

Talking Criminal Justice: Language and the Just Society

Dr. Michael Coyle

Dr. Alan Gibson: I am honored to introduce Michael Coyle, our speaker today. Professor Coyle came to CSU Chico in the fall of 2007 after a very decorated career as a graduate student at Arizona State University. As a graduate student, Michael was awarded a K. Patricia Cross Future Leaders Award from the Association of American Colleges and Universities. He was a dissertation award winner at his home university and he was the outstanding criminal justice graduate student in his department as well.

Since coming to CSU Chico, Michael has produced a dizzying number of publications and involved himself in an extraordinary number of projects. The presence of people here tells us something about his impact in the University. He's published a book that he'll be talking about today, "Talking Criminal Justice." He's published numerous articles and book chapters on a variety of issues in criminal justice. He has three books in progress. All of this is happening when he is bringing numerous speakers on campus, attending conferences across the country, serving on countless advisory boards, and engaged as a union activist. Michael does this--all of this, I am told, while remaining drug free and without a cape. [laughter]

Okay. Anyway, more seriously, Michael combines a perfect and interesting combination of a scholar and an activist. He seeks to transform the world that he analyzes. We could use more scholars like him in that regard. The one thing we didn't get out of Michael today is we didn't get a suit. He refused to wear a suit and so did I. And also with most speakers, I shake their hands but Michael has insisted upon a hug. So, ladies and gentlemen, Michael Coyle.

Dr. Michael Coyle: Well, it's all downhill from here after that introduction. Jeepers. Wow, I have to live up to that, my goodness. Hello everybody. It's great to be here. I am so nervous right now I couldn't tell you. I can't think of a community that I love more than the Chico community. So, it's just wonderful to have friends, colleagues, students, curious people, here. Thank you very much for coming.

I also want to thank Alan Gibson, Professor Gibson, who introduced me. Alan has been contributing to me since the first day I arrived here. The proposal to a publisher for this book went through Alan's hands first and came back very bloody, with lots of red ink comments. So, when I say that I owe Alan a lot, I owe Alan a lot. I also owe a lot to my colleagues in the Political Science Department who have given me a home a professor can only dream about and rarely finds. Every one of my colleagues are absolutely fabulous and I hug them all the time as well. I also want to thank all Californians for this space. I want to thank all Californians for my job. I want thank them for their valuing of education. I want to thank them for their valuing of spaces where we can meet and learn, where we can do research and grow research. Also, I want to thank everybody in this country because we are here because of federal tax dollars as well.

We are here today to talk about a book, and the book is called "Talking Criminal Justice: Language and the Just Society." The question that I asked in this book is very simply, what can the study of language, what can the study of the words that we use to talk about justice – so-called criminal justice and social

justice – teach us, if anything? What if we look at the words that we use, look at the context in which we use them, the different contexts in which we use them, what can that study show us?

How I got to that question is I have always been absolutely fascinated by language. The main reason probably is because I grew up bilingual. People in this room who grew up that way will know what I'm thinking of. When you grow up bilingual, you grow up speaking two languages. And to those of you who did not grow up bilingual, what that means is you speak two languages. But actually, [laughs] when you're bilingual that means you're growing up in two realities. And you're constantly watching one respond to you differently when you forget that you're wearing that particular language reality hat. So language, the power of language is something that I became aware of very early in my life, and I was very impressed by its dangerousness and also its power in a sense of being useful.

