

Transformative Justice Vision and Spirituality: M2/W2 Association and The Criminal Justice System

by Wayne Northey

Introduction

M2/W2 Association – Christian Volunteers in Corrections has for thirty-six years involved itself in criminal justice in British Columbia. For the past many years, at least 400 volunteers annually from the Christian community have visited hundreds of men and women in our prisons.

Their mandate is to offer Christian friendship to prisoners inside, and reintegration assistance on the outside.

While we are church-based, and while many in any given year decide through our involvement to follow Jesus in his way, our service is not dependent upon their response to Jesus. We forbid proselytizing in other words. It is enough that men and women in our prisons need friendship and support.

We do several specialized services as well, including work with so-called Mentally Disordered Offenders. And recently we have expanded our mandate towards children at risk of abuse and neglect in the 0 to 5 years. This is our Parent to Parent program.

Our Mission Statement is: *The mission of M2/W2 Association is to help restore and transform those affected by crime, fostering Christian principles of justice, love, support and accountability.*

We are mindful of a need for, but still lacking in, victim focussed services. Through the presence of a board member, who is active in victim recovery, and our overall commitment to Restorative/Transformative Christian ministries, this will develop in due course.

Violence is the Ethos of our Times

“Violence is the ethos of our times”, begins one writer’s robust assessment of contemporary Western culture (Wink, 1992, p. 13). By “violence” is meant *the deliberate infliction of harm upon another as an end in itself*. This is of course also what “penal” (from the Latin *poena* – pain) means: *the purposeful infliction of pain upon another as an end in itself*: ‘pain delivery like milk delivery’, as Nils Christie aptly catches its quintessence and banality¹. Violence in Western culture is bar none the dominant spirituality of our age. It is and has been the driving spirituality of Western penal law as well.

¹ See his 1982 publication.

Centrality of Western Christian Spirituality for Criminal Justice

The defining religious ethos of Western spirituality historically has been Christianity. Christianity has also been the reigning ideology in the West until into the nineteenth century. While it is salutary to discuss other world spiritualities with reference to Western penal law, no other religion or spirituality has remotely impacted the formation of the Western legal tradition like Christianity. Harold Berman's magisterial *Law and Revolution* (1983/1997) describes this interaction of law and Christianity as centrally formative to the Western legal system.

The Spiritual Roots of Restorative Justice (Hadley, 2001) points towards a vision of penal abolition and transformative justice. It presents a religious pluralistic vision and is highly recommended! But given the unmatched dominance of Christianity in influencing the development of the Western penal law tradition, I shall concentrate my attention on *Christian spirituality and penal abolition*². Not to mention that this is a church Sunday School class!

While one cannot wish away the past, can it be too much to hope that the twenty-first century for Christian spirituality world-wide will be marked by a profound renewed impulse towards peacemaking? Such a world-transforming spirituality has never been more needed!³ It is the contention of this paper that the Christian story offers a dramatically alternative narrative to that of resort to violence, seen unfortunately so predominantly in Christianity's long history. The story the Christian faith tells is eternal wellspring for the spirituality of nonviolence and penal abolition, however massively unfaithful Christian adherents have been to the plot-line down through the ages⁴.

John Wilkes

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

² René Girard, whom I will discuss below, also indicates that "Christianity" in the academy is the "last politically correct scapegoat (Hamerton-Kelly, 1994, p. xi)." My teen-aged son once observed that in our culture any spirituality is readily acceptable - except Christian versions. There are good historical reasons why Christianity has been so eschewed, for it has often shown the world an ugly, oppressive face so contrary to the way of Jesus, given its long Western cultural hegemony. Further, no attitude is so disliked ultimately as self-righteousness (often in religious guise). Ironically, however, this is an attitude more strongly critiqued by Jesus than any other world religion founder - perhaps with due premonition! Alistair Kee's historical study, *Constantine versus Christ* (1982) addresses the first concern, the Gospel of Matthew, Chapter 23, illustrates the second.

