

Christian Restorative Justice

Abortion, Gay Marriage,
& Freedom of Religion

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Whose Justice? Which Order?

- Meritocratic: Reward, punish
- Distributive: Baseline wealth
- Libertarian: Maximize freedom
- Restorative: Relationship

- How do you order and organize these?

The Christian Order of Social Justice

- Restorative: God's relational order
 - Distributive: Wealth for all
 - Meritocratic: Reward, punish
 - Libertarian: Legitimate concerns, but incompatible premises
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- Grounded in the historicity of Jesus and his resurrection, with Scripture as a witness

Two Basic Types of Governance

- Roman Empire: limited decentralized pluralism
 - Rome allowed various communities limited self-governance, with each group having their own laws
 - Judaism had been recognized as a religion by the Romans
- Western democracy: centralized nationalism
 - All communities have the same law
 - U.S. tried to approach States' rights with pluralism, but it was only federalism (layered nationalism)

Christians & Nationalism

- In our postmodern culture, people tend to believe their opinions should be respected without logical reasoning
- In a culture of democracy, we tend to feel the pressure to talk as if 'good and evil' and 'justice' were simple and basically agreed upon, to maintain the idea that democracy is easy
 - In reality, democracy was a Christian idea
 - Notice the resurgence of interest in Christian sources of democracy in Europe, where Muslim immigration calls into question the stability of democracy

Christians & Nationalism

- New Testament language: Is it political?
 - Human dignity and human rights
 - What laws can we put all people under?
 - Theocracy? Or
 - Freedom of religion (religious pluralism)?

Freedom of Religion and its Limits: The Christian Biblical Foundation

Freedom of Religion

- Love and honor for Judaism: Romans 9 – 11
- Christian ethics in full are for Christians only: Matthew 19:3 – 12; Romans 8:7 – 8

Limits on Freedom

- Sacrificing children
- Slavery
- Islamic Shari'a

Freedom of Religion and its Limits: The Christian Historical Foundation

- Western Roman Empire(306 – 455 AD)
- Medieval Catholic Poland (13th – 18th centuries)
- Anabaptists
- Roger Williams and the U.S. (1636 – present)
- The English Bill of Rights and the British Commonwealth (1689 – present)
- Catholic Church Post Vatican II (1960 – present)

Freedom of Religion and its Limits: The Christian Historical Foundation

- Roman Emperor Constantine (reigned 306 – 337 AD)
 - In both word and deed Constantine supported religious pluralism, even while making his own commitment to Christianity explicit. Thus, during Constantine’s reign, “friendships between Christian bishops and pagan grandees” were well-known, and the many examples of the “peaceful intermingling of pagan and Christian thought may...be thought of as proof of the success of [Constantine’s]...policy” of consensus and pluralism. This policy was continued by “the refusal of his successors for almost fifty years to take any but token steps against pagan practices.” And a public culture emerged that mixed Christian and pagan elements in ways that seem remarkable, given the traditional accounts of unrelenting repression. (Rodney Stark, 2006, p.178 – 180)

Freedom of Religion and its Limits: The Christian Historical Foundation

Religious Affiliation of Men Appointed as Consuls and Prefects, 317 – 455 AD^[1]

Reign of Emperor	Christians	Pagans	Unknown	Number
Constantine (317 – 337)	56%	18%	26%	55
Constantius & Constans (337 – 350)	26%	46%	28%	43
Constantius (351 – 361)	63%	22%	15%	27
Julian (361 – 363)	18%	82%	0%	17
Valentinian (364 – 375)	31%	38%	31%	32
Valens (364 – 378)	39%	25%	36%	36
Gratian (375 – 383)	50%	11%	39%	44
Valentinian II (383 – 392)	32%	32%	36%	19
Theodosius (379 – 395)	27%	19%	54%	83
Arcadius & Honorius (395 – 423)	34%	12%	54%	161
Theodosius II & Valentinian III (408 – 455)	48%	4%	48%	157

^[1] Rodney Stark 2006, p.191

Christian Impact on Law: Slavery

315 AD: Two years after issuing the Edict of Milan, legalizing Christianity, Constantine imposed the death penalty on those who kidnap and enslave children. He later forbids separating slave families and eased the conditions of manumission so that a slaveholder could simply go to a church service and declare their emancipation before the bishop. Since Constantine was a new Christian, this suggests that the Christian community had a strong antislavery position.



Christian Impact on Law: Slavery

- 595 AD: A council at Rome under Gregory the Great permits a slave to become a monk without any consent from his master.
- 649 AD: Clovis II, king of the Franks, frees and marries his British slave Bathilda. Together, they dismantle slavery in France.
- 1000 AD: Stephen I of Hungary abolishes slavery.

Christian Impact on Law: Slavery

- 1102 AD: The London Church Council forbids slavery and the slave trade, which abolishes both throughout England. This decree emancipates 10% of England's population.
- 1117 AD: Iceland abolishes slavery.
- ~1300 AD: The Netherlands abolishes slavery.
- 1335 AD: Sweden (which included Finland at this time) makes slavery illegal.

