

IS FORCE SOMETIMES JUSTIFIED? GIBT ES "LEGITIME GEWALT"?

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Is the use of force sometimes justified to maintain or restore law and civil order, even for "pacifist" traditions like the Mennonite? This is the primary question of interest for the "Peace Theology Research Project," a new initiative underwritten by Mennonite Central Committee (MCC). In response to 9/11, MCC through its Akron Peace Office, has committed substantial monies to fund a two-year study of legitimate and illegitimate uses of force. The study headed by a three-member committee will hold consultations, have regional meetings, plan a major colloquium in Akron in August of 2004, and produce a final volume of essays and findings on the topic.

Mennonites have developed a peace theology in which church members are urged to reject lethal force as a legitimate way of responding to violence. We have sought creative, alternative ways of dealing with violence and underlying causes of violence: victim/offender/reconciliation programs, Christian Peacemaker Teams, conflict transformation through mediation. We have repudiated war as a legitimate option, but have not known how to deal with "policing" as a necessary means of maintaining public order.

The intent of the Peace Theology Research Project is to examine precisely these issues related to policing. How ought Christians who are committed to nonviolent responses to evil, address situations where 1) there is a breakdown of civil order that leads to massive loss of life (former Yugoslavia, Somalia, Sudan, Rwanda); 2) terrorism as an expression of protest and anger against injustices, repressive violence of states, para-militaries, counter-insurgency forces (Israeli occupation, American imperial power, police brutality); and 3) crimes that threaten the security of citizens.

I applaud MCC for taking this bold initiative to deal with tough issues, dilemmas that Mennonites have skirted and not dealt with honestly. The question is whether MCC with its strong investment in traditional answers to these questions, will have the courage to come up with new directions and support them. Since MCC is the one truly inter-Mennonite institution which virtually all Mennonite groups support, and since it has a global peace reputation, it may have too much invested, and too much to lose, to come up with ground-breaking new directives on this sensitive topic.

In Waterloo, Ontario, there is a similar new initiative sponsored by the Peace and Conflict Studies program (PACS) at Conrad Grebel University College, interested in exploring how Mennonites understand law and civil institutions as necessary for maintaining order and public life. Initiated by Lowell Ewert, lawyer and Director of PACS, it is bringing together Mennonite lawyers, police men and women, and other professionals to discuss how their professions might be understood in light of the historic Anabaptist-Mennonite tradition and its concerns. These two groups (the MCC Peace Theology Research Group and the Waterloo law interest group) met in Toronto on Friday, June 27, 2003, to discuss their common interest. I, as the theologian who has been interested in these very issues, attended this meeting. I am currently working on a Christian theology of law and civil institutions.

The Mennonite thinker who has most seriously thought about these matters in our time is,

of course, John Howard Yoder. As early as 1964, in his classic *The Christian Witness to the State* (Faith and Life Press, 1964), and in many subsequent writings, Yoder addressed virtually all the major themes identified above, and set the agenda with his own sharp analysis, probing questions, and powerful answers. He was the one who initially made the distinction between “policing” and “warring,” implying, although never elaborating on, the legitimacy of policing but not of making war.

In 1984, the Brethren in Christ theologian Ronald Syder and Anglican moral philosopher and theologian Oliver O’Donovan had a debate in Oxford, published as *Peace and War: A Debate about Pacifism* (Grove Books, 1985). O’Donovan argued for deterrence and the limited use of conventional arms in defense of a threatened and victimized third party. Syder defended traditional pacifism, namely, the rejection of all war and violence. He did, however, concede that some form of policing was necessary in a fallen world, and could be supported on the condition that it was non-lethal. O’Donovan, rightly in my opinion, pointed out the naivete of thinking that effective regional or global policing could be accomplished without the use, or at least the threat of lethal force. This is not to say that far more energies ought not to be expended in imagining and funding alternative non-lethal forms of policing and solving conflicts.

Although I have thought about these issues for most of my adult life, I first publicly addressed them in two short articles: “God is Love but Not a Pacifist” (*Canadian Mennonite*, July 26, 1999) and “Christians, Policing, and the Civil Order” (*Canadian Mennonite*, August 30, 1999), well before the present MCC initiative. In the first, “God is Love but Not a Pacifist,” I declared my firm commitment to our heritage and its dedication to peace and nonviolence. However, I urged us to acknowledge the all-persuasive presence of evil and violence not only within society but also within ourselves, as well as the limited nature of our freedom to overcome such evil and violence.