I start the book with two epigraphs, that is, two quotes before I even start writing the first word of the text. And I would like to start today sharing with you some of those two quotes. The first one is from a famed scholar of language named Edward Sapir and it goes as follows -- and I won't be doing much reading today as I'll be mostly speaking extemporaneously. So here is the Sapir quote: "Human beings do not live in the objective world alone, nor alone in the world of social activity as ordinarily understood, but are very much at the mercy of the particular language which has become the medium of expression for their society. It is quite an illusion to imagine that one adjusts to reality essentially without the use of language and that language is merely an incidental means of solving specific problems of communication or reflection. The fact of the matter is that the 'real world' is to a large extent unconsciously built up on the language habits of the group... We see and hear and otherwise experience very largely as we do because the language habits of our community predispose certain choices of interpretation. Straightforwardly, what Sapir is arguing here is that you and I in our everyday life think about language as this tool that we use to simply talk to each other. We have these ideas in our head, silently, and then we have this thing called language that we use to talk to each other; that it's a tool of communication. And what Sapir is saying is that language is mostly actually something "other." And that actually, language, if you want, uses us. We don't use language so much as language uses us. And when we think of the matters that we think about, they are not so much a reflection, a result of our reflection, but are actually given by the language habits that we have inherited merely by the fact that we are living in the age that we are living, that we are living in the specific locale, culture as you have it that we are living in.

The second idea that the book starts with in the epigraphs is from George Orwell, a famous activist and journalist and fiction author, who in his famous essay, "Politics and the English Language," wrote about how language is inherently political. Now, you might be thinking that I'm speaking about how we can use language to talk politically, that we can use language to advocate for a certain political view. But actually, what Orwell is talking about is that all language is inherently political. And in this quote he talks about -- he's writing this essay right after the Second World War -- how, if you look in the media, you can see the following things going on. "A description of defenseless villages being bombarded from the air, the inhabitants driven out into the country side, the cattle machine-gunned, the huts set on fire with incendiary bullets, this is called 'pacification.' Millions of peasants are robbed of their farms and sent

trudging along the roads with no more that they can carry: this is called 'transfer of population' or 'rectification of frontiers'. People are imprisoned for years without trial, or shot in the back of the neck or sent to die of scurvy in Arctic lumber camps: this is called 'elimination of unreliable elements'." In our society today, of course, if Orwell was alive, he would be probably, number one, concerned about our criminal justice system, and he would be saying, "sending people by the millions to rot in prisons and calling that 'elimination of the dangerous element,' 'elimination of the dangerous'." But more about that shortly.

So, the idea here is that language, to use an even better word, is actually generative. It generates reality. It doesn't describe reality. It's not a tool we use to communicate, but it's actually generative. To look at language and ask these kinds of questions, as well as many more, is something I called the Language of Justice research field. And it's a kind of research field that I think needs to grow and blossom a lot. There's hardly any of it, little has been done and it's important that we do a lot of it.

To bring alive this power of language and to now start tying it to criminal justice and social justice, I would like to give you an example of three words: "crime," "offender," and "victim." To most people, these words are as simple and as obvious as words come. You don't probably think of them as generative language. You think of them as descriptive. I would invite you to consider that if you look at dictionaries older than a few centuries, you actually wouldn't find those words. They didn't exist. So it's actually much more accurate to describe the distinctions "crime," "victim," and "offender" – which is the absolute foundation of what we mean and what we think about when we're talking about criminal justice – as inventions.

With these words we're actually talking about something that happened somewhat like this. Somebody's walking down the street one day. All of a sudden, they see one person slapping another person. I mean, I'm making this up for a point, right? One person sees somebody slapping another person and they go, "Oh wait a minute," okay. He slaps her, okay, so he's the offender, and she receives the slap, okay, that makes her the victim and we're going to call that occurrence right there, a crime. That's how that came about. It may be difficult for you to relate to that but that's how that came about.

Even today in this world, there are areas, there are cultures, there are languages where these things don't exist. Even inside of our culture, there are those who right now today are advocating for a criminal justice system that does not use that language. It's called "restorative justice." And the argument is that it's insane to think of a conflict between two people as arising at its zenith moment; that you have to consider the person that you're calling the offender as the totality in their life when they arrive there, and the same with the victim and the context that surrounds them both. What's the context? How does that distinction change when you think of it in the context of domestic violence? How does that distinction of crime change if you think of it in the context of somebody who's a slave slapping somebody else, trying to get away? How does that change if you think about it as the context of somebody who's stuck in a life with no opportunity, no chances for income, no chances for justice and they are reacting that way? So, that's an example of how we need to be thinking about the words that we're using, what their implications are, how we got to them, and how we're using them as well.

