

A CRIMINOLOGIST'S QUEST FOR PEACE

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Chapter 3: CULTIVATING COMMUNITY IN CONVERSATIONAL CIRCLES*

CALCULATING BI-MILLENNIAL LIMITS TO NOMADRY

Here I sketch a theory of how we can safely, sanely, connect with one another and expand our empathy and compassion for one another, in the face of personal and structural violence. I call this process of becoming safer, of forming communities of trust with one another (Cordella, 1991), "peacemaking." Fellman (1998) calls it "mutuality." Quinney (1991) calls it "compassion."

Worldwide today, we live in a social state I call "ultimate nomadry." I'm not quite sure who the bad people are, but from ancient tales to tales of the Wild West in the U.S. I grew up with, there is a clash between cultivators and nomads. Nomadic people moved in families and clans. Now we move to cut apart even the nuclear family, especially in the heart of global military power, the United States. A couple of friends and I visit elderly people in nursing homes and a day center to sing and chat; often their next of kin are thousands of miles away. I see people die almost alone.

My spouse and I are proud that our daughter is establishing an independent place for herself in this world, that she is "flying from the nest." Our 22-year-old daughter has few friends whose parents are still married to one another.

Structurally in the United States, we have this crazy notion that children who do violence need closer father-knows-best control, and so stigmatize and isolate poor children of color for instance because their fathers are so likely to be in jail or prison, or at best, ex-cons. Yes, their families are broken, but forcing families back together, like putting Humpty Dumpty together, doesn't always make sense.

Ultimate nomadry is a blessing as well as a curse. When I was in law school, you still had to go to Nevada to get a no-fault divorce. Now shelters and transitional housing and the like empower women and their children to leave violent households. Now, thanks to the fact that many of us are literally traveling to the other side of the planet, thanks to exchange of information as through that irrepressible internet, we hear and learn more about one another. I am writing during the NATO air assault on Yugoslavia. Many of us know Serbian exiles personally and locally, and those who don't can find it on the internet, and even occasionally on CNN. Enmity becomes blurred.

Neville's (1998) novel has reinforced my inclination to see history as a bi-millennial shift in astrological orientation. For two thousand years, the terms of global governance have been dominated by Pisces, by fishers, who for instance have now among other things literally fished out large portions of the ocean, and "killed" whole lakes and rivers. We are being overtaken by Aquarius, the water bearer, in which as Neville's Nez Perce elder puts it, we "change or die."

In that process, we are at once liberating ourselves from time-honored pretexts for enslavement and oppression of members of all groups, right on down to children's rights globally (Levesque, 1999); and simultaneously, we are more isolated from one another and personally ill-informed about one another than ever. I'll wager that in my country, most of us know more about the private lives inside the White House than know what's going on in the homelives of our neighbors and co-workers. This is especially so for men, I find. It is our lot to be more liberated of structural oppression, and more isolated, more alone, than our forebears.

CULTIVATION

In the past bimillennium the conflict between cultivators and nomads has been manifest. Riane Eisler (1987) brands the cultivators in the Middle East and Europe--notably the Minoan Cretes--as the peacemakers; to Jared Diamond (1997), the militarism now dominating the world sprang from these same cultivators. I do not propose to choose sides. An Aquarian lesson, I think, is that we ought to recognize that in each of us, as in any group, there ought to be a balance between a side which cultivates, and a side which moves and assumes autonomous identity.

A side of us naturally seeks roots in the earth. This has been confused with position, with territory, with sovereignty. But just as we can grow food hydroponically, without soil, wherever we are, so we as nomads can also cultivate social roots among associates no matter how physically near or far they are. The cultivation depends not on a cultural identity with one tribe or group versus another, but on nurturing the quality of one's interaction with others--on building trust, honesty, safety in one another's company, company when in need. Enduring, meaningful, secure relations can be rooted with associates of one's choice. Questions arise as to how one selects associates with whom to relate, and as to principles in which friendship with one's associates gets rooted.

As to selecting associates, the quest for peace listens first and foremost to the most nearly silent or silenced, weakest, least participating voices in one's own public discourse. In ultimate nomadry, there can hardly be a right or wrong place to be. Rather, in any place, one can look for the weaker, quieter people in one's midst, attend to, and be guided by their feelings and experience, as explored more fully in the chapter in "transcending literatyranny."

