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# Peacemaking Criminology

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Joe worked under the mentorship of Dr. Mitch Librett of the Criminal Justice Department on this research project. This work was also accepted as a presentation at the National Conference of Undergraduate Research in April of 2009. Joe plans to pursue a career in Criminal Justice once he completes his post graduate studies. Currently, he is hoping to continue his research with Dr. Librett this summer, studying the relationship between eyewitness identification and DNA exoneration.

**T***his article is focused on exploring the practical implications of applying Pepinsky and Quinney's (1991) theory of 'peacemaking criminology' to criminal justice policies. Peacemaking criminology is a perspective on crime that suggests that alternative methods can be used to create peaceful solutions to crime. Peacemaking criminology can be implemented in society to reduce the amount of violence in the criminal justice field, and I argue that this perspective on crime can improve the administration of equitable justice more so than the current approach. The implementation of peacemaking criminology would be a radically different approach than current practices and methods of policing and the judicial process. The underlying goal of peacemaking criminology is to use a non-violent approach to solving crime. The uniqueness of peacemaking criminology and its lack of use within the administration of justice leave many within the criminal justice field skeptical of its efficacy. This article will explicate those features of peacemaking criminology that are criticized or supported by criminologists in the field today. Focusing on these critiques of this perspective on crime, I will attempt to demonstrate how peacemaking criminology can be used to address issues of domestic violence, mandatory arrest policies and community policing. Of these three issues, the examples illustrated in this paper are intended to demonstrate how the implementation of peacemaking criminology can create a more effective criminal justice system in America.*

The approach of the criminal justice system in America today focuses on dealing with crime in one manner: fight fire with fire. Although many brilliant criminologists and theorists have developed a great collection of theories and approaches on how to deal with crime in America, the criminal justice system has spent the majority of its existence using violent tactics and strategies to solve the crime problem. However, one man has spent most of his career considering the peacemaking perspective on crime. This criminologist, Richard Quinney, has developed a perspective on crime that suggests the current approach that violence can be overcome by violence could be altered in such a way that peacekeeping methods can be used to create an outcome of peace (Pepinsky & Quinney, 1991). The hope of this perspective is to achieve the ultimate goal of peace on the macro level in society. Also, a review of the critiques of peacemaking criminology according to other criminologists that have studied this work will be featured. However, one question still remains unanswered. Can peacemaking criminology improve the criminal justice system? Furthermore, has this perspective had any success in its attempts to become part of the criminal justice system?

The concentration of this paper will focus on three issues of the criminal justice system. Peacemaking criminology has the potential to impact the issues of mandatory arrest policies, domestic violence and community policing. The three noted areas that will be evaluated (domestic violence; mandatory arrest policies; community policing) have been problematic in terms of social justice issues in the first two cases and hold great promise in that regard in the case of the third. These problems, if not addressed properly, can become more serious issues that could have been avoided had the correct procedures been in place. Peacemaking criminology holds the potential to address all three of these issues.

To effectively solve a problem, one must find the source and correct it. This relates to the criminal justice field today because the current method of correcting problems often results in incarceration or financial repercussions. This method has been perceived as effective in reducing crime because it simply removes the criminals from the streets, but, only temporarily. Peacemaking criminology aims to correct the source of the problem without arrests, but with a peaceful approach that results in peace.

### Literature Review

Although the existing articles on peacemaking criminology demonstrate a good understanding of the matter, the most eloquent source of this perspective on crime can be found in the work of Richard Quinney and Hal Pepinsky. One of the greatest perceived problems America has faced for the past few decades is crime. There have been numerous advances in technology and resources that would allow one to believe crime could so easily be eliminated entirely. Unfortunately, the United States of America currently has some of the worst crime rates in the world. Each year, billions of dollars are put forward to create public policy to solve this problem. These policies in conjunction with the current perspective on crime only further removes ourselves from any solution to reducing crime in America (Quinney, 1991). The criminology of peacemaking, however, is said to have a different effect on society and crime.