³ The early church's watchword, almost universally, was: "*Ecclesia abhorret a sanguine.*" – The Church abhors the shedding of blood. This was applied to abortion at one end, war at the other, and all else in between. Though such comes as a complete surprise to most Christians past and present, the teaching was first promulgated and exemplified by Christianity's Founder.

⁴ "Stanley Hauerwas has suggested that the only thing that makes the Christian church different from any other group in society is that the church is the only community that gathers around the true story. It is not the piety, or the sincerity, or the morality of the church that distinguishes us (Christians have no monopoly on virtue). It is the story we treasure, the story from which we derive our identity, our vision, and our values. And for us to do that would be a horrible mistake, if it were not a true story, indeed *the* true story, which exposes the lies, deceptions, and half-truths upon which human beings and human societies so often stake their lot (Marshall, 2000, p. 13.)"

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 Gorringe, 1996, p. 3)." According to Fletcher, Wilkes died a convert, a fact gloriously published by him after the youth's execution.

Both Charles and John Wesley, famed founders of the Methodist church, were deeply committed to caring for the poor, including responsiveness to Jesus' powerful words of solidarity with the imprisoned: "I was in prison and you came to visit me." (Matt 25:36)" Nonetheless, we read this account by Charles Wesley of his visit to Newgate prison, July, 1738, on the morning he accompanied nine prisoners to the gallows: "They were all cheerful, full of comfort, peace and triumph, assuredly persuaded that Christ had died for them and waited to receive them into paradise.... I never saw such calm triumph, such incredible indifference to dying." He returned home and wrote: "Full of peace and confidence in our friends' happiness. That hour under the gallows was the most blessed hour of my life (Gorringe, 1996, p. 4)."⁵

The Wesley's, Father John Fletcher, and their followers, were genuinely concerned for the poor. One Christian historian therefore plaintively asks: "What was it, then, which prevented them from seeing what the editors of the *Spectator* so clearly perceived [- 'that law grinds the poor' and 'rich men make the law']? 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?... How is it that the question whether the law might be wrong, or even wicked, does not arise for these good Christian people? How could they come away from scenes of judicial murder feeling that this was 'the most blessed day of their lives?' (Gorringe, 1996, p. 5)"

One might similarly ask, with regard to contemporary Western law: How is it that the question whether the law might be wrong, or even wicked, does not arise for people committed to Christian spirituality? How could harsh sentences to penal institutions and the death penalty be embraced as quintessentially 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.

⁵ James Megivern (1997) in his massive historical-theological study of the death penalty describes this kind of sentiment as a centuries-long "gallows pietism" that argues a "celestial-security", atonement or expiation, undergirding of capital punishment. He says: "When it worked, it was obvious to all that the gallows was a special work of God, a providential occasion where proper dispositions for a good Christian death were ideally enacted in a grand public liturgy from which all could learn important lessons in both living and dying as good Christians (p. 162)."

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)?

The Cross: Originally a Christian Symbol Against Abusive State Power

Something happened to Christian spirituality between the Cross, originally *premier symbol of resistance to and negation of abusive state power*, and the Cross, throughout most of Christian history, *supreme upholder of unbridled state power*. Christian spirituality initially had a profound *political subversion* dynamic at its very core. It also represented an unprecedented anthropological thrust that broke with dominant contemporary cultural scapegoating patterns. In honouring and worshipping an executed criminal, early Christians became irksome dissidents to the dominant mythology of culturally and state-sanctioned scapegoating violence.

René Girard, historian, literary scholar, and anthropologist, has for over forty years developed this understanding of Christianity brilliantly, and has studied scapegoating violence across a sweeping interdisciplinary landscape. In turn, his publications have inspired an enormous body of published research that similarly discerns a *scapegoat mechanism* in most human cultures throughout history, contemporary Western no less⁶.

As a large body of scholarship demonstrates, what “happened” to Jesus’ and New Testament teaching was the legalization and embrace of Christian worship and Church by Roman Emperor Constantine in the early fourth century⁷. One writer dubs it a “Judas kiss”.

