



MENNONITES AND POLICING  
An Ongoing Conversation

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## Foreword

We are pleased to present this special issue on “Mennonites and Policing,” a topic that continues to attract both the authors represented here and many others in the Mennonite community. (For background on the particular form of the conversation that frames this *CGR* issue, readers should first consult “How Did We Get Here?,” the account by Lowell Ewert that initiates the line-up of articles that follow.)

It was “The Gospel or a Glock? Mennonites and the Police,” a provocative article by Andy Alexis-Baker published in our Spring 2007 issue, that prompted us to assemble responses and related items for publication. Contributors include serving and former police officers (one of whom is a Mennonite pastor), practitioners of law and other professions, and scholars and researchers in theology, peace studies, and other areas.

Some articles deal with “The Gospel or a Glock?” article directly and are specifically flagged as “Responses” to it, while others touch on it but are devoted more to other considerations. A new piece by Alexis-Baker is partly a reply to those responding to his original article.

The discourse is wide-ranging, and in some cases it reflects a certain amount of thrust-and-parry. But the tone is civil throughout, and a desire to advance the discussion rather than simply maintain old ground is pretty well unanimous. Nothing in this issue is intended as “the last word” on the subject. Where the conversation on Mennonites and Policing will go next is up to *CGR* readers and other interested parties. Readers may want to propose ideas and discuss prospects with Lowell Ewert ([lmewert@uwaterloo.ca](mailto:lmewert@uwaterloo.ca)).

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Space limitations mean this issue cannot accommodate book reviews. However, the Fall 2008 issue will offer a full complement of reviews, plus an appealing array of articles on diverse topics. Meanwhile, please visit our website, which offers not only new reviews posted since the publication of our Winter 2008 print issue but all those posted since Spring 2006.

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

## How Did We Get Here?

*Lowell Ewert*

This issue of *CGR* contains some of the most philosophically and theologically diverse articles ever included in a single edition. Strong differences of opinion exist between people who identify or worship with an Anabaptist congregation about the roles that law and policing play in building and sustaining a democratic society. Even sharper disagreements appear over whether a police officer should be allowed to join or remain a member of an Anabaptist congregation in good standing.

This issue includes several essays which argue that policing is a profession that cannot be carried out in a manner compatible with Anabaptist theology. Policing is inherently violent, several articles argue. Essays from three present and former police officers who worship with a Mennonite or Brethren in Christ congregation counter that they have carried out their professional duties in a manner consistent with their faith. While recognizing there is indeed violence within the orbit of policing, they contend that policing is an essential ingredient for peace.

Supplementing and surrounding these perspectives are essays that raise troubling questions and complicate the discussion. Rather than arguing that policing is either good or bad, many of these papers suggest there are important nuances and distinctions that affect how Anabaptists should evaluate police functions. As a consequence, readers looking for this *CGR* issue to definitively resolve the question of how policing relates to peace theology will be disappointed. The only conclusion that clearly emerges from this collection is that the conversation needs to go forward in a way that will aid historic peace churches and their members better understand how peace theology does, and should, apply to policing in our increasingly complex world.

### **Origin of the Conversation**

The origin of this particular conversation can be traced to May 13, 1999, when several busloads of concerned Canadians from Southern Ontario,

predominantly Mennonite, traveled from Kitchener to Ottawa. The purpose of this trip was to gather and collectively sing and pray for peace in the shadow of the Peace Tower on Parliament Hill. In late March, NATO, in response to Serbian actions in Kosovo, had begun an approximately 80-day bombing campaign in the former Yugoslavia for the stated purpose of protecting human rights. It was clear from media and refugee reports that massive human rights violations were taking place in Kosovo, and that these atrocities had the approval or acquiescence of Serbian President Slobodan Milosevic.

On Parliament Hill, our group, which had expanded to include several hundred boys, girls, men, and women, sang or read 18 songs. Prayers for peace were offered, and a letter to the Government of Canada was read. We concluded by singing “God of Grace and God of Glory,” which fittingly calls on God to “cure thy children’s warring madness . . . save us from weak resignation to the evils we deplore.” During the ensuing six-hour bus ride home, a number of us talked for hours about our unsettled feelings. While I don’t recall that anyone on our bus supported NATO’s bombing campaign, we were equally troubled that singing and praying in the face of horrific war crimes seemed inadequate.

We wondered if law could ever be an alternative to war. Was there a case that could or should be made for just law being justly enforced? Might our response to military intervention have been different if the Kosovo action had been lawful? What if NATO had instead received UN approval? What about Rwanda, where the world community mostly stood on the sidelines and watched genocide unfold? Would we ever support the use of coercive power to protect human life? And what about the first Gulf War in 1991, which was sanctioned by the UN? The ride home passed quickly as we pondered questions for which we all had opinions but no answers.

What emerged from our bus conversation was a sense that as people connected with Anabaptist churches, we were unclear about how we view law, order, or the state as an instrument to protect human rights. To challenge us to be more thoughtful about considering options to protect human life in situations of massive rights violations, representatives from MCC–Ontario and the Peace and Conflict Studies program at Conrad Grebel University College agreed to listen to those within our community who were actively

engaged in law enforcement that had at its core mediating conflicts through law.

### **Conversations with Professionals and Scholars**

What can we learn from these persons about the relationship of peace to law and our Anabaptist faith? we wondered. Not presupposing the outcome, we stepped out in faith that our brothers and sisters engaged in law enforcement might assist the peace church contemplate the intersection of peace theology, law, and coercion. Conversations with three distinct groups of professionals (lawyers, police officers, and accountants) who use law on a daily basis and who identified with a historic peace church were originally envisioned to help shed light on this theologically complex relationship.

While the reason for selecting the first two professions was pretty obvious, naming accountants as a profession engaged in promoting peace through law usually generated a chuckle. However, we believed that accountants were representative of many other professions (human resource managers, social workers, probation officers, et al.) that enforce law on a regular basis but are not recognized for such a role. Unfortunately, we were never able to organize accountants or their proxies for a discussion of how they enforce law in a manner consistent with their faith.

Police officers and lawyers who were invited to participate in this conversation responded enthusiastically. We held a series of engaging and energizing informal planning meetings with small groups of each profession. These discussions culminated in two larger, more structured formal discussions with each group. The formal meetings initially involved an “inner circle” (including only representatives from the profession) and an “outer circle” of academics, religious scholars, and a few others. Typically, the inner circle would be given the first chance to discuss a question identified by a planning group as significant, and then the question was discussed between the two circles.

The point of these conversations was not to gather material that could be published, demonstrate how wrong-headed some position was, or win a debate. Rather, it was to listen in order to understand. We were able to foster an open, honest conversation where no participants felt compelled to look over their shoulder and cover themselves. As I recall, some extraordinarily

soul-searching comments were made by participants about their own profession. A safe environment allowed us to do this.

### **Highlights and Future Prospects**

No formal articulation of conclusions was ever written. The most thought-provoking memories I have of these listening sessions are the following:

- Controversy was embedded in the earliest discussions. Not everyone thought it was a good idea, or appropriate, for the legal or policing professions to be seen as driving a discussion about how law and enforcement intersected with peace theology.
- The original motive for these discussions, i.e., to gain a better understanding of how to respond to future Rwanda or Kosovo-like situations of massive human rights violations, was seldom mentioned and never significantly discussed. Our gatherings primarily focused on talking about law and faith as they related to each occupation.
- Despite stated Mennonite claims of being an open, welcoming community for diverse perspectives, we encountered stories of much heartache (mostly concerning police officers who did not participate in our discussions) where officers had felt unwelcome or were even excluded from Anabaptist congregations because of their occupation.
- Most officers expressed their reason for being in their profession in language that was as much a language of “calling” as I have heard from religious workers.
- Lawyers were clearly aware that a key goal of their profession in resolving conflict was to “bend the other to their will.”
- The practice of law has important shortcomings, but it provides a means to order society and resolve conflicts imperfectly that does not require direct violence. Coercion,

however, is always a possibility in enforcing a legal judgment.

- Police officers almost always described their primary weapon as the pencil (for writing reports, notes, and tickets), while the outer circle seemed focused on the gun.

These conversations with police and lawyers continued over about two years and then just faded away. No decision was explicitly made that they were over. Other priorities and the normal busyness of life edged out further gatherings. Then, the article by Andy Alexis-Baker in the Spring 2007 CGR, “The Gospel or a Glock? Mennonites and the Police,” served as a catalyst to advance the conversation. MCC Ontario and PACS therefore proposed to CGR that the journal dedicate an entire issue to responses to that article by police or lawyer participants, or further elaboration by others who could add an important new dimension. We make no claim that this issue is the end of the story or that it is the complete story. We believe, however, that it adds some voices to an important conversation that we hope will continue.

*Lowell Ewert is Director of the Peace and Conflict Studies Program at Conrad Grebel University College in Waterloo, Ontario.*



## **What About Peter? A Response to “The Gospel or a Glock?”**

*Steven Brnjas*

### **I**

As a former police officer in Ontario, I find that the description of policing in “The Gospel or a Glock? Mennonites and the Police” (*CGR* Spring 2007) is not the policing of which I am aware. I will extend some grace to the article, since it is written from an American perspective and there are certainly differences between our countries; even so, the brush with which all officers are painted is much too broad.

My response to the article is centered on the example of the AMBS students’ reaction to “Peter,” the drug addict. Rather than being an example of an alternative way of dealing with the issue, I suggest the students actually created their own police service and stopped being the church. As readers will recall, Peter visited the AMBS campus asking for money for various reasons. The students responded as the church to Peter; they offered him money, a place to stay at times, and food. They soon found out that he was a drug addict and the money was going to support his addiction. As a result, they held a meeting and decided that Peter’s presence on campus was not desired. They determined, without Peter’s input in the decision-making process, to enact a “law” for what was proper behavior. The students had become “the state.” There is no mention that Peter behaved badly during his visits, but his duping the students could not be tolerated. A “law” had to be enacted and enforced.

Did the students in this case not perform the same function as provincial, state, or national legislatures? Our legislatures, rightly and sometimes wrongly, observe a situation that they believe cannot continue and enact laws to deal with it, seeing this to be in the best interests of the whole society. Once laws are enacted, there must be some agency to ensure compliance with laws deemed for the common good.

The AMBS students’ law was to inform Peter he was not to continue in the activity that he, but not the student body, felt was fine. And they

dispatched their “police” to enforce the law. Further, these police would enact this law every time Peter was on campus. The two students were police because they were sent for the specific purpose of enforcing compliance with the student law. Why do I make this assertion? Consider: Why were two males sent instead of two females? Or perhaps two of the older children of students? I think the reasons are obvious: to ensure compliance with the law and to ensure the safety of those who approached Peter.

In Ontario, police officers are taught that the first use of force option is their very presence. The moment an officer appears in uniform, s/he is exerting a force. This is not taken lightly. In the vast majority of cases, the uniform assists in keeping situations from turning violent. In the AMBS case, the two male student “officers” would be exerting this same type of force in their dealings with Peter, and it would be sanctioned by “the state,” i.e., the student body.

We are told that once Peter was informed of the state’s law, he left without any difficulties. Great, wonderful! In policing, this is what occurs in the vast majority of situations. But what if Peter had become violent? To what extent were the student officers to defend themselves? Had the state come up with the limits of defense for the two? Would they exert force, and restrain Peter? If they did, would they not have behaved like any other police officer? But what if restraint was not enough, and they actually physically pushed Peter to try to disengage from the situation? What if he had fallen and hit his head as a result of the force applied, and died? This scenario could have happened. The means of Peter’s death should not matter, but any altercation has the possibility of injury or death; so, according to Andy Alexis-Baker, should the two students not be excommunicated from the church prior to this occurring?

Surely, the student officers and the state understood the potentially dangerous situation they placed themselves in, and realized that it could rapidly have escalated to the point where a physical force might have been applied – perhaps not via a gun. But regardless of the means, life is very fragile and Peter or the student officers could have died. I suggest both the students and the state understood this reality, because two male students were sent. Unfortunately, we can have all kinds of good intentions for how we will react when in danger, but we do not know for sure until we are in that

situation. It is the professional police officers' training that is supposed to help to keep them from over-reacting, regardless of the dangerous situation in which they may find themselves.

In the example of Peter, two important themes have been shown. First, as human beings there is a natural propensity to: (1) group together and make laws to govern the behavior of those within and those who come in contact with the group; and (2) create a system which applies force so that those laws can be enforced. Secondly, in the way Peter was dealt with, I suggest that it was prior to finding out his true intentions that the AMBS group was acting like the true church. They were providing food and shelter to someone in need. After they had found out Peter's intentions, it appears these efforts were stopped and instead rules were enacted. There was no mention of offers that students would go with him to get help or that he was still welcome to come and receive food and shelter, and no mention of helping him to know Jesus.

## II

Jesus clearly lays out in Scripture that we are called to a radical love. We are called to love our heavenly Father. We are called to love our neighbor. And we are called to love our enemies. "The Gospel or a Glock?" seems to view the police as enemies of all that is good and right. But a question can be asked of the article: Where is the love shown to the police officers, even if they are viewed as the enemy? I worry that the article does little to help forward the cause of radical love that Jesus calls us to. A side has been chosen, and it obviously is not the police. I suggest that the moment you choose a side, you cease being a peacemaker. Rather than bridging the gap between two sides, you merely serve to widen it. All groups, even the apparently vulnerable ones, hold some power and can use it for good or for evil. For example, while it is true that police hold a great deal of power, so do the homeless. The homeless hold power whenever anyone fears them and, unfortunately, many citizens, rightly or wrongly, enter a state of fear when being approached by them or passing by them. You do not become a peacemaker by choosing either the police or the homeless or the community, but by opening up streams of dialogue and understanding within each group.

But you must be part of each group to be able to do this.

I am afraid that Alexis-Baker has learned nothing from the centuries of pain and division that have occurred in the Anabaptist community by the use of excommunication. I would suggest that Matt. 18:15-20, rather than being a call for the separation of the offending individual from the church, is actually a call for radical forgiveness and reconciliation. Jesus is speaking to his disciples when he says, “Treat them like you would a pagan or a tax collector.” How have the disciples seen Jesus treat pagans and tax collectors? They have seen him commend both a centurion (a pagan) for having a greater faith than anyone in Israel (Matt. 8:5-13) and a Canaanite woman (a pagan) for having great faith (Matt. 15:21-29). They had seen Jesus accept a tax collector as part of his closest band of disciples (Matt. 9:9-13). I suggest that this portion of Scripture is not a call to ban but to embrace and love even harder those with whom we have difficulty, and leave it to the Holy Spirit to convict and change those we believe are in the wrong. However, sometimes in praying and loving those we believe are in the wrong we find ourselves being nudged and sometimes shaken by the Holy Spirit for our own attitudes, wrongs, and lack of love and forgiveness.

What does radical love for police officers by Mennonites look like? The first step is to accurately understand the nature of both the job and the vast majority of persons who do the job. It is difficult for anyone to understand another’s position or job without walking a mile in their shoes, so to speak. I suggest that “The Gospel or a Glock?” takes the worst examples of policing and trumpets them (plus some examples I would definitely not call policing) as the norm. This would be similar to my suggesting that all advocates for the poor and disenfranchised are represented by those seen on the news using slingshots to fire ball-bearings at police officers during demonstrations.

The second step is to pray for the officers. Pray that they will not be overcome by fears and anxieties that can cause situations to fly out of control; that they would learn about Jesus and practice radical love in their profession; that they would have the courage to follow Jesus in all situations and, if ordered to do something the Holy Spirit nudges them not to do, to be prepared to give up their livelihood. Finally, pray for them because many are willing to show true love by laying down their lives for the sake of a

stranger, let alone the sake of a brother, sister, or friend (9/11 showed how many of them were willing).

The third step is to pray for ourselves. We must have open ears and open hearts to hear what the Holy Spirit is prompting us to do to show radical love, and then the courage to follow through on what the Holy Spirit shows us.

Whether one is writing an academic paper or patrolling a beat, all followers of Jesus Christ are called to radically love all those around them, not just those of their choosing. Unfortunately, “The Gospel or a Glock?” fails to show this radical love and instead uses words that hurt. As a former police officer, I found the words about excommunicating police to be hurtful. But then they were only words – and not a gun.

*Steve Brnjas, a former Waterloo Region police officer, is the pastor of Bethel Mennonite Church in Elora, Ontario.*

## **A Response to “The Gospel or a Glock? Mennonites and the Police”**

*Allister Field*

### **Introduction**

As a serving police officer attending an Anabaptist congregation, I am thankful for the insightful article, “The Gospel or a Glock? Mennonites and the Police” (*CGR* Spring 2007). I welcome the discussion on the issues it raises, as “Peace Theology” is an area that I struggle with personally.

I came to my present congregation six years ago as a result of a family friend recommending to my family that we check out his church. Within a short period, the teaching and format of this church began to make significant changes in my life. I took communion for the first time and contemplated being baptized as a believer. Although I have always attended church, I found myself “saved” somewhere in this process. My wife and I joined a small group, and our children quickly became involved in a very meaningful way with the youth of the church.

Prior to baptism and becoming a member, I attended a seminar on the church and its Brethren in Christ roots. The seminar included everything from theology to significant historical events. When the subject of pacifism came up, I was taken aback; after all, I was a police officer of sixteen years experience serving in the Internal Affairs investigative section. I quietly listened to the conversation on pacifism and realized that my role contradicted the beliefs of my new church. Knowing my situation was probably unique, I held my questions and decided to have a more personal discussion with the pastor.

The discussion with the pastor was comforting and brought a feeling of peace and balance into the process. The conversation centered on Romans 12 and 13. Although the church was a peace church, I was informed that it respected other beliefs but made no apology for its own stance. I was assured there was a place for me in the church, and as brothers and sisters we would walk together through all the issues that life brings. My inclusion was reinforced during my membership interview.

Life in my family’s new church saw all four of us getting baptized and jumping into volunteer positions. At present, both my wife and I are small group leaders (elders), my wife is a small group leader for junior high school girls, both boys are on the youth leadership team, and my youngest plays in at least two or three very loud worship bands. One of the most important things that changed in our lives is that we fell into a series of priceless relationships with a group of wonderful Christ-followers. In this group we all support, care, look after, and hold each other accountable.

### **Law and Order**

There are times when belonging to a Peace Church as a police officer is difficult. Although I have always felt generally accepted, the church’s pacifist views sometimes seem very final and confusing. One of these situations occurred when one of my pastors, Bruxy Cavey, during a sermon series entitled “Revolution,” talked about how the church had no problem calling the police to deal with an abusive situation but said he didn’t know how a Christ-follower could be a police officer.

When I encounter this type of belief, questions such as the following come to mind:

- Do I let an impaired driver get in the car and drive away?
- Do I let a pedophile grab a little child and take her away?
- What does the church feel should be done about domestic violence or child abuse?
- What do I do with the man pointing a gun at me? (A real life scenario from my experience.) What will he do if I don’t confront him and he leaves?
- What would society look like if there was no organized accountable public security? What do societies that exist right now look like in that situation?

I don’t think from the discussions I have had either at church or during this consultation that there is any question that some sort of law and order needs to exist. Romans 13 clearly indicates that submission to authorities is an

important part of church life. From the discussions we have shared and the teachings I have listened to, the only question seems to be, Should members of our faith be the ones in those positions of authority? The overall position of many is that it is not possible to be both a Christ-follower and a police officer.

I hold the ideal of peace very close to my heart. I love the idea that situations can be handled without coercion of any type, and I am encouraged by exercises of reconciliation between God's people. I celebrate when out-of-control situations within our communities are resolved with no injuries or loss of life. I hold people of peace in high regard and respect those who have decided that at all costs they will hold to their pacifist beliefs. I totally support people within our faith who feel they could not be police officers.

### **Policing and Faith**

With reference to "The Gospel or the Glock?," whether you appoint a couple of students at a Mennonite seminary to look after the activities of an unwanted homeless person scamming money or have some elders deal with the community's safety concerns, you are still having someone fulfill a policing function.<sup>1</sup> It may not be a paid professional uniformed police officer doing the job, but the job is still being done.

Not being brought up in the Anabaptist faith, I have no historical reference points to assist me in my journey as a Christ-follower in a Peace Church. I have found some of the consultation discussions extremely helpful. However, I find Andy Alexis-Baker's characterization of policing generalized and overly academic. Policing is a real-life study of the interaction of people in situations ranging from routine administrative situations to those where lives are in the balance. Through my experience I have found that most of all the police community is made up of individuals who come from a wide variety of backgrounds and beliefs. A large majority of these officers are Christ-followers.

Yet Alexis-Baker uses phrases such as "the idolatrous character of the Police"<sup>2</sup> and "abundant evidence suggests these agencies unleash evil,"<sup>3</sup> showing a large bias against policing. He doubts whether Mennonites have the necessary congregational life to deal with situations where the police may need to be called.<sup>4</sup> He goes on to suggest that the occupation of policing



should be banned from the church.<sup>5</sup> I find that these two ideas show a lack of faith on his part. I think that the community, as God’s people, deals with all sorts of issues, of which policing is only one. Through fellowship, discussion, and a whole lot of prayer, we as a group must deal with issues that confront us in an open and loving way, asking for God’s will to be done in all situations.

### **Sources of Guidance**

As for our consultation, I have found that people writing articles about other people’s books or articles leads to more and more articles, based on other books or articles, way past the point of overload. In this process I was at my “best-before” date about four years ago! As I spin around and around, I find I need to distance myself from the process to gain my bearings. Even as that has occurred, Andy Alexis-Baker has sent out yet another article for comment.

Throughout my journey I have had to turn within myself and to those Christ-followers who are near and dear for guidance and accountability. When questioning a situation or idea, I go back to the life Jesus modelled for us. What did he do and model for us to do? These questions are the DNA of a Christ-follower. Consider the love, grace, acceptance, humility, kindness, and gentleness that Jesus bestowed on his people.

In dealing with the topic of policing and the church, I have taken all Jesus has said, in context with Romans 12 and 13, and then looked at one of my favorite verses: “If you really keep the royal law found in scripture, ‘love your neighbor as yourself,’ you are doing right” (James 2:8 NIV). I then take a look at the situational questions I asked earlier in this paper and my questions are answered. In discussions about accountability with those close to me, we always come back to the intent and spirit of the actions taken. I ask them to pray for me in what I do.

When I stand before Jesus who died to save me, there will be no academic discussions of why I took the actions I took. I will throw myself at his feet like everyone else, and ask for forgiveness.

**Notes**

<sup>1</sup> Andy Alexis-Baker, "The Gospel or a Glock? Mennonites and the Police," *CGR* Spring 2007, 38.

<sup>2</sup> *Ibid.*, 36

<sup>3</sup> *Ibid.*, 26

<sup>4</sup> *Ibid.*, 40

<sup>5</sup> *Ibid.*

*At the time of writing, Allister Field was a Detective with the Toronto Police Service Fraud Squad, Corporate Section.*

# **Policing Issues in the Anabaptist Faith**

*Morley Lymburner*

## **I**

Four years ago I responded to an invitation to open dialogue about policing and the Anabaptist Christian faith. That the invitation came at all indicates these faith groups are becoming more cognizant of the need to discuss the issues of a coercive state and the apparent part played by Christians in support of it.

For the past while, representatives of MCC and of the Institute of Peace and Conflict Studies at Conrad Grebel University College have met with a few practicing Mennonite and Brethren in Christ police officers to discuss issues of their faith and their work. Over the course of these conversations the following questions were seen as the most important:

- Do you feel a conflict between your occupation and faith?
- Does your faith community feel a conflict between your occupation and faith?
- Is it necessary to keep your faith and occupation separate?
- Is the use of force in keeping with Christ's teachings?
- Where do police officers see themselves with the community of Anabaptists?

It has been 32 years since I first stepped inside the doors of a Mennonite Church. It was on the encouragement and much gentle tugging of my wife that I finally agreed to do so. I was a cynical five-year member of the Toronto Police. My chosen occupation had drawn me from a small town where almost everyone knew everyone and, for the most part, cared for each other. I was thrust into a large multicultural setting where people not only didn't know each other, they really didn't care to. At least that was my initial impression.

All my police training did not prepare me for the daily holocaust I was about to see. For the next five years I was one of society's human garbage collectors. I would see victims at their most vulnerable or bad guys at their lowest levels of depravity. My only alternative was to talk to the only people who could understand what I was going through: other cops. I finally got to the point where society was a black hole that no amount of effort on my part could ever change. I could see only people who despised me for my job or tolerated my presence as a necessary evil. Anyone who was friendly toward me was out to get something, and I had to be on my guard all the time.

But then came along this gentle, kind lady who suggested we go to a Mennonite church in downtown Toronto. "What is a Mennonite church doing in downtown Toronto?" I asked. Visions of buggies dodging street cars on Queen Street danced through my head. Then I was told the church was across the street from Greenwood Raceway, and it all started to become clearer. "Okay, okay ... I can visualize horses and buggies at the Raceway ... maybe some Mennonites caring for the horses ... but what about that gambling thing I heard about?"

I snapped back to reality and was introduced to a group of caring and sincere people with whom I could identify. They carried their faith through the week. They believed in a peace witness. They believed in helping people within their church, within their community, and around the world. The fact that I met my wife was due to her wanting to reach out to another community as an MCC volunteer in Toronto.

After that gentle nudge back to church I found my life slowly changing. I had seen a better way to live and to work. I did not have to be cynical and frustrated with my work; I simply had to keep everything in perspective. I had to handle one call at a time, do the best I could, and then do just a little bit more when necessary. The realization that maybe I was doing the Lord's work in my small way made me feel my load was getting lighter. The realization that life is full of people with hidden agendas no longer bothered me. A conscious effort to refuse to let the work or people drag me down was made easier with the knowledge that there were caring people in the city after all.

Then came the long process of trying to understand my place in this community of believers and my chosen profession. I have had a lot of help

along the way, but my first step was a long chat with God.

I was blessed with a strong witness from some men who had lived through the Russian revolution and WW II. They experienced fears and terror that tested their faith in ways I hopefully will never undergo. They were the first to say they had no problem with my occupation or my wearing a gun to protect society and their loved ones. They were prepared to do the same when their backs were to the wall. Their communities were threatened by anarchy and marauding bands of soldiers on both sides of a revolution and a war. Both sides had no respect for a German-speaking population in their midst. I had heartfelt conversations with men who felt they had to defend their families. They would keep a rifle in the hayloft, and if that meant the Lord would damn them to hell, then at least their families would be spared.

How does one respond to these stories? These people felt I would understand. One old man was in tears telling me his story. It was obvious he saw more, and possibly did more, than he wanted to tell. They understood the concept of wanting to protect their community. They did not want war; they would not pursue war. They just wanted bad things not to happen.

## II

True modern policing, as understood by Sir Robert Peel in the 19th century, does not include war. In the western experience the civil powers of police have a scope that includes crime prevention as paramount. In this framework officers are trained in the use of firearms to protect themselves and others from attacks that may cause death or grievous bodily harm.

But ...

- No officer can be ordered to take a life.
- No officer is directly trained to dehumanize a target.
- No officer is psychologically trained to handle the taking of a life.
- No officer wants to take a life.

In almost every case where an officer does take a life, s/he needs

trauma counselling. Almost every officer giving evidence at a trial or inquest into the taking of a human life invariably says the same thing: “I did not want to kill anyone. I just wanted to stop the person from doing what they were doing. At the time lethal force was the only option open to me.”

The absolutely smallest part of police work involves the gun. Unlike the military, with its goal of training to kill, this is not so in policing. Unfortunately, the most recognized universal symbol of policing is the gun. But cops will tell you it's the pen, not the gun, that really symbolizes policing. The pen is the weapon of first resort in nearly all police work because everything must be reduced to ink on paper at some point (in the modern context, the pixels on computer screens).

Almost every officer goes through an entire career never shooting anything other than a paper target a few times each year. The true reason for carrying the weapon is that it is a way to give the officer some reassurance and a semblance of authority and control in violent situations. Most officers would probably say they prefer not wearing a gun at all. It and its gunbelt does become a burden with its weight alone. (It's an old axiom that the gun belt remains the same weight even if you don't.)

Discretion is one of the most powerful tools a police officer possesses. It is a power much envied by others in the criminal justice arena. Although they all have some semblance of discretion, they do not have nearly the ability to invoke the power of the state that a police officer has. The decision to take action is tempered by the officer's ability to decide first if it is necessary to do anything at all. If it is, then s/he has to consider what action best suits the circumstances.

- Is a caution as effective in this case as a charge?
- What action can I take that will make the most lasting impact on changing this problem to something positive?
- How can I be assured of the effectiveness of my decision?

To make such decisions, I believe Mennonites are among the best people capable. They have a clear sense of community and are well rooted in issues surrounding peace witness. Many would be excellent peacemakers, and some would make amazing teachers for future generations of police officers.

The most pressing need in modern policing is to distance itself from the influences of the military-trained people who have dominated its ranks since 1919. Although Canada has progressed dramatically in this area, the United States has a more difficult task. An overwhelming number of US police officers came through the military's kill-or-be-killed training. During the strife-filled 1960s, American society would have been better served by suggesting police work as an alternative to the draft rather than jail. Even today, registering for military duty is, technically at least, a requirement in the US.

Given these circumstances, and understanding the necessity of being "in the world while not of the world," is there a place for police officers within faiths that embrace an Anabaptist vision? If so, how can these faith values enhance the position? What new levels of peace witness can be attained through this occupation combined with these values? How can these values be used to encourage officers to strive for a better community? With God's guidance and grace, we need to find answers.

## **Police and the Oath of Office**

*Morley Lymburner*

Police officers are required to take an Oath of Office. The necessity of performing this ritual goes back beyond the beginning of modern policing. The basic text of the oath is remarkably consistent throughout the western world. Invoking an oath is looked upon as necessary due to the enormous power and trust society bestows upon the position, and public concern that abuse of such power and trust will ultimately have accountability.

In an editorial published several years ago in *Blue Line*, Edward Tulley said, "The problem we all have as police officers in dealing with the power inherent in our jobs is, how do we use the power wisely? All too often we use it without thinking of the consequences of our acts. We have a tendency to believe that since we have power, we are above the law! At

times we think we are doing God's work and the means we use to reach a desirable end-product are justified."

My job as a cop was clarified for me by reading Romans 13 in a version of the Bible called "The Way." Here are verses 2 to 5:

So those who refuse to obey the laws of the land are refusing to obey God, and punishment will follow. For the policeman does not frighten people who are doing right; but those doing evil will always fear him. So if you don't want to be afraid, keep the laws and you will get along well. The policeman is sent by God to help you. But if you are doing something wrong, of course you should be afraid, for he will have you punished. He is sent by God for that very purpose. Obey the laws then, for two reasons: first, to keep from being punished, and second, just because you know you should.

Since reading that passage over 25 years ago I have come to the conclusion that it can do much good but also much harm. The first error on my part was to consider it a message to me and all police officers that what they are doing is divinely inspired. I have since realized that although the profession can take some solace from it, there is no direct support for all police actions.

The message in Romans 13 is directed at every citizen, police officers included. If you agree to live together in any form of harmony, then you must conform to some rules of behavior. Police and citizens alike must obey the laws of the land. But more so the police, because they have taken a solemn promise that they will uphold the law. Citizens must do so only by the default of accepting membership in a society with rules.

Perhaps it is time we take a second look at the Oath of Office and consider the mindset of each candidate we ask to take such an oath. First, we should ask pressing questions about their faith and values, with an intention perhaps to custom design the oath to conform more to these values. In many cases we could be thrusting a Bible into the hands of someone who feels no connection to it. To others it could be that a fortified promise or a self-designed mission statement would be more relevant. A fine example exists with the Police Service of Northern Ireland, which replaced the traditional oath with a simpler, secular message:



I hereby do solemnly and sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable, and that in so doing I will act with fairness, integrity, diligence and impartiality, uphold fundamental human rights and accord equal respect to all individuals and to their traditions and beliefs.

I will give the last word to Mr. Tulley: “The vast majority of law enforcement officers are honourable persons, and their reward is peace of mind, self respect, and satisfaction that their work made this country a better place to live. That is a pretty good legacy to leave your sons and daughters!”

