

Christian Restorative Justice: A Response to the American Christian-Libertarian Syncretism

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Last modified: August 22, 2013

Introduction: Why This Discussion?

When I started to teach on Christian restorative justice as a paradigm for concrete political action, I received some questions from a few Christians (undergrads, law students, and working people) who identified themselves as libertarians. So for those interested enough in reading this, let me give a brief overview of the way I taught about restorative justice, and how it is different from libertarian justice. At the end of this paper, I comment directly on Ron Paul's policy ideas.

I said that 'justice' or 'social justice' is something many people – Christian and non-Christian alike – talk about, but seldom think about systematically. I can identify at least four major types of justice:

- Meritocratic justice (getting what you deserve – good or bad, reward or punishment);
- Distributive justice (ensuring some baseline level of equity, for example with clean air and water, public education, factual information, etc.);
- Libertarian justice (a European Enlightenment idea where the individual is preeminent, liberty is justice, and the fewer government constraints the more just a society is); and
- Restorative justice (where you start not with the individual but with a vision of what relationships we ought to have, and how to maintain or restore that type of relation).

There are certainly more I have asserted that there is nothing in secular thought that tells you how to order or organize the four types of justice. My understanding, after talking with many people, including people involved with law and policy, and reading books like *Justice: What's the Right Thing to Do?* by Michael Sandel and *Which Justice? Whose Rationality?* by Alasdair MacIntyre, as well as Cambridge theologian Oliver O'Donovan's critique that MacIntyre doesn't actually escape David Hume's is-ought distinction for ethics (you can describe what is, but not what ought to be), that is that there is no sure intellectual way to organize the four types of justice *in a secular framework*. Yet, tragically, *this is the heart of the question of justice*. In my assessment, this is why Republicans are unable to talk to Democrats, and vice versa. Republicans stress libertarian justice and meritocratic justice. Democrats stress libertarian social morality and distributive justice more than Republicans. It's not just a failure of civility or character, although many people interpret it that way. It is a fundamental limit of rationality. Within any secular foundation, any organization of these four types of justice is arbitrary.

I believe that Enlightenment philosophy cut itself off from Christian theology and rendered itself unable to organize these four types of justice. I believe that Christian restorative justice, by contrast, has intellectual foundations in history that make it not arbitrary: the historical Jesus, the historicity of his resurrection, and the historical witness of Scripture, and to a lesser degree, the church. Jesus and his resurrection mean that God has affirmed His original creation order. Interestingly enough, a few people supported the 'Christian libertarian' position. They thought that 'liberty' was the supreme value taught by the Scriptures and enshrined in the U.S. Constitution. So, I've written my responses to a few questions they have asked of me. Here it is in a dialogue form.

Question: Don't you think that the U.S. Constitution, and behind that, Western philosophy and the Christian faith, elevate 'individual liberty' as the primary value? You seem to think it is arbitrary.

Answer: The U.S. Constitution: Yes. Western philosophy: Yes. Christian faith: No. While there is a strong tradition of 'individual liberty' that runs through those three sources, I believe elevating it above all other principles (e.g. ensuring a fair and level playing field, providing for some baseline level of distributive economic equity, having some restorative processes of justice, etc.) is *completely arbitrary*.

First, you elevate the principle of 'individual liberty,' but unfortunately your opinion is arbitrary. There is no deeper intellectual reason to make that the highest value. The recent disagreement between two atheists, Sam Harris and Sean Carroll, demonstrates this arbitrariness. Harris recently claimed that science can provide us with a complete morality from the bottom up. But Carroll objected to Harris' claim by saying this:

‘What if I believe that the highest moral good is to be found in the autonomy of the individual [i.e. the foundation of libertarianism], while you believe that the highest good is to maximize the utility [e.g. happiness] of some societal group? What are the data we can point to in order to adjudicate this disagreement? We might use empirical means to measure whether one preference or the other leads to systems that give people more successful lives on some particular scale—but that’s presuming the answer, not deriving it. Who decides what is a successful life? It’s ultimately a personal choice, not an objective truth to be found simply by looking closely at the world. How are we to balance individual rights against the collective good? You can do all the experiments you like and never find an answer to that question.’¹

Harris promised a response, but none has come forward. This is because, insofar as one stays within a secular framework where there are no objective truths, there isn’t one possible. In that sense, Carroll is right. The question from a moral philosophy standpoint is why ‘liberty’ or ‘individual freedom’ should be elevated to the highest possible moral and political principle. In fact, both Michael Sandel and Alastair MacIntyre give compelling reasons why it should not. I suggest you read the article *The Liberty Scam: How Robert Nozick, the philosophical founder of libertarianism, gave up on the movement he inspired*.² ‘The libertarian position I once propounded,’ said this Harvard philosophy professor in the late 1980’s, ‘now seems to me seriously inadequate.’

The second issue is your historical accuracy. You want to root ‘individual liberty’ in Christian theology. Perhaps that’s because you sense that it doesn’t actually stand up on its own from within the field of philosophy, by itself. In the Western philosophers, like John Locke and Jean-Jacques Rousseau, the idea that liberty equals justice made it very hard for them to justify any kind of larger political community. John Locke tried to ground his ethics for political allegiance and civil resistance in a Christian framework, and I’ll get to that below. But Rousseau tried to disconnect it from Christian theology and the biblical narrative altogether. He just said that we are born as ‘free individuals’ into a ‘state of nature.’ All relationships are therefore just ‘social constructs’ that are entered into. The fewer social or legal constraints on the individual, the more ‘just’ it is, in his individualistic, libertarian framework.

On the one hand, I think libertarian justice makes important points and raises important concerns (e.g. some freedom of religion), but has no foundation in itself. But on the other hand, when were we ever ‘born as free individuals into a state of nature’? I was under the impression – especially as a person of Asian descent – that we were born into *families*, with binding ties, benefits, and obligations. When Rousseau took moral and political philosophy off in the direction he did, he went into an intellectual dead-end. He severed his moral and political philosophy from all the other academic disciplines: history, theology, sociology, anthropology, etc. His assertion hangs in mid-air.

You assert that the U.S. Constitution enshrines ‘individual liberty.’ I agree, but I hasten to add that the U.S. Constitution was written with the idea of ‘individual liberty’ as the highest priority *for white, landowning males*. The principles of liberty and libertarian justice embedded there didn’t protect Black people from racist White people, along with State governments run by racist Whites. In reality, the Constitution was a political compromise between free States and slave States that made a Black person 3/5 of a White person for population counting. The Constitution also didn’t provide the Federal government with the ability to enforce individual rights in the States on behalf of Black people until the 14th Amendment was passed after the Civil War. And women couldn’t vote until the 19th Amendment was passed in 1920. The U.S. Civil War was fought because there was no way within the individualistic libertarian framework to decide: (1) if property rights took precedence over human rights (for slaves); (2) whether the Federal government could force State governments to enforce those human rights; and (3) if States had to stay within the Union at all. Military force had to settle the question that reason couldn’t. So the logical end of libertarianism and libertarian justice is secession and civil war on the national level. Not to mention divorce and broken friendship on the personal level. In order to offset the radical individualism explicit in libertarian thought, you have to create myths about national identity and such, for any kind of human community larger than the individual.

Question: Even if I agree with you about Western philosophy and the U.S. Constitution, that still leaves Christian theology and faith. I think Christian faith supports libertarianism. Let’s start with a basic

¹ Sean Carroll, <http://www.scienceandreligiontoday.com/2010/03/29/can-science-answer-moral-questions/>

² Stephen Metcalf, published in Slate, June 20, 2011:

http://www.slate.com/articles/arts/the_dilettante/2011/06/the_liberty_scam.html.

principle, since you're a Christian who takes the Bible seriously. In the Hebrew Bible, Israel lived without a state, for example, throughout Joshua, Judges, Ruth, and until 1 Samuel 8. And when Israel wanted a king, God warned them against having an earthly government. This shows that it was not good for them to even have a state, specifically a monarchy, but the point seems to carry over into other forms of government. I'm not an anarchist, but might be a 'minarchist': the less government, the better.

Answer: That's an interesting use of the Hebrew Scriptures. Much more should be said about what you're appropriating from Israel's story. But as far as this discussion goes, you are confusing *the bureaucratic state*, which Israel did not always have, with *Jewish law*, which Israel *did* always have from Sinai onward. And behind the Jewish law stands *God's creation order*, a vision of human life that came from God; it explains God's design for marriage as a lifelong union of male and female to bear more human life from a context of lifelong love (Gen.1:27), God's design for marriage prioritized above family of origin (Gen.2:24, contrast 4:16 - 25), the honoring of every single human life (Gen.1:26 - 28, contrast 4:1 - 25), and more. That means you can't just look at God's critique of the bureaucratic *state* as if that is how God felt about *laws*. Jewish law was not a derivative expression of the Jewish state. In Israel, law came before the state. Chronologically, this is the opposite order of the history of nation-states and law in the Enlightenment tradition, which might be why you seem confused about this point. In fact, Jewish law existed independently of the state for centuries and continued to operate quite independently *even while the state was present*.

Law was an expression of the will of God given to Israel as part of the covenant, and God was regarded as the one who adjudicated conflicts in Israel on an ongoing basis. Thus, in Israel, law was not a growing code of precedents which was meant to be applied with absolute consistency in formal courts. Such was Rome's judicial environment, but not Israel's. Instead, judgments were given by all manner of people who represented God: local elders, Levitical priests, individual prophet-judges on circuit like Samuel, the Davidic king, and after Jehosaphat's reform, royally appointed judges in towns with a court of appeals in Jerusalem (2 Chr.19). Indeed, one gets the clear impression that these bodies of adjudication were rather spontaneous and ad-hoc: There were local elders everywhere, God raised up prophet-judges rather spontaneously for more difficult cases, David's son Absalom judged cases (1 Sam.15:1 - 6), a group of elders rallied to exonerate Jeremiah *over against* a death sentence declared against him by Jerusalem's princes, priests, prophets, and officials (Jer.26), and even Jesus was spontaneously asked to adjudicate a dispute over land inheritance (Lk.12:13). This proves that law in Israel operated independently of the state even while the state was present. All these trials were spontaneous and - with the exception of Jesus, who declined to arbitrate - were conducted by a judge or a judging body who sought out the truth from witnesses who came with evidence (Deut.17:6), not by lawyers acting for the prosecution and the defense.

