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Cover artwork (At the Gates: Our Safety Depends On Official Vigilance) first published in Harper's Weekly in 1885. The illustration is in the public domain.

Foreword

If we may say this without contradicting ourselves, this issue is both a thematic and an omnibus issue. The focal piece is the Benjamin Eby lecture, “Law as a Sword, Law as a Shield,” given by Lowell Ewert at Conrad Grebel University College in March 2006. Following it, in unplanned but potentially fruitful thematic juxtaposition, is “The Gospel or a Glock? Mennonites and the Police,” written by Andy Alexis-Baker. And relevant to the themes of both these pieces is Earl Zimmerman’s article, “Beyond Secular and Sacred: An Anabaptist Model for Christian Social Ethics.”

The omnibus aspect of this issue is provided mainly by Antonio González’s “Grace and Freedom: An Anabaptist Perspective,” based on the sermon the author presented at the Mennonite European Regional Conference (MERK) held in Barcelona in May 2006. Book reviews complete the omnibus component. These reviews are posted on the CGR website as well.

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Readers will want to check out the new searchability feature of the CGR website: www.grebel.uwaterloo.ca/cgrsearch. At present, issues from Winter 1998 to Winter 2006 are available online. Soon we will offer issues from CGR’s day one (Winter 1983) to Fall 1997 as well.

Except for book reviews, the website will have an intentional lag of roughly one calendar year. For example, the main articles in this print version of the Spring 2007 issue will appear on the site in about 12 months. This helps us honor our obligation to subscribers who are paying for the print version. Please note that we have no plans to convert CGR to a wholly online journal.

We thank the “test drivers” who gave the searchability feature a trial run over the past several months. As we are still developing the site and our services to readers, we will be grateful for your feedback. Please send your comments and suggestions to cgrecredit@uwaterloo.ca.

C. Arnold Snyder, *Academic Editor* Stephen A. Jones, *Managing Editor*

2006 BENJAMIN EBY LECTURE

Law as a Sword, Law as a Shield

Lowell Ewert

Introduction

The title of this article reflects the contradiction of law. On one hand, law is a core necessity for peace and justice, as it shields the less powerful from abuses by the more powerful. It accomplishes this goal by setting standards that are fairly enacted, fairly applied, and fairly enforced. Law when implemented in this way provides no reason for individuals to commit acts of violence to protect their interests. Good law is therefore an essential element for nonviolence. The world would be a far more brutal place today without it.

On the other hand, law is often horribly misused to dominate, oppress, and abuse. When unfairly enacted, unfairly applied, and unfairly enforced, law can be a sword of injustice. It can therefore have a very violent function, and it has often been used to justify brutality.

This is the dilemma of law. How can what is so good for humanity in one instance be so harmful in another? Why does law promote peace in one context, but injustice and violence in another? How can law be used to create the kind of world in which peace and justice predominate?

My Journey to Understanding Law

My wrestling with these and other troubling issues began on my last day of law school in December 1977, when one of my professors delivered a mini-lecture lasting no more than four or five minutes. The lecture was triggered by his realization that many of us in the classroom were about to graduate. This was it – his last chance to guide and influence us, and it was an opportunity he could not pass up.

“Many of you are about to graduate from law school and will soon be taking the bar exam,” my professor began. “You are probably feeling pretty good about yourselves and are very proud of your accomplishments. You

were probably idealistic when you started law school about how you were going to use law to promote justice when you finished. And you probably think that your friends, family, and acquaintances are proud of you too. But let me tell you what they are thinking. As you are getting ready to start practicing law, your family, friends, and acquaintances are thinking, “You son-of-a-bitch. You’re going to become just like those other lawyers.”

When he said these words, he had our undivided attention. I, and many of my classmates, had gone to law school in significant part because of our idealism. In my journal I had recorded that I wanted to become a lawyer so I could sue multi-national corporations that abused their workers. Among the objects of my righteous indignation were the Dole Corporation (now Dole Food Company, Inc.) and United Fruit (United Brands) for their policies on working conditions for banana pickers. Several of my classmates had dreams to work for Legal Aid so they could provide legal assistance to the disenfranchised. Another eventually fulfilled his goal of working as a lawyer for labor unions where he could invest his efforts in advocating on behalf of blue-collar workers. In any event, our professor understood the powerful motivation many of us had to study law, and he appeared to be critical of it.

But then he continued – and only made things worse. After reminding us how people would view us once we became lawyers, he dropped the other shoe. “Whatever you do,” he said, “when others think you have become an SOB, don’t disappoint them. There will come a time in your practice of law,” he continued, “when you will be asked to evict a little old lady from her apartment on Christmas Eve whom you know has nowhere else to go. Your job is to do it and to make sure that she is standing on the curb, in the snow, next to her possessions, on Christmas Eve.”

I recall being outraged by our professor’s comments, and I left his class and law school that day in disgust. It wasn’t until about eight years later, after working with Mennonite Central Committee in Palestinian refugee camps in South Lebanon in 1984-85, that I finally understood what he had intended to teach us and, more important, why he was mostly right.

Law as a Sword

It is difficult in peace and justice circles to be a passionate defender of law. Trying to be that reminds me of the fellow who gave a speech celebrating the benefits of Thanksgiving to a gathering of turkeys. The concept of being grateful for one's blessings is seen to be sound, but implementation is viewed suspiciously. Consider how skepticism about lawyers is illustrated in jokes. (Often lawyers don't think the jokes are very funny, and most non-lawyers don't believe they are actually jokes!) Did you hear the one about the lawyer who prepared for a major speech by getting a good night's sleep the night before? She slept just like any lawyer would – first lying on one side, and then on the other. The subtle humor reflects a deeply held suspicion that lawyers serve themselves first, and their clients and the cause of law, second.

Law as we know it has been a great source of violence, injustice, and oppression. Violence has been defined by noted peace scholar Johan Galtung as taking three forms: direct, structural, or cultural.¹ Direct violence, according to Galtung, is the actual event that causes the immediate harm. War, assaults, or battery on the person are the most common examples of direct violence.

Structural violence, he explains, is exploitation that is legitimized and deemed acceptable by society. Structural violence is inherent in the systems that are set in place to maintain a social order but violate human dignity. This violation may result from rigging the rules so the poor remain in abject poverty; ensuring that jobs, or at least good paying jobs, are not available in certain areas or to certain people; or making it likely that the privileged are entitled to better health care than the poor.

The "Illegal Immigration Relief Act Ordinance"² adopted by the City of Hazleton, Pennsylvania in July 2006 is an example of structural violence that seems to make logical sense until more thoroughly analyzed. This Act punishes businesses that employ, and landlords who rent to, illegal immigrants. While on the surface this may appear to be an appropriate ordinance needed to protect the city from illegal Mexican workers, the impact has been shown to sow the seed of discrimination against other Hispanics. Employers were found to be afraid to hire someone who might turn out to be illegal, and landlords were reluctant to rent to someone who

might be illegal.³ As a result, minority groups, legal or not, were subjected to harsher living and working conditions. This result occurred because of a law duly enacted and enforced.

But structural violence is often possible only because of cultural assumptions that provide the groundwork sustaining oppressive structural presuppositions. This “cultural violence,” as Galtung defines it, operates to provide the justification for direct or structural violence. It explains and legitimizes these other forms of violence. It provides what on the face seems to be a perfectly understandable reason why violence is justified. “Cultural violence makes direct and structural violence look, even feel, right – or at least not wrong.”⁴ Cultural violence can rationalize what the town of Hazleton did, by arguing that the town was “being ruined by violent crime, crowded schools and a clogged emergency room at the city’s private hospital,” all attributed significantly to the actions of illegal immigrants.⁵ This claim can be made even though the town’s mayor at trial could not name a “single instance where illegal immigrants had received services from Hazleton’s fire department or health officer.”⁶ It was further found that of the 8,575 felonies committed in the city since 2000 “about 20 were linked to illegal immigrants.”⁷ Yet, the taint of the assumption that illegal immigrants are the cause of many of the town’s problems sticks, despite facts to the contrary. Almost anything can be rationalized culturally because it often makes at least some sense as part of rational discourse. This leads to a disturbing conclusion about how law is used, since at least two of these three forms of violence, structural and cultural violence, are often enshrined in, or protected by, law.

A few examples of how law has been used to justify outrageous abuses will give context to the scale and scope of the problem. In U.S. history:

- In an attempt to regulate thought and belief, in the Colonial U.S. the Quakers were banned from Massachusetts Bay in 1658. Two years later, for refusing either to go away or to stop being a Quaker, rebellious Mary Dyer was hanged on June 1, 1660. Her crime? Being a Quaker.⁸
- The displacement of aboriginals, and wholesale murder and confiscation of their land, was mostly legal under domestic U.S. law.

- Discrimination against persons of African descent held as slaves became not just something that rogue colonies promoted in pre-Colonial times but was subsequently enshrined in the bedrock foundational principle of the U.S. – its Constitution.⁹

While it is easy to mock our Southern neighbors, Canada is not blameless.

- Aboriginal Canadians continue to contest how they have been treated, citing residential schools, lack of services such as clean water on reserves, and disputes over land titles. The original inhabitants of this land have paid a terrible price for law.
- The Provincial Elections Act of British Columbia in 1895 stated that “No Chinaman, Japanese or Indian shall have his name placed on the Register of Voters for any Electoral District.”¹⁰ The fine was \$50 and up to a month in prison for anyone who registered a prohibited person. This prohibition applied not only to immigrants but to Canadian citizens of this ancestry. The provision was not revoked until the late 1940s.
- Emily Ferguson Murphy, born in Cookstown, Ontario, exemplified the challenge women faced in the early twentieth century, when on the first day she presided in court as a judge in 1916, a lawyer representing an alleged criminal objected to her being the judge because the law said only “qualified persons” could be judges. As a woman, Emily was not considered to be a person and therefore not qualified to be a judge.¹¹ The Canadian Supreme Court, after several weeks of argument and legal wrangling, subsequently agreed with her detractors and confirmed that women were not persons. I can only imagine the dinner conversations the judges had at home on the night of this shocking ruling. It wasn’t until October 18, 1929 when the Privy Council intervened and ruled that “Canadian women were indeed persons.”¹²

Internationally, abuse by law has no better track record.

- The genocide committed by Nazi Germany was mostly legal under German law, and according to most written international law in effect at the time.
- Apartheid in South Africa was established by law.
- Saddam Hussein claimed at his trial in Baghdad in 2006 that his order mandating the execution of 148 persons in response to an attempted assassination on his life was lawful.
- During the Summer 2006 war between Israel and Hezbollah in Lebanon, the Israeli military dropped cluster bombs on 770 sites in South Lebanon, 90 percent of which fell during the last three days of the conflict. It is estimated that four million bomblets, which have about a 30-40 percent failure rate, were dropped. Six months later, the tiny bomblets when accidentally disturbed continued to kill or injure an average of three people per day.¹³ What was the rationale of the Israeli military for dropping cluster bombs despite this action advancing no real military objective? “All the weapons and munitions used by the IDF [Israeli Defense Forces] are legal under international law and their use conforms with international standards,” Israeli spokespersons have said.¹⁴
- What about the 2003 U.S. invasion and occupation of Iraq? Ask President Bush and he’ll tell you – it was lawful. And the treatment of Iraqi prisoners? Well, you might have a point there, President Bush will admit; prisoner maltreatment in Abu Ghraib may have gotten a little out of hand, but only because of the actions of a few bad soldiers who exceeded their authority. However, just to make sure there was no confusion about how terror suspects can be treated, the U.S. redefined torture to be physical pain equivalent to “serious physical injury such as organ failure, impairment of bodily function or even death.”¹⁵ According to this view, any abusive interrogation technique that falls short of reaching this high bar of maltreatment, no matter how painful or traumatizing, is lawful.

Why is it so Hard to “Get Law Right”?

If we want law to be a shield to protect, instead of a sword to oppress or inflict violence, why is it so hard to get it right? Why is there so much abuse by law? Why don't good intentions give us the result we hope for? Before we try to answer these questions, it is important to reflect briefly on two overarching principles that help contextualize what law is.

First, law should properly be regarded as history, in that it arises from a nation's story. It is never static; it is always ongoing. Oliver Wendell Holmes, appointed in 1902 to the U.S. Supreme Court where he would serve for 30 years, wrote in 1881 that “the law embodies the story of a nation's development through many centuries, and it cannot be dealt with as if it contained only the axioms and corollaries of a book of mathematics.”¹⁶ Law should thus be viewed as a living social system that is constantly evolving as it reflects new socio-political realities. It is also true, as Ambrosius Macrobius stated, that “good laws have their origins in bad morals”¹⁷ as states and social systems attempt to adjust to the challenges and problems confronting them. This evolutionary process is especially obvious in common law jurisdictions, such as the U.S. and Canada, where law continually adapts to reflect changing social norms and by doing so simultaneously changes these values. What this means is that there are few immutable laws. Therefore, to understand a nation's laws, study its history; and to understand its history, study its laws.

Second, law not only reflects a nation's story or narrative but also articulates its worldview. German historian and philosopher Oswald Spengler wrote in 1922 that every legal system “contains in concentrated form the worldview of its creators.”¹⁸ According to this perspective, law is not just a backward look at history but also a forward look at the future, the world to be created.

Law as a worldview is best illustrated by the Universal Declaration of Human Rights, the cornerstone of the international human rights movement, which was adopted on December 10, 1948. This watershed moment of historic proportions overturned long-held notions of state sovereignty almost overnight as nations declared, though none really meant it, that there were limits to state power. The idea that unexpectedly grew from this tiny seed of human rights has, in my opinion, led to more changes in international law

in the last six decades than in the previous six centuries. The motivation for drafting the Declaration was stated clearly in its Preamble. Peace is the overarching goal of the international community, and it can be achieved, says the Preamble, if human rights are respected and national sovereignty is limited [paraphrased].¹⁹

What these two principles suggest is that we can view law as either history or expectation. With respect to the former, it should come as no surprise that law has often been regarded as a “mirror” reflecting society and its values. Examples are the “Mirror of the Saxons” published in 1220-35; “Mirror of the Germans” (1260); “Mirror of Swabians” (1270-80); “Layman’s Mirror” (1510); and Justin Gobler’s “Mirror of Laws” (1550).²⁰ And let’s not forget the “Martyrs Mirror” that tells the Anabaptists’ story while at the same time painting a picture of how to live in the future.

The mirror analogy best explains why it is so hard to get law right even if one has the best of intentions. Law is created and applied in a context of holding the mirror in front of us to see what is behind in order to guide our path forward. It is like looking backwards while trying to move ahead. Try driving your car forward using only your rearview mirrors to predict where the road is in front of you. It can be done, but it can’t be done easily, well, or quickly. It works best if no other cars are on the road, if the road direction is completely predictable, and if any other cars that do appear on the road stay on their side and follow all the rules. But accidents are inevitable. Adjustments will have to be made. People will be injured as society tries to navigate blindly in this gap between what can be seen in the rearview mirror and where the car is actually positioned on the road. To a certain extent, this means that law is almost always out of context, as the present need for law and the historical experience on which it is based do not perfectly line up.

Law as a Shield: A Way Forward

How do we reconcile backward-looking but forward-directing law? What is the national narrative or mirror that we want to hold up? I suggest that when we think of law, we remember the following:

1. *There is “hope” in law, even though law often fails.* The Universal Declaration of Human Rights begins by stating clearly and unapologetically

that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”²¹ Can you be more visionary than that? Is there any person of peace for whom this is not an inspiration? Former UN Secretary General Kofi Annan has elaborated on this opening salvo in the Declaration by stating that human rights “are the principles by which we create the sacred home for human dignity.”²² This is amazing stuff. To advance this vision, the United Nations was created to “save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind.”²³ While law has often failed, the foundational principles have been articulated and a starting point has been identified.

2. *It is impossible to have peace without law.* The alternative to law is the chaos we see in Baghdad. We need law that functions as an operating system to manage how differing individuals, groups, and nations will inter-relate without violence. While some may argue that we can have peace through informal community, this does not address how different or competing individuals, groups, or nations can peacefully co-exist. We need good law for peace. As peacemakers, we cannot ignore the positive role law can play in promoting peace by establishing the rules of the game.

3. *Law is important even when violated or ignored.* Just as we don’t say that the law prohibiting murder is irrelevant because some people continue to commit murder, so we should not denigrate law just because it is abused. Law reinforces a standard even when ignored, and it can inspire and motivate individuals to try to change society even when deliberately violated by the powerful.

In late 2006, Father Carl Kabat, a 73-year-old Catholic priest, and two colleagues were sentenced to prison for 8 to 15 months. Dressed up as clowns, they had broken into an Echo 9 launch site in North Dakota housing a Minuteman nuclear missile and poured blood on the site. The judge who sentenced them refused to hear arguments that their protest was designed to enforce international law.

At their sentencing, Father Kabat, who has cumulatively spent 16 years in prison for peace protests, addressed the judge and prosecutor.

“I believe that you, brother judge and brother prosecutor, know that the Minuteman II ... is insane, immoral and illegal, but your actions protected that insanity, that immorality and illegality,” he said in his act of witness. “Brother judge, you could have possibly been a Rosa Parks, but your actions said ‘no.’”²⁴ Because these three protestors were convicted, does this mean that law is irrelevant?

In another case, Irish courts reached the opposite conclusion, invoking international law to acquit protestors who started to occupy the runway at Shannon International airport so U.S. jets could not stop there on the way to bomb Iraq. In this court, an appeal to international law was successful.²⁵ So, is international law relevant or irrelevant? What “precedent” has been set by cases like these two?

4. *Just because someone claims an act is lawful does not mean it is.* Law does not evolve in a straight line, or logically or inexorably in a positive direction. Its evolution is far more complex and chaotic. It is an ongoing experiment that is tried and tested, amended when problems arise, and discarded when not redeemable. Saddam Hussein and the court that convicted him reached opposite conclusions about the lawfulness of executions. President Bush and many other world leaders reached opposite conclusions about the legality of the Iraq war, the war on terror, and torture. A North Dakota Court and an Irish Court reached opposite conclusions about the legitimacy of peaceful protest. Let’s not get disheartened by these contradictions, but rather position law in the big picture and understand how it is evolving and changing. The experiment isn’t arriving at perfect results, but it also isn’t over yet.

5. *Law is a tool that peacemakers can use to promote peace.* Law is in fact a handbook of peace. It should therefore occupy a prominent place in peace studies programs sponsored by colleges and universities such as the program located at Conrad Grebel University College. What fascinates me is how little a role law plays in almost all peace studies curricula. It is a blind spot. This omission is akin to offering a twentieth-century European history program while overlooking almost any reference to World Wars One and Two. Most peace studies programs do not address business law, tax law, domestic relations law, torts, the law of war and the law of peace, or

international law to any significant extent. Criminal law is often referred to in restorative justice courses in a way that makes it only a less attractive alternative. While law is imperfect, it needs to be studied, examined, and empowered to better fulfill its mandate of promoting a more peaceable and just world. It must be challenged and continually redeemed because, as stated earlier, without law violence is inevitable.

6. *Laws are not an end in themselves.* Laws are designed to advance a vision of the future and to mirror a particular aspect of a worldview. Solely to focus on what is prohibited is thus shortsighted, equivalent to assuming that a tree comprises only what is visible above ground, or that a skyscraper begins at ground level and stretches upwards from there. Half of every tree, the roots, is not seen. The most important part of any building, the foundation, is often ignored by those occupying it. Without the invisible substructures supporting the visible structure, trees could not grow and buildings that mark the skyline of major cities could not stand. The question of law is then not simply, What is lawful and what are the penalties for violations? Rather it becomes, What is the social policy being advanced, and how does a particular legislative act or treaty reflect that policy? Earl Warren, a former Chief Justice of the U.S. Supreme Court, described this matter best when he said, “it is the spirit and not the form of the law that keeps justice alive.”²⁶ It is important to remember that law is primarily designed to advance a worldview, not simply to prohibit one.

7. *Law sets a minimal standard, not a maximum one.* Law does not assume that what it mandates is everything that should be done. Law alone has never, can never, and will never create a perfect society in which all human needs are met and all human conflicts are happily resolved. Assuming that law should play the role of creating a perfect world is ludicrous. At the end of the day, law merely sets minimal conditions that make it possible for people of conscience to create the kind of world that is just and full of rich and vibrant relationships.

The necessary co-dependence of law with something else can be illustrated by the analogy of a house with a floor, walls, roof, windows, and doors. What a house can do very effectively, and better than a temporary

or easily adaptable and changeable structure (such as a tent that can be set up, taken down, expanded, contracted, and moved relatively quickly), is protect the occupants from the driving winds of hate, the burning sun of persecution, the cold hail and snow of discrimination, and the terror of being physically attacked by abusive and invasive powers.

What this figurative house cannot do, however, is to make its occupants appreciate each other, want to form community together, genuinely respect or love each other, or pro-actively nurture the human spirit and empower each other to genuinely thrive. Yet without the structure that the house provides, human interaction will be fraught with hardship, overwhelming injustice, and terror. Law, then, mandates basic and minimal rules of civil behavior. However, without the “space” inside the house where the values of humanity can be practiced, life will be cold, impersonal, and not fully realized. While law is incapable of ensuring individuals will personify these relational values that give life meaning, law makes it more likely that these values will be manifested. Just as law mirrors the norms of society, it also precipitates changes in these norms. When people voluntarily obey new norms that affirm the dignity and worth of all, the ripple effect is often that society begins accepting the underlying values themselves.

8. *Law complements, and need not supplant or override, the transformative values that people of faith attempt to live out.* Law is not the Kingdom of God on earth. But it also does not prohibit mediation, restorative justice, and peace-building between individuals. Instead, by providing some very rough guidelines, law creates a structure enabling us to interact with each other through transformative mechanisms or negotiation, mediation, and restorative justice.

9. *Law can help keep our analysis of conflict situations more honest.* Distorted understandings of law have led peace groups at times to unwittingly undermine peace and justify killing and destruction. When NATO bombed Serbia in 1999, some peace activists and peace groups issued statements implying or asserting that this bombing was the cause of the humanitarian crisis that followed. Before NATO began the bombing there were no refugees, these groups argued, but once the bombing started,

the murders, rapes, and expulsions of almost a million Kosovars began at an unprecedented scale. Hence the correlation that NATO was the de facto “cause” of the humanitarian crisis.

However, nothing could be further from the truth than to claim that these criminal acts happened because of NATO. Under international law, there is never a justification for deliberately attacking a civilian population. Never. There are no excuses or exceptions. Whether NATO had the legal authority to attack Serbia or not is irrelevant when critiquing Serbian conduct. No actual or alleged violation of international law by NATO can be used as justification for Serbian forces to rape, expel, or murder Kosovar civilians. In my view, the implication advanced by some peace activists that NATO’s conduct of the war was somehow responsible for triggering the Serbian response was nothing short of appalling. Even the military authorities responsible for carrying out the policy of ethnic cleansing did not make such outrageous claims.

We unfortunately saw a similar kind of argument when four members of the Christian Peacekeeper Teams (CPT) delegation were kidnapped in Iraq in 2005. A press release issued by CPT stated that “[w]e are angry because what has happened to our teammates is the result of the actions of the U.S. and U.K. governments due to the illegal attack on Iraq and the continuing occupation and oppression of its people.”²⁷ However, the kidnappers and those who directed them made a moral choice to kidnap. No one forced them to. They had alternative ways to respond. There was no moral excuse or justification for what they did.

When one claims that a kidnapping is the result of an illegal war, or that refugee flows are the result of illegal bombing, one uses the same rationale that U.S. President George Bush has made to justify war. President Bush’s claim is that the 9/11 attacks required the U.S. to act in Iraq and elsewhere. The peace community has no business parroting his argument. We can do better.

10. *Even horrific human rights abusers are aware of the power of law.* In Kosovo in 1999, a rape victim described to me her attacker, who wore a ski mask to hide his identity. She spoke about “those lips” that moved behind the mask. We also know from news reports that those who committed massacres

of civilians took steps to hide their work – destroying corpses, moving and hiding graves, and destroying written evidence. These criminals attempted to disguise themselves because they were aware of the power of law and were trying to hide from it.

Top commanders of the Lord's Resistance Army (LRA) in Uganda who have been responsible for horrific human rights abuses demanded in September 2006 that their indictments for war crimes be lifted before they would consent to come to the negotiating table. "The ICC [International Criminal Court] is the first condition, without that I cannot go home because it might be a trap," said LRA deputy leader Vincent Otti.²⁸

These examples strongly suggest that even those who have most blatantly flouted international human rights law understand what it is and its potential impact. By disguising their identity or trying to insulate themselves from responsibility, they show they understand that what they did was wrong.

