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Counter-Narratives of Crime and Punishment

Michael Bamberg and Zachary Wipff

Counter-narratives have come to occupy the center of many discussions regarding analytic work with narratives as related to power and social change. In this chapter, we continue this debate by first clarifying theoretical ambiguity surrounding these constructs, and proceed by exemplifying how the narrative practice approach may be utilized for empirical work with master and counter-narratives, then delineating insights which emerge through such analysis pertinent to (narrative) criminology.

Before divulging into a theoretical discussion of master and counter-narratives, we must first provide the theoretical background of our orientation, beginning with Searle's concept of 'the background.' Terms like master narratives and dominant discourses imply the necessity of a background or horizon against which human sense-making becomes possible, rendering narratives comprehensible. While some

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19 refer to ‘the background’ in reference to a culturally instantiated col-
20 lective consciousness (Durkheim 1915) or social mind (Chriss 2006),
21 Searle (2010) utilized the term background in reference to a horizon
22 that is ‘deeper’ and more universally shared by human beings. Rather
23 than referring to a system of socioculturally instantiated practices, Searle
24 defines background as a set of abilities, capacities, tendencies, and dis-
25 positions which are deeply ingrained and continue to ‘go without say-
26 ing,’ such as the human ability to walk upright, or making sense of
27 ourselves as possessing an anterior and posterior in the form of a physi-
28 cal body (Searle 1994).

29 Searle contrasts this deep background with a collective cultural hori-
30 zon providing social routines and practices. It is this social background
31 which we credit as constituting ‘agency constellations,’ supplying her-
32 meneutic types for individual and institutional sense-making strategies
33 (Bamberg 2005, p. 287). These constellations allude to story lines or **AQ2**
34 narrative threads with an essential temporal contour, and additionally
35 suggest prototypical character ‘types.’ For example, one such prototype
36 may be defined as ‘the criminal’—a narrative which we will interrogate
37 in a later section.

38 We have posited that in addition to Searle’s respective deep and
39 cultural backgrounds exists an immediate horizon, or local back-
40 ground—a set of background assumptions which come to existence
41 in the speaker’s embodied engagement in situated contexts through
42 which meaning microgenetically emerges. The assumptions provided
43 by (i) the deep background, to the assumptions of one’s (ii) cultural,
44 and (iii) a situated, immediate background, form a continuum of prac-
45 tices which may be more deeply or shallowly ingrained. For example,
46 as we contemplated in a recent publication, ‘critical considerations
47 of language habits that reflect gender or racial biases may lead to a
48 change in language practices with more ease than assumptions that are
49 much harder to reflect and reconsider—such as how our understand-
50 ing of spatial dimensions is based off of our human up-right posture
51 and forward-movement and visual field, or how our understanding
52 of temporal dimensions is based on our understanding of spatial rela-
53 tions’ (Bamberg and Wipff 2020, p. #). Therefore, any engagement in
54 the embodied act of storytelling necessitates narrators to continuously



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55 navigate between maintaining faith and supporting extant background
56 assumptions on the one hand, and testing, rescripting, and conflicting
57 with—potentially even countering—said background assumptions on
58 the other. Therefore, being complicit and countering master narratives
59 are two sides of the same coin, and are always at play simultaneously
60 in narrative practices, across varying contexts. As we shall demonstrate,
61 empirical work through this analytic lens has the potential to explicate
62 how master and counter-narratives support, conflict with, and interact
63 in local storytelling environments.

64 With these concepts established, we can illuminate more clearly the
65 relationship between master and counter-narratives. The term ‘master
66 narrative’ has been extensively discussed across many fields of inquiry.
67 Typically, master narratives are understood in two differing ways: (i)
68 providing a horizon of background assumptions against which human
69 sense-making is enabled (as discussed above); or (ii) as normative, sub-
70 jugating, and oppressive. While one can interpret dominant discourses
71 as enabling meaning production, they do, in another sense, restrict
72 through ruling out and silencing other divergent narratives. From this
73 perspective, the term ‘counter-narrative’ acquires a unique and more
74 potent force, countering oppressive hegemonic norms imposed through
75 a discourse.

