



Bulletin of the Tomkins Institute, Volume 2, Fall-Winter 1995, pp. 25-30
Crime and Nourishment: Sometimes the tried and true becomes the tired and false

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The way it was told to me by my Australian friend John McDonald, Big Tony had terrified so many of his fellow coal miners and menaced so many foremen and administrators that there was nothing the Company could do but fire him. "He weighed over 300 pounds, had the strength of three men, and when he got liquored up, there was nothing to do but run and hide. When he was drunk, Tony threatened to go to the homes of his fellow workers and bust them up." Management wanted him fired, his co-workers wanted him fired. "No you don't," said the union. "We can't let you fire anyone." They threatened to shut the mine down unless Tony was reinstated with full pay.

The union was mad at the owners. The miners were mad at Tony and the union. The mine owners said Tony would never work there again no matter what. Tony was mad, too, and everyone was afraid of what he would do if he got really mad. To a certain extent, they were all correct in their views. As long as the problem was framed in terms of who was right and who was wrong, or which set of rules would dominate, the situation could only get worse.

Impasse.

Every day we tell each other that the world is a mess, that you can't trust anyone, that nobody cares about anybody else, that everywhere you look people are out for themselves and just don't care. Humanists say that we've all got to be less selfish and sacrifice for the common good by taking care of the weakest among us. Normatives extol the virtues of the Eskimo system in which those who are too old and sick to pull their weight float away into death by walking onto an ice floe to sail out into the frozen ocean. In almost every one of the major controversies of our day, there is much to be admired on both sides.

This article is about the gulf between the participants in any debate. It is about what is missing in nearly every one of the arguments that divide couples, families, businesses, neighborhoods, cities, and nations. It is about the biological reality of human emotion, and how it is that when emotion is ignored, the world grinds to a halt. I've devoted my career to a new understanding of human emotion, and have been privileged to contribute some ideas that John McDonald found useful in that Australian coal mine. A bunch of us, all trying to make the world a bit different, have become a far-flung community by constant interaction through e-mail on the Internet, a group of constantly buzzing fax machines, conference calls, and occasional face-to-face meetings here in Philadelphia.

McDonald, his brother Mark, Terry O'Connell, and their buddies David Moore and Marg Thorsborn, run an organization called TJA (Transformative Justice Australia) that has developed a whole new system for handling workplace conflicts. I know them because TJA and its equivalent in the world of juvenile justice, the Family Group Conference system, are being explained on the basis of the theories about human emotion I offered a couple of years ago. My book, *Shame and Pride: Affect, Sex, and the Birth of the Self*, had presented a lot of new ways to think about all emotion, and suggested that we all needed to think differently about the shame family of emotions in particular. It's one thing to develop and publish theories, but it is something else to see them used. These guys are helping people in ways I never imagined. I'd like to tell you about my Australian friends and the group of people over here who have taken up their ideas, and I want to describe some of the ways we're all trying to do something different about the bad things people do. But first you need to know the theories that allowed us to do something new.

Reason and Emotion

Problems like this one in the coal mine are almost insoluble when viewed at the level of right and wrong because the real issue is the emotional experience of each party. Most of us have been brought up to believe that given a choice between reason and emotion, reason should win every time. When I was in high school, one of my classmates won the debating prize arguing that any decision made in passion was inherently flawed. The whole idea of a system of "law and order" is based on the hard edge between emotion and reason. We've built a legal system that "grinds exceedingly slow." It delays the final adjudication of a conflict until the participants have "gotten over" their emotional involvement in it.

Maybe that worked in an earlier and quieter time, but in today's world the crimes are more and more violent (often initiated under the influence of drugs that magnify emotion to a level previously unknown in our culture), and viewed by their perpetrators as matters of pride rather than shame or guilt. The tried and true system of arrest, trial, and imprisonment has turned into a theater of the absurd for people who see imprisonment as a badge of courage a place from which to learn networking in the graduate school of the streets. If this is the result brought us by the separation of reason from emotion, then we've got to take a long, hard look at emotion to see if we can do anything different.