I find the Navajo explanation of peacemaking particularly clear and cogent (Yazzie and

Zion, 1996). The task of any of us as peacemaker is to bring those we find victimized by violence into circles--places for conversation which have no sides, no higher and lower, where participants take turns listening and sharing, without interrupting. The objective of the conversation is to restore balance in human relations, literally to include left-out voices. Responsibility cannot be imposed. It is hoped that each party will leave the circle with nothing more than her or his own will to respond as s/he sees fit. Force only compounds social imbalance.

Navajo tradition as I understand it is a wonderful Aquarian balance in itself. Socially, roots are matrilineal and matrinomial. Children are rooted in "mother," as in "mother earth." I also gather that among traditional foes like Hopi, Navajo were suspect because of their shepherding nomadry. I find remarkable clarity in the Navajo conception of how to build peace in the face of violence, in the face of disputes among friends.

Formally, the Navajo Peacemaker Court is a creature of the Navajo Nation's Supreme Court. Formally too, the peacemaker court is a culmination of a peacemaking process conducted by a *naat'aanii*, someone recognized as a wise and good listener in the local community. The court formally, ultimately, convenes in a circle, where each person takes a turn speaking uninterrupted about his or her feelings and experience of a social disruption, which includes, notably, domestic violence. The *naat'aanii* convenes and closes the circle with a prayer that social imbalance become more balanced. Each member of the circle leaves free to do as s/he pleases; personal responsibility requires no less.

Many Navajo are in Anglo jails and prisons. No formal "solution" awaits any of us caught in the midst of violence. But the story Yazzie and Zion (1996) tell us Navajo peacemaking tells the principles by which any of us in daily life can create circles with others. In early experience as a Victim Offender Reconciliation mediator I have learned that so-called preparation for mediation may even be more important in the longer run than the quality of the mediation session itself. The preparation lies, in my experience, in making peacemaking a way to cultivate safety in any daily moment, regardless of formal trappings. As we connect we do so across tribal bounds, bounds of loyalty (Brock-Utne, 1985, 1989).

A STORY OF NOMADIC CULTIVATION

Some years ago, I reached the conclusion that children are the ultimate underproduct of warmaking (Pepinsky, 1991, 1994). Most of us civilized nomads would readily acknowledge that skin shade, gender, and class indicate little about who is more virtuous or smarter than whom, including who commits less crime and violence than whom (Pepinsky and Jesilow, 1992). But among my "liberal" friends, I find that most assume that adults know better than children what is "for your own good" (Miller, 1990 [in German 1983]).

It is not hard to break through this prejudice. My friends and others concede that adulthood and experience can ingrain blind ignorance ("Isn't the emperor beautifully dressed?"), bad habits, and a capacity to dissociate and lie even to oneself ("I had such a beautiful childhood..."). In our childhood, including the childhood that lingers in us in adulthood, we are more honest, and we strive like heck to learn what it takes to get approval from adults upon whom we depend, whom we naturally love. We notice and learn more carefully what is going on around us in childhood; that's what learning a new language takes. Children have it most.

Here is a story in which I learned fundamentals of making peace in the midst of personal and structural violence. It is for me a story of daily life.

Several years ago I had already been teaching a seminar on "children's rights and safety," aided by "protective parents" and their supporters--those in custody and visitation disputes who believed that the children were seriously sexually abused during time with their other parents. I had testified pro bono in one such case, apparently moving a judge to attend to and accommodate for the child's own sense of safety. I had also witnessed gross legal denial of children's complaints in such cases.

I had been getting phone calls from protective parents, mostly moms, from around the country, seeking validation and counsel. I had nothing professional to offer for a fee, but I delved into documentation, met children, tried sometimes to appear in court when I was rebuffed, protested "false memory syndrome" propaganda, in general, got aroused. The validity of the children's complaints was, time and again, so apparent; rejection of what seemed to me plain evidence so relentless in courts.

