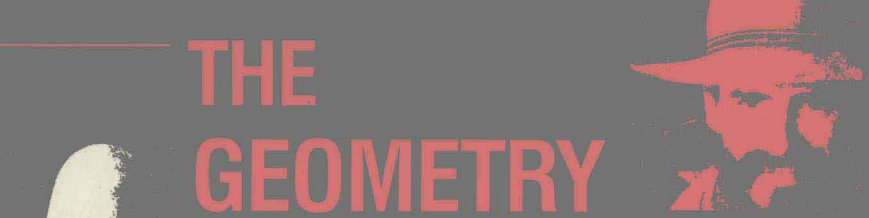
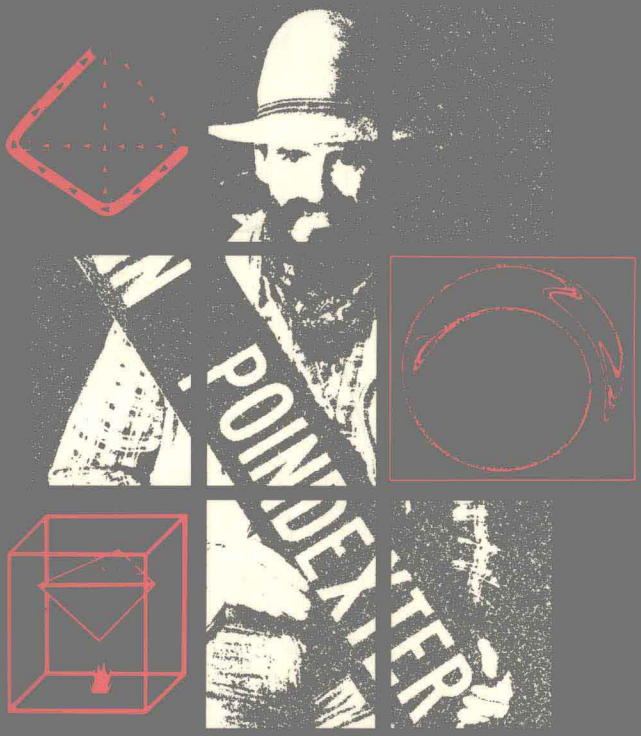


THE GEOMETRY OF *Violence* AND DEMOCRACY



HAROLD E. PEPINSKY

THE GEOMETRY OF VIOLENCE AND DEMOCRACY

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INDIANA UNIVERSITY PRESS
Bloomington and Indianapolis

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Manufactured in the United States of America

Library of Congress Cataloging-in-Publication Data

Pepinsky, Harold E.
The geometry of violence and democracy / Harold E. Pepinsky.
p. cm.
Includes bibliographical references.
ISBN 0-253-34343-7 (cloth)
1. Violence. 2. Crime. 3. Democracy. 4.Nonviolence.
I. Title.
HM281.P385 1991
303.6—dc20 90-4704
CIP

1 2 3 4 5 95 94 93 92 91

THE GEOMETRY OF VIOLENCE AND DEMOCRACY

To Mama and Daddy,
Norwegian friends,
and the Church of the Earthborne

FOREWORD

Violence is the antithesis of democracy. Such is the clear and present revelation of Hal Pepinsky's essays. And punishment—pursued in the name of virtue—is the further perpetuation of violence, as well as another step backward from the possibility of democracy. All the acts of crime follow from the domination of some over others—whether in the exercise of political power, economic exploitation, cultural hegemony, or spiritual authority. The solutions to crime within these systems of domination only serve to continue the problems they seek to eliminate

Democracy is alive and well as an ideal and as a reality to be achieved. The call was evident in Tiananmen Square. Each day we hear the struggles for democracy in countries around the world. And at the same time we learn of the violent efforts to still these moves. The dynamic of our human history is at this moment the struggle for democracy. This time the movement is not for the liberal democracy that isolates people from one another, but for a socialist democracy that seeks the equality and unity of all people, within their diversity; a democracy that is based on care and generosity and equal distribution of resources; a democracy of respect and loving-kindness. This is a democracy that follows the principle of the universe: nature as an original state of unity, an interconnection of all things and all beings.

As we are reminded in this wonderfully original and compassionate book before us, democracy begins in our daily lives, within ourselves and within our families, with our children, and spreads to the structures we create, and comes home to us again to inform and guide our lives. The implications of this for the practice of criminal justice in the United States are revolutionary. The author notes that his aim is modest, though: that a few readers may find it possible to take a few steps to think and act their way out of the crime and

violence surrounding us. There is no place in our daily lives where democracy is not appropriate.

