

**“Not Enough!” and International Restorative Justice: COV&R
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Introduction

“The king asked the fellow, ‘What is your idea, in infesting the sea?’ And the pirate answered, with uninhibited insolence, ‘The same as yours, in infesting the earth! But because I do it with a tiny craft, I’m called a pirate: because you have a mighty navy, you’re called an emperor.’ (Augustine, 1984, p. 139).”

It is fascinating that the inventor of the utterly non-Christian¹ Just War Tradition² in the West, one taken over wholesale from “pagan” Cicero and others, Saint Augustine of Hippo, should tell such a tale that not only gives the lie to all ethical state exceptionalism³, but to any ethical difference between the collective called “Empire” or “sovereign state”, and the individual.

In Girardian terms, “Empire” is the Ultimate Model/Mediator for all sovereign states and hence ever potentially Model-Rival, just as Emperor (King, Prime Minister, President,

¹ Father George Zabelka was the Catholic chaplain with the US Army air force who blessed the men who dropped the bombs on Hiroshima and Nagasaki in 1945. He dedicated his later years of post-atomic-Holocaust life to one long act of penance, writing: “The mainline Christian churches still teach something that Christ never taught or even hinted at, namely the just war theory, a theory that to me has been completely discredited theologically, historically, and psychologically... So as I see it, until the various churches within Christianity repent and begin to proclaim by word and deed what Jesus proclaimed in relation to violence and enemies, there is no hope for anything other than ever-escalating violence and destruction.” (Zabelka, 1980, *passim*).

² “During the fourth and fifth centuries, the church adopted from classical thought the teaching of the just war (Douglas, General Editor, 1974, p. 1029.)” Saint Augustine of Hippo first developed this understanding when confronted with the horrors of a disintegrating Roman Empire. His original three criteria were: “*just cause*”; “*legitimate authority*”; and “*right intention*.” To these were eventually added another three: “*proportionality*”; “*probability of success*”; and “*last resort*”. A seventh is often included: “*noncombatant immunity*”. Dr. Richard Land wrote the classic contemporary “American exceptionalist” (see next Footnote) open letter, co-signed by top American Evangelical leaders, entitled “A Letter from Conservative Christians to President Bush”. See: http://www.beliefnet.com/story/114/story_11492_1.html, Beliefnet.com, October 3, 2002. Jean Bethke Elshtain wrote the definitive contemporary American exceptionalist book: *Just War Against Terror* (2003). See my Review at: http://clarionjournal.typepad.com/clarion_journal_of_spirit/wayne_northey/page/5/, last accessed, July 6, 2008.

³ Alexis de Tocqueville, a kind of Eusebian French 19th-century American apologist, coined the term, “American exceptionalism” that essentially means: the (American) state may “get away with terrorism and murder”. This notion is closely aligned in the United States with “Manifest Destiny” and the Monroe Doctrine (1823) of divine right of brutal conquest; ethnocentrism of the sort celebrated in Empire laureate Rudyard Kipling’s poem “The White Man’s Burden” (trumpeting the white man’s (Britain’s and America’s) “savage wars of peace” to impose the “ways of civilization”!); and modern mythologies of “just war against terror” (Elshtain, 2003), because the United States wages such (and by definition can do no wrong, even when 120,000 civilian lives are instantaneously snuffed out by a pair of atomic bombs – to cite two of an endless stream of American “benign” savagery during and since World War II).

Dictator, *Führer*, etc.) is the ultimate Model/Mediator for all state leadership, Western democracies included.

To cut to the quick and against six thousand years of wisdom about the nation state: *nation states are collectives of human falleness that ultimately exhibit worst sum-of-the-parts sinfulness and symmetrical ethical inversion of “civilization”, when exercising “sole sovereign” right to violence domestically in response to crime, and internationally in response to conflict.*

This is Girard’s theory and Restorative Justice taken to the final frontier of inter-state relationships. *Scapegoating violence under the aegis of the state in response to wrongdoing domestically (crime) and internationally (war) is the most ubiquitous, iniquitous, and pervasive addiction known to humanity.* It is also the most hidden addiction in Western democracies precisely where its opposite, benign humanism, is most loudly protested, thereby enabling its committed aficionados/addicts to spew forth with abandon democratic platitudes and claims of noble “civilization” *and simultaneously* bombs, bullets, and ballistic missiles. These are designed, of course, through savage wars of peace to impose “the customs of civilization”.⁴ George Bush’s classic post-9/11 speech to Congress, September 20, 2001, rang the changes of this mythology:

“Americans are asking, why do they hate us? They hate what we see right here in this chamber -- a democratically elected government. Their leaders are self-appointed. They hate our freedoms -- our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other.

