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Abstract
Svend Ranulf’s characterization of criminal law as a “disinterested tendency to inflict punishment” challenges the conventional view that whereas crime may express emotion, emotion is extinguished in the operations of law. This is because Ranulf argues that criminal law arises through middle class moral indignation. Thus an emotion, moral indignation, links social structure – in the form of class configuration, and social action – the formation of criminal law. In the discussion to follow, Ranulf’s thesis is situated in the development of the sociology of criminal law, critically evaluated, and reformulated. The continuing relevance of Ranulf’s framework is also indicated.

Key Words
crime, emotions, law, moral indignation, punishment

Conventional accounts of the relationship between crime, human emotions, and law as social control clearly point in one direction. They hold that whereas crime might express emotion, emotion is extinguished in the operations of law. This is well expressed, for instance, in Friedrich Nietzsche’s argument that the institution of law is not so much the result of ressentiment as a means of displacing it: law takes “the object of ressentiment out of the hands of revenge” and establishes independent norms for the restitution of injury (1887 [1992]: 511). Max Weber develops this idea more fully in his sociology of law (1922 [1978]: 651-2), which continues to influence our understandings of the origins and development of legal systems.

One assumption that supports the idea, that whereas crime might express emotion law extinguishes it, is that law is impersonal. This latter notion is expressed through the description of law, in Nietzsche’s terms, as a “supreme power”, and as Weber described it, an “imperium”. Implicit here is the notion that the institution of law functions in terms of imperatives that both represent a collective interest (even if not a general interest) and that are normative rather than affective. In representing a collective interest the passions or emotions of individuals, or even groups or sections of a population, are therefore seen to be without significant influence on the operations of law. Additionally, because it functions in terms of norms, law offers little opportunity for the direct expression of emotions.

The Danish sociologist, Svend Ranulf, offered an appreciation of the relationship between emotions and criminal law that is very different from the one indicated above. The question Ranulf addressed was: what social conditions are required for the advent of criminal law? He characterized criminal law as a “disinterested tendency to inflict punishment” (1938 [1964], p.2) and argued that such a tendency arises in societies in which there is a developed lower middle class. It is because criminal law functions in terms of societally imposed punishment, rather than a vengeful response to injury by the direct victim of some transgression, that it is described as a “disinterested” tendency. The condition of the middle class that leads it to promote the disinterested tendency to inflict punishment, according to Ranulf, is
the moral indignation that arises from its relations with the other classes in the social structure.

Ranulf’s account of criminal law, then, holds that human emotions and not their expulsion are central to an understanding of criminal law. There is some precedence for this position in the history of sociology, as we shall see. But the argument is most completely developed by Ranulf. The importance of Ranulf’s treatment of criminal law is twofold in so far as it is a unique demonstration of a significant corrective to the conventional view that emotion has no place in the explanation of criminal law. There is by now an extensive literature showing that emotions link social structure on the one hand and social agency on the other (Barbalet 1998; Collins 1981, 1990; Kemper 1978; Scheff 1988, 1990). In the area of sociological criminology Ranulf’s work is a singular source concerning the importance of emotions in understanding the origins and character of criminal law. Nevertheless, Ranulf’s contribution to these subjects is little known. Before discussing Ranulf’s arguments, therefore, it will be necessary to begin with a brief description of Ranulf’s work and its context that suggests why he is so successfully ignored in the relevant literatures.

**Svend Ranulf and Danish Sociology**

Svend Ranulf (1894–1953) is described by Harold Lasswell as a “distinguished sociologist of the University of Aarhus, Denmark” (1964, p. ix), but by Erik Allardt as a “philosopher conducting sociological investigations” (1993, p. 123). This anomaly relates more to institutional context than it does to Ranulf’s disciplinary affiliations or methodology. Sociology came late to Denmark. Paul Lazarsfeld remarks that “the first chair of sociology in Denmark was established at the University of Aarhus in 1937, [but] the first graduate in sociology was not produced until 1967” (1973, p. 75). The Danish commitment to sociology did not appear to be very strong. The German sociologist, Theodor Geiger, was appointed Professor of Sociology in Aarhus in 1938. This was the first professorial appointment in the discipline in Denmark. But when Geiger died in 1952, his Chair was transferred back to economics (Allardt 1993, p. 124). During the student unrest of 1968, Danish universities were unique in abolishing all sociology chairs (Nedelmann and Sztompka 1993, p. 14).

Ranulf’s studies in moral indignation and criminal law began before the establishment of sociology in Denmark. His first major work, published in 1930 in Copenhagen, was *Gudernes Misundelse Og Strafferettens Oprindelsse I Athen*. An English translation was published in London in 1933 (volume one) and 1934 (volume two) as *The Jealousy of the Gods and Criminal Law at Athens*. The sociological focus of the book is clear in its subtitle, originally *Studier over Aeldree Graesk Mentalitet*, and in translation, *A Contribution to the Sociology of Moral Indignation*. In 1938, the year of Geiger’s appointment, Ranulf published *Moral Indignation and Middle Class Psychology: A Sociological Study*, in English in Copenhagen. Ranulf also wrote on social science methodology and other themes, but his lasting contribution to sociology is made in the two works mentioned here.

