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In Defence of Integrative Violence

How Can Philosophical Practice Augment Organic Social Control

Abstract

The paper explores the relationship between organic and institutional forms of social control from a potential contribution by philosophical practice to understanding social sanctions. The argumentation begins from the point of empirical fact that laws and constitutions of various countries define the purpose of punishment in a utilitarian light in their preambles. This operational-utilitarian character of institutional social control is similar to the utilitarian nature of philosophical consulting as practice. When control, which presupposes a form of violence, is viewed in a broader understanding of the notion of violence, space opens for a discussion on a challenging and controversial question about whether or not can violence be integrative either in the sense of integrating values or in the sense of confirming someone's social status after a transgression, and to what a larger degree than by institutionalised and from an individual conceptually relatively distant forms of sanction.

Keywords

organicism, institutional penalties, social control, philosophical counselling, integrative practices

Introduction

The aims of philosophical practice are generally utilitarian. The main difference between philosophical practice and theoretical philosophy lies in their objectives. This difference, naturally, has major repercussions for their methodology. While theoretical philosophy focuses on interpretation, and at the same time steers clear of placing itself directly in the service of any practical, instrumental goals, philosophical practice is an applied philosophy in the sense that it uses philosophical knowledge and insights in the service of various independently established goals, such as personal well-being or corporate or social prosperity. This instrumental nature of philosophical practice makes it inherently utilitarian.

Philosophical practice seeks to benefit certain practical fields, notably psychotherapy (through individual and group counselling, and especially through philosophically-informed integrative psychotherapy), corporate consultancy (including but not limited to that in business ethics) and public policy (Fatić, 2020a). It is this third field that I focus on in this paper, specifically on how philosophical counselling can contribute to penal policy and social control more generally.

The philosophy of penal policy is a well-established field in political philosophy, and it can only cursorily be grasped through the lenses of this discussion. To sharpen the focus, I limit the discussion here on the most standard arguments and issues in the utilitarian understanding of penal policy as an instru-

ment of social control, and argue how philosophical practice can and ought to augment penal and general social control policy both in policy design and in policy implementation.

I conclude by expanding on the general psychotherapeutic ramifications of social control as a form of socialisation that defines our understanding of psychological normalcy and introduces integrative psychotherapy based on philosophical practice. In the course of doing so, I argue that organic and integrative social control, informed by philosophical practice and couched in integrative psychotherapy, ought not to shy away from corporal punishments, with certain caveats.

Utilitarianism as a View of Penal Policy

What distinguishes utilitarian theories from retributive ones is that the latter generally do not take the relationship between offence and punishment very seriously. For utilitarians, guilt alone is not particularly important for the meting out of penalties; rather, penal policy is justified by its expected beneficial results. Hence, in the utilitarian context, what counts in the justification of a penal policy is only the ‘prospective’ relationship between the penalty and its expected consequences. Utilitarianism is not based on a commensurability of rights but rather on the idea of a “common good”. The inherent aim of any policy of criminal justice, including penal policies, is crime-control. Thus, in practice, utilitarianism tends to define the relevant “common good” as crime-control. Naturally, once this is taken as the ultimate policy direction, considerations such as “justice” or “desert” become irrelevant, compared to the relevance of the pursuit of ever-greater “efficiency”. In many societies, this efficiency is increasingly seen *solely* in terms of crime prevention. Such a view has significant consequences for certain moral principles, customarily taken to be the backbone of any acceptable system of criminal justice.¹

Any system of penal policy makes a crucial reference to rules as a normative foundation for the specific implementation of policy. The significance of rules in light of the overall utilitarian framework of operation of social control and penal policy as one of its prominent forms can hardly be overestimated, as the normative interpretation of rules casts a light on the very model of utilitarian reasoning applied in any specific policy. At the same time, the understanding of legal rules that establish grounds for meting out penalties sharpens the focus on where utilitarian moral thinking in penal policy touches upon other methodologies of moral reasoning, including the retributive one.

In all systems of criminal justice, penalties are inflicted because rules have been transgressed. However, the origin and justification of rules may be conceived differently (ranging from their supposed reflecting justice *sui generis*, to their role as merely facilitating predictable relationships between the members of a community). Retributivists and utilitarians generally agree on the authority-giving nature of rules. Their views differ substantially, however, on where this authority-giving character of rules stems from. For most retributivists, rules are the expression of certain corresponding *rights*. For utilitarians, they are prescriptions for optimising, meaning that rules are supposed to contribute to an ‘improvement’ in the final state of affairs. This means that, for utilitarians, if justice as a basis for penalties does not lead to the most efficient penal policy in terms of crime-prevention, then it ought not to be taken as the most important ground for devising penal policy in the first place. Therefore,

those less guilty could be punished more severely, and those guiltier could be penalised less harshly or excused altogether. This apparently counterintuitive consequence has been one of the key points of conflict between retributivism and utilitarianism. For the former, justice seems paramount; for the latter, it seems almost irrelevant.

