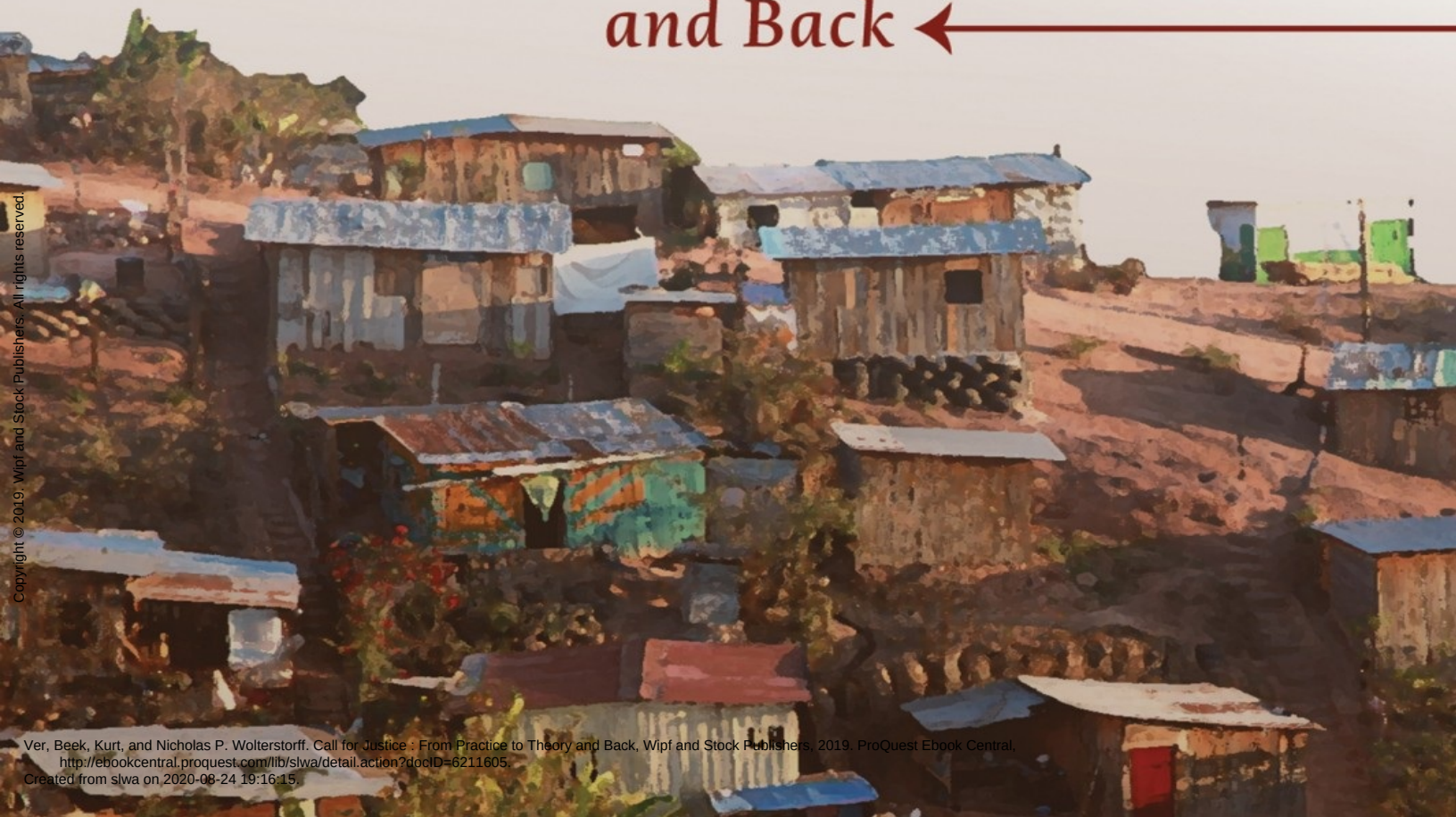


Kurt Ver Beek
Nicholas P. Wolterstorff

foreword by Ruth Padilla DeBorst

Call for Justice

→ From Practice to Theory
and Back ←



Call for Justice

FROM PRACTICE

Kurt Ver Beek *and* Nicholas P. Wolterstorff

Foreword by Ruth Padilla DeBorst



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CALL FOR JUSTICE

From Practice to Theory and Back

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PART 2

JUSTICE, LOVE, AND FORGIVENESS

Rejecting Retribution

Dear Kurt,

The examples of corruption that you describe are hard to hear. One can understand why people want the wrongdoers punished. And that brings me to the questions you put to me in your letter before this last one, namely “how does one manage the tension in justice work . . . between restoring systems and holding the corrupt accountable,” and how is that tension related to the difference between retributive and restorative justice?

In my discussion of restorative justice I noted that those who practice restorative justice are not opposed to punishment. Though, as we saw, their focus is not on punishment, they recognize that punishment is sometimes appropriate. The fact that there is a deep affinity between the restorationist goals of ASJ and the strategies of restorative justice does not imply that ASJ does not face the challenge you pose, namely, how to manage the tension between seeking restoration of systems and seeking the appropriate and just punishment of wrongdoers. Can a single organization do both of these? My answer is that yes it can, provided that punishment is not understood as retribution.

I retain a vivid memory of an episode that occurred in the course of my first visit to Tegucigalpa to observe the work of ASJ. One afternoon, we were driven up into the hills above the central city of Tegucigalpa to an area, Villa Nueva, where ASJ was focusing its criminal justice work, and invited into a neat, clean, and humble living room. The walls were cement block, the floor was packed earth—and, to my great delight, there were a number of brightly colored posters attached to the walls. Humble beauty!

The small room was crowded. Two women spoke of the rape of their daughters, and told of how the police refused to do anything until ASJ intervened; the perpetrators were eventually discovered, apprehended, and convicted. A young man spoke of being shot and wounded, and told of how, in his case too, the police refused to do anything until ASJ intervened; the perpetrators were discovered, apprehended, and convicted. There was great joy in the room, and not a dry eye.

You asked me afterwards whether it was right to take joy in the punishment of criminals. That led me to recall your mentioning to me, a few days earlier, that one of the criticisms ASJ was getting from some Christians in Honduras for its criminal justice work was that Christians should not be involved in the business of seeking the punishment of criminals. Rather than seeking punishment, they should forgive. If there is to be punishment, leave it to God. I took your word for this, but I was surprised. In the US, evangelical and conservative Christians have the reputation—rightly or wrongly—of being “tough on crime” and of supporting the policies that have led to our crisis of mass incarceration.

I was on the point of replying that it seemed to me thoroughly appropriate to rejoice at the

apprehension and punishment of the criminals we had just heard about. ASJ had been working hard for the reform of the criminal justice system in Honduras. The stories we heard were stories about the proper workings of the system—albeit under considerable prodding by ASJ. We should rejoice that, in these cases, the system had eventually worked as it should.

