

Alternatives to Just Policing. Small is beautiful.

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Last year I presented at a workshop on nonviolence, where I was asked whether I am an advocate of “unconditional nonviolence”. Actually, this phrase is quite peculiar. What does that mean: “unconditional nonviolence”? The idea behind it is something like the following: There are people who reject violence in most cases, but who allow for it in exceptional circumstances. These people might not be advocates of absolute „unconditional” nonviolence, but rather of „conditional” nonviolence. There are some extreme cases when they believe it is necessary to abandon the nonviolent approach. Just as there are nonviolent persons who reject violence in all cases, so also there are nonviolent persons who reject violence in some or most, but not in all cases.

Since I have a background in philosophy, my first reaction was to engage this argument with analytical sophistry (Spitzfindigkeit). I replied to my interlocutor that nonviolence loses its meaning altogether, if you condone even one single case of violence. If there is one instance where violence can be theoretically permitted, then there will be two or three instances, because we will always find situations similar to the first case. Now, if you think about it, all human beings, even violent ones, are practitioners of “conditional nonviolence”, if they usually try to resolve problems without violence. Even a national government that laughs at the very idea of nonviolence nevertheless practices something like “conditional nonviolence” – using violence only in extreme cases, when no other means are available. “Conditional nonviolence” simply means restricting the use of violence in some manner or other; in other words, the term doesn’t really mean anything. Consequently, “nonviolence” as a term only has meaning when it sets the highest standard of behaviour.

Now I really enjoyed presenting this argument and it still strikes me as a precise terminological analysis. But in fact it doesn’t really help us at all. It doesn’t tell us what nonviolence is about, because we’re using the wrong methodology. The mistake is: We are looking at specific cases, at actions, at events. We are not looking at people, and as long as the focus is on cases, actions and events, we lose sight of nonviolence entirely. Nonviolence is not about the question “which actions are permissible?”; it is about the pragmatic ethical question “how should I act to improve this situation?”.

This latter question has two aspects. First, it is concerned with action within a given interpersonal context. We are socially situated. The human being is a social being. We need companionship. We cannot live without community. And this need for social connections to one another and to the ultimate source of Being is the foundation and wellspring of nonviolence. And what is more: divine love is not merely the origin of nonviolence. Nonviolence is in its very nature a spirituality of relationship. This lies at the heart of the Peace Church (= PC) theology of community as a school of reconciliation and as a place where biblical justice is practised.¹

And second, the question asks how we can improve a given situation. The spiritual capacity for seeking a relationship to other living beings involves so much more than setting a limit on permissible action (“what should we do or not do?”). We ask how a broken or problematic human context can be improved. We seek a positive and pro-active means² for breaking the cycles of bitterness, fear, hatred and violence and instilling trust and cooperation. And it is THIS for which we advocate among the churches of the World Council of Churches (WCC). – Nonviolence is not refusal to engage in certain practices; it is active engagement with the Other, courageous involvement, assertive intervention! Peace Churches (=PCs) work from a commitment to shalom, to creating spaces for peace, to reconciling enemies, to speaking truth to power, to living in community from a spirit of Gütekraft / love / relationality.

Now why am I emphasizing this at the beginning of my response to Jonathan Frerichs? Framing the issue in this way is important, because otherwise the peace debate of the churches sounds like a tug-of-war between those who advocate for “some violence” and those who advocate for “no violence”. But in truth we are all striving toward the light. We are all seeking the nearness of the divine Peace. We are all working for practical changes in the world that we help to mend broken communities. We are working to improve relationships in families, in communities and in the international political order. That is our common ground.

¹ See „Mending the Cloth of God“, ch. 2.

² What I do not address here is the important issue of power. When defined as force, power is easily seen being directly connected to violence. But when defined as „provoking cooperation“, true power is nonviolent.

I will mention another related terminological frustration that we face in the PCs – and this time my observation does not seek to unite me with Frerichs, but to show our difference. The frustration is that the word “nonviolence” is negative. It tells us what we do not do. (The same is true in German: “Gewaltfreiheit” is freedom from violence.)³ But the advocates of peace who are gathered here do not focus on what we don't do. We focus on what we want to do and what we are doing and what we can do! We share stories of our successes and failures; we share plans to bring healing and reconciliation and comfort and love into the world. And yet somehow, for good or ill, we are stuck with this negative term. There are positive terms like satyagraha or Gütekraft, but they haven't taken root, unfortunately.