In this relatively uncontroversial context of rules, the main problem with utilitarianism is that utilitarians do not take rules very seriously in any “genuine”, “independent” sense.²

A utilitarian is first of all interested in what the “purpose” or “sense” of any particular rule is. She does not distinguish between the aim of a penalty and the ground for its moral justification. As a consequentialist, she considers an action to be justified if: (i) the achievement of its aim would increase ‘the cumulative welfare’ for all or most stakeholders, (ii) the way the action is proposed seems reasonable in view of actually achieving the aim, and (iii) the cost inculcated by the proposed strategy would not exceed the benefit from the action or policy. Hence, the utilitarian understands rules merely as directions for generally beneficial strategies. Consequently, if a rule could, under certain circumstances, be reasonably considered harmful or insufficiently beneficial *vis-à-vis* the costs of the strategy, then, by utilitarian lights, it should be broken.

This simple version of utilitarianism is an easy victim to malevolent critique. In fact, considerations of benefits arising from control policy usually go considerably beyond individual cases and assume that a degree of orderliness and predictability in meting out criminal sanctions is a prerequisite for an effective strategy of penal controls. Philosophers of morals will thus be prompt to point out that there are two distinct types of utilitarianism, which must be distinguished at this point in the discussion: the so-called “act-” and “rule-” utilitarianism. Act-utilitarianism entails that the justifiability of any particular action ought to be judged by direct calculations of the benefits and costs of that action. Rule-utilitarianism acknowledges that, although a particular action may not seem sufficiently beneficial in any particular circumstances, its belonging to a generally beneficial “type” or “class” of actions means that it should be taken. Thus, although in particular instances, obeying the law might be seen as inefficient, general obedience of the law is presumably beneficial, and thus the law ought to be obeyed even in those instances where it would be more efficient to break it (Austin, 1995).

Act-utilitarianism clearly presents enormous problems for legal theory. The rules relevant to penal policy are laws. An act-utilitarian would consider any instance of an implementation of law in light of its specific benefits and costs and would thus be open to breaking the law in principle. A rule-utilitarian would consider the law generally beneficial in an overall perspective and further the obedience of laws regardless of the cost-benefit calculations in specif-

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These lines suggest that the factual workings of existing systems of criminal justice are utilitarian because they all function almost exclusively in the service of preventative aims. Indeed, this applies to all public policy, not just to that of criminal justice. Bob Goodin has also argued that indeed utilitarianism is inherent in any public policy, but that there

is a way of making this plausible from a more comprehensive moral point of view: Goodin, 1995; Fatić, 1995).

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They do take them seriously *if* they find them to be useful, but they have little respect for rules just because they are rules.

ic cases. This would mean that a rule-utilitarian would be open to embracing a value ethics, albeit with a utilitarian justification: embracing certain values, including that of justice, is likely beneficial for the society; the legal system should thus be just; it should mete out punishments according to deserts. While a retributivist will argue that people should receive what they deserve because that is required by their human dignity (the Kantian explanation), or because the criminals' victims or society in general deserve satisfaction, the rule-utilitarian may argue for the same policy of giving people their dues through penal policy, though on completely different conceptual grounds, namely because that is what pays off in the medium to long run.³

Improvement on the Utilitarian Theme: Anti-Professionalism and Conflict-Resolution

Tapping the widespread disenchantment with the monopoly of the professionals, such as lawyers, the police, magistrates and judges, prison administration, etc., in the area of criminal justice, Norwegian criminologist Nils Christie proposed a radical anti-professionalist philosophy of social control in his 1981 book *Limits to pain* (Christie, 1981). Christie advocated the main principles of what would soon become the famous “conflict-resolution” movement in criminal justice, seeking to override the traditional norms of social control and introduce more conciliatory and far-reaching strategies than the traditional penalty-oriented approach.

The first and main principle of conflict-resolution is, as Christie proposes it, that the application of punishment as deliberate infliction of pain ought to be avoided whenever possible. Only in exceptional, extremely serious cases should offenders be penalised. In most other, more “normal” cases, offenders must be treated in an integrative way.

To avoid punishment, the main mechanism of conflict-resolution, according to Christie, should be *compensation*. In some cases, this is fairly straightforward: if the offender is able to “give” something to the victim or the community to “make up” for the crime, it could be seen as fair. If the victim, or the community, opts for compensation and looks to obtain good value in return for the damage suffered in the first place, some of the crucial features of criminal disputes are absent.

Forms of compensation exist in most criminal justice systems. Measures of community service are well-known, as are parole-type sentences and other measures designed to mitigate the aggression and confrontation inherent in any penalisation. Yet, where “conflict-resolution” is in principle different from existing criminal justice systems is in placing a far greater emphasis on the non-punitive measures, while most existing systems are *based* on the idea of penalties in current criminal justice systems; non-punitive measures are more of an *exception*.