Working from ideas offered by Charles Darwin in the last quarter of the 19th century, the late psychologist Silvan Tomkins suggested that no matter what we think about our emotions, we have evolved with a bunch of them that are going to be triggered for reasons that have nothing at all to do with reason. We are wired, said Tomkins, to have two emotions that feel great, six that feel awful, and one so brief that it acts as a "reset button" for the system. These emotions, or what he called "innate affects," operate when the brain recognizes that a certain pattern of stimulation has occurred. Affects are triggered because everything that "happens" does so at one of three conditions: a rising tide of stimulation, a falling tide, or a tide that remains steady but at too high a level. No matter what you want to think about life, or about your own life, the events that make it a life are received by the brain as signals that come in to the "receiver" at an increasing gradient, a decreasing gradient, or the hum of one or another steady level.

The beauty of the affect system, said Tomkins, is that it allows us to take all the things that are happening at once the Tower of Babel in the brain and make them important in different ways so each voice can be distinguished from the others. Affect is the basic amplifying system in the brain. It makes good things better and bad things worse. It guarantees the special situation we call attention (in fact, we

don't pay attention to anything unless it has been made important by one of these mechanisms) and it opens the pathways in the brain for the most advanced form of conscious thought.

The two positive affects (the ones that feel good) operate the great feelings associated with the entire range of interesting or exciting events, and the equally pleasant but quite different range of situations in which we feel content, happy, or joyous. Anything that starts out suddenly and then simply stops, like a pistol shot, triggers the affect range from surprise to startle, which sort of resets the mechanism by detaching us from whatever we had been thinking about and getting us ready to focus on whatever comes next. The negative affects involve the ranges from fear to terror, anger to rage, the sobbing of distress to the wail of anguish, and the way we turn away from unpleasant situations on the basis of their taste ("disgust") or their odor ("dis smell"). Finally, just as dis smell and disgust can disrupt hunger, no matter how ravenous, there is an analogous mechanism that can interrupt the two positive affects of interest excitement and enjoyment-joy when the affect system detects an error in signal processing. Although this error-amplifying affect starts out as nothing more than a physiological mechanism, because of the situations that trigger positive affect and the effect on us of the interruption, as we grow into adult life it is this new affect that is responsible for the range of feelings from shame through humiliation.

These nine biological mechanisms govern our lives much more than the structures that provide our ability to reason and calculate. It is the affects that tell us what to reason about. True, although each of us grows up with pretty much the same nine basic affects, our life experience is very different based on the family, the neighborhood, and the era in which we were raised. We've all got a very personal set of emotions that are based on the history through which we dragged our affect system and the "higher" neocortex that allows us to remember, calculate, retrieve, and associate these experiences. We're all different because of our life experiences, and the same because of our basic set of affect mechanisms.

No matter what we do, then, these nine innate affects are with us. every moment of every day. The world of laws, the structures of modern society, all of these are instruments built to control what the combination of emotion and reason can produce in each of us.

Rules of the Road: the Inside of Individuals

Quite sensibly, Tomkins pointed out that we humans are the most comfortable, the happiest, when we manage our lives to 1) maximize positive affect and 2) minimize negative affect. It turns out that we can do this best when we 3) express our feelings let them come to the surface of the mind so we can make the most of the good scenes and do something really effective to make the bad ones go away. Lastly, 4) anything that gives us the power to accomplish these three goals is good for the human system, while anything that interferes with our power to accomplish these goals makes us worse off. If you look at your own life in terms of how things feel to you, you will see immediately what Tomkins was getting at. You can see all the reasons we can fail to achieve personal wellness, and all the things we can do to make it more likely. The more we learn about our emotions, the more likely we are to feel good about ourselves.

Okay. We've got some idea about the emotional life of individuals, but what does that have to do with big social issues like street crime, arguments in an Australian coal mine, or what's wrong with the ways kids act in school? What does the affect system have to do with the ways people link up and work with each other?

Rules of the Road for Couples

My colleague, Vernon C. Kelly, Jr., who works as a psychiatrist in Ardmore, Pennsylvania, has always been interested in couples and families, and in 1991 decided to share with Tomkins some of his thoughts about the nature of intimacy. Working together, they came up with a definition of intimacy that makes a lot more sense than anything I've ever heard before. The Kelly-Tomkins theory is based on what we know about the emotional structure of individuals, and it has four rules just like the ones that govern individual wellness.