I proposed in that first article, that the Christian doctrine of the Trinity is essential for an adequate understanding of human attitudes toward violence and nonviolence. The trinitarian confession is that God the Creator, God the Christ, and God the Spirit are three ways of understanding the one God. When looked at from our human perspective, there appear to be distinctions in the way God deals with the world (the economic Trinity) which do not exist within the divine essence (the immanent Trinity).

To say that God is fully revealed in Jesus of Nazareth is not to say everything there is to say about God in God’s eternal mysterious essence. This is an important point to make for Mennonites, who have taken the non-violent and self-sacrificial Christ to be the total revelation of God. Critical to this discussion, a debate that we cannot go into here, is the relation of the eternal Christ (the “Son”, the Logos, Sophia) to Jesus of Nazareth. The earthly Jesus, who went the way of suffering and the cross, never equated himself with the “Father,” although he did claim “unity” with the “Father.”

The point I tried to make was that Christians (followers of Jesus of Nazareth, the Christ) are called to be non-violent peacemakers in the world, but God in God’s essence transcends all human ethical systems. God is the source of all life, and as such is free to give and take life, in order to accomplish the ultimate, loving divine purpose for “His” creation. In other words, while God’s essence is Love, strictly speaking God cannot be said to be a “pacifist” in any human ethical sense. We as Mennonite cannot hold God captive to our ethics of nonviolence.

It is true that God has revealed in Jesus the Christ the goal or “grain” of the universe: the

ultimate reconciliation of all things as the goal (or “grain”) of all reality. How we get there, however, remains largely a mystery. In a fallen, evil and violent world God may use what appear to us to be “violent” means to achieve that end. This does not justify *our* use of such violent means. Here I agree with Miroslav Volf, who in his *Exclusion and Embrace* (Abingdon Press, 1996) maintains that God’s wrath and judgment do not translate into a justification of our own use of violence. In fact, it is precisely because vengeance is transferred to the divine that we humans are free *not* to exercise it.

The difficulty of holding this position—that *God* can use what appear to us to be violent means to achieve divine ends but *we* can’t—becomes immediately evident when it comes to policing. In short, it does not yet answer the tougher questions about human participation in force-full means to fulfill the divinely-ordained civil mandate of maintaining law and order as a means of preserving life. For what means does God have by which to accomplish divine ends in history but human means?

This is an area where Volf’s influential work falls short. It is a problem I take up in the second article referred to above, “Christians, Policing and the Civil Order.” An initial draft of this paper was first presented at a day-long symposium at Conrad Grebel University College on June 22, 1999, two years before 9/11. The theme of the symposium was “In Search of a Mennonite Response to Kosovo.” In this essay, I draw out some of the implications of a trinitarian theology for Christian social ethics. I distinguish between 1) “policing,” as a metaphor for the legitimate use of power and force in the domestic, municipal, provincial, national, and international arenas, and 2) “warring” as the illegitimate use of force. I justify the former (policing) on biblical, historical and theological grounds, as being consistent with the divine mandate to restrain evil and preserve (and further) the good, but not the latter (warring).

While it may not always be easy to distinguish between policing and warring, and when one shades into the other, these are two qualitatively different ways of engaging force, premised on different assumptions. Policing is devoted to maintaining law and order, ideally guided by a respect for life, including the life of the perpetrator, or in biblical terms, “loving the enemy,” respecting the dignity of the other as created in the image of God. War, by its own inner logic, despite the rhetoric of nation states, disregards the mandate to protect good and restrain evil, by in fact violating the good and itself most often using unrestrained evil (violence) to counter what it considers evil in the service of national self-interest. Examples abound. Policing, on the other hand, as I am using the term in this article, is a metaphor for all institutional life in civil society in which the exercise of power is necessary for maintaining discipline and order on domestic, municipal, provincial, and international levels. For pacifist-Mennonite intellectuals to argue against policing is, I claim, a form of intellectual dishonesty, unless they disavow all public attempts to maintain civil order.