The pain and suffering experienced by individuals daily are often translated into acts of violence toward others (Quinney, 1991). Acknowledging that this suffering leads to violent acts, the peacemaking approach focuses on ending this suffering. Our actions are said to be our thoughts, and to reduce crime and suffering we must change the way we think (Quinney, 1991). In doing so, open mindedness is crucial. One with an open mind can solve problems objectively, rather than subjectively. To be open minded, one will be able to let in new ideas and approaches and be more willing to address problems as one sees fit. In order to solve this problem of crime, one must begin at

the root of the problem and work outward. In changing the way one thinks, one must be open to letting go the attempt to control the world and prepare to come upon one's natural self (as cited in Levine, 1979: 38). This will allow the individual to empty the mind and be ready for anything, thus, being open to everything. This brings the individual back to the beginner's mind, which allows for many possibilities (as cited in Suzuki, 1970: 21). The open mindedness can allow for change in the criminal justice system because people will gain a sense of understanding for peacemaking. The current methods of crime control today cannot be changed nor corrected without the thought and the acceptance for change.

The perspectives and methods in place today leave those in the field of criminal justice aware that violence is founded on violence. Currently, the criminal justice system holds the values that violence can overcome violence, as evil can overcome evil (Quinney, 1991). This puts the criminal justice system in a difficult position, according to Quinney. The fight against crime uses dangerous sources of energy to create anger and fear among people. These dangerous sources of energy would not exist in a world of nonviolence. To use these forces to fight crime creates a war in society that will lead to a creation of more crime every day (Quinney, 1991). When we find that our hearts are full of love and the courage to hold pain to ourselves before inflicting it upon others, the suffering can end. In this way, we find the truth of reality and the way of peace (Quinney, 1991). Quinney himself (1991) states, "[what] is to be said seems outrageous and heretical..." realizing that this perspective on crime is not conventional.

The more radical approaches to policing can be more appealing during time of crises. In all aspects of life, crises stimulate progress (Goldstein, 1990). As pointed out by Herman Goldstein in *Problem-Oriented Policing*, in the 1960s and 1970s the police were faced with pressure from the change in social standards of America. From this, came a great change in the structure of police administration (Goldstein, 2000). Five national studies were conducted between 1967 and 1973 which gave police valuable information on how to police the public and their current status with society (Goldstein, 2000). Although the changes suggested at the time were not as radical as peacemaking criminology, they were different from the standard of that time period.

Others have contributed more descriptive definitions of peacemaking criminology. Peacemaking criminology has been referred to as a global critique of the entire criminal justice system and its warlike history (Wozniak, 2000). The reference to peacemaking criminology that suggests it is radical is based on the fact that this perspective on crime turns the traditional

world of criminology upside down. Peacemaking is described as being geared toward respecting the dignity of the individual. To create a new, radical perspective on crime, that of peacemaking is hard to accept when the current system has been in place for decades. This is especially realized because peacemaking criminology designates the police officer as a “peace officer” (Wozniak, 2000).

The current perspective on crime has encouraged police departments to mandate arrests for specific crimes. For example, in the United States, the solution to a crime such as domestic violence is a mandatory arrest. In 1994, United States Congress passed the Violent Crime Control and Law Enforcement Act, 18 U.S.C., Section 40001-40703, which called for a mandatory arrest in cases of domestic violence. A study on this policy by Victoria Frye, Mary Haviland and Valli Rajah concludes that the mandatory arrest policy in New York has led to a reduction in re-assault cases (2007). The goal of these arrests is to remove the offenders from the picture, thus, reducing the chance of the crime occurring again. These policies have been proven to substantially lower cases of domestic violence in states that have mandatory arrest policies. However, it is interesting that the cases of women offenders of violent crimes have increased since the implementation of the mandatory arrest policy in New York (Frye, Haviland & Rajah, 2007). If women defend themselves, it is more difficult to decide initial aggressor if both parties appear to have assaulted each other. This leads to more cases where the officers are forced to arrest both parties since it is required by the mandatory arrest policy.

In a similar study of domestic violence and mandatory arrest policies, Kris Henning and Lynette Feder found that men outnumber women in arrests for domestic violence by only a slight margin (2004). These increasing numbers of women offenders in cases of domestic violence have come as a shock to the researchers of the criminal justice community (Henning & Feder, 2004). This recent study has found that there may be an explanation of this increase. For example, women that defend themselves in a fight with their significant others are more likely to be arrested under a mandatory arrest policy (Henning & Feder, 2004). However, police reports indicate that women are still disproportionately the victims of domestic violence, regardless of the fact that the equivalency of offenses of each gender has grown close.