Let us read these words before us with an open mind and an open heart. Let us practice daily the wonder of our mutual existence. With this awareness, as in the Zen search for the ox, we go to town with helping hands. That we may live once again in the light of our true nature, democratically.

Richard Quinney

ACKNOWLEDGMENTS

I recognized only recently that my mother, Pauline N. Pepinsky, has been a pacifist throughout my life. All the signs were there, and her influence on me has been manifest. My father, Harold B. Pepinsky, and my mother raised me to think critically and cross-culturally about social problems. I am grateful to them for starting me on the intellectual quest that has led to this volume.

Chapter 2 begins with a return visit to Norway. The friends I have met there, who have taught me so much about living peacefully, are too numerous to name. Readers will see that I draw heavily on the work of Nils Christie and Birgit Brock-Utne. Two Norwegian friends, Lill Scherdin and Per Ole Johansen, have taken special pains to review and talk over my ideas with me. Many other Scandinavians have contributed to my thinking in important ways, too.

The Church of the Earthborne is a group that my wife, Jill Bystydzienski, my daughter, Katy, and I belong to in the Bloomington area. We have worked and struggled together for a few years now, trying to build a community of peace and harmony with the earth that supports us. Being out in the woods with these good people has more than once restored my sense of sanity in a violent, crazy world. One family in this group—Bill, Glenda, Denise, and Dietrich Breeden—is featured in chapter 4.

My parents, Norwegian friends, and the Church of the Earthborne represent special support and inspiration I have received from birth to the present. This book is dedicated to them.

They represent only a fraction of those who have sustained me and helped me to understand violence and democracy. My closest partners and teachers for more than a decade have been Jill and Katy, to whom I have dedicated earlier books. Chapter 7 particularly reflects the love and understanding they have given me. I dedicated another book to Les Wilkins, and this work reflects the importance he as a criminologist

places on building "democracy." Richard Quinney has honored and flattered me by contributing a foreword, and by collaborating on editing a book of original readings concerning criminology as peacemaking, which IU Press is publishing as a companion volume to this one.

I want especially to acknowledge the importance of the colleagueship I enjoy in the Department of Criminal Justice where I teach. My colleagues, and indeed my students, have opened new vistas to me and have taken pains time and again to help me work through ideas of how violence and democracy operate. It is an unusually cosmopolitan department, where interdisciplinary and cross-cultural inquiry is prized and nurtured. I feel very lucky to be there.

For review and helpful suggestions for revision of an earlier draft of this work, I thank John Smylka. Gina Doglione and Jackie Moore have done a lot to help get this manuscript together. And without Judy Kelley's office support, the department wouldn't function. I thank them all for their generous and skilled assistance.

I hope the many others who have contributed so much in so many ways to my thinking, and helped me so much in my work, will not feel slighted that I fail to mention them all by name. It is an imposing task indeed to thank all those who have contributed to a work which is not a narrow, specialized inquiry but an integral part of the living and understanding of my daily existence in its entirety. Many of you are cited and named in the text that follows.

Although the responsibility for any problems of expression is mine, I am more than ever aware that a book is not the property or creature of its author. Whatever worthwhile comes out in this book is a gift of experience and understanding that at most passes through me as a gift from others. My heartfelt thanks and appreciation go to all of you who have made this book possible.

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1

Introduction

This book is part of an intellectual odyssey. For more than twenty years, I have sought numerous times in numerous ways to discover what "crime" is.

In my second year of law school, I took my first criminology course. The year was 1967. The reports of the President's Commission on Law Enforcement and Administration of Justice were hot off the press. My teachers were the executive director of that commission, James Vorenberg, and the director of the Task Force on Assessment of Crime, Lloyd Ohlin. Ohlin had commissioned and published the results of the first three large-scale victim surveys ever done. These studies concluded that crimes were vastly underreported to police. The *Task Force Report on Assessment of Crime* we were assigned to read gave the victim survey results, then proceeded to use police data to show that crime was rapidly increasing in the turbulent sixties.

I was astounded. First the report claims that police figures are wildly inaccurate, then it relies on police figures to describe the nation's crime problem. I said so in class. I asked Lloyd Ohlin, "How do we know that police figures have anything at all to do with what's happening on the streets?" Lloyd, who is a gentle soul and a very accomplished criminologist, replied, "We don't know, but they're the best we have to work with."

