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Epistrophe: desideratum for a loving justice

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Let us begin with a question with roots in Aristotle and leafy branches in every single justice institution: What is it that we owe each other? Much of the writing on justice from Aristotle's time to ours is as an elaboration and parsing of the the simple idea that justice is giving to a person what she is due. And practically every philosopher has had something to say on the issue. It is not my purpose here to elaborate on what has been said; many able treatments do a far better job than I could ever do. Instead, I seek to provide something of an answer to the question, in order to offer the daily practice of justice a solid, if somewhat new, foundation for a re-envisioning of criminal justice. To do this, I will consider in turn a number of other questions that follow logically from this first one, about what is due to any given one of us. The contemplation of these questions will, I hope, lead our attention to find the desideratum of the truest and most complete justice for each sentient being.

This re-envisioning of which I speak is necessary in order to address the many and considerable ills present in contemporary justice practice. Fixing what is broken in justice practice must be one of the signal projects of our generation, coequal and in species with addressing climate change, war, poverty, and the violent inequality between Global North and South. We must commit to jihad ("utmost effort") in our efforts to correct justice practice if we are not to be seen by posterity as hypocrites, cowards, and fools. But the recreating of a central social institution from its genome requires a coherent umbra of ideas, a sound metanarrative for that Manhattan Project¹. Truth is the ultimate aim for which I write, but the metanarrative is, I hope, one of its sweeter fruits.

I take as axiomatic the idea that humans are a communal and cooperative species. Although it is certain that there are those among us who prefer a hermit's lifestyle, to be totally self-sufficient, they who can thrive without any human contact or cooperation are quite few. Further, no human can live in isolation from the rest of life on earth; we must eat, breathe and excrete safely. Even if we crave no contact with others of

¹ My generous and erudite reviewers, as well as other readers of drafts of this work, made the observation that their connotation with this expression is one of both concerted, world-altering effort and great destruction. Clarification, then, is probably in order. My use of this image is intended to work a couple of ways. Primarily, I intend to conjure the image of thousands of skilled workers laboring together in a risky but necessary effort, putting aside their own lives for the greater project, and succeeding. Second, of course there is profound irony and scathing critique in that only in the effort to create a weapon so grotesque, so inhuman, so abhorrent has such a coming together occurred. Third, though, I offer confidence: It can be done in the name of mass death, so in can be done in the name of love.

our species, we require a form of partnership with earthbound life (e.g., Sandel, 1984). To sustain a single human in the International Space Station requires considerable effort and planning of many, and in the end involves shipping terrestrial resources to orbit. Only when we have total and easy command of matter and energy could it be said we are citizens of the universe, and thus possibly be totally isolable. I suspect, though, that even then, even when we wander the stars and are strangers to terrestrial bonds, we will recall with fondness lapis beaches, emerald fields, sapphire skies, and ametrine sunsets.

In the main, though, as we are today as a species, we are most honest when we behold and celebrate our mutuality. We are inseparable nodes in the Net of Indra. According to the Gospel of Mary Magdalene (4:22), “[Jesus] said: All nature, all formations exist in and with one another, and they will be resolved again into their own roots.” We need each other. We belong to each other. We marry, we produce families together, we unite into communities and countries. We create and sustain organizations and governments precisely because we realize that we can do more together than we could hope to do as individuals. We are formed from the material of the world around us, we eat, we eliminate waste, we breathe, and eventually, we return. In truth, we never went anywhere.

Now this collectivist nature is not an implicit rejection of the nobility and capacity of each individual; indeed it is the very celebration of each individual. Individualism, from Aristotle through Enlightenment thinkers like Immanuel Kant and John Stuart Mill, and contemporary writers like Robert Nozick and John Rawls, is often set against communitarian claims by Alastair McIntyre, Charles Taylor, Amitai Etzioni, Michael Walzer and others. Doing so seems to conflate distinctions between the two perspectives, distinctions that, of themselves, offer little wisdom. In actuality, however, the individual, fully self-determined, is fully actualizable only through communal concern and attention. But when each member of the community receives such concern and attention, each member of the community can become fully actualized. In this way the most profound communitarianism gives rise to the most profound individualism.

