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## **The Gospel or a Glock?<sup>1</sup> Mennonites and the Police**

*Andy Alexis-Baker*

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

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

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

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

### **Recent Mennonite Writings on Police**

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

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

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

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

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

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

### **Problems with Recent Thinking: Entering into the Debate**

#### *Terminology*

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

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

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

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

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

### *Police Violence is Undeniable*

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

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

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

### *Militarization*

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

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

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

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

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

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

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

This system of constables, sheriffs, and watches was directly imported into the American colonies. Boston established the earliest watch in 1636.<sup>41</sup> The city chartered the watch for run-of-the-mill tasks to ensure community safety such as inspecting suspicious persons, firefighting, maintaining streetlamps, and managing stray animals. The primary task of the watch was not crime prevention. At best it represented a response system like modern-day fire departments. The watch volunteers and conscripts did not wear uniforms, were unarmed, and managed many activities, the least of which was crime prevention. These characteristics are exactly opposite to those of a modern police department.<sup>42</sup>

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



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

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

Likewise, northern police departments were not designed to curb crime but a social class, the “dangerous class.”<sup>50</sup> For example, the 1834 City Marshal’s report in Boston included a detailed list of police functions such as enforcing traffic and building regulations, but did not refer to “crime” or to criminals at all.<sup>51</sup> Instead, “vices” such as drinking and vagrancy occupy the document.<sup>52</sup> In fact, Boston had only one murder from 1822 to 1834.<sup>53</sup> This scenario repeated itself in many cities.<sup>54</sup> Thus, northern police did not arise as a response to crime but from ideological differences between rich and poor.

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

This narrative takes more complex features into account than simple cause and effect between crime and police. Economic, ideological, and political reasons converged as the primary motivations for developing police agencies. If North American Mennonites want to appeal to history to claim the police are essentially a “nonviolent” thin blue line between order and disorder, they need to be clear how this has historically unfolded, and whose order and interests the police have served. Contra Schlabach<sup>56</sup> and Friesen,<sup>57</sup> there is little reference to a “common good” in the history of modern police. The police were not on the side of a positive peace where people reconcile with one another, but on the side of those who paid them. The police did not result from inevitable forces of history but from calculated moves to maintain social stratification. Mennonites should be cautious, because history does not vanish but materializes in the present. As police historian Eric Monkkonen wrote, “The historian must preserve a radical doubt as to the need for police, thus insuring that the proper energy goes into accounting for their existence.”<sup>58</sup>

*Ecclesiology: Police as Sacred Community*<sup>59</sup>

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

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

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

Police initiation rites situate the convert within a sacred community with stories that shape the adherent’s *belief, belonging, and behavior*.<sup>69</sup> The fraternal police order shapes the *beliefs* of converts, narrating the world for them. For example, police often explain behavior in terms of free will and conspiracy theories,<sup>70</sup> have a police martyrology,<sup>71</sup> and inculcate values that color the police’s worldview. “Order” is the key value they uphold.<sup>72</sup> The concept of order shapes their sense of *belonging* in a special way. It is a subjective concept<sup>73</sup> that puts the police at odds with most of society, because people who do not belong to the police are threats to “order.”<sup>74</sup> It makes police profoundly conservative and hostile to radicals. This viewpoint ruptures their loyalty to other primary groups like family, church, class, and even race.<sup>75</sup>

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

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

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

### *Is Just Policing Credible?*

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

**Just Policing in Congregational Life**

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

*Putting the State Back in its Place*

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

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

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

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

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

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

#### *Just War Criteria in Personal and Congregational Ethics*

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

#### *Criteria for Congregational and Personal Ethics in Calling the Police*

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

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

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

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

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



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

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

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

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

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

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

*Virtue and Character: The Imperative of Moral Inventory*

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

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

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

## Notes

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

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

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

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

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

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

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

<sup>8</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 J. Kauffman (Kitchener, ON: Pandora Press, 2004) and “Just Policing and the Christian Call to Nonviolence,” in *At Peace and Unafraid*, 405-21.

<sup>9</sup> Schlabach, “Just Policing and the Christian Call to Nonviolence,” 420.

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

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

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

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

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

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

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

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

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

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

56-57.

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

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

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

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

<sup>23</sup> *Ibid.*, 394.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<sup>47</sup> Websdale, *Policing the Poor*, 20.

<sup>48</sup> *Ibid.*, 50.

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

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

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

<sup>52</sup> Monkkonen, *Police in Urban America*, 190, n. 13: "drunkenness became the single most important offense in Boston."

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

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



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

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

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

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

<sup>58</sup> Monkkonen, *Police in Urban America*, 24.

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

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

<sup>61</sup> *Apostolic Tradition* 16.11.

<sup>62</sup> John Howard Yoder, *Christian Attitudes to War, Peace, and Revolution*, 25.

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

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

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

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

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

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

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

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

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

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

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

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

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

<sup>76</sup> Stark, *Police Riots*, especially 180-82.

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

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

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

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

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

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

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

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

<sup>84</sup> *Ibid.*, 161.

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

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

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

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

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

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

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

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

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

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

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

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

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