

# **The Work of Christ, the Work of Restorative Justice, Harrison Gospel Chapel, April 21, 2002**

## *Introduction*

“Violence is the ethos of our times. It is the spirituality of the modern world (Wink, 1992, p. 13).”, writes one contemporary cultural observer and New Testament theologian, Walter Wink. More pervasive than any religious spirituality, including Christian, violence is *the* cultural air we breathe like no other. Living after the events of September 11, if any further proof was needed, we surely know this profoundly.

How can this be so after 2,000 years of Christian influence on worldwide culture?

I used to think that addressing violence within any Mennonite church was a bit like taking coals to Newcastle: superfluous. And one would think as an outsider to Christian faith that claims to follow the “Prince of Peace” would show massively in peacemaking initiatives from the Christian church throughout all church history. Such has not been the case. This despite what one New Testament scholar calls the “univocal” (one-voiced) message of the New Testament for non-violence (Hays, 1996, p. 329).

This past century has seen more people slaughtered than all previous centuries of recorded history combined – over 110 millions dead in wars and regional conflicts. The tragedy is, committed Christians have led, blessed, and participated in much of this killing, and continue to do so into the third millennium.

Whatever happened to following Jesus on the issue of violence?

In answer to that vexing, incredibly urgent question, I want to consider Christian teachings on the atonement, the work of Christ. I will discuss the atonement against the backdrop of what I know best, criminal justice, drawing on the passages read today.

## *Views of the Atonement*

There are well over twenty shades or nuances in the New Testament of the meaning of “atonement” – Christ’s work on the Cross. In the history of the church, four of those theories have dominated, one in particular since the eleventh century in the Christian West. It is called the “satisfaction theory of the atonement”.

The Scriptures we have read together this morning reflect some New Testament perspectives on the atonement, in particular, the understanding of the atonement as *reconciliation and peacemaking*. Did you notice how the word “reconciliation” courses through the passages read [Rom. 5:6 – 11; II Cor. 5: 17 – 20]? Yet strangely, in the long history of the church, this understanding of the atonement did not emerge as one of the

four prominent interpretations.

I may *stretch* our understandings this morning, push at the intellect a bit. Please bear with me. But first, a story.

*The Atonement and Western Penal Law*<sup>1</sup>

In March, 1773, in England, an eighteen-year-old youth, John Wilkes, was sentenced to death for a break and entry into a house and later a robbery of a watch and money from a man on the public highway. He appealed to Rev. Joseph Fletcher, an Anglican divine, for help in having the sentence commuted. The youth's parents had both died earlier, and Wilkes was in many ways pitiable, a fact fully known to the Anglican priest. Rev. Fletcher was universally considered an 18th-century St. Francis, "the holiest man this side of eternity", by contemporary John Wesley's account. In particular he was renowned for his commitment to caring for the poor. Nonetheless, he adamantly refused to intervene on Wilkes' behalf. After the youth's execution, Fletcher published a letter he had written Wilkes, which had urged him to "confess your crimes, and beg the Son of God, the Lord Jesus Christ, to intercede for you, [for] it is not too late to get your soul reprieved." He continued by promising that God Almighty "will deliver you out of the hands of the *hellish* executioner" and "will help you to die the death of the penitent (quoted in Gorringer, 1996, p. 3)." According to Fletcher, Wilkes died a convert, a fact gloriously published by him after the youth's execution.

Now Father John Fletcher and his colleagues were genuinely concerned for the poor. One Christian historian therefore plaintively asks: "How was it that they could see people like Wilkes, whose hopeless background they perfectly understood, go to the gallows for offences which were trivial and which involved no violence against the person, without exerting themselves to have the sentence commuted? (Gorringer, 1996, p. 5)"

One might similarly ask, with regard to contemporary Western law: How can harsh sentences be embraced as Christian by followers of the One who said: "[God] has sent me to proclaim freedom for the prisoners... (Luke 4:18)", and "I desire mercy, not sacrifice (Matt. 12:7)"; and who himself was executed by the best legal system of the day (Roman), and by guardians of arguably the high point of then contemporary religious spirituality (Judaism)? How is it that many North American Bible-believing Christians readily support the contemporary "war on terrorism", and thereby, according to a recent statement by Tony Campolo, have set Christian missions back 1,000 years?