Christian Impact on Law: Slavery

- British Christians used the British navy to abolish the slave trade in the following Muslim countries, by force
 - Tunis (1846, 1875)
 - Zanzibar, part of Tanzania (1847 – 1856)
 - Turkey (1854)
 - Egypt and Sudan (1877, 1899)
 - Morocco (1912, by France)

Christian Impact on Law: Slavery

- World pressure:
 - Afghanistan (1923)
 - Iraq (1924)
 - Iran (1929)
 - Saudi Arabia?, Yemen (1962)
 - Oman (1970)
 - Mauritania? (1961, 1981, ongoing)
 - Sudan? (1980's)
 - Pakistan? (1992)
 - Niger? (2004)

Christians & Nationalism: Hot Topics

- Abortion
- Gay marriage / civil unions

Abortion

- Christian case against abortion (w/ exceptions)
 - Life begins at conception
 - The union of body and soul (Gen.1:26 – 31)
 - Any other point in human development is arbitrary
 - Precedents in biblical law:
 - If men struggle with each other and strike a woman with child so that she gives birth prematurely, yet there is no injury, he shall surely be fined as the woman's husband may demand of him, and he shall pay as the judges decide. But if there is any further injury, then you shall appoint as a penalty life for life, eye for eye...
(Ex.21:22 – 25)
 - Precedents in church history:
 - 'You shall not murder a child by abortion nor kill that which is begotten' (*Didache* 2:2)

Abortion

- Questioning the Christian case against abortion
 - Are 'beginning of life' and 'end of life' ethics consistent?
 - Must we extend and maintain life support for as long as possible, even for a brain dead patient?
 - Who is responsible for that decision?
 - As a Christian, I don't think I can personally or legislatively decide who is responsible for sustaining someone on life support if they don't have a functioning nervous system.
 - The presence of a functioning nervous system seems to be the minimum definition of a person, legally and socially
 - We are uncertain about those without a functioning nervous system, even theologically
 - The (official) Catholic position that people should be kept on life support is still an unproven presupposition, just as is the presupposition that life begins at conception

Abortion

- A new proposal: legalize abortion until 23 days
 - Nervous system appears in the fetus at 23 days
 - Makes 'beginning of life' and 'end of life' ethics consistent
 - Practical, scientific, and theological concerns about defining a living person converge, even without necessary reference to religious conviction
 - Does allow for abortions for true birth control
 - Eliminates abortions for gender selection and Down Syndrome
 - Offer more social programs supporting pregnant women

Gay Marriage / Civil Unions

- Christian case against gay marriage
 - God's design for male and female (Gen.1 – 2; Mt.19:3 – 12)
 - We need to support the traditional family
 - Freedom of religion
 - Public schools: David Parker of Lexington, MA (2005 – 6)
 - Adoption: Catholic Charities
 - Public pensions invested in companies

Gay Marriage / Civil Unions

- Is this a 'marriage' or is it 'adultery'?



Gay Marriage / Civil Unions

- Is this a 'marriage' or is it 'adultery'?



- Jesus called it adultery (Mt.19:3 – 12)
- John the Baptist told Herod to end his marriage with Herodias because it began in adultery (Mt.14:1 – 12)
- Yet most American Christians accept it as a marriage

Gay Marriage / Civil Unions

- Is this a 'marriage' or is it 'adultery'?



- Why must I approve this as a 'marriage' and extend tax and legal benefits to them? Doesn't that violate my religious freedom?

Gay Marriage / Civil Unions

- Is this a 'marriage' or is it 'adultery'?



- This is one example why I believe we should have the state do only 'civil unions.' The word 'marriage' is hotly debated by various religious and non-religious groups.

Gay Marriage / Civil Unions

- 1. Make sodomy itself illegal
- 2. Make sodomy legal, but deny civil unions to gay couples
- 3. Make civil unions possible for gay couples, with no tax and legal benefits.
- 4. Make civil unions possible for gay couples, with full 'marriage-like' benefits without using the word 'marriage' to label it. Retain the word 'marriage' for straight couples.
- 5. Make civil unions for all couples, straight or gay, Christian or not. Get the state out of the struggle to define 'marriage' because 'marriage' is defined differently by various religious groups; 'marriage' and its definition is a First Amendment religious issue.
- 6. Make gay marriage, not just civil unions, possible in the public square, but not in the church community.
- 7. Make gay marriage possible everywhere, including in the church community.

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Gay Marriage / Civil Unions

- Questioning the secular case for gay marriage
 - Once you define 'marriage' as between 'any two consenting adults,' that definition has to be propagated throughout public schools, adoption policies, pension fund investments
 - Are teachers, public servants, etc. able to express their true views about marriage without risk of losing their jobs, being quietly threatened by parents, principals, etc.?
 - What about the Catholic Charities adoption program?
 - What about public pension fund investments?
 - By comparison, I am a true political pluralist on this issue; I want the public square to be open to disagreement
 - Freedom of religion must be a right that is protected for as many communities as possible, not just for Christians

Gay Marriage / Civil Unions

- Questioning the Christian case against gay marriage
 - Sexual sin is a harm against one's *self*, not another (unless it is rape) according to Paul in 1 Cor.6:18
 - Harm against others is a criminal issue
 - Harm against one's self is a health issue (e.g. suicide, alcoholism, etc.)
 - Freedom of religion must be a right that is protected for as many communities as possible, not just for Christians
 - The biblical writers and the early church never sought a sociological argument for 'supporting the traditional family'
 - God's design for marriage and family was supported by Scripture, Jesus' resurrection which validates the creation, and the church as the new humanity in Jesus, and not the society

Freedom of Religion and its Limits

Freedom of Religion

- Love and honor for Judaism: Romans 9 – 11
- Christian ethics in full are for Christians only: Matthew 19:3 – 12; Romans 8:7 – 8
- Civil unions for all; let 'marriage' be debated in public square

Limits on Freedom

- Sacrificing children
- Slavery
- Islamic Shari'a
- Abortion

