofty ideas and brought back to the common humanity of which he must remain a part, to remain human himself. There was no pride, no egoism - no reason for the divide between people, "To be a real Russian...means to become the brothers of everyone" (Lincoln, 1998, p.176).

Burgess's ambivalent nationalism underlies his image of punishment. His belief that England's true faith of Catholicism had been torn away from her, leaves him lacking a sense of community in the way that Dostoevsky describes. Still, there is evidence that this need was particularly powerful in his life. Burgess's chronic transience from one country to another may be just as much about his resentment of state taxes as it is about psychically negotiating a longingness to belong to a place that he rejected, and that he felt rejected him, all the while denying the desire. That his image of punishment tells us that the state - no matter how heinous the crimes - is more vile, has to be seen in the context of his own complicated stance towards his country of origin.

Where Burgess's nationalism is suppressed by his devotion to Catholicism; Dostoevsky's Catholicism lives in the background of his stronger nationalism. Outwardly at least, Dostoevsky was critical of the Catholic Church, "his hatred of Roman Catholicism is a complex issue, closely related to his nationalism, his veneration of Roman Orthodox Christianity, and his hatred and distrust of Western ideas" (Bowie, 1981, p. 404, fn. 5). Still Dostoevsky's faith in God comes through clearly in the punishment phase of C&P, and it is not surprising when he states, "God will save Russia...God will save his people, for Russia is great in her humility" (Lincoln, 1998, p.170). His love of country is at odds with the source of his faith, but he clearly retains many lessons from his Catholicism, especially from the *New Testament*. Those Gospels clearly manifest in his image of the restorative properties of suffering and punishment⁷.

Faith in God. In both stories, faith in one's God, and the nature of God, sit in the background framing images of punishment. In particular, the relationship that man has to God makes up a good deal of the subtext. The idea of a man-God relationship, one in which the individual comes first, implies that the individual cannot see beyond him or herself; this is the world of *Clockwork*. Burgess's construction of punishment doubts the unbridled will of the man-God. On the surface, *Clockwork* might feel like a defense of free will, but the

⁷ It is perhaps no surprise that throughout his own punishment in Siberia Dostoevsky had a copy of the *New Testament* with him.

image of punishment it creates is more centered on uncovering the meaning of true freedom through knowing God. Burgess saw free will not as a source of man's power over the authority of the state, or as the inherent right of all human beings (his will is not for the sake of power). His main point that without choice there can be no resolution of the co-existing good and evil that make man who he is, is an appeal to the idea of salvation in the eyes of God. Indeed, Burgess in a 1973 interview written for *The New Yorker* states,

That I myself consider any kind of conditioning wrong must be accounted, I suppose, to the strength of the religious tradition in which I was reared. My family comes from Lancashire, that northern county which used to be a stronghold of the Catholic faith...Catholicism rejects a doctrine that seems to send some men arbitrarily to Heaven, others—quite as arbitrarily—to Hell. Your future destination, says Catholic theology, is in your hands. There is nothing to prevent you from sinning, if you wish to sin; at the same time, there is nothing to prevent your approaching the channels of divine grace that will secure your salvation.

Critics suggest that Burgess, unlike Dostoevsky, doubts that ultimate freedom may be attained through Christ despite both men's documented faith, specifically to Catholicism. However, if Burgess expresses doubt it is a doubt that society can substitute faith in God with faith in science. In both images, for man to stray from his faith in God he will be lost to humanity. Dostoevsky & Burgess might have doubted the particulars of formal religion, but in their transformations of Raskolnikov & Alex, affirm their faith.