I think this negative term has led to misunderstandings in the ecumenical discussion. Because of the focus on the refusal to bear arms, the PCs are understood to be those who keep reminding the other Churches that we should not employ violence. That's the PC job, to say “no”, to apply the brakes. Of course, that is also the origin of the PC witness, and is an important part of our challenge to other churches in the WCC. But given all the active positive work for peace in our Church and Peace tradition, this focus on a prohibition has obscured our real position. We see this also in Jonathan Frerichs' presentation. Frerichs calls for an “Responsibility to Protect times two or squared” (R2P2 or R2P²) focusing on prevention that combines the skills and abilities of the “nonviolent PCs” and the “holistic approach” of “other interested churches”. His critique is:

the engagement of peace churches with the majority of churches does not appear to include broad participation in ecumenical peace-building ministries that involve the majority. ... Where are the peace churches when it comes to peace-building with the majority? Present for ecumenical debates related to non-violence and pacifism, definitely. But when those debates taper off and it is time for advocacy work to go forward, it seems that representatives of peace churches mostly move on to the next issue in the debate.

At a certain level, the main body has certainly moved in the peace church direction over the years. Praise God for that. Have the peace churches moved in the direction of the main body in terms of complementary or cooperative actions around major concrete common goals?

One example of PC eagerness to engage in critical debate is easy to mention: our response to the WCC Assembly's adoption of the concept of R2P in Porto Alegre in 2006. That document emphasized the priority that ought to be accorded to peaceful means of preventing and reacting to conflicts, whilst acknowledging at the same time the possibility of the use of military force to avoid genocide, ethnic cleansing or other specific kinds of endangerment to peoples. The Theological Working Group of Church and Peace (some of whose members are sitting here) responded to the WCC, formulating a very critical Declaration (2009), a theological paper titled “Mending the Cloth of God” (2009) and then a further “Message to the Ecumenical Peace Convocation in Kingston, Jamaica“ in 2011, expressing our deep concern that the Churches would include a military response as part of their peace witness.

Indeed: Here the PCs were being “negative” or critical, just as Frerichs describe us. And I think it is this part of our work – this provocative, perhaps irritating reiteration of the need for seeking alternatives to violence – that suggests to others that we are being stubborn. But in this case we were right. And the WCC gradually came to agree, at first acknowledging the need for further consultations and discussions about R2P, and then more decisively admitting that there are member Churches who cannot in good conscience accept the R2P premise of “Prevention, Reaction and Rebuilding” (effectively ending the united position of the churches on R2P).⁴

3 The same is not true of the term ‘pacifism’.

4 The fact that the focus has now turned entirely toward the “responsibility to prevent” shows just how R2P has failed. It was initially proposed as a set of three stages that moved from dialogue and conflict resolution toward threat and use of violence and finally toward rebuilding everything that had been destroyed in the effort to prevent harm. Even the sequence of these stages show how insincere the authors were: prevent – respond – rebuild. But happily, we need concern ourselves here only with the stage of prevention, which is more than enough. And the question here: Does Just Policing offer a useful instrument for bringing peace, stability and reconciliation into a failing or failed state?

The description of the third stage, under the heading „Peace Building“ is: „The responsibility to protect implies the responsibility not just to prevent and react, but to follow through and rebuild. This means that if military intervention action is taken – because of a breakdown or abdication of a state's own capacity and authority in discharging its “responsibility to protect” – there should be a genuine commitment to helping to build a durable peace, and promoting good governance and sustainable development.“ The Responsibility to Protect, Report of the International Commission on Intervention and State Sovereignty, Dec. 2001.

The kind of critique that Church and Peace (along with other peace churches) submitted with respect to R2P help to cement our reputation as the “nay-sayers” in the communion of Churches. But it’s a bad rap [ungerechtfertigte Kritik]. The great majority of Peace Churches have left their quietism behind them. Our core commitment to nonviolence is, as I said, active engagement with the Other, courageous involvement, assertive intervention.

Here is one example: Quaker political advocacy has a very long history. In 1688 there was a Quaker „Petition Against Slavery“ in Pennsylvania, the first public and political protest against African-American slavery made by a religious body in the English colonies. And this political work for human rights, economic justice, democratic governance and sustainable energy policies – to name just a few areas of action – persist to this day, both at national and international levels (for example through the Quaker Council for European Affairs in Brussels).