It is evident, then, that Ranulf’s sociological output lacked an institutional context in which continuity of interest in his work by students and peers could be expected. Neither was there a basis in organizational memory for a representation of Ranulf and his work. Danish sociology has historically experienced institutional crises in each short episode of its existence. The brief rise and final demise of sociology at Aarhus has already been mentioned. At the University of Copenhagen during the 1960s and 1970s sociology existed in two rival, indeed mutually hostile departments,
one expounding survey research and the other cultural studies. After a government review in the late 1980s both departments were closed. A new Department of Sociology was established at the University of Copenhagen in 1994. Danish sociological research and teaching today understandably focuses on predominate international intellectual currents (see Andersen and Kaspersen 2000). In this context, Svend Ranulf’s work is not even a memory.

Yet Ranulf is not wholly unknown. An American edition of Moral Indignation and Middle Class Psychology appeared in 1964. This more or less coincided with the use made of Ranulf’s argument by Joseph Gusfield, in his study, Symbolic Crusade: Status Politics and the American Temperance Movement (1963). Ranulf’s work is mentioned in Helmut Schoeck, Envy: A Theory of Social Behaviour (1966 [1987]) and A.F. Davies, Skills, Outlooks and Passions (1980). But none of this brings Ranulf to the attention of sociologists or criminologists. Schoeck’s book is an eccentric argument for individual excellence, as he sees it, against envy. Davies is a political scientist advocating a psychoanalytic perspective. Neither of these works is an adequate source for an appreciation of Ranulf.

One possible basis for recognition of Ranulf’s arguments concerning the role of emotional factors in institutional developments is the burgeoning sub-discipline, the sociology of emotions. Ranulf was a sociologist, drawing on a well-established sociological tradition. His method owes something to Emile Durkheim, he draws on Max Weber’s material and discusses it extensively, and he demonstrates familiarity with European and British sociological thought in general. The difficulty here, though, is that Ranulf operates through an historical and macrosociological framework. This sits uncomfortably with the social psychological and constructionist disposition that is currently predominant in the sociology of emotions. In any event, no interest in Ranulf’s argument concerning the class basis of moral indignation, and the role of moral indignation in the foundation of criminal law, can be located in the sociology of emotions literature up until the present time. Nevertheless, the way in which Ranulf extends earlier sociological concentration on both emotions and criminal law must hold some interest for current sociological research and theory construction.

Ranulf’s Precursors
Ranulf saw himself as a sociologist of law, not emotion. The issues he addressed are those of the historical origins of criminal law, the social mechanisms through which it arose, and the social functions it serves. He was not the first to raise these and related questions. Neither was he the first to answer them in terms of emotional factors. What he did, rather, was continue a line of enquiry introduced by pioneer sociologists of law whose research was animated by the same concerns that Ranulf investigated. In particular, one of the earliest inquiries into the origins of criminal law, that of Sir Henry Sumner Maine, noticed the significance of Athens and the role of emotional factors in the social basis of criminal law. Similarly, Emile Durkheim, whom Ranulf acknowledged as a source of his own studies, explained the beginnings and operation of criminal law in emotional terms. The relevant ideas of both of these writers will be considered here before outlining Ranulf’s position, which can be seen as developing from them.

Henry Sumner Maine (1822-88) was an historian of law frequently mentioned in histories of sociology. His typological distinction between “status” and “contract” (Maine1861 [1905], pp. 149-51), for instance, is widely regarded as a tool of sociological analysis on a par with Ferdinand Tönnies’ (1887 [1963]) “Gemeinschaft”
and “Gesellschaft”, Emile Durkheim’s (1893 [1964]) “mechanical” and “organic” solidarity, and Talcott Parsons’ (1951) “pattern variables”. Maine’s history of legal institutions also took him into the orbit of sociological thought through its emphasis on the interests of social groups and their organization, rather than emphasizing – as was typical at the time – universal principles connected with natural law rights, for instance, or inherent operations of mind.

Maine’s location of the origins of criminal law in Athens, and through the evidence of the poets, especially Homer, anticipates Ranulf on these points (Maine 1861 [1905], pp. 339, 334-5), although his formulation does not correspond with Ranulf’s. Indeed, Maine’s argument concerning the retributive nature of criminal law stands in sharp contrast to Ranulf’s treatment of the disinterested tendency to inflict punishment. Maine argued that primitive criminal law is a communal expression of vengeance. He says that: “the earliest administrators of justice simulated the probable acts of persons engaged in a private quarrel” (p. 336). The distinction to make here is that those engaged in a private quarrel experience some transgression against them. Those who exercise criminal law are not the direct victims of the transgression that initiates criminal proceedings.

