

Whither Now?: Justice Without Violence Conference, June 5 - 7, 1997, Albany, New York

by Wayne Northey

*Introduction*

*Whither Now?* The question presupposes a prior: *Whence Already?*

Part of knowing who we are is discerning from where we have come. Do we feel rooted in a hopeful story? Part of our cultural milieu is to deny there is a "metanarrative", an overarching story. I am suggesting nonetheless that we are storied people, and that there is a discernible storyline for us to follow.

To what kind of story are we accustomed? Where have we come from? From all our experience, study, knowledge, do we know of any time in human history where violence has not attended the human story? Do we know of any time in history where desire has not urged humans to imitate the desire of others, such that rivalry arises and violence erupts? What human society, what human culture, has been free of desire that leads to violence? Literary scholar René Girard calls this universal phenomenon "mimetic desire".

"[Mimetic theory] says that... all humans desire [which leads to rivalrous violence]... and that the way by which we produce peace is the expulsion of someone held to be responsible for our conflicts. That is to say we are all, always and everywhere, immensely violent creatures, and the only way which we have to control this violence is the search for collective unanimity against a victim (Alison, p. 21)."

A significant ingredient of the Western cultural heritage is the biblical story, for better or for worse. It has been both! The judeo-christian tradition has dominated Western juridical thinking for a millennium - even in this most secular of centuries. Throughout most of the church era violence not only has been permitted by the church, it has been promoted as God's will and way to be meted out against all "heretics" religious and social. This is the case both because of and in spite of its scriptures. It is important at a conference such as this to look again at the scriptures from the judeo-christian tradition to see if we can discern a different story from the one that has predominated. I believe we can and must.

From a judeo-christian perspective, the story to which we all belong is one of violence at the centre of the formation of human culture. Girard says there was a "founding murder" at the beginning of all cultures arising out of human desire imitating others' desire. This led to the necessity of containing the violence through some kind of scapegoating response in all societies. Scapegoating eventuates in bringing peace to the community. But the peace so attained does not last, for it is derived from the very infection that had destroyed peace in the first place - violence. And so the cycle repeats again and again in human culture. In our secular culture criminal justice systems arose to perform the scapegoating function (Redekop, 1993).

A. Whence Already?: Three Moments in the Biblical Story

*1. Unremitting Violence*

So the "whence already" in the judeo-christian story is a tale of unremitting violence in response to violence. That is however only the first moment in the biblical narrative after the story of Cain. But this story of a founding murder, by Cain, at the beginning of human culture, also tells of the protection of the murderer from a violent response by God. Cain's murder will be avenged seven times, the text says. This delegitimization of a scapegoating response in culture is a unique seed sown in the judeo-christian tradition, though it does not readily flower in the tradition until the advent of Jesus.

Only a little later in the book of Genesis where the first murder is recorded, we read this boast:

"... *I have killed a man for wounding me, a young man for injuring me. If Cain is avenged seven times, then Lamech seventy-seven times.* (Gen 4:23-24)"

Here we have the story of *unlimited violence* in response to violence: 77-fold vengeance. This reflects the norm of ancient neareastern cultures, and much of human history. When violence erupted, the expectation was unbridled violence in response.

## 2. *Limited Violence*

And so the biblical story continues on with violence constantly its theme. In the Mosaic era, when the Ten Commandments appeared, there was a second significant moment - this time towards containment of the violence. The infamous "eye-for-an-eye" text (Exodus 21:23ff), while it has dominated Western juridical thinking for nearly a thousand years, was misinterpreted and misapplied. *No more* than an eye, or a tooth, or a life is the biblical limitation. In application the accent was upon compensation for the *value* of an eye, the *value* of a tooth, and so on. This text was a call to limited vengeance.

## 3. *Unlimited Mercy*

A third significant moment in the biblical story was the Jesus event. With direct reference to Lamech's boasted *unlimited vengeance*, and to Mosaic *limited violence*, Jesus' words are recorded this way:

"*Then Peter came to Jesus and asked, 'Lord, how many times shall I forgive my brother when he sins against me? Up to seven times?' Jesus answered, 'I tell you, not seven times, but seventy-seven times.'* (Matt 18:21-22)."

"*You have heard that it was said, 'Eye for eye, and tooth for tooth' .But I tell you, Do not resist [retaliate in kind against] an evil person. ... You have heard that it was said, 'Love your neighbor and hate your enemy.' But I tell you: Love your enemies and pray for those who persecute you, that you may be sons of your Father in heaven. He causes his sun to rise on the evil and the good, and sends rain on the righteous [the just] and the unrighteous [the unjust]* (Matt 5:38-45)."

We are now in the realm of "justice without violence", of *unlimited forgiveness and mercy*, of the abnegation of unlimited *and* principled retaliation. This was most powerfully illustrated in the otherwise extremely sordid movie, *Bad Lieutenant* (played by Harvey

Keitel), when a nun, viciously raped in church by two youths, freely and utterly forgives the rapists, asking the incredulous "bad (police) lieutenant" if he believes in God and telling him that his sins are forgiven by Jesus. Her act of forgiveness inspires an unprecedented series of acts of repentance, forgiveness and self-sacrifice by the lieutenant that redeems him (and the entire movie!) and leaves one reeling at the serendipity of grace.

### *Unlimited Mercy and the Reversal of the Scapegoating Mechanism*

Further, the Jesus story initiates the reversal of the dominant scapegoating mechanism of all cultures in all times. The breathtaking story is told of the rehabilitation of a victim! Whereas all religions and all cultures had demanded scapegoats, sacrificial victims, this story is told of one who said repeatedly, "I desire mercy, not sacrifice." *That* is revolutionary! Says one author: "The experience of being morally shaken by a public execution is the beginning of an anthropological and spiritual revolution for which the term 'christianity' was coined decades after the public execution of Jesus (Baile, 1995, p. 83)."