I was, as I say, on the point of making that reply; but I didn't. It felt—well—superficial. Your question raised deep issues; it was not to be answered with a quick remark.

In my preceding letter I alluded to the fact that, in the Western way of thinking about punishment, one finds two persistent themes. First, retribution—repaying harm with harm—is an intrinsically moral activity. It may also have good consequences for the wrongdoer and for society. But whether or not it has those desirable consequences, retribution, so it has been thought, is an intrinsically moral activity. Second, unless the wrongdoing is trivial, punishment is morally required; it's not an option.

I noted that there are writers in the modern world who reject these principles. But there can be no doubt that they have been persistent themes in the way we in the West have thought about second-order justice, and that they continue to be embraced by many members of the public. "He's getting what he deserves." "He's got it coming."

I have come to the view that Christian Scripture rejects both of these principles. Insofar as Christians have accepted either one of them—and it is my impression that traditionally most Christians have—they have thought along pagan lines rather than listening carefully to the message of Scripture and drawing out its implications. In this letter, let me discuss the principle I mentioned first, namely, that retribution is an intrinsically moral activity.

Hovering in the background of Jesus' so-called Sermon on the Mount, as reported in Matthew and Luke, is what I have called, in my book *Justice in Love*, the "reciprocity code." The reciprocity code says that good is to be repaid with good and harm with harm. Evidently the code was prominent in the thought of those whom Jesus was addressing, as it was among the pagan Greeks and Romans.

Concerning the positive side of the code—return good with good—Jesus' response is a shrug of the shoulders. For the most part, returning good with good is a fine thing to do, especially among friends: repay a dinner party with a dinner party. But it's no big deal. Pretty much everybody accepts the principle: sinners, tax collectors, Gentiles, they all return good for good. "If you do good to those who do good to you, what credit is that to you? For even sinners do the same" (Luke 6:33). Don't be rigid about it, however. Don't let the principle prevent you from including in your dinner invitations those who cannot return the favor (Luke 14: 12–14).

Jesus' attitude toward the negative side of the reciprocity code—the principle of retribution—was flat-out rejection. Returning evil for evil, repaying harm with harm, is out. One is always to do good; one is to love one's neighbor, even if the neighbor is an enemy who has treated one maliciously. "Love your enemies, do good to those who hate you" (Luke 6: 27).

Jesus' rejection of retribution is echoed in the letters of the New Testament. In 1 Peter 3:9 we read, "Do not repay evil for evil or abuse for abuse; but, on the contrary, repay with a blessing." In his first letter to the Thessalonians Paul writes, "See that none of you repays

evil for evil, but always seek to do good to one another and to all” (5:15). And in his letter to the Romans Paul writes, “Do not repay anyone evil for evil, but take thought for what is noble in the sight of all . . . Never avenge yourselves” (Romans 12:17–18).

I find it undeniable that, in these passages, Jesus and the New Testament writers reject retribution. So how can it be that, in the face of the clear teaching of these passages, Christians over the centuries have nonetheless been defenders of retribution? They have commonly done so by using a line from Romans 12 to guide their interpretation of what Paul says in Romans 13.

In Romans 12, after telling his readers that they are not to “repay anyone evil for evil,” Paul says, “for it is written, ‘Vengeance is mine, I will repay, says the Lord’” (12: 19). Then, in the next chapter, Paul declares that governmental authorities are “God’s servants,” commissioned to exercise justice. The common interpretation of this declaration is that when governmental authorities punish wrongdoers, they are imposing retribution on God’s behalf. It is on God’s behalf, in God’s stead, that they are wreaking vengeance—retribution, payback—on wrongdoers. When acting as private citizens, we are not to engage in retributive payback. When acting on God’s behalf as a government official, one is authorized to exercise retribution.

My reply, which I have developed at some length in my book *Journey toward Justice*, goes as follows. The Greek word that Paul uses in chapter 12, which gets translated into English as “vengeance,” is *ekdikēsis*. Paul does not use the word *ekdikēsis* in chapter 13, nor does he use the telltale word “repay.” He does not say that the business of government is to exercise retribution—payback.

Neither does he say that governmental officials act on God’s behalf—so that God acts by way of their acting. He says that governmental officials are *servants* of God. A servant of someone is not, as such, authorized to speak or act on behalf of his master.

In short, I regard the common interpretation of Romans 13 as unsupported by the text. Nowhere does Jesus or any New Testament writer say or suggest that when it comes to government officials, the negative side of the reciprocity code remains in effect. Do not repay evil for evil, says Jesus. Period. No exceptions.

Suppose, now, that we follow what I regard as the clear teaching of the New Testament and reject retribution. Does that mean that there is nothing intrinsically moral about punishment—that the decision whether or not to impose punishment depends entirely on its anticipated effects?

It does not. In recent years, some philosophers have introduced the idea of what they call the *expressive* theory of punishment. The idea is that when society, by way of its officials, punishes someone for an infraction, this should be understood as society forcefully expressing its condemnation of the person for what he did, forcefully *reproving* him or her, forcefully reprimanding them, forcefully declaring that what they did was wrong. In my book *Justice in Love* I proposed calling this the “reprobative” theory of punishment, on the ground that what is being expressed by the hard treatment is reproof. Compare a parent’s punishment of a child. When a parent punishes a child for some infraction of the family’s

rules, the parent is not exercising retribution, payback. Or if he is, the relation of the parent to the child is extremely disturbed. The parent is reproofing the child, forcefully declaring that what the child did was wrong. The parent also hopes that the punishment will have the effect of reforming the child. But apart from that hoped-for effect, the punishment consists, *as such*, of reproofing the child. Unlike reformation of the wrongdoer, reproof is not a *causal consequence* of the punishment. To punish *just is* to reprove. In that way, punishment is an *intrinsically* moral activity.

Every society has a moral code to be followed by its members. One does not discern the moral code of a society by observing how its members do in fact act—all too often they act in violation of the code. One discerns a society's moral code by observing the social practice of members issuing moral directives to each other and the social practice of members praising and reproofing each other. And one discerns how seriously the society regards a certain sort of infraction by observing how forcefully it expresses its condemnation, its reproof, of forbidden behavior.

I suggest that what makes just punishment an intrinsically moral activity, and not merely an activity that may or may not have good consequences for the wrongdoer or for society, is that it is society's way of forcefully reproofing wrongdoers, and that, as such, it is an aspect—an indispensable aspect—of how a society upholds its moral code.

In the Old Testament/Hebrew Bible book of Leviticus we find a long list of examples of loving one's neighbor. The list concludes as follows: "you shall reprove your neighbor, or you will incur guilt yourself. You shall not take vengeance or bear a grudge against any of your people, but you shall love your neighbor as yourself" (19:17–18, NRSV).