That punishment should not be so far removed from any notion of God is satirized in *Clockwork* through a dimwitted, drunken prison chaplain and Alex's interest in the *Old Testament's* depictions of sex and violence. A world devoid of faith leaves a treacherous gap in the social fabric, a gap that can be destructively usurped by the state and science, despite the fleeting, animalistic pleasures and illusions of choice that it might allow. Punishment, like everything else, is a matter of organization, efficiency and science, as is everyday life in this dystopia. The image of human life in *Clockwork* is one where we see people stacked on top of one another in their flat blocks like the slaves of some alien race who venture out only either to 'rabbit' away at the factory (as Alex notes), get high and engage in informal violence, or behaviorally condition with formal violence those whose pleasure seeking has interfered with others ability to carry out their own vacuous tasks. That this image of punishment is so intimately linked to the larger answers about human nature reminds us that criminological worldviews regarding justice cannot be removed from the backdrop of far more all-encompassing belief structures such as a belief in God.

Freedom and Transformation. Resolution of the offender's journey in each tale of crime and punishment is presented as inexplicably linked to notions of freedom and free will. Conceptions of two distinct types of freedom are useful here: *initial freedom* and *ultimate freedom*. *Initial freedom* is understood as "man's freedom of choice on earth" and *ultimate freedom* as "is a freedom in God that is not irrational like the lower order of freedom-it represents the ultimate rational freedom that transcends earthly irrationality." (Bowie, 1981: p. 406).

Raskolnikov in his *initial freedom* to choose represents the possibility of revolution to a society that he sees as increasingly unjust, and the long run consequences of his choice to move away from God and from his community/humanity. In Dostoevsky's world, individuals are free to choose between good and evil, but the price is that they are then never free to ignore the consequences of their liberty. In *Notes from the Underground*, which preceded *C&P*, "Dostoevsky showed that men and women would choose to work against their best interests just to prove they had the freedom to do so" (Lincoln, 1998: p. 166). This presentation of *initial freedom* as occupying such a low place in human freedom exemplifies that Dostoevsky saw suffering, not individual will (*initial freedom*) as the stuff *ultimate freedom* is made of. One could have *initial freedom*, and not yet be truly free. The experience of *ultimate freedom* would not include having to work against one's better interest. Raskolnikov describes feeling free in prison, free because he is unburdened of his will, free to rejoin humanity (Beebe, 1955). Initial freedom was the beginning or true freedom, but being freed of it, he is now in a place of ultimate freedom.

Dostoevsky's portrayal of justice frames punishment as something that "awakens the soul" (Hackett, 1911). His justification of an 'eye for an eye' differs from alternative humanitarian justifications for punishment. For instance, C.S. Lewis (1972) contends, to punish is to dignify; however, for Dostoevsky, to punish is to keep unity by making man humble in his relation to the earth and all its inhabitants (Gibian, 1955). Lincoln writes, "Once he recognizes he cannot be a man of bronze, Raskolnikov confesses his crime and seeks

repentance, redemption and resurrection through the agony of penal servitude in Siberia...he finds that no cost is too great to regain his place in human society" (1998: p. 168). This is quite the opposite of preserving the ability to feel proud or dignified and, it is also a marked contrast from a utilitarian rationale for punishment found at the rehabilitative end of the justice spectrum. However, Raskolnikov's movement through these three phases is not definitive, easy or immediate (Rahv, 1960). His repentance is often in question, "his logic is forgotten and his will bent...but neither the logic is recanted nor the will denied" (Murry, 1916: p. 108).

Raskolnikov does not realize the inherent wrongness of his act while being punished, rather, he realizes simply how his ideal thoughts leave him banished and alone (Ivanov, 1957). He may actually have proved himself an *Extraordinary Man*, but as he reflects in Siberia, he observes that even other offenders in prison do not talk to or care for him. He is irritable, rude and hateful - even towards Sonia. He cannot enjoy her presence even as the other prisoners do from afar (Chirkov, 1945-49). He cannot enjoy anything. He may be extraordinary alright, but so what? He sees clearly from the inside out now what this means, and what he sees is a great nothingness. It is only when Raskolnikov learns that Sonia, whom he has acted indifferently towards for over a year, is ill that the punishment of isolation begins to move him closer to something resembling a redemption narrative. The news of her possible absence from his life shocks him, and he becomes self-aware of the significance of the jolt. Only then does Raskolnikov relinquish all of the armor of the deviant identity. He slowly begins to envision a pro-social self, capable of allowing others in and releasing his own emotions and feelings for others.

