

## Crucified Criminals

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### *Introduction*

Our Lord began his public ministry with the prophetic word:

*The Spirit of the Lord is upon me,  
because he has anointed me  
to proclaim good news to the poor.  
He has sent me to proclaim freedom for the prisoners  
and recovery of sight to the blind,  
to set the oppressed free,  
to proclaim the year of the Lord's favour. (Lk 4.18.19)*

Jesus began his work with a *promise of release* to the captive, a word of hope for the prisoner. Today, I want us to ponder this remarkable fact: that he *concluded* his earthly ministry by *identifying* with the prisoner, by *entering fully* into the experience of the criminal, by becoming *himself* a convict.

This morning we are gathered in the shadow of the Cross, that dead-end of the convict's journey, as dealt out by Roman justice. There are many ways to enter into this story, to discern its divine meaning for us on this holy day. I want to explore the story with you through the lens of "restorative justice." I'll be saying more about what this is at tomorrow's session, and we'll tell some stories old and new; but we might say, for now, that *restorative justice is that place that where God's Kingdom intersects with the justice systems of our world.*

I'm still early on in my discoveries of this area of ministry. But the story of Jesus' death is a story fraught with issues of justice. And so we gather in the shadow of the Cross, to listen to the words of our Saviour, as a victim of imperial Roman justice.

### 1. "Father, forgive!"

We join the criminal procession in its final stages. Capital punishment is often portrayed as a deterrent to crime. The Romans (like most ancients) knew that that would only have an effect as a public spectacle. Jesus and the other criminals are led out to a very public place, in view of the city limits, for this ultimate humiliation. The gospel writers do not describe the act at all; it was well known to all who lived under the *Pax Romana*, Rome's so-called reign of peace—and it was too gruesome for words.

Jesus, tied to the cross, nailed through wrist and ankle, utters the unthinkable, and unforgettable: "Father, forgive them, for they don't know what they are doing."

I suspect the Roman soldiers who overheard the pained petition just sneered. *What kind of delusion is this guy under? He's the one who doesn't know.... I'm just doing my job. No forgiveness needed here! I'm just doing my part to keep the wheels of justice turning, in this great Roman Empire. If anyone needs the mercy of the gods, it's him, not me!*

In truth, Rome did have an amazing legal system. Two thousand years later, it remains the fundamental source of European (and therefore Canadian) justice systems; ask any lawyer how much Latin they use as technical terms in their practice. The Roman justice system was pretty much the best the world had yet seen... and yet, here, in the trial of Christ, it was turned upon itself. It became a system of *injustice*. It was unmasked.

For Roman law is based on power and coercion. It aimed primarily at **public order**, at social control, and not at justice for all. In truth, the *Pax Romana*, the “peace” of Rome, was built on a foundation of military might and the threat of crucifixion. Behind the façade of Rome’s imperial peace lay a huge and blood-stained machinery.

What happens when we discover that our world is similarly tainted? ... That our social infrastructure, the things that make for stable communities and orderly society, indeed our own success, our “peace,” is similarly complicit in harm and even violence? What happens when we see that the foundations of our world are skewed to the core, are no less blood-stained than Rome?

These are some things I’m learning...

a) “Corrections”

We have, in this country, what we call the Correctional Service. Therefore its aim is to “correct” people that have committed crimes, and rightly so. It’s main method of correcting is to send people to “penitentiaries” –that is, places whose aim is to make “penitents,” people who repent—who are sorry for what they’ve done and are willing to make amends. This is good, and we should pray every day that the system lives up to its name. Yet despite the good intentions of many good people in the system, the system itself tends to crush people, and to reduce their ability to return successfully to their community.

For example: At the heart of “correction” is the need for people to take responsibility for their harmful actions. Yet, in most prisons, life is so regimented, so fully structured from waking to sleeping, that the inmate has no opportunity for meaningful decision making. How do you learn responsibility under those conditions?

The system works on the staff as much as the on the inmates. I’ve had the opportunity to visit a “Healing Lodge” near Saskatoon several times. These are minimum security prisons that are built around Indigenous cultural principals. These are quite progressive places for the inmates—and also very hard for guards coming in from other institutions. I’ve heard it more than once: the experience of treating an inmate as a fellow human being—first name basis, walking beside, rather than behind—was too much to handle for guards transferring to the Healing Lodge from the big Prince Albert Pen. After a few weeks, they found themselves so wound up that they left—they couldn’t handle the expectation of being in a positive relationship with the inmates. Only after returning to the crushing realities of the larger PA Pen, did they try to make the shift a second time, because they knew how much the work was destroying their own soul. And so they returned to the Healing Lodge as staff. And eventually discovered their own humanity alongside that of the inmates there.

