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Defendants' excuses for aggressive acts: Observations from Copenhagen City Court

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Abstract

This article is based on observations of 50 city court cases for threats, offensive speech and/or minor violence. The attention is on how the defendants excused these aggressive acts, but primarily on the excuses that were unlikely to be considered juridically relevant. Six different storylines were identified in these excuses: regrets, blaming of the alleged victims, claim of concern for the victim, referral to sense of justice, claim that it was an accident or a misunderstanding, and finally a dissociation of the event from the defendant's personality. The meaning of providing these excuses will be discussed in light of concepts such as neutralisation techniques and accounts. It is argued, however, that a proper understanding needs to also include both interactional dynamics and the powerful framing that the court situation provides: The defendants strive to appear normal in a situation of attack against their self-images.

Keywords
Excuses, Emotions, Aggressive acts, Courtroom interaction, Neutralisation techniques, Accounts

A defendant who had knocked down the wrong person after an incident on a nightclub dancefloor exercised his right to have the last word in the Copenhagen City Court, telling the audience: "If I had seen the guy who hit me in the club, I would have recognised him afterwards." The statement could not influence the verdict – so what was its purpose? This article examines the possible purposes of presenting such excuses and the insights they may provide into how defendants experience the courtroom situation. The analysis relies on observations from 50 city court cases for threats, offensive speech, and/or minor violence. The guiding research questions are, first, how are aggressive acts excused, and second, what insights can be drawn from the making of these excuses? The latter leads to a theoretical discussion binding together neutralisation techniques, accounts, emotions, and interactions in court.

Regarding the aggressive acts studied here, defendants' explanations might affect the verdict if they lead to a reclassification of the act as self-defence, which will result in an acquittal. A charge involving violence may also be reclassified as "mutual fighting," where both parties bear equal responsibility. A state of emotional arousal [*oprørt sindstilstand*] may also be considered a mitigating circumstance, leading to a milder sentence. The reason defendants present excuses with clear juridical relevance is thus obvious, as they may influence the verdict in their favour. My attention is on the other excuses, which

the juridical actors in court are unlikely to find relevant but may have a meaning in an everyday lay logic. While a few defendants excused themselves by showing remorse, many referred to the background for the incident or their understanding of it. I will discuss the meaning of the different excuses in light of relevant theoretical perspectives and empirical studies. The understanding of excuses that guides my reading follows Goffman's definition of an excuse as "an account provided in response to an overt or implicit accusation but presented as only partially diminishing the blame" (2010, p. 113), as well as Scott and Lyman's definition of excuses as "socially approved vocabularies for mitigating or relieving responsibility when conduct is questioned" (1968, p. 47). *Excuses* thus differ from *justifications*, where one accepts responsibility but denies the impropriety of the act. I have analysed the justifications elsewhere (Prieur, forth.).

The general social approval to which Scott and Lyman refer here may be easy to find in everyday life but less so in court, as I will show. The court is an arena where interaction rules from everyday life are suspended. My analysis is based on three scholarships: The understanding of the court as a particularly power-loaded arena, insights regarding the emotional state of the defendant, and the concepts of neutralisation techniques and accounts.

Understanding how defendants experience court interactions: The frame

In the modern state, the rule of law serves to maintain peace and limit the use of violent means (cf. Elias, 1978, 1994). The court transforms a conflict between citizens into questions to be treated rationally instead of emotionally, whereby involved parties are freed from seeking revenge by violent means. Applying the law thus implies a rewording of life events according to juridical categories. In this rewording, the court's juridical actors – my catch-all term for the professional judge, prosecutor, and defence lawyer – discern between what is of relevance and what is not. Their criteria of relevance for sentencing a person are narrower than lay people's criteria of relevance for whether this person is to be blamed. When given the opportunity to tell their version, defendants often attempt to explain the context and background for the incident but are seldom allowed to do so in much detail. For Christie (1977), the juridical system thereby "steals" people's conflicts, takes them out of their context and out of the involved parties' hands, letting professional actors handle them according to an alienating logic, which is different from the logic of everyday life.

The court scene is heavily loaded with power (cf. Bourdieu, 1987; Bergman Blix & Wettergren, 2018). The courtroom in the Copenhagen City Court has the professional judge and two lay judges placed at a podium. All rise when they enter. The professional judge wears robes. The juridical actors all use titles related to their respective roles instead of names when addressing each other or the defendant. No one may speak without the judge's permission. The language is unfamiliar to everybody but the juridical actors, and it is impersonal, emotionally neutral, and technical. As Bergman Blix & Wettergren (2018, chapter 4) point out, this dramaturgical set-up tames and silences emotions. The incident behind the case is presented and discussed in a neutral, distant manner, as a question of juridical categorisation, whereby the physical or psychological injuries it caused and the emotions involved are toned down. Defendants have the right (but are not obliged) to provide an explanation or to answer questions. Victims enter the room as witnesses and may not speak freely, only answering questions from the prosecutor or the lawyer, or occasionally from the judge. Adding to the alienation that defendants may experience comes how they are objectified: They will hear themselves presented in certain ways and

have their life histories and situations exposed (often including very private matters), their motives explained, and their personalities categorised. Finally, they are the objects of a decision of utmost importance for their lives, whereby the judges attribute a label to them as a criminal or not (Bourdieu, 1987).

