



Beyond Retribution: A New Testament Vision for Justice, Crime, and Punishment, Christopher D. Marshall, William B. Eerdmans Publishing Company, 2001, 342 pages.

by Wayne Northey

A few years ago, at a VOMA (Victim Offender Mediation Association) conference in Des Moines, Iowa, I saw a plaintive note on a bulletin board: DOES ANYONE KNOW OF ANY VIDEO RESOURCES THAT ARE NOT RELIGIOUS?!

Restorative Justice in North America, birthplace of its contemporary worldwide expression, grew out of the religious community, specifically in the mid-seventies in the Mennonite community of Kitchener, Canada, as an explicit response to a religious problem. No culture exists without religious foundation, claims anthropologist René Girard. If, as Girard continues to explain in an expansive theory of the genealogy of violence¹, a “scapegoat mechanism” is generated by religion to address the problem of violence, by which sacrificial victims are immolated to restore peace and social cohesion, then religion just may be the source of the corrective to universal scapegoating violence as well.²

Beyond Retribution is a stirring instance of rereading the Judeo-Christian founding texts to provide a basis, not for continued scapegoating violence in the Western secular state (however with many trappings of a bygone religious era still intact in a secular setting!³), but for a profound redirection of traditional interpretation of those texts away from violence, “beyond retribution”, towards, biblically, *shalom*, reconciliation and forgiveness.⁴

This book is central to “secular” Western culture, steeped ineluctably in Judeo-Christian trappings, in its quest to move towards Restorative Justice. “It is an irony of history”, claims Religious Studies professor James Williams, “that the very source that first disclosed the viewpoint and plight of the victim is pilloried in the name of various forms of criticism... However, it is in the Western world that the affirmation of ‘otherness,’

¹ Charles Bellinger (2000) argues that René Girard and Søren Kierkegaard are the West’s most profound theorists on the cultural origins of violence.

² This is in fact the “third great moment of discovery” for Girard, according to him. “The third great moment of discovery for me was when I began to see the uniqueness of the Bible, especially the Christian text, from the standpoint of the scapegoat theory. The mimetic representation of scapegoating in the Passion was the solution to the relationship of the Gospels and archaic cultures. In the Gospels we have the revelation of the mechanism that dominates culture unconsciously (Williams, p. 263).” Girard has since published a full discussion of his reading of the New Testament anthropologically with reference to violent origins in *I See Satan Fall Like Lightning* (2001).

³ In *Scapegoats, the Bible, and Criminal Justice: Interacting with René Girard* (1993), Vern Redekop asks: “Is it possible that what we call a criminal justice system is really a scapegoat mechanism (Redekop, p. 1)?” His response is: “In a secular democratic society, nothing is as sacred as the law code and the justice system which enforces it. The buildings in which laws are made are the most elaborate and the courts in which decisions are made about points of law are the most stately. Formality, uniforms, and respect surround the agents of law (*ibid*, p. 16).” He concludes: “It is possible to think of the criminal justice system as one gigantic scapegoat mechanism for society (p. 33).”, and illustrates convincingly.

⁴ A similar orientation is found in the publication of *The Spiritual Roots of Restorative Justice* (Hadley, 2001), to which this reviewer co-contributed the chapter on Christianity. It is germane to point out however that the impetus for this publication was the already established tradition from the Christian faith community of rereading its sacred texts in a nonsacrificial way, in the direction of Restorative Justice.

especially as known through the victim, has emerged. And its roots sink deeply into the Bible as transmitted in the Jewish and Christian traditions... the standpoint of the victim is [the West's] unique and chief biblical inheritance. It can be appropriated creatively and ethically only if the *inner dynamic* of the biblical texts and traditions is understood and appreciated. The Bible is the first and main source for women's rights, racial justice, and any kind of moral transformation. The Bible is also the only creative basis for interrogating the tradition and the biblical texts (Williams, pp. 195 & 196)."

In response to the Judeo-Christian sacred texts, two broad approaches have been taken: rejecting the texts wholesale in a bid to find a higher humanism; or reinterpreting them in the process of "appropriating their inner dynamic". The former is culturally akin to cutting off the nose to spite the face. The latter is demonstrated by Marshall who has, with this publication, set a new benchmark in biblical studies on justice, crime, and punishment.⁵ With it, one arguably sees the Bible as "the first and main source" for the emerging phenomenon of Restorative Justice.