Something happened to Christian spirituality between the Cross, originally *a primary symbol of reconciliation and peacemaking*, and the Cross, throughout most of Christian history, *symbol for harsh penal justice and military conquest*. Christian spirituality initially had a profound cultural thrust that broke with dominant scapegoating of victims. In honouring and worshipping an executed criminal, early Christians became irksome

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<sup>1</sup> Throughout this section, I am drawing fairly extensively upon Allard and Wayne Northey (2001).

dissidents to the dominant mythology of culturally and state-sanctioned scapegoating violence.

How did Christian spirituality move from an initial profound disavowal of state-sanctioned scapegoating violence, to an embrace of the very state violence that killed its Founder? How did Christianity consequently come to initiate the punitive and retributive Western penal law system that has been in place for almost a millennium?

From a biblical/Christian concept of justice where the victim's voice is the primary voice and where a dynamic attempt at reconciliation, restoration, transformation and shalom between offender, victim and community is centre-stage, there was a progressive move to a concept of justice where the *emerging State* became central and *retribution* dominant.

How did this happen?

### *The Satisfaction Theory of the Atonement*

There was in the eleventh century the presentation of a *theology of satisfaction* under the influence of the treatise, *Cur Deus Homo (Why God Became Man)* by Saint Anselm of Canterbury, England. Explains one author: "However broadly Anselm conceived justice, reason required that he stop at the boundary of grace. God is bound by his own justice. If it is divinely just for a man to pay the price for his sins, it would be unjust, and therefore impossible, for God to remit the price. In *Cur Deus Homo* Anselm's theology is a theology of law."

He continues: "Before the time of Anselm (and in the Eastern Church still) it would have been considered wrong to analyze God's justice in this way. It would have been said, first, that ... the whole exercise of a theology of law is a contradiction in terms. And second, it would have been said that it is not only, and not primarily, divine justice that establishes our relationship with God but also, and primarily, his grace and his mercy; that is his grace and mercy, and not only his justice, which explains the crucifixion, since by it mankind was ransomed from the power of the devil and the demons of death – the very power which had procured the slaying of Jesus in the first place but which then itself was finally conquered through the resurrection (Berman, 1983/1997, p. 180)."

Anselm's theory profoundly influenced the Western "cultural affect" of structured criminal justice systems in all subsequent centuries. Although his theology of 'satisfaction', of 'atonement'<sup>2</sup> was never proclaimed as the official doctrine of the Christian church, it was widely accepted both in Catholicism and Protestantism and was

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<sup>2</sup> There have been four discernible views of the atonement in the history of the church (Bellinger, 2001, pp. 134ff), of which the second, the "satisfaction theory", has been the most dominant in Western history since the 11th century. "The second group of theories may be said to have originated with Anselm, who saw sin as dishonor to the majesty of God. On the cross the God-man rendered satisfaction for this dishonor. Along similar lines the Reformers thought that Christ paid the penalty sinners incurred when they broke God's law (Morris, 1974, p. 83)."

to have negative effects especially when applied to the criminal justice system<sup>3</sup>. Over the differing voices of many other Western Christian interpreters, Anselm's voice remained the strongest.