11. *International law offers a comparative basis on which to evaluate claims of right and wrong.* Too often we get it wrong when we assume our own national or parochial views are best. Aborigines were decimated by Eurocentric interests in the U.S. and Canada often because the dominant culture thought it knew best. The Middle East is bearing the brunt of the cost of the U.S.'s belief that it knows best how the Middle East should be structured. International law reflects a broader consensus than does a nation, and thereby acts as a corrective to, or limit on, nationalistic tendencies.

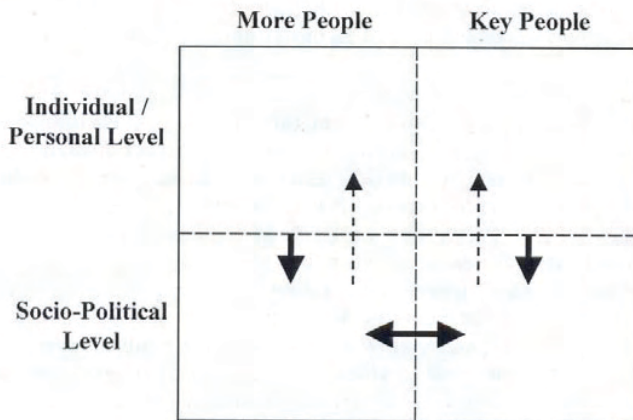
12. *Law offers a way to make peace-building more effective.* A number of years ago a research project was undertaken to study why so much good peace-building work had been done by so many people, with so many resources and with such good intent, but with so little impact. This study, the most comprehensive of its kind, was based on an intuitive sense that "the good peace work being done should be adding up to more than it is."²⁹

The study found that peace-building projects worked at one of two levels and with one or two groups. First, these projects focused on working with key people or more people at the individual/personal level. For example, projects would bring together Israeli and Palestinian kids to get to know each

other and to see each other as fellow human beings with similar needs and concerns. The goal of working in this quadrant was to reach more and more people. Other projects focused on reaching key people: influence makers and community leaders (religious, tribal, or political leaders; gatekeepers; warlords). Every time one person is changed, this line of thinking assumes, it will eventually lead to a gathering momentum that can knock down the mightiest walls of injustice and oppression.

A shocking revelation was the finding that programs focused on the individual/personal level “will have no discernible effect” on peace.³⁰ That is, projects that stay focused on that level, without impacting structures, are not effective. In other words, changing “more people” and even “key people” without changing structures and institutions does not lead to sustainable peace.³¹

DIAGRAM 1



In contrast, long-standing impact occurred mainly when the socio-political level was engaged. This doesn't mean that there were no important transformations at the individual or personal level, or that this kind of work should be abandoned. But for peacemaking to be truly effective, it must be institutionalized in some way at the socio-political level. The impact of institutionalization is illustrated by the heavy dark arrow pointing downward

in the above diagram. Once peace work aimed at changing individual/personal attitudes is expanded downward to include socio/political (structural) changes too, it has increased impact, sustainability, durability, and long-term results.

The study seems to suggest it is more effective to focus peace-making work at the socio-political level than at the individual/personal level. The correlation with effective peace work is stronger at the institutional level than at the individual level. Interestingly, there also seemed to be an equal correlation, represented by the heavy horizontal arrows, with the impact of work at the socio-political level that was aimed at both more people and key people.

Peace-making that fails to consider the institutional structures that law empowers, enables, and envisions does not “stick” well. “Stickiness” requires the structure of law, even though law by itself cannot accomplish real peace and reconciliation. If we want to do effective peace work, we must work with, and through, structures.

Conclusion

Let’s go back to where we started. Recall my professor’s admonition that a good lawyer should ensure that the proverbial little old lady, when evicted from her apartment, should be out on the sidewalk in the snow with her belongings on Christmas Eve. My professor didn’t stop there. After law is used to evict the tenant, he urged us aspiring lawyers to pick up the phone and call social services to try to find a place for the homeless woman to live. By evicting, law did its job of resolving a dispute without violence. But law did not prevent people of conscience from showing compassion. Legislating compassion, if not impossible, is an extraordinarily difficult job that law struggles to do fairly. Law’s primary job is to resolve disputes without violence, and with as much justice and compassion as fragile human institutions can muster.

What about the Dole Food Company, one of the firms I wanted to sue as a novice lawyer? Well, the company now claims to pay wages and benefits that “allow workers and their families to have a good standard of living commensurate with the societies in which they live,” to “respect “the freedom of the individual worker to join the union of his her choice,” and to

place “employee welfare and protection” as a top priority.³² Why did Dole change? In my opinion, they changed because they saw the handwriting on the wall in terms of their emerging human rights obligations. Like it or not, law is changing the corporate bottom line to include a social return on investment.

Law can be a sword or a shield. It becomes a sword when people of conscience ignore it, denigrate it, or misinterpret it, all approaches that I have seen peace activists take. It becomes a shield when peace activists work to make law not just *look* good and *seem* just, but actually to *be* good and *be* just. We peace activists and scholars will get our collective hands dirty when doing engaging law as a shield, because law is seldom free from moral ambiguity. Law is often necessarily enmeshed in tremendously difficult choices for which there are no good options. It is impossible for us always to know what is best. But that does not mean we should not try. Law remains the best hope that an incredibly diverse and fragmented world has for peace.

Notes

¹ Johan Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization* (London: Sage Publications, 1996), 196-98.

²<http://www.prldef.org/Civil/Hazleton/hazleton%20legal%20documents/Hazleton%20Ordinance.pdf.pdf>, viewed February 19, 2007.

³ “Welcome to Hazleton,” segment from *60 Minutes* aired Sunday, November 19, 2006. This segment also included an interview with Mayor Lou Barletta, who accused illegal immigrants of ruining the quality of life, utilizing public services, and contributing to increased crime. When pressed, he could not identify who was an illegal immigrant or how many there were in this town of 30,000.

⁴ Galtung, 196.

⁵ Milan Simonich, “Hazleton mayor, ACLU square off over immigration,” *Pittsburgh Post-Gazette*, March 15, 2007. Viewed at www.post-gazette.com/pg/07074/769672-85.stm May 11, 2007.

⁶ Ibid.

⁷ Ibid.

⁸ Nicholas Kittrie and Eldon D. Wedlock, Jr., *The Tree of Liberty: A Documentary History of Rebellion and Political Crime in America* (Baltimore: The Johns Hopkins University Press, 1986), 13.

⁹ Article 1, Section 2, clause 3 of the U.S. Constitution counts slaves as 3/5 persons. The importation of slaves was guaranteed by the Constitution for 20 years after it was adopted (Article 9, clause 1).

¹⁰ Taken from Ryerson University School of Journalism Diversity Watch, viewed May 11, 2007 at <http://www.diversitywatch.ryerson.ca/backgrounds/japanese.htm>.

¹¹ Susan E. Merritt, *Her Story: Women from Canada's Past* (St. Catharines, ON: Vanwell Publishers, Ltd., 1993), 128.

¹² Taken from Library and Archives Canada, viewed May 11, 2007 at <http://www.collectionscanada.ca/women/002026-305-e.html>.

¹³ http://www.hrw.org/campaigns/israel_lebanon/clusters/index.htm

¹⁴ Anthony Shadid, "In Lebanon, a War's Lethal Harvest," *Washington Post*, Tuesday, September 26, 2006, A 01.

¹⁵ Maureen Ramsay, "Can Torture of Terrorist Suspects be Justified?" *International Journal of Human Rights* 10.2 (June 2006): 103-119, 106.

¹⁶ Taken from the Arlington National Cemetery Website, reprinting of obituary for Justice Holmes, at <http://www.arlingtoncemetery.net/owholmes.htm>. Viewed on May 11, 2007.

¹⁷ Taken from http://www.quotationspage.com/quotes/Ambrosius_Macrobius. Viewed November 20, 2006.

¹⁸ Theodore Ziolkowski, *The Mirror of Justice* (Princeton, NJ: Princeton University Press, 1997), 4.

¹⁹ "Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law," Preamble to the Universal Declaration of Human Rights. Ian Brownlie, *Basic Documents on Human Rights: Third Edition* (Oxford: Clarendon Press, 1992), 21-22.

²⁰ Ziolkowski, 4.

²¹ Opening clause of the Preamble, Universal Declaration of Human Rights. Brownlie, 21.

²² "Briefing Paper: An Agenda for Human Rights," published by Oxfam, 1998, at <http://www.oxfam.org.au/campaigns/submissions/humanrights.pdf>. Viewed May 14, 2007.

²³ Preamble, United Nations Charter. Brownlie, 3.

²⁴ Bill Quigley, "Blood-Pouring Anti-Nuke Clowns Sent to Prison: Weapons of Mass Destruction Protected," published by Common Dreams.org on November 17, 2006, circulated to the Peace and Justice Studies Association list-serve, November 19, 2006.

²⁵ Ibid. The Irish Court acquitted the protestors after hearing from international law experts who explained the illegality of U.S. military operations.

²⁶ <http://www.quotationspage.com/subjects/laws>. Viewed May 11, 2007.

²⁷ <http://www.cpt.org/archives/2005/nov05/0036.html> Iraq – Update on Missing Persons in Iraq, dated November 30, 2005.

²⁸ "Uganda Rebels Vow Peace" at <http://www.iran-daily.com/1385/2666/html/politic.htm#s175332>. Viewed May 11, 2007.

²⁹ Mary B. Anderson and Lara Olson, *Confronting War: Critical Lessons for Peace Practitioners* (Cambridge: The Collaborative for Development Action, 2003), 10.

³⁰ http://www.cdainc.com/rpp/linkages_and_leverage.php, accessed on October 20, 2006.

³¹ Anderson and Olson, 51-70.

³² “Labor Policies” from Dole website, November 17, 2006. Accessed at www.dole.com/CompanyInfo/Responsibility/LaborPolicies/LabPol_Index.jsp.

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BENJAMIN EBY LECTURESHIP

Benjamin Eby (1785-1853) typified, and possibly inaugurated, Mennonite culture in Upper Canada. He and his wife Mary arrived in Waterloo County from Pennsylvania in 1807. By 1812 he was ordained bishop, and in 1815 he was overseeing construction of the area's first schoolhouse. He provided outstanding leadership in the church and in education throughout his life. The Benjamin Eby Lectureship, named in his honor and established at Conrad Grebel University College in the 1980s, offers faculty members an opportunity to share research and reflections with the broader College and University community.

The Gospel or a Glock?¹

Mennonites and the Police

Andy Alexis-Baker

Judging from recent writings and conferences on the topic of policing within North American Mennonitism, policing seems to be one of the cutting edges of social ethics.² Some of the most influential writers have taken up the task of providing a theology of security in order to offer ethical guidance for those working within the nation-state system.³ Rather than attempting to give ethical guidance to congregation members with an uneasy conscience about calling upon the world's police forces, these writings and conferences have focused instead on how to convince Mennonites that their uneasy consciences are misplaced. Police officers are actually *peace* officers, say the advocates of policing, so congregations should open up their membership to these newly “baptized” peacemakers. Further, these theologians have lofty ambitions of solving the world's war problems by using local police as a model for international conflict.

This article seeks to challenge well-intentioned assumptions about the local police that are the basis for opening up Mennonites to a greater acceptance of police and military forces. I will challenge the largely uncritical view of “just policing” that has not given sufficient attention to the problems local police pose for Christian congregations.

First, I argue that North American Mennonites should not be involved in modern police institutions. Violence is inherent in modern policing, and the growing tendency of Mennonite congregations to bless members serving in police institutions undermines an ethic based upon the Gospels. As an occupation, policing necessarily involves people in a violent institution, demands they forfeit their freedom to a hierarchical chain of command and constraints imposed by their oath of office, and asks them to participate in an idolatrous view of the nation-state as the place where God's action in history is primarily to be experienced and seen. Second, I suggest there may be some benefit in using “just war” criteria in making personal and

congregational ethical decisions about calling upon the police. The just war is simply not at home in the arena of the nation-state, and reframing the language in terms of “policing” cannot deliver the goods.⁴ However, as a guide for more local and personal decision-making, it may be useful.

Recent Mennonite Writings on Police

In 1999 James Reimer wrote two short articles arguing for the legitimacy of the state and its use of coercive force.⁵ God may use state violence, Reimer claimed, to achieve God’s ends. Further, if God uses the violence of the state, then Mennonites cannot transform his instrument of wrath into a completely nonviolent entity. At most, they can call it to account for its policing function. Mennonites should therefore distinguish between war and “policing.” Unlike war, policing is best understood as “protecting the good and restraining evil with a minimum amount of force.”⁶ Since the police are in fact a form of peacemaking, Mennonites can love their enemies in police occupations.⁷

Gerald Schlabach has argued in defense of Christian policing on similar grounds.⁸ His focus, however, has been ecumenical in nature, seeing “just policing” as a potential basis for bringing Catholics and Mennonites into closer unity.⁹ Schlabach argues that the intent of the Catholic just war position is akin to the logic behind policing.¹⁰ Since Mennonites have traditionally been less resistant to the notion of policing than to that of war, Catholic just war adherents and Mennonite pacifists might find common ground on the question of violence in a framework that focuses on “just policing,” and seek a way forward together.

These ideas found a more formal hearing in August 2004, when the Peace Office of the Mennonite Central Committee sponsored a conference on “Seeking the Welfare of the City: Public Peace, Justice and Order.”¹¹ Three basic viewpoints found expression:¹²

- Schlabach and Reimer presented papers defending a “just policing” ethic in which Christian police could have recourse to killing, albeit only as an exception under carefully delineated criteria.¹³

- Ted Koontz, John Rempel, and J. Robert Charles presented papers similar to the Swiss Brethren perspective represented in the Strasbourg Discipline.¹⁴ Like Reimer, they recognize the possibility that God may work through the state's limited use of violence. Unlike Reimer, they do not think Christians should participate in the state's police.
- Duane Friesen, Lisa Schirch, and J. Daryl Byler presented what might be called an "optimistic pacifism."¹⁵ In their view, nonviolent direct action has the potential to bring real security if there is the will and creative expertise to implement it. Generating that will by providing "evidence" that nonviolent policing works is a fundamental task for Mennonites,¹⁶ who at a minimum should always act as if nonviolent approaches to police functions will succeed in deterring crime.¹⁷

At Peace and Unafraid: Public Order, Security, and the Wisdom of the Cross, a collection of essays edited by Schlabach and ethicist Duane Friesen, draws unevenly from the conference papers and features several additional contributions. The essays generally call upon North American Mennonites to support police forces from either the "just policing" perspective or the "optimistic pacifism" position.¹⁸ Meanwhile, a position resembling the one historically held by Marpeckian or "Strasbourg" Anabaptists is relegated to a single essay (by John Rempel) that concludes with some ambivalence about the Mennonite ability to guarantee security for the world.¹⁹ Completely missing are any arguments defending the traditional Anabaptist position articulated in the Schleithem confession.²⁰

Problems with Recent Thinking: Entering into the Debate

Terminology

The justifiable war/policing pole and the optimistic pacifism pole of the debate agree at several points. First, they attempt to translate Christian ethics into terms everyone can understand regardless of faith commitments or place in life. Second, because Christian ethics is good for everyone, Christians ought to witness to the state and take active roles within it. The state primarily promotes the good rather than holding off worse evils. Therefore,

the state is not outside the perfection of Christ, as in Schleithem. Despite this agreement, the respective authors employ different moral reasoning and ask different questions from different standpoints. Yet no one clarifies these differences, and this produces a pseudo-unity.

The authors mean different things by “peace.” For Schlabach, peace does not explicitly require the absence of violence.²¹ A Christian police officer can justifiably kill someone under strict guidelines making this action extremely exceptional. However, most North American Mennonites use the word “peace” differently; to accept a shift in meaning would reframe Mennonite theology and ethics. In contrast, Duane Friesen seeks to abolish state and church sanctioned killing in general. He views peace as an absence of violence (or at least killing) for everyone, Christian or not.

Similarly, the authors mean different things by “justice.” Schlabach’s justice revolves around the just war criteria: restraining violence to what is “necessary” to accomplish goals. But North American Mennonites have not typically seen “justice” as a set of criteria that one checks off before unleashing violence. They focus on restoring offenders to community life, which is impossible if the police kill the offenders.

Finally, none of the authors defines “police.” There are levels of police: local, county, state, provincial, federal, even international. Does Reimer envision American Mennonites joining the CIA, NSA, or FBI, or Canadian Mennonites joining the RCMP or CSIS? Are these police agencies peacekeepers? Are they just? By whose definition? Do they hold back evil? Abundant evidence suggests these agencies *unleash* evil.

Police Violence is Undeniable

In *At Peace and Unafraid*, Jeff Gingerich claims there is no “national epidemic of police violence.”²² He uses data from the U.S. Bureau of Justice Statistics to argue that police are the objects of violence more frequently than they use violence.²³ But this position is untenable. The headline on his statistics box asks: “What do we know about the police use of force in the United States?” The answer, which Gingerich does not acknowledge, is that we don’t know much. Police secrecy, refusal to collect detailed data, and refusal of serious independent study have hampered accurate knowledge. The same government study Gingerich used also admits that:

Finally, there are some aspects of police use of force about which we know very little or next to nothing.... [T]he information that is most critical for policy decisions often is not available or is very difficult to obtain. Such is the case with police use of force. The issues that most concern the public and policymakers lack the kinds of reliable and solid information that advance debate from the realm of ideological posturing to objective analysis.²⁴

The statistics are based on individual departments' voluntary reports. This methodology creates many problems: gaps in statistics because states and counties do not report;²⁵ officers modifying reports, knowing community groups and criminologists track such information;²⁶ undocumented violence swept under the table to avoid a paper trail; and statistical distortion because citizens under-report police violence. Since the data itself does not move debate from "the realm of ideological posturing to objective analysis," it is premature and dubious to use it to justify the police as peacemakers. The bottom line is that police officers are trained to kill.

Militarization

The police are militarized. The strength of Schlabach's proposal is that it reframes justifiable war language in terms that could limit war. Although Schlabach and others, including John Howard Yoder, rightly emphasize the differences between armies and police, they overstate the differences in ways that make us forget that for Christians neither the regulated killing of policing nor the unregulated killing of war is acceptable. Further, "just policing" fails to see how the state has blurred the line between policing and warfare.²⁷

Police language reveals something of this. Los Angeles police chief Daryl Gates told the *LA Times* that "[I]f we have people who smoke a little pot or snort a little coke, who simply want to go out and party and use drugs, I think they ought to be taken out and shot, because if this is a war on drugs, they are giving aid and comfort to the enemy."²⁸ Police wage a "war on crime," a "war on drugs," with "zero tolerance" for all sorts of activities. These phrases are not merely symbolic. They reveal that the police are less restrained than Schlabach or Friesen concede, and that the police have a warring mentality. The New York Police Department boasts of

being the “10th largest army in the world.” It has machine guns, aircraft and armored vehicles, chemical weapons, military-style clothing; it possesses a military-like hierarchy, paramilitary units specializing in extreme violence (SWAT teams and riot squads), sophisticated surveillance equipment; it is not accountable to the public – the list could go on. Various scholars have noted that in the post-Cold war era the “war on crime” replaces the arms race.²⁹ If this is correct, the same logic that led to the arms race has been at work in American policing institutions. This is not the language of restraint. Of course pacifists would welcome a strict use of justifiable war thinking; but the change in terminology does not change the violence, it only renames it.³⁰ In the end a corpse does not care if the killer was doing police work or playing soldier in war. The result is the same and disregards Jesus’ example and teachings on nonviolence.³¹

Police Mythology: Why the Police Have Not Served the Common Good

There is a deeper narrative of violence within police activities than the authors in *At Peace and Unafraid* have so far conceded. Because they do not define “police,” they fall prey to an ideology in which modern police institutions appear to be ancient servants of the common good. Jeff Gingerich narrates the rise of the modern American police as a model imported from England in response to rising crime rates.³² Yet, if other historical movements are any guide, institutions never arise from a single cause but from complicated processes involving economic, political, social, and ideological factors. Fear of crime cannot in and of itself explain the existence of the modern police, because such violations are not unique to modern times.³³ Previous societies did not develop “police” in response to similar problems.

In 1066 William the Conqueror imposed Norman law upon the Anglo-Saxons in Britain.³⁴ Norman law revolved around the *Frankpledge* and held an entire community responsible for infractions.³⁵ In this system every shire had a sheriff (shire reeve), whose main duties were as estate managers.³⁶ Crimes were prosecuted when a private citizen brought a complaint against a person.³⁷ If an offender fled, the sheriff organized a *posse comitatis* to apprehend the person for trial. If the *posse* failed to apprehend the person, the community had to pay a fine. In 1285 the Statute of Winchester codified a new volunteer night watch system to supplement the sheriff.³⁸ Volunteers’

responsibilities included extinguishing fires as well as various hygienic and administrative tasks. When someone shouted the “hue and cry,” the Statute required every male over 15 years old to assist in the situation.³⁹ In the 15th century a constable, similar to the shire reeve under the Normans, began to coordinate the watch and received a small stipend from the king. About this time, rulers and kings began to see the justice system as not only a revenue source but a way to impose their rule and increase their power. The watch system evolved over several centuries in relationship to political changes, resistance to the government, and the intentional erosion of communal authority and loyalty in favor of new state formations and war-making enterprises. European policing was a by-product of the state’s war-making abilities.⁴⁰ Security and police evolution had little to do with the common good.

This system of constables, sheriffs, and watches was directly imported into the American colonies. Boston established the earliest watch in 1636.⁴¹ The city chartered the watch for run-of-the-mill tasks to ensure community safety such as inspecting suspicious persons, firefighting, maintaining streetlamps, and managing stray animals. The primary task of the watch was not crime prevention. At best it represented a response system like modern-day fire departments. The watch volunteers and conscripts did not wear uniforms, were unarmed, and managed many activities, the least of which was crime prevention. These characteristics are exactly opposite to those of a modern police department.⁴²

The first modern American police agencies evolved from mixing the watch system with the need to control immigrant and slave populations. Each region had its own flavor of policing. In the South, the modern police developed out of patrols organized to catch runaway slaves, monitor their social behavior, restrict their movement, and thwart revolt.⁴³ Early on, enforcement was the duty of all citizens. But enforcement proved difficult, so legislators mandated for federal troops, state militias, or county conscripts to staff the patrols. The conscription system monitored black movement and behavior, and allowed poor whites to vent their frustrations on black slaves.⁴⁴ These patrols carried out their assignments in the same manner: armed with guns, ropes, and whips they guarded countryside roads to verify traveling slaves had a valid pass; the patrolmen raped women, and generally

harassed, threatened, and abused any black persons, especially those without passes.⁴⁵ The main restraint on outright killing was the economic value of the slave. Other duties included searching slave quarters and dispersing illegal slave gatherings.⁴⁶ As the nineteenth century neared, the patrols focused on preventing infractions instead of punishment for rules already broken.⁴⁷ For our present purposes, the noteworthy aspects of the patrols are that they were accountable to “public law” and that their main goal was preventing revolt instead of reacting to it.

In 1785 the first modern police force arose out of slave patrols in Charleston, South Carolina called the Charleston Guard and Watch. This department had a distinct chain of command, uniforms, sole responsibility for policing, salary, authorized use of force, and a focus on preventing “crime.” According to one member, the unit’s main responsibility was “keeping down the niggers,”⁴⁸ which it did with terrifying precision; “crime” and “black” were synonymous. Over time, similar departments emerged in other cities.⁴⁹

Likewise, northern police departments were not designed to curb crime but a social class, the “dangerous class.”⁵⁰ For example, the 1834 City Marshal’s report in Boston included a detailed list of police functions such as enforcing traffic and building regulations, but did not refer to “crime” or to criminals at all.⁵¹ Instead, “vices” such as drinking and vagrancy occupy the document.⁵² In fact, Boston had only one murder from 1822 to 1834.⁵³ This scenario repeated itself in many cities.⁵⁴ Thus, northern police did not arise as a response to crime but from ideological differences between rich and poor.

Northern police departments were also tied to political consolidation. For example, in the nineteenth century, appointment to a New York City police post was a political affair that Tammany Hall tightly controlled and sold to loyal clients. The police promoted voter turnout, monitored voting stations, ignored ballot stuffing, and beat citizens who voted against the current administration.⁵⁵ The policeman learned to back the regime in power because newly elected regimes customarily fired existing police and replaced them with their own loyal clients. This explicit political activity, coupled with increased arrests for petty offenses, amplified the power of the city rulers.