76 Therefore, counter-narratives may be understood in two corre-
77 sponding manners: (i) as a bid to interrogate the assumptions which
78 enable our sense-making, or (ii) as an attempt to delegitimize, erode,
79 or even change discourses which are perceived as oppressive. In either
80 case, counter-narratives are distinguished by an intention, ‘to trans-
81 form background assumptions which typically support a master
82 narrative’ (Bamberg and Wipff 2020, p. #). However, which narra-
83 tives ‘master’ and which ‘counter’ remains situationally dependent
84 on the organization of social, cultural, and political power within the
85 local interactive context. Therefore, we must be cautious when uni-
86 versally labeling any narrative as occupying either of these positions.
87 Fortunately, counter-narratives are distinguished by a number of attrib-
88 utes which aid in their identification.

89 Counter-narratives commonly make intertextual references invoking
90 another narrative. They are fundamentally reactionary, a vis-à-vis which



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91 follows similar lines of facts, but at some point diverging from them,
92 often in a manner unexpected or counterintuitive. To illustrate briefly,
93 in the transcript that we shall analyze below in more detail, the defense
94 lawyer characterizes Henry Sutter as ‘a law-abiding citizen’ (line 8). This
95 is slightly rescripted, but in alignment, by the district attorney, who
96 refers to the same person as ‘a good man, who tried to spare his wife’s
97 pain’ (lines 34–35). However, a few seconds later, he counters these (his
98 own) constructions of Mr. Sutter: ‘but he committed a murder’ (line
99 40). Thus, the district attorney undermines any potential assumptions
100 in support of a narrative of empathy, concern (see also Wood, this vol-
101 ume), and ‘an ethics of care’ (Gilligan 1982, 1987). Before returning to
102 these narratives below, we will briefly discuss associated forms of narra-
103 tives, like ‘conflicting’ and ‘alternative.’

104 As defined earlier in this chapter, counter-narratives are primarily
105 distinguished through their illocutionary force undermining assump-
106 tions of another narrative, as well as typically following, but slightly
107 diverging from, thematically similar narratives. However, storytellers
108 often stray from narratives with no (conscious) intention to interrogate
109 such assumptions. When this illocutionary force is absent, these nar-
110 ratives diverge, but do not threaten, and are perhaps most accurately
111 considered *alternative* narratives. These narratives conflict with other
112 narratives by offering different accounts of the same period of time, sit-
113 uation, institution, or individual. For example, as we argued elsewhere
114 (Bamberg and Wipff 2020), marital practices of ‘falling-in-love’ and
115 ‘arranged marriages’ offer alternative, conflicting accounts of the marital
116 ritual, but are typically not mobilized as illocutionary bids to delegiti-
117 mize the other.

118 The fact that master and counter-narratives are distinguished through
119 an illocutionary force inextricably linked to context creates the unique
120 problem for how to approach them empirically, necessitating analytic
121 methodologies which privilege contextual embeddedness as a cen-
122 tral feature—in contrast to traditional methodological approaches
123 which focus on the content of narratives as textual products. The nar-
124 rative practice approach (Bamberg 2020) diverges from these tra-
125 ditional methods by recognizing narrators’ situated embodiment as



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126 indispensable to a thoroughly critical analysis. Rather than assuming
127 narratives grant transparent access to a narrator's 'interiority', the narra-
128 tive practice approach asks the question 'why this story here-and-now?',
129 conceptualizing narratives as brought off in collaborative contexts.
130 Following from this, this approach recognizes that narratives are not
131 static and uniform, but rather often rife with contradictions, emerging
132 in and through contexts as a dynamic interactive process, and varying
133 from one situation to another. This necessitates a shift from stories as
134 textual products as the unit of analysis to the particular context of the
135 storytelling act. Therefore, the narrative practice approach investigates
136 how speakers interactively position each other and themselves within
137 their local environment, particularly in terms of three related position-
138 ing strategies.