Comments one astute historian: "For the Church Fathers, it is the devil who – illegitimately – insists on the payment of the debt incurred by humankind. Anselm inverts this. Now it is God who, legitimately, exacts the payment of debt... In both Old and New Testaments an indebted person could be 'redeemed' by the payment of his or her debt. Jesus, following Deuteronomy, insists on the cancelling of debt as a fundamental aspect of Christian practice. Anselm, however, makes God the one who *insists* on debt. The debt humanity has incurred must be paid with human blood. The God who rejected sacrifice now demands it... From the start sacrifice and satisfaction run together... The God who liberates from law is now, in Anselm, understood as hypostasised, personified law... What remains... is a *mysticism of pain which promises redemption to those who pay in blood*. In this move a most fundamental inversion of the gospel is achieved, which prepares the way for the validation of criminal law as the instrument of God's justice instead of what it is in the gospel, an alienating construction which is at best a tragic necessity (Gorringe, 1996, pp. 102 & 103, italics added)."

By the birth of the modern prison in the late eighteenth century, and persisting to the present, what emerged was a penal system dedicated to a "mysticism of pain" - *with no redemption*. (That's why by contrast the Stephen King novel and movie, *The Shawshank Redemption*, is so gripping!) A violent scapegoat mechanism emerges in this application of the atonement that *destroys, not loves*, the enemy.

Now I said this would be a bit stretching. Please follow this:

In the 1989 execution of serial killer Theodore Bundy, hundreds of men, women and children camped outside the Florida prison in a festive spirit one reporter likened to a *Mardi Gras*. The same reporter described the event as "a brutal act... [done] in the name of civilization (Bailie, 1995, p. 79)." A writer reflects on that commentary thus: "It would be difficult to think of a more succinct summation of the underlying anthropological dynamic at work: *a brutal act done in the name of civilization*, an expulsion or execution that results in social harmony. Clearly, after the shaky justifications based on deterrence or retribution have fallen away, this is the stubborn fact that remains: a brutal act is done in the name of civilization. If we humans become too morally troubled by the brutality to revel in the glories of the civilization made possible

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<sup>3</sup> The main justification [for "new concepts of sin and punishment based on the doctrine of the atonement"] given by Anselm and by his successors in Western theology was the concept of justice itself. Justice required that **every sin (crime) be paid for by temporal suffering**; that the suffering, the penalty, be appropriate to the sinful act; and that it vindicate ("avenger") the particular law that was violated. As St. Thomas Aquinas said almost two centuries after Anselm's time, both criminal and civil offenses require payment of compensation to the victim; but since crime, in contrast to tort, is a defiance of the law itself, punishment, and not merely reparation, must be imposed *as the price for the violation of the law* (Berman, 1983/1997, p. 183. Italics in original; boldface mine)."

by it, we will simply have to reinvent culture. This is what Nietzsche saw through a glass darkly. This is what Paul sensed when he declared the old order to be a dying one (I Cor. 7:31). This is the central anthropological issue of our age (*ibid*, p. 79).”

This was too, incidentally, the central motivation for Sister Helen Prejean’s participation in the production of the movie *Dead Man Walking*. She writes in the book by the same title: “I am convinced that if executions were made public, the torture and violence would be unmasked, and we would be shamed into abolishing executions (Prejean, 1993, p. 197.).”

One author’s serious engagement with the biblical texts led to a major discovery for him: the Christian New Testament is the ultimate demythologizer of all cultural norms of violence. In particular, this has led to a totally nonviolent reading of the atonement. Instead of a scapegoating “satisfaction theory” that is a “*mysticism of pain which promises redemption to those who pay in blood* (Gorringe, 1996, p. 102, italics added.)”, one Christian anthropologist, René Girard, claims, “...scapegoating does not play an essential role in the Gospels, whereas it has an enormous role in myths since it generates them.... Christianity [witnesses] to the God who reveals himself to be the *arch*-scapegoat in order to liberate humankind (Williams, 1996, p. 263.).”