⁴ Tami Biddle wrote that when aerial warfare was still only imagined in the 19th century, it meant “English-speaking peoples raining incendiary bombs over the enemy *to impose the customs of civilization* (Biddle, 2002, italics added; page number lacking).” The white man’s (at least the West’s) noble burden indeed.

Winston Churchill once asked Mahatma Gandhi, after a tour of London, what he thought of “Western civilization”. Gandhi replied: “I think it would be a good idea.” See also “Civilization, genocide style”, <http://www.thecatsdream.com/blog/2005/11/civilization-genocide-style.htm>, Gabriele Zamparini, “The Cat’s Blog”, November 18, 2005.

Shakespeare would say of all such false claims: “The lady doth protest too much, methinks.”

Queen Gertrude speaks these famous words to her son, Prince Hamlet, while watching a play at court. Gertrude does not realize that Hamlet has staged this play to trap her and her new husband, King Claudius, whom Hamlet suspects of having murdered his father. She also does not realize that the lady who “doth protest too much” is actually herself, as the Player King and Queen represent King Hamlet and Queen Gertrude. The former will be poisoned (in this play within the play) by the king’s brother, as in reality (Hamlet suspects) Claudius killed King Hamlet. Gertrude’s statement is in response to the play-Queen’s repetitive statements of loyalty and love of her first husband (Moore, 2001).

One should, Shakespeare teaches, beware all “*protestantism*” – I, an Evangelical Protestant, must acknowledge the advice to be sage – with some 35,000 Protestant denominations (and counting!) demonstrating the obscenity of the DNA of schism in Protestant Christianity since the Reformation. Hans Christian Andersen pertinent to this discussion says through the little child: “But the Emperor has nothing on at all!!!” (Anderson, 2001, p. 41). (Anderson had to have had in mind, over against the “Beast” of Revelation 13, the then Roman Emperor, this text 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* (Isaiah 11:6).”, so repeatedly and brilliantly captured by American artist, but *not* easily “Empire Loyalist”, Edward Hicks (1780-1849) in his lifelong *Peaceable Kingdom* paintings.)

The irony is searing, since September 11, 2001 has spelled the beginning of what many call “creeping fascism” in the United States⁵, and the concomitant beginning of the end of those very lauded freedoms.

The “clash of civilizations” (Huntington, 1996) is in truth the “clash of barbarisms” (Achcar, 2002), as René Girard so compellingly presents the phenomenon of mimeticism that is every bit as rampant amongst nations.

There is in the sweep of recorded human history an enormous, pathological capacity for denial of brutal barbarous behaviour by “civilizations” to privilege its beneficiaries but exclude violently, mercilessly, shamelessly, all others. Gil Bailie observed with reference to the “legitimate” execution of serial killer Ted Bundy:

... [E]xecution... “is a brutal act,” but it is one carried out “in the name of civilization.” It would be difficult to think of a more succinct summation of the underlying anthropological dynamic at work: *a brutal act done in the name of civilization*, an expulsion or execution that results in social harmony. Clearly, after the shaky justifications based on deterrence or retribution have fallen away, this is the stubborn fact that remains: a brutal act is done in the name of civilization. If we humans become too morally troubled by the brutality to revel in the glories of the civilization made possible by it, we will simply have to reinvent culture. This is what Nietzsche saw through a glass darkly. This is what Paul sensed when he declared the old order to be a dying one (I Cor. 7:31). This is the central anthropological issue of our age. (Bailie, 1995, p. 71)

Holocaust Denial Syndrome

My in-laws, wife, and I years ago played a paper version of the board game *Battleship*. In it, one marked on a grid positions of various battleships, which we all, through numerical and alphabetical coordinates, sought to discover and eliminate⁶. This particular game lasted unusually long, until we four each were left with but one square coordinate on the entire grid with no “X” marked in it. Why? Because we *all* had that square marked with a battleship (portion) in it! We therefore were *unwilling* – not *unable!* – to see the obvious: that that is where all opponents’ battleships were! But to name that would be simultaneously to self-destruct and lose the game.