– *Adapted from a Commentary by Morley Lymburner in Blue Line magazine (June 2003).*

*Morley Lymburner, who served with the Toronto Police Service, is publisher of Blue Line magazine, an independent publication for those involved in the law enforcement profession.*

## Partnerships for Safer Communities

*Eileen Henderson*

As I look back at the past 14-year history of Circles of Support and Accountability (“Circles” – or “COSAs” as they are called in another contribution to this issue of *CGR*), a program of MCC–Ontario, I marvel that we are still in existence and in some small way have contributed to safer communities.

Circles began not as a well-thought-out plan but as a direct response to a crisis. After many years of incarceration, Charlie Taylor was being released to the community. Having burned his bridges, Charlie was homeless, without community, and without a transitional release plan that normally enables an offender to ease back into society while providing a safety mechanism for the community. Like many other persons with long histories of sexual offending, he had been kept to the very last day of his sentence (“Warrant Expiry”) and legally had to be released on a specific day, so that transitional plans were not an option.

Charlie was ultimately released to the Hamilton community, and was welcomed by the Rev. Harry Nigh, a Mennonite pastor, and a small group of people who covenanted to walk with Charlie and support him as he integrated into the community. His first day in Hamilton was marked by angry crowds, notification of his arrival in town, and 24-hour police surveillance based on the assumption he would re-offend within a short period.

Several months later in a smaller community, a similar scenario was being played out, though with some different outcomes. Wray Budreo, another federal offender, was released at warrant expiry. The public outrage was such that he had to be relocated to the city of Toronto. On the day of the Santa Claus parade, Wray arrived in Toronto and was met by individuals from community chaplaincy, MCC, the rector and some parishioners of Church of the Holy Trinity, and an officer from the Sex Crimes Unit of the Toronto Police Service. In later conversations, Detective Wendy Leaver said she had met with this group because she was afraid of the trouble that naïve “Christian do-gooders” would get themselves into. They in turn were suspicious of her in her policing role and motives for involvement.

Based on these two stories, the call of the gospel and the belief that inclusion rather than exclusion of offenders enhances community safety, Circles of Support and Accountability was birthed. It became very evident that the community had a unique opportunity to be engaged in creating greater safety, and that this safety need not and should not be left solely in the hands of police.

Fourteen years and many men later, we have learned many lessons and, almost in spite of ourselves, we have seen lives changed. This change has not come easily, nor without setbacks and at times a good deal of discouragement. One of the primary lessons we have learned is that in spite of great staff, volunteers, and even the men's own good intentions, the power of relationships does not in itself guarantee safety for the community. Some of the men we have walked with cannot control their sexual urges and need to be removed from the community, perhaps even for an indefinite period of time. Others have returned to the community, but because of various cognitive and psychological issues cannot put into place the kind of internal boundaries they will need for the rest of their lives so that they and vulnerable women and children can live safely.

Shortly after the release of Wray and Charlie to the community, legislation was enacted affecting sexual offenders. Section 810 of the Criminal Code enables police to place restrictions on their movements, using past behaviors as the best predictor of future events. Many men we have walked with live with "810 Orders" in place for at least one year, restricting communication with children and limiting access to places where children might normally be found. When used in the right way, this legislation allows men to live safely and generally well within the community, assisting them to internalize patterns of behavior that they cannot achieve without rigid and appropriate guidelines in place. Our relationships with them do not provide the defined rules and boundaries that they and the community need for safe living. Letting us down or betraying trust does not always provide the same restraining motivation that the possibility of facing a prison sentence for a breach of an 810 Order does. Relationships are vital, but not always enough to protect the most vulnerable.

As part of their 810 Order, our Circle men are required to meet

weekly with police officers of the Sex Crimes Unit as a check-in, a place for conversation about activities and plans and a way of assessing changes in patterns. The officers are committed to community safety, and it is in the best interest of our men and the community that we work closely with them. We are not the “eyes and ears” of the police, but there is sharing of information when appropriate, and the sharing works both ways. Different roles, same goals. We are all committed to “no more victims.” A recent study demonstrates that while the Circles model has a high success rate, the model combined with an 810 Order produces even better results. We have not seen the long term data on this, but in the short term the results seem clear: strong relationships with judicial guidelines, enforced by police, increase community safety.

We have also learned that inclusion in safe and healthy ways rather than exclusion must be our mode of operation in all our relationships. If we believe inclusion creates stronger, safer communities when it comes to relating to those who are considered modern-day lepers, then we also need to believe this for all the individuals and systems we are involved with. This does not mean we agree with everything that police or Corrections might say, but it does mean we want to be in dialogue with them as we work towards common goals around safety and integration. This cannot happen if we act in isolation.

We have found partners in very interesting places! Detective Wendy Leaver is still an incredible resource and a valued volunteer. She has been a voice in advocating for consistent support of offenders in the community while maintaining firm legal standards. She has become a strong supporter of the Circles model, and we in turn through her have developed relationships with the police that we would never have considered possible. We have learned from them, and they from us. We have learned that we need each other, and that we as community members cannot do it on our own. The police in turn have been very clear that they too need partners. In short, our relationship with various police forces over the years has clearly demonstrated a symbiotic relationship, the net result of which, we believe, has enhanced community safety.

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# Who is – Who Will Protect – My Neighbor?

*Mary Lou Klassen*

## I

A topic as contested among Mennonites as policing requires a respondent to be circumspect about what she brings to the discussion. My thoughts arise from my experience as an international MCC worker in three African countries over fourteen years. The last country was Uganda, whose northern region is ravaged by a vicious war that we hope is now coming to an end. I am also a Mennonite by choice and a mother of daughters. I am white, middle-class, and a theology student.

Faithful discipleship lies at the root of the challenge Mennonites face when considering their relationship with the police and policing. The traditional stance of non-resistance to evil, involving a refusal to use violent force (or its potential) to defend oneself, feels compromised. Two questions posed by Andy Alexis-Baker in “The Gospel or a Glock? Mennonites and the Police” (*CGR* Spring 2007) are: Should Mennonite church members have “police occupations?”<sup>1</sup> and Should Mennonites call “an armed force to solve problems for [themselves]?”<sup>2</sup> He answers the first with a resounding “No,” and the second with what is akin to “Only as a last resort.” Unfortunately, a third question is left unasked and unanswered: What should Mennonites do when an innocent neighbor is violently attacked by a third party? The dilemma posed by this question complicates what might easily have been my reflexive agreement with Alexis-Baker’s answers to the first two, and it is the focus of this paper.

The problem of Mennonites and policing is further complicated for me because we have only recently, and apparently only in sidebar theological conversations, named the violence within our communities and how our peace theology may have increased the suffering of its victims. Condemning or eschewing the “sword” (violence) wielded by the police in our societies and meant to “execute wrath on the wrongdoer” (Rom. 13:4 NRSV) as imperfectly and unjustly as they may do, now feels hypocritical.

The work of Mennonite theologians on “Peace Theology and Violence against Women”<sup>3</sup> forces us to recognize a dark side to our pacifism and calls for humility.

Gayle Gerber Koontz, addressing violence against women, lays out the challenge to our peace position posed by the third question noted above:

It is one thing for me to say, “Given my vision of God and ethical commitments, if someone were to try to violate me, I choose to walk the path of redemptive resistance.”<sup>4</sup>... It is quite another to stand by while other women are beaten, raped, and violated. It is this point—the suffering of the innocent—that has plagued pacifists from the beginning.<sup>5</sup>

What is required of us when a neighbor is viciously attacked? As Gerber Koontz suggests, it may be well and good to refuse to retaliate with violent force, or to refuse to call for intervention for harm done to myself or even to members of my Mennonite community.<sup>6</sup> It is another matter to be unwilling to employ or advocate for employing that kind of force to protect others who do not live by the same ethic.

No matter what choice I as the neighbor make, I participate in an outcome. Doing nothing is doing something. Calling in the police, who may kill or harm the perpetrator, is a moral issue; not calling them and watching the victim die is a moral concern. Putting oneself in harm’s way may not prevent the worst; the perpetrator may end up committing more crimes than s/he originally intended. While pacifists can argue the possibilities of other forms of “redemptive” action that would be a creative third way in this situation, we are challenged to be realistic about the world we live in. Calling in the police might be the least violent option of all those available. Acknowledging that police action can go awry,<sup>7</sup> I still find very helpful Duane Friesen’s list of principles that distinguishes “between the use of force in war and police action”<sup>8</sup> and describes the boundaries of the rule of law within which the police operate.

To me, not facing up to the challenge of the innocent third-party victim as we struggle with the role and function of police and policing as Mennonites seems dishonest. It denies the dilemmas posed by the world – often beyond the borders of Canada and the United States – that Mennonites

have now engaged. In their foreword to *At Peace and Unafraid*, Robert Herr and Judy Zimmerman Herr state that “The challenge that contexts of disorder and insecurity pose ... is this: Christ-like love itself must yearn for neighbor, stranger, and enemy alike to live in safety, ‘at peace and unafraid....’ [T]he very practices that put love into operation often rely on systems of order and conditions of security.”<sup>9</sup>

In the beginning, when Mennonites answered the call of a neighbor under attack, we focused on dealing with the results of such harm: feeding and housing the displaced, serving the injured and sick. As noble as this activity was and continues to be, its ineffectiveness at dealing with root injustices and the way aid was sometimes co-opted for further injustice<sup>10</sup> caused us to wonder whether binding up the wounds is enough, or even right. We have discovered, to our chagrin, that delivering food to the displaced hungry may require an armed escort, as in Somalia. But should we stop delivering food aid?

## II

My concern around the complex questions of “neighbor love” in the context of Mennonites and policing arises most graphically out of my involvement in countries other than my own.<sup>11</sup> The basic human concern for security and safety is complicated in these foreign environments. As MCC service workers in Uganda, we observed the life-sapping struggle of our northern Uganda friends to survive in territory where rebels roamed freely. Daily they took deadly risks to travel to maintain their businesses, carry out religious duties, or go to school. For long periods many of them were faced with a conundrum: Is it safer to keep the children, who are rebel targets, home at night where there is no security, or to send them on a five-mile hike into town to sleep, where there is more formal security but also risks, including assaults and illness? True, the formal security provided by both the police force and the army was imperfect and limited, but it was better than the alternative for thousands of Ugandan parents. So their children walked to town.

Since two of the African countries I lived in were military dictatorships, the difference between the police and the military was non-existent. On most days I had much sympathy for Alexis-Baker’s view of “police” as

inherently violent, and violent because the system as a whole abuses its power and oppresses. Security forces merely secure the position of the ruling elites. On other days, faced with a situation like that in northern Uganda, with extreme human rights abuses and grotesque acts of torture, the presence of government forces, however compromised, was more tolerable than that of the rebels. On those days I recognized the deepest desire of the people for a reliable force that could withstand their victimizers and return their homeland to safety and security. For us as protected outsiders to be agnostically silent, or to come out against even “aggressive protection” of these vulnerable people, because of our squeamishness about the use of violent force would have felt like a betrayal. What is tragically ironic is that northern Ugandans felt the awful paradox – that the short-term gain from the use of violent force also “perpetuates the cycle of violence”<sup>12</sup> – in their very bones: the “enemy” being fought was their own young children.

The challenge of innocent suffering and its relationship to the problem of Mennonites and policing requires us to face the challenge that faithful discipleship is grounded in a tension: Jesus’ followers are “in, but not of” the world. Jesus’ prayer in John 17 presents an ambiguity: while his followers clearly “do not belong to the world,” Jesus wishes them to remain in it, even to actively engage it, yet under his Father’s protection. His first appearance to his disciples after his resurrection re-iterates the call to engagement: “Jesus said to them again, ‘Peace be with you. As the Father has sent me, so I send you’” (John 20:21).

### III

As “the quiet in the land” for much of our history, we Mennonites have largely focused on “not belonging” to the world. Centuries of migration due to persecution or fear of assimilation honed our inward-turning approach and reinforced that we did “not belong.” However, we still remained “in the world,” making good use of the hospitality of Catherine the Great, William Penn, and the government of Upper Canada. Yet this part of “in the world” could be masked by our distance from the centers of power as we earned our rural livelihoods on the Ukrainian steppes or in Waterloo County’s rolling hills. What kind of force secured our choice to “not belong?”



As many Mennonite communities in Canada and the US have shifted from being “not of” the world to active engagement “with/in” it, we must admit that this is partly due to increased wealth and education.<sup>13</sup> Still, engagement in this context is understood as faithful discipleship arising out of our new location and experience. The global reach of organizations like MCC and MEDA (Mennonite Economic Development Associates) as well as the increasing presence of Mennonites in all professions including law, education, and partisan politics are examples of our deeper involvements. While that engagement may symbolize “our own Constantinian shift,”<sup>14</sup> it does not follow that the “optimistic pacifism”<sup>15</sup> Alexis-Baker ascribes to some of *At Peace and Unafraid’s* contributors is a problem. The work in that volume reflects an honest effort to develop a theology and ethic that both stands within our tradition and addresses the challenges of our new location around security concerns.

Further, even if Schleithem represents the “traditional”<sup>16</sup> position of Mennonites vis-à-vis policing, I question its normativity for us. That document with its “polemical tone”<sup>17</sup> is rooted in two-kingdom theology that “represent[ed] the views of a community under hostile political repression, awaiting the imminent return of Christ.”<sup>18</sup> It represented that community’s attempt to radically and meaningfully define faithful discipleship for their situation. Its insight on not resisting evil through the sword or violence in order to be faithful to the example of Christ, and its skepticism of the state, have grounded us for centuries. However, as heirs and custodians of this tradition, does it follow that we must accept Schleithem *in toto*? Are we not rather compelled to re-interpret the truths of those claims in light of the scriptures and our times? The sharp lines drawn around the early Anabaptist community defined by Schleithem are of little relevance to my experience as a middle-class Canadian. Nor do I believe they are helpful for others in the global community. Schleithem set up a clear dualism and separation between “the world and those who are [come] out of the world.”<sup>19</sup>

The debate about Mennonites and policing calls us to deeper theological reflection. Our current situation assumes, and faithfulness demands, a closer engagement between the church and the world than the writers of Schleithem could imagine. Our peace theology must help us face the dilemmas and challenges posed by this involvement, just as it has been

chastened by our own dark side. I do appreciate reminders of our Anabaptist roots and need to hear the passion of those who wonder whether we are losing our way. At the same time, I have heard other cries – the cries of those who have been raped, widowed, and orphaned by violence and who seek security and justice. I therefore ask our theologians to continue to help us shape a peace theology that takes into account the complexities of our time, our involvements, and the experience of the global community. I call for an ethic that reflects love for God, brothers and sisters, and enemies, but also our neighbors such as “the man... going down from Jerusalem to Jericho, [who] fell into the hands of robbers” (Luke 10: 30).

## Notes

<sup>1</sup> Andy Alexis-Baker, “The Gospel or a Glock? Mennonites and the Police,” *CGR* (Spring 2007): 40.

<sup>2</sup> *Ibid.*, 38.

<sup>3</sup> Cf. Elizabeth G. Yoder, ed., *Peace Theology and Violence Against Women*, Occasional Papers #16 (Elkhart, IN: Institute of Mennonite Studies, 1992); Carol Penner, “Mennonite Silences and Feminist Voices: Peace Theology and Violence against Women” (Ph.D. diss., St. Michael’s College, 1999).

<sup>4</sup> “Redemptive resistance” is the term Gerber Koontz uses to describe her own position vis-à-vis traditional Mennonite “nonresistance,” admitting that even this more active understanding is problematic in the face of unjust violence.

<sup>5</sup> Gayle Gerber Koontz, “Redemptive Resistance to Violation of Women: Christian Power, Justice, and Self-giving Love,” in Elizabeth G. Yoder, 36.

<sup>6</sup> From the perspective of those violated within our community by our own members, this is not so simple.

<sup>7</sup> A September 2007 incident in the Vancouver, BC airport, where a confused visitor from Poland, Robert Dziekanski, was killed by the use of a stun gun (supposedly a non-lethal weapon) is a recent Canadian example of the use of force getting tragically out of hand.

<sup>8</sup> Duane Friesen, “In Search of Security: A Theology and Ethic of Peace and Public Order,” in *At Peace and Unafraid: Public Order, Security, and the Wisdom of the Cross*, Duane K. Friesen and Gerald W. Schlabbach, eds. (Waterloo: Herald Press, 2005), 68.

<sup>9</sup> *Ibid.*, 13.

<sup>10</sup> The food aid given by humanitarian organizations, including MCC, to people who turned out to be perpetrators of the Rwandan genocide, is an example of this dilemma.

<sup>11</sup> By introducing an international context, I do not want to enter into the debate around the “Responsibility to Protect” doctrine and international law, though I see parallels. For the sake of this discussion, the police as institution and function must be understood as acting within and on behalf of a particular state.

<sup>12</sup> Friesen, 59.

<sup>13</sup> Ted Koontz, “Caring for the least of these. Four Mennonite responses to the controversial Responsibility to Protect doctrine in light of Jesus’ teachings,” feature interview by Ross W. Muir, *Canadian Mennonite* 12.8 (April 14, 2008), 12.

<sup>14</sup> Ibid.

<sup>15</sup> Alexis-Baker, 25.

<sup>16</sup> Ibid. The polygenesis view of the Anabaptist movement would nuance this understanding considerably.

<sup>17</sup> Karl Koop, *Anabaptist-Mennonite Confessions of Faith: The Development of a Tradition* (Kitchener: Pandora Press, 2004), 23.

<sup>18</sup> Ibid.

<sup>19</sup> “Article IV. We have been united concerning the separation that shall take place,” The Anabaptist Network, <http://www.anabaptistnetwork.com/node/37> (accessed May 1, 2008.)

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## Law Without Violence

*Jodie Boyer Hatlem and Doug Johnson Hatlem*

### **An Incident at Sanctuary**

Doug Johnson Hatlem, the co-writer of this article, works as a street pastor for Mennonite Central Committee Ontario with a program called Lazarus Rising. MCC has placed him to do the bulk of his work with Sanctuary, a non-denominational church with Plymouth Brethren roots breaking new ground in building community with downtown Toronto's poor. On Thursday evenings, Sanctuary packs its moderate-sized basement with 120 to 200 or more people for a meal consumed family style, around tables of eight to ten and prepared and served primarily by poor folks. Middle-class volunteers and staff perform some organizational duties but are asked to sit down and eat with people, talk and listen, play games, and mingle with the multitude. Doug had worked in such a setting for several months before encountering the first situation that truly frightened him.

A short, well-built Ojibway man was causing a disturbance, and when Doug attempted to rectify the situation, the man shot a painfully deep, dark, angry look straight through him. As he stepped alarmingly close to Doug, his chest and arms puffed out and he began to grind his teeth loudly enough to turn one's stomach. He muttered a low threat, and in spite of the large gathering, for a few very slow moments no one else seemed anywhere within reach. Swooping past the developing situation, staffer Keren Elumir breezily asked, "Hey, Tim,<sup>1</sup> how's it going? We've missed you around here." Tim melted instantly while Keren, who has worked as an outreach worker and nurse at Sanctuary for about a decade, dropped something off with a woman a few meters away, then pulled up a chair to share precious minutes of meal time with Tim before heading back to a line-up of patients in the clinic.

Incredulous, Doug asked Keren later how she learned to pull off something like that. "Oh, that was nothing. Tim and I go way back," she said. "Several years ago he held me in the kitchen at knifepoint for twenty minutes. He was going on about needing to kill a white person to make

up for historical stuff.” After a moment’s hesitation, she pushed quickly through the door and headed upstairs to attend to the next in line at the clinic, whose doors would never have opened without her quiet vision and unperturbed fortitude.

### **History and Functions of Policing**

We live in a globalized world in which policing is understood as vital by modern nation states. Police forces have developed and learned together over time. There are standard features of policing that hold true, even if differently accented, whether the forces are located in the US, Guatemala, or Canada.<sup>2</sup> One of those features is an antagonism toward racial minorities and the poor. For instance, according to Canada’s official Correctional Investigator, aboriginal peoples in Canada are jailed at a rate nine times their national statistical representation. For aboriginal women, the figures are even more horrifying. While according to Statistics Canada aboriginal peoples account for just less than 2.7 percent of the Canadian population, a staggering 32 percent of the women imprisoned in Canada are of First Nations descent.<sup>3</sup>

Among other things, “The Gospel or a Glock? Mennonites and the Police” (*CGR* Spring 2007) condemns the anti-poor and racist histories of policing.<sup>4</sup> Author Andy Alexis-Baker rightly addresses whether certain functions of the police are necessary. There are, without a doubt, genuine anxieties about violence, social well-being, economic distribution, and protection of the vulnerable. But he has felicitously confronted Mennonites with an either/or: The Gospel or a Glock? Our answer is: The Gospel. We must, however, register one crucial difference. We write with a working assumption of “[a]n Anabaptist version of one-kingdom theology [that] claims that Christ is Lord over all creation.”<sup>5</sup> As Handel’s Hallelujah chorus, repeating the words of Revelation 11, puts it, “The kingdom of this world has become the kingdom of our Lord, and of his Christ.”

To slightly adjust Alexis-Baker’s capsule definition of one-kingdom theology, there is “one nonviolent ethical standard for all people regardless of time, place, or creed.”<sup>6</sup> On this basis we reject the violent racism of the nation state, its militaries, its police, and its prisons, and we advocate the extension and continued creation and re-creation of nonviolent justice

institutions, such as Circles of Support and Accountability (COSAs) and Rabbinic courts. What is at stake is law (or “nomos”). How much law do the people of God share with the larger world?<sup>7</sup> Following the lead of Robert Cover, we will discuss below the symbiotic relationship between law and history, “nomos and narrative.”<sup>8</sup>

Alexis-Baker’s history of policing in America is central to his argument. No fully-orbed dismissal of it is possible without offering an alternative history to the one he gives. Does modern policing arise out of a preternatural desire for security at the heart of all societies – a sociological datum that we could refute only out of a profound naiveté? Or does modern policing represent more of a rupture than a continuation, and were older forms such as the guard, the watch, or the sheriff the tip of the sword of very different kinds of governmental power? Can it be denied that modern police institutions emerged because of rising fears of minorities and labor unions, and that later fears of trade unionists, anarchists, and Bolsheviks insured the presence of massive armories in many large North American cities?

Only by dealing with these historical questions can theological inquiry hope to adequately answer other questions, such as the degree to which Mennonites should be involved with policing.<sup>9</sup> We find Alexis-Baker’s history overwhelmingly persuasive, and we believe the only way to move forward is to deal head-on with the rupture that he describes.

### **Barth, Foucault, and Historiography**

Karl Barth and Michel Foucault have given critical attention to questions of history, nationalism, war, and peace that bear on our discussion. For Foucault, the great world wars would have been impossible without a massive shift from a form of political sovereignty centered on the rights of kings to a political system of racialized nationalism. This historical rupture was occasioned largely by a difference in how history was told, a difference essential in the genealogy of nationalism.<sup>10</sup>

During the late Middle Ages a new historiography of race struggle emerged that functioned as a critique of monarchical sovereignty. Foucault equates it with a “mythico-religious history of the Jews” as it was “articulated around the great biblical forms of prophecy and promise.”<sup>11</sup> A people gained its identity from an ancient history of lands, laws, and race where the “history

of some is not the history of others.”<sup>12</sup> This history of race-revolt was deeply rooted in issues of law, trumpeting ancient law, common law, the law of the land, or the law of the Bible against sovereign power.<sup>13</sup> Initially a form of protest, this discourse was almost immediately captured by state power.<sup>14</sup> State power now aims to make the race burgeon and grow and to protect its purity. Police power emerges out of this matrix, as does modern warfare.<sup>15</sup>

For both Barth and Foucault, contemporary society is marked by situations in which “only superficially does [the state of war] differ from that of peace.”<sup>16</sup> Modern humanity has denied the eternal election of Israel and twisted the concept of election to serve nation and leader instead.<sup>17</sup> Yet the Jews still evince the frailty of life, moving through world history “with ... historical permanence, yet without roots, without security, without roots because they are sustained by the grace of God.”<sup>18</sup> Is it possible for Mennonites to use the great power of resistance Barth and Foucault find in the Old Testament without allowing our stories to be co-opted by the continuing power of nationalism?

### **Anarchy or Another Way?**

Alexis-Baker, and others, would take an anarchist route, rejecting the state while pursuing a smaller-scale version of alternative politics.<sup>19</sup> As he has pointed out in a group conversation, “anarchy” is a consistently abused term. While some consider any anti-statist position an anarchic one, we do not see our position that way. It’s hard for “anarchy” to have any meaning if it includes every political model that does not fit the mold of the modern nation state.

Mary Lou Klassen and Lowell Ewert’s responses to Alexis-Baker (see this issue, pages 29-35 and 72-79, respectively) seem to assume he advocates a form of anarchy that looks like Thomas Hobbes’s “state of nature.” But no historical, quasi-historical, or Biblical material suggests such a condition ever existed. It was a sheer fictive device allowing Hobbes to justify the need for a state. Klassen assumes that the possibilities for responding to the rape of a neighbor are either (1) call the police or (2) do nothing. However, when police are called in rape cases, they can almost never do the preventive work she calls for. Rather, their work is nearly every time after the fact and geared toward retributive justice or, at best, the prevention of future rapes.

What we are calling for, and what we assume Alexis-Baker seeks, given his example of “Peter” at AMBS, are alternative, explicitly nonviolent ways of addressing human security. As with “anarchy,” to call all such actions “policing actions” stretches the term too far. Gerald Schlabach’s initial thought experiment borders on the absurd in this regard (see this issue, page 50). If a prelapsarian Adam hurrying Cain and Abel to dinner counts as a police action, then we are talking worlds apart. And, contra Ewert, no one is saying that putting road barriers up for washed-out bridges runs contrary to Jesus’ ethic or the Bible’s moral vision. We are suggesting that a standing fraternal order which carries guns and has the power to handcuff people and throw them in jail is unnecessary to carry out such tasks.

James Reimer has heavily criticized the anarchic possibility, sensing a total rejection of law in the work of Mennonites such as John Howard Yoder. Reimer would have us take a more benign view of the principalities and powers of this world. However, we are flummoxed by many of his moves and conclusions. Most important, the law that Jesus came to fulfill (Matt. 5) rather than abolish is vastly different from the law of the contemporary nation state.<sup>20</sup> What, then, shall we do with Jesus’ insistence that the law is not abolished?<sup>21</sup>

What follows is an attempt to point out another way – a thoroughly biblical, Jewish way of creating and maintaining order, law, and institutionality – that has more than proven its ability to do so without recourse to the sword.

### **“Nomos and Narrative”**

Robert Cover’s 1983 *Harvard Law Review* essay “Nomos and Narrative” brings together a wide range of sources, legal and literary, philosophical and historical.<sup>22</sup> As well, Cover exegetes Biblical inheritance narratives, makes extensive use of rabbinic literature, treats the history of Anabaptist relations with the state from 1525 to Wisconsin v. Yoder (1972), and even quotes from Karl Barth – unusual fare for the *Review*.

Rather than render nomos as “law,” Cover begins with a much broader definition: “We inhabit a nomos – a normative universe. We constantly create and maintain a world of right and wrong, of lawful and unlawful, of valid and void.”<sup>23</sup> Cover develops a concept of law that “requires no state.”<sup>24</sup>



He contends that legal worlds are created in a variety of cultural settings. In our time, nation states happen to be the most successful at imposing their legal meanings upon those residing in their territory; their judiciaries often act as if they can interpret and enforce laws without either referring to or attempting to control the narratives in which laws are interpreted. As an instance of a non-statist nomos, Cover gestures toward Jews who long inhabited a narrative world created and sustained by Torah. His thoughts on Torah as pedagogue arise in contrasting “two corresponding ideal-typical patterns” of law:

The first such pattern, which is ... world creating, I shall call “paideic,” because the term suggests: (1) a common body of precept and narrative, (2) a common and personal way of being educated into this corpus, and (3) a sense of direction and growth that is constituted as the individual and his community work out the implications of their law. Law as Torah is pedagogic. It requires both the discipline of study and the projection of understanding onto the future that is interpretation. Obedience is correlative to understanding. Discourse is initiatory, celebratory, expressive, and performative, rather than critical and analytic. Interpersonal commitments are characterized by reciprocal acknowledgements, the recognition that individuals have particular needs and strong obligations to render person-specific responses.<sup>25</sup>

This “paideic” type of nomos is contrasted with imperial law and imperial virtues where “[i]nterpersonal commitments are weak” and there is only a minimal effort to refrain from coercion and violence.<sup>26</sup> For Cover, it is inconceivable that a nation state’s jurisdictional claims should be granted automatic moral superiority to other, insular communities’ jurisdictional claims.

Police forces, the death penalty, and imprisonment are not the only ways that law exercises violence. Statist law is irremediably violent. Laws are bound up in their historical settings; it is impossible to treat law separately from the wars that nation states have fought in order to create and maintain their political hegemony. When the US Supreme Court rules on any matter,<sup>27</sup> the history of the American Revolution, violent takeover of

Native American territory, the Civil War, World War II, and Vietnam all give meaning to its legal opinions. All these wars play a role in establishing and maintaining the Court's jurisdictional territory.<sup>28</sup>

Cover displays a definite preference for non-statist communities that are strongly committed to their legal sources and interpretation. Communities willing to thumb their noses at powerful, statist courts are often at the forefront of creating redemptive bridges to better worlds.<sup>29</sup> The most potent example is the tradition of Jewish law, which for eighteen centuries enforced its moral boundaries by a thick, Torah-derived identity, reaffirmed its communities' values through Talmudic debate, and maintained the laws' jurisdictional force solely through moral suasion. Thus, diaspora Jews could maintain a distinctive national identity without recourse to statist violence.<sup>30</sup>

"Nomos and Narrative" opens up the possibility of Torah as a powerful way to resist imperial powers. These insights could take at least two directions. The first would reverse St. Paul, in favor of universalizing not only the Hebraic narrative but also its nomos.<sup>31</sup> The second would take the nonviolent legal institutionality of Judaism as a model, proving that order and security are possible without recourse to the violence of policing, jails, and militaries. While we are heavily sympathetic to the first direction, the description of Doug's work at Sanctuary that follows shows it is possible to deal nonviolently with the realities of modern urban security and order that supposedly gave rise to policing in the first place.

### **Another Incident at Sanctuary**

At Sanctuary, we encounter a great many of the situations that police forces encounter and for which they justify the need for a possibly violent response. Over the years, Doug and other staff have had to confront drug possession and dealing, suicidal women and men, theft, child and domestic abuse, pimps wanting to take back women they felt they owned, public intoxication, fist fights, gun possession, the possibility of a race riot, severe psychological issues, and the hostage situation described earlier. And the list could be made much longer.

Although Sanctuary is not an explicitly pacifist organization, it has rarely – in fact, almost never – called upon police officers to intervene in

such situations. Its vision of a community of friends with the poor at the center, and grace and mercy as fundamental operating principles, has led to a completely different way of pursuing order and security. It is a bold pursuit, at times dangerous, but less so than one might imagine, and far more successful than it would be if anyone were to carry guns and handcuffs with the threat of jail as back-up.

Recently, the Thursday night crew encountered one such crisis situation. As staff members debriefed, they began comparing conversations various staff and others had with Ronald,<sup>32</sup> who had acquired a gun earlier that day. It was buried somewhere now, but he still knew where it was. He had lately taken up a gay relationship with a married lover and was extraordinarily jealous of the man's wife. As several staff already knew, Ronald has a criminal record, including five years in jail as an accomplice in the murder of another gay lover's father, whose opposition to homosexuality Ronald felt stood in the way of truest love. When Ronald had shared that story in the past, he told it without remorse but with a gleam in his eye, as if willingness to kill was the surest test of love. Some around the table that Thursday evening felt the same sense of giddy bravado.

Eventually a team of three, including Doug, Keren Elumir, and Thea Prescod (the other Sanctuary nurse), with back-up from other staff, found Ronald, and assured themselves that the gun was out of his reach for the time being, that he had cooled off considerably, and that his motivation for a repeat crime had lessened greatly when the new lover insisted he would have no part in it. They did so without recourse to calling the police or mental health officials, though they initially considered such possibilities.