The ontological significance of our mutuality deserves special emphasis: we are possible as such, you and I, only because of and through love. Without nurturance we are not viable at birth, without tending we do not grow, and without mentorship we do not actualize. Tillich (1954) speaks of love, power and justice as being ideas that come before all, but in the words of his namesake the apostle, “...but the greatest of these is love” (1 Cor. 13: 13 New International Version). The demands of such a love are profound and lifelong; I contemplated sacred and secular sources, like the Christian Bible, The Bhagavad Gita, Gandhi’s Hinduism, Fethullah Gulen’s Islam, neurobiology, Karl Marx (Fromm, 1982), Paolo Friere (1970), Simone Weil (e.g., 1952), Erich Fromm (2006), Krishnamurti (1996), Kierkegaard (2009), and the poetry beloved by my beloved (DeValve, 2015), and from this contemplation, I derived a definition of love: “the artlike, unconditional, aware, and end-less praxis whereby a human or organization mindfully, assertively, and continuously labors for the actualization of another human being as an end in herself, without thought of return, without reliance upon authority, without fear, or possibility of cessation” (DeValve, 2015: 103).

But let us return to our first question: how can we know what is due to any given claimant? Aristotle and, in something of a different spirit Nietzsche and Rand, might tell us that what is due to any one of us is a function of the nature of the claimant (e.g., distributive justice); what is due is a function, to some degree or another, of who’s asking. Bentham and other utilitarians would remind us that what is due any claimant must be consonant with the good of all by virtue of some criterion. Still others would have us examine the context in which a claim is made, possibly to examine the claim’s veracity, or perhaps to weigh harm and intentionality fully apart from who the claimant and disputant are (e.g., rectificatory justice). Rawls makes a hopeful case that through a particular abstraction, what is due is a thing that could be negotiated between claimant and disputant. And this is just a beginning.

There are, then, several frameworks from which we might adjudicate what is due for any given claimant at any given time. We might consider the claimant first, we might seek to understand the disputant’s actions, and we might crave details regarding the nature of their interaction in some way (e.g., the trustful nature of the preexisting relationship, the landscape of harm done, the ultimate causes and the mutuality of that harm). We can cite authorities as prestigious as Aristotle, John Stuart Mill, Immanuel Kant, and John Rawls, and yet we today are no closer to justice for Freddie Gray, Sandra Bland, for Eric Garner, Walter Scott, Aylan Kurdi, Alexander Levlovitz, Miriam Mozes,... the nameless millions who have died from deprivation in the Global South, and the likewise countless millions who shiver in the cold tonight, like those down the block from

where I write these words in comfort, and where you are now, reading this in comfort; those who carry wounds from combat, from rape, from financial predation, from educational deprivation, from religious and “journalistic” indoctrination, just to begin. A contemporary thinker might well approach answering our question in circus-act fashion, juggling potentially thorny issues including the relative privilege of the claimant and disputant; the nature of the harm done, both in absolute and relative terms; the nature of the act done as it relates to a formal codification of proscribed acts; procedural concerns for the consideration of all claims and evidence; the comparative fairness of the outcome relative to others who have been adjudicated according to similar statutes. For all the important ideas that have come before, for all the efforts of great minds that we today inherit, and for all our technological savvy, we are no closer today to a justice that can heal the vast and abyssal sea of sentient suffering than we were a century ago. Such a justice is fully possible, however, and it is our sovereign and solemn duty to create it, you and me, today.

Perhaps it would be natural at this point, even wise, to ask whether we as a species are at all yet interested in such an endeavor as to create a complete and full justice for our fellows, or whether we are as a species too distracted by the pretty colors of our emotive states. To say that it is our sovereign duty to create such a thing as true, loving justice for each other does not bear whatsoever on our willingness, let alone commitment, to do so. As I write this, there is debate regarding whether we as a species should engage with the challenge of heading off catastrophic human-triggered climate change. In the stream of national dialogue, there is even a loud and callous belittling of sound environmental science and ardent passion for protecting our world. I can only speculate as to the motives behind know-nothing politics, but in a political space where know-nothingism is a successful gambit, it is prudent not to assume that altruistic ends are shared in common among all active political forces.

Instead, however, I choose to make the assumption that we are willing, just as I know there are many who are not, just as I know that we are fully able; and so I shall seek to interrogate the tension such an assumption creates. For in order to understand why we do not have the justice we deserve, we must recognize that at least a degree of the chasm between desire and actuality is a function of intentionality, at least to some extent. Put simply, we don't have full justice, at least in part because we have not done what it takes to render it.