This narrative takes more complex features into account than simple cause and effect between crime and police. Economic, ideological, and political reasons converged as the primary motivations for developing police agencies. If North American Mennonites want to appeal to history to claim the police are essentially a “nonviolent” thin blue line between order and disorder, they need to be clear how this has historically unfolded, and whose order and interests the police have served. Contra Schlabach⁵⁶ and Friesen,⁵⁷ there is little reference to a “common good” in the history of modern police. The police were not on the side of a positive peace where people reconcile with one another, but on the side of those who paid them. The police did not result from inevitable forces of history but from calculated moves to maintain social stratification. Mennonites should be cautious, because history does not vanish but materializes in the present. As police historian Eric Monkkonen wrote, “The historian must preserve a radical doubt as to the need for police, thus insuring that the proper energy goes into accounting for their existence.”⁵⁸

*Ecclesiology: Police as Sacred Community*⁵⁹

The police are an alternative community to the church. John Howard Yoder, following Roland Bainton, argued that fourth-century Christians allowed military service because they found the soldier’s administrative duties, including “policing,” acceptable.⁶⁰ Yet no theologian prior to that century condoned military service and “police” occupations. Rather, all Christian writers denounced the job. *The Apostolic Tradition*, an influential third-century church order, represents attitudes toward the police: “A catechumen or a believer, if they want to be soldiers, let them be excluded because they distance themselves from God.”⁶¹ The problem was ecclesiological: policing created distance from God and the church through which God acted. This was the core reason early Christians banned police occupations. One’s allegiance would be to the Roman Empire, not the church. Because early Christians rejected violence holistically, not legalistically, they saw violence as intrinsic to other issues like idolatry and oaths. They rejected “police” oaths because oaths stifled the freedom the Holy Spirit bestowed in baptism.⁶² In the oath a person swore to uphold a false story, to see and hear something other than the Word of God, and became part of a community

based on different ethics than the Gospel.⁶³ However, the Council of Arles in 314 reversed this position and threatened members with discipline if they left the police force in peacetime. Acceptance of police thus bridged the gap for acceptance of war.

Likewise, the modern oath of office is part of police initiation rites. Consider police initiation rites in comparison to ancient Christian initiation. A prospective police officer is first “examined”: What is his or her background? Is the person mentally and physically fit to join the fraternal order?⁶⁴ Those passing scrutiny enter the catechumenate (police academy) for indoctrination into the order’s faith and disciplines. This catechesis can last several months.⁶⁵ At the training’s end catechumens are examined to ensure the training (*disciplina*) has changed them sufficiently.⁶⁶ In the final initiation rite, the *competentes* swear allegiance to the state; the leader (bishop) places the city or state seal upon the new officer, who is given a new mission to the world.⁶⁷ This comparison is not flippant; it recognizes the police as a religious practice that we are predisposed to ignore as unimportant.⁶⁸

Police initiation rites situate the convert within a sacred community with stories that shape the adherent’s *belief*, *belonging*, and *behavior*.⁶⁹ The fraternal police order shapes the *beliefs* of converts, narrating the world for them. For example, police often explain behavior in terms of free will and conspiracy theories,⁷⁰ have a police martyrology,⁷¹ and inculcate values that color the police’s worldview. “Order” is the key value they uphold.⁷² The concept of order shapes their sense of *belonging* in a special way. It is a subjective concept⁷³ that puts the police at odds with most of society, because people who do not belong to the police are threats to “order.”⁷⁴ It makes police profoundly conservative and hostile to radicals. This viewpoint ruptures their loyalty to other primary groups like family, church, class, and even race.⁷⁵

This belonging shapes police *behavior*. Rodney Stark has shown that most police violence does not occur by individual officers out of sight from other officers but with other officers present or in police buildings. Police violence is a group activity usually covered up by other officers.⁷⁶ Individual dissent is met with disapproval and ostracism. For example, in response to a NYPD policy of arresting homeless people for sleeping outside, one officer

refused and the department disciplined him.⁷⁷ NYPD spokesperson John Timoney said about this case, “You don’t get to make individual decisions in the department, and if he doesn’t agree with a policy, he can let the police commissioner know in writing. . . . And then, if he doesn’t like the answer of the police commissioner, he can quit. It is that simple.”⁷⁸

Friendship beyond the sacred police community is difficult at best; and this poses significant challenges for officers to undergo church discipleship and accountability. Mistrust of society, odd working hours, common feelings of isolation, constant interaction with problems, police sub-societies (from burial associations to clubs to social service agencies), and honor codes – to name just a few problems – create significant social barriers for officers to have allegiances with other groups. These social barriers, coupled with the theological narratives, indicate that police occupations distance a person from Jesus and his eschatological community. So, for example, Duane Friesen is unrealistic to assume that Mennonite theology can override the deep sub-culture of the police, allowing North American Mennonites to be both Jesus’ disciples and police officers.⁷⁹ We cannot serve two masters (Luke 16:13).⁸⁰

Is Just Policing Credible?

This critique of the local police makes it difficult to imagine how the concept of policing can chasten Christian “just war” thinking. Only as a Platonic ideal can policing deliver on that promise. If the original intent of just war thinking was policing, then the latter is a subset of the former and must overcome significant barriers. For example, the just war tradition was most at home in Christendom, where people believed they had divine obligations and duties toward one another. Even within this setting the just war tradition, which functioned as just policing, rarely prevented war. Our world, however, is very different from the world of Christendom: nation-states do not have a common theology or ideology, and no accountability to a comparable umbrella organization. The United Nations cannot prevent conflict, because international law has dull teeth. Yet, even if the UN could police the world, who would police the UN? Further, several member states have carried out wars, such as the Korean War, calling them “police actions.” It seems the world has attempted the just policing concept; it is yet to be credible.

Just Policing in Congregational Life

Despite its shortfalls, the concept of just policing might have value for local ethical decision making. Mennonite recourse to an armed police intervention violates the Gospel call to nonviolence in a way that only committing actual physical violence can equal. Recent thinking about policing can raise this problem to Mennonite consciousness. If the authors we are discussing had kept a “two kingdom” theology rather than envisioning how they can influence policy, they could have focused attention on how congregations and their members could apply the concept of just policing to their own lives. First, however, the question of whether to call the police at all must be answered. The answers depend upon whether one holds to one-kingdom theology or two-kingdom theology.

Putting the State Back in its Place

An Anabaptist version of one-kingdom theology claims that Christ is Lord over all creation; thus there is one (nonviolent) ethical standard for all people regardless of time, place, or creed. The “state”⁸¹ (and its police) is then a servant of Christ, and human beings can and should use it to help set up the reign of God on earth. The police are merely a part of the peacemaking enterprise of God’s kingdom. This is problematic. First, the Biblical record does not support it. The history of Israel’s attempts at security through a centralized “state” is narrated as an utter failure. In fact, 1 Samuel 8 makes it clear that from the beginning the Israelite call for a “king like the Gentiles” ultimately rejects God himself. The rest of the Old Testament is commentary on this initial warning. From the most spiritual of kings (David) to the wisest (Solomon), the Hebrew Scriptures narrate a succession of wars, murders, rape, enslavement, and idolatry.⁸² Nevertheless, in *At Peace and Unafraid*, Lydia Harder locates the theological roots for engaging in security in the wisdom literature instead of the prophetic tradition.⁸³ Yet she ignores Ecclesiastes, the culmination of wisdom literature. Qohelet speaks from experience as a “king.” He denounces the position as an exercise in wicked greed. He speaks further on about security: “Do not curse the king, do not curse the rich in your bedroom, for a bird of the air will carry your voice, or some winged creature will tell your words” (Eccl. 10:20). This is state security in the Hebrew record: self-interested expansion of domination

and wealth. Unlike themes of labor and wealth in Ecclesiastes, this warning remains unmitigated. God's wise people will shun these positions and seek to be something else.

Second, monistic theology merely replaces two-kingdom dualisms with a secular one. In *At Peace and Unafraid*, the MCC Peace Theology Project Team writes of the kingdom of God as an "all-encompassing reality." Therefore the state and its police have a "life giving purpose."⁸⁴ God works in the world's institutions for good purposes and "we are invited to participate in God's transformative process to deliver the world from bondage and inaugurate shalom."⁸⁵ This story parallels liberalism's story of the modern state as making peace between diverse peoples under its "catholic" umbrella. The nation-state is a peace maker over against civil society. This is dualism and it is a story of salvation: the state arose to save people from disorder and chaos, from prior violence.⁸⁶ Thus the police are one of the main branches of the state as "peace makers." Several recent authors have explicitly stated this. The problem is theological and soteriological: two competing narratives differ about what it means to be saved in this world.

One-kingdom theology does not take the reality of sin seriously enough. When it advocates that Christians take positions of power, it fails to take into account either the reality of the temptation to dominate or the reality of evil. Even nonviolence becomes a mere technique when divorced from the theological presuppositions of Christian faith. Thus, we can have a "nonviolent" state, but whether that nonviolent state will be totalitarian – on the order of Huxley's *Brave New World* – is the question.

However, two-kingdom theology claims that until Christ's return the world must organize itself in ways that turn evil and violence in on itself. The world needs "police" to do this, and these police need to carry lethal weapons. Traditionally, this theology has claimed that the state is a servant of God and ordained by God to carry out his wrath. Most of the problems that can arise with this theology – quietism and conservatism – come directly from this notion that God created and uses the modern nation-state and its police as a special entity. One solution is to replace this notion with another option, fully Scriptural and theologically sound: the modern state (and its police) is a creation, not of God but of human beings, that has taken on a demonic life of its own which humans do not control.⁸⁷ It has no special

place in God's plan. This theological viewpoint frees and perhaps obligates Christians to embody their own narratives, free from both state-fetishism and police mythologies. The police do not save us in the larger picture; they enslave us to demonic forces.

Just War Criteria in Personal and Congregational Ethics

Perhaps just policing criteria could help free us from enslavement to a false ideology. Rigorously applying just war criteria to *calling* the police could raise the threshold for bringing the police into situations.⁸⁸ It may seem strange to use these criteria, especially after I rejected the idea that they are useful for limiting the state's violence and argued that the difference between the police and military is not great. Yet my argument was only that, when applied to the state, these criteria are hollow because the system is not directed towards an end but towards effectiveness. Christians working within that system will be subverted by the techniques and loyalties the job demands. The most urgent task is to set out ethical criteria for people who may find themselves in situations where they must decide what to do about violence or an offense. So I am outlining the just war criteria for them to consider before getting the police or military involved, precisely because the police and the military are unable to apply these criteria very well – and are inherently averse to making that kind of decision honestly. However, the individual and church community must be able to think things through without resorting to calling the police as an intuitive response. There certainly will be situations where Christians will need to call the police; but the idolatrous character of the police is unlikely to change if Mennonites direct them from on high. Nevertheless, the just war criteria might be useful on the church and individual level. However, I will focus mainly on few negative examples, because it seems the error most Christians will make is not being too cautious about calling the police but being too quick to do so.

Criteria for Congregational and Personal Ethics in Calling the Police

Before calling the police, asking questions about *legitimacy* can be useful. Do the police have legitimate authority over those they would be called upon to stop? In whose eyes would legitimacy matter, in various cases? Some youth, especially urban youth, view the police with such deep suspicion, and vice versa, that calling the police could make problems worse. There

may be neighborhood leaders who hold more legitimacy in the eyes of the youth and therefore could help alleviate situations without the police.

The *just cause* guideline also applies. Calling upon an armed police force because of nuisances is not an instance of just cause. In Christian reflection, a just cause forsakes self-defense. In just policing guidelines, calling upon an armed police force can be just only if it is for the sake of another; for example, to help find a lost child or a person with developmental disabilities. There are also instances in which calling upon the police is merely an administrative matter.

Intentions must be right. John Howard Yoder distinguished between objective external intentions and subjective internal intentions.⁸⁹ In calling the police, is the intention to inflict harm on, punish, or humiliate another person? The only valid reason to call in the police is to restore peace. For Mennonite business owners, if a shoplifter is caught in their stores, how does calling the police restore objective peace? It is possible that one could have an objective intention to punish and humiliate another person rather than to gain peace. When someone violates our personal living space, through burglary, for example, we can easily fall into a subjective desire for revenge and malice because of the emotional shock such violations cause.⁹⁰ Under both intention and just cause, the primary question is whether there are more redemptive ways to deal with an offender than the police and criminal justice system allow.

Criteria of *proportion* are also important. Sometimes people call the police not to use their violence to win compliance, but for merely administrative purposes, such as in a car accident. These sorts of calls are usually routine, but they can be complicated by factors such as the immigration status of one of the drivers or a lack of insurance. While examining the role of insurance, lawsuits, automobiles, and related issues is beyond the scope of this article, these aspects need to be re-visited constantly. Even routine calls can lead to disproportionate responses by the police and the state. Should we refuse to call in the police after a car accident when we have good reason to suspect the other driver is an illegal immigrant? Calling the police would put that person in danger of deportation. Would calling in the police be *proportional* to the damage done, given the knowledge one has? Would that be a *just cause*?

Have all other options been exhausted, so that calling the police is a truly *last resort*? In many cases, the trigger reaction is to phone the police unnecessarily. Recently, Associated Mennonite Biblical Seminary had a “visitor” on campus. “Peter” went door to door asking for money to feed his small children or his hungry mother, or to buy diabetes medication for his grandfather. At first students were unaware he asked around campus with different reasons for begging money. People invited him into their apartments, fed him, and gave him money. After a week or two of this, students realized they were being duped. Peter had a drug habit and was homeless. When a staff person found out about the situation, students received an e-mail instructing them to call the police anytime Peter came onto campus.

This clearly was not a last resort response. The students had fed Peter and given him money; calling an armed presence to remove him after all this would have been cruel. Students, including single persons and parents of small children, held a meeting where attendees expressed a desire to handle this matter without the police. The students discussed a *proportionate* way to handle Peter, and after some discussion decided that calling the police would not likely help him with his drug problem; therefore it was not a *just cause*. Some were against calling the police in principle; others thought students and faculty could have a higher threshold for calling than for a beggar who merely disrupted daily routine. Students appointed two male members to deal with Peter anytime he came on campus. The next time he did so, they told him about the meeting and that he was wasting his time scamming money from students. They candidly told him they knew he had a drug problem; residents would therefore offer him only phone numbers of places he could get help. Peter left, without a problem.⁹¹ Clearly students were able to raise the threshold of the seminary in general for calling upon an armed force. This is a situation where thinking through the matter in terms of criteria helped lessen dependence upon an armed force to solve problems for Mennonites.⁹²

Nonviolence training can also help with last resort.⁹³ Nonviolent techniques, however, cannot guarantee peaceful outcomes. Thus nonviolent training is inadequate and one-sided if Mennonites do not also teach and disciple each other on the way of the cross: suffering instead of calling upon

bigger guns for protection. Witness through willingness to suffer for justice, peace, and reconciliation is one of the most honored practices in Christian faith.

After the police have been called, we must take responsibility for the consequences where possible. If Mennonite institutions – universities, congregations, and others – must involve the police in their property, they could appoint someone to escort the police on the grounds and have an explicit policy of at least demanding the police leave if they become abusive or threaten to draw their guns. In addition, administrators could at least *request* that the police leave their weapons at the gates. This would reassert the kingdom's authority on a given territory. This approach has historical precedent within Christianity: medieval law decreed certain times and places where people could not use or bring weapons. Revitalizing this ancient tradition in North American Mennonite institutions as formal rules of operation could be helpful. On the other hand, we must also realize that once the police are called, much of the situation is out of our control. The police can and will do as they see fit.

Making the above criteria explicit in such discussions can help us work through the dilemmas of a nonviolent community in a violent world. However, the temptation will be to use these guidelines haphazardly.⁹⁴ Just war criteria have justified whatever war the state wages. Similarly, applying these criteria to the police could easily give a blank check to the police and to Mennonites to call them in. We must always remember the potential for violence and killing that the police represent. Because they do not represent a common good, we must give an account for calling them. Was it justifiable? Did it meet the standards that just policing criteria impose? Often Mennonites may have a vested material interest in police intervention. As the earlier critique argued, police generally represent the interests of those with more wealth. Perhaps then the best way to lessen our involvement with the police is to devalue wealth and live modest, simple lives. While it would not completely disentangle us from ever calling upon the police, it would considerably diminish the temptation.

Virtue and Character: The Imperative of Moral Inventory

What kind of people can make the necessary moral discernments?⁹⁵ If Mennonites merely click off criteria before dialing 911, then the criteria would function no better than they do in Congress or the White House. These guides for moral discernment require discipleship and rootedness in a community committed to following Jesus' way of nonviolence. Time and again the criteria have proved deficient because they were treated as a technique rather than as a requirement for discipleship. Do Mennonites currently have the necessary congregational life to form people able to make such discernments? Are we building character and virtues rooted in discipleship? The guidelines presuppose practices of taking regular, systematic moral inventory of our individual and corporate lives, confessing our sins, and making amends; they require structures for confession and accountability to an amends-making process. If we Mennonites could rigorously embody these guidelines, we could model their faithful, credible use for Christians outside our own tradition. Thus the criteria challenge us to live up to our own ecclesiology and are a missional strategy. Unless we do so, we have nothing to say to the wider world.

A More Disciplined Community: the Best Response to “Just Policing”

Because of the idolatrous character of the police, because police represent a threat to church order, and in the spirit of the early Christians and Anabaptists, Mennonites should ban police occupations for all current and potential members, and do so with the historical recognition that the police have served as the bridge for wider acceptance of warfare, idolatrous collaboration with the state, and further breakdown of community discipline and life. Keeping a skeptical distance from this principality and power would strengthen our ability to discern when it is justifiable to call upon the police. God might or might not choose to use police violence against itself for good; but only God is wise enough to subvert it, God's people are not. Far from resigning police agencies into the worst possible hands, Mennonite non-participation leaves them in their proper place – in God's hands. Our job is to call people to “come out from among them and be separate” (2 Cor. 6:17).⁹⁶

Notes

¹ “Glock” is the name of a company that manufactures handguns popular with police departments for decades.

² There is an abundance of writing on victim-offender reconciliation. This work has had a lot of influence, but generally focuses more on the aftermath of police and court intervention and less on the police entity itself. So questions of participation in the police or calling upon them have largely been left aside in restorative justice literature. For example, there are eight references to the police in Howard Zehr’s *Changing Lenses: A New Focus for Crime and Justice* (Scottsdale, PA: Herald Press, 1990), but none focuses on police occupations or calling the police. The same is true for the 35 references in *The Handbook of Victim Offender Mediation: An Essential Guide to Practice and Research*, 1st ed. (San Francisco: Jossey-Bass, 2001). This article does not address victim-offender reconciliation programs as such but addresses the problem the police pose for Anabaptist ecclesiology, ethics, and theology.

³ *At Peace and Unafraid: Public Order, Security, and the Wisdom of the Cross*, ed. Duane K. Friesen and Gerald W. Schlabach (Scottsdale, PA: Herald Press, 2005), 160. In fact the nation-state seems to be the primary point of reference for these thinkers. “Our model focuses primarily on social systems and how one orders societal institutions such as legal systems, political organizations, and economic structures so that they serve the common good.”

⁴ That the concept of “just policing” remains in the realm of just war rhetoric is also supported by Tobias Winright. See “Peace Cops? Christian Peacemaking and the Implications of a Global Police Force,” *Sojourners* 35.3 (2006): 20-24.

⁵ James Reimer, “God is Love but Not a Pacifist,” *Canadian Mennonite*, July 26, 1999, 8-9 and “Christians and the Use of Force,” *Canadian Mennonite*, August 30, 1999.

⁶ James Reimer, “Christians and the Use of Force,” 7. In another essay, Reimer defined policing broadly as “A metaphor for all forms of institutional life in civil society in which the exercise of power is necessary for maintaining discipline and order on domestic, municipal, provincial and international levels.” James Reimer, “Policing and the Civil Order,” *Mennonites and Classical Theology: Dogmatic Foundations for Christian Ethics* (Kitchener, ON: Pandora Press, 2001), 494. In this essay Reimer argued that Conrad Grebel University College should accept money from the Canadian Department of National Defense to research “human security.”

⁷ In fact, some Mennonites had already begun. Eight police officers who attend Mennonite or Brethren in Christ congregations met at Conrad Grebel University College to confer with one another. See “Police officers focus on peace role,” *Canadian Mennonite*, December 22, 2003, and “Police officers consider peace role, beliefs,” *The Mennonite*, January 20, 2004, 23.

⁸ Gerald Schlabach, “Just Policing: How War Could Cease to be a Church-Dividing Issue,” in *Just Policing: Mennonite-Catholic Theological Colloquium*, 2002, ed. Ivan J. Kauffman (Kitchener, ON: Pandora Press, 2004) and “Just Policing and the Christian Call to Nonviolence,” in *At Peace and Unafraid*, 405-21.

⁹ Schlabach, “Just Policing and the Christian Call to Nonviolence,” 420.

¹⁰ Schlabach indicates he learned to make this distinction from Yoder. It is not unique to Yoder; it was typical of so-called liberal pacifists in the early 20th century. See, for example,

Sherwood Eddy, *A Pilgrimage of Ideas* (New York: Farrar & Rinehart, 1934). Eddy was a liberal pacifist and leader of the YMCA at the turn of the 20th century. During World War II, he renounced his pacifism.

¹¹ What follows is a summary of a few articles that typify the papers. Conference papers are available on the MCC website: <http://mcc.org/peace theology/papers.htm>.

¹² Lydia Harder and Judith Gardiner represented a fourth point of view that remained ambiguous on Christians as police; yet they offered a universal ethic applicable to all people. Therefore they are philosophically in harmony with the just policing and the optimistic pacifism stance. See Lydia Harder, "Seeking Wisdom in the Face of Foolishness: Toward a Robust Peace Theology" in *At Peace and Unafraid*, 117-52, and Judith A. Gardiner, "Getting Stuck In: Anabaptist Involvement in Local Politics" in *At Peace and Unafraid*, 365-85.

¹³ See for example "Just Policing: How War Could Cease to be a Church-Dividing Issue," 59, where Schlabach imagines "some kind of SWAT team with recourse to lethal violence." For him it is imaginable, as an exception, for a Christian to be part of that SWAT team and to kill. See also James Reimer, "Is Force Sometimes Justified? Gibt Es 'Legitime Gewalt?'," paper presented at MCC conference, Seeking the Welfare of the City: Public Peace, Justice and Order, Akron, PA, August 1-4, 2004. At the end of this paper Reimer states bluntly, "Surely, however, this does not justify our condemning other Christians and the international community in their compassionate police-keeping, including military intervention in places like Sudan. In fact, we ought to encourage and support such acts of 'love for the neighbor,' *even within our own ranks*." Quoted with Reimer's permission; italics are mine.

¹⁴ The Strasbourg Discipline of 1568 states: "If a brother is to watch or guard in village, field, wood, or forest, he may hire someone, if it is for the best or he himself may guard but not to anyone's harm, and he may not carry any weapon such as a spear and the like." The Swiss Brethren forbade all lethal weapons, and they generally argued against participation in the watch, the city's security contingent; but they were not categorical in their refusal and some, particularly those in the Marpeck circle, seemed to suggest a Christian might serve as a magistrate if he refused to carry out capital punishment. See August 2004 conference papers by Ted Koontz, "Grace to You and Peace: Towards a Gospel of Peace for the 21st Century"; John Rempel, "Tentative Postulates for Speaking Truth to Power: the Case of the United Nations"; and J. Robert Charles, "What are we to Make of the State?"

¹⁵ Duane K. Friesen, "Social Order and the Threat to Human Security: A Christian Theological Perspective" (August 2004 conference paper); see also Lisa Schirch and J. Daryl Byler, "Becoming Strategic Doves in a Land of Hawks: Alternative Security with an Anabaptist Lens" in *At Peace and Unafraid*, 179-94.

¹⁶ See Friesen, "Social Order and the Threat to Human Security," 12. See also *At Peace and Unafraid*, 60; Friesen's article in the book is titled "In Search of Security: A Theology and Ethic of Peace" (37-82) and is a redraft of his conference paper.

¹⁷ In contrast to Schlabach, who can imagine a Christian on a SWAT team with power to kill, Friesen says, "Those who have committed their lives to follow Jesus, however, should renounce all lethal violence." *At Peace and Unafraid*, 73.

