

A CRIMINOLOGIST'S QUEST FOR PEACE

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Chapter 2: GEOMETRIC FORMS OF VIOLENCE*

Societal Rhythms in the Chaos of Violence

In an essay I actually wrote before the fall of the Soviet Union, I drew upon chaos theory to observe that state violence worldwide seemed to be oscillating between waves twelve to twenty-five years apart (Pepinsky, 1991: 34-61). This stable pattern of violence and its management now appears since to be dissolving into turbulence. Following Eisler (1987), I hypothesize that the chaos in which we now find ourselves is a transition back to a pre-existing global order, from 4.5 millennia in "dominator societies" to "partnership," as our violent becomes unsustainable.

Here is the pattern I saw: In one wave of state management of violence a new generation of political leadership assumed power. The new leaders were expected to make room for their own heirs to assume positions as high in the competitive world order as themselves by expanding their people's share of the global economic pie. Youth rebelled against the pressure, while their elders worried that the youth did not have what it took to take hold of their legacy. The elders saw a need for greater discipline of youth as well as a need to struggle against foreign competition. To win both struggles, the new generation of leaders was especially prone to mobilize the youth into military front lines to fight wars. When troops were mobilized in large numbers to fight, young men went to war instead of going to prison, and incarceration rates leveled off or dropped. The last such period in my home country, the United States, was after John Kennedy succeeded Dwight Eisenhower as president, and when eventually as many as a half million U.S. troops were sent to fight in Vietnam. As warfare and politics became globalized, these patterns tended to occur simultaneously across nations. One might characterize these waves as periods of explosive political conflict and change.

The second wave was a conservative backwash against the first. Once restless youth had now reached middle age; the haves among them had outgrown rebellion and wanted to be cared for by elder father figures, while aging leaders clung to incumbency. In this period the haves in each polity tended to turn their war inward against domestic enemies, in wars on crime. As the principal punishment for crime, incarceration rates climbed. In the United States, incarceration rates bottomed out in the mid-1970s and began their most dramatic climb in the 1980s, driven by renewed wars on drugs, as a senior father figure, Ronald Reagan, assumed the presidency (see www.ojp.usdoj.gov/bjs/correct.htm).

A strange attractor is a pattern mysteriously formed and filled in by a line, generated by a non-linear equation, moving unpredictably from point to point, back and forth around itself. Together, the recurring waves of violence were like the two wings of the earliest "strange attractor" constructed in early chaos research in 1963 by Edward Lorenz (Gleick, 1987: 139-41). Tracing those cycles, I noted that over the past two centuries of incarceration in the United States, the swing back to wars against foreign enemies had periodically broken the upward climb in incarceration.

I saw that Mikhail Gorbachev heralded the onset of the next first wave of new leadership when he assumed direction of the Soviet Communist Party in 1985. I foresaw that as leadership in the United States changed to those not yet in adulthood in World War II, the Soviet and U.S. leadership would coalesce into the ends of a Northern European axis militarily mobilized against Southern leaders, predominantly against Muslim leaders. I was wrong. U.S. President George Bush managed to draw the Russian leadership into an alliance in his war against Iraq, but the Gulf War of 1991 signaled the end of the World War II generation of leadership in the United States. Military might had finally reached a point in the mightiest of superpowers of being potentially destructive beyond all political usefulness. A century ago, in 1897, Theodore Roosevelt could write a friend, "In strict confidence...I should welcome almost any war, for I think this country needs one," and help that wish become reality (Zinn, 1980: 290). Those days appear to have ended.

In the new generation, President Clinton and his administration have avoided mobilizing U.S. forces into combat, carefully engineering limited police roles instead. The young president aimed to continue the war on crime against underclass young men as though in deference to his elders' management of force and violence. Counts of juveniles and adults in custody in the United States come in bits and pieces, but all continue to rise (see also ojjdp.ncjrs.org/ojstatbb/ for rising figures on juveniles in custody).

