

Fall 2009

From Forfeited Agency to Communities of Hope: Reinventing Ethos through Narratives of Remembering and Forgetting

Linda Janus

Follow this and additional works at: <https://dsc.duq.edu/etd>

Recommended Citation

Janus, L. (2009). From Forfeited Agency to Communities of Hope: Reinventing Ethos through Narratives of Remembering and Forgetting (Doctoral dissertation, Duquesne University). Retrieved from <https://dsc.duq.edu/etd/698>

This Immediate Access is brought to you for free and open access by Duquesne Scholarship Collection. It has been accepted for inclusion in Electronic Theses and Dissertations by an authorized administrator of Duquesne Scholarship Collection. For more information, please contact phillipsg@duq.edu.

FROM FORFEITED AGENCY TO COMMUNITIES OF HOPE:
REINVENTING ETHOS THROUGH NARRATIVES OF
REMEMBERING AND FORGETTING

A Dissertation

Submitted to the McAnulty College and
Graduate School of Liberal Arts

Duquesne University

In partial fulfillment of the requirements for
the degree of Doctor of Philosophy

By

Linda Ann Janus

December 2009

Copyright by
Linda Ann Janus

2009

FROM FORFEITED AGENCY TO COMMUNITIES OF HOPE:
REINVENTING ETHOS THROUGH NARRATIVES OF
REMEMBERING AND FORGETTING

By

Linda Ann Janus

Approved April 25, 2005

Janie Harden Fritz, Ph.D.
Associate Professor
(Dissertation Director)

Ronald C. Arnett, Ph.D.
Professor
Chair, Department of Communication
and Rhetorical Studies

Kathleen Glenister Roberts, Ph.D.
Associate Professor
(Committee Member)

Christopher M. Duncan, Ph.D.
Dean, McAnulty College and
Graduate School of Liberal Arts

ABSTRACT

FROM FORFEITED AGENCY TO COMMUNITIES OF HOPE: REINVENTING ETHOS THROUGH NARRATIVES OF REMEMBERING AND FORGETTING

By

Linda Ann Janus

December 2009

Dissertation supervised by Professor Janie Harden Fritz, Ph.D.

If an offender's credibility is the first and last victim of an offense, by what communication processes may credibility be recovered by the offender, and with what responsibility from the victim to the process? What responsibilities do other stakeholders have to the offender in defense of the common narrative? Based on a phenomenological reflection for stakeholder ethics that requires a quadraic dialogue framed in the topics of harms and rights, but also the reluctant testimony of benefits and responsibilities credited to the offense, each stakeholder in the event becomes culpable to it, responsible not necessarily for the prologue to violence, but for the project of restoring civic and corporate credibility through a dialogue of remembering and forgetting, and the epilogue of hope for a future for history by reconciliation discourse from transactional acts of pardon and expectation to transformational acts of love and forgiveness.

DEDICATION

To the horses that lie down and don't die.

ACKNOWLEDGEMENT

With gratitude to the people I have embraced and excluded - and who have embraced or excluded me; with thankfulness for the places I have seen and not seen; and in memory of all the things I have forgotten.

Thanks to "my other half" - my loving husband of once in a lifetime, Alan.
Thanks to my daughter, Jessica, whose gentle wisdom and quick wit keep me grounded.
Thanks to the memory of my parents, brother and family.
Thanks to my mother-in-law, Helen, who personifies a praxis of forgiveness.

Thanks to Janie Fritz, my director in this project. If I can retain an ounce of her boundless optimism and enthusiasm and care for others, it would suffice me for innumerable lifetimes.

Thanks to the named and nameless who, by their intersections with my life, created this story:

To the faculty and staff of Duquesne University; their professionalism and commitment to the vision and mission of the University created the environment and opportunities for my late "bloom."

To the first-grade teacher who thought that horses could only sleep standing up or they would die; she taught me to question the knowledge and opinions of others - and of myself- from an early age.

To Joey, and Billy M., and Mikey R., and "the boys of summer"

To Dr. Abhay Gaur, and Dr. Dan Donnelly, and Dr. John Holveck, and my Dad, who enabled and empowered me to remember who I could be.

To Ned P. who first invited me in to the prison community, and to the guards who asked "what happened?"

To J.L.H., for finding meaning in his life that created a threshold for mine.

To E.L. who didn't know he was my teacher; and to G.B. who was my traveling partner in a Visionary adventure.

To any reader of this dissertation as, through it, you will join the adventure.

TABLE OF CONTENTS

	Page
Abstract	iv
Dedication	v
Acknowledgment	vi
1 Introduction	1
1.1 Codifying Communities of Hope	1
1.2 The Virtue of Criminality	4
1.3 Praxis of Judgment and Pardon	5
1.4 Empathy and the Nemesis Ethic	7
1.5 An Argument for the Noble Project of a Sympathetic Community..	17
2 Modicums and practices	23
2.1 "What Works" -- and What Doesn't	23
2.2 Forgiveness as a Viable Option	26
2.3 Viewing <i>With</i> the Eyes of "the Other"	34
2.4 Pardon and Expectation	40
2.5 A Tautology From Empathy to Sympathy	50
3 Identities and Stakeholders	71
3.1 Stakeholders to an Ethic of Peace	71
3.2 "Nothing Works"??	72
3.3 The American Gulag	75
3.4 From Outrage to Health and Vitality	77
3.5 The Crisis of Leadership	80

4	Temporality.....	86
4.1	Resilience in the Ecology of Danger and Opportunity	86
4.2	Extinct Moments	87
4.3	Forgive First	88
4.4	Resurrecting the Past Through Blaming and Shaming	89
4.5	The Crisis of the Time Traveller: Empathy or Sympathy?	91
5	Situated and Embedded	105
5.1	The Regions of Man	105
5.2	Perpendicular Agency and Places of Exile	106
5.3	Boundaries and Breaches of Validity	108
5.4	Encountering the Neighbor: Authentic Community	109
5.5	The Commodity of "Risk" in the Marketplace	112
6	Praxis	115
6.1	Empathy as Dominance	115
6.2	Action, Not Activism	116
6.3	Naming the World: From Gulag to Community of Hope	118
6.4	Confronting Risk Through Acknowledgement and Forgiveness- Seeking	120
6.5	Retribalization Through Forgiveness-Granting	122
7	Implications.....	128
7.1	Pardon-Granting as False Nobility	128
7.2	The Risk of Moral Hypocrisy	129
7.3	Capacity to Act	130

7.4	Noble Projects: Pedagogy or Andragogy?	131
7.5	From Forgiveness to Friendship: The Ties That Bind	137
	Conclusion: Liberal Education...As a Weapon	142
	Works Cited	150

Chapter 1

Introduction

1.1 Codifying Communities of Hope

As Daryl Koehn plots out in Rethinking Feminist Ethics: Care Trust and Empathy, when an individual is born into an environment, he or she is also born into the law of the land. It is presumed that compliance with the law will be a normal, not onerous project, for one who has a birthright to the territory. It is also presumed that the skills and function of the individual will contribute to the environment. It is presumed that the legislation of the law is ethical, in that it offers an option to petition for change to the law, or some equivalent exemptive relief from the law, or a right of exit. The presumption continues that, as a child, the individual will be introduced to the concepts of the law, so that as an adult, he or she will have the knowledge of compliance and of due process, and will have been trained to recognize that individual interests are secondary to the common sense of community, and the rights of others (141).

It is from such communities of hope that legal charters are codified to a framework for peace: to responsibly anticipate and respond to violence and, with due process, to responsibly institutionalize pardon. The research of this dissertation will concern itself less with the macro levels of social and political labors of justice, except on occasion to illustrate the ambiguity and folly of consequences to “best intentions” that probably occur more frequently than we choose to admit due to “bad timing.” Instead, this dissertation will be focused on the micro-dynamics of private and public spheres where those social and political policies are to be consumed and digested. At the end of

the day, offenders remain a part of community, either by memory or repetition of the offensive act or by the actual physicality of the offender's "coming home."

Unfortunately, inevitably, inexorably, violence persists, which Hannah Arendt hallmarked as "the banality of evil" (Jerusalem 1963). From the atrocities of institutional oppressions justified by religious, social, political and economic systems, to the self-deceptions and selfish self-interest of an individual's private desire to survive, maintain or change his disadvantage or advantage, such offenses - whether of voluntary or involuntary nature - create desire expressed through the will to power autonomy of one's skills and function within an environment.

From innumerable associations and disassociations, violence is a banal journeyer in our minds, households, and communities; to overcome the commonplace of violence, we must map the oasis for pardon. When called to action, even as an involuntary participant, the skills and functions that ordinarily contribute our value to our territory are then called for the same ethical response that is constructive, not destructive, to the ecologies of private and public domains. This allows for opinion and code, yet also accommodates change and right to exit from the laws we would enforce on others: in the circumstance of suffering a violence, we have environmental obligation to enable an offender a right of exit from prejudice, stereotype and marginalized citizenship -- as stakeholders, and especially as the victim, we must make pardon accessible to an offender when coming home. From the reflective interaction with one's own foibles, to the expectation and agency of private and public offense, to the nascent obligation to pardon and seek pardon, a community of hope may reinvent its credibility through a

culture of stakeholder ethic that mediates the narrative experiment for credibility through the dialogues of harms, benefits, rights and responsibilities that bind us to each other.

The concept of an oasis is an artifact that resides within human imagination, not within brick and mortar. There are several turning points in the life of this writer that illuminated the stark challenges faced by people who suffer prejudice through the stereotype of being an offender, but one that particularly inspired this research is that of "E.L.":

In 1999, in my work as a career counselor, I met many ex-inmates who were having trouble finding employment because of their criminal background. "E.L." found me working in an organization of mutual assistance - one that helped local residents find employment in an effort to improve the economic conditions of a rust-belt steeltown. Later I would learn that it wasn't so much the services we offered "E.L." as it was the hospitality and interest that we offered to him.

As it turned out, "E.L." had served time for third degree murder, wielding a utility knife during a barroom fight; he cut the carotid artery of his opponent who bled to death before help could arrive. With this knowledge of his background in my mind, one day I looked out an office window to monitor an ice storm in progress, when I noticed that a figure huddled in a doorway across the street was "E.L." He did not live in the neighborhood, and he did not have an appointment with us, so I was slightly puzzled as to what he was doing in the neighborhood during an ice storm. So, I went outside to ask him if he needed anything, and he smiled and said no, everything is holding together just fine. He had a place to stay, and a warm coat and had bus fare, he said he was just "hangin" around.

I looked outside the office window the next day and was alarmed to see "E.L." again, huddled in the same doorway, looking at our building. Was he casing the joint? Did he know which car was mine? Did I need an escort out of the building after work? I needed to learn more about him, so I phoned the prison in Arizona where he served his time, and spoke with his former case manager to understand my level of danger. After introductions and an explanation of my call, the voice at the other end of the line brightened up. "You mean 'mophead'?" "He was a trustee in the prison, we let him go on details outside of the fence because we knew he wouldn't run." We called him 'mophead' because he could clean and mop a floor better than anyone. It's alright though, he's not offended by the nickname; it's kind of a compliment." Finally she said, "Don't be worried by his behavior. The fact that he's recently from Arizona, and is now standing outside of your building in an ice storm is exactly something I would hope to hear. Because before my guys leave prison, I tell them to look for safe places that they can go to if they feel stressed out and alone. I tell them that, even if they don't have an appointment, just go and look at the building because they'll know that all they have to do is walk in the door and they will be accepted as they are, and will be offered help. We call what "E.L." is doing 'hovering.' Apparently you folks in 'Rustbelt', Pennsylvania have a program that's worth hovering around. Congratulations, and thanks for your good work."

Six months later, "mophead" had a full-time job, a place to live, a girlfriend, and a car, and on that summer day he treated me and a co-worker to ice cream cones as his little celebration of return to community. So much for early stereotypes and prejudice.

1.2 The Virtue of Criminality

The temporality, historicity and banality of criminality leads each of us to reside in a community of moral hypocrisy because it allows us to enact a crime as a means to justify our own ends (Brooks 7). The virtue of criminality is that it defines and leads the narrative ecology of a community of stakeholders: it questions and offers the potential to discover what the implications are of agency, criminality, situatedness, temporality and praxis. As tragic as it may be, the effects of criminality offer the opportunities to teach appreciation and to gain wisdom and strength. If, however, criminality is addressed only through reflective judgment, which refers to the subsumed object of an act (the offender, the “observed”), rather than by aesthetic justice that considers the subject, not the object of the act (Ricoeur, Just 95), any level of crime can be senseless. Reflective judgment may ignite a spectrum of anger toward people, places or things that may lead to a rhetoric of vengeance rather than a rhetoric of pardon. The investigation set forth in the argument of this dissertation centers on how responsibility for the future of community memory resides with the choice of response by the victim and stakeholders to close the “just distance” of verdict (Ricoeur, Just 134) by public and private anger against a criminal act. How, through the "royal privilege" of mercy (Ricoeur, Just 4) a noble project such as Pascal’s third order of Charity (Ricoeur, Just 5) may restore the offender through the story of pardon; pardon being the restoration of the offender from juridical hearing during which he was mutated by verdict into the actor of a crime (Ricoeur, Just 135).

1.3 The Praxis of Judgment and Pardon

In Ricoeur’s praxis of Pardon that is extended by the victim, Pardon would not wipe away the memory or forget the wrong, but would overlook the infinite debt of the

irreparable wrong (Ricoeur, Just 135). Pardon enables and empowers the victim, offender and stakeholders in the community to heal the memory, end the mourning and free the shared memory for greater projects; pardon gives future to the memory of the irretrievable wrong (Ricoeur, Just 144).

Ricoeur observes in The Just that, in the horizon of sequence of sanction-rehabilitation-pardon, “pardon constitutes a permanent reminder that justice is the justice of human beings, and that it must not set itself up as the final judgment”; that the consequence of pardon is compassion, goodwill, fairness and equity (145). Pardon must accompany justice to eradicate the sacred symbolism of vengeance. Pardon subjectively disassociates justice from the savage vengeance that justice would modify, and Pardon subjectively disassociates sacred vengeance from the objective mantle of justice (145). Pardon exercises the catharsis that makes a “sacred benevolent” emerge from the equation of Justice and Vengeance (145). Pardon returns the narrative of community from the story of third party judicial distance that is distinct from civil society and that is the guardian of legitimate violence (135). Pardon closes the distance of written laws and proportional punishment, and acknowledges by its act that justice, as the judgment of men, is not the final judgment. Final judgment resides in the domain of Other-than-man: God. In the domain of Man, the victim, through the praxis of Pardon, closes the circle of stakeholder hermeneutics: measuring and marking resentment into a narrative hermeneutic of restorative morality, which Max Scheler suggests in The Nature of Sympathy. Sympathy for the offender becomes obviously possible through Scheler’s analysis, for the social emotions of fellow-feeling, the sense of identity, love and hatred, and traces of relationships to one another and to the values with which they are

associated. Scheler criticizes other writers, from Adam Smith to Freud, who have argued that the sympathetic emotions derive from self-interested feelings or instincts. He reviews the evaluations of love and sympathy current in different historical periods and in different social and religious environments, and concludes by outlining a theory of fellow-feeling as the primary source of our knowledge of one another.

The argument of this dissertation for a praxis of Pardon, and the possibility of sympathy for the offender, is further supported by Aristotle's concepts of potentiality and the relationship of intellectual capacity, entelecheia, of first actuality and second actuality. Aristotle's classification of motions into those contrary to nature and those according to nature applies not only to the motions of the moved objects, but transfers also to the movers affecting motions. A mover can affect a motion which is contrary to its own nature, as a victim may use the leverage of pardon to give purpose to the future of history. Aristotle's example of such an unnatural mover is the lever, an object heavy by nature, which can lift loads (*Physics* 8.4, 255a20-23). Additionally, the argument is supported by Plato's concept of causal synonymy as read in Phaedo 100B-101D ("Aristotle's Natural Philosophy"). The backing of leverage in the argument of this dissertation is that of Aristotle's "soul of the craftsman" ethos, or cultural credibility, that can be restored between offenders and victims through the actions of acknowledgement, Ricoeur's concepts of pardon and expectation, and Martin Luther King's understanding of agape love.

1.4 Empathy and the Nemesis Ethic

This dissertation proposes a concept of nemesis ethics, or the habits and beliefs that acknowledge and maintain the relationship of nemesis, or the value of incorrigibility

which frames our morality to those people, places and things that we will exclude or embrace from our stories and narratives. In addition, this dissertation will attempt to demonstrate that nemesis ethics is salient to one's choices for remembering and forgetting. Pardon may not occur unless or until a victim correctly remembers and addresses the offender through a nemesis sympathy of general kinship, rather than through a feminine ethic of empathy that proposes a vicarious experience of the offender, because the original memory of the victim is fallible.

As Ricoeur notes in "Memory and Forgetting," we remember by repetition, or memorization, and what we take for knowledge is actually memory, framed to either a reality or an imagination, and framed to a presence of absence (Questioning 5). That is, those things which we abhor in ourselves, we obscure from ourselves and convict in others; in the field of psychology, this is called "projection". This dissertation is not a treatise of psychologism, except insofar as "psychological set up" and "attitude for a topic" are barriers to effective listening (Cooper 63). This dissertation argues, however, that the victim and stakeholders must acknowledge and value the offender returning to the community before they might possibly be able to practice empathy, let alone sympathy, for the offender.

If the victim and stakeholders can not or will not relate to the dyadic of nemesis, they fail to admit to their own fallibility and culpability in establishing a rhetoric of morality of criminal justice that does not acknowledge a rhetoric of ethics for criminal fairness. Criminal fairness initiates itself from the vicarious experience of Koehn's feminine ethics of trust and caring, yet expands to an ethic of sympathy that acknowledges the truth of our general kinship and acknowledges our common fallibility.

Trust emerges from remembering the reality of a criminal act as being grounded in our fallibility, and not in the backing of imaginary causes such as scientific analysis or socio-economic determinism or psycho-political accounts, excuses or apologies. Caring is in the realm of spiritual caring, or of Freire's "patient impatience" (Liberation 93); of a soul in a power relationship with the political (Foucault, Discipline 23). The false charity of empathy is replaced with the noble sympathy of general kinship in our common fallibility, and the acknowledgement of the existence of divine revelation.

As Sir Thomas More observed five hundred years ago, crime is perennial to communities, and the efforts that stakeholders embrace or exclude from consideration, to address issues such as environments, economics, education, poverty and productivity that resolve us to a set of laws and that predispose to "ostentatious" rather than "advantageous" justice:

"When you allow people to be brought up in the worst possible way and their characters to be gradually corrupted from a tender age, and then punish them when they commit those crimes as men which they showed all signs of doing from their childhood on – I ask you, what else are you doing than making men thieves and then punishing them?" (17)

Criminality is temporal, with punishment dictated by socio-political and economic proxemics and individual hysterics that are outlived by an unreflective sanction that fails to consider the collateral consequence and permanence of punishment. Stigma of conviction suggests the potential for a double jeopardy of informal and institutionalized punishment after the sentence is served. Since modern penitentiary does not punish by public spectacle but by private punishment, what closure is to be experienced or expected

by the community? As Aristotle observes, “some things are the same in potentiality and actuality, but not at the same time or in the same respect” (“Aristotle's Natural Philosophy”), and this argues the case that communities make criminals, and criminals make communities. This dissertation will examine how criminality becomes narrative, and how roles of offenders and offended in time create chance in the potentiality and actuality of stories of punishment and restorative pardon.

If the first and last victim of a criminal act is the offender’s credibility in community, how may his or her forfeited stories and narratives be revisited and restored through dialogue and dialectics by agents of, and stakeholders to, the offense? Punishment cannot restore disillusionment because the crime sets up an “unjust distance” from which the victim is excluded from reciprocity. Credibility, or the illusion of credibility, is a mimetic of moral conventions (Ricoeur, Just 138). Which moral conventions do we voluntarily or involuntarily violate in the project of self-esteem?

If, as this dissertation will discuss later, ethics and morality are embedded in the agent story of self-esteem, then what is the ethic of illusion or mimetic in which either self or the Other suffers indignation as a consequence of lack of attention or lack of care for civic or corporate ethics of cultural norms? Norms that are unreflective, or disillusioned to the point of third party intervention: the judge, who is guardian of legitimate violence in defense of the status quo (Ricoeur, Just 135) the judge may be unreflective of a morality that supports voluntary adherence to legitimate violence. In contrast, the ethical action of a self-esteem that rationalizes illegitimate violence against unreflective conventions sustained through institutional amnesia, while irreparably wrong may, nonetheless, advances the narrative of corporate philosophy for healing, mourning

and memory for great projects (Ricoeur, Just 144). Criminal acts awaken institutional amnesia, and pardon gives the new memories a future.

Furthermore, how credible is the ethos or dominant culture of a community that invented the crime and punishment? How is fairness different from many types of justice? How are the community and the offender obliged to each other in fairness and justice? In an interpretation of agape love, which becomes the thesis of this research, in fairness one has to love the Other, yet in justice one does not have to like the Other; this allows the ethic for community and incarceration. Nonetheless, incarceration ethics carries a consequence of secondary or collateral punishment for which stakeholders must be held accountable after the sentence is served. What are the active and passive stories in a post-incarceration narrative? If we, as a law-abiding community, want an ex-offender to change, the ex-offender must be allowed the potentiality to change, which can be actualized ("Aristotle's Natural Philosophy"). Yet social memory may extend the incarceration beyond release, and limit the potentiality of the ex-offender – and the community - to credibility, actualized. When do previous sanctions, served and persevered, temporally resolve to new meaning through which a narrative place is redeemed by the offender from and within the community?

Can or should temporality be accelerated so that community narratives efficiently remember and acknowledge, rather than inefficiently forget and dismiss, the offender in a criminal act? Only time will tell. If victimhood is a culminating event of long-suffering or interruptive cause, what should be the temporal process to overcome the trauma of the offense? When does victimhood transfer from involuntary trauma to masochistic memory held in bondage to an event frozen in time? What type of moral capacity would a victim

have to possess to overcome an ethic of nemesis in order to be able to engage empathy or, better yet, sympathy for the offender? An example for such a moral capacity is supported by several actions witnessed of the Amish community in the Nickel Mines tragedy and reported by Ann Rodgers. When an outsider shot and killed several Amish schoolchildren before killing himself, the Amish responded by quickly going to the family of the killer to make sure that his wife and children were safe and did not need anything. When donations poured in to the Amish community from those shocked by the tragedy, the Amish set up an education trust fund for the children of the killer. In short order, the Amish tore down the schoolhouse where the killings occurred to avoid a commemorative shrine and material witness to the memory and built a new schoolhouse for a new beginning. Some lessons we might learn from the Amish response are to "forgive first," then to pardon, acknowledge and embrace those who cause us harm (Rodgers A1).

This Amish reaction made international headlines for their extraordinary response of pardon and embrace: extraordinary for the world, perhaps, but not for the Amish. How extreme does it seem to suggest that the victim, although a reluctant recruit to the act of offense, becomes a stakeholder to the even with an obligation to approach the offender or his family, to find out how to reconcile the tragedy and offer assistance for needs previously unseen or unmet? This reconciliation speaks to a concept not discussed in criminal justice studies: victim responsibility. The relationship of victim-to-offender may have been involuntary but, after causal selection, the victim's response *is* voluntary.

In the venue of stakeholder analysis (Silbiger 55), each significant stakeholder must ask four questions of the event-in-context: What is the harm of this event? What is

the benefit? What are the rights of each stakeholder in context? What should be the responsibility of each stakeholder to the Others? This statement, however, is an exception to the practice of victim rights advocates, except in unique processes of 'circle sentencing' or 'restorative justice' ("The Impact of Restorative Justice"), where victims and stakeholders actually do meet with the offender to resolve community concerns. What is the culpability of community stakeholders who act without critical consciousness to the collateral consequence of sentencing, and who, unreflectively and uncritically, resist to offer pardon, acknowledgement and embrace to an ex-offender?

Further examples of collateral consequence are offered here from several news stories in recent years. "The punishment was right for the time" (Mauriello 1). The criminality and the subsequent execution of several men who were believed to be Molly Maguires and convicted of violent resistance to unfair and unsafe working conditions in Pennsylvania coal mines, was challenged for fairness by a great-granddaughter in recent years. She sought to have her ancestor's criminal charge expunged, but in review of the case, the contemporary courts determined to maintain the original conviction in order to maintain the integrity of the process of jurisprudence. This story suggests that justice may evolve over time, but pardon rests in the prerogative of community narratives for socio-economic justice. The thought occurs to me here that Pardon creates the threshold through which an event in time passes from history to legend and myth; a quick Internet search for Molly Maguires lists thousands of hits, some based on historical context and some capitalizing on the notoriety of the events.

Consider a contemporary news story, "Costs force states to rethink sentences" (Butterfield A5). This story presents information that a former community narrative of

“get tough on crime” evolved to the negative consequence of an expensive and overcrowded state prison system. In response to outcry from their constituents, legislators examined alternatives to save money by reducing sentencing and looking for less expensive methods than incarceration. In another news story, “State permits ex-cons to work” (Rotstein A10), the Commonwealth first instituted another level of exclusion or collateral punishment that affected workers in an assisted care facility. These workers were rehabilitated ex-offenders who had successfully moved to responsible citizenship and employment, yet they lost their jobs under mandatory dismissal requirements of the new law. They, and their employer, appealed the application of the new law, and they were finally reinstated to their old jobs. These examples illustrate how community narratives first demand, then after experiencing unexpected politico-socio-economic consequences, relinquish punishment. This exemplifies an arbitrary, tangential story that suggests community is not grounded in a sense of fairness or justice, but instead is motivated by social memory and economies of relationships. These narratives suggest that, based on a horizon of significance – of distance or proxemics to a multiple of economies, an offender may be perceived as either an asset or a liability, depending on standpoint. That we have a growing prison industry, and a growing field of study in criminal justice, suggests that this is a lucrative form of secure domestic internal revenue.

When or how might acknowledgment and pardon be redeemed in a “right” time; how may forfeiture be redeemed? From lost credibility to a reconceptualized culture and narrative ecology of hope, how may our dominant political and socio-economic narratives evolve with a “noblesse oblige” (Bourdieu 86) to remember a dominant standpoint yet gain a wisdom by standing down through the use of bridging narrative that

allows us to travel beyond the sentence served? We must first pardon the stakeholders to the verticality of circumstances that enabled and empowered the crime, and then acknowledge our obligations to remember and forget, exclude and embrace.

“They’re coming back, whether we like it or not.” This is the caveat and claim voiced by the Philadelphia Consensus Group on Reentry and Reintegration of Adjudicated Offenders; it is echoed by stakeholders who are reluctantly or voluntarily invested in the reality that the majority of adjudicated individuals will return to their communities following incarceration, and that within three years’ time thirty-three percent of those will commit new crimes or parole violations (3). It is obvious that members of a community, partners, family and children may become “weary and wary” of returning offenders (25) and may experience the debilitating effects from a loss of security, and the fear that one will become the next victim of crime. Not as obvious, however, is the acknowledgement that the incarcerated individual, in his or her multiple levels of physical, mental, social, economic, psychological, intellectual and spiritual capacity, is often both fearful and unprepared to return to community after the sentence is served. In the domains of public and social panopticon, the scrutiny continues to oppress and inhibit an ex-offender's right of reentry.

Prison reform is a contemporary debate and perennial experiment in social, economic and political justice; there are evidence-based practices for rehabilitation that work, and for rehabilitation that does not work. There are blatant and discrete criminal acts and, likewise, blatant and discrete victims of crime. These debates, experiments and practices will be referenced as background in this examination of criminality, victimhood and reconciliation. For dubious and exemplar reasons, this dissertation primarily

considers the criminal justice practices of the Commonwealth of Pennsylvania, which is a national leader in incarceration rates of its citizens; one in every one hundred Americans is in jail, and Pennsylvania leads the Northeast in setting this record rate of incarceration (Balingit A1). In counter-balance to those incarceration rates, however, the County of Allegheny, Pennsylvania, has presented national models for restorative justice, as well as for mental health and drug court interventions, which are seen as centers of corporate consideration for effective, responsible prison reform.