The reason for this unfulfilled promise is that we have missed or ignored a simple equation: justice is love. West argues that “justice is what love looks like in public” (e.g., West, 2008: no page number), but I take him to be offering us little more than a barometer: the quality of our love is evidenced by the health of our justice institutions. If so, then the scale of the challenge before each of us is only too clear. Justice must be a sacrament, a daily, outward manifestation of our inward divinity (DeValve, 2017). The idea that justice and love are synonymous remains an idea haunting the margins of justice discourse, but to me there is not a shade of doubt that justice is love, and that the continued viability of Homo Sapiens is dependent in part upon the creation of a loving justice that would result naturally from this realization. Of course we will have to be certain about what we mean by “justice” and “love,” but the elegant force of this equation is impossible to elude.

I have clarified already what I mean by love and made a case for the role of love in criminal justice (DeValve, 2015), Tammy Garland and I soon will offer a careful case for the equation of justice and love elsewhere (DeValve & Garland, in press), but for now, please just humor me and grant the premise. So, then, how do we get there? How do we manufacture love's justice to which West (2008), King (e.g., 1967), Tillich (e.g., 1954), Weil (e.g., 1952), Friere (1970), Niebuhr (e.g., 1957), Camus, (e.g., 1991) Fromm (e.g., 2006), Krishnamurti (e.g., 1996) and others as well so earnestly gesture?

Up to this point our treasure trove of ideas has left us with a promise unfulfilled. We have devices that guide our thinking with regard to what is due, for example, in a criminal context; the logic of lesser included offenses, say, can be traced back to Aristotle's *Nicomachean Ethics* (Ross, 1961). We have many such devices to aid us in adjudicatory/hierarchical and dialogic/coordinate contexts (e.g., Damaska, 1986) provided for us in code, statute, case law, and mediator's portfolio. It would seem, though, merely from the existence of so vast a biomass of brokenness that the tools themselves and even the skill to wield them, are insufficient for fashioning complete justice, for such a justice remains an elusive ideal. Our august and reverend institutions of justice are themselves indicted and cast into the corporation pudding by the existence of one innocent person put to death (let alone scores), or by one starving child (let alone millions).

What is due to some simply never arrives. Some recline in riches while others languish in misery. There is a rather serious error in our navigation somewhere. Arithmetic error is a useful image, I think, but the error should be understood as less one of slipped decimal or calculation blunder and more as a mistake in the order of operations. We as individuals, as a community, and as a society have actively failed to give to others what is their due. We have put the wrong things first. And we – each of us – all must own this failing in fullness in order for us to begin the process of rectification.

We do not yet have an answer to our first question, although with our willingness to own harms caused by ourselves and our ancestors we are, to be sure, on approach; we have means for guiding thinking regarding what is due to any given claimant, but we also can see in stark relief that the tools we have, formidable though they may be, do not guarantee anything close to justice. And we have a sense as to why that might be the case. The next question I would like to contemplate represents something of a change of direction, but only for a short time: what is the purpose of government?

We have brushed by this question already to a degree when I observed earlier that we form organizations and governments because we know intuitively that we can do more together than we could individually. So what is the purpose of government per se? Note that we are not asking after the *function* of government, but instead after its *purpose*. Function, if we are clear-eyed, shall follow purpose in lock-step, however demanding it may be.

Humans have lived in social groups as long as there have been humans, and they have benefitted from the advantages of a collective arrangement. Communities create an opportunity for a division of labor (some hunt, some gather, some cook, some repair dwellings, some care for children), and they allow for collective response to harm from outside (e.g., from predation, and possibly from other hominids like Neanderthal and Denisovans). Of course as primates, humans stand out from other hominids by the degree to which we exhibit uniquely hominid characteristics: we spend many more years raising our young than other primates do, and our social interactions are nuanced and intricate well beyond that of other primates. If humans are uniquely anything, we are the quintessential primate species. Whether there is sound reasoning behind our collective nature, there is no doubt that we have always been this way. Clearly, though, there are some survival, and even optimal, benefits from collective living, as I have indicated just now. Whether our ancestors reasoned themselves together into groups, or if reason followed inclination, some blend of both most likely is responsible for our togetherness. Like it or not, however, we belong to each other.