139 Firstly, we examine how storytellers position a sense of who they
140 are in relation to their audience. Through habitual narrative practices,
141 storytellers mark themselves off as same or different from others. This
142 gradual navigation process takes places microgenetically through both
143 significant and seemingly menial interactions, and tellers practice this
144 navigation from early on through stories about both self and others. An
145 additional dimension of identity navigation may be termed 'agency',
146 referring to individuals' potency (or lack thereof), morality, and capac-
147 ities for action. While some approaches ontologise agency as a capacity
148 individuals *have*, we propose that agency is better theorized as a space in
149 which speakers navigate two directions of fit: one from world-to-person,
150 the other from person-to-world. This dimension of identity navigation
151 may bear particular relevance to presentations of selves or institutions
152 as responsible, as typically in claims to achievements and success, versus
153 claiming inculpability in accidents, loss, or misconduct. Thirdly, within
154 these processes of navigating one's difference vis-à-vis others and one's
155 agency, narrators can either privilege their constancy, claiming that they
156 are the same as in the past, or present themselves as having undergone
157 gradual or rapid change.

158 These navigation processes 'materialise,' so to speak, in how nar-
159 rators create their characters in a storyworld and place them in a tem-
160 poral contour of change (or non-change). Moreover, through the



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161 manipulation of story-characters in the storyworld, and by positioning
162 themselves as storytellers vis-à-vis others in a communicative context,
163 speakers bring off a sense of who they are vis-à-vis dominant master
164 narratives. It is this intricate analytic approach that we will illustrate in
165 the following before returning to disentangle what counts as counter, as
166 alternative, and as master narratives.

167 **Master or Counter?—Two Conflicting** 168 **Constructions of the Same Event**

169 In the following, we will take the reader through the closing arguments
170 (also called ‘closing statements’) in a murder trial (Bochco 1990) in
171 which an elder male (Henry Sutter—henceforth HS) is implicated of
172 having caused his wife’s (Moira Sutter—henceforth MS) death. The
173 fact that he had caused his wife’s death is not contested. However, the
174 defense lawyer (DL) and district attorney (DA) construct two different
175 characters in their narratives¹ that led up to the death. And it is these
176 two constructions that are of interest for our attempt to disentangle
177 and illustrate what counts as counter, alternative, and master (or sim-
178 ply conflicting) narratives, following up on the way we started differ-
179 entiating between them in the previous section. In our work with both
180 transcripts, we will follow the type of narrative analysis laid out in more
181 detail in Bamberg (2020). First, we segment the two turns into their
182 thematic sequence, then we identify and begin to analyze (formal) story
183 elements, and finally enter a fuller analysis of the positions taken up by
184 DL and DA, who both try to make their stories compelling and con-
185 vincing—and in the course of this taking positions vis-à-vis dominant
186 (master) narratives. We need to keep in mind here that at the center
187 of the analysis are the stories of two institutionally positioned key-
188 players—one engaging in defending the accused, the other in prose-
189 cuting him, on behest of the institutions that gave them the power to

¹The reasons for why we refer to these statements or arguments as *narratives* are laid out in more detail in Bamberg and Wipff (2020), and touched upon in our opening paragraphs.



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190 represent them. Although they speak on behalf of someone else, i.e.,
191 they concoct third-person narratives, it is them who have to come across
192 in their statements as authentic and credible,² because in and through
193 *their* actions they bring off their own institutional identities as well as
194 legitimize the power of the institutions they represent.

195 Defense Lawyer

196 Thematic Segments

197 *Lines 1–7:* DL used to act in the institutional role of DA, prosecuting
198 ‘mercy-killers.’ Back then she argued the way the jury will hear in the
199 DA’s closing argument. As such, she can be heard as inoculating the
200 presentation of the case he is going to make next. Simultaneously, she
201 orients her audience that her case here and now is different. This brief
202 aside seemingly has nothing to do with ‘the case’ itself. However, it
203 provides a line of reasoning for her continuity-discontinuity position-
204 ing strategy in terms of her change in what her line of reasoning used
205 to be.

206 *Lines 8–25:* HS’s wife’s death is presented as a result from witnessing
207 his wife’s mental deterioration over a prolonged time period, leading
208 up to and culminating in his action, causing the death of his wife—
209 related here as *ending her pain*, and *preserving her dignity*.