Archbishop Desmond Tutu similarly wrote of whites during apartheid denying police and military murder and mayhem: “The former apartheid cabinet member Leon Wessels was closer to the mark when he said that they [South African whites] had not wanted to know [about the terrorist acts of police and military], for there were those who tried to alert them (Tutu, 1999, p. 269).” This is a parable of Western “civilization’s” massive living

⁵ Though my second-year French professor in 1968 said regularly this was so with the election of President Richard Nixon. For a highly disturbing look at this by Pulitzer Prize award-winning author Chris Hedges, see *American Fascists: The Christian Right and the War on America* (Hedges, 2006).

⁶ Okay: this meant bombing them out of the water to smithereens. In my longstanding peacemaking penance since, I’ve given up (sigh, almost) entirely playing that game!

in denial. ***Like all Holocaust deniers, the vast sweep of Western civilization suffers from HDS – “Holocaust Denial Syndrome!”*** Western history is one long parade of bestial bloody brutality up to and including the latest mass delusion of Western “civilization”: the *War on Terror* in response to 9/11. Sigmund Freud wrote the famous book, *Civilization and Its Discontents*. In it he observed, and I quote at length:

Men are not gentle, friendly creatures wishing for love, who simply defend themselves if they are attacked, but that a powerful measure of desire for aggression has to be reckoned as part of their instinctual endowment. The result is that their neighbour is to them not only a possible helper or sexual object, but also a temptation to them to gratify their aggressiveness on him, to exploit his capacity for work without recompense, to use him sexually without his consent, to seize his possessions, to humiliate him, to cause him pain, to torture and to kill him. *Homo homini lupus* [“Man is a wolf to man” – popular Roman proverb by Plautus (died 184 B. C.)]; who has the courage to dispute it in the face of all the evidence in his own life and in history? This aggressive cruelty usually lies in wait for some provocation, or else it steps into the service of some other purpose, the aim of which might as well have been achieved by milder measures. In circumstances that favour it, when those forces in the mind which ordinarily inhibit it cease to operate, it also manifests itself spontaneously and reveals men as savage beasts to whom the thought of sparing their own kind is alien. Anyone who calls to mind the atrocities of the early migrations, of the invasion by the Huns or by the so-called Mongols under Jenghiz Khan and Tamurlane, of the sack of Jerusalem by the pious Crusaders, even indeed the horrors of the last world-war, will have to bow his head humbly before the truth of this view of man.

The existence of this tendency to aggression which we can detect in ourselves and rightly presume to be present in others is the factor that disturbs our relations with our neighbours and makes it necessary for culture to institute its high demands. Civilized society is perpetually menaced with disintegration through this primary hostility of men towards one another. Their interests in their common work would not hold them together; the passions of instinct are stronger than reasoned interests. Culture has to call up every possible reinforcement in order to erect barriers against the aggressive instincts of men and hold their manifestations in check by reaction-formations in men's minds. Hence its system of methods by which mankind is to be driven to identifications and aim-inhibited love-relationships; hence the restrictions on sexual life; *and hence, too, its ideal command to love one's neighbour as oneself, which is really justified by the fact that nothing is so completely at variance with original human nature as this.* With all its striving, this endeavour of cultures has so far not achieved very much. Civilization expects to prevent the worst atrocities of brutal violence by taking upon itself the right to employ violence against criminals, but the law is not able to lay hands on the more discreet and subtle forms in which human aggressions are expressed [emphasis added].

Freud touched down on Christianity a little further:

Once the apostle Paul had laid down universal love between all men as the foundation of his Christian community, the inevitable consequence in Christianity was the utmost intolerance towards all who remained outside of it; the Romans, who had not grounded their state on love, were not given to lack of religious toleration, although religion was a concern of the state, and the state was permeated through and through with it. Neither was it an unaccountable chance that the dream of a German world-dominion evoked a complementary movement towards anti-semitism; and it is quite intelligible that the attempt to establish a new communistic type of culture in Russia should find psychological support in the persecution of the bourgeois. One only wonders, with some concern, however, how the Soviets will manage when they have exterminated their bourgeois entirely. (Freud, 1930, cited from the Internet and hence no page numbers)

Lee Griffith wrote in similar vein: “What would this mean if it were true that we love God only as much as the person we love least? Would it not mean that, when we have finally won the victory in our war on terrorism, when we have finally managed to exterminate all the thugs and Hitlers and terrorists, we will have expressed nothing so much as our total confidence in the death of God? (Griffith, 2002, p. 263)” This is the heart of Griffith’s sustained thesis that “the biblical concept of ‘the terror of God’ stands as a renunciation of all violence – and of death itself (Griffith, 2002, inside front jacket cover).”