This is striking. Reproofing your neighbor, when he or she engages in wrongdoing, is an example of loving your neighbor; to fail to reprove your neighbor is to "incur guilt yourself." Consider the parent who never reproofs her child for anything the child does. She may praise the child now and then; but she never reproofs him for wrongdoing, neither verbally nor with some form of punishment. That is a wronging of the child, for which the parent "incurs guilt."

Back to where these reflections began. I think I understand, Kurt, why working to restore some malfunctioning system and to rebuild trust in that system sometimes feels in tension with doing what one can to see to it that wrongdoers are punished. But I hope these reflections on punishment have made clear that, whatever tensions one may feel in one's day-to-day pursuit of these two activities, in principle they not only fit together but are interlocked—provided one does not think of punishment as retribution but as reproof.

One of the systems in Honduras that ASJ is working to restore is the criminal justice system. That system will not be restored merely by the enactment of good laws—though of course that is necessary. It will be restored only when criminals are apprehended and forcefully but justly reproofed for that they have done. When that happens, trust in the system will also be restored. It all fits together.

Your friend,
Nick

Love and Repentance

Dear Nick,

Thank you for these insightful reflections on reproof and the role of retributive and restorative justice. I found especially important your distinction between punishment understood as retribution and punishment understood as the expression of disapproval; and I believe you are right that Scripture rejects retribution. As Christians, our desire should not be for “eye for an eye” payback, but a commitment to social reproof of wrong behavior.

Your letter has made me spend some time reflecting on what should empower and drive us to reprove our authorities—first, a desire for their repentance and transformation, and second, a love “beyond fear,” both for those closest to us in our own lives but also for everyone as a beloved child of God, even our enemies or those authorities with whom we deeply disagree. I want to tell three stories that I think illustrate these key points.

First, I think the biblical story of King David and the prophet Nathan is a good example of what a loving but corrective reproof can look like.

From the moment David spies Bathsheba bathing, he is determined to have her, against her will, against the law, and against God’s commandments. He involves his whole court in facilitating his illegal and sinful desires; he dictates military strategy to kill an officer in order to cover up his sin. He leaves Bathsheba pregnant, and her husband, Uriah, dead.

The prophet Nathan comes in the aftermath of this chaos and requests a meeting with David. He tells the following story:

“There were two men in a certain town, one rich and the other poor.² The rich man had a very large number of sheep and cattle,³ but the poor man had nothing except one little ewe lamb he had bought. He raised it, and it grew up with him and his children. It shared his food, drank from his cup and even slept in his arms. It was like a daughter to him.

⁴ “Now a traveler came to the rich man, but the rich man refrained from taking one of his own sheep or cattle to prepare a meal for the traveler who had come to him. Instead, he took the ewe lamb that belonged to the poor man and prepared it for the one who had come to him.”

⁵ David burned with anger against the man and said to Nathan, “As surely as the LORD lives, the man who did this must die!⁶ He must pay for that lamb four times over, because he did such a thing and had no pity.”

⁷ *Then Nathan said to David, “You are the man!”*

(2 Samuel 12:1–7)

This rebuke hits David in the heart. It cuts through his selfishness and thoughtlessness so that he repents of the evil he has done and prostrates himself before the Lord. We do not

know if his repentance included reparations to Bathsheba, but we do know he acknowledged his sin and sought forgiveness. He spent six days fasting, sleeping in sackcloth, and crying out to God.

When I read this story, I thought about which of the story's characters I most identified with: David, Nathan, or the people of David's court who supported and facilitated David's actions.

I knew I didn't want to be like David. He did horrific things, committing rape and murder, both sinning and lying to cover up his sin. This seems to put him in a different category from most of us; but really, we are not so different. We may never kill another person, but we regularly use our words as weapons and treat others with contempt.

Despite David's actions, he can also serve as an example for us. He sinned horribly, but also repented passionately. When was the last time you spent an hour crying out in repentance to God, let alone six days? I can't think of a time in my own life. I'm more likely to hear people recount sin or cruelty with a shrug—laughing about how they “told off” a mistaken waiter or charged expensive dragon fruit as bananas at their local self-checkout.

In his repentance, David represents both a high and a low in our relationship with God. The members of David's court, by contrast, represent the status quo. They are not prominent characters in the story. The dozens of soldiers, servants, and courtesans that inhabited David's court are neither named nor noticeable. Yet the members of the court must have seen Bathsheba brought to the palace, or even helped to do it. Surely word traveled. Everyone saw Uriah sleeping on the castle steps even as Bathsheba's dresses stretched tighter. Uriah's entire battalion had to be told to step back and leave him fighting alone; they all followed their orders.

I may be drawn to Nathan's boldness or David's repentance, but I think most of us in our daily lives are more like people of the court. We see those with power acting with impunity and choose to do nothing. Our boss mistreats one of our coworkers—we decide we don't want to get into it. An acquaintance tells an offensive joke—we laugh uncomfortably and say nothing. We hear about abuse, embezzlement, injustice, and we satisfy ourselves by thinking that we would never do such a thing ourselves—in the process, acting in a way that allows the corruption and abuse of power to continue.

What would it look like instead to live like Nathan? When I read this story I want to be like Nathan, and I think most people would agree, sharing a desire to boldly speak truth to power. Nathan went before the king with a message of reckoning for his sins—prophets of God had been killed for less. We may say we want to do the same, but do we, really? When we look back over our last week or year, have we done anything remotely similar? Few of us are willing to face the consequences of standing up to abusers in even petty incidences, let alone in situations of life or death.

I think we can learn from Nathan's bravery, but also from his tact. Nathan is a prophet of God, but he also has a relationship with David—he knows how to tug on David's heartstrings and get him to listen. Nathan wants to speak truth, but more than that, he wants David to repent and change. Therefore, he doesn't picket outside the castle condemning David; he

goes inside, and starts with a story. Only when they had established common ground (“*David burned with anger*”) does Nathan tell the truth he had come to share—“*You are that man.*”

This approach is what causes David to realize: “I have sinned against the LORD.”

Then, perhaps even more remarkably, Nathan replies: “The LORD has taken away your sin. You are not going to die (2 Samuel 12:13).”

I think this extension of forgiveness is almost as bold as decrying David’s sin in the first place. If I had been in Nathan’s shoes, knowing everything that David did, I would have wanted punishment, not repentance. Of course, David does still suffer the consequences of his sin, including war, familial infighting, and the death of his and Bathsheba’s child. But despite all that, I think it’s difficult to be open to forgiveness, repentance, and change from authorities for whom we want revenge and punishment.

Nathan’s attitude is very different from another biblical character, Jonah. God calls Jonah to preach repentance to Nineveh, but Jonah doesn’t want to—he boards a boat instead in a fruitless attempt to flee God. Many are familiar with the story that follows—how Jonah’s boat faces a fierce storm, and he convinces the sailors to throw him overboard, where a giant fish swallows him. After three days, the fish spits him out onto dry land, and he goes at long last to Nineveh.