Government, however, is not necessarily something we can simply attribute to inherited inclinations. In its most rudimentary form, government simply translates to an amalgam of leading, planning, deciding, and acting, all with the best interests of each member and of the group fore in mind. The very earliest government seems to have been little more than family leaders making decisions for her or his groups. In time, of course, as groups became bigger and less family-specific, and as environments became more complex and demanding, governments became more properly what we might today recognize as such. Tribal leadership preceded monarchies, which preceded more variegated and complex organizations. Today we encounter immense institutions, complete with separation of powers, charged with crafting policy for hundreds of millions of humans, allocating virtually incomprehensible amounts of collective treasure, grappling with thousands of tons of waste, and implementing vast armies, regulatory bodies, and service agencies, including, of course, criminal justice systems. The many and spectacular failures of the Trump “administration” help to illustrate the consequences of underestimating the complexity of running a contemporary Constitutional federal executive branch.

Interestingly, governments as disparate as that of a tribal chief, Mao Tse Tung, Marcus Aurelius, Margaret Thatcher, Adolf Hitler, Ashoka, and Jimmy Carter have agreed as to the purpose of government, probably best framed in terms familiar to fans of John Rawls: to serve the well-being of each member of the community within the bounds of what is best for all members of that community. The thing that makes Hitler so different from Ashoka is their differential understanding of what is best for the community. Such a view is an elaboration on my recent criminological theory (DeValve, 2015). Now certainly there are many leaders, perhaps like Ceausescu, Amin, and Stalin who sought megalomaniacal control over others, but such leaders are not our focus here, as they lack an authentic interest in serving. Of course, among those who authentically seek to serve, outcomes differ for many reasons including environmental challenges, particular competencies,

and the unfolding of events, but of interest to me here are the differences that result from differential views of what is in the best interest of the served community.

Vaclav Havel's (e.g., 1990) conundrum today rings loud in the ears as England inches closer to separation from the EU and as Trump's administration does its level best to achieve even minimal functionality, not to mention the rise of right nationalism in Europe. Political parties like The Finns in Finland, Austria's Freedom Party, and Jobbik in Hungary (BBC, 2017) give a clear sense that the lurch to the far right is anything but a local phenomenon. And it is anything but marginal; the Swiss People's Party secured twenty-nine percent of the parliamentary vote in late 2015 (BBC, 2017). Yes, LePen lost, and decisively, but she managed to claim one voter in three...in La Belle France! Right nationalism with its fear- and racism-soaked anti-immigration tendencies seems only to underscore the sickeningly depressing idea Havel offers us: our social institutions bear our illnesses and therefore catalyze them. At the same time, Havel's assertion holds in it the seeds of its own demise, and thus real hope. If we create our social institutions complete with our illnesses, we must first recall that *we create our social institutions, and not vice versa*. Our governments exist not to serve their own ends, to keep existing, to get bigger, to predate on the people within their grasp, but *precisely* the obverse: governments exist with the *sole* purpose of helping each community member actualize. It isn't a grasp, it's a wingspan. *The degree to which any government fails in its categorical responsibility to facilitate the full actualization of each person it serves is the degree to which it is illegitimate and forfeit as such*. If we can infect our institutions with our illnesses and thus deepen those illnesses, then we can also imbue them with our finest wisdom, and thus let the institutions illuminate all of us. But – and this is central – *we must choose to do so, and that we must choose our better angels over megalomaniacal or unwholesome voices*. Moreover, *we must see that we must choose to do so, and that doing so is fully within our power*.

If the purpose of government is the better actualization of each individual within its compass, and I take it as axiomatic that it is, then it stands to reason that the function of government should be to engage with each member of the community in specific ways in order to facilitate her actualization. The structure and activity of government then must take as its Polaris the most comprehensive and insightful understanding possible of the topography of suffering of the community it serves, so as to transform it into insight, and thus into wisdom. As odd as it may sound, a government's organizing principle must be love. "We will have the criminal justice system we and our children deserve only when we place love at the center of ourselves, and then act accordingly" (DeValve, 2015: 186). Could this even be possible?