Here are some more examples from the Mennonite tradition:

- 1.) the development of the very first restorative justice (=RJ) initiatives between offenders and their victims. This field of practical peace work has developed to the point where many countries have now adopted aspects of RJ into their criminal codes – the crowning example being the institution of RJ in the legal framework for Youth Crimes in New Zealand.
- 2.) Mennonite Truth & Reconciliation initiatives include the work of J.P. Lederach in Central America, Ron Kraybill’s mediation and conflict-resolution work in South Africa, Robert and Judy Zimmerman Herr’s rural economic and development programs in South Africa, Joseph Liechty’s work in northern Ireland, Mark Chupp’s Peace Portfolio Project in Nicaragua, Ricardo Esquivia’s work as director of Justapaz, a peacebuilding initiative in Colombia, Bonnie Bergey’s peacebuilding efforts in Somalia and Barry Hart’s trauma-healing and reconciliation workshops in Liberia from 1991 to 1993. In most of these initiatives the Mennonites worked together with other churches. ⁵

A very telling aspect of this kind of work is an event that took place on Sept. 25, 2008. The PCs invited the Iranian President Mahmoud Ahmadinejad to a peacemaking dialogue in New York City, a dialogue that was condemned by representatives of many American churches in the WCC. ⁶

Rethinking the Imperative

I have one more example, the establishment of Christian Peacemaker Teams, but I will introduce it later. Now we should address more directly the chief alternative to R2P, Just Policing. What can we do with the methods of nonviolence in the present geopolitical situation? As Paul Oestreicher has said, “It is our political task to save the world from war”, from genocide, war crimes, crimes against humanity and ethnic cleansing. Nonviolence does not free us from confronting this duty. ⁷ We must do something. And I don’t think it’s enough to focus only on long-term prevention – we really should be acting now. Should we train international police forces to act? In the quest for means of ending such disasters we must first note: we cannot practice nonviolence with a gun in our hand. Holding a weapon is a threat and – yes, I have to say it this harshly – it ‘speaks’ the same language as the worst human rights violations. We must learn to speak another language.

The counter-question would be: is there any realistic reason for believing that the geopolitical situation could be changed without employing military means? Recent world history teaches us that this is indeed possible. Recall the “prayers and candles” in St. Nicholas’ Church in Leipzig, which changed the geopolitical situation in 1989. Recall Gandhi’s hunger strike which changed the geopolitical situation. Recall Martin Luther King’s civil rights movement (with its explicit training in nonviolent methods) which changed the geopolitical situation. We can name many other examples: the nonviolent revolutions in the Czech Republic, Ukraine, Liberia (Leymah Gbowee in the film “Pray the Devil back to Hell”) etc. Naturally it must be admitted that not all nonviolent actions are successful, far from it, sometimes they fail miserably, and occasionally nonviolence also leads to the death of those concerned.

⁵ See: <http://www.mediate.com/articles/wrightw2.cfm#55>

⁶ “Arli Klassen, executive director of Mennonite Central Committee, gave welcoming remarks on behalf of the sponsoring organizations. She lit an oil lamp as a symbol of faith and invited participants to reflect on peacemaking from their own faith perspectives. “As a Christian, I believe that we are following Jesus Christ’s example and his teaching as we eat together and hold this dialogue despite our many differences,” Klassen said. Addressing President Ahmadinejad, Klassen raised concerns about his statements on the Holocaust and Israel, Iran’s nuclear program and religious freedom in Iran.” <http://www.mcc.org/stories/news/religious-and-political-leaders-hold-peacemaking-dialogue>

⁷ Paul Oesterreicher, „On the Impossibility of a Just Peace“, in: Protecting People – and Losing Just Peace?, ed by Werkner and Rademacher, Zurich 2013, p. 73.

The more far-reaching question is, however: can we adopt a nonviolent course in view of genocide, war crimes, crimes against humanity and ethnic cleansing? Or is the threat of violence that stands behind the use of police forces the only possible reaction to save endangered peoples? Advocates of nonviolence are skeptical, because the strategic concern must be to protect people for the long term. It is not enough to liberate an endangered population from the clutches of a (supposedly wicked) violent person and to abandon them to a situation where the cause of the conflict still persists. That is what the spirituality of reconciliation means: As long as people mistrust or hate their neighbours (the neighbouring social or political group), they will not attain peace. Hence, we cannot simply remove a certain political group from power. We must transform the situation so that a dialogue between mistrustful groups begins. This core task is not really the job of police forces.

