

Thank God for the New Zealand Anti-Terrorist Squad

MATTHEW ALEXANDER FLANNAGAN
Auckland, New Zealand
mattflannagan@gmail.com

1

“*Aramoana*,” in Maori, means “pathway of the sea.” It is the name of a small coastal town, population 261, which is located about 27 kilometers (15 miles) North East of Dunedin in New Zealand’s South Island. When I did my doctoral studies in Dunedin, my family and I visited Aramoana. The town is friendly and peaceful, and it has spectacular wild life and scenery. With flat whites—frothy New Zealand coffee beverages—from the local café in hand, we took in the breathtaking beauty of the harbor, walked along the shell-covered, white sandy beach, and enjoyed up-close encounters with dozens of sea lions on the rocky point. All the while we were watching albatrosses fly into the land on the hill across the harbor. The hill on the other side of the harbor is one of the few places in the world where albatrosses make contact with land on their long journey from Antarctica to Argentina across the South Pacific.

Aramoana is not known in New Zealand for any of these features. Aramoana is a name forever etched in the memory of New Zealanders for a very different reason. On the evening of November 13, 1990, Aramoana resident, David Gray, had a verbal dispute with his neighbor. He then went on a shooting rampage.

For twenty-two hours Gray terrorized the people of Aramoana who, unable to flee, hid in their homes while he stalked the tiny township hunting them down and shooting everyone he found. Gray would not be reasoned with or negotiated with; he opened fire on everyone.

ABSTRACT: On November 14, 1990, David Gray’s twenty-two hour shooting spree ended when the New Zealand Anti-Terrorist Squad (ATS) shot Gray dead. In this paper I argue that Christians should support the existence of state agencies like the ATS who are authorized to use lethal force. Alongside the duty we as Christians have to love our neighbors, live at peace with others and to not repay evil for evil, God has authorized the government to use force when necessary to uphold a just peace within the geographical area over which it has jurisdiction.

The terror ended at 5:50 p.m. the next day. Gray charged police, firing at them with a semiautomatic rifle; the police returned fire and Gray was fatally wounded. He died at 6:10 p.m. *en route* to Dunedin's hospital after having taken thirteen members of his community—including four children and a police officer—with him to the grave. He left another three wounded: two children and another police officer.

In New Zealand police do not typically carry firearms; at least they did not back then. The police who shot Gray that day were members of a special unit called the Anti-Terrorist Squad (ATS). The ATS is authorized to respond to terrorist activity with lethal force if necessary, and after Gray pretended to surrender and then shot a police officer dead, the ATS issued a shoot-on-sight order. Although Gray was a lone individual, had he been acting on behalf of an organization, the result would have been the same: he would have been shot.

The question I want to ask in my essay is this: As Christians, should we condemn the existence of state agencies like the ATS who are authorized to use lethal force? Is there justification for the existence of state forces, armed with automatic weapons, for this purpose?

2

A widely-held view among my fellow theologians is that there is no justification for the state to use lethal force, even against terrorism. I once raised the question of David Gray's killing at an Auckland panel discussion in which I was participating. The topic was on the ethics of killing. The response I received from those theologians present with pacifist tendencies was evasive. While none of them seemed able to bring themselves to publicly condemn the state authorized killing of David Gray, they did not approve of it either. The general response was to cite Jesus's teachings to love your enemies, refrain from seeking revenge and overcome evil with good. Encouragement was given to those listening to think on how these things can be reconciled with the concept of allowing governments to kill.

I want to look a little more closely at what Paul had to say on these things. My starting assumption is that Paul was a faithful expositor of Jesus's teaching; in Romans 12:17–20 Paul expounded on Jesus's teaching on this topic as follows:

Do not repay anyone *evil* for *evil*. Be careful to do what is right in the eyes of everyone. If it is possible, as far as it depends on you, live at peace with everyone. Do not take *revenge*, my dear friends, but leave room for *God's wrath*, for it is written: "It is mine to *avenge*; I will repay," says the Lord. On the contrary:

"If your enemy is hungry, feed him;

if he is thirsty, give him something to drink.
In doing this, you will heap burning coals on his head.”

Do not be overcome by evil, but overcome evil with good.