American law school courses generally have but one final exam. The classic question is to spot the legal issues in a hypothetical situation. Here the situation was to imagine oneself an aid to a member of Congress who intended to take a stand on massive appropriations to fight crime. I was to

advise the member what the state of the crime problem was. I wrote that there was no reason to believe the police figures, and that I wasn't even so sure about relying on the victim survey figures—that for all we knew crime was no worse than it ever had been, that we had no basis for deploying more resources, and so we ought to save the taxpayers' money.

I got one of my two C's in law school for that exam. I think that did it. There's a rebel in me that regarded that grade as a challenge. I had to find out which one of us was right.

For my dissertation I rode 600 hours in police squad cars in the high-crime area of Minneapolis, carefully logging data on every call the police got, and on whether they reported an offense as a result. Here, surely, was the physical nexus between police figures and what happened on the street.

The trouble was that my data showed me that police reporting was almost entirely determined by simple rules of police organization which had nothing whatsoever to do with what was happening on the street. I had a close friend who was in and out of prison in Minneapolis. I knew something of what was happening on the streets in the area. As far as I could see, the police were virtually oblivious to that reality. Further field research in Indianapolis and in Sheffield, England, has confirmed my initial conclusion that trends and patterns in police crime counting tell us nothing about crime itself.

I decided to review the literature on every measure of crime and criminality I could find to see whether any of them, or all of them taken together, would get me any closer to understanding the true nature of our crime problem. In 1980 in *Crime Control Strategies*, I concluded they did not. I could see, however, that the only way for all indices of crime and criminality simultaneously to show that the war on crime was being won was through the decentralization and grassroots democratization of social control.

Leslie Wilkins tells me he doesn't remember, but I clearly recall him telling me that he had sent his advanced research design students on a field exercise. They were to wander through the campus looking for serendipity, because serendipity was what produced breakthroughs in knowledge. It was my serendipity that Paul Jesilow became my next-door colleague. Paul is a student of white-collar crime. When we

collaborated on *Myths That Cause Crime,* he gave me a startling insight. For all the crime happening in the streets, there was far more murder and theft taking place in corporate suites. Not only were the police largely oblivious to life in the streets; they weren't even patrolling the places where the great bulk of the crime problem lay. Poor women and children were the ultimate victims of crime, to be sure, but criminally unsafe products, services, and living conditions were killing far more of them than any neighbor was capable of doing with a single gun.

I have also been blessed with another form of serendipity. Earlier experiences, seemingly abandoned for criminology, have come back to help me pinpoint and describe the nature of crime. One of these was my interest in comparative studies and international relations. I had studied a number of languages and had majored in Chinese language and literature. Although I had a strong interest in criminal law in law school and spent two years working as a student public defender, I had an even stronger commitment to the study of Chinese law and international relations. I kept my nose clean, got my security clearance, and worked as a legal intern in the Office of the Assistant Legal Adviser for East Asian Affairs in the U.S. State Department in the summer of 1967. My thoughts of a career in the Foreign Service gave way to despair over the bureaucratic myopia of diplomacy, over the demand for group-think. My third-year law paper won praise from my teacher for its standard Western legal analysis of Chinese Communist diplomatic relations during the first nine months of 1967, when the Cultural Revolution was in full swing. On the other hand, the teacher thought that the concluding chapter—which I loved—offering a Maoist legal analysis was pretty worthless. Another challenge . . .

Now after collaborating with Paul Jesilow, it came to my mind that not only was street crime but a small part of the problem of crime, but crime itself was but a small part of violence. I noticed that U.S. incarceration rates the past century and a half levelled off or dropped only during U.S. engagement in major foreign wars, most recently during the Vietnam War. Our governments seemed to oscillate between building prisons to wage war on killers and thieves at home,

and mobilizing and equipping soldiers to kill and steal abroad. People died and suffered just the same regardless of whether the enemy was foreign or was called the criminal element.

This realization brought me to the literature on peace studies, and notably to Birgit Brock-Utne's pioneering 1985 book, *Educating for Peace: A Feminist Perspective.* That book and a gifted feminist sociologist, my wife, Jill Bystydzienski, confirmed my belief that the dynamics of violence at home and in the streets mirrored not only the dynamics of going to war, but the dynamics of a hierarchical social structure that allowed some people to gain wealth, power, position, and legitimation by impoverishing and killing others.

Here serendipity intervened again. In 1961–62, I had followed my parents to Trondheim, Norway, where I finished high school. We were the only Americans in town for most of the year. Late in our sojourn, we were visiting with a Swedish psychologist, Magnus Hedberg. He asked what I wanted to do with my life. I told him I wanted to serve democracy by working for people. "Would you rather work FOR people than WITH people?" he asked. "I don't see the difference," I replied. And he said, "You'll have no trouble going home."