Jared Diamond in *The Third Chimpanzee* (1992) wrote – and substantiated his conclusion with long lists of evidence – *that the only consistent signature of our species is genocide, Western democracies included*⁷.

Babylonian Creation Myth at the Heart of Western Civilization

Theologian Walter Wink traced Western history’s central ethos of violence to the Babylonian creation myth in existence well over a thousand years before Christ. Creation is seen in Babylonian polytheistic religion as an act of violence, and hence *violence is the underlying reality of all there is: the ultimate realpolitik*.

In this myth, creation is a violent victory over an enemy older than creation. Evil is prior to good. Violence is in the godhead itself. Humanity is created out of bloody violence, and hence humans are seen to be violent to the very core. He explains:

“The distinctive feature of the myth is the victory of order over chaos by means of violence. This myth is the original religion of the status quo, the first articulation of ‘might makes right’.” He continues: “Peace through war, security through strength: these are the core convictions that arise from this ancient historical religion (Wink, 1992, pp. 16 & 17).”

With rare exceptions, this myth permeates contemporary culture the world over. This “religion” is at the heart of Western culture, in particular North American society, like no

⁷ See as well Smith (2007).

other rival such as Judaism or Christianity. Wink began the last of his trilogy of groundbreaking studies about the language of “Powers” in the Bible: “Violence is the ethos of our times (Wink, 1992, p. 13).”

Hans Boersma (1999, no page numbers) explains:

The pantheon of the Babylonian gods offers more of the same. The creation myth, *Enuma Elish*, tells the story of Apsu (the male, primeval sweet water ocean) and Tiamat (the female, primeval salt water ocean... From the commingling of the two waters came divine offspring, who in turn gave birth to more generations of gods. The young gods, however, disturbed the peace of Tiamat and Apsu, who decided to destroy the younger generation of gods. Apsu was killed before he could carry out his evil plans. Tiamat, enraged, planned evil against her offspring to avenge Apsu. The young gods then asked the young upstart, Marduk, to lead them in battle. Marduk agreed, defeated Tiamat’s forces and sliced her carcass in two, creating from the one half the firmament of heaven and from the other half the foundation of the earth. Thus, Marduk created order out of the chaos of the waters. With the cosmos now in place, the gods started to complain to Marduk that they had too much work to do in the newly created universe. Marduk, therefore, created humans to do the work. He created the first human beings out of the blood of Tiamat’s second husband and captain of her army, Kingu.

This story shows that in the Babylonian worldview there was no absolute preference for good over evil. “Evil” is already planned by Apsu and Tiamat before the universe has come into being (I.52; II.3). It is a normal part of the universe, not a later, alien intrusion into a fundamentally good world. *Power is the ultimate morality*. It is only “by violence that the youngest of the gods establishes order” (Ricoeur, 1969, p. 179). Moreover, the violence among the gods in turn justifies human violence. The Babylonian king receives his authority from the gods. Paul Ricoeur, in his analysis of the Babylonian creation myth, makes the point that the king represents the god who in violence has overcome chaos. This means that the king’s enemy represents the forces of evil, the resurgence of chaos (Ricoeur, 1969, p. 196). “Heavenly events are mirrored by earthly events, and what happens above happens below” (Wink 1992, p. 15). Polytheism here does not offer a solution to violence; rather, it covers the origin and life of both gods and humans with the blood of violence [emphasis added].

Chrysalis Crucible

A character in my novel set during the Vietnam War era expostulates:

“You want to know why I believe Europe secularized so quickly and is so incredibly resistant to the Gospel today? It’s not all that unlike the Muslims. You North Americans are so hung up about the Enlightenment and its disparagement

of the foolishness of the Gospel. But you fail to understand that Western Europe simply became sick of the endless and horrendous bloodshed blessed or instigated by the Church. The Crusades, the Inquisition, the pogroms against Jews, the holy wars, the witch hunts, the burning of thousands of heretics by the

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Catholics, the drowning of thousands of Anabaptists by Protestants, the incredibly retributive penal justice system modelled after church canon law, universal support of the death penalty, the church's blessing both sides of every war in Europe since Constantine, and on and on *ad infinitum*.

"If I just had majority church history to go on, I'd be a raving atheist, too. There has been arguably *no more bloody institution in Western history than the Church since the fourth century!* If this is what Paul meant by 'Christ, the power of God,' then 'the revolt of atheism is pure religion by contrast.' (I heard an American theologian named Walter Wink say that once at Wheaton.)