To varying degrees, the decision-rendering judges were considered to be informed by God (e.g. Solomon in 1 Ki.3:28, Ps.72) - or at least this was the ideal (Ps.82) - and they had a certain amount of discretion (Dt.16:18 - 20, 17:8 - 13). Their goal was not to abide by or accumulate a codified body of common precedents and procedures, but rather to make a decision fairly, impartially, and without being influenced by bribery or favoritism. A decision was effective because the parties involved submitted themselves beforehand to whatever verdict was handed down. This is a completely different forum for adjudication than the rational, institutional state of Hume, Locke, and the Enlightenment. It was a voluntary covenant between two parties to submit to the verdict of a third party within an overarching submission to God, a method clearly favored by Paul in 1 Corinthians 6:1 - 8. Law had no necessary relationship with the state, which is quite surprising given our context in Enlightenment-derived bureaucratic nation-states.

So when you look at what God commanded the Israelites to do in the Mosaic theocracy according to Jewish law, ordinary people carried out some of the basic functions of the modern state. They stoned rebellious sons and adulterers and other people who broke the law. They adjudicated disputes in the town gate. They imposed and enforced sentences for thieves, as thieves had to pay back two to five times what they stole (Ex.21). And the rabbinical pattern suggests that they took the Jewish law as a series of case-law principles and precedents from which to make further decisions. So you can't just look at the formal state in 1 Samuel 8 as if that's what God thought about government. Government was actually spread out across the community.

So there was always moral, communal, and legal coercion involved in Israel *prior to the Davidic state*. You can't escape it. Take for example Israel's land laws, which Israel had from the beginning as a people (Lev.25). The principle of family-land inheritance was strict. Men inherited land from their fathers. Women inherited land

through marriage. It was assumed that everyone got married, and everyone's goal was to have children. So really, land belonged to a married couple, and they stewarded it for future generations. Land did not properly belong to individuals. Scholars have noted that the land didn't actually belong to the present generation. It belonged to God and to future generations. God said, 'The land is Mine; you are sojourners with Me' (Lev.25:43). Thus, in the Jubilee principle of Leviticus 25, God could press a reset button every forty-nine or fifty years. He made land revert back to its original family boundaries. Indentured servants went free and returned to the land of their families. You could not pass down advantage or disadvantage to your grandchildren, even if you 'earned it fair and square' by paying for it with 'your hard earned money.' God leveled the playing field in a very fundamental way every forty nine or fifty years. This was not 'libertarian' as far as anyone would reasonably say. And this happened *without a state*.

Taxation also existed before the formal state in Israel. God called for the Levites to be teachers, historians, priests, and interpreters of Jewish law; God required that they be supported. Taxation of agricultural resources also existed in Israel just because God was considered to be the sovereign king of the people and the land who interacted with Israel over sacred meals involving animals and grain.

Question: Wait a minute. That wasn't government taxation but more like a church tithe. Isn't government taxation fundamentally theft? If God said that stealing is wrong, what makes it ok for God to do it? Or for the community of Israel to do it? Or for the Davidic state to do it through taxes, later in Israel's history?

Answer: Given that God was the ruler of Israel, I don't think it's easy to separate the tithe for the Levites from a tax. And your point about the Davidic state is well taken but can be considered independently. But fundamentally, you need to understand how God regarded land and wealth in order to understand theft. The definition of theft hangs on a prior definition of ownership. God has always regarded the entire created world as His own, for Him to apportion as He chooses. He said to Israel, 'The land is Mine; you are sojourners with Me' (Lev.25:43). And the relationship between Israel's laws and the original creation is important, too. Israel's land laws were patterned after the original creation order. Adam and Eve inherited the whole garden land from God. They were supposed to pass down the land as an inheritance to their children, because that is what it meant to bear the image of God: to pass down the garden land as an inheritance to your children.

Furthermore, the literary design of Genesis 1 – 11 makes it clear that welcoming a new human life was a responsibility of all human beings from the creation.

Homer's Iliad (European)	Atrahasis (Babylonian/Akkadian)	Zoroastrian Avesta (Old Iranian)	Genesis 1 – 11 (Hebrew)
Problem: Overpopulation, wickedness, earth burdened	Creation (1.1-351): the work of the gods and the creation of humans	Creation: Ahura Mazda tells Yima (human) to be king over creation	Creation (1:1-2:3): God creates the world and humans and blesses them
First Threat: Zeus sends the Theban War; many destroyed	First Threat (1.352-415): Humans numerically increase; plague from the gods to limit overcrowding; Enki's help	First Threat: Overpopulation; Yima asks the earth goddess Armaiti to expand herself	First Threat (2:4-4:26): Genealogy of heavens and earth; the Fall; God promises victory to the seed of the woman; Cain kills Abel and settles in a city; God preserves Seth
Second Threat: Zeus plans to destroy all by thunderbolts; Momos dissuades Zeus	Second Threat (II.i.1- II.v.21) Humanity's numerical increase; drought from the gods; Enki's help	Second Threat: Overpopulation; Yima asks the earth goddess Armaiti to expand herself	Second Threat (5:1-9:29): Genealogy of Adam to Noah; human corruption and bloodshed; God cleanses the land through the flood; God preserves Noah and family

Third Threat: Momos suggests that Thebis marry a mortal to create Achilles and that Zeus father Helen of Troy; war results between the Greeks and the barbarians	Third Threat (II.v.22-III.vi.4): Humanity's numerical increase, Atrahasis Flood, salvation in boat	Third Threat: Overpopulation; Yima asks the earth goddess Armaiti to expand herself	Third Threat (10:1-11:9): Genealogy of Shem, Ham, Japheth; Tower of Babel and dispersion
Resolution: Many destroyed by Trojan War, earth lightened of her burden	Resolution (III.vi.5-viii.18): Numerical increase; compromise between Enlil and Enki; humans cursed with natural barrenness, high infant mortality rate, cult prostitution (to separate sex and procreation)	Resolution: Ahura Mazda sends a deadly winter with heavy snowfall to punish overcrowding; Yima told to build a three storied enclosure to survive; humanity destroyed outside while a boy and girl born in enclosure every 40 years	Resolution (11:10-26): Genealogy of Shem; introduction of Abram (In 11:27ff., God calls Abram out of Ur to begin Israel.)

Notice the similarities. Genesis 1 – 11 seems to be aware of the other stories surrounding it. How can we tell? Because similar elements are there: a fivefold structure, problems caused by humanity, a concern for population, divine judgment. But Genesis 1 – 11 seems to turn the tables on all those other stories because it reverses the meaning of those stories. Notice the differences. Let's look at ethics. What do the first three stories say the big problem is? Overpopulation: don't have big families, don't welcome each person! That's amazing, isn't it? Way back then, 4,000 years ago, they worried about overcrowding.

But what does God's story identify as the big problem? Human greed and violence – the problem is our character, our inability to make room for another person. We see this in two ways. First, in the Atrahasis Epic, the reason for the flood is overcrowding. Some other flood stories from around the world also say that. In Genesis, though, the reason for the flood is human violence and bloodshed; it's about human character, not human overcrowding. Second, what do the first three stories defend? Cities, the symbol of power in the ancient world. What does God's story attack? Cities, symbolic of civilization. The first three stories defend civilization at the expense of the individual. God's story starting from Genesis 1 – 11 defends the individual at the expense of civilization. In fact, Kikawada and Quinn argue, 'This command [to be fruitful and multiply], so long familiar to us, is in its cultural context utterly startling, as unexpected as the monotheism.'³ They conclude: 'All other traditions view population control as the solution to urban overcrowding. Genesis offers dispersion, the nomadic way of life. Genesis 1 – 11 then constitutes a rejection of...civilization itself, if its continuance requires human existence to be treated as a contingent good. For Genesis the existence of a new human was always good.'⁴

So Jewish law seems to have been modeled to some degree off of the original creation order. Israel's garden land was a parallel of Adam and Eve's garden land. How Israel passed down the land through the generations seems to parallel the priority that Genesis 1 – 11 gives to each and every human life, called by virtue of being in God's image to bear more human life and bless the subsequent generation with an inheritance. And in Israel's system, based on Leviticus 25, you could not pass down advantage or disadvantage to your children and grandchildren. God pressed a reset button so that people and land went back to their original family boundaries.

This is even more true with Jesus, who called us to sit loose to all forms of wealth, to forgive debts more frequently than every seven years or every Jubilee year, to loan freely, and so on (Mt.5:38 – 48; 6:19 – 34; 19:13 – 30). In discussions about homosexuality, evangelicals (including me) are quick to go to Matthew 19:3 – 12 for Jesus' teaching on marriage. Why? The passage so clearly links God's original creation to Jesus' new creation, and spells out the implications for marriage and sexual expression. While making room for the single eunuch who does not get married, Jesus announces that he is removing 'hardness of heart' and restoring people to God's creation order as far

³ Isaac Kikawada and Arthur Quinn. *Before Abraham Was*. Ignatius Press, San Francisco, p.38.

⁴ *ibid*, p.51

as marriage, divorce, and sexuality are concerned. 'He who created them from the beginning made them male and female, and said, 'For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh'' (Mt.19:5 – 6). However, many of those same evangelical scholars are exceedingly slow to recognize that the very next section, the story of the rich young ruler in Matthew 19:13 – 30, has profound implications for Christian ethics about money and the economic dimension of human relationships. Jesus is returning God's people to the original creation order, indeed. This has radical implications for wealth, generosity, and hospitality, and how we evaluate the church's faithfulness to the Scriptures.

In the immediate context of Mt.19:3 – 12, Jesus claims to be reversing 'hardness of heart' (19:8), which set into humanity after the fall, Israel not excepted. Jesus saw the divorce clause in the Sinaitic Law (Dt.24:1 – 4) as a concession to Israel's hardness of heart. He saw marriage from the original unspoiled creation as only partially preserved by the Sinaitic Law. Hardness of heart and its downstream effects of sin, adultery, and divorce, would not have affected human beings in the original creation, so the Sinaitic Law had to allow for the reality of sin which was now internal to human nature. Jesus apparently believed that something similar held true about humanity's economic relationships from creation to fall to Israel. The Sinaitic Law preserved in Israel only part of what God intended from the creation order for all human beings. However, hardness of heart and its downstream effects had to be considered by God in the Sinaitic Law. But which parts?