As de Lagasnerie (2018) underlines, while most sociological understandings of power emphasise forms of power that are accepted by those subjected to it, the power in court does not demand any consent: it is pure force, coercion. Defendants are deprived of autonomy of movement, they are obliged to be present, to listen to witnesses and to juridical actors, and to remain silent when not asked questions. A defendant who is found guilty receives a punishment, a sentence, with the intent to hurt. For de de Lagasnerie (2018), the purpose of the penal system is to harm; for Christie (1981), it is to inflict pain.

This is the background against which the defendants' emotional state should be understood.

Understanding how defendants experience the courtroom situation: Emotions

Unless the defendant is an experienced recidivist, the situation is thus likely to be experienced as fraught with emotions such as anxiety, shame, frustration and humiliation. During my observations, the judges and prosecutors treated the defendants in a rather respectful manner, explaining the procedure and speaking calmly and politely to them (in contrast to the condescending tone applied in French courts, according to de Lagasnerie, 2018). Nevertheless, most defendants were visibly uncomfortable. Some shivered, mumbled, or spoke in very low tones or rapidly and frenetically, while others spoke loudly and aggressively.

A core concept in contemporary sociology of emotions is Hochschild's (1983) "emotion management," which designates the adjustment of emotional experiences and expressions to situational expectations. Most studies of emotions in the courtroom context focus on the juridical actors' emotion management (cf. Bergman Blix & Wettergren, 2024; Flower, 2021), which is an important question, as a possibly biasing influence from emotions may jeopardise their neutrality and rationality. Other studies deal with victims' emotions (e.g., Fredriksson & Heber, 2023). Studies of defendants' emotions deal primarily with remorse. Johansen (2019) has observed court cases and interviewed judges about their considerations regarding the defendants, finding that their gender, class, age and ethnicity may impact, for instance, whether defendants' expressions of remorse are deemed appropriate and sincere. As Johansen & Laursen (2023, p. 162) have clarified, judging implies evaluations not only of defendants' acts, but also of their morality. In that respect, their explanations and expressions of remorse count. Van Oorschot et al. (2017) refer to earlier findings about how judges seem to appreciate when defendants display remorse and "take responsibility" for their acts, but they should also convince the judges that they have changed after the incidents. The van Oorschot et al. study highlights how defendants are in a catch-22 dilemma: instructed to stick to the facts all while risking being blamed if they do not exploit the occasion to express appropriate remorse. In an earlier study, Komter (1994) states the defendants' dilemma as having to be cooperative and defensive simultaneously. Most solve this by not completely disputing the versions of events presented to them, instead toning down or disguising the most harmful parts. They will also typically dissociate themselves from judgments of their moral character.

The defendants' explanations are thus expressed in a difficult and emotionally charged situation. Faced with the charges against them, they do not just answer the questions from

the prosecutor or their lawyer about factual matters but also present a range of justifications and excuses. The next section provides a sociological understanding of justifications and excuses.

Neutralisation techniques and accounts

The dominant perspective on offenders' excuses and justifications in criminology is Sykes & Matza's (1957) theory about neutralisation techniques. They assume that offenders share common norms and therefore experience guilt and shame related to their delinquent acts, which is why they seek ways to alleviate these feelings. Based on perpetrators' explanations, Sykes and Matza define five basic techniques: *Denial of responsibility* implies playing down one's own role and intentionality (e.g., by pointing to external forces). *Denial of injury* implies claiming that one did not cause any suffering. *Denial of a victim* implies denying that this kind of victim deserves better. *Condemnation of the condemners* implies defending oneself by claiming the condemners are no better. *Appeal to a higher loyalty* implies referring to a common value (e.g. the obligation to help a friend) that the offender ranks as higher than the obligation to obey the law. Later scholarship has expanded the range of techniques (e.g., Cromwell & Thurman, 2003). Based on a very comprehensive review, Kaptein & van Helvoort (2019) build a logical model of neutralisation options, where four overarching categories are subdivided into 60 sub-techniques. Valtonen et al. (2024) convincingly demonstrate the utility of this model, despite its complexity, in an analysis of animal welfare offences.