But the story doesn’t end there. After confronting the people of Nineveh with their sin, they actually repent wholeheartedly. Like David, they fast, put on sackcloth, and turn from their evil ways. In the end, God spares their lives: “But to Jonah, this seemed very wrong, and he became angry . . . ‘LORD, take away my life,’” he says, “For it is better for me to die than to live (Jonah 4:1, 3).”

Nathan confronted David with his sin, but more than that, he called him to repent and change. David’s repentance is good for David, but also good for the people of his kingdom. Jonah, by contrast, only wants to preach punishment. When the people of Nineveh repent, which is surely the best thing for them and their community, he responds petulantly. He had wanted to watch Nineveh’s total destruction.

Reproval cannot be made from a position of vengeance—your previous letter points out that reproof, instead, is part of loving our neighbors. Yet even when we do stand up for what’s right, how often are we like Jonah? As much as we welcome grace for our own failures, we want vengeance, not repentance from abusive bosses or corrupt politicians, even if a change of heart would be best for both authorities and the people that they govern.

I have already written about how justice work requires the bravery of a prophetic voice, but when I think about applying this to my own life, the piece I haven’t discussed yet is love. One of my favorite verses in the Bible, 1 John 4:18, says: “*There is no fear in love. But perfect love drives out fear . . .*”

I want to tell a final story that I think illustrates this. Jo Ann and I raised our children in a rough neighborhood. There is a gang presence, and one or two murders every month. We love our community, but still, when my oldest daughter Anna was a teenager, I would always walk her to the church youth group that met a few blocks away.

Even when walking with me, Anna would sometimes get comments or catcalls from the

neighborhood boys. One of the most common (and most infuriating) was actually directed at me: “*Suegro!*” the boys would shout, “Hey, father-in-law!”

This always made me tense up, and because I would do anything to protect my daughter, I would start to imagine scenarios of how I would protect her. I know that if one of those boys had ever tried something, I would have done anything to protect her, even if there were a lot of them, even if they were armed. In that moment, I wouldn’t think about the consequences for me—I love my daughter, and that love is stronger than any fear I would feel under those circumstances.

You, I’m sure, can imagine this love. Imagine, Nick, if your granddaughters were spending some time with us in Nueva Suyapa and I was showing them around the neighborhood. Imagine that a group of these guys went after them. I know you would want me to do everything in my power to protect them.

It’s easy for my mind to make the connection between fearlessly loving my own daughter, and protecting the daughter or granddaughter of a friend like you. But we both know that *every single person* in our communities is someone’s son or daughter; every single parent hopes that their own children will be protected and saved. What’s more, every one of us is a child of God, equally loved and equally deserving of that same protection.

“Should I not have compassion on the great city of Nineveh?” (Jonah 4:11) God asks Jonah. God loved Nineveh and its people, despite their sin, just as God loved David despite the evil he had done. He wanted repentance—both for David and Nineveh’s own good and for what transformation would mean for those entire kingdoms.

However hard it may be to imagine, God loves the politicians who are profiting from corruption, just as God loves corruption’s most marginalized victims. God wants repentance, a change of heart and action, even of the authorities who are stealing money from programs for the poor and abusing human rights. I think this must impact how we approach advocacy.

Love, as we’ve said, does not erase consequences. Authorities should still pay for their sinful or illegal actions. But I do think approaching advocacy from a posture of love must change our expectations. Do we believe that God can work change in the hardest hearts? Are we actually open to repentance or even reconciliation if that change occurs?

So many people in society are like Jonah, calling out authorities with righteous anger and filling their conversations or social media posts with hate and condemnation. Others are like the people of David’s court, whispering among themselves about atrocities that are occurring, but preferring to stay out of the way. I think we all need to be more like Nathan, looking for the right strategy that will bring home to members of government or other authorities that they need to repent and change their hearts and actions.

I believe that perfect love, fearless love, can sometimes mean loving victims through the process of arresting, reproving, and challenging those who do them harm. But I believe that it can also mean loving perpetrators by being prophetic voices like Nathan to David, laying their sin clearly before them and hoping for their repentance. Here at ASJ we want to love our neighbors in both of these ways.

Your friend,

Kurt

Evoking the Emotions of Empathy and Anger

Dear Kurt,

In our conversations with each other you told me that it was especially the murder of Dionisio that led you to reflect on the role of forgiveness, punishment, restoration, etc. in the work of ASJ. At one point you asked me whether I thought there was space for what you called “healthy anger” in justice work. That question reminded me of my own reflections on my experience in South Africa and my engagement with Palestinians, reflections which led me to conclude that there is not only space for healthy anger in justice work. Justice work requires anger—and more generally, requires emotional engagement with perpetrators and victims, both on the part of those who work directly for justice and on the part of members of the public. Being informed about the issues is not enough. Emotional engagement is necessary.

After my visit to South Africa in 1975 and my meeting with Palestinians on the west side of Chicago in 1978—encounters that I described in my second letter—I found myself reflecting on why I was so moved by these experiences whereas, though I had actively participated in the civil rights movement in the US and in opposition to the Vietnam War, nothing that I experienced in those two movements had affected me in the same way. Why the difference?

The answer I eventually arrived at was that, in these two awakenings, I had seen the faces and heard the voices of the wronged, whereas that was not the case, or was only barely the case, for my participation in the civil rights movement and in my opposition to the Vietnam War.

And what was it about seeing the faces and hearing the voices of those victims of injustice that moved me to speak up for them?

The answer I settled on was that seeing the faces and hearing the voices of the wronged evoked empathy in me. By “empathy” I do not mean compassion, and even less do I mean pity. I did feel compassion. But the compassion was enveloped in empathy. I found myself empathetically united with these people, emotionally identified with them. I felt anger with their anger, hurt with their hurt, humiliation with their humiliation.

The same thing happened to me during my first visit to Honduras, in that small living room that I wrote about in my previous letter, when two mothers described the rape of their daughters and spoke of the refusal of the police to investigate until ASJ intervened. Here, too, seeing the faces and hearing the voices of the wronged evoked empathy in me.

Perhaps some people are motivated to engage in the struggle for justice by a sense of duty. Perhaps some are motivated by the conviction that this is what a good and virtuous person does. And perhaps some are motivated by the conviction that, in so acting, they are obeying

God. But in my case, I did not really get involved until my emotions were engaged—until I cared. I doubt that I am peculiar in this respect. I think that, for most people, being motivated to struggle for the righting of injustice requires emotional engagement.

I remember discussing the role of empathy in the struggle for justice with you and your staff on my second visit to Honduras, and using my own case as an example. Carlos Hernandez was in the audience. He reported that he had just come back from a meeting in which he found himself seated across the table from a man who, almost certainly, had been one of the brains behind the murder of Dionisio. Carlos reported feeling anger welling up within him at this man who was still free to perpetrate his foul deeds, and finding himself more determined than ever to see that he was convicted of his crimes.