The economic vision of the Sinaitic Law made that law code unusual and remarkable in its own right. Moses had already set a fairly high bar for both equity and wealth. The Sinai Law liberated Israelites from debt-indenture after seven years (Ex.21:1 – 8; Dt.15:12 – 15) and every fifty years on Israel's fixed calendar (Lev.25:40 – 41). The Law established this jubilee year to restore land to ancestral family boundaries to ensure that people did not have to suffer from the economic mistakes and misfortunes of their parents and grandparents (Lev.25). Moreover, the Law required Israelites to lend generously to fellow Israelites in need (Lev.25:35 – 43; Dt.15:7 – 11; 24:10 – 22) and banned interest rate lending between Israelites by which one could profit from another's misfortune (Ex.22:26 – 27; Lev.25:35 – 38, Deut.23:19; cf. Ps.15:5; Ezk.18:10 – 18, 22:12; Neh.5:1 – 15); this legislation made it much less likely that Israelites would fall into debt, the reason why most people in the ancient world became slaves and indentured servants in the first place. Besides all that, the Law required Israel to respect the physical needs and dignity of the poor in a robust number of ways (Dt.24:10 – 22).

However, Jesus calls the rich young ruler and his disciples generally to completely disinherit themselves from their parents' land and the Mosaic land system, and give everything to the poor. This disinheritance and separation from the Sinaitic Law is evident because of Jesus' teaching in the Sermon on the Mount about giving to anyone who asks without expecting a return (Mt.5:42). Jesus' call to radical divestiture compares with Moses commanding the Israelites to 'generously lend' to fellow Israelites in need (Dt.15:8), but meanwhile expecting that money to be returned at some point, all within the overarching context of expecting to inherit one's portion of the promised land and the even larger context of God providing Israel with the new garden land as a partial restoration of what Adam and Eve had forsaken (Dt.11). Jesus supersedes the Sinaitic Law in three ways. First, he shifts the commandment from lending, which has an expectation of return, to giving without any such expectation; he therefore deepens the nature of the financial sacrifice and the risk. Second, he calls for the rich man to sell his land inheritance and not look back; he therefore removes the Israelite male and any of his family members from the economic safety net that existed beneath him. Third, Jesus also broadens the scope of possible recipients in need, from fellow Israelites to anyone; he therefore broadens the pool of possible claimants from one group, needy fellow Jews, to every needy human being on the planet. Jesus is not only interested in Israel's poor; he is interested in the world's poor. Hence, I am arguing that Jesus himself believed that the economic care for the poor, generosity, and hospitality commanded by the Sinaitic Law did not happen frequently enough. And the concession to Israel's 'hardness of heart' within the Sinaitic Law that prevented generosity and hospitality was the Sinaitic institutionalization of possession and inheritance. Jesus saw as a problem the larger level of the Israel's possession of land as a nation, all the way down to the inheritance of one's portion of wealth as an individual. We cannot fail to notice, especially in Matthew and Luke, that Jesus removes any theological support from the idea of economic possession. The claim of exclusive possession – both nationally and individually – did not exist in God's original creation order and would not have existed but for the fall.

This is why Christian theologians regarded God to be the true owner of land and wealth, especially as God claimed to be the defender of the poor and vulnerable. Ambrose: 'Not from your own do you bestow upon the poor man, but you make return from what is his.' John Chrysostom: 'This also is theft, not to share one's possessions. Not to

share our own wealth with the poor is theft from the poor.’ Basil of Caesarea: ‘That bread which you keep belongs to the hungry...Wherefore as often you are able to help others and refused, so often did you do them wrong.’ Centuries later, theologians and preachers were still drawing from this deep well of teaching. Thomas Aquinas argued: ‘In cases of need, all things are common property. There is no sin in taking private property for need has made it common.’ This teaching is not merely hyperbolic language. Nor was it coming from a context-specific situation where the rich were forcibly robbing the poor. It’s not as if wealth acquired by ‘hard work’ makes it yours. No: In God’s eyes, the poor are being robbed by the rich if the rich are resisting their sibling responsibility to the poor.

In American evangelicalism, the collusion between Christian faith, American nationalism, and corporate capitalism has bred a conservative religious and political philosophy that sanctifies greed, unlimited private possession of wealth, unlimited ability to pass down one’s wealth to your children, along with the creation and possession of vast amounts of wealth using legal devices that Scripture condemns: interest rate lending (explicitly) and corporate limited liability (implicitly, based on the fact that, in Jewish Law, thieves were to pay back between two to five times what they stole or damaged from others – Ex.22:1 – 14). But this collusion goes much further back. In the Protestant Reformation, the Reformers made implicit and explicit alliances with merchants and bankers to fund the Reformation movement.⁵ Roman Catholics owned land, the dominant form of wealth at the time, and the Reformers had to pay printing and traveling costs, organize people, and fund ministers. Hence Calvin departed from the fifteen-hundred-year-old church tradition of critiquing and condemning interest rates; he was probably the first major Christian theologian to approve of commercial banking. Protestant Reformers read most ordinary vocations and ‘economic dominion’ into the Genesis narrative, to buttress their theology of the priesthood of all believers in contrast to the Catholic special priesthood. Later Christian philosophers like John Locke fashioned a political philosophy around the idea that a person can acquire an unlimited amount of private property, which influenced American evangelicalism a great deal. But John Locke was reading Genesis 1 completely out of context, and ignoring a lot of other biblical data. Unfortunately his mutation of the Christian perspective became the default starting point for ‘Western secular thought.’ People are actually holding to a theological-religious view of the world without knowing it.

So fundamentally, you probably have to redraw your mental map. Your definitions of ownership and theft need to conform to biblical categories. God has never withdrawn His ownership over the world and its resources. God owns all things. Theft occurs, by His definition, when the rich do not share with the poor. The Davidic monarchy may have committed a particular form of theft through its taxation policies because the end goal of that money was the Davidic palace, concubine-heavy lifestyle, and military power. I accept your point about that. However, it is not necessarily theft when the poor gather politically against the rich and level a progressive income tax, high capital gains taxes, etc. There is a big difference. For ‘individual liberty’ – including one’s personal freedom to accumulate as much wealth as possible – in Scripture is clearly not God’s preeminent value; it is certainly not His only value.

Question: But another overarching principle still seems to be that people have to voluntarily submit to a community of faith. Don’t you agree that the Jewish covenant was voluntary? People could leave it or be excommunicated from it. Gentiles could convert into Israel and become ‘Jewish.’ And that is especially true for the Church. That proves that the Christian approach to law should be libertarian. Personal faith commitments should be the controlling principle. We place ourselves under laws voluntarily.

Answer: Let’s start with the biblical issue on this. I agree that being within the Jewish covenant was voluntary because any given person could convert to Judaism or leave the faith. But I am presuming that that was *when moral and legal issues were not at issue for the person*. To say, ‘I’m leaving this faith’ after you breach your verbal commitment, or after you commit a crime, such as buying up another family’s land (which was immoral and illegal), or forcibly enslaving people (which was punishable by the death penalty), is just a little too convenient. Israel did not tolerate that type of behavior. And to say that we should therefore only be politically governed by voluntary associations like a personal faith commitment is quite a leap.

⁵ Robert Wuthnow, *Communities of Discourse: Ideology and Social Structure in the Reformation, the Enlightenment, and European Socialism* (Cambridge, MA: Harvard University Press, 1989); R.H. Tawney, *Religion and the Rise of Capitalism* (New York: Mentor Publishing, 1926, 1954)

It's not even true biblically. For example, in the long years of their exile, the Jews had to abide by the laws of Babylon, Medo-Persia, Greece, and Rome. (And I don't hear an adequate explanation for why the pre-monarchical period of Israel's history serves as a better jumping off point for reflection than Israel's exilic period, given that Israel's exilic period parallels the exile of Adam and Eve from the garden, and since 1 Peter seems to establish that the church continues under the Roman Empire in some variation of Israel's exilic period.) In the days of the Roman Empire, Rome allowed different religious groups to function as their own political societies to some degree. So Jews were recognized that as having some autonomy, although they couldn't carry out the death penalty on their own. Rome had a more decentralized approach to groups governing themselves, although they did tax everyone, had some legal standards of their own, and enforced them through their military presence. They said of Jesus and Paul, 'Try them yourselves, under your own law.' Incidentally, Jesus, Paul, and Peter all tolerated that state of affairs, which undermines your earlier point about laws needing to be voluntarily chosen by a faith commitment to be legitimate.

By contrast, we today live in a centralized nation-state, which means that we have to struggle more with the question of how every citizen can be subject to the same set of laws, as much as possible. Perhaps that is not always possible, and perhaps we should look back to earlier times of political pluralism to allow for communities to govern themselves. I would be for that. But there is still this general biblical endorsement that Christians need to accept the laws of the nation as a whole, for example in Jesus' teaching on 'Give to Caesar what is Caesar's' and in Paul's teaching in Romans 13 and Peter's teaching in 1 Peter 2. All of that seems to flow out from God's declaration to Noah from Genesis 9 about a basic human framework for justice at a minimum.

Question: But isn't all coercion fundamentally bad? How can a Christian be involved in coercion? It seems like we can't, based on the teachings of Jesus. For example, the Golden Rule means that I shouldn't coerce other people to do things against their will because I wouldn't want to be coerced to do things against my will. That's why I think libertarian government is the only practical solution for Christians.

Answer: Christians can actually be involved in coercion. I live in a high crime neighborhood and I am glad I can call the police so that certain people can be coerced to follow the law. Now, surely Jesus disagreed with the idea that Christian ethics can be fully applied to non-Christians (e.g. Mt.19:3 – 12, where Jesus speaks of 'hardness of heart' persisting in non-Christians, making divorce more lenient for them). Paul concurred in various places (e.g. Romans 8:5 – 11). However, neither Jesus nor any New Testament author answered the question of whether *sub-Christian ethics* might be applied to non-Christians. In particular, trying to prevent people from harming other people is a legitimate function of the state (Gen.9; Rom.13). Taxation is coercive and yet Christians are taught to pay taxes (Rom.13:1 – 7) and, presumably if we are in government posts, collect them.