Intimacy, says Kelly, requires a private interpersonal relationship within which the two people work hard to 1) mutualize (share) the two positive affects of interest and enjoyment so that they can maximize these good feelings. 2) Equally important, they have to be willing to mutualize the bad feelings all six of them so that, by working together, the couple can minimize them. 3) You can't really achieve intimacy unless you express your emotions to each other so these first two goals can be met. (Even though couples who have been together a long time develop the ability to read each other's signals pretty well, both the good and the bad feelings have to be expressed somehow in order for them to be read!) Finally, 4) anything that increases our power to accomplish these three goals improves our chances of developing and maintaining intimacy, while anything that interferes with any one of these three goals reduces our chance of developing intimacy.

The Road to Community

After Kelly pointed out how affect figures in the development and maintenance of intimacy, I was able to demonstrate the importance of human feelings in the success or failure of larger groups. What has proved so interesting for Transformative Justice Australia and the Family Group Conferencing movement is the realization that a healthy community manages public interpersonal relationships that follow guidelines very much like those for individual happiness and successful marriage.

In order to have a community, 1) there must be a group of people who agree to mutualize and maximize positive affect. We can do this through public ceremonies like sports events, movies, parties, or bowling leagues any situation in which we can share our interests, share our excitement, feel happy together. 2) This group must also be willing to mutualize and minimize negative affect. We do this at election time when we assort on the basis of our dislike for one or another party or candidate, just as we do when we hiss the villain at the movies and huddle together in bars to discuss our disappointment at the defeat of our favorite team, or mourn together at a funeral, wake, or shiva. 3) You really can't have a functioning community unless its members are taught to express their emotions, for friends and neighbors can't share either your good feelings or your bad feelings unless they know what you're going through. 4) Finally, just as we learned in our work with individuals and couples, anything that favors these three goals also favors the cohesiveness of a community, whereas anything that interferes with any of these goals disrupts a community. A repressive government that allows no town meetings, traditions that forbid neighbors from commiserating with each other when things go bad, rules or laws that make it difficult for people to have good times in public there are a lot of ways a neighborhood or town or region can get into a rut and become little more than a bunch of houses surrounded by high walls of misunderstanding.

A Coal Mine Is a Community

So it was for the coal mine in Australia that day in December when John McDonald was called in to help resolve the impasse presented by a menacing miner, a solid phalanx of his fellows who would not work with him, an administration that was terrified of the damage he could do, and a union that could not allow them to discard a 43-year old man who had worked in the mines for his entire adult life as if he were a broken shovel. "Five hours it took, Don," he said on the phone the other day. "You

should have been there. Everything we've been talking about was there. And I'm drained by the experience. What a day."

The process developed by these young Australians is deceptively simple. It started a few years ago when McDonald got fed up with the way the degree and severity of juvenile crime seemed to get worse every week. No matter what the system did with these kids, nothing seemed to help the situation. Even after the traditional sequence of arrest, arraignment, trial, and punishment, more than 30% of these young people continued to break the law. The victims (those whose bicycles had been stolen, car windows broken, houses vandalized) were made to feel so marginalized, so left out by the legal process, that their sense of satisfaction hovered well below the 5% mark.

McDonald had read *Crime, Shame and Reintegration*, a highly influential book by the Australian sociologist/criminologist John Braithwaite. It described how shame and certain ceremonies of reintegration acted to rebuild a community that had been disquieted by a crime and also seemed to deter further criminal activity. Remembering a tribal custom of the Maori people that he had seen in New Zealand, and recognizing how that ceremony fit into Braithwaite's model, John worked his way through the politics of his local police department and got permission to try his version of the Maori system with some of the kids who'd committed crimes in Wagga Wagga. He recruited Sergeant Terry O'Connell, a cop on the beat with a real interest in juvenile crime, and David Moore, a young sociologist who is fascinated by the whole concept of policing and who had been teaching a course on the history of policing at a local university.

For one of these Family Group Conferences, O'Connell might gather into one room all the people the traditional system keeps apart. The young boy who had stolen the bike. His parents and neighbors. The boy whose bike had been stolen. His parents and neighbors. People from their school. Neighbors of different backgrounds and races. Everybody who might have an interest in the situation, everybody you might expect to be biased, highly emotional, and protective of their own.