So there are three moments in the biblical literature, *unlimited retaliation, limited vengeance, unlimited mercy*. Like no other story, the Jesus story has acted like a leaven throughout Western culture, subverting the dominant practice of scapegoating even when the institutions built ostensibly upon that tradition's literature perpetuated the myth of sacredly sanctioned violence.<sup>ii</sup> So it is no surprise that alternative ways of treating offenders, ways that encourage reintegration and eschew scapegoating, are finding currency throughout those cultures touched by that story.

### B. Whither Now?

So Whither Now? Ruth Morris has reminded us again at this conference that "restorative justice" is an inadequate term. It is "Not Enough! (Morris, 1995, p. 285)" She opts for "transformative justice" where the individualistic focus upon crimes of our culture and of restorative justice modes would address the underlying social ills of racism, classism, and sexism. Her book *Penal Abolition* (1995) points hopefully in that direction.

At base of this idea of *transformation* is the commitment to community. "Whither Now?" is to elicit "Community Now!" in response. The essence of justice is the healing/healed community. There is no healing when any one member is excluded. To that extent, justice itself is excluded. Whither Now? is to take us then to ***Inclusive Justice***.

The legacy of the Jesus story addresses this directly. It presents a trinitarian understanding of God in whose image humanity is created: therefore created as persons-in-community. In Jesus' call to "love the neighbour as ourselves" lies the impetus towards ***Inclusive Justice***. Humans are not fully humans, not true selves, nor is a society ever whole, when anyone consciously, intentionally, is excluded. Failure to discover oneself in the well-being of the other, failure of a society to discover its fulfillment in the well-being of all, no exceptions, is *metaphysical suicide* (Kisly, 1987) on the personal and cultural levels.

### A New Symbol

We need a new symbol for this kind of ***Inclusive Justice***. I first thought of the following:

a cross, with its two horizontal and vertical lines surrounded by a circle with a diagonal line intersecting the other two at the same point. The vertical line represents our human spirituality, the horizontal line the reaching out to all humans inclusively touching the circle which encompasses all, and likewise connects with several aboriginal spiritualities. The diagonal represents the universal NO to all forms of scapegoating, whether personal, cultural, or state. But it would be taken as a NO as well to Christian faith. Why? Because, I realized with amazement, the cross as a means of brutal execution had already been transformed by the Jesus story. And that is what needs to continue to happen today to all forms of alienating punishment in response to crime.

### Conclusion

For a millennium the judeo-christian tradition has given the West a legacy of violence in response to crime. It need not have according to its trajectory path and its central character, Jesus. We need to revisit the powerful dynamic of subversion of all violence in that tradition, in order to internalize deeply the human story of **Inclusive Justice**, which is our cosmic destiny. Then we need to connect ourselves to it existentially with all the will, energy, and imagination we can muster. And one day, according to the biblical image of the **Peaceable Kingdom**,

*"The wolf will live with the lamb, the leopard will lie down with the goat, the calf and the lion and the yearling together; and a little child will lead them. The cow will feed with the bear, their young will lie down together, and the lion will eat straw like the ox. The infant will play near the hole of the cobra, and the young child put his hand into the viper's nest. They will neither harm nor destroy on all my holy mountain, for the earth will be full of the knowledge of the LORD as the waters cover the sea (Isa 11:6-9)."*

### References

Alison, James (1996). *Raising Abel: The Recovery of the Eschatological Imagination*, New York: The Crossroad Publishing Company.

Bailie, Gil (1985). *Violence Unveiled: Humanity at the Crossroads*, New York: The Crossroad Publishing Company.

Girard, René (1986). *The Scapegoat*, Baltimore: The Johns Hopkins University Press.

Girard, René (1987) *Things Hidden Since the Foundation of the World*, Stanford: Stanford University Press.

Gorringer, Timothy (1996). *God's Just Vengeance: Crime, violence and the rhetoric of salvation*, Cambridge: Cambridge University Press.

Hamerton-Kelly, Robert (1992). *Sacred Violence: Paul's Hermeneutic of the Cross*, Minneapolis: Fortress Press.

Hamerton-Kelly, Robert (1994). *The Gospel and the Sacred: Poetics of Violence in Mark*, Minneapolis: Fortress Press.

Kisly, Lorraine (1987). "Living in Communion: An Interview With Father Thomas Hopko", *Parabola*, Vol, XII, No. 3.

Morris, Ruth (1995). "Not Enough!", *Mediation Quarterly*, pp. 285 - 291, Golden Valley: Jossey-Bass Publishers.

Morris, Ruth (1995). *Penal Abolition The Practical Choice: A Practical Manual on Penal Abolition*, Toronto: Canadian Scholars' Press.

Redekop, Vern (1993). *Scapegoats, the Bible, and Criminal Justice: Interacting with René Girard*, Akron: MCC Canada Victim Offender Ministries Program and the MCC U.S. Office of Criminal Justice.

Williams, James G. (1991). *The Bible, Violence and the Sacred: Liberation from the Myth of Sanctioned Violence*, San Francisco: Harper.

Williams, James G., editor (1996). *The Girard Reader*, New York: The Crossroad Publishing Company.

---

<sup>i</sup> Three significant books by/about Girard are: Girard, (1986, 1987, 1996). For biblical interpretation influenced by Girard, see Williams (1991); Hamerton-Kelly (1992, 1994); Alison (1993, 1996). For a highly original cultural critique of violence from a Christian anthropological perspective, indebted to Girard, see Bailie (1995). For a work directly related to criminal justice interacting with Girard, see Redekop (1993).

<sup>ii</sup> The best sustained revisiting of that literature with reference to crime is *God's Just Vengeance* (1996).