210 *Lines 8–15b:* HS is characterized as ‘*a law-abiding citizen*’—and as such
211 he would qualify as predictable and trustworthy, *but* he acted ‘*crazy*’
212 (‘not-in-his-right-mind’—and as such ‘out-of-character’).

213 *Lines 16–25:* HS’s communal/societal responsibilities were momentarily
214 (in a moment of recognizing his wife’s full deterioration) displaced,
215 resulting in actions that fall into the category of *care taking* activities
216 *ending pain* and *preserving dignity*.

²Third-person stories, i.e., stories that thematize the actions of others, typically are precluded from narrative research, because they arguably don’t give insight into first-person experiences. However, as we have argued repeatedly, third-person narratives are as worthy of positioning and identity analysis as are first-person stories. Courtroom narratives are a good example.



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217 *Lines 26–31:* In her ‘closing argument’ DL appeals to jury to choose
 218 between *feeling* that the category ‘*criminal*’ applies versus *knowing*
 219 *otherwise*, and she pleads for *otherwise*.

220 Story

221 As is typical in these kinds of closing arguments, there only are story frag-
 222 ments. First, in lines 8 and 10, the protagonist (Henry Sutter) is placed
 223 in a temporal setting (*that morning*). Second, the actual story consists of
 224 only two intentional actions: (i) lines 22/3: *he acted* (to end pain), and
 225 (ii) lines 24/5: *he acted* (to preserve her dignity)—where both descriptions
 226 refer to the same event, i.e., the action that caused the death of his wife.
 227 There is mention of another character in this ‘small story’ (*Moira Sutter*),
 228 who is positioned as having been attacked by something else: a disease
 229 that has been ‘*eating away*’ her brain. Both HS and MS are positioned as
 230 a loving couple, and HS as ‘carer.’ It should be noted that the actual story
 231 line is mini-minimal and could be summarized as: *That morning HS acted*
 232 *to cause MS’s death*, consisting of a setting and one action clause. However,
 233 the reason this story is told is to paint a picture of motives and persuasion
 234 that goes way beyond the depiction of what happened.

235 Positioning

236 Both characters in the story have first names and share their last (family)
 237 name, i.e., they are categorized as married and positioned as loving each
 238 other. HS is devoted to his wife, self-sacrificing and suffering having to
 239 witness her decay. The DA is positioning these two characters to construct
 240 herself as empathetic to both characters. She is trying to accomplish this
 241 by unfolding a character development that culminated in HS’s act, thereby
 242 bringing off a story line that is consequential and persuasive, resulting in an
 243 act characterized as liberating and rescuing a cherished person—his wife.
 244 In addition to her use of verbal means, the DL also tries to accomplish this
 245 in the way she performs her account—her use of rhetorical devices, her
 246 tone of voice, and her facial expression and gaze. Her bodily performance,
 247 in line with being highly careful in her selection of acts from the possible



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248 range of events she could have chosen and depicted in her narrative, marks
 249 her (the DL's) overall position as extremely empathetic—arguably resulting
 250 in that she *'knows'* that HS is not a criminal. Consequently, the illocution-
 251 ary force of this third-person story for her audience is to align with her
 252 affective stance, i.e., to be empathetic with her (the DL) as a proxy for HS,
 253 the protagonist of the story. In terms of a master narrative, the DA calls for
 254 what has been termed 'an ethics of care' (Gilligan 1982, 1987) that she is
 255 representing in her story about HS (Table 2.1).

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Table 2.1 Transcripts of the CLOSING ARGUMENTS (LA-LAW) (husband caused his wife to die)

Defense lawyer:	District attorney:
(1) not that long ago, as a DA, I was prosecuting mercy-killers	(32) pheew <breath outlet>
(2) and I still remember (.) the dialogue	(33) I didn't want to prosecute this one
(3) we cannot let people take the law into their own hands	(34) he's a good man
(4) we cannot individuals let ignore the law	(35) who tried to spare his wife's pain
(5) we'll become a state of anarchy	(36) and he did
(6) the law must be upheld	(37) what he did
(7) no exceptions (2s)	(38) because he loved her
(8) now Henry Sutter IS a law-abiding citizen	(39) just like Ms van Owen said
(9) he is not insane	(40) but he committed a murder
(10) but that morning (.) he wasn't in his right mind either	(41) he knowingly reflectively put a gun to her temple
(11) for seven years Alzheimer's disease had been eating away at Moira Sutter's brain	(42) and blew her head off
(12) it had gotten to the point	(43) now they've offered up a defense of diminished actuality
(13) where she didn't even know who she was	(44) but all the psychiatric evidence as well as his own testimony make clear
(14) and she would only suffer more	(45) that his mental faculties were in complete working order
(15a) and that fact made the person	(46) however much you may FEEL for him
(15b) it made him crazy	(47) we have a job to do here
(16) who loved her more than anybody	(48) a person cannot act unilaterally