William Thomas, a really great symbolic interactionist, a sociologist, has this famous phrase called the "definition of the situation." He talked about how all situations in our everyday life are predefined. When you wake up in the morning and you walk into the classroom, you're walking into a situation that's already defined. The rules are defined before you were born; certainly before you walk into the classroom for the first time. Howard Becker is another famous sociologist who talked about the idea of the "moral entrepreneur." And that's just fancy language for something very simple, which is that there are people all over the place who are using their skills of leadership to make an impact in their communities. I'm a moral entrepreneur. I'm a moral entrepreneur all over the place. I'm a moral entrepreneur right now doing this talk. The idea, of course, behind this is the sociological -- behind both Becker's ideas and Thomas' ideas -- is the idea of social construction which is the idea that things are made by us. They're socially constructed.

Let's look at an example of how some of these things tie together. This language question, the power of language, the importance of justice language, the construction of situations, the leadership of these moral entrepreneurs, and this process of social construction. My study of justice language is not a study that's interested in the liberal perspective or the conservative perspective. I am way left of liberal, but my research is not about propagating the liberal perspective. My research is about saying to everybody, "we need to look at conservatives' language, we need to look at liberals' language, and we need to ask, what is it accomplishing? Is it accomplishing the justice that we declare in our value statements? If you go to the webpage of the Justice Department, it says it's about "equal justice for all." So, looking at our language, is that what our language is accomplishing, whether it's a conservative speaker or moral entrepreneurs or liberals?

So, one of the first examples that I look at is -- and I look at a few examples -- a comparison of two sheriffs in the United States: the most conservative sheriff available and the most liberal sheriff available. Most of you have probably heard of Sheriff Joe Arpaio, the sheriff of Maricopa County in Arizona, who has been sheriff for, gosh, since 1993. He is somebody who is of the conservative bent, as I said, who advocates for as "tough on crime" as possible? That's the motto, "tough on crime." And he pursues that kind of agenda and uses the most powerful language that he can. And he's good at language -- same as Hennessey is -- to push his perspective. So, if you go to his websites or you study his commentary in the media, you will find language like this: "Arpaio has done many unique things as sheriff, including instituting the world's first-ever female chain gang," and expressing his pride that he budgets more money per day to feed a dog in his K-9 unit than he does for a person in his jail per day. He boldly claims to subject persons in his jails to "undesirable, physically tormenting and psychologically humiliating lives." He makes all people in his prisons wear -- who are mostly men -- pink underwear to humiliate them, has banned cigarettes, coffee and hot meals, and -- good enough, we'll keep moving. You see the picture here.

Let's move on to Michael Hennessey. Michael Hennessey retired late last year from being Sheriff of San Francisco, the City which is the same thing as the County of San Francisco, a job that he had for over 30

years, and is generally known as the “anti-Arpaio,” he's actually described that way, and is also described as Sheriff Joe Arpaio's “polar opposite.”

Media constructions of both Arpaio and Hennessey suggests that one would be hard pressed to find two people working in the criminal justice field that are less alike. However, looking at an analysis of an interview that Hennessey did on the occasion of his retirement on a radio show at San Francisco with Kransky, reveals something very different. I'll read you a little bit about what he said. In the very first topic that they discuss, Kransky asks directly about, "What kind of people go to jail?" To which Hennessey replies, "The rabble, the drunks and homeless, petty criminals and petty thieves." He's quick to add that “40 percent of people in jail are there for drugs, 25 percent are in for violent crime, and a smaller percentage for public nuisance.” When the conversation turns to race, the discussion about who is in prison takes a new turn. Hennessey is asked to comment on the fact that while African-Americans constitute only 5 percent of the population in the city, they constitute 55 percent of the population in the city jails. He declares that the imbalance “is one of the most troubling issues that I have had to deal with and had to look at during my entire 32 years as sheriff” and plainly names it “just scandalous” and “a real tragedy.” His explanation is that “it comes down to a lot of social factors such as unemployment and unemployment leading to people going to the underground economy to make a living selling drugs” and “many African American families having had generations of people incarcerated and therefore it sort of seems inevitable.” He concludes, “It is something that I’ve brought to the public’s attention many times but [it] does not seem to be abating.” When the interview turns to “jail rehabilitation” and “programs,” Hennessey declares that “people can change their worldview” and that “people can change,” “rehabilitate themselves” and “become productive members of society.” As Kransky congratulates him for all his efforts in this area, Hennessey says, “I do think San Francisco is a compassionate city, and will continue to support programs that help ex-offenders get back on their feet.” Hennessey also calls for “giving people in custody education,” for “getting the riskier population... counselors and therapists,” for helping “these men to first recreate their own life and what has caused them to commit violence.” These are all the terms most of you flash around all the time yourselves.