¹⁸ For example, even Duane Friesen assumes that Mennonites can be vocational police officers, though he thinks different norms should rule them. See *At Peace and Unafraid*,

56-57.

¹⁹ John Rempel, "The Ambiguous Legacy: The Peace Teaching, Speaking Truth to Power, and Mennonite Assimilation Through the Centuries," in *At Peace and Unafraid*, 349-63.

²⁰ Schleithem categorically rules out "police" occupations: "Shall one be a magistrate if one should be chosen as such? The answer is as follows: They wished to make Christ king, but He fled and did not view it as the arrangement of His Father. Thus we shall do as He did...." See "The Schleithem Confession of Faith," trans. J.C. Wenger, *Mennonite Quarterly Review* 19.4 (Oct. 1945): 251.

²¹ The same goes for police officers who prefer the label "peace officers" yet carry lethal weapons.

²² Gingerich, "Breaking the Uneasy Silence: Policing and the Peace Movement in Dialogue," in *At Peace and Unafraid*, 394-95.

²³ *Ibid.*, 394.

²⁴ Kenneth Adams, "What We Know About Police Use of Force," in *Use of Force by Police: Overview of National and Local Data*. National Institute of Justice Research Report, Jointly Published with the Bureau of Justice Statistics (Washington, DC, 1999), 2.

²⁵ For example, the 1998 report admits that a number of states did not report the number of homicides committed by police. See Bureau of Justice Statistics, "Policing and Homicide, 1976-98: Justifiable Homicide by Police, Police Officers Murdered by Felons," 2.

²⁶ Rodney Stark mentions this in his study on police riots, and found that the police often openly covered up their violence, suggesting that it was a widespread practice. See "Police Violence as Routine Behavior" in *Police Riots: Collective Violence and Law Enforcement* (Belmont, CA: Wadsworth, 1972), 55-84.

²⁷ Also, some have suggested warfare played an integral part in developing police powers across Europe. As states met outside threats, populations drew together and became intolerant of dissent, and the government increased its size and regulation in proportion to its war-making abilities. See Harold Lasswell, "The Garrison State Hypothesis Today," in *Changing Patterns of Military Politics*, ed. Samuel P. Huntington (Glencoe: Free Press, 1962).

²⁸ Kristian Williams, *Our Enemies in Blue: Police and Power in America* (Brooklyn: Soft Skull Press, 2004), 234-35.

²⁹ See Peter Kraska, "Crime Control as Warfare: Language Matters," in *Militarizing the Criminal Justice System: The Changing Roles of the Armed Forces and the Police*, ed. Peter Kraska (Boston: Northeastern University, 2001), 14-25, for an overview of police militarization. Hardt and Negri claim that while the Cold War was not a traditional war, it nevertheless opened up the possibility for war to extend to containment or "maintaining a permanent stasis of global order." This in turn brought warfare and police action closer together so that low-intensity warfare is the normal state of affairs, just as policing is internally. See Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (New York: The Penguin Press, 2004), 24.

³⁰ As he analyzed liberation theology, Yoder noted that its redefinition of violence by distinguishing structural and institutional violence from liberating violence is a "semantic clarification" that "has not advanced the essential moral argument but has only rendered it more complicated by increasing the number of meanings that some basic terms have."

See *Christian Attitudes to War, Peace and Revolution* (Elkhart, IN: Distributed by Co-op Bookstore, 1983), 526. This observation applies to the redefinition of “just war” to “just policing.”

³¹ Consider Jacques Ellul’s statement that “We hardly need to point out how simple-minded the distinction made by one of our philosophers is between ‘police’ (internal), which would be legitimate as a means of constraint, and an ‘army,’ which would be on the order of force. In the realm of politics these two elements are identical.” See Jacques Ellul, *The Political Illusion* (New York: Alfred A. Knopf, 1967), 74-75.

³² Jeff Gingerich, “Breaking the Uneasy Silence: Policing and the Peace Movement in Dialogue,” in *At Peace and Unafraid*, 393.

³³ David Bayley claims that the development of police “cannot be understood in terms of crime. The reasons for creation are more complex than that.” See David Bayley, “The Police and Political Development in Europe,” in *The Formation of National States in Western Europe*, ed. Charles Tilly and Gabriel Ardant (Princeton, NJ: Princeton University Press, 1975), 353, also 378.

³⁴ This account traces origins that directly influenced the American police. It is beyond the scope of this paper to account for the rise of police in every state. Police in France, for example, differ in origins, structure, character, and scope from English police. The English system, decentralized and local, influenced the colonists who brought the Medieval English models with them. The English resisted the known models from France and Germany, since they equated a professional police force with tyrannical government. For a comparison of the development of several European police systems see Bayley, “The Police and Political Development in Europe,” 328-79.

³⁵ For example see *The London Eyre of 1244*, ed. Helena M. Chew and Martin Weinbaum (Leicester, UK: London Record Society, 1970), 21. An ordinary woman detained the murderer, and brought him to the house of the “beadle of the town,” who should have held the murderer till he could bring the man to a justice of the peace, but the murderer escaped. As a result, the town was fined. Clergy were exempt; see *The London Eyre of 1244*, 121.

³⁶ Joseph R. Strayer, *On the Medieval Origins of the Modern State* (Princeton, NJ: Princeton Univ. Press, 1970), 28-29.

³⁷ See for example “Crown Pleas: 13 Henry III (no 64)” in *The London Eyre of 1244*. An assault victim tried to bring charges against a person but died. Her sister took up the case but also perished. A relative finished the prosecution. The assailant was placed in the custody of the king and put into prison until he could pay for the assault. This was an example of a breach of the “King’s Peace” and therefore an affront to the personage of the ruler who decided on the punishment.

³⁸ Mark Neocleous, *Police in Urban America, 1860-1920* (New York: Cambridge Univ. Press, 1981), 32. The Statute of Winchester was the only piece of legislation dealing with policing for 600 years until the Metropolitan Police Act of 1826 established the London police.

³⁹ Any citizen could raise the hue and cry. For example, in the 22 March 1298 entry from the London Mayor’s records, several men barged into the home of a citizen and beat him up. The man’s wife “raised the hue and cry” and neighbors came to restrain the men; the matter was reported to the mayor, who conducted an investigation. See *Calendar of Early Mayor’s Court*

Rolls: 1298-1307, ed. A.H. Thomas (London: The University Press, 1924).

⁴⁰ See Charles Tilly, "War Making and State Making as Organized Crime," in *Bringing the State Back In*, ed. Peter Evans, Dietrich Rueschemeyer, and Theda Skocpol (Cambridge, UK: Cambridge Univ. Press, 1985), 174, 183.

⁴¹ Roger Lane, *Policing the City: Boston 1822-1885* (Cambridge, MA: Harvard Univ. Press, 1967), 6. See also Eric H. Monkkenon, *Police in Urban America* (Cambridge, UK: Cambridge Univ. Press, 1981), 46.

⁴² In "The Historical Police in the United States: A Four City Analysis," in *The Past, Present, and Future of American Criminal Justice*, ed. Brendan Maguire and Polly Radosh (Dix Hills, NY: General Hall, 1996), 31-56, Brendan Maguire identifies four job functions of the modern police: public order maintenance; class or race control; crime control; service (finding missing persons). All of them, except service, are about power relationships.

⁴³ See Sally Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas*, (Cambridge, MA: Harvard Univ. Press, 2001); Neil Websdale, *Policing the Poor: From Slave Plantation to Public Housing* (Boston: Northeastern Univ. Press, 2001); Kristin Williams, *Our Enemies in Blue: Police and Power in America* (Brooklyn: Soft Skull Press, 2004). These patrols were the result of trial and error, mixing the constable and watch systems with Caribbean slave patrols.

⁴⁴ In some sense we could say that slave patrols helped create "white" identity.

⁴⁵ Williams, *Our Enemies in Blue*, 44. In addition, laws increasingly required mutilating a captured slave, from slitting their nose to cutting off a foot.

⁴⁶ Williams, *Our Enemies in Blue*, 44. An illegal gathering generally consisted of any group of black persons without a white person present.

⁴⁷ Websdale, *Policing the Poor*, 20.

⁴⁸ *Ibid.*, 50.

⁴⁹ Consider this opinion of the police by a black-owned newspaper in Atlanta in the 1870s: "We have never seen a meaner set of low-down cut throats, scrapes, and murderers than the city of Atlanta has to protect the peace." Quoted in Maguire, "The Historical Police in the United States: A Four City Analysis," 42.

⁵⁰ See Randall G. Shelden, *Controlling the Dangerous Classes: A Critical Introduction to the History of Criminal Justice* (Boston: Allyn and Bacon, 2001). For a 19th-century discussion of the unemployable "dangerous class" see Christopher G. Tiedman, "Police Control of the Dangerous Classes, Other than by Criminal Prosecution," *American Law Review* (July-August 1885).

⁵¹ See Lane, *Policing the City: Boston 1822-1885*, 19-20. See also his statistics for the rise in crimes "against public order" and a decrease in violent crimes from 1835 to 1900 in "Crime and Criminal Statistics in Nineteenth-Century Massachusetts," *Journal of Social History* 2. 2 (1968): 159.

⁵² Monkkenon, *Police in Urban America*, 190, n. 13: "drunkenness became the single most important offense in Boston."

⁵³ James F. Richardson, *Urban Police in the United States* (Port Washington, NY: National University Press, 1974), 19.

⁵⁴ See also Roger Lane, "Crime and Criminal Statistics in Nineteenth-Century Massachusetts,"

Journal of Social History 2.2 (1968), and Maguire, "The Historical Police in the United States: A Four City Analysis," 45. Maguire examined arrest records in St. Louis for 1874: a total of 42 arrests in a city of 300,000 people for felonious violent crime (murder, robbery, and rape) and 16 arrests for burglary. Yet there were over 2,500 arrests for vagrancy, nearly 8,000 for drunkenness, 1,600 for profane language, and 3,300 for disturbing the peace. Most of those arrested were immigrants or black.

⁵⁵ Marilyn Johnson, *Street Justice: A History of Police Violence in New York City* (Boston: Beacon Press, 2003), 14.

⁵⁶ Schlabach, "Just Policing: How War Could Cease to be a Church-Dividing Issue," 23.

⁵⁷ Friesen outlines the differences between war and policing, and argues that police ideally work for the common good. See *At Peace and Unafraid*, 68-69.

⁵⁸ Monkkonen, *Police in Urban America*, 24.

⁵⁹ This title parodies the section title "The Military as Sacred Community" in Carolyn Marvin and David W. Ingle, *Blood Sacrifice and Nation: Totem Rituals and the American Flag* (New York: Cambridge Univ. Press, 1999), 99-105. Much of what they say about military and affiliate groups could also apply to police.

⁶⁰ John Howard Yoder, *Christian Attitudes to War, Peace, and Revolution*, 31. See also Roland H. Bainton, *Christian Attitudes Toward War and Peace* (New York: Abingdon Press, 1960), 81 and 60, 79, 240.

⁶¹ *Apostolic Tradition* 16.11.

⁶² John Howard Yoder, *Christian Attitudes to War, Peace, and Revolution*, 25.

⁶³ "Affirming," if there is such an option, is the same thing: the police officer is still ritually grafted into a community that sees the world through another story than that of Christ.

⁶⁴ Compare with the early Christian examination of accedentes, candidates for entry into the catechumenate, found in the *Apostolic Tradition* 15: "Those who are newcomers to hearing the word, let them be taken first to the teachers before all the people come in, and be asked why they are seeking the faith. Let those who have brought them bear witness for them, whether they are able to listen [variant: hear the word].... They shall inquire about the crafts and work of those who will be brought in to be catechized as to what they are."

⁶⁵ The median for all American police academies for new recruits is 720 hours (3 months or 8 hour per day classes). Compare this to the *Apostolic Tradition* 17: "Let the catechumens hear the Word for three years."

⁶⁶ Compare this to the *Apostolic Tradition* 20: "After one or whoever is chosen to prepare for baptism, his way of life should be examined. Has he lived virtuously while they were being catechized? Have they honored the widows, visited the sick, fulfilled all good works?"

⁶⁷ Compare this to the *Apostolic Tradition* 21, where the *competentes* repeat an oath or creed of loyalty to Jesus Christ, are baptized, and the "seal" or "sign" is placed on their forehead before they move to the Eucharist meal.

⁶⁸ These initiation rites into the police also resemble the totem rituals of traditional societies. See Carolyn Marvin and David W. Ingle, *Blood Sacrifice and Nation*. Rodney Stark notes: "In my experience it has been far easier to study convents and religious cults, which are famous for secrecy, than to study the police, who presumably are public servants." See Stark, *Police Riots: Collective Violence and Law Enforcement*, 63-64.

⁶⁹ Changes in “belief, belonging and behavior” is how Alan Kreider describes early Christian conversion. See *The Change of Conversion and the Origin of Christendom* (Harrisburg: Trinity Press International, 1999).

⁷⁰ See Stark, *Police Riots*, 139-77. Free will tends to place blame on the individual and criminalize whole people groups.

⁷¹ For example, federal law mandates that all government buildings display the U.S. flag at half-staff on May 15 in honor of National Peace Officers Memorial Day. On this day police hold ceremonies around the nation to commemorate their martyrs and perpetuate the myth that policing is dangerous. By contrast, more truck drivers, construction workers, and farmers are killed on the job each year than police. Yet police intentionally perpetuate the myth that their work is more dangerous than other jobs.

⁷² I use “order” instead of “law and order,” because equating law with order reinforces the mythology of the police as the thin blue line separating order from chaos. The police do not enforce law as much as they create order. See Mark Neocleous, *The Fabrication of the Social Order: A Critical Theory of Police Power* (London: Pluto Press, 2000).

⁷³ Ellul says “this order has nothing spontaneous in it. It is rather a patient accretion of a thousand details. And each of us derives a feeling of security from every one of the improvements which make this order more efficient and the future safer. Order receives our complete approval; even when we are hostile to the police, we are by a strange contradiction, partisans of order.” Jacques Ellul, *The Technological Society* (New York: Vintage Books, 1967), 103. “Order” is part of the propaganda apparatus that makes the police palatable, because the ultimate value in this technological society is efficiency and technique, and for it most people will sacrifice everything.

⁷⁴ “The true copper’s dominant characteristic, if the truth be known, is ... an ingrained conservatism and almost desperate love of the conventional. It is untidiness, disorder, the unusual, that a copper disapproves of most of all: far more, even than of crime which is merely a professional matter. Hence his profound dislike of people loitering in streets, dressing extravagantly, speaking with exotic accents, being strange, weak, eccentric, or simply any rare minority – of their doing, in fact, anything that cannot be safely predicted.” Quoted in Stark, *Police Riots*, 88-9.

⁷⁵ For a sociological study with similar results see David Bordua and Albert Reiss, Jr., “Command, Control, and Charisma: Reflections on Police Bureaucracy,” *The American Journal of Sociology* 72.1 (1966): 68-76.

⁷⁶ Stark, *Police Riots*, especially 180-82.

⁷⁷ To illustrate how the zero tolerance policy works, police arrested 44 people and gave 64 tickets for vagrancy in one 12-hour shift on Nov. 24, 1999. This is not an unusual occurrence; see David Herszenhorn, “Safir Defends Effort to Clear City Streets At Night,” *New York Times*, November 25, 1999, B1. For an example of the city’s policy of harassing Christian shelters, see Corey Kilgannon, “City Seeks to Oust Church’s Homeless Camp,” *New York Times*, May 30, 2002, B7.

⁷⁸ Al Baker, “Police Officer Is Suspended For Defiance,” *New York Times*, November 28, 2002, B3. NYPD deputy commissioner for public information Paul J. Browne echoed Timoney’s statement: “The Police Department is a quasi-military organization where disobeying a

superior's lawful order is a serious offense." Quoted from David Gonzalez, "Officer Who Risked Badge to Help the Homeless Speaks of Faith and Duty," *New York Times*, June 26, 2004, B1.

⁷⁹ *At Peace and Unafraid*, 57. Friesen has a simplistic notion of police because he focuses only on their violence. Yet if the main problem is ecclesial, then police violence results from an idolatrous community, not vice versa.

⁸⁰ In addition, with the police oaths the Christian virtue of truth-telling is in danger. Police catechumens are trained to lie in interrogations, undercover work, and more. See Tom Barker and David Carter, "Fluffing up the Evidence and Covering Your Ass: Some Conceptual Notes on Police Lying," in *Policing Perspectives: An Anthology*, ed. Larry K. Gaines and Gary W. Cordner (Los Angeles: Roxbury Publishing Company, 1999).

⁸¹ William Cavanaugh has pointed out that the English word "state" is used in two ways: (1) any kind of organization of society where people come together to figure out how to solve problems and live together; (2) a specific form of organization with a bureaucracy, a hierarchy, constitutions, elections, and as a separate sphere apart from society, i.e., the modern nation-state. Too often the modern state is treated as if it is the only logical outcome of historical forces and precludes any other vision for enacting public space. See William T. Cavanaugh, "Killing for the Telephone Company: Why the Nation-State is Not the Keeper of the Common Good," *Modern Theology* 20.2 (April 2004): 245-46.

⁸² For some fuller accounts see Jacques Ellul, *Anarchy and Christianity*, trans. Geoffrey W. Bromiley (Grand Rapids: Eerdmans, 1991); Jacques Ellul, *The Politics of God and the Politics of Man* (Grand Rapids: Eerdmans, 1972); or Gerhard Lohfink, *Does God Need the Church? Toward a Theology of the People of God* (Collegeville, MN: Liturgical Press, 1999), 106-19.

⁸³ See Lydia Harder, "Seeking Wisdom in the Face of Foolishness: Toward a Robust Peace Theology," in *At Peace and Unafraid*, 117-52.

⁸⁴ *Ibid.*, 161.

⁸⁵ *Ibid.*, 155. The authors use "are invited"; the passive construction masks the subject. Is it God who invites or the authors?

⁸⁶ For a history of the rise of the modern state in which previous loyalties to guild, kin, and village were co-opted, see Charles Tilly, "War Making and State Making as Organized Crime," in *Bringing the State Back In*, ed. Peter Evans, Dietrich Rueschemeyer, and Theda Skocpol (Cambridge, UK: Cambridge Univ. Press, 1985).

⁸⁷ See Yoder's comment in *Christian Witness to the State*, 37, footnote 8: "To say that a state is demonic then means not that that state is rebellious ... but only that it has a kind of independence of its own. A hypothetical just, sober, and modest state would still be in the order of the demonic." Consider also Ellul's comment that "all those who have political power, even if they use it well [...] have acquired it by demonic mediation and even if they are not conscious of it, they are worshippers of diabolos." Jacques Ellul, *Si tu es le fils de Dieu: souffrances et tentations de Jésus* (Paris: Centurion, 1991), 76, my translation.

⁸⁸ One relevant source on the topic of calling police is Dave Jackson, *Dial 911: Peaceful Christians and Urban Violence* (Scottsdale, PA: Herald Press, 1981).

⁸⁹ John Howard Yoder, *When War Is Unjust: Being Honest in Just War Thinking*, 2nd ed.

(Maryknoll, NY: Orbis Books, 1996), 152-53.

⁹⁰ On the other hand, an administrative motive for gaining a police report in order to file an insurance claim as a result of a break-in is a different intention, though discussion is needed on the role of insurance in general.

⁹¹ Peter apologized, admitted he had a drug problem, and promised not to return. He returned several months later, but was told the same thing again and has not returned since. The person's name has been changed.

⁹² For another example, also from AMBS, in which faculty and students worked together without police to deal with a visitor who disrupted classes regularly, see Gayle Gerber Koontz, "Meeting in the Power of the Spirit: Ecclesiology, Ethics, and the Practice of Discernment," in *The Wisdom of the Cross: Essays in Honor of John Howard Yoder*, ed. Stanley Hauerwas et al. (Grand Rapids: Eerdmans, 1999). Other situations quickly lend themselves to calling the police, such as abduction.

⁹³ Jeff Gingerich suggested this as a way to lessen police calls in "Breaking the Uneasy Silence: Policing and the Peace Movement in Dialogue" in *At Peace and Unafraid*, 400.

⁹⁴ Given the state of the church, I doubt there would be widespread temptation to use the criteria too rigidly.

⁹⁵ This is a question taken up by Daniel Bell in *Just War as Christian Discipleship*, Ekklesia Project pamphlet #14 (Eugene, OR: Wipf and Stock Publishers, 2005).

⁹⁶ Thanks are due to Nekeisha Alexis-Baker, Ted Koontz, John Roth, and several anonymous reviewers for their patient reading and insightful comments on other drafts. I take responsibility for the content, but these persons must be acknowledged for the time, effort, and care they showed me in regard to this article.

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Beyond Secular and Sacred: An Anabaptist Model for Christian Social Ethics¹

Earl Zimmerman

In Western culture the sacred and the secular are imagined dialectically. In the ancient world, the sacred defined the secular. In the modern world, the secular gained hegemony at the expense of the sacred. Few people question that. We accept it as *the way things are*. I do not directly refute that way of imagining our world but identify it as a social construction that can be imagined differently. I challenge it to the extent that it is a dualistic system of ordering reality, because that dualism eviscerates religious social ethics by splitting the religious away from the social. As can be readily seen in the historical processes of secularization and globalization, the sacred and the secular are porous categories that penetrate, define, and shape each other. Consequently, I propose a theological construction that moves beyond a binary formulation of sacred and secular and recognizes the rich intersections that lie within these categories. My purpose is to provide a way forward for Christian social ethics that is rooted in the practices of the faith community and engaged in the social-political-economic challenges of our day.

The Genealogy of Secular and Sacred

In medieval Europe the “secular” referred to that which was not directly part of the religious sphere or under ecclesial control. While the secular and the sacred were thought of as two distinct spheres, both were believed to be under the rule of God. Such an understanding, combined with the powerful religious institutions of the medieval church, gave the sacred sphere a relational hegemony. In that context, “secularization” referred to the legal action in Canon Law by which a person forsook his or her religious vows and returned to the secular world. During the Reformation era it referred to the massive confiscation, usually by the state, of the monasteries, landholdings, and wealth of the medieval Catholic Church. During the Enlightenment era that immediately followed, “secularization” pertained to the struggle to free

science, economics, politics, and philosophy from ecclesial control and to relegate religion to the private sphere.²

Nineteenth-century social thinkers such as Auguste Comte, Émile Durkheim, and Max Weber inherited this secular/sacred dichotomy and thought within it. They imagined the ancient world to be dominated by the sacred and postulated that, because of the advent of science and reason, the modern world was gradually becoming more and more secular. This hypothesis was developed into secularization theories in which the secular and sacred spheres were assumed as given and left largely undefined. The extent to which the ancient world was dominated by the sacred or the religious was also assumed with little historical verification.³

Scholars have now begun to question such assumptions. Little sociologically verifiable data exists on the intensity of religious beliefs and practices of the ancient and medieval worlds. While many devoutly religious people left us their writings, there is also ample evidence of corruption, hedonism, and ruthless political maneuvering, even within the papal court. We can hardly assume it was different among the common people, whose religious formation was more limited. One sixteenth-century account is that of Menno Simons, the former Dutch priest and Anabaptist leader, who decried rulers who make war and devastate cities, corrupt judges who accept bribes, and common people who gamble, drink, and fight.⁴ At least in terms of a transformative social ethic adhering to a given religious tradition, we can conclude that the ancient and medieval worlds were not especially religious.

It is insightful to compare such accounts of religious social sensibilities in the pre-modern world with a recent article in *Harper's*, where Bill McKibben argues that even though eighty-five percent of Americans claim to be Christian, most are biblically illiterate and get the central tenets of their faith wrong. For example, most believe the Bible teaches that “God helps those who help themselves.” This über-American notion actually comes from Benjamin Franklin. McKibben says that when it comes to concrete religious social mores such as loving our neighbor, dominant American theologies actually “undercut Jesus, muffle his hard words, deaden his call and in the end silence him.”⁵

We may conclude that the religiosity of people, as measured by social-ethical performance in relation to a given religious tradition, may be fairly similar in the ancient world and the contemporary world. At least we should not just assume that people in earlier centuries were demonstrably more religious. Sociologist José Casanova notes that such unfounded assumptions inform secularization theories that predict the gradual decline of religious beliefs and practices. He also challenges the notion that human history is a progressive saga of evolution from belief to unbelief and from religion to secularism. According to him, that account is itself a mythical portrayal that needs desacralization.⁶

The problem is compounded when we recognize that the imagined secular world easily takes on religious trappings of its own, and that the imagined religious realm is extremely porous, refusing to remain safely ensconced in the private sphere where political theorists seek to relegate it. Benedict Anderson convincingly argues that the secular nation-state has cultural roots in geographically far-flung ancient religious communities such as Christendom and Ummah Islam. These religious trappings are readily apparent in the public ceremonial reverence given to national monuments, flags, and holidays. The nation-state is imagined to have a “manifest destiny” growing out of an ancient past and leading to a limitless future that gives ultimate meaning to citizens’ lives.⁷ Such devout nationalist imaginings function as civil religion.⁸ Humans inevitably express their religiosity in some manner, though many may be irreligious or challenge settled religious conventions. There is ample evidence of that throughout history.