"Ironically, however, that very revolt is instigated in the first place by biblical revelation. Jesus first elicited the Western atheistic philosophical tradition with his cry from the cross, 'My God, my God, why hast thou forsaken me?' Jürgen Moltmann observes that this is either the end of all religion, and, therefore, the atheists and anarchists are right, or the beginning of a whole new way of understanding 'the executed God.'

"There's a line from a German poem that goes, '*Die Gerechtigkeit der Erde O Herr hat Dich getötet!*' 'The moral righteousness of the Earth, O Lord, has killed You!' The blood spilled on the ground in the name of Christ for nearly two thousand years is by far the strongest counter-evangelistic argument I know. Why should any morally sensitive person want to align with such an insatiably blood-drenched institution? It would be like evangelizing for membership in the Mafia!

"And the violence continues. To this day, missionaries either follow the gunboats as Hudson

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Taylor did while evangelizing China or they benefit from the violence of the colonizing powers. One reason that missionaries in this century came to be hated in so much of the Third World was their complete identification with Empire—British or American. Hudson Taylor's 'spiritual secret' was in reality a 'military not-so-strictly-kept secret.' Ivan Illich, a Catholic intellectual, claims 'the corruption of the best is the worst,' that Western civilization can be entirely summarized as the corruption, amongst other things,

of the best, *the central peacemaking message of the Gospel*, to the worst, universally sanctioned Western State violence.

“Contrary to all that, if Christ is the foolishness of God in response to the Enlightenment but really God’s ultimate wisdom, he is likewise the *weakness of God* in answer to violence and war. But really his is the way of self-giving, non-violent sacrificial love, which is truly God’s revolutionary power and ultimate victory over evil. Jesus the (Other) Way, right? A lot of what I’m saying now comes from my paper, which gets quite technical, sometimes, I apologize.”...

...“How can you appraise the Enlightenment so positively, calling it God-ordained?” Andy asked.

“Yes,” Gary added. “I learned at Bible school that the Enlightenment was the real enemy of Christianity today. Yet you paint it as almost from God.”

Hans nodded. “The Enlightenment was an understandable reactionary celebration of the brilliance and goodness of man over against a church perceived to exist to glorify violence through its belief in ‘god’ and a doctrine of ‘original sin’ that leads directly to a hell of

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eternal conscious torment and the ultimate degradation of man. ‘Wretched worm’ theology is handmaiden to a hell of eternal conscious torment. How does the King James go? ‘Where their worm dieth not, and the fire is not quenched.’

“The reason the Enlightenment took such root in the first place was the valid revulsion toward the ‘god’ of the Church, a god who blessed war, bloodshed, and everlasting punishment in Jesus’ name on a massive scale. Did you ever read Voltaire’s *Candide*?” (Northey, 2007, pp. 359 – 362).

Centrality of Western Christian Spirituality for Punitive Criminal Justice

The defining religious ethos of Western spirituality historically has been Christianity. Christianity has also been the reigning ideology in the West until into the nineteenth century. While it is salutary to discuss other world spiritualities with reference to Western penal law, no other religion or spirituality has remotely impacted the formation of the Western legal tradition like Christianity. Harold Berman’s magisterial *Law and Revolution* (1983/1997) describes this interaction of law and Christianity as centrally formative to the Western legal system.

The Spiritual Roots of Restorative Justice (Hadley, 2001) points towards a vision of penal abolition and transformative justice. It presents a religious pluralistic vision and is highly recommended! But given the unmatched dominance of Christianity in influencing the development of the Western penal law tradition, I shall concentrate my attention on

*Christian spirituality and penal abolition*⁸.

While one cannot wish away the past, is it too much to hope that the twenty-first century for Christian spirituality world-wide will be marked by a profound renewed impulse towards peacemaking? Such a world-transforming spirituality has never been more needed!⁹ It is the contention of this paper that the Christian story offers a dramatically alternative narrative to that of resort to violence, seen unfortunately so predominantly in Christianity's long history. The story the Christian faith tells is eternal wellspring for the spirituality of nonviolence and penal abolition, however massively unfaithful Christian adherents have been to the plot-line down through the ages¹⁰.

Something happened to Christian spirituality between the Cross, originally *premier symbol of resistance to and negation of abusive state power*, and the Cross, throughout most of Christian history, *supreme upholder of unbridled state power*. Christian spirituality initially had a profound *political subversion* dynamic at its very core. It also represented an unprecedented anthropological thrust that broke with dominant contemporary cultural scapegoating patterns. In honouring and worshipping an executed criminal, early Christians became irksome dissidents to the dominant mythology of culturally and state-sanctioned scapegoating violence.