## b) “Justice”

Corrections is only one part of the larger world of our Canadian justice system. I hope you haven't had to spend time working through the justice system (at least, as a **victim** or an **offender**; if you're a lawyer or other servant in the system, may God bless you daily with wisdom). There's much to be grateful for—it's a good system; and yet, there are similar systemic issues that are very troubling. One of these issues is that victim and offender must in principle be kept far apart. There are reasons for this; but there are unintended consequences that often block true justice.

If you've been a **victim** of crime, you know that in important ways, the victim is set aside. Crimes are transformed into an abstract concept—an offense against the Crown. Even where there are “victims services” present (which are available through police or community agencies), there are lots of ways in which victims are left with a less than satisfactory role in the process. They are often denied answers to basic questions after an incident. They find it hard to get what they need to rebuild a sense of security when they've been violated.

And the **offender**: the offender is made to pay an abstract penalty – usually measured in time (months or years in prison), sometimes in money. But this time or money is rarely (if ever) directed towards repairing the actual harm against the original victim.

One of the greatest surprises for me is the paradox of “**innocent until proven guilty.**” This is challenged and compromised at a basic level by the criminal justice system. This is what happens: when people are arrested, they either released on bail, or kept in prison. Those kept in prison, awaiting trial, are in what's called **remand**. This is all common sense, right? But, that also means that while *legally* innocent they are incarcerated.

Sometimes people in remand are kept together in prisons with convicted criminals; this poses a challenge, since they are excluded from the kind of programming that the convicts can take. Some places have dedicated remand centres—and you probably know that Edmonton has the newest and **largest remand centre** in Canada (with a capacity of 1950 people). It may only be a coincidence, but Alberta also has the highest remand rates in the country: fully 70% of prisoners are waiting trial—incarcerated before proven guilty. It's a troubling paradox that bedevils our justice system.

## c) Colonialism

One last troubling area—this extends far beyond the particulars of the justice system, but it has profound implications for how we administer justice as a nation. After 150 years of this beautiful country of Canada, we are slowly waking up to the reality of serious cracks in our national foundations. The very *fabric* of our amazing country, the *freedoms* that welcomed my grandparents as immigrants to the wide open west, are built on *foundations* that are steeped in injustice.

Our prisons have been called “**the new residential schools.**” I can tell you what that looks like in Saskatchewan: in our province as a whole, **1 out of 6** people is Indigenous. In our jails, **8 out of 10** are Indigenous. I can't tell you what Alberta's stat is on that, because it seems Alberta is the only province that doesn't track these things.

There are cracks in our national foundations—and they have names: Indian Residential Schools; The Indian Act. The reserve pass system. Maybe you know (those of you with long memories), that Canada passed the Human Rights Act in 1977, aimed at ending discrimination. Did you know that the final sentence of that law, made in 1977, said: “*nothing in this act affects any provision of the Indian Act.*” In other words, Canadian human rights can’t be applied to the Indian Act. And that line was removed only 9 years ago.

Let’s go one level deeper yet: the so-called “**Doctrine of Discovery**.” This is the legal principle declared by Pope Alexander in 1493 that only Christians were fit to rule in the New World. Any territory inhabited by non-Christian peoples was declared “empty territory”, ready to be occupied and claimed by Christian Europeans. This is still the legal basis, 500 years later, for why those of us who are homeowners have legal title to our land. At its heart, this is a legal and theological statement rooted in racism that should be deeply troubling to any Christian.

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These are a few examples of the what lies behind “public safety” and “the public good”—the things that allow us to live the safe, productive, and generally enjoyable lives that we live. From an ethical point of view, how far off are we from the obedient soldiers who pounded the nails into Jesus’ hands? We are soldiers marching to the beat of an empire we abhor; we are captives in a prison of our own making. Ultimately, through our ordinary, polite Canadian lives, *we* are also the ones hammering nails into the hands of our Creator.

As an old song says:

*Behold the Man upon a cross, my sin upon His shoulders;  
Ashamed, I hear my mocking voice call out among the scoffers.*

And Jesus, wincing in pain, prays out, “Father, forgive them, for they don’t know what they are doing.” Jesus prays for the oppressor. Jesus prays for us.

These words do not *undo* the injustices. Jesus’ forgiveness is not a word of *reconciliation* or of *rebuilding* – but it points to the *possibility* of such work. The word “forgive” offers *release*—release of guilt. It removes from our shoulders the paralyzing weight of guilt, so that we can *begin* the work of reconciliation. The limitless love of God offered in Jesus frees us and gives us new eyes, eyes to see the tragedies of the world from a new and divine perspective.

And that takes us to the second and final scene of our text: the conversation of the convicts.