The resurgence of public religions, beginning in the last decades of the twentieth century, discredited the notion that “modernity is a progressively secularizing force in the sense that it tends to produce increasing levels of disbelief and disenchantment.”⁹ This resurgence includes a diverse mixture of religious expressions, including the civil rights movement, political and liberation theologies, peacebuilding communities, and fundamentalisms of different stripes and colors.¹⁰ The resurgence of political-religious fundamentalisms has especially caught public attention, and much has been made of the relationship between religion and violence. Right-wing religious politics and violent religious *jihadists* strike fear into the citizens of secular states.¹¹

Religion and Globalization

The discussion thus far should warn us that studying religion in relation to society is exceedingly complex and amorphous. There should be a sign at the entrance to this field of study warning the enterprising scholar to proceed with caution! At least we should steer clear of binary forms of thinking that easily contrast sacred and secular. We must be extremely careful about adopting either grand theories that postulate the gradual secularization of society or arguments about the re-emergence of religion. To make things even more complex, there seems to be a correlation between what is commonly described as *secularization* and the equally amorphous phenomenon of *globalization*. Perhaps only fools and unsuspecting angels dare venture into this territory.

What we call globalization today is a very old phenomenon. Benedict Anderson argues that even in the thirteenth century increased travel and exploration led to greater contact between civilizations and helped diminish the unique sacredness of ancient religious communities. Marco Polo brought back stories of the great Kublai Khan, who paid respect to four different religions in his court. Such increased interaction relativized the naïve realism that defined the understanding of formerly geographically isolated religious communities in Europe and elsewhere.¹²

To crystallize the concept of globalization, sociologist Roland Robertson gives this definition:

Globalization as a concept refers both to the compression of the world and the intensification of consciousness of the world as a whole. The processes and actions to which the concept of globalization now refers have been proceeding, with some interruptions, for many centuries, but the main focus of the discussion of globalization is on relatively recent times. In so far as the discussion is closely linked to the contours and nature of modernity, globalization refers quite clearly to recent developments.¹³

While most globalization theory is mainly concerned with the process in recent decades, it is important to place the discussion within a more extended historical perspective. Leaving aside the question of earlier trends related to world empires and world religions, Robertson proposes a

developmental view of globalization, beginning in the fifteenth century, with distinct historical phases and leading to the high degree of global density and complexity in our contemporary world.¹⁴

Such compression of the world brings the juxtaposition of different cultural and religious identities into sharp focus. Things that we feel do not belong together now live side by side. Communal images that have grown out of the popular concept of a “global village” can be simplistic and idealistic, yet they respond to the experience of a shrinking world that has affected everyone no matter where they live. That phenomenon, as much as anything, has led to the breakup of formerly coherent religious worldviews that had cast their sacred canopy over entire societies and cultures. Some welcome this development because it offers them freedom from what they experienced as oppressive religious structures. Yet it leaves many of us with the bewildering sense that we no longer know where home is – that we have lost our way.¹⁵ The recent upsurge of religious fundamentalisms and ethno-nationalist movements that reach for traditional religious symbols is surely responding to this reality. We must be careful about claims that the world is now a less religious place. Perhaps it is only more religiously conflicted.

The Retrievable Core of Secularization Theory

Twentieth-century secularization theories were much too confident in assuming religion would gradually fade away. That assumption can now be seen as a poorly disguised ideological bias with its own religious overlay. Part of the challenge is defining what we are talking about when we refer to “religion”: the term does not point to an independent subject matter just sitting there waiting to be picked up. It is better understood as an interpretive, prescriptive lens capable of spanning different sets of data and points of focus. Even within a given religious tradition, there is a vast complexity of symbols and meanings. This complexity increases exponentially in cross-cultural and interreligious frames of reference. Like “art,” “religion” has become an open-ended term to be filled in by any interpreter.¹⁶

I propose that the “sacred” is that which stands out, introduces mystery into our lives, and serves as an ultimate concern or point of reference giving meaning to our existence. It cannot be neatly distinguished from the “secular” because it encompasses all of life. Religion is the human response to what

is perceived to be sacred. Scott Appleby defines it as “the interpreter of the sacred”; as such, it discloses and celebrates the transcendent source and significance of human existence.¹⁷ Within monotheistic religious traditions, that ultimate point of reference has been indicated by the term *God*.¹⁸ “Rather than a direct translation of the ‘mind of God’ into human action, religion is a far more ambiguous enterprise,” Appleby says, “containing *within itself* the authority to kill and to heal, to unleash savagery, or to bless humankind with healing and wholeness.”¹⁹

This ambiguity makes religion a potent force for both violent destruction and life-sustaining community. As an interpreter of what is perceived as sacred, religion can take many different forms. Recall the Frenchman who said, “Yes, it is quite accidental that I am born French; but after all, France is eternal.”²⁰ From a phenomenological point of view, a binary distinction between sacred and secular is dubious at best; it is also theologically problematic.

Consequently, theories of secularization are most helpful when they are limited by Peter Berger’s definition of secularization as “the process by which sectors of society and culture are removed from the domination of religious institutions and symbols.”²¹ Even within this definition, one is on more solid historical and sociological ground in examining the process by which sectors of society have been removed from the political domination of formerly powerful religious institutions. Theories asserting a decline in the saliency of religious symbols are much more difficult to substantiate because such symbols are extremely amorphous and polyvalent. They continuously re-emerge in new and radically different forms.

In this respect, Berger’s earlier work on secularization was essentially mistaken when he contended that the modern West is becoming increasingly bereft of religious interpretations.²² Berger acknowledged that mistake and has reversed himself, arguing that today’s world is “as furiously religious as it ever was, and in some places more so than ever.”²³ We should be equally skeptical of his argument for the re-emergence of religion and the consequent desecularization of the world. Also, we must take a hard look at the frame and *zeitgeist* within which such projections are made in the first place.

In the same way that theories of secularization seemed self-evident to many in the 1960s, theories of desecularization seem self-evident today.

It is difficult to substantiate either argument sociologically; most theorists do not even try to offer more than anecdotal evidence. And we are too close to recent events to grasp an adequate historical perspective of emerging trends. There is, nevertheless, a generally recognized historical decline in the dominance of longstanding religious institutions. Few debate that, even though many hope the trend may be starting to reverse itself.

José Casanova seeks to retrieve the usable core of secularization theory in spite of recent questions about its general veracity. He builds on Thomas Luckmann's theory, which postulates religion's gradual loss of its traditional societal and public functions and its privatization within its own sphere.²⁴ The modern conviction is that religion should be private; religious freedom is based on the legal right to privacy in modern states. Modern political paradigms are premised on clear lines of demarcation between religion (relegated to the private sphere), and political economy (dominating the public square). Consequently, political theorists such as John Rawls argue that religious premises are not appropriate in the political arena or for considering matters of basic social justice. Others such as Jeffrey Stout insist that religious voices have a constructive role and must be included in the public square.²⁵

Casanova challenges the belief in the necessary privatization of religion in modern or postmodern societies. (In that sense he would agree with Stout, not Rawls.) He also argues, contra Luckmann, that differentiation and loss of societal functions do not necessarily entail the privatization of religion. For Casanova, there is a predominant confusion of the historical process of secularization with the alleged or anticipated consequences that such processes are supposed to have for religion (i.e., differentiation does not necessarily lead to privatization). It is the process of societal differentiation that is the usable core of secularization theory. Casanova writes:

The core and central thesis of the theory of secularization is the conceptualization of the process of societal modernization as a process of functional differentiation and emancipation of the secular spheres – primarily the state, the economy, and science – from the religious sphere and the concomitant differentiation and specialization of religion within its own newly found religious sphere.²⁶

Differentiation allows each sphere to specialize and develop its own function in relation to the other spheres. Casanova argues that “the fall of the religious walls opened up a whole new space for processes of internal differentiation of the various secular spheres.”²⁷ Furthermore, those developments had positive consequences for religion: “For the first time, the religious sphere came fully into its own, specializing in ‘its own religious’ function.”²⁸ As a consequence, each differentiated sphere contributes in its own way to the public debate. The public, in this frame, is imagined as encompassing entire societies or families of societies, including all their differentiated parts. Each has a legitimate place in the public square.²⁹

Such differentiation has been a conflictual process. Rulers in the ancient world claimed to rule by divine right and thaumaturgic powers. Beginning in the sixteenth century, the emerging secular *raison d'état* principles of legitimation were mixed with sacro-magical ones. One result of the Protestant Reformation within the context of newly empowered national governments was that territorial churches fell under the control of the state. The alliance of altar and throne became even more accentuated than in the medieval world. The same was true for other spheres of society such as the arts, media, and education. Another ongoing phase of the struggle has been for these spheres to differentiate themselves from the domination of the nation-state and of prevalent social and economic ideologies such as capitalism.³⁰

Beyond Secular and Sacred

A dualistic or binary formulation of secular and sacred is evidently problematic for both religion and other spheres of human activity. One constructive alternative is to imagine secular and sacred as porous, interpenetrating categories that define each other. As Scott Appleby notes:

In recent scholarship on the subject . . . the relationship between “the secular” and the “the religious” is seen to be more intimate, overlapping, and mutually transformative than previously understood. Seldom does “the secular” eliminate “the religious” in society; rather, secularization shifts the social location of religion, influences the structures it assumes and the way people perform their religious functions, or forces religion

to redefine the nature, grounds, and scope of its authority. Even in secularized or secularizing societies where people come to interpret the world without constant references to religious symbols . . . religion is displaced rather than destroyed, as believers transfer religious loyalties to the nation, “the people,” or other objects of unconditional devotion.³¹

This suggests that a central task for Christian social ethics is to recognize the fertile intersections within the categories of secular and sacred, and to move beyond them. From a Free Church perspective, it begins with the premise that religion is differentiated from other spheres and self-governing within its own sphere. It is built on the premise of religious freedom, which is foundational for a democratic society.³² The Anabaptists had already made that argument in the sixteenth century. Hans Denck wrote, “No one shall deprive another – whether heathen or Jew or Christian – but rather allow everyone to move in all territories in the name of his God.”³³ At the time, it was a radically different way of conceptualizing the role of religion in society.

For the Anabaptists, religious freedom was premised not only on the freedom of individual conscience but on the rights of public assembly and public address. Religion was not imagined as a private affair. This is what made them so controversial and threatening to the established state-church social order. A constant temptation was to avoid persecution by adopting a more private, spiritualist version of their faith in place of a more public, communal one.³⁴ It would certainly have changed the course of Western civilization if this radical, public expression of Christian faith had been not been so severely persecuted and confined to the margins of society.³⁵

Part of the struggle has been that religious institutions were reluctant to acknowledge their subservience to the state and national elites. They have not wanted to give up the social privileges accompanying such associations. John Howard Yoder has said it more graphically:

The church community did not want to separate itself from the world, so the world had to separate itself from the church community. The state had to establish itself against the church that had wanted to dominate it, by taking the form of *nation* and *reason*.³⁶

Yoder argued that such habits of thought are hard to shake. Even after states assumed national control using secular *raison d'état* principles, Christian theologians and ethicists have resisted any clear differentiation between the church and the nation-state. They continued to think and write from the perspective of being in control of the social order. This has been a fatal flaw in mainline theology and social ethics.³⁷

A religious tradition can be understood as embracing: (1) a *creed* defining its beliefs about the ultimate origin, meaning, and purpose of life; (2) a *cult* encompassing its prayers, spiritual disciplines, and communal worship; (3) a *code of conduct* defining its explicit moral norms; and (4) a *confessional community* of people identified as belonging to the religious tradition.³⁸ Different religious traditions tend to emphasize some of these elements at the expense of others.

A common pattern is for creed and cult to take on a life of their own, attempting to represent the sacred in a way detached from the social norms and public life of the confessional community. The latter are considered to be secular and less representative of the divine. Sometimes personal moral codes and relationships within the religious community are included in the sacred, but social ethics and politics are definitely secular and, in that sense, secondary or even outside the purview of the religious.

Such ways of thinking are at the heart of the sacred/secular split within religious traditions. They eviscerate any religious social ethic that seeks to relate the sacred to social justice, peacebuilding, flourishing human communities, and care for creation. The problem with such a dualism, for Yoder, is that “the realm called ‘politics’ or ‘the real world’ is thought of ... as being in some ultimate sense secondary to the world and work of God with which worship deals. The ‘nonpolitical’ realm is in some ‘spiritual’ sense ‘prior.’”³⁹

Body Politics

It is imperative that creed and cult are integrally related to, informed by, and revitalized through the social life of the confessional community and its political engagement in the world. Any authentic Christian social ethics must go beyond the dualistic divide between secular and sacred. This begins with recognizing that the church itself is a *polis* with its own public life that

engages every aspect of life in society. It does so from its embodiment in the life and vision of Jesus.

According to Yoder, “The ministry and claims of Jesus are best understood as presenting to hearers and readers not the avoidance of political options, but one particular social-political-ethical option.”⁴⁰ Accordingly, Christian social ethics is rooted in the “politics of Jesus” as applied to the church’s public life. While rooted in the church’s social life and finding its first expression there, its ultimate end is to help usher in the just, peaceable, and life-giving reign of God in the world. On this basis it has relevance for the rest of society. For Yoder, “The believing body of Christ is the world on the way to its renewal; the church is the part of the world that confesses the renewal to which all the world is called.”⁴¹

To be that kind of presence, the church must go beyond the secular/sacred divide separating creed and cult from social life and witness. In *Body Politics* Yoder developed the social implications of five different Christian practices or sacraments.⁴² He insisted that the church’s internal life is also a political process. Accordingly, engagement in the wider society (education, economy, civil order) does not take a bipolar shape involving the problem of moving from the realm of the church to the realm of politics.⁴³

The Christian ritual of baptism initiates people from different ethnic groups and social classes into the body of Christ, where such distinctions no longer define one’s personhood and relationships. Social barriers that formerly separated people have been broken down (Gal. 3:27-29). As we know from the account of the early Christian communities in the New Testament, this new humanity did not come without a struggle; nevertheless, it was real and powerfully transformative. The Christian ritual of communion or breaking bread together involves basic economic sharing. Its roots are in the Jewish tradition of table fellowship and the common meals shared by Jesus and his disciples. That is why Paul was so upset by the way the Lord’s Supper was being observed in the church at Corinth, whose practice contributed to economic and social stratification in the body by favoring wealthy, privileged members. Paul did not mince words: members were eating and drinking to their own condemnation (1 Cor. 11:17-34).

Because of the way the secular is separated from the sacred in our worldview, the basic social meaning of our central Christian rituals has

largely been lost. Instead, they become part of a special religious space set apart from ordinary life and are understood as symbols of the sacred. Even more problematic is that they are often informed by the belief that prescribed words and elements in our sacraments have a special efficacy that makes particular things happen in the sacred realm. Much of our theological wrestling with the meaning of the sacraments through the centuries has focused on such matters. It was radical groups on the edge of society, such as the early Franciscans, the Anabaptists, and the English Levelers, who made the economic and political connections to Christian rituals and symbols.⁴⁴

Other social practices in the early Christian communities, according to Yoder, involved nonhierarchical patterns of leadership (Luke 22:24-27), practices of moral discernment and reconciliation involving open conversation (Matt. 18:15-20; 1 Cor. 14), and valuing the gift and role of each member, no matter how seemingly insignificant (Eph. 4:11-13).⁴⁵ Such practices have a powerful social relevance and impact, as demonstrated in the early centuries of the church.

For that to happen now, the church needs to be a public body with a social presence that is not collapsed into, or subsumed by, the larger body politic of the society or nation-state. It must be socially differentiated. Rather than focusing on boundaries separating the church from the wider society, the task is to seek clarity about core convictions and practices that shape the church's identity as a people who are followers of Jesus. As that kind of public body, the church has a voice in the public square and can make a significant social contribution. With reference to the church's social practices, Yoder writes:

The pattern we shall discover is that the will of God for human socialness as a whole is prefigured by the shape to which the Body of Christ is called. Church and world are not two compartments under separate legislation or two institutions with contradictory assignments, but two levels of the pertinence of the same Lordship. The people of God is called to be today what the world is called to be ultimately.⁴⁶

Accordingly, each of the social practices in the church can inform corresponding practices in the wider society. One historical example is that decision-making practices involving open conversation within the Free

Church tradition have been instrumental in the development of basic human rights, such as freedom of the press within democratic societies.⁴⁷ Such freedoms are fragile. They must be continuously developed and jealously guarded within both the church and the wider society.

The challenge of going beyond secular and sacred to create a new vision for Christian social ethics requires two different but related tasks. The first task is to renew the church as a public body that takes the transforming social-political-economic stance of the gospel seriously in its own life. Such renewal was violently suppressed in the sixteenth century by both Catholics and Protestants. The consequence is the sort of thing Bill McKibben laments in his *Harper's* article. The social failings of American society are first of all the failings of Christians who, out of ignorance or willful disobedience, do not take Jesus' social vision and practice seriously.

The second task is to join with all people and groups who are defending the social needs of our world's most vulnerable people, our environment, and our fragile democratic institutions. As America increasingly takes on the trappings of empire, democratic institutions become ever more subservient to increasingly powerful economic and military forces that undermine the common good.⁴⁸ The public square is rarely an enlightened arena of civil debate. Instead, it is a contested space involving powerful competing interests. Authentic Christian social ethics should be able to engage that contested arena from the perspective of an alternative form of human community that is being lived out in local churches around the world. Such "body politics" or Christian practices form the basis of our witness and inform the global struggle for justice, peace, and social transformation.

Religious Ethics in the Public Square

How Christians engage in public witness becomes crucial in our shrinking world, where many disparate cultures and religions now live in close proximity. With the return of public religion, Robert Wuthnow rightly asks if we know how to be civil and engage each other with integrity and respect. The impulse to keep religion out of the public square is related to the sad history of religious intolerance, religious wars, and the strong impulse to impose one's religious convictions on others. The modern inclination to keep religion private reflects "long-term social processes that gave religion a place

in which it could be exercised with relative freedom and in a way that did not undermine public confidence.”⁴⁹ Nevertheless, Cornel West reminds us that the democratic process is always messy and impure; secular intolerance and social policing can be just as intolerant as religious policing.⁵⁰

West is deeply concerned about Christianity’s captivity to imperialism (especially in America), a concern he shares with Stanley Hauerwas. He nevertheless rejects the argument that “the pursuit of social justice is a bad idea for Christians because it lures them toward the idols of secular discourse and robs them of their distinctive Christian identity.” Drawing on the legacy of Martin Luther King, Jr. and the civil rights struggle, West insists it is possible to be engaged in the public arena without “succumbing to secular idols or imperial fetishes.” Accordingly, “to be a prophetic Christian is not to be against the world in the name of church purity; it is to be in the world but not of the world’s nihilism, in the name of a loving Christ who proclaims the this-worldly justice of a kingdom to come.”⁵¹

This kind of social engagement means giving up the illusion of being in charge. It involves recognizing that life-giving social change generally emerges from the sustained efforts of a creative minority. Accordingly, Wuthnow proposes that engaged religion should perform the role of civic criticism in a diverse society. That role will demand sophistication, including the ability to listen deeply to others and drawing from the reservoirs of insight and experience in one’s own tradition. Like art, music, or the theater, it will not claim to be the sole repository of truth but seek to convince its audiences that it has been close to greatness and participated in it.⁵²

The Anabaptist tradition offers especially rich resources for subverting imperialist pretensions and going beyond the imagined divide between secular and sacred, because it has never assumed that its faith and life is required of everyone. It has always insisted on religious freedom and has taken on the role of a creative minority, offering itself as a gift to the world. Duane Friesen characterizes that stance as engaged artists, citizens, and philosophers seeking the peace of the city. The church is a model for society, but applying a Christian vision to civic responsibility requires a mediating process. He writes:

The Christian vision must be “translated” to a situation where different presuppositions are operative. This mediating process

is not unique to civil government. The person who works in a business organization, educational institutions, in a medical practice, or on a farm must “translate” what it means to faithful within those institutions as well.⁵³

Such translation requires some form of “middle axioms” that correlate the life and vision of Jesus, as understood and practiced by his followers, into analogous precepts responding to concrete problems in society.⁵⁴ It demands a degree of sophistication often lacking in religious social ethics. In our global era it asks us to think outside the box of the nation-state and its prevailing military, economic, cultural, media, educational, and religious pillars of support.⁵⁵ For Christians this means thinking of the church as a global community whose ultimate allegiance is to the reign of God. It requires nothing less than a moral imagination liberated from the violent, hegemonic forms of reasoning that prevail in our world. Such a moral imagination enables the creation of alternative pathways for human cooperation and sustained efforts toward building a more just and peaceful world.⁵⁶

Notes

¹ This article was first written as a paper presented at *Secularity and Globalization: What Comes After Modernity?*, the fifth annual Lilly Fellows Program National Research Conference held at Calvin College on November 10-12, 2005. The intent was to bring an Anabaptist or Free Church perspective to questions about secularity and globalization in a broadly evangelical gathering that also included some mainline Protestants and Catholics. I sense that an Anabaptist perspective is a most welcome contribution to such discussions. There is much work that still needs to be done, because many informed by John Howard Yoder and the Anabaptist tradition also demonstrate an inability to think beyond the categories of secular and sacred and are not immune to some of the assumptions that I challenge. Our global era is pushing all of us to think in new ways.

² The conception of the secular and the sacred, and the tension between these spheres, in the medieval world and in the Reformation and Enlightenment eras is more complex than a study such as this can adequately convey. Some works I have relied on for historical information are Luigi Sturzo, *Church and State* (Notre Dame: Univ. of Notre Dame Press, 1962); Roland H. Bainton, *The Reformation of the Sixteenth Century* (Boston: Beacon Press, 1952); Adriaan H. Bredero, *Christendom and Christianity in the Middle Ages: The Relations between Religion, Church, and Society* (Grand Rapids: Eerdmans, 1986); James

M. Stayer, *The German Peasants' War and Anabaptist Community of Goods* (Montreal and Kingston: McGill-Queen's Univ. Press, 1991). For a discussion of the historical process of secularization, see José Casanova, "Secularization, Enlightenment, and Modern Religion," in *Public Religions in the Modern World* (Chicago: Univ. of Chicago Press, 1994), 11-39; Peter Berger, "The Process of Secularization," in *The Sacred Canopy: Elements of a Sociological Theory of Religion* (New York: Doubleday, 1969), 105-25.

³ Pippa Norris and Ronald Inglehart, *Sacred and Secular: Religion and Politics Worldwide* (Cambridge: Cambridge Univ. Press, 2004), 3-32.

⁴ Menno Simons, *The Complete Writings of Menno Simons*, ed. J.C. Wenger, trans. Leonard Verduin (Scottsdale: Herald Press, 1956; rpt. 1984), 741. For an historical account of religious formation in the medieval world, see Edward Arnold, *Religion in the Medieval West* (London: Edward Arnold Ltd., 1986). For a general history of the church in ancient society, see Henry Chadwick, *The Church in Ancient Society* (Oxford: Oxford Univ. Press, 2001).

⁵ Bill McKibben, "The Christian Paradox: How a Faithful Nation Gets Jesus Wrong," *Harper's Magazine* (August 2005): 31-37.

⁶ Casanova, *Public Religions in the Modern World*, 17.

⁷ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, revised edition (New York: Verso, 1991), 12-19.

⁸ For an insightful article on how civil religion shaped American responses to the shocking attacks on the World Trade Center and the Pentagon on September 11, 2001, see J. Denny Weaver, "Responding to September 11 – and October 7 and January 29: Which Religion Shall We Follow?," *The Conrad Grebel Review* (Spring 2002): 79-100.

⁹ Anderson, *Imagined Communities*, 101.