And yet the imperative remains: surely we must do something! Can't we act? We need to something now. This is a very important imperative. But let's not lose sight of the fact that we are doing something already, and that new groups are continually devising new forms of action. Let us not forget that small groups of trained persons have been active in conflict situations for decades now. They are deployed in danger zones, they act to de-escalate and reduce violence, they protect and/or accompany local populations. These organisations do nonviolent service at many places where systemic violence is operative and populations are under threat: Palestine, Iraq, Columbia, Central America, Nepal, Indonesia etc.

These organisations have proven that using unarmed, trained teams can considerably improve the situation of threatened population groups. They follow (roughly) two very different approaches: first, there are groups that show solidarity with the oppressed (e.g. Christian Peacemaker Teams); second there are non-partisan groups that endeavour to bring the antagonistic parties into dialogue (Peace Brigades International, Ecumenical Accompaniment Programme in Palestine and Israel/EAPPI). Both approaches are in harmony with Jesus' love of the enemy. Both approaches provide for long-term accompaniment at the place of conflict and the averting or minimising of violence. In any case, it must be underlined that the mere presence of small groups of international observers can make a contribution to protecting endangered populations.

Here there is still plenty of potential for expanding such structures by the church and governments, and that is the reason for the insistent and pleading imperative: come, let us act! But we also need to be patient and remember that the work that needs to be done is primarily slow and at the local level.

Just Policing

Besides the sending of small groups of trained peace workers, which has proved itself for decades, another, more recent idea for solving the R2P problem is that of posting police instead of military units to regions in which the population is directly threatened. The idea goes back to Gerald Schlabach (2007).⁸ Just policing starts from the three preconditions for R2P: a direct threat to the population, the exhaustion of all nonviolent means and the local population's call for protection. What is new is the proposal to use police coercion to avert or reduce violence. Fernando Enns is a Mennonite advocate of this position. He asks: "Can a theologically-based ethic legitimise a form of non-lethal coercion (by police) - when all non-violent means have been exhausted - that is solely for defence against violence and the reduction of violence and solely to protect those who are directly threatened in life and limb and call for such protection?" And his answer to this is "yes".

Enns' formulation is: if a population faces immediate physical danger, and if this population calls for protection, and if the use of non-lethal force by police were possible, and if this use of force would serve to reduce violence, and if all other purely peaceful means were exhausted, then this kind of action would be theologically justified.

Let us note in passing the question of whether there can actually be a situation in which all nonviolent means have been explored. How could we ascertain that that was the case? Who is in a position to say: "We've tried all nonviolent means. Now we have to try something else." Under what conditions would it be possible to devise other creative approaches? And when Fernando Enns uses the phrase "once all non-violent means have been explored", doesn't that imply that just policing is *not* nonviolent?

Yet the main point here is whether police units are suitable for protecting threatened populations. It is praiseworthy that the model proposes a way out of the spiral of violence. With the term 'police coercion' Enns points to the distinction between *force/coercion* and *violence*. The use of force by the police to protect people, property and traffic is approved by almost everyone in our stable, affluent Western societies.

⁸ Schlabach's thesis that his approach seeks to find a middle way between using force and nonviolence, between intervention and abstention, must be regarded sceptically if we remember that nonviolence both in theory and in practice (peace actors like PBI, EAPPI and CPT) entails intervention.

We do not consider it *violence*, that is malicious actions harmful to people, when children are brought up to behave in a certain way, or when we receive a parking fine or a summons to appear in court. Force (or *coercion*) is a form of influencing behaviour that we do not find morally reprehensible.

There are some very great advantages in the just policing model:

- Many police units learn methods of civil conflict resolution,
- They are trained in de-escalating conflict and do not necessarily assume a worst case scenario,
- The importance of proficiency in using weapons is much lower than in the military,
- Police (usually and traditionally) carry only minor firearms,
- Unlike soldiers in many armies in the world, they have the right to refuse to kill, and
- They are integrated into a structure based on the rule of law, from which soldiers are often removed through ‘the law of war’.

This suggests that police are more likely than soldiers to be equipped with the special skills appropriate for R2P interventions. Despite all these advantages, nonviolent ethics and spirituality remains sceptical, and this skepticism is not merely confined to the issue of whether such international police forces are practicable (whether the political conditions for large-scale police interventions abroad can be fulfilled). There is a deeper principle at stake here.