The foreground interests of this dissertation, however, are structured to Hannah Arendt's consideration of civic ethics from the domains of the private and public, and how these inform and respond to the corporate ethic of the domains of the social and political that frame rhetorical and philosophical stories and narratives that have created and punished offenders. Moving forward, it will conceptualize restorative conversations, stories and narratives from the commonsense wisdom of Paulo Freire's marginalized populations, and be balanced by the reflective wisdom such as might be attained through the evidentially successful paideiaic ethic of Earl Shorris' experiments for "liberal arts as a weapon in the hands of the restless poor" (50). The research will resolve itself from our Judeo-Christian creationist ethic of forgiveness and sympathy to an ecumenical feminine ethic of trust, caring and empathy that acknowledges, through some selected works of Paul Ricoeur, that we cannot create a perfect system of justice, and must therefore hold ourselves – both offenders and victims - in humility and accountability to each other; allowing care and empathy to nurture trust and authentic relationship that overcomes reentry shock, and allows pardon to become a constructive hospitality for those who are coming home and for those who will receive them.

How are ethics, or cultural ethos, formed by proximity and temporality to an offending act? What are the obligations of reconciliation to corporate historicity and the civic agency of remembering and forgetting, as conceptualized by Paul Ricoeur in Oneself as Another? Since we have traveled from public to private carceral punishment, as chronicled by Michel Foucault in Discipline and Punish, what next sanction and obligation should exist in reconciliation between an offender and victim? What is the possibility “to remember and forget” so that we may be able to close the loop of transgressions against each other as portrayed by the pariah and parvenu of Hannah Arendt in The Human Condition, or of the pariah-or-parvenu-as-artist (Rothstein C3) who, through a functional non-rationalism, and in an hermeneutic, creates a responsible imagination - or a phenomenology of hope - for alternative relationships, in non-traditional remembrance that allows an epistemological praxis of pardon and expectation that promotes an ontology or ethos for peace.

1.5 An Argument for the Noble Project of a Sympathetic Community

Let us cease to observe each other through the bias of old parameters, through what Rawls refers to as the veil of ignorance, and set aside self-interests so that choices and responses are authentic to acknowledge our sympathetic state of “oneself as another.” Let us not fall to the “spiral of silence” in which we acquiesce to public opinion, believing in the truths that are spoken rather than the truths that are unspoken for fear of recrimination. From this sympathetic standpoint, and with an urgency for peace, acknowledge instead a contemporary relationship that honors historicity but also perceives and learns from it: that may create a sympathetic man – as well as a sympathetic community - as capable citizens of interactive reflection of heart, mind and

spirit. Aristotle notes this in Politics: paideiac – or a liberal arts – education prepares a man for the self-governance of liberty and noble (“beautiful”) habits, as a seeker of wisdom, not just knowledge, (1288b where is this in your works cited?). In this sense, the “conscientizacao” of Paulo Freire in Pedagogy of the Oppressed is a primer for “learning to perceive social, political and economic contradictions, and to take action against the oppressive elements of reality (17). Freire offers the tools and vocabulary for asking the questions; but, as illustrated by Jeanne Connell, this needs to be situated with and balanced by the paideiac education and ethos that trains one for the newfound liberty and freedom, and the subsequent nobility of self-esteem, problem solving, interpersonal skills and values frameworks. This paideiac ethos, based on the ideals of Greek philosophy (Jaeger, xiii), nurtures education and habits that ennoble and edify both the student and the teacher – or, both the citizen and the community. Such an effort of paideiac ethos is demonstrated through the Clemente Project of Earl Shorris, student to Robert Maynard Hutchins at the University of Chicago in the early 20th century. While statistics show that there are several methods by which a marginalized person may enter community, such as union membership, skills/trades education, or connection to a person of influence in the dominant culture (Bourdieu 31), liberal arts as true medicine is demonstrably successful for those who invest themselves in the process, perhaps with more far-ranging constructive predictions than subsistence ethos (Connell 15). Far-ranging, perhaps, for the increased capacity for a Rawlsian reflective action, this is the highest stage of Kohlberg’s stages of development. See Mitchell and Savage (1979) for a descriptive of the four stages of skills acquisition for cognitive/therapeutic relationship: from unconscious incompetence, to conscious incompetence, to conscious competence to

unconscious competence; this fourth stage may revert to a circular log of taken for grantedness, or being embedded in a story that no longer sustains truth – thereby returning to a state of unconscious incompetence.

We may be fallible, as argued by Ricoeur, self-deceived to thinking that we can be God-like, but we don't have to be incompetent. We can strive to serve God through reflective action, competence in communication and listening skills: listening to learn, listening with empathy, and listening critically (Cooper 62); furthermore, listening by attending to visual and aural cues of the Other, paying attention (with attention being a marketplace commodity), seeking clarity beyond personal bias – hearing what is being communicated, rather than hearing what one presumes to believe is being said. In the sensibility Robert Greenleaf's idea of "servant leadership," which crosses the boundaries of primary stakeholders: the servant (7), the institution as servant (49), and the trustee as servant (91), we are called to help each other to overcome Cooper's barriers to effective listening for critical thinking (63): cultural background, gender, age, physical environment, psychological status, attitude for the topic and desire to talk.

In an ecumenical sense, Koehn's feminine ethic could become the non-believer's ethos: care, empathy and trust. Trust is precarious if one does not go the step further to Rawlsian reflective action, which critically considers one's own fidelity to biases and norms as those might inform taken-for-granted ethnographies of unconscious incompetence. Yet the criticism remains that the vicarious ethic of feminine empathy does not resolve an ethic as fully as does sympathy, which acknowledges our similarities rather than our differences. See Kruger and Dunning regarding unconscious incompetence – when we don't know what we don't know, we risk having a flawed

interpretation of individual and community norms and biases, and we risk having inflated self-assessments of our own capabilities, maintained through bad faith stories and neglected narratives, or speaker and audience unconsciously competent in preserving their cultural bias in ethnic, or commonsense, ethics. What becomes the hazard of a hyphenated identity in America – does a qualifier statement clarify identities and relationships or alienate identities and relationships by symbolic differentiation? Hyphenated identities establish distance by distinction, and an argument in this dissertation is that we should abandon the barriers of hyphenated historicity if we are to find common ground in root relationships. Perhaps adopt a Germanic motif of compounded, legacy identity, as this at least approximately acknowledges root relationships. In this sense, relationships are to be pursued in the line of root cause analysis, or “truth tables” by which we might find by hermeneutic deconstruction, even with adversaries, common ground in the fundamental sameness of our ontologies rather than separation and distance by constructed/epistemological difference. From such a radical competent reflection, we might then construct a rejoinder ethic that acknowledges history but allows a credible future. In the context of offender reentry dialogue, such a rejoinder ethic could establish a fourth level of criminal justice policy; where Chancer reports on criminal justice policy being based on quantitative/analytic research, ethnographic studies and social problems literature, rejoinder ethic is a qualitative approach to reunite communities of offender and victim. Combined with punitive measures of jurisprudence and effective delivery of pre-release rehabilitative programs (Cullen et al), rejoinder ethic could inform a rhetoric of reception for adherence to

acknowledgement, pardon and expectation, untying old epistemological knots of anger and suspicion.

McClaren criticizes Shorris and Hutchins as imposing the dominant story on a subordinate story, but liberal arts education is to promote wisdom, not knowledge. Freire has the oppressed understand and gain knowledge and find a way to act upon and influence the dominant story of the oppressor. The interpretation of this research is to position Freire as a transactional pedagogist, and Shorris/Hutchins as transformative androgogists. Freire empowers an understanding of the “how” of the game (Bourdieu 25), whereas Shorris enables an understanding of the “why” of the game. Both need to know what they do not know, be willing to be self-critical, and be willing to acknowledge, pardon and expect the compounded relationship of self and the Other.

If the first and last victim of a criminal act is the offender’s credibility in community, how may forfeited stories and narratives be revisited and restored by agents of, and stakeholders to, the forfeiture? Credibility is confirmed by story and narrative, and informed by dialogue and dialectic. Therefore, the obligation resides with both the speaker and the audience to pay attention: acknowledge and anticipate. When do previous sanctions, served and persevered, temporally resolve to new tautonymy through which a narrative place is redeemed by the offender from and within the community . Why are pardon and expectation crucial for community narratives to remember and acknowledge, rather than to forget and forgive/dismiss, the offender in a criminal act? What good may we derive from “the harm” inflicted, and what harm do we inflict for preserving “the good”? Harm provides a teachable moment, a “cognitive dissonance,” because it interrupts the unconscious competence of cultural ethos - the taken-for-

grantedness of a common sense that has lost its relevance.. Criminality is a virtue to community; by it we define and measure ourselves ontologically, epistemologically and phenomenologically.

Chapter 2

Modicums and Practices

2.1 "What Works"... and What Doesn't?

To a journeyer, thoughts directed toward coming home likely evoke a mixed set of anticipations and preparations. For ex-inmates coming out of Pennsylvania state prisons after having served extended prison sentences, and for the communities to which they will return, it has been observed that fear is an ironic yet probably desirable warrant of a predominant and perplexing characteristic of this expectation of return. In levels of cognitive behavior theory, which is the model for rehabilitation found to be “what works” (Latessa 415) and sought to be institutionalized in Pennsylvania Department of Corrections facilities, being conscious of one’s incompetence allows the sense of agency for informed personal change. However, if only the ex-inmate is changed in this process, and members in the community continue with laissez faire indifference or stereotypical thinking errors, the method of defending the concept of community becomes the offender, and the ex-offender becomes the victim.

While an offender may experience the constructive fear of conscious incompetence, members of community may fear in abstract the return of ex-offenders to local communities. Ex-offenders fear in consciousness for their own return to these communities where sustainable employment, fair housing, the second sentence of “collateral consequence” (Uniform Law Commission 1) lays claim to their chances for restored credibility, access and prosperity. The interest and general thesis of this research is to consider the question of when and how do we allow the chance for credibility to be

acknowledged to one whose former actions have forfeited their claim to participation in community. How may ex-offenders move from transactional to transformative relationships in coming home? The moral expectation that permits credibility to be restored between offender and stakeholders has been diminished by a political society that has, for the past several decades, abdicated community obligation instead to legislators who seek to assuage constituents with a “get tough on crime” rhetoric that has resulted in expensive and overcrowded jails and prisons. How may a new civic discourse be reclaimed from a corporate story? One person answers the call, then another, then another.

Consider Amy Kroll of Allegheny County Justice-Related Services who recalls, from a pivotal day early in her career as a prison guard, her memory of a prisoner who – on the day he was to be freed – refused to leave his cell. The fear in his eyes became a lasting memory to Mrs. Kroll, who promised herself that she would make a difference in this system. Subsequently, in Allegheny County, a mental health court has been created to adjudicate minor offenses by those found to be mentally ill (Belser 1), and similarly a drug court has been instituted to address offenses of addicts through means other than criminal incarceration. Consider Robert McWhite, who regrets that his past eighteen years of incarceration, drug addiction, life on the streets and mental illness have alienated his five daughters from him: they don’t trust him, and he doesn’t blame them (Malloy A1).

In eastern Pennsylvania, the attitude of concern for the issue of ex-offenders returning to community is reflected in the organizational effort of the Philadelphia Consensus Group on Reentry. The Philadelphia group has convened a spectrum of

community stakeholders who admit to being "worried and wary" yet who are willing to gather around a problem statement of "ready or not, here they come." The warrant of the Consensus Group's concern and confession is backed by recidivism rates that demonstrate offenders are not coming out of prison in any improved form that enables or empowers them to successfully reintegrate to community. The Consensus Group considers that the corrections system is "broken". Furthermore, the Group indicts itself with the reservation that, as a community, meaningful efforts to receive or assist ex-offenders in their reintegration have been largely abused or neglected or delineated through silos of vertical service; that is, services that are not coordinated or collaborative with other community stakeholders. Hence, both the ex-offender, and the community he or she returns to, may be ready or not for what should come next.

From the traditional institutionalized silos of services to offenders which, according to 2002 Department of Justice statistics, experiences a recidivism rate in the community of 46.9 percent within three years of release, to the innovative "horizontal" liaison relationships suggested by the Philadelphia Consensus Group, and as already directed by Mrs. Kroll, which resolves, in particular, mental health offenders to a 12 percent recidivism rate in the same time frame, organizational models return individuals to their communities, where they encounter random civic responses from individuals in the community. The ex-inmate may be relatively better prepared for his or her return to family and community than are the families and communities.

What is our obligation to care about individuals who, by their intentional or unintentional actions, have harmed the security of our sense of community, and whose actions have forfeited their credibility when returning to community? When or how is it

possible to trust an ex-offender who has come home? If fear is a survival mechanism with options of flight, fight or freeze, and motivation is based on the desire to change, maintain or survive a crisis, how may communities prepare to engage and embrace the ex-inmate, rather than flee and exclude the ex-inmate? A Chinese symbol for crisis combines the two words of “danger” and “opportunity”; how may members of a community come to view with reflective interaction the opportunities possible from the morality of pardon and expectation?

2.2 Forgiveness as a Viable Option

If, as Waldron and Kelley argue, forgiveness is a viable option given the nature of the transgression and the value of the relationship (132), how is it possible to value criminals in a way that allows pardon if not reconciliation? If we can agree with Sir Thomas More that communities first create criminals and then punish them we might begin to understand that criminals are the bellwether of how communities define themselves most often through a structure of socio-economic and political defenses. Five hundred years ago, Sir Thomas More wrote that causes of crime are perennial to communities, and the efforts exerted, or ignored, to address issues such as environments, economics, education, poverty and productivity resolve to a set of laws and that predispose to “ostentatious” rather than “advantageous” justice.

This logic begs a conclusion that community is complicit in crime-making, and community fear, that of being weary and wary, is a self-reflection of the consequence of temporal and economic ideas of fairness and justice. One could argue for the value of criminal behavior as it instigates a dialogue, in context and over time, that informs and defines community. One could further argue that members of communities need to

reclaim their civic responsibility, abdicated to a corpus representation by elected politicians who “satiated” their constituents’ desire to be tough on crime. Ricoeur speaks of this in The Just, regarding pardon as legitimately bestowed only by the victim, not a third party judicial or political agent.

Stanton Samenow would refute the More standpoint, firm in his belief that criminals think in a different way from law-abiding individuals, and that this is not the result of nature or nurture. What, then, would be our obligation to acknowledge and forgive the incorrigible? What is the nemesis ethic that requires us to maintain and punish a foe? Those who, Ward might observe “go off”[sic: the ranch] as opposed to those who are very frightened to “go off”? If such is the case, then law-abiding narratives will perpetually reside in an ethos of fear from which they cannot be resolved under present definitions of relationships and boundaries. Until law-abiding narratives can invite a story of expectation and pardon we remain in a prison at-large. We become prisoners of our own beliefs, living the “the prisons we choose to live inside” (Lessing 1). If, indeed, Samenow is accurate, then what is the “nemesis” narrative that implicates the story of the offender and still adds value to the narrative of the storytellers? Perhaps we should consider how culpable Samenow might be for crimes of discredit by uncritical listening, and by perpetuating a myth that offenders are fundamentally different from the rest of us, rather than fundamentally the same. An offender's discrete (or indiscrete) actions, or Koehn's "right to exit" the law may differentiate offenders in a historical moment, but for Samenow to argue that the offender context is frozen in time is a discredit to the concept of rehabilitation and restorative justice. Samenow's thesis states that an offender's “background” story is an irredeemable signifier and more significant

than a contextual “foreground” narrative that could include acknowledgment, pardon and narrative redemption. If a criminal mind is unforgivable, then how may it still be pardonable? Samenow’s position allows the consideration here for the value of nemesis ethic: how do we resolve ourselves to the incorrigible, and come to value it as a dialectic of cultural ethos?

In contrast to Samenow, and with the hope of a redemptive pedagogy that gives opportunity for pardon and expectation, Edward Latessa proposes the evidence-based cognitive behavior therapy of “What Works”: over a series of guided and self-reflective activities, students learn to recognize and address their “thinking errors” prior or subsequent to offending actions. This resonates with the Rawlsian “veil of ignorance,” making an observation or decision without a presumed self-benefit. Students examine scenarios to develop skills in areas such as active listening, asking a question, giving feedback, paying attention to our thinking, knowing your feelings, understanding and responding to the feelings of others, preparing for stressful conversations, responding to anger and dealing with accusation. “What Works” presents a formula for problem solving in five steps: stop and think, describe the problem, get information to set a goal, make choices and anticipate consequences, choose-plan-do and evaluate: what else do I need? (National Institute for Corrections: “Thinking for a Change”). A rhetorical question would be: are stakeholders in the community as potentially well prepared as returning ex-inmates to think for a change? A proactive response would suggest the potential for a cultural ethos of embrace, rather than exclusion, yet the common wisdom as expressed by the Philadelphia Consensus Group on Reintegration suggests instead a community that is wary and weary.

Chancer and Donovan warn us against the seductions of punishment that position both liberal and conservative reformists in a role of rationally based or punitively oriented policies, rather than through policies aimed at social prevention (2). They suggest that a sado-masochistic “dance” exists between the offender and the offended (4), where the “socially observed” (those committing crimes) and many social observers (those reacting to crimes committed) enter a “circular process that interrelates feelings of anger motivating criminal acts in the first place with those enraged reactions crime produces” (5). Chancer suggests an excessive demonization of criminals that may suit a collective deception of the “deep investment in perpetuating the very crime problem we ostensibly so much deplore” (2).

Chancer does not propose a solution to this problem but seeks only to increase our awareness of the common methodologies to formulate the problem of crime, and sketch a context that includes three categories: first, criminal justice policy that relies on statistically quantitative and analytic modes that respond to conservative arguments; second, ethnographic studies of the lives of criminals inside dominant socioeconomic structures; third, social problems literature that seeks to understand the “social constructions of crime” (3). Chancer offers themes in the dynamics of emotionally seductive or rationally seductive criminal justice rhetoric: emotional attachments include 1) retribution for its own sake, 2) various forms of identification with the criminal and 3) “sadosomochistic dance” between observed and observers, between criminals and “those who want to kill them” (5). Capital punishment is a rational, detached concept, and rehabilitation is a “surveillance” that can be measured, but “retributive satisfaction” has a vehemence with an almost infinite depth (7).

Chancer claims that, in the “psychopolitics” of criminal justice (4), we need a criminal object toward whom anger can be aimed – “one needs criminals to have an (ironically) legitimate target of rage about whose seemingly intrinsic ‘badness’ we are all in agreement” (4). A corollary aspect, Chancer observes, may also subsist that “one may need criminalized others to vicariously project onto them our own illegitimate, hostile and/or resentful feelings toward the outer world” (7). The following observations by Chancer, which reference sado-masochistic relationships between a victim and offender, perhaps for Chancer’s purpose of evoking a sensationalized and emotional response by the reader, is moderated by this dissertation’s offer to substitute nomenclatures: sadism being substituted by “cruelty” and masochism substituted by “gratification”; this aligns with Ward’s most recent analysis of a priori and post priori arguments for a perennial fascination with victim-offender relationships:

... people have always been fascinated by crime.

It is particularly so... if the crime is something different or extraordinary. ... and so people will try to gather as much information about a person as possible to reassure themselves that there was something tangibly wrong with the [offender] – a diagnosable mental illness, past abuse, or even a brain tumor – to show that the person was unlike everyone else. “Going off and losing control is very frightening”...

But there are other reasons to be intrigued by crime.

Many people get some sort of vicarious gratification with criminals who are very clever. ... in a case like this, a lot of people, strangely enough, can identify with [the offender].

I've found, and I'm sure other people have found, similarities in their lives with [that of the offender]. (Ward A-6)

Returning to Chancer's observations:

In this regard, the criminal can become an object of fascination – of love and hate, hate and love – because he or she expresses rage directly and openly, whereas observers of crime can do so in only mediated ways: through voting for [political] candidates who express this rage secondarily, but who at least express it nonetheless; by spending huge amounts of money on (evidently enjoyable) movies and programs that represent crime graphically and repetitively in varying genres and sub-genres (from horror to detective thrillers and suspense modes, through TV types just as wide-ranging, from reality programming to “NYPD Blue”); through talking about crime in informal settings and becoming emotionally drawn toward increasingly sadistic modes of punishment... (7)

As Chancer observes, this is not to construe that the observed/criminal and the observer/non-criminal are morally equivalent to each other, but that each arises in the context of social power and the experiences of dominant and subordinate relationships.

In a related fashion, it also should be remembered that regardless of the extent to which identifying feelings may exist between observed and observer, criminals and the non-criminal, neither these emotions nor the appeal of retributive passion for its own sake are likely to be admitted to. This is so because whether fascinated or not, one simply does not happily identify on a conscious level with those who commit crime. Also, how

could dependency not exist when our attachment to crime appears to be emotionally (i.e. retributively) based as much, if not more, than it appears to be based on reason? The result is maddening and internally contradictory since as a society, we thereby come to both need and wish not to need criminalized others. From this dilemma alone, considerable rage might be expected to arise along with a push-pull ambivalence. (7)

This ambivalence, Chancer observes, comes from the realization of self-contradiction that “we imagine ourselves in the place of the other and thus may simultaneously identify with those we ostensibly disown” (10). As she cites George Herbert Mead’s perspective of “symbolic interactionist”, the spectator becomes “intrinsically dual: at once outside and inside, at once distanced and closed, at once fearful and powerless as well as judgmental and powerful” (11). Beyond this “spectator-victim,” however, is the person who has actually been victimized by a crime, and who chooses to react, from that masochistic/gratification experience, by subordinating a sadistic/cruel response such as embracing “greater punishment of the already imprisoned prisoner, or by voting for politicians who wish to build more jails and favor ‘three strikes and you’re out’ displays of toughness. When placed in complex social settings, both positions, masochist and sadist, can coexist in the same person” (11).

How can the spiral of retributive measures ever conclude? Chancer offers that the first step is to recognize the existence of the sado-masochistic dance of the observed and the observer; that the “mirror-like relation” that interlocks criminalized individuals and a society of criminalization begs to be taken seriously if decreasing violence is indeed what

is at stake. In the contemporary climate, not only crime, but the seductions of punishment must be pondered more deeply” (13).

In The Social Construction of Reality, Berger and Luckman conclude that a “redefinition of the problems and tasks of the sociology of knowledge was long overdue,” that a sociology of language is necessary to knowledge, and that a sociology of knowledge without a sociology of religion is impossible (185). Arguably resonating with Chancer’s “psychopolitical” stance in the genre of criminal justice, Berger and Luckman reflect on Mead’s possibility for “what might be called a sociological psychology” – something that allows a sociological understanding of the human condition; they argue for their conviction that a “purely structural sociology is endemically in danger of reifying social phenomena” (186); that is interpreted here as a criticism of the criminal justice policy that is based on quantitative and analytical research, that dehumanizes the offender and discounts that dialectic of the individual and society [that] provides a complementary perspective. This grounds an argument that follows later in this dissertation on the inevitability of religious discourse that informs social knowledge and subjectifies the criminal and non-criminal to enable a dialogue between people of common sense experience, rather than objectifying them to tribes or stereotypes of what Cortese describes as ethnic ethics, or of institutions that legitimize symbolic universes (Bergen 188), and to ecumenical strategies that tout stories and narratives without the substance of spirituality and religious faith as might be implied from “the total social fact” that Berger cites from Marcel Mauss (187). Like Paulo Freire, Berger and Luckman address the concept of “common sense knowledge”: taken for granted knowledge imparted on the virtue of social position establishes for one a social

consciousness, or way of being. Social facts and institutions comprise part of this common sense knowledge. But what is truth in one experience for one person may be a fallacy for another; recall the example of the Nickel Mine's Amish community, when forgiveness and responsibility were demonstrated in an extra-ordinary style.

What is the risk of unconscious incompetence to common sense knowledge? How can we know what we don't know about the "the total social fact" of the observer or the observed? With deference to the concept of the sociology of knowledge, and presuming the motivation to be for a reduction of interpersonal violence, discourse should be approached with an acknowledgment of one's educated and institutionalized prejudices, and with constructive humility to attempt to understand the total social *truth* of the Other. As Hans Gadamer observes for philosophical hermeneutics, "the question is not what we do or what we should do, but what happens beyond our willing and doing ... the productive power of prejudice ... is symptomatic of our historicity and immersion in that effective history" (xviii). If our prejudices create for us an environment in which we are "weary and wary," then perhaps the motivation to change will allow us to enter old conversations in new ways, to "join a conversation (Cortese 143)" and to give memory a future (Ricoeur, History 457).

2.3 Viewing *With* the Eyes of the Other

In developing his argument for the restructuring of moral theory through ethnic ethics, Cortese notes in Habermas' and Kohlberg's observation that, toward the goal of societal emancipation, theoretical discourse and practical discourse requires "understanding [that] involves communication between the observer and the observed" (143). One's ability to properly interpret what the other says, and to view the dilemma

“with the eyes of the subject” is a defining moment of “interactive competence” (Cortese 143). “With the eyes of the subject” also calls to the argument for exercise of sympathy with rather than empathy for the offender. Cognition for Kohlberg “implies phenomenological or imaginative role-taking activity, a search for logical or inferential relations and transformations (144)”, and this resonates with Latessa’s model for “What Works” cognitive training; this relates to Kohlberg’s Stage 6 of justice reasoning, or the principle of reversibility, “of ideal role taking or moral musical chairs” (Cortese 144).

Moral Reconciliation Therapy (MRT[®]) was one of the first comprehensive, systematic attempts to treat substance abusing offenders from a purely cognitive behavioral perspective. In 1985, Dr. Greg Little and Dr. Ken Robinson developed formal MRT[®] by combining Kohlberg's theories of moral development, Erickson's ego and identity development, behavioral conditioning, Maslow's needs hierarchy, and Carl Jung's concepts for symbolism (“MRT: What Is it?”). Cortese notes that Kohlberg’s research was criticized as “academic conceit” because “the culturally invariant definitions and sequence of moral stages in fact may vary with socioeconomic class, racial/ethnic background, culture and gender” (146). This conceit would then necessarily acknowledge Samenow’s “criminal mind,” and calls for a different response from stakeholders in the community that pardons and expects that an offender travels a different range of moral stages. Cortese notes Heller’s criticism that rationalism might also become a barrier to understanding human suffering because there is a gap between rationalism “and the sensuous world of hope, joy and suffering in which we live” (146). Further, Cortese reports that Gilligan proposes, “there is a relational, interpersonal and responsible orientation to morality...that has not received proper attention from

Kohlberg, who links morality to rules, principles and justice. Perhaps Gilligan's biggest contribution is the recognition of an interactive level of morality, mediation between individuals and the social structure" (Cortese 146).

In a defense of Chancer's criticism of the psychopolitical mentality of criminal justice narratives by Samenow and Latessa that objectify the criminal and give us target to rage, Cortese cites Reid and Yanarella in their related observation against moral rationality:

...given the socio-cultural depth of technological rationality in the United States, an instrumental model of reasoning and behavior is an all 'too obvious' structure for Americans [and] while none of Kohlberg's research supports it, the experience of fascism in Germany and Italy makes it an open question whether massive regression in what Kohlberg calls moral reasoning ... but what we would prefer to call psycho-political development – could take place in the United States. (Cortese 148)

There is no room for psychopolitical fascism in a community narrative of pardon and expectation, but there may be room for it in a community narrative of stakeholders who are "weary and wary". As Cortese offers in observation: "Keniston presupposes that without parallel development of compassion, the capacity for love, interpersonal mutuality, and empathy, moral development could result in destructive zealotry rather than real ethicality" (148). Without spiritual care, then Latessa's "what works" may be viewed by a cynical community as just a morality of manipulation, and Samenow's "criminal minds" will be forever objectified, diminished and marginalized.

Excluded from the dialogue of community by stereotypes and prejudice, another voice for interactive competence must emerge to offer expectation and pardon to the offender and the observed. This interactive competence, with the capacity to express love and empathy, becomes a moral “panopticon” (Foucault, Discipline 173) where the observer and the observed gain mutuality that is authentically moral. Kohlberg assumes that the self-chosen principles and motivations of the autonomous self were necessarily ethical (therefore, criminal thinking is pragmatically, essentially, ethical), but Cortese exposes the problem with a morality whereby one’s own principles always take precedence over social norms (149), and he argues against this “narcissistic privatism”:

Relationships, not reason nor justice, are the essence of life and morality.

Conceptions of justice are merely abstract and reified rationality; they remove us from the real world in which we live, and separate us from real people whom we love... Relationships provide the context and the basis for any type of justice, any code of moral principles for which we live.