However, Copes & Maruna (2017) argue in an overview article that understanding how neutralisation works is more important than numbering techniques: Using them implies that the perpetrators leave common social norms uncontested, albeit interpreted in ways that make the acts more acceptable for them. The easing of the perpetrators' conscience may enable future criminal acts. For Sykes and Matza, the application of neutralisation techniques should occur not only after but also before the act. As researchers, however, we usually encounter them as retrospective rationalisations and cannot determine whether they also occurred before the acts (Cromwell & Thurman, 2003). This is also relevant for me, as I only have after-the-act statements.

In their distinction between justifications and excuses, Scott and Lyman (1968) hold that justifications are accounts where one accepts responsibility for the act but denies that it was a bad thing to do. Conversely, excuses are accounts where one agrees it was a bad thing to do but denies full responsibility. In their reference to the Sykes and Matza neutralisation techniques, Scott and Lyman claim "denial of responsibility" regarding excuses, while the other four regard justifications.

Although the distinction between justifications and excuses seems sharp on paper, realities may be more blurred, as there are more options for the offenders than to consider an act bad or not (cf. Kaptein & van Helvoort, 2019): The act may be seen as not very bad, or not so bad given the context. Claims like "nobody was really hurt" or "he called me a bitch first" (respectively, denial of injury and denial of victim) may serve both as justifications and excuses. As I will show, then, neutralisation techniques are relevant for understanding excuses.

The defendants' statements may also be addressed as accounts. Scott and Lyman (1986) define an account as "a linguistic device employed whenever an action is subjected to valuative inquiry" and as "a statement made by a social actor to explain unanticipated or untoward behavior" (p. 46). In everyday life, accounts may bridge the gap between actions

and expectations, thereby calming down a situation. Scott and Lyman claim accounts can either be justifications or excuses and identify four modal forms for excuses: *Appeals to accidents* refer to claims of lack of intention and the influence of hazard. *Appeals to defeasibility* may also imply a reference to a lack of intention, such as due to lacking knowledge. *Appeals to biological drives* imply a reference to lack of control over one's body, such as a fatalistic view on sexual drives. *Scapegoating* implies attributing the blame to someone else. Extending Scott and Lyman's work, Buttny (1993) views accounts as "the use of language to *interactionally construct preferred meanings for problematic events*" (p. 21, italics in original). Buttny provides a broad analysis of how accounts are given and received in different interactional contexts, stating that the face-saving function is the most commonly provided explanation for why accounts are given.

From my perspective, an important limitation inherent in the Sykes and Matza neutralisation perspective is its narrow focus on *norms*. Neutralisations serve to alleviate the offender's guilty conscience, as they share the social norms they have broken, and they must handle the discrepancy between their practice and their values (cf. Goffman, 2010, p. 185). The Scott and Lyman conceptualisation of accounts draws on Goffman's interactional understanding and thereby includes issues of identity and normality. Scott and Lyman state: "*Every account is a manifestation of the underlying negotiation of identity*" (p. 59, italics in original).

Goffman (1955, 1959, 1961) also has the merit of linking interactional norms to emotions, as when pointing to how the violation of norms may induce feelings of shame and attempts at saving face. When the image (of themselves) that actors try to convey is threatened by their norm-breaking acts, disclaimers and apologies serve to reestablish a positive image of themselves. Excuses are essential to this "remedial work" (Goffman, 2010, p. 108) designated to change "the meaning that otherwise might be given to an act, transforming what could be seen as offensive into what can be seen as acceptable" (Ibid., p. 109). Offenders may deny they committed the act or seek to redefine it with reference to circumstances or a lack of knowledge, competence or attentivity. The actor's aim will be to "establish that the act is not to be taken as an expression of his moral character" (p. 112) and to be found "worthy of being brought back into the fold" (p. 113). This implies being considered ordinary and normal.

Following this perspective, excuses in court may be seen as attempts made by actors who have violated the law to bring themselves more in line with common social norms and appear as normal as regards moral character. The shameful context may invite them to fight for a good impression of themselves, even if helping them little (Bergman Blix & Wettergren, 2018). Aspiring to regain normality, the defendants may draw on a repertoire of interactional competences known to be successful in ordinary life situations.

But there is nothing ordinary about the courtroom situation. The interactionist approach has been criticised for not addressing the relations of power and domination that frame and structure the interactions (Bourdieu & Wacquant, 1992), and the powerful frame is indeed relevant for understanding courtroom interactions: The defendants strive to save face in a situation of extreme attack.

This puts the theoretical together: The powerful court frame, the emotional states this provokes, with the effort to save face and be perceived as normal, and the concepts of neutralisation techniques and accounts. This theoretical construction will guide the analysis. After presenting the methods and the empirical analysis, I will return more explicitly to these different perspectives in a concluding discussion.

