Violence in the Streets: Its Context and Meaning

Joseph Lohman
I cannot refrain from accepting the challenge of the Dean of the Law School in his reference to the Milquetoast attitude of the Berkeley campus. My answer is by way of expressing a problem which has been set forth in the discussions at this point. The discussions have been concerned with a revolution and the violence in the context of that revolution. A good deal of the concern with that revolution indicates that the term "violence" has to be employed with reservation—even insofar as to suggest that much of what is unwittingly associated with violence in these times and calls for action by various authorities is really behavior which is nonviolent in character. But even out of that there has been engendered some measure of the violence which we are addressing. Not all of it is considered as such only from the standpoint of the reactionary elements, because what invites violence quite often escalates into a mutual system of violence. It does no good to speak in terms of blame or finding a guilty party—reserving for ourselves some kind of security from such reference to one or the other of the parties.

Because I suspect I shall have some difficulty in communicating in the degree which I should like, I am reminded of the story which is told of the man who went to hunt lions. We must not be in the situation which came upon him when his gun jammed and he saw the lion coming at him. He went to his knees and shut his eyes in prayer. When he opened his eyes, he saw that the lion was also kneeling in prayer. In obvious relief, he raised his hands to the heaven above and shouted, "Alleluia, alleluia, we both believe in the same, true, ever-loving God! We are praying! We can talk this thing over!" And the lion replied, as lions occasionally will, "I don't know what you've been praying about, but I've been saying grace."

I suspect that there are some of us who, in the course of the discussion, will be seen as saying grace and others as praying for deliverance. We are all praying, and the dilemma which confronts us now as to the problem of violence depends, in some respects, upon who is using violence. It must be remembered that not all violence is necessarily bad; there are some forms of violence which are indeed legitimate in our society. Thus, we must concern ourselves with the problem of hostility and violence through a value-laden approach. There is a proper question as to the desirability of overhostility and the resulting violence. But wherever one may stand, he must admit that violence is sometimes necessary to smash a brittle, resistant social order. At the same time the police have been endowed with the thought that, in order to make an arrest in the
face of resistance, they are under law permitted to exercise that degree of vio-

lence necessary to effect the arrest under such conditions. While police reluc-
tance to use this power is in itself a problem, its existence complicates the prob-
lem of violence more than is commonly assumed. The importance and neces-
sity of such a power must be recognized. Yet sometimes it adds to an engendered 
situation of violence in a very aggravating and dangerous way, ultimately con-
tributing to social chaos. If this is kept in mind, it is possible to examine more 
critically the conditions of violence. The problem may be expressed another 
way.

Much in vogue today are accounts of the so-called revolution of the Negro 
population. The revolution of our times is more considerable, however, than 
that portion of it represented by the explosion in the area of race. The prob-
lem is best expressed in what may seem a curious rhetorical statement. We 
must address the problem of our view of our view of violence, rather than 
directly view violence as a problem. Contemporary America faces a revolu-
tion which is really the dilemma posed in addressing the problem of violence. 
There is not only, as is quite apparent, the revolt of the Negro. There is an 
equally portentous revolt, the revolt of youth. The incident on the Berkeley 
campus was a manifestation of that revolt, however aggravated and complicated 
the revolt may become by expression in the mounting of action with reference 
to the civil rights question off campus. Another aspect of the revolution may 
be found in the revolt of the clients of the institutionalized professional struc-
ture of the times. The revolution has been characterized as a revolt of the 
people who were the objects of social service, of some kind of mental health 
program or of the employment placement apparatus of the country. At the 
moment, in mounting the war on poverty, concern centers upon an insurgent 
expression of the clientele as the means of implementing the program. This 
recognition of the necessity for working for the poor, through the poor, repres-
sents an anticipation of more serious aspects of revolt in that area than have 
been generally identified. Still other aspects of the revolution are the revolt of 
the aged, mounted at the moment with reference to legislation but expressed 
in other areas as well, the revolt of the urbanized population, the revolt of the 
blue-collar workers, and the revolt of the teachers. The dilemma posed by 
each of these has been expressed in recent times by spokesmen of these particular 
groups.