In actuality, much of the work has been done for us already by thinkers like King, Gandhi, Tillich, Weil and the rest. We understand the cruciality of love from Niebuhr (1957) and Kierkegaard (2009), for example. We have something of an idea of why we should love publicly because of Gandhi, Tillich, and Weil. We have some sense of what that public loving can do in the context of response to oppression from Fiere and King. We even have a sense of what an endstate might look like from West's statement and elsewhere (DeValve, 2015). What is missing, somewhere in the middle, is an Idea – an idea more massive than an epiphany, more behaviorally relevant than an insight. We are missing the anatomy, the phenomenology if you prefer, of the turning point where each of us decides to transcend our fear, to reach over the walls of our self-made prisons, and join hands. It is an Idea big enough not only to represent a fundamental turning in perception, but also one that represents a suite of other epiphanies and resulting actions that result in the natural emergence of the justice which each of us, which our children, deserve. I have taken to calling this idea "epistrophe."

The word, from Greek ("epi," meaning "in addition," and "strephein," meaning "to turn"), refers to a revolution or conversion; it might have been used by the Apostle Paul to describe the process of conversion to Christianity among early Christians (Meeks, 1993). It has a different meaning altogether in rhetoric, but one that is in ways consonant with my use. Rhetoricians use the word to refer to the repetition of words at the end of each of several phrases as part of a rhetorical document in order to add emphasis. The Apostle Paul (or someone in his auspices) used the device in the first Pauline letter to the people of Corinth, chapter 13: "When I was a *child*, I spoke as a *child*, I understood as a *child*, I thought as a *child*..." (1 Cor. 13:11). The speaker who has experienced epistrophe (having been turned) now speaking with passion and emphasis might well find herself using epistrophe (the rhetorical device) to cultivate epistrophe (the mind's turning) among members of her audience.

I have come to the conclusion that this epistrophe, this individual turning revolution, must become a core concern of criminology; such a turning has the capacity to unlock a vast storehouse of wisdom in the form

of transcended suffering. How we police, how we adjudicate, how we envision accountability, how we hurt others and what all of this means... all will change radically. This epistrophe, this simple moment which exists perpetually within our wingspan yet seems light years distant, is the single most important treasure humans have, and thus must be the concerted focus of at least an avenue of criminological inquiry. And it is my aim for the remainder of this essay to interrogate the anatomy of this epistrophe and its consequences so as to cultivate its proliferation across the human species.

Phenomenology of Epistrophe

Let us begin again, after a fashion. Another answer altogether to our seminal question – what is due to a given claimant - can be distilled from Kierkegaard's (2009) observation of what he called the Divine Command. Each human as a child of God is due their actualization through love, as such actualization represents the full utilization of God's loving gifts. To impede that actualization for one's self or for another is the gravest sin. Thus what is due to any claimant necessarily must be guided by the total and unremitting duty to actualize her, along with those against whom she makes claim (see also Evans, 2004).

This central realization results in a radically different way of viewing and being in the world, requiring an ongoing process of revising thought and action (epistrophe). Already likened to the idea of Christian conversion, Buddhists also recognize something like epistrophe in the form of enlightenment. Indeed, much of the treasured Buddhist scripture seeks to facilitate this awakening for adherents. But there is a problem: the insight itself cannot be mapped or even communicated effectively without diluting its force (which, after all, is the very thing we seek).

One might assume that the awakening for one person is meaningfully similar to the awakening for another. In his *Phenomenology of Spirit* Hegel (1977) certainly seems to assume as much. Some Buddhist writings (e.g., Dalai Lama, 1994) might also be (mis)construed as something of a roadmap for those on the path. In fact, I assume your experience and mine to be meaningfully different (how different precisely is difficult to discern, but for a fascinating comparison, see Leiviska Deland, Karlsson, & Fatouros-Bergman, 2011) but that they have sufficient commonality with regard to a few key points that examining personal experiences can have some value for others, thus the teacher implores the student not to mistake the teacher's finger for the moon. These key points, then, will be the focus of our interrogation. First, I think it makes sense to consider the means by which one might come to experience epistrophe.

The Path of Awakening

In my experience, awakening can happen to anyone at any time; seeing one's own reflection in a cup of coffee while on break; accidentally touching the hand of a stranger on an elevator; witnessing a shooting star; being present while an adversary broke down in tears and showed his vulnerability; greeting a child into the world; burying a sibling. Our paths may differ, as may our experiences on similar paths, but in common are two things: first, an element of quieting the mind's din; second, some degree of unconditioned and unencumbered contemplation. What seems remarkable, though, is that different paths lead ultimately to strikingly similar realizations.