First the perpetrator of the crime is asked to speak. "Billy, why are we here?" Usually Billy (or Francine, or Tom, or Alice) says something like "It's no big thing. I saw his bike, I wanted to ride his bike, so I took his bike. I don't know why everybody got so pissed." Then Police Sergeant O'Connell asks the boy whose bike was taken what the crime meant to him. "The bike is the only way I can get to school, and he took it on the day I was to take the examination for the scholarship, so I couldn't get to the exam and I didn't get the scholarship." Now the policeman turns to Billy's father, who says "That's a problem we've always had with Billy. He never seems to think about anybody else when he does things." "Hold on a minute," says Terry O'Connell. "Aren't there some good things about your son?"

It goes on like this, usually for an hour or two. Neighbors on both sides telling what they'd wanted to say for years. The parents of the boy who'd lost the bike telling how they'd taken a second job to afford the bike. The friends of the perpetrator's parents who'd seen Billy beginning to "go bad." But inevitably, inexorably, as the Family Group Conference (FGC) goes on, the walls start to fall because people who hadn't known each other are allowed to talk about their feelings. We humans are more alike than we are different. We're not really such strangers.

All of a sudden, strange things begin to happen. Billy, who had started out so truculent, so defensive about his actions, blurts out something like "You know, all I wanted was to take a ride on a bike. I never wanted to hurt him. He's a good kid. I wish I could make it up to him." This is the near magical phenomenon that had so impressed criminologist John Braithwaite – a thief who only a couple

of hours ago had regarded his crime with pride now expressed shame and asked for forgiveness and a way of returning to the community he had not recognized until that moment. It is at this point in the proceedings that the family who had lost the bike says something like "We got the bike back, and there isn't anything to do about the scholarship he lost. But how would you feel about helping us paint the garage next week?" Now Billy's father offers to come along and spend Sunday afternoon with both families at the ceremony of garage painting. And, like as not, everybody in the room gets up and hugs everybody else.

The folks in Australia and New Zealand have been doing this for a few years now, and the local cops have assembled some pretty good statistics. In one group of juvenile offenders followed from the time they entered the FGC process, the recidivist rate dropped about 40%. Victim satisfaction, the percentage of those hurt and frightened by the young person's crime but made to feel safer by its adjudication, rose to 95%. The connection between the families of perpetrators and victims usually remains powerful; sometimes the former victims take such an interest in their former "enemy" that they keep in touch for years and remain a positive influence in their lives. Where, before the FGC process tackled the problem of a specific crime committed by a specific kid in a specific neighborhood, there had been no connection among the people involved, now there is a new sense of relationship and a commitment to a shared community. It really does seem as if anything that fosters the goals of affective enrichment brings people together within the framework of a community.

The natural response to such things as the success of the FGC process is both a healthy curiosity about what makes it work and a reasonable amount of fear on the part of those who represent the "old system" that they are going to lose their jobs to the new miracle cure. McDonald and his friends have faced both; he's a born negotiator whose understanding of the political process lives at the core of his being. John worked quietly within the ranks of the police department to quiet fears and make Terry's path easier. They started to work with Marg Thorsborn, a high school teacher who was as fed up with the problems of truancy, misbehavior, and general lack of respect between students and teachers. Now things really got going.

Marg took the FGC process into the school system and began to teach it all over Australia, just as Moore, McDonald, and O'Connell were showing it to police departments everywhere they could. It didn't hurt a bit by the fact that Terry was Vice President of his union, and had turned down the job of President to keep as much time as possible free for this extra work. Their group started to get a lot of coverage in the press and on television.

David Moore began to study what they were doing. He knew that the FGC process was based initially on Braithwaite's understanding that what worked to stop crime in certain cultures seemed to be the power of shame. And it was equally obvious that what was going on in each Family Group Conference involved a lot more than the shame felt by a young perpetrator at the high point of the meeting. David simply read every book on shame available, read them with the hunger of a starving scholar and the taste of a connoisseur. I got a long handwritten letter from him in the Spring of 1993, describing his reaction to *Shame and Pride*, and asking if we could work together toward an understanding of the FGC process.