(continued)



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Table 2.1 (continued)

Defense lawyer:	District attorney:
(17) he wasn't thinking about societal policy	(49) to end another person's life
(18) he wasn't thinking about legislative intent or criminal status	(50) and THAT's (.) what Mr. Sutter did
(19) he was looking at his wife	(51) she didn't asked to die
(20) the person he had spent his entire adult life with	(52) she didn't ask to be killed
(21) the person he cherished	(53) there is no evidence whatsoever
(22) he saw her pain	(54) that she wanted to stop living
(23) and he acted to end it	(55) HE (.) made that decision (.) all by himself
(24) he saw her dignity	(56) HE decided
(25) and he acted to preserve it	(57) that another person was unworthy of life
(26) now if you feel that Henry Sutter is a criminal	(58) so he killed her
(27) who should be punished	(59) now we have two choices
(28) then find him guilty	(60) either we permit that
(29) but if you know otherwise	(61) or we don't
(30) then please find otherwise	(62) and our society has chosen not to permit that
(31) thank you	(63) our laws say
	(64) that people cannot go around
	(65) deciding
	(66) who shall live
	(67) and who shall die
	(68) and that means
	(69) that this man committed a crime
	(70) and no matter how much compassion we ALL may FEEL for him
	(71) you cannot ignore that simple fact

256

District Attorney

257

Thematic Segments

258

Lines 32–42: The DA opens in the same way as the DL, i.e., with a personal aside about himself, positioning himself as empathetic—though

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only to dismantle this/his emotion as irrelevant for this case of 'murder.'

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261 *Lines 43–45:* He discredits the argument of ‘diminished actuality’ as not
262 holding up; implying that therefore, this is a case of ‘murder’—and
263 not ‘manslaughter’ (or anything else).

264 *Lines 46–54:* He argues that there is no case of ‘assisted suicide’ or ‘vol-
265 untary euthanasia.’

266 *Lines 55–58:* He lays out that HS’s actions were intended, planned, and
267 as such components of a decision-making process that led up to the
268 causation of MS’s death.

269 *Lines 59–71:* ...culminating in his ‘closing statement’ that societal moral
270 rules outweigh individually felt compassion and empathy, thereby
271 attempting to undo the alignment with the jury intended by the DL.

272 **Story**

273 As in the DL’s statement, there is only a bare minimum of story ele-
274 ments in the DA’s account. In lines 40–42, we find two (transitive)
275 action clauses: *putting a gun to her temple*+ *blowing her head off*. Line 55
276 actually does not depict an action but a mental process making, a (uni-
277 lateral) decision—that leads to an action (*killing*). The way we could
278 summaries the story here is even more plain comparing to the DL’s
279 account: *He caused MS’s death*. Note, there is no setting, no introduc-
280 ing HS as a person, nor his wife MS. The use of the third-person pro-
281 noun (lines 34 ff.) is only possible if speaker and audience can assume
282 full referential continuity from the DL’s story. In addition, the thematic
283 continuation of the DL’s empathetic stance allows for a smooth tran-
284 sition into the DA’s story—foreshadowing the upcoming contrast in
285 positioning.