The problem is also identified by the popular views of the crises of today: 
the crisis in civil rights in the confrontation of states' rights and that system with 
the rights guaranteed under the Constitution and enforced under federal author-
ity; the crisis of our educational institutions, not only those institutions of higher 
learning, but the public schools of the country; the crisis of our welfare institu-
tions; the crisis of the cities, in terms of the problem of reapportionment which 
is plaguing most of the states after the recent decisions of the Supreme Court. 
What these crises, these manifestations of revolt, the growing organization of 
these distressed elements and groups has produced is a series of physical con-
frontations in which violence is more frequent today than in the past. This has
raised a serious question as to the means of repressing deprivation or despair,\(^1\)
means which will answer the lament effectively and yet which will preserve the
essential meaning and purpose of our democracy in such a context.

There is a structural deficiency becoming apparent which is conducive to
overexpressions of hostility in American society.\(^2\) It takes several forms, each of
which should be considered. Most Americans are unaware that the structure
of responsible management under situations of stress is so weak and so
impaired as to permit violence which is uncontrollable under the circumstances.
Some notable instances of this structural deficiency — the government of
a state in the southern regions of this country, the police departments or the
sheriffs' offices. Similar agencies have a very considerable responsibility for law
enforcement in the North and throughout the rest of the United States. This
deficiency results in the failure to act and the blaming of troublemakers rather
than the exhibition of a capacity to act and the acceptance of responsibility for
the accepted procedures of initiating a dialogue, entertaining the complaints of
grievances and, indeed, the redressing of grievances. These deficiencies create a
condition under which a confrontation results in what is called in desperation
an overt assertion or act, nothing less than violence, nothing less than going
through the barricades.

Recently on the Berkeley campus, it has been an instructive experience for
those of us on the faculty and the administration to have students tell us, "Yes;
the dialogue is all right, but nothing happens, nothing comes out, nothing de-
velops. But when we sit down, and when we persist, or when we block your
action, then something does happen." This is a commentary not upon them
so much as a commentary upon the structure of responsibility on the part of the
agencies and institutions which are presumably more or less, less in this instance,
adequately prepared to address strain, since it is a condition of our life.

The second structural condition that has encouraged and is encouraging
even greater hostility and overt violence is the absence of effective channels for
expressing grievances. In the first place, there is the "waitness" of the channels;
nothing happens in them; they are pale representations. As a way of absorbing
this problem and hoping that it will pass by, authorities are tolerant, even per-
missive, of individuals who go outside the channels to extralegal means. Since
I have been a police officer and identify with the police even as an academic, I
cannot forget the situation on the Berkeley campus in the first days of that revolt
(and I happen to be one of those who believe the students had much merit in
their grievances). When an action was taken by the administration involving
an arrest, the students seized a squad car with a policeman and a prisoner in it.
The disposition of this incident on the part of the administration was to wait
them out, to let them have the policeman and car for a while. The students
held them for thirty-nine hours. They did not know how to let go of them, and
under the circumstances the administration did not know how to get them back.
This was a kind of permissiveness of authority which in that situation aggravated
\(^1\) See Goldin, *Violence: The Integration of Psychiatric and Sociological Concepts*, 40
*Notre Dame Lawyer* 508 (1965).
the continuing attitude of objection and exception to authority which reach in some measure into the present time.

What are the legitimate means of protest? What are their perimeters? Although the channels for expressing grievances are extraordinarily slow and even conflict with each other, this was not the time to be permissive. This is true particularly since the police action was not initiated by the police themselves but was mounted at the instance of a civilian complaint. The police were acting only in an instrumental capacity. And yet they were not supported, so that people have reason to believe that police intervention can be ignored with impunity — one can prevail upon those who stand above them not to support them. Under these circumstances, chaos is indeed entertained. A further invitation to chaos is the willingness to act upon the assumption that a problem will go away if those in authority wait long enough. This assumption suggests that if anything does happen, it will happen fortuitously, and because it happens fortuitously, one will simply have to be circumspect and proper and in that fact the problem will be managed.