His remark made me realize that, in my own case, too, there was anger at the perpetrators. Empathy with the victims was dominant, since it was their faces I had seen and their voices I had heard. But anger was there, in the background. Carlos's experience was the reverse of mine. It was the face and voice of the perpetrator that confronted him, so anger was his dominant emotion. But, of course, he also felt empathy with all those who were joined with him in grieving Dionisio's murder.

What I take away from my reflection on these experiences, Kurt, is the principle that, for most people, serious commitment to the struggle for justice requires emotional engagement in the form of empathy with the victims and anger at the perpetrators. One's experience may cause one or the other of these to be dominant; but both will be involved. No doubt there will always be other emotions involved as well. But I have come to think that these two—empathy with the victims and anger at the perpetrators—are, as it were, the emotional foundation of the struggle for justice. What this implies for the work of ASJ and similar organizations is that they cannot just dispense information; they have to engage people's emotions.

Though in my case it was actually seeing the faces and hearing the voices of the wronged that evoked my empathy, and though in Carlos's case it was actually seeing the face and hearing the voice of one of the perpetrators that evoked his anger, it's clear that one doesn't have to be face to face with victims for empathy to be evoked, or face to face with perpetrators for anger to be evoked. Film can work just as powerfully, as can drama and fiction. Witness the powerful effect on nineteenth-century readers of *Uncle Tom's Cabin*. On the other hand, it is my impression that journalistic reports seldom have the same effect. Why the difference?

I think the difference is that when we actually see the faces and hear the voices, or see and hear them on film, or meet them in drama or fiction, we don't just receive information but we imagine what it's like to be persons of that sort in that sort of situation. It is this *imagining what it's like* that evokes empathy or anger. Journalism seldom evokes this sort of imagining. I don't claim that it cannot. Just that usually it doesn't.

There's another difference between Carlos's experience and mine that is worth taking note of. I was not myself a victim of South African apartheid, nor was I a Palestinian victim of Israeli oppression. I was, instead, an onlooker to these two cases of social injustice—an

onlooker who, as a result of my awakenings, became a supporter of the movements to eliminate these injustices. Carlos, by contrast, was himself a victim of the injustice perpetrated by the man sitting across the table from him. He was one of those cast into grief by Dionisio's murder.

That difference between our two cases suggests the following thought: the participants in most social justice movements are a blend of victims and supporters of the victims. I have been a supporter-participant in the anti-apartheid movement in South Africa and in the anti-Israeli-oppression movement in Palestine. Carlos has been and is a victim-participant in some, at least, of the social justice crusades in Honduras.

Confronted with social injustice, typically there are non-victim members of the public who are angry with the perpetrators and feel empathy for the victims before any social justice movement gets under way. And—more surprisingly—often a good many of the victims harbor no particular anger toward their victimizers and no particular empathy for their fellow victims. They are resigned to their condition. There's nothing to be done, they think; so why get all stirred up? Or they have internalized the attitude of their oppressors toward them: they deserve their fate. Or this is their God-ordained place in the social order; it would be wrong to resist.

The moral is that, for both victims and potential supporters, social justice movements must blend tapping into emotions of empathy and anger already present, with evoking those emotions in those who do not yet experience them. It is no accident that a prominent component in the denunciations of injustice by the prophets of ancient Israel was the forceful expression of anger. Here is just one example of many:

Ah, you who make iniquitous decrees,
who write oppressive statutes,
to turn aside the need from justice,
and to rob the poor of my people of their right,
that widows may be your spoil,
and that you may make the orphans your prey.
(Isa 10:1–2)

I suggested that the emotions of empathy and anger, in victims and supporters, are a necessary ingredient of social justice movements. It's important to note that empathy with the victims is not, by itself, sufficient; there must also be anger at the perpetrators. Which presupposes, of course, that the perpetrators must be identified as such. Empathy with the victims in the absence of anger at the perpetrators evokes charity, benevolence, relief—or hand-wringing. We see photos of pitiful looking orphans in Haiti. We are touched. We send a contribution for the alleviation of their plight to the charitable organization whose name appears below the photos. We feel no anger, only empathy. We do not ask whether these orphans are the victims of injustice.

In short, social justice movements and organizations cannot limit themselves to evoking empathy with suffering people. They have to make clear that these people are suffering

because they are being wronged. They are not victims of some natural disaster; they are victims of injustice. The perpetrators have to be identified and condemned. This is the point at which information and social analysis become relevant. In one of your previous letters you describe very lucidly the ASJ model for accomplishing these things. This is also the point at which a new form of anger typically enters the picture—anger by the perpetrators at those who identify and condemn them as perpetrators.

Some truly lamentable dynamics of human nature come into view when we take note of the need for emotional engagement in social justice movements. Empathy with the wronged was evoked in me by the three encounters I have described. But it was not evoked in the Afrikaners who spoke up at the conference in defense of apartheid, even though they had seen the faces and heard the voices of the people of color in South Africa far more often than I had. It was not evoked, and it is not evoked, in most Israelis, even though they see the faces and hear the voices of Palestinians far more often than I have. It was not evoked in those who abused, and in those who tolerated the abuse of, the children and mothers of Tegucigalpa, even though their contact with those children and mothers was far more frequent than mine. It was not evoked in the slaveholders of nineteenth century America, even though they saw the faces and heard the voices of the slaves far more often and directly than did the readers of *Uncle Tom's Cabin*. In all these cases, empathy was blocked—blocked by the hardening of the heart.

The causes of the hardening of the heart, and of the resultant blocking of empathy, are multiple. Let me briefly mention a few of the most common causes.

One reason why empathy is often blocked is that the hard-hearted person has learned to dehumanize the victims—or if not precisely to dehumanize them, to think of them as lesser human beings with diminished sensibilities, sometimes even as loathsome. They are vermin, scum, terrorists.

A second reason why empathy is often blocked is that those whose hearts are hardened have embraced a narrative that says the plight of the victims is their own fault. The Palestinians, it is said, fled their villages of their own accord in 1948 and continue to refuse to negotiate with Israel in good faith because they continue to refuse to recognize the legitimacy of the State of Israel. Their plight is of their own making. Empathy is out of order. Another example: the poor, it is often said, are poor because they are lazy; their poverty is their own fault.

A third reason why empathy is often blocked is that the hard-hearted have embraced an ideology that says some great good will be achieved by the present policies. Securing that great good comes at the cost of the suffering of some, and that's unfortunate. But the great good to be achieved will outweigh the present suffering. So one must harden one's heart and do what the great good requires. Pol Pot preached to his followers in Cambodia that they must rid themselves of emotion and become purely rational.

There is yet a fourth reason why empathy is often blocked, and this is perhaps the most common of all. Empathy for the victims is blocked by the person's realization that feeling empathy would lead to acknowledging his own complicity in the plight of the victims.