As Keren, Thea, and Doug prepared to enter the ramshackle apartment over a strip club where Ronald was living, Doug returned with Keren to the story of her being held hostage at knifepoint. Correctly surmising Ronald would fear they were there either with the police or as a prelude to police involvement, Doug asked her if she had called the police when she was released by the Ojibway man she now considered a good friend. "The thought never even crossed my mind," came the immediate, gentle, yet confident reply. Half an hour later, recounting that story proved critical in gaining Ronald's trust in an intervention that was intentionally nonviolent, geared toward keeping the peace, and calculated to maintain a vital friendship with an impoverished man whose life story is weighted by grave sorrow.

## **Conclusion**

Just and nonviolent practices for addressing the genuine needs of human security are feasible if we will only “seek peace and pursue it.” Our examples here are admittedly small scale. However, the rich and powerful tradition of Talmudic law is evidence that diverse communities, small and large, scattered historically and geographically, can create and sustain rigorous, elegant systems of “paideic” law capable of addressing the full range of requirements for the political and legal creatures we are. We would be remiss if we pretended that Jewish law or similar systems of law could be immediately universalized, without confronting terrific quandaries. Innovative ventures including MCC’s restorative justice programming continually grapple with such quandaries.<sup>33</sup> Doug’s insistence on a pacifism that excludes police cooperation, and his work with a man on the street whose history includes sexual abuse of children has occasioned overlap, tension, and innovative joint work with Circles of Support and Accountability (COSAs), a bold, highly effective MCC program managed in Ontario by another contributor to this issue, Eileen Henderson.<sup>34</sup>

Nearly two years ago, a man in his early forties confessed to Doug about a history of pedophilia, including activity that bordered on violating Canadian sexual abuse law, a violation that would trigger mandatory reporting to the police. Doug’s absolute refusal to participate in or cooperate with the violence of policing came into conflict with Eileen’s views and practice as COSA Program Co-ordinator, endorsing and requiring regular, healthy working relationships with policing in such matters. While the specific details of this situation have yet to require contacting the police, Doug at one point felt that maintaining his nonviolent stance might require resigning, or being asked to resign, his position with MCC. Theologians and practitioners from the Mennonite church and beyond were consulted, but it was ultimately Jodie Boyer Hatlem’s advice that gave him the theoretical tools necessary to stay engaged with integrity. Jodie suggested, with reference to Robert Cover, that COSA is providing an incalculably valuable bridge to a world in which violent responses to such devastating crimes as pedophilia will not be necessary. However, until that bridge has been fully built, crossed, and eventually destroyed, some difficult situations may require a minimum of cooperation with violence.

The man in question has been involved with COSA ever since, though with significant periods of refusal to continue. During one such period, Doug reconciled himself to the prospect of pre-emptively contacting Toronto police to say something like, “No crime has been committed as yet, but this man is uncooperative with our alternative model of justice. Here are the details of where he lives and where he has the possibility of contact with children; we are handing him over to your care, since he does not wish to continue within the confines of our nonviolent model.”<sup>35</sup> While we are leery of spelling out details of the operating principles governing such limited possibilities of calling on or cooperating with the police, we think Alexis-Baker’s suggestions, including rigorous congregational discussion in advance, are quite appropriate.

Alexis-Baker’s article calls Mennonites to account for the fact that, in many instances, we have claimed pacifism where it is easier, refusing to be involved with wars overseas while generally accepting the violence of policing locally. If we are to be faithful to the nonviolent vision of the gospel, we must continually wrestle with the extent to which cooperation with violent institutions such as prisons, policing, and punitive courts is unnecessary or unavoidable as we build redemptive bridges between now and a near-future in which violently protected jurisprudence, prisons, and the police have ceased to be.

## Notes

<sup>1</sup> Name changed.

<sup>2</sup> For one instance, see this account of how police forces in Guatemala were organized and trained by U.S. police forces as a precursor to heinous crimes against humanity: Kate Doyle, “The Atrocity Files: Deciphering the Archives of Guatemala’s Dirty War,” *Harper’s Magazine* (Dec. 2007), 52-64.

<sup>3</sup> These figures can be found in the “Speaking Notes for Mr. Howard Sapers, Correctional Investigator, 33rd Annual Report to Parliament” October 16, 2006 available at [http://www.oci-bec.gc.ca/newsroom/speeches/20061016\\_e.asp](http://www.oci-bec.gc.ca/newsroom/speeches/20061016_e.asp) and in the Annual Report 2005-2006 available at [http://www.oci-bec.gc.ca/reports\\_e.asp](http://www.oci-bec.gc.ca/reports_e.asp). On three recent occasions, Doug has witnessed Toronto Police officers ticket or arrest native peoples, incidents that displayed blatant racial profiling, racist comments, or both. On December 13, 2007, Doug was handcuffed for twenty minutes on Yonge Street, Toronto’s major thoroughfare, and given a ticket for trespassing when he stopped to witness and spoke out about such mistreatment.

<sup>4</sup> Those who approve of Mennonite involvement and cooperation with the police must take these charges seriously. It is not just a fringe element making outlandish charges. On April 19, 2007 Doug and Greg Paul, the Pastor and Executive Director at the church and drop-in center where MCC placed Doug to work, met with Dalton Jantzi, Sylvia Searles, and Alok Mukherjee at Toronto City Hall to discuss the physical abuse and persistent ticketing of panhandlers by police. Dalton, a member of Danforth Mennonite Church and the receptionist for Mayor David Miller, arranged the meeting after Doug informed him of backdoor threats commanding officers were relaying to Doug for his advocacy in such matters. Sylvia Searles is the Mayor's aide relating to Police Services; Alok Mukherjee is Chair of the Police Services Board. At that meeting Mukherjee referred to research similar to that cited by Alexis-Baker and said, almost verbatim, "Policing started as a way for the community to protect itself from the poor, and it looks like we are now going right back to where we started." When the chair of a police services board makes such a statement, can those claiming to follow Jesus not question their involvement with such an institution?

<sup>5</sup> "The Gospel or a Glock?, Menonites and Policing," *CGR* (Spring 2007): 34.

<sup>6</sup> Ibid. We have added the word "nonviolent." What we call a difference may be a matter of emphasis. Alexis-Baker never clearly indicates where he stands on such matters, preferring a brief analysis under the rubric of "the principalities and powers." Clues from here and later comments regarding Schleithem seem to indicate a preference for some sort of two-kingdom theology, but perhaps we have misread.

<sup>7</sup> These questions have often been discussed under the rubric of natural law theory, a particular way of bringing opposing ethical and juridical systems into conversation with one another. We are not as concerned with how far there may be ontological common ground for competing moral understandings of law, universal principles that we all share and from which we can begin to discuss war and peace, policing, and security.

<sup>8</sup> Below, we will discuss Cover's "The Supreme Court, 1982 Term—Foreword: Nomos and Narrative," *Harvard Law Review* 97.4 (1983): 4-68. A full text, pdf version can be found online at [http://www.bepress.com/ils/iss8/Cover\\_Nomos.pdf](http://www.bepress.com/ils/iss8/Cover_Nomos.pdf).

<sup>9</sup> Another genealogy that explains the purpose and origin of the police must suggest why it is more determinative than the one Alexis-Baker proposes.

<sup>10</sup> Foucault posits a "profound transformation of the mechanism of power" from juridical power based on the concept of the sovereign, which is "the right to take life or let live," to administrative regimes, whose justification gives them the "power to foster life or disallow it to the point of death." Michel Foucault, *History of Sexuality* vol. 1, trans. Robert Hurley (New York: Vintage Books, 1990) 136, 138, emphases in original.

<sup>11</sup> Foucault, *Society Must Be Defended: Lectures at the Collège de France 1975-1976*, trans. David Macey (New York: Picador, 2003), 71.

<sup>12</sup> Ibid., 67. The history of the Normans is not the history of the Saxons, the history of Franks is not that of the Gauls, the history of Canadians is not that of Americans.

<sup>13</sup> Ibid., 66.

<sup>14</sup> See especially the final lecture in *Society Must Be Defended* and Part V of *The History of Sexuality*, vol. 1.

<sup>15</sup> Warfare for Foucault is perpetual and shot through the life of the body politic. Modern

politics “is a continuation of war by other means.” See also the “governmentality” lectures, published in *English as Security, Territory, Population: Lectures at the Collège de France 1977-1978*, trans. Graham Burchell (Hampshire, UK: Palgrave Macmillan, 2007).

<sup>16</sup> Karl Barth, *Church Dogmatics III.4: The Command of God the Creator*, ed. G.W. Bromiley and T.F. Torrance (London, UK: T&T Clark, 1960), 452..

<sup>17</sup> Barth, *Church Dogmatics II.2: The Doctrine of God*, ed. G.W. Bromiley and T.F. Torrance (London, UK: T&T Clark, 1957), 312.

<sup>18</sup> What’s more, “in spite of the destruction and persecution and above all the assimilation and interconnexion and intermingling with other nations, the Jews are still there and permanently there.” Barth, *Church Dogmatics III.3: The Doctrine of Creation*, ed. G.W. Bromiley and T.F. Torrance (London, UK: T&T Clark, 1957), 239-40.

<sup>19</sup> Alexis-Baker, 40.

<sup>20</sup> One of Reimer’s two similarly themed critical essays in collections posthumously honoring and assessing Yoder’s legacy echoes Jesus’ words from the Sermon on the Mount in its title: “‘I came not to abolish the law but to fulfill it’: A Positive Theology of Law and Civil Institutions,” in *A Mind Patient and Untamed: Assessing John Howard Yoder’s Contributions to Theology, Ethics, and Peacemaking*, ed. Ben C. Ollenburger and Gayle Gerber Koontz (Scottsdale, PA: Herald Press, 2004), 245-73.

<sup>21</sup> Even more provocatively, in Matt. 23:1-3 Jesus appears to impose the demands of not only the written law but the oral law on his original followers. Misreadings of Matt. 22:15-22 and of Romans 13 have been used throughout church history to justify the power of imperial sovereigns and the state.

<sup>22</sup> Every year the *Harvard Law Review* asks an outstanding Constitutional scholar to review the previous U.S. Supreme Court term. In 1983 the task fell to Robert Cover, a Jewish scholar from Yale’s law school. The most prominent Supreme Court case that term involved a challenge to a ban on interracial dating at Bob Jones University.

<sup>23</sup> “Nomos and Narrative,” 4.

<sup>24</sup> *Ibid.*, 11.

<sup>25</sup> *Ibid.*, 12-13.

<sup>26</sup> *Ibid.*, 13.

<sup>27</sup> For instance, the Bob Jones interracial dating ban, compulsory education for Mennonite children, or even matters of contract law.

<sup>28</sup> Cover uses *Bob Jones v. U.S.* (1982) to shine a high beam on jurisdictional matters. He was disappointed that the Supreme Court did not simply admit that it was working from a narrative that believes racial equality is an important goal and the Court can be the vehicle of redemption in such matters. The Court rarely makes explicit its jurisdictional claims. National courts can easily shirk their responsibility to deal with such issues, because they are backed by an enormous, diffuse bureaucratic machinery that constantly makes tacit use of violence in support of their jurisdiction.

This also holds for Canadian courts. Their jurisdiction has no meaning apart from the story of violence that runs at least from the Plains of Abraham to the jailing of Chief Bob Lovelace and six others for nonviolent resistance to forced uranium mining on First Nations territory in Ontario. As we were writing this piece, Lovelace and the others were finally released from



jail after serving three months of a six-month sentence. The longest previous jail term given by Ontario courts for nonviolent resistance was two weeks. Christian Peacemaker Teams has been involved in this controversy on behalf of the Algonquins. The Community Coalition Against Mining Uranium website (<http://www.ccamu.ca/>) includes a history of the case and a list of media articles.

<sup>29</sup> Ibid., 9ff, esp. 33-35 and 40-44. It would be interesting to read “Nomos and Narrative” in relation to the debate around the acceptance of Talmudic and Sharia family law in Ontario, an acceptance that was recently rescinded. (Talmudic and Sharia law practice continues in Ontario, just without official state sanction or deference.)

<sup>30</sup> One respondent has asked how we can consider Jewish law nonviolent, given the advocacy of the death penalty in the Torah and the OT generally. From the final destruction of Jerusalem in 135 A.D. to the founding of the state of Israel in 1948, Jewish communities were forced to live without the means to violently control the territory in which they lived. Meanwhile, the Talmudic tradition increasingly interpreted evidential requirements for the death penalty so strictly that it was nearly impossible to put someone to death, even if the political opportunity availed itself. Ironically, Christians have been tempted to paint “the God of the OT” as wrathful and violent and “the God of the NT” as full of grace and mercy, all the while Jews were practicing communal nonviolence and Christians manipulated the violent levers of imperial and statist sovereignty.

<sup>31</sup> Our understanding of Paul’s universalizing influence owes a debt to Alain Badiou’s *St. Paul: The Foundation of Universalism*, trans. Ray Brassier (Palo Alto: Stanford Univ. Press, 2003). Paul’s treatment of issues around meat offered to idols in 1 Cor. 8:1-11:1 is unmistakably casuistic as it draws from, among other sources, Deut. 25:4. As Cover argues in “Nomos and Narrative,” Paul could put biblical narratives to a revolutionary anti-law use only because of the prominent typology of divine reversal with respect to the law found within the Torah itself. “Nomos and Narrative,” 19-24.

<sup>32</sup> Name changed.

<sup>33</sup> We are sympathetic to Gerald Schlabach’s argument that multiple authors in *At Peace and Unafraid* are struggling to describe and analyze alternatives to statist security. We were encouraged by those examples and would like to see them as the dominant force for consideration. We hope what we are doing here is what Schlabach calls for at the end of his response: saying what we are for, not just what we are against.

For those who feel called by God to policing, we would hope our churches would begin gently but firmly, even sacrificially, guiding them into the kind of alternative, non-statist forms of human protection discussed in *At Peace and Unafraid*. Alexis-Baker’s suggestion about the ban has been a lightning rod for criticism. It should, at worst, be the end point of a very long process, not the starting point.

<sup>34</sup> As Eileen Henderson suggests (see this issue, pages 26-28), COSA could not be as effective as it is without regular cooperation with prison officials and police forces.

<sup>35</sup> Is this an example of a two-kingdom theology in practice, though we claim a one kingdom theology as normative? The crucial difference is that in a two-kingdom model, policing would be how God intends justice to work in the here and now, until the parousia. Two kingdoms, but we participate in only one. On our view, while there is more than one kind of



kingdom operating on the ground, only one can claim sanction from God, and its goal is the speedy reconciliation of all under the one kingdom of God.

A “handing over” of the man in question would have been provisional and reversible, and calculated as a way to “have regained that brother” (Matt. 18:15), which is what happened. When this possibility was presented, the man decided to return to COSA. Again, this example does not deal fully with the force of COSA; the man’s past was far less horrendous than that of anyone turned over to COSA with the kind of “810 Order” referred to in Eileen’s piece.

Tom Yoder Neufeld and others suggest this example indicates that we accept some kind of police activity. We aren’t so sure. (What Doug is doing is vulnerable pastoring, not vulnerable policing.) Policing is almost always reactive rather than preventative. Without a victim coming forward, Toronto police could have done almost nothing about the situation. This came after a long process, as a kind of last resort. It is akin to “extirpation” in Talmudic law (similar to the ban or excommunication). Those who cannot comply with the way of life of a community that refuses violence are excluded from it. This judgment must always be indefinite and reversible, and combined with genuine attempts to regain that sister or brother. Astonishingly, those who bristle so quickly at the suggestion of such social exclusion often find imprisonment entirely appropriate.

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## **Just the Police Function, Then A Response to “The Gospel or a Glock?”**

*Gerald W. Schlabach*

### **Introduction**

Consider this thought experiment: Adam and Eve have not yet sinned. In fact, they will not sin for a few decades and have begun their family. It is time for supper, but little Cain and his brother Abel are distracted. They bear no ill will, but their favorite pets, the lion and lamb, are particularly cute as they frolic together this afternoon. So Adam goes to find and hurry them home. With nary an unkind word and certainly no violence, he polices their behavior and orders their community life. For like every social arrangement, even this still-altogether-faithful community requires the police function too.

A pacifist who does not recognize this point is likely to misconstrue everything I have written about “just policing.”<sup>1</sup> Having lived a vocation for mediating between polarized Christian communities since my years in war-torn Central America, I expected a measure of misunderstanding when I proposed the agenda of just policing as a way to move ecumenical dialogue forward between pacifist and just war Christians, especially Mennonites and Catholics. Whoever seeks to engage the estranged in conversation simultaneously on multiple fronts will take such a risk.<sup>2</sup> Deeply held identities are often at stake, and as much as the mediator may do to respect community boundaries, he or she can hardly help but threaten them simply by crossing back and forth. The risk of misunderstanding comes with the liminal territory, and nothing but a doggedly hopeful patience for continued conversation will minimize it.

I hope I will surprise both Andy Alexis-Baker *and* his critics as well as his sympathizers with my patience for his critique of just policing in “The Gospel or a Glock? Mennonites and the Police” (*CGR* Spring 2007). For while I believe that he and other Mennonites who share his anxieties about the agenda of just policing have misunderstood it at points – sometimes deeply – I myself am in no hurry for Mennonites to accommodate, much less

join, modern police forces as most are currently constituted. Alexis-Baker, as a Christian anarchist who sees the state and other top-down institutions undermining any truly human organization of society,<sup>3</sup> celebrates localized, congregation- and community-based practices as the key to ordered social relationships. In many ways I agree: Until and unless peace churches recover and develop exactly such practices, Mennonites entering modern police forces without the most rigorous congregational discernment will be more of a distraction than a model from which to learn, as will those attempting to serve as police officers without continuing accountability to the church as primary loyalty and source of moral guidance.

The most prominent sign of Alexis-Baker's serious misconstrual of the just policing project is that he studiously reserves the terms "police" and "policing" for the militarized "crime-fighting" institutions to which he rightly and strenuously objects. Yet even so, the pre-nation-state watch systems that he holds up as an alternative – and indeed any Mennonite congregational process of ethical discernment of the sort he calls for – are also exercising the police function. These are precisely the forms of policing that Mennonites should explore but can explore only if they rightly and honestly name them. It is these stories and practices that I hope Mennonites will bring to the ecumenical table, and that all pacifists will contribute to the urgent and developing task of international peacebuilding.

For this to happen, however, the agenda on that table must be free of certain misunderstandings about just policing. Above all, just policing is a proposal not for a grand compromise between just war and pacifist traditions, right now or maybe ever. Rather, it is an agenda for conversation within and between church traditions. I suppose I have not always been clear about whether I expect complete convergence ever to be possible, no doubt because I remain uncertain. The hope I do see dimly on the horizon is that war might cease to be a "church-dividing issue," which is the technical way that ecumenists speak modestly of eliminating obstacles to unity without requiring a unanimity that would flatten out all differences or disvalue distinctive charisms and ecclesial vocations. Even so, when I have spoken most clearly I have talked only of creating "conditions for the possibility" of further convergence. And although I propose that divergent traditions explore just policing together, the tasks respective to each tradition are what

matter most, as each comes clean about the murky status of policing in their respective ethical systems.

Those of us who take up the just policing agenda, therefore, are not necessarily attempting “to translate Christian ethics into terms everyone can understand regardless of faith commitments or place in life.”<sup>4</sup> Translation, yes, but not into some putatively universal moral Esperanto. In moving back and forth between working presuppositions and convictions within both just war and pacifist traditions, perhaps I could have said at every point that this-or-that statement is a “middle axiom.” Early in his career, John Howard Yoder proposed middle axioms as a way for pacifists in particular to speak within the ethical systems of others, by calling them to their own highest moral commitments.<sup>5</sup> To label every such statement as such, at every turn, would have been exceedingly tedious, however. And in fact the later Yoder called more generally for developing the multilingual skills necessary for translation across ethical systems, one bilingual conversation at a time.<sup>6</sup> The context of ecumenical dialogue encourages this anyway, and bearing that context in mind will help readers and interlocutors recognize rather than confuse the different moral “languages” we must often use as we proceed to challenge and learn from one another in conversation.

### **Just Policing: Justification of War?**

My reply to another misunderstanding must be more complex. Reflecting as much fear as misunderstanding, this is the charge that to explore just policing will take Mennonites “down the garden path” toward a mainstream Christian justification of war.<sup>7</sup> Certainly the purpose of my original article on just policing was to provide a resource for the international dialogue between Mennonite World Conference and the Pontifical Council for Promoting Christian Unity. And although I wrote that article as a Mennonite, I have since become a Roman Catholic. Thus I cannot pre-empt altogether the suspicion that all of this is evidence of a slippery slope. Still, those who know my other ecumenical work through Bridgefolk, the grassroots movement for dialogue and unity between Mennonites and Roman Catholics, should recognize that my personal and professional journey is all about seeking ways to preserve and strengthen the Anabaptist-Mennonite identity and charism while coming to terms with the reality that Christ’s global church

is much wider and longer. I have sought a way to make sense of that reality without sliding into either an easy Protestant liberalism or an acculturated evangelicalism.<sup>8</sup>

I do admit to this conviction: Unless Mennonites want to communicate a triumphalism that matches the worst tendencies of Roman triumphalism by expecting all ecumenical convergence to move in the Anabaptist direction – or else want to pull out of collaborative peacebuilding efforts with Catholics and other Christians that have led to remarkable areas of convergence already – they do have to anticipate the possibility of modifying some of their positions as they too learn from an “exchange of gifts” with other traditions. Nonetheless, I argue above all that there are ample reasons growing out of the authentic requirements of each respective tradition to take up the just policing agenda, whether it leads to further convergence or not.

If Alexis-Baker believes that I either have betrayed the Christian pacifism I continue to share as a “Mennonite Catholic” or am intent on baptizing the career choices of Mennonite police officers, this is due to a still more fundamental misunderstanding. That misunderstanding does even more disservice, though, to the MCC Peace Theology Project of 2002-2005 that produced *At Peace and Unafraid: Public Order, Security, and the Wisdom of the Cross*.<sup>9</sup> This is not to collide the two projects. Although I participated in that project and helped edit the book, I never expected either my colleagues or MCC to endorse an ethic of just policing, which in any case may still remain too exploratory for anyone exactly to endorse.

That said, Alexis-Baker misconstrues both the MCC project and my own arguments about how pacifists can contribute to developing less violent and nonviolent forms of policing because he cannot seem to recognize that every human community – even an anarchist one – requires the police function to exist at all. A jittery Mennonite boundary maintenance seems to associate every use of words like security, order, governance and policing with a place he doesn’t want us to go but is sure we will go if we even use such words in a retrieved and theologically favorable manner. Never mind that this risks demonizing those modern police forces and officers who may be wrong or caught within violent systems but are nonetheless endeavoring in good conscience to practice humane, accountable forms of “community policing.” What is tragic about Alexis-Baker’s reading of our projects is that

his anarchist retrieval of nonviolent alternatives would give him more, not less, to offer those projects, if only he were not so intent on, well, policing them.

### **Community, Security, and Nonviolent Methods**

Since Alexis-Baker cannot see the police function at work anywhere between brutalizing armed police and some “Platonic ideal” of policing,<sup>10</sup> he will have none of this. Yet *At Peace and Unafraid* includes many examples of communities building or maintaining security in ways that do not rely on the apparatus of nation-states. My favorite is a short example that appears in Pamela Leach’s chapter.<sup>11</sup> As Mobutu Sese Seko was plundering Zaire with the backing of US military aid, the population sought to enhance its security by reducing their exposure to the state and its vicissitudes. Under such threats, populations strengthen their ties to local rather than international markets, practice alternative resourcing through barter, forge black market networks, and make changes in their production patterns. They employ ethnic associations and faith communities to reinforce their collective communal security.<sup>12</sup>

Elsewhere in that volume, Carol Penner struggles with the challenge of being an “inclusive” congregation while establishing and enforcing procedures that protect children from sex offenders it has welcomed into membership.<sup>13</sup> Paulus Widjaja describes increasing security for Muslims and Christians in Indonesia through “empathy building” programs.<sup>14</sup> Against the obvious fact that the “Kafkaesque bureaucracy” of Israeli occupation is making Palestinians far less secure, Alain Epp Weaver offers examples of nonviolent resistance enabling them to survive.<sup>15</sup> Even Judith Gardiner, a Mennonite and London city councilor at the time of writing, highlights grassroots forms of ordering and self-policing in her neighborhood, and describes her political involvement as an extension of such (an-archic) social practices, not a displacement of them.<sup>16</sup>

How could Alexis-Baker read past these and many more examples? His assumptions and vocabulary simply do not allow him to recognize them. The problem surfaces in his first paragraph: “Some of the most influential writers [within North American Mennonitism] 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.” A footnote refers to *At Peace and Unafraid* and specifies his charge: “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.’”<sup>17</sup> Like John Yoder decades ago in *The Christian Witness to the State*, the MCC project did of course attend to the ethical and pastoral challenges facing any Christian who would work within governmental structures, the legal profession, and so on. But the book generally, and Duane Friesen particularly, focused deliberately not on the nation-state but on quite the opposite. “Order does not depend only upon ‘top-down’ implementation by the state,” Friesen insisted, highlighting instead all that contributes to “creating a culture of peace” through “what Elise Boulding has called ‘the underside of history,’ the daily life of families and communities through whom we learn how to order our lives.”<sup>18</sup>

At the root of Alexis-Baker’s skewed and selective reading is an unjustified though telling leap. Examining his opening paragraph closely, we see that he has associated attention to “social systems,” “societal institutions” and, for that matter, legal, political, and economic structures with an exclusive and inevitable focus on the nation-state. But an anarchist should be the first to recognize that forms of social relationship, economic exchange, or indeed law and politics exist that do not rely, or need not rely, upon the arché or domineering rule of the modern nation-state. A Christian anarchist should be the first to recognize that the church as polis needs all these activities and structures within its own communal life – and all the more so if it hopes to offer the witness of alternative models to world. Such a recognition would still leave Mennonites like Alexis-Baker with much to debate concerning the degree of separatism<sup>19</sup> required for clarity of witness, and how to negotiate our moral challenges when separation from surrounding cultures is anything short of complete. But such a debate can hardly be fruitful, much less mutually edifying or discerning, when debaters fail even to acknowledge how their debating partners are using words.

Central to the MCC Peace Theology Project was the challenge of taking back words like “public order” and “security” from militarists and fear-mongers, so that historic peace churches and other Christian pacifists

might develop a theological vocabulary for thinking about security issues without relying on the quasi-religious mythology of nation-states. This did not mean those involved in the project were ready to jump to Alexis-Baker's conclusion that the only faithful alternative for Mennonites is to "separate" themselves entirely from social structures that are not the church itself. But it does mean that the project and the resulting book gave far more attention than Alexis-Baker credits to conceptions and means of security that rely not on potentially lethal force but on relationships of trust and mutual responsibility. Could we have done more? No doubt. My colleagues would testify that far from pushing them to endorse modern police forces, I regularly said what we really need are the resources to conduct "a project combining the folk methods of Doris Janzen Longacre and the scholarly methods of Gene Sharp to gather far more examples on nonviolent 'best practices' that are contributing to human security."<sup>20</sup>

This as much as anything is the overlap that does exist between my involvement in the MCC Project and my independent work on just policing. Alexis-Baker is wrong to categorize me with James Reimer as wanting to defend a just policing ethic with recourse to killing (if indeed his categorization is fair to Reimer).<sup>21</sup> I am far closer to the position that Alexis-Baker associates with Duane Friesen, Lisa Schirch, and J. Daryl Byler, one that believes "nonviolent direct action has the potential to bring real security if there is the will and creative expertise to implement it."<sup>22</sup> Even here, Alexis-Baker mischaracterizes our views as "optimistic pacifism." Friesen is quite clear that at the core of his position is the confession that Jesus Christ is Lord, not some optimistic view of human possibility.<sup>23</sup> I believe Friesen would join me in preferring to label our position as "hopeful pacifism" in order to signal its basis not in an optimistic reading of history or the human condition but in the theological virtues of faith, love, and hope, which refuse to give up on God's world or God's care for it, even in the face of discouraging contrary evidence.

And that really is the point – the area of overlap between these projects. Though I have rejected an ecclesial sectarianism that would either refuse to recognize non-pacifist Christians as brothers and sisters or attempt an ideological invulnerability to their strongest arguments, I do expect respective Christian communities to maintain their disciplines and charisms



as Benedictine or Franciscan or Pentecostal or Mennonite or Fill-in-the-qualifier communities. In turn, I want Mennonites to be faithful to their charism, because I continue to hope that peace churches will win the long historical argument over war and violence. It's just that they simply cannot and will not win any such argument without recognizing the legitimate human desire for security and the intrinsic role of the police function within all communities. So I hold out for hope.

I hope that "the wisdom of the cross" can yet be made discernible in the very "grain of the universe" and thus evident to all people of good will. Few things would contribute more to this effort – either from the Mennonite side of the ecumenical dialogue I advocate or through the witness that Alexis-Baker sees as the main task of Mennonite social ethics – than for Mennonites like him to help us recover historical accounts of nonviolent policing, to update the disciplinary practices that embarrass many modern Mennonites, and to develop contemporary nonviolent practices for protecting vulnerable peoples and ordering our communities. To these ends, I ask two things of Alexis-Baker and those sharing his views.

### **Two Requests to Critics**

First, say what you want about my own work on just policing, but do not collide it with the MCC Peace Theology Project. Of course I would prefer that my own work not be misunderstood, that full account be taken of the ecumenical context in which I first proposed the agenda of just policing, and that closer attention be paid to the mediatory structure of my arguments. Still, I know that I do straddle boundaries and explore boundary regions. One such region is the possibility that the category of "vocation" can help Mennonites maintain or even strengthen their witness without effectively excommunicating all Christians who in good conscience cannot see their way through to a convinced pacifism. If I were even bolder when writing in an exploratory mode (or less diplomatic, perhaps), I might press Mennonite ethicists to face up to another issue – the question of whether, in order to work through yet other issues such as homosexuality in an ethically consistent manner, they do not need a way to uphold communal norms precisely by contemplating the category of legitimate exceptions. None of these are matters I have pressed upon MCC or even brought up, except

when speaking clearly in my own name alone. Instead, what I most ask of Mennonites at this juncture in the long historical debate between Christians working for greater unity is that they do what Alexis-Baker et al. could help Mennonites do – recover and develop nonviolent models of policing.

Secondly, what I not only ask but energetically advise is this: Do not confuse witness with critique. Do not just tell us what you’re against. Show us what you are for. My close associate in Bridgefolk and a contributor to my recent book on just policing, Ivan Kauffman, has pithily stated the challenge we all face in his chapter title “If war is wrong, what is right?”<sup>24</sup> Likewise, if militarized policing is wrong, what is right? Antiwar movements consistently falter by failing to meet this challenge, and anarchism may get even less of a hearing for much the same reason. Contemporary Anabaptism and Protestantism more generally often miss the same challenge by so celebrating “prophetic critique” that they delegitimize the very task of institutionalizing those changes the prophets call for. There is a toxic smugness to any critique not prepared in principle to help those who actually heed the critique when they try to realize the changes called for. More than that, a witness will be altogether too thin to be convincing in the first place if those witnessing are unable or unwilling to anticipate what the change they call for would look like if others heed their call. Perhaps in a rebellious world that is not heeding the still-wider call of Jesus Christ, specific calls to order community life in nonviolent ways will never receive a full response. But this does not let us off the hook. After all, nonviolent movements for just social change are less likely to win even provisional victories if they fail to offer a constructive vision or program.

So, tell us what you’re for. That will be far more persuasive than reacting to what you’re against.

## Notes

<sup>1</sup> My initial article aimed at a handful of scholars involved in the Mennonite Catholic Theological Colloquium, which in turn aimed to make its work available to the delegations from the Mennonite World Conference and the Pontifical Council for Promoting Christian Unity engaged in a bilateral international dialogue from 1998 to 2003. That initial draft is available as “Just Policing: How War Could Cease to be a Church-Dividing Issue,” in

*Just Policing: Mennonite-Catholic Theological Colloquium 2002*, ed. Ivan J. Kauffman, Bridgefolk Series, no. 2 (Kitchener: Pandora Press, 2004), 19-75. A revision of that article appears under the same title in the *Journal of Ecumenical Studies* 41, 3-4 (Summer-Fall 2004): 409-30. I have since expanded this material into the three chapters under my byline in Gerald W. Schlabach, ed. and lead author, *Just Policing, not War: An Alternative Response to World Violence*, with Drew Christiansen, S.J., et al. (Collegeville, MN: Liturgical Press, 2007).