The most obvious shortcomings of “compensatory justice” as proposed by Christie, and at the same time the crucial differences between criminal and tort cases, stem from the strong affective reactions to more serious crimes. There is a very simple relationship of proportionality here: the greater the amount of antagonisation produced by the crime, the lower the probability that compensatory justice will take place, and the greater the chance of violence in return.

In cases where the community's feelings are so aggravated that punishment cannot be avoided, Christie argued for what he called "absolute punishment", an "act without purpose", that does not instrumentalise the offender by seeking to deter or reform her. If punishment is simply an expression of "grief and mourning" by those harmed by the crime, then it must be inflicted directly by the community concerned, not by detached, professional caretakers of institutional "criminal justice".

Direct punishment, including various forms of corporal punishments (some highly economically and democratically advanced countries today use corporal punishments as less harsh forms of punishment than the institutional policies of penalisation and imprisonment, e.g. Singapore), if they are inflicted directly by those members of the community who are harmed by the offence, can be highly integrative.

In the Australian Aborigines tradition, members of the victims' family were allowed to spear the offender (sometimes the murderer) in front of all of the others, and in by far the most cases, they chose to do so in a way not intended to be lethal (e.g. spearing the person in the leg rather than in the torso). In many cases, those directly victimised by the offence chose to refrain from hurting the offender entirely. The experience offered a degree of catharsis and direct contact between the offenders and the direct or indirect victims of the offence, allowing a resumption of relations after the incident.

Christie here hinted at what I call an integrative community as the standard for "full-blooded" human relationships. He grounded his view of organic community in a broader socio-economic context:

"Stepwise, we have in [industrialised] countries [...] been through four important stages. First, *the primary sector* – farming and fishing – has become mechanised. The number of hands needed has gone down dramatically. That was good for *the second sector* represented by industry. That sector got more competing empty hands, until their level of mechanisation reached an unbelievably high level, and their need for workers also diminished. Again good for *the third sector* – service, administration, hospitals, universities, which happily absorbed some of the surplus – until the vengeance from the up to now unindustrialised countries reached us. This is what has just happened. Those societies still in the second and third stage have entered the by now close to completely open market, taken over essential parts of production and left us with a huge service sector to be paid for by the diminishing returns from our national industrial system. At this stage, most highly industrial countries have chosen the same instinctive reaction; they stop the growth of the service sector. Those countries worst off start to diminish that sector also. The post-industrial society is there." (Christie, 1981, p. 6)

This, of course, has a wide range of implication; according to Christie, those who were able to retain paid work were in a weakened bargaining position and were therefore going to receive "less of everything through their official salary". To compensate for this loss, they turned to the "grey economy", the background economic structure reminiscent of the pre-modern community: after hours, the mechanic repairs his friend's car for a favour in return. A whole set of relationships arises, independent of the formal economy and, accordingly, of the state. To preserve income and stability, one must retain strong ties with the neighbourhood. This constellation of informal, but for that matter, no less

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The reader must be warned that this is only a very general discussion of traditional forms of utilitarianism indeed. In no case is this a sufficient analysis for the appraisal of all forms of

utilitarianism. More details on the philosophical and legal issues relating to utilitarianism and retributivism can be found in Fatić, 1995.

binding relationships, is the very definition of the informal or neighbourhood community:

“In other words: it pays to be a member. If the formal economy deteriorates even further, membership will be a necessity for survival. We are anew in the situation most humans always have been in, where participation, trust, communal living and mutual dependence become the central elements in life. These are exactly the conditions where participatory justice might function at its best.” (Christie, 1981, p. 109)

From the present perspective, this is a description of how it could have happened. Christie’s (and many others’) ideas about communal living through “shade economy” has come true, if anywhere, *not* in industrialised societies, but in socialist, traditionally thought of as less developed and less industrialised ones, where the official ideology of equality both of opportunity and wealth, and the resulting failure of the official economy, have led to the development of a large grey economy. This could be seen at its best in the socialist world of Eastern Europe between World War II and the late 1980s. The failure of the formal institutions, in many respects, helped create an amazingly comprehensive, and, in some aspects, rather idyllic network of ties, mutual obligations and, above all, solidarity. This network of communal ties was largely detached from institutions. They were there as a necessary evil, but nobody expected the institutions to work effectively. Instead, when people wanted to get something done, they turned to their friends, relatives, neighbours, asking for concrete help. They circumvented the institutions.