The same historian comments on the Constantinian era: “But there is one conquest made by Constantine, the effect of which still continues to the present day, his most surprising yet least acknowledged... He conquered the Christian church. The conquest was complete, extending over doctrine, liturgy, art and architecture, comity, ethos and ethics. And this is the greatest irony, that Constantine achieved by kindness what his predecessors had not been able to achieve by force. Without a threat or a blow, and all unsuspecting, the Christians were led into captivity and their religion transformed into a new imperial cult... (Kee, 1982, p. 154).” The writer adds that “the reign of Constantine is a fundamental turning-point in the history of Europe, and not only Europe. From that time the imperial ideology, with all its implications for the accumulation of wealth and the exercise of power over the weak, was given religious legitimation by the church (Kee, 1982, p. 168).” The *persecuted* Church too easily became the *persecuting* Church in its response to pagans, Jews, other outsiders, and eventually criminals.

This past century, a large body of biblical scholarship⁸ upon rereading the founding texts has discovered the truth of Gandhi’s statement: “The only people on earth who do not see Christ and his teachings as nonviolent are Christians (quoted in Wink, 1992, p. 216).” Gandhi also wrote:

⁶ See Williams (1996) for an extensive introduction to, bibliography on, Girard. See Bailie (1995) for a contemporary cultural application of scapegoating theory. See Williams (1991) and Alison (1993, 1996, 1997) for sustained theological presentations of scapegoating theory. Finally, see Girard (2001) for a complementary *anthropological* presentation of scapegoating theory with reference to the New Testament.

⁷ See Miller and Gingerich (1992) for an extended discussion of this and related issues.

⁸ See “Notes” in both books cited this paragraph for examples.

“The message of Jesus, as I understand it, is contained in the Sermon on the Mount.... Much of what passes as Christianity is a negation of the Sermon on the Mount (quoted in Stassen, 1992, p. 33).” This much at least may be stated unequivocally: there is “a great irony of history that the cross, symbol of the ultimate triumph of peaceful means to peaceful ends, has been used as a standard in battle (Anderson, 1992, p. 104).”

*A Short History of Christian Violence*⁹

Three quotations set this section in perspective.

“The church, like Peter, is both stumbling block and cornerstone. It is the latter only when it is consciously contrite for being, and having been, the former.” (Gil Bailie in *Violence Unveiled*, p. 275)

“My position is that the whole prevailing official proclamation of Christianity is a conspiracy against the Bible—we suppress what does not suit us.” (Soren Kierkegaard)

“It is my view that the Christian intellectual tradition provides us with stronger resources for interpreting violence than any of the alternatives with which I am familiar. I am fully cognizant, however, that this belief is in tension with certain basic facts of Christian history. If it is the case that the New Testament reveals the roots of violence so profoundly, then why have Christians been as violent as they have during the course of their history?” (Charles Bellinger, *The Genealogy of Violence*)

I will now give you a quick bird’s eye view of some of the church’s most violent moments. *I am purposely centering out the violent aspects of that history. That is not the whole story by any means!* Thankfully, there is also lots of good news throughout this sad tale. Hindsight is 20/20 as is said. It is always easy to critique other eras through lessons painfully learned from humanity’s passing through that history. We should be very careful about throwing stones, we who live in incredibly violent times...

1. As Christianity expanded into the Roman Empire during its first three centuries it met with significant resistance from the governmental authorities, which often took the form of direct persecutions resulting in Christian martyrdoms. During this period, Christians were, generally speaking, the recipients of violence rather than the perpetrators of it. After Christianity became a tolerated and then an official religion, however, it became much more common for violent acts to be carried out by Christians. This change began in 311 AD, when Emperor Constantine first declared Christianity a legal religion.

2. Priscillian was a Spanish ascetic. His enemies in the Spanish church lobbied the Emperor Maximus, and succeeded in obtaining his condemnation for heresy. Priscillian and one of his followers, the noblewoman Eucrotia, were beheaded in 384. This was the first case in which heretics had been formally tried, convicted, and executed through the cooperation of church and state, foreshadowing the extensive powers of the Medieval Inquisition (Megivern, 1997, pp. 30-31). The intractable problem of the Church’s dealing with the religious heretic that began with

⁹ Much of this is based on Bellinger (2001).

this case, continued during all subsequent centuries. The Church's resort to massive violence and capital punishment in response to *religious* heretics, became model for all Western States to treat *social* heretics – criminals – in the same way. Had earlier Christian intuitions of mercy, love, and forgiveness been dominant, Western criminal justice history might have turned out dramatically differently!