<sup>2</sup> Even if a proposal on one community's terms would move it closer to the other's position, that second community may hear a requirement to accept those terms unconditionally for itself. Likewise, to suggest ways that one community's stance might become more coherent can actually threaten the other and raise suspicions about the mediator's motivations, for it makes the stance of the first more accessible or even imaginable to the second. I suspect this is behind Andy Alexis-Baker's out-of-context reporting of a remark I once made to him in personal conversation, when I said I could *imagine* conditions in which a Christian might be part of a SWAT team (Andy Alexis-Baker, "The Gospel or a Glock? Mennonites and the Police," *CGR* Spring 2007: 42 n17). In fact I believe that those who uphold the just war position are a very long way from fulfilling such conditions; thus I call upon them, in a distinct but transparent conversation, to prove that their tradition is credible by turning it into one of *just* just policing. This requires a charitable act of imagination, but to imagine how an ethical position one does not share might become credible and convincing is not to say that one has yet been convinced. The capacity to exercise such imagination, however, is basic to any ministry of reconciliation, which requires the practitioner to enter the mindset or worldview of one's other.

<sup>3</sup> See the website [www.jesusradicals.com](http://www.jesusradicals.com), which Alexis-Baker helps administer, for background on Christian anarchism.

<sup>4</sup> Alexis-Baker, "The Gospel or a Glock?" 25.

<sup>5</sup> John Howard Yoder, *The Christian Witness to the State*, Institute of Mennonite Studies Series, no. 3 (Newton, KS: Faith and Life Press, 1964), 31-33, 39-44, 71-73.

<sup>6</sup> See for example John Howard Yoder, "'See How They Go with Their Face to the Sun'," in *For the Nations: Essays Public and Evangelical* (Grand Rapids: Eerdmans, 1997), 51-78.

<sup>7</sup> Gerald Biesecker-Mast, personal communication, 13 February 2004.

<sup>8</sup> See Gerald W. Schlabach, "Catholic and Mennonite: A Journey of Healing," Mennonite Catholic Theological Conference (Notre Dame, Indiana, 2007), <http://bridgefolk.net/texts/SchlabachMCTC07.htm>. Also cf. Ivan Kauffman, "On Being a Mennonite Catholic," *MQR* 76.2 (April 2003).

<sup>9</sup> Duane K. Friesen and Gerald W. Schlabach, eds., *At Peace and Unafraid: Public Order, Security, and the Wisdom of the Cross* (Scottsdale: Herald Press, 2005).

<sup>10</sup> Alexis-Baker, "The Gospel or a Glock?," 33.

<sup>11</sup> Leach entitles her chapter "Gadfly Citizenship" because her goal is to identify "faithful public practices" that de-links our thinking about citizenship from "the national security model."

<sup>12</sup> Friesen and Schlabach, *At Peace and Unafraid*, 101-02.

<sup>13</sup> *Ibid.*, 195-210.

<sup>14</sup> Ibid., 261-74.

<sup>15</sup> Ibid., 280f.

<sup>16</sup> Ibid., 371.

<sup>17</sup> Alexis-Baker, "The Gospel or a Glock?" 23, 41 n3, citing Friesen and Schlabach, *At Peace and Unafraid*, 160. In citing this passage to claim the nation-state is the "primary point of reference" for the MCC Peace Theology Project, he pulls the quotation out of context. Earlier in the appendix on pp. 153-64, the project team stressed that the Church is at the center of the visual model being explained. Further, a main point of the visual model, the appendix and the section containing the quotation was to make clear that the project was taking up one neglected area in Mennonite peace theology for sustained examination, and that "ordering" is only one of six areas in the team's theological model, not the "focus" of Mennonite peace theology.

<sup>18</sup> Friesen and Schlabach, *At Peace and Unafraid*, 52-53. Friesen went on his chapter to lay out a view of vocation that keeps all Christians primarily accountable to the church, not to their professions, even if they hold public office (56-57). He labeled his list of "shalom practices" that address public institutions with recourse to violence clearly as "middle axioms," and included just policing only here (61, 68-65). He framed it by first listing primary "shalom practices" that are nonviolent, consistent with Jesus' life and teaching, and that offer "ways in which the church can help extend the application of nonviolence to secure human life and dignity" (61-68, quoting 61). This is anything but a "focus" on the nation-state system; it is a focus on the work of Jesus Christ and his church.

<sup>19</sup> Cf. Alexis-Baker's closing sentence on p. 40.

<sup>20</sup> Friesen and Schlabach, *At Peace and Unafraid*, 445. References are to Doris Janzen Longacre, *More-with-Less Cookbook*, 25th anniversary edition (Scottsdale: Herald Press, 2000) and Gene Sharp, *The Politics of Nonviolent Action*, 3 vols., ed. Marina Finkelstein (Boston: Extending Horizons, 1973).

<sup>21</sup> Alexis-Baker, "The Gospel or a Glock?," 24. At the MCC Peace Theology Project's August 2004 conference on "Seeking the Welfare of the City," Reimer at least *seemed* readier than I to make that move. Finding myself mischaracterized, however, I hesitate to hazard a characterization of Reimer's position. Handouts from the conference suggest that Reimer was defending a version of traditional Mennonite "two-kingdom theology" which, like Alexis-Baker's version, would trace back to the Schleithem Confession's formula and recognize "the sword" of civil authority as necessary "outside the perfection of Christ." That irony alone should warn us against facile characterization of one another's positions.

<sup>22</sup> Alexis-Baker, "The Gospel or a Glock?" 25.

<sup>23</sup> Cf. Friesen and Schlabach, *At Peace and Unafraid*, 48-49.

<sup>24</sup> Schlabach, *Just Policing, not War*, 25-44.

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# **What Shall We Do?**

## **A Response to “The Gospel or a Glock?”**

*Russel Snyder-Penner*

### **Introduction**

What shall we do?<sup>1</sup> Mennonites heatedly disputing the fundamentals and limitations of their pacifism could do worse than to make this question the lodestone of their divided journey. For those already engaged in law and law enforcement, its open-ended immediacy does justice to the depth of the matter. We are already in it up to our necks, and we know that by the end of the day we will have done *something*. We recognize the urgency of the question, and our concern is whether such *doing* pertains to our salvation or our damnation. In “The Gospel or a Glock? Mennonites and the Police” (CGR Spring 2007), Andy Alexis-Baker, by making the institution of policing the subject of his enquiry, not particular situations and officers, offers one resolution to Mennonite anxiety by simply prohibiting police occupations.<sup>2</sup>

However, the question is not so easily resolved by such a vocational screen. We should ask it in relation not to the institution in the abstract but to the concrete, particular event, understanding that we do not know the answers in advance and without predetermining God’s calling as it confronts the Christian from such an instance. To that end, I will explore an incident from the early history of the church to advocate a “casuistic” methodology that focuses on the concrete case or instance in order to determine the conduct of Christians. Along the way I make the modest theological point that Christ’s injunction to love one’s enemy continues to be paramount. I conclude by questioning whether Mennonite churches, as presently constituted, have the institutional capacity to approach the issue in a case-by-case manner.

### **A Soldier Faith**

Sometime early in the third century the Roman army was celebrating a victory over its enemies. An unfortunate soldier, not fully conforming to the celebratory dress of the occasion, was singled out and ultimately subjected

to harsh military discipline. The story is recorded by Tertullian, an influential leader in the North African church,<sup>3</sup> who identified this soldier as one of a number of Christians who served in the pagan Roman army. Tertullian's account appears to be an entry into a debate as to whether the soldier's conduct either amounted to foolhardy extremism, drawing unwelcome attention to his fellow Christians at a time when the prospect of vicious persecution was ever present, or was the inevitable fruit of his devotion to Christ.

Apparently, even many of the soldier's Christian contemporaries thought the principle upon which he took his stand hardly merited potential martyrdom. He had been marching in a ceremonial procession with his comrades and, in visible contrast to those around him, did not wear the customary celebratory laurel wreath upon his head but held it in his hand. When questioned, he announced the reason was that he was a Christian. This declaration and his obstinacy on the point led to immediate disciplinary proceedings, and while we do not know the outcome, Tertullian hints he was imprisoned and faced the prospect of martyrdom. Quite possibly, the soldier had converted to Christianity while in the service. We do not know his views on the use of force, although Tertullian has him dramatically giving up his sword as he is led to trial. Evidently the soldier had not chosen to make his stand on the question of the sword. All we really know is that he concluded that his duty to God required him to reject a certain practice of his occupation that was associated with pagan idolatry, a rejection for which he paid a high price.

The spirit of this soldier's principled defiance is shared by Alexis-Baker, who asserts that faithfulness to God requires an absolute commitment, one that for him must inevitably result in an end to police service. However, the lonely stand taken by the anonymous soldier for a principle obscure to modern sensibilities may also suggest a method of ethical discernment and practice distinct from that represented by Alexis-Baker. Alexis-Baker concludes with an unambiguous prohibition: "Mennonites should ban police occupations for all current and potential members."<sup>4</sup> He does this after an historical, social, and theological analysis of the institution of policing and of some recent Mennonite academic writing that revisits the question of whether Christians may ever have recourse to violence. He argues that

police institutions are inherently idolatrous, have a history of violence and repression, and originated as a tool for maintaining unjust social orders. Accordingly, to maintain purity and faithfulness, the church must insist on absolute separation from the police.

The soldier martyr was probably less systematic in his approach. Why did he refuse to wear the wreath but was willing to strap on his sword? Would it have made more sense for him to arrive at Alexis-Baker's conclusion, reject the entire institution of military life, and desert? The questions multiply. Had he received pastoral counsel on the wreath or the sword prior to his act of non-conformity? Had his congregation imposed Alexis-Baker's rule, and required him to choose between membership in the church or the army? Tertullian hints that the church from which he wrote did not uniformly require a soldier convert to resign his position,<sup>5</sup> although the soldier's duties were in tension with many attributes of discipleship. We may assume that Christian opinion was divided on the question.

From our vantage point almost two millennia later, the soldier's act precedes analysis, and invites an approach to the question of military or police service that begins with the concrete instance arising from the particular professional duties and obligations of the particular Christian, not with an inflexible prohibition developed in advance that determines the answer on the basis of membership in the institution (whether church or army).

Tertullian's view of military service has much in common with Alexis-Baker's. In discussing the propriety of wearing a wreath, Tertullian enquires "whether warfare is proper at all for Christians."<sup>6</sup> In an analysis remarkably similar to Alexis-Baker's, he concludes that the institutions and practices of Roman military life are infused with elements of pagan idolatry (such as use of the wreath), and condemns its authorization of violence, torture, and imprisonment. Tertullian, too, is inclined to a blanket prohibition, arguing that military service is unlawful for the Christian.<sup>7</sup>

Even so, he acknowledges with some reluctance a difficulty with outright condemnation of membership in the Roman army. While accepting that the institution of the army was essentially inimical to Christian faithfulness, he admitted to a possible qualification where "faith comes later," to a person "already preoccupied with military service."<sup>8</sup> This concession

is made in the face of some difficult New Testament passages – difficult for Christians advancing a rigorous pacifist position – namely, the accounts of Roman soldiers received for baptism by John without being required to depart the military, and the evident approval of Roman centurions on various occasions by Jesus and Peter.<sup>9</sup> On the other hand, Tertullian still insists that

... once faith is born and sealed in baptism, either one must leave the service at once, as many have done; or one must practice constant equivocation, also untenable in civilian life, to avoid committing some act against God; or one must suffer for God in the end, which is just what the faith of a civilian can lead to.<sup>10</sup>

Thus he concedes that the situation of a soldier who becomes a Christian is in some respect different from that of a Christian who becomes a soldier, but with the important qualification that while the scriptures apparently testify that retirement from the military is not a precondition to faithfulness, these illustrations are not a licence to depart from the demands of discipleship.

We may extract the following principles from his argument. First, Christians in the military are not subject to a separate rule of conduct – “For the Christian the Gospel is everywhere one and the same:... With [Jesus] every faithful civilian is a soldier, every faithful soldier a civilian.”<sup>11</sup> This leads to a pragmatic observation. While the scriptures may contemplate the possibility of a faithful centurion, the reality is that the duties, requisite loyalties, and daily practice of Roman soldiers are such that the soldier who is a Christian will inevitably face a conflict between faith and profession. Secondly, if a soldier convert does not immediately abandon service in the military, he may have to resort to all sorts of equivocation in an effort to avoid offence to God. Tertullian, in this text and as evidenced in his life and position on other issues, had limited patience for equivocation. However, the acknowledgement implicit in the extract is that any Christian, faithful soldier or faithful civilian, must live with the daily expectation that the demands of faith may clash with those of the world, and that careful discernment on a case-by-case basis is needed to determine whether these competing demands can be reconciled. Where reconciliation is impossible, martyrdom may result.

This kind of case- or instance-based reasoning, which begins with



careful examination of the particular circumstance but concludes with a resolution in the light of fundamental religious or moral conviction, has much in common with the method of moral reasoning most highly developed by the medieval church and known as “casuistry.” For the balance of this article I will refer to this approach as “casuistic.”<sup>12</sup> As the case of the martyr soldier illustrates, casuistic moral reasoning does not inevitably lead to the moral laxity attributed to it and its pejorative connotations. Evidently the martyr soldier had not acted on the basis of Tertullian’s view that military service was unlawful for a Christian. He was able to contemplate membership, as such, in the army. For him, strapping on his sword at the beginning of the day had not been identified as the critical juncture (we do not know whether he was prepared to use the sword, but it is reasonable to conclude that the celebration followed the completion of a military campaign).

This soldier arrived at accommodations between his military duties and his Christian faith with which we may or may not agree. However, while rightly or wrongly he apparently had not concluded that all aspects of military service were a priori forbidden, he had not arrived at the contrary conclusion that all were permitted. The moment arrived when equivocation ceased and he accepted the “white crown of martyrdom.”

This casuistic approach is ultimately a more constructive, more pragmatic and, importantly, a more compassionate way to address the question of Mennonites in policing than an unvarnished prohibition and the threat of excommunication. Further, when bracketed by the assertion that for the Christian “the Gospel is everywhere one and the same,” and by the expectation that for a Christian negotiating the normative demands of broader society, suffering and even martyrdom will from time to time result as social norms conflict with faith, the casuistic approach is entirely congruent with the tradition of Anabaptism that has generally rejected the “vocational ethics” approach. The latter approach, adopted by some denominations, permits the official duties of a Christian in a position of secular authority to deviate from the regular obligations of Christian discipleship.<sup>13</sup>

The alternative approach – implementing a vocational screen to church membership – is problematic in that it may result in a church that on the one hand excludes “those most faithful centurions” embraced by Christ and the apostles, but on the other risks falling into the associated error, namely

failing to properly acknowledge that the Christian life in any vocation or social setting consists of a constant equivocation between the demands of two masters, with no knowing from day to day when faithfulness will lead to the “white crown of martyrdom.” In such a church, a corporate lawyer, working late on a business transaction, may one morning realize that he, like Peter, has denied the Lord three times before the rising of the sun, while the excommunicated police officer, fulfilling her duties during a routine patrol of a depressed neighborhood, has mediated the love of Christ by finding shelter for a homeless person on a dangerously cold night.

### **Love and War**

Interestingly, while Alexis-Baker initially seeks to establish his position that Mennonites should ban police occupations, he then suggests there “certainly will be situations where Christians will need to call the police.”<sup>14</sup> His concern in these cases is to provide concrete guidance to individuals and congregations where a concern for human security, so called, invites a call to the police. His approach is arguably casuistic, paying close attention to the details of the particular circumstance in an effort to apply foundational moral principles. The principles he draws on are the traditional ones of just war theology. While he will mainly draw on them to identify when it is not appropriate to call the police, because “it seems that the error most Christians will make is not being too cautious about calling the police but being too quick to do so,” in fact he provides some positive guidance, arguing that calling upon an armed police force can only be just if it is for the sake of another, such as to locate a lost child, and/or to restore peace.<sup>15</sup>

In making these points, Alexis-Baker is in the venerable company of theologians of the just war, from Augustine to Aquinas to Ramsey and O'Donovan, who consistently frame just war within the parameters of love of neighbor<sup>16</sup> and restoration of peace. However, for these theologians it is not that under certain circumstances a Christian is permitted to participate in warfare (or policing), but that under certain circumstances Christian love and duty require it.

Given the strong stand Alexis-Baker takes against Christian participation in policing, it is rather startling that his criteria for determining when Christians may call on another to do policing on their behalf are not

substantially different from those relied on by the just warriors who are prepared to do the dirty work themselves. At this point, I suggest, heirs of the Anabaptist peace tradition ought to push the just warriors and their theology a little harder. The question of “what does Christian love require” has been the locus of debate for just war theologians from the start, yet the just warriors, grounding their position in love of neighbor, have nevertheless failed to explain how or whether this love includes love of enemy. Do they assume that to love the victim of violence it is necessary to dispense with love of the aggressor, or would they argue that love of the aggressor may somehow be encompassed within violent defence against aggression?<sup>17</sup>

### **Policing the Church**

What would result if peace churches were to suspend judgment on the institutions of human security, as abstracted from society, while insisting to Christians participating in those institutions that love of neighbor may not be severed from love of enemy (i.e., love of an aggressor)? Would that principle make it practically impossible for a Mennonite to continue serving in a particular police force? Perhaps, but the approach I am advocating requires, before reaching that conclusion, that we consider how a Christian’s particular actions in response to the demands of his or her profession flow from or go against the essential demands of faith. For the martyr soldier, the test case was the wearing of a laurel wreath. For the Mennonite police officer, who believes he is called to love of enemy, the test case may be strapping on a gun, or using it, or maybe responding to an order to immobilize and then deliver a prisoner to jail. In each instance, whether love of enemy can be expressed or has been expressed is a question to be faced by the officer and the church, with due regard to all the circumstances of the event.

Clearly, in Mennonite circles the basic intuition will be that one cannot love an enemy while simultaneously committing an act of violence against him. However, that intuition should be tested in the crucible of concrete events and human interactions, and not permitted to foreclose debate. My suggestion is that judgments in this regard should be built on a record of actual events and particular professional duties. Given that such a record does not appear to have been developed and analyzed by Mennonite churches, it may be that as a provisional measure they ought to continue

to discourage enlistment in military or police institutions, while engaging Christians already enlisted in a process of casuistic analysis and judgment as advocated here, with a view to developing moral resources and analytical methods to permit those Christians to more confidently identify where the lines should be drawn.

That being said, does the Mennonite church have the institutional capacity to sustain a case-specific method? For Mennonite police officers (or lawyers, Members of Parliament, et al.) to receive guidance on the issues at stake, even and perhaps especially if the casuistic approach is applied, requires an identifiable authority within the church to which they can address the question and receive a credible reply. But in the contemporary North American Mennonite context, this is not the way it seems to be done. I am not aware that Mennonite pastors are regularly called upon to make the fine judgments that would be required,<sup>18</sup> and even if they were to provide such direction, no structures are in place to record the outcome and reasons of such counsel in the interest of accountability and consistency within the community. Counsel provided in one congregation could deviate widely from that delivered in another, and I am not aware of any Mennonite institution authorized to resolve such contradictions.<sup>19</sup>

I am firmly convinced vocational screens to membership of the sort advocated by Alexis-Baker are inconsistent with the church's pastoral responsibilities. Nevertheless, I am unconvinced that North American Mennonite churches presently have the pastoral and juridical structures for providing constructive moral guidance to congregations that are swiftly being assimilated into every aspect of the broader society.

## **Conclusion**

So, what shall we do? Contemporary Mennonites, comfortably assimilating into an individualistic North American culture, may need first to revisit the concept of church authority and consider whether we ought to more intentionally embody that principle within the institutional manifestations of our churches. The collection of articles in this CGR issue are stimulating and hopefully useful to readers (and certainly to me), but does this amount to anything more than a hollow and atomized conception of discipleship? How shall "we" speak to each other as members of one body? This paper

does not venture to answer that question, but assuming our churches find such a voice, what should be said to members who are police?

At this juncture, I can suggest only words of caution. If love of enemy is to be central, an institution whose functions and practices manifestly go against this injunction will quickly place Christians in the position of Tertullian's soldier. The counsel of pragmatism, therefore, is not to enlist. The point, however, is that such counsel is pragmatic – and provisional. Institutions may change. The practices of one police force may weigh against participation; of another, less so. Further, such counsel does not speak to the concrete acts and events comprising the actual material of ethical judgment. This is why for those “already preoccupied” with service such advice is not a condemnation but a warning that the moral wear and tear of constant equivocation may be their lot. And so it may be with any of us, where the mundane events and demands of any human occupation can in a moment be transformed into a test of faith and the word of judgment, for “there is one gospel and the same Jesus,” and for him “the faithful citizen is a soldier, just as the faithful soldier is a citizen.”

## Notes

<sup>1</sup> The question that forms this paper's title, and my framing of it in the opening paragraph as a formulation of the ethical problem, is from Karl Barth, *Ethics*, ed. Dietrich Braun, trans. Geoffrey W. Bromiley (New York: The Seabury Press, 1981), 67-73. Barth's focus on the concrete ethical event in developing the concept of command ethics, so called, has an affinity to the casuistic approach to ethical analysis developed later in this paper.

<sup>2</sup> Andy Alexis-Baker, “The Gospel or the Glock? Mennonites and the Police,” *CGR* (Spring 2007): 23.

<sup>3</sup> Tertullianus, Quintus Septimius, “The Chaplet, or *De Corona*,” in vol. 3 of *Ante-Nicene Fathers*, ed. Alexander Roberst and James Donaldson, American Edition (Peabody: Hendrickson Publishers, Inc., fourth printing, 2004): 93.

<sup>4</sup> Alexis-Baker, 40.

<sup>5</sup> Tertullian implies there were other Christians in the service (93), and considers it necessary to argue that Christians may not serve in the military – a clear indication that members in his church did not agree with him (94).

<sup>6</sup> Tertullian, 99.

<sup>7</sup> Tertullian's critique was met within the church that came after him by what is occasionally referred to as Constantinianism. As the Empire became formally Christian, those institutions of military life considered most blatantly idolatrous were changed. Concerns about the place

of violence in military service were addressed by careful theologizing and the development of rules of warfare and retributive violence less offensive to Christian sensibilities. Violence could be contemplated, if used as a last resort, and in the interest of maintaining human security, especially for the vulnerable. Alexis-Baker may face a similar response. If one is troubled by the police oath of loyalty, perhaps a modified oath reframed as affirmation of civic duty may suffice. [See Morley Lymburner, “Police and the Oath of Office” in this issue. – Ed.] If one is concerned by illegitimate police violence, perhaps an institution to police the police may be introduced. If the militaristic language of policing offends the ears, perhaps we should train the police to use different language. The question of authorized violence may be addressed by a clear set of rules to permit use of lethal force only as a last resort to defend the victims of aggression – if such reforms are effected, why should Mennonites not serve as peace officers? In fact, perhaps Mennonite churches have a duty to affirm such service.

<sup>8</sup> Tertullian, 100.

<sup>9</sup> Luke 3:14, Matt. 8:5-13, Acts 10:1-33.

<sup>10</sup> Tertullianus, Quintus Septimius, “The Military Chaplet,” trans. and ed. Oliver O’Donovan and Joan Lockwood O’Donovan, in *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought 100-1065* (Cambridge: Eerdmans, 1999), 27. Only an extract of “The Military Chaplet” is included in this translation. I have relied on it because of its plainer and more contemporary English.

<sup>11</sup> Ibid., 27.

<sup>12</sup> See Werner Stark, “Casuistry” in *The Dictionary of the History of Ideas*, ed. Philip P. Wiener (New York: Charles Scribner’s Sons, 1973-74), <http://historyofideas.org/DicHist/dict.html>, (accessed June 16, 2008) for further discussion of casuistic reasoning.

<sup>13</sup> Martin Luther, *Temporal Authority: To What Extent it Should Be Obeyed*, trans. J.J. Schindel, rev. W.I. Brandt, *Luther’s Works*, vol. 45 (Philadelphia: Fortress Press) as in *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought 100-1065*, 588-89; Thomas Aquinas, *The Summa Theologica* (Benziger Bros. edition, 1947) Part II, Question 40, Reply to Objection 1.

<sup>14</sup> Alexis-Baker, 36.

<sup>15</sup> Ibid., 37.

<sup>16</sup> Oliver O’Donovan, *The Just War Revisited* (Cambridge: Cambridge Univ. Press, 2003), 9, referencing Augustine and Aquinas. Paul Ramsey, *The Just War: Force and Political Responsibility* (New York: Charles Scribner’s Sons, 1968), 142-43. Thanks are due to Dr. Paul Doerksen for drawing my attention to these scholars and their grounding of the just war tradition in love.

<sup>17</sup> Augustine sidesteps this question by suggesting that the soldier who does the killing has not breached the command to love, because he is essentially an agent of the law (an instance of vocational ethics?). Even if one accepts that the action does not belong to the soldier, still unanswered is the question of how that soldier is to love his enemy. See Augustine, “On Free Choice of the Will” in *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought 100-1065*, 113. Hugo Grotius, a Renaissance lawyer and an expositor of the just war, suggests that “just as Jesus had stated that it would be better (i.e., not so bad) for some if they had never been born, so it is better (i.e., not so bad) for incurable characters that they

should die rather than live on, when it is certain that the longer they live the worse they will turn out.” Is this a case of love for the incurable justifying their execution? Hugo Grotius, *The Right of War and Peace*, trans. Oliver O’Donovan and Joan Lockwood O’Donovan, in *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought 100-1065*, 807.

<sup>18</sup> Such resources are available in Catholic communities, where the institution of confession and the juridical function of bishops are available to church members, in the tradition of rabbinical legal interpretation in Judaism, and in Islam, where the identity of theologian and lawyer are often blended.

<sup>19</sup> What would it mean if Waterloo North Mennonite Church determines I may not practise law, but Erb Street Mennonite Church says I may? A transfer of membership, I expect.

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# **Law and its Enforcement: A Substitute for Violence A Response to “The Gospel or a Glock?”**

*Lowell Ewert*

## **Introduction**

It is with great trepidation that I write this response to the article by Andy Alexis-Baker in the Spring 2007 *CGR*, “The Gospel or a Glock? Mennonites and the Police.” Although the article was thoughtfully written, in my opinion it leads straight to creating the kind of world that Thomas Hobbes acknowledged as being “nasty, brutish and short,”<sup>1</sup> the brunt of whose impact always falls disproportionately on the poor and marginalized. The article also simultaneously reinforces the dominant position of the privileged and makes social justice more difficult to attain.

My fear in wading into this discussion is directly related to how the debate is often framed. One who critically examines aspects of traditional Mennonite peace theology is often dismissed as favoring just war, rejecting pacifism, undermining historic peace church principles, or providing justification for class discrimination, killing, or brutality under cover of law. The theological, sentimental, and emotional context of this discussion can leave little room for genuine critical analysis. It was striking to me how easy it is, even as evidenced in compiling material for this *CGR* issue, for perspectives to be pigeon-holed as “pro” or “anti” a particular point of view.

My sense is that concepts of law, peace, and policing cannot be comfortably relegated to simplistic categorization as pro-pacifist or anti-pacifist, pro-police or anti-police, pro-peace or anti-peace. This is not a question of “either/or.” Rather, it is a question that is extraordinarily difficult to unpack. It is enmeshed, intertwined, and embedded with contradictions, and at the same time enormously complex and maddeningly simple. Context impacts everything. There is no “one size fits all” model of analysis that can encompass all the different nuances of culture, politics, and custom inherent in this question. Making sense of the puzzle would be a fun and exciting



academic exercise, were there not so many potentially horrific consequences of our actions. Our responses can and will impact the lives of people in New York and Toronto, Darfur and Palestine, as we attempt to shine a light on the pathway to peace.

This article is based on four overarching assumptions that I believe are well-rooted in the experience of humankind: (1) Law by itself can never result in creating a kind of peace equivalent to the Kingdom of God on earth, and it would be utter folly to assume it can do so. (2) Despite the shortcomings of law, without good law peace will not be possible in a diverse society. Law is an essential – but insufficient in itself – ingredient for peace. (3) Theological principles are also insufficient by themselves to form the basis for peoples of different religious traditions and political systems to live together in peace. Without universal agreement as to which theological principles should predominate in establishing ground rules for guiding international or intergroup interactions, there is no basis for agreeing how diversity can be mediated. (4) Lastly, it is urgent to better understand the synergy that can and should exist between law (institutions, structures, and enforcement) and peace theology. I am reminded that Jesus stated that the law or prophets were not under threat from him: “I have come not to abolish them but to fulfill them” (Matt. 5:17). To me, this admonition is a reminder that both law and faith are necessary even though there will always be tension between them. Because law and peace theology need each other to create a more just world, the “pro” and “anti” rhetoric that often poisons the discussion is unhelpful in advancing the cause of peace and makes peace less likely to be achieved.

### **Categorizations and Accurate Analysis**

Several aspects of Alexis-Baker’s article fall into a “pro” and “anti” categorization that distorts an accurate analysis of the role of law and its enforcement in relation to peace. First is the claim that entities such as the Central Intelligence Agency and Canadian Security Intelligence Service are police agencies.<sup>2</sup> The mandates of the CIA (to provide intelligence to policy makers)<sup>3</sup> and CSIS (“to investigate and report on threats” and “provide advice to the Government of Canada”)<sup>4</sup> are aimed at a political agenda, not a policing one. Equating CIA and CSIS operatives functioning on behalf of

political masters to police officers sworn to uphold law is disingenuous. It creates a false sense of horror about who police are and what they do that is neither accurate nor helpful. Serving law or serving political masters are profoundly different matters, and the distinction is important. While there are good reasons to cautiously approach the topic of policing, the CIA and CSIS analogy is not one of them.

Second, blurring the distinction between intelligence-gathering and police agencies allows us to reflexively gloss over the lion's share of police work. The vast majority of that work, some 80 percent according to those I have spoken with, has to do with social work and crisis management, responses that one would assume peace churches would highly value. When a person is in danger of committing suicide, it is often the police who respond first to the 911 call. When a disoriented person is found in a park, or someone is unconscious on the sidewalk, it is the police who usually respond to assess what steps should be taken to assist those who cannot speak for themselves. When neighbors are in a dispute that threatens to escalate, it is often police who intervene to mediate. Accidents, fires, lightning strikes, floods, hurricanes, tornados, severe snowstorms, and earthquakes all often precipitate the direct and substantial involvement of the police.

Alexis-Baker's article would have been strengthened if it had acknowledged the role that most police, most of the time, play in the US and Canada in supporting, upholding, and complementing the core values upon which a decent and democratic society is based. Is it really an affront to Anabaptist theology for there to exist a profession charged with tasks such as putting up a barricade to prevent unsuspecting motorists from driving a car off the end of a bridge that has collapsed? Restraining someone, when no one else will, who is a threat to himself and taking him to the psychiatric ward? Impeding traffic so that an accident victim can be taken safely to the hospital? Warning residents of an impending natural or human disaster?

I am not suggesting that there are not abuses of police authority or that we should blindly approve everything done in the name of policing. Because of the tremendous power that police wield in society, I am all for subjecting them and their actions to public accountability, scrutiny, and limits. Unrestrained power often results in abuse, no matter who exercises it. But let us also be careful to critique policing for the totality of what it is,

and not conveniently side-step and ignore the majority of police work.

Third, Alexis-Baker's enumeration of police agencies is incomplete and too narrow.<sup>5</sup> While there indeed are "local, county, state, provincial, federal and even international" police, there are many more "police" who enforce law and other standards. With nearly every stroke of the pencil, accountants enforce criminal, civil, employment, and tax law. With nearly every visit, social workers visiting troubled families or parolees enforce laws related to social service policies. With nearly every encounter with employees, human resource managers enforce employment law. How do we view the lawyers who write contracts, wills, or other agreements on behalf of clients that ensure law is followed? And what role do I assume when I call an end to cheating in my classroom by enforcing university guidelines? What do we do with the myriad law enforcers who are essential to create a peaceful civil society that guards the rights of all irrespective of their power or wealth, but who took no oath and carry no gun? Coercive "policing" happens at multiple levels of societal organization by some who carry a gun but mostly by those who don't.

