

Call For a Church Apology *Vis À Vis* Crime and Punishment

by Wayne Northey

It is proposed that Western Churches issue an apology to all parties to crime for the past millennium of inappropriate response to crime promulgated by dominant Christendom.

When Anselm of Canterbury wrote *Cur Deus Homo* (Why God Became Man) in the 11th century, the Church gradually changed the nature of the understanding of God, salvation, grace, law, sin, and crime. God became increasingly a “sentencing Judge”, salvation became something earned, sin, crime and law became separated from their natural settings of mercy and grace.

Sin was changed into something so terrible, it evoked the most destructive imaginable wrath of God – a promised hell far worse than the direst punishments perpetrated by humanity. In order to respond to crime, the Church in the 11th century accorded the State the right to punish severely. It was part of divorcing the secular from the religious, a heresy (false choice) originating from within the Church, growing to fruition in the Enlightenment and modernity. It became a God-given duty to deal with people on the temporal level as God surely would deal with them on the eternal plain. It was the ultimate double jeopardy!

Some crimes were still subsumed under a concept of *tort*, whereby appropriate amends aimed at restoring peace between the parties involved was in order. But other crimes were to be responded to by penalty (Latin, *poena* = pain), since they were ultimately against God and evoked God’s full wrath as surely as the fires of hell were appropriate for the sinner.

The tragedy of this theological understanding, originated by Anselm in the first systematic discussion of a theory of atonement, further developed by the prolific and brilliant work of Aquinas, and echoed by countless Western theologians ever since, is: it reflected predominant pagan perceptions of God, describing a “god” overwhelmingly of wrath and punishment, which was what “justice” meant in the Bible according to these interpreters. In fact, these theologians were describing *Mars*, the pagan god of war, and *Justicia*, the goddess of retributive justice. There has ever after been a declaration of war on crime which has been as destructive and contrary to God’s way as all war (II Cor. 10); there has ever since been a highly punitive response to offenders at odds with God’s response to his enemies (Luke 6; Romans 5).

Their theology was more reflective of the feudal social structure of the time. In this dominant social reality, the lord of the manor held absolute sway over the serfs, the power of life and death, like God, and had every right to exact the most terrible punishments for wrong-doing. When this social construct was mixed with a Roman understanding of justice (upon the rediscovery of Justinian law codes in the 11th century), an understanding wherein justice was defined strictly in terms of “give everyone his due”, the potion so mixed became deadly ever after for all affected by crime.

God was pictured as primarily a god of punishment, a wrathful god prepared to exact the fullest amount of punishment possible from his subjects – just like a feudal lord. The State was to deliver this temporal hellish punishment, due to the longstanding aversion of the Church to shed

blood. This opposition was of course an echo of the widespread pre-Constantinian position. *Ecclesia abhorret a sanguine* (the Church abhors the shedding of blood) was its watchword. So, ultimately, in a misappropriation of Romans 13, the Church handed over this task – “the sword” – to the State.

The Church not only blessed the State in a retributive response to crime, it actually supplied a theological rationale. The State must do temporally what God would do eternally: *punish the wrongdoer*. The Church blessed fully the concept of Judge as primarily Condemner (certainly with no hint of “healing in his wings”), and the concept of justice as essentially retributive. It ignored the forensic context of Matt. 7: 1: “*Do not judge [condemn], or you too will be judged.*”, or of John 3: 17: “*For God did not send his Son into the world to condemn the world, but to save the world through him.*” The Church eventually blessed capital punishment as God-ordained, torture and temporal suffering directed towards the miscreant as normative, and (beginning in the late 18th century) the use of prison as punishment.

What the Church of the Middle Ages and since missed, however, was that God does not deal with us according to our sins, but by grace. God’s forgiveness is in the end the fire of hell, one which poises to burn away in love every vestige of a self-consumed ego. The dominant picture of God in the New Testament is of a nurturing, supportive, forgiving and loving heavenly Father (or a Mother Hen) - like the one in the story of the Prodigal Son, who offers forgiveness before there has been a word uttered of repentance. This image of God was Paul’s central statement on the atonement in Romans 5:6 - 11. God’s response to sin in the New Testament is consistently his accountability forgiveness, the ultimate fire of hell (Hebrews 12:29), which is anything but Liberalism’s “cheap grace”.

According to many historians, the Church is the great promulgator and purveyor of the retributive justice system which dominates Western states. The Church is directly responsible for mediating to the secular State a concept and practice of justice alien to the central biblical thrust of *shalom*. This alien approach is reflective of pagan Greek and Roman ideas of justice, and destructive of persons for whom *Justice Himself* was crucified (Romans 3). Evil triumphed in foisting an alien punitive ideology upon the Church in the 11th century. Many see this to be directly connected to the “Great Reversal” of the fourth century when Emperor Constantine politically embraced the Church with a Judas kiss, which led to the Church’s betrayal of its earlier stance of love and mercy towards the enemy, including “public enemies” of the State – criminals. And when the State owned the crime (for example *Regina vs criminal*), a Western phenomenon beginning already in the 12th century, real victims of crime and for centuries were consequently orphaned from justice.