This raises the question of how, given the church’s primary call to proclaim and incarnate the so-called “perfection of Christ,” it is involved, if at all, in the providential and preservative activity of God in a fallen world through the institutions of authority, power and force identified above. I suggested that 1) the church ought not to look upon such institutions of authority as being by definition demonic and enemy territory, but as having legitimate, divinely ordained tasks within the world. The church ought to pray for and support the limited but nevertheless legitimate functions of these “orders;” 2) the church ought to act as prophetic watch-dog or gad-fly, critically watching and reminding institutions of authority not to overstep their limited

mandate of restraining evil and protecting the good through the use of power and sometimes force. War, for instance, is an over-stepping of the boundary; 3) the church, therefore, will support in prayer, wisdom and guidance not only direct work of peace and reconciliation in the world but also indirect peace-keeping activities by government-sponsored and non-government-sponsored agencies in areas of policing, prison work, social services, civil rights, peace-keeping, and so on. Support might take the form of helping groups and individuals within the church's ranks to discern whether they are called to be instruments of God's preserving and providential functions, and what it means to be faithful within limited parameters.

Within the church there are a variety of callings, from vocations of direct peacemaking and reconciliation (Christian Peacemaker Teams) to less direct peacemaking through involvement in all levels of cultural and civil life. The church cannot compromise its unequivocal commitment to loving the enemy, but it can expect disagreement on how that principle is interpreted and applied in civil society—i.e., what form loving the enemy might take in diverse situations of everyday life as well as times of crisis.

This is where Miroslav Volf falls short. At the end of his *Exclusion and Embrace*, after so powerfully making the case for the way of the cross as a way of overcoming violence and embracing the other, he falls back into a Niebuhrian-like (Reinhold Niebuhr was an American Christian realist thinker) move and concludes that consistent non-retaliation and nonviolence may be impossible in a world of violence. Violent measures, and the preparation for the use of violent means may be necessary in such a violent world as ours in order to take down tyrants and madmen and prevent more ordinary perpetrators on our streets from committing violent acts. What can never be justified, according to Volf, is the use of religion to justify such necessary activity. Volf fails to make important distinctions between the resort to war and police activity, and consequently the last few pages of his book appear to undermine the rest of his powerful analysis. He jumps from an unqualified defense of self-giving love and embracing of the other to the other extreme of violently bringing down the tyrant.

One might ask, have I not here entirely forsaken the traditional Mennonite peace position. I don't believe so. I know of no sixteenth-century Anabaptist who denied the need for strong civic institutions (magistracy, government) to punish the wicked, restrain evil doers and protect the innocent with the use of force. In some instances (Menno Simons) even magistrates can be Christian and ought to be accountable to biblical imperatives. What Anabaptists did reject was wanton bloodshed, especially when directed against religious dissenters like themselves.

Where first generation Anabaptists differed significantly among themselves was to what extent they thought regenerated Christians (like themselves) could participate in the legitimate and necessary "force-ful" task of such magistrates. The dominant position as it developed in second and sub-sequent generations was that to live "inside the perfection of Christ" was to repudiate all participation in magisterial offices associated with lethal force. They negotiated conscientious objector status for themselves, but did not demand total abstention of lethal force from those "outside the perfection of Christ" (Schleitheim terminology), whom one should pray for and support from a distance. This is the view of the Dordrecht Confession, and remained the dominant Mennonite stance up to the middle of the twentieth century.

Presupposed was a version of the two-kingdom doctrine which did not assume that God's entire providential and preservative activity of the world took place through the church, but that God also worked in preservative and redemptive ways outside of the believing community. Only

with the influence of the Enlightenment—particularly its optimistic view of history and human nature—did Mennonites begin collapsing two-kingdom into one-kingdom thinking, where Christ’s teachings of non-violence could be universally applied to dealing with all conflict in human society.

Is force, even lethal force sometimes necessary (and legitimate) in a sinful world? With our early sixteenth-century ancestors I would answer: Yes. The question for us as Mennonites is: how we as individuals and as a community are to relate to this necessity. To answer this question entails a rethinking of the two-kingdom and one-kingdom conceptions of Christ and culture/world, church and society/state. The differences between the “conservatives” and the “liberals” (and “socialists”) within our community has to do with this “kingdom” issue. Two-kingdom thinking—and the conviction that force is sometimes necessary to restrain evil and protect the good—is premised on a more radical view of evil and the world’s fallenness. Conflict and broken relationships (individually, societally, globally) can not be easily fixed without divine intervention. This is the *conservative* truth. The danger (and untruth) of the conservative view is that it is all-too-frequently used to support uncritically a conservative and right-wing political ideology in the service of modern states. This is exactly what has happened in large segments of the American Mennonite community.