Solutions other than mandatory arrest are implemented within other cultures in America. For example, Donna Coker studied the domestic violence of Navajo Nation and saw different approaches on domestic violence. In cases where the conclusion was a separation, the result much of the time was greater violence. Although separation is intended to secure the

safety of the victim, as well as the offender, the unintended result could be more detrimental to the process than one would expect (Coker, 2006). The Navajo approach is a peacemaking approach. The overall goal of peacemaking in this society is to offer women assistance in healing their relationship by means other than separation or arrest (Coker, 2006). The majority of the cases were self-referred, allowing the victim to voice their thoughts and opinions on what result they are looking for from the authorities. The responses to these self-referrals are not police officers, but are trained Peacemakers. Of the 110 chapters within Navajo Nation, there exist 250 Peacemakers that have undergone extensive training (Coker, 2006). The Peacemakers are also knowledgeable individuals that use creation stories as well as journey narratives to help couples relate to a part of their culture and deal with their problem (Coker, 2006). This process has been found to be effective, but the Navajo Nation officials also resort to arrests in some cases. In this situation, peacemaking can be a sanction referred by a judge, social service agencies and police officers (Coker, 2006).

This type of a process requires time, great effort and patience. The community policing movement, however, seems to be the first step (Jesilow & Parsons, 2001). Since peacemaking calls for action on both sides, the citizens as well as the police, community policing can allow the police to work together with neighborhood residents to improve the community (Jesilow & Parsons, 2001). Historically, residents of neighborhoods controlled the behavior of the police officers. The officers’ ideologies were usually those of the citizens in their area. Otherwise, the police officers were rickin’ losing control of the area and the support of the citizens (Jesilow & Parsons, 2001). Also, the use of the patrol car has since lessened the direct contact between citizens and the police. Police officers are less likely to socially interact with citizens if they are in a vehicle than if they were on foot patrol. Since community policing has had struggles with connecting the police officer with the citizens due to the patrol car, peacemaking will struggle to be implemented as well.

The technological changes in policing hinder the process of new perspectives on crime (Jesilow & Parsons, 2001). Also, the evaluation of peacemaking as a means of community policing will be immeasurable as far as efficiency. Furthermore, officers may have a difficult time adopting the peacemaking perspective. Many officers join the police force for an exciting and thrilling career (Jesilow & Parsons, 2001). Due to this, peacemaking may not fulfill its potential simply because police officers may not be welcoming of this new approach. Peacemaking, like any perspective on crime, works best when the whole team is on the same page.

The principles of peacemaking criminology support the implementation of community policing as part of an overall scheme of 'community justice'. Since problem solving is the basis of peacemaking criminology, community justice is another way of opening the door for peacemaking. Problem solving is the approach to resolving the underlying causes of criminal incidents rather than simply reacting to 911 calls (Clear & Karp, 1999). This, also referred to as "911 policing", will not be more effective than problem solving. Neither more aggressive police officers, shorter response times nor more sophisticated 911 technology will be as effective (Clear & Karp, 1999). To find the underlying cause of crime will lead to police officers becoming more involved with the community and be more adapt to solving problems rather than just making an arrest.

Although the work of Richard Quinney on peacemaking criminology is remarkable and respected, it is considered by some to be "unreal" (Mobley, Pepinsky & Terry, 2002). The concept of opening one's mind to a new world of crime perspective can be difficult. This perspective is a combination of finding oneself and connecting with the inner nature of the being (Quinney, 1991). It also incorporates religion, Buddhism in particular, which is not a familiar lifestyle to most Americans. This perspective may be the most "real" criminology until this day, but is also the most radical (Mobley, Pepinsky & Terry, 2002). Since peacemaking criminology is so radical and different this may be the reason it is so difficult to accept. The current system today has been in place for decades. As with community policing and problem-oriented policing, it takes time for society and police administration to adjust to such changes (Jesilow & Parsons, 1999). As in *The Way of Peace*, Quinney warns his audience, "If what is to be said seems outrageous and heretical... Only by entering another world-yet one that is very simple and ultimately true- can we become aware of our own condition"(1991, p.3).