286 **Positioning**

287 The DA’s character positioning and hence his strategic positioning
288 as DA are opposed to the positioning of the DL. The two characters,
289 referred to as ‘*Mr. Sutter*’ (only later, in line 50), and ‘she’ (not men-
290 tioning her name), are positioned in a loving and caring relationship



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291 (lines 34–38), in line with the DL’s strategy of character positioning.
 292 However, this line of positioning is called into question as irrelevant by
 293 the DA in the following: HS is said to have intentionally placed him-
 294 self in contrast to others, who embrace and adhere to a societal moral
 295 order that is best characterized as an ‘ethics of justice’ (Gilligan 1982,
 296 1987). There is no temporal path (as in the DL’s depiction of character
 297 development), so that HS seemingly acted out of a moral conception
 298 that is acontextual, standing alone, and independent. At the same time,
 299 HS’s act is positioned as preconceived, calculated and deliberate—the
 300 motive for action could have been as well to commit insurance fraud. It
 301 is this principle of justice that requires the positioning of himself as DA
 302 which, in turn, requires his positioning as third-person narrator of HS
 303 in the story told.³

304 **Summary: What Is in Conflict?**

305 Whether the two moral perspectives of justice and care range on
 306 polar opposites (Botes 2000), or whether justice presupposes and is
 307 dependent on care (Moore 1999), and to what degree they connote **AQ4**
 308 gender-specific orientations (Gilligan 1982, 1987), has been discussed
 309 elsewhere. Here, we are considering them as discourses that are availa-
 310 ble to make sense of people’s actions. When appropriated to sequence
 311 temporal events that have moral implications, i.e., when employing
 312 ‘justice’ or ‘care’ to construe characters for narrative purposes, they
 313 imbue speakers due to their status as master narratives, i.e., they provide
 314 background assumptions for communicative and interpersonal pur-
 315 poses. Both do not necessarily compete with or even necessarily relate
 316 to one another—they are alternative sense-making strategies and are

³It should be kept in mind that we are analyzing a fictional representation for viewers that is produced through the lens of cameras. Camera angle, sequence and duration of shots and other techniques are extremely important in the production of emotion transportation (generating affective responses in the viewer)—as for instance the coinciding of a pointing gesture of the DA at one of the jury members with line 67, and, what will be viewed as the juror’s facio-affective reaction—all taken in by the viewer and bodily-affectively processed.



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317 likely be employed by the same people at different occasions.⁴ The mas-
318 ter narrative of justice seems to lend itself better for the construction
319 of characters as singular and autonomous, and their agency as ration-
320 ally self-reflective and self-oriented—in contrast to the care narrative
321 that focuses more strongly on relationships with others, contextual con-
322 nectivity and a sense of shared agency. Both may have different roots
323 from where and how they may have derived their powers: justice more
324 likely as a universally given trait-like principle versus care as a social-
325 ized and culturally contextualized value. However, the ways they have
326 been employed in the courtroom in the above example turns them from
327 their original status as master narratives—as so to speak ‘sitting on the
328 shelves’—into counter-narratives in practice. They are given their illo-
329 cutionary forces to oppose each other: the master narrative of justice
330 to construe the character of ‘the criminal,’ so justice can be served—
331 and the master narrative of care to break down and undo this construct
332 by placing the person and the sequence of events into the contexts of
333 personal, relational, and affective connections. In ‘justice,’ the criminal
334 is contextualized in an abstract relationship of principles that define
335 criminals as principally other and different—leaving any develop-
336 ment of ‘how-they-became-different’ unsaid. This of course will raise
337 the question of how to ‘correct’ the rejection of having a personal his-
338 tory and re-integrate the principally different into a communal ‘same.’
339 We will follow up on the construct of ‘the criminal’ and how narrative
340 approaches can contribute to be critical of this construct in the next sec-
341 tion. At this point, we just would like to reiterate the argument laid out
342 above, namely that a clear division between master and counter-narra-
343 tive as opposing each other would potentially do more harm than ben-
344 efit. Preferably, their relationship deserves to be explored in context and
345 by context-sensitive means of fine-grained analytic procedures so that
346 the tension between master and counter can be explored deeper and
347 more productively with regard to potential repercussions for change.

⁴We made a similar point when analyzing medical interactions between doctors, nursing staff, and researchers (cf. Bamberg 1991; Bamberg and Budwig 1992), emphasizing how *caring* and *curing* form two differing sense-making strategies (master narratives) that typically ‘sit’ side-by-side, but at certain circumstances can collide and lead to miscommunication.