The television is blaring another series of ads, dripping with caricatures, gaudy colors, catchy tunes and absurd products. Someone is yelling obscenities at a chest of drawers in the next room, and the radio fills the hallway with red hot gibberish like a perpetual grenade. Such a scene is not unlike an unquiet mind space under normal circumstances. To this add a landlord knocking at the door demanding rent, a displeased boss hovering outside the window, a child pleading for attention, a spouse insisting on sex; not to mention a nest of smaller demands on one's capacity, bubbling up or retreating with no warning or reason. For one who has particular damage, say, from PTSD, the mind's space is much more frightening: the fellow shouting in the next room has an axe and is reducing the chest of drawers to splinters, and he promises that you're next. The landlord at the door has a master key and a pistol. At times the walls themselves close in to become a strait jacket, holding you down while angry physicians prepare to vivisect you. Under such circumstances, good days can be hard to come by.

Contemplative practices, like meditation, yoga, labyrinth walking, centering prayer, and the like, have the capacity to turn down the volume on the television and the hallway radio, to soothe the insane raging man, to chase away the landlord and the helicopter boss, or at least to place each in queue so that they may be

addressed calmly and in turn. The madman, the chest of drawers, the radio, the landlord and the boss do not go away, but there is a place where they cannot be heard. Before anything else can get done, a degree of decorum in one's inner realm is necessary.

Notice how much of the noise I describe has in common a degree of fear. When quietude is achieved, the evaporation of fear stands out in stark relief...often as relief. I suspect that even the momentary release from fear is telling in important ways: the things that frighten me are not so frightening after all; I can be meaningfully free from fear. Merely achieving stillness frees ourselves to turn attention to those things that are consuming us; what we find often is that a shark-sized fear is in fact more goldfish-like in nature. And when we confront things that are legitimately fearsome, the quietude offers expanded sight lines, allowing for a more complete understanding of those fearsome things, which in turn makes possible the successful surmounting of them.

Earlier, I referred to unconditioned and unencumbered contemplation. By this I mean to speak of a practiced process of unburdened beholding. One can behold a concept, say, of self-as-such, or death, or forgiveness; one may behold a more complex idea, perhaps in the form of a mantra; one may simply behold one's breathing. Although some concepts or mantras may be crafted a priori and thus cannot themselves be seen as fully insight-generative, all of these practices seem to result in a deepening of certain awarenesses, in an awakening, the nature of which *as I experienced them* I will discuss in the next section.

Anatomy of an Awakening

Again let me clarify that my experiences with "enlightenment" are only my own. I do not claim any level of accomplishment as a meditator beyond having done it for more than a decade. In essence, I am referring to the insights I have had through meditation in a collective sense, mostly because I have experienced them that way. Also, it is my assumption that although individual experiences will vary, the core realizations themselves result in understandings that are sufficiently similar as to produce similar understandings and consequent behavior. Additionally, we must remember that no faith or practice can offer total guidance toward a justice as love, as no faith or practice has a monopoly on truth. We are challenged here to examine our own doctrines and our own hearts, and to find and treasure truth where it lies. Belief about numinous events, for example are, in this context useful only insofar as they deepen our individual and collective commitments to love each other bravely and without end. Finally, there is considerable risk of misunderstanding here, in that what I will report as my experience may not be of use to anyone else, primarily because such a description cannot function as a reliable roadmap, any more than the many accounts like it that have come before. Further, I have not placed things in any order because in all honesty, I cannot be certain (nor is it of value to determine) of the order in which things occurred, beyond the initial sense of distemper. I will offer an accounting of my experience nevertheless, as a case study in epistrophe; a clumsy finger pointing to where I believe the moon to be.

Lying on your back under a crystal cold night sky, you who are awakened soil, what do you bring before the stars? What is it you ask of them? What do you ask of your sleeping child when you retuck her covers in the small hours before dawn? What prayers do you raise without realizing that you are praying? To have answers to these or similar questions is, in part, to be awakening.