3. In the year 390, the people of Thessalonica murdered the military commander of the city. The Christian Emperor Theodosius ordered a massacre of the city's inhabitants, which resulted in more than 7,000 deaths. Under pressure of excommunication, exerted by Ambrose, Theodosius publicly repented of his sin (Dowley, 1995, p. 151).

For centuries afterwards, the church generally shrank from endorsing violence as a means of achieving justice. But this all began to change in the 11th century, when Saint Anselm wrote his treatise on the atonement, during what is called by some the "Papal Revolution". It was so-called, because of the explicit move by the Church to be the ultimate power in Europe. More on this follows.

4. The Crusades were a series of military expeditions organized by Western European Christians, during the 12th and 13th centuries, in an effort to recover the Holy Land from the Muslim "infidels." The first Crusade was very successful militarily, achieving several victories over the Turks as the Western armies advanced toward Jerusalem. On July 1, 1097, one of the main Muslim armies was defeated and almost completely decimated by the Crusaders. Two years later the Crusaders reached Jerusalem and captured it after a relatively brief siege. In the course of taking the city they massacred most of the inhabitants—men, women, and children. Jerusalem was described by observers as being "awash in a sea of blood." The Crusaders saw their actions as being an expression of God's righteous judgment on the Muslim "infidels" who deserved to die for their rejection of Christ and their "desecration" of the Holy City. Various subsequent Crusades were carried out during the next two centuries, most resulting in military failure or short-lived Latin kingdoms in the East. The net result of the Crusades was to further separate the Eastern and Western branches of Christianity from each other and to ensure the alienation of the Muslim world from Christianity — an alienation which to a large extent has continued up to the present day (Dowley, 1995, pp. 278 - 279).

Between 1209 and 1229 a Crusade was organized against the Albigensian heretics in southern France. Because a significant portion of the nobility of that region had sided with the Albigensians, the fighting was long and drawn-out, resulting in tremendous loss of life. The Roman Catholic bishop of the city of Beziers, when asked by the besieging soldiers how to tell the heretics from the orthodox, is reported to have said: "Kill them all, God will sort them out."

5. The Inquisition was the internal European institution which corresponded to the external Crusades. Its main function was to identify and punish the "infidels" within the Western world who were perceived as a threat to society. The Inquisition was organized in the first half of the thirteenth century, largely in response to the Albigensian heresy in France, but its power was soon extended into many areas of Europe. Typically, the Inquisitors would enter a city and establish a court. They would summon all heretics to come forward and confess their heresy. Those who did so were treated with relative leniency. Those who were accused of heresy by others and found guilty were punished more severely, sometimes with death (at the hands of the civil authorities, not the Inquisitors themselves). In 1252 Pope Innocent IV officially approved

the use of torture by the Inquisition to extract “the truth” from defendants. Justification for this procedure was found in the tradition of Roman slave law. Methods of torture included the rack and placing hot coals on the soles of the feet. At the close of the court proceedings, the sentences of those found guilty were announced publicly in a ceremony referred to as an *auto-da-fé*—an ‘act of faith’ (Dowley, 1995, pp. 321-324).”

In 1478 a relatively autonomous branch of the Inquisition was established with papal approval in Spain. It carried out a campaign against Jews and Muslims whose conversions to Christianity were thought to be insincere, against “witches,” and in later decades against those accused of Protestant leanings. Tomás de Torquemada, the notorious Grand Inquisitor of Spain, burned at the stake thousands of alleged heretics between 1487 and 1498. The Spanish Inquisition was not formally dissolved until 1834 (O’Malley, 1996).