Relationships provide the context for all of our sets of belief, value systems and behavioral norms. Justice must always refer to some type of relationship; justice is meaningless without its application to relationships... One of the basic reasons for the legitimation crises is that we are focused on concepts of authority, law and justice instead of people, relationships and life. We are very much aware of the political, scientific, theological, and metaphysical doctrines to which we ourselves subscribe. But we are scarcely conscious of the parallel tenets held by persons of other ethnic, racial, cultural and religious groups. Consequently, we have

the concept of justice, but not justice itself. If we have no deep sense of relationship, we may have a conceptualization of the highest level of justice, but we will never be moral. (Cortese 157)

What types of victim-offender relationships are organized after the offense? The direction of this dissertation argues again for relationships of responsibility, “reflective interaction,” citing as defense the appropriateness of the work of Marcel Mauss in anthropology and sociology, with that of Michel Foucault’s interest in ethics as defined the self’s relationship to itself. Arendt speaks of this in The Human Condition: the life of the mind is Socratic, is conscience in a solitary dialogue between me and myself, negotiating “what I cannot do” if I want to stay friends with myself (76). In conscience, I render an account of myself to myself, following a solution of promising and forgiveness: becoming reflectively conscious of my nonparticipation in actions, yet able to remain friends with myself. That is to say, becoming credible to one’s self before one can become credible in community; knowing the philosophy that one denies in order to have the philosophy that one exhibits to the world.

Mauss sought to practice Durkheim's rules of sociological method by relating the collective representations of a group to its social organization (Cortese 30) He studied the phenomena of primitive exchange as a total institution that structures social bonds and found that although giving, receiving, and repaying appear to be voluntary and disinterested, they are in fact obligatory and interested; while Foucault, through his archeology of “genealogies” is recalled here for his historical studies that reveal the sometimes morally disturbing power relations inherent in social practices. “Reflective interaction” would call for critical reflection of one’s own victim stance ethics or bias, as

they allow organized violence in the form of condoned social practices; acknowledging the obligation of a perhaps involuntary but necessary acts of interest in which a victim is bound in responsibility to the offender through acts of giving, receiving and repayment to the offender.

In the marketplace value of restorative fairness, the learning opportunity of violence is that it gifts through interruption to the unconscious competence of the status quo, giving new meaning to one's relationships to people, places and things. Through violence, we receive insight to the ethics of the self in relationship to itself. Such an example of this restorative fairness is this writer's personal experience of the burglary of her parents' home. The burglars' mode of operation was to directly search the bedrooms for jewelry and valuables, loading pillowcases with total contents of the dresser drawers. As a neighbor later recounted, the burglars were still in the house when the writer's parents returned home, and the burglars were seen exiting from one side of the house while the parents were entering from another. The gift of this burglary was a new appreciation for the taken-for-granted (unconscious competent) safety and well-being of her parents. Furthermore, the burglary reset the priorities we easily placed on the significance of "tokens": one of the most poignant losses in the burglary were the stolen handmade childhood mementos from birthdays and Mother's Day; With the signifiers stolen, the signified memories wererekindled and more fully appreciated with dialogues of interested reflection with the stakeholder victims of the crime. The lasting effect of the burglary was a new "less interested interest" in "things" and a "more so" interest in people and places. Repayment by the victim through the act of pardon allowed for a "seeking of the why" which endows the individual ethic with an eventual "peace of

mind” or reconciliation to the fact, with an empathy for possible “previously unseen” causes of the crime beyond malicious will to harm: drug addiction, mental health, poverty or other socio-economic, psycho-political reasons. Such a repayment of the violence was to more actively enter a narrative of sense-making from the involuntary obligation to understand the “self in relationship to itself” in the context of the situatedness in a criminal act. The thieves were never identified, and the property was never recovered, the ethic of “self in relationship to self” was restored through an unanswered pardon; it could be considered that the unanswered expectation has manifested itself in this writer's professional career as a case manager to inmates of a community corrections facility. This resolves to a victim’s vicarious acknowledgement and expectation of the offender; a restorative fairness for the self if not the other that brings a self-negotiated peace of mind. The choice of these stakeholders was motivated by the desire to survive and maintain an equilibrium; a third choice for motivation, the motivation to change the situation may have been engaged by participation in a block watch effort, but resolved itself to the investment of a security system for personal safety, and a reduced interest in acquiring signifiers/tokens of relationships, and valuing more the time of actual relationships: a value that was more authentically valuable and that can be safeguarded in memory.

2.4 Pardon and Expectation

The concept of repayment by the victim to the offender resides in the gift of pardon, through which the victim is not expected to forgive and forget, but rather to acknowledge and expect the offender. Acknowledgement posits that the time is served, and double jeopardy is not an option, although collateral consequences do occur and

might be mitigated by such formalized procedures as a “certificate of relief of social disability” wherein time in good behavior resolves prior guilt and formally pardons an offense after time (Legal Action Center), while prohibitions from certain types of employment or residence may continue to be prescribed. Furthermore, “expectation” suggests a “separate but bound” relationship between the victim and the offender, which should remain in a relationship of “reflective interaction;” allowing physical, mental or emotional isolation of the offender from the community creates an invisibility of the offender, rather than a visibility. An interpretation of Foucault’s “panopticon” (Discipline 195) is the axiom that we keep our friends close, and our enemies closer. It is important to know who offenders are, and what they need.

Such acts of victim responsibility through giving, receiving and repayment complement the evidence-based work of Latessa’s cognitive behavior theory of “what works,” which is practiced with convicted offenders in progressive corrections education programs. These “what works” programs teach offenders the mechanics, or “how” of “interested reflection”. It is a standing contention of this dissertation that it is not enough to teach an offender the “how” of “interested reflection” as this resembles Aristotle’s “cosmetics” and risks the possibility for calculated manipulation of trust-gaining from future targets/victims. It is equally important to teach offenders a “why” for “interested reflection,” which could more authentically be enculturated by an offender through disciplines of philosophy engaged through a liberal arts education as “real medicine”.

In a sense, liberal arts and philosophy become true medicine to enable and empower an offender to engage acts of reflection toward previous “unconscious incompetence” and, in the practice of Freire, offer a vocabulary of ethics that inform the

reflection of “self in relation to self. This goes beyond Freire’s interest in allowing an oppressed, marginalized agent to criticize the dominant conversation and demand audience and consideration; philosophy and liberal arts enable the “zeitgeist” of accountability as one among many stakeholders in a community of commonwealth. This zeitgeist of accountability resonates with Foucault’s concept of the “archeology” of knowledge, and extends it to acknowledge and pardon the fact of both voluntary and involuntary systems of knowledge. This zeitgeist of accountability is fueled by an ethic of curiosity that is demonstrated through the courage of “noblesse oblige” to an interactive reflection of ideologies that are excluded from those we embrace. It is a further position of this dissertation that “pardon and expectation” become the middle way or “golden mean” by which victims and offenders maintain an equilibrium in the perennial quagmire of victims and offenders. Pardon and expectation are the basic praxis of civility that can maintain the capacity for sense-making in the senseless situation of providence or pre-determination that consequently leads to the involuntary obligation to recall and to recognize the unacknowledged self.

In Questioning Ethics, Ricoeur examines this recollection of the dynamics of an unacknowledged self through three levels of “ethics of memory”(6), and it is applied here in a context of the evolution of victim memory and a capacity to pardon. In the first level, one’s memory is pathologic or therapeutic, recalling the wounds and scars of the memory, one “repeats” instead of “remembers” the memory. This process is a “working through” of the memory, in the effort to reconcile the trauma with one’s own past. Ricoeur speaks of “travail” as “memory as work,” and his choice of the word travail enriches this dissertation in the consideration of the travail of heart, mind and spirit that is

involved to reconcile a victim to the trauma. From this “travail” one mourns the event and experiences melancholy, and this travail becomes the work of both memory and mourning. Mourning, Ricoeur offers, is a reconciliation of the loss and a subsequent restoration of self-esteem. Ricoeur argues that self-esteem is preserved in the act of mourning, while melancholy interiorizes the lost object of love, and melancholy becomes a part of the soul (7); the price to pay for melancholy is the step-by-step return to reality.

Ricoeur posits that the “ethic” of memory is to focus on the travail that reconciles the victim to the memory of, rather than by, the melancholy of the trauma. The victim should focus on the memory of self-esteem, rather than focus on the repetition of a memory. Ricoeur suggests that one should focus on the work of mourning rather than the indulgence of melancholy – working through the memory: “for the acceptability of memories, memories have to be understandable and acceptable; both of which are forms of reconciliation” (7). The victim must honor the memory of the event, by resolving the melancholy through the step-by-step return to the reality of being in the world. This dissertation argues that, until a victim can reconcile his or her melancholy, the memory of the loss cannot be fully honored. It is, perhaps, in an over-indulgence of melancholy that the victim becomes incarcerated and incapable of entering the world through acts of pardon and expectation toward the offender.

In Ricoeur’s second level of the ethics of memory, he speaks of the pragmatics or “praxis of memory”: memory subject to abuse by the rememberer because of the memory’s links to the problem of identity and self-esteem (Memory 7): “...identity, whether personal or collective, is always only presumed, claimed, reclaimed; and because the question which is behind the problematics of identity is ‘who am I?’” (Memory 8).

We tend, Ricoeur argues, to provide responses in terms not of *who* we are but of *what* we are (Memory 8).

It seems, to this writer, that such a problem of identity could benefit from being placed in the context of Martin Buber's recognition of I-Thou, the Other, and the "it". If we lose the "who" of who we are in relationship to God and in our own fallibility, we suffer the despiritualized self. Becoming "it" objects in a world that will remain beyond our understanding, and in which we cannot see God in the eyes of "the Other" -- even 'the Other' from which trauma, memory and melancholy may derive teachable moments from the violence, enabling and empowering us to make sense of seemingly senseless acts -- making us stronger, smarter and more keen to our environment, pardoning us for our unconscious incompetence, and offering us the gift of expectation through reflective interaction.

"Most events to do with the founding of any community are acts and events of violence" ... 'collective memory' is a storage of blows, wounds and scars: here is the connection between memory and forgetting" (Ricoeur, Memory 8). Ironically, Ricoeur observes, "the best use of forgetting is precisely in the construction of plots, in the elaboration of narratives...we cannot tell a story without eliminating or dropping some important event according to the kind of plot we intend to build" (Ricoeur , Memory 9). So the question becomes one of bias or open-mindedness in how we "intend" to remember.

If, as Ricoeur argues in Questioning Ethics, narratives are the place where a certain healing of memory may begin, then – in the situation of reconciliation of aviolence the memory of the violence will be plotted in multiple ways through the lens of

each stakeholder and his or her desire to heal. In the context of this dissertation, and the focus on the argument for a healing narrative of pardon and expectation from the victim, “Telling Otherwise”, or extracting the [stereo]typical from the factual prologue to violence deviates from Ricoeur’s regulation of “towards justice” (Memory 9), instead to a Rawlsian ethical call to the victim to pierce the veil of ignorance, set aside debilitating emotivism and bias, and tell an alternative lesson to future generations that calls for empathy and reflective interaction with the offender, or –this writer suggests- a regulation “toward fairness”. If the past is prologue to the future, then the way that we remember a violence and preserve the past creates the prisons/consequences of our future. *“It is the job of thinking people, not to be on the side of the executioners” – Albert Camus.*

This ethic of memory, this “duty to remember” is what Ricoeur discusses in Questioning Ethics as being an ethico-political problem because it has to do with the construction of the future. The duty of stakeholders is to remember the past but to concern themselves with the future, thus opposing the traumatic character of the wounds of history (9), not denying the mourning of the violence, but challenging the stakeholders to overcome the melancholy of violence. Memory, in an ecological sense of time erosion, requires the duty to remember as being a means of preserving the traces of violence: we must keep traces because there is a general tendency [among stakeholders] to destroy violence (10) rather than to live with and learn from it. In a Freirian spirit, memory should enable the victim and offender to trade realities of “teacher as student” and “student as teacher”. Where melancholy binds a victim to a past event, and excludes an offender from a constructive ethic of prologue, mourning honors the loss yet learns from it, enabling the past to inform the future of history.

If melancholy stalls a regulation to fairness, and binds a victim, offender and stakeholders to the past, Ricoeur suggests in Questioning Ethics that a continuation of action be practiced through actions of “forgiving and promising” such as offered by Hannah Arendt in Human Condition (10). “To forgive is basically to be liberated from the burden of the past – to be untied or unbound, while promising means being bound by one’s own word” (Ricoeur, Memory 10). “Arendt argues that only a human [who is] being is capable of being unbound through forgiveness and bound through promising. This is a very powerful reapproachment, forgiving and promising, untying and tying” (10). Such forgiving and promising evokes a heritage that preserves the present with the past, through which we inherit the past, which presents the problem of both [heritage]“as guilt” and [heritage]“as debt” – in the sense that we are “indebted” to the past (including, therefore, being “indebted” to past violence). From this heritage, guilt and debt evolve to acts of promise, and recalling/reactivating unfulfilled promises.

While there is a regulation to fairness through duty to forgive and promise, there is, as Ricoeur observes in Questioning Ethics, no “duty to forget” (11). He would have us become indebted to amnesty, perhaps, but not to amnesia, and argues that the duty to remember includes a duty to teach. That is, the duty to teach becomes part of the promise to pardon, in which history is then given a future. A “noble project” becomes the duty to not forget and the duty to teach, and the duty to go beyond anger and hatred. If Justice is the horizon of both processes of remembering and forgetting (10), then fairness becomes the foreground to the horizon. The challenge of this logic is how do we deal with the problem of evolving an ethic or regulation to fairness that informs the ethic or culture of “just memory” (10)? This resolves to the relationship that justice informs a symbolism of

violence, is related to historical, corporate ethics, and fairness occurs in contemporary civic ethics that “steps outside” of itself to interpret those symbolisms. Thus remains the paradox of negation and obligation to civic and corporate ethics: to step outside of the public narrative while remaining connected and responsible to it.

For Watzlawick, this is the ultimate existential paradox of man; transcendental; mystical – we could only know something about the world in its totality if we could step outside of it – but then, by stepping out of it, the world would no longer be whole. Our logic knows of nothing outside of it (logic); we must consider the “limits of the world” – what we are bound to and excluded from, and the “formalization of self” and the “formalization of the Other”: he is ultimately subject and object of his “quest,” and is bound and released by the limits of his imagination: “what we cannot think, we cannot think” (Wittgenstein 149). So then we must question the symbolic action to uniquely address the interlinked processes of public argument and social change (Watzlawick, Pragmatics 118): action, motive and substance of a Burkean “constitutive act”. We must consider the value that criminality and violence offer in the making and unmaking of social change. A stakeholder who can think what he might think becomes a “praxis being” in the philosophy of becoming. Such response-able imagination offers a “nonsymbolic motion” that takes on the character of our symbolic constitutions, which we then translate into our terms of “symbolic action”. It is a preferred experience of this writer in learning a second language to have a chosen appreciation for the “constitutive act” of appreciation for the compounded etiology of Germanic language, which proposes the evolution of a person, place or thing in a proper context and utility to the present. What, then, is the potential utility of an offender if we are to examine the culminating

violence from the viewpoint of and acknowledgment of the offender's compounded etiology? It is proposed here that the end of one sentence allows the beginning of another: image restoration and a typology for credibility, or credibility denied.

Susan Brinson examines concepts of image restoration and typologies of denial which might be employed by either the offender or subsequent stakeholders to a violence, and by which a reflective interaction would inform our motivations to voluntary and involuntary acknowledgement to a violence. These self-defense strategies are: denial, evasion, reduction, prevention and mortification (487). Brinson presents denial as the attribution of an offense to another's defect or culpability, or as scapegoating. Evasion is that by which an action or response was provoked, beyond one's control, accidental, or the misdirection of good intentions. Reduction is a response to the general offensiveness of the violence: to bolster one's position, or to minimize/differentiate oneself from the other, to transcend the event as being "above it all," or to attack one's critics. Reduction includes reimbursement to the victim to compensate for losses experienced from the violence. Prevention or corrective actions are obvious responses to violence, but these should be exercised with both corporate justice and civic fairness. Finally, mortification and apology offer acknowledgement, mourning and invitation to dialogue.

These strategies for image restoration and typologies of denial present accounts as a reconstructed context of an event, recalling from memory those aspects of an event that we choose to remember. As Richard Buttney presents, such accounts are made by social actors to relieve themselves of culpability for untoward acts as an attempt to repair a pejorative event. The account becomes mediator of the violence, redefining and reconstructing the context. Buttney seeks the motivation for such accounts – are they

rationalizations of the event (59), or are they a refusal to acknowledge the rationalized account, thus resulting in “meta accounts” from which contexts and “life scripts” (67) lead to an “attributive theory” (74) for violence; from which others fail because of their dispositions, whereas one’s own failures are due to the situation. As Buttney observes, “an account is not to talk about ‘what is in one’s head,’ but to reconstruct a socially recognizable event in context” (75). Thus, the public indignation and outrage may serve to be an unreflective preservation of a “justice” event, but the call to account should be one of “contributive theory,” in which each stakeholder and spectator acknowledges his or her obligation to ethical fidelity of the story and narrative: what Thomas More observed when he spoke of community first allowing the conditions that create a criminal and then subsequently administering punishment.

Fidelity to the narrative should ideally include a reflective interaction toward critical consideration of the implications of what we value, as well as how we reason toward those values (Fisher 105). Do we remember by memory or by imitation and repetition? Watzlawick observes that value judgments are inevitable, that they are not irrational, that agreement about them will never be fully realized; nor will any analytically grounded hierarchy of values ever claim universal adherence (Change 105). Rhetoricians have an obligation to challenge stakeholders to raise the consciousness of stakeholders about the nature and functions of values just as rhetoricians have challenged and informed them about the nature and functions of reasons.

The tautology of logic of good reasons considers: a) are the facts the facts? b) are facts relevant or distorted? c) can we recognize and assess various patterns of reasoning that lead to faulty logic? d) can we assess the relevance of individual arguments by their

soundness; and are they *all* of the arguments that should be considered? e) in the aspect of Forensic issues, how do we consider fact, definition, justification, procedure and deliberative decision-making when these questions center on policy and problem-solving? (108).

2.5 A Tautology from Empathy to Sympathy

Beyond tautology of logic of good reasons, though, is a regulation to sympathy by equitable acts, that is “to say that a person has good judgment in matters of practical wisdom implies that he is understanding and has good sense or that he has sympathetic understanding; for equitable acts are common to all good men in their relation with someone else” (“Aristotle's Natural Philosophy”). In Retrieving Political Emotion, Barbra Koziak calls for the fulcrum of thumos, “the neutral bearer of emotion (42 – the fulcrum of neutrality between self and the Other. Such neutrality, however, does not negate the spiritedness and desire for recognition [acknowledgement] by either the victim or the criminal. What neutrality does acknowledge are the emotions of joy and sorrow, anger and tolerance, yet neutrality maintains these emotions “in context” (38). That is, by the temporality of an event – and in the purpose of this dissertation – in the temporality of a criminal event in which violence was suffered, thumos calls for an eventual neutrality of joy and sorrow, anger and tolerance. Thumos accommodates the process of mourning, but challenges the indulgence of melancholy. If melancholy can be understood as a habitual state of mind, it suggests that such preoccupation becomes an unreflective consciousness, a habitual barrier to reflective interaction that could initiate the dialogue of and among stakeholders to an act of violence, of dialogue towards pardon and expectation. The neutrality of thumos may serve as the fulcrum between self and the

Other. In the triad of psyche with logos and eros, thumos is the spirit that mediates the dialectic struggle for power between self and the Other, between civic and corporate psyches: giving accounts of ethics, physical and metaphysical assumptions and taking action, this is not a passive experience.

As stakeholders, we must lay claim to the harms, benefits, rights and responsibilities instigated by a criminal act. As stakeholders, we must embrace the mourning – and the stages of grieving a loss: shock, denial, anger, bargaining and acceptance – to come to the closure of mourning and move to the action of memorializing: HOW will we choose to remember the violence? HOW will we choose to learn from the violence, and learn to value the violence for the inherent gift of perceived loss? How may we obtain power from perceived loss? The Amish of Nickel Mines did not require a memorial to the tragedy; they learned their value of the violence from their obedience to God. If the remainder of stakeholders could have this wisdom from their obedience to God, forgiveness and pardon would unbind our grief, and bind us to the promises and expectations of the future.

In his pedagogy of liberation, Paulo Freire speaks of “the struggle” for power through freedom and self-determination. He observes that power (and, therefore, freedom and self-determination) is not rigid, and not intended to defend only freedoms and self-determinations that have already been achieved, but also strives for the freedoms and self-determinations that are in the process of being achieved (Learning 63). By learning to question, one at least momentarily surrenders one’s perceptions and stereotypes in order to examine the environment for new information. This may be one of the most fearless acts that one may engage because it subsequently calls for humility

and openness, and the critical listening goals of listening to learn, listening to practice empathy and listening to make critical decisions. The questions we should ask, in reviewing the aftermath of violence, should pertain to Freire's categories for consideration: semiological, linguistic, emotional, political and cultural (Learning 63). What of these categories have we excluded from our previous experience by deferring to dialectical stereotypes and memorized scripts? "Walking a mile in the other's moccasins" does not surrender our freedom and self-determination, but expands through an empathetic dialogue that enables us to learn and embrace by questioning. Better than empathy, sympathy would have us view the aftermath *with* the eyes of the Other, to risk the vulnerability that could invite familiarity with the unfamiliar.

By questioning the status quo, we recreate a society, and we do so through political, ethical and artistic endeavors (Freire, Learning 93) -- it is by acting with this "third way" knowledge of the object, with empathy and acknowledgement of its truth - and not with assumptions; it is by having the discipline and motivation to work with patient impatience; of knowing -- as an artist knows -- that a work will not be the final work, working with an artistic vision for and imitation of life. As Mary Thomas reports in "From Damnation to Redemption," artist Daniel Bolick speaks of himself as taking a "third way" that is neither pariah nor parvenu -- but that of artist, one who acts with knowledge of his subject and makes his own path to an acknowledgement of truth about the Other -- of the exonerated prisoners he depicts who once sat on death row or faced life imprisonment -- "It's a subject that people don't want to talk about, and when they do they find reason to excuse the legal system's faults or to blame the accused (C1)." They criticize the work without appreciating it. Perhaps we should seek more to be like the

artist Bolick, who seeks for and acknowledges the truth of the subject in a journalistic truth that challenges the former punishers to acknowledge their own culpability or misinterpretation from a standpoint. Thus exoneration – which might have been a touchstone for empathy or sympathy (and, finally, for redemption from damnation) -- instead continues to distinguish the pariah from the parvenu. This concept of artist as a third choice for interaction, expands Hannah Arendt's discussion of the dialectic of parvenu and pariah, in which pariah seeks to join, and parvenu refuses or fails to remember once having also been a pariah. The nature of parvenu suggests that one might be a hypocrite without realizing it; that is, we cannot ever have full access to all knowledge from truth, so we should be obligated to practice the humility of an artist, to seek the truth and to justify it in an interpretation that is open to scrutiny of personal and public motives.

A truth about offenders, as observed by May, is that “we need ways of mocking authority” -- like Halloween costumes and April Fool's Day pranks, we need our symbolic expression of revenge on a society that thwarts and confines us (230). The voyeuristic fervor that popularizes criminal justice reality shows, or apotheosing Captain Jack Sparrow in “Pirates of the Caribbean,” is symptomatic of adults and children alike who “lack sound opportunities to let out the secret dreams of revenge on the society that thwarts and contains us” (May 231). We think of violence but do not, at least outwardly, inflict it. The rebel does what the rest of us would like to do but do not dare. The rebel, like Jesus, voluntarily took on the sin and scorn of men; through his rebellion, the rebel saves us – the rebel and the savior turn out to be the same figure (May 231). It is a continuing position of this dissertation that the criminal is co-conspirator (or co-author) to

the corporate narratives of community. The criminal story, and our reactions to it through such political and socio-economic ethics of exclusion or embrace are what, in fact, create our narrative moralities over time. As Parks observes, “We are all moral hypocrites,” and we are all willing to violate the economies of our moral narratives to justify the ethics driven by our own wants or needs” (B7). We should strive to sanction offenders rationally, with concern for unintended, collateral consequence and subsequent violence against the offender, rather than emotively and with later, irretrievable, compunction. Emotivism becomes an offense against the offender, and an indictment against the accuser.

Consider the contemporary examples by Butterfield in “Costs Force States to Rethink Sentences” and Rotstein’s “State Permits Ex-Cons to Work.” Butterfield exposes the hypocrisy of emotive justice that led to economic consequences that drew the ire of the same taxpayers who formerly demanded “tough on crime” legislation; this resulted in a two-tiered platform of justice, where older convictions carried felony consequences, while newer charges were diverted to more rehabilitative programs, and without the consequence of a felony conviction. These same legislators, when brought to scrutiny by taxpayers for the exorbitant expense of incarceration, found creative and more effective ways to address criminal behavior that were beneficial to the offender and stakeholders in the community. Rotstein’s article addresses the unintended consequence of legislative bullyism that committed a double jeopardy offense against the ex-inmates. It also addressed the concern for credibility and the question of when, or by what actions, will a former offender become his or her own agent for rehabilitative credibility. Some states, but not the Commonwealth of Pennsylvania, offer an instrument called a

“certificate of relief of [social] disability” (Legal Action Center). The certificate of relief of disability recognizes that a criminal offense is a social disability that limits an offender’s full access to community activities of work, learning and leisure. It allows that, over time, a former offense becomes less and less relevant to sanctions and that good behavior eventually absolves social punishment after incarceration -- at least at a corporate level of judicial and legislative institutional power. The civic memory by victims, stakeholders and spectators, however, may continue to punish the offender beyond the time that punishment is appropriate.

Victims and stakeholders fail themselves as well as the offender when they cannot grasp the obligation they have to acknowledge *with the offender* the dialogue of “harms, benefits, rights and responsibilities” (Silbiger 61) of and toward each other in context to the offense. The consequence of sadistic emotivism is that it evokes a delayed accountability from the victim and accusers to the accused – of failing to value the benefits and responsibilities derived from the event and to all stakeholders -- and an unequal justice among previous and future offenders when bad laws are rewritten or reversed. By failing to seek and acknowledge the benefits derived from suffering an offense, as well as seeking and acknowledging their responsibilities to the offender, victims and stakeholders create a new violence that reverses the roles of victim and offender. Compunction is a confession of their neglect and, perhaps, regret, by victim and stakeholders to the offender. If unspoken and unacknowledged, compunction creates a reversed relationship between victim and offender, creating a victim from one who was once the offender, and offenders who were once victim or stakeholders. As an observation, compunction would at least be an active invitation to conversation and

reconciliation, whereas indifference toward the offender is passive, and allows the circumstances – with possibilities for misinterpretation and presumed consensus -- to direct the stakeholders, rather than stakeholders directing the circumstances.

This speaks for consequences of abdicated agency and the collateral consequence of abdicated credibility, by which one's actions for exclusion or embrace attribute to a spectator definition of one's credibility; as an example of the consequence of agency, consider the difference between autobiography, official biography or unofficial biography.

Reentry is a stakeholder crisis, from which both danger and opportunity are a struggle for stakeholders to find a balance of peace. Kale speaks of an "ethic of peace" that may be shared across cultures of stakeholders who have different ideas about what is right and wrong (448). He advances the concept of "spirit as basis for ethical universals," citing Eliseo Vivas in this observation that calls for an acknowledgement of the value of a person. Within this observation resides even the value of an offender to community; it is also by an offender's acts that a community comes to recognize itself as "creatures in destiny":

The person deserves unqualified respect because he (or she) is not merely psyche but also spirit, and spirit is, as far as we know, the highest form of being. It is through the human spirit that the world is able to achieve cognizance of its status as a creature, to perceive its character as valuable, and through human efforts to fulfill a destiny which it freely accepts.

(449)

Furthermore, Kale offers variances for peace: minimal, moderate and optimal peace (450). Minimal peace is a “superficial peace,” characterized by an “absence of conflict” that would surely erupt to violence if the parties were unobserved and free to act. In the context of this dissertation, minimal peace could be equivalent to a victim who attempts to heal only himself after the offense, and who protects only personal interests, continuing to express violent thoughts, if not deeds, toward the offender. Moderate peace is an ethic of compromise, in which the parties are willing to concede personal interests to reach agreement, but which still leaves irritation that could quickly escalate to conflict. Optimal peace is practiced through an ethic of serious consideration for the other; even though serious disagreements may still exist, the stakeholders believe that the Other’s goals are worthy and deserving (450).

While it is difficult to concede that the goals of an offender may have been worthy and deserving, the violence is predicated by the offender’s lifetime of both voluntary and involuntary exclusion and embrace, remembering and forgetting, pardoning and expecting. This spirit of peace may be where the gift of pardon and expectation is extended from the victim to the offender, but how difficult would be the struggle for a stakeholder to distinguish between suspicion and expectation? Does pessimism fuel suspicion, while optimism and the spirit of peace fuel expectation? *"It takes a clever man to turn cynic and a wise man to be clever enough not to."* -- Fannie Hurst. This should be part of a preemptive conversation for the offender’s return to community, addressed with stakeholders at minimal, moderate and optimal levels of peace.