The notable illustration of what was happening in Philadelphia cannot be given as an instance of the innocence of the police simply because they did not provoke it or initiate the action. For the condition of the community was such that a riot could be triggered at any time, in any place and in almost any way. This was known to the police, and the beginning of wisdom is to know that in that circumstance the police will be recognized as an instrument of the white group, even though they are not disposed to represent themselves in that role. Because they will be recognized as such, permissiveness and unwillingness to act may dominate the situation and result in an impossible situation at a later date.

The third structural consideration of importance is the empirical condition of violence as it confronts us today. That condition is the possibility of those who are aggrieved actually being in touch and in a new and extraordinary relationship with each other. The ecology of violence commands our attention. The proximity and accessibility of individuals of common plight and conditions, and their involvement in this system of social relationships which places them (to use the euphemism of the day) in the form of a subculture, constitutes a condition of violence which there has been no occasion to address seriously in the past.4

These observations should be related to the more general problems of life in a revolution. The revolution has presented a picture of society, not as some refer to it, as decadent, but as divided in new ways which create a condition of almost automatic violence when there is effective confrontation and no mechanism for mediating these new centers of power.

The problem of violence caused by structural deficiencies in a society undergoing revolution can also be expressed by reference to the general problem of crime. Violence commands attention as an unlawful and unwarranted measure in resolving issues. In this sense it is a criminal act, and in the last analysis the men that have been captured in Alabama will be taken before a court and tried for the commission of a crime. The problem of violence relates to the changes

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taking place in the general crime problem, which are manifested in terms of the structural conduciveness referred to above. The problem of violence is part of the larger relation of the crime problem to the general changes in social and communal life. The community is in transformation. The best evidence of this is found by studying crime, which has been called the lengthened shadow of the community. Conversely, if the community has changed, these changes can be studied in terms of the perceivable changes in the crime problem. First, perhaps the most challenging feature about today's trends in crime is the youthfulness of the criminal offender. Last year, 60 per cent of the serious, "part-one" crimes reported in the nation by the Uniform Crime Reports were committed by persons 18 years of age and under. These are crimes of violence, taking of property, action against persons. It is interesting to note the average age of criminal offenders for each of the past twenty years. Twenty years ago, the average age for serious part-one crimes was in the twenties, i.e., 50 per cent of these crimes were committed by persons 24 years of age and over. In each year thereafter the average age has gone perceptively down. Now 60 per cent of the serious part-one crimes are committed by persons 18 years of age and under. What are the changes? What transformations are taking place in our community life that makes the criminalogenic process strategically focussed within the younger generation? What is this condition which makes deviates in general and crime in particular a phenomenon in the time of youth? In what sense are they apart from the common life of the community so as to become an identifiable representation of values and norms which are at odds with those of the general community? I will just leave that as a question. Let us look at a second aspect of crime.

Organized crime is not new but is distinguished from the predatory orders of crime in its mode of assertion. It is a crime of marketing various services, such as the vices, narcotics, sex and labor management relations. These are services provided for the community and paid for by individuals who need an organizer to supply the service. Organized crime has developed so that it is at present the number-one crime problem of the nation and coincident with the development and emergence of the metropolitan community in the transition from rural to not only urban but metropolitan distribution.

The third aspect of the crime problem which is increasingly in focus is with reference to groups that are at the moment the marginal groups of the society, those which are marginal in terms of race, ethnic origin, income or class status. They happen to be at this time the Negro, the Mexican-American and the people who live in the pockets of poverty and who are removed from the common life of the community. These pockets geographically simulate the same conditions of deprivation, denial and exclusion which are represented by groups closer to the urban centers but are nevertheless excluded from the common life on the basis of race or ethnic origin.