In reaction to this misuse of historic Mennonite two-kingdom thinking, a significant number of American Mennonite intellectuals in the twentieth-century have rejected altogether such two-kingdom thinking in favor of an “already–not yet” historical perspective. This is really a form of one-kingdom thinking, in which the present historical moment (whether the church or the society at large) is potentially a partial realization of the future kingdom of God. Historic Mennonite priorities (the rejection of force and non-resistance [*Wehrlosigkeit*] for Christians) now gets transformed into nonviolent resistance, conflict resolution and mediation applicable to society at large. In other words, historic Mennonite principles guiding regenerated Christians inside the perfection of Christ, now are adapted and applied to those living outside the perfection of Christ without the need for spiritual regeneration. This is what I call the *liberal* and *socialist* truth (socialism is a radicalization of liberalism). And it is a truth! For if, as Yoder and now Stanley Hauerwas claim, God’s revelation in Christ (the way of the cross and non-violent love) is the “grain of the universe,” then what is revealed in Christ applies to the whole of society, to the whole world, and to the whole cosmos. The only problem is, some steps frequently get missed. One such forgotten step is that the tenacity of sin, evil and violence are underrated. This tenacity of violence in a post-lapsarian and pre-eschaton universe requires institutions and measures that limit that evil. This is what conservatives (including historic Anabaptists) have always rightly understood and liberals have always had trouble with.

The challenge for us as twenty-first century Mennonites is to retrieve some form of two-kingdom thinking but to reconfigure the relationship between the two realms: the realm of the fallen and violent world, and the realm of “regenerated” Christians committed to the “grain of the universe.”. The reason why such a reconfiguration is necessary is that we, perhaps more than pre-twentieth-century Anabaptist-Mennonite traditionalists, recognize the inter-wovenness and ambiguity of all of life. There are no absolute boundaries between those who are “inside the perfection of Christ” and those that are “without.” God in God’s preservative, providential, regenerative and restorative spirit works in both realms. This means that Christians, who consciously confess faith in Christ give priority to developing non-coercive means of conflict

resolution both in the church and in the world without the illusion that all conflicts can be solved in this way. Force, even “lethal” force (in the form of policing not warring) may sometimes be necessary to protect “innocent” people from slaughter.

In his recent article, “Culpable Nonviolence: The moral ambiguity of pacifism,” Ernie Regehr persuasively spells out what this would mean for us in the Historic Peace Church. (*Voices Across Boundaries: a multifaith magazine*, 1/1 [Summer, 2003]). Regehr, Founder and Director of Project Ploughshares, an inter-denominational peace research institute with head offices in Waterloo, Ontario, is specifically concerned in this article with the war in Sudan which has claimed more than two million lives since 1983. The international community has, as is so often the case when corporate and national self-interests are involved, refused to intervene. The Sudanese people are “victims of inaction.” At a recent delegation’s visit to Sudan, of which Regehr was a member, one Sudanese spokesman of the IDP (internally displaced persons) challenged Regehr as a Mennonite: Why would Mennonites who have a reputation for compassion and peacemaking not support immediate military intervention? Regehr responded: “our refusal to call for military protection [is] not evidence of callous indifference, but [is] part of a principled commitment to nonviolence.” The Sudanese man was not impressed, and asked: how “is the principle of nonviolence honoured by the international community’s refusal to lift a single finger against ceaseless, egregious violence directed at unarmed and unprotected people in southern Sudan?” The same argument could be made by victims in Angola, Philippines, Sri Lanka, Kashmir, Burundi and three dozen other wars around the globe, says Regehr. He concludes: “To eschew the defence of our own interests through war and violence is clearly noble. To refuse to support the resort to protective force when victims of that refusal are not ourselves but the desperately vulnerable is, at a minimum, an ambiguous virtue. If the refusal to use force costs lives, it really becomes culpable nonviolence.”

Prevention, disarmament and alternative non-military solutions are clearly preferable and should be the primary focus of attention for the Historic Peace Churches. There are times, however, according to Regehr, that one is left with the “devil’s choice,” between abandonment of innocent victims and military action with potential tragic consequences. What is required, suggests Regehr, is a “theological doctrine of just pacifism,” not only violence avoidance but violence prevention. The international community has not only the right to intervene in sovereign states in extreme cases of suffering of innocent peoples but the duty to do so, not as an act of war but as an act of policing. It may be that corporately our Mennonite calling (or charism within the ecumene) is to be uncompromising in our repudiation of all resort to lethal force ourselves, and to call others to the same radical faithfulness. Surely, however, this does not justify our condemning other Christians and the international community in their compassionate police-keeping, including military intervention in places like Sudan. In fact, we ought to encourage and support such acts of “love for the neighbor,” even within our own ranks.

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