If Mennonites would indeed "ban police occupations for all current and potential members"<sup>6</sup> as Alexis-Baker suggests, membership in many churches might be quite lonely. Too many of us have responsibility for enforcing some of society's laws for much community to remain in the pews. The correct question is not whether police should or should not be allowed in church, but rather how law and its enforcement can be carried out in a democratic society in a manner consistent with peace and Anabaptist theology. How are those in all "policing" professions being faithful? The approach Alexis-Baker takes is letting too many people off the hook too easily. The question should be addressed not only to a small group who wear a badge and a uniform and carry a gun, but to many others as well.

Fourth, Alexis-Baker's claim that killing is unregulated during times of war is simply not true.<sup>7</sup> The conduct of war has come under increasing regulation, especially since the end of World War II. The Geneva Conventions and Protocol Additional Thereto<sup>8</sup> establish limits as to who can be killed, how they can be killed, and when they can be killed. The concept of "total war" is not accepted as legitimate political discourse by any nation today, and I find it odd that a peace activist claims there is a level of impunity

that even warlords do not claim. Articles 5–8 of the International Criminal Court, which enumerate crimes over which the court has jurisdiction, lists war crimes, genocide, and crimes against humanity.<sup>9</sup> These Articles reaffirm that killing during times of armed conflict is not unregulated.

The usual North American critique of the value of international law often references US actions as proving that realpolitik is based on raw power. The US does what it wants because it has the power to do so, goes this line of thinking, which concludes that international law is impotent and generally useless. Yet, as has been seen time and time again, even those most responsible for reprehensible US actions that violate human rights are aware of the limits imposed by law and are careful to wrap their actions in the cloak of legality. One need only look at the legal contortions that John Yoo, Deputy Assistant Attorney General, Department of Justice, Office of Legal Counsel, went through to approve coercive interrogation techniques, to realize he clearly understood the importance of being “legal.”<sup>10</sup> Mike Scheuer, credited with creating the repulsive rendition program, has been even more blunt: “I’m perfectly happy to do anything to defend the United States, so long as the lawyers sign off on it.”<sup>11</sup> Law has power. Even the hypocrites admit it.

The CIA too has recognized the need to be lawful when it stated that its purpose “in requesting advice from the OLC [Office of Legal Counsel, US Department of Justice] was the very likely prospect of criminal, civil, or administrative litigation against the CIA and CIA personnel who participate in the Program [referring to harsh interrogation tactics].”<sup>12</sup> This is not a recent concern of the US. According to people I have spoken with, military lawyers during the first Gulf War reportedly reviewed every air sortie before it was launched to ensure it would adhere to the laws of war.

Here I must add a disclaimer, as often in a discussion about the relationship of law to war I am accused of excusing war as long as the warriors follow the rules. On the contrary, war is an affront to every value I hold dear. However, this does not mean we should not be grateful that the laws of war have resulted in less killing and destruction. We need to recognize that law, even during times of war, has made a profound difference for millions of people. War is often fought with more deference to civilian protection because of the laws of war. This is especially important today, because the

lethality of war-making has so dramatically increased in comparison to 50 years ago. Although the technology exists to wipe out civilian populations in the blink of an eye, the legal restraints on war-making prohibit this kind of action from being considered legitimate. While this is a good step, it is not nearly a sufficient one. We need to be honest in critiquing the laws or armed conflict, keep working to strengthen the rules aimed at protecting the innocent impacted by war, and continue struggling to eliminate war altogether. There is no contradiction in doing all of these things.

Fifth, I take issue with Alexis-Baker's assertion that "international law has dull teeth,"<sup>13</sup> a perspective that seems to underlie his approach to international affairs. While he is correct that the UN and international law have been unable to prevent all conflicts, much of international law functions most of the time without violence. While it is probably impossible to measure the peaceful effectiveness of international law, I would estimate that over 99 percent of such law is followed without resort to violence. That we can communicate by e-mail, use a computer, fly in an airplane, tell time, take a Tylenol for a headache, have access to electricity, eat grapefruit for breakfast, buy Honey Nut Cheerios in Canada that are made in the US, have this issue of *CGR* printed and mailed out to subscribers, and deliver food to starving refugees in Darfur, are all significantly impacted by international law.

My students and I have estimated that probably over 100 different international laws are represented in the humble cup of coffee purchased at our local Tim Horton's coffee shop. Despite obvious shortcomings, the impact of international law on peace is extraordinary. Rules replace the need for brute power and force in the vast majority of international interactions. The world is a more peaceful place because of law.

### **Just Laws, Justly Applied**

Now here comes the hard part. An advocate for law in general and international law in particular is often dismissed as being in favor of the status quo, and willing to naively accept the misery of the poor and other marginalized victims of our global society as an acceptable cost in exchange for peace and security for the wealthy elite and those fortunate to live in the global North. However, the opposite is true. It is precisely because of

concern for the vulnerable that we should care about law. Without just laws (international or domestic) justly applied, the poor and marginalized have virtually no chance. In a world based on who is most powerful, the weak will always lose out. In my view, when peace activists denigrate law, they are effectively condemning the “least of these” to a continued life of misery.

When just laws are justly applied, the poor and marginalized at least have a chance at a better life. Law at a minimum can add some balance and limit the discretion of the dominant and powerful, even in times of war. Law becomes a substitute for brute force and violence, and reduces the need to rely on using raw power to be heard. Additionally, just laws justly applied give others the opportunity to work for the creation of a more humane world. Even though just law alone will never solve all the world’s problems, it does not stop persons of conscience from banding together to try to do so in thousands of creative ways. Examples of this creativity, which has shown itself effective in exploiting the space law gives to engage in Kingdom work, are evident in other articles in this issue of CGR.

I believe it is essential for persons of faith, conscience, and peace not to excommunicate the law enforcers in our midst but to continue to dialogue with all of them. Peace activists have much to learn from the police, lawyers, accountants, human resource and social workers, and others who apply and enforce law. These occupations are a part of the structure of society whose aim is to reduce the prevalence of violence. People in these occupations can also gain much from what the peace community has learned about how society can be structured so that peace with justice is more likely. Finally, let us not forget to dialogue with those who have experienced the abuse of law and the absence of law. These victims of law can provide a valuable perspective and present a corrective that will challenge almost all of us to move out of our comfort zone.

## Notes

<sup>1</sup> Thomas Hobbes, *Leviathan*. “Whatsoever therefore is consequent to a time of war, where every man is enemy to every man, the same consequent to the time wherein men live without other security than what their own strength and their own invention shall furnish them withal. In such condition there is no place for industry, because the fruit thereof is uncertain: and

consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.”

<sup>2</sup> Andy Alexis-Baker, “The Gospel or a Glock? Mennonites and the Police,” *CGR* (Spring 2007): 26.

<sup>3</sup> “The Central Intelligence Agency (CIA) is an independent US Government agency responsible for providing national security intelligence to senior US policymakers.” Taken from the CIA website, <https://www.cia.gov/>, accessed September 7, 2007.

<sup>4</sup> The Canadian Security Intelligence Service (CSIS) describes itself as playing “a leading role in protecting the national security interests of Canada by investigating and reporting on threats to the security of Canada. Guided by the rule of law and the protection of human rights, CSIS works within Canada’s integrated national security framework to provide advice to the Government of Canada on these threats.” Taken from the CSIS website, <http://www.csis-scrs.gc.ca/en/index.asp>, accessed September 7, 2007.

<sup>5</sup> Alexis-Baker, “The Gospel or a Glock?” 26.

<sup>6</sup> *Ibid.*, 40.

<sup>7</sup> *Ibid.*, 27.

<sup>8</sup> See *The Geneva Conventions of 12 August 1949* and *Protocol Additional to the Geneva Conventions of 12 August 1949*, published by the International Committee of the Red Cross, Geneva, Switzerland.

<sup>9</sup> Rome Statute of the International Criminal Court, Articles 5 – 8, accessed at [http://www.icc-cpi.int/library/about/officialjournal/Rome\\_Statute\\_English.pdf](http://www.icc-cpi.int/library/about/officialjournal/Rome_Statute_English.pdf) on April 29, 2008. The Statute entered into force on July 1, 2002.

<sup>10</sup> See Mark Danner, *Torture and Truth: America, Abu Ghraib, and the War on Terror* (New York: New York Review Books, 2004), a compilation of US government memos, letters, legal briefs, and other reports defining torture and its legality.

<sup>11</sup> “Extraordinary-rendition procedure unreliable, says CIA vet who created it.” *The Globe and Mail*, Monday, April 14, 2008, A7.

<sup>12</sup> “CIA Foresaw Interrogation Issues,” *Washington Post*, Thursday, April 24, 2008, A16.

<sup>13</sup> Alexis-Baker, “The Gospel or a Glock?” 33.

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# **Power, the Powers, and Policing**

## **A Response to “The Gospel or a Glock?”**

*Keith Regehr*

### **Introduction**

In “The Gospel or a Glock: Mennonites and the Police,”<sup>1</sup> Andy Alexis-Baker responds to recent Mennonite writing regarding the policing function, arguing that Mennonites ought have nothing to do with participation in police forces. The argument is grounded partly on a particular view of the police as one of the “principalities and powers.” Alexis-Baker makes two comments that interpret policing in these terms, one indirectly and the other directly. Suggesting that neither one-kingdom nor two-kingdom theology provides adequate ground for understanding the nature of policing and the relation of the Christian to it, he states:

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. It has no special place in God’s plan.<sup>2</sup>

The consequences of this assertion are revealed in the article’s last paragraph. Arguing that Mennonite churches should ban policing for their members, the author says:

Keeping a skeptical distance from this principality and power would strengthen our ability to discern when it is justifiable to call upon the police.... [O]nly God is wise enough to subvert [police violence], 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).<sup>3</sup>

While there is much to question in these few sentences, not least Alexis-Baker’s low view of the church, my discussion focuses on the view



of the powers underlying his argument. The argument has the following chiasitic form:

- The powers are a human creation
- Some of the powers are demonic and outside human control
- The Christian must remain separate and eschew participation in the demonic powers and thus must not participate in the policing function
- The police are one of the demonic powers, and as such are outside human control
- The police are a human creation and are one of the powers.

By relying on this view of the powers, Alexis-Baker falls into a dualism of the very kind he argues against: Christians may, presumably, be involved with institutions that are not demonic powers,<sup>4</sup> but they must ‘come out from among’ the demonic powers. This dualism lends itself to the quietism and conservatism that he blames on two-kingdom theology.<sup>5</sup> Once having left the demonic powers in God’s hands, the Christian is free to ignore them and live within the safety of the separated community, which is not itself a demonic power. However, a more nuanced and biblically sound understanding of the powers can provide resources for determining how we are to engage the powers and what it means for a Christian to be involved in the policing function.

### **The Powers in New Testament Thought**

The New Testament language of the powers is varied, imprecise, and fluid,<sup>6</sup> as seen in the wide range of words and concepts used to describe them, in what John Howard Yoder describes as “stimulating confusion.”<sup>7</sup> As Yoder notes, Paul shifts between political, cosmological, and religious language in ways that are sometimes parallel and sometimes not.<sup>8</sup> Given this varied language, it is not surprising that interpreting the powers is contested territory. Interpretations range from Wesley Carr’s denial that the NT evidences an understanding of extra-human forces of evil,<sup>9</sup> through Walter Wink’s conviction that language of the powers as the “interiority” of institutions pervades the NT,<sup>10</sup> to Clinton Arnold’s assertion that such

structural interpretations deny spiritual reality while misconstruing institutions as inherently evil.<sup>11</sup>

What, then, can be said about the powers? They are both material and spiritual. The writer to the Ephesians, for example, means to include “all the powers, human, supra- and sub-human, the height and depth, width and breadth of opposition to God.”<sup>12</sup> The distinction between spiritual powers and those described politically would be incomprehensible to that writer, who “would not have seen these as alternative categories, but as diverse manifestations of a seamless web of reality hostile to God.”<sup>13</sup> As Jacques Ellul frames the point:

[T]he state is an *exousia*. There is in it a plus that has to be taken into account [....] But when all is said, we perceive a residue, a kind of impregnable core, an inexplicable hardness. [...] Beyond factors that may be understood or analyzed, not everything can be accounted for, as in the case of the soul that the scalpel cannot find no matter how close the analysis. The residue is a spiritual power, an *exousia*, that inhabits the body of the state.<sup>14</sup>

The NT affirms that the powers are created beings, in the same way that humans are created, and were intended to play a positive role within creation. The writer to the Colossians asserts of Christ: “He is the image of the invisible God, the firstborn of all creation; for in him all things in heaven and on earth were created, things visible and invisible, whether thrones or dominions or rulers or powers – all things have been created through him and for him. He himself is before all things, and in him all things hold together” (Col. 1:15-17, NRSV). Yoder translates the final clause “in him everything ‘systematizes’,” and asserts that this systematizing is a divine gift.<sup>15</sup> This ordering of existence is necessary for society to function and is thus an essential aspect of God’s good creation. Although the powers have rebelled against God, a simple dualism regarding them is impossible. The powers “are still, despite themselves, inseparably bonded to the principle of rationality and cohesiveness in the universe.”<sup>16</sup>

The NT is unequivocal that the powers are fallen. Thus, the writer to the Ephesians exhorts readers to take on the whole armor of God, “[f]or our struggle is not against enemies of blood and flesh, but against the rulers,

against the authorities, against the cosmic powers of this present darkness, against the spiritual forces of evil in the heavenly places” (Eph 6:12, NRSV). The powers have sought independence from Christ, for whom and in whom they were created, and have instead become beholden to, and sources of, death. Rather than mediating God’s saving purposes, they stand between humans and God, seeking to keep humans outside the love of God, enslaving humanity: “The structures which were supposed to be our servants have become our masters and our guardians.”<sup>17</sup>

The powers are ubiquitous. William Stringfellow offers this enumeration:

The very array of names and titles in biblical usage for the principalities and powers is some indication of the scope and significance of the subject for human beings. And if some of these seem quaint, transposed into contemporary language they lose quaintness and the principalities and powers become recognizable and all too familiar: they include all institutions, all ideologies, all images, all movements, all causes, all corporations, all bureaucracies, all traditions, all methods and routines, all conglomerates, all races, all nations, all idols. Thus, the Pentagon or Ford Motor Company or Harvard University [...] or the Olympics or the Methodist Church or the Teamsters Union are all principalities. So are capitalism, Maoism, humanism, Mormonism, astrology, the Puritan work ethic, science and scientism, white supremacy, patriotism plus many, many more – sports, sex, any profession or discipline, technology, money, the family – beyond any prospect of full enumeration. The principalities and powers are legion.<sup>18</sup>

To this list could be added *The Conrad Grebel Review*, the student body at AMBS, Mennonite Church Canada, Mennonite Church USA, and two-kingdom theology. This ubiquity means the powers cannot be escaped. They shape every aspect of human life, as almost everything that humans do connects in some way to those that provide ordering for society.

The powers have been defeated and are being redeemed: “He disarmed the rulers and authorities and made a public example of them, triumphing over them in it” (Col. 2:15, NRSV). Yet at the same time Ephesians, by

calling the church to put on the armor of God and to enter the fray of divine combat, affirms that the battle is not yet finished. God's lordship, while not questioned, is not yet fully established; the powers are not yet vanquished.<sup>19</sup> However, the defeat of the powers (whether present or future) does not lead to their destruction. Rather, in their defeat the powers will be returned to their proper function. No longer standing between humans and God, they will serve God's creative purposes by playing their proper ordering function for society.<sup>20</sup>

Again, the danger is to fall into a simple dualism: the powers as we experience them in the midst of the fall may appear as unremittably evil; only after the final consummation, in the new heaven and the new earth, will they return to their ordering role and give up their idolatry. For Yoder, however, this dualism is inadequate. Even in their fallen state the powers have not fully abandoned their proper function: "[T]he working of the Powers is not something limitlessly evil. The Powers, despite their fallenness, continue to exercise an ordering function. Even tyranny (which according to Rom. 13:1 is to be accounted among the powers) is still better than chaos and we should be subject to it."<sup>21</sup>

### **Living among the Powers in the Age of Not Yet**

Alexis-Baker evinces a yearning for a separated community living at peace with itself, retaining its purity by non-involvement with the powers. This yearning is a false hope, for the separated community as church is itself a principality and power, and never more so than when it exercises the ban. Similarly, both the seminary of which Alexis-Baker is a graduate and its student body are also principalities and powers. The student response to "Peter," described as an example of a peaceful action in contrast to a policing function, can also be described as an action to protect the community and to maintain order – the very function the powers were created to fulfill. Whether the action was life-giving, as intended for the powers in their creation, or beholden to the power of death remains an open question. What is not an open question is that the student body, as a principality and power, is itself fallen, and thus in its behavior both seeks to fulfill its God-given function and cannot avoid the taint of death in cutting off its relationship with Peter.

Michel Foucault, particularly in *Discipline and Punish*,<sup>22</sup> articulates a view of power that aids in our understanding the workings of the powers

and their ubiquity. At the heart of his description is a turn away from seeing power as something possessed by the sovereign subject, something that has a center and that oppresses. Foucault sees power as something that is creative, produces reality and knowledge, disciplines, and ultimately produces the individual, but has no headquarters. This power resides neither in individuals nor in institutions, but in “capillary existence,” where it is produced in the network of relations.<sup>23</sup> Power is not limited to those social structures normally seen as possessing it. While Foucault addresses issues of criminal law, policing, and incarceration, he does not privilege these functions with regard to the operation of power but sees them as cases where the operation of power relations may be most visible. He traces the history of power through such historical avenues as the development of the pastorate and confessional in medieval Europe<sup>24</sup> and the techniques of controlling epidemics like plague in the Middle Ages and smallpox in the 18th century.<sup>25</sup> In each case power operates through mechanisms of observation, collecting of information, and shaping expectations of behavior.

If I read Alexis-Baker correctly, he is arguing that the police are different from other representatives of the powers, and that their use of power is different from the way other professionals exercise it. Yet if I am correct about the ubiquity of the powers, and if, as Foucault argues, power is dispersed through the network of social relations, then such privileging of the police does not adequately address either the functioning of the powers or the way power operates.

There is thus no reason in principle that being a police officer places one in a different relationship to power/the powers than being a lawyer, an engineer, a doctor, a mediator, a teacher, a pastor, a government statistician, or a theologian. The law, education, the church, theology, and health care are all powers necessary to the ordering of society. The professions participate in the networks of relations within which these powers are embedded. These networks of power relations create both the professional and the professional’s place in the networks. Each person, in practicing a profession, paying taxes, living in communities, accessing health care, or gathering information participates in the web of power relations, is being constituted as a citizen, and is beholden to the powers.

The task for Christians, then, is not departure from power/the powers,

as that is impossible, but discernment of how we participate in power/the powers and how we resist. This resistance is not that of those who either hold themselves apart from participation in the powers or are independent of the network of power relations that shape them. It is the resistance of those who, by virtue of being present within society, find themselves living within networks of power relations and participating in the powers. As we participate in and stand beside the powers, as we grant their ordering of society, there are ways to participate that leave us beholden to death and ways to participate that aid in holding death at bay.

There has long been a debate among Mennonites, in my own profession of law, about the appropriateness of Christian involvement with the profession. In its early stages this debate was no less difficult than the current discussion over policing. Thomas Shaffer, a law professor at the University of Notre Dame, and John Howard Yoder kept up a conversation around this issue. Parts of it are reproduced by Shaffer in *Moral Memoranda from John Howard Yoder*.<sup>26</sup> Yoder suggests that lawyering is not univocal; various tasks make it up (ranging from “writing wills and contracts so as to be easy to implement” to “postponing the implementation of environmental rules”)<sup>27</sup> but they are not all morally equivalent. Rather than ask whether a Christian is called to be a lawyer, he contends it is better to inquire into what things a lawyer does that a follower of Jesus is called to do.<sup>28</sup> Similarly, I would argue that policing is not univocal: reducing the tension in a domestic dispute so that the parties can get assistance with their relationship is not morally equivalent to a SWAT team battering down a door with weapons drawn. The question is not whether a Christian may be a police officer, but whether there are things police officers do that followers of Jesus are called to do.

This framing of the issue moves the conversation into a much more complex mode of ethical decision making, as it calls for discernment within the faith community as members wrestle together over their participation in the powers. Police officers and those considering a career in a police force will engage this conversation no more than any other person in the community whose life connects with the powers. Given the ubiquity of the powers, this means all members will have to participate in this discernment process regarding their work and life.

Both the discernment process and the outcome entail considerable risk. Complex ethical issues rarely lend themselves to clear affirmations or clear prohibitions. Rather, the outcome is more likely to point in a direction that entails contingency.

### **An Ethic of Risk**

Sharon Welch describes a mode of decision making that she designates as “an ethic of risk.” Rejecting a mode of decision making that denies the contingent nature of the world, Welch argues that an ethic of risk involves experimentation that makes choices, without knowing where they may lead, in the context of a supportive community.<sup>29</sup> By urging a ban on policing, Alexis-Baker in contrast avoids the riskiness of ethical discernment in a world of contingency.

This ethic of risk is the basis for the process of discerning the appropriate role for the Christian in policing. Rather than an a priori assumption about the appropriateness of a Christian becoming a police officer, an ethic of risk explores what it means to be both a follower of Jesus and a police officer. It will explore such issues as what roles are available within policing, how the Christian will fulfill the duties of a police officer, what forms of discretion are available to the officer, how that discretion might be exercised, and what the Christian officer will do both in and after situations where de-escalation does not work and the application of force is called for under police guidelines. The risk in this process of reflection and discernment is that the outcome cannot be known in advance. The risk affects both those who oppose, a priori, Christians becoming police officers and those who come to the discussion supporting that role for Christians. In addition, if church members do become police officers, this discernment process must be ongoing as new situations arise that call for further testing.

The proper place for this kind of discernment, this practicing of the ethic of risk, is the church. Rather than exercising the ban for participating in police occupations, the proper task is serious engagement in discerning the spirits so that all members are able to struggle with their involvement with the powers. This discernment process must engage the person involved in the policing role, together with congregational members able to contribute by virtue of either their familiarity with the role or their spiritual maturity.

Attention to Scripture, the theological tradition, and prayer, combined with a clear understanding of the police role will all be necessary. The primary conversation will focus on issues of call, what police officers do that a Christian is called to do, and how to address what they do that a Christian ought not do. The goal will not be a final answer on whether Christians may be police officers but a contingent answer on whether, and how, this particular Christian should be a police officer, and what forms of support and accountability this particular congregation will provide.

This form of ethical decision making in the congregational context avoids the dualism of a strict ban on policing. At the same time it takes seriously the church's role in ethical discernment, the nature of both church and policing as powers, and the contingent nature of ethical discernment for all Christians seeking to forge a life in the world that lives out Jesus' call to peaceful action.

## Notes

<sup>1</sup> Andy Alexis-Baker, "The Gospel or a Glock? Mennonites and the Police," *CGR* (Spring 2007): 23-49.

<sup>2</sup> Ibid., 35-36. Alexis-Baker footnotes this statement with references to John Howard Yoder, *Christian Witness to the State* and Jacques Ellul, *Si tu es le fils de Dieu: souffrances et tentations de Jesus* on the state as demonic. While both writers would accept Alexis-Baker's statement on the demonic nature of the state, neither would agree that the state as a power is of strictly human origin.

<sup>3</sup> Alexis-Baker, "The Gospel or a Glock?" 40.

<sup>4</sup> The argument is a little confusing. While Alexis-Baker asserts both the human creation and demonic character of the powers, it is not entirely clear whether in his view there are institutions that, while being human creations, are not demonic. The logic would seem to require this, since Christians are to "come out from among" the demonic powers, but Alexis-Baker clearly participates in institutions, such as AMBS and the publishing of scholarly journals.

<sup>5</sup> Alexis-Baker, "The Gospel or a Glock?" 34.

<sup>6</sup> Walter Wink, *Naming the Powers: The Language of Power in the New Testament*, The Powers, Vol. 1 (Philadelphia: Fortress Press, 1984), 9. See also Marva J. Dawn, *Powers, Weakness, and the Tabernacling of God* (Grand Rapids: Eerdmans, 2001), William Stringfellow, *An Ethic for Christians and Other Aliens in a Strange Land* (Waco: Word Books, 1973), and



David Toole, *Waiting for Godot in Sarajevo: Theological Reflections on Nihilism, Tragedy, and Apocalypse* (Boulder: Westview Press, 1998), 218.

<sup>7</sup> John Howard Yoder, *The Politics of Jesus: Vicit Agnus Noster*, 2nd ed. (Grand Rapids: Eerdmans, 1994), 137.

<sup>8</sup> Ibid.

<sup>9</sup> “[T]he notion of the mighty forces of evil ranged against man (sic) was not part of the earliest Christian understanding of the world and the gospel.” Wesley Carr, *Angels and Principalities: The background, meaning and development of the Pauline phrase hai archai kai hai exousiai* (Cambridge: Cambridge Univ. Press, 1981), 176.

<sup>10</sup> Wink, *Naming the Powers*, 105.

<sup>11</sup> Clinton E. Arnold, *Powers of Darkness: Principalities and Powers in Paul’s Letters* (Downers Grove: InterVarsity Press, 1992), 195. See also Gregory A. Boyd, *God at War: The Bible and Spiritual Conflict* (Downers Grove: InterVarsity Press, 1997), 276, who argues that the earthly “powers” are the tools of the “far more significant powers ‘in the heavenly places,’” meaning that “the earth has, quite literally, become a fierce war zone and a desecrated battlefield.”

<sup>12</sup> Thomas R. Yoder Neufeld, ‘*Put on the Armour of God*’: *The Divine Warrior from Isaiah to Ephesians* (Sheffield: Sheffield Academic Press, 1997), 123.

<sup>13</sup> Ibid., 124. Wink also speaks of the “seamless robe” of heaven and earth (*Naming the Powers*, 16), yet his argument tends to downplay the character of the powers as spiritual in favor of their character as inherent in social structures.

<sup>14</sup> Jacques Ellul, *The Subversion of Christianity*, trans. Geoffrey W. Bromiley (Grand Rapids: Eerdmans, 1986), 175. With his last sentence Ellul seems to grant more independent existence to the powers than Wink would.

<sup>15</sup> Yoder, *Politics of Jesus*, 141.

<sup>16</sup> Wink, *Naming the Powers*, 64.

<sup>17</sup> Yoder, *Politics of Jesus*, 141.

<sup>18</sup> Stringfellow, *An Ethic for Christians*, 78.

<sup>19</sup> See Yoder Neufeld, *Armour of God*, 126.

<sup>20</sup> Hendrik Berkhof, *Christ and the Powers*, trans. John Howard Yoder (Scottsdale: Herald Press, 1962), 41.

<sup>21</sup> Yoder, *Politics of Jesus*, 141.

<sup>22</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison*, 2nd ed., trans. Alan Sheridan (New York: Vintage Press, 1995).

<sup>23</sup> David Toole, *Waiting for Godot in Sarajevo*, 177.

<sup>24</sup> Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-78*, trans. Graham Burchill (New York: Palgrave MacMillan, 2007), 191 ff. I am grateful to Andy Alexis-Baker for introducing me to this collection of lectures, though I suspect he might use Foucault’s argument differently than I do.

<sup>25</sup> Ibid., 9 ff.

<sup>26</sup> Thomas Shaffer, *Moral Memoranda from John Howard Yoder: Conversations on Law,*

*Ethics, and the Church between a Mennonite Theologian and a Hoosier Lawyer* (Eugene, OR: Wipf and Stock Publishers, 2002).

<sup>27</sup> Ibid., 34.

<sup>28</sup> Ibid., 35.

<sup>29</sup> Sharon Welch, *A Feminist Ethic of Risk* (Minneapolis: Fortress Press, 1990).

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## **Ecclesiology and Policing: Who Calls the Shots?**

*Thomas R. Yoder Neufeld*

I offer these reflections in recognition of the defining nature of the issues that policing raises for Anabaptists, and with gratitude for being able to participate in this circle of discernment with persons who share a passion for justice, peace, and faithfulness to the church's mission.<sup>1</sup>

Andy Alexis-Baker's "The Gospel or a Glock? Mennonites and the Police" (*CGR* Spring 2007) focuses largely on participation in police forces that we encounter and call on in our local neighborhoods. But, as he points out, the issue of policing has been framed for a much larger context by, among others, the MCC Peace Theology Project.<sup>2</sup> To illustrate the timeliness of this wider horizon, the Responsibility to Protect ("R2P") "doctrine" that emerged in response to the catastrophe in Rwanda puts the issue of policing before Mennonites and others in the peace community in a most challenging way.<sup>3</sup>

While I value and deeply affirm Alexis-Baker's passion for the church's faithfulness regarding participation in policing, I take exception to his one-dimensionally negative characterization, even demonizing, of the police: "The police do not save us in the larger picture; they enslave us to demonic forces."<sup>4</sup> As demonstrated by participants in this *CGR* forum, there are police officers who take on what they know to be a potentially dangerous life as an act of self-sacrificial devotion to the well-being of their community. Alexis-Baker muddies his radical stance by applying a Just War ethical calculus to when Christians might call on the police. That said, he is correct in putting the faithfulness of the church front and center, and thus placing the issue of ecclesiology at the center of our discussion.

### **Ecclesiology and Congregational Life**

"Ecclesiology" refers to the doctrine of the church. Article 9 of the Confession of Faith in a Mennonite Perspective, 1995, refers to the church as a "new society," emphasizing both a distinct identity and a communal reality. As such, the church is nothing less than the "visible manifestation

of Jesus Christ,” in effect the ongoing incarnation of Christ, and therefore a participant in the Messianic mission in the world. Since the church is a community, being part of one body together means that members offer and receive counsel as befits those who are responsible for and accountable to each other.

Lofty and deeply challenging words, indeed – and unrealistic, many would say. Anabaptists are rightly suspicious of doctrines that are not lived doctrines, and thus move back and forth between poles of adjusting ecclesiology to practicalities and adjusting practice to high ecclesiology. Some are suspicious of one pole, some of the other. Alexis-Baker falls into the camp of those suspicious of watering down a demanding ecclesiology, and he rightly asks: “Do Mennonites currently have the necessary congregational life to form people able to make such discernments?” (40). He is referring in this instance to discerning when to call on police, but his question becomes all the more urgent when Christians participate in policing. Gerald Schlabach, building on John Howard Yoder’s insistence that involvement in the structures of society demands “the support and the discipline of congregational accountability groups,”<sup>5</sup> asks: “Is there still time to encourage the widespread development of congregational accountability groups for people in positions of governance (professional and corporate as well as civil and political)?”<sup>6</sup> We must find such time if we are to contemplate this direction in discipleship. I will thus place the limited focus of my reflections there.

Mennonite congregational life has undergone significant changes in recent decades. Broadly speaking, congregational life among Anabaptists in the not-too-distant past tended toward being insular, homogeneous, rural, inward-turned, and uninvolved in the structures of the state. Anabaptists were mostly theologically conservative, biblicistic, and “low-e” evangelical. While many Mennonites entered the military services during both World Wars, the prevailing church-sponsored stance was one of nonresistance, which meant refusal to bear arms in the service of the state, whether military or police. This stance was reflective of both identity as a people and a rather simple obedience to what was believed to be the clear teaching of Scripture. Today, Anabaptists and their congregations are culturally, ethnically, racially, linguistically and, even more so, theologically and ethically much

more diverse, ranging from Evangelical to liberal Protestant – with all kinds of “peace stances” (or lack thereof) along that spectrum. “Anabaptist” for many has become short-hand for activist peacemaking and nonviolence, and less for vibrant congregational life and passionate commitment to calling persons to faith in Christ.