René Girard of course discerns a *scapegoat mechanism* in most human cultures throughout history, contemporary Western no less¹¹.

⁸ René Girard also indicates that "Christianity" in the academy is the "last politically correct scapegoat (Hamerton-Kelly, 1994, p. xi)." My then teen-aged son once observed that in our culture any spirituality is readily acceptable - except Christian versions. There are good historical reasons why Christianity has been so eschewed, for it has often shown the world an ugly, oppressive face so contrary to the way of Jesus, given its long Western cultural hegemony. Further, no attitude is so disliked ultimately as self-righteousness (often in religious guise). Ironically, however, this is an attitude more strongly critiqued by Jesus than any other world religion founder - perhaps with due premonition! Alistair Kee's historical study, *Constantine versus Christ* (1982) addresses the first concern, the Gospel of Matthew, Chapter 23, illustrates the second.

⁹ The early church's watchword, almost universally, was: "*Ecclesia abhorret a sanguine.*" – The Church abhors the shedding of blood. This was applied to abortion at one end, war at the other, and all else in between. *Though such comes as a complete surprise to most Christians past and present, the teaching was first promulgated and exemplified by Christianity's Founder.*

¹⁰ "Stanley Hauerwas has suggested that the only thing that makes the Christian church different from any other group in society is that the church is the only community that gathers around the true story. It is not the piety, or the sincerity, or the morality of the church that distinguishes us (Christians have no monopoly on virtue). It is the story we treasure, the story from which we derive our identity, our vision, and our values. And for us to do that would be a horrible mistake, if it were not a true story, indeed *the* true story, which exposes the lies, deceptions, and half-truths upon which human beings and human societies so often stake their lot (Marshall, 2000, p. 13.)" Richard Hays writes: "One reason that the world finds the New Testament's message of peacemaking and love of enemies incredible is that the church is so massively faithless. On the question of violence, the church is deeply compromised and committed to nationalism, violence, and idolatry (Hays, 1996, p. 343)."

¹¹ See Williams (1996) for an extensive introduction to, and bibliography on, Girard. See Bailie (1995) for a contemporary cultural application of scapegoating theory. See Williams (1991) and Alison (1993, 1996, 1997) for sustained theological presentations of scapegoating theory. Finally, see Girard (2001) for a complementary *anthropological* presentation of scapegoating theory with reference to the New Testament.

As a large body of scholarship demonstrates, what “happened” to Jesus’ and New Testament teaching was the legalization and embrace of Christian worship and Church by Roman Emperor Constantine in the early fourth century¹². One writer dubs it a “Judas kiss”. The same historian comments on the Constantinian era:

But there is one conquest made by Constantine, the effect of which still continues to the present day, his most surprising yet least acknowledged... He conquered the Christian church. The conquest was complete, extending over doctrine, liturgy, art and architecture, comity, ethos and ethics. And this is the greatest irony, that Constantine achieved by kindness what his predecessors had not been able to achieve by force. Without a threat or a blow, and all unsuspecting, the Christians were led into captivity and their religion transformed into a new imperial cult.... But this achievement, unheralded then, unrecognized now, represents Constantine’s greatest conquest, the one which has persisted largely unchallenged through the centuries in Europe and wherever European Christianity has spread (Kee, 1982, p. 154).

Kee adds that

the reign of Constantine is a fundamental turning-point in the history of Europe, and not only Europe. From that time the imperial ideology, with all its implications for the accumulation of wealth and the exercise of power over the weak, was given religious legitimation by the church (Kee, 1982, p. 168).

The *persecuted* Church too easily became the *persecuting* Church in its response to pagans, Jews, other outsiders, and eventually criminals.

This past century, a large body of biblical scholarship¹³ upon rereading the founding texts has discovered the truth of Gandhi’s statement: “The only people on earth who do not see Christ and his teachings as nonviolent are Christians (quoted in Wink, 1992, p. 216).” Gandhi also wrote: “The message of Jesus, as I understand it, is contained in the Sermon on the Mount.... Much of what passes as Christianity is a negation of the Sermon on the Mount (quoted in Stassen, 1992, p. 33).” This much at least may be stated unequivocally: there is “a great irony of history that the cross, symbol of the ultimate triumph of peaceful means to peaceful ends, has been used as a standard in battle (Anderson, 1992, p. 104).”