Acknowledging that complicity would require reforming his way of life; and he finds that such reform is more than he can bring himself to do. He would be ostracized by friends, make less money, lose his position of privilege and power. Best, then, to harden one's heart and make contributions every now and then to charitable organizations. Then nothing has to change.

To evoke empathy for the victims, and thus to advance the cause of justice, one has to diagnose the hardening of the heart in the case one is dealing with, and then do what one can to remove that cause. In each case, one has to craft one's approach to one's diagnosis of what it is that is causing the blocking of empathy. A number of Israeli historians have shown that the standard Israeli narrative, which says that the plight of the Palestinians is of their own making, is simply false.

Sad to say, attempts to remove blockages to empathy are often unsuccessful; then pressure of one kind or another has to be applied. That's what happened in the case of South Africa. It was the boycotts that eventually had an effect. In his fine book *Blessed Are the Organized*, Jeffrey Stout describes a number of cases in the US in which justice was eventually achieved by bringing pressure of one sort or another to bear on the perpetrators.

You asked whether there is "space for healthy anger in justice work." If my observations in this letter are correct, then not only is there space for healthy anger in justice work; justice work cannot succeed without healthy anger. The struggle for justice requires, in those working for justice, healthy anger against the perpetrators of injustice and healthy empathy for the victims.

Your friend,
Nick

The Assassination of the “Lawyer for the Poor”

Dear Nick,

Thank you for your letter, in which you tacitly grant me “permission” to feel anger about losses such as the tragic murder of Dionisio, who was, and continues to be, one of my heroes. I’m definitely not a philosopher, but I have spent a lot of time thinking about the role of justice, forgiveness, and repentance in Dionisio’s murder. I’ll share my thoughts here and I look forward to reading your response.

One of ASJ’s early projects was working to ensure that security guards and cleaning women received at least the legal minimum wage, along with all the benefits that they deserved. Security guards and cleaning women in Honduras are some of the poorest working people, and companies take advantage of their desperation. They are commonly asked to work seventy to eighty hours a week, while receiving as little as half of the minimum wage. Many of them get no vacation time and no health care; uniforms and materials are deducted from their paycheck—all of which is illegal.

Not only was this a glaring injustice, it was extremely common. While Honduras had a police force of just over 10,000, more than 75,000 private security guards protected homes, neighborhoods, and businesses. Large companies contracted out thousands of cleaning staff to work in malls, grocery stores, offices, and even hospitals and government institutions.

We thought, and still do, that one way to help the poor and their families was to make sure they earned at least the minimum wage required by law, which in 2005 was just under \$100 per month. Dionisio represented guards and cleaners, fighting to get them that minimum pay. Several companies seemed cooperative at first; but as our case moved through the courts, they started getting nervous and we began to receive anonymous threats. Our lawsuit was hitting these companies where it hurt—their profit margins.

Dionisio truly believed in this cause. He was one of the kindest people I have known, and cared deeply about the people he worked to defend. I remember asking him about his weekend one Monday morning, when he told me that one of the security guards he was representing had been forced to move with his family to a cheaper apartment. Dionisio not only lent him his truck to make the move; he spent the weekend moving heavy boxes and helping them settle in.

Dionisio was killed on a Monday morning. We had just finished our weekly staff devotions where I had sat next to him, and we prayed together. Afterwards, he left to go to the court to follow up on the case against the security guard company. While he waited in traffic just a few yards from the courthouse, a motorcycle with two masked men pulled up next to him, fired a spray of bullets through the window, and then sped away. Dionisio died instantly.

When I got the call a few minutes later, it seemed impossible to believe. I remember calling

his wife to tell her what had happened. They had a six-year-old son, Mauricio. I remember telling the staff. But all along, I remember thinking that it had to be a mistake. We had just been praying together. In the days that followed, the whole staff was heartbroken. We had often joked about being David up against Goliath; but until then, I don't think we realized the size of the giants we were up against.

The next weeks were a scary time. A few days after Dionisio's murder, Carlos was chased by a masked man on a motorcycle. We worried about our staff, almost all women, and whether they could withstand the atmosphere of fear that our enemies had created.

While those initial weeks were full of fear, ultimately, Dionisio's murder served to strengthen our resolve. Far from quitting, our staff threw themselves into their work. We hired a lawyer and an investigator especially to work on Dionisio's murder case. We continued our labor rights project, refusing to let Dionisio's killers get the last word.

Beyond sorrow, the emotion I most remember from this period is anger. I desperately wanted justice for Dionisio, and maybe even revenge, retribution. At the same time, I was bothered by doubts about how I, a Christian, should respond to this horrific event. Should I extend forgiveness to Dionisio's killers? Should we ask for a meeting with the executives of the firm we were convinced had put out the hit on him? When suspects were eventually arrested, would people expect us to make a statement? Should we say we forgave them? Was it OK that I wanted the suspects to face the strongest penalties the law allowed?

I know you're the philosopher of the two of us, but in this letter I want to write to you about what I've learned about forgiveness as I've worked through Dionisio's death.

We are taught, especially in the church, of the power of forgiveness. I understood theoretically that it was something we were supposed to do. But the hit men who were eventually arrested denied the murder. It took us almost four years to get a conviction in the case; but while we were eventually able to get the hit men sent to jail, the executives of the security guard company, who we were sure had hired them, never faced any consequences at all. They were never apprehended, never punished. Nor was there any expression of guilt. So what was the place of forgiveness in this case? Did it have a place?

I recently saw a photo series of victims of the Rwandan genocide posing for photographs with the people who were responsible for their pain. In one remarkable image, a man and a woman stand side by side in what appears to be an old schoolhouse. They are holding hands.

"The day I thought of asking pardon, I felt unburdened and relieved. I had lost my humanity because of the crime I committed, but now I am like any human being," says the man, Dominique Ndahimana. The woman, Cansilde Munganyika, responds: "After I was chased from my village and Dominique and others looted it, I became homeless and insane. Later, when he asked my pardon, I said: 'I have nothing to feed my children. Are you going to help raise my children? Are you going to build a house for them?'" The next week, Dominique came with some survivors and former prisoners who had perpetrated genocide. There were more than fifty of them, and they built my family a house. Ever since then, I have started to feel better. I was like a dry stick; now I feel peaceful in my heart, and I share this peace with my neighbors."

This is restorative justice at its best. The hurt is acknowledged, and also addressed. Dominique offers Cansilde more than an apology, he helps her reconstruct her life. She grants forgiveness. In the process they both feel healed.

Dionisio's case was not like this. In fact, few cases in Honduras are. Gang members kill neighbors or ex-girlfriends and brag about it. Corrupt officials pocket millions, and then deny or even justify their actions. In these cases, can forgiveness happen without repentance? Can there be reconciliation?