Expectation, or receptivity to the offender (either by acts of exclusion or embrace, remembering or forgetting), establishes the point where stakeholders enter the conversation. From least receptive to most receptive, from voluntary to involuntary participants, stakeholders nonetheless are ethically involved parties, and not merely moral spectators to the return of the offender to the community. By understanding the dynamics of reentry shock, stakeholders may find their preference or pitfalls for action. If one considers the W-Curve Theory for Reentry Shock (Klopf 249) a stakeholder may come to appreciate the struggle of an offender to make sense of “foreign” customs to enter community. In fact, one might consider the ex-offender to be a “man without a country”: a peculiar expatriate who has no real option to return to those historical places, people and things from which he or she first developed a phenomenological ontology. With the history of past offense incorporated into his or her identity, the offender seeks to enter a mainstream culture/morality and pass through the W-Curve’s Theory of five stages of culture shock: preliminary stage, in which the offender makes plans to leave the past behind and travel to a new social identity; spectator stage, with its rising emotions in response to the overload of events and expectations – fear and those instinctual responses to fear; the participant stage, in which “hand-holding” ends, and the offender is expected to cope alone to shock stage which tests personal resolve to the indifference and lip-service or nominal tolerance of his or her place in community; to, finally, the adaptation stage in which one phenomenologically acculturates to the new identity, through acts of remembering and forgetting, excluding and embracing. This dissertation presents the argument for continued participation by the stakeholders with the offender because of the

shock stage; at least in the conversations of pardon and expectation the offender is cognizant that he is not really “forgotten.”

If each of us is the sum of the total experiences of our lifetime, if we are the sum of every person, place and thing that we have met or experienced in first, second or third story experience, are we not, actually then, also the remainder of everything that we have *not* experienced? Unless we have ecological humility – empathy -- for our interpretation of interpersonal environments, then do we not damage interpersonal ecologies when we, without knowledge of foresight, offer indifference and lip service or nominal participation with our community of stakeholders? Without sympathy – which admits to myself and acknowledges to the Other that we are the same, do we not distinguish ourselves incorrectly as “unique” and “above” the Others in the community? Empathy, though seemingly noble, is argued here as a perpetration of violence because it presumes a vicarious acknowledgement of the Other, and situates a sense of superiority that endows acknowledgement rather than lives acknowledgment with the Other? It could be argued that empathy offers a background for peace, but sympathy offers an acknowledgement for peace. Sympathy offers a tranquility in discord.

Empathy, it is argued here, follows the “brass rule” commonly mistaken as “the Golden Rule” of “do unto others as you would have others do unto you.” Consider an offender who is willing to risk suffering violence as a “cost of doing business” in perpetrating his or her own violence – without compunction, they would “do” violence to others as others might “do” violence to them - that is living the Golden Rule, isn't it? Empathy suggests a tolerance of brass rule hypocrisy that measures the world by one's own standard, rather than being answerable by one's self to a higher standard. Further

consideration on the foible of Brass Rule Logic considers a discussion of the “ethics of Reciprocity,” and draws to mind the work of Paulo Freire, with his criticism of the ethics of “assistive organizations”- who assist others only when there is a reciprocal benefit, versus the morality of “mutual assistance” – those who, from an aspect of servant leadership, offer their “time, talent and treasure” without compunction and with a self-interest that is not “self” interested. Sympathy, however, acknowledges that there is some thing larger than self in the cosmos, and leads to a full context of “the Golden Rule” as paraphrased here: Get yourself right with and answerable to God first, and then from the humility of that obligation, “do unto others as you would have others do unto you.” According to the Gospel of Matthew 7, 1:27 , empathy is an insufficient dialogue to practice with an offender: if you are blinded by the mote in your own eye, and give good things only to your own children, as it is based on one’s own sense of ethics or conclave of morality.

When one practices sympathy with the offender, which then collaterally admits similarity in community, then sympathy offers the truthful ecology of morality for stakeholders in violence: that we come from the “same tree,” and that the acts of violence we inflict and suffer are actually good fruits by which stakeholders in the community come to define and redefine themselves; by which we nurture and strengthen ourselves in narratives of community. Perhaps it would be through a “rejoinder ethic” that we finally develop a narrative ethic that naturally goes beyond indifference and “lip service,” by which we harvest good fruits from bad deeds, and that we come to understand and appreciate violence as a test that can strengthen our heart, mind and spirit – not for self-edification through sado-masochistic dialectic of victim stance, but for

“self” edification in sympathetic, restorative dialogue that retrieves fairness from justice. Bestowing sympathy as a gift of acknowledgment to the Other in recognition of our similarity, and not as a gain by the Other who might manipulate.

This resonates with Laub and Sampson's observation of crooks who examined and changed their patterns of thinking that previously led to criminal behavior: as the men saw themselves realistically, they became fed up with their old ways and made efforts to change (Beginnings 26). Progress was not rapid or smooth – living responsibly wasn't particularly appealing either – crooks were used to instant gratification; they slowly found tangible and intangible rewards.

The criminals discovered that effort, competence, and reliability are usually rewarded and that they could accomplish worthwhile things without deception or intimidation. Responsible people, especially members of their family began to trust them and react to them differently. The men were promoted in their jobs and began to acquire material possessions honestly. Gradually their criminal patterns were abandoned, and they acquired a new set of values by which they could live responsibly (Laub xv).

Bush, Glick and Taymans have incorporated self-reflection into “Thinking for a Change”: delineating twenty-two skills to be taught to and encountered by offenders that include: active listening, asking questions, giving feedback, how thinking controls behavior, paying attention to our thinking, recognizing the thinking that leads to trouble, finding new thinking, using thinking check-ins, knowing your feelings, understanding the feelings of others, responding to the feelings of others, responding to anger, dealing with accusation, introduction to problem-solving, stop and think, problem description, getting

information to set a goal, choices and consequences. All of this internal dialogue between me and myself leads to the opportunities for self-definition and self-introduction through “reluctant evidence” (Rieke and Sillars 139), from which first experiences with personal credibility from a hostile audience may emerge.

The concern about a vindictive public may be less than is often portrayed (“Impact of Restorative Justice”). Restorative justice invites victim participation in reconciliation and rehabilitation of the offender with the community. In the examples of restorative justice practiced in Allegheny County, Pennsylvania, the crimes are primarily property crimes and minor assaults. Stakeholders to the offense meet in a meditative dialogue that includes both family and group dialogue. The fundamental concepts of restorative justice are: 1) crime is a violation of people and interpersonal relationships, 2) violations create obligations and liabilities, and 3) restorative justice seeks to heal and put right the wrongs of people and relationships, of obligations and liabilities. The pitfalls and dangers of restorative justice are that each stakeholder has a different worldview, different perceptions of justice, different communication styles, and variable capacities to communicate across cultures, with people of different cultural backgrounds.

From the role of ethics and stakeholder analysis (Silbiger 55), each stakeholder to the event must be accountable and answerable to their own harms, benefits, rights and responsibilities evoked from the incident. While a victim may be a reluctant recruit to a criminal activity, the victim nonetheless needs to seek the benefit he or she derived from the offense, and well as identify and exercise his or her responsibility to the offender, and contribute to the constructive prologue of the offense. Consider, for example, the noble and forgiving response of the Amish community to the family of the man who murdered

Amish children in their schoolhouse. The forgiveness that the Amish offered and the promise to their faith determined that they would seek to offer help to the family of the murderer. Their response made worldwide headlines for the generosity and selflessness that they practiced: to set up education trust funds for the children of the murderer, and their refusal to let stand a schoolhouse that would suggest a shrine to the memory of their own murdered children. If, as Nietzsche suggests, behind every philosophy embraced stands another philosophy denied, then it seems the Amish philosophy of faith and their relationship to God then denies the self-interest of human/private violence to public freedom and glory. The Amish did not need nor seek the public acclaim and social morality for which they were celebrated in the world. They based their sense of restorative justice on their accountability to God.

In a secular realm, Umbreit examines and responds to common questions of restorative justice. Based on the success in the juvenile program for restorative justice, there is widespread interest of public support that appears to lead the "lag time" of legislative "get tough" rhetoric. Such public support appears to trend toward stakeholder ethics that involves all parties in an offense, and offers an opportunity for consilience of public and private responsibilities. The drawback of this program, as considered by Umbreit, is that it does not require direct victim-offender dialogue; instead, it derives as "forum" exercises that enable the role players to examine issues from a distance. A further drawback is that, at least in the present, such motions for restorative justice are prescriptive for minor offenses, but not severe crimes. The restorative justice policy, Umbreit reports, is intended to give victims greater participation in sentencing, presumably to offer closure for victims, following the trauma of suffering a violence. It

is a concern argued in this dissertation that such policies should not serve merely as bully-pulpits for victims, but should examine the full potential of victims as reluctant recruits in an act. Under the parameters of stakeholder ethics, a fully developed dialogue could suggest that a victim has been called, albeit reluctantly, to a new horizon of significance, and should respond – as demonstrated by the Nickel Mines Amish-- to the issues of persons for whom the victim was previously unaware.

For the present time, however, no research is available in this Pittsburgh-based project, which was earmarked for funding in 2008, but – as Rich Lord reports in 2009 – such funding was stalled or misdirected and, at the time of this writing, not yet applied. So the value of restorative justice, as it might be applied to adult offenders and youthful “gangsters,” remains unexamined, and the roundtable dialogues with the communities of stakeholders have not occurred. Perhaps bureaucrats and educators must wait for funding to provide the evidence-based research that justifies the expense of convening stakeholders to their table of restorative justice, but its architect apparently reported that this work was already successful when implemented in other cities. This debacle seems to be a prime example of Paulo Freire’s concept of “assistive organizations” – those mercenary social and political entities who arrive on the scene when financial benefit to themselves seems obvious, and who, when no financial benefit seems obvious, allow the violence to continue as it has.

Perhaps what is called for at this point is a grassroots effort for Freire’s groups of mutual assistance – those stakeholders who are directly involved in the event, who are or have become interdependent with each other because of the violence. But who or what would motivate such grassroots stakeholders to come to the same table? How would they

cooperate, coordinate and collaborate in their efforts? What is the rational expectation that a perpetrator would voluntarily arrive at to participate in such roundtable dialogue? Without the force of law to bind him, how could an offender be motivated to arrive, except by his own motivation to survive and change, rather than to maintain his present path?

This dissertation firmly argues that, of all the stakeholders to a violence, the victim and the offender have an obligation to dialogue. From the seeds of narrative expectation, these relationships of recency must resolve the story of offense to acknowledge the benefits of and responsibilities derived from the violence. In the vernacular, such dialogue would be one of rebuilding bridges that were previously burned or destroyed. What interest would or could a reluctant victim value to engage in building a bridge with one by whom he or she had suffered? This interest could be discovered as closure to the stages of grief and loss, coming – finally – to acceptance that the world has changed, and that one chooses to be constructive rather than destructive in the aftermath: an interest that would acknowledge a forgotten similarity to culpability. In a sense of humility, seeing as Martin Buber did the triadic narrative of I, Thou and the Other, which closes the distance of the objective Other of "It", to the subjective Other of Thou.

The perspective of this dissertation is in response to prison offenders' frequently expressed fear of their release date, and the awareness of estrangement that a criminal conviction poses. How might one, from a position of estrangement, reinvent ethos, to begin to build trust and restore damaged relationships? The warrant of this dissertation responds to the general underperformance of rehabilitation programs: approximately half of offenders voluntarily participate in rehabilitation programs, yet eighty-five percent of

these people will be rearrested for parole violations, or sentenced on new charges after their release (Fahy). What is missing from the rehabilitation process that results in this rate of recidivism? What perspective is missing that might contribute to engagement and constructive agency by offenders to predict successful reintegration rather than unengaged reentry?

A comparative application of Paulo Freire's work in critical pedagogy will inform this research for story and narrative sharing, with the difference being that Freire's underclass could claim an inherent right of membership, while this research involves individuals who have, by personal agency, permanently forfeited status that alters their expectations of freedom. Concepts such as "changing face" (Hope 200), and moving from "being in a lesser way" to "being in a larger way" in relationship to historical limit situations (Hope 207) will begin to situate the approach of this research. The grounds of this claim is a comparison to Paulo Freire's critical pedagogy of conscientizacao, calling for social, political and economic responsibility, by which fear of freedom is allayed through critical consciousness by all stakeholders in the process (Hope 35). This research will position a dichotomy of Freire's roles of oppressor and oppressed in the context of ex-offenders and community, in which relationships are complicit, estranged yet transferable.

This research should inform the changing rhetoric of legislation, as well as the new consensus being developed by community stakeholders regarding punishment and reintegration, by offering new stories to support the emerging narrative of shared burdens and responsibilities for safer, more productive communities.. An inverse of Freire's sub-culture, ex-offenders enter communities in an enforced sub-culture of "lesser than"

position from which they must then begin to make sense of themselves, for and with community. The claim of this research is that, in the framework of intercultural competence and intercultural cooperation, an ethic of peace can become the new common ground discourse of democratic experience for safe and successful reintegration of ex-offenders to previously burdened and resistant communities. In a narrative praxis of reiterative and collective memory, ethos for the ex-offender becomes reinvented in a new context of personal and group memory (Barash 43).

If the narrative of rational acknowledgement is to be considered, then I will temper it with the tack of another article from Scientific American Mind that argues many juvenile offenders (who will become adult offenders) over-rationalize their choices for risk and reward. The article argues for more training to encourage intuitive, or "gist" thinking by young people. From this I posit an argument for this dissertation: what has been lacking from corrections approaches to rehabilitation is exposure to philosophy and rhetoric, from which critical thinking and decision-making may inform an intuition which, normally, only develops after exposure to multiple situations over periods of time.

Since the 1980s, "get tough on crime" sentencing standards for criminal convictions have resulted in a three-fold increase in prison populations. Citing statistics reported by the Department of Justice annual report for Bureau of Justice statistics on December 1, 2006, 7 million people, or one in every 32 U.S. adults, are passing through various stages of the prison system; 2.2 million were incarcerated, 4.1 million were on probation, and 784,208 were on parole. While prison releases are increasing, admissions are increasing more. Seven percent of offenders are women, and the gender figures do not

include offenders in local jails. Drug offenses account for 49 percent of total prison population growth.

In Pennsylvania, where this dissertation originates, the Department of Corrections reports a statistical profile of offenders returning to community ("Pennsylvania"). Of 10,486 offenders assessed in 2001, 70 percent had a drug and/or alcohol problem; 9 percent of males and 27 percent of females had mental health needs; 40 percent read below the 8th grade level; 77 percent had no or very limited skilled vocational training or experience; 81 percent were unemployed at the time of the offense; 30 percent of males and 44 percent of females had two or more children under the age of 18. 33 percent of admissions were those who had failed a parole and been returned to prison, and at three years post-release, the overall recidivism rate was measured in 1997 to be 42 percent.

Now, economic pressures are posed by these overcrowded facilities, forcing budget-conscious legislators to reconsider alternatives to previously harsh standards for sentencing and incarceration. Beyond the simple argument of inequity that this reconsideration poses for certain offenders currently serving time under the old sentencing standards, is the unequivocal argument that, when released, all ex-offenders will re-enter their communities with forfeited status, and the people in these communities are generally "wary and weary" of the homecoming ("They're Coming Back" 25).

While economic motives and constituent demands are driving the current sentencing changes in legislative and judicial systems, groups such as the Philadelphia Consensus Group on Reentry and Reintegration of Adjudicated Offenders are also arguing for socio-ethical changes. The Philadelphia Group, which considers itself representative of national trends, educates its diverse audience of stakeholders on the

difference between reentry, which is merely a process of release to community -- what Paulo Friere might equivocate to being “excreted (Hope 184)” back to society -- and reintegration, which is indicative of “increased participation in social institutions such as labor force, families, communities, schools and religious institutions” (5). Their work suggests the growing public awareness of existing toxic leadership and toxic narratives that must be addressed in reciprocal levels of discourse if we wish to see increases in successful reintegration of former offenders to community because, as the Philadelphia Group observes, “they’re coming back, whether we like it or not” (3).

The epistemological intent of this research is to go beyond ethnographic descriptions that accommodate "unexamined" scholarly philosophies of action such as subject, motivation, actor and role, in order to be free of "social determinisms" (Bourdieu viii). This is important because he neutralizes stories and narratives, opening the possibility for a critical examination of "dominant stories". Bourdieu's key terms are "field" (the game, or dominant story), "habitus" (one's epistemological, phenomenological, ethnographic experience, "illusio" (playing by rules of the game or the dominant story), and “symbolic violence” (beliefs perpetuated by the dominant field). Despite the sociological criticism of “social determinisms,” Bourdieu resolves us to an attitude of hope through an opportunity to act from "disinterestedness (86)” that permits "noblesse oblige (133)” – the potential for hope and rehabilitation.

The final philosophy of action is between one's internal and external actions – motives and capacities to change. Change can be intellectual suicide – if the offender's ontology is discredited. It can be intellectual homicide (symbolic violence), suggesting that a person's ontology is not permitted to practice a rehabilitation to new "habitus and

field". How can a person be able to practice a rehabilitated habit, if the new field does not acknowledge him or her? What happens to a person when the world doesn't allow him to change? Change ("illusio") comes from within, but what if the habitus cannot enter the field? "We must each be the change we want to see in the world." Ghandi knew this; it is the only way that we can ethically respond to our environment. We cannot change the world before first changing ourselves. This means, at times, that we challenge the dominant stories. Do dominant stories masque the face of fallibilities? Bourdieu says his sociological analysis carries a "radical rupture" to the complacency of those who think they are "the most irreplaceable of beings" (ix) – in the same sentence Bourdieu states that this rupture actually is a powerful instrument of self-knowledge of "unique being".

Chapter 3

Identities and Stakeholders

Who is the offender and who is the offended in an act of physical, mental or spiritual violence? At what point does an offender become a victim, and a victim become an offender? In what symbols and narratives do the objects and subjects of violence reside and migrate? At what time does credibility surface to become challenged and acknowledged? How may credibility be conferred if social, political and economic interests dictate moral hypocrisy? Why should it be important for stakeholders in a violence to practice ethical reflection of their personal, public, social and political interests, and enter moral narratives in which each seeks to be both “less so” and “more so”?

3.1 Stakeholders to an Ethic of Peace

In Pedagogy of the Oppressed, Paul Freire observes that it would be a contradiction if the oppressors (aka defenders of the status quo) not only defended, but also actually implemented a liberating education (54). In Allegheny County, Pennsylvania, we can witness that the defenders are, in fact, the assistive organizations that Freire would criticize as self-interested, and they are implementing formal political power when systematic education has faltered, and organizations of public and social "mutual assistance" have faltered. Defenders are actually working with offenders in the process of organizing all stakeholders to an ethic of peace through projects like the Reintegration Project, the gangs initiative, the mental health court and drug court. Offenders are being bridged to community with a cadre of formal and informal supports

through educational projects for the constructive application of skills for work, learning and leisure. This culminates to a synthesis of stakeholders across both formal/assistive organizations and informal/mutual assistance relationships. The irony of this effort, however, is that the “oppressor” -- the courts and law enforcement agencies, with related community groups – are inviting the conversation with the “oppressed” – the offenders/those who inflict violence against the time, talent and treasures of the community of stakeholders.

As with any invitation, however, it needs to be accepted; likewise, the host should be prepared with knowledge, preparation for and expectation of the guests -- not to value the guests as vignette caricatures of curio relationships, but to value them as sincerely interesting guests to be received, nourished and appreciated. So Freire’s structure for two stages of transformation remains apparent: until the offender can reveal the world of his or her oppression, and through praxis commit himself or herself to transformation (54), the reality of oppression cannot be transformed. Until we as stakeholders recognize the ecology of violence and our contribution to the evolution of offense: either by exclusion or embrace, remembering and forgetting, separating and binding, pardoning and expecting, then teaching only blatant offenders the moralities of community without being collaterally circumspect to why we ourselves ascribe to and practice these morals, we offer only the lip service that could contribute to recidivism as offenders travel through the stages of culture shock (Klopf 249). Host and guest join the pedagogy of all people in the process of a permanent liberation (Freire, Oppressed 54)

3.2 "Nothing" Works?

In criticism of prison rehabilitation projects, Martinson was a social scientist who his critics attribute the claim that “nothing works” in prison reform. Martinson had, rather, argued for the concept that rehabilitation should be complemented with a strong community participation to reinforce and receive the lessons learned in prison rehab programs (Cullen 105), and this concept closely preceded Foucault’s Discipline and Punish in which the evolution of corrections and the description of panopticon are fully considered by Foucault. Perhaps the reason why Martinson’s concept was ill-received by his critics is that he called for self-reflection by all stakeholders, and that an obligation to acknowledge the offender as a stakeholder placed all in the roles of observer and observed. Through dialogue and discourse, Martinson’s panopticon might have removed for stakeholders the barriers of stereotype and prejudice that are attributed to “definitions as arguments” (Rieke 296). Consider these caricature arguments by labeling: convict vs. inmate, ex-offender vs. ex-inmate, a “formerly incarcerated individual,” a gangster, a criminal, and criminal mind, an actor, a person of interest, an “alleged” perpetrator, a suspect, an adjudicated youth.

In a function of these terms, career criminals choose to label themselves convicts because they “caught a case,” whereas career criminals view inmates as stooges to the warden, doing their time and staying out of trouble. Consider Errol Sull’s aversion to using the term ex-offender and his persistence to use the term ex-inmate:

"Inmate" and Ex-Inmate" vs. "Con"/"Convict" and "Ex-Con"/"Ex-Convict:

Anyone who has spent any time behind bars knows there is a definite difference between between these two sets of words (although technically they mean the same). "convict" (and its various forms) indicates one who

has an "us vs. them" attitude, that is, buck the system, cause problems, only listen to and trust other convicts; "inmate" (and its various forms) describes one who is open to change and others' assistance, wants to sincerely change his or her attitude, and is eager for a chance to start over after release.

In addition, the media enjoys feeding on such well-worn clichés as "the big house," "the slammer," and "ex-con"; this does a great job of perpetuating the public's stereotype of the prisoner and ex-prisoner as one who is worth little, will always be a danger to society, and can't be trusted. They may only be words, but words offer specific images, and I don't particularly care for the image that "ex con," et al., offers. Thus, with few exceptions (quotations), I use "inmate" and "ex-inmate" throughout this book. (v)

Consider the police and media jargon for offenders as "actor," "person of interest," a suspect, and an "alleged" perpetrator. It is mildly amusing to note that, when true crime is committed, and unequivocally witnessed, the public takes great care not to imply that the "suspect" is guilty before a trial – that a man is innocent until proven guilty. Yet in the daily routines of shopping and travel, all people are considered guilty until they prove themselves innocent (i.e. not being allowed to bring bags into a store, cameras to observe street and storeroom activities, airline security gates). The panopticon thrives and continues to innocently project itself into new methods of observation: from the innocence of cell phone GPS systems and On-Star vehicle

communications and controls, customer loyalty cards and specialized coupons based on buying habits, smart cards, "they" are watching.

3.3 The American Gulag

As Johathan Turley projects, we are becoming an American gulag, with American incarcerations at the highest in the world, recent statistics of 714 incarcerations per 100,000 people, and the criminalization of America becoming a political boon to the industry of criminal justice. One in every one hundred Americans is in jail, and Pennsylvania leads the Northeast in setting this record rate of incarceration (Balingit). As Ricoeur argues in Fallible Man, we do not stand above history, but are instead self-reflective of history. The appropriate challenge that we must acknowledge on the topic of violence is we will never understand violence by looking only at the genes or brains of violent people. As Pinker observes, violence preoccupies our minds, and we have emotionally and physically evolved to accommodate violence (316) Violence is a social and political problem, not just a biological and psychological one, and we have evolved for violence in a dichotomy of fight or flight (Pinker 316). The question, Pinker observes, that we have been trying to answer for the past 30 years is: how do children learn to "aggress". That, however, is the wrong question. The right question to ask is: how do they learn to not "aggress" (316). At the end of the day, learning is a private project, acquired from the tools and experience made available. It is an act of violence not to take into account the cultural factors, factors of social organization and the person's empirical knowledge (i.e., the limitations of mental or psychological capacity, of rational or intuitive capacity (Freire, Learning 76).

As Freire observes, a "heroic specialist" is one who would do things for another, but not with the Other (Question 55). At some point, we must allow people the permission to act, and let them [and us] accept the consequences of their actions, but it remains a pedagogy of ethical leadership to first enable the person - to give them the tools, knowledge and practice that demonstrates their practice for competence. The morality of this pedagogy derives from encountering and seeking to acknowledge the secrets of the Other; this is a mediation that will lead us to acknowledge (and discover?) the secret of ourselves – at individual [civic] level, at collective [corporate] level (Freire, Question 72). It is the old axiom that the best way to learn a subject is to try to teach it to someone else. If we do not learn from the inconsistencies of others, how can we learn about the inconsistencies of ourselves? If we can agree with Heschel that “a human being is that creature who insists ... on being a need and not only having needs” (Hyde 109) , and that the only way to avoid despair is to be a need rather than an end (Hyde 193), then to view an offender only as a person who is serving their own interests fails to consider that the offender is also a creature who wants to be needed -- and, in fact, IS needed to develop the social discourse. To deny that need is to offer instead the vinegar of despair.

Samenow refutes Hyde and argues that criminals think differently, have a different worldview, and should not be considered victims of society. Samenow urges stakeholders not to be co-dependent with criminals, and not to “make it up” to them. Samenow speaks of accountability for self that may allow the transition from bondage of co-dependency to the liberation of bonding. Some myths that Samenow discredits: 1) parents do not turn children into criminals, 2) oppressive social conditions do not create

criminals, 3) hard luck stories do not create criminals. If parents, neighbors, schools and employers reject criminals, there is a reason why they were rejected (13). As irresistible as it might seem to want to attribute a cause to the offenses of another, if only for the purpose of our own sense-making of the violence, only the offender has the capacity to question the secret philosophy behind his private philosophy and ethic. The risk remains that, even if an offender travels through reflection to remorse, stakeholders themselves may not have examined their own philosophy behind their philosophy, so the potential for rehabilitation of the offender suffers the barrier of stereotype and prejudice, and responsible imagination is thwarted because the bond through sympathy was not offered. May succinctly observes, "violence and communication are mutually exclusive"(26).

3.4 From Outrage to Health and Vitality

While it may be true that "wicked people exist" (Laub and Sampson 292), this only affirms the banality of adversity from which civilization defines itself. As May observes in Power and Innocence: "the humanity of the rebel lies in the fact that civilization rises from his deeds" (222). The rebel and society are a dialectic in which the rebel insists that his identity be respected; he fights to preserve his intellectual and spiritual integrity against the suppressive demands of his society (225). He must range himself against the group that represents to him conformism, adjustment and the death of his own originality and voice (226). Humans do not grow "better and better"; rather, they improve by the dynamic of thesis and antithesis: "the community condemns the outrage, but gets its health, vitality and new growth from the outrage" (May 226). The rebel remains a member of the culture that he opposes, which is why the relationship is a

dialectic, not a dialogue or discourse (226). As observed: "I rebel, therefore we exist" (May xx) . Separate, yet bound.

To acknowledge the rebel's propensity to offend, it becomes both an option and a caution to offer training and rehabilitation services, while at the same time considering the consequence of pluralism (or artistic interpretation) among stakeholders. Jack Katz believes that George Herbert Mead was wrong to say, "to understand is to forgive". Such a process, Katz maintains, has misguided generations of social researchers on deviance, and clinical sojourners to "the other side" will emerge at least as often in disgust as with acceptance (xx). The writer of this dissertation can ascertain that, after working directly with incarcerated individuals on a daily basis for more than four years, the original naïve and romantic version that she held of the "rebel" was informed by disgust in the reality of the fact that many offenders are not at the stage where they seek or want forgiveness. They will, however, accept it as a tool for further manipulation of the naïve. Games That Criminals Play illustrates how naïveté can become personally and professionally destructive to one who would seek to understand and forgive the offender. In fact, the disgust of this reality derailed the progress of the dissertation for more than a year, until arriving at the revelation of the replacement option of pardon and expectation. In deference to the victims of violence, forgiveness does not seem to be an easy option, and understanding the reason for the violence may seem unfathomable, perhaps even to the offender. Yet the capacity remains to invite synthesis through a reconciliation that involves pardon and expectation. If it is true that "time heals all wounds," then perhaps an offender may experience forgiveness only through time. As the Amish story exemplifies, perhaps forgiveness is the means to accelerate temporality.