Maine assumes that the movement from a victim’s retribution against the one who had inflicted an injury, to a collective response to an injury of one of its members requires no special explanation. Instead he focuses on the distinction between a collective revenge on the one hand, and revenge through a representative instrument of the collectivity on the other:

The theory of criminal justice had … begun in the belief that it was the business of the collective community to avenge its own wrongs by its own hand; and it ended in the doctrine that the chastisement of crimes belonged in an especial manner to the Sovereign as representative and mandatory of his people

(Maine 1861 [1905]: 351)

Ranulf, on the other hand, problematizes the initial move toward a collective responsibility to respond to an injury suffered by an individual or group of individuals. This is because he sees the advent of criminal law as a construction of a class of wrongs perpetrated against individuals as the concern of a collective community. Criminal law, then, defines a set of acts directed against individuals as damaging to the society as a whole. This is also Emile Durkheim’s point of departure.

Durkheim (1858-1917) was a founder of sociology in France and remains today a leading source of sociological inspiration and thought. His first major work, *The Division of Labour in Society*, was published in 1893 and went through four editions in Durkheim’s own lifetime. In it is an account, among other things, of the origins of criminal law. Ranulf was aware of Durkheim’s discussion, and it can in that sense be regarded as a point of departure for his own treatment of the issues.

Durkheim recognized the Athenian origins of criminal law (1893 [1964], pp. 77, 91). He went on to make, in passing, the point that Ranulf later more clearly demonstrated and elaborated with much detail, namely, that in Athens “justice was considered as an emanation from Zeus, and the sentiment a vengeance from God”. And most telling, “offences against the gods are offences against society” (ibid.: 92-3).

There are two further aspect of Durkheim’s account of criminal law that have reflections in Ranulf’s conception of the disinterested tendency to inflict punishment. First, Durkheim treats the origins and functions of criminal law in terms of emotional
forces. “Every offence”, says Durkheim, “calls forth an emotional reaction, more or less violent, which turns against the offender” (ibid.: 98). Thus punishment, in this context, has to be understood in terms of an emotional complexion inherent in criminal law. Durkheim describes legal punishment as a “passionate reaction of graduated intensity that society exercises through the medium of a body acting upon those of its members who have violated certain rules of conduct” (ibid.: 96).

The second thing, then, that Durkheim’s account emphasises is that a criminal act acquires its meaning by “offend[ing] strong and defined states of the collective conscience” (ibid.: 80). The significance of this point may be easily lost, a possibility Durkheim counters by insisting that “we must not say that an action shocks the common conscience because it is criminal, but rather that it is criminal because it shocks the common conscience” (ibid.: 81). According to this formulation, then, criminal law as an institution requires a social diffusion of feelings or sentiments. The particular content of those sentiments, although not unimportant, is necessarily secondary to their social or collective representation. It is not possible, Durkheim says, to “draw up a list of sentiments whose violation constitutes a crime; they distinguish themselves from others only by this trait, that they are common to the average mass of individuals of the same society” (ibid.: 74).

In summary, then, Durkheim holds that criminal law, the constitution of a body of meanings and practices set up to specifically and formally define violations and punish those violations in the name of a collective community or society, requires the development of an appropriate socially pervasive sentiment or emotional pattern. Durkheim fails to treat two further matters that necessarily arise from his account. First, how does the emotional pattern inherent in the origin and operation of criminal law arise? Second, what is the nature of the emotions involved in the social advent of a collective concern to see punishment executed against those who commit criminal offences? These are precisely the questions that animate Ranulf’s investigations and that are answered in his relevant writings.

**Ranulf’s Moral Indignation**

Ranulf’s *The Jealousy of the Gods and Criminal Law at Athens* is a work dedicated to finding the origins and explaining the emergence of criminal law. In this work he locates the beginnings of criminal law in late Athenian society, approximately 640 BC. Ranulf chose this as the site of his research because:

> It is possible to observe [in ancient Athens] how the disinterested tendency to inflict punishment arose out of nothing. Before the time of Drakon, the Athenian state seems to have assumed a perfectly neutral attitude towards acts of violence or outrages committed among private citizens … After the time of Solon, the State was to interfere and punish … such encroachments … It seems reasonable to hope that, by a close study of this development, it will be possible to discover what changes in the structure of the Athenian community conditioned the altered attitude of the State towards outrages committed by private citizens against other private citizens (Ranulf 1930 [1933]: 7).