Forgiveness with Repentance

In the aftermath of the Rwandan genocide, or in the well-known biblical stories of Peter, Paul, David, or the prodigal son, forgiveness only occurs after the perpetrators humble themselves and ask for it. The perpetrator's change of heart is what allows both the victim and the perpetrator to heal.

In these cases, forgiveness has benefits for both the perpetrator and the wronged. The perpetrator's apology helps the wronged person see them as human, and to open up their heart, letting go of anger and hatred that might have been building up. The perpetrator, on the other hand, absolves some of the intense guilt he may feel, restores broken relationships, and reinforces his own "humanness."

For this apology to be meaningful, however, it must accompany repentance, which is not the same as regret. A man who beats his wife may follow his aggression with apologies, affection, and promises to change; but the real test occurs when his anger flares a few weeks later. What's more, forgiveness does not preclude consequences. The wife who was beaten may extend forgiveness to her husband; at the same time, she may still report him to the police.

Justice demands consequences, or punishment, as you write. A woman who persistently speeds or drives drunk is acting in a way that puts herself and others around her at risk. If an initial ticket is not enough to dissuade her from this behavior, she may lose her driving license after a subsequent offense, or eventually spend time in jail. Her punishment functions both to express society's reproof of what she has done and to protect the public from danger.

God forgave David for his horrific actions towards Bathsheba and Uriah; nonetheless, David was not allowed to build God's temple, reaffirming how contrary murder and sexual violence are to God's kingdom. David's sin was not forgotten. Nor is "forgetting" the purpose of forgiveness, particularly when we have lost someone we love. Our goal isn't to erase our memories, but to separate the bitterness from them.

Forgiveness without Repentance

Forgiveness in response to repentance is one way to move past bitterness, but it is not the only way. Another way that people find healing is through the appropriate exercise of second-order corrective (criminal) justice. When we work with a family who have lost their

husband and father to gang violence, they almost always feel a sense of closure and even of peace when the perpetrator is finally sentenced to prison, even if he goes away remorseless.

We can even imagine that family visiting the prison and extending to the gunman their willingness to forgive. If he is not open to repentance, he won't benefit, but the family will as they symbolically release their anger and desire for revenge. It's still a risk—maybe the family will be mocked or laughed at, maybe they'll stir up negative emotions. But just maybe, the perpetrator will be touched, opening the door for future change. It will at least help the family move forward in healing.

ASJ worked a few years ago with an eight-year-old girl who had been repeatedly abused by her father. With our help, the father was arrested and sent to prison, and our psychologists worked extensively with the young girl. After a few months of therapy, she said that she wanted to write her father a letter: "I feel really bad because of what you did to me," said the letter, which she showed to her counselor, "I forgive you . . . but I hope you don't continue in these bad things because if you keep doing bad things, you are going back to jail." This young girl's forgiveness didn't require her father's repentance, nor did it preclude consequences. In fact, it was only possible in a context where punishment, in this case, the arrest of the father, had occurred.

No Repentance, No Justice

After the death of Dionisio, we found ourselves in an even more difficult situation than the previous two. In a case where there is neither repentance nor the exercise of criminal justice, what would forgiveness look like? Jesus on the cross called out—"Father, forgive them, for they know not what they do." I struggled to understand how that example applied to us.

In difficult cases like these, I think we need to do three things. The first is not to resign ourselves to the lack of criminal justice, but to continue to work towards that end. The men who killed Dionisio needed to face consequences for their actions. Those consequences need not be violent or vengeful; but they are needed as a way of declaring the value of Dionisio's life, and the lives of everyone else who might fall victim as long as the perpetrators remained free.

The second thing I think we need to do, even in the absence of repentance or punishment, is to let go of our hatred, our anger, and our desire for revenge. In the years after Dionisio's death, the idea of taking matters into my own hands would regularly enter my mind. I could have carried out some sort of vigilante justice; but in pursuing a twisted and consuming personal quest for revenge, I would have been the one who suffered. Those who let anger and bitterness rule their lives have been doubly victimized. I've heard it said that holding on to hatred is like drinking poison and waiting for the other person to die. The consciences of those hit men may be untroubled by the evil they did, but if I pursued revenge, I would become more and more full of the poison of hatred. Then, not only would they have killed Dionisio, they would also have stolen some of the best parts of me.

The third thing I think we need to do is to avoid dehumanization of the culprits, writing

them off as hopeless causes. If one day they face legal consequences or seek forgiveness, I don't want to be so hardened towards them that I reject the possibility of mutual healing. No matter how despicable or hardened people seem in their ways, our belief in the redeeming power of Christ must leave some hope for change. We should not forget that all of us are loved and cherished by God. We also should not forget that all of us are subject to our sinful natures; all of us have made mistakes.

Again, forgiving someone does not mean that there will be no punishment for their actions. Jesus' death on the cross was a tragic consequence of our own actions. With his dying words Jesus granted forgiveness to the very people who were torturing him. Whether they accepted that forgiveness was up to them; whether we accept his forgiveness is up to us. For us to heal, we must be willing to let our own hearts change, to "go and sin no more," and address and make right the consequences of our angry words, our pain-causing actions, and even our sinful thoughts.

As we heal our hearts with God, we can then think about extending similar forgiveness to others. Part of our practical work is to seek justice, both first-order and second-order justice, both ensuring that people face punishment for their harmful crimes and working towards a society in which people's safety and dignity are no longer violated. At the same time, part of our spiritual work is to ensure that our hearts are in the right place to release hatred and anger, and maybe, if the other party's heart is open, to seek out reconciliation.

So, many years after our initial conversation, I wonder how you would respond to these conclusions. Would you offer any additional recommendations? When I think about the factors that motivate ASJ's actions, much of it stems from outrage at the ways people have been oppressed and marginalized? How can we also incorporate a Christ-like forgiveness into our work? How might we balance the pursuit of criminal convictions with the desire not to dehumanize others or be consumed by hatred?

Your friend,
Kurt

Punishment and Forgiveness

Dear Kurt,

Clearly the issue of when to forgive is one that you in ASJ have thought about a lot. You report that, in your own case, it was especially your anger at the murder of Dionisio that led you to raise questions about the role of forgiveness, punishment, restoration, etc., in the work of ASJ. I judge that it will advance our thinking together about these rather complicated matters if, in this letter, I first do “the philosopher’s thing” of standing back and reflecting on the nature and scope of forgiveness, and then reflect on the relation of forgiveness to punishment.

There can be no doubt that forgiveness is an important component in the way of life that Jesus taught his followers and that the writers of the New Testament epistles taught their readers. A persistent point of controversy, however, is over the intended scope of the injunction to forgive: are we each to forgive whoever wrongs us, and for whatever wrongs they do to us?