Time, though, is not a measure of itself, but rather is a habitation for actions and inactions. As a moral community, we should not condone a pluralistic ignorance of the prison community that leads to what Grekul refers to as the "spiral of silence". This means that we allow perceptions and prejudices of others to color our sense of truth and reality, and that even if we disagree with the perceptions we do not critically examine or challenge them for our own value of discovery. We should refrain from being Freire's "heroic specialist" who interprets for others what to expect and how to conform, and instead invite stakeholders to the experience, at least through the vicarious experience of stakeholder discourse that critically considers four fundamental elements of such dialogue: the harms, benefits, rights and responsibilities of each stakeholder to an event or to a proposition (Janus).

Phillips supports the legitimacy of such stakeholder ethics, and refers to it in a Rawlsian sense of "justice as fairness" (Phillips 109). This distinction between justice and fairness is offered in this dissertation as an equivalent to the agape love that Martin Luther King Jr. wrote about in Strength to Love: In justice we do not have to like the offender, but in fairness we must discover the path to love him or her. This is not a filial love, nor a romantic love, but a spiritual caring that reminds us of our own fallibility and our obligation after divine revelation to offer and practice redemptive love - perhaps first practiced to ourselves, then to others. Redemptive love may be the source for the opinion that we seek which informs credibility of our self and with community (King 50).

Vartiainen compares and contrasts the "constructivism" and "pluralism" methods and philosophies of stakeholders as competing models of truth. He sees all stakeholders as "participatory evaluators" who use "point of view" evaluation to discover how the

information corresponds or impacts each stakeholder's experience of the event, and with “level of unanimity” of the different groups (1). In a multiple constituency evaluation, perspectives to be considered include the relativism perspective of ethics informed from standpoints of the naïve, the role, the social group, the cultural, natural law, utilitarian, and universalist perspectives (Silbiger 57). As stakeholders to the event or proposition, all constituencies are equally important from the point of evaluation. Vartiainen further expands his definition of constituency to include: the power perspective – wherein the most powerful should participate in the process; the social justice perspective - which emphasizes the interest of "the smallest beneficiary"; the evolutionary perspective -- which interprets and projects the action or proposition in relation to its impact in the environment, and time perspective which acknowledges the ecology of the event or proposition, as constituents and perspectives may change over time (9).

3.5 The Crisis of Leadership

As Robert Greenleaf quotes from Camus, "each man's sufferings builds foundations for himself and others (12)"; not everything can be thrown away; some has to be rebuilt and used again (6). A central ethic of servant leadership -that selfless investment in constructive change - is foresight. As such, a leader for change must be a historian, a contemporary analyst and a prophet -- all at once, not in three separate and reappearing roles (25). "The real enemy of servant leadership is fuzzy thinking on the part of good, intelligent, vital people, and their failure to lead, and to follow servants as leaders. The real enemies are the strong natural servants who have to potential to lead but do not lead, or who choose to follow a non-servant. They suffer. Society suffers" (45).

“So often we rob tomorrow’s memories by today’s economies.” This quote from John Mason Brown educes the consequential “payoff” of indulging prejudicial themes and resisting change (Klopf 147). In avoiding dialogue with forfeited individuals who seek participation, we steal from our future. Our community themes mark the value and cost of contemporary economies of tolerance, resistance and invitation as they inform the experience of our weary and wary communities. It is a call to action to invent ethical economies of community rhetoric for reintegration that can be availed to an individual of forfeited status. What communication processes might substitute for the accessibility of democratic participation, when forfeited membership results in degrees of legitimized, permanent social disability and separation? At a rhetorically microeconomic level, the currency of invitation and introduction by the magnanimous agent is one that requires “memory-makers,” not the “functional payoff” (Klopf 147) of prejudice practiced by “memory-takers”. The investment of an energetic and optimistic community in a “being more so” memory is informed by the dialogic generosity of its members.

Fundamentally separated from the democratic process, ex-offenders assume a sub-cultural identity with politically and socially provisional limits to participation and recognition. The common ground of democracy that is not a shared value across countries does not need to be the common ground that can be achieved between an ex-offender and his community. Instead, the common ground shared among different cultures is at ethic of peace (Kale 448). Modeling Ricoeur’s “just” memory, our duties for “peace” memory hold those same actions to a higher standard of agency. There should be a certain higher level of charity granted to ex-offenders because, unlike traditional intercultural opportunities, ex-offenders must not return to their old culture of

crime. It seems they have become a “detached being,” or a “being elsewhere” -- trying to be Freire’s “less so” of their old persona, and “being more so” in a culture that they cannot fully join, except, perhaps in a sub-culture community of reintegrated peers. But even these opportunities for reintegrated peer sub-culture are judicially distanced through extended prohibitions of time and distance affecting affiliation.

From the rhetorical domains of physiological, rational, sociological and religious perspectives, how can “conscientizacao” address the “culture shock” that is the most equivalent post-release experience that offenders can anticipate and encounter? What are the symbols and ceremonies of arrival? This section will examine, through the eight ethics of dialogic perspective synthesized by Richard Johannesen (77), the possibilities for forfeited and magnanimous individuals to negotiate “being” and “reinvent ethos” through a discovery of value for innocence "elsewhere" -- in a peace with community.

In eastern Pennsylvania, the organizational effort of the Philadelphia Consensus Group on Reentry reflects the attitude of concern for the issue of ex-offenders returning to community. The Philadelphia group has convened a spectrum of community stakeholders who admit to being "worried and wary" yet who are willing to gather around a problem statement of "ready or not, here they come." This group demonstrates Dardis' dynamics in social movement theory that calls for four functions of issue-framing: problem definition, blaming a cause, suggesting solutions and invoking a moral appeal. Recidivism rates demonstrating that offenders are not coming out of prison in any improved form that enables or empowers them to successfully reintegrate to community backs up the warrant of the Consensus Group’s concern and confession. The Consensus Group considers that the corrections system is “broken”. Furthermore, the Group indicts

itself with the reservation that, as a community, meaningful efforts to receive or assist ex-offenders in their reintegration have been largely abused or neglected or delineated through “silos” of vertical service. Hence, both the ex-offender, and the community he or she returns to, may be ready, or not, for what should come next.

Another section of this dissertation discusses "noble project" curriculum created and delivered to Pennsylvania Department of Corrections prison offenders. The concept of a “noble” project is one that the offender program director was able to qualify for budgetary purposes from the offender general welfare fund. The director framed this year-long trimester project to develop realistic expectations through Meryl Reis Louis' stages of “newcomer experience”: anticipation, encounter and arrival. The program developed curriculum and delivered it to a class of voluntary prison inmates in response to their popular interest and their expressed "constructive fear" of their impending parole or max date. The measure of persistence for this cohort was remarkable. Whereas courses typically experience a seventy-five percent drop out rate by the third week, this class experienced a nearly one hundred persistence rate in the first trimester. The sign-up sheet for subsequent sessions was quickly filled, and some offenders expressed interest in changing their home plans to participate with the local community groups in what was intended to honor Freire's vision for stakeholders in a community of "mutual assistance".

While the noble project curriculum emphasized an ecumenical ethic to gain adherence, agency and stewardship among prison offenders and within “hope communities,” the conclusion of this study moves from a secular “call” for ethical agency to one of a spiritual renaissance. This call is a collaborative rebirth that binds the

individual and the community to the larger story and narrative of civic redemption: moving from fear toward a nobility of hope, charity and faith.

The grounds for understanding the "constructive" fear of prisoners should advance a reconsideration of community narratives that have become what Bourdieu might identify as reflexive and dominant stories of "illusion (76)", knowing and playing by the rules of the game while wishing, perhaps in a hermeneutic sense, for something new to come of old ways. "Ready or not, here they come" is the qualifying argument of community groups ("They're Coming Back") who question the plausibility of an offender's rehabilitation during incarceration. "Ready or not" also acknowledges the confessed skepticism by community stakeholders, who call themselves "weary" and "wary", and who doubt that purposeful services or systems are in place to adequately receive the numbers of ex-inmates being released from prisons back to the communities.

The primary evidence or support for the prison curriculum will be a comparative discussion of Paulo Freire's early concept of "conscientizacao," the application of which is refined in Pedagogy of Hope. In Hope, Freire demonstrates a critical pedagogy that creates teachers who learn and learners who teach in discursive practice that inform the shared dehumanizing cultures of "oppressor" and "oppressed" (48). Freire effectively supports the concept of "home" (196) as needing to be vigilant yet obligated to move beyond "circles of certainty" (38) that are unreflective and unconstructive. How can communities of oppressors and oppressed, through "creative communion" (48) "invent peace" (196) that enters a new historical phase of authentic forgiveness? By "naming the world".

The warrant of this study appropriates concepts from Pierre Bourdieu's Practical Reason to enlist community in the "nomination" (49). This includes his standard concepts of field, habitus, symbolic capital, social capital and symbolic violence, but turns especially to his presentation of "illusion" (76) and the possibility of a "disinterestedness" (75) that enacts a noble response by community to the ex-offender. This will be supported by Paul Ricoeur's study of narrative ethics that shape communities by what we "take in" and "keep out"; by our selectivity for remembering and forgetting.

Chapter 4

Temporality

“The more things change, the more they stay the same.” If, as Nietzsche pondered in “What is Noble?” - an early wandering through the fields of existentialism - that we are all waiting for an opinion about ourselves (261), then that opinion -- or, credibility -- derives from feedback for our actions. If these opinions are measured by Arendt's categories for private, public, social and political work, the opinion will predictably derive from multiple arguments and counterarguments. Conscience, it might be said, is illuminated from one's willingness to speak with reluctant evidence, and to consider the response from one's harshest critics (Rieke and Sillars 139). If one does not "take the time" to pardon and acknowledge one's harshest critics, then subsequent actions may become criminal. As Kohlberg posits, every action of each person is purely ethical from one's worldview, yet that worldview must acknowledge other than selfish interest. Pardon and acknowledgement offer the moral avenue for dialogue and narrative. Pardon and acknowledgement, it can be said, offer the tunnel for time travel to the dimension of another person's experience. The most common response any inmate offers if asked when he might expect to gain credibility from those whom he has injured or disappointed, is, with a self-reflective smile, “time will tell”.

4.1 Resilience in the Ecology of Danger and Opportunity

If, as Nietzsche suggests, a noble man is one who has risen out of his or her adversity to succeed to live in imposition with adverse situations, then the noble project of inmates must necessarily teach the values of vision and persistence, and to view adversity in the Chinese definition of their symbol for crisis –an ecology of danger and

opportunity. These values acknowledge that adversity is a natural element to be acknowledged and not an element that one should effectively thwart or cause to make disappear over time. In fact, the temporality of mistakes and miscues create the historicity that may, if one is noble, produce the opportunity for wisdom or, if ignoble, promulgate ignorance and offense. Cognitive behavior training is an evidence-based first step in teaching offenders to anticipate consequences, in the hope that optimism in some personal success will not be interpreted by the offender as “luck” or “anomaly,” but proof of the opinion that Nietzsche says that we wait for: the credibility of self with others that is the threshold for pardon and acknowledgment.

4.2 Extinct Moments

The challenge and irony of temporality is to learn from the past, but not to live in it; to choose, instead, to live with responsible imagination for the future. This responsibility emerges as Daloz et al. “Social Pedagogy,” Freire’s concept of “conscientizacao” and Ricoeur’s “just” memory. Yet, as Laub and Sampson indicate from their 40-year longitudinal study of offenders who manage to survive their lifestyles, those offenders who “age out” of criminal behavior express regret for their time lost and appreciation for their time remaining with the wisdom of hindsight. As Eric Eckholm quotes from a former offender: “I was with the street life, but now I feel like I’ve got to get myself together.” Mr. Brannon said recently in the row-house flat he shares with his girlfriend and four children, “You get tired of incarceration.”

The quiescent acknowledgment of temporality is that it measures our mortality. Yet, as Kenneth Burke remarks, it is because we can imagine our death that man will manage (or mismanage) the symbolism of his life. It is not temporality that offenders

express regret for having wasted, but the loss of those measures of time, of talents and of treasures not exercised, that can symbolize the opinion of self and others that we are waiting for: the people, places and things; the work, learning and leisure; the questions and consolations of heart, mind and spirit. In hindsight, temporality may offer bittersweet reconciliation to “the said” of extinct situations and actions passed, yet temporality also offers perspective and motivation for “the saying” of responsible imagination for opportunities on the horizon: making a future for memory. The saying of compunction or foresight for the consequences of what we demand in the name of justice should follow responsible imagination

4.3 "Forgive First"

On the grounds of quadraic stakeholder ethics, articulated in a dialogue that addresses the harms, benefits, rights and responsibilities associated with the act (Silbiger 55), it is argued here that if a victim, by forgiving first, quickly embraces and articulates the benefits and responsibilities of the act to which he or she was involuntarily recruited, we can move more quickly toward a community of healing and away from secondary violence of excessive public punishment and from private indulgence of melancholy.

His or her own credibility is the offender's first victim to suffer and, in the court of public opinion, is the last victim to recover from discipline and punishment. This credibility will continue to be challenged in domains of the private, public, social and political. "Collateral consequences" are a temporal reminder, in social and political forums, to former offenders that their history follows them in a contemporary challenge to the "opinion" rehabilitative credibility. Kurlychek et al. criticize the public access to criminal records as morally problematic because they amplify punishment beyond the

sanctions imposed by the criminal justice system. The "scarlet letter" of collateral consequences exceeds the common acceptable time frames used for tracking probabilities for recidivism. A former offender's future criminal behavior diminishes to equivalent of any other person who has never offended once he or she has successfully passed the temporal milestones that acknowledge rehabilitation. Kurlychek et al. could be interpreted to offer political criticism that supports the sealing of records to all but court and law enforcement in a sense of 'collateral credibility' that, by rehabilitative action over time, eliminates the social written history of the offense.

According to the Legal Action Center based in New York State (www.lac.org), there are other immediate instruments for formal credibility - such as the right to vote, the right to own and operate a motor vehicle, the right to obtain government benefits, the right to serve in the military. There is, within each state and commonwealth in the United States, the capacity to legislate an instrument sometimes called a "certificate of relief of social disability". This certificate is earned, over time, and acknowledges that a former offender's rehabilitative actions have passed temporal milestones for social "proof" of reform. This written document is offered as political credence to the former offender's rehabilitation and is also an instruction to dismiss prejudice in the case of hiring decisions.

4.4 Resurrecting the Past Through Blaming and Shaming

The private and public oral histories negotiate credence or sustain culpability. If, as the legislative instrument just discussed illustrates, a criminal background is a social disability, this disability therefore presents its own handicaps for performance and barriers to access for private and public stories and narratives. The timeframes are

variable and, when circumstances might be served, the history is resurrected for purposes that Braithwaite argues are reintegrative acts of blaming or shaming (96). Similar to physical disabilities accommodated by the Americans with Disabilities Act, the community owes some accountability to the former offender, and access must be constructed in stories and narratives of Koehn's care, trust and empathy. This dissertation argues that, more than empathy, we are obligated to extend sympathy to offenders. We share the handicap, as Thomas More observed, in that we first created (or ignored) the situation that created a criminal, and then we punished him. Or, in the American psychopolitical utility, we require a nemesis to test our mettle, and to be our sounding board against those things we see in ourselves and from which we recoil because we too easily recognize in the criminal acts of others the vulnerability of our own resolve. If we can agree that we are the sum of all of our experiences, both remembered and forgotten, then we should be able to agree that we are the same as the best of our experiences, and the same as the worst of our experiences -- real and imagined.

Empathy in this situation of rehabilitative dialogue suggests a power orientation from which one holds a vicarious experience and moral dominance over the offender; when, in fact, if we remember our own culpabilities for thoughts, words and deeds, we may pardon ourselves and acknowledge that we are, in taxonomy of human heart, mind and spirit, similar to the offense; we are stakeholders in the offense, therefore we share common ground to the act. As Dietrich Bonhoeffer presents in Act and Being, "thinking is not excepted from pretense"... and thinking needs to know its "own insufficiency and its limitations" (16). Before we have the capacity to acknowledge and forgive, we must give up the pretense of superiority in the situation. Subsequently, Bonhoeffer offers, we

must remain humble at all times. In application of this insight in the discussion of this dissertation, cognitive behavior thinking, "what works" and "nothing works" in prison rehabilitation programs are philosophies of scientific evidence that are insufficient to the nature of consilience that is human nature. We are Burkean symbol-using creatures who are aware of our mortality. In that awareness of mortality, we seek symbolic edifices to memorialize the worth of our travel in time. "Philosophy," Bonhoeffer offers, "remains a profane science... philosophy has to be critical philosophy, not systematic. And yet even critical philosophy is bound to be systematic... philosophy must work in view of this fate. Philosophy by its own power cannot save human beings, but it cannot even be the crisis of them" (18-19).

4.5 The Crisis of the Time Traveler: Sympathy or Empathy?

As More suggests, we *are* the crisis of our fellow time travelers, and we cannot save them or ourselves either, as much as an act of Promethean empathy might suggest. If we remember this reality about ourselves in "little T truth," it gives room for divine revelation of "big T Truth," and affirms the legitimacy of humility and sympathy. Sidgwick speaks of a reflective common sense that is a utilitarian ethic: be angry with the act, and not with the actor (320). This resonates with communication styles and the interpersonal consequences of aggressive and assertive dialectic and dialogue. Furthering Bonhoeffer's dynamics for remembering and forgetting, Sidgwick speaks of secrecy and "secondary evil" in that what we do not know will not hurt, but when we do know it does hurt (292). To be ethically humble and not a sychophant, we must enter a private labor to remember the things we have kept secret from ourselves -- we must seek to remember the silent philosophy of suppressed memories to which our private and public philosophy

responds. In industrial and commercial terms, similar investigations are called root cause analysis. In philosophy, is this considered psycho-political narrative? The fact is, "ignorance of the law is no excuse" and, therefore, ignorance of the crisis of mankind is no excuse.

In order to be "good" we must be humble and sympathetic to the crisis of "us-us". Sympathy is false lip service if one is not involved in the process. We need to take time to make time to become involved with those who are not easy to love. It is easy to care for those people, places and things that we care about, but to be ethically and morally pardoned and acknowledged, we need to understand and respond to those people, places and things that are not easy to love. We need to engage these equivalent stakeholders, at civic levels of private and public discourse, and remove the secrecy of people, places and things that we dislike in order to discover how we are more similar than we are different in our human desires for basic needs and self-actualization (Maslow 370). To be fully ethical and moral, we need to acknowledge our limited time, and discard those distractions that take away from the investment in mankind: investment made in the form of stories and narratives that enrich social and political discourse, and affect moral change, over time.

In this circumstance of ecological social balance, even incorrigible criminals serve the useful purpose of informing our ethics and morals in private, public, social and political wisdoms. In a way, then, Thomas More's observation that society creates criminals and then punishes them is preceded instead by the fact and banality of evil, which influences society through the moral response of its stakeholders. Therefore, even Samenow's acerbic prediction that offenders, by their incorrigible nature, should not

legally entitled to abide by the law, nonetheless serves the important purpose of exposing secrets - of instigating memory and response from the community of stakeholders. It is after offense that philosophy excludes and embraces, remembers and forgets, separates and binds, or - in an evolutionary progress -- to pardon and acknowledge.

As Paulo Freire posits in Pedagogy of Liberation, “commonsense is the philosophy of the non-philosopher” (46). It is not enough to stereotype, caricaturize and prejudge an offender – knowledge from the violence comes from knowing the “not I” and of knowing “the Other” (47). Knowledge derives from both doxa (feeling) and episteme (understanding) – both are needed to change reality. Violence can cause us to feel pain, terror, anger, revenge and any myriad of post-traumas, yet when acknowledging that divine revelation may use violence to bring wisdom and uncommon sense, stakeholders could see the lesson, the benefit of violence, for themselves, the public, the social and the political. As a reluctant recruit to violence, the victim - after aphelionic distance (Foucault, Discipline 27) from the event, after apogee of victim experience, inevitably will be drawn to close the circle of violence and, optimally, conclude a response to the revelation of a previous secret of the offender. “Commonsense,” Jackson states, “operating below a level of awareness, can produce unreasonable behavior” (Rieke and Sillars 20). If social influence (or disinterest?) enables such behavior, then close scrutiny may resolve it. We cannot ignore the secret levels of violence to heart, mind and spirit; at the least we must respond to them with humility and sympathy. If a definition of hope is “knowing that someone cares enough to share the struggle,” then consider the “struggle” of stakeholders to violence to be as Albert Camus observes, as the struggle of the topic of the excess of rebellion:

Whatever we may do, excess will always keep its place in the heart of man, in the place where solitude is found. We all carry within us our places of exile, our crimes and our ravages. But our task is not to unleash them on the world; it is to fight them in ourselves and in others.

Rebellion, the secular will not to surrender ... is still today at the basis of the struggle. Origin of form, source of real life, it (rebellion) keeps us always erect in the savage, formless movement of history.

(301)

In the movement of history, just as Hollywood critics observe that there is a different interpretation of James Bond for every generation, so Foucault traces in Discipline and Punish the different interpretations of discipline and punishment that have evolved in response to social and political expectations over time. From torture to punishment, the evolution of punishment in the ecology of offense:

1757: Torture (victim called the “patient”; legitimized the monarch’s rule and used “punishment as spectacle” to keep the crowds under control; said to serve the Utility of illustrating the truth of the crime (36); torture “was a judicial and political ritual” belonging to the ceremonies by which power is manifested – gives symbolic force to the law (47). Torture was discontinued when the monarchy realized that it was inadvertently creating public heroes from the crowds who were appalled

1760-present: from public punishment of the body to private/secret punishment of the soul/heart/thoughts/will (16); as one contemporary inmate who was interviewed admitted, he didn't mind the incarceration so much as he missed

- being able to play his guitar with his old band; the inmate had developed his own particular form of punishment in the incarceration
- 1764: punishment becomes the most hidden part of penal process; justice “keeps its distance from the act” (9)
- 1786: Pennsylvania/penitentiary-the Quaker process, by which each inmate learned a trade, worked eight hours, received regular meals and medical attention and was housed in a cell and was exhorted to pray for enlightenment and redemption from God-to make penance for the crime
- 1789: guillotine/mourning veil – hiding the face in a split second of death to distance justice from the punishment of a “faceless crime”
- 1837: “rules for the house of young prisoners” (6)

In the marketplace of crime and punishment , the “economies of punishment” were redistributed in the United States in less than 100 years. Punishment became an “economy of suspended rights,” which are suspended at the will of the people, rather than by any monarchy, which poses a more directly felt, personalized, punishment than those previous methods (Foucault, Discipline 11). Yet a contemporary “trace of torture” remains in the public outrage and cry that the condemned should suffer more than other men (Foucault, Discipline 16)

"Take away their televisions and Pell Grants! ..." What could be more duplicitous and counterproductive to safe community than outraged voters demanding that access to education be denied to inmates when, in fact, education and improved work skills are time well spent? This is one of the three major predictors for success in reducing recidivism; the other two predictors are as follows: 1) a morally grounded,

supportive relationship with a significant other, and 2) successful military experience and the subsequent discipline it instills (Laub and Sampson 159).

It is interesting to note that, when higher education degrees are obtainable during incarceration, two fields of study were dominant: psychology and law (Sauers). It is an extrapolation of this observation that offenders who sought these degrees were trying to find answers for the cause of their behavior and then attempting to find voice to petition for credibility from public opinion. It is offered here that, from the experience of this writer after teaching a “bridge to community” curriculum to state prison inmates, a Socratic method of encountering the domains of the human condition influenced the inmates beyond mere mechanics of cognitive behavior thinking. The inmates more quickly and authentically engaged critical thinking skills, and like a similar experience documented by Earl Shorris, a student of Hutchins in the University of Chicago, the inmates became more competent at reflective interaction and anticipation of audience, options and consequences. Freire's Pedagogy of Liberation offers a model that includes understanding the multiple definitions of a word, encyclopedic exposure and vicarious exposure to experiences beyond feasible access, as well as the substance of environments and possibilities for the heart, mind and spirit. The Socratic method of inquiry is among Freire's tools for education.

From early gruesome public spectacles to the private (secret) punishment of the 18th and 20th centuries, since the mid-20th century we have seen chain gangs and the equivalent to slave labor, warehousing with no treatment, rehabilitation programs, “nothing works” outcry, more punishment and less rehabilitation. In the 21st century we have moved to Moral Reconciliation Therapy and "what works" cognitive behavior thinking.

In this dissertation it is explicitly argued that studies in rhetoric and liberal arts are authentic “medicine” for critical thinking and cognitive competence that demands reflective interaction. If, in these recent approaches to conscious competence and reflective interaction, offenders are being prepared to reenter discourse in public, social and political realms, what type of audience is awaiting them upon their release? Who is preparing the community of stakeholders in the discourse of apogeeic narration? If violence has created instability among stakeholders, then at some point the former violence must be confronted and closed. Those voters and legislators who impede rehabilitation of inmates, deny access to education, and do not recognize, or want to admit, that the majority of inmates will reenter their communities, are culpable for secret violence in the community that creates toxic narratives and impedes discourse.

In a naïve sense, the timing is “off” in the discourse of rehabilitation. An offender who states that he or she is “done” with a crime, and that part of his or her life is ‘in the past’ does not constitute agreement with the community of stakeholders. At best, there may be a consensus for rehabilitation among stakeholders, but this gives leeway to those stakeholders who have not yet spent enough time themselves in vindication. If we can agree that the judicial system represents the corporate political and social will for justice, then it is offered as an argument in this dissertation that the balance of justice is in the practice of civic fairness in private and public spheres. At best, our rehabilitative efforts with inmates should include educating them on how to invite dialogue and assertively participate in argument. In a Freirian aspect, the ex-offender would become the teacher of restorative justice to the oppressor. However, the oppressors, those

community stakeholders, would rather tout power positions of justice and empathy than participate in reflective interactive power of fairness and sympathy.

Applying the concepts of Petty's "political anatomy" based on acts of interest or disinterest (Foucault, Discipline 28), those stakeholders who are "disinterested" and who would seek vindication because they are "not done with it yet" risk entering the litany of new offenders in the cycles of violence. In contrast, those stakeholders who are "interested" in closing an episode of violence would actually grasp and exercise power to influence change; as power is temporal and produces knowledge, those who would challenge the ideology of violence have the best chance to institute a new understanding of the dynamics of the banality of evil.

Foucault argues that carceral continuity derives from three temporal narratives that act to serve a useful illegality: restraint and justice which are delivered and served by the established law, new centers of power and influence through which new illegalities are defined and defended against, and delinquency that emerges as a consequent encounter by those struggling to accord themselves to the laws of the enlightened classes whom had imposed the laws (Discipline, 274). Foucault offers criticism that the language of law and justice established a dialectic and dysymmetric relationship between the class of people who would defend order - the accusers- and the class who would promote disorder - the accused (Discipline 276). I would add another factor of carceral continuity: retrospection by the accusers to what Foucault described as the "general economy" of penalty (Discipline 277). The simple fact that laws change over time supports an argument that we are all moral hypocrites, seeking marketplace advantage until it is perceived to be a disadvantage.

As stakeholders and regulators of criminality, we should be motivated beyond the traditional self-interests to survive, maintain or change a crisis. We should be ethically and morally obligated to remember and bind ourselves to the opportunity to remember and forgive, to pardon and acknowledge. As it is now, criminals, in a Freirean sense, are excreted back in to the community; to complete this analogy then, is the community merely a toilet or cesspool? Since recidivism rates are near sixty-seven percent for new charges within three years of release, this rate begs some questions: in the case of recidivism, does the offender fail to accept the invitation to join "the system (story/narrative)" or does "the system (story/narrative)" fail to expect and invite the offender? If we improve the opportunity of ex-inmates to return to community with a sense of dignity by way of pardon and expectation, do we not at the same time create a symbolic opportunity of reentry as a reconciliation of self with the Other? This becomes the ennobling project rather than excretory function, which could be a community response to violence. It becomes an ennobling project by which all stakeholders are edified through humility and acknowledgement, and by which "opinion" and credibility of self and the Other is affirmed.