348 **Master—Counter—and the Narrative**
349 **Construction of ‘the Criminal’**

350 A person who lied is branded a liar; who cheated, a cheater; and
351 who broke the law and committed a crime is branded a criminal—
352 technically speaking even who speeds in a speeding zone. This is what
353 nominalizations do. They generalize from an act to the actor, attributing
354 to the person an internal trait-like essence that may arguably assist oth-
355 ers in the generation of future expectations vis-à-vis them. However, we
356 all know that liars, cheaters, nor criminals exist in their pure forms. This
357 message is wonderfully heightened in John Hughes’ iconic ’80s movie
358 *The Breakfast Club* (Hughes 1985), starting out with five cliché-like
359 juveniles playing out their stereotypic differences, and ending with their
360 collective insight, declaring ‘that each of us is a brain, and an athlete,
361 and a basket case, a princess, and a criminal.’⁵ As noted above, plac-
362 ing characters in a space and timeline of stories, narrators have options
363 which events to pick and how to sequence them in time. And in doing
364 so narrators position themselves vis-à-vis background assumptions that
365 we defined as master narratives. The criminal as a protagonist in story
366 constructs typically gains their persona by being placed in highly agen-
367 tive roles. If events ‘happen’ without any agency and intentionality, no
368 one can be held fully responsible and blameworthy. In terms of char-
369 acterizing criminals as same-or-different vis-à-vis others, and potentially
370 allowing space for probable empathy, criminals are placed in an antago-
371 nistic constellation vis-à-vis commonly shared values, and therefore are
372 marked off as different in relation to others—so different that ‘we’—in
373 opposition to ‘them’—are in need to be protected from them.⁶ Finally,
374 the focus on their otherness as narrative characters, alongside with their
375 agentive involvement and responsibility for their (harmful) action,

⁵We recommend watching the ending scene of *The Breakfast Club*, retrieved February 14, 2020, from <https://www.youtube.com/watch?v=Sv1I4q6lOpo>. Interestingly, for the German version (https://www.youtube.com/watch?v=_10mJG2sZqE) the character of ‘the criminal’ is dubbed ‘*ein Freak*.’

⁶These kinds of constructs reach back as far as Adler’s (1931) and other psychologists’ ruminations about ‘asocial’ personality characteristics of the criminal.



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376 typically doesn't require a spacious contextualization for why criminal
377 actions took place: They could have—and simply should have—been
378 avoided by the person who committed the crime.

379 Adopting this type of narrative script-line for how to draft a crim-
380 inal character, those who are accused—and anyone who is coming to
381 their defense—are forced to devise a counter-narrative: one that shields
382 from being constructed as criminal, i.e., with high agency, being dif-
383 ferent/other, and acontextualized—with no past (and no future). And
384 apparently 'not-having,' or at least not presenting, 'a narrative,' as in the
385 case of convicted 'Clark Rockefeller' (Bamberg 2011), is even worse,
386 because if there is no story, there generally can be no trust nor empa-
387 thy. Now, having argued that 'in order to have *justice* served' there can
388 be no real place for narrative in the courtroom, we, the public, and in
389 total contrast, seem to be obsessed with convicts' stories, as evidenced
390 by the long history of criminal and legal drama tv-shows. And whether
391 this may be due to distance ourselves from 'them,' but also to watch
392 the unfolding drama of what drives 'them,' i.e., what's going on in
393 '*Criminal Minds*' and how that compares to '*Ordinary People*,' cannot
394 be followed up here. Nevertheless, as a consequence, any attempt to
395 counter the conventional construction of the criminal is inevitably in
396 the defensive and loaded with identity dilemmas: (i) forced to down-
397 play agency (also called 'neutralization techniques,' cf. Sykes and Matza
398 1957) which is likely to come across as a denial of responsibility; (ii)
399 forced to borrow communal constructions of the self, rather than the
400 rational, intentional and acontextual 'lone wolf;' and (iii) forced to
401 what Georgakopoulou (this volume) calls *rescripting* what happened
402 in terms of plausible narrative scripts of contextual precursors, such as
403 character or personality traits, dysfunctional family histories, traumatic
404 childhood, stress, or similar kinds of antecedent 'causes'—likely to be
405 heard as 'telling it like it isn't' (Coates and Wade 2004). To be clear, this
406 is not to deny that these kinds of strategic rescriptions are used (and
407 abused) in defense strategies (and surfacing as insanity or diminished
408 actuality pleas or as blaming the victim strategies), and they commonly
409 are used to diminish actual crimes committed. The point here is simply
410 that the navigation of criminals' identity dilemmas (agency, communal
411 alignment, and developmental path) is extremely constrained by the

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412 dominant master narrative of justice against which the narrative identity
413 of the criminal finds itself pitted.