On a more general, methodological level, a sentimental view of the organic community echoed by Christie’s philosophy “against pain” is reflected in the so-called “Alternative Dispute Resolution” theory (ADR). ADR procedures are largely defined in a negative way, as:

“... those non-coercive processes, which are alternatives to the formal legal or court system, in particular, multi-door courthouse programmes, neighborhood justice centers (...) or community justice centers [...]” (Scimecca, 1993, p. 212)

It is a sad fact that today ADR is used primarily with a rationale to reduce the overcrowding of courts with cases, rather than as a theoretically well-supported policy aimed at reducing the stress of institutional resolution of disputes in favour of a more organic approach to human conflict. However, this fact brings us closer to the role philosophical practice may play in advancing a more plausible return to the organic community in penal policy by bringing together the fundamental ideas of Christie and many proponents of the anti-punishment view, including the advocates of ADR. Clearly, life has shown that neither Christie’s socialist idealism nor the technocratic ambitions of ADR have succeeded, as Christie’s views remain only as a backdrop of penal policy thinking in Scandinavia today, while ADR plays a marginal role compared to that of the judiciary in most countries where it has been introduced. Does this mean that organic justice as a philosophical concept is doomed in favour of institutionalism? I would suggest differently, and I argue, following modern Lacanian psychoanalysts, that socialisation is what generates normalcy in both the individual and the collective and that the ultimate function of penal policy, as of any policy, in fact, is to contribute to socialisation or resocialisation of individuals to certain key values. I consider Christie’s views and those embodied in ADR as correct in general; I hold that the organic way of thinking about social control and penal policy is the most effective, and I argue here for a sensitive idea: the organic justification of corporal as opposed

to institutional punishment. Thus, my question is whether lashes should, in some cases, substitute imprisonment, and how “philosophical” corporal punishments can be.

Socialisation, Normalcy and Violence

As has been mentioned several times in passing so far, one particularly useful way of portraying normalcy in psychotherapeutic tradition is as a standard of socialisation. The ideals of normalcy in most societies conform to the ideals of character traits and general features of ideal members of the community. Such qualities typically include responsibility, sensitivity to general interest, willingness to self-sacrifice, resilience, creativity, empathy, etc. Most such attributes get included in the various diagnostic criteria for mental health or mental illness. It is the process of socialisation that is primarily responsible for how ‘normal’ we become later in life; consequently, the structure of socialisation accounts for the need for various structural interventions in cases of neurosis or psychosis, intended to address the problems that had originated during early socialisation.

According to Lacan and the modern Lacanians, the *primary signifier* (the bearer of symbolic influence on personal development) for socialisation is “Name of the Father”. A fatherly figure of authority is responsible for a person’s maturing into a healthy member of society and thus a psychologically healthy human being; any structural impediments to the exercise of Name of the Father in a child’s life may result in neurosis (where Name of the Father is blocked) or psychosis (where Name of the Father is absent or removed). Consequently, the interventions appropriate to neurosis require addressing *jouissance* (drive of satisfaction or dissatisfaction, pleasure or displeasure associated with life’s experiences and one’s choices) “at the level of the real”, meaning dealing with the motivation associated with a sense of pleasure with regard to specific actions and experiences (such as changing one’s habits, reframing one’s decisions, etc.). Where psychosis is present, the intervention is generally at the interface of the Real and the Symbolic, it is focused on repairing the person’s symbolic resources to process the otherwise unbearable experience of the *Real* (helping the person develop an understanding of their experiences which is both bearable and potentially productive for dealing with life’s difficulties). How the Symbolic is repaired in the psychoanalytic treatment of psychosis is complex and falls beside the scope of my present discussion: what I want to take away from the Lacanians here is the idea that normalcy is associated with socialisation alone.⁴

The insight that normalcy is the result of socialisation is immensely important for our understanding of social control and a proper conceptualisation of violence as a part of socialisation. This, in turn, has serious repercussions for our understanding of organicism in criminal justice and the potential of the use of corporal punishments (direct, physical violence) as the most effective and, at the same time, more benevolent and less harmful instrument of socialisation and resocialisation (including punishment) than institutional penalties (imprisonment and the like).

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For the most influential present discussions of these issues see Verhaeghe, 2008; Redmond, 2004.

One particular way in which corporal punishment is customarily used for socialisation is in child upbringing. While recently prolific laws that have been enacted across the western world actually prohibit the corporal punishment of children and call it “violence”, the proverbial smacking of a child to discourage her from touching a hot oven or crossing a street alone has been part of child upbringing for centuries. There is reason to consider corporal ‘punishment’ in the context of socialisation more generally, because of the long experience of its use in human civilisation, including for highly benevolent purposes, not only for child rearing, but also in the training of soldiers, who are subjected to various types of corporal sanctions (e.g. physical exertion as a disciplinary measure) as part of their military drills.

The benefits of corporal sanctions are obvious: where they are used as punishments, such penalties are immediate and direct; they are thus able to convey a particularly clear message of the community’s or collective’s disapproval of a person’s choices.

Corporal punishment is brief, and after it is administered, the person is free to go, which makes it a fairly light punishment with potent symbolic meaning.

The element of humiliation, where the punishment is executed publicly, is exceptionally pronounced, and this leads to the preventative effect of shaming, which has been proven one of the most powerful deterrents from reoffending in the future (Braithwaite, 1989, p. 62–76).

Such punishments are not demanding on resources, they are cheap, do not require sophisticated facilities or specialised staff, and are thus not burdensome on the community.