A real historical example could be helpful. The Roman Emperor Constantine supposedly became a Christian in 313 AD and then, in 315 AD, issued an edict declaring the death penalty on anyone who kidnapped or enslaved a child. This act of Constantine testifies to the likelihood of a vigorous critique within the Christian community of kidnapping and forced enslavement, rooted in both the Old and New Testaments (Ex.21:16; Dt.24:7; 1 Tim.1:10). That is a good example of a sub-Christian ethic being applied to non-Christians. Otherwise, Constantine and his heirs were politically pluralist on many religious matters, hiring Christian and pagan officials alike. They did not try to stamp out paganism.⁶ My point here is that Christians did begin to impose *sub-Christian ethics* on non-Christians. That is because the fundamental questions of universal human dignity and basic human rights were non-negotiably religious and theological. There was and still is an irreducible conflict between religions and beliefs on that question. So Christians would have had a very difficult time answering the question of why they would *not* use power in such a way so as to protect the weak and vulnerable. Modern day philosophical libertarianism arises in a Christian or post-Christian context where people think 'universal human dignity' can be founded on 'universal reason' or some such thing without a Christian theological basis. Not true. Political philosophers like Richard Rorty and John Gray correctly point out that people are just building on a temporary cultural consensus without any deeper foundation. You can read my paper, *Human Dignity: Does Every Individual Matter?* for more on that:

⁶ Rodney Stark, *Cities of God: The Real Story of How Christianity Became an Urban Movement and Conquered Rome* (New York, NY: Harper Collins, 2006), p.189 – 194. See also Stark, *The Triumph of Christianity* (New York, NY: HarperOne, 2011), p.178 – 180

<http://nagasawafamily.org/article-human-dignity.pdf>. In reality, libertarians who think that ‘human rights’ came about because of an evolution in philosophy in Europe are misguided. It happened because Christians in power used their power – yes, their *coercive* power – to change laws, policies, officials, and entire regimes in order to better approximate ‘universal human dignity.’ Libertarianism is the attempt to take *some* Christian ethical concerns (primarily ‘the individual’), strip them of their original Christian foundation (so ‘freedom from sin’ becomes redefined as ‘freedom from constraints’), and dress it up as a new, ‘enlightened,’ self-evident idea. ‘Christian libertarianism’ is the attempt to take secular libertarianism and read it back into the biblical text as if it could be re-derived that way – a clever disguise.

But not true to the biblical text. For example, the particular libertarian that I was dialoguing with was applying the Golden Rule in a way outside of its original context in the teaching of Jesus. In the original context, it has to do with depending on the Holy Spirit (Matthew’s ‘what is good’ in Mt.7:11 is made explicit by Luke’s ‘the Holy Spirit’ in Lk.11:13) in order to love others. See the link between Matthew 7:11 and 7:12. Jesus is saying that the only way we can treat other people with patient hope for their healing (7:1 – 6), radical generosity (6:19 – 34), deep love (5:38 – 48), and emotional integrity (5:21 – 37) is by the Holy Spirit. Jesus is actually elevating the Golden Rule into a new theological context that he is making explicit through the Sermon on the Mount (Mt.5 – 7). So the Golden Rule cannot be reduced to mean what he was arguing for: as much non-interference and non-aggression as possible. Jesus is directing the Golden Rule into the heights of a new relational and spiritual context he inaugurated (‘the kingdom of heaven’). When we start treating other people that way, we become more sensitized to our own desire that other people treat us that way, too. We want other people to take anger and reconciliation seriously with us, have emotional and spiritual integrity with us, treat us with truthful but unconditional love, be generous to us, not look to judge us but help in our healing, etc. So Jesus is not answering the question of whether the Golden Rule can be redirected all the way down to a bare minimum. Such a minimalist interpretation is not textually warranted. You are taking it out of context.

One practical flaw in libertarian philosophy is the reglobalization of malaria. In the 1970’s, there were about 300,000 deaths per year in Africa due to malaria. As of 2010, that number has increased more than threefold to over 1,000,000 per year.⁷ Why is malaria spreading? The reason is that free-marketers believed that government should back out of national health care research and initiatives, along with clean water projects designed to contain malaria. The belief was that people should not be ‘coerced’ (in your language) to pay for research and drugs and health care through taxes. But letting the private market handle it didn’t fit the problem. Mosquitoes mutate too quickly in response to new anti-malaria medicines, making a free-market based solution inherently favor wealthy early adopters and leaving poorer people more vulnerable. The privatized method of research and drug sales ensures the mutation of mosquitoes and the need for more new research and more drugs. The World Bank funded ‘economic development projects’ all over Africa where newly privatized lands and new irrigation projects created new swampy areas where mosquitoes could flourish. And funding wealthy hospitals is a legacy of colonial medicine, which once again serves the rich who have access to them, but not the poor who live in slums. By contrast, countries like Nicaragua which funded nation-wide clean water and sanitation projects, or provided mosquito nets, and so on, were actually quite successful in bringing down malaria incidents. The neoliberal, free market libertarianism, however, produced gross failures. This shows that some public problems can only be confronted with strong state intervention. You may not want to be coerced to pay for malaria research and nation-wide programs of public health, perhaps because you are wealthy and can afford the newest malaria medicine privately. But others might actually accept coercion as a way to address this problem. That’s why I cannot accept libertarian assumptions about how higher taxes and government intervention are always bad.

Replace ‘malaria in Africa’ with ‘energy policy in America’ and you find the same principles at work. Nicholas Kristof talks about how giving the rich tax breaks is usually paired with not investing in public services, like electrical power grids, libraries, national parks, and transportation.⁸ He begins his op-ed article with the observation that many wealthy New York households, because of power outages following Hurricane Sandy, have bought or are buying an electrical generator for their homes. Each costs \$10,000 or more. ‘More broadly, the lust for generators is a reflection of our antiquated electrical grid and failure to address climate change. The American Society of Civil

⁷ Meredith Fort, Mary Anne Mercer, and Oscar Gish, editors, *Sickness and Wealth: The Corporate Assault on Global Health* (Brookline, MA: South End Press, 2004), p.131 – 144

⁸ Nicholas Kristof, ‘A Failed Experiment’, *New York Times*, November 21, 2012, <http://www.nytimes.com/2012/11/22/opinion/kristof-a-failed-experiment.html>

Engineers gave our grid, prone to bottlenecks and blackouts, a grade of D+ in 2009... That's how things often work in America. Half-a-century of tax cuts focused on the wealthiest Americans leave us with third-rate public services, leading the wealthy to develop inefficient private workarounds. It's manifestly silly (and highly polluting) for every fine home to have a generator. It would make more sense to invest those resources in the electrical grid so that it wouldn't fail in the first place.'

Other examples abound. What if I believe that pesticides or genetically modified organisms made by Monsanto should be banned because we don't know the full impact of this technology and their seeds infect neighboring fields just by being blown by the wind? Or, what if I want other people to be legally responsible to warn me if they knew we were being slowly poisoned and didn't know it? This is why tacit collusion with corporate malfeasance is immoral, and why whistleblowers are to be commended. The crime of negligence is a serious one. Now sometimes other people may not want to speak up, or risk their job, or risk the viability of the business they're in, or risk being politically unpopular. But the question is whether they can reasonably be said to have a moral duty to do so regardless. They can and do.

Or, what if I believe that nuclear, chemical, and biological weapons, along with automatic and semi-automatic guns, should not be available on the private market? Or, what if I believe that we should not be able to genetically screen and select children for characteristics like intelligence? Or, what if I believe that interest-bearing loans to the poor are immoral?

Question: What are the limits you put on coercion then?

Answer: Let me back up and answer the question behind your question, which is how to deal with conflicting moralities. Because everyone, including you, would place coercive limits on other people in some way. You coerce people to 'leave you alone' as much as possible. The problem is that people don't agree on where to draw those lines. So I think that the fundamental issue of religious morality and religious freedom is the important place to start.

I do think that being as politically tolerant as possible of others' religious convictions is important. In fact, I think it comes from Christian principles. Many scholars have recognized that Christian faith leads to a fair degree of political toleration of other religions⁹: Constantine and other Roman Emperors practiced political pluralism for 150 years; Catholic Poland welcomed the Jews; Roger Williams set up a pluralistic Providence in colonial America in contrast to the theocratic John Winthrop in Boston; the English Bill of Rights protected Catholics and Protestants from fighting each other and that eventually affected all lands influenced by the British; and finally the Roman Catholic Church in Vatican II endorsed religious liberty on the political level, which greatly affected Latin America and Africa. This political tolerance is in contrast to Islamic shari'a, as an example. It is grounded in Jesus' call to render to God what is God's in contrast to Caesar what is Caesar's; the notion that personal faith in Jesus causes a spiritual change in the person that is sacred; the importance of human free will in Christian theology; Paul's missionary heart for Jews in Romans 9 – 11 and his insistence that Christians continue to reach out to Jews and care about them; and the fact that Christian faith can be expressed in and through various cultures in a variety of ways. All this contributed to a Christian posture of love towards non-Christians, and a natural diversity of expression in one common Christian faith within the church. This led to freedom of religion and the First Amendment as we know it.

But freedom of religion is not an absolute freedom, either. If there were someone who wanted to sacrifice his children because of a religious conviction, I would do everything in my legal power to stop that and prevent it from happening. If a fundamentalist Muslim wanted to impose shari'a and enact a civic penalty for de-conversion from

⁹ Rodney Stark, *Cities of God: The Real Story of How Christianity Became an Urban Movement and Conquered Rome* (New York, NY: Harper Collins, 2006), p.189 – 194. Stark notes especially Constantine's *Edict to the Palestinians* and *Edict to the Eastern Provincials* as being of critical importance to understanding Constantine's commitment to peaceful pluralism (p.192); Monica Duffy Toft, Daniel Philpott, and Timothy Samuel Shah, *God's Century: Resurgent Religion and Global Politics* (New York & London: W.W. Norton & Company, 2011), p.111; Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991), p.76. quoted in Toft, Philpott, Shah 2011, p.111; Bernard Lewis, *What Went Wrong? The Clash Between Islam and Modernity in the Middle East* (Oxford: Oxford University Press, 2002), p.108

Islam, I would oppose that as well. This is important to acknowledge because Christianity can serve as the intellectual foundation for moral and political tolerance in a liberal democracy. It's not that a secular atheist can't be tolerant of religions, but for that person, the lines they draw are fundamentally arbitrary. There is nothing within their belief system that tells them what is the basis for human dignity, where does human life begin and end, and what are the parameters for various types of justice. Perhaps not every question can be answered with ethical certainty when one rests on a Christian foundation. But all those questions need some real foundation, lest they be floating on sentiment and opinion, and lest we say there is no thing as 'justice,' only power.