¹⁰ José Casanova has done case studies of various public religions around the world including Latin American liberation movements, the religious right in the United States, and different expressions of politically active Catholicism. See Casanova, *Public Religions in the Modern World*. Comparable movements within other major religious traditions such as Islam, Buddhism, and Hinduism must be included to do justice to the full range of resurgent public religions. For public expressions of religious nonviolence from various traditions, see Daniel Smith-Christopher, ed., *Subverting Hatred: The Challenge of Nonviolence in Religious Traditions* (Maryknoll: Orbis Books, 1998).

¹¹ R. Scott Appleby, *The Ambivalence of the Sacred: Religion, Violence, and Reconciliation* (New York: Rowman & Littlefield, 2000).

¹² Anderson, *Imagined Communities*, 16-17. There was almost certainly more interreligious cross-fertilization during the earlier axial age than in the early medieval world, but that goes beyond the scope of my article.

¹³ Roland Robertson, *Globalization: Social Theory and Global Culture* (London: SAGE Publications, 1992), 8.

¹⁴ The following schematization of the process of globalization is primarily taken from Robertson, *Globalization*, 58-59.

¹⁵ Berger, *The Sacred Canopy*, 29-51.

¹⁶ I am indebted to William E. Paden for these insights. See Paden, *Interpreting the Sacred: Ways of Viewing Religion* (Boston: Beacon Press, 1992), 5.

¹⁷ Appleby, *The Ambivalence of the Sacred*, 8.

¹⁸ The term *God* is also a polyvalent and contested. For a discussion of how the term *God* has functioned within monotheistic religious traditions, see David Tracy, *On Naming the Present: God, Hermeneutics, and Church* (Maryknoll: Orbis Books, 1994), 27-35.

¹⁹ Appleby, *The Ambivalence of the Sacred*, 29.

²⁰ Anderson, *Imagined Communities*, 12.

²¹ Berger, *The Sacred Canopy*, 107.

²² *Ibid.*, 108.

²³ Peter L. Berger, ed., *The Desecularization of the World: Resurgent Religion and World Politics* (Grand Rapids: Eerdmans, 1999).

²⁴ Casanova, *Public Religions in the Modern World*, 19.

²⁵ For a discussion of the role of religion in political argument, see Jeffrey Stout, *Democracy and Tradition* (Princeton: Princeton Univ. Press, 2004), 63-91.

²⁶ Casanova, *Public Religions in the Modern World*, 19.

²⁷ *Ibid.*, 20.

²⁸ *Ibid.*, 21.

²⁹ For a discussion of how theology engages the three publics of the church, the academy, and society, see David Tracy, *The Analogical Imagination: Christian Theology and the Culture of Pluralism* (New York: Crossroad, 1991), 28-31. One criticism I have of Tracy's account is that his conception of society is not differentiated enough.

³⁰ Casanova, *Public Religions in the Modern World*, 22.

³¹ Appleby, *The Ambivalence of the Sacred*, 4.

³² John Howard Yoder, *The Priestly Kingdom: Social Ethics as Gospel* (Notre Dame: Univ. of Notre Dame Press, 1984), 167.

³³ Hans Denck, "Commentary on Micah," *Anabaptism in Outline: Classics of the Radical Reformation*, ed. Walter Klaassen (Scottsdale: Herald Press, 1981), 292.

³⁴ The temptation to move toward a more quietist faith in the face of persecution can be seen in the career of Hans Denck. See J. Denny Weaver, *Becoming Anabaptist: The Origin and Significance of Sixteenth-Century Anabaptism*, 2nd Edition (Scottsdale: Herald Press, 2005), 77.

³⁵ Jürgen Habermas, *The Theory of Communicative Action*, vol. 1 (Boston: Beacon Press, 1984), 143-271.

³⁶ John Howard Yoder, *Anabaptism and Reformation in Switzerland: An Historical and Theological Analysis of the Dialogues Between Anabaptists and Reformers*, ed. C. Arnold Snyder, trans. David Carl Stassen and C. Arnold Snyder (Kitchener: Pandora Press, 2004), 264.

³⁷ *Ibid.*, 157-60.

³⁸ Appleby, *The Ambivalence of the Sacred*, 8-9.

³⁹ John Howard Yoder, *Body Politics: Five Practices of the Christian Community Before the Watching World* (Scottsdale: Herald Press, 2001), vii.

⁴⁰ John Howard Yoder, *The Politics of Jesus*, 2nd edition (Grand Rapids: Eerdmans, 1994), 11, 52.

⁴¹ John Howard Yoder, *Body Politics* (Scottsdale: Herald Press, 1992), 78.

⁴² As a Free Church theologian, Yoder was careful about the word "sacrament," but he thought it could be used in reference to these practices if it was purged of distracting medieval meanings and understood under the transcendent mandate of making God's presence known in the world. *Ibid.*, 77.

⁴³ *Ibid.*, ix.

⁴⁴ *Ibid.*, 14-27.

⁴⁵ *Ibid.* See especially chapters 1, 4, and 5.

⁴⁶ *Ibid.*, ix.

⁴⁷ Ibid., 67.

⁴⁸ Richard A. Horsley, *Jesus and Empire: The Kingdom of God and the New World Disorder* (Minneapolis: Fortress Press, 2003), 137-49.

⁴⁹ Robert Wuthnow, *Christianity and Civil Society: The Contemporary Debate* (Valley Forge: Trinity Press International, 1996), 45.

⁵⁰ Cornel West, *Democracy Matters: Winning the Fight Against Imperialism* (New York: Penguin Books, 2004), 162.

⁵¹ Ibid.

⁵² Wuthnow, *Christianity and Civil Society*, 91-97.

⁵³ Duane K. Friesen, *Artists, Citizens, Philosophers: Seeking the Peace of the City* (Scottsdale: Herald Press, 2000), 224.

⁵⁴ For a classic Anabaptist formulation of how Christian ethics can be translated and applied more broadly in a pluralistic world, see John Howard Yoder, *The Christian Witness to the State* (Newton: Faith and Life Press, 1964), 32-33.

⁵⁵ It is increasingly recognized that the nation-state, as it developed in the modern era, has profoundly troubling pathologies that must be addressed for the sake of flourishing communities and eco-systems. That discussion, however, goes beyond the scope of this article. Some resources addressing those pathologies include Hans Küng, *A Global Ethic for Global Politics and Economics* (Oxford: Oxford Univ. Press, 1998), 59-90; Anderson, *Imagined Communities*; Charles Tilly, "War Making and State Making as Organized Crime," in *Violence: A Reader*, ed. Catherine Bestman (New York: New York Univ. Press, 2002), 35-60; Michael Hardt and Antonio Negri, "Sovereignty of the Nation-State," in *Empire* (Cambridge: Harvard University Press, 2000), 93-113; Johan Galtung, "The State System," in *Peace by Peaceful Means: Peace and Conflict, Development and Civilization* (London: SAGE Publications, 1996), 60-69.

⁵⁶ One example of the kind of moral imagination that I propose, but nevertheless still stays within the prevailing paradigm of international relations and development, is the work of a group of scholars in the Society of Christian Ethics who collaborated on a book edited by Glen Stassen, *Just Peacemaking: Ten Practices for Abolishing War* (Cleveland: The Pilgrim Press, 1980). A different kind of initiative is the direct dialogue between Muslims and Christians on issues of religious faith and authentic human community that was sponsored by the Toronto Mennonite Theological Centre and the Imam Khomeini Education and Research Institute in Iran. The provocative and hopeful aspect of this conversation is that it cuts across prevailing international patterns of human interaction. For a report of the dialogue and various papers by participants, see "The Challenge of Modernity: Shi'ah Muslim-Mennonite Christian Dialogue," *The Conrad Grebel Review* (Fall 2003): 3-11, and "Revelation and Authority: Shi'ah Muslim-Mennonite Christian Dialogue II," *The Conrad Grebel Review* (Winter 2006): 4-65.

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REFLECTION

Grace and Freedom: An Anabaptist Perspective

Antonio González

Introduction

The tension between human freedom and the grace of God is one of the classic problems of Christian theology. The problem appears expressly in the disputation between Augustine of Hippo and Pelagius, and it is still alive today, sometimes posed in the same terms. In this paper I will try to suggest what the specific contribution of an Anabaptist perspective might be to this discussion.

The starting point can be situated in the unequivocal Biblical affirmation that salvation is an unmerited gift of God and that for this reason it is freely given. If salvation were relative to our own merits, then grace would no longer be grace but the reward for our efforts (Rom. 11:6). It is not the case, as is sometimes stated, that an emphasis on the sovereignty of grace is found exclusively in Paul. It is found in the different strata of the Old and New Testaments, and not only in one author. However, alongside such clear affirmations of God's sovereignty, many Biblical texts underline human freedom and responsibility and must also be taken into account. That such freedom is, from the Biblical point of view, an essential characteristic of what it is to be human, is appealed to frequently when different Biblical authors, including Paul himself, exhort us to take our own salvation seriously (Phil. 2:12). We could say the problem of grace and liberty arises as a problem of Biblical hermeneutics, where the need arises to accept texts that seem to contradict each other.

The alleged contradiction arises because any role that human liberty is granted in the process of salvation automatically implies the denial of its absolutely gracious character. Conversely, affirming the gratuity of salvation seems to implicitly deny the possibility that any free human act can be regarded as merit towards its advancement. In Augustine's day an

alternative of sorts to Pelagianism was tendered by some, known as Semi-pelagianism. According to this position, the whole process of salvation is free with the sole exception of one first step. God saves only those who in some manner accept salvation, and this acceptance can be seen as a free human act, one that cannot be attributed directly to God. Thus, the smallest of openings would still remain for human freedom in the process of salvation. But that free act would in effect function as our own merit and therefore not a gracious act of God, with the result that grace would lose, at least in part, its character as grace. Semi-pelagianism was rejected by the Church, and on the whole Augustine's opinion prevailed, wherein all merit accruing to salvation, including the "first step" whereby grace is accepted, was attributed to God.¹

However, the Church took pains to avoid the extreme consequences that could be derived from Augustine's emphasis on predestination. If God is the only author of our salvation, it would seem God has decided beforehand who shall be saved and who not. Before human sin, and even before Creation, a double predestination could be in effect. From eternity God would have sovereignly destined some to salvation, others to perdition.² This cannot mean God is unjust: sin is a human universal, and God's mercy on some sinners is not because God owes anyone. If it were something owed, then it would no longer be free, and grace would no longer be grace. It is not clear that that Augustine himself held this doctrine, but it is certainly typical of a theological tradition that appeals to Augustine.

Undoubtedly "double predestination" has its appeal as an explanation of the presence of evil in the world and the apparent limits of God's grace. How could an all-powerful God countenance the injury human beings inflict upon each other? The idea of a free pardon, but limited to just a few chosen ones, could suggest an answer regarding the patience God shows in the face of evil. However, double predestination taken to its ultimate consequences becomes totally independent of human conduct. Predestination would thus finally apply only to the realm of personal certainty of faith and not to human conduct as such, since our conduct becomes irrelevant in light of God's eternal decrees. If it *were* relevant, then grace would no longer be grace. In this way salvation is severed from human conduct and from the

very real situations of suffering, injustice, and oppression that our world experiences.

Here again we face a similar hermeneutical problem: Some biblical texts affirm the sovereignty of God's election, including the fact that God hardens the heart of those who then oppose him (Ex. 9:12); yet other texts unequivocally proclaim the divine will to save all of humankind (1 Tim. 2:4).³ From the viewpoint of affirming human freedom, it could be thought that there is, at God's initiative, a universal offer of salvation, whereas the acceptance of this offer depends upon the freedom of each person. Thus the will for universal salvation would be safeguarded on God's account, while allowance is made for human freedom. The need for missions would also be explained in this way, since missions seem to be the intermediation that makes God's free offer available to all humankind.

However, now we arrive at the problem posed at the beginning. If salvation in any way depends upon human activity, grace is no longer fully gracious but can in some measure be attributed to our merits.

These discussions reappear time and again in the history of theology. They arose with a vengeance during the sixteenth century, when the great Reformers took up the Augustinian position with all its consequences. Zwingli based his idea of predestination on the absolute Providence of God concerning everything that happens in the world, whereas Calvin thought of predestination as underpinning the doctrine of justification and ecclesiology. Nevertheless, their common emphases are clear: predestination is not just the fact that God knows beforehand what human beings will do (and therefore what merit will eventually accrue to their works); rather it is God's eternal decree, whereby it is already decided what God will do with each individual person independently of their works. Obviously this implies a "double predestination."⁴ And it also implies that predestination, insofar as it underpins ecclesiology, is destined to predicate a difference between the church visible and the church invisible, since predestination is ultimately independent of the works that each performs.

Luther's positions were not all that different at first, but Melancthon and other followers moderated some of his more radical theses, underlining that a human being is not a piece of wood or stone but is at least free to not reject or resist the Word of God.⁵ Thus the emphasis on predestination

became most closely associated with the Reformed tradition, within which, however, appeared the dissidence of Arminius. He did not accept double predestination as compatible with God's justice, or that the death of Christ was only on behalf of the chosen and not all mankind. Down to our own day, it is customary to divide the Evangelical camp between "Calvinists" and "Arminians," thereby implying no other possibilities exist.

In the Catholic camp, the discussion was posed in the polemic *de auxiliis*, between Dominicans and Jesuits. Whereas the Dominicans with Báñez at the forefront insisted on the sovereignty of God, the Jesuits represented by Luis de Molina tried to reconcile grace and free will. Molina defended the notion that would reappear later in the theology of Karl Rahner, that there has never existed a purely natural being but that grace accompanied humankind from the very beginning. Thus Molina could affirm that what humanity lost with the Fall was not freedom but the supernatural assistance that was initially available. At present, we cannot believe without God's assistance, yet that assistance is available in the form of "prevenient grace" given to anyone who does everything within reach to believe and to forsake sin. Though the Jesuit position came within a hairbreadth of being condemned by the pope, a "political" decision was taken in the end, forbidding Dominicans and Jesuits from accusing each other of heresy, and demanding that any writing about grace be reviewed by the Inquisition before publication. This didn't totally do away with the polemics, which ran on for several centuries and flared up again when Cornelius Jansenius defended the irresistible and infallible character of the grace of God, formulating a Catholic version of "double predestination." The Jesuits' view prevailed officially against Jansenism.

It is not only a matter of classic theological positions. The Enlightenment in general stressed human freedom and distanced itself from any emphasis on the sovereignty of God. From the Enlightenment viewpoint, a God who bypasses human freedom is a God who ignores our ultimate personal dignity. Nothing is further from this mindset than the notion of a God who deals with humans as puppets, ignoring their liberty, or resorting to God to explain our own moral failures.⁶ Certainly, the Enlightenment view ties in with a number of foundational Bible truths, such as the idea that it is God's desire from the very beginning to relate freely with free human

beings, even at the expense of God's own freedom and in spite of possible negative consequences.

However, another aspect of the Enlightenment view of humanity does not tie in so easily with Biblical understandings. I am thinking of the individualism inherent in a view of humanity wherein one can be fully human only insofar as s/he is beholden to no one, so that everything can be attributed to oneself. This is far from the Biblical notion of humanity as created (Ps. 100:3). The ideal of the "self-made" human person continues to be part of our culture in both modern and postmodern forms, and part of its "inhumanity" as well. To be beholden to no one, self-made, answerable only to oneself are blueprints for an individualism bound to become ever more indifferent to the neighbor's suffering, regarded as self-inflicted. Our individualistic culture characteristically sees victims as in some way always guilty for their own misfortune. This allows us to be indifferent to the hardship others must face. The self-made human is *homo incurvatus in se ipsum*, a man coiled in upon himself, which is how Luther defined the essence of sinfulness. This is a human being rendered incapable of feeling or of valuing what cannot be measured in terms of human merit, or in terms of economics.

Karl Barth's prophetic protest against liberal theology had to pose anew the problem of grace. In Barth we undoubtedly have double predestination, but with a radically different shape from what it had with his Reformed predecessors. Double predestination is now present in that God chose God's self in Christ for condemnation, and thereby at the same time chose sinful humankind for blessing in Christ and for eternal life.⁷ This, of course, raises the question of the universality of salvation, which Barth preferred to leave open. This original way of viewing sovereignty does leave room for the human being's free response; not that the human being need obey God's will in order to be saved, but that it is possible to obey the will of God *because* s/he has been saved.

For this reason the Barthian emphasis on God's sovereignty does not imply a lack of interest in its consequences for concrete human conduct, including political conduct. Some of Barth's disciples, such as Bonhoeffer, were to face the problem of what has been called "cheap grace." The free grace of God does not imply, as Bonhoeffer stresses time and again, that God

considers human praxis unimportant. On the contrary, gratitude is bound to be oriented toward making a different human praxis possible according to the postulates of the Sermon on the Mount. This marks the entrance into contemporary theology of posing the issue of freedom and grace in new, not necessarily exclusive forms. It no longer seems tenable to think the only positions are “Calvinism” or “Arminianism.”

The Anabaptist Perspective

Considering grace and freedom “from an Anabaptist perspective” does not necessarily imply doing so from a denominational angle, at least not in the usual sense of the term. What I want to say about the relationship between grace and freedom is something that does not belong exclusively to any particular family of churches but can be appropriated by any Christian group within any ecclesial tradition. What I mean by “an Anabaptist perspective” is that my starting point is the practical experience of the Anabaptist churches of the sixteenth century, and from there I will try to explain the relationship between grace and liberty. The radicalism marking the Anabaptist churches forced them to struggle with the biblical text from the stance of obedience. What was foremost was not the search for a systematically coherent doctrine but the living experience and the application of what they found in Scripture, without a prior process of developing a complete corpus of doctrine.⁸

The first Anabaptists had a strong sense of the sovereignty of God’s grace, made concrete in the experience of calling or vocation. By establishing believers’ churches, they broke the equation between church and society that had prevailed since “the Constantinian shift.” Rejection of infant baptism implied accepting the fact that not everyone born in a certain territory were members of the church of Christ. To be a member of that church is something that, from an Anabaptist perspective, can be explained only given the sovereignty of a God who freely calls God’s chosen and gathers them to become part of God’s family. To belong to such a family would not bring social advantage to the Anabaptists, but persecution and death. To become a member of this kind of church could be explained only with a strict understanding of calling. The basis for belonging to such a body of believers, hated and persecuted by the social setting, was God’s call, not the individual’s interests or preferences.⁹

Consequently, the existence of a body of believers distinct from its social context was due to election. There was no need to explain the continuity between election and a community of believers. The Anabaptists felt no need to detach the concept of election as something that happens in an entirely private realm separate from the body of the church. Nor was it necessary to postulate an invisible church composed of those secretly elected by God. Anabaptist ecclesiology was directly linked to their doctrine of grace, because free election by God's grace found concrete expression in the existence of a people graciously brought together by God.

This continuity between election and ecclesiology inevitably means Anabaptist practice significantly stressed the freedom and responsibility of believers. Certainly, Anabaptists accepted the Evangelical doctrine of justification by faith alone. But they never felt comfortable with the notion that faith alone should rationalize an abiding theological indifference about the moral praxis of believers. The free grace of God, God's gracious election, could not be interpreted as equivalent to the notion that those chosen by God may thenceforth be considered "saved" while their actual conduct is a matter of total indifference.

On the contrary, Anabaptists stressed that the conduct of those who are saved must match the parameters found in the Sermon on the Mount, including love of enemies and nonviolent response to evil. Whereas Catholics considered practices taught in the Sermon to be optional and relegated them to the monastic life, and some Protestants stressed that the only purpose for such a radical re-framing of the Law is to show us our own sinfulness so that we surrender entirely to God's saving graciousness, Anabaptists considered the Sermon to be the foundational charter of the Church and to describe conduct appropriate for believers. To follow Christ was an essential aspect of salvation, not as a means to obtain it through our own efforts but as an expression of the active operation of God's grace within us. Therein lies the importance of calling others to follow Christ, and consequently a missions emphasis, something normally overlooked by sixteenth-century Protestants.

Believers' baptism fits together these characteristic emphases of the Anabaptist vision. Believers' baptism refers unequivocally to the fact that persons in their adult and conscious life are capable of experiencing

an absolutely personal, unique encounter with God. This particularity of experience emphasizes the free election by God, who calls God's own to God's self at a specific, particular moment in each one's personal biography. Not everyone has faith (2 Thess. 3:2). As well, believers' baptism equally stresses the person's free and adult decision at a particular moment to follow the Lord and live according to the Lord's commandments. Believers' baptism seals the Christian's freedom to choose to belong to the community of the Messiah. God's sovereign grace, the particularity of God's call, and the human being's free response are thus tightly bound together in believers' baptism as a sign of a new personal practice and as a badge of a free church composed of believers.

The Anabaptist perspective, thus understood, could not fit into the traditional patterns of posing the option between grace and freedom. In the experience of the first Anabaptists, the sovereign grace of God is not experienced as incompatible with, but as directly linked to, the freedom and responsibility of believers. Indeed, these Anabaptists did not use the term "grace" to refer exclusively to forgiveness of sinners. They felt grace was already present in the power of God active since the creation of the world and in all God's works of salvation. Grace is thus not only a "forensic" remission of an individual's guilt but includes the power enabling believers to lead renewed lives. This view goes beyond the standard alternatives between Calvinists and Arminians, and it requires a different conceptualization, fortunately one that is sustained by recent developments in exegesis and theology.

What is Grace?

Contemporary exegesis and theology are open to new perspectives for defining grace. In traditional Catholic theology grace tended to be conceived of as a divine effluvium, with a tendency to reify it in the theology of the sacraments, where it was expressly called *res*, "a thing." In Protestant theology a courtroom conception of grace was prevalent, with a tendency to associate it with the decrees of God, especially in the sense of legal dispositions where unmerited forgiveness is expressed. Conceived in these ways, grace remains outside human beings, or at least is alien to their freedom. Either grace is something reified in the sacraments, operational by virtue of their intrinsic

efficacy and independent of human freedom; or it is a solemn and definitive decree of God, rendering the human being essentially speechless. These concepts have little or nothing to do with such biblical concepts as *hesed* (loving-kindness) or *hen* (unmerited favor). Contemporary exegesis offers the prospect of seeing grace not so much as a thing or a judicial decree, but primarily as a merciful *relationship* with God that finds expression in the covenant God establishes with God's people, and in God's constant tendency to show favor and forgiveness to Israel.

If grace is mainly a relationship God establishes with God's creatures and most specifically with God's people, it seems that grace leaves room for freedom: not only freedom for God, who must take the initiative in this relationship, but for the human being whom God treats as a responsible free entity. God appears in Scripture to respect not just human freedom but even the most negative and terrible decisions flowing from it. God appears as someone in whose relationship of grace the freedom of God's people intrinsically belongs. God does not want to relate with Israel in a way that voids her freedom. Were it to come to that, it would be incompatible with God's love. For God to love a people is to desire them to love God freely in return. In a relationship of love it serves no purpose to void the other's freedom, since that becomes tyranny. Love cannot be forced, because such violence is the end of love. A true lover desires the loved one to respond freely with love. Any other possibility involves the destruction of a relationship of love.

Thus grace as a free relationship between God and God's people not only respects Israel's freedom but seeks to enhance it. God desires a people who respond freely. The true quality of God's grace is seen not in punishment but in forgiveness, a forgiveness that is unmerited, gracious, generous, and bountiful. But it must be a forgiveness that does not void the freedom of human beings or the possibility of their again turning away from God, because it is of God's very essence to want to be a partner in a free relationship. God desires the freedom of God's beloved people.

This desire for freedom already reveals that grace is frequently manifested as *liberation*. Grace is not just an abstract forgiveness that fails to take sin into account. The very graciousness of God's love is manifested in that God must often liberate God's people from the consequences of

sin. These are not abstract consequences but concrete situations of social, political, and economic oppression. Liberation theology has brought this essential aspect of God's gracious action to the forefront. It brings into perspective the fact that grace is not primarily opposed to freedom but specifically results in liberation. This is very different from what results when the matter is posed in traditional theological disputes.

Here we see another crucial dimension of the theology of grace, namely that Scripture does not unilaterally see oppression as something the oppressed have necessarily deserved. The freedom and responsibility of the oppressor is always taken into account, even when the oppressor (Assyria, Babylon) is regarded as executing God's judgment. Not only that; in the specific case of the Exodus, which is foundational for the faith of Israel, the Egyptians' oppression of the Israelites is not blamed on a previous action of the latter but solely on the will of the Egyptians to oppress. In the Old Testament the thesis that victims are not necessarily deserving of their situation begins to be stated forcefully, a message reflected on more fully in the book of Job, and coming to fullest expression in the cross of Christ.¹⁰

Contemporary theology calls attention to another key aspect of grace. Grace is not only a liberating relationship but also "self-communication" (*Selbstmitteilung*) of God's self.¹¹ Grace does not leave God "above" and the human being "below," severed from each other. It is God's own desire to draw near to the human being, and in such a way that God gives God's self personally to humankind. This is already apparent when God leads the people out of slavery not only out of mercy toward the oppressed but in order to dwell among them (Ex. 29:46). Divine liberation comes to a peak in constituting a people in the midst of whom God's liberating reality can become visible.