Now, let's look at these comments of his that I just repeated to you, which I'm sure you are already thinking as, "Wow, is that different than Arpaio!" Hennessey's speech about what kind of people go to jail is so familiar that most people would be hard pressed to recognize all of it as profound inaccuracies. He identifies the people who go to jail as “criminals,” “drug addicts,” and “those committing very serious violent crimes,” yet research tells us otherwise. The first problem is that the complete population of “criminals” would have to include the vast majority of Americans. Research shows most people habitually violate the law in both non-violent and violent ways within their lifespan. For those of you who are interested, check out Gabor 1994. A large proportion of people experiment regularly with breaking the law -- drugs is only but one example -- and 22.6 million Americans are currently illicit drug users, and that's just drugs. Consider also the violent crime. Consider the high number of people committing very serious violent crime all the time around you and inside your community. One out of four college women in the U.S. -- think about that in terms of one of every four women in this room -- is sexually assaulted. And one in six women in the U.S. will be sexually assaulted in their lifetime. That's just sexual assault. A second problem with Hennessey's construction of what kind of people go to jail --

and with the accompanying constructions of “crime,” “criminals,” and “criminal justice” -- is that he never acknowledges that actually, the vast majority of violence, the vast majority of economic damage, the vast majority of death derives from white-collar crimes, derives from environmental crimes, corporate crimes, and especially all sorts of state crimes. By consequence, he fails to recognize that, instead of being in his jails, these perpetrators are massively under-policed, rarely counted, infrequently arrested, prosecuted, or incarcerated. In fact, research shows that the annual cost of white-collar crime is more than 80 times that of the total amount stolen in robberies, thefts... and on and on this information goes. So the question is, what's coming up here is that in more ways than one, as it turns out, the only accurate way to talk about who goes to jail is to ask who is selected for jail.

Hennessey's constructions not only fail to recognize, therefore, what can only be called the mythology of the “criminal,” and the mythology of the “crime,” but in fact, he is himself perpetuating it. And it is only out of his work, it is only out of his not speaking to what the reality is -- of where the violence, where the economic damage, where the death in our society is coming from -- that allows it to perpetuate. It doesn't matter that he is a hardcore liberal pushing for--caring about what happens to African-Americans or caring about, you know, drug users or caring about people that immigration is after (he's so liberal that he had a record of not helping federal agencies catch people who were without papers in the county that were in his jails). When asked about race and incarceration, Hennessey finds the reality that African-Americans are only five percent of the city population and yet 55 percent of those in his jail, he finds that's just “scandalous,” and a “real tragedy.” But instead of recognizing the selection process which is only happening because moral interpreters such as himself and everybody else -- whether liberal or other, no matter what their politics are doing -- are continuing to use this language and perpetuating this mythology of criminal justice, this mythology of the criminal, and this mythology of the crime. Blind to the selection process, Hennessey sees no opportunity to take responsibility for this. And I'm not after Hennessey, I'm talking about all of them, Hennessey, Arpaio, all the other liberal and conservative moral entrepreneurs I speak about in this book. He concludes that it's inevitable (hardly), and actually blames the victims themselves, “Oh, they come from this family that have been incarcerated before,” et cetera.