I had shown that shame comes in 4 flavors: in reaction to whatever triggers the innate affect mechanism we can use a Withdrawal script to hide; shift into high gear and use an Avoidance script to brag or distract the eyes of others away from what has just been revealed; put ourselves down through an Attack Self script that keeps us close to whoever has shamed us and "safe" under their protection;

or an Attack Other script through which we take an episode of shame as an insult to which we respond with verbal or physical assault. Braithwaite was correct to see the importance of shame in the maintenance of civility, but did not realize that the loss of community seen all over the world had shifted our habitual response to shame from the quiet forms of withdrawal and deference common in the previous era toward the noisy and more dangerous modes of narcissism and violence. David Moore soon found a way to travel to Philadelphia for a series of conversations, joined the Tomkins Institute, and returned here to present a lecture on his work for our 1994 national meeting.

So important was this work that McDonald won the Fairfax Leadership Award, which enabled him to travel throughout the Pacific Rim to present his ideas about the justice system. Terry O'Connell won the cherished Churchill Prize, which funded a trip through North America, Canada, and England, and allowed me to bring the cop on the beat from Wagga Wagga, New South Wales, here to meet with the Mayor of Philadelphia, the judges of juvenile court in Bucks County, and the police departments of both. One important outcome of those presentations was the reaction of Ted Wachtel, who runs a group of schools in Pipersville, PA, and who has a lifetime interest in the problems caused by kids who don't fit into the system. Ted, himself a charismatic teacher, decided to "bet the farm" on the FGC process, and organized a company called RealJustice that has my Australian friends traveling back and forth around the US and Canada teaching police departments and school counselors this new way of dealing with kids who make trouble. With the tremendous energy Ted Wachtel has brought to this venture, it looks as if kids all over the North American continent are going to be handled very differently from now on.

What Is a Business?

With their work on juvenile crime well under way, this group of young Australians now began to turn their attention to the problems of the workplace. I have written that families are like small towns with walls around them, walls that protect them from intrusion by outside forces but leave the occupants at the mercy of whoever is in charge. Families are more like hereditary monarchies than democracies. If this is so for families, so much more is it true of most businesses. In order to obtain whatever goods and services we cannot provide for ourselves, we must perform some service for which others will pay.

Physical power and intellectual strength are distributed along some sort of bell-shaped curve with most of us clustered at the middle and the weakest and strongest scattered at the sparsely populated extremes. One on one, the strongest and smartest will triumph; we can limit the potential for tyranny by individuals by carrying and using a gun, or forming ourselves into a society that uses group action to oppose individual power. Financial power, too, is distributed along some sort of curve, and again, it is through group action that we limit the ability of the rich to dominate the poor.

Yet even a group once formed for the most judicious of reasons can evolve into autocratic power. Where labor and management square off against each other in the prize ring of salary and benefits, all sense of community is lost as walls are built around the position of each side. It is not just that they have different goals, for the two forces have become so identified with their positions in an argument that everybody loses sight of the fact that all of us are more alike than we are different. Any business that loses its sense of internal community is in grave danger of polarization and consequent loss of effectiveness. Any process that brings affective enrichment into the workplace is likely to improve the lot of everybody involved.

"So there we were," said John McDonald, "all of us together in one meeting room at the home office of the coal mine. Lawyers. People with notepads full of grievances. And, y'know, there was a lot

at stake at this meeting. If the company got their way and fired him for cause, he would get back all the money he had put into the retirement fund. That would have been (in Australian dollars) maybe \$20,000. But if they agreed to lay him off, or if Tony agreed to leave more politely, he would get his full retirement benefits and something like \$75-80,000. And no way did Tony want to quit at all!"