Method applied, presentation of cases and methodological reflections

The analysis is based on 50 cases of threats, offensive speech, and/or minor violence, all from Copenhagen City Court. Upcoming cases are announced on their homepage two weeks in advance, but only with very brief information, typically just the penal code classification and sometimes a couple of words (e.g., "threats against public servant"). From the time allotted, I could deduce whether it would be a simple or more complex case. I chose those I expected to be simple, as the complex ones often dealt with different forms of crime and/or multiple defendants. While a couple of cases still proved more complex than the announcement indicated, all had only one defendant.

I continued my observations until I had 50 cases fitting the selection criteria. The observations all took place between June 2021 and December 2023. As access is open to the public – students, journalists and relatives are frequently in attendance – my presence evoked little attention, although a simple question was occasionally asked, which I answered by explaining that I was a university researcher. I took notes, as recording is not permitted. Except for cases where a translator was used, which slowed down the rhythm of speech, I was unable to take verbatim notes and therefore had to summarise people's statements. My notes were quite extensive, but unfortunately not comprehensive enough nor sufficiently verbatim to allow for a narrative analysis. In some cases, I contacted the defence lawyer or prosecutor in a break to clarify a matter, often expanding slightly on my research interest. Sometimes, I talked a bit with the defendant after the case. As I only attended cases with public access and never took notes that could identify any actors, ethical standards set in the Danish Code of Conduct for Research Integrity and the General Data Protection Regulation have been respected.

Due to the selection of short cases, most were of a minor nature. Table 1 provides an overview of the charges. Threats ranged from a suggestion to "watch over your shoulder" to pointing with a knife. Violent acts ranged from having thrown an apple in the direction of a person to life-threatening acts with the use of a knife or kicking the victim in the head.

Table 1 Charges

Offensive speech	Threats	Offensive speech + threats	Minor violence	Minor violence + threats	Minor violence + offensive speech	Minor violence + threats + offensive speech	Serious violence
4	12	1	24	3	1	1	4

Table 2 presents the cases according to the situations or relations where the incidents occurred and according to some of the defendant's characteristics.

The incidents with public servants usually involved police officers, but some involved ticket inspectors, frontline social or healthcare workers, and office clerks. The combined incidents all involve defendants where offensive speech or threats against a police officer were a secondary charge to threats and/or violence directed against someone else, but where the defendants verbally or physically objected to being arrested when the police arrived. A high proportion of the incidents with public servants clearly involve defendants who are particularly vulnerable and/or were intoxicated. It is also striking that five of the seven female defendants were involved in cases involving public servants. This might be due to women's offences generally being of a less serious nature; and in many cases, had these incidents occurred in contact with anybody other than a public servant, they would

Table 2 Characteristics of incidents and defendants

	Incident with public servant	Nightlife/ party incident	Nightlife + public servant	Incident in close or intimate relationships	Incident in other situations	Other + public servant	Sum
All	16	11	5	9	7	2	50
Defendants under 25	2	6	2	2	1	0	13
Female defendants	3	0	1	1	1	1	7
Not Danish citizenship	3	3	0	1	3	1	11
Particularly vulnerable defendants*	8	2	0	5	3	1	19
Intoxicated defendants**	7	10	4	2	4	2	29

*Covers people with alcohol and/or substance abuse problems, who are in institutional care, are homeless, refugees, or without legal residence, and/or have psychiatric diagnoses or obvious psychological challenges.
**Intoxicated by alcohol, drugs or in combination when the incident occurred. In most cases, intoxication was explicitly mentioned, but there are also four cases I have classified here because the context made it highly probable that the defendant was intoxicated.

probably have been seen as too trivial to be reported – but public servants are obliged by their superiors to report even minor incidents.

While unsurprising, the extent to which intoxication is involved in nightlife incidents is striking. Young Danes are renowned for heavy drinking (cf. data at espad.org).

Most of the nine cases of violence or threats in close or intimate relationships involved partners or ex-partners. Among the incidents in other situations was a conflict between neighbours, while the remaining eight cases involved confrontations between people who had known each other only briefly or not at all (two of them in addition included a public servant).

Thirty-three defendants were found guilty, three more guilty of some charges, and five were acquitted entirely. In nine cases, I could not get the result, as the verdict was postponed for various reasons. Nevertheless, the sentences were not my focus: Sentences depend on juridical arguments, first and foremost concerning whether the defendant's guilt is considered proven. The object of this article is how defendants attempt to excuse aggressive acts.