The point I'm trying to make is simply this. In our everyday life, despite evidence to the contrary, the “criminal justice” situation is so well defined (remember the ‘definition of the situation’), and the construction of “the criminal” and “crime” are so well-defined, that they are solidly in place and they appear almost immovable. It almost would be absurd to think, for most people out there it is absurd to think, about crime as a fiction, or the “criminal” as a fiction, or the “criminal justice system,” as a fiction.

What I do in the book is discuss a few cases such as these. I also juxtapose a very conservative United States Attorney General (from the previous President), John Ashcroft, with his call for tough on crime and more mandatory sentencing and all that, and I juxtapose him to George Soros who's an extremely well-known major funder of liberal criminal justice causes -- you know, rehabilitative attempts, trying to legalize drugs, etc. I juxtapose their discourse and find of course exactly the same thing: that their foundation is a shared language that is in absolute denial of the bare facts underneath our collective noses.

After an exploration of some of these discourses, I develop a chapter which – even though I'm not going to talk about it at length I want to let all you budding researchers out there know it's there because it was actually a lot of work to put together and I put it together for a purpose- is a literature review of everything that we have -- well, probably not everything, but what I could find -- in our collective scholarship on language and justice issues. And there's a lot of really fascinating stuff that's been done. There's never quite been a collective ethnography or putting it all together like I am doing, but there're a lot of little studies and articles and chapters and books that have been very interesting. So, I'm going to donate a copy of this book to our library so if you ever are interested for that kind of a literature review you will find it there (also check out the conclusion where I have suggestions of lots of Language of Justice research we need to do). So, if this topic interests you, and you have a research paper to do someday, you may want to check it out.

I have four other chapters that I'm very briefly going to point to, and then I'll conclude and we'll open it up to questions. I want to make reference to these chapters so that you get a sense of the depth of the questions and how far beyond even what I've said so far the study goes. I study three phrases in detail that we use in a criminal justice language. I study the phrase "innocent victim." I study the phrase "tough on crime." And I study the phrase "crime as evil." Very quickly, this is what I find.

I find that our use of the phrase "innocent victim" shows that we have a conception of a victim who is guilty for their victimhood. Your response to that might be, "Well, that make sense." Or your response to that might be, "What? Blaming the victim, you're kidding me." But that's what the data shows. What I then did is I looked at who gets called an innocent victim and who gets called a plain old victim. And of course, I found what you would expect. I found that while all children who are hurt in their plurality are called innocent victims, all people who are reacting to being overpowered by this huge state and almost all people who are resisting being accused of something and are being believed, these people are called innocent victims. But if you are a woman -- I did this by the way through a media study where I looked at the last 50 to 60 years of media stories and I did a study of how the contexts these words emerge in. But if you're a woman being raped by a man, you're a victim in media. And if you're a person of color and you're calling out being treated with prejudice, you are also called a victim. Perhaps not surprising: the study of justice language showing us some amazing things.

The phrase "tough on crime" that I researched took me to a place that I did not expect. Where it took me to was a discovery that -- which is actually a major point in this book -- we use language to hide. We use language to hide. So, after 20 years, 25 years of a massive incarceration binge going from 300,000 to 2.3 million people in prison, politicians needed to find a way to back off "tough on crime" because they couldn't grow it anymore. It got as big as it could; hopefully we're there, anyway (but that's what they said at 300,000, too so you never know). But anyway, currently, over the last 10 to 15 years, the perception is, okay this has gotten too big, we need to slow down. We need to back off. Or not for everybody, but for a lot of politicians, this is the case. But the problem was that you couldn't exactly go on TV and say, "Yeah, 'tough on crime' was a really stupid idea because now look at all these huge prison populations that we have, and while – in California – the education share of the budget was 13 percent and corrections was three and now they've flipped. Wow! Yeah, we kind of, that's kind of a

problem." How do we talk about this? You can't say "I'm not tough on crime," because if you say that, you're out of office in next election. Forget about it. So, what you do is you develop a rhetoric of "smart on crime," right? So, if you look at the use of the phrase smart on crime, 50 years ago, it's barely existent. And if you look at it today, it's the most popular phrase there is. In fact, our state attorney (Kamala Harris), she probably got the idea from my book. [laughter]. Her book is called "Smart on Crime." Just came out last year. I did this essay years ago.