Another mom called me from out of state. She, her current husband, her two daughters, and their father, had just been interviewed by for a fee, I hear, in the tens of thousands of dollars, by a licensed Ph.D. in psychology who is on the advisory board of a group called the False Memory Syndrome Foundation. This mom had had the presence of mind to put her own video recorder beside the evaluator's, and so had five hours of video of his entire set of evaluation interviews. He had reported in the aftermath that he believed that the mom had put ideas in her children's heads that their father was molesting them, despite the mom's apparent surprise at the elder child's first disclosure of abuse to a counselor, which had led to a year's interruption of visitation with the father, and until much later unbeknownst to the mom, to child protective service's substantiation of abuse, and placing of the father on the national child abuse registry.

I viewed the tapes. As in other cases I have reviewed, there was cruel irony here. The evaluator accused the mother of "parental alienation syndrome" without once addressing the initial disclosure and how the mother had had nothing to do with it. As I reviewed the tapes and wrote about it care of the mom's lawyer, it was the evaluator who tried to alienate the children. He forced each to talk about allegations of "bad stuff" as they sat beside their father. He tried to trick them into acknowledging that if only their mother didn't worry about their being with their father, they wouldn't worry either. He lied to the

younger child that her elder sister had said that she loved her father (when in fact she had in an individual interview reported that she hated him most of the time).

A year later I testified in a hearing in which the judge ordered unsupervised overnight visits with dad, ordered to the mom to keep the children out of counseling, and in a hearing with just the parents' lawyers, told the elder child that he thought she was lying about a recent report of abuse.

In the interim, there was a moment when the mom called me, desperate, with her elder child screaming uncontrollably in the background. I was able to calm the child over the phone, thank goodness, but the point is that I got to know the children. They didn't have to repeat their stories for me to tell them I believed what they had told others.

Back then, the mom was on the brink of figuring she could not go on. She had rejected the response of many other protective parents in her situation--going underground with her children so that they would not be molested again (as in, I gather, being forced to perform oral sex on dad). At the depth of her own depression, and I must confess my own in these cases as well, I hit on a way to go: "Be a buddy, find a buddy." You are a buddy when you listen to someone's pain and fear nonjudgmentally, compassionately. You find a buddy when you find a single other person who shares your belief and will tell others what s/he believes. Time and again, just when the mom felt at emotional and physical extremis, she would meet professionals and others, one at a time, a minister here and a lawyer or girlfriend there, who would listen and validate and make her feel safer and stronger. With their mom and with counselors (including one again at present) and teachers, her children have done likewise. Their mom is a trauma nurse who has read widely and deeply, and has like me become reassured that her children's dissociative episodes have abated considerably. She celebrates a new relationship with her children. She has long since apologized for making a promise to protect them from further violence which she could not keep. She, like other protective parents I know, treasures her children's willingness to tell her when she has hurt their feelings or hurt them otherwise, and tells them so.

Personally and professionally, this mom and her children were betrayed time and again. But the mom retained custody--something of a miracle in these contested cases. In fact, when the judge had just heard the older child in the hearing in which I had appeared and told her that he thought she lied about continuing violence, he also took pains to assure her that she and her sister would remain in their mom's custody. Afterwards, the mom suggested that the judge was in part moved by my honesty on the stand.

I had felt terrible after testifying, but the mom told me that the judge and her ex had both remarked on my honesty there. Among other things, I had testified that I believed that the children were abused as they had reported to others.

This past winter when the mom's mom died, the children's father came to the funeral, and the younger child--back in counseling--was heard to say, "This is my dad. He doesn't

abuse me anymore."

Be a buddy, find a buddy. A circle of conversation can have as few as two people--one venting, the other listening, listening so hard that the listener's immediate demands and commands give way to being guided by what s/he hears.

In the midst of ultimate nomadry this mom, her children and her husband found "buddies," including me. In their lives, I have found what prototypically is a child's honesty in our relations. I have introduced the mom to others; she has introduced me to people too. Time and again, each of us finds that her and his experience helps other protective parents and children get by and get better. Each of these experiences feels to me like a personal resurrection. Ultimately, I have helped children gain their own voice in their lives--space to live honestly, openly, and safely with others. Sometimes these circles move out from dyads to larger groups, even to formal settings like court hearings.

Compassion tends to expand from one's personal life to one's structural life. The triumph in every circle of conversation is that participants leave taking charge of their own lives, in arenas where they can honestly feel and believe as their own hearts and minds indicate.