If we consider the Nietzschean interpretation of nobility as those people who were once barbarians, but through advantage of force gained the luxury of generosity and apply this context to Bourdieu's "noblesse oblige" (133), then a noble project emerges that is credible: the opinion that we await is the secret that we remember or discover, and to which we respond with humility and acknowledgment. We become not a community populated by Arendt's parvenus and pariahs, but rather become artists and craftsmen in a project of humble honesty in observation and experience in the nature of man, knowing

that the work is never finished. This dissertation argues that it becomes the obligations of nobility (parvenus) to remember that they were, and remain, pariahs. Beyond Kohlberg's fourth stage of cognitive competence, we could act from this knowledge to develop a wisdom through reflective interaction, with sympathy and acknowledgment, with pardon and expectation.

However, expecting only politicians and social institutions to restore communities after violence fails to acknowledge what Arendt sees as the remainder of domains for access to expression of The Human Condition: the private purpose and the public notoriety that action invokes. Until stakeholders takes the time to acknowledge, pardon and expect the consequence of the secret philosophy behind their own volition philosophy, and then act to communicate or gain notoriety for their reflective interactive thoughts in the public sphere of free discourse and symbolic action, humility will remain lip-service, justice will be a hypocrisy of economics, and Promethean empathy will distract us from the capacity for sympathy and fairness.

Watzlawick criticizes the customary approach to crime, which is to create enormous physical and administrative structures and whole industries of expertise (like education degrees in criminal justice?). He observes that whole industries of expertise produce increased levels of incompetence, and sees this as a counterproductive approach to such social (i.e. private and public) needs. This type of industry generates a demand for a massive deviant population to support the "raison d'etre" of the monolithic agencies and departments (Change 159). What we must make, Watzlawick argues, are "small moves" that focus on minimal, concrete goals, going slowly, step by step. Persisting in the present course will only accelerate and incite the panopticon to more legal sanctions,

whereas through the "gentle art of reframing" we may accept change and redefine the crisis of reentry in to the opportunity of return.

There are innumerable accounts, excuses and apologies for crises that culminate in criminal acts, as there are innumerable fears by both the offender and stakeholders at the thought of return to community. Regardless of the ambiguity of fear acknowledged by a roomful of offenders, confessing such self-doubts offers the opportunity to determine direction, so that "turning" can be toward, rather than away from or against, the internal or external threat. This section will examine constructive fear through the rhetorical domains of physiological, sociological, rational and religious perspectives, and within the practice and praxis constraints of forfeited agency, to advance the framework for some stories and narratives that an offender may extend and enter.

Fear, in a rational perspective, is one that anticipates a pain or danger and acknowledges an apprehension based on a personal prediction of calculated success or failure. This domain most closely informs "invention" from a worldview, but for one with forfeited status as a permanent social disability ("They're Coming Back"). Successfully reinventing ethos to reintegrate with a negatively biased audience of community stakeholders is a daunting challenge. This research argues for a possibility of success that begins with the offender's ethico-political comprehension of "just memory" and "duty to tell" (Ricoeur, Oneself 170). With a taxonomy that advances an offender to conscious philosophical and rhetorical competence, credible stories of reflection, apology and promise can be extended to assistive organizations, and to Freire's "magnanimous individuals" within resistive organizations.

This rational process of “confronting the reality” (Freire, Oppressed 51) of permanent social- disability-by-forfeiture adapts Freire’s critical pedagogy of both the community and the individual for learning to learn how to assume risks by making decisions in a political will for freedom (Freire, Oppressed 81). Thus, violence is not perpetuated in the form of circular oppression or exploitation against and by “beings in a lesser way” (Freire, Hope 207).

The physiological aspect of fear for offenders is obvious by “the wall” that commands physical separation and distance from community, until the suddenness by which these distinctions end on the day of release. This domain most largely informs the presentation of self to others, yet there is no physical opportunity for reapproachment to reconcile the moral panic (Braithwait) of a weary and wary community – “Is he an ‘ex-convict’ or an ‘ex-inmate’”? (Sull v). There is a distinct difference between these “old order myths” (Freire, Hope 54) of two distinct prison cult identities: the socially irredeemable “convict” is a career criminal, and the rehabilitated “offender” who has “changed face” (Freire, Hope 200) -- but whose change is dialectic: it has not been witnessed or attested by the audience on the other side of the wall. There has been no opportunity for the offender to “be with” or “be in” (Freire, Hope 213) community until he arrives on the scene.

Anticipating failure through conscious incompetence, the offender must “learn to tell” (Freire, Hope 8) those on the outside of his struggle and fear; enlisting and recruiting communities of hope in a prior-to-liberation for “liberation by praxis” (Freire, Hope 45). Within these hope communities, a dialogue can begin around acts of telling, promising, remembering and forgetting (Ricoeur, Oneself 140).

A sociological perspective of fear manifests for the offender in apprehension of probable events, causing fright or sorrow that informs actions of "consequence". This domain most fully embodies "the audience" in which the common grounds for hope between offender and community should be argued for expectations of a promising, optimistic, future -- with dialogue "sharing the risk for democratization of instruction" (Freire, Hope 234) helping the offender to "being more so"(Freire, Hope 207) in his return to community. It helps the offender and the community of stakeholders to understand that, in confronting reality, fear remains but is informed by courage. There is courage in knowing that someone cares enough to share the struggle for the credibility of all stakeholders; courage is fear that has said its prayers.

In the sociological domain, irreconcilable differences do not necessarily imply evil intentions, nor do they justify double jeopardy. Therefore, irreconcilable differences should rightfully be anticipated by the forfeited agent, and not be claimed as dehumanizing acts. This resonates with fundamentals of Ricoeur's "just memory" in which the act of remembering preserves from erosion the shared values of "home" (Freire, Hope 196). In the sociological domain, difference-by-forfeiture is negotiated within principles of hierarchy and consensus rather than full democratization, with philosophy and rhetoric of "forgiving and remembering" enforced by stories, narratives, symbols and myths.

The religious perspective offers a profound opportunity to experience the dual nature of fear that can communicate despair and anxiety or awe and hope. This domain is the unspoken warrant that, in enabling and empowering virtues of faith, hope and charity, grounds the actions of "just" memory philosophies and rhetoric. Faith encourages the

duty to promise “just” memory, hope encourages the duty to tell and remember, and charity encourages the duty to teach and forgive. It is a praxis for remembering what we should not have forgotten, and forgetting what we should not remember -- addressing the restlessness of man’s heart by reframing centeredness from worldly distractions to a limit situation in which God is seen in the face of the Other. From this, people comprise a new focus for centeredness that can embody peace: to test the “infeasible” (Freire, Hope 205) possible dream. Rhetoric desires to believe, but religion is a matter of belief. Through man’s motivation-to-belief, we survive, maintain, or change in “the Word”. The folly is to hope and, perhaps, to receive “naïve” (Freire, Oppressed 36) rhetorical redemption that is within the power of man to give, rather than transcendent “critical” (Freire, Oppressed 36) redemption: “being with” and “being in a larger way” in the “living experience” of God from which we teach and learn, yoked in a creative communion, crossing a threshold into redemptive action.

Chapter 5

Situated and Embedded

As John Sutton examines, we reside in physical space, but we are situated and embedded in “a place in time”. Our situatedness is grounded in memory such as social memory, collective memory, external memory, memory in history, anthropologies, sociologies, and media theories. While this situatedness privileges an historical ethic, situatedness also poses the hazard of unreflective commonsense, commonsense here in the caution of Paulo Freire that we take things for granted, and do not question the wisdom, but only value the utility of the ethic. Or, commonsense as 'practical wisdom' which Barash posits as opportunity for insight, if only we exercised a reflective memory: “Oriented toward the singularity of collective identities, the idea of practical wisdom seems to me to provide insight into the profound difficulties which societies face in their attempts to overcome the effects of traumatic experiences of the past” (42). Are we embedded in a state of forgetfulness or of denial?

5.1 The Regions of Man

In The Order of Things, Foucault examines the risk of embeddedness, and subscribes to an ethnologic evaluation that, on the other hand, “questions not man himself, but the region that makes possible the knowledge about man in general” (378). By examining social phenomena through the lens of ethnology, we may reveal the 'smoking gun' of the secret philosophy behind a cultural philosophy. That is, ethnology examines the historicity of societies rather than their history of retained and reported memories. From an ethnologic standpoint, consideration of man is held "in general"

rather than through generalized concepts of man: "at no moment [do psychoanalysis and ethnology] come to an isolating quality in [man] that is specific, irreducible, uniformly valid wherever he is given to experience" (Foucault, Order 379). Ethnology acknowledges the possibility for cultural reflection and change. An ethnologic standpoint resists the prejudices of history that become the standards of cultural beliefs, yet examines the historicity of "the region" of man that evolves from prejudices to taken-for-granted, unreflective, commonsense. Ethnologic scrutiny addresses "cultural unconsciousness" and the totality of formal structures that render "mythical discourse" significant. That is to say, ethnology questions the "taken for granted" unconscious competence of a culture, and reveals that culture's "totem and taboo - the history of individuals on unconscious culture, and the unconscious individual in the history of culture (Foucault, Order 379). Ethnology acts as the spectator to cultural ethics that engineer an environment and ecology through the regional implements of social, political, economic and psychological narrative.

5.2 Perpendicular Agency and Places of Exile

The "the unique experience of the individual is constituted in perpendicular to the formal system – at any given instant the structures find possible choices and choose one to the exclusion of all others" (Foucault, Order 380). When an individual engages the mythical discourse of a culture, the individual, through a ecological opportunistic motion, self-justifies the discourse to an interpretation to which he or she chooses, and then responds to the mythical discourse, by residing in a choice: the region of "man" is populated by residents of choice. The question worthy of our reflection is that "the problem of history then becomes a matter of determining – according to the symbolic

systems employed, according to the prescribed rules, according to functional norms chosen and laid down, to what sort of historical development is each culture susceptible? We are susceptible to a savagery of irresponsible imagination revered in the name of individualism. Camus observes:

Whatever we may do, excess will always keep its place in the heart of man, in the place where solitude is found. We all carry within us our places of exile, our crimes and our ravages. But our task is not to unleash them on the world; it is to fight them in ourselves and in others. Rebellion, the secular will not to surrender ... is still today at the basis of the struggle. Origin of form, source of real life, it (rebellion) keeps us always erect in the savage, formless movement of history.

(May 238)

In essence, then, each of us is a rebel in function, if not in form and fit, by cultural definition. In Nietzsche's Beyond Good and Evil, the role of the rebel is essentially noble by virtue of an individual position of power, by which others may suffer violence. Inherently, then, in a moral community, the rebel ethic carries with it a stakeholder responsibility of what Bourdieu refers to as "noblesse oblige" (133). This dissertation argues that a cultural ethic that prejudices and marginalizes offenders is a culture that has failed to remember the dialectic of violence that has created the noble community of unreflective rebels. These unreflective rebels are captured in Arendt's definition of parvenu - that person who strives to forget their origins, and who seeks social favor while avoiding reminders of their pariah past. The pariah who more honestly acknowledges who he is to himself and to his consequential stakeholders is a more authentically truthful person than a posturing parvenu, a pariah who convicts himself in his admission of

rebellion is ethnographically noble in regard to that of the rebel stance. Thus, the nobility of criminality resides in the fact that it is the inexorable environmental force to which we must respond; it is the rebellion within ourselves to which we must resolve.

5.3 Boundaries and Breaches of Validity

As Arendt admonishes, however, the pariah is not privileged and exclusive to society, but is responsible to society as a representative creation of society. Nor is the parvenu to be privileged; rather, it is criticized by Arendt as being short-sighted, selfish and self-directed (66). She then challenges four alternative situations for the parvenu to occupy: the role of poet and lord of dreams - the artist, or visionary, or interpreter to the environment; the role of "the suspect," which may act as a truth check for boundaries and breaches of established cultural ethics; the man of goodwill, which may be equivalent to the boundary-spanner between differences; and the role of "conscious pariah" -- the emancipated outcast, who is emancipated from self-talk, and joins narrative solidarity with others after "coming to grips" with the world of men and women (65). Someone who is not a pariah cannot become a parvenu (58); parvenus "are" power, but do not "have" power (62).

Pariahs and rebels have power and allure and exclusivity that we are reluctant to admit but nonetheless admire. In Arendt's consideration of the Jewish problem in Germany, she observes, "the community of people went to pieces when it allowed its weakest member to become excluded and persecuted; the greatest injury society inflicts on pariah is to make him doubt the reality and validity of his own existence" (Human 58). As with the temporal socially constructed criminality of Arendt's Jews, our temporally constructed criminality of offenders holds us to an obligation to pardon and acknowledge

them. We may change written laws, but “unwritten social laws are enforced by the weapon of public opinion” (54). If credibility is the place in which an individually symbolically resides, and if credibility derives from public opinion, then when may an offender presume to recover his or her lost credibility from collective memory?

This dissertation concludes that an offender cannot recover any former credibility that he or she may have enjoyed, but may only construct a new credibility by remembering the future. Ethos may be reinvented by living "life in common," constituted by all stakeholders equally and over a long period of time, and incarnating a network of tacit significations that draw on implicit collective memory (Barash 41). Yet, as Cortese notes, public opinion may be a reflexive defender of a forgotten historicity, and thus an immoral signifier for the present situation: "the key to morality is social relations; people are more important than principles, and relationships are more crucial than conceptions of justice" (Johannesen 250). How secular and fragile are the roots of dominant cultural ethics if they cannot survive circumspect criticism of “transcendental act” as compared to ontological "being" (Bonhoeffer, Act 14)?

5.4 Encountering the Neighbor: Authentic Community

In Act and Being, Dietrich Bonhoeffer affirms the necessity of theology to bring act and being back together again. Stated in the most direct terms, Bonhoeffer’s constructive argument is that the transcendental endeavor (the "act") sets conditions under which both its own project and that of ontology (“being”) are to be undertaken if both are not to share complicity in the system’s collapse of the dialectic tension of “act” and “being”. Bonhoeffer proposes a “a theology of consciousness,” warning us against “the heart turned in upon itself and thus open neither to the revelation of God, nor to the

encounter with the neighbor” -- dynamics of power and dialectic tension -- “humanity’s desire to have the power to make itself over in its own image rather than God’s, and humanity’s concomitant resistance to encounter with genuine Otherness that threatens the central, sovereign position of the human subject, the “I” (8). A heart turned in upon itself is embedded in monologue, not seeking a response, presuming to hold sufficient answers. Bonhoeffer suggests that we become situated and embedded as “the being Between” (10), to consider philosophers "in a certain way" - in a theological way - which would become theology's investment in the marketplace of philosophical traditions (11), situating the truth of man's reality in the “between” of secular interests and divine revelation. An irony of discourse is one that would deny the full utilization of all currencies of tradition, choosing to trade only in certain measures of exchange. The tradition of theologic liberalism interrupts man's legacy of system-building which "in itself is a closed circle with does violence to reality, pulling it into the circle of the ego...thinking always means 'system,' and 'system' excludes reality" (15).

If we are to situate and embed ourselves, it should be in the "between,” becoming self-conscious of egoic monologues, and acknowledging that the fulcrum for discourse includes theologic liberalism. Yet, in the tradition of rhetoric and argumentation, Rieke and Sillars anticipate that decision-makers may feel unmoved to action because they do not believe that inherent problems have been identified - that, in fact, the problems are so deeply embedded that decision-makers feel unmoved to agree that action is required (84). This failure to critique common sense is itself an incrimination of the practical wisdom that informs the cultural philosophy, and fails to validate itself against the dynamics of reality. If an offender has forfeited his former credibility in the community of

stakeholders by his actions, and the stakeholders see fit to prejudice the offender as not credible, then legislative policies like certificates of relief of disability or political exonerations do not hold water against public opinion. If opinion informs credibility, then this dissertation argues the problem of definitions for "return" and "welcome" -- that the offender is returning to the people, places and things from which he originated. The parvenu ethic of community stakeholders must become self-conscious of its own hypocrisy of lip-service and posturings, and return to acknowledgement of their origins in common with the offender.

It is through the outrage against rebellion and offense that stakeholders in community find meaning and purpose; criminality is the creator of criticism of human community, not a malefactor of community, not a deviant creation of community. As Rollo May supports: "I need my enemy in my community. He keeps me alert, vital. I need his criticism. I need him to posit myself against. ... we need our enemies emotionally: our psychic economy cannot get along well with them. ... our enemy is as necessary for us as is our friends. Both together are part of authentic community" (248).

If we are to be situated and embedded in community, let it be in an authentic community in which we do not live life as "taken for granted" but within a dynamic that keeps us in discourse with the reality of violence. Let us live as Nietzsche's "good man" in the "between": a safe man, a good-natured man . – He is perhaps easily deceived, perhaps a little stupid, but nonetheless "un bonhomme" who is not a slave of fear and acquiescent to violence, but a master with acknowledgment of his capacity to violence, and as a master of violence with the noblese oblige that contributes constructively to the philosophy of self and Other.

5.5 The Commodity of "Risk" in the Marketplace

If we are to be situated and embedded in community, let it not be one that defines us by the conventional wisdoms of Samenow (17) that evolve into experimental justice over time. Conventions that are parlayed in More's sense of "ostentatious justice" and as a "shield of ignorance" that Samenow would carry, hammered from the conventional wisdoms, to protect us from the misconception that criminals are somehow different from and inferior to ourselves, that they are valuable only as a commodity of risk and not as an investment in dialogic opportunity. Rather, let us adhere to More's vision of an "advantageous" justice from which we see the benefit of the crime as a call to conversation about who we have been, and who we are becoming.

We need to question where we are situated and embedded - privately, publicly, socially and politically, when we would presume to enter a conversation of sanction and punishment. Advantageous justice sets the stage for enlightenment; in a Rawlsian sense, it adjusts the veil of ignorance to reveal the social, political and public potential for "tyranny by the majority". Granted that the majority of people remain law-abiding in public, social and political spheres, they nonetheless reside in the private sphere of remembered and forgotten memories, in which choices are made in point and counterpoint with violence appropriated, and violence rejected. Let us not be interlopers to conversations from which we have been absent, and seek instead to be a neutral liaison: a boundary spanner, a visionary, an artist - ahead of our time, yet situated in our time.

Let us have charity in the standpoint from which we argue, and be sensitive to the utility of whom we choose to appeal for adherence, to offer reluctant testimony of our

standpoint to our critics, which enunciates a humility that ours is not the only possible interpretation of an event, and our audience is not the final court of decision. Let us become embedded in a civic culture of productive prejudice, from which we may accurately perceive the problem and then engage it with possible solutions, based on fairness and love. Let us not take a seat at the table, cheaply purchased with the distorted fears offered by media or the political world (Krisberg 38), feeding their appetites for ratings or social control, and dishing out unreflective punishment as our own cuisine of vengeance and retribution. As Krisberg suggests, crime should be perceived as a social health issue -- will we treat it with true medicines of acknowledgment, pardon and expectation, or disguise it with cosmetics of adjudicated distance, which imitates good health, girdled with retaliatory legislation, heightening the blush of the gulag of the panopticon?

If “time will tell” where, when and how an offender's forfeited ethos may be recovered, Laub and Sampson's 40-year longitudinal study offers the best hope for exemplar rehabilitation :

Men who desisted from crime were embedded in structured routines, socially bonded to wives, children and significant others, they drew on resources and social support from their relationships, and were virtually and directly supervised and monitored. In other words, structures, situations and persons offered nurturing and informal social control that facilitated the desistance from crime.

(280)

Laub and Sampson suggest that we avoid the metaphors of criminal typology because “the price of metaphor is eternal vigilance” (287). In an opinion for credibility let us not

live in a romantic or dramatist state of metaphor, but instead live in the reality of access and acknowledgment, pardon and expectation of "the no longer" and the "not yet" (Arendt, Human 121).

Opinion and credibility occur in the internal connection we make between the question of legitimacy - of the justice of the norms themselves, and the question of the moral value of the justness of the actors (Wellmer 293). As supported throughout this dissertation, the justness of an offender is equivalent to the nature of the community, in that we are - as proven in historicity- fallible, mutable, and in collateral in our philosophy to violence. External systems of social science will have difficulty in conforming to the internal systems of responsible, practical philosophy (Wellmer 306). Credibility is a vulnerable privilege, influenced by the opinion of others, measured by the secret philosophies of public philosophies.

Chapter 6

Praxis

Praxis is both dialectic and dialogic; it is that point in which one journeys on a path of imitation or invention by either choosing or crafting a story, and then joining a discourse of exclusion or embrace, remembrance or forgetting, or - preferably - a discourse or argument for pardon and expectation. The argument of pardon and expectation is the most civil process, because it acknowledges the Other in the place they are now, rather than holding them to a past, yet also acknowledging the past in a dialogue of expectation that "remembers the future". Pardon and expectation invites the potential for "realistic optimism" because it factors for both mistakes and progress.

6.1 Empathy as Dominance

Choosing to enter a dialogue with empathy is distinctly different from entering a dialogue with sympathy. Empathy is a vicarious acknowledgement of another's experience, so it is expressed in the sense of a gift, or of some privilege bestowed from an advantage of distance and dissimilarity. In this dissertation's argument, sympathy is more morally authentic because it addresses ambiguity as it acknowledges the fallibility and culpability of the self as well as the Other. Empathy, nonetheless, is a recognized skill factor for critical listening, as are the skills of listening to learn, and listening to make a decision. In praxis, these critical listening skills should be checked against barriers to listening which the National Communication Association identifies as age, gender, social background, culture, environment, and psychological receptivity to the topic. This dissertation deals with stakeholder's responsibility to the offender, and the obligation to voluntarily consider the event of a violence through reflection on the

banality of evil, the dichotomy of criminality and civility, and the harms, benefits, rights and responsibilities of each stakeholder in review of the event, and in creating a future history. If, using Arendt's domains of human labor, justice is political and social, then fairness is private and public. Fairness is offered here as agapeic, meaning that we do not have to like an offender, but we do have to love them with a sense of divine revelation and spiritual care. As Bonhoeffer describes in Spiritual Care, operative center of spiritual care resides with individual confession and individual forgiveness (16). A victim who cannot grasp the concept of pardon or forgiveness creates a new violence through self-hatred that is fed by repetition of humiliations, low self-esteem, trauma and senses of loss. Much like the stages of grief, a victim must acknowledge the experiences of shock, denial, anger, bargaining and acceptance. Acceptance is a generosity of pardon and expectation -- this does not require that a victim "forgive and forget," but that the victim honor the trauma and find closure through pardon and expectation.

Remembering Bonhoeffer's proposal for a "a theology of consciousness" (Act 7), and concerned for the violence of "the heart turned in upon itself and thus open neither to the revelation of God, nor to the encounter with the neighbor," this dissertation chooses to challenge "humanity's concomitant resistance to encounter with genuine Otherness that threatens ... the sovereign position of ... the 'I'" (Act 8); not only to challenge the sovereign position, but to acknowledge it and hold it then accountable in an aspect of noblese oblige, that must first reflect on the culpability of the Self as a mitigating a priori circumstance that could quell future vengeance, and foster humility and reconciliation with one who is difficult to love.

6.2 Action, Not Activism

In praxis of reconciliation, we should take heed of Freire's concern for the “false generosity” of those who exploit the disenfranchised (Oppressed 55), creating “assistive organizations” that blossom then wither as funding is available or dries up. Instead, we should not wait for mercenaries to do the work that needs to be done in the community where we live; rather, we should understand our noble heritage and obligation, and offer a mutual assistance in which stakeholders can both offer and gain benefit from other noble relationships that were previously discredited. This a reflective volunteerism, informed by self-acknowledgment of one's strengths and weaknesses, and one's investment in a community. It is Freire's distinction of action over activism or lip service, and this action emergency from critical reflection of self and the Other:

to achieve this praxis, however, it is necessary to trust in the oppressed and their ability to reason. Whoever lacks this trust will fail to initiate (or will abandon) dialogue, reflection and communication, and will fall into using slogans... Action must be WITH the oppressed [sic: not 'to' or 'for' the oppressed].... Libertarian action must recognize the dependence of the oppressed and, through reflection and action, transform it into independence.” (Oppressed 66)

Offenders, in a constructive fear after crystallized realistic expectations, understand that they depend on the community for liberation; yet stakeholders largely offer protests and slogans and lip service, rather than trust and initiated or voluntary dialogue with those by whom they once suffered. When community offers lip service rather than communication - when they howl about problems and fail to offer possible solutions toward Freire's concept of “untested feasibility” (Oppressed 74) with such a dependent

stakeholder, a new violence is committed that obstructs independence, and denies interdependence that would make a more viable community (Oppressed 68).

6.3 Naming the World: From Gulag to Community of Hope

This vision of interdependence, Freire argues, is a “naming of the world,” and it will not be possible if the naming is not infused with love, if the dialogue is absent of a profound love for the world and for the people in it (Oppressed 89). As Paul Tillich proposes in Systematic Theology:

The law of love is the ultimate law because it is the negation of law; it is absolute because it concerns everything concrete ... The absolutism of love is its power to go into the concrete situation, to discover what is demanded by the predicament of the concrete to which it turns. Therefore, love can never become fanatical in a fight for the absolute, or cynical under the impact of the relative. (Fletcher 11)

Koehn admonishes us to avoid the "God's eye-view" which could lead a trustee or caregiver to declare what qualifies as care or good will (148). This concurs with Nietzsche's noble person in The Birth of Tragedy and the Genealogy of Morals: a self-proclaimed “noble” person is a person who misappropriates the hierarchy of God; however, what is within a noble person's capacity is the ability to respect his enemy, and open a bridge to love (173). A self-decreed goodness is a shadow of freedom, and authentic freedom presents itself in "Thou" -- a move away from the noble to the common closes the distance of self-opinion, and exposes authentic nobility in the light of public opinion (Nietzsche 160). Avoid the sophists and syncophants, the parvenus, and seek the love of your enemy. It is not enough to be Nietzsche's “un bonhomme” but we

must first place our self in relationship with and answerable to God. No human being has an infallible view of all features of reality relevant to the question of where some action is good. In deference to our fallibility, Koehn offers suggestions to improve the prospects for trust, care and empathy, which she discusses in length but are highlighted here (100): first, active listening is a precondition for ethical discourse and the good life; second, never act unjustly; third, check the tendency to imitate another's point of view - points of view are good only insofar as they reflect wisdom; fourth, impose some limits on interpersonal connections - orient actions toward joint purposes; fifth, respect the transcendent character of human individuality, and preserve a dialogic space to challenge and criticize norms, such space inherently requires individuals to speak up and argue for their positions.

Furthermore, Koehn urges that we understand and abide by the laws that we agree to obey - remaining cognizant that being born into a “regime” denotes compliance with its laws - yet a time will arrive when we develop our own sense of law, and will be called to continue to comply with the regime, or answer to ourselves (129). From compliance and an understanding of the law, we have the obligation to act: to obey the law, to persuade for its change, or to take advantage of any legal rights of exit - that is allowing for reconsideration and dissent from previous thoughts (Koehn 133). Koehn recognizes that law is a partner for life, and that we need to remain in conversation with the dictates of law, and the persuasive capacity to affect legislators to reviews unjust laws (140). It remains incumbent upon social agents to regularly consider the various practices of structures and institutions guaranteed by law, and the equal privilege of dissent for a viable right of exit from compliance (Koehn 141). “Laws are legitimate to the extent that

they make room for ... objections and responses... the laws are owed obedience ...because they protect the diversity immanent in human thought. ... If we equate the law with the dictates of our own individual thought (ie. Our autonomy), we destroy the political. "What is more, we unwarrantedly grant ourselves the functional equivalent of 'liberum veto' because we think we are entitled to legitimately disobey any law that does not conform to our way of thinking" (Koehn 146).

6.4 Confronting Risk Through Acknowledgement and Forgiveness- Seeking

Beyond the law, or perhaps because of the law, female ethics honors this insight:

“namely that living requires trusting and trusting, in turn involves an incalculable risk that cannot be anticipated in advance by some set of supposedly comprehensive rules. Instead of placing our trust in persons, we can shift our trust to critical dialogue. The dialogical ethic has the advantage of confronting the incalculability of risk head on, and providing us with a way of coping with it. (Koehn 148).

It offers “with the bluntest extremism” (Koehn 107), Matt. 5:43-48 to sharpen agape’s radical thrust: “love your enemies ... for if you love those who love you, what reward have you?" In a quotation recalled but not recorded we should consider that if indifference is the opposite of love, then at least hate your enemy if you cannot love him. Hatred acknowledges the existence of the Other, whereas indifference makes them as if they do not exist. With a praxis of dialogic ethic, agapic love, and negation of

indifference to at least acknowledge the existence of an enemy, we have some tools for capacity to effect change.