Girard’s reading of the Gospel texts turns the dominant satisfaction theory of the atonement on its head<sup>4</sup>. He sees the scapegoat mechanism operative in the crucifixion to participate in the universal murderous lie upon which all cultures are founded and from which the Jesus story is the ultimate liberation. You remember High Priest Caiaphas’ words in John’s Gospel?: “ ‘... it is better for you that one man die for the people than that the whole nation perish.’ (John 11:50)?” Jesus inverts that universal cultural norm.

### *The Scapegoat Mechanism and the Criminal Justice System*

Another writer suggests in application to criminal justice: “It is possible to think of the criminal justice system as one gigantic scapegoat mechanism for society.... [A] tiny percentage of offenders who are severely punished can be thought of as a collective scapegoat for society (Redekop, 1993, p. 34).” Like the wisdom of Caiaphas.

An earlier cited writer says: “The experience of being morally shaken by a public execution is the beginning of an anthropological and spiritual revolution for which the term ‘Christianity’ was coined decades after the public execution of Jesus (Bailie, 1995, p. 83).”

Since Emperor Constantine in the fourth century pragmatically and politically, and since Saint Anselm in the eleventh century theologically, the church has often claimed legitimacy for *the very violence that killed its Founder!* This is an amazing inversion of Christian spirituality.

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<sup>4</sup> This is the sustained presentation in *I See Satan Fall Like Lightning* (2001). See also Bellinger (2001), “Conclusion: The Healing of the Soul”, pp. 134ff.

From our biblical texts read today, we understand rather that "... when we were God's enemies, we were reconciled to him through the death of his Son ... (Rom 5:10)", and "God was reconciling the world to himself in Christ, not counting men's sins against them. And he has committed to us the message of reconciliation (2 Cor 5:19)." Many biblical commentators today point to a reading of God in the Christian Scriptures "which is absolutely incompatible with any perception of God as involved in violence, separation, anger, or exclusion (Alison, 1996, p. 48)." Read as fundamental texts of cultural deconstruction, the Christian Scriptures emerge as radically demythologizing documents<sup>5</sup>. They subject the violence of all human culture to intense scrutiny, and say, in the words of the Apostle Paul: "*And now I will show you the most excellent way* (I Cor. 12:31)." This *way*, and Jesus who is "the Way", we know, is love.

Instead of a merciful and compassionate God as revealed in Jesus the Christ, the dominant Christian depiction of "god" in the West became one of a severe sentencing judge bent on punishment and almost literally 'blood-thirsty'. Christians who used the Cross to scapegoat the Jews, to lead Crusades and persecute others totally reversed what the Cross had originally stood for in Jesus' death and resurrection.

" 'Quick, head off, away with it, in order that the earth does not become full of the ungodly.' The voice is distinctly Martin Luther's. Rulers are the ministers of God's wrath, Luther insisted, whose duty it is to use the sword against offenders. They are 'God's hangmen' (Gorringe, 1996, p. 131)." Luther is merely representative of Protestant and Catholic violently punitive church theory and practice evident since the 11th century.

Scapegoating of offenders, throughout most of the Christian era was not only endorsed, it was actively promoted, by spiritual leaders in the West across almost all denominational lines.

#### *Some Hopeful Exceptions: Pointers to "Restorative Justice"*

But some remained faithful to the reconciling voice of the texts we read today. They took seriously 2 Cor 5:20, "We are therefore Christ's ambassadors, as though God were making his appeal through us. We implore you on Christ's behalf: Be reconciled to God.", and saw this as incompatible with simultaneously seeking others' expulsion and destruction.

Deep echoes were found in the Anabaptist tradition for instance, your church tradition, and elsewhere. But, in the words of the Most Rev. E.W. Scott, "[..] all too often the State has claimed divine authority for legal actions for which no such authority exists. In this process the Church, which should have been challenging or critiquing the civil authority

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<sup>5</sup> This theme of "demythologising" or "demystification" is especially developed by René Girard in *I See Satan Fall Like Lightning* (2001). See in particular Chapter 11, "The Triumph of the Cross", pp. 137 – 153.

from a Biblical perspective, has too often allowed itself to be ‘domesticated’ and has blessed and sanctioned when it ought to have challenged (Scott, 1981.)”