Note the words Paul uses here. Paul talks about not taking “revenge” upon those who do “evil”; instead he instructs us to leave room for the “*wrath of God*.” Note also that the reason he gives for this: taking revenge is a kind of metaphysical vigilantism. The right to take revenge belongs to God; if his readers take revenge, they are usurping for themselves an authority they don’t have.

Many stop reading there; however, the text immediately proceeds into Romans 13:1–6:

Every person is to be in subjection to the governing authorities. For there is no authority except from God, and those which exist are established by God. Therefore whoever resists authority has opposed the ordinance of God; and they who have opposed will receive condemnation upon themselves. For rulers are not a cause of fear for good behavior, but for *evil*. Do you want to have no fear of authority? Do what is good and you will have praise from the same; for it is a minister of God to you for good. But if you do what is *evil*, be afraid; for it does not bear the sword for nothing; for it is a minister of God, an *avenger* who brings *wrath* on the one who practices *evil*. Therefore it is necessary to be in subjection, not only because of wrath, but also for conscience’ sake.

Paul is saying that the governing authorities that exist on earth have been “ordained by God,” that they do not “bear the sword” for nothing, and that God’s servant is an “*avenger* who brings *wrath* on the one who practices *evil*.” The words I have italicized in the passages from chapter 12 are the same (or cognate) words in the Greek as the words I highlighted in the passages from chapter 13.

Paul is saying that governments not only do these things but that they have the authority of God to do so. “The authorities that exist have been established by God” (v.2); whoever rebels against them “is rebelling against what God has instituted” (v.3); and, it is necessary to submit to governments “not only because of possible punishment but also as a matter of conscience” (v.5). Governments, therefore, act as God’s servants when they do so.

The chapter division between chapter 12 and chapter 13 is not in the original text; so these passages should be read together. When they are, these verses show Paul drawing a distinction between authorized and unauthorized uses of force. The very thing Paul’s audience lacks the authority to do in regard to not repaying evil for evil is what the government has been given the legitimate authority by God to do.

In other contexts, this distinction between what governments have a right to do and what private individuals have a right to do is commonplace.

It would be wrong and criminal for a private citizen to take another person's property by force, even if they believed the money was going to a worthy cause. However, governments do this all the time when they impose taxes. It would be blackmail and false imprisonment for me to lay down laws for my neighbor to obey and then deprive her of her liberty if she fails to comply. Yet governments can legitimately lay down laws for others and incarcerate criminals who do not comply with them. Governments hold a monopoly on certain uses of force and, hence, have rights to use force that private citizens do not. The fact that people who don't hold any political office have duties to refrain from certain forms of violence, force, and retribution does not mean that governments have the same duty.

3

Classically the just war theory is based on the premise that Paul appears to affirm: that a government has the right and duty to use force to uphold a just peace within the geographical area over which it has jurisdiction. If a criminal attempts to rape or kill a person within the geographical realm over which a government has authority, then that government can justifiably use force to prevent this, and it can also legitimately use force to try and punish anyone who does these things—hence, the existence of a legislature, police force, courts, and prisons.

Just war theorists simply argue that there seems no reason why this would not extend to when the person committing the offence is a soldier from another country as opposed to a domestic criminal. In his book *Principles of Conduct*, John Murray captures this idea well when he asks: “by what kind of logic can it be maintained that the magistrate, who is invested with the power of the sword (Romans 13:4), may and must execute vengeance upon evil doers within his own domain but must sheath the sword of resistance when evil doers from without invade his domain.”¹ Just war theorists argue that for a war to be just, it must meet six requirements (though the sixth is often divided into two):

- (1) It must be fought for a just cause and aim.
- (2) It must be prosecuted by someone with the lawful authority to do so.
- (3) It must be a last resort.
- (4) There must be a reasonable chance of success in prosecuting the aims.
- (5) The cost incurred by going to war must not be greater than the evil being opposed.

1. John Murray, *Principles of Conduct: Aspects of Biblical Ethics* (Grand Rapids, MI: Eerdmans, 1957), 115.

- (6) The force used in prosecuting the war must be both proportionate and discriminate, force must be aimed at combatants and not non-combatants.

These criteria come from reflection on the circumstances in which governments are permitted to use force to uphold justice in general. Criteria (1) and (2), read together, reflect the notion that private citizens do not have a right to pass laws binding on—in the present case—all New Zealand citizens and back these up with force—only the government can do this. It is only morally permissible for the government to do this when it does so to uphold justice—to protect people living within its borders from injustice and to punish those guilty of crimes. Governments do not have the right to take people's life, liberty or property at whim.