So the two poles on which I can position myself as a Christian are explicitly Christian: First, I am required by my faith to politically tolerate other faiths. But second, I am required by my faith to protect the weak – in the example I gave above, to stop child sacrifice from happening; but that would include a lot more. And on those things, I would use coercion. I firmly believe a Christian can and should be involved in political and legal coercion when the issues are about people harming other people, especially the poor and vulnerable. We need to be careful about what issues we choose, surely. We cannot make non-Christians hold to a fully Christian morality. But the alternative is to cede massive amounts of power to those who would overlook the poor.

Question: As a Christian, do you think it is government's role to stop a person from harming himself or herself?

Answer: Essentially, no. I don't think we can make self-harm into a criminal justice issue. We call those health issues. Consider making a law against suicide. Of what value or effectiveness is such a law? Suicide can be and usually is treated as a health concern. But is it a criminal issue punishable by the courts and jail time? No, for it is categorically inappropriate. Personal health issues raise interesting problems like paying for treatment and draining public health resources. So I approve the 'sin taxes' on tobacco and alcohol because it helps pay for treatment programs. Also, I'd like to do more research on our drug laws, but I am very open to decriminalizing some drugs and putting it under regulation like we do alcohol. Especially after reading Michelle Alexander's book *The New Jim Crow*. However, seatbelt or helmet laws are important because of occasional negligence in parenting, and because victims of car or motorcycle accidents need medical care, which is a public resource. So it makes sense to me that we would have those kinds of laws.

The more basic problem is that the definition of 'harm' itself – whether of self or others – is debated, and has religious roots in various traditions. Let me speak to the issue of gay marriage and to Christians who are 'culture warriors' because I anticipate the most resistance from them. The little recognized and underappreciated fact is that the church has always taken a stance of political pluralism on the issue of marriage. Jesus reversed 'hardness of heart' for his followers (Mk.10:1 – 12, Mt.19:3 – 12), making it possible for his followers alone to go back to the creational ideal of no divorce and overturn Moses' permissive attitude towards divorce. Whether we like to hear this or not, the real Christian definition of marriage forbids divorce in most cases. Even if we interpret Matthew's 'exception clause' (Mt.19:9) as permitting divorce and remarriage on the grounds of 'adultery' (porneia), that is still a very high standard: sexual infidelity as a violation of the one-flesh-one-body union (and probably physical abuse as well, since that too violates the body) alone gives a grieved spouse grounds for divorce. Only Christians can be held up to this ethic. Perhaps this is why Jesus and the apostles never suggested that Christians legislate a definition of marriage in the societies they encountered. So when have Christians in the U.S. ever had a truly Christian definition of marriage in U.S. public policy? Never. The U.S. laws defining marriage have never been 'Christian.' At best, they can be said to be 'Jewish,' and the lenient variety of Rabbi Hillel at that!

In fact, to cite one political irony, according to Jesus' definition in Matthew 19:3 – 12 and critique of adultery, Republican Newt Gingrich's third marriage to Callista is not truly a marriage in God's sight either. Newt began an adulterous relationship with Callista when he was still married to his second wife Marianne Ginther. After Marianne reportedly refused to grant Newt an 'open marriage,' Newt finalized his divorce from her. He married Callista four months later. It is unclear to me why Newt Gingrich's third marriage (not to mention his second marriage, which also began with adultery) should qualify as a 'marriage' by Jesus' definition. Yet Christians of all stripes have tended to simply overlook that fact. Why is it that Newt and Callista Gingrich qualify for the legal benefits of a legal 'marriage'? Simply because they are male and female? John the Baptist said to Herod the tetrarch, 'It is not lawful for you to have her' (Mt.14:1 – 12). I think that's what we should say to Newt. Yet most

Christians – both Catholic and Protestant – effectively look the other way and just hope Newt and Callista stay married...this time.

Furthermore, since the apostle Paul regarded voluntary sexual sins (i.e. not rape) to be sins against one's own body (1 Cor.6:18), I think civic law is an extraordinarily poor way for Christians to address this question. Civic law protects people from being harmed against their will by another person or entity. It is very limited in preventing a person from harming herself or himself. Similarly, legislating against sexual acts fits into the same category. Legislating against underage sex and pedophilia is appropriate given the concerns adults have about the personal judgment of minors. But civic law is incapable of preventing an adult person from harming herself or himself. I explain my position on this because I wish my readers to know that this is not an issue of political power for me. It is an issue of truth.

But I want to take issue with some libertarians who would be okay with changing the definition of 'marriage' in legal documents to 'any two consenting adults, regardless of gender.' For that would create a secular 'theocracy' of sorts. In states like Massachusetts where gay marriage is legal, that problem has become rather quickly apparent. In 2005, when David Parker of Lexington, MA – the father of a kindergartner whose teachers were discussing homosexuality and transgenderism – insisted on being notified when teachers were discussing those subjects with his son, the school had him arrested for trespassing and put in jail overnight. In 2006 the Parkers and another family filed a federal civil rights lawsuit to force the schools to notify parents and allow them to opt-out their elementary-school children when same-sex-related subjects were taught. But the federal judges dismissed the case, ruling that because same-sex marriage is legal in Massachusetts, the school had a duty to normalize homosexual relationships to children, and that schools have no obligation to notify parents or let them opt-out their children. In Massachusetts, acceptance of homosexuality has become a matter of good state citizenship.

There are Jewish, Christian, Muslim, Hindu, and Buddhist people who are of the opinion that opposite sex marriages are the norm for people of their traditions. We tend to be more aware of Jewish, Christian, and Muslim reasoning from their sacred texts on this issue. For Hindus, see Manu-smriti 11:174. For Buddhists, see the Dalai Lama's comments in San Francisco in June, 1997 at a meeting of Buddhists. Will these people be able to be parents and teachers of students in public schools?

It seems that militant secularists, inside and outside of the gay community, want to drive debate about values and religion out of public spaces like public schools. That is, they want a monolithic secular state when it comes to the issue of marriage. Thus, some public agencies and funds no longer give to charities that discriminate on the basis of sexual orientation. State or municipal governments want Catholic Charities to place adoptive children in all families, including gay or lesbian couples. This is matter of much concern. What will happen to corporations or organizations that do not support gay marriage? What will happen to investing public pension fund money in corporations based on their stand on gay marriage?

So I appreciate how Stephen Carter, an African-American Christian law professor at Yale, focuses on First Amendment 'freedom of religion' issues in his book *The Culture of Disbelief: How American Law and Politics Trivialize Religious Devotion*. Can the state regulate a Christian sacrament? Why should it? Should it regulate the sacrament of communion? Baptism? What the United States has long recognized about having 'freedom of religion' on these matters of worship needs to be applied to 'marriage.' We need to withdraw the word 'marriage' from legal and policy uses, get the state out of the marriage business, and only do 'civil unions' for everyone. I'm in favor of allowing Mormons to have multiple civil unions, because some of them still do it, but we can't recognize the second or third wives of a Mormon polygamous family, so we support those women and children with our welfare system, where they qualify as single mothers. I want the polygamous husband to pay for his own wives and all his children. So I want the public sector to be open to debate about what 'marriage' is. I do not simply want my 'Christian' definition to prevail.

Question: Don't you think it's a weakness in your position that you come at political questions from an explicitly Christian standpoint? How can you be politically involved with others? How can you participate in politics on enough common ground with non-Christians?

Answer: Because that common ground you speak of is an illusion created by the Enlightenment. I think that many people influenced by Enlightenment political thought – especially today’s libertarians – try to start from some kind of supposedly ‘neutral ground’ of nationalism. Perhaps modern people today want to speak as if nationalistic participatory democracy is easy, or at least possible if we just work hard enough. But I don’t think there is a religiously neutral ground. That’s the problem. Each religious-philosophical tradition or sub-tradition needs to look hard at its own vision for being either the majority or minority in a given political context. Then they have to be honest with people of other traditions. Then and only then can we come together. But if there is going to be religious-philosophical stability within each tradition, then ‘common ground’ or a ‘neutral basis’ cannot be forced on it from outside.

As I mentioned above, those people, and perhaps you are one of them, might agree with Jean-Jacques Rousseau that we are born as free individuals in the state of nature – in the state of ‘true justice.’ That is why ‘liberty equals justice’ in libertarian philosophy. That’s why I continue to speak of ‘libertarian justice’ as a claim on the word ‘justice.’ But if you start with the individual, then all relationships are just social constructs, as Rousseau argued. And the society and the laws that interfere the least with people are by definition the most just. Is there any reason why the logical end of libertarian justice is not divorce, broken friendships, secession, and civil war? After President Obama’s re-election, groups in every State of the U.S. (as of this writing) have filed petitions with the ‘We the People’ program on the White House website. What principled rationale is there to dissuade them, or stop them? Or why not sell one’s U.S. citizenship on the free market? What reason does the nation-state have for claiming to limit the freedom of individuals in these ways?

One problem I have with all that is that I’m Asian. That is my shorthand, cheeky way of saying: I was under the impression that we are not born free as ‘individuals’ into some ‘state of nature.’ I am under the impression that we were born into families, with binding ties, benefits, and obligations that come from that fact. Social contract theory simply fails to explain this. So Locke and Rousseau influenced Enlightenment political thought down a path that was increasingly disconnected from other disciplines, like theology, history, anthropology, and sociology. Rousseau in particular had romantic ideas that came from the European encounter with Native Americans. Rousseau never met them, yet created fantastical theories about their way of life and what that meant for European political life. What intellectual reason is there for starting with the individual and making all relationships into social constructs? None that I can think of. I therefore argue that libertarian justice has no firm intellectual foundation.