He shows that the new practice of punishment prescribed by the collective, or criminal law, coincides with the advent of a newly emerging theme in Greek drama, namely, the jealousy of the gods. What links these developments, in both law and drama, according to Ranulf, is a tendency to envy that is current in Athenian society
at the time, and predominant in a rising lower middle class. This class is described as “a petty bourgeoisie whose lot was of a kind to foster among them a certain dissatisfaction and feeling of oppression which became especially perceptible when they compared their condition with the wealth and luxury of others” (1930 [1934], p.281).

The analytic model developed in Jealousy of the Gods is applied and extended in Ranulf’s subsequent book, Moral Indignation and Middle Class Psychology, published eight years later in 1938. In this work he develops a comparative study of the disinterested tendency to inflict punishment that distinguishes the “positive instances” in which such a tendency occurs from the “negative instances” in which it fails to occur. Included in the first of these categories is the seventeenth century Protestant and Puritan movements, and also twentieth century German National Socialism; in the second category is included aristocratic society in general, and the particular cases of the Teutons, Hindus, and Chinese. Ranulf also includes in this discussion what he calls “mixed instances”, in which he treats the Old Testament Israelites and the Bolsheviks.

What separates the positive and negative instances of the occurrence of criminal law is the effective presence of a lower middle class, according to Ranulf’s findings. This confirms, on the basis of comparative cases, the results of his earlier analysis of Athenian society. In Moral Indignation and Middle Class Psychology, then, is restated the idea that the disinterested tendency to inflict punishment “is a distinctive characteristic of the lower middle class” (1938 [1964], p.198). The connection between social class structure and criminal law, Ranulf shows, is the emotion moral indignation. Ranulf describes this emotion as “a kind of resentment” of the lower middle class. This class, according to his argument, lives “under conditions which force its members to an extraordinary high degree of self-restraint and subject them to much frustration of natural desires” (ibid.). Moral indignation, then, is the affective basis of the disinterested tendency constitutive of criminal law, and it arises from the class structure itself. Those societies that do not have the appropriate class structure, then, do not have the social basis for the emergence of criminal law, as Ranulf demonstrates in Moral Indignation.

To conclude this part of the discussion: as a result of a detailed study of Athenian society and of a number of comparative cases Ranulf is lead to hold that a disinterested tendency to inflict punishment arises only in those societies which manifest a lower middle class. The relevant characteristic feature of such class systems is middle class privation productive of envy in the form of moral indignation. This pattern of emotional experience gives rise to the demand for punishment of transgressors, even when the transgression does not directly injure or impinge on those who require that the transgressor be punished. A question that immediately arises from such a statement of Ranulf’s thesis is: how does the experience of a feeling of envy promote such a disinterested tendency? Consideration of the mechanism whereby moral indignation produces the disinterested tendency to punish raises questions of both class analysis and the analysis of emotions, as we shall see in the following section of this paper.

A clear answer to the question of a mechanism linking moral indignation and the disinterested tendency is difficult to find in Ranulf’s work. This is not necessarily a point on which his argument might be criticized or dismissed because he indicates that a number of writers have advanced the idea of a connection between envy and moral indignation similar to his own. In this context he mentions Friedrich Nietzsche, Bertrand Russell, C.E.M. Joad, H.L. Mencken (1930 [1934], p.289), and Max Scheler.
(1938 [1964], pp.199ff). Ranulf could assume therefore that the mechanism was already understood, and he set himself the task of explaining the historical context of the formation of criminal law through lower middle class envy.

The closest Ranulf seems to get to a statement of the link between the emotion of moral indignation and criminal law is in a passage following an account of Durkheim’s argument in *The Division of Labour* (1893 [1964], pp. 96-7) concerning the origins of criminal law that he takes to support his own position. Ranulf says that:

> People interfere in affairs which seem to be no concern of theirs, merely for the satisfaction of giving vent to their indignation and of collaborating in the chastisement of strangers for acts which have been materially harmful only to a likewise unknown third party or perhaps nobody at all.

(Ranulf 1930 [1934]: 290)

This is not a particularly detailed account of the move from resentment against inequality to a disinterested tendency to inflict punishment, but neither is it entirely wrong-headed.

The idea that class deprivation can lead to sensitivity to issues of justice makes good sense. Indeed, envy, jealousy, and resentment all contain a clear moral or normative element, because these emotions all function in terms of a notion of a postulated desirable state of affairs or outcomes: my envy implies a feeling that I *should* have what is currently denied to me. The feeling of envy or resentment, then, necessarily includes a negative evaluation of what might be experienced as undeserved slight or deprivation, a displeasure concerning an event presumed to be desirable for some one else, and a desire for some benefit that would raise one to a level with those otherwise thought to belong to the same moral community as oneself (Ben Ze’ev 2000, p.281; Kemper 1978, p. 142; Ortony, Clore and Collins 1990, pp.99-103).