In the Navajo Nation, Peacemakers are not police officers, but rather viewed as professional mediators (Coker, 2006). In American policing today, when attention is needed for a domestic violence dispute, the police respond and often make an arrest. The Navajo Peacemakers respond to domestic violence disputes when requested by one of the parties (Coker, 2006). This is an example of one of the many ways in which criminal justice administrators would have to adjust to peacemaking criminology. This is also an example of how the duties of police officers could change under the peacemaking perspective. The police will be called upon less frequently which could dramatically change the job, as well as police officers attitudes toward the public. Such dramatic changes may not be well-received by law enforcement agencies. So, peacemaking criminology could easily be rejected by the criminal justice field due to the drastic changes that could occur.

## **The Analysis**

Peacemaking criminology, if effectively incorporated to our criminal justice system, would reduce the incidence of domestic violence, eliminate the need for mandatory arrest policies, and support the resurgence of community policing models. I believe that peacemaking criminology holds the potential to effect cases of domestic violence. In situations where conflicts arise between couples or members of households, an arrest is not the only solution under the peacemaking perspective. Police officers would be able to respond to calls of domestic violence to gather information on the situation, mediate and find a solution. The solution will be deeper than just the conflict that called for police presence, which requires police officers to understand the relationship of the parties. As the Navajo have experienced, this process not only makes the victims and the offenders feel better about the situation, it also creates a sense of accomplishment for women because they feel as though they have explored all of their options and are able to move on in the relationship (Coker, 2006). Although this is a benefit of peacemaking criminology, one could argue that it would require more training of officers and it may not be very well received by the police.

The police officers will also see benefits of peacemaking criminology in cases of domestic violence. For example, when police officers receive calls for domestic disputes they are often called to the same home on multiple occasions. These households that are frequently visited by the police are twice as likely to witness an arrest as the solution (Frye, Haviland & Rajah, 2007). With peacemaking criminology, police officers will have the opportunity and be encouraged to spend time mediating the situation. To be done effectively, officers must spend time talking to the parties in the dispute and find the source of the problem as opposed to finding the initial aggressor to make an arrest to resolve the situation. Also, finding the source and correcting it may fix the relationship in greater picture (Coker, 2006). This may lead to less calls for police assistance to this household, therefore reducing the amount of police attention to a just a small portion of the community.

The mandatory arrest policies that are practiced by many law enforcement agencies today will be affected by peacemaking criminology. As previously mentioned, in cases of domestic violence, an arrest is not the only solution under peacemaking criminology. However, with mandatory arrest policies, it is usually the case that the aggressor will be arrested. This increases arrest rates and does not always solve the problem from the source (Coker, 2006). Under peacemaking criminology, mandatory arrest policies will be nearly extinct. Although it has been proven that households in states that have mandatory arrest policies in cases of domestic violence experience less

violence than those in states without mandatory arrest policies, one could argue that there is still a way of resolving cases of domestic violence without an arrest (Frye, Haviland & Rajah, 2007). The alternative route, according to peacemaking criminology is to find the source and end the creation of negative tension in relationships.

The goal of mandatory arrest policies is to reduce the rate of recidivism. This has been achieved in many situations throughout America (Frye, Haviland & Rajah, 2007). However, mandatory arrest policies make calls for police attention just another statistic. To effectively solve the problem, police officers must give the situation more attention than what is currently expected of them. For example, when one looks at each case of domestic violence as just another number and the people involved as if they are just subjects they are losing touch with the community. Police officers must bring themselves down to the same level as the parties involved in disputes and create a personal relationship. With a mandatory arrest policy this can be difficult to accomplish. In many cases, police officers do not have the opportunity to use their discretion but instead are forced to make an arrest due to the policies of their department.

As for police administration, the ability to measure the success of unique crime perspectives is necessary to measure the effects of peacemaking criminology. It is much easier to measure police effectiveness and quality by looking at crime rate statistics and their status than to measure the happiness of citizens. As for domestic violence, the same number of crimes may occur under the peacemaking perspective, but the relationships between the offenders and the victims are the focus. What is important in peacemaking is that the situation, or conflict, is resolved to a point where both parties are satisfied and at peace. In typical restorative justice processes the outcome that leads one to believe the situation has been resolved may simply be an arrest. With peacemaking, this is not the case.