Thus, the image of punishment in *C&P* is a process that may create leverage for a type of reintegration, but the intention of punishment remains free from direct corrective concerns. Raskolnikov is reintegrated with humanity by Sonia's guidance through the spiritual example of the Gospels; guidance into faith and a guidance that is faith itself. When this stage is reached, he experiences what we could say is a resurrection (Karyakin, 1974) (what we might today label a conversion experience). As he shares a moment with Sonia, we read "...and he had come back to life, and he knew it, and felt it with every fibre of his renewed being" (Dostoevsky, 1955/1886: p. 558).

Burgess offered a variety of explanations regarding his title, but one that seems most plausible and that is relevant to the discussion of freedom and transformation, is that he saw Alex's world as trying to squeeze what is a bright, sweet, organic thing (oranges/human beings) into the structure, predictability and general machinations of a clock (Burgess, 2012). Thus, reformation, or 'reclamation' as it is referred to in *Clockwork* isn't portrayed as bringing one back to the moral codes and faith of humanity, but simply in terms of public safety (Rabinovitz, 1979). In this, Burgess comments on the depravity of the society (Hyman, 1963). Taking no responsibility for the apparent lack of humanity in Alex, and rather than trying to instill it, the society simply uses a certain deterrence (McCracken, 1973) by incarcerating Alex from within his own biology. He is not brainwashed, he cannot be; the notion of an inner mental life is refused in this world.

Alex's desires are not extinguished, he still longs to strike out while under the treatment, but he is not free to choose to act in such a manner (McCracken, 1973). There are also no lucid moments illuminating the inner nuances of Alex's transformation. For Burgess, it is simple, it is only when Alex is accidentally given back his ability to choose that genuine transformation becomes possible. Once he has this *initial freedom*, the universe seems to put him in touch with inspirations for a pro-social identity; he randomly runs into an ex-gang mate who has made good. In this we see that Alex is able to move on to a place where *ultimate freedom* begins to seem possible for him.

In sum, these presentations of *punishment* are shaped by:

- a world that is viewed as on the edge of great social change,
- a broad, abstract sense that solidarity and affiliation as expressed through the symbolic meaning of country is paramount to a truly human identity,
- a belief that the authority of science and scientific methods are a direct and nihilistic attack on humanism,
- seeing one's humanity as intimately related first to one's will, and then to one's ability to relinquish that will to a higher power, whether it be God or to an acceptable idea (e.g., the family man)

From within this background of belief, personal transformation cannot occur under the purview of the state. If the state has adopted the perspective of science, it will do more harm than good to humanity; and even if it has not, the state can only provide an opportunity to suffer and to be humbled, what one does with that experience is a matter of conscience, affiliation and faith. For this to happen, the world external to the correctional context has to admonish values of individualism, self-promotion, and the authority of science. Many of these themes overlap and intersect with recent criminological scholarship and research into the anti-rehabilitative end of the spectrum and those that hold them, and some do not. Below, I discuss how each theme identified relates to current findings regarding justice worldviews.

Criminological Research into Justice Worldviews

Redeemability and the role of social identity. The degree to which one believes in redeemability or to what extent a deviant identity is believed to be malleable sets the stage for transformation. Many psychologists and criminologists agree that inconsistency in the nature of self-identity, a particular type of cognitive dissonance between two selves (Festinger, 1957), can be devastating to one's ability to transition from a deviant to non-deviant self (Maruna, 2001). In both of these constructions, identity is not fixed.