This presence of God in the midst of God's people comes into full bloom in the New Testament conviction that God was in Christ reconciling the world to God's self (2 Cor. 5:19). This is a love that is not just a relationship but a relationship that has acquired a special character. In it God surrenders God's very self, personally, to the humanity in Christ. This is love not only as relationship but as personal surrender. This is what we are trying to express when we describe Jesus as the Word of God. To call him the Word of God is to understand that God's communication with humankind

goes beyond the revelation of a message to the extent of becoming an act of personal surrender. In Jesus this personal surrender finds its most extreme expression; God becomes present in what to all appearances seems most far removed from God: suffering, humiliation, powerlessness, death.

Grace thus acquires a much different meaning, since it is no longer a relationship that to a certain degree remains outside of God's self. Grace *is* God's own self, communicating God's self to God's creatures and most expressly surrendering God's self to God's people. We have arrived at a concept inexpressible in merely "monotheistic" language affirming the existence of a God who eventually comes into relationship with God's creatures. This concept can be expressed only in Trinitarian form. The theology of grace is inseparable from the theology of the Trinity. The reason is that God's self-communication, understood as self-surrender, includes affirming the Trinitarian presence of God both in Jesus and in the Spirit who enables us to call God "Abba, Father" as Jesus did (Gal. 4:6). Grace now takes on the form of God's self sweeping us into this relationship of God within God. Far from being a divine effluvium or an eternal decree, grace is God's own self taking us into God's own Trinitarian life. The rediscovery of the Spirit in Western theology, through the influx of Orthodox theology and the development of Charismatic and Pentecostal tendencies, opens important possibilities for viewing God's grace in new ways.

What is Freedom?

Where the Spirit of God is, there freedom is (2 Cor. 3:17). But what is this freedom? Classic theology conceived of it along philosophical categories, taking freedom as one of a number of capacities among specifically human qualities, normally in conjunction with rationality and derived from it. To be free was the potential not to be ruled by natural appetites but by rationality. And rationality is found in discovering the good as the natural object of the will. From there arises our capacity to avoid the influence of external circumstances that normally touch upon our natural appetites and, instead, choose rationally among the possibilities offered.¹² This is the freedom in view when concerns were expressed about its compatibility with the grace of God: if humans could choose salvation, it was from their merit and therefore not by God's grace.

Things are not quite that simple, and a theology of creation brings this into sharp relief. Consider the meaning of the story of the sin of Adam and Eve for understanding human freedom. This Biblical story speaks of “Adam,” that is, each and every human being, not only the first of the species. It shows us a God who is willing to accept the most tragic consequences of human liberty even when they imply a change in God’s plans for creation. In the biblical perspective, human sin impinges upon the goodness of the whole of creation, which is thenceforth altered by human violence; bloodshed; a frenzy to produce without rest, even to destroying the natural environment; the manipulation of religious feeling in an eagerness to obtain productive results; and claims of power that when brought to fruition result in the desolate ruins of successive imperial constructions (Gen. 3-11). God’s creation is impinged upon by human sin. We thus read the terrible utterance where God repents of having created human beings (Gen. 6:6). Yet God *still* does not cancel human freedom.

This reveals an essential aspect of that freedom, namely that for God it is the highest good in all of creation, or at least one of the aspects of that highest good. God even prefers human freedom above any of the other good things in creation that this freedom destroys in its pretentious self-justification. Freedom is not simply one among many capacities of human beings but the highest good in all creation.¹³

Another key aspect of freedom may be grasped from the perspective of human mortality. In classical dogmatics humanity was immortal upon creation, then became mortal due to the sin of Adam and Eve. However, from an exegetical viewpoint, this claim poses a number of difficulties. When Paul affirms that through one person death entered the world (Rom. 5:12), he is not referring simply to the chronological end of life but to death as a power that is opposed to God and governs human beings. Paul actually seems to affirm the mortal character of humankind ever since creation (1 Cor. 15:44-50), and in the first letter to Timothy, God alone possesses immortality within God’s self (1 Tim. 6:16). The affirmation that *on the very day* that Adam ate of the forbidden tree he would die (Gen. 2:17) implies a threat of *immediate* punishment upon the transgressor, a punishment that is then not carried out because of God’s mercy, something the text stresses repeatedly (Gen. 3:21; 4:15). The death Adam finds himself facing is not

just biological death but death as the ultimate result of a lifelong dedication to the production of results and ultimately lacking in meaning.

Now all of this bears upon the issue of freedom. If humankind is mortal by virtue of creation itself, then freedom has a special character. It is not in the first instance our capacity always to decide otherwise, changing our decisions indefinitely, trying the entirety of possibilities without any choice being final. For a mortal being, freedom is the possibility of making final decisions, unto death. Paradoxically, this freedom brings us into close proximity with – “in the image of” – God’s own freedom. Eternity is not just a very long time but the absence of time. In an eternal being everything is final, though we cannot speak of eternity with other than time-bound language. Human beings, made in God’s image and likeness, are capable of changing their decisions and are therefore capable of repentance. They are also capable of making final decisions, decisions that are in that sense “eternal.” Freedom is not just one among many capacities, but a supreme good rendering us capable of making final decisions, even decisions contrary to God.

Freedom acquires a new dimension when seen as the work of the Spirit of God in us. Where the Spirit of the Lord is, freedom is there. Clearly, grace cannot be contrary to freedom. Just the opposite is the case: grace empowers freedom. Life in the Spirit is a life free of Adam-claims to attain self-justification by the fruit of our own actions, by means of the tree of good and evil.

Life in the Spirit is a life free of those powers which, though arising from human freedom, yet enslave and subject humanity: the need to attain self-justification through the result of one’s own actions, to compete with others according to the measure of possessions, to use others or be used by them in order to obtain results; and the fear of premature death that stands in the way of attaining results hoped for in life. This life is no longer subject to the fear of death, where death is the only thing resulting from the Adam-claim of self-justification through the fruit of one’s own actions. It is free of the need to cower in fear of a God perceived to be the ultimate judge of our accomplishments, or to manipulate truth in order to avoid viewing our own nakedness. The grace of God, understood as God surrendering God’s self to us in the Spirit of God, is the realized potential of a life lived in the truth and

in freedom, as first-fruits of a restored creation.

In the end there is no contradiction between grace and freedom. Life in the Spirit is life under the graciousness of God; a life where justification is received by faith, not as a result of our own actions. Only then is it a life liberated from the deadliest dimensions of Adam, able to do good in an entirely new way. Good is no longer the fulfillment of a norm making self-justification possible. Instead, good is the overabundance of the grace of God within us. This overabundance sidelines Adam's scheme of retribution and, in effect, all claims of self-justification. It is born of the justification of faith alone. Yet this justification, far from being merely external, initiates a transformation of the whole of human life, which no longer is oriented to its own justification but to the gracious justice of God.

There is a Biblical text, frequently ill-translated, where this is all expressed in brief. It is, incidentally, a text that clearly ties in with a number of Anabaptist emphases. In the Gospel of Luke, Jesus says:

Love your enemies, do good to those who hate you, bless those who curse you, pray for those who abuse you. If anyone strikes you on the cheek, offer the other also; and from anyone who takes away your coat do not withhold even your shirt. Give to everyone who begs from you; and if anyone takes away your goods, do not ask for them again. Do to others as you would have them do to you. If you love those who love you, what *χάρις* is that to you? For even sinners love those who love them. If you do good to those who do good to you, what *χάρις* is that to you? For even sinners do the same. If you lend to those from whom you hope to receive, what *χάρις* is that to you? Even sinners lend to sinners, to receive as much again. But love your enemies, do good, and lend, expecting nothing in return. Your reward will be great and you will be children of the Most High; for he is kind to the ungrateful (*ἁχαρίστους*) and wicked. Be merciful, just as your Father is merciful. (Luke 6:27-36, NRSV)

The word left in Greek is usually translated by a term indicating merit (in the NRSV, "What *credit* is that to you?"). But *χάρις* is literally the exact opposite of merit or credit; it is *grace*. What *grace* do you show

if you only love those who love you, if you only do good to those who do good to you, or if you lend in order to receive?¹⁴ To act without receiving anything in return does not seek to chalk up merit. It is to act extravagantly without expecting anything back. It is the grace of a praxis that does not seek justification, because it is already graciously justified by God. Remarkably, in Spanish the word “*gracia*” indicates not only what is freely given but what is done beautifully. Someone sings or dances *con gracia* (“with grace,” i.e., beautifully), when their art arises from within, effortlessly, as by an extravagance or superabundance of skill.

This text joins together both dimensions of grace: the absence of retribution and the extravagance that proceeds from God’s own self. Graciousness is the very character of God, who gives without measure, expecting no ulterior results; and graciousness is the character of God’s children, born of the Spirit, thereby different from a world that operates according to retribution, revenge, and systems of reciprocity. Graciousness is liberation from the patterns of this world; it is the constitution of a group of people who are different from their environment and act according to criteria different from the usual.

The term “sinners” in the text does not primarily designate the moral quality of these persons but was the standard designation for pagans, serving to signal the unique character of Messianic Israel, which was different from the surrounding nations. The people of the Messiah are a people where love of enemies, forgiveness, and therefore peace as well, become visible. The graciousness present in this people does not imply isolation from the world but activity within it according to criteria opposed to the world’s: loving enemies, giving without expecting to receive in return, blessing those who hate us.

To be free is not to perpetually keep open the option of deciding otherwise. It is to live according to the graciousness and extravagance of the Spirit of God. Freedom thus understood is ever more scarce in “the free world,” where human praxis is increasingly more subject to measure and calculation. Freedom is not absence of commitment but gracious surrender expecting nothing in return. It is not to be self-made but to lose one’s self. Freedom is not preserving the autonomy of one’s own life but surrendering one’s life instead of living in enslavement to the fear of death (Heb. 2:15).

It is not having time for one's self but surrendering one's time as a gift, without getting anything in exchange, for the sake of others. Illustrative of freedom are David dancing naked before the ark of God and Jesus forgiving enemies, returning good for evil, surrendering his very life for his enemies. The essence of freedom is not the autonomy of the will but its graciousness. Freedom and grace are not opposing categories but two names for one event, the Spirit of God acting within us. Wherever the Spirit of God is, there freedom is to be found – true, full freedom.

Salvation for All

Classic theology understood salvation mainly in terms of “another world.” To be saved meant to successfully traverse divine judgment upon death and thus “go to Heaven.” Justification by faith was seen as the passport assuring God's favorable judgment and eternal life. However, modern exegesis and theology have discovered other important accents. Recall, for instance, that one of the Gospel of John's favorite expressions, “eternal life,” does not necessarily refer to life in another world after death but to a reality that already begins in this life. Because it is eternal, this eternal life must impinge upon our lives and cannot be reserved exclusively for after death. This has important consequences for understanding the relationship of grace and freedom. Grace, seen as the personal and liberating surrender of God, is already present in this life and finds concrete expression as a life of gratitude. Here the Anabaptist objections come fully into their own, against both the notion of a grace that does not find expression in works and the notion of an invisible church whose members only God knows. The freedom brought by the Spirit demands expression in a community not ruled by the Adam-principle of self-justification but by God's extravagant graciousness.

From this perspective, it is crucial to remember a key aspect of salvation normally forgotten, first because of Constantinianism and later because of individualism. It is the essentially communal character of salvation, according to the Biblical witness. God has always desired to gather a people in whom the first-fruits of salvation become visible. God does not just want to send souls to heaven but to restore fallen creation that in the meantime is subject to the powers of sin, law, and death. This is true not only of the Hebrew Bible. The New Testament also includes what

amounts to God's last call to Israel to take shape as a new community, where the end-time blessings can become visible while absorbing within herself all those called from among the nations.

One characteristic of this new community is that the longstanding barriers separating Jew and Gentile, master and slave, male and female, begin to fall away. This is not just a legal or political equality, but the graciousness emerging from the grace upon which the church is founded. The parable of the day-laborers who arrive at the very last hour (Matt. 20:1-16), reminds us of the character of God's gracious justice. Ideally, the justice of this world would distribute to each according to personal merit. Even this did actually happen in an unjust world, it would not create equality. Legal equality is not real equality, only an ideal where differences are based exclusively upon merit. Only graciousness transcends merit in order to create true equality, and thus it alone presents us with radical novelty in human history.

We must realize the true nature of this novelty. The novelty of salvation is not an arbitrary line that God draws between one section of humanity chosen to be saved and the rest designated as *massa damnata*, the damned masses. There is no such thing as a mass of those excluded on principle from divine salvation. God's salvation is nothing other than the gracious expansion of God's Triune life in order to restore the whole of humanity.

If the essence of God's salvation is graciousness, then divine salvation cannot amount to double predestination. Graciousness is an extravagant good not intended for exclusion. Salvation is the divine intention to restore the whole of creation, not just a certain indiscernibly or arbitrarily chosen part of it. We must affirm unequivocally that God's will to salvation is universal, for this is what Scriptures testify. To affirm this graciousness is to affirm God's own freedom and the particular character of God's election. The absolutely personal and unique encounter between God and each human being in particular cannot be substituted by theoretical considerations offering an abstract, universal opportunity. All attempts at abstract universalization ignore the essential historicity and particularity of both the human condition and the way God relates to humankind. If God is truly God, God's relationship with us must always have a particular character, because it is the particular that is impossible to manipulate. An abstract universality is nothing other than a standardized norm whereby we might justify ourselves, and is thus

far removed from the absolute particularity with which God acts in human history.

This particularity is not incompatible with a historically understood universality. This has been acknowledged philosophically ever since Hegel. Within History, any universality must be a concrete universality. This is perfectly applicable to the election of Christ that Barth spoke of, and to the election of the church. God does not choose a people in order to exclude others, as in the classic notion of double predestination. The purpose of a particular election by God is not the exclusion of others but an absolutely particular election toward the goal of reaching all men and women.¹⁵ So, there is indeed a “double predestination,” if you will, wherein a few are called in order to call all, while not imposing anything on anyone. Election by God has as its goal the constitution of a totally new and special people, not in order to exclude others but to draw them to God’s self. For this reason the church is the people among whom God’s will for all of humankind becomes visible.

Here again, graciousness rightly understood does not exclude freedom in any way. God’s graciousness, far from being a legal decree or a reified effluvium, is God’s own self living in the midst of God’s people, making possible human life characterized not by self-justification but by its very opposite, wherein lies graciousness itself. That graciousness is a challenge to all people, existing in contrast to them while also attracting them. The attractiveness of the people of God lies in the graciousness that overcomes the pattern of retribution and resentment, a graciousness wherein humankind may yet find what it seeks, the very content of its existence in God’s image, free at last of contamination by the Adam-claim to self-justification.

Conclusion

The classic oppositions between grace and freedom were largely the result of unexamined presuppositions. A more radically biblical and theological understanding of grace and freedom can bring them into harmony. The essence of grace is the surrender of God for us in order to share with us God’s life in God’s freedom. The core of the freedom that God grants us is not just the capability to choose between alternatives, or to forever return and make another choice, but participation in God’s own graciousness.

Graciousness is the structure of a life liberated from claims of human self-justification. In the end, freedom is not an abstract quality of human nature but a gracious liberation that God brings about and that enables us to live in accord with God's own grace. For this reason, freedom is not opposed to grace but is rather its theological fulfillment. Freedom flows from God's grace, and it is for freedom that Christ has liberated us. The freedom we have in Christ is granted in order to reach all humankind, liberating us from the logic of self-justification, thus making possible an equality whose essence is graciousness.

If we take up the Anabaptist perspective, not as a mark of confessional chauvinism but as a reference to basic options that some Christians took up when they tried to radically follow Christ, we can say that some of their fundamental intuitions may turn out to be strongly corroborated by the theology of our own day. These include the idea of a people freely chosen by God in order to reach all of humankind; the idea that within this people a new way of living already begins to take shape, distinguished by the absence of retribution, therefore by graciousness; the idea that this people are called not to close in upon themselves but to reach out so that all might participate in the new life; and the idea that God's gracious offer requires a personal experience of salvation and the free choice to follow Jesus.

These are not denominational particularities but a legacy that belongs to all Christians. This legacy begins with the experience of the election of God based not on merit but God's love. It is an election that makes a new way of living possible that matters to all humankind. It is the experience of a new creation. Insofar as it is *new*, it has not yet impinged upon the whole of the old world; insofar as it is a *creation of God*, its ultimate goal is to reach all people, and to make new – radically new – all things.

Notes

¹ Cf. Augustine of Hippo, *De gratia et libero arbitrio*, 15. This is not to say that Augustine denied human freedom. He agreed that no one is saved against their will: "Not God's grace alone, nor he alone, but God's grace *with him*": cf. *De gratie et libero arbitrio*, 5.

² The Council of Arles of 743 pronounced itself against the extreme followers of Augustine (Faustus, Lucidius), who apparently defended double predestination.

³ In the Exodus texts, at times it is God who hardens Pharaoh's heart, while at other times it is

Pharaoh who hardens his own heart (Ex. 8:32). It is as if the theological problem of “divine cooperation” with human will is being posed in narrative form.

⁴ Cf. John Calvin, *Institutes of the Christian Religion*, III, 21-24.

⁵ Cf. Phillip Melancthon, *Loci communes rerum theologicarum*, 60.

⁶ This can be seen, for instance, in Immanuel Kant, “Der Streit der Facultäten,” in his *Werke* (ed. W. Weischedel), vol. XI, 337, where he is of the opinion that the Pauline doctrine of election implicitly predestines people as yet unborn to damnation, is therefore contrary to reason, and as such is simply an error on Paul’s part.

⁷ Cf. Karl Barth, *Kirchliche Dogmatik*, II, 2 (Zollikon-Zurich, 1948), 101-214.

⁸ An overview of some interpretations of the Anabaptist theory of grace is given in Robert Friedmann, *Teología del anabautismo* (Bogotá, 1998), 60-74.

⁹ See W. Klassen, *Selecciones teológicas anabautistas* (Guatemala, 1985), 73-87.

¹⁰ I have made this point more fully in my *Teología de la praxis evangélica* (Santander, 1999).

¹¹ This is something that appears explicitly in contemporary German theology, especially with theologians such as Karl Rahner, Wolfhart Pannenberg, or Eberhart Jüngel. Above all it is visible in Barth’s work.

¹² This commonplace is found, variously nuanced, in authors as diverse as Thomas Aquinas (*Summa theologiae*, I, q. 83, a. 1) and Kant (*Kritik der praktischen Vernunft*, A 52-53).

¹³ Cf. X. Zubiri, *El problema teológico del hombre: cristianismo* (Madrid, 1997), 215-20.

¹⁴ In Protestant Bibles in Spanish, “¿Qué gracias aureys (tendréis)” was the translation Casiodoro de Reina (and after him, Cipariano de Valera) had from the first edition of 1569 until that of 1960, when the word *gracia* was replaced by the word *mérito*.

¹⁵ Pannenberg develops this idea in his *Systematische Theologie*, vol. 3 (Göttingen, 1993), 477-501.

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John H. Redekop, *Politics Under God* (Scottsdale, PA: Herald Press, 2007); Nathan E. Yoder and Carol A. Scheppard, eds., *Exiles in the Empire: Believers Church Perspectives on Politics* (Kitchener, ON: Pandora Press, 2006).

In stark contrast to the choral tradition of Mennonites, our political theology is a long silence infrequently punctuated by a loud exclamation. It is formed by the history of the martyrs, the Schleithem Confession, the Dordrecht Confession, the work of John Howard Yoder, and a few other, quieter voices who from time to time will make a sound. John Redekop's *Politics Under God* is both an exclamation and a challenge to the silence.

Redekop has several goals for this book. The overarching one is to convince Christians, and Anabaptists in particular, that politics is important and especially important for Christians to engage in constructively. He is eager to prove that government is not the enemy. On the contrary, there are many opportunities for politics and governments to play a positive role in society; he notes care for the sick and disadvantaged, education, the provision of public services, and food aid.

As a political scientist, Redekop is not naïve about the role governments can play. He believes Christians should be engaged with the government in politics and participate in government office insofar as they are able. He advocates voting, paying taxes, and praying for leaders. His justifications for engagement are both pragmatic and biblical. He argues that when Christians withdraw from the political arena they leave it to those with less concern for others and less worthy views. Christians can use government to do good in the world, and they are obligated to do so. Christians can engage in government service as long as it does not compromise their morality. "A fundamental guideline is that in politics as in any other societal pursuit, ... Christians should get involved only to the extent that Christian discipleship permits" (21).

The book discusses Catholic, Lutheran, and Calvinist perspectives on government. It addresses concrete concerns such as whether a Christian can in good conscience vote or join a political party, whether there can be a "Christian" political party, and what the appropriate role of the church in society should be. The book concludes with a useful appendix consisting

of 160 biblical texts on government and politics. The writing is clear and concise, though at times bordering on pedantic.

Politics Under God calls for a different sort of Anabaptist political engagement than that currently practiced in most communities and churches. Redekop's book will be controversial in its positive understanding of the role of politics. Yet the author does Anabaptists a great favor in reframing some 'loud exclamations' from the past that have formed Anabaptist political theology.

Redekop's treatment of the Schleithem Confession is particularly interesting. Redekop argues that we have given this Confession too much importance in forming our sectarian opinions on governance. He views it as too strong for present day theological guidance, originating, as it did, during a time when Anabaptists were persecuted by the government and governments did not perform many positive roles for the population. For those of us living in democratic states with governments pursuing the welfare of the citizenry (albeit not always well), Redekop contends the Schleithem Confession leads us in the wrong direction. We live in a democratic state, and to the extent we follow the Confession's prescriptions we can be guilty of the sin of omission. "When Christians know how to do good and do not do it they are guilty of the sin of omission. Many Christians possess the knowledge and personal skills to serve others as part of a Christian pressure group in the political realm" (148). Here Redekop presents a critique of Anabaptist political theology that we must solemnly consider. In navigating the political realm many Anabaptists have avoided the Scylla of Christian nationalism and state idolatry (against which Redekop cautions) only to fall into the Charybdis of omission by choosing to be 'the quiet in the land' when the context is appropriate for thoughtful political action on behalf of others.

At times, however, Redekop seems to slide into a more modern form of Calvinism in his ideas about using the government to achieve good. This will make some readers uncomfortable. He also controversially supports and justifies a two-kingdom model of state and church. But he rejects extremes, bases his arguments on an understanding of the Bible and a sophisticated view of the state, and notes that it is a myth to think we can escape politics. This book on political theology by an Anabaptist gives equal consideration

to political structures and realities and to theology; for that reason it is extremely welcome.

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Redekop's book makes a striking contrast to *Exiles in the Empire: Believers Church Perspectives on Politics*. This is almost certainly due to the context in which they were written. Redekop writes as a Canadian, and as such is freed from dealing with the ever-present grief of war that is the burden of Anabaptists in the US. The burden of empire is both a stated theme and the context in which most pieces in this edited volume were written. *Exiles in the Empire* is a compilation of papers presented at the 15th Believers Church Conference, which was organized around the theme "God, Democracy and U.S. Power."

The book is divided into three sections, although the basis of this organization is unclear. There is a lack of agreement among the authors, with some arguing for greater involvement in the democratic process (Biesecker-Mast) and others arguing for withdrawal from that process (Roth). Weaver argues, contra Redekop, for a one-kingdom ethic.

The book's strong point is the inclusion of beautiful sermons on exile and justice by Dawn Ottoni Wilhelm, J. Daryl Byler, and Carol A. Scheppard. Nevertheless, the text suffers from the problem that plagues conference collections: topics of the essays are quite diverse and the chapters show little interaction with one another. This book might interest those who have heard the various authors in other forums or are interested in the topic more generally. There isn't enough depth on any one issue to make it more than a cursory overview of Mennonite opinions on the American empire and assorted foreign policy issues.

It is encouraging to see these recent publications on Anabaptist political theology. We have a long way to go in developing a comprehensive, sophisticated approach to politics sufficient for guiding our interactions with the state in a variety of countries and contexts. These recent voices demonstrate some interest in developing that approach. Who knows, we may even get a song going.