This skepticism is founded on the following observations by Ullrich Hahn, President of the German Branch of the International Fellowship of Reconciliation.⁹

- in the international legal order, or in the orders of many countries that could take part in such police units, there is no clear distinction between the military and the police;
- training, arming and masking of police units in Western countries are gradually taking on military dimensions (not to mention the use of standby police housed in barracks),
- police forces can only function within a pre-given political infrastructure including laws, judges, attorneys and police supervisory authorities – a system that has to grow out of the local legal and social order and that is lacking in a country suffering from the crises that R2P seeks to address,
- When foreign police units are deployed in a crisis-ridden country they will not abstain from carrying weapons. But these weapons will shape behaviour in the conflict and impair the possibility of entering into dialogue with all parties without reserve; and finally, the use of weapons violates the command of love of the Christian message.

Concluding Remark

Could international police forces work in a foreign culture where law and order have disappeared? Certainly, our image of a friendly neighbourhood policeman who goes into schools and teaches children about bicycle safety is not relevant. We would need something quite different from that. I remain rather skeptical, especially since the use of police units at emotionally charged demonstrations, with chaotic behaviour by many different groups, is an extremely taxing and strenuous activity. But there is still lots of room for creative thinking. We have not yet invented all forms of peaceful conflict intervention. I think that there is lots of room for new ideas to come.

Dropping the idea of Just Policing does not mean surrendering. In the last few decades other approaches for using nonviolent means in crisis areas have already been developed: groups of trained peace actors working together in small teams providing long-term solidarity with endangered populations. This kind of nonviolent intervention already exists!

And this may perhaps also be construed as a criticism of J. Frerichs paper: He seems to think that we need more and more organisational unity and a broad ecumenical basis for advocacy. I don’t necessarily disagree, but the “large-scale approach” isn’t the only correct one. The kind of work that has been going on successfully in areas of immediate physical danger to agents of peace requires small groups. It requires small communities. Only when the groups are small, are they flexible enough to adapt to changing situations on the ground. Only when they are small, can there be real trust between all members of the team and the possibility that they can watch out for one another. Only when they are small, do they not pose a danger to armed groups in their environment. Only when they are small, do endangered populations not fear their presence as harbingers of foreign intrusion. Only when they are small, is their solidarity with oppressed minorities not a danger to political leaders. – This is the kind of work being done by groups

⁹ Ullrich. Hahn, „Vorstellung von ‚internationalen Polizeieinheiten‘. Acht Thesen“, in: Versöhnung, Rundbrief 1/2013, 7.

like Operation Colombo or Christian Peacemaker Teams, and which could never be achieved by international police forces.

The churches do not need to ponder any longer. We do not need to wait for the WCC either. We do not need to wait for bureaucracies and financial grant applications. As the Quakers with their ‘quiet diplomacy’ and the Christian Peacemaker Teams have adequately demonstrated, small groups of spirit-led individuals can achieve extraordinary things. What is lacking is only enough other people who hear of these intervention opportunities and are willing to devote a few years to such service for peace – particularly in places where peace interventions are still lacking.

This is not to say that there is no place for the advocacy work of the WCC. As the Mennonite J.P. Lederach notes, a structure for reconciliation requires peacemaking efforts at all levels of an endangered society:

„The top-level political and military leaders generally negotiate cease-fires and peace accords. Middle-range leaders (e.g., leaders of academic, religious, business, professional, agricultural, and nongovernmental organizations who have ties to upper-level and grassroots leaders) conduct problem-solving workshops, train people in conflict-resolution skills, and lead peace commissions. Grassroots leaders (e.g., community and refugee-camp leaders, health officials, and members of indigenous nongovernmental organizations) achieve agreements to end fighting, implement policies made at higher levels, and set the stage for a movement toward peace.“

I conclude with one brief reflection on the spirituality of nonviolence. We are all familiar with the Serenity Prayer that goes back to Reinhold Niebuhr: *“God grant me the serenity to accept the things I cannot change; courage to change the things I can; and wisdom to know the difference.”* Out of the spirit of nonviolence and active, loving confrontation of evil, Walter Wink has proposed an alternative version. Do we really want to remain „serene“ in the face of evil? Surely we want to act to bring goodness in the world. Do we only want „courage“ to change the world, or do we not also want to develop the skills needed for peacemaking? Hence, Wink proposes an alternative prayer: *„God, help me to refuse ever to accept evil; by your Spirit empower me to work for change precisely where and how you call me; and free me from thinking I have to do everything.“*

Amen.

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