## 2. “With me in Paradise”

### a) a fellowship of criminals

We overhear the conversation between the two other criminals, hanging on either side of Jesus. I don’t know if you have had much opportunity to visit with people in prison. I’ve had the privilege, for the last year and half now. Sometimes it’s quite enjoyable: it feels like a conversation you could have in any coffee shop, talking childhood memories, favourite foods, what your family is up to. At other times, I find it rather disturbing, whether it’s about the

abuse the person experienced from others, or things that the person did to others. Vile and violent things can emerge in such conversations.

In Jesus' final hour, he converses with his fellow criminals. He takes time to acknowledge them, to interact with them, to listen and respond. It's a powerful moment, and Jesus is fully present and attending.

There is mystery written all over this interaction. First and foremost is the eternal mystery of how people respond to Jesus: some reject him, and some are drawn to him. For those of us who are drawn to Jesus, and yet have loved ones, friends and family who reject him, this mystery is full of pain. How is it that the grace of God reaches some, and is invisible to others? And yet Jesus remains present to both.

Then there's the mystery in the one convict's request of Christ. Later tradition names him "Dysmas," which means "sunset"—that profound time of day (or life) that signals an ending, and yet that can be such an *epiphany*, a moment of beauty and revelation. This criminal, in his sunset hours, sees through the mockery of the Roman charge against Jesus, "king of the Jews." He recognizes in Jesus a royal dignity and power. He has eyes of faith, eyes that see what God is doing, despite all appearances. He perceives Jesus **proclaiming liberty to the captives**, even as Jesus himself is now captive to the point of death.

The pastor and theologian Karl Barth, speaking in a Good Friday service exactly 60 years ago, speaking in a Swiss prison chapel, had this to say:

*Here they hang all three, Jesus and the criminals, one at the right and one at the left, all three exposed to the same public abuse, to the same interminable pain, to the same slow and irrevocable death throes.*

*These two companions were evidently and undeniably criminals, evil people, godless people, unjust people. And [Christ], like them, was condemned and sacrificed as a lawbreaker, a criminal. All three were under the same verdict.*

*This was the first Christian fellowship, the first certain, indissoluble and indestructible Christian community. Christian community is manifest wherever there is a group of people close to Jesus who are with him in such a way that they are directly and unambiguously affected by his promise. ...*

*We are such people, all of us—you in this house which is called a prison—[and] those of us outside who have different experiences yet are, believe me, in the same predicament. In reality we **all** are these people, these crucified criminals. And only one thing matters now: are we ready to be told what we are? Are we ready to hear the promise given to the condemned?*

## b) the New Creation

"Remember me, when you come into your kingdom!" And this is Jesus' simple promise: "Truly, **today** you will be with me in Paradise." Why "paradise," we might wonder? Why not "in my Kingdom" or even "in heaven"? We might think these are all the same—but "paradise" has a very particular nuance. It means, quite specifically, the Garden of Eden. It speaks to the Jewish hope that our *original* earthly home will be recreated and become our future home. Eden was—is—a place of complete *shalom*: wholeness and fullness in every dimension of

human life: relationship with God, with our neighbours, with ourselves, with the land. A place of fruitfulness, of peace, of joy. Of freedom—all the things that we were designed and destined for. A place as utterly unlike prison as one can imagine.

And—here's the point: many Jews imagined that when God came to redeem his people, Paradise would be revealed in *Jerusalem* itself, the Holy City. The Tree of Life would be planted in the Temple itself. In other words: Paradise would show up in the smelly, noisy, volatile Jerusalem that stood behind the stone walls that frowned over the site of Golgotha. The Jerusalem whose crowds stood jeering, as Jesus and the other two criminals hung dying.

Dysmus, Mr Sunset, is starting to see with eyes of faith—starting to recognize that Jesus is a king unlike any other. That Jesus can offer hope even *in* the most hopeless of places, even *from* the most hopeless of places. He is the King who identifies not just with the commoners of his realm—he descends to the *depths*. He becomes *one* with the criminal. That is what the eyes of faith are starting to see.

In his promise, Jesus offers the thief an even greater vision: the city of injustice, the city that rejects God, is not too far gone to become the **Paradise of God**, not too far gone to become the **New Creation**. If even a Roman instrument of execution can become a place of sunset epiphany, is there anything God cannot do? is there any place God cannot work? is there any person God cannot redeem?

And so, Jesus dies for the sins of the world—for my sins, for yours, for our community's sins, and our nation's. We are broken people, living in a broken world. Tragedy is everywhere. But Jesus, as he dies, offers us an invitation in the midst of our brokenness. He offers us a vision of a new way of *perceiving*, and *servicing*. He proclaimed freedom to the captive—and then followed his message to the heart of the prison itself. Dying between the criminals, Jesus is offering us his invitation. Are we ready to receive it, and follow Him?