It’s commonly said that it is indeed the intended scope of the New Testament injunction to forgive. However, I know of no passage in Scripture which says or suggests that one should forgive in the absence of repentance. Luke reports Jesus as saying, on one occasion, “If another disciple sins, you must rebuke the offender, and if there is repentance, you must forgive. And if the same person sins against you seven times a day, and turns back to you seven times and says, ‘I repent, you must forgive’” (Luke 17:3–4, NRSV). In Matthew’s narration, Peter seems to have found this teaching incredible. So, to check out whether Jesus really meant to say what he did say, Peter asks, “Lord, if another member of the church sins against me, how often should I forgive? As many as seven times?” Jesus’ response is hyperbolic: “Not seven times, but, I tell you, seventy-seven times” (Matt 18:21–22, NRSV). In other words: forgive as often as the wrongdoer repents. Jesus instructs us to love our enemies—our enemies being those who have wronged us and are unrepentant. Jesus does not instruct us to *forgive* our enemies.

Rather often, when I have given a public talk in which I argued that nowhere in Scripture is it said or suggested that we should forgive in the absence of repentance, someone objects by citing the cry of Jesus on the cross concerning those who are crucifying him: “Father, forgive them, for they do not know what they are doing.” I submit that this is a mistranslation of the Greek. If someone doesn’t realize that what they have done is wrong (and if their ignorance is not culpable), one doesn’t forgive them; one excuses them. The Greek term in Luke 23:24 that is usually translated into English as “forgive” has, as its root meaning, the more general idea of *passing over*: It applies to both forgiving and excusing. “Father, pass over what they

have done, for they do not know what they are doing.” (In your previous letter, Kurt, you used the familiar translation, “Father, forgive them . . .”)

The point, the goal, of forgiveness is reconciliation between wrongdoer and victim. But if there is no repentance by the wrongdoer, there can be no reconciliation. That’s why Jesus and the writers of the New Testament epistles do not enjoin forgiveness in the absence of repentance.

What, then, is forgiveness? The goal of forgiveness, to say it again, is reconciliation. But what is the thing itself? Entire books have been written in answer to this question, developing many different understandings. Here is obviously not the place to delve into that literature. Let me just state, compactly, my own understanding. Forgiveness, as I understand it, consists of *not holding against the wrongdoer what he did to one*. By “not holding it against him” I mean: not regarding it as a blotch on his moral character. He did it. It was wrong. I remember that he did it. But he has repented. Morally speaking, he is no longer the same person that he was. So in weighing up his moral character as a whole, I no longer regard what he did to me as a blotch on his moral character. I no longer count it against him I treat him in the same way as I would if I *excused* him for what he did. (I develop this understanding of forgiveness at some length in my *Justice in Love*).

Parenthetically, I should note that, in these comments about the nature of forgiveness, I have in mind the use of the term “forgiveness” that one finds in Scripture and in the philosophical and theological literature. I well remember the occasion on which I gave a talk on the nature of forgiveness in which I assumed that forgiveness aims at reconciliation, and hence presupposes repentance, and someone in the question period afterward declaring forcefully, with an expression of extreme perplexity on her face, “Forgiveness has nothing to do with the wrongdoer.”

I was as perplexed by her declaration as she was perplexed by my talk. So I asked her to expand on what she had in mind. It turned out that she was a therapist and that, in the therapeutic literature, there is a quite different use of the term “forgiveness” from that in Scripture and in the philosophical and theological literature. Forgiveness, in the therapeutic literature, is aimed at controlling or eliminating the emotions stirred up in one by being wronged so that one can get on with one’s life—no longer allowing the emotions evoked by the wrong done one to fester. Forgiveness, so understood, has nothing to do with reconciliation. The wrongdoer doesn’t enter the picture. It’s a purely internal act, not a relational engagement.

Looking back at your reflections in your last letter on the relevance of forgiveness when repentance is absent, I conclude, Kurt, that you were using the term “forgiveness” in a way somewhat different from its use in either the philosophical/theological tradition or the therapeutic tradition—and why not? You note that, in the absence of repentance, one can and should go beyond the interior work of getting one’s emotions under control to seek just punishment of the wrongdoer, to resist dehumanizing him, to hold oneself open to the possibility of repentance and reconciliation, etc. These are not purely internal activities; they

are *interpersonal*. And you suggest that controlling one's emotions of anger, hatred, etc. is not only good for one's own mental health but morally required.

Back to forgiveness as understood in Scripture and in the philosophical and theological literature. What is the relation of forgiveness, so understood, to punishment? I recall, once again, the remark you once made to me, that a criticism ASJ sometimes gets from certain Christians in Honduras is that, as a Christian organization, it should be urging and practicing the forgiveness of wrongdoers rather than seeking their punishment. If there is to be punishment, let others see to it. The criticism assumes that urging and practicing forgiveness of wrongdoers is incompatible with seeking their punishment. Is that assumption correct?

We are all familiar with cases in which forgiveness of the repentant wrongdoer did include—and rightly so—refraining from punishing him and from seeking to have him punished. The writers of pagan antiquity taught that punishment of wrongdoers is morally required. I interpret Christian Scripture, in what it says about forgiveness, as teaching that it is sometimes morally appropriate to forgive the wrongdoer and not seek his or her punishment.

But does forgiveness *necessarily include* refraining from punishment and from seeking punishment? Is forgiveness incompatible with punishment? Might those Christian critics of ASJ be correct in assuming that practicing forgiveness is incompatible with seeking punishment?

Suppose we adopt, as I think we should, the reprobative or expressive rationale for punishment that I presented in a previous letter (letter #11). Punishment, so understood and practiced, is society's way of forcefully expressing its condemnation of what was done; it is society's way of reproving the wrongdoer. Hasn't punishment, so understood, lost its point if the wrongdoer has repented of what he did? In repenting, the wrongdoer condemns *himself* for what he did. Is there any point in society also expressing its condemnation? Isn't this just "piling on"?

Not necessarily. Punishment may retain its relevance. The point of society forcefully expressing its condemnation of what the wrongdoer did is not to persuade the wrongdoer that what he did was wrong—though it may have that effect. If that were the point, then punishment of repentant wrongdoers would, indeed, be pointless. And if pointless, wrong. The point of society forcefully expressing its condemnation of what the wrongdoer did is to uphold its moral code by forcefully *declaring to one and all* that what he did was wrong. The wrongdoer's repentance does not undermine the social relevance of that declaration. Sometimes it's important for society to make that declaration even if the wrongdoer is repentant. In other cases, it's appropriate for society to forego making that declaration.

What are the implications for your work? I'm not sure. But this much I venture: those who say that ASJ should promote forgiveness by victims rather than seeking punishment of wrongdoers have a mistaken understanding of the proper role of forgiveness in our lives, or a mistaken understanding of the nature of punishment—or perhaps both. Forgiveness of a repentant wrongdoer for what he did to one is compatible with being in favor of society forcefully but justly expressing its condemnation of what he did by punishing him. Practicing forgiveness and seeking just punishment both have a place in the work of ASJ.

Your friend,
Nick