The sordid violent history of the Christian West is utterly depressing in its record of embrace of the oldest addiction known to humanity. There is simply no time to do even a cursory summary of church violence. Charles Bellinger (2001) in general terms, and James Megivern (1997) in an exhaustive study of the Death Penalty, provide too much of the massive, horrifying detail. One must admit: *Violence has been the ethos of the Western Church*. This is seen no less in the development of violently retributive Western *penal law*¹⁴.

¹² See Miller and Gingerich (1992) for an extended discussion of this and related issues.

¹³ See “Notes” in books cited this paragraph for examples.

¹⁴ “Penal” (from the Latin *poena* – pain) means: *the purposeful infliction of pain upon another as an end in itself*: ‘pain delivery like milk delivery’, as Nils Christie (1982) aptly catches its quintessence and banality.

Vern Redekop in the book earlier quoted¹⁵ has best explored the implications of Girard's New Testament reading for criminal justice.

The 'modern prison' was to drastically grow during the 19th century as the new form of punishment but the punitive attitude in the church remained alive and well. As historian Timothy Gorringer says:

For those who hope to find in the witness of the church some signs of the work of the Holy Spirit an examination of the role of the church in the penal debates of the nineteenth century is depressing indeed. From start to finish the bishops proved staunch supporters of flogging and hanging. When the Duke of Argyll echoed Luther in calling society a minister of divine justice in imposing capital punishment, Samuel Wilberforce, the Bishop of Oxford, cried, 'Hear, hear!' In a debate on flogging in 1883 the Bishop of Rochester, in an extraordinary unpleasant intervention, said that offenders should be 'scoured to the bone'. In the prison chaplains were not simply functionaries, but often did their best to extract confessions of guilt, and in attending executions gave divine sanction to legal violence. (Gorringer, 1996, p. 211.)

Through the centuries, the restorative voice of the gospel did not die completely and found deep echoes in the Anabaptist tradition for instance, and elsewhere, but, in the words of the Most Rev. E.W. Scott,

... all too often the State has claimed divine authority for legal actions for which no such authority exists. In this process the Church, which should have been challenging or critiquing the civil authority from a Biblical perspective, has too often allowed itself to be "domesticated" and has blessed and sanctioned when it ought to have challenged (Scott, 1981).

In the first centuries CE, as the Church and the State were defining their own identity, they engaged in a duet of cooperation. In the twelfth century, the duet truly became a dual where the dividing lines of power were clearly drawn. It led, during the modern period, to full disengagement. Over the centuries, in the area of criminal justice, the Christian church moved from a theology of grace and servanthood to a theology of law and punishment. Will the Restorative Justice treasure remain deeply buried or will the Christian church have the courage to raise a prophetic voice within the criminal justice system? A decisive answer is urgently needed.

There is an excellent Chaplaincy document that reads in part:

Restorative Justice can help reduce the level of pain so that healing may begin to take place, but it should never be forced on anyone. If it is embraced freely, it can have deep and lasting effects on individuals and communities. Our goal is to seek Shalom, harmony and security for all, with reconciliation and healing replacing revenge and pain.

¹⁵ Redekop, 1993.

We believe that the search for true and satisfying justice is forever linked to the spiritual growth of all concerned. The path of over-incarceration, of a vengeful spirit and a punitive mentality, can only dry up the soul of our country (*A Call for Justice*, Interfaith Committee on Chaplaincy in the Correctional Service of Canada, September 1997).

From Matthew 5 - 7 and Luke 6 to Romans 5:6 - 11 and 12:1-21; from 2 Corinthians 5:11-21 to Ephesians 2:11- 22 and 5:1 & 2, and in many other passages of the New Testament, one can recapture the heartbeat of God for restoration, reconciliation and peaceful communities. Although other passages such as Romans 13, 1 Peter 2 and Titus 3 have been often read to justify wars, crusades and vengeful attitudes towards offenders, we are not left with an irreconcilable dilemma.

