

**ELICITING AN EMOTIONAL
RESPONSE:
AN ANALYSIS OF REVENGE AND
THE CRIMINAL JUSTICE SYSTEM**

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Revenge. The mere mention of the word conjures images of those who have done wrong and have received what, presumably, they deserved in retaliation. As such, the concept of revenge is an abstract idea to which anyone can relate. Revenge is as old as history and has been discussed and illustrated throughout literature, film, and conversation. Surely, the phrases “an eye for an eye,” “hell hath no fury like a woman scorned,” and “revenge is a dish best served cold” are not unfamiliar notions. As long as the idea of revenge has existed, it remains as popular a motif in today’s society as it has always been. Perhaps one of the best-known examples of revenge can be seen in the Judeo-Christian Bible and the story of Samson. At his wedding, Samson gives a riddle to his

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groomsmen and promises to provide garments upon their solution of it. The riddle is quite difficult, so the groomsmen threaten Samson's wife to get the answer out of Samson, thus swindling him. Upon receiving the threats, Samson's wife tells them the answer and they proceed to win the bet. Samson is so outraged that he goes to Ashkelon, kills the thirty men, and takes their belongings, leaving the garments he promised. Then, he "gives" his wife to a friend, thereby excluding her from his life. A second and, perhaps, more justifiable example of Samson's revenge is shown in his destruction of the Temple of Dagon. After falling prey to another woman, Delilah, Samson is handed over to his enemies who gouge out his eyes and take him captive. While being paraded as a captive in front of his enemies, Samson asks God to strengthen him so "that he may be at once avenged of the Philistines for his two eyes." He then manages to kill everyone in the temple, including himself, which is a sum greater than any he had ever killed prior.

The story of Samson is instructive because it shows a society in which revenge was not only normal, but also condoned. Samson's story, like others to be illustrated later, shows revenge could be exacted for a relatively minor offense like cheating to win a bet or an act as major as avenging the gouging of eyes and subsequent enslavement. Further, Samson's actions illustrate the fact that the contemplated vengeance is not always exacted in proportion to the perceived crime. Clearly, the criminal justice system is proper in that it prevents this type of disproportionate punishment. However, stories like Samson's are indicative of a startling problem with the criminal justice system. Those who make law and advocate are disconnected from the true issues revolving around the desire for revenge. Those policymakers are not in touch with the psychological effects the desire for retribution has on a potential vigilante. The effects on a person like Samson, his family, or any of the other victims portrayed in this story are not thoroughly considered or reflected in the law. The laws are

written only as though a crime was perpetrated against the state. The state does not deal with the unrequited emotions of the victims. This raw emotion is seen throughout Samson's story, yet is seemingly unnoticed by policymakers, both in his time and today. For this reason, the study of literature in conjunction with the study of law is an invaluable asset in analyzing whether the government is taking the proper approach with victims and, if not, what could possibly be done better.

However, in spite of the story of Samson and the lessons it demonstrates, revenge has, for the most part, become a highly romanticized idea in today's culture. This glamorized idea is especially prevalent in social contract societies where revenge is not allowed and the government administers justice. Movies especially have a penchant for creating societal heroes out of characters who seek vigilante justice against those who have done them wrong. As a prime example, dozens of films have been made about Wyatt Earp, the famous Western

frontier lawman, none more prominent than 1993's *Tombstone* or 1994's *Wyatt Earp*. The general storyline of both movies is the same. Wyatt relocates to Tombstone, Arizona, with his brothers to escape the life of a lawman and to attempt to stake his claim and make his fortune. He and his brothers soon find themselves thrust back into the lifestyle of lawmen. Their decision comes when a lawless gang headed by The Clantons and Johnny Ringo begin to wreak havoc. The elements of the law and lawlessness set the stage for the inevitable confrontation: the infamous shootout at the O.K. Corral. The Earps and Doc Holliday win the fight, either killing or injuring several of the gang members. In order to regain control of the town and retaliate, the gang attacks Virgil and Morgan Earp, injuring the former and slaying the latter. The final portion of both movies depicts Wyatt Earp and his friends seeking revenge against the remaining members of the gang with great success.

The various Wyatt Earp films and countless other revenge plot films demonstrate one of the

greatest fallacies the idea of revenge perpetuates. In these stories, a hero, against whom a wrong has been committed, is always the focal point and he or she embarks on a quest to “make it right.” As an added factor, the law is usually unable to aid the hero for some reason. Usually, the problem is a due process concern for the wrongdoer or there simply is not a law on point for that issue. For instance, in *Wyatt Earp*, Kevin Costner’s Earp saddles up his horse to begin his quest for vengeance. When confronted about the justice of his quest, Earp scowls, “If those men think they can hide behind those laws then they’ve missed their guess.” The law Earp is referring to was a court ruling earlier in the movie that determined there could not be a murder without a witness. The fallacy in this simplistic storyline assumes that all crimes can be portrayed in this black and white manner. The wronged hero must exact his own justice because the law has failed him. The constitutional prohibition against cruel and unusual punishment is never considered. This prohibition certainly could

be applied to the excessive punishment of tracking down and eliminating an entire group to avenge the death of one person. Further, the protections of due process of the law are never contemplated. This is especially problematic in the context of *Tombstone* and *Wyatt Earp* considering Earp was a lawman meant to ensure due process.

This romanticized idea of vengeance should be most interesting to those who undertake legal scholarship. Through the world of literature, a legal scholar, judge, or advocate can better understand the gray area that truly encompasses the essence of vengeance. Reprisal is not black and white like *Tombstone* or *Wyatt Earp* would lead their viewers to believe. Studying characters throughout literature and applying the lessons they provide to legal scholarship illuminate the various emotions of the victim vigilante. Legal professionals, just like any other group, can easily fall into the romanticized portrait of black and white when considering a crime. Even those who perpetuate legal doctrine do not always consider the effects such a viewpoint of

crime and retribution can have on the people the system is set to influence.

The legal scholar needs to understand both the positive and negative dynamics that affect the victim turned revenge seeker. However, an analysis of the individual alone is not a sufficient way to examine the system as a whole. The scholar must then look at societies that still have vigilante justice and have not converted to a social contract status. This analysis is important to show why the government needs to have a system that provides for the victims of crime. The need for this system is crucial so victims do not feel that the law is not doing enough to issue justice to those who deserve it. Finally, the legal scholar must ask what the system must do to provide a justifiable return to merit the power it has been given.