First, there is a realization that something is amiss. First one must come to understand that being ruled by fear or bludgeoned into acquiescence by authority is not consonant with one's nobility. As the Anti-Trump protesters are fond of saying, "this is not normal." What is amiss has to do with encumbrances; the runner experiences the encumbrance of a tire dragged behind him in the resistance directed onto him through the strap across his chest. The strap is not the tire, nor the tire the strap. We feel fear, but fear is only the yoke by which we drag the tons of flotsam to which we have wed ourselves. To be thus harnessed is inimical to sentient beings; it is a self-imposed slavery, a wretched condition which we have manufactured for ourselves, and from which we have always had the key. Our attachments to things, to our identities, to our indignation and our pain, together create our burden. Once we come to realize first that we have encumbrances, and second, that we can be free of them by our own hand, we begin to experience a new series of states, including "the ocean of bliss," interbeing, and suchness. I recognize that to make distinctions between these states is itself deceiving, as any one is as much a part of another, and that they may occur in no particular order, but my

hope is that what is lost in complexity for the sake of this narrative will be rediscovered by you in your own path. Much is left out, but that only means there is so much for each of us yet to discover!

“Ocean of Bliss.” During meditation, one often experiences mental interruptions during sitting. Thoughts, images, songs, phrases, often random, interpose themselves between a meditator and her breath. Of course this is perfectly normal. What is thrilling, though, is that moment after some time (maybe today, maybe next month) when the meditator realizes that there have been no interruptions (which, of course, is itself a kind of interruption). At such a moment, one might experience what some have called the “ocean of bliss.” It is a deeply pleasant and serene experience, involving some sense of vastness. It cannot be sought as such, for to seek it assures its aloofness. When it happens, however, the sense of wellbeing and connectedness is extraordinary.

Interbeing. Interbeing is, as I have experienced it, something of a conceptual description of existence, as opposed to a spiritual or metaphysical accounting. That may not be the case for everyone, of course. My experience with the term comes from Thich Nhat Hanh’s teachings, both written and verbal. Interbeing for me served as a concept that provided guidance toward other more spiritual insights, like emptiness or nonduality. In a nutshell, interbeing is the idea that all things exist in a mutually interpenetrating fashion. All things inter-are, and cannot be made fully and truly separate. One might experience a slightly more spiritual take on interbeing by contemplating waves of water on an ocean – each has a birth, a life course and a death, but never did they ever cease being water. From the idea of interbeing and from meditative practice, a more complete sense of nonduality came for me. We are two, you and me, but we are also one, precisely at the same time.

Suchness. It is the fully-engaged result of seeing ourselves and others, separate from identity, label, motive, desire or meaning (e.g., Nhat Hanh, 2006). We see self and others in a new way altogether, as fellow travelers on a journey whose beginning and ending are both shrouded in fog. Along with this recognition comes a sense of acceptance, a peace, even joy, at the great unknown because it is known that there is no thing whatsoever to fear.

From a criminological perspective, we (all of us) do unwholesome things in service to our unwholesome attachments (e.g., acquisitiveness, success, comfort). We also do unwholesome things in service to our wholesome attachments (e.g., to spouse, parent and child). Seeing and relinquishing unwholesome attachments, though wise, is not sufficient. Neither is it sufficient to seek an identification of unwholesomeness, label it evil, and proceed accordingly. Logically, then, it is also not sufficient to identify wholesomeness and seek to commit to it as a reified thing. Most of us will find an Arhat in our own place of silence, but even this is insufficient in itself. Idea can guide us, for it is our mightiest human instrument. Idea, of course, is the heart of epistrophe; epistrophe is the fullest fruition of Idea imprinted on the human heart and mind. The idea that most capably turns action into healing, chemical into medicine, words into forgiveness, praxis into actualization is love. Love is that which descends most clearly from the process of becoming attuned to and mastering one’s inner realm.

...And an Answer....

What do I owe you? If you are our mortgage holder, you can specify a number in American currency to which you are entitled by virtue of agreement. This is mere scrim, mere flatus in the breeze. . Dollars of debt are not what we owe. Lending and usury does not create anything beyond a mere transactional relationship. If you are my parents, what I owe you in terms of love, guidance, support, treasure and trust is beyond reckoning. I can never hope to repay, but I have come to understand that this is okay, and that I am finally okay that it is okay. And yet what I owe you, stranger, is in some ways even more profound and basal, arising from our common sentience, as well as from what I have learned from my folks. I will never be able to pay my debt to you in full, though I will make every effort to do so. As I fail, I will rejoice for having had the chance to try, and then I will try again with new wisdom as I smile. This is what it means to love.