Alex and Raskolnikov are not "born bad" and are not destined to permanent deviance. There is a path out of the darkness for both offenders, and finding one's way through it is not a matter of sheer will or determination, but is dependent on the nature of the social world and one's relationships within that world. In other words, redeemability, like deviance, resides where men believe it resides. The idea that crime and deviance are intimately linked to an external gaze is, of course, a central tenant of labeling and stigma theory (see Goffman, 1963). Primary deviance might be the result of youthful aggression or hubris, but its perpetuation in these narratives is the product of the strength and nature of external social forces that are seen as the primary fulcrum upon which one's possible transformation rests, lifting one away from or into a deviant identity.

In their analysis of data from a postal survey of residents in England, Maruna and King (2009) explored the relationship between attributions of stability/instability of criminality (belief in redeemability) and attitudes supportive of criminal justice policies that are anti-rehabilitative, what they call "punitiveness". Whether respondents believed "once a criminal, always a criminal" or that "the most persistent offenders can redeem themselves and turn their lives around" (p. 9) was hypothesized to be a stronger predictor of punitiveness than one's beliefs about the origins of crime (e.g., choice or of circumstance). They found that the more likely one was to believe that offenders could transform, the less likely they were to hold anti-rehabilitative beliefs about punishment. Beliefs about redeemability were better predictors of beliefs about state punishment than were beliefs about the origins of crime (internal/external attributions), fear of crime, previous victimization, and sociodemographics.

How do we reconcile findings such as this with these two anti-rehabilitative quilts of crime and punishment that so clearly thread their underlying logic together with positive beliefs about redeemability? One explanation might be that without the kinds of deeper, unbiased insights that this kind of examination can offer, modern criminal justice scholars of public opinion on punishment simply can't measure what they cannot see or hear. Conceiving of anti-rehabilitative beliefs as necessarily "punitive," limits our ability to see what is most likely a much broader expressive type of belief system regarding punishment than the one typically explored in criminological research. It is only in looking at the entire "lived" experience of that system that we might begin to look in the right place. For instance, imagining these two authors answering a survey scale like the one used in the above study is comical. Of course, these webs of meaning and belief cannot be validly recognized with such a blunt instrument. Despite researchers' acknowledgements of such limitations, the findings disseminate, and our understanding remains localized.

Ontological insecurity and tolerance for social change. Social theorists piggybacking on psychoanalytic theory have been well received in explaining modern beliefs about punishment. At the macro-level, much of the research tries to explain shifts towards an increasingly anti-rehabilitative criminal justice system as the result of broad anxiety over social change. Considerable scholarship links these changes to the uncertain structure of society in late modern times (Vaughan 2002; Bottoms 1995; Garland 2000) and to the accompanying feelings of ontological insecurity (Giddens 1991; Wozniak, 2014). Many of these approaches see manifestations of anti-rehabilitative philosophies (e.g., mass incarceration, tougher sentencing) as the byproduct of dysfunctional ways of coping with the social disconnection, insecurity and uncertainty that accompanies social upheaval (see Garland, 1990; Sparks, 1992; King & Maruna, 2012).

This research literature is not necessarily inconsistent with the internal logic of the two stories. The certainty offered by tried and true narratives such as those found in the novels - appeals to humanism, faith and community - could reflect a need on the part of the authors to quell their anxiety over social change with the resultant anti-rehabilitative stances that they ultimately tout. Indeed, many modern social theorists would argue that conditions of social change and moral ambiguity create the perfect foreground for the construction of a retributive/anti-rehabilitative justice paradigms that are regarded as cognitively less complex. There is evidence that beliefs about punishment are shaped by one's level of comfortability with change; the less comfortable, the more likely anti-rehabilitative stances are to flourish (i.e. see, Hovland and Sears, 1940; Ranulf, 1938). At the psychological level, King (2008) in her examination of the life history narratives of two small samples of British citizens, one with decidedly merciful justice views and one with clearly punitive views, King (2008) finds the forgiving or pro-rehabilitative group perceive social change optimistically, welcoming in new social mores and the fluctuations they bring (i.e., youth who are less deferential to adults). This narrative feature distinguishes them from punitive group.