In 1965, noted New Testament scholar C.F.D. Moule published an article in a little known Swedish academic journal. Entitled "Punishment and Retribution: An Attempt to Delimit Their Scope in New Testament Thought", he began with this observation: "It is likely, I know, that many readers - perhaps most - will find themselves in disagreement with the radical thesis I am about to present. But my hope is that time will not have been wasted - whatever the conclusions reached - because the thesis leads us in any case to ponder, once more, the very heart of the Gospel." He continued with a terse summary of his conclusions: "What I offer for your consideration is the thesis that the word 'punishment' and other words related to it (especially 'retribution') have, if used in their strictly correct sense, no legitimate place in the Christian vocabulary (Moule, 1965, p. 21)."

His was a clarion call for the Judeo-Christian tradition to move "beyond retribution" in its appropriation of the sacred texts. Thirty-six years later, New Testament scholar Chris Marshall has published a book-length study with similar conclusions. There has been nothing like it in the interval.

The study is wide-ranging. Section one, "Introduction", considers various Christian sources of moral guidance; early Christian witness from the "underside" ("they write as, to, and on behalf of the victims of abusive state power (p. 16)"); and how Christian faith

⁵ Since this publication, Willard Swartley set the standard in biblicist peace studies for years to come with publication of *Covenant of Peace: The Missing Peace in New Testament Theology and Ethics* (Eerdmans, 2006). Richard Hays writes of the publication:

Willard Swartley's powerful, comprehensive study of the theme of peace in the New Testament is his magnum opus... it is nothing less than a comprehensive theology of the New Testament presenting peace as the heart of the gospel message and the ground of the New Testament's unity.

In this respect, Swartley's achievement is reminiscent of John Howard Yoder's landmark study *The Politics of Jesus*: he presents readers with the radical—and remarkably persuasive—claim that to focus on peacemaking is to recover what the New Testament is all about (<http://www.christiancentury.org/article.lasso?id=3329>).

In this respect, this massive study fully complements Marshall's thesis that *crime is a peace[making] issue* – a Mennonite Central Committee poster and title of an MCC book (minus the bracket) I edited years ago.

speaks to the public arena (neither “directly and legalistically to the machinery of the state” nor “irrelevant to wider social issues (p. 31).”) Marshall states here that his “main intention is to survey a broad range of New Testament texts pertinent to the subject of crime and punishment in order to ascertain the extent to which they reflect what might be called a vision of restorative justice (p. 32).” As to the contour of that vision, “My premise is that the first Christians experienced in Christ and lived out in their faith communities an understanding of justice as a power that heals, restores, and reconciles rather than hurts, punishes, and kills, and that this reality ought to shape and direct a Christian contribution to the criminal justice debate today (p. 33).”

In the second part Marshall considers “The Arena of Saving Justice”, with a look at Paul and Jesus, seeing in Paul *Justice As the Heart of the Gospel, Divine Justice as Restorative Justice, Justification by Faith as Restorative Justice*, and the work of Christ (atonement) as *Redemptive Solidarity, Not Penal Substitution*. With this last heading Marshall challenges directly the longstanding dominance of atonement as “satisfaction” and “penal substitution”, both retributive constructs, which historian Timothy Gorringer in a study of the impact of such understanding upon the development of western criminal law declares to be a “mysticism of pain which promises redemption to those who pay in blood (Gorringer, 1996, p. 102)⁶”. Marshall writes: “The logic of the cross actually confounds the principle of retributive justice, for salvation is achieved not by the offender compensating for his crimes by suffering, but by the victim, the one offended against, suffering vicariously on behalf of the offended - a radical inversion of the *lex talionis* [law of retaliation] (pp. 65 & 66).” Finally, he sees Jesus as embodiment of God’s justice, and his way as non-retaliation.

In the third Section, “Punishment That Fits”, Marshall looks at the *Purpose and Ethics of Punishment*, and after discussing all the main theories considers the notion of “Restorative Punishment”, which he believes is *Punishment as the Pain of Taking Responsibility*.