This is akin to pushing against the line in Lorenz's two-winged strange attractor as it verges on oscillation from one wing to the other, pushing the line back on itself. With successive pushes, the line bifurcates, bifurcates again, and soon moves back and forth erratically, "turbulently," on the side on which it is allowed to continue to move. More and more people are added to prison, but confusion can be expected to reign in the process of collecting criminals.

The Flow of the Undisturbed Legal Process

Zinn (1980) applauds the genius of the design of the U.S. constitutional system as one providing a stable regime in which political and economic elites can operate without serious threat of revolution. The statutory law of the United States in each jurisdiction comes in several parts, which together operate to help ensure, as Reiman (1997) puts it, that "the rich get richer and the poor get prison." There is a civil law of LIABILITY. There is a law of government workers' ACCOUNTABILITY to the people they are supposed to serve. And there is a criminal law of RESPONSIBILITY for private misbehavior. Preparing lectures during a period of study in Norway, I noticed that these

three terms translate into one in Norwegian: "ansvar," which literally means "responsiveness." It was at this point that I recognized "responsiveness" to be the antithesis of violence and domination (Pepinsky, 1991: 8-33).

I think it is significant that in English three different terms are used for parts of law which in turn generally are applied to different groups of people. The softest term is reserved for the law applied primarily to the business community. An important function of this law is to LIMIT liability. One form of limitation now routinely granted major businesses to move into communities is on taxation--tax abatement. The other form is provision for incorporation, which literally serves to limit the liability of owners for corporate misdeeds to what they have already invested in the business. Adam Smith (1937 [1776]) railed against provision for incorporation; Jesilow (1982) observes that indeed allowing investors to create businesses while limiting personal responsibility for harms done by the business has been an open invitation to white-collar crime. Meanwhile, too, civil courts are overwhelmingly used by large organizations rather than by individuals; even small claims courts have become corporate collection agencies to a great extent. At worst, the imposition of liability is less stigmatizing by far than a criminal conviction.

As someone with a legal background who has tried to help countless people appeal and aggrieve public actions or failures of action, I am accustomed to seeing complainants and grievants, myself included, being beaten down and back. In my experience, the first time an official says "no" to one's request, others one appeals to back that first official up as readily as iron filings snap to a magnet that is brought close to them. There are exceptions of course, but generally speaking, it takes an insider to have another insider held accountable for wrongdoing. When it comes to politicians we elect or, like police, hire to improve the state of our social order, they tend to blame the weakest subjects of the order for social problems, attempting to mobilize support by getting tough on the subjects. As teachers like me are prone to blame our students for failures to master course material, so politicians tend to blame underclass or otherwise powerless young men and women for social problems, playing on stereotypes based on gender and race as well. Currently across the United States national and state politicians and candidates for office are vying to be tough on powerless figures like teenaged women who have children but not paid work (never mind whether they were raped by older men; never mind whether anyone is feeding or caring for the children while we force the women off welfare). They focus on use of drugs like crack cocaine found most among poor young people of color rather than on drugs of choice of middle-class white folks like powdered cocaine or the prescription drugs which kill users in the greatest numbers (Mauer, 1996; Morley, 1996). Incarceration rates continue to climb apace, fed by continuing political rhetoric that "the criminal element" including street gang members are the biggest threat to the safety and security of us all, their confinement and punishment the highest priority for governmental action.

The Underlying Fractal Reality of Violence

Assuming that violence occurs like other phenomena observed by chaos theorists, the big

official picture of violence repeats itself right down to the closest interpersonal level in our lives across social class and caste; violence occurs "fractally." One of the key chaos researchers, Benoit Mandelbrot, coined the term "fractals"--short for fractional dimensions--to describe a level of uniformity he saw in physical and social phenomena. First he noticed that although you could not predict the price of cotton in a market from one moment to the next, the curve fitting fluctuations in price for each day matched the curve for monthly fluctuations. For coastlines, for wind, for clouds, Mandelbrot found that the patterns that formed at any level reappeared at other magnitudes of time and space, at varying scales. Reporting on this series of discoveries, Gleick (1987: 81-118) concludes that this "scaling" of phenomena in physics:

...led...to the discipline known as chaos. Even in distant fields, scientists were beginning to think in terms of hierarchies of scales, where it became clear that fully theory would have to recognize patterns of development in genes, in individual organisms, in species, and in families of species, all at once. (p. 116)

For one thing, small-time street crime is paralleled by big-time suite crime. By now there are numerous criminological studies reporting that property loss and damage, personal injury and death, and drug use and trafficking in violation of our criminal codes by persons of wealth and power in and out of government, including the military and law enforcement, vastly exceeds that of street crime for which we customarily punish offenders. Examples include Chambliss (1988), Pepinsky and Jesilow (1992), and Reiman (1997). None of us is in a position to prove this proposition to those determined to believe that underclass young men are our most dangerous citizens. For that matter, a criminal conviction does not "prove" a defendant guilty of a crime. Although we throw the word "proof" around pretty liberally, tautology--being true by definition as in two plus two equalling four--is the only proof of anything. But it is awfully convenient to believe that crime happens most just where the police happen to be mobilized to look for it, and just where it is most politically acceptable for us to acknowledge it.

Moreover, if the social theories we normally use to explain street criminality apply, then the more power our social position confers on us in relation to others, the more numerous and serious crimes we will commit, because we have more opportunity to do greater damage to others, and because we are less restrained by the watchfulness or threat of adverse response by others. Logically speaking, holding a position of power over others should be the primary social cause of misbehavior including violent disregard of the harm, fear or distress one causes in others. Notice how commonly this logic is applied across religious traditions to indicate that persons of wealth and high social position are particularly spiritually suspect. For wealth and high social position to retain legitimacy this logic has to remain politically denied and socially unacknowledged, but the fault does not lie in the logic itself. If, as I have here one defines "violence" as power over others and the determination to have one's way with it, then to paraphrase Lord Acton, power causes violence; the greater one's power to have one's way with another person or group without effective resistance, the greater one's tendency toward violence.

If violence works fractally as chaos scientists propose all the world works, the more intense the large-scale violence around us, the more intense and prevalent violence should become at the interpersonal level throughout the social system. Brock-Utne (1989) charts a range of levels of patriarchally generated violence from direct interpersonal to structural levels. Tiffitt and Markham (1991) have traced the connection between the propensity of home partners to batter women in the United States and the policy the United States has had of "battering Central Americans." If, as is now commonly supposed, adult women are commonly battered in all classes of homes in the United States and indeed elsewhere in the world too, then children should be even more violated, all the more so the younger they are and the more unquestionably entrusted unsupervised adults are with their care. Paradoxically, in a stable violent social order one would expect the violence to be more insistently denied by all concerned (a) the more horrific and brutal the violence, (b) the higher the political and social standing of the violators, and (c) the closer and more sacrosanct the relationship between the adult and the child.

This is precisely the reality an increasing number of people see. By way of introduction, I particularly recommend Dziech and Schudson (1991) for a review of that reality as presented by children, Whitfield (1995) for an account of how survivors, unprompted, recover credible memories of the reality and heal from it, and Sakheim and Devine (1994) for a range of opinion, and De Camp (1996) for the most copious published documentation of a case I know, concerning the most gruesome, and widely denied and dismissed, reports of ritual abuse.