On the basis of the account just given, it is possible to say that the object of envy or resentment is some normative element of social order. This no doubt justifies Ranulf’s move from reference to envy and then to resentment in a single breath, subsuming both in the third category, moral indignation. The particular differences between these emotions cannot be simply dismissed, of course. The interactional basis of resentment, for instance, is best characterized as a third party’s gain in status evaluated by the emoting actor as undeserved, whereas envy, on the other hand, is a desire for benefits that others are believed to posses (Barbalet 1998, pp.137, 105-7). But what Ranulf points to in each is the social evaluative element they share, and the imperative emotional energy within them to set things right.

It is possible now to state the general properties of social and emotional life that encourage Ranulf’s observations and arguments. The emotion moral indignation arises from a process of class deprivation and gives direction to a particular set of activities, namely the punishment of transgression against a third party, institutionalised as criminal law. In the relationship just indicated social structure, in the form of class configuration, and agency, namely disinterested punishment, are linked together through an emotional experience, that is, moral indignation. Thus it can be said that particular structural configurations give rise to specific emotions, and that these emotions are then productive of commensurate dispositions in giving direction to and energy for action. In summary, emotions link structure and agency. This is an absolutely crucial proposition for sociology, seldom stated and under appreciated, demonstrably true and heuristically invaluable. Ranulf’s significance and
the importance of *Jealousy of the Gods* and *Moral Indignation* is that they both appreciate the value of this general proposition and apply it to a crucial set of problems in the sociology of law.

The general argument just stated, and Ranulf’s formulation of it, has a prehistory in Adam Smith, *Theory of Moral Sentiments* (1759 [1982]), for instance, and even goes back to Aristotle, *The Art of Rhetoric* (c.330BC [1975]), for these sources also advocate the proposition that emotions arise in social relations and shape subsequent social relations. This general perspective, that has more recent representation (Barbalet 1998; Collins 1981, 1990; Kemper 1978; Scheff 1988, 1990) claims that irrespective of cultural context, emotions are specifically produced through the operations of the formal structure of social relations. In this way it is possible to characterize practically all human emotions in terms of differences of power and status between social actors, so that an excess of power produces guilt, a deficit of power, fear; an excess of status, shame; a deficit of status, anger, and so on (see Kemper 1978). It is within this tradition of theorizing emotions that Ranulf deserves a significant place.

A predominant view of emotions in the literature, on the other hand, refers to emotion in accounts of social, or more correctly, cultural subjectivity. In particular, the constructionist and related approaches to emotion, in which cultural norms and precepts inscribe themselves on social subjects, holds that emotions arise through cultural mores and socially prescribed rules of conduct (Denzin 1984; Harré 1986; Hochschild 1979, 1983; McCarthy 1994). Persons and their emotions, according to this view, are ultimately the products of cultural forces. This thread is introduced into the discussion at this point to distinguish it from the position that is being outlined here and to which Ranulf is attached. From this latter perspective, the only reason to seriously focus on emotions in sociological analysis is to enhance the understanding of social agency.

To say that the structure of social relations is productive of emotion irrespective of cultural context is not to simply dismiss the relevance of culture to an understanding of emotions. The objects of emotion, for instance, and the emotional evaluation of emotions, can be shown to be culturally variable. While the social interactional structure of power deficit universally produces fear, what is feared varies culturally; similarly, while jealousy, for instance, seems to be present in all cultures, whether emoting subjects are proud of their jealousy, or ashamed of it, will be determined by the particular culture in which the emoting subject operates. Relating these cultural differences to structural arrangements is arguably possible and desirable. Ranulf’s analysis of moral indignation, while appreciating the cultural particularities of the societies he studied, functions in terms of the social structural antecedents and consequences of emotion, and of moral indignation in particular.

### A Reformulation of Ranulf
Ranulf insists that it is a rising lower middle class that is the carrier of resentment. This characterization of the class location of resentment, productive of moral indignation, has drawn comment. In his Preface to the American edition of *Moral Indignation* Harold Lasswell, for instance, says that Ranulf “did not … distinguish fully enough between the indignation of the rising middle classes and the defensive indignation of declining social formations” (1964, p.xii). He immediately goes on to say that:
Evidence suggests that the initiative for criminal legislation and stringent law enforcement in Athens and London came from upper class elements who were mobilizing in defence against subversive innovation. These defensive measures were perceived as “abuses” by the rising social formations. (Lasswell, 1964: xii).

Another historical fact that might dislocate Ranulf’s argument in this regard, drawn from more recent times, is the expression of a disinterested tendency among marginalized working-class elements against alleged paedophiles in certain English housing estates during 2000. Although this campaign was initiated by the News of the World newspaper, it enjoyed numerically significant support in many locations in the country.

It is necessary, therefore, to return to Ranulf’s account of the lower middle class, in which the thesis of moral indignation productive of the disinterested tendency is developed. The occupational structure of Ranulf’s lower middle class consists of merchant shopkeepers and craft workers (Ranulf, 1938 [1964], p.26), a group insignificant in the present-day occupational order. Nevertheless there are psychological and moral characteristics that Ranulf finds in this class that do have representation in a group predominant in the present-day class structure, namely non-manual workers in service and manufacturing industries.