With the fourth Section, “Vengeance is Mine”, Marshall looks at divine and human justice, including the issue of “Final Punishment”, the doctrine of hell. His overall conclusion is, “Restoration, not retribution, is the hallmark of God’s justice and is God’s final word in history (p. 199).”

The fifth Section, “Justice That Kills”, spends fifty pages on the issue of capital punishment. It should be no surprise that Marshall finds no biblical mandate for the death penalty. “Capital punishment is incompatible with a gospel of redemption and reconciliation (p. 253).”, he sums up.

The final Section, “Conclusion”, presents *Forgiveness as the Consummation of Justice*. Marshall discusses the South African Truth and Reconciliation Commission headed by Bishop Desmond Tutu as illustrative of the attempt at a political application of forgiveness. He quotes Tutu saying, “[W]ithout forgiveness, there is no future (p. 283).” This is also argued persuasively in Donald Shriver’s *An Ethic for Enemies: Forgiveness in Politics* (1995). “Forgive and forget” gives way to “Remember, forgive, and be free.”

⁶ Reviewed earlier in *Contemporary Justice Review* [Northey, 1998].

The book is well written, cogently argued, and widely researched. Few key books are left out of discussion, such as Shriver's noted just above. Another is Sister Helen Prejean's *Dead Man Walking*. In the words of a reviewer on the back cover (Graham N. Stanton), "There is no comparable discussion [anywhere]."

Richard Hays in *The Moral Vision of the New Testament* (1996) states that *tradition, reason, and experience* throughout history have prevented biblical Christians from living out the radical nonviolence of the Gospel. Chris Marshall has pointed the way of such a biblical reading in response to crime and justice. Will biblical Christians and a secular culture profoundly impacted by biblical revelation rise to the challenge, or settle as so often for sub-biblical, even non-biblical views about retribution? This book stands as direct challenge to embrace a justice "beyond retribution" "that manifests God's redemptive work of making all things new (p. 284)."

Marshall's publication also demonstrates how important it is to read informed biblical reflection on social issues. All cultures, secular Western societies no less, are profoundly religious. A Christian reading of Marshall's book is immensely hopeful, both about theological contributions to the public square and the future of Restorative Justice. A secular reading of Marshall's book is highly educative in understanding both the religious roots of retributive justice, and the religious basis for critiquing those very origins.

References

Bellinger, Charles I. (2000). *The Genealogy of Violence: Reflections on Creation, Freedom, and Evil*, New York: Oxford University Press.

Girard, René (2001). *I See Satan Fall Like Lightning*, Mahwah, N.J.: Paulist Press.

Gorringer, Timothy (1996). *God's Just Vengeance: Crime, Violence and the Rhetoric of Salvation*, Cambridge: Cambridge University Press.

Hadley, Michael, ed. (2001). *The Spiritual Roots of Restorative Justice*, New York: SUNY Press.

Hays, Richard B. (1996). *The Moral Vision of the New Testament: A Contemporary Introduction to New Testament Ethics*, Harper.

Moule, C.F.D. (1965). "Punishment and Retribution: An Attempt to Delimit Their Scope in New Testament Thought", in *Svensk Exegetisk Arsbok* 30, pp. 21 - 36.

Northey, Wayne, "Book Review, *God's Just Vengeance: Crime, Violence and the Rhetoric of Salvation*", *Contemporary Justice Review*, Dennis Sullivan, Editor, Volume 1, Number 1, 1998.

Prejean, Sister Helen, *Dead Man Walking: An Eyewitness Account of the Death Penalty in*

the United States, New York: Vintage Books, 1993.

Redekop, Vern (1993). *Scapegoats, the Bible, and Criminal Justice: Interacting with René Girard*. Akron: MCC U.S. Office of Criminal Justice/MCC Canada Victim Offender Ministries.

Shriver, Donald W. (1995). *An Ethic for Enemies: Forgiveness in Politics*, New York: Oxford University Press.

Williams, James G. (1996). *The Girard Reader*, New York: Crossroad Herder.

Williams, James G. (2000). "King as Servant, Sacrifice as Service: Gospel Transformations", in Willard M. Swartley, ed., *Violence Renounced: René Girard, Biblical Studies, and Peacemaking*, Telford: Pandora Press U.S.