Finally, corporal punishment is organic in the sense that, although the symbolic potential is exceptionally high, it leaves room open for the offender’s reintegration into the community, just as a corporally punished child or soldier remains a loved member of the community. This is starkly different from the long-term alienating effect of institutional punishments, such as imprisonment, which is regarded in society as a “school of crime”, rather than an instrument of moral and personal reformation, and is thus usually accompanied by a lasting distrust of the offender, even after she has served her prison sentence.

To illustrate a case for corporal punishment as an instrument of resocialisation and/or moral education, I relate to a recent true story about abuses by social workers and social service leaders in Serbia.

Organised Crime in the Social Services of Serbia: Can Organic Penalties Address Organised Crime against the Vulnerable?

In the Jewish tradition, those who offended the fundamental values of the community or the most deeply held religious beliefs were subjected to *herem*, or “destruction”. The practice was later transformed into excommunication.

“Whoever sacrifices to a god other than the Lord alone shall be proscribed [*Herem*].” (Exodus, 22:19)

“If You deliver this people into our hand, we will proscribe [*ve’hecheramti*] their town.” (Numbers, 21:2)

Those who are considered to represent an affront to the dearest values and existential interest of the Jewish people or to their very identity could be subjected to Herem. They could be killed, and the Old Testament uses the word *destroyed* in the same way as we speak today of “destroying pests”. There is intense community hatred involved in Herem: but it is a hatred of those who, by their actions or way of life, threaten the fundamental sense of decency, religion, or the highest values of the Jewish people. In later practice, Herem took the form of religious excommunication and was perhaps most infamously passed in 1656 by the Sephardic synagogue in Amsterdam on Baruch Spinoza.

Herem is an essential ingredient of an organic understanding of social control: especially in its original form, it is the same moral intuition that, in a less drastic form, has led some modern countries, such as Singapore, to institute public lashing for certain offences that are a particularly obvious affront to public decency.

In modern western democracies, there is hardly a greater affront to basic decency as abuses of public authority to trade in children or poison and abuse the elderly. This has happened within Serbia’s social services, and this case illustrates an argument for a modern version of organic Herem in the form of immediate corporal punishments.

In June 2020, the UNESCO Chair for Bioethics for Europe publicly asked the Serbian President to urgently initiate new legislation to reduce the legal role of social services and recommend the Serbian government to order a systematic police investigation of social services (Beta & N1, 2020a). The UNESCO Chair suggested that files should be seized and social workers detained wherever there are indications of child trade or other types of organised crime (Beta & Global Media Planet, 2020). The information the UNESCO Chair had received indicated corruption by social services in child custody cases, abuse and neglect of the children entrusted to them, serious official misconduct, and falsification of data about Coronavirus cases in institutions run by social services.

Immediately after this public appeal, within one month, two major scandals erupted with social services: one which involved a 12-year-old girl whom her mother had forced into prostitution (J. C. M., 2020), and another one, where in a state-run home for the elderly, the residents had collectively contracted scabies and had then been treated by medication for animals (Novosti, 2020)! Are these not cases for Herem?

To make things worse, the relevant government department, which is in charge of oversight of social services, had issued a directive to social services to seize all children from parents if children were found to be working. The Ombudsman then instructed the Ministry to revoke that instruction and instead instruct the social services to help the low-income families whose children are working, rather than taking away their children. The Ministry refused to comply (Beta & N1, 2020b).

Is this not a case that offends our basic intuitions about decency, mercy and solidarity, about our very moral and social identity? Is this not the case for Herem (cf. Fatić, 2020b)?

Now consider the potential responses to this situation in a social context where this level of crime in social services is possible in the first place.

Institutional penalties would require years to be implemented. During this time, many of those responsible would retire or otherwise leave the social services and the government. The cases would be forgotten, and a message on social workers most lost, even if the institutional punishment is meted out in the end. Meanwhile, those charged would undergo prolonged stress and extensive costs associated with the trial: legal costs, long-term consequences of the prosecution to their immediate social relationships, partnerships, families, health. A prison sentence as the outcome would make all these unwelcome consequences much worse. After the sentence is served, the “convicts” would face a whole new set of personal and social issues in their reintegration into the community.

Herem, as a moral intuition, is particularly important in dysfunctional social and political systems, where the system is unwilling or unable to quickly mete out institutional punishments to the transgressors of key social rules and values, or relatedly, in systemically corrupt institutional structures. The described system of social services belongs to the latter category, being so permeated by clientelistic relationships that blowing a whistle in the system only leads to attempts to stifle the whistleblower. In the described case, this is exactly what happened to the head of the UNESCO European Chair for Bioethics, who was dragged through the tabloids and whose confidential family data were published by the political and media clique effectively victimising both him and his children (Beta, 2020a). This all happened in a country whose government, in August 2020, decided to allocate 9200 bottles of seized pear brandy to a local hospital “for disinfection” (Beta, 2020b).

The intuition behind Herem articulates public anger at the violation of communal values and, fundamentally, stands behind any political revolution. It is an essentially integrative intuition and practice that rallies the community behind a collective response to insult and offence, thus reaffirming its identity and providing its individual members with guidance on what is important in society.