The questions surrounding participation in policing are thus occasioned by two quite different factors. One factor is the presence of police and military in Anabaptist congregations, often as a result of evangelical witness and hospitality.<sup>7</sup> Whatever pastoral challenges this brings to congregations and the church at large, it should be seen as a gift of God and a potential sign of the church’s faithfulness to its calling to reach out beyond its familiar borders. The other factor is an extension of an activist peace stance that asks what it takes to secure “the peace of the city,” as illustrated by the MCC Peace Theology Project. It is not so much a pastoral response to how churches should deal with people engaged in the policing professions (broadly conceived), but a result of the shift in ethos from nonresistance to peace- and justice-making. The issues overlap, of course, as do the theological, ethical, and pastoral challenges. But they are not identical. One has police asking whether they are welcome as police in Anabaptist congregations. The other asks whether the church’s peace mission calls Anabaptists to engage in policing, and if so, on what grounds, with what orientation, and under what constraints. If the answer is yes, these two agendas will, of course, quickly merge into one.

Both contexts of discernment demand a robust ecclesiology. The problem is that “church” as context of reference, orientation, and locus of committed activity is increasingly optional. This has enormous importance for what Keith Regehr rightly calls an “ethic of risk,”<sup>8</sup> for which circles of reference, accountability, and support (congregations?) are essential. What kind of guidance and accountability should those already engaged in policing expect to receive in the church? Are sisters and brothers actually granted, and do they exercise, the capacity to nudge and call, or conversely to warn, caution, and even prohibit? More broadly, is the fabric of church life knit tightly enough to produce a missional identity as the body of Christ and to sustain its faithfulness as it moves beyond familiar cultural and ethical enclosures?

Two factors impinge on how these questions are answered. One has been the impact and success at mission and evangelism, which has helped to undo the old solidarities of ethnicity and ethos. This is God-given, even if it brings significant challenges, as it did in Tertullian's day.<sup>9</sup> If the only important thing is for individuals to experience a personal relationship with Christ, then the social dimensions (beyond personal ethics) of the church's witness often tend to get pushed into the background. This is frequently compounded by an individualism that sees subjecting professional choices and behavior to community discernment and counsel as encroachment. In the absence of even a rhetorical emphasis on peace and nonviolence, the individual believer is left without much guidance. To be sure, many in this segment of the Anabaptist family would have looked, and might still look, uneasily at involvement in the structures of the state. At the same time, the loss of a "peace stance" among the most evangelical of the Anabaptists attests to where the priorities have been placed and raises a cautionary flag about where this development can lead. There are, of course, many less evangelical Anabaptist congregations that are quite accepting of persons involved in the security organs of the state. In such instances this might have less to do with an evangelistic concern to be open to those confessing Christ than with a history of accommodation to society. In either case, the congregational glue presently available works better for loosing than for binding.

The other factor has quite different roots. I have in mind Anabaptists and Anabaptist congregations that have placed peace- and justice-making at the core of their self-identity.<sup>10</sup> Briefly put, this is a shift from being separate to being very much a part of the world, from being set apart and rural to being engaged and urban.<sup>11</sup> It also represents a shift in theology and mission from salvation-oriented conversionism to this-worldly society-transforming peace activism. Such pacifism quickly becomes wedded to instrumentality, to "changing the world" or "building the kingdom of God," and increasingly to the practical demands of social justice. It is not long before the demands of doing what it takes to "change the world" or just to render it "secure" raise the issue of policing. The question in such settings is not what do we do with and for the police or soldiers that the gospel brings into our congregations, but what do we do when consistent nonviolence might not

be enough to get the job done, as it were, whether in the local neighborhood or the global one.<sup>12</sup> My sense is that for such discernment and accountability the present congregational glue is no stronger than for the former.

### **Middle Axioms and Conscientious Participation**

One major contributor to this paradigm shift was John Howard Yoder, frequently cited by Alexis-Baker but also by Gerald Schlabach and others in this discernment process. Of particular importance is Yoder's *The Christian Witness to the State*.<sup>13</sup> Yoder deliberately positioned himself as an Anabaptist in ecumenical engagement, cajoling his fellow Mennonites to get into the world and his Protestant interlocutors to learn to be not of it. He employed the ethical category "middle axiom" in order to identify how the church of Jesus Christ, who is Lord over not only the church but a still rebellious world, can witness from that vantage point.<sup>14</sup> Middle axioms become a way to push "the world" as far as it will allow itself to be pushed in the direction of the full will of God, recognizing that what must be expected of the body of Christ might not be expected of the state. The body of Christ participates in this way in the reign of Christ in the world. Middle axioms are thus "rules of thumb to make meaningful the impact of Christian social thought"<sup>15</sup> and "mediate between the norms of faith and the situation conditioned by unbelief."<sup>16</sup>

Yoder refused to determine a priori how far society might be pushed or what kinds of professions Christians might be engaged in, including policing. While he resisted determining in advance where Christians might be called to live out their witness, he never doubted they must always be participants in the kingdom of Christ over a still rebellious creation. Instead of "conscientious objection," Yoder called for "conscientious participation."<sup>17</sup> The discussion we are having today about policing is hardly conceivable without Yoder's having opened the door to such participation.

In later writings, Yoder frequently referred to Jeremiah's letter to the exiles in Babylon to the effect that they were to "seek the shalom of the city where I have sent you into exile, and pray to the YHWH on its behalf, for in its shalom you will find your shalom" (29:7). "Seeking the shalom of the city" has rightly become a virtual byword among Anabaptists who have moved to the public square.<sup>18</sup> We have made our home in the "city," and we

see our calling there to seek that city's shalom. Few of us want to go back to the ancestral farm, speaking metaphorically.

Herein lies my restlessness, shared by my interlocutors, no doubt: Are we in danger of forgetting that the "city" Jeremiah refers to is the place of exile, and thus not the church's home? Are we in danger of forgetting that being the body of Christ is our first identity; that being the church is our first calling; that "the city" is at best where we are called to exercise our mission? As we become "participants," to use Yoder's word, are we in that sense fully "conscious" and not only "conscientious?" Surely Anabaptists, and more narrowly Mennonites, will always be "conscientious" in the sense of doing a good and thorough job – that usually commends us to the "municipal authorities," to speak metaphorically. We too have our Josephs, Daniels, Esthers, Corneliuses,<sup>19</sup> and Erastuses<sup>20</sup> who do well across the whole spectrum of state-related jobs and professions, and their number is growing. But how good are we in remaining "conscious" of our exilic status? Will we, and do we, remember not to bend the knee?

The diminishing of ecclesial consciousness is an issue among those in the Anabaptist community most devoted to peacemaking no less, if not more, than in other sectors of the church. We are increasingly at risk, in my observation, of making what Yoder called the "middle" into the center, and thus decentering the church to the periphery, not of "the world" but of our own thinking and practice as Anabaptists. I am neither at peace nor unafraid for what this might mean for engagement in policing.

Leaving the turbulence of the public square for quieter, presumably safer, places is to act in fear and unfaithfulness, and cannot be an option for the body of Christ. But neither can being engaged in the public square while forgetting it is the place of exile and allowing it to set the terms of engagement. Captivity is most effective when exiles forget they are aliens. The demand for effectiveness will always push our thinking in the direction of what is "necessary" to keep order. Therein lies the challenge in policing. Anabaptists are answering the questions raised by law and policing – participation in the state in its ordering of society – from an increasingly diffuse identity, a hybrid of church and public citizenship in which church is an increasingly minority determinant.

We must learn "Babylonian," as Yoder puts it in posthumously



published correspondence.<sup>21</sup> But we should not forget it is never our first tongue. In Ted Koontz's view, the church needs to be "bi-lingual" but its "first language" must always be the gospel,<sup>22</sup> even if sometimes as true migrants we can speak our first language only at home. The nature of "conscientious participation" must remain fundamentally mission, diversely engaged in but fundamentally oriented to reconciliation of the world with God through Christ. Only a strong ecclesiology with a "thick" gospel, nurtured in a congregational life oriented to empowerment and equipping for mission, will enable us to "speak Babylonian" without forgetting our mother tongue. Stanley Hauerwas and William Willimon make this point in their inimitable way:

Big words like "peace" and "justice," [we might add "security" and "common good"] slogans the church adopts under the presumption that, even if people do not know what "Jesus Christ is Lord" means, they will know what peace and justice means, are words awaiting content. The church really does not know what these words mean apart from the life and death [I would insist on adding resurrection] of Jesus of Nazareth. [...] It is Jesus' story that gives content to our faith, and teaches us to be suspicious of any political slogan that does not need God to make itself credible.<sup>23</sup>

In my view, an ecclesiology up to such a task needs to have not an ideological commitment to peace and nonviolence but a gospel deeply rooted in the whole story of the Scriptures, in the reign of God at work from creation, and in the Wisdom that comes to its fullest expression in the life, teaching, death, and resurrection of Jesus.<sup>24</sup> Moreover, this ecclesiology means the church must have a clear sense of its own identity as the body of Christ, and understand that identity "politically," not least in terms of its relevance to the public square. Such an identity is imitative of, and participatory in, the strange "lordship" that finds expression in servanthood and cross, in deliberate vulnerability for the sake of the other, even if that other is the enemy. This is where identity and mission come together, where ecclesiology and ethics merge. This will remain the center of the challenge that policing places before us or, better, that the church places before policing.

Such a church needs to be made up of members who help each other make decisions not just in principle but in practice. It honors both the passion of those pushing in the direction of public engagement (in this case, policing) and those offering their gift in the form of prophetic warnings and pastoral caution. The faster the car, the more urgent a good set of brakes. Such a church, such congregations, will ask whether policing, whether in the local or the global neighborhood, can embody love for those threatening the peace of the city.

### **Vulnerable Policing?**

What would deliberately vulnerable policing look like?<sup>25</sup> In an unpublished article entitled “War, Peace, and Counter-society,” peace activist Peter Sprunger-Froese asks: “What if Jews and Christians in the police force quit unless their job description was changed to a version of ‘nonviolent social referee’? Would state authorities abide police personnel who refuse to take up arms, even if only as an unused deterrent? Can policing abide recruits for whom the church and its mission are first in the chain of command? What would deliberately vulnerable international policing look like?”<sup>26</sup> Can armies, however benign their mission, abide recruits who will refuse to threaten lethally those they are ordered to take on? The answer might be: Of course not, that’s not how these things work. “The powers” are hardly that hospitable. Maybe, maybe not. Those working in restorative justice are continually surprised by openings that “the system” provides. Even so, we do not escape the old argument followers of Christ had in the early decades and centuries: Who is Lord? To whom are we beholden? From whom do we take orders? Who calls the shots?

On the other hand, if it is the voice of the Spirit we hear in the call to participate in policing, does this mean the church should become much more active yet in accompanying those serving in the police? What would such accompaniment look like? Should the church call for radical changes in how policing is done, especially in places where the mode of training is military? Yoder would have called such efforts “experimental plots,” demonstrations of what policing might look like if church folks get involved. Only a robust ecclesiology, however, one in which demonstrators and experimenters participate fully and committedly, will keep such experiments tethered to

participation in the lordship of Christ, and keep them from being co-opted and adapted to the public square, or from providing the often missing but essential part of the just war tradition, namely to make sure all avenues other than lethal violence have first been exhausted.<sup>27</sup>

Given the nature of our identity and mission as church, and the still “fallen” nature of our world, I wonder whether we can and should ever attempt to give more than a tentative, provisional answer to the question of whether to participate in policing. Those engaged in policing (broadly conceived) and those contemplating such endeavors should respect such ambivalence as necessary and not view it as a sign of lack of trust in them. It is, rather, a sign of solidarity with members of the body of Christ seeking the peace and welfare of the city of their exile, and solidarity no less with the very world we are to love as members of the One who gave his life for it.

## Notes

<sup>1</sup> I have stated some of what follows in earlier articles. See “Christian Counter Culture: Ecclesia and Establishment,” *MQR* 63.2 (1989): 193-209; “Varieties of Contemporary Mennonite Peace Witness: from Passivism to Pacifism, from Nonresistance to Resistance,” *CGR* 10 (1992): 243-57; “‘In the Middle’: Restorative Justice and the Bible,” MCC Restorative Justice Network Annual Meeting, Winnipeg, MB, Feb. 14-15, 2003: <http://mcc.org/canada/restorativejustice/resources/articles/neufeld.html>); “From ‘die Stillen im Lande’ to ‘Getting in the Way’: Theology for Conscientious Objection and Engagement,” *JMS* 25 (2007): 171-81.

<sup>2</sup> Duane K. Friesen and Gerald W. Schlabach, eds., *At Peace and Unafraid: Public Order, Security, and the Wisdom of the Cross* (Scottsdale/Waterloo: Herald Press, 2005); cf. also Schlabach, ed., *Just Policing, Not War: An Alternative Response to World Violence* (Collegeville, MN: Liturgical Press, 2007).

<sup>3</sup> See, e.g., the 2008 London Mennonite Theology Forum: Responsibility to Protect, sponsored by the London Mennonite Centre and Church and Peace, as part of the larger Decade to Overcome Violence program of the World Council of Churches.

<sup>4</sup> Andy Alexis-Baker, “The Gospel or a Glock? Mennonites and the Police,” *CGR* Spring 2007: 36. This is a stance reflected also in the contribution in this volume by Jodie Boyer Hatlem and Doug Johnson Hatlem (“Law Without Violence”).

<sup>5</sup> Quoted in Schlabach, “Just Policing and the Christian Call to Nonviolence,” in *At Peace and Unafraid*, 419.

<sup>6</sup> Schlabach asks this question in “Tracing the Grain of the Universe: Overview Statement: MCC Peace Theology Project.” It is not present in the version in *At Peace and Unafraid*. In this *CGR* forum, both Russel Snyder-Penner and Keith Regehr raise the urgency of this

question at the end of their presentations.

<sup>7</sup> I am reminded of Snyder-Penner's discussion of Tertullian and the soldier/policeman who becomes a Christian (in this issue, pages 61-71).

<sup>8</sup> Regehr, pages 87-88 in this issue.

<sup>9</sup> See Snyder-Penner's discussion of Tertullian's efforts to give guidance on policing/soldiering to those who have come into the church while already in the ranks.

<sup>10</sup> This is a shift well documented by, among others, Leo Driedger and Donald B. Kraybill in *Mennonite Peacemaking: From Quietism to Activism* (Scottsdale/Waterloo: Herald Press, 1994).

<sup>11</sup> "From 'die Stillen im Lande' to 'Getting in the Way'," 171-81.

<sup>12</sup> Schlabach tellingly relates that the issue where consensus was weakest among the scholars gathering to identify ten practices for abolishing war was that of military intervention to halt human rights abuses (*Just Policing*, 13-14). Notably, both Alexis-Baker and the Hatlems wrestle with the times when calling the police might be a last resort. Does this indicate that in a fallen world the "powers" (as represented by the police) have a role to play? Is that the ongoing relevance of Rom. 13:1-7? This still leaves the question open whether Christians can participate in that role.

<sup>13</sup> First prepared as a presentation for a study conference between Historic Peace Churches and main line European churches in Puidoux, Switzerland, in 1955, it was reworked and published under the auspices of the Institute of Mennonite Studies as *IMS Study Series 3* (Newton, KS: Faith and Life Press, 1964), and republished by Herald Press in 2002. The importance of this book is recognized as a "baseline" by Schlabach ("Just Policing," 418-19).

<sup>14</sup> "Kingdom of Christ" refers less in Yoder's reading of the NT to Christ's lordship over the church but to Christ's lordship over the still rebellious world (*Christian Witness*, 8-10; cf. 1 Cor. 15:24-25).

<sup>15</sup> *Christian Witness*, 33.

<sup>16</sup> *Ibid.*, 33, note 3.

<sup>17</sup> *Ibid.*, 20.

<sup>18</sup> See, e.g., Yoder's posthumously published discussion of the "Jeremianic Model" in "See How They Go with their Face to the Sun," in Part IV of *The Jewish-Christian Schism Revisited*, entitled "Christians and Jews Seeking the Shalom of the City," Michael Cartwright and Peter Ochs, eds. (Grand Rapids: Eerdmans, 2003); Duane K. Friesen's major work on peace, entitled *Artists, Citizens, Philosophers: Seeking the Peace of the City: an Anabaptist Theology of Culture* (Scottsdale/Waterloo: Herald Press, 2000); cf. also the title of Part II of *At Peace and Unafraid*, "Seeking the Welfare of the City: Essays on Public Peace, Justice, and Order."

<sup>19</sup> Centurion, Acts 10.

<sup>20</sup> City treasurer, Rom. 16:23.

<sup>21</sup> "If we really 'seek the peace of the city,' why should we fear that by saying our message in Babylonian we would have to destroy its meaning? Why should we not be able to translate? .... I agree that my primary frame of reference is the people of God, but it does not follow that I have no concern for civil society. That concern is derivative, but it is real." Thomas

L. Shaffer, *Moral Memoranda from John Howard Yoder: Conversations on Law, Ethics and the Church between a Mennonite Theologian and a Hoosier Lawyer* (Eugene, OR: Wipf and Stock, 2002), 19.

<sup>22</sup> “Thinking Theologically About War Against Iraq.” *MQR* January 2003: 93-108. Cf. Walter Brueggeman, “The legitimacy of a sectarian hermeneutic: 2 Kings 18-19,” in Mary C. Boys, ed., *Education for Citizenship and Discipleship* (New York: The Pilgrim Press, 1989), 3-4. Cf. also Lydia Harder, “Seeking Wisdom in the Face of Foolishness: Toward a Robust Peace Theology,” in *At Peace and Unafraid*, 149; for a critical engagement with Koontz, see Ted Grimsrud, “Anabaptist Faith and ‘National Security’,” in *At Peace and Unafraid*, 319-24.

<sup>23</sup> *Resident Aliens* (Nashville, TN: Abingdon, 1989) 38.

<sup>24</sup> 1 Cor. 1:18. The vulnerability in reaching for the category of “wisdom” is to let Egypt, Babylon, Athens, and Rome (wellsprings of a good bit of the wisdom tradition in the Bible), crowd out the NT insight that Wisdom became flesh in Jesus, thus declaring in very different language that “Jesus is Lord.” The danger of forgetting the “wisdom of the cross” is identified by Harder, “Seeking Wisdom in the Face of Foolishness,” in *At Peace and Unafraid*, in particular 144-46.

<sup>25</sup> Might not the work of Doug Johnson Hatlem be one such example?

<sup>26</sup> Might Christian Peacemaker Teams’ ministry of eyes, ears, and accompaniment in places such as Hebron and Colombia be an example, one of many?

<sup>27</sup> I am uneasy about the moniker “just policing,” since it taps both into the ambience of the vocabulary of “just war” and thus into the visceral suspicion that it is an oxymoron, and into the dismal history of its ineffectiveness as an ethical tradition, something of which Schlabach is fully aware (“Just Policing,” 409-14).

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## Community, Policing, and Violence

*Andy Alexis-Baker*

In his reply in this *CGR* issue to my article “The Gospel or a Glock? Mennonites and the Police” (*CGR* Spring 2007), Gerald Schlabach contends that by “policing” he meant a function that includes everything from “policing” of a conversation to congregations having norms for members. But that is not how he has used the term in his writings. His essay in *At Peace and Unafraid* appears in a section titled “Practicing Wisdom in Public Systems.” There he writes about “political leaders,” “police officials,” “police officers,” “arresting agents,” and “community policing.”<sup>1</sup> He notes how various pacifists have called for international police forces to deal with terrorism. In “Just Policing: How War Could Cease to be a Church-Dividing Issue,” he notes various differences between the mentality of a police officer and that required in warfare. In his essays he has focused on the difference between the police as an institution and war.

By trying to change the meaning of “policing,” Schlabach has undercut his argument that the police represent a model for international relations. If any conversation where we check one another’s definitions or call each other to account is “policing,” then the term has been stretched beyond its usefulness and cannot be a model for either dialogue or international relations.<sup>2</sup> If everything is policing, what is not policing? That is why Schlabach’s supporters, such as Jim Wallis and others, have called for an international police force. Indeed, in his latest book *Just Policing, Not War*, Schlabach publishes many of these responses and never suggests they have “misconstrued” him.

Schlabach claims that “the most prominent sign of Alexis-Baker’s serious misconstrual of the just policing project is that he studiously reserves the terms ‘police’ and ‘policing’ for the militarized ‘crime-fighting’ institutions,” and asserts that by doing so I have “demonized” those who “practice humane and accountable forms of ‘community policing.’” It is striking, however, that Schlabach has not really examined community policing either. In “Just Policing: How War Could Cease to be a Church-

Dividing Issue,” he says community policing is “a new name for an old strategy” that places police on foot patrols, into community meetings, and “integrated into the neighborhoods.”<sup>3</sup> Community policing, on this view, provides an opportunity to “make policing less violent overall” through partnerships with the community and nonviolent methods.<sup>4</sup> This, Schlabach maintains, can be a model for international relations because it allows: “(1) the sort of work on root causes of violence and conflict that pacifists advocate as basic for achieving real peace with justice, (2) a continued but modified role for apprehending criminals, and (3) ample room for developing less violent and nonviolent tactics for even that apprehension.”<sup>5</sup>

Though he has repeatedly republished the essay, Schlabach has not expanded on the concept beyond these tentative comments. However, in *Just Policing, Not War*, Catholic ethicist Tobias Winright expands a little on Schlabach’s suggestion.<sup>6</sup> Beyond crime fighting, the police work with community members “to prevent and solve their problems.”<sup>7</sup> Winright cites the “broken windows theory” upon which community policing is based, which claims that police can revitalize communities by confronting neighborhood nuisances that increase residents’ fears.<sup>8</sup> It is striking that Schlabach and Winright have so little to write on such an important theory.

In this article I take up Schlabach’s challenge and examine community policing.<sup>9</sup> I hope that by doing so I can encourage him to deepen his patience for a non-Constantinian and non-state based approach. I argue that since the theory promotes violence and uses the term “community” to mask political domination, it is not a good model for international policing. Finally, I indicate my willingness to attend to those in the police force who responded to “The Gospel or a Glock?” and I suggest that we miss opportunities for witness by not challenging their occupation.

### **Broken Windows and “Giuliani Time”**

In 1994 New York City mayor Rudolph Giuliani initiated a community policing policy that directed police to aggressively pursue misdemeanors such as public intoxication, loitering, graffiti, and panhandling. New York’s strategy originated in James Q. Wilson and George Kelling’s “broken windows” theory.<sup>10</sup> These authors argue that unaddressed disorders such as broken windows signal that nobody cares about the neighborhood and

eventually leads to serious crimes. Disorders cause residents to develop a “fear of being bothered by disorderly people. Not violent people, nor, necessarily, criminals, but disreputable or obstreperous or unpredictable people: panhandlers, drunks, addicts, rowdy teenagers, prostitutes, loiterers, the mentally disturbed.”<sup>11</sup> As these fears arise, people stay indoors more often, avoid strangers, and disengage from their neighborhood, all of which makes it vulnerable to crime. Under the crime-fighting model, according to Wilson and Kelling, laws and procedural rules hobbled police from chasing disorderly people out of neighborhoods because such actions violated individual rights.<sup>12</sup> To better prevent crime, they recommend that seemingly harmless behavior like loitering be outlawed because such conduct undermines community controls and invites crime. By tackling these disorders as early signs of crime, police could prevent the decay of healthy communities and revitalize degenerate ones.

Giuliani’s implementation of the theory exposed its sinister side. Several high profile cases revealed rampant violence perpetrated by the police. In one case, officers shot an unarmed African immigrant, Amadou Diallo, forty-one times when they mistook his wallet for a gun. In another, police arrested a Haitian immigrant named Abner Louima and raped him with a plunger. An officer involved in the brutal beating told Louima, “This is Giuliani time.”<sup>13</sup> This chilling message signals the potential for community policing to escalate violence rather than reduce it. New York’s community policing initiative caused an upsurge in complaints of police violence and misconduct.<sup>14</sup> In 1993, the Civilian Complaint Review Board received 5,597 allegations of police misconduct and 3,580 complaints. By 1996, allegations nearly doubled to 9,390 and complaints rose to 5,550. *The New York Times* reported that “from 1994 to 1996, the city paid about \$70 million as settlements or judgments in claims alleging improper police actions, compared with about \$48 million in the three previous years.”<sup>15</sup> Even Amnesty International reported on the surge in police violence.<sup>16</sup> Bob Herbert reported an exchange between investigators and a Bronx police officer:

“Did you beat people up who you arrested?”

“No. We’d just beat people in general. If they’re on the street,



hanging around drug locations. It was a show of force.”

“Why were these beatings done?”

“To show who was in charge. We were in charge, the police.”<sup>17</sup>

Giuliani, quick to take credit for crime reduction, denied any connection between the community policing policy and the steep rise in police violence.<sup>18</sup> His administration argued the complaints were due to an increased number of officers who interacted more with the public. Bernard Harcourt refuted this argument. He demonstrated that the rise in complaints greatly outpaced the rise in police, so that the ratio of complaints to officers jumped significantly. And while police argued that their policies encouraged more complaints, Harcourt suggested the opposite: the highly publicized acts of extreme brutality and the reality of constant harassment may have discouraged people from complaining.<sup>19</sup> In fact, the nurse who reported the abuse done to Louima also reported that the investigator did not take her seriously. A subsequent *New York Times* report found that the police did not even fill out a complaint form.<sup>20</sup> “Giuliani time” articulates the administration’s message to the police – or at least their interpretation of it – and that in turn was passed on to those arrested. They were effectively declared outsiders to the community with which the police were collaborating. While Giuliani’s attempts to purify the city and restore it to ‘the good old days’ comforted some people, those for whom ‘the good old days’ had never been safe, heard a terrifying message.

Unsurprised by police violence, Wilson and Kelling reported with apparent approval how one officer described community policing efforts: “We kick ass.”<sup>21</sup> Kelling reported elsewhere that an officer in Chicago “described in similar terms how he dealt with gang members who would not follow his orders: ‘I say please once, I say please twice, and then I knock them on their ass.’ The officer meant it.”<sup>22</sup> Though Wilson and Kelling note that “none of this is easily reconciled with any conception of due process or fair treatment” and would probably “not withstand a legal challenge,” they nevertheless advocate these tactics to restore community controls.<sup>23</sup>

### **Community Policing and Paramilitary Units**

Although Schlabach and Winright have sharply distinguished between

various policing models, they have overlooked that militarization and community policing exist in collaboration.<sup>24</sup> Superficially, community policing appears incompatible with police departments' militarized tactics, but in practice its proactive, preventative, geographically-focused emphasis is well-suited to the military model. The NYPD, for example, uses SWAT teams for routine patrols. One officer described their approach:

We conduct a lot of saturation patrols.... We focus on "quality of life" issues like illegal parking, loud music, bums, neighbor troubles. We have the freedom to stay in a hot area and clean it up – particularly gangs. Our tactical enforcement team works nicely with our department's emphasis on community policing.<sup>25</sup>

While flaunting a massive display of force, these units "target suspicious vehicles and people" and "stop anything that moves." Consequently, even a Midwestern officer boasts: "We usually don't have any problems with crack-heads cooperating."<sup>26</sup> Criminologists Peter Kraska and Victor Kappeler report that sixty-three percent of police officers responding to a survey agreed that paramilitary units "play an important role in community policing strategies."<sup>27</sup>

### **The Violence Embedded in Community Policing Theory**

Beyond the organizational compatibilities between community policing and paramilitary units, violence is deeply embedded in community policing theory as a result of a dichotomy between order and disorder. This dichotomy places many people outside of due process, fair treatment, and safety from state violence. Society used to view homeless people and beggars as objects of mercy or merely a nuisance. With community policing, the social meaning of disorders changes from harmless to harmful because it situates them on a continuum leading to heinous crimes. As Giuliani stated, "There's a continuum of disorder. Obviously, murder and graffiti are two vastly different crimes. But they are part of the same continuum, and a climate that tolerates one is more likely to tolerate the other."<sup>28</sup>

This change in social meaning impacts how the police and "law-abiding" citizens see the homeless. Wilson and Kelling compare the homeless to inanimate objects: "The unchecked panhandler is, in effect, the

first broken window.”<sup>29</sup> Since the homeless are akin to garbage left on the street in community policing theory, city policies direct police to move them into shelters or arrest them for loitering, sitting on the street, panhandling, or breaking other laws that criminalize these people’s survival tactics.<sup>30</sup> By sleeping in a park or sitting on a bench too long, they have committed crimes, and this enables police to view them as a cause for, and an embodiment of, crime.

The next step increasing the potential for police violence is to change the social meaning of giving aid to the homeless from mercy to harm. In “The Regulation of Social Meaning,” Lawrence Lessig examines a New York Transit Authority poster campaign designed to change the social meaning of almsgiving. Before the Authority began its campaign, refusing to give to a beggar signaled that the passenger was “coldhearted, or cheap, or uncaring”<sup>31</sup> and entailed a social stigma. The poster campaign sought to change the stigma into a virtue:

The Authority told the public that it was wrong to give to panhandlers – that panhandlers were people who needed help, but that by giving to panhandlers, one made it less likely they would get help. To help the panhandlers ... one must not give to them.<sup>32</sup>

The campaign made withholding charity an ambiguous action: it could signal either lack of charity or genuine concern for the panhandler’s well-being. To reinforce this view, city councils across the US have passed laws that prohibit feeding the homeless. Groups such as Food Not Bombs have suddenly found themselves in jail.<sup>33</sup> In *The Irresistible Revolution*, Shane Claiborne relates that after Philadelphia passed such a law, Christians gathered in a park to celebrate the Eucharist with homeless people. After a few weeks, the police cracked down and made arrests.<sup>34</sup> The laws changed the social meaning of feeding the homeless from an act of almsgiving and charity to a criminal act that stigmatizes givers with an arrest record and causes them inconvenience, such as a night in jail. In the name of community, the homeless are stripped of their most powerful allies.<sup>35</sup>

Since the homeless are seen as inanimate objects and criminals who cause heinous crimes, and since their few advocates are largely silenced, what prevents the police from freely committing violence? Wilson and

Kelling recognized this problem. “How do we ensure that the police do not become the agents of neighborhood bigotry?”<sup>36</sup> Disturbingly, they say that “We can offer no wholly satisfactory answer . . . except to hope that by their selection, training, and supervision, the police will be inculcated with a clear sense of the outer limit of their discretionary authority.”<sup>37</sup> This is a troubling answer for those who nonchalantly suggest that “We kick ass” is an appropriate response to disorder. Rather than decreasing the propensity for police violence, community policing increases it by dehumanizing, criminalizing, and scapegoating people.

Although Schlabach and Winright claim that an “us versus them” mentality, which leads to violence, is inherent in the military policing model but not in the community policing model, the broken windows theory explicitly sets up such a dichotomy.<sup>38</sup> Even if the police force were stripped of its military weapons and training, the problem of violence would remain because of the dichotomy and intolerance it advocates. Far from Schlabach’s view that community policing can be “abused,” the violence of community policing theory is systemic.<sup>39</sup>

### **Whose Community? Which Order?**

Although “community” is central to community policing, political theorists, police administrators, and theological ethicists who advocate community policing have not defined it. And “community” is a contested term. Marxists, anarchists, and republicans all cherish community but in incompatible ways. By “community,” community policing theorists do not mean “neighborhood,” since they tout social relationships as important for natural control of disorders. “Community” might signify that individuals are socially conditioned within a network of relationships they cannot completely escape. But community policing advocates use the term normatively, not descriptively. They portray reality in a way that favors their view, since community is a universally positive concept:

Community can be the warmly persuasive word to describe an existing set of relationships, or . . . an alternative set of relationships. . . . [I]t never seems to be used unfavorably, and never to be given any opposing or distinguishing terms.<sup>40</sup>

Combining the loaded term “community” with “policing” has political implications. Leaving the word ambiguous is a political move that seeks to silence police opponents. Who, except maniacs and misfits, could be against “community”? And since the theory equates the police with community, who can be against the police?