Peacemaking pays off to each of us in connectedness--being valued and being of value to others without lying, that is, in trust. At a personal level the mom, children, and family I have described in this story care about me, consciously live out principles they believe I have represented, are a resurrection of me here and now among living people. At a personal level, the honesty of discussion of "their" problems of intimacy has helped me recognize and address barriers of my own--my own hangups. At a personal level beyond this case, I am confident that friends all over the place would notice if something bad happened to me and try to help. In sociological or anthropological terms, peacemaking is a process of creating families of choice in place of families of orientation. In fact, it is safer. I used to tell my large classes that I thought it "safer to invest in friendship than in Wall Street," and that when I couldn't buy groceries, I had friends who grew and kept their own food and shelter who would take me in. As the song goes, "Inch by inch, row by row, I'm gonna let my garden grow." That's how we as nomads cultivate our own safety.

I went through law school and expected to become a social engineer. I now see a difference between trying to force the bastards to give way, and empowering victims in circles to gain voice, to gain safety, to assume responsibility for management of their own lives. The resurrection of the divine power of love and compassion in all of us lies not in rearranging the positions we occupy, but in inviting ourselves to share and accommodate to one another's interests (Fisher et al., 1992). The warmaker's task is to "solve problems" by determining "the right outcome." In ultimate nomadry we should be humbled; how on earth can we know what result, what position, others need? Sharing is one thing, planning others' lives is another.

I have recently listened to an account of the life and spiritual values of St. Francis (Bodo, 1998). I consider St. Francis's spirit a guardian. As a young adult Francis hoped to

become a shining knight in the battle for justice. He learned to live and learn from lepers instead.

Our wars are projections of the isolation and unspoken, often unconscious betrayal of personal trust we have suffered (Fromm, 1931, as rendered by Anderson, 1999: 685). In this frame of mind, we are led to presume that if we exorcise this or that personal social demon, we will be safe. In the United States, such villains as I write include Iraq's Hussein, Yugoslavia's Milosevic, Chinese spies, crack dealers, and homicidal schoolchildren (Males, 1999). I don't begrudge the compassion which allows us to send refugees food and medicine, or to make health care universally accessible, for instance. I just think that the will to act structurally, and the personal satisfaction which sustains it, springs ultimately from the satisfaction of introducing people to likely "buddies," and to sharing conversations with them. Personally, this is the path to greater personal security--about being defended against personal threats and about validating one's own sanity when confronted by violence. It is this process of building conversational circles which will curtail violence (Wagner-Pacifici, 1994) by establishing safer relations among us. In our daily lives, making peace lies in engaging in this process with others.

WHERE DO WE BEGIN?

Daily experience as with the protective mother and her children whom I have described, to me, confirms my theory of the difference between violence and peacemaking. I derive and describe and apply the theory at some length in Pepinsky (1991). Here I summarize how the theory leads me to generalize from daily experience of how I and my relations gain safety from personal, and indeed from structural, violence.

I postulate that the essential distinction between interaction that alarms or distresses us, and that which reassures and validates and secures our lives, is in whether we remain goal directed, or allow our attitudes and objectives to be guided by what we learn of the clear, present, honest emotional responses we receive to what we do and what we stand for. I celebrate the synergy that takes place when we allow ourselves to become informed by the feelings and sensibilities of those we affect, moment to moment. To become truly informed is to allow one's personal and organizational agenda to become altered at a moment's notice of personal distress. Our capacity to accommodate diversity of experience into what we give and take with one another is what promotes the survival value of our species in the long run, and of validating one another's suffering in the moment. This is what Buddhists call compassion (Quinney 1991). Information is such that the more freely and honestly it is shared and attended to, the more it grows among all who give it. Information sharing defies the material laws of economic scarcity. To me, information sharing is sacred. The more we share that space, the more capable we become of living honestly, and of profiting exponentially from one another's knowledge. Now I can add to what I wrote in 1991 that the Navajo peacemaker court extends that principle. The information which is most sacred is the suffering at hand which is most systematically ignored. That comes down, in our personal lives, to attending first to voices least heard in our own midst. It extends to listening to life--I personally value

birds' voices in my own backyard for instance--in what the Lakota call "all our relations." I postulate that the more we invest our daily moments of interaction in listening for quiet or weak voices and learning from them, the more secure we become, and the more security we create, in an immanent social world.