As violence is an integral part of socialisation, and clearly in dysfunctional political systems socialisation, both of individuals and institutions, is disturbed, the integration of such communities must include a degree of violence through resocialisation. The more integrative the violence, the better the expected results.

Why Integrative Violence is Psychotherapeutic

Closely related to the concept of integrative resocialisation through the use of integrative violence is the concept of integrative psychotherapy. This is a form of psychotherapy that focuses on values and community bonds, as well as the integration of cognitive and emotional identity perceived as a composite result of socialisation. Such a composite process integrates a human personality around communal values; thus psychodiagnostic’s inevitable tendency to focus on the features and character traits of ideal communal membership as ideals of “mental health”. In integrative psychotherapy, personal authenticity is merely a personal style of following values that are fundamentally shared with the other members of a community (cf. Fatić, 2020a).

Everything we achieve in our personal growth is a part of socialisation, including the development of awareness of our personal authenticity. Psychotherapy is thus also a form of socialisation. The principles of psychotherapy

are built into all interpersonal aspects of our lives. Thus, there is reason to consider social control to be subject to the same principles of psychotherapy, to the extent that psychotherapeutic values and principles derive from those that found our self-perceptions and interpersonal relationships. Integrative psychotherapy, in this context, impacts our understanding of integrative socialisation and, by extension, of integrative social control.

Integrative psychotherapy, like any other therapy, involves violence. This is what could be called a “loving violence”: we nudge our clients to move towards more productive and happier perspectives, using a variety of philosophical and traditional psychotherapeutic methods and concepts. It is the same type of loving violence that we exert on those we love when we ask them to change so that our relationships might become sustainable. It is the same kind of loving violence that we exert on our children when we push them to develop new behaviour patterns and change to meet life’s challenges. The results of this loving violence come to one composite outcome: better integration of personal identity based on tighter and healthier socialisation with a relevant community.⁵

Integrative social control involves loving and some less loving violence, with the same goal: to achieve a quick and effective moral and personal change without inflicting lasting damage either on the offender or on the community. While corporal punishments such as public lashings in Singapore might seem harsh, in fact, they are highly benevolent and highly integrative. In the described example, with systemically criminalised social services, the public lashing of those caught red-handed neglecting children or abusing the elderly, or even trading in children during child custody trials, could be seen as very lenient given the gravity of the offences. Such punishments would be benevolent yet clear expressions of the community’s *Herem* with regard to such behaviour. They would likely cause a quick change in the practice of social services, and would thus most effectively serve the utilitarian aim of social control by efficiently protecting the interests and values of those most vulnerable (the ‘clients’ of social services), while at the same time avoiding an existential impact on those punished or major costs of institutional punishments that would otherwise be incurred by society.

Our view of violence has changed over the years; one could probably claim that a categorical prohibition or stigmatisation of violence has become one of the most structurally violent forms of culture; however, violence remains an integral part of organic human relationships, and like any other type of relationship, it can be benevolent or malevolent, lenient or harsh, justified or unjustified. Not every violence is unjustified, even in informal communal relationships; in fact, many types of violence are necessary and constructive. They are potentially highly integrative. The same is the case with well-conceived corporal punishments; they could, and should, be instituted especially in dysfunctional social and political systems to effect quick improvements, save resources and provide a maximum prospect for the offender’s integration. From the point of view of socialisation as the ultimate criterion of ‘normalcy’ and integrative psychotherapy’s view of the role of the community and commonality in mental and social well-being, considered and carefully

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One might choose another relevant community compared to someone else, especially when value-communities are at stake, but this is a

different and more advanced topic in integrative theory that goes beyond my immediate scope here.

conceived corporal punishments, while bold, are a safe and methodologically welcome potential change in the current institutional and highly punitive policies of social control.

Delimiting the Concept of Herem in the Modern Context

In the contemporary culture of institutionalism, discussions of Herem, other than for reasons of sanctioning legally non-prohibited transgressions of vital norms of religious communities (various “curses” or “fatwas”) are inevitably connected with the dysfunctionality of institutions. However, in the democratic context, there is a certain in-built deficiency of institutions in their ability to articulate and adequately implement the expressive function of punishment for transgressions that fly in the face of the community’s most fundamental moral norms. Such is the situation with the modern judicial system.

While it is intuitively clear that the effectiveness of expressing public disapproval (more precisely, rage) over some of the most heinous crimes, such as trading children and custodies, depends on the promptness of apprehension of the perpetrators and the efficiency and effectiveness of the sanction, which must be meted out quickly and whose severity ideally should be in clear proportion to the heinousness of the crime, in modern judicial systems this never happens. One of the reasons is the protracted legal procedure and the numerous caveats of legal reasoning and the casting of doubt on the conclusions of the various phases of the legal process; another is a separate procedure for the actual implementation of the verdict, and the third is the changing political fortunes which, in some countries at least, often make the actual implementation of the penalties even more farfetched.