*In light of the above an official apology is proposed for nearly a thousand years of unmitigated Church-blessed abuse in the criminal justice field. We believe that all parties to crime have been deleteriously affected by the Church’s theology and encouraged practice of retributive justice. The **victim** has been lost to view in favour of overwhelming State resources directed towards the apprehension and punishment of the wrongdoer; the **affected community** has been victimized by endless fear in response to crime due to a Church which failed to teach community ownership and movement towards healing *vis à vis* crime; the **offender** has been permanently stigmatized, tortured, physically and psychologically mutilated, imprisoned, and killed due to the Church’s affirming and actively promulgating (like Saul of Tarsus towards the early Church) a view of*

justice opposite to the biblical understanding which ceaselessly strives to make peace and offers forgiveness limitlessly (Romans 5: 6 - 11; Matthew 18). All parties to crime are owed a profound apology by the Church.

Words are cheap, and so are apologies, unless backed up by action. The Church is called to commit to continued and renewed efforts to reverse retributive systems of justice. We are called to use all the resources and creativity at our disposal; we should endeavour to foster alternative ways and understandings of justice through program development and operation, media awareness raising; prophetic challenge.

We call the Church to commit to the message: **NO MORE ABUSIVE RESPONSE TO CRIME BY COMMISSION OR OMISSION IN THE CHURCH'S OR JESUS' NAME!**

Corroborative Reading

A Restorative Justice Reader: Texts, Sources, Context, Gerry Johnstone, Cullompton: Willan Publishing, 2003.

Beyond Retribution: A New Testament Vision for Justice, Crime, and Punishment, Christopher D. Marshall, Grand Rapids: Eerdmans, 2001.

Constantine versus Christ: The Triumph of Ideology, Alistair Kee, London: SCM Press Ltd., 1982.

Crime Control as Industry: Towards GULAGS, Western Style, Nils Christie, London: Routledge, 1995.

Criminology as Peacemaking, Ed. by Harold E. Pepinsky and Richard Quinney, Bloomington: Indiana University Press, 1991.

Das Recht im Dienst der Versöhnung und des Friedens: Studie zur Frage des Rechts nach dem Neuen Testament. Siegfried Meurer, Zürich: Theologischer Verlag, 1972.

Discipline and Punish: the Birth of the Prison, Michel Foucault, translated from the French by Alan Sheridan, New York: Vintage Books, 1995.

God and the Victim: Theological Reflections on Evil, Victimization, Justice, and Forgiveness, Lisa Barnes Lampman, Editor; Michelle D. Shattuck, Associate Editor, Grand Rapids: Eerdmans, 1999.

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

Have You Seen Candace?: A True Story of Faith and Forgiveness, Wilma Derksen, Wheaton: Tyndale House Publishers, Inc., 1991.

Her Gates Will Never Be Shut: Hope, Hell, and the New Jerusalem, Bradley Jersak, Eugene: Wipf & Stock, 2009.

Justice as Sanctuary: Toward a New System of Crime Control, Herman Bianchi, Bloomington: Indiana University Press, 1994.

Law and Revolution: The Formation of the Western Legal Tradition, Harold J. Berman, Cambridge and London: Harvard University Press, 1983.

Limits to Pain, Nils Christie, Oxford: Martin Robertson, 1981.

No Future Without Forgiveness, Desmond Mpilo Tutu, New York: Doubleday, 1999.

“Punishment and Retribution: An Attempt to Delimit Their Scope in New Testament Thought”, C.F.D. Moule, in *Svensk Exegetisk Årsbok* 30, pp. 21 – 36, 1965. (Reprinted often: most recently in *Stricken By God?*, listed below.)

Restoring Justice, Daniel Van Ness and Karen Heetderks Strong, Cincinnati: Anderson Publishing Company, 1997.

Shalom: The Bible’s Word for salvation, justice, and peace, Perry B. Yoder, Newton: Faith and Life Press, 1987.

Stricken By God?: Nonviolent Identification & the Victory of Christ, Edited by Brad Jersak and Michael Hardin, Abbotsford: Fresh Wind Press, 2007.

The Death Penalty: An Historical and Theological Survey, James J. Megivern, New York: Paulist Press, 1997.

The Fall of the Prison: Biblical Perspectives on Prison Abolition, Lee Griffith, Grand Rapids: Eerdmans, 1993.

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