The idea of war being a last resort, (3), is also simply an extension of principles of normal governance. The police are expected to not use force unless arrest is resisted. If they are dealing with a hostage situation, they try to negotiate with the hostage-taker first. However, in the world we live in, hostage-takers sometimes start shooting, people refuse to come quietly, or they pretend to surrender so they can gain an opportunity to do more harm; force then becomes necessary and justified, albeit regrettably so.

It is also a principle of normal governance that things need to be feasible; this comes through in (4), the government should not authorize force, even to prosecute a just cause, unless it believes there is a reasonable chance of success in doing so. It is unjust to ask persons to sacrifice their property, resources, freedom, or themselves in vain for an end that cannot actually be achieved.

There are plenty of unjust actions that governments do not criminalize or aggressively prosecute because the evils of doing so are greater than simply tolerating the offense. It is unjust to be lied to. It is unjust for people to give insults. It does not follow that the government should invest time and resources trying to prevent these actions through legislation and enforcement. Police often refuse to prosecute offenses they consider trivial or not worth police time and resources; they limit their focus to what is serious. We do not expect the police to do anything about liars, but we do expect them to act against serial killers and rapists because the evil being done by the latter outweighs these concerns. War is not in a special category here, which is the idea behind (5): the cost incurred by going to war must not be greater than the evil being opposed.

Finally, we get to (6)—the idea that any force used must be proportionate and discriminate. If a state uses force justly, then the force used will be proportionate to the injustice being rectified. A just government imposes more severe coercive penalties on a premeditated killer than it does against a teenager who smashes windows. While someone smashing my windows is engaging in unjust aggression against my property, the force used to stop this

should be more measured than that employed in a hostage situation where the criminal has started killing hostages.

The force must also be discriminate. Paul's contention is that the government "are God's servants, agents of wrath to bring punishment on *the wrongdoer*." When functioning as God's servant, "rulers hold no terror for those who do right, but for those who do wrong." Governments can justly use force against people engaging in aggression against citizens but not intentionally against third parties who are not engaging in this aggression.

Of course, no war ever meets these criteria perfectly but neither does any court system, legislature, or police force. Even in a relatively just society, courts make mistakes and innocent people go to jail. Sometimes armed police mistakenly shoot the wrong person. There are difficult situations where criminals use human shields. Even in a relatively just society, there are corrupt police and judges. None of this inclines us to reject the idea that a government has the right and duty to use force to uphold justice within the geographical area over which it has jurisdiction.

We accept that people are fallible. We expect that governments should take reasonable precautions to avoid such errors and that rules governing investigation, evidence, corruption, and so on will be put in place and that honest attempts will be made to enforce them. We know that, despite this, the system will still fail on occasion and innocent people will be harmed, and we accept this. We don't demand an end to courts, police or legislation because of this. Just war theory submits that we should take the same approach to force used by the state against external aggressors.

This conclusion applies whether the external aggressor is a uniformed soldier in a conventional army or a terrorist, who is ostensibly a member of the civilian population whose aim is to indiscriminately kill and maim people. As Alexander Pruss argues, "When the invading army marches in, burning crops and murdering citizens, they are breaking the victim country's laws. If problematic violence is permitted to enforce the laws of one's territory, it should be permissible to use problematic violence to stop them."² Terrorists kill and burn in the same way the soldiers of invading armies do, and their actions are no less contrary to the victim country's laws.

4

The events at Aramoana on November 13, 1990, brought home an unpleasant truth to New Zealanders who were used to believing these kinds of things happen overseas, typically in America, and not here at home. This truth is that there are people in the world who intentionally terrorize and indiscriminately kill men, women, and children, and who can only be realis-

2. Alexander Pruss, "Pacifism," <http://alexanderpruss.blogspot.co.nz/2009/01/pacifism.html>.

tically stopped with violence. For that reason, the New Zealand government has the ATS.

Alongside the duty we as Christians have to love our neighbors, live at peace with others—as much as it depends on us—and not repay evil for evil, God has ordained the government to use force when necessary. It is not “either-or.” It is “both-and.”