Possibilities for corruption in modern institutional systems are enormous, and specifically for corruption that cannot be institutionally detected or proven. A good example is the work of prosecution. In most democratic countries, prosecutors operate with a high degree of discretion. They are the ultimate judges of what actions they will qualify as crimes and whether and to what extent they will prosecute those crimes. There are policies in most countries to reduce the caseload by plea-bargaining or by offering the perpetrators the so-called “opportunity agreements”, a way out of criminal prosecution in exchange for money being paid to the state budget. From a moral point of view, and from the standpoint of traditional legal theory, this is open and direct corruption. If the purpose of punishment is to express reproach of an action which threatens a community’s basic values, and that punishment is forfeited for practical reasons, because there are many cases a prosecutor has to deal with, thus the turning of a blind eye on a crime is sold for money, then conceptually that is corruption institutionalised in modern democracies.

Wherever there is corruption, there is the possibility for even greater corruption. If prosecutors can give up on a prosecution, although clearly a crime has been committed, in exchange for money, and this is an official policy, there is a legitimate reason to consider whether and under what circumstances these same prosecutors may decide not to prosecute other crimes simply because that allows them to have a lower caseload.

In late 2020, Head of the Higher Court in Belgrade, Judge Aleksandar Stepanović, gained some notoriety in the Serbian media by revealing that in his court, which tries some of the most serious crimes and has a Special Department for Combatting Corruption, there are no large cases of corruption against public

servants or politicians, because the Special Prosecutor's Office for Combating Corruption simply does not indict offenders (Stepanović, 2020). Their policy is to throw out criminal complaints. This created a scandal because it became clear that the Deputy Prosecutors in the Special Prosecutor's Office, who are paid twice the salary of an ordinary prosecutor of their rank, precisely because of the sensitivity of the matter they are in charge of dealing with, in fact, do nothing: they throw out complaints so that they have a "clean slate" every month, with no complicated cases. This gives rise to questions about what prevents those same people, who are subject to little oversight and even less repressive control, from actually selling their decisions to throw out criminal complaints. In the absence of controls and especially of public oversight, it is easily imaginable that throwing out a criminal complaint, for, say, tax evasion or for serious abuse of public office, may have its price. If institutionally, officially, one can avoid criminal prosecution for crimes such as inflicting serious injuries on another, family violence, or illegally seizing a child from another parent, in exchange for money, then conceptually there is a tiny step from that to the prosecutors actually engaging in individual corruption to throw out other criminal complaints within a blanket policy of non-prosecution, which clearly prevails in the described circumstances.

The question in such situations is not what to do to address corruption: the methodology for dealing with corruption is extensive, well-known and well-tried in many places in the world; the problem, rather, is more principled and deep-seated. In some situations of institutional regulation, the very practicalities of institutional action are such that they invite moral compromises and even open corruption, such as in plea-bargaining, and much more so in applying prosecutorial opportunity. These are practices that are prevalent in all democratic countries, including those with the strongest judicial institutions, and everywhere they have the same ring of institutionalised corruption of selling the forgiveness of sin, or in the secular sense selling the turning of a blind eye to crime.

What happens when the transgressions of moral intuitions of a community accumulate to a degree which is intolerable from the point of view of the community's identity and values, and legal proceduralism is such that sanctioning such transgressions with an appropriate degree of expressive clarity is literally impossible, such as in the described case with the trade in children in Serbia and some other countries? What happens when those charged with protecting the vulnerable become the most heinous criminals, *en masse*, and the "system", or the institutions, have developed operational inertia simply not to act in such cases? This generates a morally intolerable situation that requires violent action. This is the context for Herem. That is why violence must not be proscribed categorically, and non-institutional, non-legal extreme violence must never be entirely morally banished. It may be that violence in most cases in everyday life is a dangerous and undesirable phenomenon, just as killing in ordinary civilian life is unacceptable; however, violence, even when it is illegal and extreme, just like killing in general, are not in principle unacceptable. There are cases where it is not only acceptable but morally necessary.

I remain at this relatively moderate position here because I feel that further research, bolder and with greater aspirations, is required based on this theme. I conclude that integrative violence, not only structural and contextual, but physical, corporal, is unjustly morally proscribed in modern communities, and that such violence has serious and indeed necessary prophylactic and thera-

peutic benefits. My argument remains short of what needs to be researched in the future, and that is the very serious, perhaps dark, but principally important question: can there, and under what conditions, exist a duty to kill someone for the benefit of a moral order? Specifically, can there exist a categorical moral duty to illegally kill a person who exemplifies and perpetuates those offences to a collective's moral self to such an extent that allowing such a person to continue the moral offence threatens the very moral sanity of a community?

Such dark questions may seem extreme theoretically, but practically, unfortunately, they are close to reality. Increasingly we see individuals who transgress fundamental community values in such heinous and morally appalling ways, to such an extent, in a context where institutions are principally unable to stifle their transgressions, that there is renewed discussion of “revolution”, “post-revolutionary violence”, even the Marxian old concept of “post-revolutionary dictatorship”, in some modern societies.