In my theory, the corollary force in which we invest in our lives is to respond in fear, in determination to set ourselves or others in certain places in the social machine we aim to build. This is the world in which social control becomes a scarce commodity, where inevitably, some voices constantly drown out others in social conversation--where most of all, children are heard less than adults about what is best for children. The more centrally organized, the greater the inertia behind a social institution, the greater the entropy. In contrast to information sharing, investment in planning and administering institutions--from prisons to homes where father knows best--suffers the limits propounded by Isaac Newton. It is entropic, rather than synergetic as free, honest exchange and use of information is.

The sharpest lesson I learned about myself and the law school establishment who taught me is that their principled support of substantive predictability of social and personal response is what creates "order." Indeed it does; it creates entropic interaction--preys on and amplifies fear and personal paralysis and dissociation. In this theoretical framework, it is no paradox that people should become more afraid, suspicious and intolerant of difference, the more heavily they allowed their politicians to promote imprisonment and execution. When I tell my students I think it safer to invest in friendship than in Wall Street, I am proposing the substitution of one form of predictability for another--the predictability that someone will be there for you when you need a loving word, a meal, or a warm safe bed, versus the predictability that some system or contract will deliver. The more responsively and democratically we can interact in our daily lives, the more we are building what we aspire to when we talk of "community," instead of making inherently unfulfillable promises and raising false hopes by investing in "solutions."

I owe a considerable debt to the thinking and insights of the Mennonite-led victim offender reconciliation or mediation movement, in principles so clearly and concisely set forth by Howard Zehr (1995) in what remains a classic text in the field. I greatly benefited from "facilitator" training by Lorraine Stutzman Amstutz of the Mennonite Central Committee of the United States Criminal Justice Office, for some work in a local Victim Offender Reconciliation Program. There is perhaps one respect in which I diverge from Howard's thinking in particular, and that of other friends and colleagues with whom I feel much in common. Howard wrote a short essay for the South African Truth and Reconciliation Commission in which he argued that their process was "incomplete." Within my theoretical framework, peacemaking is inherently incomplete. Community lies in the guarantee that there will be others with whom one can be safe come what may. In my limited experience as a mediator I have come away humbled and yet heartened in many cases by the realization that what matters is that parties leave mediation feeling more in control of their own lives, more open to accommodation. I look more to trends in people's taking control of their own social lives than to any index of "results" measured cross-sectionally.

Many of my friends, including Howard, are committed to doing justice. I cannot accept "justice" as an objective insofar as "justice" connotes a result, a solution, a completion, an end to violence, rather than representing a promise of more open communication. In my theoretical frame, substantive justice--putting people in their proper places--is inherently entropic, inherently elusive, a conceit not warranted by human experience. Like McKendy (1999), I am heartened by empathy.

I am now writing a substitute for the conclusion I wrote for a paper I delivered at a conference in early June 1999 on the theme for this special issue of *CJR*, "requirements of a just community." My last morning there, I walked to breakfast with Larry Tifft, my old friend from whom I have learned so much. He listened while I reflected on my problem with the words "just" and "justice." He agreed that it was of central importance to what I had to say in this paper, that I propose that we make peace by how we choose where we BEGIN in our next human interaction, and that structurally we look for signs of expanding the synergy of participatorily democratic worker and client ownership and operation of "honest enterprises" (Pepinsky and Jesilow 1992: 145-52). Let where we end up be a product of what we have yet to learn from one another. Insofar as "justice" connotes investing in people being arranged to fit in particular social slots, to create order in the wake of violence and disorder, we don't allow ourselves to begin democratically, synergetically.

To me community requires attention to honest listening here and now, to how we respond to one another, to the issues to which we attend in our daily lives. As the Navajo saying goes, it requires us to let go of attachment to outcome. The good news to me is that investment in peacemaking is not even self-sacrifice, for my personal life and those of others like the protective mother and her children become more secure, more enjoyable, more meaningful, as we participate in the process of lending one another life's energy. The next chapter explores in greater depth how empathic relations promote safety.

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