With a dialogic ethic, we can begin to unravel the epistemological knots by which every communication action is separated and bound. Eicher-Catt calls our attention to the fact that communication acts have a point of reference, are self-implicating and are rhetorical (17). Furthermore, it is asserted that ethnography fails in this dialogic ethic until the ethnographer recognizes that his practice is a communicative enterprise that remains locked in an objectivist stance where the host culture is an object outside the knowledge base of the observer. Because of this objectivity, ethnography remains relativistic, yet may remain useful to discover overarching concepts of cultures (19). The resolution to this relativistic stance is what Eicher-Catt identifies as "intersubjective intention" - a communicative strategy that moves ethnographic monologue from "other as theme" to a cultural dialogue with "other as interlocutor" (30). This maneuver enables the observer to travel from distance to proximity, to encounter a culture and subsequently arrive with an understanding of his reciprocal and reflexive self, in relationship with the Other (Eicher-Catt 30).

From such understanding of reciprocal and reflexive relationships, Kelly offers transaction models for forgiveness-seeking discourse, which are measured by the goals for forgiveness. These goals consider the value of the relationship prior to forgiveness, the motivation to forgive, the communication behavior to seek and grant forgiveness, and the relational outcomes for forgiveness-granting (340). The forgiveness-seeking modalities include: first, explicit acknowledgement with pure apology, acceptance of responsibility and request for forgiveness; second, nonverbal assurance measured by

“regard,” proxemics, facial expression and eye contact; third, compensation, or more than one attempt being offered to seek forgiveness; fourth, explanation, which includes the prologue narrative of reasons and circumstances culminating in the offense; and, finally, humor which is a risky strategy, but might be useful in the concept of self-deprecating humor (i.e., "I was as dumb as a box of rocks." or "My thoughts were about as sharp as a pound of wet leather.")

6.5 Retribalization Through Forgiveness-Granting

In the spirit of Cortese's "ethnic ethics" Speck offers the concept of "retribalization" as an act for cultural healing (Schwartz 76). Forgiveness-seeking and forgiveness-granting are critical processes for this retribalization. In the ethnography of human fallibility, the sooner that we recognize we are of the same background of those who offend, the sooner we may begin to benefit from culture hearing. "If this fragile life is to have meaning," Schwartz offers, "it will find it importantly in the way we offer care and hospitality to each other" (145).

Schwartz argues that the following are five false solutions to human suffering (108): first, rejecting government intervention - government is, after all a representation of public will, so the consensus of government solutions offers at least some relief, albeit in the form of Freire's maligned "assistive organization"; second, increasing management efficiency - this objectifies the client, and increases distance from reality; third, promoting volunteerism - "volunteerism and mutuality are not the same"; believing that there is a treatment for troublesome people - in fact, it is a primary argument of this dissertation for the inherent value of troublesome people in community narratives; and, finally, changing government funding too rapidly - this only abandons previously funded

programs of some experience, and attracts inexperienced or unintegrated newcomers who will reinvent the wheel.

Schwartz then offers the following seven "useful actions" to address human suffering (121): first, slow the destruction of human culture - encourage interdependence and independence by addressing the consequence of dependence; second, promote asking -- connect strangers who would be unlikely to know each other; third, stimulate associational groups - give them work to do in support of the cause; fourth, champion the creation and access to "third places" -- those convivial associations that promote fraternity; fifth, preserve professional healing traditions by limiting inappropriate use of professional solutions - Freire's "heroic specialist" can only do things to or for another, and does not liberate the Other from dependence to independence; sixth, cherish place and local economy, including the "economy of relationships"; and, finally, promote a religious outlook - for this, Schwartz cites the observation of Karl Jung that:

"... a tribe loses its vitality when it is deprived of its specific religious outlook. People are no longer rooted in the world, and lose their orientation. They just drift. That is very much our condition, too. The need for meaning of their lives remains unanswered, because the rational, biological goals are unable to express the rational wholeness of life. Thus life loses its meaning. (143)

This rational wholeness of life may be discovered in the praxis of remembering and forgetting, acknowledging and forgiving, pardoning and expecting. After all, Jameson argues, everything is political, even if unconscious, and it becomes necessary to "...explore the multiple paths that lead to the unmasking of cultural artifacts as socially

symbolic act” (85). One voice of power cannot claim its position in dialogical system without the restoration or artificial reconstruction of the voice to which they were initially opposed, a voice for the most part stifled and reduced to silence (85).

Emeren posits for a "pragma-dialectical perspective" of discourse that includes his rules for critical discussions: starting points, spheres and criteria for discourse (Rieke 256). The Philadelphia Consensus Group offers the most accessible narrative of this compilation for the purposes of this dissertation. These areas offer good service to frame conversations of stakeholder ethics. Starting points include critical review of facts, presumptions, probabilities and commonplaces. Spheres are those skills and functions that inform the languages of the personal, the technical and the public; of those skills one should be the humility of reluctant testimony. The criteria for critical reasoning include logic, good reasons, science and a good story. Reluctant testimony enables the speaker to seek adherence and gain access to dialogue with critics.

With this "pragma-dialectical perspective" we may begin to reframe the common sense of prejudice and caricature to come to the reality of history: that we are of fallibility and the fruits of bad works have the moral utility of defining us as human. From the God's eye-view, we want to call ourselves good, when in fact we can only be called good in the public opinion of our enemies. In the process of “frame breaking,” Chris Argyris observes that people reason differently when they are learning a program than when they are making a decision about the program. “They are able to detect and understand inconsistencies, errors, and other problems with decision proposals of others, but not with their own, when under pressure to decide and act” (39). Moreover, when they tried to refute other positions, “they created conditions that led to escalating error,

self-fulfilling prophecies, and self-sealing processes" (39). A simple observation of the student reaction for criticism and defense is that people are invested in their prejudices and need time to acquire pedediac knowledge, critical thinking skills and communication competence if the process is ever to confront the reality of history. Applying Argyris's example of sex discrimination to the pragma-dialectical perspective of forfeited agent (ex-offender), when he dropped the common sense assumption of females as inferior and needing to be protected, to a starting point that the discrimination was actually harmful and unfair, critical listeners began to understand the unintended consequence of protection. If we could enter a narrative starting point with the "Chinese option," when facing the crisis, we would voluntarily consider both its danger and its opportunity. Regarding an offender's return to community, simply excluding them from community is not enough to keep community members out of danger; instead, why not instead seek the opportunity of an offender's homecoming, and find the benefit of his or her skills and function?

Perhaps what we need is to attend to a pedagogy of grace. Public grace is an unspoken necessity for the offender not something that he or she can give to himself or herself. In a Freireian aspect, the offender presents himself as the instructor to the community - either voluntarily or involuntarily - as one who must teach and, by nature of his position in the community, one who must to learn. – In addition, voluntarily or involuntarily the community of stakeholders in the pedagogy of grace must also learn and teach. It will be in this sense of a voluntary-involuntary pedagogy that the permanence of grace can be learned, and the wisdom of grace recognized.

One who is mature in grace is one who participates in the andragogy of grace. His or her actions are voluntary, with no compulsion involved, and motivation is not a problem. The learner in the andragogy of grace is balanced with the other demands of life - he is "literate at the level of being" (Freire, *Learning*, 20). He is autonomous and self-directed, and views teachers more as guides to discover his own answers. The person of grace has life experience from which to draw and apply knowledge. He practices grace with purpose. He is self-initiated, so he is a person of action, not just of thoughts and words, and the effect of grace tends to last a long time under his stewardship.

The lamentation of silence: "If I could have found my tongue," (May 245), becomes the person of action who stands up and speaks to an indifferent or hostile group, including the hostility of one's own fears and preconceived notions. Admit to the fact that violence itself is a kind of communication (May 245); it becomes the opportunity for communication that recovers the original "we-ness" of being human. Authentic communication may, in violence, be incompetent communication, but at least it is authentic. Enter the conversation of "a possible impossibility" and remember that love for one's enemies is a matter of grace (May 256). Without grace, the "golden rule" becomes the ethical pretense of "brass rule". The value of your enemy is that from him you may acquire the "wisdom of serpents" to live in the reality of a future for history that provides a social betterment for all stakeholders.

Nobility, and rightful claim to nomenclature of "un bonhomme," might originate from May's observation that "life consists of achieving good not apart from evil but in spite of it" (260). It is not enough to think you are good if your skills and function are

not utilized to achieve good in spite of evil. To continue to gain wisdom, stakeholders need a narrative of point and counterpoint. I do not desire a reckless utopia of total compliance; total agreement is the nothingness of utopia, and the threshold of a "confined society" (Allen 199). Total agreement might presuppose that there are hidden hopes and beliefs that will be obtained by manipulation, rather than the expressed hopes and beliefs (even by violent expressions) from which validation is acquired by successful persuasion of public opinion.

As Martin Buber observes:

the life of dialogue is no privilege of intellect like dialectic: not that you are to answer, but that you are able to answer. Dialogue cannot be demanded. Dialogue is no higher than where humanity begins - -. There are no 'gifted or ungifted here' – only those who give themselves and those who withhold themselves. A leader practices publicly and privately; inwardly aware of the multitudes that he cannot know, but "when one of them for some reason or other steps really as an individual into the circle of his vision and the realm of decision, he is aware of him without strain not as a number with a human mask but as a person. (38)

This is "breakthrough". Wherever a man perceives and responds, he is working to that end of "may" and "need," in longing and in grace (39)

Chapter 7

Implications: "What Next?"

7.1 Pardon-Granting as False Nobility

How do we love our enemies - by action or lip service? What would happen if we said "no" to "no"? In a conciliation discourse, it is worth a revisit to the concept of agape love. As Martin Luther King, Jr. examines it, agape love is "an understanding, creative, redemptive goodwill for all men" (52). It is more that Martin Buber's self-sanctifying proxemic of seeing God in the eyes of the Other. It is loving the Other because God loves the Other (King 52). In the project of forgiveness, is it the Other that we feel compelled to forgive, or is it our self for whom we should be compelled to forgive? By developing and maintaining a capacity to forgive, an evil act no longer remains a barrier that one has erected against the relationship. King offers that forgiveness is "the canceling of a debt (50)", but what debt is owed by the Other, if the barrier was self-inflicted and erected to protect self-esteem against the actuality of the human condition? Nonetheless, because we frame civility in symbolic gestures, perhaps pardon is the right precedent of forgiveness for this dissertation, as the dissertation has attempted to draw a secular consensus to the acts of acknowledgement and expectation. Yet, pardon now seems to be the dominant gesture of false nobility, and forgiveness is the ethical and moral gesture of "un bonhomme". How would one spiritually pardon another for offense except through the act of forgiveness? Pardon is in the realm of the "heart" of secular acknowledgment of "pardon you," through the "mind" of critical thinking, forgiveness emerges from the realm of "the spirit" and known by the artifact of grace and offers

forgiveness that says "pardon me". To not steward these three spheres of "the private" would be the violence that one exerts on one's self as one enters "the public".

7.2 The Risk of Moral Hypocrisy

King would caution that the evil deed never fully represents the enemy; there is good in the evil person, and evil in the good person. Rosa Brooks observes that we are all moral hypocrites; it is part of our social psychology. Humans are storytellers and we use self-deception to justify doing the rotten things we want to do. She argues, however, that critical thinking, and the action of reflective interaction will reveal the self-deception "if you tie up some cognitive capacity with a difficult task [like reflective interaction], there's just not enough brain power left over to successfully lie to yourself anymore" (B7). Our lies may humiliate but will not defeat the enemy, but our lies to ourselves and promulgated in the public realms will perpetrate from us a violence against the Other (and then, also, against God). King charges us to the task, "every word and deed must contribute to an understanding with the enemy and release the goodwill blocked by walls of hate" (52). A constructive contributive dialogue with our enemies (private and public) will be the breakthrough from hypocrisy.

The psychological experience expressed to me by prison offenders is that of primary fear for their untested competence. According to Vernon Zunker in Career Counseling: Applied Concepts of Life Planning, the progression through stages of successful cognitive development pivots on a moment of truth that involves narrative enablement and empowerment, leading to a personal story of optimism (16). If the productive response to fear is flight and then fight (Dozier 15) -- to get distance and perspective in order to develop an appropriate engagement -- to "keep out" and then "take

in" qua Ricoeur -- do ex-offenders have the capacity and options for elective distantiation? Through self-determination, may they gain enough time and perspective to make an appropriate assessment and then to take prudent action, or are they forced to stay at a permanent distance by existing unreflective narratives and practices that continue to commit symbolic violence by being forced to a distance, the object of labeling and stereotyping and marginalizing?

If the psychological needs of offenders are addressed through programming for cognitive behavior and moral reconnection therapy, and endorsed by Freire's "assistive organizations" interested in mandatory membership that require headcounts to justify future funding requests, and who "only show up when they smell money in the water"; if this programming of corrections industry says that change is voluntary (as morality is moral only when it is voluntary), then at what moment does "the system" of public, social and political dominance begin to offer to believe that the ex-offender is authentically and voluntarily changed? At what point is this sociologically and rationally acknowledged? Some say only time will tell. In fact, some states have instituted a "certificate of relief of social disability" once ex-offenders have persisted for several years without recidivism. Other states do not. Even from the perspective of noblese oblige, there is not an obligation to endow a state of rehabilitation, but only to offer pardon and expectation of the returning offender.

7.3 Capacity to Act

If the physiological needs of ex-offenders are addressed, then mental, physical and addictive health issues are addressed to a standard of pharmaceutical care. What of misdiagnoses or, as Lois Gilman reports, reconsideration and re-valuing of former

disabilities, like ADHD? Disturbingly, some new evidence suggests a physiological “gap” in cognitive execution of moral action (Strueber 20). If a person is physically incapable of controlling personal actions and results in criminal actions, is the person criminal or is the act criminal (Reyna 58)? When taxpayers who wanted to be tough on crime in the 1980s now complain to legislators about the expense of incarcerating so many individuals – to the point where former felony activities now result in alternative interventions without felony consequence (Butterfield) – what happens to felons who are “grandfathered” under laws that no longer remain on the books?

7.4 Noble Projects: Pedagogy or Androgogy?

For the purpose of this qualitative research, the concept of “noble project” was the named justification used to allocate funds to deliver the service to prison offenders. Discretionary funding was a limited resource that the offender program director saw fit to direct to this novel curriculum that had captured the imagination of offenders and staff. It had not been tried before, but the philosophical and practical approach had the compelling purpose of dispelling fear by offenders, so this was a fair and honorable effort. Through constructive activities that would empower the offenders in a rhetorical domain of physiological praxis of prior-to-release liberation (Freire, Oppressed 45), it symbolized an ethical-political responsibility to the offender’s dilemma of assimilating to community without access. It addressed the social disability of forfeiture, and re-humanized the offender from being an object of judicial intervention, to an individual of psycho-carceral rehabilitation and vigilant oversight to becoming a subject of philosophical and rhetorical reintegration for arrival.

Forfeited freedom is a discriminatory freedom of non-invitation (involuntary hospitality?) that carries a sense of being “excreted” into community (Freire, Hope 89). In bridging “rite of passage” through self-proscribed virtual-to-actual hope communities, the curriculum provided a “gracious” opportunity to announce one’s return, and to begin to prepare introductions of self to the community. The curriculum provided a “learning to tell” “critical hope” (Freire, Hope 8) in a physiological domain of rhetoric through structure and opportunity for oral and written reflections and practice on topics of power, responsibility and guilt in roles of dependence, independence and interdependence in relationship to: self, family and community, education and employment, and organizations. This also called on the rational perspective of risk in response to cognitive dissonance.

These transformative sessions in critical pedagogy “animated” (Freire, Hope 194) the offenders -- giving voice back to the voiceless – in a relationship between the progressive educator and educand that allowed each to “confront reality” (Freire, Oppressed 51) and simulate “limit situations” (Freire, Hope 205) to act on possible dreams through stories of accounts, excuses and apologies. It imbued cognition of philosophical and rhetorical approaches to anticipated audiences, and focused on developing community literacy through cultural awareness and communication competence. It restored a sense of capacity for “probitous agency” by offenders, transitioning them from “conscious incompetence” to “conscious competence”. It offered a symbolic certificate of accomplishment, offered in a presentation portfolio containing a gold-embossed artifact of social endowment, which proved to have effective currency for at least one offender at his parole hearing.

The rhetorical domain of sociological concern for the offender and the community also motivated the rhetorical and philosophical goals of the curriculum. It would be valuable to see, in a longitudinal study, if intercultural and communication competence could help to reduce recidivism rates: “The oppressed, in gaining liberation, liberate the oppressor” (Freire, Hope 89). If the fearful or reflexive offender does not develop the agent capacity to productively mentor and coach himself in his thoughts and actions “when no one was watching,” then his future chances of harming himself and someone in the community could predictably increase. Likewise, a reflexive community of returning ex-offenders that is “weary and wary” (“They’re Coming Back”) could commit a double jeopardy of extended informal punishment at a critical time of transition: living in the past instead of being informed by it in the present, living in the present without a promise for a horizon of peace earned through remembering and forgetting. Such “circles of certainty” perpetuate reactionary false views of history, so that present false views are preserved, and the future is made in their own truth (Freire, Oppressed 38): the self-fulfilling prophecy. It seems that Ricoeur’s “just” memory best suits the need for “remembering” that addresses previous harm without inducing double jeopardy. Freire’s “conscientizacao” of critical pedagogy “anticipates” new stories and narratives for offenders based on reflective volition: telling, promising and remembering, while community joins the discourse with actions of forgiving, promising, teaching, remembering and forgetting.

The religious domain of persuasion addresses my interest in Ricoeur’s claim of “duty” –if we have duties to each other, who is the judge? In circles of certainty (Freire, Hope 38), reactionary “duty” is not constructive. Religion, however, hopes that actions

(duties) will be redeemed. Religion gives us a symbolism for hope beyond our own rhetorical capacity to hope, making possible the consideration of a peace that lasts beyond the devises of man. It situates us as “tool users” of “noble project” rhetoric in prayer discourse with the “symbol users” of religious faith, hope and charity

Principles of restorative justice – a tribal tradition of face-to-face mediated conflict resolution that addresses, among a ritualized cohort of community stakeholders, obligations and liabilities incurred by criminal acts – were experimentally adopted in the 1990s to examine cost-effective opportunities for successful alternative sentencing processes. The principles of restorative justice claim that crime is fundamentally a violation of people and interpersonal relationships, and these violations create mutual obligations and liabilities among victims, offenders, the community and the justice system (Zehr and Mika).

While demonstrably successful in reducing criminal recidivism in closed cultures, the contemporary appropriations of the processes in cross-cultural engagements have revealed numerous intentional and innocuous challenges that are not well documented in recent empirical research. Qualitative research, however, indicates that, when it works, victims claim a greater level of satisfaction that justice is served, and offenders are more likely to fulfill their social obligations and refrain from further criminal acts. Worldviews, perceptions of justice, and communication styles of each stakeholder can diminish capacity for engagement, and misinterpretations of even well-intentioned ways of speaking and behaving can null the fundamental concepts of the restorative justice process (Umbreit and Coats). This type of “brass rule” logic fails the democratic hallmarks of obligation and liability in which it proposes to participate by truncating the

“Golden Rule” to a naïve exclusionary justice of “doing unto others as you would have others do unto you.”

To address this naïve justice of “brass rule” logic, voluntary and reflective agency should be informed through a critical pedagogy of cross-cultural skills and awareness. The cross-cultural skills for an effective restorative justice practitioner should include: moving from being “culturally unaware” to being aware and competent or responsible to one’s own heritage and implied difference; being aware of his/her own values and biases; being comfortable with differences between themselves and their clients in terms of race and beliefs; being sensitive to personal biases, stage of ethnic identity and sociopolitical influences that would detriment a client and responding to those biases by excusing oneself and referring the client to another; acknowledging and remaining aware of one’s own attitudes, beliefs and feelings (Umbreit and Coats 8).

Common ground considerations prior to engaging restorative justice should first address the methodology of “vocabulary” established in a culture pertaining to values, rituals, socialization and story-telling. This “community literacy” established through an ethnographic methodology should encounter several primers. “Realistic tales” of objective descriptions of cultures, “impressionist tales” that share experiences and findings, “confessional tales” that recount the emotional experience of the observer, and a “mystery” approach that accepts ambiguity instead of trying to remove it. These tales should also illuminate cross-cultural interpretations of proxemics, body movements, paralanguage and density of language (Umbreit and Coats 5).

Enactment of informed dialogue for restorative justice requires preparative agency of all stakeholders in the process. The victim, the community representatives, the

offender and the justice system representatives are responsible for individual reflection of their context in the restorative justice process and the liability of their standpoint as informed by their world view, perceptions of justice, communication styles and humility for misinterpretations of others' speaking and behaving.

Post priori redemption efforts of restorative justice to “humanize” the justice system are selective, costly and time-consuming. Being experimental and inconsistent in delivery, restorative justice does not share the efficiency of entrenched social justice systems. Nonetheless, restorative justice has been described as “a revolution in criminal justice” that offers “an entirely new framework for understanding and responding to crime and victimization within American Society” (Umbreit and Coats 1). With crime described as a “tearing of the social or community fabric,” and of being a violence against personal and implied relationships, the goal of restorative justice is to repair the damage done by reducing fear and renewing hope (Umbreit and Coats 2). While restorative justice has been found to be effective for both juvenile and adult systems, if the social fabric of interpersonal relationships were humanized in the first place, it could be argued that criminal activity might be reduced – diminishing crime from our future memories through a semblance of civility, turning toward a radical civility.

In the marketplace of the social, ethics are a currency for situations of dependence, independence and interdependence. Fletcher offers three types of situational ethic: the egoistic ethic (erotic) which is an exploitive stance that says “My first and last consideration is myself”; the mutualistic ethic (philoc) which is a stance of reciprocity that says “I will give as long as I receive”; and the altruistic ethic (agapeic) which says “I will give, requiring nothing in return” (Fletcher 109). Against these ethics, Fletcher offers

“the four pillars of the method of Christian ethics”: 1) a prayerful reliance on God’s grace, 2) the law of love as the norm, 3) knowledge of the facts, of the empirical situation in all its variety and relativity and particularity, and 4) judgment – decision – which is a matter of responsibility in humility. (152)

7.5 From Forgiveness to Friendship: The Ties That Bind

While this dissertation argued that we may not need to "like" an offender, we do need to "love" him. Hanigan urges friendship because morality is about friendship: having shared interests, shared freedom, and shared equality, which King observes in his treatise for agape love. Hanigan moves beyond servant leadership to friendship because God would expand his circle of friends... “it may be staggering to think that God loves us; it is sometimes even more astonishing that he likes us as well” (210).

Why is acknowledgement and forgiveness important? Because justice that is “right for the time,” or plea bargaining, or witness testimony/memory is post priori to contemporary history in which injustice/social violence may occur against one who is attempting to resume “place” – double jeopardy of vigilante justice where a price is paid more than once. Price is continually paid by “less than” opportunities, etc. , which can perpetuate violence when options/choices in marketplace are not accessible. Safety is important, but at the price of panopticon in which everyone is a short step away from criminal designation? Safety and freedom cannot be handed over to others for our stewardship. We must be safe and free or we become prisoners of our own design.

Michael Hyde, in The Life-Giving Gift of Acknowledgment, observes that “social death thrives in environments where people are marginalized; [because] their treatment defaces the human spirit” (189). Hyde says that, with Levinas, we should recall

that the original saying of the face [which] speaks against this “evil of suffering” and thereby poses “the inevitable and preemptory ethical problem of the medication which is [our] duty” (190).

As Hyde argues, home is both an origin and a destination and, as such, "home" is our way of being social, political and moral. Like it or not, home is our *unforgettable environment* (100). We cannot forget when harm has been suffered, and it is through forgiveness that we reconstruct our "home". Freire supports this concept in Pedagogy of Liberation, regarding the overall vision of change: “You do not change the whole by changing the parts; rather you change the parts by changing the whole” (122).

To enter this reconstruction is not a simple task. Pattakos states that forgiveness is the most challenging thing we do to go beyond ourselves. "Forgiveness means letting go of suffering, and has more to do with our own well-being than that of the person we forgive" (152). When we hold on to our suffering, our resentment, hurt, anger – we are inside ourselves with self pity. It becomes something we have to feed, keep alive, and justify. If we do not, we think we allow the other person to be “right” in their unjust treatment of us. Forgiveness does not equal forgetting, diminishing or condoning the misdeed: we forgive them and liberate ourselves from further captivity. By giving beyond ourselves, we make our own lives richer -- this is a truth long understood at the heart of all meaningful spiritual traditions. It is a mystery that can only be experienced (Pattakos 152).

Ready or not, power is the birthright of every human. It is the source of his self-esteem and the root of his conviction that he is interpersonally significant. "...power enables the individual to feel that he will be counted, that he has a valuable function, that

“attention will be paid” (May 243). “If we wish the death of our enemies, we cannot talk about the community of man. In the losing of the chance for dialogue with our enemies, we are the poorer. We would lose not only our enemies’ good ideas, but the restraints they give us as well.” (May 237). The rebel is he who can grasp this meaning with clarity ... rebellion is like a demand for clarity and unity writes Camus (May 23): the most elementary form of rebellion, paradoxically, expresses an aspiration to order. “The fact that good and evil are present in all of us prohibits anyone from moral arrogance. No one can insist on his own moral supremacy. It is out of this sense of restraint that the possibility of forgiveness arises” (May 239).

Because we are defined by each other (Ricoeur, *Oneself*, 3), crime gives meaning/definition to stakeholders. Crime defines/creates values/tests limits/is temporal. I am me because you are you. “The possibility for moral evil is inherent in man’s constitution” (Ricoeur, *Fallible* 133). There is good in the bad of us, and bad in the good of us. “Weakness makes evil possible in several senses that may be classified in increasing order of complexity from the occasion to the origin and from the origin to the capacity” (Ricoeur, *Fallible* 141). I can depict innocence only by way of myth, as a state realized “elsewhere” and “formerly” (Ricoeur, *Fallible* 145). “To say that man is fallible is to say that the limitation peculiar to a being who does not coincide with himself is the primordial weakness from which evil arises. And yet evil arises from this weakness only because it is posited/assumed. This last paradox will be at the center of the symbolics of evil” (Ricoeur, *Fallible* 146).

The symbol of evil gives rise to thought/to answer a certain situation of modern

culture (Ricoeur, Symbolism 348). The historical moment of the philosophy of symbols is that of forgetfulness and restoration – symbols are allegories/starting points to demythologize history – to gain truthfulness, intellectual honesty and objectivity (Ricoeur, Symbolism 350). “The hermeneutic knot’ – entering the ‘circle’ – “we must understand in order to believe, but we must believe in order to understand” (Ricoeur, Symbolism 351). All understanding is oriented by the posing of the question, and by what it [understanding] aims at (Ricoeur, Symbolism 351). It is not a kinship of one life with another that hermeneutics requires but a “kinship of thought with what the life aims at” -- "the second naïveté" - we can believe only by interpreting (Ricoeur, Symbolism 352). *The hermeneutic “wager” that is contrary to apologetics: philosophic hermeneutic that gets beyond the (interpretive) circle of hermeneutics: the [marketplace] wager is:*

“I wager that I shall have a better understanding of man and of the bond between the being of man and the being of all beings if I follow the indication of symbolic thought. That wager then becomes the task of verifying my wager and saturating it, so to speak, with intelligibility. In return, the task transforms my wager: in betting on the significance of the symbolic world, I bet at the same time that my wager will be restored to me in power of reflection, in the element of coherent discourse.”

(Ricoeur, Symbolism 355)

"As David Matza said almost forty years ago, the missing link in traditional social control theory is human agency (Matza 183); motivation has always been its weakest link" (Rieke and Sillars 292). "Ready or not," we must find motivation to enter

conversations with those by whom we have been harmed. As McLaren observes, not everything is “not” discourse, or text or fiction – the “ineffable Other” cannot be trivialized, textualized to a mere “category”; we need to understand the empirical, historical existence of the ineffable Other. Bodies are always “cultural artifacts” even before molded discursively (as Arendt discusses artifacts as the work of man). We must recognize and redress the demonizing discourse in social relations of capital [“the marketplace”] (McLaren, 64).

Why should we love our enemies? Because returning hate for hate multiplies hate, violence multiplies violence, toughness multiplies toughness in a descending spiral. Hate scars the soul and distorts the personality of the hated. Hate brings irreparable damage to its victim, the hated. Hate also scars the person who hates, becoming irrational and abnormal unbalance when hate lingers; many inner conflicts are rooted in hate. Hate divides the personality, while love unites the personality. Love is the only force capable of transforming an enemy into a friend. We have been practical for too long with no result but chaos and confusion. We must follow another way, without abandoning righteous efforts. While abhorring crime, we shall love the criminal (King 53).