These developments in the crime problem suggest interesting developments in our society as a whole. These are the collective experiences which take the form of associated life and its subcultural content. These are, in some respects, unprecedented in terms of their numbers and in terms of their specification.
in our previous history. We speak knowingly and meaningfully today about an adolescent subculture. We speak about the subcultures of race, of the aged, of those chronically serviced and indigent and of the automated blue-collar worker. We have modified and, in some instances, corrected the too literal references to some of these groups as culturally deprived by noting that their subcultures have positive content as well as the absence of middle class values which distinguishes them. Because of nationwide legislative programs — even though the government answers are weak and timid, somewhat in the manner of Casper Milquetoast — continuously we have occasion to recognize the necessity of attending to the problems created by this phenomenon. We also must recognize that there are confrontations between people who are racially differentiated, and who exhibit varied subcultures of the races, and who are at the same time economically differentiated, consequently possessing a culture developed as an answer to their poverty. A complicating factor is the dilemma of youth in the sense of its estrangement and alienation from the common stream of life. The centers of power which have existed or have been developed have called for the mounting of answers to those centers of power. To a large extent these answers have been an anticipation of the problem in basic terms because the anguish, anger, hostility, bitterness and violence attendant upon the confrontations have given to many of us an early recognition of what truly confronts society. The point is that there are pronounced cleavages in American society today, not only in terms of religion but in terms of ethnic origin, wealth, power, prestige and age. These cleavages are a challenge superior to our structural capacity to contain violence. This, in short, is why it is necessary at this juncture to examine our administrative apparatus and the police function with a view of giving it competency to afford the time necessary to address seriously the contexts out of which confrontations have developed.

An important generalization may be made at this point. Our structural apparatus has been for the most part committed to the protection of the overriding, defined, established interests. The police, as frequently as not, enforce not only the law but, as has been seen pervasively in the South, custom as well, which is not the province of the police. The police have also enforced the power structure established apart from the law, and they have enforced the interests and beliefs of the power enforcing group itself, the bureaucracy of law enforcement. They have done this, rather than repair singularly and exclusively to the law as the condition of their operation. The great lesson of the distinguished sheriff in Alabama is that even within law enforcement areas under the official organized administrative apparatus of the community there is an answer to abuse and excess by that officialdom. The policeman, under the Constitution, is required to enforce the law, not the directives of special interest or power holding groups in the community, not merely his own fraternal group. The concept of law enforcement in this society is far removed from those of the authoritarian social systems. In America, the police officer is no more than the professional citizen. The use of that phrase suggests that because he knows what a citizen's obligation is, even better than a citizen does, he is a policeman. The term means that he enforces law under no different conditions and with no different prerogatives and with no different ends than does every citizen under
law. Both are bound by due process, which is the canon of our society and democratic way of life.

The time has come to mount quickly and seriously a program under which the structural competency of the apparatus will be increased in order to deal with pools of hostility and violence. This cannot be done without some clarification of the issues outlined above. Were it not for limitations of time, a word about youth would be in order. In focussing on race with reference to violence, we may fall into the error of equating violence exclusively with the confrontation on the basis of race. I offer this illustration of the broad context in which violence in the streets is to be understood. Race is but one aspect of this context, which in itself includes the problems of youth and poverty stricken people confronting the elder generation.

Most thoughtful students of the problems of young people are quick to assess their difficulties in the light of changing social and economic conditions. This is, true particularly as the socioeconomic scene may complicate and even aggravate the central concern of all self-sustaining individuals, namely, the realization of oneself in one’s lifetime tasks or work. Paul Goodman, at the University of Wisconsin, stated the issues succinctly when he wrote, “It’s hard to grow up when there isn’t enough men’s work.” Goodman further noted that men have always done drudging work in order to produce necessary food and shelter, secure in the idea that it was justified and worthy of a man to do it, although sometimes feeling that the social conditions under which the work was performed were not worthy of a man. This is not the whole of the problem, however. Material security is important but, under normal conditions, greater security is derived from knowing that one’s contribution is useful and unique — that one is needed.