Non-manual work generates an emotional pattern quite different from that of manual industrial work, for instance, because non-manual manufacturing, bureaucratic, and service work typically involves relatively independent decision making, albeit within well-defined and constrained areas of activity. The manual workforce, on the other hand, is ever subject to external directing force. These are distinct experiences of authority and hierarchy that differentiate white- and blue-collar workers. Whereas blue-collar workers are structurally subjected to anger-producing interactions, white-collar workers are structurally implicated in actions in which status envy and autonomy-satisfaction are more salient. Manual workers are therefore more likely to express anti-authority rebelliousness and anti-hierarchical egalitarianism than non-manual workers. Correspondingly, non-manual workers are more likely to express emotional patterns accepting of authority and hierarchy (Field and Higley 1980, pp. 26-8; Stearns 1994, pp. 120-33). This latter category of workers is also much more likely than blue-collar workers to express moral indignation in the form Ranulf describes.

Ranulf’s explanation of the moral indignation of the lower middle class is focussed on the restraints the class suffers, and the ensuing resentment (1938 [1964], p. 198). In fact, of course, the class structure, like all structures, imposes restraint on all those subject to it, not merely the lower middle class. Resentment in the class system is polymorphic, therefore, even though moral indignation, as Ranulf indicates, may be concentrated in the lower middle class. But why it is so concentrated requires explanation; it cannot simply be taken for granted.

The salient point, which is crucial to appreciate, although Ranulf fails to note the fact, is that members of his lower middle class accept as legitimate the institutional framework to which they are subjected, and they regard that framework as practically appropriate for the realization of their aspirations. That is to say that Ranulf’s lower middle class can be described as a social situation in which persons regard themselves as occupying the same opportunity structure as those whom they come to envy or resent. It is necessary to say this because in envying another one draws oneself into a common moral community with them. It is indeed this factor that Ranulf’s merchant shopkeepers and craft workers share with today’s non-manual...
service and manufacturing workers. Although these groups occupy quite different locations in class structures, they have this aspect – moral indignation – as a characteristic feature of their psychological and moral formations in common.

The connection between what we have come to see is the acceptance of legitimacy of the institutional framework on the one hand, and the feeling of envy or resentment on the other, can now be explored. By considering the matter in this way it is possible to move from Ranulf’s largely descriptive account to a more robust theoretical statement. Like Ranulf’s lower middle class, late modern non-manual service and manufacturing workers accept as legitimate the institutional framework in which they are implicated, a commitment that arises from the emotional patterns of acceptance of authority and hierarchy implicit in their work. Because they treat the institutional framework as legitimate, members of this social group understand their own social situation within it, of unrealised aspirations or declining fortunes, as arising therefore from an inadequate application of their own energies, or some other factor that is distinct from the prevailing principles of social selection and distribution. It might be inferred from this that while members of the lower middle class are not necessarily opposed to social inequality itself (Ranulf 1938 [1964], p.14), they will resent their own position in the structure of inequality.

We are now in a position to make fuller sense of the emotional pattern that is common to Ranulf’s rising lower middle class, the declining social formation to which Lasswell refers, possibly marginalized working-class elements, and non-manual workers in today’s occupational structure. An experience of incomplete remunerative and career success within a distributive system the incumbent regards as legitimate is ultimately shaming. This is because failure to maximise benefits or advantages in a system one accepts as conducive to realizing optimum outcomes does not reflect on external structures and processes. It reflects, rather, on the resources and capacities of the individual person who has failed to optimise what they and their peers regard as real opportunities. Robert Merton, for one, has referred to the role of self-blame in system maintenance (1968, p.193), but without drawing upon Ranulf’s discussion, with which he was in fact familiar (ibid.: 210n). Thus, in these terms, it is not the opportunity structure but the self that is held to fail in the distributional process. Under these circumstances the incumbent is therefore likely to experience the shame of impotence, and possibly betrayal.

Following the account of shame developed by Thomas Scheff (1988, 1990; Scheff and Retzinger 1991), it can be seen that the shame component of moral indignation is masked to the person experiencing it by the anger directed to the object of indignation. The object of indignation is not the class system itself, or even the envied group within it, but those who are seen as in some way challenging the class system and its mores, and therefore interfering with its proper operations. These, then, are the projected offenders in the lack of success of those accepting of the system of distribution that members of various categories within the class system regard as legitimate.

In the manner outlined here, then, Ranulf’s model can be transformed from one that focuses on class restraint and resentment, to one concerned with the shame of the social actors carried by their failure to succeed in a distributional system they regard as legitimate. The object of their indignation, then, is not the system they regard as legitimate but those who make illegitimate demands on it, by contravening its norms and rules, by their criminal behaviour. In arguing thus it has also been shown that the relationship between emotions and class is not direct, but mediated by
more directly experiential factors concerning the legitimacy or otherwise of
distributional arrangements and associated elements of the normative order.