The deeper problem I have with libertarianism is that I’m Christian. The position I am arguing for can be called Christian restorative justice. It starts with God’s vision for human relationships. That vision was designed from the creation. It can be called God’s creation order. And Jesus brings us back to that creation order, because of his language of new creation. This relational vision does not start with the ‘free individual.’ Rather, it acknowledges that we are relational beings from the start. In God’s vision, we are called and beckoned into His relational vision. And this Christian restorative justice has an epistemic foundation. That is, there is a way of knowing it, from the discipline of history: There was a historical Jesus and he was resurrected in history. If you were on a jury and had to determine if the defendant was guilty or innocent, you would go through a process of historical research involving witnesses, hard evidence, forensic science, psychology and sociology to understand people’s behavior and motivations, etc. In the same way, you can investigate whether there was really a Jesus and if he really rose from the dead. Scripture and the church are witnesses to that. Anglican scholar and bishop N.T. Wright does an excellent job arguing from historical grounds who Jesus was and is, and what his resurrection meant and means. Christian faith can be corroborated by science, philosophy, and personal experience, but the ‘way in’ to it is through the discipline of history. Then, the content of Jesus’ action, person, and teaching falls into what I would call a Christian restorative justice paradigm. His resurrection affirms the creation. God is regathering humanity around Jesus to be the people He always meant for us to be.

Let me also ask you why you think libertarian justice is the way to be politically involved with others? For I can’t think of a reason from within any form of secular thought why meritocratic justice, distributive justice, libertarian justice, and generic restorative justice should be arranged in a particular way. Can you? Which form of justice should take priority over the others, or when? Since there is no answer to that question in secular thought, you have to concede that there is a fundamental arbitrariness to people’s opinion. I think that’s the real reason why the right in the U.S. emphasizes libertarian and meritocratic forms of justice, and the left emphasizes distributive justice, and why they can’t reconcile their competing convictions. It either has to be brought into the religious or theological, or people have to admit that there is no ‘justice,’ only power. And whoever has the power defines ‘justice.’ If that’s

the case, then there can be no moral persuasion based on reason. As a Christian, I may have to go further back into the historical epistemology of the Christian faith and Jesus in particular, but it's worth it and I'm prepared to do it.

Question: What about economic growth? Ron Paul, the libertarian, claims, 'Recessions and unemployment are caused by excessive credit and stimulation by the Federal Reserve. Then you have bubbles and then you have to have a correction. This stimulus creates excessive debt and malinvestment. As long as you don't correct that, and you maintain the debt and the malinvestment, you can't get back to economic growth again. (The Iowa GOP Debate, Dec 11, 2011, <http://www.youtube.com/watch?v=OT5LUMIYVJQ>) Don't you think that the libertarian position is the one that leads to the most economic growth?

Answer: No, and here are the difficulties that Ron Paul and other libertarians have trouble explaining. First, recessions and unemployment are not only caused by 'stimulation' by the Federal Reserve. I agree with Mr. Paul that the Federal Reserve system is an unaccountable system that drives inflation and thus steals from people. The fact that no one has done a public audit of the Fed is a huge problem. But there is an influence behind the Federal Reserve that very few people explore: the way we handle debt and limited liability in our banking and legal systems. This was highlighted very clearly in the financial crisis of 2008. We treat bonds as money, even though it is not money; it has risk that the issuer will not repay you. But bonds can circulate in the economy as money. Then corporations can have limited liability, a legal invention of Americans in the 1800's; shareholders are not on the hook to repay the debt. Banks are limited liability corporations, so they can default and not pay their debts unless they are required to by legal constraints. Furthermore, banks can receive bond notes as assets, and then leverage those 'assets' on other risky ventures to make more profits. Then if the bond issuer defaults on paying the debt back, a ripple effect runs through the entire economy as 'assets' completely disappear from the balance sheets. Therefore, in essence, banks are predatory organizations that are always in need of being bailed out by tax payers. The portent came when the Savings and Loan deregulation (libertarian-inspired) in the 1980's under Reagan resulted in those banks buying up junk bonds, failing, and then getting a government bailout from Reagan himself. The fact that the deregulation pushers in Congress under Clinton dismantled the Glass-Steagall Act, which divided commercial from investment banks, allowed the banks to mingle home mortgage loans with high-risk derivative instruments; that compounded the problem. Notice that since the Great Depression, we have not had a crisis of this magnitude until this deregulation of the financial industry.

Contrary to what Ron Paul says, our 'business cycles' and even inflation are really related to legal structures that we have created that advantage debt, and allow corporations to be not fully liable for their actions, and then we deregulate banks even further. This violates principles of meritocratic justice, where people should actually be liable for their actions. If I punch someone and damage their teeth, I am on the hook as a person to pay for the other guy's dental bills. If I set up a limited liability corporation and sell people a product that damages their teeth, I can declare bankruptcy as a protective measure, lose my equity, but protect much of my profit, and walk away. How is that 'just' under basic principles of meritocratic justice? Yet that is our corporate law structure. That also violates principles of restorative justice, because this is not the type of relationship that God desires. When a thief stole something, he was on the hook to repay two to five times as much (Ex.22:1 – 14). Why do we have limited liability? Why are banks especially allowed to be in this category? Inflation and the need for the government to print more money is directly related to the need to manage all this debt. See Paul Mills' book *After Capitalism: Rethinking Economic Relationships* or his lecture at the Veritas Forum at Oxford University (www.veritas.org) for more information on that. For Ron Paul to blame the Federal Reserve, or monetary policy, has some accuracy. But he needs to cut more deeply than that. What response does Ron Paul have to the fact that, at the end of 2011, five big banks, including Bank of America and JPMorgan Chase, held 56 percent of the U.S. economy, according to Bloomberg, compared to 43 percent five years earlier?¹⁰ These so-called 'too-big-to-fail' banks have actually gotten bigger.

Second, I want to move away from discussing Obama's stimulus in particular (which was the focus of the GOP Debate, above) and ask the larger question of government regulation in general. We do not need a 'free market,' as in unregulated market, for our economy to grow. We need a *trustworthy* market. For example, if I cannot trust food producers to put nutritious foods on the shelf, then I won't be able to buy food in the store. Doing all the research

¹⁰ David J. Lynch, 'Banks Seen Dangerous Defying Obama's Too-Big-To-Fail Move', Bloomberg, April 16, 2012; <http://www.bloomberg.com/news/2012-04-16/obama-bid-to-end-too-big-to-fail-undercut-as-banks-grow.html>

under a 'buyer beware' economy is just too much work for me and most people. It might even make me feel like I would need to grow my own food. Back in the late 1800's and early 1900's, this was exactly the problem: Coke put cocaine in soda; paint makers put lead in paint; food was processed in unsanitary factories; milk came from cows that were diseased; etc. It was a 'buyer beware' market. Without trust, there is simply too much work needed as a consumer to do the research. That is another reason why government regulation is important. I don't think Ron Paul appreciates this point.

Third, Ron Paul seems to think that high-finance jobs and other jobs are equal in terms of wealth creation and sustainable job creation, represented by dollar amounts on a GDP growth scale. But Kevin Phillips is a populist-leaning Republican who makes the point that when a nation's economy becomes more populated by high-finance jobs, it is in incredible danger. He notes that all the major recent world empires became financial powers and then were ruined: Hapsburg Spain, the Netherlands, Great Britain, and now the U.S. Japan in the 1990's should be included as one of those nations whose economy was too dependent on finance. High-finance jobs are not the same kind of jobs as manufacturing or service or agriculture jobs. High-finance is inherently speculative and seeks a profit even when the path to profit is socially questionable or damaging, like junk bonds, derivatives bundled with real estate mortgages, etc. If the U.S. produced a balance sheet that showed GDP 'growing' because a higher percentage of people were going into high finance, it's time to get very worried. What really matters in economic growth is increasing purchasing power parity for households, keeping the distribution of jobs diverse, and preventing wealthy people from corrupting democracy and justice.

Speaking of justice, fourth, and most significantly, Ron Paul ignores the deeper question of justice. If you're going to say that 'economic growth' is the highest priority and the ultimate criterion for a political-economic system, then you are setting up your own criterion. Saying that your proposal best satisfies your own criterion is a completely circular argument. Or, if you're going to say that 'individual liberty' is the highest criterion regardless of whether it leads to economic growth or not, then I would say that you are being fundamentally arbitrary again, as Robert Nozick realized he was being.

Here might be our deepest parting of the ways. I do not believe that economic growth is a virtue in Christian ethics, so it can only be a relative virtue insofar as it can serve the larger criterion of justice. Of course the economy will grow if people are protected from being fully responsible for the damage they cause. That should be no surprise. Of course the economy will grow if people can pollute the air and water without legal reprisal. Of course the economy will grow if banks can charge poor people interest. But my contention is that economic growth should not happen under those conditions. For I am trying to define what just relationships are, under a specific kind of justice that is not arbitrary, but rather grounded in a larger discourse involving history and other branches of knowledge: Christian restorative justice.

Here is a fine quote from Robert F. Kennedy which illustrates what I'm talking about: 'Too much and too long, we seem to have surrendered community excellence and community values in the mere accumulation of material things. Our gross national product ... if we should judge America by that - counts air pollution and cigarette advertising, and ambulances to clear our highways of carnage. It counts special locks for our doors and the jails for those who break them. It counts the destruction of our redwoods and the loss of our natural wonder in chaotic sprawl. It counts napalm and the cost of a nuclear warhead, and armored cars for police who fight riots in our streets. It counts Whitman's rifle and Speck's knife, and the television programs which glorify violence in order to sell toys to our children. Yet the gross national product does not allow for the health of our children, the quality of their education, or the joy of their play. It does not include the beauty of our poetry or the strength of our marriages; the intelligence of our public debate or the integrity of our public officials. It measures neither our wit nor our courage; neither our wisdom nor our learning; neither our compassion nor our devotion to our country; it measures everything, in short, except that which makes life worthwhile. And it tells us everything about America except why we are proud that we are Americans.' (Robert F. Kennedy, Address, University of Kansas, Lawrence, Kansas, March 18, 1968) Notice that Kennedy is working from a framework of some normative vision for human relationships and human virtue. This means he is in the general category of what I'm calling restorative justice. Political philosopher Michael Sandel, who teaches a class on justice at Harvard, agrees. In Sandel's terms, Kennedy was articulating an Aristotelian concept of 'the good.'