Lastly, "crime as evil". This is this fascinating thing where just being somebody who loves language, one day, I was reading the paper and I saw this--let me read you a couple. Listen to these titles of newspaper articles, headlines. "Defense rips witness as diabolical evil." "Montreal massacre dead killers are evil, not insane." "The execution of Timothy McVeigh -- survivors takes solace knowing evil did not triumph." "Slaughter in their seats -- how evil loner planned his crime." So you see, here, what I'm talking about is how there is all this metaphysical language: the evil, the devil, diabolical. There's all these "devil" language about crime and criminal justice. Why is that? After studying the contexts in which it arose and its uses, I have a claim, and I think it's a claim, as it is one of the ways to interpret the data. I don't think it's my best evinced argument, but I'll lay it out there for you to consider because I think we need to think about it at least. And that is that, to talk about crime or criminal justice in a way that uses not social construction language but metaphysical language, removes us from the responsibility of it.

Okay. Let me share a few wrap-up concluding thoughts. Oh, there's one more chapter where I interview four persons, just to explore justice language a little bit more and to show how rich this is and how much is out there. The only question I asked them was, "Tell me about what criminal justice issues you think are important today," and I just let them riff, just riff, and I just recorded them. That was it, very simple interviews, hour and a half, two hours sometimes. Four people: a very powerful conservative state senator; a powerful middle of the road judge; a powerful liberal activist for human rights for people in prison; and, an extremely way on the left side--way left-of-liberal person who had spent 20 years in prison. So again, purposely selected people who would be ideologically all over the map, and basically found the same things, right? I found the same issues of language going on, all those assumptions that we talked about, all the mythologies sustained by all these, you know, weathered activist, weathered judge, weathered state senator -- decades of experience and concern with criminal justice in their state. And I also found, of course, since these were really truly weathered people, a lot of phraseology that I've never heard before. Any of which, you could have taken and I think do a fascinating research project on. Listen to these. "Kids who end up criminals" -- already decided, right? "The worst of the worst" -- you've probably heard that one before. "The criminal production factory" -- this was somebody referring to a particular neighborhood as a "criminal production factory." And this one, which is worthy of a book itself, no doubt in its analysis, and has actually been written about a lot, "bad people" -- right? Talk about a mythology: "bad people."

All right, let's conclude. I don't know if you know this but this week, like three days ago, the Associated Press announced that the term "illegal immigrant" and "illegal" to describe a person will no longer be used. About time, but interesting. The reasoning they gave, by the way, was that labeling people and not behavior is damaging to people, is damaging to our society really. So the Associated Press took up some

nice responsibility and said, "Okay, we're not going to use that anymore. We're only going to use terms like that to talk about behavior, not persons." The question that comes to my mind, of course, right away is why don't we think that way about the word "criminals"? Why isn't that thought of as damaging? But I actually want to go a heck of a lot further than that, because I'm not so sure that labeling the behavior is that innocent either. In fact, if you've got what I've been talking about here today, it's the farthest thing but innocent. It's a fantastical distinction. It's a mythical distinction that is being used – and we haven't even touched the reasons why it's being used and what it's being used for, that's a whole another huge discussion. We're just really pointing out its existence today. Is "crime" harmless? Is using the word "crime" harmless? It doesn't strike me so.

In six weeks we reach the end of the semester and I begin, by the grace of this wonderful community, state and country that I live in, a one year research sabbatical in which I am going to be focusing and writing on penal abolition which to many sounds absolutely fantastical, politically naive, perhaps culturally suicidal, and all kinds of things. I would argue to you that what it means to take responsibility for the language that we speak and the reality that we have created is to be honest about the uses of punishment, the uses of law, the uses of courts, the uses of prisons, et cetera. And how what they have actually done is a process of selection. And that the first thing we need to do to take responsibility for that is to actually start talking openly and honestly of the fundamental flaws, by design, of our system. And surrendering the utopia which is the criminal justice system and surrendering the utopia of the idea of reform which has been around since the day after the prison was invented. We've been reforming the prison since its invention. The first report on the first prison 250 years ago was "close the damn thing as it's not doing anything we wanted it to do and it's actually hurting people," and anybody who works in prison today will tell you that.