Thomas Aquinas in the 13th century taught that the Church hoped for the conversion of the heretic, thus allowing him to respond to a first and second admonition. But if he remained unrepentant, then the Church ceased to hope for his conversion and looked to the salvation of others by excommunicating him and separating him from the Church, and furthermore delivered him to the secular tribunal to be exterminated thereby from the world by death. Aquinas quoted Jerome in support of this course of action: “Cut off the decayed flesh, expel the mangy sheep from the fold, lest the whole house, the whole dough, the whole body, the whole flock burn, perish, rot, die (Aquinas, 1988, p. 256).”

6. The magisterial reformers, Luther and Calvin, were not much different from the Roman Catholic leaders of the day with regard to their attitudes toward violence. Luther’s teachings had indirectly contributed to the Peasants’ Revolt in Germany in the 1520s. Luther called for suppression of the rebellious peasants in these well-known words: “Let everyone who can, smite, slay, and stab, secretly or openly, remembering that nothing can be more poisonous, hurtful, or devilish than a rebel. It is just as when one must kill a mad dog (Porter, 1974, p. 86).” In 1525, about 50,000 peasants were slaughtered by the German princes, urged on by Luther. The Consistory in Calvin’s Geneva burned at the stake the anti-Trinitarian heretic Michael Servetus in 1553. Calvin is reputed to have favored beheading as a more humane form of execution in this case. Nevertheless, he approved of the Consistory’s decision, and said that Servetus “cried like a Spaniard” as he was being burned.

7. The Catholics and the Protestants, especially the Reformed groups, were united in their fear and loathing of the Anabaptists, who had the audacity to proclaim that Christians should not be in the business of killing. For teaching this and other “heresies” they were killed.

A theologian writes: “One reason that the world finds the New Testament’s message of peacemaking and love of enemies incredible is that the church is so massively faithless. On the question of violence, the church is deeply compromised and committed to nationalism, violence, and idolatry (Hays, 1996, p. 343).”

If the essence of the “law” - of how we should live -, according to Jesus is *justice, mercy and faithfulness* (Matthew 23:23), the church stands overwhelmingly guilty of massive injustice, mercilessness, and faithlessness on the issue of violence.

*The Atonement and Western Penal Law*¹⁰

One more historical note needs to be added: how the Constantinian shift in Christian spirituality, from an initial profound disavowal of state-sanctioned scapegoating violence, to an embrace of the very state violence that killed its Founder, initiated also the devastatingly 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 is central and where the victim's voice is more and more silenced¹¹. The victim is displaced by the King or Emperor responsible for 'keeping the peace' within the kingdom.

One author explains: "... 'The [novel eleventh century] Gregorian concept of the Church almost demanded the invention of the concept of the State (Berman, 1983/1997, p. 404).' " And "as the [eleventh century] Papal Revolution gave birth to the modern Western State, so it gave birth also to modern Western legal systems, the first of which was the modern system of [Church] canon law (Berman, 1983/1997, p. 115)."

There was also in the eleventh century the emergence of a theology of satisfaction under the influence of the treatise, *Cur Deus Homo (Why God Became Man)* by Anselm of Canterbury. 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. (Berman, 1983/1997, p. 180)."

Anselm's theory profoundly influenced the Western "cultural affect" - structural societal ethos - in all subsequent centuries. Although his theology of 'satisfaction', of 'atonement'¹² was never proclaimed as the official doctrine of the Christian church, it was widely accepted both in Catholicism and Protestantism and was to have devastatingly negative effects especially when applied to the criminal justice system¹³. Over the differing voices of many other Western

¹⁰ Throughout this section, I am drawing fairly extensively upon Allard and Wayne Northey (2001).

¹¹ This process is well described in Van Ness and Strong (1997).

¹² 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)."

¹³ 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 ("avenge") 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)."

Christian interpreters, Anselm's voice remained the strongest until well into the twentieth century.

Comments one astute theologian: "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.

"The penal consequences of this doctrine were grim indeed. As it entered the cultural bloodstream, was imaged in crucifixions, painted over church chancels, recited at each celebration of the Eucharist, or hymned, so it created its own structure of affect one in which earthly punishment was demanded because God himself had demanded the death of his Son (Gorringe, 1996, pp. 102 & 103)." 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!)