Anxiety over social change is often viewed in the criminological literature by examining perceptions of youth or *generational* anxiety (King & Maruna, 2009; Tyler & Boeckmann, 1997)⁸. Attitudes towards youth form a central part of moral panics about societal decline (Cohen, 1972; Gladstone, 2017) and beliefs about youth have been identified as central to the public's thinking about crime elsewhere (Girling, Loader, and Sparks 1998). Jock Young (2005) viewed moral panics as "major structural and value changes in industrial society as refracted through the prism of youth" (p. 102). Indeed, in almost all of empirical examinations of this thesis, beliefs about youth are seen as a proxy for one's assessment of the moral integrity of modern society. As such, the more unfavorably one views youth, the more unfavorably one views societal change (or evolution, depending on your point of view), and the more susceptible one is to turning to expressive, punitive beliefs about punishment to remedy the impending moral ambiguity. The findings from this literature have consistently found a relationship (King & Maruna, 2009; Tyler & Boeckmann, 1997).

The second way that criminologists attempt to access uncertainty over the nature of being is through one's sense of *economic* insecurity⁹ (Burns & Gimpel, 2000; Costelloe, Chiricos & Gertz, 2009; Hogan, Chiricos & Gertz, 2005; Johnson, 2001). Economic insecurity is explored as a predictor of anti-rehabilitative worldviews variously operationalized as support for the death penalty or as general punitiveness. The findings have generally been inconsistent. Most recently, Lehman & Pickett (2016), using national survey data from the United States, explore economic insecurity (experienced and anticipated) for its impact on death penalty support. Contrary to the hypothesis articulated by social theorists that the more uncertain one's own situation, the more likely one is to look for a scapegoat for one's own uncomfortable feelings (about whatever that situation is - finances, the economy, changing social mores, modern life), they find that negative expectations or forecasts about one's future finances/the economy are associated with *reduced* support for the death penalty, and no evidence that one's negative *experiences* with finances/the economy are related to increases in support for the death penalty.

Even though the role of economic instability seems invisible in the two novels examined (as it might have been relative to more pressing insecurities caused by shifting social and political realities) this research might be instructive as to the question of constructions of youth and attitudes about punishment. In these novels, contrary to the research literature, youth is viewed quite sympathetically, and yet, causes no apparent disruption to an anti-rehabilitative narrative regarding punishment. In this one might conclude that the use of youth as an appropriate vehicle for expressions about moral decline is a relatively new phenomena, or that a relationship between generational anxiety and retributive paradigms is contingent upon some other as of yet unknown factor. Lehman & Pickett (2016) find that when certain factors such as authoritarianism, generalized resentment, stereotypical thinking, and being less educated are taken into account, one's experiences with

⁸ In Tyler and Boeckmann's (1997) scale of beliefs about the family, several items refer to one's views on the behavior of youth: "Many teenagers lack moral direction today, The breakdown of the family has led many children to grow up without knowing what is right or wrong, and Teenagers in gangs will assault a person like you without feelings any guilt or remorse" (p. 248). King & Maruna's (2009) scale of generational anxiety includes these two items: "The behavior of adolescents today is worse than it was in the past, and Young people don't seem to have any respect for anything anymore" (p. 158).

⁹ Which is perhaps fitting for an increasingly capitalistic world, especially in deeply Westernized cultures where much of this research is conducted.

economic insecurity do relate to increased support for the death penalty. Perhaps in increasingly older and modernized societies such as the UK and the USA, when opportunities for interaction with youth decrease – as they do in these environments – and are not supplemented by things that might increase tolerance (such as education) this relationship between generational anxiety and punitiveness thrives more so than it might in other social contexts.