**An Assessment of Ranulf**

Before concluding this discussion of Ranulf’s account of moral indignation in the
formation of the disinterested tendency to punish, it is appropriate to comment on a
recent assessment of Ranulf’s argument and its fate. In writing on the philosophy and
psychology of emotions Aaron Ben-Ze’ev says that:

Ranulf (1938) severely criticizes Max Scheler’s (1915) work on resentment
for not providing systematic, empirical evidence to support his basic thesis
(which Ranulf admits is identical with his own). He criticizes Scheler’s
reference to everyday life experiences that might possibly “prove to be
nothing but a system of generally accepted prejudices”. He argues that the
“methodological standpoint like that of Max Scheler should be met with
general and absolute condemnation in the scientific world” (200, 204). The
scientific method of Ranulf did not prevent him from presenting unfounded
claims such as that envy is basically limited to the middle class. No wonder
that Ranulf’s work is almost entirely forgotten, whereas Scheler’s work is
quite influential even today.

(Ben-Ze’ev 2000: 554, n.12)

Some of the issues raised here have been discussed above. What is to be treated at this
point is Scheler’s approach and Ranulf’s disagreement with it, for this illustrates
further Ranulf’s method.

Ranulf’s six page Appendix, “Max Scheler’s Theory of Resentment” (1938
[1964], pp. 199-204), carries his objections to Scheler’s method and characterization
of resentment as a “permanent mental attitude” that depends “primarily on the innate
character of the human beings in question, and secondarily on the structure of the
society to which they belong” (1938 [1964], p. 199; see Scheler 1915 [1998], p. 42). Ranulf’s statement, referred to by Ben-Ze’ev, that “[s]ummary references to the
experience of everyday life ought in sociology to be met with the objection that such
supposed experience might, after all, prove to be nothing but a system of generally
accepted prejudices” (1938 [1964], p. 200) comes after a long paragraph showing that
Scheler finds resentment in a number of social categories, including the lower class,
petty officials, Jews, the elderly, and women.

Indeed, a reading of Scheler can only confirm the appropriateness of Ranulf’s
caution concerning his approach. Scheler says of women, for instance, that:

She is the weaker and therefore the more vindictive sex … The danger of
feminine ressentiment is extraordinarily intensified because both nature and
custom impose upon woman a reactive and passive role in love, the domain of
her most vital interest … the “old maid” with her repressed cravings for
tenderness, sex, and propagation, is rarely quite free of ressentiment … The
purer feminine type tends to be pushed into prostitution if it has no inherited
fortune.

(Scheler 1915 [1998]: 42-3)

Concerning the Jews he says:
Certainly the extremely powerful acquisitive instinct of this people is due –
over and beyond natural propensities and other causes – to a deep-rooted
disturbance of Jewish self-confidence.
(Scheler 1915 [1998]: 34)

Ranulf’s apprehension, that generally accepted prejudices are frequently reflected
in the experience of everyday life, is shared by other sociologists (Berger 1966, pp. 37-
67; Durkheim 1895 [1964], pp. xliii-xlvii), and supported by the relevant parts of
Scheler’s discussion.

Indeed, one reader sympathetic to Scheler nevertheless notes that he “has not
infrequently been rebuked for discovering all too precipitately insights into being
when it was a question of historically determined connections … his judgement was
often not free from preconceived ideas… Scheler was emphatically an intuitive
philosopher” (Brunner 1960, p. 9). Scheler’s conventional prejudices remained
unnoticed because his work, including the book referred to by Ranulf, Ressentiment
(1915 [1998]), is not primarily social analysis. In this work Scheler develops a
critique of the application of Nietzsche’s conceptualization of ressentiment. Nietzsche
(1897 [1922]) saw morality, especially Christian morality, as an expression of
ressentiment. While accepting Nietzsche’s phenomenology, Scheler rejects his
association of Christian ethics with ressentiment.

Scheler, whose standpoint is that of traditional Catholicism, contends in
contradistinction to Nietzsche, that while modern ethics are based on ressentiment
Christian ethics are not (Scheler 1915 [1998], p. 61). Ressentiment, Scheler says,
inverts values (Scheler 1915 [1998], p. 56). What this means only makes sense from
the particular theological position Scheler entertains. Modern movements for progress
and social justice are based on ressentiment, according to Scheler (pp. 71-5, 98) and
have nothing to do with Christian love (p. 86). Not only is secular humanism a
product of ressentiment but so is Lutheran Protestantism, according to his argument
(pp. 105-7). None of this would be of any interest, except that Scheler’s
phenomenology of ressentiment, outlined in the first chapter of his book, is known in
sociology. What is less appreciated, though Ranulf draws attention to it, is that the
meaning of this phenomenology is derived from Scheler’s arcane religious analysis
underlying his discussion of values, set out in four subsequent chapters.