Christian Theology Undergirded Modern Retributive Western Criminal Justice

The scapegoat mechanism mentioned earlier as discerned by René Girard is "simply a generative scapegoat principle which works unconsciously in culture and society¹⁴." The development of the Western penal system, with its prevailing emphasis upon scapegoating "pain delivery" in response to crime, is the consequence of the impact of Christian theology, and of church modelling and instigating throughout much of the last one thousand years. Roman slave law was also very influential, I should add, on the development of Western criminal law. But I am concentrating in this presentation upon Christian influences.

"Is it possible that what we call a criminal justice system is really a scapegoat mechanism (Redekop, 1993, p. 1)?" He continues later: "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 (Redekop, 1993, p. 16)." He finally states baldly: "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

¹⁴ Williams, 1996, p. 294.

punished can be thought of as a collective scapegoat for society (Redekop, 1993, pp. 33 & 34).”

The entire Girardian project in reading the Bible points to a profound *nonviolent image* of God. It discerns a dynamic of subversion within the Judeo-Christian tradition itself whereby God is eventually shorn of all violent attributes. It is a process “in travail”, whose culmination in Jesus on the Cross is the ultimate negation of all violence in God and hence humanity. Says one commentator: “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 (Baillie, 1995, p. 83).”

Since Constantine pragmatically and politically, and since Anselm theologically, the church has inconceivably claimed legitimacy for *the very violence that killed its Founder!* It further arrogated to itself, and society under its influence, that same rightfulness. This is the most amazing inversion of Christian spirituality in the long history of the Church.

The highly violent nature of the Western legal tradition would have been vastly different had this arguably more faithful reading of the founding texts been dominant.

So instead of a merciful and compassionate God as revealed in Jesus the Christ, the Christian “god” became a severe judge (for the past millennium *the* dominant Western image of God) 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.

Vern Redekop in the book earlier quoted¹⁵ has best explored the implications of Girard’s New Testament reading for criminal justice.

The ‘modern prison’ was to drastically grow during the 19th century as the new form of punishment but the punitive attitude in the church remained alive and well.

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.

“Our fundamental hermeneutic [interpretative] principle must be derived from the overall *direction* of the New Testament documents. The central story they tell speaks of God’s movement ‘downwards and to the periphery, his unconditional solidarity with those who have nothing, those who suffer, the humiliated and injured’... The crucifixion of Jesus ... constitutes ‘a permanent and effective protest against those structures which continually bring about separation at the centre and the margin.’ It is this protest rather than an endorsement of expiatory sacrifice, which is the heart of the New Testament witness. Turning Christianity into a cult centred on an expiatory death achieved long ago, and honoured in the present by other - or inwardly asceticism, represented an easy option, a refusal of the costliness of the gospel ethic... The recovery of a text of protest and critique would serve to create quite different mentalities and

¹⁵ Redekop (1993).

structures of affect from those avowed by Christendom (Timothy Gorringer, *God's Just Vengeance*, 1996, p. 82).”

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. A brief mention of some of these trends seeks to open vistas on the new paradigm:

Summary

At the end of our journey toward the understanding of the spiritual roots of Restorative Justice within Christianity, if it is true that the Christian Church:

- lost its scriptural understanding of “restorative 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.

In 1993 Lee Griffith published *The Fall of the Prison: Biblical Perspectives on Prison Abolition*. His is a *tour de force* on a spirituality of penal abolition. The book’s opening shot is: “The gospel is profoundly scandalous, and until we hear at least a whisper of its scandal, we risk not hearing any part of it (Lee Griffith, *God's Just Vengeance*, 1993, p. 1).”

How can a Christian spirituality, responsive to the liberating thrust of the New Testament founding texts, so utterly contradictory to state-sanctioned scapegoating violence, support penal (pain delivery!) justice? That is the peculiar question this presentation leads to.

M2/W2 Association – Restorative Christian Ministries: Facts, Figures Figures, and a Story