In regards to community policing, peacemaking criminology can improve relationships between the police officers and the neighborhoods. As police attempt to connect more with citizens in community policing techniques, peacemaking will allow officers to go even further on a personal level. To be able to look past the badge and see a person that cares about the community may be difficult for some citizens. To solve this, officers can be viewed more as peacemakers and help direct communities toward a more pleasant environment. As this relationship can grow, citizens may be more willing to cooperate with law enforcement and give information to officers (Jesilow & Parsons, 2001).

Peacemaking also requires officers to break down the technological wall that has separated the community from law enforcement agents. Since the implementation of the police cruiser, we have seen a tremendous decrease in personal contact between officers and citizens (Jesilow & Parsons, 2001). The technology that is now available to police officers makes it easier for them to cover more ground on a patrol, which may lead to a decrease in neighborhood friendliness since officers might spend less time in one area, but rather become spread across a region. Both peacemaking philosophy and community policing models will encourage officers to become more familiar with the families in their community. Officers will spend more time engaging in conversation and illustrating to the community that they are more than just a badge and a uniform. It is crucial to create cooperation with the community that police officers establish authority as well as approachability.

The most important aspect of peacemaking criminology is the introduction and use of non-violent police tactics. Today, law enforcement agencies use strategies that bring violence upon those that break the law. This is not proactive to the crime solution since violence creates violence (Quinney, 1991). To end violence, we must each individually know peace. Our actions are our thoughts and our thoughts are an extension of our knowledge. To know peace, we must be educated in a sense that we are aware of our actions and what they may cause. If violence creates violence, then non-violent approaches to crime, such as peacemaking criminology is a more idealistic perspective on crime.

### **Discussion**

This discussion on peacemaking criminology introduces a radical perspective on crime that can be used to address the issues of domestic violence, community policing and mandatory arrest policies. The work of Richard Quinney and Hal Pepinsky has made such an impact on the criminological perspectives on crime in America. Although peacemaking criminology is not used at all today, it is admired by the field of criminologists as remarkable work. I have come to realize that this approach may be viewed as unique and radical by many, but it should be accepted as essentially a realistic criminological perspective. It has been said that peacemaking criminology is unreal and has even been referred to as outrageous; the research I have presented proves otherwise. It can be effectively used by those that are willing to be open to a new approach.

Although peacemaking criminology is unprecedented in the American criminal justice system, we have seen it implemented in the Navajo Nation. Navajo peacemaking practices are great examples of the successes of peacemaking criminology. As we have not seen much of the peacemaking perspective used

by law enforcement agencies today, we cannot come to a conclusion that the perspective will not be effective. One can assume that the implementation of peacemaking criminology will be difficult and will have to overcome obstacles such as a hesitant welcoming from the criminal justice field due to its radical approach.

Community policing can be greatly improved under peacemaking criminology. It will encourage police officers to become more involved with the community on a personal level. Cases of domestic violence will also be positively affected by peacemaking criminology. Police officers will have to take the time to negotiate and mediate conflicts between domestic relationships and ultimately solve the problem to prevent further violent acts. This approach, in and of itself will lead to better community policing while solving the problem with domestic violence. Mandatory arrest policies will be rendered unnecessary because the underlying goal of peacemaking criminology is to solve problems peacefully and usually without an arrest. It will also be greatly affected because it may no longer exist in the departments that practice the peacemaking approach.

Critics of peacemaking criminology may be missing the point. Throughout my research I have found that the peacemaking approach just might be the best solution to America's crime problem. On the other hand, I can understand why many may find it to be difficult to implement in public policy because it challenges everything the criminal justice system has evolved into. To suggest that the current practices are not effective would be wrong, but to explore beneficial changes that can be made to the criminal justice system is an ideal worth pursuing. Peacemaking criminology holds the potential to reduce the violence in America and ultimately lead to a more peaceful society. Peacemaking criminology is a perspective on crime that may be in the best interest of the criminal justice field to further weigh as an option for consideration in policy making.

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