Place and Nationalism. A strong sense of belonging to place (e.g. nationalism) has been discussed as a kind of symbolic moral compass that can function to reduce the anxieties discussed above. Criminologists have theorized that social identity is intimately linked to seeing one's self as "born and bred" (a distinct product of place) or not (Young 1999; Bauman, 2001; Putnam, 2000). Others have suggested this prioritization of place is employed to deny the realization that one has been excluded from larger social, monetary or cultural capital (Young 1999). That is, experiences of exclusion or rejection from wider society are likely to prompt quests for reaffirmation from one's own connections (whether they be to fellow countrymen, to ideologies, to neighborhoods). If one feels one has been left behind by some other network, respect from within one's own becomes more important. In this view, the valuation of place is part of a process of idealization that provides a sense of control or purity to those who may feel they are losing both (Bauman 2001). By emphasizing the importance of belonging to place, the argument goes, people can anchor themselves emotionally and ride out whatever storm of anxiety comes their way. Though nationalism does not present itself in the manifest content of the novels, the related theme of connection and affiliation, discussed below, does.

Religion and Catholicism. There has been a significant amount of criminological research devoted to the question of the relationship between religion and views about crime and punishment. The most frequently tested hypothesis is that Catholics and Protestants are more likely to support punitive measures. Some research does support a connection between Christian views and retributive goals of justice, but the multiple ways that religiosity has been conceived of (e.g., the specific content (i.e. images of God, see, Unnever and Cullen, 2006), practical investment (e.g. church attendance; see, Bader et al., 2010; Messner et al., 2006) make getting a clear picture of the effect challenging.

Criminological research specifically into *Catholic* views on justice is small, generally finding weak links, if any (Blumstein and Cohen, 1980; Tyler and Weber, 1982). For instance, Grasmick, Cochran, Bursik & Kimpel (1993) analyze interviews (n=395) from a simple random sample of Catholics, Liberal Protestants, Evangelical Protestants and non-affiliated adults in Oklahoma City. They find that Catholics fall somewhere in the middle in their general punitiveness (measured as the degree to which they favored harsh courts and sentencing), but when compared to non-religious persons, are greater advocates of retributive paradigms. They also find that when asked about punishment in regards to juveniles, Catholics, liberal Protestants, and non-affiliated all are much less likely to advocate for strict punishment measures than the evangelicals. Much of the research into the relationship between religion and punitiveness is conducted in the United States (and often in the Midwestern, Southwestern "bible belt" states).

Recently, however, Hanslmaier & Baier (2016) explore this relationship in a European context where they argue "the religious landscape, religious practice and the importance of religion" (p. 475) differ greatly. Analyzing nationally representative survey data (n= 2265) from West Germany¹⁰ the authors look at both death penalty views and general punitiveness, and likewise conclude, "we are not able to support Durkheim's notion that religion increases punitiveness in the population...moral boundaries are (perhaps) no longer defined with respect to religion. Thus, crime is condemned not because of its violation of the sacred, but because it poses a threat to 'society' or 'democracy'" (p. 485). In other words, views supportive of anti-rehabilitative justice link less to religion in contexts where religion is not so salient (such as Europe or modern life). Religious themes loom large in the lives and the texts of both Burgess and Dostoevsky, as they do for many Americans, especially in the middle of the country. Where religion is not so salient, these types of views are alternatively seen as symbolic or expressive.

The question remains, expressive of what? The answer to that question has often been some form of resentment as discussed above. However, in looking at these two novels, we are confronted with images of anti-rehabilitative stances that are decidedly free of resentment (e.g., towards the young), rejection, jealousy, or a need to scapegoat others. A degree of anxiety over social change is expressed in the novels and in the

¹⁰ The authors dropped the sample size to focus only on West Germany due to a lack of religiosity in the East.

biographical information about of their creators that might have drawn them to the parsimony of a paradigm at this end of the punishment spectrum. However, there are clues in these novels that perhaps other explanations exist, one that have not as of yet been fully explored in the criminological literature.