### **The Complex Community and Police**

The word “community,” however, is deployed against certain people. In community policing, it deflects awareness of the contested nature of community and emphasizes defending the community from outsiders. Thus Wilson and Kelling also create an insider-outsider dichotomy and an illusion of consensus that masks conflict. For example, community policing theorists claim African-American skepticism of the police results from crime and the breakdown of community. A report in *The New York Times* soundly refutes this claim. It found widespread suspicion of the police amongst Black people in Camden, New Jersey. Even for the most violent crimes, they are reluctant to talk to the police, not so much because criminals intimidate them but because they do not trust the police. The article quotes a Harvard professor:

A lot of white Americans from suburban communities can't understand why people wouldn't talk to law enforcement.... But in a lot of inner-city communities, there is so much hostility to the police that many people of color can't fathom why someone would even seriously consider helping them.<sup>41</sup>

Beyond mistrust between police and Black residents, the article reveals an even wider chasm. One woman, whose son's murderers are still at large, stated that “Snitching, telling on people, isn't something that I personally would involve myself with.... People don't want to talk to you if they think you're a snitch. If they were your friends, they're not your friends anymore. You're left totally all alone.”<sup>42</sup> The people whom Camden residents are asked to surrender to the police are often their children, their friends, or someone they are connected with in a meaningful way. Recognizing this fact, the Deputy Attorney General over Camden claimed that “the number of witnesses who remain silent because they fear for their

safety is probably less than one-tenth the number who refuse to talk because they fear the social repercussions.”<sup>43</sup> The problem for the police is that a socially complex community has created an obstacle for the simplified, bifurcated “community” of community policing. Community is not absent; rather it operates on another economic and social level than do affluent communities. Community policing, for these Camden residents, is a threat to their social networks.<sup>44</sup>

The rise of the nation-state and its police contributed to the breakdown of tight-knit, self-sufficient communities. To the extent that older communities now exist, they generally have little interest in forming closer bonds with the police, as the Camden residents demonstrate.<sup>45</sup> While community policing theorists lament declining civic involvement in activities ranging from volunteer work to parent-teacher conferences, they doubt that communities can police themselves democratically. Thus Wilson and Kelling claim that the police must remain the primary policing institution. But if real communities are rare and uninterested in deeper police interactions, why do the police profess to act at the behest of shadowy uninterested communities? Sociologist Carl Klockars has suggested that

nonexistent and uninterested communities make perfect partners for the police.... [W]hile they lend their moral and political authority as communities to what police do in their name, they have no interest in and do not object to anything that might be done.<sup>46</sup>

The favorable term “community” confers an affectation of citizen-police partnership and legitimacy on the police. It conceals that the police are a state agency with a monopoly on violence that historically hastened the atrophy of tight-knit communities. It is doubtful that community policing can reverse this trend.

### **Police-Citizen Forums**

The common characteristic of community policing initiatives is that they have originated with the police, not with citizens. Consequently, the focus is state-centered. The police collaborate with the most cooperative groups, not those who are critical. Former Seattle police officer William Lyons points

out that the community-police councils in Seattle had a business group as the community's official voice. That group skewed the councils to concerns about crime control in commercial areas but typically ignored calls for broader representation in the councils and complaints of police misconduct. When the police needed more resources, they urged civilian participants in the forums to lobby city council or volunteer their own time. But whenever people raised concerns about police practices or misconduct, or suggested their own initiatives, the police rarely acted, thus encouraging "passive communities dependent on professional law enforcement agencies."<sup>47</sup> Similarly, Wesley Skogan's extensive study of Chicago's police-community meetings reveals that the wealthiest residents attend these meetings. Their interests rarely corresponded with the majority in their neighborhood, and their view of the police was more positive than that of most residents.<sup>48</sup> As a result of biases, community-police interactions tend towards one-way communication, with only a semblance of police accountability and receptivity to feedback.

### **Root Causes of Crime**

For Gerald Schlabach, community policing is a suitable model for international relations partly because it addresses the "root causes of violence." Yet the present essay reveals the exact opposite. Community policing works well with paramilitary units, and it inscribes violence into policing through scapegoating and stripping people of their rights in the name of "community." The root causes of crime are not "disorders" but issues the police have no control over and cannot use to enhance their power: a declining economy, a woeful education system, and dwindling social services. Community policing theorists do not address why policies focus on "crimes" committed by young Black males, not those committed by affluent White males. Why are loiterers more threatening to community than unequal business practices, corporate polluters, or stock market fraud? The disparities in police stops and incarceration between people of color and whites reveal a significant bias that can only be described as racist. Far from getting at the "root causes" of crime, community policing relocates the causes to politically convenient targets and does not provide a basis for achieving "real peace" as Schlabach contends.

### **Christian Witness to Police Officers**

My analysis of community policing in no way demonizes individual officers; it addresses a theory and a state institution. The Canadian police officers responding in this *CGR* issue and in our consultations are people who do not want to “kick ass” as the theory encourages. They attest that much of their work is mundane, and a lot of it is social work. Yet these Mennonite officers carry weapons, and in our consultations one officer admitted she would kill if necessary. If police work is really social work, why not become social workers? Nobody calls the police when they really want a social worker. When people call the police, they want a non-negotiable solution to a problem. The police can offer such a solution because they not only carry weapons but represent a monopoly on legitimate violence. Their solution has teeth, and on the streets officers cannot allow challenges to their authority (they must maintain a “command presence”). Even if they mostly do social work, they do it behind the threat of weapons and collective violence.<sup>49</sup>

In “Policing Issues in the Anabaptist Faith” (see pages 19-23 of this issue), Morley Lymburner relates how the Russian Mennonites in Toronto embraced his work and claimed to have no problem with his carrying a gun. They were glad for police protection. However, in refusing to challenge him, the congregation missed an opportunity for a powerful witness. In our consultations, I asked Lymburner if he would have left his job had the congregation told him that, since they had experienced the horrors of violence, they would require him to leave his occupation but would support him financially as he found new work. To my surprise, he said he would have left his occupation so he could remain part of the congregation.<sup>50</sup> His congregation thus missed a golden opportunity for witness and transformation. Likewise, some responses in this issue that balk at asking police officers to leave their jobs are denying structural changes that restore some accountability and could help people in violent occupations find meaningful work elsewhere.

### **Conclusion**

Though Schlabach asserts that I disregard community policing in “The Gospel or a Glock?” he has not substantially explored the subject himself. Unlike Schlabach and Winright, my sustained analysis suggests that community



policing is not a panacea for the ills of war.<sup>51</sup> Problems inherent in it would only be magnified on the international scene, where “community” is more contested and complex, and where the dominant players exert their will even more forcibly. Unsurprisingly, the nation-state’s best attempts to do this have resulted in “low intensity warfare” and outright attacks on other nations. Violence is inherent in the theory itself, and it privileges those in power.<sup>52</sup>

As noted, I do not want to demonize individuals working within the police force.<sup>53</sup> If anything, I agree with Stanley Hauerwas that the police are “in a quite compromised position, which means we should be all the more sympathetic towards them.”<sup>54</sup> By rejecting calls to vocational accountability and limits, I think we have not shown the few police officers in our midst the sympathy they deserve. Let us not offer them grace on the cheap, but grace that costs and is therefore precious.

## Notes

<sup>1</sup> See Gerald Schlabach, “Just Policing and the Christian Call to Nonviolence,” in *At Peace and Unafraid: Public Order, Security, and the Wisdom of the Cross*, ed. Duane K. Friesen and Gerald Schlabach (Scottsdale: Herald Press, 2005), 409, 410.

<sup>2</sup> Similarly with Lowell Ewert’s response. I find it striking that he broadens the definition of policing to include activities like teaching, but then excludes the CIA and CSIS.

<sup>3</sup> Gerald Schlabach, “Just Policing: How War Could Cease to be a Church-Dividing Issue,” in *Just Policing: Mennonite-Catholic Theological Colloquium*, 2002, ed. Ivan Kauffman (Kitchener: Pandora Press, 2004), 30.

<sup>4</sup> *Ibid.*, 44.

<sup>5</sup> *Ibid.*, 43–44.

<sup>6</sup> Tobias Winright, “Community Policing as a Paradigm for International Relations,” in *Just Policing, Not War*, ed. Gerald Schlabach (Collegeville, MN: Liturgical Press, 2007), 130–52.

<sup>7</sup> *Ibid.*, 142.

<sup>8</sup> *Ibid.* Schlabach’s references all use the broken windows theory as a basis for their studies. See Schlabach, “Just Policing: How War...,” 71, n60.

<sup>9</sup> I will respond only to the community policing issue, since it has come up previously. However, I want to explain how I categorized Schlabach in my article. In his “Just Policing” essay he described a SWAT team with recourse to lethal violence. He did not state who would participate in that team, but from the context it seemed clear he thought some Christians could do so. At a conference at EMU in 2006, I asked him about Christians killing as police.

He said he was unsure, but if it were truly an exception, then maybe a Christian could kill. I responded that this was a big difference between us. Thus, my conclusion about his work was based upon his own words and writing, which often seem equivocated.

<sup>10</sup> Rudolph Giuliani and William Bratton, *Police Strategy No. 5: Reclaiming the Public Spaces of New York* (New York: New York City Police Department, 1994), 6. See also James Q. Wilson and George L. Kelling, "Broken Windows," *Atlantic Monthly* 249, no. 3 (1982).

<sup>11</sup> Wilson and Kelling, "Broken Windows," 30.

<sup>12</sup> *Ibid.*, 35.

<sup>13</sup> David Firestone, "Giuliani's Quandary: Mayor Who Linked Name to Police Success Is Now Facing a Very Ugly Police Failure," *New York Times*, August 15, 1997, B9.

<sup>14</sup> The point is that the theory itself is not *inherently* less violent than the other theories of policing as Schlabach suggests, not that every individual officer is violent all the time.

<sup>15</sup> Matthew Purdy, "Handcuffs Are One Size Fits All: Nuisance Arrests Startle the Unwary," *New York Times*, August 24, 1997, 30.

<sup>16</sup> Amnesty, *United States of America: Police Brutality and Excessive Force in the New York City Police Department* (New York: Amnesty International, 1996), 14. Also cited in Bernard Harcourt, *Illusion of Order: The False Promise of Broken Windows Policing* (Cambridge, MA: Harvard University Press, 2001), 168.

<sup>17</sup> Bob Herbert, "Connect the Dots," *New York Times*, August 24, 1997, E13. Also quoted in Harcourt, *Illusion of Order*, 167.

<sup>18</sup> The largest review of community policing practices concluded that community policing does not reduce crime. See Committee to Review Research on Police Policy and Practices, *Fairness and Effectiveness in Policing* (Washington: National Academies Press, 2004), 43. See also Steven Levitt, "Understanding Why Crime Fell in the 1990s: Four Factors That Explain the Decline and Six That Do Not," *The Journal of Economic Perspectives* 18.1 (2004); Robert Sampson and Stephen Raudenbush, "Seeing Disorder: Neighborhood Stigma and the Social Construction of 'Broken Windows'," *Social Psychology Quarterly* 67. 4 (2004); David Weisburd and John Eck, "To Better Serve and Protect: Improving Police Practices," *Annals of the American Academy of Political and Social Science* 593 (2004); Harcourt, *Illusion of Order*; and Bernard Harcourt, "Reflecting on the Subject: A Critique of the Social Influence Conception of Deterrence, the Broken Windows Theory, and Order-Maintenance Policing New York Style," *Michigan Law Review* 97.2 (1998).

<sup>19</sup> See Harcourt, *Illusion of Order*, 169-71.

<sup>20</sup> This example raises the question of how often the police do not file the claims reported by citizens, which would make the complaint numbers lower. See John Kifner, "Nurse Claims Staff Cover-Up on Louima," *New York Times*, August 25, 1997, B1, B3.

<sup>21</sup> Wilson and Kelling, "Broken Windows," 35.

<sup>22</sup> George Kelling and Catherine Coles, *Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities* (New York: Martin Kessler Books, 1996), 166.

<sup>23</sup> Wilson and Kelling, "Broken Windows," 35, 31.

<sup>24</sup> See also Winright, "Community Policing as a Paradigm for International Relations," 133.

<sup>25</sup> Quoted in Peter B. Kraska and Victor E. Kappeler, "Militarizing American Police: The Rise and Normalization of Paramilitary Units," in *The Police and Society*, ed. Victor E. Kappeler

(Prospect Heights, IL: Waveland Press, 1997), 472.

<sup>26</sup> Ibid., 470.

<sup>27</sup> Ibid., 472.

<sup>28</sup> Rudolph Giuliani, "The Next Phase of Quality of Life: Creating a More Civil City," Speech given on February 24, 1998, <http://www.nyc.gov/html/rwg/html/98a/quality.html>.

<sup>29</sup> Wilson and Kelling, "Broken Windows," 34. See also Robert Ellickson, "Controlling Chronic Misconduct in City Spaces: Of Panhandlers, Skid Rows, and Public-Space Zoning," *Yale Law Journal* 105.5 (1996): 1182.

<sup>30</sup> One critic asks whether Wilson and Kelling's article would have had the same impact had they titled it "Broken People." Jeremy Waldron, "Homelessness and Community," *University of Toronto Law Journal* 50 (2000): 386.

<sup>31</sup> Lawrence Lessig, "The Regulation of Social Meaning," *University of Chicago Law Review* 62.3 (1995): 1040.

<sup>32</sup> See Ibid.

<sup>33</sup> For example, see "Orlando: 'Don't feed homeless'," *St. Petersburg Times*, July 26, 2006 and Michael Janofsky, "Many Cities In Crackdown On Homeless," *New York Times*, December 16, 1994.

<sup>34</sup> Shane Claiborne, *The Irresistible Revolution: Living as an Ordinary Radical* (Grand Rapids: Zondervan, 2006), 233-34.

<sup>35</sup> In our consultation Steve Brnjas said we treated "Peter," the drug addict at AMBS, coldly after we learned of his intentions. But my telling of the story was skewed by the purposes of the essay, which was to illustrate how using some kind of process, rather than knee-jerk reactions, could keep a violent police and justice system out of the mix. If I had told a longer story, I would have described how some students continued to give handouts to Peter and how they tried to interact with him compassionately even after the meeting. However, students all felt that sending him to services suited to help his addiction was far better than calling the police on him for interrupting our daily routines. Nevertheless, Brnjas's criticism should cause some discomfort and a re-examination of how we treat people with needs.

<sup>36</sup> Wilson and Kelling, "Broken Windows," 35.

<sup>37</sup> Ibid.

<sup>38</sup> See Schlabach, "Just Policing," 45 and Winright, "Community Policing as a Paradigm for International Relations," 139, 141.

<sup>39</sup> Schlabach, "Just Policing," 43.

<sup>40</sup> Raymond Williams, *Key Words: A Vocabulary of Culture and Society* (Glasgow: Fontana, 1976), 76.

<sup>41</sup> David Kocieniewski, "So Many Crimes, and Reasons to Not Cooperate," *New York Times*, December 30, 2007.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Black mistrust of police is much broader than just in Camden, New Jersey. For example, a relatively small city outside of Philadelphia called Coaxeville, where the sheriff and a dozen men once lynched a Black man with impunity, has implemented a community policing program. Yet a local newspaper reported that one officer laments, "'[Black people] have

their own little society, their own little culture,' Audette says, saying many blacks won't step forward when they witness crimes, even murders. 'I don't understand it.'" See Mark Fazlollah and Keith Herbert, "Old Town Tries New Approach," *Philadelphia Inquirer*, December 18, 2007.

<sup>45</sup> Modern universities, with their own security forces and disciplinary processes, are reluctant to turn their students and faculty over to the police for every infraction. Indeed, these forces and processes are meant to shield their members from the police rather than encourage more interaction. I worked as a dispatcher for Public Safety as an undergraduate at Wheaton College. When scuffles broke out or students were caught drinking under age, rather than handing students over to the police, public safety officers reported them to the dean's office, which handled the matters internally.

<sup>46</sup> Carl Klockars, "The Rhetoric of Community Policing," in *The Police and Society*, ed. Victor E. Kappeler (Prospect Heights, IL: Waveland Press, 1997), 435.

<sup>47</sup> William Lyons, *The Politics of Community Policing: Rearranging the Power to Punish* (Ann Arbor: Univ. of Michigan Press, 1999), 167.

<sup>48</sup> Wesley Skogan, "Representing the Community in Community Policing," in *Community Policing: Can It Work?*, ed. Wesley Skogan (Belmont, CA: Wadsworth, 2004), 65-67.

<sup>49</sup> One of the officers in our consultation even expressed willingness to shoot a person if necessary.

<sup>50</sup> Another officer in the group said that because of a "calling," this officer could probably not give up police work.

<sup>51</sup> Winright references one article that is critical of community policing and may develop his own critiques in future. See Winright, "Community Policing as a Paradigm for International Relations," 151, n49. In addition, he is much more skeptical that any model of policing can completely displace violence at an international level, and critiques Schlabach for trying to include it as a form of pacifism. See Tobias Winright, "Peace Cops? Christian Peacemaking and the Implications of a Global Police Force," *Sojourners* 35.3 (2006): 20-24.

<sup>52</sup> Schlabach recognizes that states have bungled community policing on an international level, but seems to hope they could fix the situation somehow. See Schlabach, "Just Policing," 72, n64.

<sup>53</sup> I do not, however, back away from calling the system itself demonic.

<sup>54</sup> Stanley Hauerwas, Personal correspondence August 24, 2006. Used with his permission.

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## **Security, Public Order, and Policing: Reflections on a Conversation**

*Duane K. Friesen*

There is a lot of static in conversations among Mennonites about policing. My goals in this essay are to contribute to our conversation by identifying areas where we have real and genuine disagreements that we need to address, and to distinguish this more promising conversation from the static we need to move beyond. Too often we talk past each other because perceptions of the “other” are inaccurate and mislabeled, we use common terms but with quite different meanings, or we are not clear about how different assumptions lead to very different interpretations of policing. I do not presume either to propose a final solution or to resolve an ongoing conflict over ideas and practices about which we do disagree. We are at the beginning stages of a conversation. My plea is that we focus on the real issues, not pseudo-issues created by our own static.

### **What are We Talking About?**

It is important to recognize the distinctions and linkages between three key terms: security, public order, and policing. Genuine “security” is grounded in a Biblical vision of shalom reflected in the words of the prophet Micah: “Everyone will sit under their own vine and fig tree and no one will make them afraid” (Micah 4:4). Mary Lou Klassen’s essay “Who Is – Will Protect – My Neighbor?” helps us focus on this key matter when it asks, “What should Mennonites do when an innocent neighbor is being violently attacked by a third party?” (29). (*Page references in parentheses refer to articles in this issue of CGR. – Editor*) The MCC Project that led to the collection of essays in the book *At Peace and Unafraid: Public Order, Security, and the Wisdom of the Cross* sought to address this neglected question in Mennonite peace theology.

We need to be clear that when we talk about “security,” it cannot and should not be reduced to a function of “the state.” In her essay in *At Peace and Unafraid*, political scientist Pamela Leach criticizes the reductionism

of the “national security model” and the militarization of policing that flows from it. She develops the alternative idea of an “abundant resourcefulness” that sustains an “inclusive human security” supported by the importance of non-state actors. As Gerald Schlabach points out in this issue, many essays in *At Peace and Unafraid* describe the role of non-state actors in nurturing human security (see page 54).

Leach points out that we must be careful, however, not to over-simplify this distinction between “the state” and non-state actors. In democracies, states do provide important security benefits such as public education, laws to protect workers and the natural environment, and protection of minorities against the tyranny of the majority. And, non-state actors are not always benign. “‘Developed states’ now have a 2:1 ratio of private to public security personnel. In Canada and the United States, armed private police officers have all the authority of public ones but significantly less accountability.”<sup>1</sup> Paramilitaries in Colombia and Blackwater in Iraq are symbols run amok of private security systems without accountability.

“Public order” refers to the systems of institutions, laws, and practices that are foundational to the flourishing of life. In his article on “the powers” Keith Regehr points out that “this ordering of existence is necessary for society to function, and is, for this reason, an essential aspect of God’s good creation.” Though the powers are fallen, he argues against the dangers of a dualism, reflected in Andy Alexis-Baker’s essay (*CGR* Spring 2007), that sees these powers as unremittingly evil. Lowell Ewert elaborates on the positive function of the powers by arguing that we need “to better understand the synergy that can and should exist between the law (institutions, structures, and enforcement) and peace theology”(see page 73).<sup>2</sup>

One of the conflicts in our conversation is how we link the values of “order, justice, and peace.” We talk past each other, because some of us interpret “law and order” or “security” as primarily a function of the state’s monopoly on violent force, whereas others emphasize that order is integrally linked to many non-state actors who contribute to justice and nonviolent conflict resolution. I think we can agree that we need to “unmask prevailing illusions about order that are often based on repressive, unjust, and violent notions about security.” However, because “order does not depend only upon ‘top down’ implementation by the state ... creating a culture of

peace is integrally linked to what Elise Boulding has called the ‘underside of history,’ the daily life of families and communities through which we learn how to order our lives.”<sup>3</sup> Ewert points to the role of the professions – accountants, social workers, lawyers, teachers – who enforce public order “in the creation of a peaceful civil society” (75).

“Policing” is a contested term. Alexis-Baker views even “community policing” as a state-centered repressive order in which violence is systemic (see page 106ff.). Police officers, “even if they mostly do social work, work behind the threat of weapons and collective violence” (112). Others view policing primarily as an “ordering” function of civil society, not reducible to “the state.” In between these polarized views of policing are other views of community policing that involve cooperative arrangements between civil society and the state.

### **Eleven Types of Policing**

To help us better understand this conversation, I introduce the following continuum (see chart in Appendix). On the vertical axis, I identify the various actors who participate in some form of “policing.” They are on a continuum from civil society to those employed as police officers or soldiers by “the state.” On the horizontal axis, I identify the various actions of policing on a continuum from nonviolence to violence. The specific categories along the continuum are persuasion; nonviolent coercion; justified violence limited by moral norms; and unrestrained lethal violence. The following are brief descriptions of 11 “types” of policing:

1. The “ordering” processes of families and communities in civil society (the daily round of life; a public order that is sustained even in the midst of chaos when, at the macro level, nation-state order is absent).<sup>4</sup>
2. Policing within civil institutions: the “policing” functions of non-state institutions. (e.g., Alexis-Baker’s case study of “Peter” at AMBS)<sup>5</sup>; discipline and the “ban” in church institutions; institutional norms for employees; disciplinary structures for students on college campuses).

3. Personal self-defense (in the United States, especially, the ownership of guns to defend life and property; many states have approved “concealed weapons” laws).
4. The “ordering” and “policing” functions of the professions accountable to public law and professional norms (note references in Ewert’s essay to accountants, teachers, social workers, lawyers, doctors, nurses, et al.).
5. Privatized security contractors (recall Leach’s point about the increasing prevalence of contracted private armed police; Blackwater in Iraq is a notorious example).
6. The broadening or extension of professional policing functions toward nonviolent strategies of intervention. (e.g., nonviolent intervention teams within communities who respond unarmed to domestic disputes;<sup>6</sup> the accompaniment/presence of CPT in conflict situations referred to in Tom Yoder Neufeld’s essay in this issue; Doug Johnson Hatlem’s description of his work with Sanctuary in Toronto, also in this issue; monitoring of contested elections by outside observers).
7. The nonviolent public welfare functions of professional police within democratic countries like the United States and Canada (see essays in this issue by police “peace” officers who describe their day-to-day work of responding out of compassion to meet human needs: Steven Brnjas, Allister Field, Morley Lymburner; Lymburner refers to the primary instrument of power as the pen; officers like these collaborate with professional school social workers to deal with the “Peter” types discussed by Alexis-Baker; though AMBS got rid of the problem without calling the police, “Peter’s” drug abuse could call for police to address child neglect or burglary to support his habit; Alexis-Baker would call the police to find a lost child;<sup>7</sup> Eileen Henderson’s description of Circles of Support and Accountability in Toronto, which partners with police forces to demonstrate “a symbiotic



relationship, the net result of which, we believe, has enhanced community safety”).

8. The use of coercive force with violence as a last resort (the exceptional and rare use of lethal violence within the rule of law to protect persons from harm, and to arrest those who are a danger to public safety; Klassen’s reference to my essay in *At Peace and Unafraid* that distinguishes between “policing” and “war”; I cite there the “Boston miracle” as a good example of community policing, a case study of police who cooperate with other institutions within civil society to build positive structures of community order, address underlying causes of crime, and respond to those violating public order with the aim of building and restoring peace, and with minimal/rare employment of lethal force.<sup>8</sup>)

9. The rigorous application of “just war” and “just policing” criteria to larger conflicts beyond the scope of local police forces (inter and intra-state conflicts). In such conflicts the primary actors are nation-states and/or international institutions like the United Nations. (Gerald Schlabach’s argument for just just policing, the rigorous application of norms that reduce violence and contribute to the restoration of peace with justice; Ewert’s reference to international law and the rule of law in the conduct of war.)

10. The militarization of policing: policing with violent force to maintain unjust and repressive social systems. (Policing as an extension of the arm of the state, inextricably bound up with violence, a fallen principality and power; Alexis-Baker’s interpretation of policing; to participate in “policing” at this level is idolatry and a violation of the Gospel. The church should come out and be separate. Policing as a profession should be banned from the church.)

11. War as “hell: unrestrained violence, not subject to norms that are effective in restraining violence” (Alexis-Baker in “The Gospel or a Glock?”).

### **What Theological Norms are Shaping the Conversation?**

First, I want to test the assumption that in this conversation, despite sharp disagreements, we share a number of basic theological convictions. Within this context of shared convictions, I will attempt to identify issues on which we may not agree and need further discernment. Alexis-Baker's initial article in *CGR* (Spring 2007) misinterpreted the MCC project and several of the essays in *At Peace and Unafraid*, and drives an unnecessary wedge between us (see Schlabach's essay in this issue). My purpose is not to paper over differences but to help clear away the "static" so we can focus on crucial matters needing discernment. How can our language serve us so that moral discourse helps us focus on what it means to follow Jesus? It is helpful to recall the wise counsel of John H. Yoder on the role of the *didaskalos* or teacher ("agent of linguistic self-consciousness"):

The *didaskalos* as practical moral reasoner will watch for the sophomoric temptation of verbal distinctions without substantial necessity, and of purely verbal solutions to substantial problems. He will scrutinize open-mindedly, but skeptically, typologies that dichotomize the complementary and formulae that reconcile the incompatible. He will denounce the diversion of attention from what must be done to debate about how to say it, except when attention to language renews and clarifies the capacity for moral discourse.<sup>9</sup>

We share the conviction that the narrative shaping our basic identity as Christians begins with the story of Abraham, who is called by God to be a blessing among the nations. This story culminates in Jesus Christ, Lord of history and model of discipleship. Our primary social identity is the church called by God to "embody and carry out God's mission in the world," not the nation-state, family, or our profession. Alexis-Baker's contention that the nation-state is at the heart of the MCC project is a profound misunderstanding that I think arises from his focus on the nation-state as the primary actor in policing.

The most perplexing policing issue is how we see our "participation in the state in its ordering of society" (Tom Yoder Neufeld's language, page 96 in this issue). The tendency of Mennonites is to focus on "the state," a focus shaping Alexis-Baker's original essay. Also at issue is how we use our

history. The persecution of Anabaptists by public authorities (“the state”) shapes the view of “policing” in the Schleithem Confession of Faith. This history tends to reinforce a dualism, the church over against the state. Indeed, we do need to address our relationship to the state. However, society is not reducible to “the state.” The concept of civil society points to the rich and vast range of social processes and institutions between the individual and the state, between the church and the state. It is especially here where we also participate and contribute to the rule of law, security, and public order.<sup>10</sup> The Mennonite focus on “the state” diverts too much attention away from the contributions we do and can make to public order and policing within civil society.

We need to continue the conversation (addressed in several essays) about whether professional policing is an appropriate calling for Christians. In *At Peace and Unafraid* I introduce the concept of “vocation” to distinguish Christian discipleship from definitions of “responsibility” that accept uncritically the norms of a profession like policing (the problem with Luther’s view of vocation).<sup>11</sup> I believe the police officers writing in this issue do engage the question of their vocation with integrity. How does a Christian disciple implement God’s mission of love and compassion for both victim and offender, a love that includes the enemy? We agree that at the heart of the Gospel is Jesus’ call to discipleship, which includes enemy love.

All those working in any profession (law, teaching, social work) must learn how to be multilingual, how to think creatively in bringing to bear Christian convictions in relationship to the language and practices of a secular discipline. Asking how we practice discipleship as a police officer is not in principle different from asking how we practice it as a doctor or nurse. In *At Peace and Unafraid*, Lydia Harder develops the biblical concept of wisdom as the arena of “middle discourse” where witness for the gospel logic and the struggle for the good intersect. She does not locate “the theological roots for engaging in security in wisdom literature instead of the prophetic tradition,” as Alexis-Baker claims.<sup>12</sup> “Wisdom and prophetic speech intersect in their dependence on the indwelling of God’s Spirit of Wisdom that we need to discern wisely as to when and where to speak and act.”<sup>13</sup> This concept of wisdom or middle discourse is a fruitful area for ongoing conversation.

Tom Yoder Neufeld worries about our identity becoming more diffuse, “a hybrid of church and public citizenship in which church is an increasingly minority determinant” (96). We all struggle with the tension between being “in the world” but not “of the world,” though we tend to emphasize different poles in this tension. Some believe we are not engaged enough “in” the world, others that we are too much “of” the world. This is a healthy tension. It keeps us on our toes. But it requires that we listen to each other better about how we locate the tension.

### **Discerning What it Means to be Faithful**

A concern in several essays is to what degree does (can?) the church function effectively to help us discern what it means to be faithful. Schlabach argues in *At Peace and Unafraid* that John H. Yoder’s *Christian Witness to the State* sets forth a largely neglected pastoral agenda; that “we will need the support and discipline of congregational accountability groups.”<sup>14</sup> Russell Snyder-Penner asks in this *CGR* issue whether “the Mennonite church has the institutional capacity to sustain the kind of case specific [discernment]” of how one can serve the safety needs of the neighbor and simultaneously love the enemy. Though he does not agree with Alexis-Baker, who would ban police officers from Mennonite congregations, he is “unconvinced that North American Mennonite churches presently have the pastoral and juridical structures for providing constructive moral guidance to congregations that are swiftly being assimilated into every aspect of the broader society” (68). We need both accountability structures within congregations and an equivalent to the Talmud in the Jewish tradition, a collection of stories and case studies (see the article by Doug Johnson Hatlem and Jodie Boyer Hatlem) that can give us a framework to support rigorous moral discernment.

I believe we share the conviction that God loves the world. But what does this mean for us? We can test this by asking, what is the meaning of Jesus’ teaching on the Kingdom of God? The MCC Research Team describes Jesus’ teaching as “the power of God that is breaking into human life and culture to liberate people from the bondage of destructive powers and systems, thus restoring all of life to the wholeness God intends for the creation.”<sup>15</sup> We say the church is called to be the primary sign of the good news of the Gospel by being a compassionate presence among the poor, the

marginal, and the victims of violence and injustice. We see this emphasis in Klassen's essay, and in Yoder Neufeld's, which calls for "deliberate vulnerability for the sake of the other" (97).

The unresolved question is what it means to be vulnerable for the other in a fallen world that continues to resist the breaking in of God's Kingdom. When "responsibility to protect" by disciples of Christ entails rejecting violent force against enemies, do they nevertheless support violent force by the state? How do we think of this force? In a fallen world, does the state's violent force serve a relative good by protecting the good and punishing the evil? Do we believe this violent force is necessary? Can disciples of Christ reject participation in the state's violent force yet support the institution of policing as necessary in a fallen world?

The debate is not about whether some Mennonite pacifists are more optimistic and others have a more realistic view of sin. Nor does it mean that those who emphasize the Lordship of Christ and the reality that God's Kingdom is breaking into the world look to the state as the "servant of Christ ... to set up the reign of God on earth."<sup>16</sup> The deeper question is what we hope for and what the grounds are for hope. If we believe that Christ is Lord, that Christ "is the grain of the universe," then we will put our trust in creative nonviolence, even though it does not always succeed in the short run. Sometimes creative nonviolence will succeed in protecting the vulnerable, but not always. The cross reveals that sometimes violence appears to triumph. As Christ's body in the world, we can risk practicing creative and imaginative nonviolence for the sake of others threatened by injustice and violence. Because we believe Christ is the grain of the universe, we can trust and have confidence in alternative systems of security that do not depend on violent force. Violent force also often fails to work. The resurrection hope that Christ is Lord is an alternative to the idolatrous faith grounded in an ontology of violence that believes violent force is "necessary" to protect the good and punish the evil.