A statement was usually made as to whether the defendant either had never been sentenced, had been sentenced for offences without relevance to the case at hand, or had been sentenced for relevant offences. Roughly half of the defendants had earlier sentences (23 for certain, four probably), but most of them for irrelevant offences, in some cases probably merely a fine that had been accepted without court proceedings. I therefore assume that for at least half of the defendants, this was the first time they had faced charges in a courtroom. Publicly appointed lawyers usually only have brief exchanges with their clients beforehand, so most of the defendants are relatively unprepared for what is about to happen.

An overview of defendants' arguments

Early in the procedure, immediately after the prosecutor has presented the charges, the defendant is invited to provide their version. For some, remaining silent would probably be the wisest option, but I observed only one experienced criminal who chose to do so. The others all sought to provide an explanation – which they logically must have thought would make sense or make them look better – with varying degrees of success.

Some defendants denied having committed the act in question. Others claimed to have acted in self-defence, that their counterpart had started the altercation, or that they had somehow been provoked. These arguments are all undeniably juridically relevant and will not be discussed further.

Juridical deliberations deal with sorting relevant from irrelevant arguments, and only the arguments that are unlikely to be considered relevant are of interest in the following analysis. The reason they are presented may well be that the defendants believe them to be relevant or that they ought to be relevant. Since the verdicts are decided in a closed room, I cannot know whether this sometimes occurs, but the excuses on which I focus in this article are likely to have a minimal impact on the verdict. I have grouped them in six different storylines: regrets, blaming the alleged victims, claiming concern for the victim, reference to a sense of justice, claiming that it was an accident/misunderstanding, and finally a dissociation of the event from the defendant's personality.

'I'm so sorry'

As mentioned in the research review, regrets and apologies may be of some relevance for the outcome of the case. While expressions of regret imply a declaration of guilt, repentant defendants may convince the judges that they will not repeat the offences, possibly leading to a milder sentence. For this latter reason, I was surprised by the limited role played by regrets, even in cases where the defendants' guilt was unquestionable. Only 14 defendants explicitly accepted blame and expressed genuine contrition for the damage they had caused. The most regretful of them was Defendant #12, a man in his 40 s who was not allowed to re-enter a bar after having gone outside to relieve himself instead of queuing at the toilet. Although the bouncer had warned him that he would not be admitted back, he reacted by hitting the bouncer: "Doing what I did was terrible. I hit him and ran away like a teenager. I have never hit anybody, never with a fist. I think it was out of frustration, and I'm very sorry that I have wronged another person - that I've done something so far over the line." No other defendants expressed regrets so explicitly without adding something to justify or excuse the act. Like #3, who sobbed when watching a video of his assault on his younger brother. Both were substance abusers. "I should have taken care of him, after our mother died." But he would not accept the full blame, as he claimed his intentions were just to scare his brother, not to cause harm. Defendant #25 also declared remorse, but he did not know what he should be sorry for, because he did not remember anything. Or #11, who recognised having said some inappropriate things to the public servants from the immigration authorities but said he was only sorry "if someone has felt threatened, because that was not my intention."

Buttny (1993, p. 19) also finds that apologies often coincide with excuses. This seems odd, as apologies concede fault while excuses at least partially deny responsibility. In the cases mentioned above, the defendants' reluctance to accept the full blame is possibly a sign that this would somehow affect their presentation of themselves, perhaps their pride.

Pride or attempts at saving face seem important in many of the excuses presented in the following.

'The (alleged) victim is (also) to blame'

Context and background for the incident may be of relevance, but in a narrower sense for the juridical actors than for the defendants. In the 45 cases with a defence lawyer, the lawyer included context and background in 24 of them, but apparently did not find it relevant for the defence in the remaining 21 cases. When the line of defence was that the defendants had not committed the acts for which they were charged, context was obviously irrelevant. But even when some degree of guilt was admitted, the defence lawyers would cooperate with the other juridical actors in delimiting the case to the juridical relevance criteria. This meant that they sometimes disagreed with their clients, who wanted to explain the broader background for the incident. However, it was often stressed under the prosecutors' questioning that they should only tell what happened in the incident or immediately before it. This appeared to frustrate several defendants.

From the defendants' perspective, context and background may take all or some of the blame from their shoulders and transfer it onto the alleged victims. Scott and Lyman (1968) call this *scapegoating*. Van Oorschot et al. (2018) also report the telling of a story that puts the blame on the victim as occurring regularly. The argument may be juridically relevant if the act then may be considered the result of a provocation, but only if the acts are directly connected. So, in Case #45, where a 16-year-old boy was charged for having slapped his same-aged girlfriend, the fact that he had also reported her for having slapped him was irrelevant. These were separate events, as they did not occur on the same day; and, to his frustration, he was therefore not allowed to mention this other incident.