Question: I disagree with your assessment of Ron Paul. For a correct version of Ron Paul, hear him review his positions on the House floor today (Wed November 14, 2012) (2hr:08min start) in this C-Span video...

<http://www.c-spanvideo.org/program/HouseSession5365>.

Answer: Thanks for the video. I watched Ron Paul give his final speech after his long and admirable career in public service. I agree with some of what he says, and share many of his concerns: our warfare spending and welfare spending, our drug laws, our overcrowded prison systems, our militarism abroad, our ballooning deficit, our dependence on debt, the Federal Reserve and inflation, etc. But after listening to his stimulating speech, I do not understand why you think I am misrepresenting Mr. Paul in my paper. I actually believe I got him quite well based on his shorter comments from the Republican Debates of 2011. He believes that the only form of concentrated power that we need to be concerned with is government power. I am concerned about that, too, but I am also concerned about the skewed accumulation of wealth by private interests (families over time) and the growth of enormous corporate power. It is not only government power that we need to be careful of.

Biblically, for example, God did not allow a family to pass on unlimited economic advantage or disadvantage to their grandchildren, which is a special concern because of our country's history of slavery and segregation. I pointed out (in pages 2 – 4 of my essay) that the Jubilee 'reset button' in Leviticus 25 anchors the ethics of land, work, and wealth from the Sinai order, which looks backward and forward in the biblical story. Israel in the garden land looked backward to Adam and Eve in the original garden land; and Genesis 1 – 11 anchors the ethics of wealth from the creation order, with its strong call to give a hospitable welcome to every new human being. Israel's land-wealth ethics also looked ahead to Jesus and Jesus' movement across the whole world; Jesus radicalized his followers in Matthew 4 – 6 and 19, for example, by tying his new creation order to the originally intended creation order. This doesn't give Christians an absolutely clear mandate on all legal issues having to do with wealth and work. But surely there must be some recognition that families find ways to reproduce inequality over time? Currently, we allow families to pass on unlimited economic advantage and disadvantage to their grandchildren, especially given what kind of legal maneuvering we allow, which I'll get to below.

Yet Mr. Paul says, 'Government in a free society should have no authority to meddle in the social activities or the economic transactions of individuals. Nor should government meddle in the affairs of other nations. All things peaceful even when controversial should be permitted. We must reject the notion of prior restraint in economic activity just as we do in the area of free speech and religious liberty.' (2:34:15) I acknowledge that Medicare and Social Security are really complex, but I think Paul's tax ideas are immoral, unjust, and impractical: a flat sales tax (which, at 23%, will hit the poorest hardest); no income tax; repealing the 16th Amendment; no capital gains and dividends tax; cutting the corporate tax rate from 35% to 15%; no estate taxes; and it sounds like no inheritance taxes. (http://en.wikipedia.org/wiki/Political_positions_of_Ron_Paul).

On the one hand, I do support some of the financial policy changes suggested by Mr. Paul: reconsider hard-money policies, reign in the Fed's expansion and power, do a public audit of the Fed, and in addition to end the wars, cut defense spending, and have more consistency with China, as you mentioned. But on the other hand, I am suspicious of his flipflopping on Mitt Romney's 'corporations are people' statement. There is no mention in the Wikipedia article on Mr. Paul's political positions of reinstating Glass-Steagall, which I view as completely necessary; apparently Ron Paul does not? He wants to repeal the Dodd-Frank and Sarbanes-Oxley bills without replacing them with any financial regulations, which as I have argued above, and as history shows prior to the creation of the Fed, will just push the problems of bank implosions down from the Fed to lower level banks. I want to reinstate mortgage finance laws so that banks can only consider one household income for a mortgage; Paul views that as interference with the 'free market.'

There should apparently be no limits on the types of economic contracts that people can make, so he would stand against God when God bans interest rate lending because it is an infringement of a person's right to freely make an interest-bearing loan and another person's right to freely accept it. Even though God detested the idea that compassion for the poor should be an interest-bearing activity; it ultimately becomes a wealth transfer mechanism from the poor to the rich, as it is today.¹¹ And here is another concise statement from Ron Paul: 'Why does the use of religion to support a social gospel and preemptive wars... both of which require authoritarians... go

¹¹ see a paper by Dr. Scott Schuh and colleagues from the Federal Reserve Bank of Boston on how credit cards and ATM fees are a wealth transfer mechanism from the poor to the rich, entitled 'Who Gains and Who Loses from Credit Card Payments? Theories and Calibrations', *Public Policy Decision Papers*, Federal Reserve Bank of Boston, August 31, 2010

unchallenged? Aggression and forced redistribution of wealth has nothing to do with the teachings of the world's great religions.' (2:28) But what does Mr. Paul think of Leviticus 25? God absolutely required the forced redistribution of wealth in the past story of Israel. It's an awkward thing when you have to rewrite history to support your ethical-religious claims. It's an even more awkward thing when you have to levy a value judgment against God, especially when we find Jesus amplifying that sensitivity from Moses, not diminishing it. I can't envision abolishing FEMA and the EPA – as Mr. Paul does – when I've been to New Orleans 5 times after Katrina and have seen how big oil companies go farther into the Gulf placing them outside LA and MI state jurisdiction and taxes, leaving the states with dramatically less money for public education, and then spill oil on their shores because of riskier drilling conditions. Nor do I think that big food companies and big drug companies should be allowed to run free, or donate to campaigns in an unrestricted and undisclosed manner (Paul was for the *Citizens United* Supreme Court decision). Paul was even against minimal internet safety legislation aimed at cutting down on child pornography and catching child predators.

Although it is extremely politically unpopular to say this, one of the things that threaten liberty – in this case, the liberty of future generations – is the family itself. Especially given the U.S history of slavery and segregation, it is significant that many wealthy families would rather not pay to educate other people's children. So even if I accept Mr. Paul's libertarian premise that individual liberty is the highest value, I would insist that there is a very deep complication in society because families over time interfere with the liberty of future people. Political philosopher John Rawls had a good point when he said that we should consider standing behind a veil of ignorance before we are born into this world when we design our laws and institutions. If we didn't know when and where we would be born, we would be much more hesitant to let people simply accumulate wealth over time within the context of the family. Perhaps Mr. Paul believes there should be no public schooling either, as he wants to abolish the federal Department of Education.

Yet Mr. Paul believes that government should be basically restricted to enforcing contracts between people, on the premise that 'freedom, private property, and the enforcement of contracts generate wealth' (2:13:50). He simultaneously reduces 'aggression' down to 'physical violence' – a rather huge oversimplification that does not deal with power inequalities that have an effect on the type of contracts that powerless people are able to make. For example, we all know about bank red-lining: certain white people with power, privilege, and prejudice sat/sit behind the desks of banks, offering mortgage contracts, could draw red lines around neighborhoods with minority populations, and decide not to lend to people from those places. That is not 'physical violence' to be sure. But it is still very much 'aggression.' Flip that around and you get predatory lending: very smart bankers gaming the system can expect a certain percentage of minority applicants for mortgages to fail, so they do not explain the details or implications of mortgage contracts because the bank actually wants to repossess the property, at least while the housing bubble keeps ballooning. 'Aggression'? Or, according to many anecdotes I've heard, some people in the established Irish community in Boston do not put their houses up for sale on the 'free market' when they want to sell their houses and move. They have a network of communication that ensures that whoever buys their house will be Irish, thus ensuring that their neighborhoods stay 'ethnically and racially pure,' or perhaps in more polite economic language, 'a desirable neighborhood with rising property values.'

Nowhere in his speech does Mr. Paul acknowledge that the growth of government also had to do with the enforcement of civil liberties and the elimination of institutional racism and sexism in housing markets, labor markets, product markets, contracts, etc. to check powerful individuals and corporations. And I only named a few examples from the housing market, above. Instead, Mr. Paul makes it sound like all government intervention in the economic realm is for welfare purposes. He refers to 'government largesse,' (2:22:18) for example. And, surely our welfare system can use some reform; I'm not denying that. But it is simply not true that getting welfare checks and food stamps is what most people have wanted. A good deal of government activity, historically, concerns public schooling, anti-discrimination, getting real information like in 'truth in advertising' protections, or protection for labor unions to apply counterpressures to negotiate better wages and working conditions in the face of the overwhelming power of the managerial-capitalists, especially in the age of the Robber Barons, when managers frequently pitted one lower-status ethnic group against another through strikebreaking. In Leviticus 25, the principle of restoring people to land is not just a wealth issue, but a work issue. Israelites went back to their land to work. Yet where is the ethical reflection on how to maximize work for people, and not just maximize profit?

Sadly, absolutely nowhere does Mr. Paul deal with the corruption of the Fourteenth Amendment by the idea of 'corporate personhood' and the immense power corporations have to make 'contracts' that they are not actually

liable to uphold. The Fourteenth Amendment was designed to protect Black Americans by letting them sue in federal court when their individual rights were not being protected in certain States. But clever corporate lawyers in *Dartmouth v. Woodward* (1819) and *Santa Clara County v. Southern Pacific Railroad* (1886) made corporations able to sue and be sued, hold property, and make various contracts. Corporations could own their own assets, creating a legal fiction that protected shareholders from being personally liable for the actions taken by the corporation. Not surprisingly, some of the earliest problems we find with corporations is that they stole other people's health through unhealthy work processes (like child labor, overwork, underpayment, divide and conquer labor negotiations, pollution, ergonomic hardship, etc.) and unhealthy products (like contaminated food, drink, medicine, chemicals, home products, etc.). As I mentioned in my paper (pages 11 – 12), a product market that is completely 'buyer beware' is not only bad for economic growth, it is fundamentally unjust because it allows a 'corporate person' to implicitly and explicitly steal someone's health or safety – something that would never have been allowed in a traditional village system when personal human relationships meant something and are ongoing. I would now add that a labor market that is completely 'worker beware' is bad for the employee in a similar way. Those who are left holding the bill, or who are just plain unpaid or laid off, are consumers, employees, and smaller companies that provide goods and services to the largest corporations. Those who are best able to protect their position – or manipulate them – are banks and the top executives. Then, the legal fiction of 'corporate personhood' can either just be dispensed with through bankruptcy to protect the major decision-makers and profiteers from having to pay for their actions, or continue on through the corporation's immortal immorality. This is why 'corporate personhood' has actually done more to reverse civil rights gains, especially the hard-won gains by the African-American community.