Resurrection hope shapes our primary vocation to develop imaginative and creative nonviolent security practices. At the same time, we can also witness to policing systems that rely on violent force. Yoder's concept of middle axioms to characterize this Christian witness to the state is well known. This is a summary of his position:

A government that is not committed to principled nonviolence may nevertheless be held accountable to do everything in its power to seek a just peace without violence. When it does resort to force, pacifists can hold it accountable to principles of just war theory. Likewise, they can hold a police force accountable to serve the community welfare by employing the least amount of force and use force only as a last resort.<sup>17</sup>

Can we build upon our common ground (and also join with other faith traditions) to become a more pioneering Mennonite church that contributes a vision and wise practices of policing to help nurture a more just and less violent commons? Will our commitment to Christ and his Kingdom give us hope and confidence to imagine and risk alternative practices of defending the vulnerable whose lives are threatened by the forces of evil? Could we develop a “Nonviolent Policing Model” analogous to the Victim Offender Reconciliation Program? VORP does not presume to replace the prison system. Nevertheless it has developed, alongside that system and in collaboration with the legal system, a vision and a set of practices for addressing the needs of both victims and offenders. Like the mustard seed and leaven, VORP is a sign of the Kingdom. Like VORP, we must be realistic about policing. We should have no illusion that we can replace the policing structures of the state. But could we put our shoulder to the wheel to develop an analogous Nonviolent Policing Model that is also a sign of the in-breaking of God’s Kingdom?<sup>18</sup>

## Notes

<sup>1</sup> Pamela Leach, “Gadfly Citizenship: Faith Public Practices beyond the National Security Model,” in *At Peace and Unafraid: Public Order, Security, and the Wisdom of the Cross*, ed. Duane K. Friesen and Gerald W. Schlabach (Scottsdale: Herald Press, 2005), 83-115, at 100.

<sup>2</sup> See Lowell Ewert’s essay, “Law as a Sword, Law as a Shield,” *CGR* (Spring 2007): 4-22.

<sup>3</sup> Quotes in this paragraph are from my essay, “In Search of Security: A Theology and Ethic of Peace and Public Order,” in *At Peace and Unafraid*, 51-53.

<sup>4</sup> See the examples of “order” from the Congo and Somalia when state systems failed: *At Peace and Unafraid*, 62.

<sup>5</sup> Andy Alexis-Baker, “The Gospel or a Glock? Mennonites and the Police,” *CGR* (Spring 2007): 38.

<sup>6</sup> See the references to unarmed crisis intervention teams of social workers and counselors

referred to in *At Peace and Unafraid*, 70, 80.

<sup>7</sup> “The Gospel or Glock?,” 37.

<sup>8</sup> *At Peace and Unafraid*, 69.

<sup>9</sup> “The Hermeneutics of Peoplehood,” in *The Priestly Kingdom: Social Ethics as Gospel* (Notre Dame, IN: Univ. of Notre Dame Press, 1984), 33.

<sup>10</sup> Most of the essays in *At Peace and Unafraid* do not focus on “the state” but address the ways civil society contributes to public order and security, including the church itself (when it considers how to include a member charged with child abuse).

<sup>11</sup> *At Peace and Unafraid*, 56-57.

<sup>12</sup> “The Gospel or a Glock?,” 34.

<sup>13</sup> *At Peace and Unafraid*, 148-49.

<sup>14</sup> *Ibid.*, 419.

<sup>15</sup> Statement from the narrative explanation of the visual model of the MCC Peace Theology Project Team, *At Peace and Unafraid*, 154.

<sup>16</sup> “The Gospel or a Glock?,” 34. Alexis-Baker’s portrayal of our position sounds reminiscent of Munster.

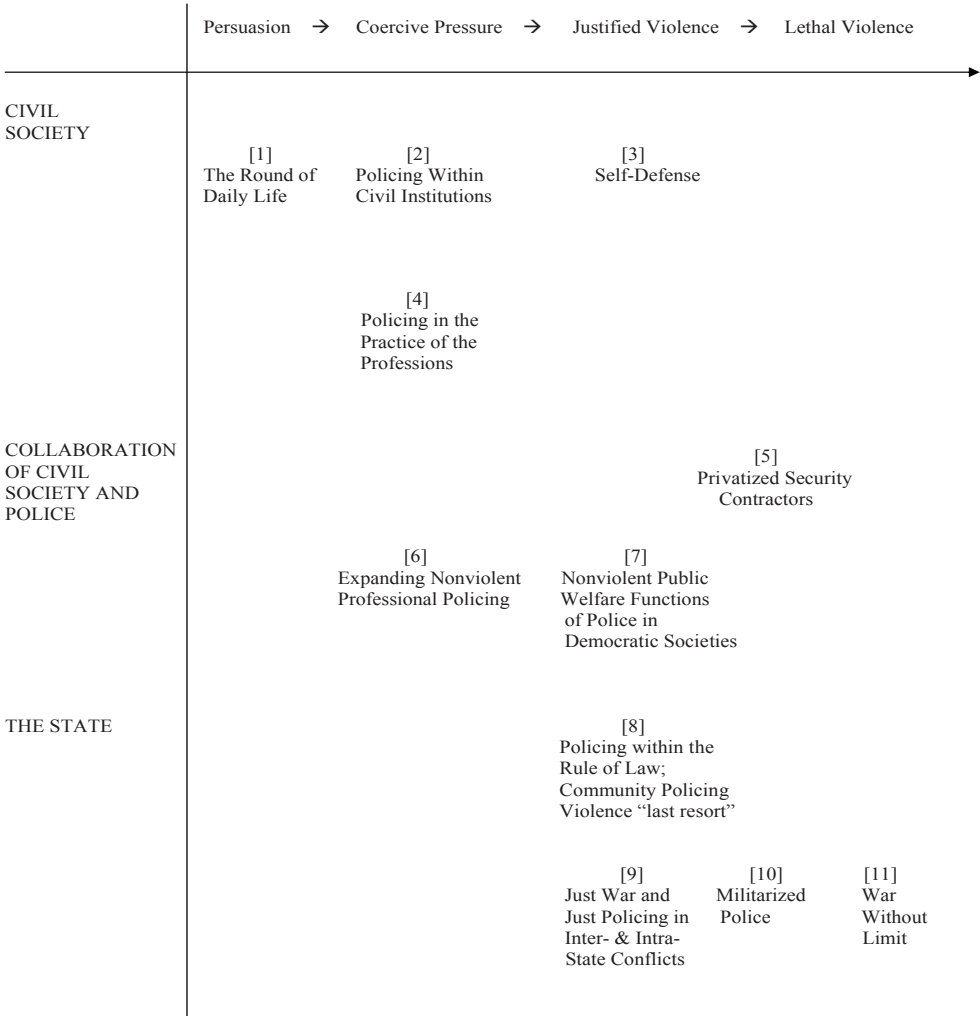
<sup>17</sup> *At Peace and Unafraid*, 59.

<sup>18</sup> Doug Johnson Hatlem’s alternative Talmudic narrative to the nation-state for pursuing order and security, and Circles of Support and Accountability described by Eileen Henderson are creative signs of the development of a Nonviolent Policing Model.

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Appendix

ORDERING PROCESSES





# **Pacifism, Policing, and Individual Conscience**

*A. James Reimer*

## **Theological Considerations**

Policing as a Christian moral issue cannot be dealt with adequately by isolating it, and dealing with it separately, independent from larger theological considerations such as the nature of God; creation, sin, and the fall; human nature and responsibility; Christ; the Holy Spirit; the Church; and the Christian view of history, to name just a few. Obviously in a short essay one cannot discuss all these areas. I will, however, make allusions to some theological assumptions in dealing with the topic at hand.

I take the church's primary calling to be to proclaim the good news of Jesus Christ (the Gospel); to foster prayer and worship, including administering the "sacraments"; and to incarnate and promote the life of Christian discipleship, which includes peace-making, reconciliation, and love of enemy ("non-resistance," "pacifism"). I take the state's mandate to be to preserve and further the social good and to restrain the evil ("policing"); in other words, benevolently to maintain law, justice, and order locally, regionally, nationally, and internationally, a mandate that can be justified theologically, in contradistinction from "warring," which in my view cannot be so justified. Allegiance to the church and its calling in the world takes precedence over all else for individual Christians.

To what extent individual Christians can participate in the mandate of the state, a participation that I consider theoretically possible, will depend on the individual conscience guided by the discretion of a discerning community. The Christian's response to a call by the state to go to war must be an unequivocal "No." However, the responsibility to participate in policing (i.e., the restraint of evil, and the maintenance of order for the common good) is more ambiguous and requires careful reflection, because it relies on coercion that is sometimes lethal.

In what follows I argue that: (1) one's position on war and policing must be justified theologically; (2) traditional Mennonite teaching on the subject was thoroughly theological; it operated on the assumption of two

kingdoms, spheres or levels, in which a strong coercive state, including policing, was necessary in a sinful world and was under the providence of God, but the true Christian church must be absolutely non-resistant and thus, with some exceptions, not participate in the state and in policing of any kind (this was Christologically argued); (3) the current debate has largely rejected the two-kingdom or two-sphere approach in favor of a one-kingdom, “already-not yet” view of time and history as a basis for either rejecting all violence for both state and church or supporting policing as distinct from warring for both state and church; (4) a modified two-kingdom (or two arena) view, in which the church retains its radical witness to Christian nonviolence while making a tentative concession to policing, can be theologically and biblically justified in a way that war cannot.

*Christian ethics needs to be theologically justified.* All ethical imperatives for Christians concerning personal morality, and social and political obligations and responsibilities, are grounded in an understanding of the nature and works of the triune God; recognition of the current fallen state of the world and all human beings, including Christians; participation in the church’s life and mandate as the community of believers atoned for by Christ, and regenerated and empowered by the Holy Spirit within the context of a broken world; and hope for and anticipation of the final restoration and resurrection of all things, when the lamb and lion will lie down peacefully together. This is not the place to spell out in detail the ramifications of each of these theological claims for social and political ethics. Here I simply flag them as critical assumptions affecting how we talk about policing.

“Pacifism,” “non-resistance,” “nonviolence,” “restorative justice,” “just peacekeeping,” “just peace-making,” or “just policing” that receive their justification in some other way (non-theologically) may be welcomed in a world that needs all the help it can get, but may not be grounded solidly enough to withstand the test of time and faithfulness to the gospel. This does not mean Christians should not seek alliances with any and all, from whatever religious and humanistic background, who are dedicated to peace in our world. It is only to say that how we as Christians justify our actions and commitments matters profoundly. It matters, for example, whether someone after a crisis of conscience, prayer, and personal spiritual struggle engages in ethically ambiguous activity (e.g., Dietrich Bonhoeffer), or

whether a pacifist who has lost her faith in a personal, living, transcendent divine reality devotes her life to the cause of peace and social justice as a purely human political activity without spiritual grounding. This is why a spiritually transformed and communally sensitive individual conscience is so important in ethical decision-making. God works not only through the community but also through the individual conscience.

### **Traditional Mennonite Teaching**

Traditional Mennonite teaching on non-resistance was thoroughly biblically and theologically based. This is evident in a book like Guy F. Hershberger's *War, Peace, and Nonresistance*.<sup>1</sup> Writing before the social historians of the 1970s and 1980s debunked the monogenesis myth of Anabaptist-Mennonite origins,<sup>2</sup> Hershberger makes assumptions about the consensus of Mennonite theology and ethics that are no longer viable. There is more diversity on the question of force among early Anabaptists than he allows for. In fact, as C. Arnold Snyder has persuasively shown, the rejection of violence was not a core trait of the first generation of Anabaptists. Only in the second generation did non-resistance gradually develop as a defining characteristic. Yet it is precisely Hershberger's non-historicist, theological form of reasoning that continues to be relevant to today's discussion of policing and war. As will become clear below, I modify Hershberger's conclusions but I find much in his theological approach compelling.

Hershberger begins his lengthy study with a careful look at Old Testament and New Testament texts. Although he deals with difficult (particularly OT) texts a bit too easily, and doesn't take historical-critical exegesis and hermeneutics adequately into account, he makes a strong biblical case for the consistency with which both testaments "agree that the way of peace is God's way for His people at all times; that war and bloodshed were never intended to have a place in human conduct" (Hershberger, 15). The fundamental moral law of the Old Covenant is reflected in the Ten Commandments (especially the imperative "Thou shalt not kill") summed up as loving God and neighbor. This fundamental moral law (in effect, non-resistance) remains the same in the Old and New Covenants. Jewish civil and ceremonial law is an accommodation by God to the sins and immaturity of the people (16). Hershberger does not soften the dark side or the wrath

and judgment of God. God uses human agency to effect divine vengeance, but this human action is itself sin: "Therefore he who takes a human life, even if he acts legally as an official of the state, is violating the will of God for His people. The avenger plays a part in the operation of the divine wrath which requires that men suffer the consequences of their own sin: but the act of human vengeance itself is in violation of God's fundamental moral law" (22). God's judgment and wrath are but the cause and results of Israel's sins and continue to be so under the New Covenant.

Unapologetically supersessionist (a problem!), Hershberger claims the New Covenant supersedes the Old. Although the fundamental moral law (not killing, and love of God and neighbor) is not superseded (it is confirmed and strengthened by the New Covenant), Jesus' teachings call Christians to a higher standard: "Jesus also makes it clear that under the new covenant ... the Christian is required to meet the higher standard [of non-resistance and love of enemy as found in Matthew 5]. The lower standard of the imperfect former covenant [Mosaic civil and ceremonial law] is done away" (Hershberger, 23).

What we are left with, then, are two standards, one for Christians and one for non-Christians:

From this point of view, therefore, there are two levels of humanity, which today would be called the Christian and the sub-Christian levels. It is God's will that all men should live on the Christian level where they will observe the higher law of love; but those men who reject God's will and choose to live on the sub-Christian level naturally must follow a different course, having repudiated the law of love.... As long as they reject His higher moral law He requires them to reap the consequences of their own evil. When a man on this lower level engages in theft, for example, another man, also acting on the sub-Christian level, although in a quite different category, arrests the thief and imprisons him. (Hershberger, 27)

In short, God through his "permissive command" or "permissive will" commands sinners to be punished by sinners on the sub-Christian level. This applies to moral issues such as divorce, kingship, blood vengeance, capital punishment, the legal oath, retaliation, and warfare. These were permitted

and even authorized only as a kind of concession to the sinfulness of God's people.

However, these concessions have been set aside by Jesus. With the coming of Christ under the New Covenant, his redemption on the cross, and the coming of the Holy Spirit, humans were given greater power for holy, non-resistant living than in former times.

The new covenant is better than the old because the consciences of men are now cleansed 'from dead works to serve the living God.' The law of God is no longer written merely on tables of stone, or with ink, but by the Spirit of the living God into the very hearts of men. The new and perfect covenant has invalidated the old imperfect one, and restored all conduct to the level of the fundamental moral law. The handwriting of ordinances as found in the ceremonial law is blotted out, and the civil law of Moses is brought to an end that the moral law might be truly fulfilled. (Hershberger, 46)

Non-resistance is possible because of divine grace, Christ's atonement, and the coming of the Holy Spirit.

This biblical and theological reasoning leads Hershberger to some inevitable conclusions concerning Christians and the state, including policing. The state, like the Old Covenant, operates in the context of a sinful world; its role is to administer justice and maintain order with the use of force on the sub-Christian level:

The function of the state is clearly stated in the New Testament. It is to maintain order in the evil society. Paul says: "Rulers are not a terror to good works, but to the evil." In this capacity the ruler is the agent of God for good. Peter also says governors are sent of God "for the punishment of evildoers, and for the praise of them that do well." In what sense, then are rulers ministers of God? Only in the sense that in the operation of God's law of cause and effect in sinful human society, which requires that man suffer the consequences of his own evil, society has found it necessary to organize a state and appoint rulers with the power of coercion. (Hershberger, 54)

However, those operating on the Christian level do not participate in the state's use of force, including military service or police functions. Although they are submissive to authority, pray for those in authority, pay their taxes, and do all those things compatible with their life of non-resistance, they "are to manifest that same spirit of love and non-resistance which took Christ to the cross to die for the atonement of sins" (Hershberger, 59). They may be involved in many non-coercive activities of the state such as health, education, communication, and transportation, and they are law-abiding citizens – law being there for "suppression of evil and for the promotion of the public welfare" (159) – but they cannot participate in coercive functions of the state such as the department of justice, jails, police, or the military. It would therefore be difficult for non-resistant Christians "to hold, with any degree of consistency, a major executive, legislative, or judicial position in a modern state," although there have been and are exceptions, which "should caution one against declaring it impossible to occupy an important state position and remain non-resistant" (161).

Concerning those who make a clear distinction between policing and the military, supporting the former but not the latter, Hershberger says this:

While it is true that the motives of an international police force sent out by a league of nations to punish an outlaw nation would be different from the motives of an army under the direction of an irresponsible conqueror, the resulting violence and bloodshed in the one case would perhaps be little different from the other. At best, both the domestic and the international police are instruments for the maintenance of order by means of physical force. This is necessary in a sinful society, but is forbidden to non-resistant Christians who seek to follow the Christ who taught men when smitten on the one cheek to turn the other also. There may be intelligent and unintelligent, or just and unjust, uses of force by both the domestic and international police. This makes the difference between good and bad government. But from the point of view of the statesman, as well as that of the non-resistant Christian, the domestic police and the international police, or army, are fundamentally the same. To attempt a fundamental distinction between them is to attempt a

distinction without a difference. (Hershberger, 174)

Hershberger, representing the traditional Mennonite position, in line with the two-kingdom teaching of the Schleithem confession of 1527 and the Dordrecht Confession of 1632, is entirely consistent in his theological defense of a strong state that needs sinfully to use coercion in the sinful world (within the providence of God but outside the perfection of Christ), and an uncompromising, non-resistant church whose sole allegiance is to the life, work, and teachings of Jesus (being inside the perfection of Christ).

I have some problems with Hershberger's theology, especially his rather crude supersessionism, his un-nuanced distinction between the sub-Christian and the Christian levels (the fixed two kingdoms), and the sectarian perfectionism with which he views the church. His acknowledgement of the sinfulness of the world, including Christians, is only partial. Nevertheless, I have high regard for the consistency of his approach and his unapologetic defense of Christian non-resistance. It is a precious heritage that should not be squandered in our concern for relevance and ecumenicity.

### **Just Policing**

In more recent thinking about war and policing, Mennonites have felt increasingly uncomfortable with the strict dualism between those who are uncompromisingly faithful to Jesus' non-resistant teaching and those who are involved with the legitimate divinely ordained task of the state to foster order and restrain evil in society (policing). John Howard Yoder in his 1972 book *Nevertheless* already identified the temptation toward dualism in what he called the "The Non-Pacifist Nonresistance of the Mennonite 'Second Wind'" (of the Hershberger type): "If one limits non-resistance to oneself, one can then be non-resistant and still patriotic and anti-communist; one can be accepted within denominational pluralism and within patriotic small-town society without representing a challenge."<sup>3</sup> This type of non-resistant pacifism spent as much time distinguishing itself from general North American pacifism as from liberalism.

Yoder himself in his theological and ethical proposals goes beyond the Hershberger form of dualism and strict view of non-resistance to argue for more positive political nonviolent engagement. He represents the beginning of the shift from non-resistance to nonviolent resistance and

struggle for social justice (e.g., *The Politics of Jesus*), making “already-not yet” assumptions about history and the Kingdom of God. For Yoder, the state has a legitimate calling to preserve the good and restrain the evil (policing), and Christians might potentially be called to serve as police, although he has never himself encountered such persons.<sup>4</sup> It is clear that Christians are called to the task of reconciliation, but not clear that this task includes policing and being agents of divine wrath. In my conversations with Ontario police who have Anabaptist-Mennonite connections, I have been impressed that they see their daily task as primarily providing conflict resolution and peacemaking, not serving as agents of divine wrath through the use of the gun.

Gerald W. Schlabach, who has been very much involved in Mennonite-Catholic dialogue and, I understand, has converted to Roman Catholicism without breaking his connection to the Mennonite church entirely, has done the most careful thinking about just policing and just peacemaking. Just policing, he believes, is a point where those in the pacifist and just-war traditions can seek convergence: “Implicitly, the goal of peace church activist and stringent just war policy makers alike becomes just policing—just policing, not war.”<sup>5</sup> While he does not call for those in the pacifist tradition to give up their stringent adherence to nonviolence, he challenges them to seek to engage effectively in government positively, through just policing and just peacemaking, in a way that is convincing to those in the just war tradition.

Although quite aware of the fuzzy boundary between certain types of war and policing, Schlabach makes a convincing case for the distinctiveness of each as “ideal types”:

Policing seeks to secure the common good of the very society within which it operates, because it is embedded, indebted, and accountable within that community; according to the rule of law, it has an inherent tendency to minimize recourse to violence. Warfare may also seek to secure the common good of society, of course. But because it extends beyond that society through threats to other communities, it has an inherent tendency to break out of the rule of law. It thus cuts whatever slender bonds of accountability would truly limit its use to ‘last



resort.’ And this difference is only the beginning. For having cut loose, war usually jeopardizes the common good not only of the international community but of the society in whose name it is being waged.<sup>6</sup>

Early Anabaptists, Schlabach reminds us, did not clearly distinguish between war and policing, because the position of magistrate included both. However, with time Mennonites have come to distinguish between them:

Within and among the historic peace churches that have opposed Christian participation in warfare and militaries, the same level of consensus does not exist concerning Christian participation in policing. Mennonite institutions such as colleges, with responsibility for the security of hundreds of residents, have quietly cooperated with local police—and even the strongest advocates of nonviolence on their faculties have rarely objected.<sup>7</sup>

Schlabach imagines a society that could dispense with war but not with just policing. This just policing would operate on principles approaching traditional just war criteria, and would apply to domestic and international situations, effective not only for local criminals but for criminal terrorists in a post-9/11 world. A last resort to some form of lethal violence would have to be a possibility.

Here Schlabach differs from those like Ronald Sider who, in a 1984 debate with Anglican moral theologian and ethicist Oliver D. O’Donovan, argued for a kind of policing that would never resort to lethal force.<sup>8</sup> O’Donovan, a staunch defender of the just war tradition even in the context of the cold war, argued that war is sometimes necessary in the defence of a third party, and considered Sider’s policing without guns to be naïve. I agree with Sider’s call for policing rather than war, and believe that policing can be seen as a form of peacekeeping and peacemaking; yet I also agree with O’Donovan that policing without the threat of force (even in the exceptional case, lethal) is unrealistic. I agree with much of what Schlabach says, although we may differ somewhat in our ecclesiologies (I am not ready to convert to Catholicism, although I consider myself a “catholic Mennonite”), and in our view of history and two-kingdom thinking.

My discussion so far sets the stage for a proposal that is outlined below.<sup>9</sup>

### **A Proposal: Policing and Conscience**

1. God in his first dimension as inexhaustible transcendent mystery (God as creator and preserver of creation) transcends our understanding of good and evil, and thus also our own ethical systems, including our views on peace and violence. God is free, and has the right to give and take life, to reward good and punish evil. How human agency figures in this taking of life and punishing of evil remains somewhat of an enigma. The creation and preservation of the world is a free act of divine grace and mercy, contingent on God's will and not logically necessary. God, therefore, is not a pacifist in the strict sense. The OT especially witnesses to this dimension of God, which we ought not to domesticate too easily through selection of texts and forms of supersessionism. See my "God is Love but not a Pacifist."

2. God in his second dimension, historical revelation (Logos, Word, the Christ), is the formative principle of creation, redeemer, and reconciler of all things. The historical Jesus of Nazareth as the Christ, in his being, life, ministry, and teachings is the incarnation of divine love, mercy, forgiveness, reconciliation, including non-resistant and nonviolent love ("pacifism"), all of which reveal the inner heart and purpose of God for the world. As human beings, as Christians, this Jesus is the one we are called to follow in private and public life. However, for following Christ (discipleship) to be a possibility, we need an inner spiritual transformation, the empowerment of the Holy Spirit. Pacifism as an ideology without this spiritual dimension is a giant with feet of clay.

3. God in his third dimension is immanent, personal, transformative power. The Holy Spirit of God empowers us to live a resurrected life of nonviolent love already in this fallen world of sin and violence, but not with ideological fixedness and not without ambiguities. Reinhold Niebuhr was right to say that none of our choices is pure and unambiguous, without irony and tragedy. We live in a world of uncertainty, contingency, ambiguity, and violence. As my friend and jazz musician Alan Armstrong has impressed

upon me, much of life is like jazz. While there are basic chordal structures underneath, the musicians are constantly improvising spontaneously into uncharted territory. The Holy Spirit empowers us to live boldly in a broken world, and by so doing we will break out of ideological straitjackets and inevitably “sin” in doing so. Here the atoning work of Christ on the cross forgives us our sins (even our violence) without excusing them.

4. We live in a fallen world characterized by broken relationships, injustice, oppression, and violence, and threatened constantly with chaos, anarchy, nihilism, and non-being. In such a world God has created principalities and powers, including human structures and institutions to preserve life and being, and to restrain evil. Creation itself was made possible by God drawing boundaries and creating order out of the watery chaos and nothingness. (See my discussion of Genesis 1-2 in “Trinitarian Foundations for Law and Public Order.”) Although these structures and institutions are themselves fallen (coercion is a sign of this fallenness), they are used by God in a rear-guard fashion to maintain order in a sinful world. Policing, ideally, is one such institution mandated to further and preserve order so as to make life possible, and ought therefore to be supported within limits by Christians, unlike war, which contributes not to order but to disorder, chaos, and non-being.

5. Since policing, despite its primary role in peacekeeping and peacemaking, is premised on the threat of force (sometimes lethal), how can Christians, whose basic allegiance is to Christ’s way of nonviolent love, support it or even participate in it? We might conceptualize this, and theologically defend it, by modified two-kingdom or two-sphere thinking: our primary home (the church) and our secondary home (the pluralistic world, the public square). The boundary between these is not as fixed as in Hershberger, but more porous and fluid. We live in both, and move readily back and forth between them on the basis of conscience. Sometimes we say “yes,” sometimes “no,” as did early Anabaptist Pilgram Marpeck.<sup>10</sup> It is not that one, the public square, is in the sinful world, and the other, the church sphere, is in the sinless sphere. Both participate in fallenness and sinfulness and wait for the ultimate reconciliation of all things. However, as Christians

and members of the Mennonite community, our primary allegiance is to non-resistance and nonviolent love (pacifism, if you like).

The Mennonite church ought to remain uncompromising in its witness to the historic Mennonite peace position and its rejection of all violence. No taking of human life in the policing profession, for instance, can be theologically justified, although it may sometimes be a tragic consequence of the primary task of preserving the good and restraining the evil. Participation in the policing profession as a calling for Christians, including Mennonites, must finally be left up to the individual conscience, in conversation with the church community. The Mennonite church, in its historic understanding of the freedom of religious conscience, ought to allow for such individual calling and be supportive of it. It also ought to allow for, and be in dialogue with, other Christian traditions which differ in their understanding of Christian responsibility in public life. Each has a unique calling (charism) within the larger Christian community.

## Notes

<sup>1</sup> Guy Franklin Hershberger, *War, Peace, and Nonresistance* (Scottsdale, PA: Herald Press, 1953).

<sup>2</sup> For a discussion of recent historiographical studies of Anabaptist-Mennonite beginnings, see my "From Denominational Apologetics to Social History and Systematic Theology: Recent Developments in Early Anabaptist Studies" in *Religious Studies Review* 20.3 (July 2003): 235-40.

<sup>3</sup> John H. Yoder, *Nevertheless: The Varieties of Religious Pacifism* (Scottsdale, PA: Herald Press, 1971), 111.

<sup>4</sup> Yoder, *The Christian Witness to the State* (Newton, KS: Faith and Life Press, 1964), 56-57. Also cited by Gerald W. Schlabbach, ed., *Just Policing, Not War: An Alternative Response to World Violence* (Collegeville, MN: Liturgical Press, 2007), 83.

<sup>5</sup> Schlabbach, "Just Policing and the Re-evaluation of War in a Less Divided Church," in *Just Policing, Not War*, 18.

<sup>6</sup> Schlabbach, "Warfare vs. Policing: In Search of Moral Clarity," in *Just Policing, Not War*, 69-70. Schlabbach continues to list ways in which warring is distinct from policing: untethering from the common good, rallying-around-the flag, overkill (or use of blunt instrument), failure to meet requirements of the rule of law, the use of greater and greater fire-power (or the football phenomenon), adrenaline rush, defence of honor, militarization (73-76).

<sup>7</sup> Schlabbach, "Warfare vs. Policing," 80-81.

<sup>8</sup> See Ronald Sider and Oliver O'Donovan, *Peace and War: A Debate about Pacifism* (Bramcote, UK: Grove, 1985). The debate between Sider and O'Donovan, together with a discussion, took place at the Summer School of the Oxford Centre for Mission Studies in August 1984. In July 1984 Sider gave a memorable address at the Mennonite World Conference in Strasbourg, in which he proposed the establishment of Christian Peacemaker Teams.

<sup>9</sup> Although I have done quite a bit of thinking and some writing on the subject of policing, my views are still evolving. See A. James Reimer, "God is Love but not a Pacifist" in *Mennonites and Classical Theology: Dogmatic Foundations for Christian Ethics* (Kitchener/Scottsdale: Pandora Press/Herald Press, 2001), 486-92; "Christians, Policing, and the Civil Order," *ibid.*, 493-500; "Gibt es 'legitimat Gewalt'?" *Mennonitisches Jahrbuch 2004* (Lahr: Arbeitsgemeinschaft Mennonitischer Gemeinden in Deutschland, 2004), 34-41. Unpublished translation in manuscript form under the title "Is Force Sometimes Justified?"; "Trinitarian Foundations for Law and Public Order," unpublished, 2005, 1-5.

<sup>10</sup> See my "Law, Conscience and Civil Responsibility: Marpeck, Mennonites and Contemporary Social Ethics," in C. Arnold Snyder, ed., *Commoners and Community: Essays in Honour of Werner O. Packull* (Kitchener/Scottsdale: Pandora Press/Herald Press, 2002), 121-43.

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# CALL FOR PAPERS

## **Marginal or Mainstream? Anabaptists, Mennonites and Modernity in European Society**

**Bethel College, North Newton, Kansas  
June 25 and 26, 2010**

*Proposal deadline: October 1, 2009*

In contrast to earlier general surveys of sixteenth-century European history that ignored Anabaptists, or at most mentioned the horrors of Münster without much context, today the history of Anabaptism in the second and third decades of the 1500s has made its way out of the narrow confines of denominational history and on to the main stage of European history. Once chronological surveys arrive at the 1540s, however, the lights go dim and Anabaptist/Mennonite historiography retreats back to its corner where both its practitioners and European historians in general often seem to assume it belongs. Does nothing lasting remain from that early radical impulse that might have continued to irritate, shape or fertilize European society from the sixteenth century to today? Mennonites, in fact, because they represented an alternative and cohesive community that was Christian, pacifist, and non-state, forced the societies and states where they lived to grapple with recurrent exceptions to the laws and to assumptions about the proper behaviors of subjects and citizens. To what extent did this community, although often marginalized, nonetheless provide models or stimuli for important developments in European economics, politics, religious practice and gender relations, or other areas?

This conference invites proposals that demonstrate how European history can be better understood by incorporating key aspects from five centuries of Anabaptist and Mennonite history. How did Mennonites experience and help to shape industrialization, urbanization, capitalism, imperialism, feminism, republicanism, nationalism, institutionalization, and Enlightenment rationality? Or were most Mennonites happy to stay on the margins of European modernity?

Paper topics are welcomed from a variety of perspectives, such as social, economic, political, cultural, religious and gender history. Sample questions for consideration that could be applied in specific geographic settings can be found at <http://www.bethelks.edu/mennosandmodernity/index.php>.

Submit papers to Mary Sprunger at Eastern Mennonite University:  
sprungms@emu.edu or Mary Sprunger, Department of History,  
1200 Park Road, Harrisonburg, VA 22802.

Travel subsidies may be available.  
Publication of conference proceedings is planned.

Co-organizers:  
Mary Sprunger, Eastern Mennonite University  
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