These past several years, I have become well acquainted with cases of alleged sexual assault of children and gotten to know child complainants, their protective parents, adults reporting survival of child sexual assault, and therapists, activists and investigators in these cases across the United States. This includes knowing several people who report that their socially prominent parents or grandparents in groups including other pillars of their communities have not only drugged and raped them repeatedly, but have tortured them and forced them to kill and eat others. One of these cases got as far as prosecution of sorts. A socially prominent father was under order of extradition for having raped his daughter several times when he died suddenly, of reported "natural causes" but without an autopsy. I have friends who have corroborated reports that named people were sacrificed with death certificates or by digging up a body (as De Camp reports in one instance). I myself have stumbled onto one seeming grave (later dug up) in an elaborately constructed ritual site on private property, which the police responded they lacked resources to investigate more than cursorily. As Whitfield reports, it is only since the 1960s that the sheer physical battering of children has been recognized to be more than an isolated occurrence. Like Whitfield, I believe false reports to be few and far between, signs that memories might have been coached or implanted or concocted at best occasional in a few notorious and oft-cited instances. If this part of the world where it is generally agreed that a large proportion of women at some age are sexually assaulted by someone they know, and where we are alarmed at police reports that one person is apparently murdered for each ten thousand years of human life in our communities, the emerging picture of widespread, serious violence against children by adults we trust to take care of them makes fractal sense. It is also to be expected that this previously hidden

violence would become less obscured by the spectacle of state violence and state-reported violence as that spectacle dissolved into turbulent activity.

The Prospect of Transition to a Peaceful Order

Making peace in the face of such pervasive, deeply seated violence requires putting validation of victims ahead of retaliation against offenders. Validation is the primary emphasis of therapists like Whitfield (1995) and Miller (1990 [1983]) dedicated to helping survivors heal. The essence of healing lies in victims' discovery that they are persons of value--that the worthlessness, the shame, the initially nameless guilt they feel is not, to use Whitfield's term, their "true self." Memories of the most traumatic victimization, of the greatest betrayals of trust, are the last to return to a victim's consciousness, returning as the victim comes to feel safe, in control of interaction, not pressed to have to disclose anything for anyone else's benefit. Healing is essentially learning to trust that one can express one's true feelings without having them denied or losing control of what is done with one's expression. Remembering and sharing the things which hurt and threaten one most deeply grows with the opportunity to express what one truly feels and believes without being punished for it. Miller (1990 [1983]) observes that all children begin with the inclination to be honest with others and to listen openly, attentively, and compassionately to what others feel and believe. Confusion, lying, and dissociation begin when we are forced to bury what we feel or believe in favor of expressing what others demand we feel or believe, on grounds it is "for your own good." Whitfield joins her in observing that we adapt to this pressure either by "acting in"--punishing ourselves, numbing ourselves, putting ourselves in abusers' hands to suppress the "bad" feelings we have--or by "acting out"--letting out our true suffering by inflicting the suffering on others. In case studies of a secret mass killer and of Adolf Hitler, Miller indicates that acting out can either be a horrible secret or become a public policy position.

Validation requires a safe opportunity to express one's anger and betrayal over victimization. Whitfield advises therapists working with survivors of child abuse to hold clients back from confronting their abusers so that this validation can occur. The greater the betrayal, the more horrific the abuse, the more likely the abuser is to deny all, to attack the victim for lying or being crazy or misled; and the more likely bystanders are to accept the denial and add to the pressure on the victim to recant or go silent. When it comes to parental sexual assault on children, as with any victimization, no healing is more magical than that which occurs where the victim confronts the offender, and the offender acknowledges the wrong, apologizes ("Why, why, why did I do it?") and offers to atone (as described by Gustafson, 1991). Unfortunately, this happy outcome is least likely in the severest cases of betrayal of personal trust, where the offender may even have repressed any memory of a prolonged series of assaults. Paradoxically, since violence itself is a product of victimization, it is when we feel least threatened by punishment and recrimination that we are most able to acknowledge the harm we have done others and assume responsibility for it. Our capacity to assume responsibility increases as the force of being "held responsible" diminishes. Our capacity to put victimization squarely in front of offenders where they cannot make it go away as they

consider assuming responsibility rests on victims' gaining the strength of knowing they will be validated by bystanders regardless of what we manage to get out of the offenders. We need to develop our capacity to validate victimization without regard to using it against offenders.