Experiencing the ocean of bliss, interbeing, or suchness can have profound and lasting impacts on who we are at our core. When I began to meditate in earnest several years ago, I had the very palpable sense of being rewired; old routines were decommissioned while new ones were crafted and put to use. Perhaps one of the most transformational realizations for me, stemming directly it seems from suchness, was the perfect

divinity of every sentient being (and here one must be very careful, as recent evidence indicates that trees exhibit attributes of sentience, including warning others of danger, cooperating with “friends” and even sustaining life of an injured fellow (Wholleben, 2016)). I came to see the divine spark in each person, to see my daughter in the face of a stranger. I do not promise that it is always a comfortable feeling to see divinity in a threatening visage, or to see the small, scared child inside a bully or killer, but just as Nietzsche says of the abyss, once the light falls on you it cannot be unseen.

Of course such a realization as I describe above for the criminologist cannot help but lead to a sickening sense of failure, that what we have wrought in the name of justice is as dysfunctional and dissonant with founding Idea as were the Christian crusades. In essence our justice system today is something of a bizarre-o version of itself; incremental adjustments have provided only modest relief from an intentionally unintentional series of institutional actions and decisions, few of which ever consider the offender as a beautiful human being, worthy of dignity and great care (e.g., DeValve, 2015; Sheldon, 2007).

What, then, do I owe you? I owe you two things, in a sense: first, I owe you epistrophe. Second, I owe you love. I shall come to know that I owe you love through epistrophe, though I have always owed you love. Interestingly, my love for self and for others likely catalyzed my epistrophe regarding the lifelong and end-less duty to serve your actualization. The walls we build between ourselves and others are lies; we build them for protection against an army of shades. We are subject to attack, but not in ways we anticipate; the walls we build end up being no protection whatsoever, and indeed separate us from quarters from which help will come. I owe you that I shall be without walls, without guile or agenda. I owe you my time, my consideration, my care. What do I owe you? I owe you me. This is truest justice.

What does this Answer Mean?

If truest justice descends like fragrant fruit from praxis-rich epistrophe, if justice is nothing less than me giving you me, certainly how and why we police, adjudicate and sanction must change radically. What might that new justice system look like? I provide a more detailed and developed answer elsewhere (DeValve, 2015), but that account must be incomplete, as you and I have not arrived at such a place where justice is a sacrament (DeValve, 2017). So let us consider together a few key points of what that new justice system might be like. First, the focus of justice service must be the transformation of suffering into insight, and thus into wisdom and healing. Second, given that the transformation of suffering into wisdom is the core focus of this new justice system, it must seek to provide individualized outcomes for victims and offenders. No longer would sentencing guidelines, or any comparative logic, have any place. Third, in order to maximize the use of insight, justice must be a local phenomenon. Fourth, loving justice must be available to all, including victims and offenders, privileged and voiceless. Fifth, love must guide action regardless of the heinousness of the harms involved. The death penalty, along with sentence enhancements like hate crimes, all go the way of the dodo. Sixth, justice employees’ needs must be prioritized. Those tasked to implement a loving justice cannot hope to do so if they are not treated lovingly themselves. Seventh, all justice service, from policymaking to daily drudgery, must be done fully authentically and mindfully (DeValve, 2015).

If these points, and the others I have named as well elsewhere, are brought to fruition in the practice of justice service, the institutions themselves become fundamentally transformed. Instead of a police institution founded on fear and authority, policing becomes what it always should have been: an act of love. Adjudication in an adversarial context will be added to the heap of very bad ideas, to be replaced with an endeavor that is fundamentally reprioritized to identify and transform suffering. Although some form of carceral facility may remain, punishment as a modality for responding to harm will cease to make any sense, except in rare cases where need requires punishment as a particularized intervention. Even then, though, it would not in fact be punishment, for actual punishment is little more than pornography.

Conclusion

Rogers and Hammerstein’s *South Pacific* character Emile de Becque croons of lost love: “*This Nearly was Mine.*” Every day we can sing thus, because we live perpetually two breaths from the beginning of epistrophe. Each moment, each day, a loving justice nearly was ours. Like Tantalus we can feel the cool water and smell the delicious grapes even as they retreat from our reach. Unlike Tantalus, we are not doomed. The bonds and hellish conditions are of our own making. Once we recognize that we push the water and fruit from our own mouths, that our bonds are of our own making, we will be free to drink and to sup our fill.

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