These remarks are more than truisms. They indicate a fundamental problem, for every young person wants to know and needs to know whether he can make a useful and valuable contribution. Often he is afraid that he cannot be useful and that he will not be wanted as a person. This is one of the questions that confronts us in the public school system, for whole masses of children see themselves as apart from the “others” in precisely these terms.

In the United States, the adults of earlier generations needed youth because often the very life of the family — the bread on the table or the coal in the kitchen stove — depended on their making a contribution by doing chores. The word “chore” has lost its former meaning: fifty years ago performing a chore meant filling a responsible role. Today a chore is regarded as an irksome invasion of childish freedom.

In many foreign countries today, youths have specific roles to play in society and are regarded by their elders as successors to the roles of the elders. The elders know that only the young can carry on the task of shaping and building a new and better society. In many of the emerging nations of Asia and Africa, only youth is free from ancient tribal custom and only youth can lead society from tribal confusion and anarchy toward lasting economic inde-

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pendence in a unifying democracy. When adults and young people recognize the need for each other, there is less tension, less estrangement of the generations. The generations need each other, not alone for the economic survival of the society, but for the maintenance of its very integrity as a moral order. Without such mutual recognition there is no sense of being needed; without the sense of being needed there is no corresponding commitment by the younger generation to the maintenance of society.

It is a sad fact that in the United States the older generation, for economic and technological reasons, no longer needs the younger generation. To a great extent youth has become an economic liability rather than an economic asset. A child represents an income tax deduction, but this by no means makes up the difference. The prolongation of childhood, the child labor laws, the effect of automated technology, the cost of bringing up and educating youth for possibly fifteen to twenty years—these are the economic grounds which have caused the mutuality of the generations to disappear in recent years. The economic obligations and responsibilities, the rewards and particularly the power relations between young and old are merely shadows of the past. The powers and responsibilities of the generations today are tenuous and unclear.

The same factors which are threatening youth's sense of importance and meaningfulness and its sense of being needed are also threatening many adults. Automation is threatening all too many able-bodied men with a future of chronic indigence or insecurity, and this affects both the generations. An adult, insecure as a worker, cannot be secure as a parent; his insecurity as a parent is certain to be visited as a secondary and confirming deprivation upon his children who are already suffering from the lack of meaning and purpose in life, and thus the process comes full circle. It is at this point that the awesome negative impact of a generation of deprived and alienated youth becomes apparent. Many youths see themselves as the avenging angels of their parents since they hold the power to prove their parents' success or failure as parents. Young people in a society which no longer depends on them for economic survival are tempted to use the power conferred upon them by the reversal between generations to act as the accuser and the judge of their parents. In this regard, the whole society stands accused to a certain extent. We are all in loco parentis as we witness the ubiquitous pattern of rebelliousness of present-day youth which is manifest in a plurality of deviant patterns ranging from one end of the spectrum to the other.

We are, in the current crises, becoming aware of the existence of a plurality of subcultures produced by the problem-solving tendency of human groups when confronted by specific and recurrent problems. These subcultures are a reflection of both the broadly encompassing and the narrowly specific changes in the socioeconomic system which confronts young people in general, and young people who are members of different cultural, economic and racial groups in particular. Leaders of the society also have begun to recognize that poverty is a factor which must be dealt with, for the subcultures as collective entities have a power potential which they are beginning to express in the streets and in the elections.
I have attempted in my remarks today to call attention to the changes in the social order which are structuring the new collective entities. I have pointed out that we have so far failed to engage the new collective entities except through the agency of the individual who comes from them. When we engage such individuals, we tend to separate them from their experiences, to ignore their experiences or to regard them as valueless. In my judgment, the degree to which we do this is the measure of our failure to affect such persons. Instead of producing a desirable effect, we generate through our patronizing attitude a hostility which can prove a serious threat to the workings of the democratic society. We can effectively engage the members of subcultures only after close re-examination of the problem and a reconstruction of our view.