A climate of retribution forces us to bury victimization. It is rightly argued that no victim should be forced to confront an offender in a mediative setting. Confrontation for purposes of prosecution is worse. To begin with, especially in the intimate trauma of sexual assault, the imperative to gather physical evidence and statements takes precedence over simple care and comfort. Whether the victim has a real problem immediately becomes confounded with the issue of how unambiguously a prospective judge or jury can be expected to condemn the accused. What can be done for the victim becomes a matter of what the victim needs to do for law enforcement. An adversary court process of confronting the accused and being subject to cross-examination is a license to attack the credibility and motives of the victim. Even if the accused pleads guilty, for all the victim sees the plea is a charade, and the victim never has a chance even to ask what s/he wants to know from the offender. We should not be surprised if victims do their best to ignore and forget what has been done to them rather than face this process.

Mediation processes like family group councils in New Zealand (Consedine, 1999) and victim offender reconciliation programs (Zehr, 1995) are wonderful alternatives to prosecution in many cases, but they require that offenders acknowledge the victimization and volunteer to face those they already acknowledge to be their victims. All the evidence of child abuse that is rising to our social surface these days suggests that the deepest and most pervasive victimization suffered is only beginning to be acknowledged by victims, let alone by offenders.

The most poignant cases I have encountered are those of children who, in the midst of divorce and separation, return traumatized from visits with parents. When being with someone appears upsetting, especially in the midst of otherwise disruptive conditions, the most obvious response would be to allow some distance, as in having visits in neutral places or with third parties the children like. Instead, apparently in thousands of cases each year, courts deny such requests, and until criminal abuse is "proven," treat it as important to force the children into greater intimacy with the parents and to punish "protective" parents for resisting. This pressure tends to become greatest where corroborative evidence, as of damage to children's genitalia or anuses, is most dramatic, where the stakes in protecting parents' capacity to defend themselves against assault charges become highest because of the seriousness of the suspected abuse.

Even this evidence would not have come to light unless the parents had split up. All in all, there appears to be a need for children to have no-fault opportunities to get some distance from custodians when the children become upset, and generally to have access to a wide circle of adults some of whom they can express themselves openly to insofar as they feel victimized and trapped with others. The opportunity to choose to associate and disassociate with others unconditionally ought to be expanded at all ages, together with

the expectation that we will spend more time sharing our sense of intimate victimization with one another, while suspending the presumption that we need to take out after one another's victimizers in the aftermath. In the process, we can nurture and rediscover honesty among ourselves, and become true selves who can respond to victimization at our own pace, on our own terms, instead of having law enforcers offer us the facade of protection by identifying and retaliating against offenders on their terms, on our behalf.

I see this as a part of the process of democratizing our lives, not only in how we respond to being violated, but in how we produce for and support one another (Pepinsky, 1991). It is a process of learning once again to live in partnership (Eisler, 1987). In chaos terms, "strange attraction" emerges in cross-sections of social life where people are allowed the opportunity to interact openly and unconditionally, and to negotiate and create their own ways out of problems gradually. Then social life becomes strong and stable like the chaos figure known as a "Menger Sponge," a block of holes surrounded by smaller holes surrounded by smaller holes ad infinitum in which the lines between holes add up to infinite length but occupy no volume. When instead we try to take over one another's problems and "solve" them by having some build structures for the rest to occupy, we force the strange attractors created by human trust to split apart again and again until community dissolves into turbulence, where the order rests more and more heavily on lies and (self-)deceit (summarized in Pepinsky, 1991: 44-61). We have reached the point in history at which building domination further defeats even the greatest dominators--first in foreign military conquest, then in exposing criminals without exposing their own criminality. We cannot correct this problem by exchanging dominators or leaders. Transition to life in partnership is the only way to gain the safety of community in the face of violence. Partnership begins by listening to one another's victimization simply to acknowledge the true extent of the violence we face. In such relationships we enjoy safety from further victimization. To be able to attend to that task, to build true companionship into one another's lives, we have to let go of identifying, isolating and subduing enemies on anyone else's behalf.

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