He was wrong. I left home for college five days after we got back to the States, and I'm only now beginning to think I have found a home. Norway was painful for this American adolescent, but transcending that pain and understanding Magnus Hedberg's point implicitly guided much of my research. I returned to give a lecture in Oslo in the spring of 1983, and then went back for the spring of 1986, especially to spend time with Nils Christie and his colleagues, whose work I greatly admire. Oslo is also Birgit Brock-Utne's home. With the help of many Norwegian friends, I was finally to my own satisfaction to describe and distinguish violence from its antithesis. I call that antithesis first "responsiveness," later "democracy." My return to Norway and the insight it gave me are where my intellectual odyssey picks up in this book (chapter 2).

The insight gained from Norway, together with the serendipity of receiving as a present from my wife, Jill, a book on chaos theory, helped me make sense of patterns I had noticed

in reviewing the history of crime statistics (chapter 3). The serendipity of being able to help a friend in a political trial further revealed to me how responsiveness or democracy works (chapter 4).

A further important bit of serendipity is the friendship I made with Mark Robarge when we were at Albany together. Mark used to bring windmill designs to my office to discuss. On summer visits of ours, he has a habit of suggesting new things for me to read. About five years ago he lent me Buckminster Fuller's two-volume work, *Synergetics*. Fuller didn't apply his theory to social relations, but I felt intuitively that the link must be there. I tried sketching a few models, then put them aside. It was only after discovering and describing "responsiveness" after the return to Norway, and after applying chaos theory to explaining societal rhythms of violence, that the application of Fuller suddenly hit me. At the risk of overwhelming the reader, I offer a hint here of the ideas and concepts more fully developed in chapter 5.

The beauty of Fuller's geometry is its simplicity. His tetrahedron is the simplest linear three-dimensional way to map any interaction. A measure of learning is our power to generalize from simplicity in an empirically testable way. And by approximation, the theory of the distinction between violence and democracy is testable. Pauline Nichols Pepinsky, a gifted social psychologist and my mother, told me that I was a smart boy, and that if I really worked on it I could make the vague ideas in chapter 2 testable. The tetrahedron presented in chapter 5 transforms "responsiveness" into the specified, testable form I call "democracy."

The other beauty to me is that this geometry provides an explanation of how people become alarmed by violence. It is obvious to all of us that violence represents some kind of social heat, but what form does the heat take? The vital clue to me was the realization that the antithesis of violence has its own form, which I had vaguely described as "responsiveness." I had already postulated that if violence was heat, or entropy, then responsiveness or democracy must be a social coolant, or synergy. Social synergy must have a form of its own.

I had also recognized that violence means being bull-

headed, determined to keep heading in the same direction, toward a single goal. So, somehow, social synergy must be the opposite of heading in a straight line.

When I first tried to apply Fuller's tetrahedron to social relations, I modeled vectors of the tetrahedron as dimensions of relations. Now, suddenly, I recalled Fuller's description of how the tetrahedron is composed of two open triangles. Suppose each actor were somehow regarded as one of those two triangles? Slowly, playing at times with pipe cleaners, through successive diagrams of approximation, I found the model offered here unfolding before me.

Finally it hit me that Fuller had described the two triangles as the geometric form for the double helix, the basic structure of living matter. Life itself, as in homeostasis, is synergy. The miracle of life is that so many of us live so long without disintegrating of cancer or by failure of social support. Newton's Second Law can account for cancer, but not for homeostasis. Newton accounts for entropy, and the geometry of the tetrahedron accounts for synergy. Hence the title of Buckminster Fuller's crowning study of the tetrahedron, *Synergetics*.

If alarm over violence indeed increases as people and societies depart from tetrahedronal form, it is easy to understand why. Social relations are themselves perceived as homeostatic life-support mechanisms. Homeostasis is felt throughout the body as tetrahedronal interaction of organ systems. Homeostasis through the social body is felt as tetrahedronal interaction. Violence is instinctively perceived to be a symptom of social illness, of death and decay. Tetrahedronal interaction makes your social body feel healthy and satisfied, rather than hungry and threatened.

The lingering lawyer in me cannot resist considering the practical implications of this theory for an organization I have long been close to, the police. That accounts for the chapter on improving police-community relations through democratic citizen involvement in policing.

My heart, on the other hand, now lies closer to home. As chapter 3 on societal rhythms indicates, no issue is more vital to making peace anywhere, any time, than how we raise and teach our own children. Bob Regoli and John Hewitt have just