Conclusion

Liberal Education...As a Weapon in the Hands of the Restless Poor

I was once informed by SCI Inmate Program Director Debra Sauers that, when offenders in Pennsylvania were able to complete secondary education, psychology and law were the two most popular degrees. It is my opinion that these interests revealed an effort by offenders to try to understand and explain themselves to a community, so that they might respond to questions of "how" and "who". Without philosophy, however, they cannot begin to develop the intuition for "why". Having an intuition for "why" can invite a morality that is moral because it is voluntary. Teaching philosophy and rhetoric to offenders will expand their worldviews and a perspective and empathy for other stakeholders in the audience. It will give offenders a communication competence to express their experience of fields and habits, of oppression and oppressed, of being remembered and forgotten, of being taken in or kept away. Where now they manipulate (Allen and Bosta viii) because they do not know how to persuade, philosophy and rhetoric can offer a sense of competence that delivers Zunker's search for optimism, where before the offenders only expressed a constructive fear. I call this a "constructive" fear because it seems to offer a first acknowledgement of rehabilitation, of a concern for community and the offender's acknowledgement of "conscious incompetence" for what lies ahead. Philosophy and rhetoric can help to anticipate consequences, much as intuition and "gist" thinking help individuals to a praxis of conscious competence. That is to say, we should consider the liberal arts as "true medicine," or as "reconstitutive" rather than liberal arts as "therapy". The liberal arts humanize us by engaging the best that has been thought and known -- that good literature and good reasons do make us,

truly, better people. Shorris demonstrates this in his Clemente Project, and the Hutchins school remains valid as recently reviewed by Jeanne Connell; liberal arts remain one weapon in the arsenal for community safety, along with enduring relationships, successful employment, and self-discipline.

What is our obligation to care about individuals who, by their intentional or unintentional actions, have harmed the security of our sense of community, and whose actions have forfeited their credibility when returning to community? When or how is it possible to trust an ex-offender who becomes a new neighbor? In judicial rhetoric, when is a wrongdoing more forgivable or less forgivable? If, as Kelley and Waldron argue, forgiveness is a “viable option” given the nature of the transgression, and the value of the relationship (132),” how is it possible to value criminals in a way that allows forgiveness or reconciliation? If we can acknowledge an argument that states that communities first create criminals and then punish them, we might begin to understand that criminals are the bellwether of how communities define themselves most often through a structure of socio-economic and political defenses. One could argue for the value of criminal behavior as it instigates a dialogue that informs and defines community. In fact, the behaviors that we define and punish as criminal help daily to define a common identity.

The eloquent claim for “responsible imagination” made in the compilations by Daloz, Keen, Keen and Parks (150), provides this research with its clear approach for a “social pedagogy” to serve and deliver the philosophical and rhetorical appropriations of Freire’s “Conscientizacao” and Ricoeur’s “Just Memory” in a community of unequal membership. Daloz et al. argue that courage is the common name for responsible imagination, because it accommodates the fantasy juxtaposition of unlikely peerships,

and examines from that perspective the opportunity to discover truths in difference (125). The weakness in their claim, for the purpose of my research, is that it situates itself in post priori relationship with ex-offenders; the challenge remains how to establish a virtual social pedagogy prior to release from prison that constructively “confronts reality” (Freire, Oppressed 51).

The practice of imagination is responsible in praxis in three ways that are similar to newcomer experience. First, through anticipation that respects the “process of imagination” in themselves and the other, through a rationally based sequence that is concurrently informed by rhetorical domains of physiological, sociological and religious perspectives: from conscious conflict, to pause, to image-insight, to repatterning and reframing, to interpretation by dialogue (133): reflective volunteerism. Second, through encounter by “responsible hospitality”, they seek “worthy images”, that – in the “finding and being found by fitting images” in dialogue - they entertain the attractive and familiar as well as the unfamiliar and initially unsettling (152). Finally, through a responsibility to resolve tensions that frame possible futures, the parties hold together two truths: they have the power to destroy, or to make whole. The only decision -- the point of interpersonal risk -- is to respond to the future they want to shape. In unsettling peerings, the courage to respond – “to turn to and make promises” – even to the unfamiliar and unsettling -- is the power of responsible imagination (152).

“Good company” derives from the combined power of family and religion, story and community (Daloz 144), and becomes a hope and goal for “just memory” that is more achievable by men than “the wishful thinking” of a universal peace. It suggests the interdependence of committed people in the course of promise-making and promise-

keeping through acts of confession, and in struggles with fallibility, in “communities of comfort and challenge” (Daloz 170).

Daloz et al. elegantly integrate in praxis Ricoeur’s ethico-political duties to tell, to forgive and promise, to teach and remember and to forget. Further, Daloz et al. recognize the physiological domain of rhetorical perspective, addressing stimulus and introspection as informed by Friere’s concepts confronting “old order myths” (Oppressed 54) through critical hope, limit situations, distance, liberation by praxis, changing face, being with and being in.

From the rhetorical domain of sociological perspective, the “content of imagination” discussed by Daloz et al. centers on conversation, and the “sources and character of the images, symbols, stories and concepts” that informed commitment to a social position (135). “Family moments as icons,” “family lore,” and “family exhortation” add to my knowledge of myths and legends; “religion as a source of images” informs a new perspective of “faith” that anticipates a secular interest or disinterest in religious perspectives. These discussions inform Friere’s “limit acts” and “risk as dialogic action” (Hope 206).

The possibility for peace in community with individuals of forfeited difference depends on good boundaries being created between people that do not “isolate” or promote “self-identical beings”. Interdependence cannot be achieved without the creative activity of “separating-and-binding,” while also internalizing a relationship to the other that distinguishes one’s self from the other (Volf 65), and with the other (Volf 71). In his distinctions between differentiation, exclusion and judgment, Volf argues that: “...’identity’ includes connection, difference, heterogeneity. The human self is formed

not through a simple rejection of the other ... but through a complex process of 'taking in' and 'keeping out' (65).

Therefore, the systemic "keeping out" of the ex-offender by community from some areas of participation is a justifiable "violence" (Volf 67) committed against him because this helps to preserve narratives of public safety and the acts of "remembering" signified by such groups as victims of crime, or those involved in restorative justice stories. These exclusions virtually imprison both the community and the ex-offender in good conscience, but do not earn either the capacity of "sovereign independence where does this quote end nor the liability of being a "superfluous being" (Volf 67) in relationship to each other.

The "pattern of interdependence," as a hallmark of ethical differentiation rather than unethical exclusion, involves a "mutuality of giving and receiving" through which exclusion must not diminish the "other". The "separating" cannot tolerate assimilation or subjugation, and the binding cannot tolerate indifference.

"Good conscience" community narratives of "separating and binding" will necessarily include justifiable violence against ex-offenders in the form of types of exclusions -- "legitimate differentiations (Volf 68)", i.e., excluding child molesters from living near schools and playgrounds, or excluding violent offenders from working with vulnerable populations. However Volf criticizes the "narcissistic" obsessions of people who reweave "their webs of belief and desire" -- practicing "illegitimate exclusion" rather than "legitimate differentiation" (Volf 68). Such narcissism of sentencing-after-the-sentence-is-served is an intolerable violence of double jeopardy against the forfeited individual. A legitimate judgment in a good conscience community is one that judges

exclusion to be evil; this introduces a discourse, tempered with humility for the human capacity to “misperceive and misjudge” (Volf 68) in favor of differentiation and against an oppression of the oppressed.

Volf offers that the capacity for individuals to make “nonexclusionary judgments” depends on acting from a particular kind of centeredness of self. The self “is always engaged in the production of its own center” through internalized conversations about vices and virtues, former and subsequent beliefs about right and wrong ways to do things (69). Volf argues that a de-centered self can benefit the oppressed by make ethically nonexclusionary judgments (69), and that this de-centered self also benefits because it presents the opportunity to re-center the self (70). Using the Apostle Paul’s testimony as support, “... the new center opens the self up, makes it capable and willing to give itself for others and to receive others in itself ” (71). This occurs in the “particularity” of discourse between individuals, not in some disembodied, transcendent spirit. If offenders stand at the threshold of returning to community, then the de-centered self of the individual in a good conscience community is, as Paul Hiebert suggests, “most radically open – is the doorkeeper deciding about the fate of otherness at the doorstep of the self” (Volf 71).

Ironically, the intercultural community value of peace is, after all, accessed through a democratic process. This process is based on individual freedom of choice that is informed and competent to address social concerns through response-able discourse, accessible in the “moment of cognition” that calls us to Freire’s “circle of knowledge” –

the circle of knowledge that has “two moments, in permanent relationship with each other: the moment of the cognition of existing, already-produced knowledge, and the moment of our own production of new knowledge” (Hope 192).

What “limit acts” (Freire Hope 206) motivate an “us-us” relationship? What voice connects us within and without context? “Agreement” (Freire Hope 194) that estrangement and social redemption can be voiced, but will likely fail or be inordinately delayed if we do not “burst through the barrier [between being and being more-so] ... by solving, dissolving, through action accompanied by reflection... obstacles to the liberty of the oppressed” (Freire Hope 206). The existing power structures of “old order myths” will overcome us if we do not voluntarily engage the “risk of dialogic action” (Freire Hope 206) that refutes or supports “complicity” or “engagement”.

What animates such an “us-us” relationship? Martin and Nakayama propose a dialectic perspective that offers the possibility to engage multiple paradigms – and unburden the weary and wary -- yet contradicts dialectic thinking because we must loosen our grip on some paradigms so that we can approach the possibility of “knowing” other social realities. This perspective emphasizes relational aspects between cultural difference and invites a holistic view in which “one becomes fully human in a ‘dynamic in-betweenness’ that exists beyond the two persons (1). This dialectic invites a reflective aspect in the individual that I think of as informing a capacity for critical refutation. Nakayama calls this “soku” (“not-one, not-two”) because it calls for a transcendence of one’s traditional assumptions of exclusive dichotomies, and “accepts as ordinary the interdependent and complementary aspect of seeming opposites” (12). While Martin and Nakayama offer several dialectical perspectives to anticipate the uneasy fit among

different paradigmatic dynamics, this research will conclude with a consideration of “limit situations” for pardon through their “Present-Future/History-Past dialectic” (Freire, Hope 206). This perspective most closely resolves major topics of this dissertation (and raises new research opportunities) regarding “just” memory and waging current economies against diminished memory making. Memory-making informs a political will for liberation and a transformative pedagogy of “untested feasibility” that instills a categorical belief in the “possible dream”: making our history through dialogic action (Freire, Hope 205); learning to love the lovelessness of the oppressor (Freire, Oppressed 45) that biases our circles of certainty about the imagined dichotomy between the oppressor and oppressed.

WORKS CITED

- Allen, Bud and Diana Bosta. Games Criminals Play: How You Can Profit By Knowing Them. Sacramento: Rae John Publishers. 2003.
- Arendt, Hannah. The Human Condition. 2nd ed. Chicago: The University of Chicago Press. 1998.
- Eichmann in Jerusalem: A report on the banality of evil. New York: Viking Press. 1963.
- “Aristotle's Natural Philosophy.” Stanford Encyclopedia of Philosophy.
<http://plato.stanford.edu/entries/aristotle-nat-phil/#1.1>. First published
Fri May 26, 2006; substantive revision Mon Jul 31, 2006
- Argyris, Chris. Reasoning, Learning and Action. San Francisco: Jossey-Bass. 1982.
- Balingit, Moriah. “1 in every 100 Americans in jail: Pennsylvania leads way in Northeast as U.S. rate sets record.” Pittsburgh Post-Gazette, Vol. 81, No. 213, February 29, 2008. A1+.
- Banks, Gabrielle. “Pa. Panel to study wrongful convictions.” Pittsburgh Post-Gazette. Vol. 80, No. 243, March 31, 2007. A-1+.
- Banks, Gabrielle. “State could take big hit in inmate explosion.” Pittsburgh Post-Gazette. February 15, 2007. A-1.
- Barash, Jeffrey. “The Politics of Memory.” Questioning Ethics: Contemporary Debates in Philosophy. Ed. Richard Kearney and Mark Dooley. New York: Routledge. 1999. 33-43.
- Belser, Ann. “Alternatives to jail touted for mentally ill offenders.” Pittsburgh Post-Gazette. March 2, 2007. www.post-gazette.com/pg/07061/766208-85.stm

- Bonhoeffer, Dietrich. Act and Being. Trans. H. Martin Rumschmidt. Ed. Wayne Whitson Floyd, Jr. Minneapolis: Fortress. 1996.
- Spiritual Care. USA: Fortress Press. 1985.
- Bourdieu, Pierre. Practical Reason: On the Theory of Action. Stanford: Stanford University Press. 1998.
- Braithwaite, John. Crime, Shame and Reintegration. Cambridge: Cambridge University Press. 1989.
- Brinson, Susan L. and William L. Benoit. "The Tarnished Star: Restoring Texaco's Damaged Public Image." Management Communication Quarterly, Vol. 12, No. 4, May 1999. 483-510.
- Brooks, Rosa. "We're all moral hypocrites: But Karadzic was a special blend of monster and healer." Pittsburgh Post Gazette (2008): B7.
- Buber, Martin. Between Man and Man. Trans. Ronald Gregor Smith. New York: MacMillan. 1947
- Bush, Jack, Barry Glick and Juliana Taymans. Thinking for a Change: Integrated Cognitive Behavior Change Program. National Institute of Corrections, U.S. Department of Justice. 1997.
- Butterfield, Fox. "Costs force states to rethink sentences." National: Pittsburgh Post-Gazette. November 10, 2003. A5.
- Buttney, Richard. "Accounts As a Reconstruction of an Event's Context." Communication Monographs, Vol. 52, March 1985. 57-76.
- Camus, Albert. The Rebel. New York: Vintage, 1956.
- Canovan, Marget. Introduction. The Human Condition. By Hanna Arendt. Chicago:

- The University of Chicago Press, 1998.
- Chancer, Lynn and Pamela Donovan. "A mass psychology of punishment: crime and the futility of rationally based approaches." Social Justice. Vol. 21 Issue 3, 1994.
Pp 50+ www.questia.com
- Connell, Jeanne M. "Can Those Who Live in Poverty Find Liberation Through the Humanities? Or Is This Just a New Romance With an Old Model?"
Educational Studies. American Education Studies Association. 39 no1
F 2006. pp 15-26.
- Cooper, Pamela and Sherwyn Morreale, eds. Creating Competent Communicators
Scottsdale: Holcomb Hathaway. 2003.
- Cortese, Anthony. Ethnic Ethics: The Restructuring of Moral Theory. Albany: State University of New York Press. 1990.
- Cullen, Francis T., Paula Smith, Christopher Lowenkamp and Edward Latessa.
"Nothing Works Revisited: Deconstructing Farabee's *Rethinking Rehabilitation*.
Victims and Offenders. 4:101-123, 2009.
- Dardis, Frank E. "The Role of Issue-Framing Functions in Affecting Beliefs and Opinions about a Sociopolitical Issue." Communication Quarterly Vol. 55,
No. 2, May 2007: 247-265.
- Dozier, Jr., Rush W. Why We Hate: Understanding, Curbing, and Eliminating Hate In Ourselves and Our World. Chicago: Contemporary Books. 2002.
- Eckholm, Erik. "Plight Deepens for Black Men, Studies Warn." New York Times.
March 20, 2006. www.nytimes.com/2006/03/20/national/20blackmen.html
- Eicher-Catt, Deborah. "Communicative Praxis and Ethnographic Research:

- Unraveling Epistemological Knots.” Journal of the Speech Communication Association of Pennsylvania. Vol. LVI (2000): 17-34.
- Fahy, Joe. “Pitt group to track recidivism at county jail.” Pittsburgh Post-Gazette, December 6, 2004. A-1+
- Fisher, Walter R. “Assessing Narrative Fidelity: The Logic of Good Reasons.” Human Communication as Narration: Toward a Philosophy of Reason, Value, and Action. Columbia: University of South Carolina Press. 1989.
- Fletcher, Joseph. Situation Ethics: The New Morality. Louisville: Westminster John Knox Press. 1966.
- Foucault, Michel. Discipline and Punish: The Birth of the Prison. Trans. Alan Sheridan. New York: Vintage Books. 1995.
- The Order of Things: An Archaeology of the Human Sciences. New York: Vintage Books. 1994.
- Freire, Paulo and Antonio Faundez. Trans. Tony Coates. Learning to Question: A Pedagogy of Liberation. Geneva: World Council of Churches Publication. 1989.
- Pedagogy of Hope: Reliving Pedagogy of the Oppressed. Trans. Robert R. Barr. New York: Continuum. 2003.
- Pedagogy of the Oppressed. Trans. Myra Bergman Ramos. New York: Continuum. 2003.
- Gadamer, Hans-Georg. Philosophical Hermeneutics. Ed. David E. Linge, trans. Berkely: University of California. 1977.
- Gilman, Lois. "ADD in the corner office: five top executives discovered that an LD can be a capitalist tool." ADDitude Magazine. New York: New Hope Media

www.additudemag.com/adhd/article/754.html

Greenleaf, Robert K. Servant Leadership: A Journey into the Nature of Legitimate Power and Greatness. New York: Paulist Press. 1977.

Grekul, Jana. "Pluralistic ignorance in a prison community." Canadian Journal of Criminology. Vol: 41. Issue: 4. 1999. Page Number: 513.

Heschel, Abraham Joshua. Man Is Not Alone: A Philosophy of Religion. New York: Noonday Press. 1976.

Hyde, Michael J. The Life-Giving Gift of Acknowledgement. West Lafayette: Purdue University Press. 2006.

Jaeger, Werner Wilhelm. Paideia: The Ideals of Greek Culture. Trans. Gilbert Highet, Vols. I-III. Oxford: Oxford University Press. 1945.

Jameson, Fredric. The Political Unconscious: Narrative as a Socially Symbolic Act. Ithaca: Cornell University Press. 1981.

Janus, Linda. "Teaching a Praxis of Ethics for Ex-Offenders." Innovative Strategies. Workforce Education Research Center, Institute for the Study of Adult Literacy. Pennsylvania State University College of Education. Spring 2008

Johannesen, Richard L. Ethics in Human Communication. 4th ed. Prospect Heights: Waveland Press. 1996.

Kale, David W. "Peace as an Ethic for Intercultural Communication." Intercultural Communication. 8th ed., Edited by Larry A Samovar and Richard E. Porter, Belmont: Wadsworth. 1997.

Katz, Jack. Seductions of Crime: A chilling exploration of the criminal mind – from

- juvenile delinquency to cold-blooded murder. New York: Basic Books. 1988.
- King, Jr., Martin Luther. Strength to Love. Philadelphia: Fortress Press. 1963
- Klopf, Donald W. Intercultural Encounters: The fundamentals of Intercultural Communication. 4th ed., Englewood: Morton Publishing. 1998.
- Koehn, Daryl. Rethinking Feminist Ethics: Care, Trust and Empathy. New York: Routledge. 1998.
- Koziak, Barbra. Retrieving Political Emotion. University Park: The Pennsylvania State University Press. 2000.
- Krisberg, Barry. "Distorted by Fear: The Make Believe War on Crime." Social Justice. Volume: 21, Issue: 3, 1994, 38+
- Kruger, Justin and David Dunning. "Unskilled and Unaware of It: How Difficulties in Recognizing One's Own Incompetence Lead to Inflated Self-Assessments." Journal of Personality and Social Psychology, 1999, Vol. 77, No. 6. 1121-1134.
- Kurlychek, Megan C., Robert Brame, Shawn Bushway. "Scarlet Letters and Recidivism: Does an Old Criminal Record Predict Future Offending?"
www.reentry.net/library/attachment.81141
- Latessa, Edward J. "What Works in Correctional Intervention." Southern Illinois University Law Journal. Vol. 23, Pp. 415-426.
- Laub, John H., and Robert J. Sampson. Shared Beginnings, Divergent Lives: Delinquent Boys to Age 70. Massachusetts: Harvard University Press. 2003
- Legal Action Center. "Certificates of Relief from Disabilities and Certificates of Good Conduct." www.lac.org 2003
- Lessing, Doris. Prisons We Choose to Live Inside. New York: Perennial. 2001.

- Lord, Rich. "Gang initiative is spinning wheels." Pittsburgh Post-Gazette, Vol. 83, No. 61, September 30, 2009, A-1
- Louis, Meryl Reis. "Surprise and Sense-Making in Organizations." Administrative Science Quarterly, 25 (1980): 226-251
- Malloy, Daniel. "'Backbone' for mentally ill: Innovative mental health court pulls services together." Pittsburgh Post-Gazette, Vol. 81, No. 153, December 31, 2007. A1+.
- Matza, David. Delinquency and Drift. New York: Wiley. 1964.
- Martin, Judith N. and Thomas K. Nakayama. "Thinking Dialectically About Culture and Communication." Communication Theory. Vol. 9, 1999. 25 pgs.
- Mauriello, Tracie. "130 years later, family tries to clear miner's name." Harrisburg Bureau: Pittsburgh Post-Gazette. March 3, 2006.
<http://www.post-gazette.com/pg/06062/664114-85.stm>
- May, Rollo. Power and Innocence: A Search for the Sources of Violence. New York: Norton. 1998.
- Maslow, Abraham H. A Theory of Human Motivation, Psychological Review 50(4) (1943):370-96.
- McLaren, Peter. Critical Pedagogy and Predatory Culture: Oppositional Politics in a Postmodern Era. New York: Routledge, 1995.
- Mitchell, Kenneth J. and John S. Savage. "The Four Basic Stages of Skill Acquisition". Skills for Calling and Caring Ministries: Learning the Language of Healing. LEAD Consultants, Pittsford, NY. 1979.
- More, Sir Thomas. Utopia. Trans. By Peter K. Marshall. New York: Washington

- Square Press. 1965.
- "MRT: What is it? Why use it?" Correctional Counseling, Inc. 2007 www.ccimrt.com
- Nietzsche, Friedrich. Beyond Good and Evil: Prelude to a Philosophy of the Future.
 Trans. Walter Kaufmann. New York: Vintage Books. 1966.
- Pattakos, Alex. Prisoners of Our Thoughts: Viktor Frankl's Principles at Work.
 San Francisco: Berrett-Koehler. 2004.
- Pennsylvania Department of Corrections. "Inmate Profile: Portrait of an Inmate
 Returning to the Community." April 2002 www.cor.state.pa.us
- Phillips, Robert. Stakeholder Theory and Organizational Ethics. San Francisco:
 Berrett-Koehler. 2003.
- Pinker, Steven. The Blank Slate: The Modern Denial of Human Nature. New York:
 Penguin. 2002.
- Reyna, Valerie F, and Frank Farley. "Is the Teen Brain Too Rational?" Scientific
 American Mind. December 2006/January 2007. Pg. 58+
- Ricoeur, Paul. Fallible Man. Trans. Charles A. Kelbley. New York: Fordham
 University Press. 1986.
- Memory, History, Forgetting. Trans. Kathleen Blamey and David
 Pellauer. Chicago: University of Chicago Press. 2006.
- "Memory and Forgetting." Questioning Ethics: Contemporary
 Debates in Philosophy. Ed. Richard Kearney and Mark Dooley. New York:
 Routledge. 1999. 5-11.
- Oneself as Another. Trans. Kathleen Blamey. Chicago: University of
 Chicago Press. 1994.

- The Just. Trans. David Pellauer. Chicago: University of Chicago Press. 2000.
- The Symbolism of Evil. Trans. Emerson Buchanan. Boston: Beacon Press. 1967.
- Rieke, Richard D. and Malcolm O. Sillars. Argumentation and Critical Decision Making. New York: Longman. 1997.
- Rothstein, Edward. "Faced with 'Parvenu' or 'Pariah,' Ellison Settled on 'Artist.'" Connections: New York Times. May 15, 1999 C-1+
- Rotstein, Gary. "State permits ex-cons to work: Guidelines redrawn for long-term care." Pittsburgh Post-Gazette. February 10, 2004. A-10+
- Rodgers, Ann. "Nickel Mines legacy: Forgive first." Pittsburgh Post-Gazette, September 30, 2007. A-1+.
- Samenow, Stanton E. Inside the Criminal Mind. New York: Crown Business. 1984.
- Sampson, Robert J., and John H. Laub. Crime in the Making: Pathways and Turning Points through Life. Cambridge, MA. Harvard University Press. 1993
- Sauers, Debra. Personal interview. Inmate Program Director, SCI-Pittsburgh, PA. 2002
- Scheler, Max. The Nature of Sympathy. Trans. Peter Heath. Transaction Publishers; Revised edition (December 31, 2007)
- Schwartz, David B. Who Cares? Rediscovering Community. Boulder: Westview Press. 1997.
- Shorris, Earl. "On the Uses of a Liberal Education. II. As a weapon in the hands of The restless poor." New York: Harper's Magazine. September, 1997.
- Sidgwick, Henry. The Method of Ethics. 7th ed. Indianapolis: Hackett. 1981.

- Silbiger, Steven. "Day Two: Ethics." The Ten Day MBA. Revised. New York: Quill William Morrow. 1999.
- Strueber, Daniel, Monika Lueck and Gerhard Roth. ""The Violent Brain." Scientific American Mind. December 2006/January 2007. Pg. 20+
- Sull, Errol. The Ex-Inmate's Complete Guide to Successful Employment. 2nd ed., Buffalo, NY: Aardvark Publishing. 1998.
- Sutton, John. "Social Memory." Interdisciplinary Study of Memory; Recovered Memory and False Memory. Philosophy Department, Macquarie University, Sydney. www.phil.mq.edu.au/staff/jsutton/SocialMemory.htm May, 2008.
- "The Impact of Restorative Justice: What we are learning from research."
Center for Restorative Justice and Mediation. School of Social Work, University of Minnesota: St. Paul, MN. January, 1997.
- They're Coming Back: An Action Plan for Successful Reintegration of Offenders that Works for Everyone. Philadelphia Consensus Group on Reentry and Reintegration of Adjudicated Offenders. Washington, DC: Search for Common Ground. 2002.
- Thomas, Mary. "Innocence Regained: Exonerated prisoners' stories are depicted in artist's project." Magazine. Pittsburgh Post-Gazette. July 8, 2009. C1+
- Turley, Jonathan. "Justice? What a joke...lawmakers are criminalizing innocent behavior at an alarming rate and undermining our criminal justice system."
Forum: USA Today. March 27, 2007. 21-A.
- Umbreit, Mark S. and Robert B. Coats. "Multi-Cultural Implications of Restorative Justice: Potential Pitfalls and Dangers." Prepared for: The Office for Victims of

- Crime, U.S. Department of Justice. Center for Restorative Justice and Mediation, School of Social Work: University of Minnesota. St. Paul, MN. July 31, 1998.
- Uniform Law Commission (ULC). “New Act Addresses Consequences of Criminal Sentencing.” The National Conference of Commissioners on Uniform State Laws. Chicago. www.nccusl.org July 15, 2009.
- Vartiainen, Pirkko. “The Substance of Stakeholder Evaluation: Methodological Discussion.” International Journal of Public Administration 2003, 26:1, 1-18.
- Volf, Miroslav. Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation. Nashville: Abingdon. 1996.
- Waldron, Vincent R. and Douglas L. Kelley. Communicating Forgiveness. New York: Sage. 2008.
- Ward, Paula Reed. “Hacker compiles Sodini’s thoughts.” Pittsburgh Post-Gazette, August 7, 2009. A-1+
- Watzlawick, Paul, John Weakland and Richard Fisch. Change: Principles of Problem Formation and Problem Resolution. New York: W. W. Norton. 1974.
- Watzlawick, Paul, Janet Beavin Bavelas, Don D. Jackson. Pragmatics of Human Communication: A Study of Interactional Patterns, Pathologies, and Paradoxes. New York: W. W. Norton. 1967.
- Wellmer, Albrecht. “Practical Philosophy and Theory of Society: On the Problem of the Normative Foundations of a Critical Social Science.” Ed. Seyla Benhabib and Fred Dallmayr. Cambridge: The MIT Press. 1995.
- Wittgenstein, Ludwig. Tractatus Logico-Philosophicus. New York: Humanities Press. 1951.

Zehr, Howard and Harry Mika. "Fundamental Concepts of Restorative Justice."

Mennonite Central Committee: Eastern Mennonite University, Harrisonburg,

VA. 1997.

Zunker, Vernon G. Career Counseling: Applied Concepts of Life Planning. 3rd ed.

Pacific Grove: Brooks/Cole. 1990.