In cases of violence, threats, or offensive speech directed at a public servant, the provocation argument was barely listened to, as these individuals are entitled to special protection. This was clearly seen in a case (#6) that ran without a defence lawyer, as the defendant, a woman accused of insulting a police officer, had pleaded guilty and only risked a fine. The judge asked her: "Do you admit to having addressed the officers with words such as 'prick', 'fatty', 'fuck you, cop bastard' [*nar, tyksak, fuck dig pansersvin*]?" She answered: "Well, the charge says 'such as', and I didn't say anything about 'cop bastard'. But the other things, yes. But I want to say that it was because he had first called me a bitch [*kælling*]." The judge let her explain the situation, where she also claimed the officers had treated her roughly. However, the judge was neither concerned with the alleged provocation nor with the alleged rough treatment. The judge was solely concerned with whether this could be considered a case of pleading guilty or not, as the defendant did not admit to the exact same wording as in the charges, and as she also claimed to have been provoked. The prosecutor accepted omission of the term 'cop bastard' from the charge, whereafter the defendant pleaded guilty and accepted the DKK 5000 (€670) fine.

Just as in this example, defendants frequently tried to alleviate their guilt by putting blame on the alleged victims. In Case #42, the defendant was charged for grabbing his neighbour by the throat. When invited to tell what happened, he replied: "May I first say something about the background and what kind of persons this involves?" The judge nodded, and the defendant started on a long and very detailed story intended to describe his neighbours as noisy, careless, and disrespectful people. There was no response to this story, and the only apparent effect was that he stood out as a difficult and quarrelsome person. The defendants were otherwise usually stopped from talking about the background.

Another example (#50) involves a case of threats and violence against an ex-partner. This defendant seemed overwhelmed by feelings such as betrayal, jealousy, sadness, and/or anger, and he accused his ex-wife of adultery, of improperly caring for their son, and of having obstructed the sale of their common house and car. As he had sent her numerous insulting messages, a police restriction prohibited him from contacting her directly by any means. The prosecutor wanted to document these messages but was prevented from doing so. For the judge, none of these issues was of interest, as the only relevant points were whether he had grabbed her by the throat and hit her in the head or not, and whether it could be documented that he had sent two new text messages to her despite being prohibited from doing so. The latter was easy to prove, the former relied on testimony from the alleged victim and her male guest, who had witnessed the incident. After this guest's testimony, I heard the defendant ask his lawyer in a frustrated voice: "Why didn't you ask him whether he is her new partner?" She answered: "I would shoot myself in my foot if I did. You're the only one who cares about that. It doesn't make any difference to anybody else [motioning with her hand towards the judges]." The moral blame he wanted placed on his ex-wife was irrelevant for the case in question (and highlighting it would only make his guilt even more probable).

In the cases presented above, the defendants' blaming of the victim was deemed irrelevant for the case and therefore ignored. Such blaming could also appear so improbable that it was simply met with silence. An example would be Defendant #35, who was accused of having thrown an apple in the direction of a doctor at a centre for alcohol treatment. He was also charged with a hate crime, as he had hurled racist insults towards this doctor, a Danish citizen of Asian descent. The defendant claimed the doctor first had insulted Danes for all being drunkards, and after the incident had sent his brothers out to give him a thorough beating. His claims were completely ignored. To his good fortune, however, his assertions that he had now stopped drinking and had found work were not ignored. With reference to his improved situation, he was accorded a suspended sentence for the violent act of throwing the apple and acquitted of the hate crime (as the judge assumed he simply would have used other invectives towards a white doctor). Before receiving the sentence, however, he had spent the waiting time outside the courtroom emptying a bottle of vodka, and responded with racist insults against the prosecutor, who was also of Asian descent. The judge just left – the case was over. I interpreted the situation as a face-saving performance (Goffman, 1955), where all the other actors in court simply ignored what was said instead of embarrassing the defendant by confronting him.

'I was concerned for the victim'

This excuse was only encountered once, expressed by Defendant #29, who had assaulted one of his colleagues. They were both construction workers with Eastern European backgrounds and had attended a barbecue in the trailer park where they lived. The defendant said he had heard rumours that his colleague had fallen in the stairway and hit his head but refused to see a doctor afterwards. The defendant was worried for him: "So, I was angry because he refused to take care of himself, which can cause problems at the workplace." The colleague responded by criticising the defendant, whereafter they got into a fight during which the defendant hit his colleague, resulting in a broken tooth, a cut lip, and some bruises. Nevertheless, he maintained that his intentions were originally good. Both were drunk, and they promptly became good friends again.

'I have a sense of justice for other people'

This excuse was also only encountered once: A tiny woman, Defendant #33, was charged with having pushed a police officer. She explained that her partner had been in a dispute with the policeman, who responded by pushing her partner: "There is something with me and justice. So in that second, I step forward and push him." She later adds: "I have a sense of justice for others. But obviously I don't want to go to prison."