In the first centuries after Christ, as the Church and the State were defining their own identity, they engaged in a duet of cooperation. In the twelfth century, the duet truly became a dual where the dividing lines of power were clearly drawn. It led, during the modern period, to full disengagement. Over the centuries, in the area of criminal justice, the Christian church moved from a theology of grace and servanthood to a theology of law and punishment.

Over the last twenty-five years, in many countries, there have been a number of initiatives challenging us to go beyond a retributive justice to a Restorative Justice. These initiatives have been emerging signs of hope calling for a radical reengagement of the Christian faith in criminal justice issues from a Restorative Justice perspective. An outstanding theological study, *Beyond Retribution*, along these lines, has recently been published.

One such voice has been our own agency, M2/W2 Association – *Restorative Christian Ministries*. In response to the prisoner amongst us, we have taken seriously Christ’s words, “I desire mercy, not sacrifice (Matt. 9:13, Matt. 12:7)”, and “But love your enemies, do good to them... Then your reward will be great, and you will be sons of the Most High, because he is kind to the ungrateful and wicked. Be merciful, just as your Father is merciful (Luke 6:35-36).” Annually, over 400 volunteers extend this mercy to prisoners and others impacted by crime. There is some literature about this ministry at the back. We would love to see you become a conduit of God’s mercy to “the least of these” in prison. In Christ’s own words, “I was in prison and you came to visit me (Matt. 25:36).”

At the end of our journey toward an understanding of the atonement in relation to criminal justice, if it is true that the Christian Church:

- \* lost its ‘scriptural’ understanding of justice,
  - \* fell prey to a theology of punishment and vindication,
  - \* and must rediscover the richness of its heritage,
- then, such a recovery is a call to repentance and conversion, to creativity and community.

### *Conclusion*

In 1993 Sister Helen Prejean wrote *Dead Man Walking*, then an award-winning movie followed about her work visiting men on Death Row in the State of Louisiana. One of those visited was Robert Willie, truly a sad case of humanity. He was executed Dec. 28, 1984.

One story Prejean did not tell in her book was of another of Robert Willie’s victims. Debbie Morris and her boyfriend were kidnapped at gunpoint by Willie and his partner, recent escapees from Angola State Prison in Louisiana. About two nights before the

kidnapping, the two convicts had also kidnapped, raped, and violently murdered Faith Hathaway. It was for that that Willie was eventually executed. Then they kidnapped 16-year-old Debbie Morris and her boyfriend. Both, remarkably, survived!

Four years ago, Morris published a book which tells of the ordeal, entitled: *Forgiving the Dead Man Walking*. In the concluding paragraphs of the book, she raises the question of justice. She writes: "I've seen mankind's idea of ultimate justice; I have more faith in God's. And even God seems to put a higher priority on forgiveness than on justice." Then she makes this startling comment: "We don't sing 'Amazing Justice'; we sing 'Amazing Grace'. (pp. 250 & 251)"

It takes us to the end of the book to discover that Morris' understanding of justice is that it is in fact, *grace, mercy and forgiveness*. That is *her* conclusion, victim of a terrible ordeal of kidnapping and rape.

Life in the end is all about gift, all about seeing the light. It is a paradox of judgment. If we are judgmental, we fail to see the world shot through with grace. If we fail to take hold of God's grace, we stand judged already. Such is the nature of light, of Jesus, in the world.

This is the work of God, who, as our text today says, "was reconciling the world to himself in Christ, not counting men's sins against them. And he has committed to us the message of reconciliation (2 Cor 5:19)." We are to "Go and do likewise (Luke 10:37)" to our neighbour, our enemy, the prisoner. We are to overcome the world, shot through with violence. This is God's justice. It is, truthfully, *amazing grace!* Amen.



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