Affiliation

A world without just punishment or “just deserts” is a world where punishment is truly disinterested, and therefore relates to a longing for connection and community. Punishment itself in these two novels is experienced by the protagonists as either a symbolic reminder that one is tied to something bigger than one’s self, or an offensive and ungentle reminder that one is not, in the case of Alex. The absence of a practice of punishment that is both burdensome to impart (from an empathic point of view), and to receive (has no righteous suffering), has been discussed in psychological literature as causing distress for some (Milburn & Conrad, 1996). Experienced almost as a form of neglect or selfishness (from parents, from the world), the world that refuses to acknowledge -and that is not obliged to rectify one’s wrongdoing in these ways is, ironically, a world of moral chaos for many who ascribe to non-rehabilitative paradigms.

Psychoanalytic perspectives (Gruen 1999; Duncan 1991; Milburn and Conrad 1996) often interpret positive evaluations of punishment as essentially some form of identification with the aggressor. An alternative hypothesis, however, is that they are grounded in connection; it is not the punishment itself, but the very intimate relationship between the punished and the punisher that is more meaningful. This is not simply a Durkheimian notion. Punitive attitudes to lawbreaking from this perspective might be seen as reflecting an interest in upholding community values, but also as maintaining a one’s personal, spiritual integrity. In this way, the prioritization of human connection in these novels, might also relate to Whitman’s (2003) thesis that societies that value egalitarianism might “punish down” as part of a process of maintaining that valuation.

Identity orientations based on relational ties have gained legitimacy in the works of authors such as Carol Gilligan (1982). In creating a model of moral development that appreciates equal developmental sophistication to growth in connection (Jordan et al. 1991), as much as acts of separation-individuation (Kohlberg 1981), Gilligan depathologizes the experiences of women in particular, but also of other historically marginalized groups.

Jagger (1989) argues that this group of marginalized citizens in a society (e.g., women, ethnic minorities, the poor), who belong to a culture that values reason and science to the exclusion of emotion, can become the sole arbiters of that culture’s unwanted, inconvenient, and complicated emotions. In other words, the tendency to embrace identities built on inter-connectedness may, in part, be born of demands external to that community. Expanding on Foucault (1986), Harding and Pribram (2002) argue that not only is thought, speech and action organized by discourse, but that emotion is as well, “Discourse establishes what can be felt – a revulsion for, admiration of, or disinterest towards” (p. 415). In much of the criminological literature on punishment beliefs, narratives that speak of connectedness (e.g. through nationalism, religion, etc.) are often interpreted as sentimental and equated with emotionality. Drawing an analogy between the role of women in gender politics and philosophy, the construction of anti-rehabilitative philosophies of crime and punishment may fill a similar role to the idea of the feminine in metaphysics (Froese 2005). From this analogy, these views may be seen as a silent foil against which ‘rational’ criminal justice creation takes place.

Social scientists tend to dismiss symbolic or expressive goals of punishment as irrelevant and misguided (Tetlock 1994; Ryan 2003). Matthews (2005) wonders, however, if in line with the media many academics are motivated by the feeling that “only bad news is worth reporting” (p. 181). In this way, painting anti-rehabilitative advocates and their philosophies with one broad brush can be seen as an effort to reject the inclusion of unwanted moral concerns from working their way into traditionally positivistic-rational administrations of justice.

Concluding Remarks

In this paper, I have attempted to revisit novels as a potentially rich source of data for criminological theory regarding beliefs and attitudes towards crime and punishment. The two novels examined are particularly useful as they offer clear, thorough and articulate internal landscapes of views at the end of the political spectrum that have proved the most troublesome for reformers. The nature of reading novels in general, and particularly these two novels, is believed to force observers to consider connections that would otherwise be difficult to see. The preponderance of hypotheses tested in the criminological literature explore

these types of anti-rehabilitative and retributive philosophies from limited points of view that distort or highlight only certain aspects of their nature. For instance, the internal psychologies that support such views might be just as, if not more, supported by a need for connection, then by depressive and defensive emotions. It is hoped that other nuances and subtleties of these ethnopsychologies expose the critical importance of phenomenological approaches to studying controversial phenomena, or at the very least spark pedagogical interest in justice themed literature.

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