'It was an accident or misunderstanding'

Some defendants excused themselves by claiming the incident was an accident or misunderstanding, often related in whole or in part to alcohol. The appeal to accidents is one of the accounts reported by Scott and Lyman (1968). In nightlife altercations, judges are very attentive to stories about misunderstandings, as it is important to discern provoked from unprovoked violence. In Case #37, the judge therefore based a mild sentence on the fact that the defendant, who had hit another nightclub guest, had falsely believed that this guest had hit his friend first.

Some other defendants also excused themselves for having misunderstood the situation, such as the repentant #41 who had felt convinced that the man who accompanied his eight-year-old daughter to the toilet had to be a cunning paedophile (and not simply her father), which was why he tried to open the toilet door with a big knife. He referred to experiences from his own childhood, but neither the prosecutor nor his own lawyer invited him to expand on them. His misunderstanding was not accepted as attenuating.

Defendant #46 had been hit by somebody on a dancefloor. Afterwards, outside the club, a friend pointed out the alleged culprit. The defendant went over and knocked this person down, but it was someone who had not even been in the club. The defendant used the opportunity to have the last word in court to make a rather cryptic statement: "If I had seen the guy who hit me in the club, I would have recognised him afterwards." My interpretation is that it was urgent for him to tell the court that he was a rational human being, who would not hit random people. This leads us to the final storyline.

'I am not that kind of person'

Some of those who admitted to their charges still emphasised that the incident was out of character, thereby dissociating their personalities from the acts. Like #4, who had threatened a social worker who had held back his welfare benefits: "It was because I had been provoked for a long time. I'm not like that—I'm a family man." Similarly, van Oorschot et al. (2017, p. 366) reported a case involving a remorseful defendant, saying: "That's not who I am."

More frequently, however, defendants used this dissociation of themselves from the acts to cast doubt on their guilt, even in rather obvious cases. Repentant #18 comments on an incident where he knocked down a man he did not know in the street outside a bar: "I'm not proud of this. It isn't who I am as a person." His argument was that as he is not a violent kind of person, but obviously has acted violently, he must have been provoked: "I wouldn't have done it if something hadn't happened first." He just could not remember what, and the video of the incident revealed that the victim was attacked the moment he stepped out of a taxi and could therefore not have offended the defendant.

The argument about one's non-violent personality was seldom convincing. Defendant #30 said he was very sorry for having given his ex a slap, adding "I would never hit a woman," backing this argument with: "I grew up with three sisters." He apparently wanted

to distance himself from the wife-beating figure, all the while admitting to once having slapped his ex-girlfriend.

Defendant #17 had an altercation with two ticket inspectors on the subway. As he had already been fined by the railway company for travelling without a ticket, he thought this fine would cover him when continuing his travel with the subway company. He was also persuaded, equally wrongly, that ticket inspectors were not authorised to hold him back. He therefore resisted when they tried to hold him, but he denied having been violent: "I was totally pacifistic. I never use violence – that's very rare – only when I'm out of control and hysterical."

The frustrated neighbour, Defendant #42 presented above, who admitted the argument with the neighbours, also referred to the description of himself to cast doubt on the alleged violence: "I have never been the brawling kind of guy [*slagsbror*]."

Defendant #49 also referred to a description of himself to render the alleged violence improbable. He was a muscular man, a former bouncer now managing the bouncers for several nightclubs. He was accused of having treated a guest violently outside of one of these nightclubs. He described the incident slowly and in great detail, first explaining that the guest was kicked out for having taken his shirt off:

> He was told to leave. When passing the cloakroom, he insults us. I'm having a tattoo removed from my arm, and he sees it and calls me a failed biker, a poorly paid slave, and bum. He continues outside, where my colleagues are present. We ask two police officers to take care of him, and they lead him away, but he comes back. And he starts, like, "show me your payroll!" And referring to my employees, he says "you only hire immigrants and Pakis." I tell him to go home, and he spits. I say he should leave, and he spits in my face. I pull him up, lift him away, and I throw him down. He gets up, and I kick at him as a warning, but in the air, and tell him to go home.

Answering a question on the physical part of the incident, the defendant answers: "Yes, I throw him, and he falls. But he shouts, 'Come on, come on!'. But I don't want to beat anyone, I just want him to go away. It's a pretty big difference between us, I'm huge compared to him, so I have nothing to prove." He explains that he thought the alleged victim might have a knife in his pocket.