I'm going to wrap up by reading you the last paragraph of the book. You know, one of the things I discovered in preparing for the talk today was that, yeah, I understand why lots of scholars don't want to talk extemporaneously and they want to read from their texts; because you spend a lot of time working on your document and you can phrase it just right, and then you stand up here and you can't make it sound as pretty. You can't make it sound as bright. You can't make it sound as clear by speaking extemporaneously. So you will forgive me if I read the last paragraph. So here it is: "I perform *Language of Justice* studies to expose our social and "criminal" justice discourse. I also do such research with the hope that the more conscious and intentional we are about our justice language choices, the more we can design justice policy in alignment with our claimed justice ideals, such as having an equitable society with justice for all. Above all, I want to alert the reader to how language choices impact the building of a justice schema, regardless of its content. I have gone to great lengths to openly present my theoretical, methodological, and by consequence, substantive justice positions. Like any moral entrepreneur, I work in my life to promote the justice ideology my values embrace. I offer *Language of Justice* research not as a tool for ideology, but as a tool for recognizing ideology. The goal we can all aim for is not escape from ideology, but honesty about the ideology we manifest in our own social and "criminal" justice practices, and through our words. When we have matched the ideological claim that we value an equitable society with justice for all, with the practices and language that demonstrate its existence, then we will have arrived at the justice we speak of. At least until then, the process of examining language employed in

social and “criminal” justice discourse remains a vital and necessary ally to all friends of justice.” Thank you.

[Applause]

Dr. Coyle: Thank you. Thank you very much. Questions? We have 12 minutes for questions and I'm happy to stay afterwards. I understand that we are going to have the student Criminal Justice Association — “Criminal” Justice Association -- speak first, ask their questions first. So please, let us begin there. Okay.

Audience member: [Inaudible]...Is it possible to [inaudible] the current system that can speak to common language that was like other [inaudible] or will an entirely new criminal justice system need to be created?

Dr. Coyle: What a really fabulous question. Your question is really asking this: is there a language available that we can all speak that we are all going to agree upon and that will give us a criminal justice system that will not have the problems as I am currently assessing them? The answer to that is no, and that's a good thing. I don't really see how given the innate creativity that is entailed in human action that we are ever going to be a people, whether it's the planet or it's a country, of one language. And I could go on forever but for the sake of other questions, I'll limit myself to one more comment to your excellent question. And that's this. My hunch -- and ask me next year when I come back from writing the book about how we need to do things in the future -- my hunch about where I'm heading is the following argument: it doesn't make sense to try to think about creating justice in your life, it doesn't make sense try to think about dealing with harms, dealing with human conflict on a very, very big level. I think we need to think about it on a smaller scale. Interestingly, restorative justice speaks very much in those terms as well. People need to be involved. It needs to be on a local level. There are complicated problems. We live in a globalized world. We need to think, have solutions on how to deal with globalized conflicts. A big, big, big question, but there's maybe a beginning to your great question. Okay.

Audience member: All right, do you think that the justice system within democracy of the people, by the people and can operate independently of the people's misconceptions and connotations?

Dr. Coyle: Gosh. You know, I mean, I know--I realize democracy is the best thing that we have and I'm not going to advocate that we replace it with anything else known, but when I look at how democracy is applied in the world today, the very last thing that I do is feel great about it. It's unbelievably suppressive. It's unbelievably abusive. It's unbelievably violent. It's unbelievably for the benefit of a handful at the cost and death of the many. So, I'm no fan of democracy. Again, I'm not saying I have a better idea to supplant it with right now but I'm interested in being real about democracy. So, “of the people and by the people,” is the only thing that makes sense to me. That's a democratic idea, actually probably more an anarchist idea than it is a democratic idea. But “of the people and by the people” certainly is critical. And yes, I have great faith in human beings. I'm sure we can develop things and we can grow them better than we have them now. I have no doubt. Thank you. Yes? At the back.