Could it be that these old themes are merely echoes of the principled question proposed for further research, more precisely, the question of whether, deontically, a duty could be established, with full philosophical and logical rigour, to illegally kill along the lines of Herem? Perhaps that is the fundamental practical philosophical concept that extrapolates the extremes of my argument here, where my present argument falls short of addressing this provocative topic fully, but points to its inevitability in future research, all in the context of truly organic social control. In other words, can we really conceive of organicism in social control apart from a broader organicism of social organisation and a consensus to protect fundamental morality that means out identity? And how far are we entitled, or have a moral duty, to go in pursuing that protection of fundamental moral intuitions that make us who we are?

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Aleksandar Fatić

U obranu integrativnog nasilja

Kako filozofijska praksa može povećati organsku društvenu kontrolu

Sažetak

Rad se bavi odnosom između organskih i institucionalnih oblika društvene kontrole s točke gledišta mogućeg doprinosa filozofijske prakse razumjevanju društvenih sankcija. Argumentacija polazi od empirijske činjenice da zakoni i ustavi različitih zemalja, u svojim preambulama, najčešće definiraju svrhu kažnjavanja u utilitarističkom svjetlu. Ovaj operativno-utilitarni karakter institucionalne društvene kontrole sličan je utilitarnoj prirodi filozofskog savjetovanja kao praktične djelatnosti. Kada se kontrola, koja podrazumijeva neku vrstu »nasilja«, sagleda u širokom razumjevanju pojma nasilje, otvara se prostor za diskusiju o izazovnom i kontroverznom pitanju o tome može li nasilje biti integrativno kako u smislu integracije vrijednosti, tako i u smislu potvrđivanja nečijeg socijalnog statusa nakon prijestupa, i to u mjeri većoj nego što su to institucionalizirane i od pojedinca relativno konceptualno udaljene vrste sankcija.

Ključne riječi

organsko društvo, institucionalne kazne, društvena kontrola, filozofsko savjetovanje, integrativna praksa

Aleksandar Fatić

Zur Verteidigung von integrativer Gewalt

Wie philosophische Praxis die organische soziale Kontrolle steigern kann

Zusammenfassung

Der Artikel befasst sich mit dem Verhältnis zwischen organischen und institutionellen Formen der sozialen Kontrolle unter dem Gesichtspunkt des etwaigen Beitrags der philosophischen Praxis zur Deutung der sozialen Sanktionen. Die Argumentation geht von der empirischen Tatsache aus, dass die Gesetze und Verfassungen verschiedener Länder in ihren Präambeln den Zweck der Bestrafung zu allermeist in einem utilitaristischen Licht definieren. Dieser operativ-utilitäre Charakter der institutionellen sozialen Kontrolle ähnelt der utilitären Natur der philosophischen Beratung als praktische Tätigkeit. Wenn eine Kontrolle, die eine gewisse Art „Gewalt“ einbegreift, in einer ausgedehnten Auffassung des Begriffs der Gewalt besehen wird, wird ein Raum für die Diskussion der herausfordernden und kontroversen Frage darüber erschlossen, ob die Gewalt integrativ sein kann, sowohl im Sinne der Werteintegration als auch im Sinne der Bestätigung des sozialen Status eines Individuums nach einem bestimmten Vergehen, und zwar in einem größeren Ausmaß, als dies die institutionalisierten und vom Einzelnen konzeptuell relativ entfernten Arten von Sanktionen sind.

Schlüsselwörter

organische Gesellschaft, institutionelle Strafen, soziale Kontrolle, philosophische Beratung, integrative Praxis

Aleksandar Fatić

Pour la défense de la violence intégrative

Comment la pratique philosophique peut-elle augmenter le contrôle social organique

Résumé

Ce travail aborde la relation entre les formes organiques et institutionnelles du contrôle social en partant du point de vue selon lequel la pratique philosophique pourrait contribuer à la compréhension des sanctions sociales. L'argumentation prend pour point de départ les faits empiriques sur la base desquels les lois et les constitutions de différents pays, dans leurs préambules, définissent le plus souvent le but de la sanction à la lumière de l'utilitarisme. Ce caractère opérationnel et utilitariste du contrôle social institutionnel est semblable à la nature de la consultation philosophique en tant qu'activité pratique. Lorsque le contrôle, qui sous-entend une sorte de « violence », est analysé par rapport à une large conception de la notion de violence, s'ouvre l'espace de la discussion qui aborde la question difficile et controversée de savoir si la violence peut être intégrative, autant au sens d'une intégration des valeurs, qu'au sens d'une confirmation d'un statut social suite à un acte répréhensible, et cela dans une plus large mesure que sont les types de sanctions institutionnalisées et relativement éloignées de l'individu d'un point de vue conceptuel.

Mots-clés

société organique, sanctions institutionnalisées, contrôle social, consultation philosophique, pratique intégrative