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Rodney James Sawatsky. *History and Ideology: American Mennonite Identity Definition through History*. Kitchener, ON: Pandora Press, 2005.

At base, Rodney Sawatsky's argument is that during times of uncertainty and anxiety, Mennonites have circled the wagons by using history to define their identity. In the 18th century, American Mennonites, who had nearly surrendered their denominational self-consciousness to German ecumenism on the American continent, rallied with the publication of the *Martyrs Mirror* and the *Ausbund* hymnal. Both publications asserted that suffering was normative, a motif that served as an identity marker for Mennonites through the 18th and into the 19th centuries.

The suffering motif gradually lost potency in the face of American evangelicalism and its fundamentalist and modernist heirs. John Funk, converted at a Dwight Moody revival, introduced evangelical hymnody and revival techniques to his fellow Mennonites. Moreover, a coterie of talented Mennonite scholars was exposed to new ideas in graduate school, giving rise to a new sophistication in Mennonite historiography.

Mennonites diverged into two camps as they struggled to maintain an identity amidst the intellectual and social turmoil of the Gilded Age. One camp identified with Protestant fundamentalism. This camp's most prominent proponent, German immigrant John Horsch, stressed ideological purity. Horsch maintained that the roots of Anabaptism were not in Munster, as many critics of the tradition maintained. Instead, they could be traced theologically (though not organically) through "old evangelical brotherhoods" such as the Waldensians all the way down the centuries to Christ himself. Attempts to burnish the evangelical credentials of the Anabaptists resulted in tracts such as Horsch's "Menno Simons on the Authority of the Holy Scriptures," a salvo in fundamentalist-modernist debates.

If Horsch was trying to identify Mennonites as fundamentalists, the other camp stressed less theologically restrictive impulses. C. Henry Smith and C.H. Wedel typically emphasized that Anabaptists were forerunners of Western liberal notions of individual freedom. Wedel, president of Bethel College, found the essence of Anabaptism less in dogma than in pious living in community with fellow believers. This definition was a direct shot at the "old" Mennonite "dictatorial emphasis on cultural minutiae and hierarchical

structure which undermined congregational autonomy contrary to the tradition” (43). Wedel thus included Hans Denck in his list of authentic Anabaptists, while Horsch excised Denck and other theological aberrants such as chiliasts, humanists, and mystics.

The two camps fell roughly along “old” Mennonite Church–General Conference lines. In the historiographical battles, outlined in a fascinating chapter entitled “Two Denominations, Two Histories,” we see the roots of contemporary MC-GC tensions. Both camps wrote their history grinding ideological axes.

In the end, a consensus emerged that privileged the MC interpretation of pure Anabaptism as originating in Zurich in 1525 from a cadre of Swiss Brethren. They were, Harold S. Bender wrote in 1931, “consistent Biblicists, evangelical, soundly moderate and practical, free from fanaticism or doctrinal aberration . . . in short, they were evangelical Anabaptists” (129). This interpretation prevailed largely because of the efforts of Bender, an organizational and scholarly cyclone in the 1930s and 1940s. He commandeered an enterprise that produced a mountain of historical works, a raft of dissertations, articles in the newly launched *Mennonite Quarterly Review* and *Mennonite Encyclopedia*, and Bender’s important “The Anabaptist Vision,” the pithiest statement of normative Anabaptism.

For those who have read Beulah Hostetler, the *Mennonites in America* series, or Albert Keim’s recent biography of Bender, little of this material is new. Sawatsky, however, does contribute scope and a helpful interpretive lens. The “Anabaptist Vision,” he argues, is as much a reflection of mid-20th century American Mennonitism as it is an interpretation of history.

Sawatsky is superb at outlining the contours of Mennonite identity, but less convincing in probing the relationship between identity and historical consciousness. Among questions needing further attention are these: To what extent did historical consciousness truly drive Mennonite identity, or did it merely rationalize fundamentalist, pietist, and modernist pressures? How did Mennonite historical consciousness compare to that of other denominations? Through what mechanisms did this Mennonite consensus filter to Mennonites in the pew? How actively did Amish Mennonites, less engaged in inter-Mennonite wars, define themselves through history or connect their history to contemporaneous ideological debates?

What makes this 2005 book particularly intriguing is its tardy publication date. Originally a 1977 dissertation, *History and Ideology* is a historical document itself. The story of its long-delayed publication, recounted in introductory notes by James Juhnke, positions the book as yet another round in the continuing contest over American Mennonite historiography. By historicizing the “Anabaptist Vision,” after all, Sawatsky fundamentally questions the normativity of the consensus. That his dissertation could not be published as late as the 1970s perhaps suggests the hegemony of the Benderian legacy, and demonstrates that the debate over Mennonite identity and Anabaptist origins continued with some vigor after the 1940s. Sadly it is a sequel that Sawatsky, who died in 2004 of a brain tumor, will never write.

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Craig A. Carter. *Rethinking Christ and Culture: A Post-Christendom Perspective*. Grand Rapids, MI: Brazos Press, 2006.

Craig Carter has two purposes in writing this book. The main theme is a critique of Christendom, which he argues is the underlying presupposition of H.R. Niebuhr’s classic, *Christ and Culture*. Carter defines Christendom as the “concept of Western civilization as having a religious arm (the church) and a secular arm (civil government), both of which are united in their adherence to Christian faith, which is seen as the so-called soul of Europe or the West” (78). He correlates Christendom with tendencies toward a docetic Christology that denies Jesus is fully normative for ethics. Christians with Christendom assumptions legitimize violence to further the aims of civil government. Carter argues for a post-Christendom christology that is fully consistent with the Nicene Creed. If Jesus is both divine and fully human, then his incarnation is normative for a Christian’s relationship to culture, which mandates the rejection of violent coercion.

Carter’s second purpose is the development of a post-Christendom typology as an alternative to Niebuhr’s five types in *Christ and Culture*. He

describes how Niebuhr's rhetorical style effectively convinced readers that the fifth type, "Christ Transforming Culture," has advantages over the other types. He builds on John Howard Yoder's criticism of Niebuhr by arguing that Niebuhr's Christendom assumptions led him to be least objective in describing the "Christ against Culture" type. Carter goes beyond Yoder to construct an alternative typology. He defines his project not as a taxonomy to classify empirical data but a typology, a heuristic device for analyzing and comparing that data. This responds to James Gustafson's objection in the foreword to the new edition of *Christ and Culture* that Niebuhr's critics fail to make this distinction. Carter's standard for a good typology is not whether it fits empirical reality but whether it helps "to illumine the choices . . . we face in Christian ethics" (63).

Carter builds on and modifies the outlines of a typology I proposed at meetings of the Society of Christian Ethics in 2003.¹ Carter constructs six types. Three are Christendom types that accept violent coercion: Christ legitimizing culture (e.g., the German Christians); Christ humanizing culture (e.g., Luther, Billy Graham); and Christ transforming culture (e.g., Augustine, Cromwell). Three are non-Christendom types that reject violent coercion: Christ transforming culture (e.g., William Penn, Martin L. King, Jr.); Christ humanizing culture (e.g., Mother Teresa, Mennonite Central Committee); and Christ separating from culture (e.g., St. Benedict, the Amish). For each type Carter examines the biblical support, its view of Jesus' teaching, and its christology, particularly whether it is consistent with Nicea.

Carter's typology succeeds in discriminating three non-Christendom types that Niebuhr conflated into the "Christ Against Culture" type. He also shows that the transformation of culture is developed with different meanings within both Christendom and non-Christendom types. Carter improves on Niebuhr, because his typology illuminates options in church history that Niebuhr treated inadequately or failed to identify.

In other ways, Carter's typology does not succeed as well. His normative argument against the Christendom types, which at times becomes quite polemical and pejorative (especially his portrayal of the United Church of Canada, 23-24), works at cross purposes with an objective typology that fairly sets forth the ethical options that appear in church history. We do not gain much ground if in criticizing Niebuhr's negative portrayal of the "Christ

Against Culture” type we create other stereotypes in which proponents of those types (e.g., Niebuhrians) cannot recognize themselves.

Carter could better accomplish both purposes if he incorporated more sociological analysis such as the strength of Ernst Troeltsch’s original church/sect typology. Though many Christians may still hold onto Christendom assumptions, the secularization process, such as the rise of liberal democracy, has eroded several main features of Christendom. Niebuhr and many other “Christendom” types defend religious liberty and pluralism, two central features of a post-Christendom world.

Is the justification of violent force always necessarily to be equated with Christendom? A careful typology must show how some Christians who meet Carter’s standard of a Nicene Christology might support limited violent force, and if not war, then police force to protect the neighbor from harm. A Barthian theology of prophetic cultural criticism keeps Carter from showing how Niebuhr too is a critic of his culture, especially its racism and the social forces dividing the church. Though Niebuhr was not a pacifist, he was a severe critic of war and the conduct of both sides in World War II. I do not find it inconceivable, as does Carter, that in the German context Niebuhr might have supported the Barmen Declaration.

Though Carter makes improvements to Niebuhr’s typology, we still need a more objective and fair typology that illuminates the options in relating Christ and culture.

Note

¹ “A Discriminating Engagement of Culture: An Anabaptist Perspective,” *Journal of the Society of Christian Ethics* 23.1 (Spring/Summer 2003): 145-56.

Duane K. Friesen, Edmund G. Kaufman Professor Emeritus of Bible and Religion, Bethel College, North Newton, Kansas

Leah Dawn Bueckert and Daniel S. Schipani (eds.). *Spiritual Caregiving in the Hospital: Windows to Chaplaincy Ministry* (Kitchener, ON: Pandora Press, 2006).

Leah Dawn Bueckert, a hospital chaplain, and Daniel Schipani, a professor of pastoral care and counseling, begin by signaling their intention to build on Holst's *Hospital Ministry: The Role of the Chaplain Today*,¹ a classic in the field of hospital chaplaincy. They plan to describe and acclaim hospital chaplaincy as a unique, essential, and rewarding vocation, and in this they succeed admirably. What results is a welcome addition to the literature about spiritual care in healthcare settings.

Part 1 explores the unique healing role of spiritual care providers within the interdisciplinary context of the hospital. Essays in this section present hospital chaplaincy as a profession requiring disciplined preparation and demonstrated competency. Jan K. Kraus's essay sets the tone for the book. She draws on biblical role models to illuminate her vocational journey and pastoral role. In doing so she models an action-reflection style of theological reflection that improvises creatively within the bible-centered Anabaptist–Mennonite tradition. Marvin Shank's essay which follows presents competency as an expression of discipleship. As Shank explores the role of clinical pastoral education in the formation of chaplains, many of the book's central themes emerge – spiritual similarities in religious diversity, personal stories and soul listening, engaging intense feelings, effective boundaries, and collaboration in community.

Other essays in Part 1 explore the role of chaplains on interdisciplinary teams, competent hospital visiting by pastoral ministers and chaplain volunteers, differences between public and religiously affiliated hospitals, and cultural competency. Buried in these chapters on the structure and framework of chaplaincy is a little gem by Helen Wells O'Brien about the chaplain as bearer and giver of blessing. Another is Clair Hochstetler's appendix on asking good questions in patient visits. The section ends with a chapter on self-care reminding those who provide spiritual care of the common ground they share with those who receive it.

In Part 2 we hear the voices of chaplains who provide spiritual and religious care to patients, families, and staff. Their stories draw us into

situations of crisis, death, grief, and illness, and their reflections invite us to grapple with the emotional, ethical, spiritual, and theological issues emerging in the midst of suffering. Their descriptions of the possibilities and limitations experienced by spiritual healers are both empowering and humbling.

The theme of care of caregivers reemerges near the end of this section, in Sherry Sawatsky-Dyck's brief emphasis on soul care for the caregiver (86f.) and Robin Weldon Walton's chapter on caring for staff. His description of the chaplain's role in addressing medical mistakes is timely, and his integration of the chaplain's prophetic voice with the healing and supportive dimensions of the role enlarges what is often regarded as a person-centered role to include the systemic.

In Part 3 the editors lay out the foundations and guiding principles for hospital chaplaincy. Their four essays describe chaplains as reflective practitioners and pastoral theologians, emphasize holistic care and an ethic of care as the moral context for spiritual care, and point the way toward interfaith communication and care. In my estimation, the chapter on the ethic of care, which focuses on mutual interdependence and responsible caring, is pivotal. The rest of the book is a witness to the demands, expressions, and blessings of this approach to spiritual care.

The chapter on interfaith spiritual care that concludes the book convincingly demonstrates that while this volume was unapologetically written within the North American Anabaptist-Mennonite tradition it has avoided the danger of becoming a parochial piece. The writers urge chaplains to claim their unique role as facilitators of interfaith communication and describe the necessary virtues, attitudes, and skills. They demonstrate that Mennonite-Anabaptist perspectives are not only capable of staying abreast of developments in professional chaplaincy, but also of leading the way – no small achievement for a faith tradition that has at times questioned the possibility of faithful pastoral ministry in public institutions!

Bueckert and Schipani and the fifteen chaplains from Canada and the United States contributing to this book have provided windows for learning from those who give and receive chaplaincy ministry. The editors' belief that "chaplains, pastors, health care professionals, and other caregivers, whether in training or already practicing, will find it valuable" (2) is well-founded.

I will use this book not only for personal reference but as a resource in my work as a supervisor of clinical pastoral education.

Note

¹ Lawrence Holst, ed., *Hospital Ministry: The Role of the Chaplain Today* (New York: Crossroad, 1985).

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Caspar Schwenckfeld. *Eight Writings on Christian Beliefs*. Edited by H. H. Drake Williams III. Translated by Edward J. Furcha et al. Kitchener, ON: Pandora Press, 2006.

Caspar Schwenckfeld was a devout early follower of Luther and, later, one of the key Spiritualist leaders of the Reformation in Germany. This translated and edited collection of his confessional writings seeks to correct the presumption that since he was a Spiritualist par excellence, he was therefore anti-confessional. The selected texts also demonstrate that he believed Scripture to be the basis of confessions and the standard against which all confessional statements must be judged. That so few of his writings are available in English, despite the enormity of his corpus and his importance for both the Lutheran and radical Reformation movements, makes this volume of general importance for English language Reformation scholarship.

The selections vary widely in length, ranging from two to eighty-five pages. Each text is heavily annotated with endnotes. A foreword and introduction also clarify the collaborators' aims and highlight the surprisingly high degree of authority that Schwenckfeld gave to ecclesiastical tradition and the witness of Church Fathers as authentic interpreters of both Scripture

and tradition. There is a mistake in the Introduction, however, where the text of the Apostles' Creed is inserted for the version of the Nicene Creed expanded at Constantinople in 381. (As well, the editor implies that the 325 version is used in liturgies, which is also incorrect.)

Although the translations by seven different scholars are fluent and read reasonably well, they are not free of error. On page 77, "Christ commanded to preach the gospel to every creature" omits *der gnaden* from the original. The text should thus read "Christ commanded to preach the gospel of grace to every creature" (cf. *Corpus Schwenckfeldianorum* 17: 108, 11). On page 81, *auss der ordnung des schoepffers und der Creatur* is translated as "from the order of creation and its creatures" but should read "from the order of the Creator and creation" (cf. CS 17: 112, 8). This same error is repeated on page 127 (cf. CS 18: 501, 4).

There is also a problem of consistency of terminology in places, e.g., where *gedichten*, *vernunft glauben* appears both as "fictional, reasoned faith" (102) and as "made-up, rational faith" (103). This key phrase could be better rendered as "feigned, rational belief," which echoes the use of *gedichten* in other Reformation-era writers like Müntzer. Also, despite an endnote (170, n. 55) explaining that *selig*, though translated as 'saved' (39) literally means 'blessed', the translators later do translate it as 'blessed', which is inconsistent and obscures the meaning. In n. 405, a Scripture passage attributed to Ecclesiastes is actually from Sirach/Ecclesiasticus.

These errors indicate the need for caution in using this translation. However, since they can largely be detected by noticing inconsistencies in the thought, a discerning reader should still be able to make good use of the text, suspecting that inconsistencies and ambiguities might stem primarily from the translations and only secondarily from Schwenckfeld's own thought.

These writings would also be useful to scholars outside Reformation studies, including theologians interested in the role of creedal language and the classic Christian creeds in the birth of Protestantism. Schwenckfeld's christology, often dismissed as docetic, can be understood in some of these writings in relation to his reformulation of the classic creedal expressions. The topics of freedom of conscience and religious toleration are also central to the core of his teaching. Additionally, this volume would assist in a

comparison of early confessionalism as found in the various streams of the radical Reformation traditions. Schwenckfeld's insistence on integrating ethics with confession will be of interest to contemporary theological ethicists who may unknowingly share some of this arch-Spiritualist's central concerns. The connection seen in these texts between Schwenckfeld's christology and doctrine of the Trinity also reveals the reasons for his call for a suspension of the sacraments (*Stillstand*).

While it is unfortunate that so few translations of Schwenckfeld's writings are available in English, the present volume may provide impetus to put more concerted, scholarly effort into making this important Reformation leader's ambiguous legacy more accessible in English, and better understood.

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David F. Ford and Daniel W. Hardy. *Living in Praise*. Revised and updated edition. Grand Rapids: Baker Academic, 2005. (First edition: *Jubilate: Theology in Praise* [DLT, 1984])

Why is praise important? Why does God demand or deserve praise? Is it not just an archaic practice? Invoking biblical tradition and quoting poets ancient and modern, Cambridge theologians David F. Ford and Daniel W. Hardy move these questions freely into our contemporary context. Baker offers this reissue, essentially unchanged except for a new introduction and epilogue, of *Jubilate: Theology in Praise* (1984). In a market filled with pep talks and how-to manuals for worship leaders, this book offers an orthodox, yet up-to-date, provocative theology in which to anchor Christian worship.

The authors suggest ways in which praise operates day to day in ordinary human life, and they show how that impulse may be redirected toward God. Praise, after all, is an everyday human experience. When people are in free relationships, mutual recognition, respect, and delight tend to overflow in thanks and praise. Similarly, our Creator God invites us into

the freedom of relationship that follows the same movement from mutual respect through delight and thanksgiving, blessing and praise. A catchword in the book is “overflow.” Praise of God is not “necessary”: it is an overflow, “a generous extravagance of response” (15); it is “an overflow of mutual blessing of God and humanity” (23).

At the heart of this study is the assertion that the primary characteristic of praise is that it directs all our human experiences to God. As we become more aware of the divine presence and activity in the world, we can only respond with praise. It is the quality that binds and integrates human life. The Psalms are filled with this perspective, as are NT hymns and the Gospels. George Herbert expresses it beautifully in a hymn of 1633: “Teach me, my God and King, in all things Thee to see, and what I do in anything, to do it all for Thee.”

Sometimes Mennonites are described as “praise-challenged”. We are more at home with the prophetic outburst or the compassionate intercession than with overflowing thanksgiving and praise. This book provides fresh ways to enter into praise – the integrating movement of faith. Two topics discussed in it illustrate areas where Mennonites need to grow: freedom of spirit in worship, and breaking free from a controlling stoicism in outlook. Here are provocative insights worthy of energetic debate.

In discussing the diversity of explicit acts of worship in various denominations, the authors describe four modes of praise in two pairs: word and sacrament; spontaneity and silence. They assert that Christians whose worship is primarily encompassed in word or sacrament have become increasingly open to learning from one another. Though worship has always involved the second pair, these modes of praise have been individualized or marginalized altogether. This is the context in which the authors explore how silence has taken up residence in individual modes of spiritual disciplines. And they see Pentecostalism as a marginalized movement that can take up with great intensity both poles of word and sacrament. In this position Pentecostalism may mediate between Catholic and Protestant worship. The authors suggest that “the primary significance of Pentecostalism is its recovery of the authentic Christian impetus of praise” (25). It does not offer just another pattern of worship; at its best it can use pattern and dispose of pattern. This is what the authors call “the jazz factor.” Can we imagine

Mennonite worshipers learning to be jazz worshipers, playing familiar patterns of praise with exuberant freedom?

The book's profoundly challenging chapter six deals with praise in the presence of evil, suffering, and death. The authors explore shame as an experience of evil that afflicts many. Among various ways of dealing with shame, theistic and atheistic, is a stoic response. Its salient mark is "the endurance of evil, suffering and death with dignity" (119). For 'good' people in our civilization stoicism "is perhaps the most attractive alternative to Christianity, especially in its realism about the negative side of life." But stoicism cuts the root of joy. Though admirable, orderly, and sensible, stoicism misses the reality of joyous overflow. It cannot be free in the spirit; it cannot accommodate resurrection. Sometimes a practicing Christian is exactly this kind of stoic. Stoicism, "though deeply in line with some Christian values, is often the ethical core left after living faith has gone" (120). How can a stoic enter into joyous praise?

The authors draw extensively on poetic vision through the ages: Psalms, prophets, wisdom literature, NT hymns, Dante, Gerard Manley Hopkins, Micheal O'Siadhail, and especially Patrick Kavanagh.

Though only 200 pages long, this is a big book. When pastors forget what worship is about, being so occupied with planning details of weekly services, they should reach for this book. They will find deep challenge and joyful perspective, and they can be led and fed by its insights.

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J. Matthew Pinson. *The Washing of the Saints' Feet*. Nashville, TN: Randall House Publications, 2007.

In *The Washing of the Saints' Feet*, J. Matthew Pinson, a member of the Free Will Baptists, makes a case for practicing foot washing on a regular basis. The book is a compilation of various lectures, sermons, and talks he has recently given. It does not have the pretension of an academic study: "Rather, it is a series of lectures designed for college students and edited for print" (xv). A particularly interesting facet of this volume is that each chapter is followed by a hymn about foot washing. In this way the author connects theology and congregational practice.

Pinson has experienced much resistance with respect to foot washing. The ritual is not considered "seekers sensitive." Ministers who make this argument "minimize or diminish the ritual" (8). Besides, many say that Jesus did not intend the institution of foot washing to be taken literally but saw it as a daily exercise in humility (39). Pinson wants to try to persuade pastors and priests as well to look at arguments in favor of foot washing.

The author regards foot washing as an *ordinance*. Mennonites speak of an ordinance, too. Baptists distinguish themselves in this usage from, among others, Lutherans and Roman Catholics, who use the word *sacrament*. Pinson finds the definitions for *ordinance* rather arbitrary. In his view questions must be asked in order to learn what an *ordinance* actually is: "Did God explicitly ordain the practice?" "Did God intend the practice to be literal?" "Is it to be perpetuated by God's people?" The definition Pinson offers is that "a Christian ordinance is a practice that God ordained for literal perpetuation by the New Covenant People of God" (28).

Pinson tries to track down the motivation for foot washing by means of argument. If it were only about washing some dust off the feet, why is so much attention given to it? And if Jesus says, "You, too, *ought* to do it" (John 13:14,15), it means the disciples are obligated to carry it out. In fact, "You *ought* to do it" is far more emphatic than the instruction to celebrate communion or to baptize, namely "This do" (41 and 42).

The purpose of his plea for foot washing is to establish that it and communion together complete the meaning of the Gospel, whose meaning is, after all, *redemption*. In this argument, baptism symbolizes Christ's

death and resurrection, being dead to sin and a new life, justification and sanctification, and the objective and subjective aspects of unity in Christ. Baptism symbolizes the whole purpose of the Gospel. But communion concerns only our justification: “The Lord’s Supper is an incomplete picture of our redemption in Christ. It represents the objective aspects of the work of Christ for us” (84). To do justice to the whole purpose of the Gospel, foot washing should always follow communion. In communion the issue is “what God in Christ has done *for* us”; in foot washing it is “what He is doing *in us*.” Communion concerns *justification*; and foot washing, *sanctification* (85-86).

Pinson approaches the relationship between communion and foot washing from a dogmatic point of view. This is praiseworthy, for by doing this he gives biblical rituals a deeper meaning than they appear to have on the surface. In my view we do not need more rites than these, because they provide the basis for our relationship to God and neighbor. Practice will show whether this makes Pinson’s approach more “seekers sensitive.” Openness to conversion and baptism can be expected even of the “seekers” of the 21st century in order for them to become “finders.” If baptism is adequately explained as the disjunction between the old man and the new man, then it is easier to explain communion and foot washing.

However, I would like to hear more about the meaning of baptism and of the church in the world, and about the diaconal aspects of foot washing. What could the contribution of foot washing be to the congregation as peace church and in the area of mediation? Perhaps foot washing could become more “seekers sensitive” in this way.

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