Take prisons as an example that Ron Paul talked about time and again in his farewell speech. While he brings up our drug policy as a social, political, and legal problem (which I agree with), at no point does he explore the fact that many – if not most – state prisons are now privatized. Perhaps he fundamentally agrees with this privatization – ideologically, it seems possible and even likely, but I don't know, because I haven't found him saying anything about this. In any case, many prisons today are run by private companies, whose bottom line, just like any other company, is profit. They are given a subsidy by the state for each prisoner. Beyond that, they do not have an inherent interest in the rehabilitation of prisoners. So, many large prisons utilize inmates as outsourced labor for other companies. They get paid very little to nothing. 'They're assembling computers, making women's lingerie, booking airline flights over the phone, telemarketing for major corporations, and doing all kinds of tasks that free Americans used to be employed at doing. What appeared to be a normal plant closing by U.S. Technologies when it sold its electronics plant in Austin, was actually the company relocating its operations to a nearby Austin prison. One hundred and fifty 'free' employees lost their jobs to the new slaves.' (<http://www.greencommons.org/node/770>)

This new prison is effectively a slave labor force. Prisons can bring jobs in-house, pay 25 cents an hour, and not pay for overtime, sick days, health benefits, or pensions. They prevent unionization and workplace safety negotiations. It is no surprise that the culture of prisons often harden inmates further, leading to high recidivism rates and great difficulty integrating an ex-con back into society. What's even worse is that some people apparently believe the prison-industrial complex is a way to control the inner city: Georgia law now treats children as adults in criminal courts because of state law SB 440 and 441. 'Children convicted under this law usually serve their time in adult prisons and SB 440 allows children to be sentenced to life in prison without the possibility of parole. Ninety percent (90%) of children sentenced under SB 440 and its companion legislation, SB 441, are African American.' (<http://www.greencommons.org/node/770>) This provoked huge outcries, of course, from the Black community in Georgia. I noted that this went unmentioned by Ron Paul in his speech, perhaps because it challenges his fundamental conviction that 'economic liberty' produces 'personal liberty.'

And there is his flaw. For all his analysis and courageous desire to tell hard truths about the U.S., one of Ron Paul's fundamental shortcomings is that he fails to perceive that 'economic liberty' is not the same thing as 'personal liberty.' He says of civil liberties and free markets: 'Are they not the same?' (2.27:40). 'Economic liberty is personal liberty' to Mr. Paul. Yes, but only for some, and increasingly over time, fewer and fewer. Economic liberty for some eventually starts to crowd out the personal and economic liberties of others. There is a tension between treating every dollar the same and treating every person the same. This is why Theodore Roosevelt and the populist Republicans at the turn of the century wanted to bust trusts and big corporations, fight monopoly power, etc. They looked at land reform, agricultural policy, urban expansion, etc. But Ron Paul says of this period, 'In the early part of the 20th century, our politicians promoted the notion that the tax and monetary system had to

change...That is why Congress gave us the Federal Reserve and the income tax.’ (2:13:50) Mr. Paul is fundamentally misreading the problems of the Gilded Age, where wealth was corrupting democracy itself, and elicited a populist outcry. Of course the federal government had to grow: It had to acquire new powers to fight corporations led by the Robber Barons defending their ‘economic liberty.’

Likewise, the Civil Rights Movement may have called for some welfare policies, but they also were on the side of government transparency, major ethics reforms, changes in public education funding and implementation, gerrymandering and political redistricting reform, unions and worker rights (arguably what got Dr. MLK Jr. shot). That was because the U.S. federal government facilitated the biggest Keynesian wealth transfer in history to young White Americans under the G.I. Bill so that they could afford new houses in the newly created suburbs, therefore being able to afford college through building home equity. Because of this ‘White flight’ to the suburbs, Blacks were left behind in the inner cities demanding educational reform, housing reform, bank accountability, and a host of other measures. As I mentioned already, populist Republican Kevin Phillips understands this. His books are very worth reading.

So when I hear Ron Paul talk about ‘those who depend on government,’ I maintain that he is quite inaccurate and demeaning because he glosses over a lot of people’s legitimate struggles to equalize legal and power dynamics, not equalize wealth directly. For Mr. Paul to continue talking as he does makes him sound a lot like his Republican peers – whom he amply criticizes and tries to distance himself from – who blame ‘Blacks and Hispanics’ for having their votes ‘bought’ by Obama through government welfare. In this regard, Mr. Paul sounds like Mr. Romney, in his infamous comment about ‘the 47%.’ Can’t Mr. Paul get a more accurate view of history and politics than that? It would give more credibility to his otherwise perceptive remarks.

If you’d like to see more resources and explanations on this, please see http://nagasawafamily.org/archives_question_politics.htm.

Question: Is this position very common? Where do you see their arguments gaining influence (I mean the true no-state libertarians and not just the political conservatives)?

From Protestants:

- Wayne Grudem, *Politics According to the Bible* (Grand Rapids, MI: Zondervan, 2010)
- Grover Norquist, founder and president of Americans for Tax Reform, is one of the most vocal libertarians. He has described himself as a ‘boring white bread Methodist.’ (Andrew Sullivan, “Grover Norquist’s Faith”, “The Daily Dish”, *The Atlantic*, January 6, 2010)
- Ron Paul, the libertarian candidate for U.S. President, was raised a Lutheran and later became a Baptist. (Husna Haq, “Election 101: Ron Paul sets sights on 2012. Ten things to know about him. – What is his family and religious background?”, *The Christian Science Monitor*. Retrieved Aug 9, 2011)

From Catholics:

From Orthodox:

- Father Johannes L. Jacobse, ‘The Republic is Finished and the American We Knew is Gone’ (<http://www.orthodoxytoday.org/view/the-republic-is-finished-and-the-america-we-knew-is-gone>) saying that Obamacare signals the slow death of true freedom.

Question: So how do Christians practice restorative justice when the terms of the debate are antithetical to restorative justice? Should Christians work within that framework towards goals dictated by restorative justice or should Christians work to change the framework? Pragmatically speaking (at least in the West), Christians will continue to exist within political states with non-Christians, and however civic structures change they will always respect individuals’ liberties. Which is to say, I guess, that we’ll never shake our secular enlightenment foundations, and so how can there ever be hope of really accomplishing restorative justice? That sounds pessimistic, and even if complete success is very unlikely it doesn’t mean one shouldn’t work towards it as a goal (which I guess is very similar to the entire Christian framework for the growth of a

person towards better relationship and life with Christ while never actually escaping one's humanly imperfection), but it's a hard question that remains: How do we actually do this? I would love your thoughts.

Answer: My response would come on two levels. First, I think it's helpful to take things issue by issue and see how a Christian restorative justice framework, and perhaps general restorative justice framework, would handle things differently than how we handle them today.

- To see restorative justice principles in the practice of criminal justice, see the following:
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"I am a conservative Republican who received the NRA's highest ratings over 4 terms in Congress. I saw this debate over guns as a powerful symbolic struggle between individual rights and government control. And you know what? In the years after Waco and Ruby Ridge the symbolism of that debate seemed even more powerful to me. But the symbols of that ideological struggle, they've been shattered by the harvest zone of mind-numbing video games and gruesome Hollywood movies that dangerously desensitize those with mental health challenges. And then add in military style weapons and high capacity magazines to that equation? Tragedy can never be too far behind. You know there's no easy ideological way forward, if it were only that simple as to blame Hollywood, or the NRA, or insufficient funding for mental health, then our mental task can be completed in no time. But I come to you this morning with a heavy heart and no easy answers. Still I've spent the last few days grasping for solutions and struggling for answers, while daring to question my own long-held belief on these subjects. I've always taken a libertarian approach to Hollywood's First Amendment Rights and gun collectors' Second Amendment Rights and I stood after those libertarian beliefs after Columbine, after Aurora, and after Arizona. Those young men who slaughtered innocents were crazy after all. And they would have found another way to kill their victims if their guns of choice were not available. But last Friday another chilling thought crossed my mind as the Times Square ticker spit out news of yet another tragic shooting, in yet another tortured town, in yet another twisted son of that community. How could I know that within seconds of reading that scrolling headline that the shooter would be an isolated middle class white male who spent his days on his computer playing violent games? How did I know that it was far more likely that he had a mental condition than a rational motive? And how did I know the end of the story before the real reporting even began? I know the ending of the story because we've all seen it too often. I knew that day that the ideologies of my past career were no long relevant to the future that I want, that I demand for my children. Friday changed everything. It must change everything. We all must begin anew and demand that Washington's old way of doing business is no longer acceptable. Entertainment moguls don't have an absolute right to glorify murder while spreading mayhem across young minds in America. And our Bill of Rights does not guarantee gun manufacturers the absolute right to sell military-style high caliber, semi-automatic, combat assault rifles with high capacity magazines to whoever the hell they want. It is time for Congress to put children before deadly dogmas. It is time for politicians to start focusing more on protecting our schoolyards than putting together their next fundraiser. It's time for Washington to stop trying to win endless wars overseas while we're losing the war at home. We've already given up too much ground across America. We've already ceded too many schoolyards, too many shopping malls, too many movie theaters and too many college campuses. We must give no more ground. Abraham Lincoln once said of this great and powerful nation, 'From whence shall we expect the approach of danger? Shall some transatlantic military giant step the earth and crush us at a blow? Never. All the armies of Europe and Asia could not by force take a drink from the Ohio river, or make a track on the Blue Ridge in the trial of a thousand years.' No, Lincoln said that 'if destruction be our lot, we must ourselves be its author and its finisher. As a nation of free men we will live forever or die by suicide.' For the sake of my four children and yours I choose life and I choose change. It's time to turn over the tables inside the temple and for the sake of our children, we must do what's right. And for the sake of this great nation that we love lets pray to God that we do."

– Joe Scarborough