Writes the same historian quoted above:

Our fundamental hermeneutic principle must be derived from the overall *direction* of the New Testament documents. The central story they tell speaks of God's movement "downwards and to the periphery, his unconditional solidarity with those who have nothing, those who suffer, the humiliated and injured". This represents a diametrically opposite perception to the Roman view, which assumed that, as Caesar once said to his rebellious soldiers, "as the great ordain, so the affairs of this world are directed". The crucifixion of Jesus, on the other hand, constitutes "a permanent and effective protest against those structures which continually bring about separation at the centre and the margin." It is this protest rather than an endorsement of expiatory sacrifice, which is the heart of the New Testament witness. Turning Christianity into a cult centred on an expiatory death achieved long ago, and honoured in the present by other - or inworldly asceticism, represented an easy option, a refusal of the costliness of the gospel ethic, of a realization of the Jubilee prescriptions. The recovery of a text of protest and critique would serve to create quite different mentalities and structures of affect from those avowed by Christendom. (Gorringe, 1996, p. 82)

Over the last thirty years, worldwide, there have been a number of initiatives challenging us to go beyond a *retributive justice* to a *Restorative Justice*. These initiatives have been emerging signs of hope calling for a radical reengagement of the Christian faith in criminal justice issues from a Restorative Justice perspective.

"Not Enough!" and the Way Forward

However, Restorative Justice has stopped at the borders of state criminal justice, and has so far not pushed to the "final frontier" of international state relations and international law. Ruth Morris, 2000 recipient of the **Ron Wiebe Restorative Justice Award**, coined a notable response to Restorative Justice as it emerged in North America during the

1990's": "Not Enough!"¹⁶. Her subsequent research in particular took her to comparisons between white collar and street crime. She died before the era of massive criminal revelations about **Enron**, the movie **The Corporation**, the international **War on Terror**, and much more that would substantiate her groundbreaking concerns.

Jean Bethke Elshtain wrote in a recent book:

The value of this approach in dealing with not just one state's internal efforts to build constitutional order but with relations between states is untested; *political Restorative Justice* seems likely, however, to fall prey to the classic dilemmas of international politics (2003, p. 130, emphasis added.)

Elshtain thereby reverted to *realpolitik* and has shown no further interest in "testing" international Restorative Justice.¹⁷ I respectfully submit that Restorative Justice still has its definitive contribution to make in international politics. I believe it can lead to the redefinition of *realpolitik* from "same-old, same-old" ways of Empire and war to a new yet ancient spirituality/praxis/*realpolitik* of realizable international peacemaking.¹⁸

This conviction is analogous to my colleague David Gustafson, Co-Director of **Fraser Region Community Justice Initiatives**¹⁹, who first moved the application of Restorative Justice to the most serious and violent crimes in the Criminal Code of Canada. It is time to do the same in cases of serious and violent crime committed in defiance of International Law²⁰.

Conclusion

If in fact the difference between a pirate and an emperor is simply function of *degree of power*; if in fact "this is my Father's world"²¹; if there is one ethic, not two in God's world (there is no biblical hint of a schizophrenic ethic of *the private personal versus the public communal* in God), then there is every reason to expect international relationships

¹⁶ See her article, "Not Enough!" (1995); and her book *PENAL ABOLITION THE PRACTICAL CHOICE* (1995), pp. 70ff.

¹⁷ I suggested this take too is "not enough" in my often-viewed book review (2004).

¹⁸ What Christians pray for universally in invocation of the *Our Father's* "Thy Kingdom Come" where "They will neither harm nor destroy on all my holy mountain... (Hebrew Scripture, Isaiah 65:25)."

¹⁹ 2002 **Ron Wiebe Restorative Justice Award** winner.

²⁰ http://clarionjournal.typepad.com/clarion_journal_of_spirit/wayne_northey/index.html

²¹ "Maltbie Babcock, a pastor in Lockport, New York, enjoyed hiking in an area called 'the escarpment'-an ancient upthrust ledge near the city. Heading out on such walks, he often proclaimed that 'I am going out to see my Father's world.' And from his vantage point on the escarpment, he had a beautiful view of God's creation indeed; from the greens of farms and orchards to the blues of Lake Ontario.

"It's said that these walks inspired the words to '[This Is My Father's World](#).' Babcock's lovely hymn was not published, however, until after his untimely death in 1901. At that time his wife, Catherine, collected and published many of his writings, including the poetry to 'This Is My Father's World.'

"[Franklin L. Sheppard](#), a friend of Babcock's, composed the hymn melody, *Terra Beata*, after his death. The hymn was first published in *Alleluia*, a Presbyterian songbook for children, published in 1915."

(Center for Church Music, Songs and Hymns), <http://community.gospelcom.net/Brix?pageID=7402&article=11972>.

to conform with the incredible vision of Restorative Justice and God's Peaceable Kingdom, as cited earlier:

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 (Isaiah 11:6).

Amen!

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