John started the TJA conference just the way Terry O'Connell had evolved the family group conferences with juvenile offenders: "The first thing I did was to ask Big Tony why we were there." "Because I done the wrong thing by hitting people, but then the bastards took my job away, and I'll break the head of any man who says I'm not a good miner" he answered. John then asked his fellow miners what it was like working with Tony, and to a man, they described their literal terror of his drunken rages. John asked the foreman and a couple of levels of administrators how it felt to work with Tony, and they, too, said that his unpredictable anger acted like a cloud of noxious gas in that already frightening environment beneath the surface of the earth. Stuttering, nearly, Big Tony looked at his peers and mumbled that he had no idea he had caused them so much trouble. All at once he began to speak, really talk about the mine and his work, and suddenly everybody understood what his rages had frightened them from seeing. Unless he spouted the few phrases by which they knew him, Tony was nearly unable to put words together to form sentences.

"He wasn't always like this," said his sister, the only family member who had agreed to assist and defend Big Tony. "His father was a miner, same size. But he was a madman, especially where Tony was concerned. He beat all of us, but with Tony he was the worst. When Tony was 5, father broke a chair over his back and he never was the same again. He started to drink when he was 12." John McDonald whispered into the phone halfway across the globe "I looked up at the miners and the foremen and there wasn't a dry eye in the room. All of a sudden nobody was mad at Tony and everybody was on the same side."

One of the miners, a fellow nearly as big as Tony, walked quietly over to him, put a beefy arm around his shoulder, and suggested the two men go out for a walk. While they were away, everybody just milled around trying to get hold of their feelings. Tony returned 10 minutes later and addressed the group: "I never knew how I hurt everybody. I never wanted to hurt anybody. I didn't like it when Dad scared me and I don't like it when anybody scares me." Tears falling from his face, Tony talked about his love for the mine. Drawn together by the feelings given permission by this novel group process, the fiercely independent men and women surrounding Big Tony were now a community gathered to help one of its least fortunate members.

Nevertheless, things had gone too far for Tony to return to the mine. True, those who had attended the TJA conference were united in his favor. But what had taken nearly 5 hours to accomplish under the guidance of a skilled leader could not be equaled in the scattered conversations of the normal workplace. Now a senior management official spoke with great emotion and offered Tony a deal. Rather than fire him, they would agree to post a notice saying that his job no longer existed; this way he could get the fullest benefits allowed under his contract. Then, speaking directly to Tony's sister, the official said that the company was going to provide his \$90,000 payment by way of a fund to be managed jointly by Tony, his sister, and the company half available immediately and the rest to be held in trust for "future needs." Everybody understood that Tony was going to need some sort of counseling, perhaps hospitalization, and a carefully organized program of rehabilitation. "Yeah, that's good," said the union official in a choked voice no one had ever heard from him before.

I know just what was going on in John McDonald, and why he called me. Once an Episcopal priest came to my office for a session after he had spent the previous evening taking care of a couple from his parish whose 19-year old son had committed suicide by shooting himself in the head. "I went into the bedroom where he shot himself and took a bowl of water and a couple of washcloths and cleaned the blood and brains off the walls because there was no way they could do that. And I come here so you can clean me off." Those of us who work with intense emotion always take care of each other. John had called from Australia both to say that my theories about the nature of community had once again turned out to be correct, and to commune with a friend who could help him recover from his own emotional overload. Ours is a tightly knit international community of therapists who understand that we, too, must mutualize and maximize positive affect, mutualize and minimize negative affect, and encourage the expression of all affect so we can accomplish those first two goals. Unless we practice what we preach, we get as blocked as those we serve.

Look around you at all the places we can rebuild the sense of community. Dare I guess that wherever a postal worker explodes in violence there has been a failure of community formation that might be repaired through this process? Dare I suggest that the shrinkage of the workplace (the tendency of large corporations to buy smaller firms and "let go of" workers who are no longer needed) is poorly served by brief, rote "exit counseling"? Have you, too, noticed that nearly every one of the men who commits mass murder with a rapid-fire machine gun, or who knifes his former girl friend at her office in town, has been humiliated by some major failure that made him feel shorn completely from the rest of the community?

This new process is being taught around the world by my Australian friends, by Ted Wachtel in Bucks County through his organization RealJustice, by Marg Thorsborn in schools wherever she is invited, and by all of our colleagues in the Tomkins Institute wherever we speak. There's a revolution brewing in the worlds of psychotherapy and criminology and sociology, and it's coming to a business or a school or a police station near you. There's a lot we can do about the troubles around us, and we'll do it better as a community.