> We have our instructions, which are to create a distance. I see he has a hand in his pocket, and he's hostile, despite being small. We know we should keep distance, which works well; I just have to lift my leg, and he backs up. He stands in a fighting position, so I use my leg, because that's what works best. I have been on the national team in [a martial art]!

The defendant presented himself as a dominant male according to traditional standards for masculinity, and he argued that as he was a man of perfect control, he had not been violent but only used the minimal force necessary to deal with the situation. The (female) judge was visibly unimpressed and talked down to him on a couple of occasions, as when he tried to intervene in a discussion between his lawyer and the prosecutor. She cut him off, exclaiming: "You shouldn't say anything at all!" His discourse and presentation of himself might work better in social contexts other than the court.

Concluding discussion

Summing this inventory of excuses up, Scott and Lyman (1968) accounts *appeal to accidents* and *scapegoating* were at work, as already mentioned, while the *appeals to defeasibility* or *biological drives* were not encountered. Some known neutralisation techniques also seemed to be applied. The accusations against the victim correspond to the Sykes and Matza *denial of victim* and the claims about misunderstandings to *denial of responsibility*. Further, the claim about sense of justice may correspond both to a *condemnation of the condemners* (the police officer behaved no better) and to *appeal to higher loyalty* (justice). I found no examples of *denial of injury*.

The claim regarding one's true personality was made frequently and might be understood as a form of denial of responsibility. This is the interpretation made by Cromwell and Thurman (2003), p. 542) in a similar case, where the respondent denies shoplifting: "it's not really me – I mean, I don't believe in stealing, I'm a church-going person."

I think, however, that this *striving to present oneself in a positive way through dissociation from the acts* should be seen more as an account than as a neutralisation technique, as this thinking is not likely to occur before the act. When defendants employ this dissociating technique, they seem to strive to communicate an image of themselves as good human beings despite their actions, which should be considered anomalies. However, maintaining a neutralisation logic may serve as a way to put themselves *normatively* in line with law-abiding people. According to an interactional logic, it may also serve as a defence of one's identity and one's self-image as a worthy human being despite charges involving transgressive acts. Goffman (2010, p. 113 ff.) describes a splitting of the self, where one part of the self contemplates the other, which is obviously guilty of an offence. Here, one may pretend the wrongdoing not to be the true self, as what happened was a kind of mishap. Goffman himself (Ibid., p. 117, note 13) refers to the Boston Strangler, who claimed the committed acts to be so beastly that he must have had some deep psychological reasons for committing them. This all serves to preserve the image of one's personal character.

Supplementing this interactionist understanding with a perspective emphasising the power-loaded court frame and drawing on the sociology of emotions, we arrive at an understanding of the excuses presented in court as emotional responses to the attacks on the image of the self and the humiliation thereby suffered.

The efforts to communicate a positive image of the self may be seen as an overarching strategy, as it is clearly also at work when presenting claims about a sense of justice, concern for the victim, and misunderstanding, as well as when regrets are expressed. Even in the claims about the victim being (also) to blame, effort is clearly made to present oneself as a normal human being who simply reacts to provocations as anyone else would.

Telling the story about themselves obviously matters for the defendants, even when nobody believes them or they are ignored. Maybe they do not realise that the juridical actors do not listen, maybe they are addressing me and the few other persons among the spectators, and/or maybe they are telling the story to themselves.

When defendants try to convince others about their being worthy human beings, they apply conventions for ordinary interactions that are suspended in court. In ordinary social interactions, it is perfectly normal to provide broad contextual explanations for an incident. It is normal for listeners to intervene in conversational turn-taking and to react with expressions of opinions and emotions. This is contrary to the structured speaking orders in the courtroom, which adds to how the court actors strive for emotional neutrality

that makes them take on stone-faces (Bergman, Blix & Wettergren, 2018, chapter 4). In ordinary interactions, people will cooperate to save each other's face. In court, the antagonism between the parties suspends this cooperation. In ordinary interactions, there may be a space for negotiations over results. In courtroom interactions, this negotiation is suspended. The defendants' accounts might therefore be understood as responses to a very unfamiliar and extremely power-loaded situation by applying tools from ordinary life.

The defendants in the observed cases were charged with aggressive acts. While they defended themselves against the juridical charges, they also defended themselves against the social stigmatisation of being a human being lacking self-control, who cannot behave, who cannot control their temper. The figure of the irrational person who cannot control their temper and therefore attacks anybody without a reason is a figure from whom they insist on distancing themselves. Normality implies not only conforming with social norms, but also being a rational individual and someone who responds emotionally in appropriate ways.

The message of the young man who found it important to tell the audience that he would not have knocked down the wrong guy if he had seen who hit him first is in a sense the message almost all defendants convey: "*I'm a normal and rational human being who has control over myself. So I wouldn't offend anybody without a reason*."

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