414 Researchers who work with self-narratives of offenders predominantly
415 make use of interviews and center their analysis on the thematic con-
416 tent of those interviews, trying to map ‘narratives or elements thereof
417 onto patterns of crime’ (Presser and Sandberg 2015, p. 13). Canter et al.
418 (2020), for instance, attribute to criminals’ stories (alongside with ques-
419 tionnaires) a certain predictive power ‘for understanding the instigation
420 of crime and distance from it’ as well as ‘providing the basis for future
421 actions’ (ibid. p. #). Our approach presented here (and elsewhere—
422 cf. Bamberg 2020; Bamberg and Wipff 2020) recommends a note of cau-
423 tion for licensing these hopes. First, interviews, just like any interactions
424 that generate narratives, require an analysis that goes deeper than analyzing
425 themes and content. Second, it is the narrator’s positions brought off in the
426 interaction vis-à-vis dominant narratives that stand in need to be interro-
427 gated for their illocutionary force so that the question can be addressed as
428 to why speakers/narrators adopt a particular story at the particular moment
429 in their interactions. And last but not least, it is the criminal identity ascrip-
430 tion by the justice machinery that calls for being countered, and how this
431 can be done successfully is at the core of what is being discussed under the
432 header of critical criminology (cf. Sandberg 2009; Barton et al. 2019).

433 The dilemma of establishing a compelling and believable authentic
434 narrative that counters the construction of the criminal is relevant for
435 all correction attempts, as evident particularly in parole hearings. While
436 narrative approaches that focus on the thematic content of narratives
437 (e.g., the redemptive self—cf. McAdams 1993) hold the content of
438 inmates’ stories for the temporal span from incarceration to going up
439 for parole being in need to be changed, the narrative practice approach
440 that we have advocated insists that this may not only be insufficient, but
441 steering toward a questionable path. As argued in the parameters of the
442 narrative practice approach, all storytelling requires the positional navi-
443 gation of (i) agency-passivity (ii) sameness-difference vis-à-vis others and
444 (iii) constancy and change across time. The criminal’s charge for parole
445 hearings consists of the additional pressure having to navigate the chal-
446 lenges posed by the master narrative of criminality and its fellow in the
447 form of the justice machinery, i.e., to fashion a story of transformation



448 from the (highly agentive and isolated) story character, who was con-
449 victed of crime, to someone who is able to pass the (communal) trust-
450 worthiness-test and set to be free. To be able to engage in the type of
451 narrative practices that may prepare inmates long-lasting, and not just
452 for the parole hearing, we would argue the necessity of an interactive,
453 performative space where this complex navigation process is subject to
454 interactive practices. Wright's suggestion for prisons to set aside 'limi-
455 nal temporal sites where trajectories of past and present identities inter-
456 sect' (Wright 2014, p. 34) is pointing toward one possible window of
457 opportunity to accomplish precisely this. Institutional provisions for
458 what Maruna terms 'restorative rituals' (Maruna 2016, p. 294) may be
459 another one. A third one we would like to mention is the provision of
460 an interactive space to engage in 'social games' in jails to address prob-
461 lems parents and their children experience as a result of parental incar-
462 ceration (Markussen and Knutz 2017). These and other more recent
463 developments in (narrative) criminology in our opinion represent inter-
464 esting counter-narratives more and better aligned with the narrative
465 practice approach. As such, they go farther than earlier attempts that
466 worked with the redemptive narrative script in restorative justice prac-
467 tices (e.g., Maruna 2001; Maruna and Lebel 2003; McAdams 1993),
468 and as such are more promising and hopeful.

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