I will conclude with an observation about the general posture of our society. Throughout the nineteenth century, America was a complex of hyphenated Americans who came to this melting pot world and attempted, through institutions which were tailored to their condition, to effect a transition from their old world condition to the American scene — to wit, the German-Americans, the Italian-Americans, the Irish-Americans. The Settlement House taught them English; vocational schools gave them skills to use in the economic interdependence of the new society. It is very interesting to note what has happened to such institutions as the Settlement House and vocational education since that day. The traditional vocational education is today regarded as obsolescent and even pointless in the light of technological change. The Settlement House is seen as ill-adapted to the transition of the new immigrant populations. Their methods are not appropriate to their condition as they come to the city and metropolitan areas of the North in present times. In the nineteenth and early part of this century, American culture exhibited a centripetal tendency. Immigrant groups came out of other social worlds into one world, with a drive toward a common definition. The common denominator was the American melting pot. The common aim was the acquisition of the one new language and the acquisition of a skill to gain a place in the American scene. Now, since World War I, we are witnessing a reverse tendency. The social process is elaborating a complex of subcultures in American society which are driving us apart in local communities and groups which are interacting among themselves and producing their own distinctive norms and values. These are the current subcultures of youth, of race, of suburbia and of income, high and low. It is the reality of their subcultures which are so confounding to our established institutional structures. It is not that there is a culture of crime; it is that there is such a plurality of subcultures that the problem of the individual's adjustment to commonly accepted norms is confounded, and deviance is generated as a matter of course. Crime and delinquency are its logical accompaniment. We must develop means for modifying and preparing personnel to play new and meaningful roles.

It is a paradox of the new metropolitan development that we are constantly moving toward self-defeating extremes in our desperate and uninformed efforts to keep abreast of the changing community. The heartlands of our great metropolitan centers are becoming the provinces of the new minorities. These
groups are a potential threat that may express themselves in the traditional patterns of organized crime. They have come out of a segregated discriminatory experience, in search of freedom and opportunity, into a social environment which in many respects is as restrictive as the older pattern. It is not only crime which becomes the abortive fruit of our failure to understand this changing community.

The unwitting processes of the middle-class "suburban drift" and the transformation of vast areas of the central city into an enormous racial slum have profound political implications. In many of our major cities it is affecting a change in the balance of political power. We must recognize the coincidence of the development of these great racial blocs with the traditional organization and location of the urban political machines. The traditional alliances between crime and politics have focused on the immigrant community and the slum. We may be ushering in a new era of unprecedented political conflict between the cities and their suburbs with aggravating overtones of race tension and conflict as an additional feature of organized crime. To ignore the social, economic and cultural disabilities under which these populations labor and to try to contain their volcanic eruptions by the expedient of repressive and antiquated police measures can only have the effect of force-feeding the fires which are smoldering at the core of our metropolitan communities.

In short, many of the problems which confront us stem from the failure of the public to know and to understand the new dimensions and ramifications of community life. Our success in controlling the crime problem in general, and organized crime in particular, will depend upon our understanding of the complexities of the newly emerging communal life and the problems which it has engendered. An effective law enforcement function must be familiar with and equal to its target.6

The changing patterns of crime are a projection of the far-reaching changes in American community life. The police and the courts, the machinery of punishment and corrections, are also projections of the community. It is not likely that we will be successful in controlling crime without seriously changing the organization and administration of criminal justice. The ultimate answer is to see crime and violence not only as problems in law enforcement but as problems in education, family organization, employment opportunity and housing. These are the structures which incubate deviance and hence crime, delinquency and violence. It is a myth that man's behavior can be changed directly. It can be changed only by altering the conditions which underlie his behavior. We must learn to treat the causes, not only the effects, of crime and violence.

We are at a critical juncture in the history of American community development. The resettlement of the American community and the emergence of the metropolitan community is not merely a change in the size of our population nor in its geographic location. It is something of far greater importance, namely, the modification and, indeed, creation of a whole new set of human relations.