It must be doubted that it is the correctness of Scheler’s ideas that keeps them
alive. Correspondingly, Ranulf’s obscurity, the sources of which are discussed above,
does not reflect negatively on the value of his account of moral indignation. Indeed,
his historical and comparative study of the disinterested tendency and moral
indignation means that its errors can be corrected without undermining the general
framework of the approach his study takes, as demonstrated above.

Conclusion
The purpose of this brief discussion of Ranulf’s account of the origins and nature of
the disinterested tendency to inflict punishment has been to place it in a sociological
tradition that treats emotion as the linkage between social structure and social action.
The conceptualisation of criminal law in Ranulf’s writing is contrary to the prevailing
view that while human emotions may be central to the constitution of crime they are
absent from criminal law. On the contrary, according to Ranulf, criminal law arises in
the social manifestation of moral indignation. His insistence that the social carriers of
moral indignation are exclusively middle class formations is not accepted here.
Nevertheless, because Ranulf’s argument concerning the social basis of the disinterested tendency was formed through historical case studies and comparative analyses, a disagreement concerning the social constitution of the bearers of moral indignation in the formation of the disinterested tendency does not lead to a rejection of his account, but a reformulation of it.

Ranulf’s work is little known. Possibly because of this, on those infrequent occasions that it is mentioned it is likely to be misunderstood or treated dismissively. Some of the possible reasons for an absence of awareness of Ranulf’s ideas have been outlined here, and one dismissive treatment of his work challenged. Those who find that a social analysis of institutions, such as criminal law, indeed all social institutions, can benefit from an approach that takes emotions seriously will need to draw on a tradition of writing that is frequently ignored and misunderstood. A body of research and findings that is continuous with current investigations not only offers legitimacy to an approach taken, it provides hypotheses to test as well as research questions to ask. It also gives opportunities for meaningful disagreement. Ranulf’s achievements are impressive in the extreme. This is not to say that he is beyond criticism. Rather it is to say that a critical engagement with him strengthens our own endeavours. Ranulf’s contribution to the sociology of law, and to the sociology of emotions, indeed to sociology at all, is indeed classic for these reasons.

This last point can be extended by demonstrating the growing importance of Ranulf to an understanding of current directions in criminal law. Because he links changes in class structure to developments in legal systems, Ranulf’s approach suggests that two apparently unconnected facts might be considered together. First, the occupational structure of all Western societies over the past 25 years has increasingly tended to a predominant pattern corresponding to Ranulf’s “lower middle class”. Second, the “disinterested tendency to inflict punishment”, again following Ranulf’s terminology, has been applied in expanding proportions in most relevant Western societies during the same period (Christie, 1993). Each of these will be considered in turn.

A number of emerging features converge in pointing to a common pattern of employment in all Western societies that has steadily developed since the late 1970s. These include a significant decline in manufacturing activity, a modest rise in the wholesale and retail sectors, and a significant rise in services, especially financial and business services. These changes in industrial or economic sector activity are reflected in changes in the occupational structure. During the period there has been a large growth in professional, technical, administrative and managerial jobs, a modest growth in clerical and sales jobs, and a small or negative growth in production jobs (see, for example, Nelson 1995). Thus the occupational structure in all Western societies has shifted from one in which the bulk of the employed population was engaged in production work to one in which the largest number of jobs are non-manual.

The second fact referred to above is no less difficult to demonstrate, namely that the size of the prison population has grown more or less in parallel with the growing preponderance of non-manual workers in the occupational order. In Britain, for instance, the prison population in 1999 was 55.8 per cent greater than it had been in 1977 (Central Statistical Office 1989, p.79; UK National Statistics 2001, p.169), even though national population grew only 6 per cent during the period. In the United States, the prison population in 1999 was 49.5 per cent higher than it had been in 1990 (US Census Bureau 2000, p. 221).
Ranulf uniquely highlights changes in emotional disposition experienced by a population undergoing transformations in occupational order. While explanations for rising numbers of persons subject to a disinterested tendency to inflict punishment vary, Ranulf’s model offers a synthesising account that deserves attention. There is in all relevant societies a growing acceptance of inequality that corresponds with changes in occupational structure mentioned above (see Kelley and Evans 1993). Non-manual workers’ acceptance of inequality and also their fear of crime disproportionate to experience of it, can from a Ranulfian perspective be treated as elements of a single pattern. Current transformation in social structure, justice regimes, and emotional dispositions not only raise issues for social scientific investigation, they also provoke questions concerning the future prospects of political democracy. The degree to which he offers an account of these concerns is the measure of Ranulf’s continuing importance.

References