Audience member: You talk about Sheriff Hennessey in San Francisco and kind of [inaudible] and he was famous declining for the federal funding based on the attachments that came with it.

Dr. Coyle: Right.

Audience member: Suppose the city itself is self-sufficient with the tax funds--

Dr. Coyle: Right.

Audience member: [Inaudible Remarks]

Dr. Coyle: Yeah, I mean we have--I was the--I'm on the ALCU Board here locally. I was at a meeting last night and we were talking about the tank that's finally arriving. Some of you may have heard -- it's been going on for couple of years. Our tank is finally going to be arriving here in Chico. Now you tell me what we need a tank for here in Chico. I'm not quite sure but we're getting it because there's lots of federal dollars for it. Of course, the implication of that is we then get to pay the upkeep for that, and the maintenance of that is, of course, now on yours and my tax dollars. Yes?

Audience member: Hi Michael.

Dr. Coyle: Hi.

Audience member: [Inaudible Remarks]...but I heard you talking mainly about language... [inaudible] there's a great book written by a prosecutor from Canada who was actually assigned to prosecute Native American Indians [inaudible] ...and he got a research grant to take a break and to study what could possibly be done to end some of the crime, which seemed to be pervasive. A lot of rape, a lot of child abuse, that kept coming up. The end all is an incredible book because the man changes his viewpoint 180 degrees...the language that they use from their Native American language, not the English they were forced to use, was not...[inaudible]..they don't have words like we have...[inaudible]...

Dr. Coyle: And of course they have conflicts they need to deal with. Of course they have harms, they need to deal with and they have a way of dealing with it.

Audience member: [Inaudible Remarks] -- and dealing with it in a very holistic way and having the people dealing with a serious, well, a very serious problem. And they're dealing with them in a communal setting and their success rate for recidivism is incredible. They had brought that way down. So it sounds like taking what was a very old model and looking at it and [inaudible] it to current time periods -- now, with all our globalization, it might be an incredible, you know, rich thing to look into [inaudible].

Dr. Coyle: And I'd like to get that reference from you afterwards. Thank you.

Dr. Gibson: I'll say something.

Dr. Coyle: OK, Alan.

Dr. Gibson: I'm not so confident in local resolutions. Lynch mobs are local, okay? What do you do about them? I mean, you're talking--one of the things that you do when you distance people from the crime to make the judgment is that you give it a degree of space and possibly impartiality. You may create problems that way as well but I'm not sure I want the people directly affected making the immediate judgment. Does that not cause problems also?

Dr. Coyle: I understand the hesitation and the fear of what could go wrong. I think anytime you suggest, you know, a change to a well-established system to a well-established way of doing things, the possibility that things will go awry is there. I think that nonetheless, we can make a change without going backward. I think you're right that if this--if change meant lynch mobs, that would be going backward. But I'd like to think that we could change without going backward. We could change by going forward.

Dr. Gibson: I'm not against change. I'm just saying that the people who are directly affected by a crime may be the worst people to make an immediate judgment about punishment.

Dr. Coyle: Yeah. Well, we have evidence to suggest that it's very common for a victim's initial reaction, response. I have been--twice, somebody's tried to kill me; I've been robbed, I've had expensive things stolen, et cetera. All this holds true for me in these situations. Initial response, revenge -- big time. Initial response, punish -- big time. But that's the first response. There's what comes afterwards and that's just as important as what happens in the beginning. So if we're going to talk about how do we deal with all of this, you know, the utopia is to imagine that we're not going to have some--we're not going to have crimes, we're not going to have harms. We're always going to have those. The idea then that we want to be engaging is how do we deal with those effectively, taking into consideration the very real dangers that you are suggesting? Yes, giving somebody free run, you know, giving the victim free run to decide what's going to happen could be more violent to the so-called offender than putting them in prison. We could end up with posses, lynch mobs, we could have all kinds of things, but that's one thing that could go wrong and there's another 3,000 things that could go wrong. And I say again, I imagine that we can move forward, building -- not change by going backward.